

# Container Fee to Fund Water Preservation and Protection

Be it enacted by the People of the State of Colorado:

Section 5 of article XVI of the constitution of the State of Colorado is amended BY THE ADDITION OF THE FOLLOWING SUBSECTIONS to read:

**Section 5. Water of the streams public property.** (1) The water of every natural stream, not heretofore appropriated, within the State of Colorado, is hereby declared to be the property of the public, and the same is dedicated to the use of the people of the state, subject to appropriation as hereinafter provided.

(2) IN ORDER FOR THE WATERS OF THIS STATE TO BE AVAILABLE TO FUTURE GENERATIONS OF COLORADO CITIZENS FOR BOTH CONSUMPTIVE AND NON-CONSUMPTIVE USES, IT IS NECESSARY AND PRUDENT TO ESTABLISH A MEANS TO PROTECT AND PRESERVE THE WATERS OF THE STATE AND TO THAT END THE WATER FOR FUTURE GENERATIONS FUND, HEREINAFTER REFERRED TO AS THE "FUND", IS CREATED IN THE STATE TREASURY TO BE ADMINISTERED BY THE STATE TREASURER FOR THE PURPOSES SET FORTH IN THIS SECTION.

(3) THE PEOPLE OF COLORADO FIND, DETERMINE AND DECLARE THAT THE FEE ON CONTAINERS THAT HOLD NON-ALCOHOLIC BEVERAGES FOR HUMAN CONSUMPTION THAT IS IMPOSED BY THIS SECTION IS RATIONALLY RELATED TO THE PURPOSES SET FORTH IN THIS SECTION FOR THE PROTECTION AND PRESERVATION OF THE WATERS OF THIS STATE FOR FUTURE GENERATIONS. THE CONTAINER FEE IMPOSED BY THIS SECTION SHALL BE THE EXCLUSIVE FEE IMPOSED UPON CONTAINERS THAT ARE SUBJECT TO THESE PROVISIONS. NEITHER THE STATE NOR ANY POLITICAL SUBDIVISION NOR ANY AGENCY OF EITHER SHALL IMPOSE A FEE FOR ANY PURPOSE ON ANY CONTAINER THAT IS SUBJECT TO THE PROVISIONS OF THIS SECTION.

(4) THE MONIES THAT ARE GENERATED BY THE FEE IMPOSED BY THIS SECTION ARE TO BE USED BY THE RECIPIENT OF SUCH MONIES FOR THE FOLLOWING PURPOSES:

(a) THE PROTECTION, ADMINISTRATION AND DEVELOPMENT OF RENEWABLE SURFACE AND GROUNDWATER WATER SUPPLIES FOR MAXIMUM UTILIZATION;

(b) THE PLANNING FOR AND IMPLEMENTATION OF DROUGHT MITIGATION STRATEGIES;

(c) THE DEVELOPMENT AND IMPLEMENTATION OF MEASURES DESIGNED TO FOSTER WATER CONSERVATION, THE CURTAILMENT OF WASTEFUL USES OF WATER, AND THE MANAGEMENT OF DEMAND BY WATER USERS;

(d) SUBJECT TO THE WATER LAWS OF THE STATE OF COLORADO, TO MAXIMIZE THE EFFICIENT REUSE OF THE WATERS OF THIS STATE;

(e) THE FULL UTILIZATION OF THE WATER ALLOCATED TO THE STATE OF COLORADO IN ACCORDANCE WITH ANY INTERSTATE COMPACT THAT THE STATE OF COLORADO IS PARTY TO.

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APR 09 2010

Colorado Secretary of State

Original #91

(f) THE DEVELOPMENT OF PRACTICES TO FURTHER THE CONJUNCTIVE USES OF SURFACE AND GROUND WATER;

(g) THE DEVELOPMENT OF WATER STORAGE, WHETHER ABOVE GROUND OR IN THE AQUIFERS, TO OPTIMIZE THE MANAGEMENT OF THE WATER SUPPLY OF THIS STATE;

(h) THE IMPROVEMENT OF WATER SUPPLY STORAGE, TREATMENT AND DISTRIBUTION SYSTEMS TO MINIMIZE WATER LOSS;

(i) THE MANAGEMENT AND STEWARDSHIP OF THE WATERSHEDS OF THIS STATE THAT ARE ESSENTIAL TO THE PROTECTION OF THE WATER SUPPLY THAT IS GENERATED BY THE WATERSHEDS INCLUDING, BUT NOT LIMITED TO, HABITAT FOR SPECIES OF ANIMALS, BIRDS, AND FISH THAT ARE DEPENDENT UPON THE WATERSHEDS, EROSION MITIGATION AND CONTROL AND WILDFIRE PREVENTION; AND

(j) MEASURES DESIGNED TO IMPROVE THE QUALITY OF THE WATERS OF THIS STATE, INCLUDING, BUT NOT LIMITED TO, MEETING WATER QUALITY MANDATES IMPOSED BY THE STATE OF COLORADO OR THE UNITED STATES.

