

The Southwestern Water Conservation District
West Building, 841 E. 2nd Ave.
Durango, CO 81301

NOTICE IS HEREBY GIVEN
A Special Board Meeting of the
Southwestern Water Conservation District
will be held on

Thursday, April 8, 2021
9:00 a.m. – 10:50 a.m.

Video: [Click here to join Zoom](#)
Phone Number: (346) 248 7799
Meeting ID: 852 4669 2513
Participant ID: 931249

Posted and Noticed Tuesday, April 6, 2021

Tentative Agenda

*Please text 970-901-1388 if you have difficulty joining the meeting. Please raise your hand to be recognized by the chair. To raise your hand by phone, dial*9. To raise your hand by computer, please use Alt+Y (Windows) or Option+Y (Mac). To mute and unmute by phone, dial *6.*

Except the time indicated for when the meeting is scheduled to begin, the times noted for each agenda item are estimates and subject to change. The Board may address and act on agenda items in any order to accommodate the needs of the Board and the audience. Agenda items can also be added during the meeting at the consensus of the Board.

- 1.0 Call to Order - Roll Call and Verification of Quorum (9:00 a.m.)**
- 2.0 Review & Approve the Agenda (9:02 a.m.)**
- 3.0 Questions/Comments from Audience (9:03 a.m.)**
- 4.0 Old Business (9:05 a.m.)**
 - 4.1 State Legislative Update & Position on Bills
- 5.0 Executive Session (9:50 a.m.)**
 - 5.1 General Manager Hiring Process— Update on General Manager hiring process and continued deliberations regarding applicants for the position
- 6.0 Summary and Action Items from Executive Session (10:45 a.m.)**
- 7.0 Adjournment (10:50 a.m.)**

Upcoming Meetings

Wednesday, April 21, 2021	9:00 a.m.	Special Board Meeting
Thursday, May 6, 2021	12:00 p.m.	Special Board Meeting
Thursday, May 20, 2021	9:00 a.m.	Special Board Meeting



THE SOUTHWESTERN WATER CONSERVATION DISTRICT

Developing and Conserving the Waters in the
SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES
West Building – 841 East Second Avenue
DURANGO, COLORADO 81301
(970) 247-1302

MEMORANDUM

April 5, 2021

To: Southwestern Board of Directors
From: Chris Treese
RE: **Colorado Legislative Report #6: The Money Memo**

The Joint Budget Committee today introduced the “Long Bill” and the nearly two dozen “companion bills” that combined comprise the state’s Fiscal 2021-22 budget package. **I am requesting the Board adopt a position on just one of the related budget bills. I am not requesting an official Board position on the Long Bill or any of the other allied legislation.** More importantly, although I have provided links, I do not recommend directors try to read the Long Bill or any of its dozen-plus companion bills. Together they represent more than 700 pages of mostly budget tables and related “headnotes” and “footnotes.” I have included in this memo a brief highlights-description of the Long Bill and one other budget-related bill. As always, I welcome direction and priorities regarding particular aspects of the budget or any related legislation.

Requested Action:

[SB 21-220](#) Severance Tax Operational Fund rehabilitation
Hansen and Rankin, Moreno
Herod, McCluskie, Ransom

Summary: Money in the severance tax operational fund is primarily used for two purposes. The General Assembly annually appropriates money from the operational fund for several core programs within the Department of Natural Resources (DNR). If money remains after these core appropriations and the reserve requirement for the core programs is met, then the state treasurer transfers money to several funds that support natural resources and energy grant programs. (These used to be called “Tier II” programs.) Based on recent forecasts, there will be insufficient revenue in the operational fund for even the core departmental programs. To avoid a fund deficit in the operational fund, this JBC bill reverses five previous transfers that were made in the following amounts:

\$1,998,205 for the Species Conservation Trust Fund (SCTF);
\$1,600,964 for CPW’s aquatic nuisance species (ANS) fund;
\$219,803 for the CWCB’s water efficiency grant program cash fund;
\$297,759 for the Inter-Basin Compact Committee’s (IBCC) operating fund; and
\$3,996,410 for the water supply reserve fund (WSRF).

