

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 14-0925.01 Jennifer Berman x3286

**SENATE BILL 14-195**

**SENATE SPONSORSHIP**

**Nicholson and Renfroe,**

**HOUSE SPONSORSHIP**

**Singer and Sonnenberg,** DelGrosso, Foote, Humphrey, Young

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**Senate Committees**

Local Government  
Appropriations

**House Committees**

Agriculture, Livestock, & Natural Resources  
Appropriations

HOUSE  
3rd Reading Unamended  
May 7, 2014

HOUSE  
2nd Reading Unamended  
May 6, 2014

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**A BILL FOR AN ACT**

101 **CONCERNING A STUDY OF PHREATOPHYTE GROWTH ALONG THE SOUTH**  
102 **PLATTE RIVER IN THE AFTERMATH OF THE SEPTEMBER 2013**  
103 **FLOOD.**

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SENATE  
3rd Reading Unamended  
April 30, 2014

SENATE  
Amended 2nd Reading  
April 29, 2014

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill directs the Colorado water conservation board to evaluate the growth and identification of phreatophytes, which are deep-rooted plants that absorb water from the water table or the layer of soil just above the water table, along the South Platte river in the aftermath of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

September 2013 flood. The objectives of the study are to determine the relationship between high groundwater and nonbeneficial consumptive use by the phreatophytes and to develop a cost analysis for the removal of unwanted phreatophytes.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 37-60-115, **add** (9)  
3 as follows:

4 **37-60-115. Water studies - rules - repeal.** (9) (a) THE BOARD  
5 SHALL CONDUCT AT LEAST THE PRELIMINARY STAGES OF A  
6 COMPREHENSIVE STUDY TO EVALUATE THE GROWTH AND IDENTIFICATION  
7 OF PHREATOPHYTES ALONG THE SOUTH PLATTE RIVER IN THE AFTERMATH  
8 OF THE SEPTEMBER 2013 FLOOD. IF APPROPRIATE, THE BOARD SHALL  
9 CONDUCT ALL STAGES OF THE STUDY. THE OBJECTIVES OF THE STUDY ARE:

10 (I) TO EVALUATE A PORTION OF THE WATERSHED ALONG THE  
11 SOUTH PLATTE RIVER THAT WAS AFFECTED BY THE SEPTEMBER 2013  
12 FLOOD TO DETERMINE THE RELATIONSHIP BETWEEN HIGH GROUNDWATER  
13 AND NONBENEFICIAL CONSUMPTIVE USE BY PHREATOPHYTES; AND

14 (II) UTILIZING THE DATA COMPILED FOR SUBPARAGRAPH (I) OF  
15 THIS PARAGRAPH (a), TO DEVELOP A COST ANALYSIS FOR THE REMOVAL OF  
16 UNWANTED PHREATOPHYTES ALONG THE SOUTH PLATTE RIVER.

17 (b) THE BOARD MAY ENTER INTO CONTRACTS WITH COLORADO  
18 STATE UNIVERSITY'S BIOAGRICULTURAL SCIENCES AND PEST MANAGEMENT  
19 PROGRAM TO CONDUCT, OVERSEE, AND COORDINATE ALL ASPECTS OF THE  
20 STUDY AND SHALL COORDINATE WITH THE DEPARTMENT OF AGRICULTURE  
21 AND WEED MANAGEMENT SPECIALISTS FROM AFFECTED LOCAL  
22 GOVERNMENTS.

23 (c) THE BOARD SHALL COMMISSION THE STUDY AS SOON AS

1 PRACTICABLE. THE BOARD SHALL PREPARE A FINAL REPORT, INCLUDING  
2 ITS CONCLUSIONS, AND PRESENT IT TO THE GENERAL ASSEMBLY NO LATER  
3 THAN DECEMBER 31, 2016. THE BOARD SHALL PREPARE A PROGRESS  
4 REPORT AND PRESENT IT TO A JOINT MEETING OF THE HOUSE OF  
5 REPRESENTATIVES COMMITTEE ON AGRICULTURE, LIVESTOCK, AND  
6 NATURAL RESOURCES AND THE SENATE COMMITTEE ON AGRICULTURE,  
7 NATURAL RESOURCES, AND ENERGY, OR THEIR SUCCESSOR COMMITTEES,  
8 DURING THE SECOND REGULAR SESSION OF THE SEVENTIETH GENERAL  
9 ASSEMBLY IN 2016.

10 (d) THE BOARD IS AUTHORIZED TO ACCEPT AND EXPEND GIFTS,  
11 GRANTS, AND DONATIONS FOR THE PURPOSES OF THIS SUBSECTION (9). THE  
12 GENERAL ASSEMBLY FINDS THAT THE IMPLEMENTATION OF THIS  
13 SUBSECTION (9) IS NOT ENTIRELY DEPENDENT ON THE RECEIPT OF ANY  
14 GIFTS, GRANTS, AND DONATIONS. THE BOARD SHALL TRANSMIT ALL  
15 MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE  
16 STATE TREASURER, WHO SHALL CREDIT THEM TO THE COLORADO WATER  
17 CONSERVATION BOARD CONSTRUCTION FUND CREATED IN SECTION  
18 37-60-121.

19 (e) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE JULY 1, 2017.

20 SECTION 2. In Session Laws of Colorado 2012S, section 7 of  
21 chapter 1, amend (1) as follows:

22 Section 7. **Phreatophyte control cost-sharing program -**  
23 **appropriation.** (1) In addition to any other appropriation, there is hereby  
24 appropriated, out of any moneys in the Colorado water conservation  
25 board construction fund not otherwise appropriated, to the department of  
26 natural resources, for allocation to the Colorado water conservation  
27 board, for the fiscal year beginning July 1, 2012, the sum of \$1,000,000,

1 or so much thereof as may be necessary, for the board to continue  
2 financing phreatophyte control cost-sharing grants AND TO EVALUATE THE  
3 GROWTH AND IDENTIFICATION OF PHREATOPHYTES ALONG THE SOUTH  
4 PLATTE RIVER IN THE AFTERMATH OF THE SEPTEMBER 2013 FLOOD  
5 through any of the board's existing programs.

6 **SECTION 3. Safety clause.** The general assembly hereby finds,  
7 determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, and safety.