

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

DRAFT
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BILL 8

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LLS NO. 15-0116.01 Jennifer Berman x3286

INTERIM COMMITTEE BILL

Water Resources Review Committee

BILL TOPIC: "Invasive Phreatophyte Grant Program"

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/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

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

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.

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 GENERAL FUND TO THE ACCOUNT FOR
12 IMPLEMENTATION OF THE INVASIVE PHREATOPHYTE MANAGEMENT GRANT
13 PROGRAM CREATED IN SECTION 35-5.5-116.5.

14 (b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2021.

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

17 **35-5.5-116.5. Invasive phreatophyte management grant**
18 **program - repeal.** (1) THE DEPARTMENT SHALL EXPEND MONEYS FROM
19 THE INVASIVE PHREATOPHYTE MANAGEMENT GRANT PROGRAM ACCOUNT
20 OF THE NOXIOUS WEED MANAGEMENT FUND CREATED IN SECTION
21 35-5.5-116 TO AWARD GRANTS FOR THE MANAGEMENT OF INVASIVE
22 PHREATOPHYTES, INCLUDING TAMARISK AND RUSSIAN-OLIVE, WITHIN THE
23 RIPARIAN AREAS OF THE STATE. THE DEPARTMENT MAY AWARD GRANTS

1 TO PUBLIC ENTITIES, PRIVATE ENTITIES, AND PRIVATE INDIVIDUALS
2 PROPOSING PROJECTS UTILIZING BEST MANAGEMENT PRACTICES FOR THE
3 MANAGEMENT OF INVASIVE PHREATOPHYTES TO DECREASE THEIR
4 CONSUMPTION OF WATER.

5 (2) BEGINNING IN FISCAL YEAR 2015-16, THE DEPARTMENT SHALL
6 AWARD GRANTS TOTALING UP TO FIVE MILLION DOLLARS ANNUALLY. IN
7 AWARDING GRANTS, THE DEPARTMENT SHALL GIVE PRIORITY TO:

8 (a) PROPOSED PROJECTS THAT WOULD HAVE THE GREATEST
9 IMPACT ON REDUCING OVERALL GROUNDWATER CONSUMPTION BY
10 INVASIVE PHREATOPHYTES; AND

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

17 (3) TO COVER THE DIRECT AND INDIRECT COSTS OF ADMINISTERING
18 THE GRANT PROGRAM UNDER THIS SECTION, THE DEPARTMENT MAY USE
19 MONEYS FROM THE INVASIVE PHREATOPHYTE MANAGEMENT GRANT
20 PROGRAM ACCOUNT IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND
21 DOLLARS IN FISCAL YEAR 2015-16 AND NOT TO EXCEED ONE PERCENT OF
22 THE AMOUNT OF GRANT FUNDS AWARDED UNDER THIS SECTION FOR EACH
23 SUBSEQUENT FISCAL YEAR.

24 (4) AFTER PROVIDING AT LEAST FORTY-FIVE DAYS' NOTICE OF AND
25 AN OPPORTUNITY FOR PUBLIC COMMENT ON THE DEPARTMENT'S PROPOSED
26 CRITERIA AND GUIDELINES, THE DEPARTMENT, AFTER CONSIDERATION OF
27 ANY COMMENTS RECEIVED, SHALL ESTABLISH CRITERIA AND GUIDELINES

1 FOR THE GRANT PROGRAM, INCLUDING CRITERIA ON ELIGIBILITY,
2 SELECTION, AND APPROVAL OF BEST MANAGEMENT PRACTICES FOR
3 INVASIVE PHREATOPHYTE MANAGEMENT. THE SELECTION CRITERIA MUST
4 REFLECT THE PRIORITIES LISTED IN SUBSECTION (2) OF THIS SECTION.

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

12 (6) ON AN ANNUAL BASIS, THE DEPARTMENT SHALL REPORT TO THE
13 AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE IN THE
14 SENATE AND THE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES
15 COMMITTEE IN THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR
16 COMMITTEES, ON THE PROGRESS OF THE GRANT PROGRAM. ON OR BEFORE
17 MARCH 1, 2021, THE DEPARTMENT SHALL PROVIDE THE COMMITTEES A
18 FINAL REPORT ON THE GRANT PROGRAM.

19 (7) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.

20 **SECTION 3. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2016 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.