Analysis: This bill is the result from the letter that I reported to the Board a couple of weeks ago that DNR Director, Dan Gibbs, sent to the JBC alerting them to the department’s fiscal crisis in its grant programs. This restoration bill directly benefits water-related programs of interest to the District and the statewide water community.

RECOMMENDED POSITION: SUPPORT

The Long Bill

The state's next fiscal year (July 2021- June 2022) budget bill, the so-called Long Bill, was introduced today. [SB21-205](#) is the actual Long Bill this year. Allied with SB 205 are more than a dozen related, implementing bills (SB 206 through SB 228). A couple of these bills are worth the Board's attention but primarily for informational purposes.

Colorado's \$34.6 billion budget includes funding for day-to-day operations of state government, the majority of which is allocated to six departments, known as the 'Big Six' – Health Care Policy & Financing, Education, Higher Education, Human Services, Corrections, and the Judicial Department. Combined they receive approximately 80% of total state funding.

Introduction of the Long Bill this week – three days early - was aided by the state's continually improving revenue forecasts. The latest revenue forecast, and the one the introduced budget is built on, is a four-fold improvement over just nine months ago. Flush with cash, the Joint Budget Committee (JBC) is restoring cuts to K-12 and higher education funding, growing the state's reserves above 13% of overall spending, and setting aside some \$50 million for new spending (due to new legislation). Restoration of budget cuts to nearly every other victim of last year's COVID massacre is also in the budget.

Also included in the proposed Long Bill are state employee pay raises that have been long delayed. Like a game of high stakes poker, the raises just kept coming as the budget was being developed. Last November Governor Polis optimistically recommended a 2% raise in the administration's original budget proposal. Early this year the JBC increased the planned raises for state employees to 2.6%. Then just last week the JBC raised its own raise 15% to a 3.0% pay raise for state employees across-the-board.

Water & Wastewater Grants

Another water and budget-related bill is [SB21-225](#). Last year as just a small part of the COVID-related budget cuts, the General Assembly enacted legislation requiring the state treasurer to transfer money from the small communities' water and wastewater grant fund and off-highway vehicle recreation fund to the General Fund to offset the forecasted revenue reductions related to COVID-19. SB 225 repays those cash funds by transferring \$5 million from the General Fund to the small communities' water and wastewater grant fund. I am not recommending a formal position on SB 225.

Federal Dollars: Building America Back Better

And then there is the prospect of an additional, substantial inflow of federal dollars from the administration's new infrastructure package. Although still unclear and far from passage into law, the proposed \$2 trillion infrastructure plan advanced by President Biden represents a substantial windfall of federal money to Colorado. Included in the ambitious and generous package are authorizations for highways and bridges, broadband service to rural areas, transit expansions, and clean energy projects.

CDOT executive director Shoshana Lew, who served as an official in the U.S. Department of Transportation during the Obama administration, hazarded a guess on Colorado's potential take. She said, based on Colorado's typical cut of federal transportation funding, CDOT might expect "somewhere on the order of a billion and a half dollars."

Importantly, there are funds designated for western water infrastructure, though it is unclear at this time how much may flow to Colorado.

Meanwhile, a state commission that is making plans for a Front Range regional rail line could get help from Amtrak if Mr. Biden's plan delivers on the proposed \$80 billion to boost the nation's passenger railway network. (Personally, I won't believe it until they drive the golden spike.)



SOUTHWESTERN WATER CONSERVATION DISTRICT

2021 State Legislative Update: [April 5, 2021](#)

Below is a summary of 2021 water-related legislation under consideration by the Colorado General Assembly. These summaries generally apply to the bills as introduced.

Click on the bill number to view the most recent bill language and other information.

The Colorado Water Congress (CWC) State Affairs Committee met on April 5th. **Positions taken on bills are in red text for CWC and green text for SWCD.**

THE FOLLOWING BILLS HAVE NOT YET BEEN CONSIDERED BY SWCD.

[SB21-220](#) Reverse Transfers from Severance Tax Operational Fund

SWCD Position: Discussion
CWC Position: Discussion
Sponsors: Senate (Hansen, Rankin), House (Herod)
Committee of Reference: Senate Appropriations

Bill Status: Passed out of Senate Appropriations and referred unamended to Senate Floor.

