

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0780.01 Jennifer Berman x3286

SENATE BILL 22-126

SENATE SPONSORSHIP

Sonnenberg and Donovan, Kirkmeyer, Lundeen, Scott, Simpson, Woodward

HOUSE SPONSORSHIP

Holtorf,

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT THE COLORADO WATER
102 CONSERVATION BOARD PRIORITIZE WATER STORAGE IN THE
103 SOUTH PLATTE RIVER BASIN IN CHOOSING PROJECTS TO
104 FINANCE WITH MONEY FROM THE COLORADO WATER
105 CONSERVATION BOARD CONSTRUCTION FUND.

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://leg.colorado.gov>.)

The Colorado water conservation board (board) finances water projects throughout the state. Current law requires the board to prioritize

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

projects that will increase the beneficial consumptive use of Colorado's undeveloped compact-entitled waters. The bill includes within this priority a specific priority for projects that increase or improve water storage in the South Platte river basin as a means of increasing the beneficial consumptive use of undeveloped water entitled under the South Platte river compact and in a manner that reduces reliance on transmountain diversions.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) It is of the utmost importance for Colorado to increase the
5 beneficial consumptive use of the undeveloped waters of the state that are
6 subject to compact compliance obligations;

7 (b) By storing undeveloped waters of the state, Colorado can
8 allocate more water for the state's increasing water demands in a manner
9 that reduces reliance on transmountain diversions;

10 (c) The storage of undeveloped waters of the state would be
11 especially beneficial in the South Platte river basin, where stored water
12 would help the state respond efficiently to increasing water demands for
13 agricultural, municipal, and industrial beneficial uses in the basin; and

14 (d) Therefore, when financing water projects through the
15 Colorado water conservation board, Colorado should prioritize projects
16 that increase or improve water storage in the South Platte river basin.

17 **SECTION 2.** In Colorado Revised Statutes, 37-60-121, **amend**
18 (1)(a), (1)(b) introductory portion, and (1)(b)(I) as follows:

19 **37-60-121. Colorado water conservation board construction**
20 **fund - creation - nature of fund - funds for investigations -**
21 **contributions - use for augmenting the general fund - funds created**
22 **- repeal.** (1) (a) There is hereby created a fund to be known as the

1 Colorado water conservation board construction fund, which ~~shall consist~~
2 CONSISTS of all ~~moneys which~~ MONEY THAT THE GENERAL ASSEMBLY may
3 ~~be appropriated thereto by the general assembly~~ APPROPRIATE TO THE
4 FUND or ~~which~~ THAT may be otherwise made available to it by the general
5 assembly and such charges that may ~~become a part thereof~~ BE CREDITED
6 TO THE FUND under the terms of section 37-60-119. All interest earned
7 from the investment of ~~moneys~~ MONEY in the fund shall be credited to the
8 fund and become a part ~~thereof~~. ~~Such~~ OF THE fund. THE FUND shall be a
9 continuing fund, ~~to~~ AND MONEY IN THE FUND MAY be expended in the
10 manner specified in section 37-60-122 and ~~shall~~ DOES not revert to the
11 general fund of the state at the end of any fiscal year.

12 (b) In the consideration of making expenditures from the fund, the
13 board shall ~~be guided by~~ MAKE ITS DETERMINATIONS BASED ON the
14 following criteria:

15 (I) The first priority of the ~~moneys~~ MONEY available to the fund
16 shall be devoted to projects ~~which~~ THAT will increase the beneficial
17 consumptive use of Colorado's undeveloped compact-entitled waters,
18 INCLUDING A PRIORITY FOR PROJECTS THAT INCREASE OR IMPROVE WATER
19 STORAGE IN THE SOUTH PLATTE RIVER BASIN:

20 (A) AS A MEANS OF INCREASING THE BENEFICIAL CONSUMPTIVE
21 USE OF COLORADO'S UNDEVELOPED WATERS TO WHICH COLORADO IS
22 ENTITLED UNDER THE SOUTH PLATTE RIVER COMPACT, ENTERED INTO
23 PURSUANT TO ARTICLE 65 OF THIS TITLE 37; AND

24 (B) IN A MANNER THAT REDUCES RELIANCE ON TRANSMOUNTAIN
25 DIVERSIONS;

26 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.