

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0867.01 Jennifer Berman x3286

SENATE BILL 15-253

SENATE SPONSORSHIP

Sonnenberg,

HOUSE SPONSORSHIP

Vigil,

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING THE FUNDING OF COLORADO WATER CONSERVATION
102 BOARD PROJECTS, AND, IN CONNECTION THEREWITH, MAKING
103 AN APPROPRIATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

The bill appropriates the following amounts from the Colorado water conservation board (CWCB) construction fund for the following projects:

! \$330,000 for continuation of the satellite monitoring system maintenance (**section 1** of the bill);

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- ! \$500,000 for continuation of the Colorado floodplain map modernization program (**section 2**);
- ! \$1,500,000 for continuation of the watershed restoration program (**section 3**);
- ! \$1,000,000 for the operation and maintenance of the Arkansas river decision support system (**section 6**);
- ! \$500,000 for technical assistance for the USDA regional conservation partnership program (**section 7**);
- ! \$100,000 for water conservation planning and data tracking tools (**section 8**);
- ! \$150,000 for support of the Colorado Mesonet project (**section 9**);
- ! \$1,200,000 for participation in the development of modern tools and methods for determining large rain events for regulating and designing dam spillways (**section 10**);
- ! \$175,000 for continuation of the weather modification program (**section 11**); and
- ! \$125,000 for South Platte river basin groundwater level data collection, analysis, and remediation (**section 12**).

The bill also directs the state treasurer to transfer moneys on July 1, 2015, from the CWCB construction fund to restore the unencumbered balance in the following funds to the following amounts:

- ! \$500,000 for the flood and drought response fund (**section 4**); and
- ! \$200,000 for the litigation fund (**section 5**).

Additionally, **section 13** transfers the following amounts from the severance tax operational fund to the CWCB construction fund for the following purposes:

- ! \$1,000,000 for the CWCB to continue the watershed restoration program as specified in section 3; and
- ! \$1,200,000 for the CWCB to participate in the development of modern tools and methods for determining large rain events for regulating and designing dam spillways as specified in section 10.

Section 14 transfers \$500,000 from the severance tax perpetual base fund to the CWCB construction fund for the CWCB to continue the watershed restoration program as specified in section 3;

Section 15 extends the stream restoration grant account in the flood and drought response fund to remain effective until July 1, 2017; and

Finally, **section 16** accounts for variation in the amount of money loaned for the Chatfield reallocation project in 2014 by acknowledging ordinary fluctuations in cost based on distribution of project ownership.

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

2 **SECTION 1. Continuation of the satellite monitoring system**
3 **maintenance - appropriation.** (1) For the 2015-16 state fiscal year,
4 \$330,000 is appropriated to the department of natural resources for use
5 by the division of water resources. This appropriation is from the
6 Colorado water conservation board construction fund created in section
7 37-60-121, C.R.S. To implement this act, the department of natural
8 resources may use this appropriation for: Renovation of existing gauging
9 stations; replacement of outdated collection platforms; upgrading
10 transmission components of the satellite monitoring system, established
11 and operated pursuant to section 37-80-102 (10), C.R.S.; stream gauge
12 flood hardening projects; and data collection efforts related to flood
13 forecasting and warning.

14 (2) The money appropriated in subsection (1) of this section
15 remains available for the designated purposes until the money is fully
16 expended.

17 **SECTION 2. Continuation of the Colorado floodplain map**
18 **modernization program - appropriation.** (1) For the 2015-16 state
19 fiscal year, \$500,000 is appropriated to the department of natural
20 resources for use by the Colorado water conservation board. This
21 appropriation is from the Colorado water conservation board construction
22 fund created in section 37-60-121, C.R.S. To implement this act, the
23 department of natural resources may use this appropriation to continue
24 assisting with the preparation of revised and improved floodplain studies
25 and maps for communities throughout Colorado and to participate in
26 federally sponsored floodplain map modernization activities.

27 (2) The money appropriated in subsection (1) of this section

1 remains available for the designated purposes until the money is fully
2 expended.