Title: Concerning the stabilization of revenue in the severance tax operational fund by returning money that was transferred to natural resources and energy grant programs.

Summary: Money in the severance tax operational fund is primarily used for two purposes. The General Assembly annually appropriates money from the operational fund for several core departmental programs. If money remains after these core appropriations and the reserve requirement for the core programs is met, then the state treasurer transfers money to several funds that support natural resources and energy grant programs. (These used to be called "Tier II" programs.)

Based on recent forecasts, there will be insufficient revenue in the operational fund for even the core departmental programs. To avoid a fund deficit in the operational fund, this JBC bill reverses five transfers made in the following amounts:

\$1,998,205 for the Species Conservation Trust Fund (SCTF);
\$1,600,964 for CPW's aquatic nuisance species (ANS) fund;
\$219,803 for the CWCB's water efficiency grant program cash fund;
\$297,759 for the Inter-Basin Compact Committee's (IBCC) operating fund; and
\$3,996,410 for the water supply reserve fund (WSRF).

Comments:

THE FOLLOWING BILLS HAVE ALREADY BEEN CONSIDERED BY SWCD.

[SB21-034](#) Water Resources Financing Enterprise **(POSTPONED INDEFINITELY)**

SWCD Position: Monitor
CWC Position: No Position
Sponsors: Senate (Coram)

Committee of Reference: Senate Agriculture & Natural Resources

Bill Status: Postponed indefinitely by the Senate Agriculture and Natural Resources Committee.

Title: Concerning the creation of an enterprise that is exempt from the requirements of section 20 of article X of the state constitution to administer a fee-based water resources financing program.

Summary: This bill creates the water resources financing enterprise. The board of the enterprise would consist of the combined boards of the Colorado Water Resources and Power Development Authority and the Colorado Water Conservation Board. The enterprise will provide financing (including grants and low interest loans) to drinking water suppliers, wastewater treaters, and raw water suppliers. "Raw water suppliers" are limited to those providing raw water for treatment and use as drinking water.

The enterprise would be funded with a \$0.25/1000 gal. fee above 4,000 gal./mo. minimum on drinking water bills. The fee would be collected by drinking water utilities and remitted to the state. As a fee-based enterprise, new revenues collected would not be included in any TABOR calculations for state budget caps. Fees may be adjusted annually for inflation and to address "certain equity concerns."

Although clearly established as an enterprise fund, voters will be asked in November 2022 to authorize the creation of the enterprise.

Comments:

SB21-054 Transfers for Wildfire Mitigation and Response (PASSED & SIGNED BY GOVERNOR)

SWCD Position: Support

CWC Position: Support

Sponsors: Senate (Hansen/Rankin) House (McCluskie)

Committee of Reference: Senate Appropriations

Bill Status: Passed and signed by the governor.

Title: Concerning transfers from the general fund to cash funds to be used to address wildland fires, and, in connection therewith, making an appropriation.

Summary: SB 54 transfers from the General Fund \$13 million to three cash funds for wildfire preparedness and post-fire mitigation.

- Section 1 transfers \$6 million to the forest restoration and wildfire risk mitigation grant program cash fund.
- Section 2 transfers \$3 million from the general fund to the wildfire preparedness fund. The division of homeland security and emergency management will use these funds as
 - State match for federal hazard mitigation assistance grants to local governments that are used to mitigate wildland fire hazards; and
 - To provide local governments that are eligible to receive the federal grants with strategic planning assistance for wildland fire hazard mitigation.
- Section 3 transfers \$4 million to CWCB construction for the watershed restoration program.