(5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CONSTITUTION OR STATUTE TO THE CONTRARY, THE MONIES IN THE FUND, TOGETHER WITH ANY INTEREST OR OTHER EARNINGS THEREON, ARE CONTINUOUSLY APPROPRIATED FOR THE PURPOSES SET FORTH IN THIS SECTION. EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN THIS SECTION, THE MONIES IN THE FUND OR ACCRUING TO THE FUND SHALL NOT BE SUBJECT TO ANY FURTHER APPROPRIATION, BUDGETARY OR FISCAL ACTION BY THE GENERAL ASSEMBLY.

(6) (a) THE MONIES DEPOSITED INTO THE FUND SHALL BE USED ONLY FOR THE PURPOSES SET FORTH IN THIS SECTION AND SHALL NOT, EXCEPT AS OTHERWISE AUTHORIZED IN THIS SECTION, BE APPROPRIATED, BORROWED, ATTACHED OR USED FOR ANY OTHER PURPOSE. THE FUND SHALL CONSTITUTE A DISTINCT AND SEPARATE FUND AND THE MONIES IN THE FUND SHALL NOT BE COMMINGLED WITH ANY OTHER MONIES AND SHALL NOT BE CONSIDERED TO BE A PART OF THE GENERAL FUND OF THE STATE OF COLORADO; PROVIDED, HOWEVER, THE MONIES IN THE FUND ARE DELCARED TO BE PUBLIC FUNDS AND THE STATE TREASURER SHALL APPLY THE SAME INVESTMENT STANDARDS FOR SAFETY AND SECURITY AS ARE APPLICABLE TO OTHER PUBLIC FUNDS.

(b) THE FUND SHALL BE SUBJECT TO ANNUAL AUDIT BY THE STATE AUDITOR OR ANY SUCCESSOR OFFICER OF THE STATE OF COLORADO WITH THE SAME RESPONSIBILITIES. THE LEGISLATIVE AUDIT COMMITTEE OF THE GENERAL ASSEMBLY, OR ITS SUCCESSOR COMMITTEE, SHALL OVERSEE THE ACTIVITIES OF THE STATE AUDITOR AND SHALL MAKE AN ANNUAL REPORT ON THE CONDITION OF THE FUND TOGETHER WITH SUCH OTHER FINANCIAL INFORMATION AS DEEMED APPROPRIATE BY THE COMMITTEE TO THE GENERAL ASSEMBLY AND THE PEOPLE OF COLORADO.

(7) (a) EXCEPT AS HEREINAFTER PROVIDED, THERE IS IMPOSED UPON EVERY CONTAINER OF EVERY KIND THAT CONTAINS A NON-ALCOHOLIC BEVERAGE, WHICH BEVERAGE MEETS THE CRITERIA SET

FORTH IN THIS SUBSECTION, A FEE OF ONE CENT FOR EACH SIX FLUID OUNCES, OR PART THEREOF; PROVIDED, HOWEVER, THE MAXIMUM FEE THAT MAY BE IMPOSED ON ANY SINGLE CONTAINER SHALL NOT EXCEED FIFTY CENTS. A CONTAINER IS SUBJECT TO THE FEE IMPOSED BY THIS SUBSECTION IF IT MEETS THE FOLLOWING MINIMUM CRITERIA:

(I) THE CONTAINER HOLDS A BEVERAGE THAT IS NON-ALCOHOLIC;

(II) THE CONTAINER HOLDS A BEVERAGE THAT IS COMPOSED OF AT LEAST FIFTY PERCENT WATER MEASURED BY WEIGHT OR VOLUME;

(III) THE CONTAINER HOLDS A BEVERAGE THAT IS INTENDED FOR CONSUMPTION BY HUMAN BEINGS;

(IV) THE CONTAINER IS EITHER FULLY OR PARTIALLY FILLED WITH THE BEVERAGE AND IS SOLD OR DISTRIBUTED WITHIN THE STATE OF COLORADO OR THE CONTAINER WAS FILLED WITH THE BEVERAGE WITHIN THE STATE OF COLORADO BUT IS TO BE SHIPPED OUT OF THE STATE OF COLORADO;

(V) THE CONTAINER IS EITHER SINGLE-USE OR REFILLABLE AND EACH REFILLED USE CONSTITUTES A SEPARATE CONDITION TO WHICH THE FEE IS APPLICABLE.

