

CHAPTER 407

WATER AND IRRIGATION

SENATE BILL 07-008

BY SENATOR(S) Taylor, Fitz-Gerald, Isgar, Kester, Schwartz, Shaffer, Wiens, and Williams;
also REPRESENTATIVE(S) Curry, Butcher, Hodge, White, Fischer, Garcia, Madden, and Rose.

AN ACT

CONCERNING EXPANSION OF THE WATER EFFICIENCY GRANT PROGRAM.

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

SECTION 1. 37-60-126 (1) (a), (2) (a), (5), (7), and (12), Colorado Revised Statutes, are amended to read:

37-60-126. Water conservation and drought mitigation planning - programs - relationship to state assistance for water facilities - guidelines - water efficiency grant program - repeal. (1) As used in this section and section 37-60-126.5, unless the context otherwise requires:

(a) "Agency" means a public or private ~~agency~~ ENTITY whose primary purpose ~~is~~ INCLUDES the promotion of water resource conservation.

(2) (a) ~~Within five years after June 4, 1991, Each covered entity that does not have a water use efficiency plan satisfying the provisions of subsection (4) of this section shall, subject to section 37-60-127, develop, adopt, make publicly available, and implement a plan pursuant to which such covered entity shall encourage its domestic, commercial, industrial, and public facility customers to use water more efficiently. Any covered entity that makes an initial determination that it has satisfied subsection (4) of this section shall, within five years after June 4, 1991, give public notice of such determination at an official meeting of the appropriate governing body of the covered entity.~~ ANY STATE OR LOCAL GOVERNMENTAL ENTITY THAT IS NOT A COVERED ENTITY MAY DEVELOP, ADOPT, MAKE PUBLICLY AVAILABLE, AND IMPLEMENT SUCH A PLAN.

(5) Each covered entity AND OTHER STATE OR LOCAL GOVERNMENTAL ENTITY

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

THAT ADOPTS A PLAN shall follow the ~~covered~~ entity's rules, codes, or ordinances to make the draft plan available for public review and comment. If there are no rules, codes, or ordinances governing the ~~covered~~ entity's public planning process, then each ~~covered~~ entity shall publish a draft plan, give public notice of the plan, make such plan publicly available, and solicit comments from the public for a period of not less than sixty days after the date on which the draft plan is made publicly available. Reference shall be made in the public notice to the elements of a plan that ~~has~~ HAVE already been implemented.

(7) (a) ~~By July 1, 2005,~~ The board shall adopt guidelines for the office to review water conservation plans submitted by covered entities AND OTHER STATE OR LOCAL GOVERNMENTAL ENTITIES. The guidelines shall define the method for submitting plans to the office, ~~how the office will prioritize the distribution of moneys, including any additional moneys made available through the grant program,~~ THE METHODS FOR OFFICE REVIEW AND APPROVAL OF THE PLANS, and the interest rate surcharge provided for in paragraph (a) of subsection (9) of this section.

(b) If no other applicable guidelines exist as of ~~June 7, 2005,~~ THE EFFECTIVE DATE OF THIS PARAGRAPH (b), AS AMENDED, the board shall adopt guidelines by ~~August 14, 2005,~~ JULY 31, 2007, for the office to use in reviewing applications submitted by covered entities, OTHER STATE OR LOCAL GOVERNMENTAL ENTITIES, and agencies for grants from the grant program AND FROM THE GRANT PROGRAM ESTABLISHED IN SECTION 37-60-126.5 (3). The guidelines shall establish deadlines and procedures for covered entities, OTHER STATE OR LOCAL GOVERNMENTAL ENTITIES, and agencies to follow in applying for grants and the criteria to be used by the office and the board in prioritizing and awarding grants.

(12) (a) There is hereby created the water efficiency grant program for purposes of providing state funding ~~over a three-year period~~ to aid in ~~achieving the water efficiency goals outlined in locally adopted~~ THE PLANNING AND IMPLEMENTATION OF water conservation plans DEVELOPED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION and to promote the benefits of water efficiency. The board is authorized to distribute grants ~~in accordance with this subsection (12)~~ to covered entities, OTHER STATE OR LOCAL GOVERNMENTAL ENTITIES, and agencies IN ACCORDANCE WITH ITS GUIDELINES from the moneys transferred to and appropriated from the water efficiency grant program cash fund, which is hereby created in the state treasury. For the 2005-06 ~~2006-07, and 2007-08~~ THROUGH 2010-11 fiscal years, the general assembly shall appropriate from the fund to the board up to five hundred thousand dollars annually for the purpose of providing grants to covered entities, OTHER STATE AND LOCAL GOVERNMENTAL ENTITIES, and agencies in accordance with this subsection (12). COMMENCING JULY 1, 2008, the general assembly shall also appropriate FROM THE FUND to the board ~~an amount necessary~~ FIFTY THOUSAND DOLLARS EACH FISCAL YEAR THROUGH 2011-12 to cover the costs associated with the administration of the grant program ~~but such appropriations shall not exceed an aggregate amount of eighty thousand dollars for the three fiscal years of the grant program~~ AND THE REQUIREMENTS OF SECTION 37-60-124. However, if less than five hundred thousand dollars is appropriated or expended in ~~the 2005-06 or 2006-07~~ ANY SUCH fiscal year, an amount equal to the difference between five hundred thousand dollars and the amount actually appropriated or expended in that fiscal year shall be available for appropriation and expenditure TO THE GRANT PROGRAM in the next fiscal year in addition to the five hundred thousand

dollars available for appropriation in that fiscal year. Any moneys remaining in the fund on June 30, ~~2008~~ 2012, shall be transferred to the reserve in the operational account of the severance tax trust fund described in section 39-29-109 (1) (c) (III) (A), C.R.S.

