

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-1264.01 Thomas Morris x4218

SENATE BILL 16-200

SENATE SPONSORSHIP

Sonnenberg,

HOUSE SPONSORSHIP

Vigil, Coram

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF A POSITION IN THE OFFICE OF THE
102 GOVERNOR THAT COORDINATES THE PERMITTING OF WATER
103 PROJECTS.

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>.)

Section 1 of the bill creates a position in the office of the governor, designated as the director of water project permitting, to coordinate the permitting of:

- ! Raw water diversion, storage, or delivery projects, including associated hydroelectric facilities and both

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.

consumptive and nonconsumptive uses of water; and
! Water projects that are either assessed a water quality certification fee or are eligible for financing from the Colorado water conservation board construction fund.

Sections 2 and 3 direct the annual transfer of \$__ each from the water quality certification sector fund and the Colorado water conservation board construction fund to the newly created water permitting coordination fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-20-114 as
3 follows:

4 **24-20-114. Director of water project permitting - water**
5 **permitting coordination fund.** (1) (a) THERE IS HEREBY CREATED IN THE
6 OFFICE OF THE GOVERNOR THE POSITION OF DIRECTOR OF WATER PROJECT
7 PERMITTING.

8 (b) THE ORGANIZATIONAL LOCATION OF THE DIRECTOR IS AT THE
9 DISCRETION OF THE GOVERNOR.

10 (2) (a) THE WATER PERMITTING COORDINATION FUND, REFERRED
11 TO IN THIS SECTION AS THE FUND, IS HEREBY CREATED IN THE STATE
12 TREASURY. THE FUND CONSISTS OF EQUAL AMOUNTS OF MONEY
13 ANNUALLY TRANSFERRED TO THE FUND FROM THE WATER QUALITY
14 CERTIFICATION SECTOR FUND IN ACCORDANCE WITH SECTION 25-8-502
15 (1.2) (d), C.R.S., AND FROM THE COLORADO WATER CONSERVATION
16 BOARD CONSTRUCTION FUND IN ACCORDANCE WITH SECTION 37-60-121
17 (11), C.R.S., AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
18 APPROPRIATE OR TRANSFER TO THE FUND. THE SUM OF THE ANNUAL
19 TRANSFERS SPECIFIED IN THIS PARAGRAPH (a) MUST EQUAL THE INDIRECT
20 AND DIRECT COSTS OF THE DIRECTOR TO IMPLEMENT THIS SECTION.

21 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND

1 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
2 FUND TO THE FUND.

3 (c) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
4 ASSEMBLY, THE DIRECTOR MAY EXPEND MONEY FROM THE FUND FOR THE
5 PURPOSES SPECIFIED IN THIS SECTION.

6 (3) THE DIRECTOR SHALL ASSIST IN THE COORDINATION OF
7 PERMITTING BY FEDERAL, STATE, AND LOCAL GOVERNMENTS OF:

8 (a) RAW WATER DIVERSION, STORAGE, OR DELIVERY PROJECTS,
9 INCLUDING ASSOCIATED HYDROELECTRIC FACILITIES AND BOTH
10 CONSUMPTIVE AND NONCONSUMPTIVE USES OF WATER; AND

11 (b) WATER PROJECTS THAT ARE EITHER:

12 (I) ASSESSED A WATER QUALITY CERTIFICATION FEE PURSUANT TO
13 SECTION 25-8-502 (1.2), C.R.S.; OR

14 (II) ELIGIBLE FOR FINANCING FROM THE COLORADO WATER
15 CONSERVATION BOARD CONSTRUCTION FUND CREATED IN SECTION
16 37-60-121 (1) (a), C.R.S.

17 **SECTION 2.** In Colorado Revised Statutes, 25-8-502, **add** (1.2)
18 (d) as follows:

19 **25-8-502. Application - definitions - fees - water quality**
20 **control fund - animal feeding operation fund - public participation -**
21 **repeal.** (1.2) (d) ON EACH JULY 1, THE STATE TREASURER SHALL
22 TRANSFER ___ DOLLARS FROM THE WATER QUALITY CERTIFICATION
23 SECTOR FUND TO THE WATER PERMITTING COORDINATION FUND CREATED
24 IN SECTION 24-20-114 (2), C.R.S. ON OR BEFORE JANUARY 1, 2017, THE
25 DIVISION SHALL ESTABLISH ONE OR MORE SPECIFIC POINTS OF CONTACT
26 AND LINES OF COMMUNICATION WITH THE DIRECTOR OF WATER PROJECT
27 PERMITTING ESTABLISHED PURSUANT TO SECTION 24-20-114 (1), C.R.S.

1 **SECTION 3.** In Colorado Revised Statutes, 37-60-121, **add** (11)
2 as follows:

3 **37-60-121. Colorado water conservation board construction**
4 **fund - creation of - nature of fund - funds for investigations -**
5 **contributions - use for augmenting the general fund - funds created**
6 **- repeal.** (11) ON EACH JULY 1, THE STATE TREASURER SHALL TRANSFER
7 ___ DOLLARS FROM THE COLORADO WATER CONSERVATION BOARD
8 CONSTRUCTION FUND TO THE WATER PERMITTING COORDINATION FUND
9 CREATED IN SECTION 24-20-114 (2), C.R.S. ON OR BEFORE JANUARY 1,
10 2017, THE BOARD SHALL ESTABLISH ONE OR MORE SPECIFIC POINTS OF
11 CONTACT AND LINES OF COMMUNICATION WITH THE DIRECTOR OF WATER
12 PROJECT PERMITTING ESTABLISHED PURSUANT TO SECTION 24-20-114(1),
13 C.R.S.

14 **SECTION 4. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2016 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.