(b) EXCEPT AS SPECIFICALLY PROVIDED IN THIS PARAGRAPH, THE FEE IMPOSED BY THIS SUBSECTION SHALL APPLY TO EVERY CONTAINER FILLED, OR PARTIALLY FILLED, WITH A BEVERAGE THAT, AT A MINIMUM, MEETS THE CRITERIA SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION. CONTAINERS HOLDING BEVERAGES WHICH MEET THE FOLLOWING CRITERIA SHALL BE EXEMPT FROM THE FEE IMPOSED BY THIS SECTION:

(I) CONTAINERS THAT ARE FILLED OR AT LEAST FIFTY PERCENT PARTIALLY FILLED WITH DAIRY PRODUCTS;

(II) CONTAINERS THAT ARE FILLED OR PARTIALLY FILLED WITH MEDICINES, WHETHER SOLD BY PRESCRIPTION OR OVER-THE-COUNTER;

(III) CONTAINERS THAT ARE FILLED OR PARTIALLY FILLED WITH A FOUNTAIN BEVERAGE AND ARE INTENDED FOR IMMEDIATE CONSUMPTION WHETHER ON OR OFF THE PREMISES;

(IV) CONTAINERS WHICH ARE EMPTY AND ARE SHIPPED OUT OF THE STATE OF COLORADO WITHOUT ANY BEVERAGES IN THEM; OR,

(V) CONTAINERS WHICH ARE REFILLED BY THE PURCHASING CONSUMER FOR HIS OR HER PERSONAL USE.

(c) THE GENERAL ASSEMBLY, ACTING BY BILL, MAY EXEMPT OTHER CONTAINERS HOLDING OTHER BEVERAGES FROM THE FEE IMPOSED BY THIS SECTION SUBJECT TO THE CONDITIONS SET FORTH IN THIS PARAGRAPH:

(I) THE BILL CONFERRING THE EXEMPTION SHALL BE SUBJECT TO THE REFERENDUM POWERS RESERVED TO THE PEOPLE OF COLORADO;

(II) THE BILL SHALL NOT CONFER A UNIQUE OR SPECIAL COMPETITIVE ADVANTAGE FOR THE BEVERAGE THAT IS HELD WITHIN THE CONTAINER VIS-À-VIS OTHER REASONABLY SUBSTITUTABLE BEVERAGES WHICH ARE IN CONTAINERS SUBJECT TO THE FEE; AND

(III) THE BILL HAS BEEN ENACTED BY AT LEAST A TWO-THIRDS MAJORITY OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON ITS FINAL RECORDED VOTE IN THAT HOUSE.

(d) THE FEE SHALL BE REMITTED TO THE STATE TREASURER TO BE DEPOSITED IN THE FUND.

(I) IF THE CONTAINER IS FILLED WITH A BEVERAGE THAT MEETS THE CRITERIA SET FORTH IN THIS SECTION IN THIS STATE AND IS SHIPPED OUTSIDE THE STATE OF COLORADO; THE PERSON RESPONSIBLE FOR FILLING THE CONTAINER SHALL BE RESPONSIBLE FOR REMITTING THE FEE IMPOSED BY THIS SECTION TO THE STATE TREASURER. SUCH FEES SHALL BE REMITTED ON A MONTHLY BASIS. THE PERSON REMITTING THE FEES MAY RETAIN THREE AND ONE-HALF PERCENT OF THE AGGREGATE FEES REMITTED.

(II) IF THE CONTAINER, WHETHER FILLED IN THIS STATE OR ELSEWHERE, HOLDS A BEVERAGE THAT MEETS THE CRITERIA SET FORTH IN THIS SECTION AND IS SOLD, DISTRIBUTED OR PROVIDED ANYWHERE IN THIS STATE, THE PERSON SELLING, DISTRIBUTING OR PROVIDING THE CONTAINER SHALL BE RESPONSIBLE FOR REMITTING THE FEE IMPOSED BY THIS SECTION TO THE STATE TREASURER. SUCH FEES SHALL BE REMITTED ON A MONTHLY BASIS. THE PERSON REMITTING THE FEES MAY RETAIN THREE AND ONE-HALF PERCENT OF THE AGGREGATE FEES REMITTED.

