

CHAPTER 185

WATER AND IRRIGATION

HOUSE BILL 15-1006

BY REPRESENTATIVE(S) Coram and Vigil, Salazar;
 also SENATOR(S) Sonnenberg, Hodge, Roberts, Aguilar, Baumgardner, Crowder, Donovan, Garcia, Grantham, Guzman, Martinez
 Humenik, Merrifield, Scott.

AN ACT

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

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

SECTION 1. In Colorado Revised Statutes, **add** 37-60-132 as follows:

37-60-132. Invasive phreatophyte control program - creation - fund - repeal.

(1) THE BOARD SHALL EXPEND MONEYS FROM THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND TO AWARD GRANTS UNDER THE INVASIVE PHREATOPHYTE CONTROL PROGRAM, CREATED HEREIN, FOR THE MANAGEMENT OF INVASIVE PHREATOPHYTES, INCLUDING TAMARISK AND RUSSIAN-OLIVE, WITHIN THE RIPARIAN AREAS OF THE STATE. THE BOARD MAY AWARD GRANTS TO PUBLIC ENTITIES, PRIVATE ENTITIES, AND PRIVATE INDIVIDUALS PROPOSING PROJECTS UTILIZING BEST MANAGEMENT PRACTICES FOR THE MANAGEMENT OF INVASIVE PHREATOPHYTES TO DECREASE THEIR CONSUMPTION OF WATER AND PROTECT THE RIPARIAN HABITAT NATIVE TO EACH BASIN IN WHICH PROJECTS ARE PROPOSED.

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

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

(b) PROPOSED PROJECTS THAT HELP THE BOARD ACHIEVE GEOGRAPHIC DIVERSITY

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

IN GRANT FUNDING. THE BOARD SHALL STRIVE TO ACHIEVE GEOGRAPHIC DIVERSITY IN GRANT FUNDING BY APPROVING A MIX OF PROJECTS COVERING AREAS WEST OF THE CONTINENTAL DIVIDE AND PROJECTS COVERING AREAS EAST OF THE CONTINENTAL DIVIDE.

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

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

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

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

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

39-29-109.3. Severance tax operational fund - repeal. (2) Subject to the requirements of subsections (3) and (4) of this section, if the general assembly chooses not to spend up to one hundred percent of the moneys in the operational fund as specified in subsection (1) of this section, the state treasurer shall transfer the following:

(s) (I) TO THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND FOR THE IMPLEMENTATION OF THE INVASIVE PHREATOPHYTE CONTROL PROGRAM CREATED IN SECTION 37-60-132, C.R.S., FOR THE TWO FISCAL YEARS COMMENCING ON JULY 1, 2015, TWO MILLION DOLLARS; EXCEPT THAT, FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2016, THE STATE TREASURER SHALL NOT TRANSFER ANY MONEYS TO THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND UNDER THIS PARAGRAPH (s) IF THE PROPORTIONAL REDUCTION SET FORTH IN PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION IS TRIGGERED FOR THE OTHER TRANSFERS LISTED IN THIS SUBSECTION (2).

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

SECTION 3. Appropriation. For the 2015-16 state fiscal year, \$2,000,000 is appropriated to the department of natural resources for use by the Colorado water conservation board. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121 (1) (a), C.R.S. The Colorado water conservation board may use this appropriation to implement this act.

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

Approved: May 12, 2015