

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 15-0116.01 Jennifer Berman

**HOUSE BILL 15-1006**

**HOUSE SPONSORSHIP**

**Coram and Vigil,**

**SENATE SPONSORSHIP**

**Sonnenberg, Hodge, Roberts**

**House Committees**

Agriculture, Livestock, & Natural Resources  
Agriculture, Livestock, & Natural Resources  
Appropriations

**Senate Committees**

Agriculture, Natural Resources, & Energy  
Appropriations

**A BILL FOR AN ACT**

101 **CONCERNING THE ESTABLISHMENT OF A GRANT PROGRAM FOR THE**  
102 **MANAGEMENT OF INVASIVE PHREATOPHYTES, AND, IN**  
103 **CONNECTION THEREWITH, MAKING 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>.)*

**Water Resources Review Committee.** The bill establishes a 5-year grant program for the management of invasive phreatophytes, which are deep-rooted plants that consume water from the water table or the layer of soil just above the water table. **Section 1** of the bill creates the invasive phreatophyte grant program account in the noxious weed

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.*

SENATE  
3rd Reading Unamended  
May 6, 2015

SENATE  
2nd Reading Unamended  
May 5, 2015

HOUSE  
3rd Reading Unamended  
May 4, 2015

HOUSE  
Amended 2nd Reading  
May 1, 2015

management fund. **Section 2** creates the grant program. The department of agriculture administers the grant program under its authority to manage noxious weeds. To qualify for a grant, an applicant must propose a project for the management of invasive phreatophytes that utilizes best management practices.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add 37-60-131** as  
3 follows:

4           **37-60-131. Invasive phreatophyte control program - creation**  
5 **- fund - repeal.** (1) THE BOARD SHALL EXPEND MONEYS FROM THE  
6 COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND TO  
7 AWARD GRANTS UNDER THE INVASIVE PHREATOPHYTE CONTROL  
8 PROGRAM, CREATED HEREIN, FOR THE MANAGEMENT OF INVASIVE  
9 PHREATOPHYTES, INCLUDING TAMARISK AND RUSSIAN-OLIVE, WITHIN THE  
10 RIPARIAN AREAS OF THE STATE. THE BOARD MAY AWARD GRANTS TO  
11 PUBLIC ENTITIES, PRIVATE ENTITIES, AND PRIVATE INDIVIDUALS  
12 PROPOSING PROJECTS UTILIZING BEST MANAGEMENT PRACTICES FOR THE  
13 MANAGEMENT OF INVASIVE PHREATOPHYTES TO DECREASE THEIR  
14 CONSUMPTION OF WATER AND PROTECT THE RIPARIAN HABITAT NATIVE TO  
15 EACH BASIN IN WHICH PROJECTS ARE PROPOSED.

16           (2) BEGINNING IN FISCAL YEAR 2015-16, THE BOARD SHALL  
17 AWARD GRANTS, GIVING PRIORITY TO PROPOSED PROJECTS THAT  
18 DEMONSTRATE AN INTEGRATED MANAGEMENT APPROACH TO INVASIVE  
19 PHREATOPHYTES AND ACHIEVE SPECIFIED MANAGEMENT OBJECTIVES. THE  
20 BOARD SHALL ALSO GIVE PRIORITY TO:

21           (a) PROPOSED PROJECTS THAT WOULD HAVE THE GREATEST  
22 IMPACT ON REDUCING OVERALL GROUNDWATER CONSUMPTION BY  
23 INVASIVE PHREATOPHYTES; AND

1 (b) PROPOSED PROJECTS THAT HELP THE BOARD ACHIEVE  
2 GEOGRAPHIC DIVERSITY IN GRANT FUNDING. THE BOARD SHALL STRIVE TO  
3 ACHIEVE GEOGRAPHIC DIVERSITY IN GRANT FUNDING BY APPROVING A MIX  
4 OF PROJECTS COVERING AREAS WEST OF THE CONTINENTAL DIVIDE AND  
5 PROJECTS COVERING AREAS EAST OF THE CONTINENTAL DIVIDE.