Comments:

SB21-087 **Agricultural Workers' Rights**

SWCD Position: **Oppose****CWC Position:** **Discussion****Sponsors:** Senate (Danielson), House (McCormick, Caraveo)**Committee of Reference:** Senate Business, Labor & Technology; Senate Appropriations**Bill Status:** Passed out of Senate Business, Labor & Technology as amended on March 17th and referred to Senate Appropriations.**Title:** Concerning agricultural workers' rights.**Summary:** This lengthy and detailed bill removes the historical exemption of agricultural labor from state and local labor and minimum wage laws. It also provides detailed directions and limitations on farm-labor operations including, among others:

- Specifies meal breaks and rest periods,
- Even specifically prohibits use of the short-handled or long-handled hoes,
- Creates an agricultural work advisory committee to study and analyze agricultural wages and working conditions and
- Creates an appeal process and enforcement actions, including minimum penalties, for aggrieved agricultural employees, whistleblowers, and key service providers.

Comments:

SB21-164 **Uniform Easement Relocation Act (POSTPONED INDEFINITELY)**

SWCD Position: **Oppose****CWC Position:** **Oppose****Sponsors:** Senate (Gardner)**Committee of Reference:** Senate Agriculture & Natural Resources**Bill Status:** Postponed indefinitely by Senate Agriculture and Natural Resources.**Title:** Concerning the "Uniform Easement Relocation Act".**Summary:** The bill would enact the "Uniform Easement Relocation Act," drafted by the Uniform Law Commission. The bill sets procedures to relocate most easements. Nearly half of this lengthy bill outlines what must not be done in order to relocate an easement.**Comments:**

SB21-189 **Colorado Water Conservation Board Construction Fund Project**

SWCD Position: **Support****CWC Position:** **Support****Sponsors:** Senate (Donovan), House (Arndt)**Committee of Reference:** Senate Agriculture and Natural Resources**Bill Status:** Passed as amended out of Senate Agriculture and Natural Resources Committee and referred to Senate Appropriations.**Title:** Concerning the funding of Colorado Water Conservation Board projects, and, in connection therewith, making an appropriation.

Summary: SB 189 is the annual construction fund bill for CWCB projects' authorizations. In addition to a pared-down list of authorized operations expenditures (e.g., weather modification, flood plain mapping), this year's bill allows a transfer of up to \$2,000,000 to the interstate litigation fund. It also authorizes the CWCB to make a loan up to \$3,000,000 to assist the confined aquifer recovery project in the San Luis Valley. Finally, in a much shorter than normal projects' bill, Section 7 conditionally reinstates funding for the water efficiency grant program with \$550,000 annually if the general assembly chooses not to spend 100% of the money in the operational fund on core departmental programs.

Comments:

HJR21-1002 Water Projects Eligibility Lists (PASSED & SIGNED BY THE GOVERNOR)

SWCD Position: Support

CWC Position: Support

Sponsors: House (Arndt), Senate (Donovan)

Committee of Reference: House Agriculture, Livestock & Water

Bill Status: Passed and signed by the governor.

Title: Concerning approval of water project revolving fund eligibility lists administered by the Colorado water resources and power development authority.

Summary: See bill text for full fund eligibility lists.

Comments:

HB21-1008 Forest Health Project Financing

SWCD Position: Support as amended

CWC Position: Support

Sponsors: House (Arndt/Catlin), Senate (Cooke/Hansen)

Committee of Reference: House Agriculture, Livestock & Water, House Finance

Bill Status: Passed out of the House as amended and scheduled for consideration by Senate Agriculture and Natural Resources Committee on April 15th.

Title: Concerning increased options for financing forest health projects, and, in connection therewith, financing wildfire mitigation treatments.

Summary: HB 1008 provides additional options for financing forest health projects by authorizing:

- Creation of special improvement districts by a combination of local governments,
- Special assessments on property specially benefited by the improvement district, including forest health projects,
- Specifically authorizing counties, municipalities, special districts, water conservancy districts, the Colorado River District, and the Southwestern Water Conservation District to participate in and finance forest health projects; and
- A forest improvement district to use sales tax revenue for forest health projects.

The bill also extends the statutory sunset of the Colorado Water Resources Power and Development Authority to issue bonds to fund watershed protection and forest health projects from July 1, 2023, to July 1, 2033.

