

CHAPTER 333

WATER AND IRRIGATION

SENATE BILL 21-189

BY SENATOR(S) Donovan, Bridges, Gonzales, Hansen, Jaquez Lewis, Lee, Moreno, Pettersen, Simpson, Story, Winter, Garcia; also REPRESENTATIVE(S) Catlin and McCormick, Amabile, Bacon, Bernett, Bird, Bockenfeld, Boesenecker, Carver, Cutter, Duran, Exum, Gonzales-Gutierrez, Gray, Herod, Hooton, Kipp, Lontine, Lynch, McCluskie, McLachlan, Michaelson Jenet, Mullica, Ortiz, Pelton, Pico, Ricks, Roberts, Sandridge, Snyder, Soper, Titone, Valdez D., Will, Young.

AN ACT

CONCERNING THE FUNDING OF COLORADO WATER CONSERVATION BOARD PROJECTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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the division of water resources may use this appropriation for renovation of existing gauging stations; replacement of outdated collection platforms; lysimeter support, data collection, and maintenance; upgrading of transmission components of the satellite monitoring system established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

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

SECTION 2. Continuation of the Colorado floodplain map modernization program - appropriation. (1) For the 2021-22 state fiscal year, \$500,000 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, C.R.S. To implement this section, the Colorado water conservation board may use this appropriation to continue to assist with the preparation of revised and improved floodplain studies

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.

and maps for communities throughout Colorado and participate in federally sponsored floodplain map modernization activities.

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

SECTION 3. Continuation of the weather modification permitting program - appropriation. (1) For the 2021-22 state fiscal year, \$350,000 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, C.R.S. To implement this section, the Colorado water conservation board may use this appropriation to continue to assist water conservation districts, water conservancy districts, and other water providers and their fiscal agents with the development of cloud seeding programs that provide benefits to recreation, streams, and reservoirs through snowpack enhancement.

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

SECTION 4. Continuation of technical assistance for federal cost-share programs. (1) For the 2021-22 state fiscal year, \$300,000 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, C.R.S. To implement this section, the Colorado water conservation board may use this appropriation to continue to provide technical assistance for applicants seeking competitive grants from federal water infrastructure, quality, and delivery programs such as the United States department of agriculture's regional conservation partnership program, the Colorado river basin salinity control program, and the Gunnison selenium management program.

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

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

SECTION 6. San Luis valley confined aquifer recovery project grant - appropriation. (1) For the 2021-22 state fiscal year, \$3,000,000 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, C.R.S. To implement this section, the Colorado water conservation board may use this appropriation to make a grant to the Colorado Rio Grande Restoration Foundation to purchase a farm and water rights in order to reduce groundwater pumping to help bring the San Luis valley

confined aquifer to sustainable levels.

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

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

39-29-109.3. Severance tax operational fund - core reserve - grant program reserve - definitions - repeal. (2) Subject to the requirements of subsections (3) and (3.5) of this section, if the general assembly chooses not to spend up to one hundred percent of the money in the operational fund on core departmental programs, the state treasurer shall transfer the following amounts:

(c) TO THE WATER EFFICIENCY GRANT PROGRAM CASH FUND CREATED IN SECTION 37-60-126 (12), FOR USE IN ACCORDANCE WITH THAT SECTION, ON JULY 1 OF EACH STATE FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2020, FIVE HUNDRED FIFTY THOUSAND DOLLARS. MONEY TRANSFERRED PURSUANT TO THIS SUBSECTION (2)(c) IS IN ADDITION TO, AND DOES NOT REPLACE, ANY MONEY APPROPRIATED TO THE COLORADO WATER CONSERVATION BOARD PURSUANT TO SUBSECTION (1)(d) OF THIS SECTION. THIS SUBSECTION (2)(c) IS REPEALED, EFFECTIVE JULY 1, 2030.

SECTION 8. In Session Laws of Colorado 2002, section 25 of chapter 150, (HB 02-1152), **amend** (3); and **recreate with amendments** (2), as (2) is repealed by and (3) is amended by section 21 of chapter 150, (HB 20-1403), Session Laws of Colorado 2020, as follows:

Section 25. **Water education foundation - authorization and appropriation.**
(2) FOLLOWING THE ESTABLISHMENT OF THE WATER EDUCATION FOUNDATION, IN ADDITION TO ANY OTHER APPROPRIATION, THE COLORADO WATER CONSERVATION BOARD IS HEREBY AUTHORIZED, FROM THE WATER CONSERVATION BOARD CONSTRUCTION FUND, TO ANNUALLY PROVIDE ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) TO THE FOUNDATION.

(3) The money referred to in ~~subsection~~ SUBSECTIONS (1) AND (2) of this section is hereby continuously appropriated to the board for the purposes established in this section.

SECTION 9. 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