

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-1264.01 Thomas Morris x4218

**SENATE BILL 16-200**

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**SENATE SPONSORSHIP**

**Sonnenberg,**

**HOUSE SPONSORSHIP**

**Vigil,** Coram

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**Senate Committees**

Agriculture, Natural Resources, & Energy  
Appropriations

**House Committees**

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**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.**

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**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>.)*

**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.

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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** 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. IN ORDER TO REDUCE THE COSTS  
10 ASSOCIATED WITH CREATING THE WATER PROJECT PERMITTING POSITION,  
11 NOTHING IN THIS SECTION PRECLUDES THE PERSON NAMED TO THE  
12 POSITION ESTABLISHED UNDER PARAGRAPH (a) OF THIS SUBSECTION (1) OF  
13 THIS SECTION FROM HOLDING OTHER TITLES OR PERFORMING OTHER  
14 FUNCTIONS WITHIN THE GOVERNOR'S OFFICE.

15 (2) (a) THE WATER PERMITTING COORDINATION FUND, REFERRED  
16 TO IN THIS SECTION AS THE FUND, IS HEREBY CREATED IN THE STATE  
17 TREASURY. THE FUND CONSISTS OF EQUAL AMOUNTS OF MONEY  
18 ANNUALLY TRANSFERRED TO THE FUND FROM THE WATER QUALITY  
19 CERTIFICATION SECTOR FUND IN ACCORDANCE WITH SECTION 25-8-502  
20 (1.2) (d), C.R.S., AND FROM THE COLORADO WATER CONSERVATION  
21 BOARD CONSTRUCTION FUND IN ACCORDANCE WITH SECTION 37-60-121

1 (11), C.R.S., AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY  
2 APPROPRIATE OR TRANSFER TO THE FUND. THE SUM OF THE ANNUAL  
3 TRANSFERS SPECIFIED IN THIS PARAGRAPH (a) MUST EQUAL THE INDIRECT  
4 AND DIRECT COSTS OF THE DIRECTOR TO IMPLEMENT THIS SECTION.

5 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
6 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
7 FUND TO THE FUND.

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

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

13 (a) RAW WATER DIVERSION, STORAGE, OR DELIVERY PROJECTS,  
14 INCLUDING ASSOCIATED HYDROELECTRIC FACILITIES AND BOTH  
15 CONSUMPTIVE AND NONCONSUMPTIVE USES OF WATER; AND

16 (b) WATER PROJECTS THAT ARE EITHER:

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

19 (II) ELIGIBLE FOR FINANCING FROM THE COLORADO WATER  
20 CONSERVATION BOARD CONSTRUCTION FUND CREATED IN SECTION  
21 37-60-121 (1) (a), C.R.S.

22 (4) NOTHING IN THIS SECTION EITHER GRANTS ANY JURISDICTION  
23 TO THE DIRECTOR OVER ANY FEDERAL, STATE, OR LOCAL GOVERNMENT,  
24 OR CURTAILS THE JURISDICTION OF ANY FEDERAL, STATE, OR LOCAL  
25 GOVERNMENT TO FULFILL ITS STATUTORY RESPONSIBILITIES.

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

1           **25-8-502. Application - definitions - fees - water quality**  
2 **control fund - animal feeding operation fund - public participation -**  
3 **repeal.** (1.2) (d) (I) ON EACH JULY 1, THE STATE TREASURER SHALL  
4 TRANSFER AN AMOUNT OF MONEY EQUAL TO ONE-HALF OF THE INDIRECT  
5 AND DIRECT COSTS OF THE DIRECTOR OF WATER PROJECT PERMITTING TO  
6 IMPLEMENT SECTION 24-20-114, C.R.S., OR SO MUCH THEREOF THAT IS  
7 AVAILABLE, FROM THE WATER QUALITY CERTIFICATION SECTOR FUND TO  
8 THE WATER PERMITTING COORDINATION FUND CREATED IN SECTION  
9 24-20-114 (2), C.R.S. ON OR BEFORE JANUARY 1, 2017, THE DIVISION  
10 SHALL ESTABLISH ONE OR MORE SPECIFIC POINTS OF CONTACT AND LINES  
11 OF COMMUNICATION WITH THE DIRECTOR OF WATER PROJECT PERMITTING  
12 ESTABLISHED PURSUANT TO SECTION 24-20-114 (1), C.R.S.

13           (II) THE DIVISION SHALL ASSESS A PRORATED FEE FOR EACH OF THE  
14 FOUR TIERS SPECIFIED IN THIS SUBSECTION (1.2) TO GENERATE AN AMOUNT  
15 OF MONEY EQUAL TO ONE-HALF OF THE INDIRECT AND DIRECT COSTS OF  
16 THE DIRECTOR OF WATER PROJECT PERMITTING TO IMPLEMENT SECTION  
17 24-20-114, C.R.S. THE DIRECTOR SHALL DETERMINE THE AMOUNTS OF  
18 THE FEES AND ANNUALLY NOTIFY THE DIVISION OF THE AMOUNTS.

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

21           **37-60-121. Colorado water conservation board construction**  
22 **fund - creation of - nature of fund - funds for investigations -**  
23 **contributions - use for augmenting the general fund - funds created**  
24 **- repeal.** (11) ON EACH JULY 1, THE STATE TREASURER SHALL TRANSFER  
25 AN AMOUNT OF MONEY EQUAL TO ONE-HALF OF THE INDIRECT AND DIRECT  
26 COSTS OF THE DIRECTOR OF WATER PROJECT PERMITTING TO IMPLEMENT  
27 SECTION 24-20-114, C.R.S., OR SO MUCH THEREOF THAT IS AVAILABLE,

1 FROM THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION  
2 FUND TO THE WATER PERMITTING COORDINATION FUND CREATED IN  
3 SECTION 24-20-114 (2), C.R.S. ON OR BEFORE JANUARY 1, 2017, THE  
4 BOARD SHALL ESTABLISH ONE OR MORE SPECIFIC POINTS OF CONTACT AND  
5 LINES OF COMMUNICATION WITH THE DIRECTOR OF WATER PROJECT  
6 PERMITTING ESTABLISHED PURSUANT TO SECTION 24-20-114 (1), C.R.S.

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