Comments:

HB21-1043 **Study Underground Water Storage Maximum Beneficial Use**

SWCD Position: Monitor**CWC Position:** Support**Sponsors:** House (Holtorf), Senate (Sonnenberg)**Committee of Reference:** House Agriculture, Livestock & Water**Bill Status:** Passed as amended out of House Agriculture, Livestock and Water Committee and House Finance Committee, and referred to House Appropriations.**Title:** Concerning a study of underground water storage to maximize the beneficial use of water within Colorado.**Summary:** This bill directs the CWCB, in consultation with the state engineer, to sponsor a study of underground water storage for later recovery. The study must identify:

- Specific aquifers that are hydrologically and legally available to be used for underground storage and subsequent beneficial use;
- Sources of revenue that could be used to pay for underground storage projects;
- Planned, potential or existing underground storage projects that meet the objectives identified in the study; and
- Recommend legislative changes needed to implement underground storage projects.

The bill directs the study be submitted to the Water Resources Review Committee by August 1, 2022, including recommended legislation to implement the study's recommendations

Comments:

HB21-1046 **Water Share Right Mutual Ditch Corporation**

SWCD Position: Monitor**CWC Position:** Support**Sponsors:** House (Arndt/Catlin), Senate (Fields/Sonnenberg)**Committee of Reference:** House Agriculture, Livestock & Water**Bill Status:** Passed out of the House as amended and scheduled for consideration by Senate Agriculture and Natural Resources Committee on April 15th.**Title:** Concerning the use of a water right obtained through a mutual ditch corporation.**Summary:** The House Ag. Committee unanimously voted to adopt the sponsors' amendment rewriting the entirety of HB21-1046. The strike below (SBEC) amendment resulted from extensive stakeholder outreach and collaboration at the State Affairs Committee of CWC. The resulting SBEC amendment reflects a consensus compromise for a workable bill addressing the most troubling elements of recent water court rulings. The amended bill clarifies that, subject to the Articles of Incorporation and Bylaws of the corporation:

- When stockholder demand exceeds supply, mutual ditch corporations may limit or otherwise rotate delivery of water ratably among the stockholders;
- When a stockholder is not using some of or all of the available water under the stockholder's shares, the remaining stockholders

taking delivery of water through the ditch may use any unused portion of the water that would otherwise have been available to that stockholder's shares, absent certain exceptions; and

- The provision is not intended to prevent a stockholder from changing the use of the water rights represented by the stockholder's shares, create any impediments to changes in use, affect storage water rights, or change the standards for water court approval to change a water right.

Comments:

[HB21-1105](#) Low-Income Utility Payment Assistance Contributions

SWCD Position: Support

CWC Position: No action

Sponsors: House (Kennedy), Senate (Hansen)

Committee of Reference: House Finance

Bill Status: Passed out of House Finance Committee as amended and referred to House Appropriations.

Title: Concerning utility customers' financial contributions for low-income utility assistance.

Summary: This 17-section bill has several water-related elements. Section 1 removes the low-income energy assistance program (LEAP) from the "tier 2" severance tax operational fund money, something the water community has advocated for years. Later sections provide for voluntary, opt-in charges that a water utility may offer its customers to help finance a water utility bill payment assistance program. Alternatively, HB 1105 allows a water utility to implement its own water utility bill payment assistance program.

Comments:

[HB21-1226](#) More Robust Check Station Aquatic Nuisance Species

SWCD Position: Support

CWC Position: Support

Sponsors: House (Esgar, Will), Senate (Coram, Donovan)

Committee of Reference: House Agriculture, Livestock & Water

Bill Status: Scheduled for House Agriculture, Livestock, and Water Committee on April 8th.

Title: Concerning additional measures to control aquatic nuisance species, and, in connection therewith, prohibiting a person from refusing to stop at a check station and directing the division of parks and wildlife to report to the general assembly regarding implementation of the act.

