

CHAPTER 272

WATER AND IRRIGATION

SENATE BILL 97-151

BY SENATORS Ament, Bishop, and Johnson;
also REPRESENTATIVE Young.

AN ACT

CONCERNING USE OF THE FISH AND WILDLIFE RESOURCES ACCOUNT IN THE COLORADO WATER
CONSERVATION BOARD CONSTRUCTION FUND.

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

SECTION 1. 37-60-122.2 (1) (a) and (2) (a), Colorado Revised Statutes, 1990 Repl. Vol., are amended, and the said 37-60-122.2 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

37-60-122.2. Fish and wildlife resources - legislative declaration - fish and wildlife resources account. (1) (a) The general assembly hereby recognizes the responsibility of the state for fish and wildlife resources found in and around state waters which are affected by the construction, operation, or maintenance of water diversion, delivery, or storage facilities. The general assembly hereby declares that such fish and wildlife resources are a matter of statewide concern and that impacts on such resources should be mitigated by the project applicants in a reasonable manner. It is the intent of the general assembly that fish and wildlife resources ~~which~~ **THAT** are affected by the construction, operation, or maintenance of water diversion, delivery, or storage facilities ~~which are permitted, licensed, or receive approval from the United States after July 13, 1987,~~ should be mitigated to the extent, and in a manner, which is economically reasonable and maintains a balance between the development of the state's water resources and the protection of the state's fish and wildlife resources.

(2) (a) Moneys transferred to the fish and wildlife resources account in the Colorado water conservation board construction fund pursuant to the provisions of section 37-60-121 (6) are hereby continuously appropriated to the Colorado water conservation board for the purpose of making grants pursuant to this subsection (2) and for offsetting the direct and indirect costs of the board for administering the

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

grants. ~~Of~~ The interest earned from the investment of the moneys in the account ~~fifty percent shall be credited to the account. and the remaining fifty percent shall be transferred to the Colorado water resources and power development authority. The state treasurer and the controller shall transfer the interest earnings due the authority to the authority at the end of each fiscal year.~~ NO INVESTMENT EARNINGS OR OTHER MONEYS IN THE FISH AND WILDLIFE RESOURCES ACCOUNT IN THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND SHALL BE SUBJECT TO ANY MANAGEMENT FEE IMPOSED BY LAW FOR THE BENEFIT OF THE GENERAL FUND.

(e) SPECIES RECOVERY GRANTS FROM THE FISH AND WILDLIFE RESOURCES ACCOUNT MAY BE MADE FOR THE PURPOSE OF RESPONDING TO NEEDS OF DECLINING NATIVE SPECIES AND TO THOSE SPECIES PROTECTED UNDER THE FEDERAL "ENDANGERED SPECIES ACT OF 1973", 16 U.S.C. SEC. 1531, ET SEQ., AS AMENDED, IN A MANNER THAT WILL CARRY OUT THE STATE WATER POLICY.

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

Approved: June 4, 1997