

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0855.01 Jennifer Berman x3286

SENATE BILL 21-189

SENATE SPONSORSHIP

Donovan,

HOUSE SPONSORSHIP

Arndt,

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 CONCERNING THE FUNDING OF COLORADO WATER CONSERVATION
102 BOARD PROJECTS, AND, IN CONNECTION THEREWITH, MAKING
103 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://leg.colorado.gov>.)

The bill appropriates the following amounts from the Colorado water conservation board (CWCB) construction fund to the CWCB or the division of water resources in the department of natural resources for the following projects:

- Continuation of the satellite monitoring system, \$100,000

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

- (section 1 of the bill);
- Continuation of the Colorado floodplain map modernization program, \$500,000 (section 2);
- Continuation of the weather modification permitting program, \$350,000 (section 3); and
- Continuation of technical assistance for federal cost-share programs, \$300,000 (section 4).

Section 5 directs the state treasurer to transfer up to \$2,000,000 from the CWCB construction fund to the litigation fund on July 1, 2021.

Section 6 authorizes the CWCB to make a loan in an amount up to \$3,000,000 from the CWCB construction fund or the severance tax perpetual base fund to the Colorado Rio Grande Restoration Foundation in furtherance of the San Luis valley confined aquifer recovery project.

Section 7 reinstates severance tax funding of the water efficiency grant program by authorizing a transfer of \$550,000 in each state fiscal year commencing on or after July 1, 2021, from the grant program reserve of the severance tax operational fund, which reserve is part of the "tier 2" funding that is used only if the general assembly chooses not to spend 100% of the money in the operational fund on core departmental programs, to the water efficiency grant program cash fund. The reinstated funding is repealed on July 1, 2030, when the water efficiency grant program is scheduled to repeal.

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

2 **SECTION 1. Continuation of the satellite monitoring system**
 3 **- operation and maintenance - appropriation.** (1) For the 2021-22
 4 state fiscal year, \$100,000 is appropriated to the department of natural
 5 resources for use by the division of water resources. This appropriation
 6 is from the Colorado water conservation board construction fund created
 7 in section 37-60-121, C.R.S. To implement this section, the division of
 8 water resources may use this appropriation for renovation of existing
 9 gauging stations; replacement of outdated collection platforms; lysimeter
 10 support, data collection, and maintenance; upgrading of transmission
 11 components of the satellite monitoring system established and operated
 12 pursuant to section 37-80-102 (10), C.R.S.; stream gauge flood hardening
 13 projects; and data collection efforts related to flood forecasting and

1 warning.

2 (2) The money appropriated in subsection (1) of this section
3 remains available for the designated purposes until it is fully expended.

4 **SECTION 2. Continuation of the Colorado floodplain map**
5 **modernization program - appropriation.** (1) For the 2021-22 state
6 fiscal year, \$500,000 is appropriated to the department of natural
7 resources for use by the Colorado water conservation board. This
8 appropriation is from the Colorado water conservation board construction
9 fund created in section 37-60-121, C.R.S. To implement this section, the
10 Colorado water conservation board may use this appropriation to continue
11 to assist with the preparation of revised and improved floodplain studies
12 and maps for communities throughout Colorado and participate in
13 federally sponsored floodplain map modernization activities.

14 (2) The money appropriated in subsection (1) of this section
15 remains available for the designated purposes until it is fully expended.

16 **SECTION 3. Continuation of the weather modification**
17 **permitting program - appropriation.** (1) For the 2021-22 state fiscal
18 year, \$350,000 is appropriated to the department of natural resources for
19 use by the Colorado water conservation board. This appropriation is from
20 the Colorado water conservation board construction fund created in
21 section 37-60-121, C.R.S. To implement this section, the Colorado water
22 conservation board may use this appropriation to continue to assist water
23 conservation districts, water conservancy districts, and other water
24 providers and their fiscal agents with the development of cloud seeding
25 programs that provide benefits to recreation, streams, and reservoirs
26 through snowpack enhancement.

27 (2) The money appropriated in subsection (1) of this section

1 remains available for the designated purposes until it is fully expended.