3 **SECTION 3. Continuation of the watershed restoration**
4 **program - appropriation.** (1) For the 2015-16 state fiscal year,
5 \$1,500,000 is appropriated to the department of natural resources for use
6 by the Colorado water conservation board. This appropriation is from the
7 Colorado water conservation board construction fund created in section
8 37-60-121, C.R.S. To implement this act, the department of natural
9 resources may use this appropriation to provide planning and engineering
10 studies, including implementation measures, to address: Technical needs
11 for watershed restoration and flood mitigation projects throughout the
12 state; aquatic habitat protection; flexible operations for multiple uses;
13 restoration work; quantification of environmental flow needs; and
14 monitoring efforts to support watershed health goals outlined in the
15 Colorado water plan.

16 (2) The money appropriated in subsection (1) of this section
17 remains available for the designated purposes until June 30, 2019, at
18 which time any unused money will revert to the severance tax operational
19 fund created in section 39-29-109 (2) (b), C.R.S.

20 **SECTION 4. Restoration of the balance of the flood and**
21 **drought response fund - transfer.** On July 1, 2015, the state treasurer
22 shall transfer \$500,000, or so much thereof as may be necessary, from the
23 unreserved cash in the Colorado water conservation board construction
24 fund created in section 37-60-121, C.R.S, to restore the unencumbered
25 balance in the flood and drought response fund, created in section
26 37-60-123.2, C.R.S., for use by the Colorado water conservation board to
27 provide documentation, forecasting, mapping, aerial photography,

1 mitigation, and other efforts that the Colorado water conservation board
2 deems necessary to quickly respond to flood and drought events.

3 **SECTION 5. Restoration of litigation fund cash balance -**
4 **transfer.** On July 1, 2015, the state treasurer shall transfer \$200,000 from
5 the unreserved cash in the Colorado water conservation board
6 construction fund created in section 37-60-121, C.R.S., to the litigation
7 fund created in section 37-60-121 (2.5), C.R.S., to continue litigation
8 support for the Colorado water conservation board.

9 **SECTION 6. Arkansas river decision support system -**
10 **appropriation.** (1) For the 2015-16 state fiscal year, \$1,000,000 is
11 appropriated to the department of natural resources for use by the
12 Colorado water conservation board. This appropriation is from the
13 Colorado water conservation board construction fund created in section
14 37-60-121, C.R.S. To implement this act, the department of natural
15 resources may use this appropriation to continue implementation of the
16 Arkansas river decision support system (ArkDSS), as identified in the
17 ArkDSS feasibility study completed in December 2011.

18 (2) The money appropriated in subsection (1) of this section
19 remains available for the designated purposes until the ArkDSS is
20 completed.

21 **SECTION 7. Technical assistance for USDA regional**
22 **conservation partnership program - appropriation.** (1) For the
23 2015-16 state fiscal year, \$500,000 is appropriated to the department of
24 natural resources for use by the Colorado water conservation board. This
25 appropriation is from the Colorado water conservation board construction
26 fund created in section 37-60-121, C.R.S. To implement this act, the
27 department of natural resources may use this appropriation for the

1 provision of technical assistance to applicants and participants in the
2 regional conservation partnership program.

3 (2) The money appropriated in subsection (1) of this section
4 remains available for the designated purposes until the money is fully
5 expended.

6 **SECTION 8. Water conservation planning and data tracking**
7 **tools - appropriation.** (1) For the 2015-16 state fiscal year, \$100,000 is
8 appropriated to the department of natural resources for use by the
9 Colorado water conservation board. This appropriation is from the
10 Colorado water conservation board construction fund created in section
11 37-60-121, C.R.S. To implement this act, the department of natural
12 resources may use this appropriation to implement technical activities
13 related to water conservation planning and data tracking.

14 (2) The money appropriated in subsection (1) of this section
15 remains available for the designated purposes until the water conservation
16 planning and data tracking project is completed.

17 **SECTION 9. Colorado Mesonet - appropriation.** (1) For the
18 2015-16 state fiscal year, \$150,000 is appropriated to the department of
19 natural resources for use by the Colorado water conservation board. This
20 appropriation is from the Colorado water conservation board construction
21 fund created in section 37-60-121, C.R.S. To implement this act, the
22 department of natural resources may use this appropriation to support the
23 Colorado Mesonet project, which will be completed by the Colorado
24 climate center at Colorado state university.

