

## CHAPTER 355

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**WATER AND IRRIGATION**

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## SENATE BILL 14-195

BY SENATOR(S) Nicholson and Renfroe;  
also REPRESENTATIVE(S) Singer and Sonnenberg, DelGrosso, Foote, Humphrey, Young, Becker, Conti, Coram, Court, Fields,  
Gardner, Gerou, Ginal, Holbert, Kagan, Labuda, Landgraf, Lawrence, Lee, May, Melton, Murray, Pettersen, Primavera, Priola,  
Rosenthal, Saine, Salazar, Schafer, Scott, Stephens, Swalm, Vigil.

**AN ACT**

**CONCERNING A STUDY OF PHREATOPHYTE GROWTH ALONG THE SOUTH PLATTE RIVER IN THE  
AFTERMATH OF THE SEPTEMBER 2013 FLOOD.**

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

**SECTION 1.** In Colorado Revised Statutes, 37-60-115, **add** (9) as follows:

**37-60-115. Water studies - rules - repeal.** (9) (a) THE BOARD SHALL CONDUCT AT LEAST THE PRELIMINARY STAGES OF A COMPREHENSIVE STUDY TO EVALUATE THE GROWTH AND IDENTIFICATION OF PHREATOPHYTES ALONG THE SOUTH PLATTE RIVER IN THE AFTERMATH OF THE SEPTEMBER 2013 FLOOD. IF APPROPRIATE, THE BOARD SHALL CONDUCT ALL STAGES OF THE STUDY. THE OBJECTIVES OF THE STUDY ARE:

(I) TO EVALUATE A PORTION OF THE WATERSHED ALONG THE SOUTH PLATTE RIVER THAT WAS AFFECTED BY THE SEPTEMBER 2013 FLOOD TO DETERMINE THE RELATIONSHIP BETWEEN HIGH GROUNDWATER AND NONBENEFICIAL CONSUMPTIVE USE BY PHREATOPHYTES; AND

(II) UTILIZING THE DATA COMPILED FOR SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), TO DEVELOP A COST ANALYSIS FOR THE REMOVAL OF UNWANTED PHREATOPHYTES ALONG THE SOUTH PLATTE RIVER.

(b) THE BOARD MAY ENTER INTO CONTRACTS WITH COLORADO STATE UNIVERSITY'S BIOAGRICULTURAL SCIENCES AND PEST MANAGEMENT PROGRAM TO CONDUCT, OVERSEE, AND COORDINATE ALL ASPECTS OF THE STUDY AND SHALL COORDINATE WITH THE DEPARTMENT OF AGRICULTURE AND WEED MANAGEMENT SPECIALISTS FROM AFFECTED LOCAL GOVERNMENTS.

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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.*

(c) THE BOARD SHALL COMMISSION THE STUDY AS SOON AS PRACTICABLE. THE BOARD SHALL PREPARE A FINAL REPORT, INCLUDING ITS CONCLUSIONS, AND PRESENT IT TO THE GENERAL ASSEMBLY NO LATER THAN DECEMBER 31, 2016. THE BOARD SHALL PREPARE A PROGRESS REPORT AND PRESENT IT TO A JOINT MEETING OF THE HOUSE OF REPRESENTATIVES COMMITTEE ON AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES AND THE SENATE COMMITTEE ON AGRICULTURE, NATURAL RESOURCES, AND ENERGY, OR THEIR SUCCESSOR COMMITTEES, DURING THE SECOND REGULAR SESSION OF THE SEVENTIETH GENERAL ASSEMBLY IN 2016.

(d) THE BOARD IS AUTHORIZED TO ACCEPT AND EXPEND GIFTS, GRANTS, AND DONATIONS FOR THE PURPOSES OF THIS SUBSECTION (9). THE GENERAL ASSEMBLY FINDS THAT THE IMPLEMENTATION OF THIS SUBSECTION (9) IS NOT ENTIRELY DEPENDENT ON THE RECEIPT OF ANY GIFTS, GRANTS, AND DONATIONS. THE BOARD SHALL TRANSMIT ALL MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND CREATED IN SECTION 37-60-121.

(e) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE JULY 1, 2017.

**SECTION 2.** In Session Laws of Colorado 2012S, section 7 of chapter 1, **amend** (1) as follows:

Section 7. **Phreatophyte control cost-sharing 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, 2012, the sum of \$1,000,000, or so much thereof as may be necessary, for the board to continue financing phreatophyte control cost-sharing grants AND TO EVALUATE THE GROWTH AND IDENTIFICATION OF PHREATOPHYTES ALONG THE SOUTH PLATTE RIVER IN THE AFTERMATH OF THE SEPTEMBER 2013 FLOOD through any of the board's existing programs.

**SECTION 3. 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 6, 2014