

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

PREAMENDED

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

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
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ESTABLISHMENT OF A GRANT PROGRAM FOR THE**
102 **MANAGEMENT OF INVASIVE PHREATOPHYTES.**

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>.)

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 management fund. **Section 2** creates the grant program. The department

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.*

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 35-5.5-116, **add** (6)
3 as follows:

4 **35-5.5-116. Noxious weed management fund - creation -**
5 **allocation of funds - invasive phreatophyte management grant**
6 **program account - repeal.** (6) (a) THE INVASIVE PHREATOPHYTE
7 MANAGEMENT GRANT PROGRAM ACCOUNT, REFERRED TO IN THIS
8 SUBSECTION (6) AS THE "ACCOUNT", IS HEREBY CREATED IN THE NOXIOUS
9 WEED MANAGEMENT FUND. FOR THE 2015-16 FISCAL YEAR AND THE FOUR
10 FISCAL YEARS THEREAFTER, THE STATE TREASURER SHALL TRANSFER FIVE
11 MILLION DOLLARS FROM THE SEVERANCE TAX OPERATIONAL FUND,
12 CREATED IN SECTION 39-29-109 (2) (b), C.R.S., TO THE ACCOUNT FOR
13 IMPLEMENTATION OF THE INVASIVE PHREATOPHYTE MANAGEMENT GRANT
14 PROGRAM CREATED IN SECTION 35-5.5-116.5.

15 (b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2021.

16 **SECTION 2.** In Colorado Revised Statutes, **add** 35-5.5-116.5 as
17 follows:

18 **35-5.5-116.5. Invasive phreatophyte management grant**
19 **program - repeal.** (1) THE DEPARTMENT SHALL EXPEND MONEYS FROM
20 THE INVASIVE PHREATOPHYTE MANAGEMENT GRANT PROGRAM ACCOUNT
21 OF THE NOXIOUS WEED MANAGEMENT FUND CREATED IN SECTION
22 35-5.5-116 TO AWARD GRANTS FOR THE MANAGEMENT OF INVASIVE
23 PHREATOPHYTES, INCLUDING TAMARISK AND RUSSIAN-OLIVE, WITHIN THE

1 RIPARIAN AREAS OF THE STATE. THE DEPARTMENT MAY AWARD GRANTS
2 TO PUBLIC ENTITIES, PRIVATE ENTITIES, AND PRIVATE INDIVIDUALS
3 PROPOSING PROJECTS UTILIZING BEST MANAGEMENT PRACTICES FOR THE
4 MANAGEMENT OF INVASIVE PHREATOPHYTES TO DECREASE THEIR
5 CONSUMPTION OF WATER AND PROTECT THE RIPARIAN HABITAT NATIVE TO
6 EACH BASIN IN WHICH PROJECTS ARE PROPOSED.

7 (2) BEGINNING IN FISCAL YEAR 2015-16, THE DEPARTMENT SHALL
8 AWARD GRANTS, GIVING PRIORITY TO PROPOSED PROJECTS THAT
9 DEMONSTRATE AN INTEGRATED MANAGEMENT APPROACH TO INVASIVE
10 PHREATOPHYTES AND ACHIEVE SPECIFIED MANAGEMENT OBJECTIVES. THE
11 DEPARTMENT SHALL ALSO GIVE PRIORITY TO:

12 (a) PROPOSED PROJECTS THAT WOULD HAVE THE GREATEST
13 IMPACT ON REDUCING OVERALL GROUNDWATER CONSUMPTION BY
14 INVASIVE PHREATOPHYTES; AND

15 (b) PROPOSED PROJECTS THAT HELP THE DEPARTMENT ACHIEVE
16 GEOGRAPHIC DIVERSITY IN GRANT FUNDING. THE DEPARTMENT SHALL
17 STRIVE TO ACHIEVE GEOGRAPHIC DIVERSITY IN GRANT FUNDING BY
18 APPROVING A MIX OF PROJECTS COVERING AREAS WEST OF THE
19 CONTINENTAL DIVIDE AND PROJECTS COVERING AREAS EAST OF THE
20 CONTINENTAL DIVIDE.

21 
22 (3) AFTER PROVIDING AT LEAST FORTY-FIVE DAYS' NOTICE OF AND
23 AN OPPORTUNITY FOR PUBLIC COMMENT ON THE DEPARTMENT'S PROPOSED
24 CRITERIA AND GUIDELINES, THE DEPARTMENT, AFTER CONSIDERATION OF
25 ANY COMMENTS RECEIVED, AND IN CONSULTATION WITH THE COLORADO
26 WATER CONSERVATION BOARD CREATED IN SECTION 37-60-102, C.R.S.;
27 THE AFFECTED BASIN ROUNDTABLES OR THEIR SUCCESSOR

1 ORGANIZATIONS; LOCAL WATER CONSERVATION DISTRICTS; AND LOCAL
2 WATERSHED GROUPS, IF SUCH GROUPS EXIST, SHALL ESTABLISH CRITERIA
3 AND GUIDELINES FOR THE GRANT PROGRAM, INCLUDING CRITERIA ON
4 ELIGIBILITY, SELECTION, AND APPROVAL OF BEST MANAGEMENT
5 PRACTICES FOR INVASIVE PHREATOPHYTE MANAGEMENT. THE SELECTION
6 CRITERIA MUST REFLECT THE PRIORITIES LISTED IN SUBSECTION (2) OF THIS
7 SECTION AND REQUIRE THAT PROPOSED PROJECTS BE ENDORSED BY THE
8 BASIN ROUNDTABLE OR ITS SUCCESSOR ORGANIZATION IN EACH BASIN IN
9 WHICH THE PROJECTS ARE PROPOSED.

10 (4) THE DEPARTMENT MAY ACCEPT AND EXPEND GIFTS, GRANTS,
11 AND DONATIONS FOR THE PURPOSES OF THIS SECTION, BUT THE
12 IMPLEMENTATION OF THIS SECTION IS NOT DEPENDENT ON THE RECEIPT OF
13 GIFTS, GRANTS, AND DONATIONS. THE DEPARTMENT SHALL TRANSMIT ALL
14 MONEYS RECEIVED THROUGH SUCH GIFTS, GRANTS, OR DONATIONS TO THE
15 STATE TREASURER, WHO SHALL CREDIT THEM TO THE INVASIVE
16 PHREATOPHYTE MANAGEMENT GRANT PROGRAM ACCOUNT.

17 (5) ON AN ANNUAL BASIS, THE DEPARTMENT SHALL REPORT TO THE
18 AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE IN THE
19 SENATE AND THE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES
20 COMMITTEE IN THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR
21 COMMITTEES, ON THE PROGRESS OF THE GRANT PROGRAM. ON OR BEFORE
22 MARCH 1, 2021, THE DEPARTMENT SHALL PROVIDE THE COMMITTEES A
23 FINAL REPORT ON THE GRANT PROGRAM.

24 (6) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.

25 **SECTION 3.** In Colorado Revised Statutes, 39-29-109.3, **add** (2)
26 (o) as follows:

27 **39-29-109.3. Severance tax operational fund - repeal.**

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

5 (o) (I) TO THE INVASIVE PHREATOPHYTE MANAGEMENT GRANT
6 PROGRAM DESCRIBED IN SECTION 35-5.5-116.5, C.R.S., FOR THE FIVE
7 FISCAL YEARS COMMENCING ON JULY 1, 2015, FIVE MILLION DOLLARS.

8 (II) THIS PARAGRAPH (o) IS REPEALED, EFFECTIVE JULY 1, 2021.

9 **SECTION 4. 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 (August
12 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 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.