Summary: Current law allows qualified peace officers to stop a conveyance, including a boat trailer and a boat, and inspect the conveyance for the presence of aquatic nuisance species before the boat is launched onto waters of the state and before departing from the waters of the state or a vessel staging area, and to impound and quarantine a conveyance that is contaminated until it is decontaminated. Authorized agents can detain and inspect conveyances but cannot impound or quarantine conveyances. Section 1 of the bill directs the division of parks and wildlife in the department of natural resources to investigate the methods that other states are using with respect to the location and operation of check stations and report regarding its investigation

and the operation of check stations pursuant to the bill to the general assembly's committees with jurisdiction over wildlife. Section 2 authorizes a qualified peace officer to stop and inspect for the presence of aquatic nuisance species a conveyance that has encountered an aquatic nuisance species check station. Section 3 prohibits a person who encounters a check station from failing or refusing to stop at the check station while transporting a conveyance during the check station's hours of operation without presenting the conveyance for inspection.

(Note: This summary applies to this bill as introduced.)

Comments:

HB21-1233	Conservation Easement Tax Credit Modifications
SWCD Position:	Monitor
CWC Position:	Discussion
Sponsors:	House (Roberts, Will), Senate (Donovan, Winter)
Committee of Reference:	House Agriculture, Livestock & Water
Bill Status:	Passed out of House Agriculture, Livestock, and Water Committee and referred unamended to House Finance Committee.
Title:	Concerning modifications to the requirements for claiming an income tax credit for the donation of a perpetual conservation easement.
Summary:	HB 1233 makes numerous changes affecting claims for an income tax credit for the donation of a perpetual conservation easement. The proposed changes are generally favorable and clarifying for potential easement donors.
Comments:	

Monitoring legislation is integral to keeping a finger on the pulse of dynamic water policy in the state. On behalf of its diverse constituents in southwestern Colorado, the Southwestern Water Conservation District (SWCD) tracks state water legislation closely. Beth Van Vurst, SWCD General Counsel, and Chris Treese, lobbyist, ensure the views and priorities of southwestern Colorado are considered as the State legislature enacts new laws affecting water resources.

SWCD staff provides this written summary of water-related legislation, updated throughout the session via email to interested stakeholders and public. To be added to the list, please contact lauras@swwcd.org. We hope that you find the updates beneficial and informative.

Colorado Water Congress 2021 Bill Status Sheet

Bill No.	Short Title	CWC Position	Introduced	1st Committee	2nd Committee	2nd Reading	3rd Reading	Introduced	1st Committee	2nd Reading	3rd Reading	First House Repass	Conference Committee	Governor
HB21-1008	Forest Health Project Financing	8-Mar	16-Feb	2/22 Ag	04-Mar F	9-Mar	10-Mar	12-Mar						
HB21-1043	Study Underground Water Storage Maximum Beneficial Use	1-Mar	16-Feb	3/1 Ag	01-Apr F									
HB21-1046	Water Share Right Mutual Ditch Corporation	15-Mar	16-Feb	3/17 Ag		22-Mar	23-Mar	24-Mar	Ag					
HB21-1105	Low-income Utility Payment Assistance Contributions	22-Mar	16-Feb	4/1 F	Ap									
HB21-1168	Historically Underutilized Businesses Local Government Procurement	29-Mar	4-Mar	3/31 TLG	F									
HB21-1181	Agricultural Soil Health Program		4-Mar	3/22 Ag	5/4 Ap									
HB21-1226	More Robust Check Station Aquatic Nuisance Species	5-Apr	18-Mar	4/8 Ag										
HB21-1233	Conservation Easement Tax Credit Modifications		19-Mar	Ag										

Bill No.	Short Title	CWC Position	Introduced	1st Committee	2nd Committee	2nd Reading	3rd Reading	Introduced	1st Committee	2nd Reading	3rd Reading	First House Repass	Conference Committee	Governor
SB21-170	Wildland Fire Mitigation Cooperative Electric Association	22-Mar	2-Mar	T&E										
SB21-176	Protecting Opportunities and Workers' Rights	29-Mar	8-Mar	J										
SB21-189	Colorado Water Conservation Board Construction Fund Project	5-Apr	19-Mar	4/1 Ag	Ap									
SB21-200	Reduce Greenhouse Gases Increase Environmental Justice		29-Mar	TE										
HJR21-1002	Water Projects Eligibility Lists	16-Feb	15-Jan	2/18 Ag			24-Feb	23-Feb	04-Mar Ag		10-Mar	11-Mar	11-Mar	21-Mar

