

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0831.01 Jennifer Berman x3286

HOUSE BILL 15-1247

HOUSE SPONSORSHIP

Saine, Nordberg, Primavera, Ryden

SENATE SPONSORSHIP

Neville T., Guzman, Holbert, Jahn

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING FEES COLLECTED BY THE STATE ENGINEER FOR REVIEW
102 OF DAM SAFETY.

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>.)

Legislative Audit Committee. The bill increases the fee that the state engineer collects with regard to dam project design review. The fee collected for the examination and filing of each set of plans and specifications required to be filed with the state engineer for a proposed dam project is increased from \$3 for each \$1,000 of the estimated cost of the proposed project to \$6 for each \$1,000 of the estimated cost of the

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.

proposed project, with the maximum fee raised from \$3,000 to \$30,000.

The bill adds a fee of \$2,000 per year for the annual inspection required of a dam against which the state engineer has imposed storage restrictions. The state engineer cannot impose the fee in the first year that the dam has been put under storage restrictions. The state engineer may waive the fee in any year that the state engineer determines that the owner or operator has taken reasonable steps toward curing deficiencies.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-80-110, **amend**
3 (1) introductory portion and (1) (e); and **add** (1) (j) as follows:

4 **37-80-110. Fees collected by state engineer.** (1) ~~Fees~~ THE STATE
5 ENGINEER shall ~~be collected by the state engineer~~ COLLECT FEES for work
6 done in his OR HER office as follows:

7 (e) WITH RESPECT TO A PROPOSED PROJECT FOR A DAM, for the
8 examination and filing of each set of plans and specifications required by
9 law to be filed in the office of the state engineer, ~~three~~ SIX dollars for each
10 one thousand dollars or fraction thereof of the estimated cost ~~thereof~~ OF
11 A PROPOSED PROJECT; but the total amount of fees for examination and
12 filing of each set of plans and specifications shall MUST not be less than
13 one hundred dollars nor more than ~~three~~ THIRTY thousand dollars;

14 (j) (I) FOR DAMS AGAINST WHICH THE STATE ENGINEER HAS
15 IMPOSED STORAGE RESTRICTIONS UNDER SECTION 37-87-107 AND FOR
16 WHICH THE REQUIREMENT TO ANNUALLY INSPECT THE DAM RESULTS IN AN
17 INSPECTION THAT IS IN ADDITION TO THE REGULAR INSPECTION SCHEDULE,
18 TWO THOUSAND DOLLARS PER YEAR FOR THE ANNUAL DAM SAFETY
19 INSPECTION CONDUCTED BY THE STATE ENGINEER, TO BE PAID BY THE
20 OWNER OR OPERATOR OF THE DAM TO THE DIVISION OF WATER
21 RESOURCES.

22 (II) THE STATE ENGINEER SHALL NOT IMPOSE THE FEE DESCRIBED

1 IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (j) UNTIL THE DAM HAS
2 REACHED ITS SECOND YEAR OF STORAGE RESTRICTIONS. THE STATE
3 ENGINEER MAY WAIVE THE FEE IN ANY YEAR IF THE STATE ENGINEER
4 DETERMINES THAT THE OWNER OR OPERATOR HAS TAKEN REASONABLE
5 STEPS TOWARD CURING THE DEFICIENCIES THAT LED TO THE STORAGE
6 RESTRICTION. WAIVER OF THE FEE UNDER THIS SUBPARAGRAPH (II) DOES
7 NOT PREVENT THE STATE ENGINEER FROM IMPOSING THE FEE IN A
8 SUBSEQUENT YEAR.

9 **SECTION 2. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly
12 (August 5, 2015, if adjournment sine die is on May 6, 2015); except that,
13 if a referendum petition is filed pursuant to section 1 (3) of article V of
14 the state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2016 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.