(A) IF THE CONTAINER IS SOLD OR DISTRIBUTED IN THIS STATE THROUGH WHAT IS COMMONLY KNOWN AS A VENDING MACHINE, THE VENDOR, AT HIS OR HER DISCRETION, MAY, IN LIEU OF REMITTING THE FEE IMPOSED BY THIS SECTION, PREPAY THE ESTIMATED AGGREGATE FEES THAT WOULD HAVE BEEN COLLECTED ON SALES OR DISTRIBUTION THROUGH THE VENDING MACHINE AND SHALL MAKE A QUARTERLY ADJUSTMENT TO THE PREPAID FEES BASED ON ACTUAL SALES OR DISTRIBUTION THROUGH THE VENDING MACHINE. THE VENDOR SHALL IDENTIFY EACH VENDING MACHINE ENROLLED IN THE PREPAYMENT OPTION PROGRAM AND SHALL AFIX TO EACH SUCH VENDING MACHINE A DECAL ISSUED BY THE STATE TREASURER IDENTIFYING THE VENDING MACHINE AS BEING IN THE PREPAYMENT OPTION PROGRAM. THE VENDOR MAY RETAIN THREE AND ONE-HALF PERCENT OF THE AGGREGATE FEES THAT ARE PREPAID.

(B) THE STATE TREASURER SHALL WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS SECTION ESTABLISH A PREPAYMENT OPTION PROGRAM FOR OPERATORS OF VENDING MACHINES TO USE AND MAY EXTEND PARTICIPATION IN THE PREPAYMENT OPTION PROGRAM TO OTHER PERSONS WHO ARE RESPONSIBLE FOR THE REMITTANCE OF THE FEE WHEN SUCH PARTICIPATION IS JUSTIFIED FOR EFFICIENCY OR TO AVOID AN UNDUE HARDSHIP ON THE PERSON.

(IV) THE PERSON WHO REMITS THE FEES REQUIRED UNDER THIS SECTION MAY RECOVER SUCH FEES THROUGH THE PURCHASE PRICE OF THE CONTAINER WHEN IT IS SOLD.

(e) THE STATE TREASURER SHALL PROMULGATE AND PROVIDE SUCH FORMS AS ARE NECESSARY FOR THE REPORTING AND REMITTING OF THE FEES IMPOSED BY THIS SECTION. THE STATE TREASURER MAY REQUIRE THAT SUCH REPORTING AND REMITTING OF FEES BE ACCOMPLISHED THROUGH ELECTRONIC MEANS.

(f) A PERSON WHO IS RESPONSIBLE FOR THE REPORTING AND REMITTING OF THE FEES IMPOSED BY THIS SUBSECTION SHALL MAINTAIN ACCURATE RECORDS AND SHALL BE SUBJECT TO AUDIT BY THE STATE AUDITOR. IF THE PERSON IS DEMONSTRATED TO HAVE FAILED FOR ANY REASON TO REMIT THE FULL AMOUNT OF THE REQUIRED FEES, AND IF THE PERSON REMITS ANY UNPAID AMOUNTS TO THE STATE TREASURER WITHIN FORTY-FIVE CALENDAR DAYS, NO PENALTY SHALL BE ASSESSED. IF THE PERSON FAILS TO REMIT ANY UNPAID AMOUNTS TO THE STATE TREASURER WITHIN FORTY-FIVE CALENDAR DAYS, THE PERSON SHALL REMIT THE UNPAID AMOUNT AND ALSO A PENALTY EQUAL TO THREE TIMES THE UNPAID AMOUNT. A PERSON WHO FAILS TO REMIT THE REQUIRED FEES SHALL NOT RETAIN ANY AMOUNT OF THE FEES.