2 **SECTION 4. Continuation of technical assistance for federal**
3 **cost-share programs.** (1) For the 2021-22 state fiscal year, \$300,000 is
4 appropriated to the department of natural resources for use by the
5 Colorado water conservation board. This appropriation is from the
6 Colorado water conservation board construction fund created in section
7 37-60-121, C.R.S. To implement this section, the Colorado water
8 conservation board may use this appropriation to continue to provide
9 technical assistance for applicants seeking competitive grants from
10 federal water infrastructure, quality, and delivery programs such as the
11 United States department of agriculture's regional conservation
12 partnership program, the Colorado river basin salinity control program,
13 and the Gunnison selenium management program.

14 (2) The money appropriated in subsection (1) of this section
15 remains available for the designated purposes until it is fully expended.

16 **SECTION 5. Restoration of litigation fund cash balance -**
17 **transfer.** On July 1, 2021, the state treasurer shall transfer the sum of
18 \$2,000,000, or so much thereof as may be necessary to restore the balance
19 of the litigation fund to \$2,000,000, from the unreserved cash in the
20 Colorado water conservation board construction fund created in section
21 37-60-121, C.R.S., to the litigation fund created in section 37-60-121
22 (2.5), C.R.S., to assist in addressing legal issues associated with compact
23 compliance or any other litigation activities as specified under section
24 37-60-121, C.R.S.

25 **SECTION 6. San Luis valley confined aquifer recovery**
26 **project loan authorization.** (1) Pursuant to section 39-29-109
27 (2)(a)(I.5), C.R.S., the Colorado water conservation board is hereby

1 authorized to loan, subject to subsection (2) of this section, up to
2 \$3,000,000 from the Colorado water conservation board construction
3 fund created in section 37-60-121, C.R.S., to the Colorado Rio Grande
4 Restoration Foundation to purchase a farm and water rights in order to
5 reduce groundwater pumping to help bring the San Luis valley confined
6 aquifer to sustainable levels.

7 (2) The Colorado water conservation board may make a loan for
8 the project specified in subsection (1) of this section from such money as
9 is or may become available to the severance tax perpetual base fund
10 created in section 39-29-109 (2)(a)(I.5), C.R.S. The loan must be in the
11 amount listed in subsection (1) of this section plus or minus such
12 amounts, if any, as may be justified by reason of ordinary fluctuations in
13 construction costs or as may be justified by reason of change in the plans
14 for the project due to differing or unforeseen site conditions, errors or
15 omissions in the plans and specifications, changes instituted by regulatory
16 agencies, or changes in material quantities beyond contract limits.

17 (3) Pursuant to section 37-60-120 (1), C.R.S., the Colorado water
18 conservation board shall require such terms and conditions in the contract
19 as will ensure repayment of money made available by it. The Colorado
20 water conservation board shall not disburse any money for a loan
21 authorized by subsection (1) of this section unless and until it is satisfied,
22 in its sole discretion, that the recipient of the loan will be able to make
23 repayment pursuant to the terms and conditions established by the
24 Colorado water conservation board and by subsection (1) of this section.

25 **SECTION 7.** In Colorado Revised Statutes, 39-29-109.3,
26 **recreate and reenact, with amendments, (2)(c)** as follows:

27 **39-29-109.3. Severance tax operational fund - core reserve -**

1 **grant program reserve - definitions - repeal.** (2) Subject to the
2 requirements of subsections (3) and (3.5) of this section, if the general
3 assembly chooses not to spend up to one hundred percent of the money
4 in the operational fund on core departmental programs, the state treasurer
5 shall transfer the following amounts:

6 (c) TO THE WATER EFFICIENCY GRANT PROGRAM CASH FUND
7 CREATED IN SECTION 37-60-126 (12), FOR USE IN ACCORDANCE WITH THAT
8 SECTION, ON JULY 1 OF EACH STATE FISCAL YEAR COMMENCING ON OR
9 AFTER JULY 1, 2021, FIVE HUNDRED FIFTY THOUSAND DOLLARS. MONEY
10 TRANSFERRED PURSUANT TO THIS SUBSECTION (2)(c) IS IN ADDITION TO,
11 AND DOES NOT REPLACE, ANY MONEY APPROPRIATED TO THE COLORADO
12 WATER CONSERVATION BOARD PURSUANT TO SUBSECTION (1)(d) OF THIS
13 SECTION. THIS SUBSECTION (2)(c) IS REPEALED, EFFECTIVE JULY 1, 2030.

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