

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0116.01 Jennifer Berman

HOUSE BILL 15-1006

HOUSE SPONSORSHIP

Coram and Vigil,

SENATE SPONSORSHIP

Sonnenberg, Hodge, Roberts

House Committees

Agriculture, Livestock, & Natural Resources
Agriculture, Livestock, & Natural Resources
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ESTABLISHMENT OF A GRANT PROGRAM FOR THE**
102 **MANAGEMENT OF INVASIVE PHREATOPHYTES, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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/bills summaries>.)

Water Resources Review Committee. The bill establishes a 5-year grant program for the management of invasive phreatophytes, which are deep-rooted plants that consume water from the water table or the layer of soil just above the water table. **Section 1** of the bill creates the invasive phreatophyte grant program account in the noxious weed

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.

management fund. **Section 2** creates the grant program. The department of agriculture administers the grant program under its authority to manage noxious weeds. To qualify for a grant, an applicant must propose a project for the management of invasive phreatophytes that utilizes best management practices.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 37-60-131** as
3 follows:

4 **37-60-131. Invasive phreatophyte control program - creation**
5 **- fund - repeal.** (1) THE BOARD SHALL EXPEND MONEYS FROM THE
6 COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND TO
7 AWARD GRANTS UNDER THE INVASIVE PHREATOPHYTE CONTROL
8 PROGRAM, CREATED HEREIN, FOR THE MANAGEMENT OF INVASIVE
9 PHREATOPHYTES, INCLUDING TAMARISK AND RUSSIAN-OLIVE, WITHIN THE
10 RIPARIAN AREAS OF THE STATE. THE BOARD MAY AWARD GRANTS TO
11 PUBLIC ENTITIES, PRIVATE ENTITIES, AND PRIVATE INDIVIDUALS
12 PROPOSING PROJECTS UTILIZING BEST MANAGEMENT PRACTICES FOR THE
13 MANAGEMENT OF INVASIVE PHREATOPHYTES TO DECREASE THEIR
14 CONSUMPTION OF WATER AND PROTECT THE RIPARIAN HABITAT NATIVE TO
15 EACH BASIN IN WHICH PROJECTS ARE PROPOSED.

16 (2) BEGINNING IN FISCAL YEAR 2015-16, THE BOARD SHALL
17 AWARD GRANTS, GIVING PRIORITY TO PROPOSED PROJECTS THAT
18 DEMONSTRATE AN INTEGRATED MANAGEMENT APPROACH TO INVASIVE
19 PHREATOPHYTES AND ACHIEVE SPECIFIED MANAGEMENT OBJECTIVES. THE
20 BOARD SHALL ALSO GIVE PRIORITY TO:

21 (a) PROPOSED PROJECTS THAT WOULD HAVE THE GREATEST
22 IMPACT ON REDUCING OVERALL GROUNDWATER CONSUMPTION BY
23 INVASIVE PHREATOPHYTES; AND

1 (b) PROPOSED PROJECTS THAT HELP THE BOARD ACHIEVE
2 GEOGRAPHIC DIVERSITY IN GRANT FUNDING. THE BOARD SHALL STRIVE TO
3 ACHIEVE GEOGRAPHIC DIVERSITY IN GRANT FUNDING BY APPROVING A MIX
4 OF PROJECTS COVERING AREAS WEST OF THE CONTINENTAL DIVIDE AND
5 PROJECTS COVERING AREAS EAST OF THE CONTINENTAL DIVIDE.

