

CHAPTER 331

WATER AND IRRIGATION

HOUSE BILL 21-1260

BY REPRESENTATIVE(S) Garnett and Catlin, Amabile, Bacon, Benavidez, Bernett, Bird, Bockenfeld, Boesenecker, Caraveo, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Herod, Holtorf, Hooton, Jackson, Jodeh, Kennedy, Kipp, Lontine, Luck, Lynch, McCluskie, McCormick, McKean, McLachlan, Michaelson Jenet, Mullica, Neville, Ortiz, Pelton, Rich, Ricks, Roberts, Sandridge, Sirota, Snyder, Soper, Sullivan, Titone, Valdez A., Valdez D., Weissman, Will, Woog, Young, Pico, Van Beber, Woodrow;
 also SENATOR(S) Donovan and Simpson, Bridges, Cooke, Fenberg, Gonzales, Hansen, Hisey, Jaquez Lewis, Kirkmeyer, Kolker, Lee, Lundeen, Moreno, Priola, Rankin, Story, Garcia.

AN ACT

CONCERNING TRANSFERS OF MONEY FROM THE GENERAL FUND TO IMPLEMENT THE STATE WATER PLAN, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby:

(a) Finds that:

(I) Investment in Colorado's water resources is critical to our economy and quality of life;

(II) These investments are needed now to ensure Colorado's water systems can be resilient to impacts of fire, drought, climate change, and population growth;

(b) Determines that:

(I) Colorado's water plan provides a vision for ensuring water supply and demand are met now and into the future while maintaining Colorado values of vibrant communities, productive agriculture, and world-class natural resources;

(II) The implementation of Colorado's water plan requires funding projects that address challenges across the state, but our investments in water infrastructure, natural and manmade, consistently lag behind our needs; and

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(c) Declares this act's one-time stimulative infusion of money seeks to jumpstart the grant funding for diverse and multi-beneficial projects for communities, rivers, and economies in all parts of Colorado.

SECTION 2. In Colorado Revised Statutes, 37-60-106.3, **amend** (6)(c) as follows:

37-60-106.3. State water plan - legislative declaration - grant program. (6) **Water plan implementation grant program.** The board may approve grants pursuant to the following requirements:

~~(c) Grant money must amount to no more than fifty percent of the total cost of an individual project, and the total money from all board funding sources must not exceed seventy-five percent of the total cost of an individual project~~ THE BOARD SHALL ESTABLISH CRITERIA THAT REQUIRE MATCHING FUNDS OF AT LEAST TWENTY-FIVE PERCENT; EXCEPT THAT THE BOARD MAY AWARD GRANTS IN 2021 AND 2022 WITH REDUCED MATCHING FUND REQUIREMENTS.

SECTION 3. In Colorado Revised Statutes, 37-60-123.3, **amend** (1) as follows:

37-60-123.3. Water plan implementation cash fund - created - repeal. (1) (a) There is hereby created in the state treasury the water plan implementation cash fund, referred to in this section as the "fund". The fund consists of sports betting revenues transferred from the sports betting fund in accordance with section 44-30-1509 and any other money that the general assembly may appropriate or transfer to the fund. The state treasurer shall credit all interest and income derived from the deposit and investment of money in the fund to the fund.

(b) (I) THE STATE TREASURER SHALL TRANSFER FIFTEEN MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND. THE BOARD MAY USE UP TO FIVE PERCENT OF THE MONEY TRANSFERRED BY THIS SUBSECTION (1)(b)(I) TO ADMINISTER GRANTS MADE PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION. BY JULY 1, 2023, THE BOARD SHALL AWARD PURSUANT TO SUBSECTION (2) OF THIS SECTION ALL OF THE MONEY TRANSFERRED BY THIS SUBSECTION (1)(b).

(II) THIS SUBSECTION (1)(b) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2025.

SECTION 4. In Colorado Revised Statutes, 39-29-109, **add** (2)(c)(VI) as follows:

39-29-109. Severance tax trust fund - created - administration - distribution of money - legislative declaration - repeal. (2) State severance tax receipts must be credited to the severance tax trust fund as provided in section 39-29-108. All income derived from the deposit and investment of the money in the fund must be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered money in the fund remains in the fund and must not be credited or transferred to the general fund or any other fund. All money in the fund is subject to appropriation by the general assembly for the following purposes:

(c) **The water supply reserve fund.** (VI) (A) THE STATE TREASURER SHALL

TRANSFER FIVE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND. BY JULY 1, 2023, THE BOARD SHALL AWARD PURSUANT TO SUBSECTION (2)(c)(I) OF THIS SECTION ALL OF THE MONEY TRANSFERRED BY THIS SUBSECTION (2)(c)(VI).

(B) THIS SUBSECTION (2)(c)(VI) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2025.

SECTION 5. Appropriation. (1) For the 2020-21 state fiscal year, \$15,000,000 is appropriated to the department of natural resources for use by the Colorado water conservation board. This appropriation is from the water plan implementation cash fund created in section 37-60-123.3 (1), C.R.S. To implement this act, the Colorado water conservation board may use this appropriation for the purpose specified in section 37-60-123.3 (1)(b)(I), C.R.S.

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

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 24, 2021