(8) THE MONIES IN THE FUND SHALL BE DISTRIBUTED BY THE STATE TREASURER AS FOLLOWS:

(a) A RESERVE BALANCE OF FIVE PERCENT OF THE FEES REMITTED, UP TO A MAXIMUM RESERVE AMOUNT OF SIX MILLION DOLLARS, SHALL BE KEPT IN THE FUND AT ALL TIMES; PROVIDED, HOWEVER, THAT THE GENERAL ASSEMBLY ACTING BY BILL MAY BORROW UP TO TWO-THIRDS OF THE MONIES IN RESERVE FOR USE DEFENDING OR OTHERWISE PROVIDING LEGAL REPRESENTATION FOR THE STATE OF COLORADO IN THE EVENT THAT ANY OTHER STATE OR THE UNITED STATES FILES A LEGAL ACTION AGAINST THE STATE OF COLORADO PURSUANT TO THE TERMS OF THE COLORADO RIVER COMPACT. IN THE EVENT THAT THE GENERAL ASSEMBLY BORROWS ANY SUCH AMOUNTS OF MONEY, IT SHALL REPAY THAT AMOUNT TO THE FUND BUT NEED NOT PAY ANY INTEREST ON THE AMOUNT OF MONEY BORROWED. THE BILL ENACTED BY THE GENERAL ASSEMBLY TO BORROW MONIES FROM THE FUND SHALL INCLUDE A REPAYMENT PLAN FOR THE REPLACEMENT OF THE BORROWED AMOUNTS.

(b) OF THE AMOUNT REMAINING IN THE FUND AFTER THE RESERVE AMOUNT HAS BEEN SET, THE STATE TREASURER SHALL ANNUALLY DISTRIBUTE TWENTY PERCENT OF THE MONIES TO THE GENERAL FUND OF THE STATE FOR FURTHER APPROPRIATION BY THE GENERAL ASSEMBLY AS FOLLOWS:

(I) TO THE STATE TREASURER SUCH MONIES AS ARE REASONABLY NECESSARY FOR THE PROPER ADMINISTRATION OF THE FUND AND THE MANAGEMENT OF THE MONIES IN THE FUND; PROVIDED, HOWEVER, THAT ANY MONIES SO APPROPRIATED WHICH ARE NOT EXPENDED OR ARE IN EXCESS OF REASONABLE EXPENSES FOR THE PURPOSES SET FORTH SHALL REVERT DIRECTLY TO THE FUND.

(II) FOR THE PURPOSES OF PROPER AUDITS OF THE FUND AND ASSOCIATED AUDITS COSTS TO INCLUDE SUCH REPORTS AS ARE REQUIRED TO BE MADE BY THE LEGISLATIVE AUDIT COMMITTEE, TO THE GENERAL ASSEMBLY SUCH AMOUNTS AS ARE NECESSARY FOR THE PURPOSE SET FORTH. ANY MONIES

SO APPROPRIATED WHICH ARE NOT EXPENDED OR ARE IN EXCESS OF THE AMOUNTS NEEDED FOR SUCH AUDITS AND ASSOCIATED PURPOSES SHALL REVERT DIRECTLY TO THE FUND.

(III) FOR THE PURPOSES OF ADMINISTERING THE WATER LAWS OF THE STATE, TO THE STATE ENGINEER, OR ANY SUCCESSOR STATE OFFICIAL WITH THE SAME RESPONSIBILITY, AN AMOUNT REASONABLY NECESSARY FOR THE ADMINISTRATION OF SUCH LAWS IN THE RIVER BASINS OF THE ARKANSAS RIVER; THE SOUTH PLATTE RIVER; THE COLORADO RIVER; THE GUNNISON, UNCOMPAGHRE AND SAN MIGUEL RIVERS; THE RIO GRANDE RIVER; THE YAMPA, WHITE, GREEN AND NORTH PLATTE RIVERS; AND THE SAN JUAN, PIEDRA, LAS ANIMAS, LOS PINOS, LA PLATA AND SAN MANCOS RIVERS. ANY MONIES SO APPROPRIATED WHICH ARE NOT EXPENDED OR ARE IN EXCESS OF THE AMOUNTS NEEDED FOR SUCH WATER LAW ADMINISTRATION SHALL REVERT DIRECTLY TO THE FUND. IT IS THE INTENT OF THE PEOPLE OF COLORADO THAT THE APPROPRIATIONS MADE FOR THE PURPOSES HERE SET FORTH ARE SUPPLEMENTAL APPROPRIATIONS AND ARE NOT TO BE USED BY THE GENERAL ASSEMBLY TO SUPPLANT OR DISPLACE ANY OTHER FUNDS WHICH MAY BE APPROPRIATED, RECEIVED OR DEDICATED FOR THE PURPOSE SET FORTH.

