

CHAPTER 381

WATER AND IRRIGATION

HOUSE BILL 10-1250

BY REPRESENTATIVE(S) Fischer, Curry, Apuan, Baumgardner, Hullinghorst, Kefalas, Looper, Roberts, Ryden, Scanlan, Solano, Sonnenberg, Tyler, Vigil, Labuda, Gerou, King S., McFadyen, Nikkel, Pace, Priola, Schafer S., Tipton; also SENATOR(S) Hodge, Gibbs, Kester, Schwartz, White, Whitehead.

AN ACT

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

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

SECTION 1. Continuation of the satellite monitoring system maintenance - appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado water conservation board construction fund not otherwise appropriated, to the department of natural resources, for allocation to the division of water resources, for the fiscal year beginning July 1, 2010, the sum of two hundred fifty thousand dollars (\$250,000), or so much thereof as may be necessary, for renovation of existing gauging stations, replacement of outdated collection platforms, and upgrading of transmission components of the satellite monitoring system established and operated pursuant to section 37-80-102 (10), Colorado Revised Statutes, stream gauge flood hardening projects, and data collection efforts related to flood forecasting and warning.

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

SECTION 2. Instream flow engineering and technical support services - appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado water conservation board construction fund not otherwise appropriated, to the department of natural resources, for allocation to the Colorado water conservation board, for the fiscal year beginning July 1, 2010, the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, for engineering and technical support services related to the board's instream flow and natural lake level program.

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

SECTION 3. Continuation of the weather modification program - appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado water conservation board construction fund not otherwise appropriated, to the department of natural resources, for allocation to the Colorado water conservation board, for the fiscal year beginning July 1, 2010, the sum of one hundred seventy-five thousand dollars (\$175,000), or so much thereof as may be necessary, for the board to continue to assist water conservation districts, water conservancy districts, and other water providers with the development of cloud seeding programs that provide benefits to recreation, streams, and reservoirs through snowpack enhancement.

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

SECTION 4. Continuation of the Colorado floodplain map modernization program - appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado water conservation board construction fund not otherwise appropriated, to the department of natural resources, for allocation to the Colorado water conservation board, for the fiscal year beginning July 1, 2010, the sum of five hundred thousand dollars (\$500,000), or so much thereof as may be necessary, to restore the unencumbered balance in the previously appropriated map modernization account of the board to five hundred thousand dollars (\$500,000), for the board to continue to assist with the preparation of revised and improved floodplain studies and maps for communities throughout Colorado and participate in federally sponsored floodplain map modernization activities.

(2) The moneys appropriated in subsection (1) of this section shall remain available for the designated purposes until the project is completed.

SECTION 5. Continuation of the watershed restoration program - appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado water conservation board construction fund not otherwise appropriated, to the department of natural resources, for allocation to the Colorado water conservation board, for the fiscal year beginning July 1, 2010, the sum of two hundred fifty thousand dollars (\$250,000), or so much thereof as may be necessary, for the board to continue to provide planning and engineering studies, including implementation measures, to address technical needs for watershed restoration and flood mitigation projects throughout the state.

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

SECTION 6. Restoration of flood response fund balance. The state treasurer shall transfer a total of three hundred thousand dollars (\$300,000), or so much thereof as may be necessary, from the unreserved cash in the Colorado water

conservation board construction fund to the flood response fund created in section 37-60-123.2, Colorado Revised Statutes, in order to restore the unencumbered balance in the flood response fund to three hundred thousand dollars (\$300,000).