BILL STATUS	ABBREVIATIONS
Bill scheduled for action at next SA meeting (yellow)	Ag = Agriculture, Livestock & Water
Bill not calendared (no fill)	Ap = Appropriations Committee

Bill Passed, date of action (green)	BLEW = Business, Labor, Economic and Workforce Development Committee
Bill no longer active (gray)	CC = Conference Committee
Bill did not go to second committee or no action required (black)	F = Finance Committee
<u>CWC POSITION</u>	HIE= Health, Insurance, and Environment
Bill scheduled for activity in CWC State Affairs (yellow)	J = Judiciary
Support (green)	TLG = Transportation & Local Government
Oppose (orange)	SVMA = State, Veterans, and Military Affairs Committee
Amend (blue)	EE = Energy & Environment
Monitor, Neutral, No Position	UA = Upon Adjournment
No Motions Made	UR = Upon Recess
	Ag = Agriculture and Natural Resources Committee
	CD = Capital Development
	TE = Transportation & Energy

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0846.01 Ed DeCecco x4216

SENATE BILL 21-220

SENATE SPONSORSHIP

Hansen and Rankin, Moreno

HOUSE SPONSORSHIP

Herod, McCluskie, Ransom

Senate Committees
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE STABILIZATION OF REVENUE IN THE SEVERANCE TAX**
102 **OPERATIONAL FUND BY RETURNING MONEY THAT WAS**
103 **TRANSFERRED TO NATURAL RESOURCES AND ENERGY GRANT**
104 **PROGRAMS.**

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/>.)

Joint Budget Committee. Money in the severance tax operational fund (operational fund) is primarily used for 2 purposes. The general assembly annually appropriates money from the operational fund for

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.

several core departmental programs. If money remains after these appropriations and after a reserve requirement for the core departmental programs is satisfied, then the state treasurer transfers money to several funds that support natural resources and energy grant programs (grant programs). On August 15, 2020, the state treasurer made these transfers to the grant programs based on revenue that was available for the fiscal year 2019-20.

Based on recent forecasts, however, there will be insufficient revenue in the operational fund for the core departmental programs. To avoid a fund deficit in the operational fund, the bill reverses 5 transfers made in the following amounts:

- \$1,998,205 for the species conservation trust fund;
- \$1,600,964 for the parks and wildlife aquatic nuisance species fund;
- \$219,803 for the water efficiency grant program cash fund;
- \$297,759 for the interbasin compact committee operation fund; and
- \$3,996,410 for the water supply reserve fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-33-111, **add**
3 (2)(a)(I)(C) as follows:

4 **24-33-111. Conservation of native species - fund created.**

5 **(2) Species conservation trust fund - creation.**

6 (a) (I) (C) NOTWITHSTANDING SUBSECTION (2)(a)(I)(A) OF THIS SECTION,
7 ON THE EFFECTIVE DATE OF THIS SUBSECTION (2)(a)(I)(C), THE STATE
8 TREASURER SHALL TRANSFER ONE MILLION NINE HUNDRED NINETY-EIGHT
9 THOUSAND TWO HUNDRED FIVE DOLLARS FROM THE SPECIES
10 CONSERVATION TRUST FUND TO THE SEVERANCE TAX OPERATIONAL FUND
11 CREATED IN SECTION 39-29-109 (2)(b)(I).

12 **SECTION 2.** In Colorado Revised Statutes, 33-10.5-108, **add** (3)
13 as follows:

14 **33-10.5-108. Division of parks and wildlife aquatic nuisance**
15 **species fund - creation.** (3) NOTWITHSTANDING SUBSECTION (1) OF THIS

1 SECTION, ON THE EFFECTIVE DATE OF THIS SUBSECTION (3), THE STATE
2 TREASURER SHALL TRANSFER ONE MILLION SIX HUNDRED THOUSAND NINE
3 HUNDRED SIXTY-FOUR DOLLARS FROM THE FUND TO THE SEVERANCE TAX
4 OPERATIONAL FUND CREATED IN SECTION 39-29-109 (2)(b)(I).

