

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 06-0974.02 Thomas Morris

HOUSE BILL 06-1400

HOUSE SPONSORSHIP

Buescher and Penry and Curry,

SENATE SPONSORSHIP

Isgar,

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INTERBASIN COMPACTS, AND, IN CONNECTION**
102 **THEREWITH, APPROVING THE INTERBASIN COMPACT CHARTER,**
103 **ALTERING THE BOUNDARIES THAT DEFINE CERTAIN WESTERN**
104 **SLOPE BASIN ROUNDTABLES, AND MAKING AN APPROPRIATION .**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Approves the interbasin compact charter. Moves water districts 60, 61, and 63 from the Gunnison basin roundtable to the Dolores, San Miguel, and San Juan basins roundtable.

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.*

HOUSE
Amended 2nd Reading
April 28, 2006

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

2 **SECTION 1.** 37-75-105 (2), Colorado Revised Statutes, is
3 amended to read:

4 **37-75-105. Interbasin compact committee - report - repeal.**

5 (2) (a) Not later than July 1, 2006, the interbasin compact committee
6 shall establish and refer to the general assembly an interbasin compact
7 charter that shall govern and guide all negotiations between basin
8 roundtables under this article. If the committee does not so refer the
9 charter by July 1, 2006, this article is repealed, effective July 1, 2006.
10 Upon receipt, consideration, and approval of the charter by the general
11 assembly acting by bill, negotiations between basin roundtables may
12 commence. Any compact or other agreement established using the
13 procedures established in this article shall fully comply with the terms,
14 requirements, and procedures established in the interbasin compact
15 charter as approved pursuant to this subsection (2).

16 (b) THE GENERAL ASSEMBLY HEREBY APPROVES THE INTERBASIN
17 COMPACT CHARTER AS SUBMITTED TO THE GENERAL ASSEMBLY ON APRIL
18 6, 2006, BY THE INTERBASIN COMPACT COMMITTEE. THE REVISOR OF
19 STATUTES SHALL PUBLISH THE FULL TEXT OF THE CHARTER IN THE
20 COLORADO REVISED STATUTES AS NONSTATUTORY MATTER IN
21 ACCORDANCE WITH SECTION 2-5-102 (9), C.R.S.

22 **SECTION 2.** 2-5-102, Colorado Revised Statutes, is amended BY
23 THE ADDITION OF A NEW SUBSECTION to read:

24 **2-5-102. Inclusions - nonstatutory.** (9) THERE SHALL BE
25 INCLUDED IN THE PUBLICATION OF THE "COLORADO WATER FOR THE 21ST
26 CENTURY ACT", AS NONSTATUTORY MATTER, FOLLOWING SECTION

1 37-75-105, C.R.S., THE FULL TEXT OF THE INTERBASIN COMPACT CHARTER
2 AS SUBMITTED TO THE GENERAL ASSEMBLY ON APRIL 6, 2006, BY THE
3 INTERBASIN COMPACT COMMITTEE.

4 **SECTION 3.** 37-75-104 (3) (b) (IV) and (3) (b) (VII), Colorado
5 Revised Statutes, are amended to read:

6 **37-75-104. Basin roundtables.** (3) (b) The following basin
7 roundtables are hereby created:

8 (IV) The Gunnison basin roundtable, consisting of water division
9 4 EXCEPTING WATER MANAGEMENT DISTRICTS 60, 61, AND 63;

10 (VII) The Dolores, San Miguel, and San Juan basins roundtable,
11 consisting of water division 7 AND WATER MANAGEMENT DISTRICTS 60,
12 61, AND 63;

13 **SECTION 4.** 37-75-103 (1), Colorado Revised Statutes, is
14 amended to read:

15 **37-75-103. Director of compact negotiations.** (1) Within thirty
16 days after June 7, 2005, the governor shall appoint a director of compact
17 negotiations, ~~who~~ WHICH OFFICE IS HEREBY CREATED IN THE OFFICE OF
18 THE GOVERNOR. THE DIRECTOR OF COMPACT NEGOTIATIONS shall act as
19 the overseer and caretaker of the compact negotiations process
20 established in this article.

21 **SECTION 5.** 39-29-109 (1) (c) (I) (D) and (1) (c) (III) (A),
22 Colorado Revised Statutes, are amended to read:

23 **39-29-109. Severance tax trust fund - created - administration**
24 **- use of moneys - repeal.** (1) (c) (I) For fiscal years commencing on and
25 after July 1, 1997, the executive director of the department of natural
26 resources shall submit with the department's budget request for each
27 fiscal year a list and description of the programs the executive director

1 recommends to be funded from the operational account of the severance
2 tax trust fund. The state minerals, energy, and geology policy advisory
3 board established pursuant to section 34-20-104, C.R.S., shall review the
4 executive director's recommendation before submittal. The general
5 assembly may appropriate moneys from the total moneys available in the
6 operational account of the severance tax trust fund to fund recommended
7 programs as follows:

8 (D) For programs within the Colorado water conservation board
9 AND FOR PURPOSES AUTHORIZED BY ARTICLE 75 OF TITLE 37, C.R.S., up
10 to five percent of the moneys in the operational account.

11 (III) (A) It is the intent of the general assembly that the
12 operational account of the severance tax trust fund maintain a state fiscal
13 year end balance equal to twice the current state fiscal year's operating
14 appropriations for the programs specified in this paragraph (c); EXCEPT
15 THAT MONEYS APPROPRIATED FOR PURPOSES AUTHORIZED BY ARTICLE 75
16 OF TITLE 37, C.R.S., SHALL NOT BE CONSIDERED IN ESTABLISHING SUCH
17 TWO-YEAR RESERVE. Moneys may be appropriated or otherwise made
18 available from such two-year reserve only to offset temporary revenue
19 reductions in the programs specified in this paragraph (c); except that, if
20 the general assembly determines that transfers of moneys from the reserve
21 are needed during a state revenue crisis, such transfers shall be a loan
22 from the reserve to be repaid as soon as moneys are available. This
23 provision is intended to mitigate the impact of fluctuations in the amount
24 of revenue credited to the fund from year to year so as to maintain current
25 levels of service for such programs.

26 **SECTION 6. Appropriation.** (1) In addition to any other
27 appropriation, there is hereby appropriated, out of any moneys in the

1 operational account of the severance tax trust fund created in section
2 39-29-109, Colorado Revised Statutes, not otherwise appropriated, to the
3 office of the governor, for the director of compact negotiations, for the
4 fiscal year beginning July 1, 2006, the sum of seventy-five thousand eight
5 hundred thirty-seven dollars (\$75,837) and 0.5 FTE, or so much thereof
6 as may be necessary, for the on-going implementation of article 75 of title
7 37, Colorado Revised Statutes.

8 (2) In addition to any other appropriation, there is hereby
9 appropriated, out of any moneys in the operational account of the
10 severance tax trust fund created in section 39-29-109, Colorado Revised
11 Statutes, not otherwise appropriated, to the department of natural
12 resources, Colorado water conservation board, for the fiscal year
13 beginning July 1, 2006, the sum of eight hundred fifty-five thousand four
14 hundred eighty-one dollars (\$855,481) and 1.2 FTE, or so much thereof
15 as may be necessary, for the on-going implementation of article 75 of title
16 37, Colorado Revised Statutes, including basin roundtable meetings,
17 interbasin compact committee meetings, a water needs assessment
18 refinement, and public education outreach.

19 (3) The moneys appropriated in subsections (1) and (2) of this
20 section shall remain available for the designated purposes until they are
21 fully expended.

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