

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0939.01 Sarah Lozano x3858

HOUSE BILL 22-1316

HOUSE SPONSORSHIP

McCormick and Catlin,

SENATE SPONSORSHIP

Donovan and Simpson,

House Committees

Agriculture, Livestock, & Water
Appropriations

Senate 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, \$380,000

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.*

HOUSE
2nd Reading Unamended
April 12, 2022

- (section 1);
- Continuation of the Colorado floodplain map modernization program, \$500,000 (section 2);
- Continuation of the weather modification permitting program, \$350,000 (section 3);
- Continuation of technical assistance for federal cost-share programs, \$300,000 (section 4);
- Continuation of the Arkansas river decision support system, \$500,000 (section 6);
- Continuation of the Colorado Mesonet project, \$150,000 (section 7);
- Continuation of the water forecasting partnership project, \$450,000 (section 8);
- Support of modeling and data analyses for the upper Colorado river commission's interstate planning and negotiation efforts, \$200,000 (section 9);
- Performance of comprehensive dam safety evaluations for the reservoir enlargement assessment project, \$250,000 (section 11);
- Support of the Platte river recovery implementation program, \$3,800,000 (section 12); and
- Support of Republican river matters related to meeting compact compliance obligations, \$2,000,000 (section 13).

The bill appropriates \$8,200,000 from the water plan implementation cash fund to the CWCB for grant-making for projects that assist in implementing the state water plan (section 15).

The bill directs the state treasurer to transfer the following amounts on July 1, 2022:

- Up to \$2,000,000 from the CWCB construction fund to the litigation fund (section 5); and
- \$1,000,000 from the CWCB construction fund to the water plan implementation cash fund (section 10).

Section 14 authorizes the CWCB to make loans of up to \$13,130,000 from the CWCB construction fund to the town of Breckenridge to rehabilitate the Goose Pasture Tarn dam.

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 2022-23
 4 state fiscal year, \$380,000 is appropriated to the department of natural
 5 resources for use by the division of water resources. This appropriation

1 is from the Colorado water conservation board construction fund created
2 in section 37-60-121, C.R.S. To implement this section, the division of
3 water resources may use this appropriation for renovation of existing
4 gauging stations; replacement of outdated collection platforms; lysimeter
5 support, data collection, and maintenance; upgrading of transmission
6 components of the satellite monitoring system established and operated
7 pursuant to section 37-80-102 (10), C.R.S.; stream gauge flood hardening
8 projects; and data collection efforts related to flood forecasting and
9 warning.

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

12 **SECTION 2. Continuation of the Colorado floodplain map**
13 **modernization program - appropriation.** (1) For the 2022-23 state
14 fiscal year, \$500,000 is appropriated to the department of natural
15 resources for use by the Colorado water conservation board. This
16 appropriation is from the Colorado water conservation board construction
17 fund created in section 37-60-121, C.R.S. To implement this section, the
18 Colorado water conservation board may use this appropriation to continue
19 to assist with the preparation of revised and improved floodplain studies
20 and maps for communities throughout Colorado and participate in
21 federally sponsored floodplain map modernization activities.

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

24 **SECTION 3. Continuation of the weather modification**
25 **permitting program - appropriation.** (1) For the 2022-23 state fiscal
26 year, \$350,000 is appropriated to the department of natural resources for
27 use by the Colorado water conservation board. This appropriation is from

1 the Colorado water conservation board construction fund created in
2 section 37-60-121, C.R.S. To implement this section, the Colorado water
3 conservation board may use this appropriation to continue to assist water
4 conservation districts, water conservancy districts, and other water
5 providers and their fiscal agents with the development of cloud seeding
6 programs that provide benefits to recreation, streams, and reservoirs
7 through snowpack enhancement.