(IV) IT IS THE INTENT OF THE PEOPLE OF COLORADO THAT THE APPROPRIATIONS MADE FOR THE PURPOSES HEREINAFTER SET FORTH ARE SUPPLEMENTAL APPROPRIATIONS AND ARE NOT TO BE USED BY THE GENERAL ASSEMBLY TO SUPPLANT OR DISPLACE ANY OTHER FUNDS WHICH MAY BE APPROPRIATED, RECEIVED OR DEDICATED FOR THE PURPOSE SET FORTH. TO THE COLORADO WATER CONSERVATION BOARD, OR ITS SUCCESSOR AGENCY, FOR THE FOLLOWING PURPOSES:

- (A) THE ADMINISTRATION OF THE INTERSTATE COMPACTS AND EQUAL APPORTIONMENT DECREES FOR WATER TO WHICH THE STATE OF COLORADO IS A PARTY;
- (B) INVESTIGATING AND PREPARING CONTINGENCY PLANS FOR POTENTIAL ADVERSE EFFECTS ON THE STATE'S WATER SUPPLIES THAT MAY OCCUR AS A RESULT OF SUSTAINED DROUGHTS OR OTHER PRECIPITATION DISRUPTIONS WHETHER SUCH DISRUPTIONS OCCUR AS PART OF NATURAL CLIMATE AND WEATHER PHENOMENA OR AS A RESULT OF CLIMATE CHANGES;
- (C) INVESTIGATING AND PREPARING PLANS FOR THE REDUCTION OF WILDFIRE RISK THAT MIGHT ADVERSELY AFFECT THE WATERSHEDS FOR THE MAJOR SOURCES OF WATER SUPPLY;
- (D) INVESTIGATING AND PREPARING PLANS FOR FLOODING THAT MIGHT ADVERSELY AFFECT THE WATER SUPPLIES OF THE STATE; AND
- (E) SUCH OTHER RESPONSIBILITIES AS MAY FROM TIME TO TIME BE REQUIRED BY THE GENERAL ASSEMBLY.

(c) OF THE AMOUNT REMAINING IN THE FUND AFTER THE RESERVE AMOUNT HAS BEEN SET AS REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION AND AFTER THE DISTRIBUTION OF THE AMOUNTS REQUIRED BY PARAGRAPH (b) OF THIS SUBSECTION, THE MONIES REMAINING IN THE FUND SHALL BE DISTRIBUTED EVERY SIX MONTHS AS FOLLOWS:

(I) TO EACH OF THE NINE RIVER BASIN ROUND TABLES AND THE INTERBASIN COMPACT COMMITTEE ESTABLISHED BY ARTICLE 75 OF TITLE 37, COLORADO REVISED STATUTES, FOR EACH FISCAL YEAR COMMENCING ON JULY 1, 2011, JULY 1, 2012 AND JULY 1, 2013, AN EQUAL AMOUNT OF MONEY FOR THE PURPOSES SET FORTH IN ARTICLE 75 OF TITLE 37, COLORADO REVISED STATUTES; PROVIDED, HOWEVER, THAT THE AMOUNT TRANSFERRED OR OTHERWISE CREDITED TO EACH RECIPIENT SHALL NOT EXCEED FIVE HUNDRED THOUSAND DOLLARS PER YEAR;

(II) AFTER THE DISTRIBUTIONS REQUIRED BY PARAGRAPHS (a) AND (b) AND SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) OF THIS SUBSECTION HAVE BEEN MADE, ANY MONIES REMAINING IN THE FUND SHALL BE DISTRIBUTED TO EACH OF THE NINE RIVER BASIN ROUND TABLES IN PROPORTION TO THE ESTIMATED WATER SUPPLY SHORTAGE EACH RIVER BASIN REPRESENTS OF THE STATEWIDE ESTIMATED WATER SHORTAGE AS DETERMINED BY THE MOST CURRENT STATEWIDE WATER SUPPLY INITIATIVE STUDY, OR SUCCESSOR STUDY FOR THE SAME OR SIMILAR PURPOSES, CONDUCTED BY THE COLORADO WATER CONSERVATION BOARD. THE MONIES MADE AVAILABLE TO THE BASIN ROUND TABLES PURSUANT TO THIS PARAGRAPH SHALL BE USED FOR THE PURPOSES SET FORTH IN SUBSECTION (4) OF THIS SECTION.