5 **SECTION 3.** In Colorado Revised Statutes, 37-60-126, **add**
6 (12)(a)(V) as follows:

7 **37-60-126. Water conservation and drought mitigation**
8 **planning - programs - relationship to state assistance for water**
9 **facilities - guidelines - water efficiency grant program - definitions -**
10 **repeal.** (12) (a) (V) ON THE EFFECTIVE DATE OF THIS SUBSECTION
11 (12)(a)(V), THE STATE TREASURER SHALL TRANSFER TWO HUNDRED
12 NINETEEN THOUSAND EIGHT HUNDRED THREE DOLLARS FROM THE WATER
13 EFFICIENCY GRANT PROGRAM CREATED IN SUBSECTION (12)(a)(I) OF THIS
14 SECTION TO THE SEVERANCE TAX OPERATIONAL FUND CREATED IN
15 SECTION 39-29-109 (2)(b)(I).

16 **SECTION 4.** In Colorado Revised Statutes, 37-75-107, **add** (3)
17 as follows:

18 **37-75-107. Interbasin compact committee operation fund -**
19 **creation.** (3) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, ON
20 THE EFFECTIVE DATE OF THIS SUBSECTION (3), THE STATE TREASURER
21 SHALL TRANSFER TWO HUNDRED NINETY-SEVEN THOUSAND SEVEN
22 HUNDRED FIFTY-NINE DOLLARS FROM THE INTERBASIN COMPACT
23 COMMITTEE OPERATION FUND CREATED IN SUBSECTION (1) OF THIS
24 SECTION TO THE SEVERANCE TAX OPERATIONAL FUND CREATED IN
25 SECTION 39-29-109 (2)(b)(I).

26 **SECTION 5.** In Colorado Revised Statutes, 39-29-109, **add**
27 (2)(b)(III) and (2)(c)(V) as follows:

1 **39-29-109. Severance tax trust fund - created - administration**
2 **- distribution of money - legislative declaration.** (2) State severance
3 tax receipts must be credited to the severance tax trust fund as provided
4 in section 39-29-108. All income derived from the deposit and investment
5 of the money in the fund must be credited to the fund. At the end of any
6 fiscal year, all unexpended and unencumbered money in the fund remains
7 in the fund and must not be credited or transferred to the general fund or
8 any other fund. All money in the fund is subject to appropriation by the
9 general assembly for the following purposes:

10 (b) **The severance tax operational fund.** (III) THE FUND ALSO
11 INCLUDES AMOUNTS THAT WERE TRANSFERRED TO NATURAL RESOURCES
12 AND ENERGY GRANT PROGRAMS UNDER SECTION 39-29-109.3 AND THAT
13 WERE TRANSFERRED BACK TO THE FUND IN ACCORDANCE WITH
14 SUBSECTION (2)(c)(V) OF THIS SECTION AND SECTIONS 24-33-111
15 (2)(a)(I)(C), 33-10.5-108 (3), 37-60-126 (12)(a)(V), AND 37-75-107 (3).

16 (c) **The water supply reserve fund.** (V) ON THE EFFECTIVE DATE
17 OF THIS SUBSECTION (2)(c)(V), THE STATE TREASURER SHALL TRANSFER
18 THREE MILLION NINE HUNDRED NINETY-SIX THOUSAND FOUR HUNDRED
19 TEN DOLLARS FROM THE FUND TO THE SEVERANCE TAX OPERATIONAL
20 FUND CREATED IN SUBSECTION (2)(b)(I) OF THIS SECTION.

21 **SECTION 6. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.

SOUTHWESTERN WATER CONSERVATION DISTRICT TRAVEL EXPENSE FORM

Board Member (or Other) Name: _____

Date: From: _____ through _____

Purpose: _____

COST

Directors fees per diem _____ days X \$100 = _____

Mileage: _____ miles X \$0.56 per mile = _____

Air Fare: _____

Car Rental: _____

Parking: _____

Hotel Expenses: _____

Total Meals: _____

Taxi/Shuttle Fares: _____

Tips: _____

Miscellaneous: _____

Registration/Dues: _____

OTHER (Please describe)

TOTAL

Board Member Signature _____

Please attach receipts