6  
7 (3) AFTER PROVIDING AT LEAST FORTY-FIVE DAYS' NOTICE OF AND  
8 AN OPPORTUNITY FOR PUBLIC COMMENT ON THE BOARD'S PROPOSED  
9 CRITERIA AND GUIDELINES, THE BOARD, AFTER CONSIDERATION OF ANY  
10 COMMENTS RECEIVED, AND IN CONSULTATION WITH THE AFFECTED BASIN  
11 ROUNDTABLES OR THEIR SUCCESSOR ORGANIZATIONS; LOCAL WATER  
12 CONSERVATION DISTRICTS; AND LOCAL WATERSHED GROUPS, IF SUCH  
13 GROUPS EXIST, SHALL ESTABLISH CRITERIA AND GUIDELINES FOR THE  
14 GRANT PROGRAM, INCLUDING CRITERIA ON ELIGIBILITY, SELECTION, AND  
15 APPROVAL OF BEST MANAGEMENT PRACTICES FOR INVASIVE  
16 PHREATOPHYTE MANAGEMENT. THE SELECTION CRITERIA MUST REFLECT  
17 THE PRIORITIES LISTED IN SUBSECTION (2) OF THIS SECTION AND REQUIRE  
18 THAT PROPOSED PROJECTS BE ENDORSED BY THE BASIN ROUNDTABLE OR  
19 ITS SUCCESSOR ORGANIZATION IN EACH BASIN IN WHICH THE PROJECTS ARE  
20 PROPOSED.

21 (4) THE BOARD MAY ACCEPT AND EXPEND GIFTS, GRANTS, AND  
22 DONATIONS FOR THE PURPOSES OF THIS SECTION, BUT THE  
23 IMPLEMENTATION OF THIS SECTION IS NOT DEPENDENT ON THE RECEIPT OF  
24 GIFTS, GRANTS, AND DONATIONS. THE BOARD SHALL TRANSMIT ALL  
25 MONEYS RECEIVED THROUGH SUCH GIFTS, GRANTS, OR DONATIONS TO THE  
26 STATE TREASURER, WHO SHALL CREDIT THEM TO THE COLORADO WATER  
27 CONSERVATION BOARD CONSTRUCTION FUND.

1 (5) ON AN ANNUAL BASIS, THE BOARD SHALL REPORT TO THE  
2 AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE IN THE  
3 SENATE AND THE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES  
4 COMMITTEE IN THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR  
5 COMMITTEES, ON THE PROGRESS OF THE GRANT PROGRAM. ON OR BEFORE  
6 MARCH 1, 2018, THE BOARD SHALL PROVIDE THE COMMITTEES A FINAL  
7 REPORT ON THE GRANT PROGRAM.

8 (6) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2018.

9 **SECTION 2.** In Colorado Revised Statutes, 39-29-109.3, **add** (2)  
10 (o) as follows:

11 **39-29-109.3. Severance tax operational fund - repeal.**

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

16 (o) (I) TO THE COLORADO WATER CONSERVATION BOARD  
17 CONSTRUCTION FUND FOR THE IMPLEMENTATION OF THE INVASIVE  
18 PHREATOPHYTE CONTROL PROGRAM CREATED IN SECTION 37-60-131,  
19 C.R.S., FOR THE TWO FISCAL YEARS COMMENCING ON JULY 1, 2015, TWO  
20 MILLION DOLLARS; EXCEPT THAT, FOR THE FISCAL YEAR COMMENCING ON  
21 JULY 1, 2016, THE STATE TREASURER SHALL NOT TRANSFER ANY MONEYS  
22 TO THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND  
23 UNDER THIS PARAGRAPH (o) IF THE PROPORTIONAL REDUCTION SET FORTH  
24 IN PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION IS TRIGGERED FOR  
25 THE OTHER TRANSFERS LISTED IN THIS SUBSECTION (2).

26 (II) THIS PARAGRAPH (o) IS REPEALED, EFFECTIVE JULY 1, 2018.

27 **SECTION 3. Appropriation.** For the 2015-16 state fiscal year,

1 \$2,000,000 is appropriated to the department of natural resources for use  
2 by the Colorado water conservation board. This appropriation is from the  
3 Colorado water conservation board construction fund created in section  
4 37-60-121 (1) (a), C.R.S. The Colorado water conservation board may  
5 use this appropriation to implement this act.

6 **SECTION 4. Act subject to petition - effective date.** This act  
7 takes effect at 12:01 a.m. on the day following the expiration of the  
8 ninety-day period after final adjournment of the general assembly (August  
9 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a  
10 referendum petition is filed pursuant to section 1 (3) of article V of the  
11 state constitution against this act or an item, section, or part of this act  
12 within such period, then the act, item, section, or part will not take effect  
13 unless approved by the people at the general election to be held in  
14 November 2016 and, in such case, will take effect on the date of the  
15 official declaration of the vote thereon by the governor.