(9) (a) THE PEOPLE OF COLORADO FIND, DETERMINE AND DECLARE THAT FOR THE PURPOSES OF THE INITIAL IMPLEMENTATION OF THIS SECTION, THE BASIN ROUNDTABLES ESTABLISHED IN ACCORDANCE WITH ARTICLE 75 OF TITLE 37, COLORADO REVISED STATUTES, INCLUDE THE MOST COMPREHENSIVE REPRESENTATION OF CRITICAL INTERESTS NECESSARY TO DEVELOP AND IMPLEMENT SOUND PLANS AND PROGRAMS FOR THE PRESERVATION AND PROTECTION OF THE WATERS OF THIS STATE CURRENTLY IN EXISTENCE IN THIS STATE AND SHOULD BE TASKED WITH THE RESPONSIBILITY FOR CARRYING OUT THE PURPOSES OF THIS SECTION. THE PEOPLE OF COLORADO FURTHER FIND, DETERMINE AND DECLARE THAT IN ADDITION TO THE BROAD REPRESENTATION OF INTERESTS ON THE RIVER BASIN ROUNDTABLES, THE INTERBASIN COMPACT COMMITTEE IS PARTICULARLY WELL SUITED TO REVIEW AND ANALYZE PROPOSALS, INCLUDING BUT NOT LIMITED TO, THE TRANSFER OF WATER SUPPLIES BETWEEN THE RIVER BASINS AND TO RECOMMEND THE OPTIMUM BALANCE OF WATER SUPPLY USES AMONG THE BENEFICIAL USES OF WATER RECOGNIZED BY THE STATE OF COLORADO FOR THE MAXIMUM BENEFIT OF THE PEOPLE OF COLORADO.

(b) THERE IS HEREBY ESTABLISHED A FOUR-YEAR MORATORIUM ON THE AMENDMENT, REPEAL OR MODIFICATION OF ARTICLE 75 OF TITLE 37, COLORADO REVISED STATUTES, THAT CREATED AND GOVERNS THE BASIN ROUND TABLES AND INTERBASIN COMPACT COMMITTEE AS THAT STATUTE WAS INCORPORATED IN THE LAWS OF COLORADO AS OF JANUARY 1, 2010. THE PURPOSE FOR THE MORATORIUM IS TO PROVIDE FOR THE STABILITY OF THE FUND, THE EXPRESS USES OF THE MONIES IN THE FUND, THE ACCOUNTABILITY FOR THE USE OF ANY MONIES RECEIVED FROM THE FUND AND TO PROVIDE ADEQUATE TIME FOR THE BASIN ROUND TABLES AND THE INTERBASIN COMPACT COMMITTEE TO COMPLETE THE TASKS THAT HAVE BEEN ASSIGNED TO THEM UNDER THE PROVISIONS OF ARTICLE 75 OF TITLE 37, COLORADO REVISED STATUTES AND THIS SECTION. EFFECTIVE JANUARY 1, 2015, THIS MORATORIUM IS TERMINATED AND THE GENERAL ASSEMBLY MAY ALTER THE STRUCTURE AND PURPOSES OF THE BASIN ROUND TABLES AND THE INTERBASIN COMPACT COMMITTEE; PROVIDED, HOWEVER, THAT ANY SUCH MODIFICATION, TO INCLUDE REPEAL, SHALL BE ENACTED BY BILL AND THE BILL SHALL BE SUBJECT TO THE FULL REFERENDUM POWERS RESERVED TO THE PEOPLE OF COLORADO. DURING THE PERIOD OF THIS MORATORIUM, THE GENERAL ASSEMBLY SHALL NOT CREATE NOR

EMPOWER ANY OTHER AGENCY TO SUPERSEDE OR BE SUPERORDINATE TO THE BASIN ROUND TABLES AND THE INTERBASIN COMPACT COMMITTEE.

(10) THESE SECTIONS SHALL BECOME EFFECTIVE UPON PROCLAMATION BY THE GOVERNOR AND SHALL BE SELF EXECUTING AND SELF IMPLEMENTING IN ALL RESPECTS.

(11) IF ANY PROVISION OF THIS SECTION IS HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT ANY OTHER PROVISIONS OF THIS SECTION THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION, AND TO THAT END THE PROVISIONS OF THIS SECTION ARE DECLARED TO BE SEVERABLE.

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