25 (2) The money appropriated in subsection (1) of this section
26 remains available for the designated purposes until the Colorado Mesonet
27 project is completed.

1 **SECTION 10. Modern methods to determine probable**
2 **maximum precipitation (PMP) for rainfall spillway sizing project -**

3 **appropriation.** (1) For the 2015-16 state fiscal year, \$1,200,000 is
4 appropriated to the department of natural resources for use by the
5 Colorado water conservation board. This appropriation is from the
6 Colorado water conservation board construction fund created in section
7 37-60-121, C.R.S. To implement this act, the department of natural
8 resources may use this appropriation to participate in the development of
9 modern tools and methods for determining large rain events for regulating
10 and designing dam spillways in the state.

11 (2) The money appropriated in subsection (1) of this section
12 remains available for the designated purposes until June 30, 2019, at
13 which time any unused money will revert to the severance tax operational
14 fund created in section 39-29-109 (2) (b), C.R.S.

15 **SECTION 11. Continuation of the weather modification**
16 **program - appropriation.** (1) For the 2015-16 state fiscal year,

17 \$175,000 is appropriated to the department of natural resources for use
18 by the Colorado water conservation board. This appropriation is from the
19 Colorado water conservation board construction fund created in section
20 37-60-121, C.R.S. To implement this act, the department of natural
21 resources may use this appropriation to continue assisting water
22 conservation districts, water conservancy districts, and other water
23 providers and their fiscal agents with the development of cloud seeding
24 programs that provide benefits to recreation, streams, and reservoirs
25 through snowpack enhancement.

26 (2) The money appropriated in subsection (1) of this section
27 remains available for the designated purposes until the money is fully

1 expended.

2 **SECTION 12. South Platte river basin groundwater level data**
3 **collection, analysis, and remediation - appropriation.** For the 2015-16
4 state fiscal year, \$125,000 is appropriated to the department of natural
5 resources for use by the Colorado water conservation board. This
6 appropriation is from the Colorado water conservation board construction
7 fund created in section 37-60-121, C.R.S. In response to damaging high
8 groundwater levels in areas of the South Platte river basin and in
9 consultation with the South Platte basin roundtable's groundwater
10 committee, the department of natural resources may use this appropriation
11 to: Construct, maintain, and monitor dewatering infrastructure; cover
12 dewatering well pumping costs; continue to evaluate both the cause of the
13 high groundwater levels and exigent remediation efforts implemented in
14 response to the high groundwater levels; collect and analyze groundwater
15 data; install instrumentation and monitoring devices; and perform
16 groundwater modeling.

17 **SECTION 13.** In Colorado Revised Statutes, 29-39-109.3, **add**
18 (2) (o) and (2) (p) as follows:

19 **39-29-109.3. Severance tax operational fund - repeal.**
20 (2) Subject to the requirements of subsections (3) and (4) of this section,
21 if the general assembly chooses not to spend up to one hundred percent
22 of the moneys in the operational fund as specified in subsection (1) of this
23 section, the state treasurer shall transfer the following:

24 (o) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2015, ONE
25 MILLION DOLLARS TO THE COLORADO WATER CONSERVATION BOARD
26 CONSTRUCTION FUND, CREATED IN SECTION 37-60-121 (1) (a), C.R.S., FOR
27 THE COLORADO WATER CONSERVATION BOARD TO CONTINUE TO PROVIDE

1 PLANNING AND ENGINEERING STUDIES, INCLUDING IMPLEMENTATION
2 MEASURES, TO ADDRESS: TECHNICAL NEEDS FOR WATERSHED
3 RESTORATION AND FLOOD MITIGATION PROJECTS THROUGHOUT THE
4 STATE; AQUATIC HABITAT PROTECTION; FLEXIBLE OPERATIONS FOR
5 MULTIPLE USES; RESTORATION WORK; QUANTIFICATION OF
6 ENVIRONMENTAL FLOW NEEDS; AND MONITORING EFFORTS TO SUPPORT
7 WATERSHED HEALTH GOALS OUTLINED IN THE COLORADO WATER PLAN.
8 THE MONEY REMAINS AVAILABLE FOR THE DESIGNATED PURPOSES UNTIL
9 JUNE 30, 2019, AT WHICH TIME ANY UNUSED MONEY WILL REVERT TO THE
10 OPERATIONAL FUND.

