

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 21, 2022

Committee on Agriculture, Livestock, & Water.

After consideration on the merits, the Committee recommends the following:

SB22-028 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 2, line 7, after "**declaration -**" insert
2 "**transfer - definitions - reports -**".

3 Page 4, after line 27 insert:

4 "(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES
5 THAT:

6 (a) THIS SECTION IS INTENDED TO RESPOND TO THE NEGATIVE
7 ECONOMIC IMPACTS CAUSED BY THE COVID-19 PANDEMIC AND
8 RESULTING PUBLIC HEALTH EMERGENCY BY PROVIDING FINANCIAL
9 INCENTIVES FOR THE VOLUNTARY RETIREMENT OF IRRIGATED ACREAGE
10 AND WELLS IN ORDER TO MAINTAIN INTERSTATE COMPACT COMPLIANCE
11 AND FOR THE PROMOTION OF CONSERVATION AND SUSTAINABILITY OF
12 GROUNDWATER RESOURCES IN FURTHERANCE OF THE STATE WATER PLAN;

13 (b) MONEY ALLOCATED TO THE STATE PURSUANT TO THE
14 "AMERICAN RESCUE PLAN ACT OF 2021" AND TRANSFERRED TO THE
15 GROUNDWATER COMPACT COMPLIANCE AND SUSTAINABILITY FUND
16 CREATED IN SUBSECTION (3)(a) OF THIS SECTION MAY BE USED FOR THE
17 PURPOSES OF THIS SECTION; AND

18 (c) THE COMPACT COMPLIANCE, GROUNDWATER RESOURCE
19 SUSTAINABILITY, AND GROUNDWATER CONSERVATION PURPOSES
20 DESCRIBED IN THIS SECTION ARE IMPORTANT GOVERNMENT SERVICES."

21 Renumber succeeding subsections accordingly.

22 Page 5, strike line 2 and substitute "SUSTAINABILITY FUND IS".

23 Page 6, line 3, strike "(3)." and substitute "(4).".

1 Page 6, line 12, strike "REPEALED." and substitute "REPEALED; EXCEPT
2 THAT THIS SECTION SHALL NOT BE REPEALED BEFORE JANUARY 1, 2025."

3 Page 6, line 14, strike "(5)" and substitute "(6)".

4 Page 6, after line 22 insert:

5 "(7) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
6 ASSEMBLY SHALL APPROPRIATE TO THE FUND SIXTY MILLION DOLLARS
7 FROM THE ECONOMIC RECOVERY AND RELIEF CASH FUND CREATED IN
8 SECTION 24-75-228 (2)(a). THE BOARD MAY USE THE MONEY
9 APPROPRIATED FOR THE PURPOSES SET FORTH IN THIS SECTION. EXCEPT AS
10 PROVIDED IN SUBSECTION (7)(b) OF THIS SECTION, ANY MONEY
11 APPROPRIATED TO THE FUND IN THE 2022-23 STATE FISCAL YEAR THAT IS
12 UNOBLIGATED OR UNEXPENDED AT THE END OF THE STATE FISCAL YEAR
13 REMAINS AVAILABLE FOR EXPENDITURE BY THE BOARD IN SUBSEQUENT
14 STATE FISCAL YEARS WITHOUT FURTHER APPROPRIATION, SUBJECT TO THE
15 REQUIREMENTS FOR OBLIGATING AND EXPENDING MONEY RECEIVED
16 UNDER THE "AMERICAN RESCUE PLAN ACT OF 2021", AS SPECIFIED IN
17 SECTION 24-75-226 (4)(d).

18 (b) ON AUGUST 15, 2024, IF THERE IS UNOBLIGATED MONEY IN THE
19 FUND, THE STATE TREASURER SHALL:

20 (I) IF THE AMOUNT OF UNOBLIGATED MONEY IS TWENTY MILLION
21 DOLLARS OR LESS, TRANSFER ALL OF THE UNOBLIGATED MONEY TO THE
22 WATER PLAN IMPLEMENTATION ACCOUNT; OR

23 (II) IF THE AMOUNT OF UNOBLIGATED MONEY IS GREATER THAN
24 TWENTY MILLION DOLLARS, TRANSFER TO THE WATER PLAN
25 IMPLEMENTATION ACCOUNT ALL BUT THE AMOUNT OF THE UNOBLIGATED
26 MONEY THAT IS EQUAL TO FORTY MILLION DOLLARS MINUS THE AMOUNT
27 OF UNOBLIGATED MONEY.

28 (8) (a) THE BOARD AND ANY PERSON THAT RECEIVES MONEY FROM
29 THE BOARD PURSUANT TO THIS SECTION OR SECTION 37-60-123.3 (3)
30 SHALL COMPLY WITH THE COMPLIANCE, REPORTING, RECORD-KEEPING,
31 AND PROGRAM EVALUATION REQUIREMENT ESTABLISHED BY THE OFFICE
32 OF STATE PLANNING AND BUDGETING AND THE STATE CONTROLLER IN
33 ACCORDANCE WITH SECTION 24-75-226 (5).