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

10 **SECTION 4. Continuation of technical assistance for federal**
11 **cost-share programs - appropriation.** (1) For the 2022-23 state fiscal
12 year, \$300,000 is appropriated to the department of natural resources for
13 use by the Colorado water conservation board. This appropriation is from
14 the Colorado water conservation board construction fund created in
15 section 37-60-121, C.R.S. To implement this section, the Colorado water
16 conservation board may use this appropriation to continue to provide
17 technical assistance for applicants seeking competitive grants from
18 federal water infrastructure, quality, and delivery programs, such as the
19 United States department of agriculture's regional conservation
20 partnership program, the Colorado river basin salinity control program,
21 and the Gunnison selenium management program.

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

24 **SECTION 5. Restoration of litigation fund cash balance -**
25 **transfer.** On July 1, 2022, the state treasurer shall transfer the sum of
26 \$2,000,000, or so much thereof as may be necessary to restore the balance
27 of the litigation fund to \$2,000,000, from the unreserved cash in the

1 Colorado water conservation board construction fund created in section
2 37-60-121, C.R.S., to the litigation fund created in section 37-60-121
3 (2.5), C.R.S., to assist in addressing legal issues associated with compact
4 compliance or any other litigation activities as specified under section
5 37-60-121, C.R.S.

6 **SECTION 6. Continuation of the Arkansas river decision**
7 **support system - appropriation.** (1) For the 2022-23 state fiscal year,
8 \$500,000 is appropriated to the department of natural resources for use
9 by the Colorado water conservation board. This appropriation is from the
10 Colorado water conservation board construction fund created in section
11 37-60-121, C.R.S. To implement this section, the Colorado water
12 conservation board may use this appropriation to continue implementation
13 of the Arkansas river decision support system (ArkDSS), as identified in
14 the ArkDSS feasibility study completed in December 2011.

15 (2) The money appropriated in subsection (1) of this section
16 remains available for the designated purposes until the ArkDSS is
17 completed.

18 **SECTION 7. Continuation of the Colorado Mesonet project**
19 **- appropriation.** (1) For the 2022-23 state fiscal year, \$150,000 is
20 appropriated to the department of natural resources for use by the
21 Colorado water conservation board. This appropriation is from the
22 Colorado water conservation board construction fund created in section
23 37-60-121, C.R.S. To implement this section, the Colorado water
24 conservation board may use this appropriation to support the Colorado
25 Mesonet, including for the following activities: Operation, maintenance,
26 travel, communications, and database and website management for
27 temperature and precipitation stations.

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

3 **SECTION 8. Continuation of the water forecasting**
4 **partnership project - appropriation.** (1) For the 2022-23 state fiscal
5 year, \$450,000 is appropriated to the department of natural resources for
6 use by the Colorado water conservation board. This appropriation is from
7 the Colorado water conservation board construction fund created in
8 section 37-60-121, C.R.S. To implement this section, the Colorado water
9 conservation board may use this appropriation to support the development
10 of new ground and aerial remote sensing data and equipment and
11 hydrologic modeling, to provide reliable volumetric water supply
12 forecasting, and to provide better characterization of snowpack.

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

15 **SECTION 9. Modeling and data analyses for the upper**
16 **Colorado river commission - appropriation.** (1) For the 2022-23 state
17 fiscal year, \$200,000 is appropriated to the department of natural
18 resources for use by the Colorado water conservation board. This
19 appropriation is from the Colorado water conservation board construction
20 fund created in section 37-60-121, C.R.S. To implement this section, the
21 Colorado water conservation board may use this appropriation to provide
22 support to the upper Colorado river commission's interstate planning and
23 negotiation efforts, including the following modeling and data analyses:
24 Streamgaging and streamflow, runoff forecasting, consumptive use,
25 reservoir operations and evaporation, and drought contingency planning.

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

1 **SECTION 10. Grant-making for projects that assist in**
2 **implementing the state water plan - transfer.** On July 1, 2022, the state
3 treasurer shall transfer the sum of \$1,000,000 from the unreserved cash
4 in the Colorado water conservation board construction fund created in
5 section 37-60-121, C.R.S., to the water plan implementation cash fund
6 created in section 37-60-123.3 (1)(a), C.R.S.