11 (p) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2015, ONE
12 MILLION TWO HUNDRED THOUSAND DOLLARS TO THE COLORADO WATER
13 CONSERVATION BOARD CONSTRUCTION FUND, CREATED IN SECTION
14 37-60-121 (1) (a), C.R.S., FOR THE COLORADO WATER CONSERVATION
15 BOARD TO PARTICIPATE IN THE DEVELOPMENT OF MODERN TOOLS AND
16 METHODS FOR DETERMINING LARGE RAIN EVENTS FOR REGULATING AND
17 DESIGNING DAM SPILLWAYS IN THE STATE. THE MONEY REMAINS
18 AVAILABLE FOR THE DESIGNATED PURPOSES UNTIL JUNE 30, 2019, AT
19 WHICH TIME ANY UNUSED MONEY WILL REVERT TO THE OPERATIONAL
20 FUND.

21 **SECTION 14.** In Colorado Revised Statutes, 39-29-109, **add** (2)
22 (a) (XIV) as follows:

23 **39-29-109. Severance tax trust fund - created - administration**
24 **- distribution of moneys - repeal.** (2) State severance tax receipts shall
25 be credited to the severance tax trust fund as provided in section
26 39-29-108. Except as otherwise set forth in section 39-29-109.5, all
27 income derived from the deposit and investment of the moneys in the

1 fund shall be credited to the fund. At the end of any fiscal year, all
2 unexpended and unencumbered moneys in the fund remain therein and
3 shall not be credited or transferred to the general fund or any other fund.
4 All moneys in the fund are subject to appropriation by the general
5 assembly for the following purposes:

6 (a) **The severance tax perpetual base fund.**
7 (XIV) NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (a) TO
8 THE CONTRARY, ON JULY 1, 2015, THE STATE TREASURER SHALL TRANSFER
9 FIVE HUNDRED THOUSAND DOLLARS FROM THE FUND TO THE COLORADO
10 WATER CONSERVATION BOARD CONSTRUCTION FUND, CREATED IN SECTION
11 37-60-121 (1) (a), C.R.S., FOR USE BY THE COLORADO WATER
12 CONSERVATION BOARD, CREATED IN SECTION 37-60-102, C.R.S., TO
13 CONTINUE THE WATERSHED RESTORATION PROGRAM.

14 **SECTION 15.** In Colorado Revised Statutes, 37-60-123.2,
15 **amend** (2) (e) as follows:

16 **37-60-123.2. Flood and drought response fund - stream**
17 **restoration grant account - created - repeal.** (2) (e) This subsection (2)
18 is repealed, effective July 1, ~~2015~~ 2017.

19 **SECTION 16.** In Session Laws of Colorado 2014, **amend**
20 subsection (2) of section 14 of chapter 356 as follows:

21 **SECTION 14. Chatfield reallocation project loan**
22 **authorization.** (2) The Colorado water conservation board may make
23 loans for the construction of the projects specified in subsection (1) of
24 this section from such moneys as are or may become available to the
25 severance tax perpetual base fund or the Colorado water conservation
26 board construction fund. The loans ~~must~~ MAY be in the amounts listed in
27 subsection (1) of this section plus or minus such amounts, if any, as may

1 be justified by reason of ordinary fluctuations in construction costs OR
2 DISTRIBUTION OF OWNERSHIP as indicated by the engineering cost indices
3 applicable to the types of construction required for each project or as may
4 be justified by reason of change in the plans for a project due to differing
5 or unforeseen site conditions, errors or omissions in the plans and
6 specifications, changes instituted by regulatory agencies, or changes in
7 material quantities beyond contract limits.

8 **SECTION 17. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.