(b) Any covered entity OR STATE OR LOCAL GOVERNMENTAL ENTITY that has adopted a water conservation plan and that supplies, distributes, or otherwise provides water at retail to customers may apply for a grant to aid in the implementation of the water efficiency goals of the plan. Any agency may apply for a grant to fund outreach or education programs aimed at demonstrating the benefits of water efficiency. The office shall review the applications and make recommendations to the board regarding the awarding and distribution of grants to applicants who satisfy the criteria outlined in this subsection (12) and the guidelines developed pursuant to subsection (7) of this section.

(c) This subsection (12) is repealed, effective July 1, ~~2008~~ 2012.

SECTION 2. 37-60-126.5 (3) and (4), Colorado Revised Statutes, are amended to read:

37-60-126.5. Drought mitigation planning - programs - relationship to state assistance. (3) The board is hereby authorized to EXPEND REVENUES FROM THE WATER EFFICIENCY GRANT PROGRAM CASH FUND AND TO recommend the appropriation and expenditure of such revenues as is necessary from the unobligated balance of the five-percent share of the operational account of the severance tax trust fund designated for use by the board for the purpose of assisting covered entities and other state ~~and~~ OR local governmental entities to develop drought mitigation plans identified as sufficient by the office.

(4) ~~By July 1, 2005, The board shall adopt guidelines for the office to use in reviewing, and evaluating, AND APPROVING drought mitigation plans submitted by covered entities OR OTHER STATE OR LOCAL GOVERNMENTAL ENTITIES in accordance with this section. The guidelines shall define the method for submitting plans to the office and shall specify how the office will prioritize the distribution of moneys.~~

SECTION 3. 39-29-109 (1) (c) (III) (B), Colorado Revised Statutes, is amended, and the said 39-29-109 (1) (c) (III) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

39-29-109. Severance tax trust fund - created - administration - use of moneys - definitions - repeal. (1) (c) (III) (B) Notwithstanding any provision of sub-subparagraph (A) of this subparagraph (III) to the contrary, on July 1, 2005, the state treasurer shall transfer one million five hundred eighty thousand dollars from the reserve to the water efficiency grant program cash fund created in section ~~37-60-126 (13)~~, 37-60-126 (12), C.R.S., for use in funding grants in accordance with said section. The moneys transferred pursuant to this sub-subparagraph (B) shall be in addition to and shall not replace any moneys appropriated to the Colorado water conservation board pursuant to sub-subparagraph (D) of subparagraph (I) of this paragraph (c). This sub-subparagraph (B) is repealed, effective July 1, ~~2008~~ 2012.

(C) NOTWITHSTANDING ANY PROVISION OF SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III) TO THE CONTRARY, ON JULY 1, 2007, THE STATE TREASURER SHALL TRANSFER EIGHT HUNDRED THOUSAND DOLLARS FROM THE OPERATIONAL ACCOUNT TO THE WATER EFFICIENCY GRANT PROGRAM CASH FUND CREATED IN SECTION 37-60-126 (12), C.R.S., AND ON JULY 1, 2008, THE STATE TREASURER SHALL TRANSFER EIGHT HUNDRED THOUSAND DOLLARS FROM THE OPERATIONAL ACCOUNT TO THE WATER EFFICIENCY GRANT PROGRAM CASH FUND, FOR USE IN ACCORDANCE WITH SAID SECTION. IF, ON JULY 1, 2008, THERE IS MORE THAN ONE HUNDRED THOUSAND DOLLARS OF UNOBLIGATED REVENUES IN THE OPERATIONAL ACCOUNT BEYOND ANY RESERVE REQUIRED BY LAW, THE STATE TREASURER SHALL TRANSFER SUCH AMOUNTS OVER ONE HUNDRED THOUSAND DOLLARS, UP TO A MAXIMUM OF ONE MILLION DOLLARS, TO THE WATER EFFICIENCY GRANT PROGRAM CASH FUND. IF, ON JULY 1, 2009, THERE IS MORE THAN ONE HUNDRED THOUSAND DOLLARS OF UNOBLIGATED REVENUES IN THE OPERATIONAL ACCOUNT BEYOND ANY RESERVE REQUIRED BY LAW, THE STATE TREASURER SHALL TRANSFER SUCH AMOUNTS OVER ONE HUNDRED THOUSAND DOLLARS, UP TO A MAXIMUM OF ONE MILLION DOLLARS, TO THE WATER EFFICIENCY GRANT PROGRAM CASH FUND. THE MONEYS TRANSFERRED PURSUANT TO THIS SUB-SUBPARAGRAPH (C) SHALL BE IN ADDITION TO AND SHALL NOT REPLACE ANY MONEYS APPROPRIATED TO THE COLORADO WATER CONSERVATION BOARD PURSUANT TO SUB-SUBPARAGRAPH (D) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (c). THIS SUB-SUBPARAGRAPH (C) IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the water efficiency grant program cash fund created in section 37-60-126 (12), Colorado Revised Statutes, not otherwise appropriated, to the department of natural resources, for allocation to the Colorado water conservation board, for the fiscal year beginning July 1, 2007, the sum of eighty-two thousand seven hundred forty-nine dollars (\$82,749) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 5. 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 1, 2007