SECTION 7. 39-29-109 (2) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

39-29-109. Severance tax trust fund - created - administration - distribution of moneys - repeal. (2) State severance tax receipts shall be credited to the severance tax trust fund as provided in section 39-29-108. Except as otherwise set forth in section 39-29-109.5, all income derived from the deposit and investment of the moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund. All moneys in the fund shall be subject to appropriation by the general assembly for the following purposes:

(a) **The perpetual base account.** (VIII) (A) NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (a) TO THE CONTRARY, THE STATE TREASURER SHALL TRANSFER TO THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND, FOR USE BY THE COLORADO WATER CONSERVATION BOARD, ALSO REFERRED TO IN THIS SUBPARAGRAPH (VIII) AS THE "BOARD", THIRTY-SIX MILLION DOLLARS FOR THE PURCHASE OF ALL OR A PORTION OF COLORADO'S ALLOTMENT OF ANIMAS-LA PLATA PROJECT WATER. THE STATE TREASURER SHALL MAKE THE TRANSFER MANDATED BY THIS SUB-SUBPARAGRAPH (A) IN THREE CONSECUTIVE ANNUAL INSTALLMENTS OF TWELVE MILLION DOLLARS ON JUNE 30 OF EACH YEAR, COMMENCING JUNE 30, 2011.

(B) NOTWITHSTANDING ANY OTHER LAW, INCLUDING SECTION 24-30-1303, C.R.S., ONCE SUFFICIENT FUNDS HAVE BEEN APPROPRIATED TO THE BOARD FOR SUCH PURPOSES, THE DEPARTMENT OF NATURAL RESOURCES, ACTING THROUGH THE BOARD, IS AUTHORIZED TO ENTER INTO A CONTRACT OR OTHER AGREEMENT WITH THE UNITED STATES BUREAU OF RECLAMATION TO ACQUIRE ALL OR A PORTION OF COLORADO'S ALLOCATION OF WATER IN THE ANIMAS-LA PLATA PROJECT. THE AUTHORITY TO ACQUIRE SUCH WATER INCLUDES THE ABILITY TO CONTRACT WITH AND ALLOCATE WATER TO LOCAL ENTITIES AND WATER PROVIDERS; TO RECEIVE AND EXPEND MONEYS FROM ENTITIES IN REPAYMENT; TO UNDERTAKE OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS; TO PAY THE COSTS OF STORAGE OR OTHER NECESSARY EXPENSES; AND TO OTHERWISE IMPLEMENT THE PURPOSES OF THIS SUB-SUBPARAGRAPH (B) AND UTILIZE THE WATER ACQUIRED. THE BOARD IS ALSO AUTHORIZED TO UNDERTAKE SUCH ACTION AS IS NECESSARY TO LEASE, SUBLEASE, EXCHANGE, SELL, ASSIGN, OR OTHERWISE EFFECTUATE THE USE OF PROJECT WATER ACQUIRED UNDER THIS SUBPARAGRAPH (VIII). IN THE EVENT OF A CONFLICT BETWEEN THE APPLICATION OF STATE OR FEDERAL LAW OR RULES, INCLUDING CHAPTER 3 OF THE STATE FISCAL RULES IN EXISTENCE AS OF THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (VIII), FEDERAL LAWS AND RULES SHALL APPLY.

(C) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (D) OF THIS SUBPARAGRAPH (VIII), THE MONEYS TRANSFERRED TO THE BOARD PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (VIII) SHALL REMAIN AVAILABLE

TO THE BOARD UNTIL EXPENDED.

(D) IF, ON JUNE 30, 2015, ANY MONEYS APPROPRIATED UNDER SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (VIII) HAVE NOT BEEN FULLY EXPENDED, THE UNEXPENDED MONEYS ARE DEAUTHORIZED AND SHALL REVERT TO THE PERPETUAL BASE ACCOUNT.

(E) THIS SUBPARAGRAPH (VIII) IS REPEALED, EFFECTIVE JULY 1, 2015.

SECTION 8. Purchase of Colorado's allotment of Animas-La Plata project water - appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado water conservation board construction fund not otherwise appropriated, to the department of natural resources, for allocation to the Colorado water conservation board, for the fiscal year beginning July 1, 2010, the sum of twelve million dollars (\$12,000,000), or so much thereof as may be necessary, for the purchase of all or a portion of Colorado's allotment of Animas-La Plata project water pursuant to section 39-29-109 (2) (a) (VIII) (B), Colorado Revised Statutes.

(2) The moneys appropriated in subsection (1) of this section shall remain available for the designated purposes until they are fully expended, or until June 30, 2015, whichever occurs first.

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, and safety.

Approved: June 7, 2010