7 **SECTION 11. Reservoir enlargement assessment project -**
8 **appropriation.** (1) For the 2022-23 state fiscal year, \$250,000 is
9 appropriated to the department of natural resources for use by the division
10 of water resources. This appropriation is from the Colorado water
11 conservation board construction fund created in section 37-60-121,
12 C.R.S. To implement this section, the division of water resources may use
13 this appropriation to conduct comprehensive dam safety evaluations on
14 existing dams that have a potential consideration for enlargement.

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

17 **SECTION 12. Platte river recovery implementation program**
18 **- appropriation.** (1) For the 2022-23 state fiscal year, \$3,800,000 is
19 appropriated to the department of natural resources for use by the
20 Colorado water conservation board. This appropriation is from the
21 Colorado water conservation board construction fund created in section
22 37-60-121, C.R.S. To implement this section, the Colorado water
23 conservation board may use this appropriation to support the Platte river
24 recovery implementation program, which implements certain aspects of
25 the United States fish and wildlife service's recovery plans for the
26 whooping crane, pallid sturgeon, and piping plover and provides
27 compliance with the "Endangered Species Act of 1973", 16 U.S.C. sec.

1 1531, et seq., as amended, for Colorado water projects.

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 13. Republican river matters - appropriation.**

5 (1) For the 2022-23 state fiscal year, \$2,000,000 is appropriated to the
6 department of natural resources for use by the Colorado water
7 conservation board. This appropriation is from the Colorado water
8 conservation board construction fund created in section 37-60-121,
9 C.R.S. To implement this section, the Colorado water conservation board
10 may use this appropriation for Republican river matters, including
11 providing matching cash incentives to producers to reduce irrigation and
12 facilitate land retirement within the south fork of the Republican river and
13 assist the Republican river water conservation district in meeting compact
14 compliance obligations pursuant to the Republican river compact.

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

17 **SECTION 14. Goose Pasture Tarn Dam project loan**

18 **authorization.** (1) The Colorado water conservation board is authorized
19 to loan up to \$13,130,000 from the Colorado water conservation board
20 construction fund created in section 37-60-121, C.R.S., to the town of
21 Breckenridge to rehabilitate the Goose Pasture Tarn dam, which is
22 located on the Blue river and supplies water to the town of Breckenridge.

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

25 (3) The Colorado water conservation board may make a loan for
26 the construction of the project specified in subsection (1) of this section
27 from such money as is or may become available to the Colorado water

1 conservation board construction fund. The loan must be in the amount
2 listed in subsection (1) of this section plus or minus such amounts, if any,
3 as may be justified by reason of ordinary fluctuations in construction
4 costs or as may be justified by reason of change in the plans for the
5 project due to differing or unforeseen site conditions, errors or omissions
6 in the plans and specifications, changes instituted by regulatory agencies,
7 or changes in material quantities beyond contract limits.

8 (4) Pursuant to section 37-60-120 (1), C.R.S., the Colorado water
9 conservation board shall require such terms and conditions in the loan
10 contract as will ensure repayment of money made available by it. The
11 board shall not disburse any money for a loan authorized by subsection
12 (1) of this section unless and until it is satisfied, in its sole discretion, that
13 the recipient of the loan will be able to make repayment pursuant to the
14 terms and conditions established by the board.

15 **SECTION 15. Grant-making for projects that assist in**
16 **implementing the state water plan - appropriation.** (1) For the
17 2022-23 state fiscal year, \$8,200,000 is appropriated to the department of
18 natural resources for use by the Colorado water conservation board. This
19 appropriation is from the water plan implementation cash fund created in
20 section 37-60-123.3 (1)(a), C.R.S. To implement this section, the
21 Colorado water conservation board may use this appropriation for
22 grant-making for projects that assist in the implementation of the state
23 water plan pursuant to section 37-60-106.3 (6), C.R.S., through the
24 Colorado water conservation board's application and guidelines process.

25 (2) The money appropriated in subsections (1) and (2) of this
26 section remains available for the designated purposes until it is fully
27 expended.

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