

## CHAPTER 227

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**WATER AND IRRIGATION**

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## SENATE BILL 14-179

BY SENATOR(S) Nicholson and Renfroe, Lambert, Herpin, Jones, Lundberg, Marble, Schwartz, Aguilar, Crowder, Guzman, Heath, Hodge, Kefalas, Kerr, King, Newell, Rivera, Steadman, Tochtrop, Todd, Zenzinger, Carroll;  
also REPRESENTATIVE(S) Foote and Sonnenberg, DelGrosso, Humphrey, Singer, Young, Becker, Buckner, Exum, Fischer, Ginal, Hullinghorst, Kraft-Tharp, Lebsock, Lee, Mitsch Bush, Pettersen, Rosenthal, Ryden, Salazar, Schafer, Scott, Williams, Ferrandino.

**AN ACT**

**CONCERNING THE CREATION OF A FLOOD DEBRIS CLEANUP GRANT ACCOUNT TO FACILITATE WATERSHED CLEANUP EFFORTS IN AREAS AFFECTED BY THE SEPTEMBER 2013 FLOOD, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, **amend** 37-60-123.2 as follows:

**37-60-123.2. Flood and drought response fund - stream restoration grant account - created - repeal.** (1) There is hereby created in the state treasury the flood and drought response fund, referred to in this section as the "response fund". The state treasurer is hereby authorized and directed to transfer three hundred thousand dollars from the Colorado water conservation board construction fund to the response fund. The board is authorized to provide funding for flood and drought preparedness and for response and recovery activities following flood or drought events and disasters. The moneys in the response fund are hereby continuously appropriated to the board for flood and drought response purposes, including the immediate availability of funds for aerial photography of flooded areas, flood and drought documentation and identification of specific hazards, evaluations and revisions of floodplain designations and drought-prone areas, flood and drought forecasting and preparation, and development of disaster and recovery mitigation plans. The state treasurer shall credit all interest derived from the investment of moneys in the response fund to the Colorado water conservation board construction fund. Any balance remaining in the response fund at the end of any fiscal year remains in the fund.

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*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) (a) FOR THE PURPOSE OF MAKING GRANTS TO HELP PAY THE COSTS OF WATERSHED CLEANUP AND STREAM RESTORATION IN AREAS AFFECTED BY THE SEPTEMBER 2013 FLOOD, THERE IS HEREBY CREATED IN THE RESPONSE FUND THE STREAM RESTORATION GRANT ACCOUNT, REFERRED TO IN THIS SUBSECTION (2) AS THE "STREAM RESTORATION ACCOUNT". THE COLORADO WATER CONSERVATION BOARD SHALL APPROVE GRANTS BASED SOLELY ON CRITERIA AND PROCEDURES ADOPTED BY THE BOARD. AS PART OF THE CRITERIA AND PROCEDURES THAT THE BOARD ADOPTS UNDER THIS SUBSECTION (2), THE BOARD SHALL PERMIT PRIVATE ENTITIES AND INDIVIDUALS TO APPLY FOR GRANTS.

(b) THE MONEYS IN THE STREAM RESTORATION ACCOUNT ARE CONTINUOUSLY APPROPRIATED TO THE COLORADO WATER CONSERVATION BOARD FOR GRANT-MAKING PURPOSES IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (2). ALL INTEREST EARNED FROM THE INVESTMENT OF MONEYS IN THE STREAM RESTORATION ACCOUNT IS CREDITED TO THE STREAM RESTORATION ACCOUNT. ANY MONEYS NOT EXPENDED AT THE END OF THE FISCAL YEAR REVERT TO THE RESPONSE FUND AND DO NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

(c) ON THE EFFECTIVE DATE OF THIS SUBSECTION (2), THE STATE TREASURER SHALL TRANSFER FROM THE DISASTER EMERGENCY FUND CREATED IN SECTION 24-33.5-706 (2) (a), C.R.S., TO THE STREAM RESTORATION ACCOUNT THE SUM OF TWO MILLION FIVE HUNDRED THOUSAND DOLLARS.

(d) THE COLORADO WATER CONSERVATION BOARD IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SUBSECTION (2); EXCEPT THAT THE COLORADO WATER CONSERVATION BOARD MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS SUBSECTION (2) OR ANY OTHER LAW OF THE STATE. THE COLORADO WATER CONSERVATION BOARD SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO THE STREAM RESTORATION ACCOUNT.

(e) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2015.

**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: May 17, 2014