

CHAPTER 279

WATER AND IRRIGATION

HOUSE BILL 06-1400

BY REPRESENTATIVE(S) Buescher and Penry and Curry, Coleman, Frangas, Gallegos, Gardner, Hall, Hodge, Hoppe, Jahn, King, Liston, Madden, Merrifield, Paccione, Rose, Stafford, Sullivan, White, and Witwer;
also SENATOR(S) Isgar, Fitz-Gerald, and Taylor.

AN ACT

CONCERNING INTERBASIN COMPACTS, AND, IN CONNECTION THEREWITH, APPROVING THE INTERBASIN COMPACT CHARTER, ALTERING THE BOUNDARIES THAT DEFINE CERTAIN WESTERN SLOPE BASIN ROUNDTABLES, AND MAKING AN APPROPRIATION.

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

SECTION 1. 37-75-105 (2), Colorado Revised Statutes, is amended to read:

37-75-105. Interbasin compact committee - report - repeal. (2) (a) Not later than July 1, 2006, the interbasin compact committee shall establish and refer to the general assembly an interbasin compact charter that shall govern and guide all negotiations between basin roundtables under this article. If the committee does not so refer the charter by July 1, 2006, this article is repealed, effective July 1, 2006. Upon receipt, consideration, and approval of the charter by the general assembly acting by bill, negotiations between basin roundtables may commence. Any compact or other agreement established using the procedures established in this article shall fully comply with the terms, requirements, and procedures established in the interbasin compact charter as approved pursuant to this subsection (2).

(b) THE GENERAL ASSEMBLY HEREBY APPROVES THE INTERBASIN COMPACT CHARTER AS SUBMITTED TO THE GENERAL ASSEMBLY ON APRIL 6, 2006, BY THE INTERBASIN COMPACT COMMITTEE. THE REVISOR OF STATUTES SHALL PUBLISH THE FULL TEXT OF THE CHARTER IN THE COLORADO REVISED STATUTES AS NONSTATUTORY MATTER IN ACCORDANCE WITH SECTION 2-5-102 (9), C.R.S.

SECTION 2. 2-5-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

2-5-102. Inclusions - nonstatutory. (9) THERE SHALL BE INCLUDED IN THE PUBLICATION OF THE "COLORADO WATER FOR THE 21ST CENTURY ACT", AS NONSTATUTORY MATTER, FOLLOWING SECTION 37-75-105, C.R.S., THE FULL TEXT OF THE INTERBASIN COMPACT CHARTER AS SUBMITTED TO THE GENERAL ASSEMBLY ON APRIL 6, 2006, BY THE INTERBASIN COMPACT COMMITTEE.

SECTION 3. 37-75-104 (3) (b) (IV) and (3) (b) (VII), Colorado Revised Statutes, are amended to read:

37-75-104. Basin roundtables. (3) (b) The following basin roundtables are hereby created:

(IV) The Gunnison basin roundtable, consisting of water division 4 EXCEPTING WATER MANAGEMENT DISTRICTS 60, 61, AND 63;

(VII) The Dolores, San Miguel, and San Juan basins roundtable, consisting of water division 7 AND WATER MANAGEMENT DISTRICTS 60, 61, AND 63;

SECTION 4. 37-75-103 (1), Colorado Revised Statutes, is amended to read:

37-75-103. Director of compact negotiations. (1) Within thirty days after June 7, 2005, the governor shall appoint a director of compact negotiations, ~~who~~ WHICH OFFICE IS HEREBY CREATED IN THE OFFICE OF THE GOVERNOR. THE DIRECTOR OF COMPACT NEGOTIATIONS shall act as the overseer and caretaker of the compact negotiations process established in this article.

SECTION 5. 39-29-109 (1) (c) (I) (D) and (1) (c) (III) (A), Colorado Revised Statutes, are amended to read:

39-29-109. Severance tax trust fund - created - administration - use of moneys - repeal. (1) (c) (I) For fiscal years commencing on and after July 1, 1997, the executive director of the department of natural resources shall submit with the department's budget request for each fiscal year a list and description of the programs the executive director recommends to be funded from the operational account of the severance tax trust fund. The state minerals, energy, and geology policy advisory board established pursuant to section 34-20-104, C.R.S., shall review the executive director's recommendation before submittal. The general assembly may appropriate moneys from the total moneys available in the operational account of the severance tax trust fund to fund recommended programs as follows:

(D) For programs within the Colorado water conservation board AND FOR PURPOSES AUTHORIZED BY ARTICLE 75 OF TITLE 37, C.R.S., up to five percent of the moneys in the operational account.

(III) (A) It is the intent of the general assembly that the operational account of the severance tax trust fund maintain a state fiscal year end balance equal to twice the current state fiscal year's operating appropriations for the programs specified in this paragraph (c); EXCEPT THAT MONEYS APPROPRIATED FOR PURPOSES AUTHORIZED BY ARTICLE 75 OF TITLE 37, C.R.S., SHALL NOT BE CONSIDERED IN ESTABLISHING SUCH TWO-YEAR RESERVE. Moneys may be appropriated or otherwise made available from such two-year reserve only to offset temporary revenue reductions in the

programs specified in this paragraph (c); except that, if the general assembly determines that transfers of moneys from the reserve are needed during a state revenue crisis, such transfers shall be a loan from the reserve to be repaid as soon as moneys are available. This provision is intended to mitigate the impact of fluctuations in the amount of revenue credited to the fund from year to year so as to maintain current levels of service for such programs.

SECTION 6. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the operational account of the severance tax trust fund created in section 39-29-109, Colorado Revised Statutes, not otherwise appropriated, to the office of the governor, for the director of compact negotiations, for the fiscal year beginning July 1, 2006, the sum of seventy-five thousand eight hundred thirty-seven dollars (\$75,837) and 0.5 FTE, or so much thereof as may be necessary, for the on-going implementation of article 75 of title 37, Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the operational account of the severance tax trust fund created in section 39-29-109, Colorado Revised Statutes, not otherwise appropriated, to the department of natural resources, Colorado water conservation board, for the fiscal year beginning July 1, 2006, the sum of eight hundred fifty-five thousand four hundred eighty-one dollars (\$855,481) and 1.2 FTE, or so much thereof as may be necessary, for the on-going implementation of article 75 of title 37, Colorado Revised Statutes, including basin roundtable meetings, interbasin compact committee meetings, a water needs assessment refinement, and public education outreach.

(3) The moneys appropriated in subsections (1) and (2) of this section shall remain available for the designated purposes until they are fully expended.

SECTION 7. 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: May 26, 2006