34 (b) COMMENCING IN 2023, AND FOR EACH YEAR THEREAFTER
35 THROUGH 2027, AS PART OF ITS ANNUAL PRESENTATIONS TO THE GENERAL
36 ASSEMBLY UNDER THE "STATE MEASUREMENT FOR ACCOUNTABLE,
37 RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2
38 OF ARTICLE 7 OF TITLE 2, THE DEPARTMENT OF NATURAL RESOURCES
39 SHALL REPORT ON HOW MUCH MONEY THE BOARD HAS EXPENDED UNDER
40 THIS SECTION AND IF THE BOARD EXPECTS TO EXPEND THE FULL SIXTY
41 MILLION DOLLARS FOR THE PURPOSES SET FORTH IN THIS SECTION OR, IF

1 MONEY IS TRANSFERRED TO THE WATER PLAN IMPLEMENTATION ACCOUNT
2 IN 2024, IF THE BOARD IS ON TRACK TO EXPEND THE FULL SIXTY MILLION
3 DOLLARS FOR THE PURPOSES SET FORTH IN THIS SECTION AND THE
4 PURPOSES SET FORTH IN SECTION 37-60-123.3 (3).

5 (9) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 (a) "AMERICAN RESCUE PLAN ACT OF 2021" MEANS THE FEDERAL
8 "AMERICAN RESCUE PLAN ACT OF 2021", PUB. L. 117-2, AS THE ACT MAY
9 BE SUBSEQUENTLY AMENDED.

10 (b) "COVID-19" MEANS THE CORONAVIRUS DISEASE CAUSED BY
11 THE SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2, ALSO
12 KNOWN AS SARS-CoV-2.

13 (c) "FUND" MEANS THE GROUNDWATER COMPACT COMPLIANCE
14 AND SUSTAINABILITY FUND CREATED IN SUBSECTION (3)(a) OF THIS
15 SECTION.

16 (d) "WATER PLAN IMPLEMENTATION ACCOUNT" MEANS THE WATER
17 PLAN IMPLEMENTATION ACCOUNT CREATED IN SECTION 37-60-123.3
18 (3)(b).

19 **SECTION 2.** In Colorado Revised Statutes, 37-60-123.3, **add** (3)
20 as follows:

21 **37-60-123.3. Water plan implementation cash fund - created**
22 **- water plan implementation account - created - legislative**
23 **declaration - reporting - repeal.** (3) (a) THE GENERAL ASSEMBLY FINDS
24 AND DECLARES THAT:

25 (I) THIS SUBSECTION (3) IS INTENDED TO RESPOND TO THE
26 NEGATIVE ECONOMIC IMPACTS CAUSED BY THE COVID-19 PANDEMIC, AS
27 DEFINED IN SECTION 37-60-134 (9)(b), AND THE RESULTING PUBLIC
28 HEALTH EMERGENCY BY PROVIDING GRANT MONEY TO PROMOTE PROJECTS
29 AND ACTIONS THAT ADVANCE PROGRESS TOWARD ACCOMPLISHING THE
30 CRITICAL ACTIONS IDENTIFIED IN THE STATE WATER PLAN;

31 (II) MONEY ALLOCATED TO THE STATE PURSUANT TO THE
32 "AMERICAN RESCUE PLAN ACT OF 2021", AS DEFINED IN SECTION
33 37-60-134 (9)(a), AND TRANSFERRED TO THE WATER PLAN
34 IMPLEMENTATION ACCOUNT MAY BE USED FOR THE PURPOSES OF THIS
35 SUBSECTION (3); AND

36 (III) THE WATER PLAN IMPLEMENTATION PURPOSES DESCRIBED IN
37 THIS SUBSECTION (3) ARE IMPORTANT GOVERNMENT SERVICES.

38 (b) THERE IS HEREBY CREATED IN THE WATER PLAN
39 IMPLEMENTATION CASH FUND THE WATER PLAN IMPLEMENTATION
40 ACCOUNT, REFERRED TO IN THIS SUBSECTION (3) AS THE "ACCOUNT". THE
41 MONEY IN THE ACCOUNT IS CONTINUOUSLY APPROPRIATED TO THE BOARD
42 TO USE FOR THE PURPOSES SET FORTH IN THIS SUBSECTION (3).

43 (c) THE ACCOUNT CONSISTS OF ALL MONEY TRANSFERRED TO THE

1 ACCOUNT ON AUGUST 15, 2024, FROM THE GROUNDWATER COMPACT
2 COMPLIANCE AND SUSTAINABILITY FUND CREATED IN SECTION 37-60-134
3 (3)(a).

4 (d) THE BOARD AND ANY PERSON THAT RECEIVES MONEY FROM
5 THE BOARD PURSUANT TO THIS SUBSECTION (3) SHALL COMPLY WITH THE
6 COMPLIANCE, REPORTING, RECORD-KEEPING, AND PROGRAM EVALUATION
7 REQUIREMENT ESTABLISHED BY THE OFFICE OF STATE PLANNING AND
8 BUDGETING AND THE STATE CONTROLLER IN ACCORDANCE WITH SECTION
9 24-75-226 (5).

10 (e) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE SEPTEMBER 1,
11 2027."

12 Renumber succeeding section accordingly.

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