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Seventieth General Assembly
STATE OF COLORADO

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LLS NO. 15-0867.01 Jennifer Berman x3286

SENATE BILL

SENATE SPONSORSHIP

Sonnenberg,

HOUSE SPONSORSHIP

Vigil,

BILL TOPIC: "Co Water Conservation Bd Construction Fund Project"

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/billsummaries>.)

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);

*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**);

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 11** 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 4; 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 12 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 4;

Section 13 extends the stream restoration grant account in the flood and drought response fund to remain effective until July 1, 2017; and

Finally, **section 14** 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,

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6 Renovation of existing gauging stations; replacement of outdated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

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

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

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 3. Continuation of the watershed restoration**

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

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

19 **SECTION 4. Restoration of the balance of the flood and**

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

1 that the Colorado water conservation board deems necessary to quickly
2 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, Colorado Revised
7 Statutes, to the litigation fund created in section 37-60-121 (2.5),
8 Colorado Revised Statutes, to continue litigation support for the Colorado
9 water conservation board.

10 **SECTION 6. Arkansas river decision support system -**
11 **appropriation.** (1) For the 2015-16 state fiscal year, \$1,000,000 is
12 appropriated to the department of natural resources for use by the
13 Colorado water conservation board. This appropriation is from the
14 Colorado water conservation board construction fund created in section
15 37-60-121, Colorado Revised Statutes. To implement this act, the
16 department of natural resources may use this appropriation to continue
17 implementation of the Arkansas river decision support system (ArkDSS),
18 as identified in the ArkDSS feasibility study completed in December
19 2011.

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

23 **SECTION 7. Technical assistance for USDA regional**
24 **conservation partnership program - appropriation.** (1) For the
25 2015-16 state fiscal year, \$500,000 is appropriated to the department of
26 natural resources for use by the Colorado water conservation board. This
27 appropriation is from the Colorado water conservation board construction

1 fund created in section 37-60-121, Colorado Revised Statutes. To
2 implement this act, the department of natural resources may use this
3 appropriation for the provision of technical assistance to applicants and
4 participants in the regional conservation partnership program.

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

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

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

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

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

4 **SECTION 10. Modern methods to determine probable**
5 **maximum precipitation (PMP) for rainfall spillway sizing project -**
6 **appropriation.** (1) For the 2015-16 state fiscal year, \$1,200,000 is
7 appropriated to the department of natural resources for use by the
8 Colorado water conservation board. This appropriation is from the
9 Colorado water conservation board construction fund created in section
10 37-60-121, Colorado Revised Statutes. To implement this act, the
11 department of natural resources may use this appropriation to participate
12 in the development of modern tools and methods for determining large
13 rain events for regulating and designing dam spillways in the state.

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

18 **SECTION 11.** In Colorado Revised Statutes, 29-39-109.3, **add**
19 (2) (o) and (2) (p) as follows:

20 **39-29-109.3. Severance tax operational fund - repeal.**

21 (2) Subject to the requirements of subsections (3) and (4) of this section,
22 if the general assembly chooses not to spend up to one hundred percent
23 of the moneys in the operational fund as specified in subsection (1) of this
24 section, the state treasurer shall transfer the following:

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

1 C.R.S., FOR THE COLORADO WATER CONSERVATION BOARD TO CONTINUE
2 TO PROVIDE PLANNING AND ENGINEERING STUDIES, INCLUDING
3 IMPLEMENTATION MEASURES, TO ADDRESS: TECHNICAL NEEDS FOR
4 WATERSHED RESTORATION AND FLOOD MITIGATION PROJECTS
5 THROUGHOUT THE STATE; AQUATIC HABITAT PROTECTION; FLEXIBLE
6 OPERATIONS FOR MULTIPLE USES; RESTORATION WORK; QUANTIFICATION
7 OF ENVIRONMENTAL FLOW NEEDS; AND MONITORING EFFORTS TO SUPPORT
8 WATERSHED HEALTH GOALS OUTLINED IN THE COLORADO WATER PLAN.

9 THE MONEY REMAINS AVAILABLE FOR THE DESIGNATED
10 PURPOSES UNTIL JUNE 30, 2019, AT WHICH TIME ANY UNUSED MONEY WILL
11 REVERT TO THE OPERATIONAL FUND.

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

23
24 **SECTION 12.** In Colorado Revised Statutes, 39-29-109, **add** (2)
25 (a) (XIV) as follows:
26 **39-29-109. Severance tax trust fund - created - administration**
27 **- distribution of moneys - repeal.** (2) State severance tax receipts shall

1 be credited to the severance tax trust fund as provided in section
2 39-29-108. Except as otherwise set forth in section 39-29-109.5, all
3 income derived from the deposit and investment of the moneys in the
4 fund shall be credited to the fund. At the end of any fiscal year, all
5 unexpended and unencumbered moneys in the fund remain therein and
6 shall not be credited or transferred to the general fund or any other fund.
7 All moneys in the fund are subject to appropriation by the general
8 assembly for the following purposes:

9 (a) **The severance tax perpetual base fund.**

10 (XIV) NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (a) TO
11 THE CONTRARY, ON JULY 1, 2015, THE STATE TREASURER SHALL TRANSFER
12 FIVE HUNDRED THOUSAND DOLLARS FROM THE FUND TO THE COLORADO
13 WATER CONSERVATION BOARD CONSTRUCTION FUND, CREATED IN SECTION
14 37-60-121 (1) (a), C.R.S., FOR USE BY THE COLORADO WATER
15 CONSERVATION BOARD, CREATED IN SECTION 37-60-102, C.R.S., TO
16 CONTINUE THE WATERSHED RESTORATION PROGRAM.

17 **SECTION 13.** In Colorado Revised Statutes, 37-60-123.2,
18 **amend** (2) (e) as follows:

19 **37-60-123.2. Flood and drought response fund - stream**
20 **restoration grant account - created - repeal.** (2) (e) This subsection (2)
21 is repealed, effective July 1, 2015 2017.

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

24 **SECTION 14. Chatfield reallocation project loan authorization.**

25 (2) The Colorado water conservation board may make loans for the
26 construction of the projects specified in subsection (1) of this section
27 from such moneys as are or may become available to the severance tax

1 perpetual base fund or the Colorado water conservation board
2 construction fund. The loans ~~must~~ MAY be in the amounts listed in
3 subsection (1) of this section plus or minus such amounts, if any, as may
4 be justified by reason of ordinary fluctuations in construction costs OR
5 DISTRIBUTION OF OWNERSHIP as indicated by the engineering cost indices
6 applicable to the types of construction required for each project or as may
7 be justified by reason of change in the plans for a project due to differing
8 or unforeseen site conditions, errors or omissions in the plans and
9 specifications, changes instituted by regulatory agencies, or changes in
10 material quantities beyond contract limits.

11 **SECTION 15. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.