6
7 (3) AFTER PROVIDING AT LEAST FORTY-FIVE DAYS' NOTICE OF AND
8 AN OPPORTUNITY FOR PUBLIC COMMENT ON THE BOARD'S PROPOSED
9 CRITERIA AND GUIDELINES, THE BOARD, AFTER CONSIDERATION OF ANY
10 COMMENTS RECEIVED, AND IN CONSULTATION WITH THE AFFECTED BASIN
11 ROUNDTABLES OR THEIR SUCCESSOR ORGANIZATIONS; LOCAL WATER
12 CONSERVATION DISTRICTS; AND LOCAL WATERSHED GROUPS, IF SUCH
13 GROUPS EXIST, SHALL ESTABLISH CRITERIA AND GUIDELINES FOR THE
14 GRANT PROGRAM, INCLUDING CRITERIA ON ELIGIBILITY, SELECTION, AND
15 APPROVAL OF BEST MANAGEMENT PRACTICES FOR INVASIVE
16 PHREATOPHYTE MANAGEMENT. THE SELECTION CRITERIA MUST REFLECT
17 THE PRIORITIES LISTED IN SUBSECTION (2) OF THIS SECTION AND REQUIRE
18 THAT PROPOSED PROJECTS BE ENDORSED BY THE BASIN ROUNDTABLE OR
19 ITS SUCCESSOR ORGANIZATION IN EACH BASIN IN WHICH THE PROJECTS ARE
20 PROPOSED.

21 (4) THE BOARD MAY ACCEPT AND EXPEND GIFTS, GRANTS, AND
22 DONATIONS FOR THE PURPOSES OF THIS SECTION, BUT THE
23 IMPLEMENTATION OF THIS SECTION IS NOT DEPENDENT ON THE RECEIPT OF
24 GIFTS, GRANTS, AND DONATIONS. THE BOARD SHALL TRANSMIT ALL
25 MONEYS RECEIVED THROUGH SUCH GIFTS, GRANTS, OR DONATIONS TO THE
26 STATE TREASURER, WHO SHALL CREDIT THEM TO THE COLORADO WATER
27 CONSERVATION BOARD CONSTRUCTION FUND.

1 (5) ON AN ANNUAL BASIS, THE BOARD SHALL REPORT TO THE
2 AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE IN THE
3 SENATE AND THE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES
4 COMMITTEE IN THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR
5 COMMITTEES, ON THE PROGRESS OF THE GRANT PROGRAM. ON OR BEFORE
6 MARCH 1, 2018, THE BOARD SHALL PROVIDE THE COMMITTEES A FINAL
7 REPORT ON THE GRANT PROGRAM.

8 (6) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2018.

9 **SECTION 2.** In Colorado Revised Statutes, 39-29-109.3, **add** (2)
10 (o) as follows:

11 **39-29-109.3. Severance tax operational fund - repeal.**

12 (2) Subject to the requirements of subsections (3) and (4) of this section,
13 if the general assembly chooses not to spend up to one hundred percent
14 of the moneys in the operational fund as specified in subsection (1) of this
15 section, the state treasurer shall transfer the following:

16 (o) (I) TO THE COLORADO WATER CONSERVATION BOARD
17 CONSTRUCTION FUND FOR THE IMPLEMENTATION OF THE INVASIVE
18 PHREATOPHYTE CONTROL PROGRAM CREATED IN SECTION 37-60-131,
19 C.R.S., FOR THE TWO FISCAL YEARS COMMENCING ON JULY 1, 2015, TWO
20 MILLION DOLLARS; EXCEPT THAT, FOR THE FISCAL YEAR COMMENCING ON
21 JULY 1, 2016, THE STATE TREASURER SHALL NOT TRANSFER ANY MONEYS
22 TO THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND
23 UNDER THIS PARAGRAPH (o) IF THE PROPORTIONAL REDUCTION SET FORTH
24 IN PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION IS TRIGGERED FOR
25 THE OTHER TRANSFERS LISTED IN THIS SUBSECTION (2).

26 (II) THIS PARAGRAPH (o) IS REPEALED, EFFECTIVE JULY 1, 2018.

27 **SECTION 3. Appropriation.** For the 2015-16 state fiscal year,

1 \$2,000,000 is appropriated to the department of natural resources for use
2 by the Colorado water conservation board. This appropriation is from the
3 Colorado water conservation board construction fund created in section
4 37-60-121 (1) (a), C.R.S. The Colorado water conservation board may
5 use this appropriation to implement this act.

6 **SECTION 4. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2016 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.