

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 14-0778.01 Thomas Morris x4218

SENATE BILL 14-115

SENATE SPONSORSHIP

Roberts and Schwartz,

HOUSE SPONSORSHIP

Fischer and Coram,

Senate Committees

Agriculture, Natural Resources, & Energy
Appropriations

House Committees

Agriculture, Livestock, & Natural Resources
Legislative Council

A BILL FOR AN ACT

101 **CONCERNING PROCEDURAL REQUIREMENTS APPLICABLE TO STATE**
102 **WATER PLANS, AND, IN CONNECTION THEREWITH, MAKING AND**
103 **REDUCING AN APPROPRIATION.**

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>.)

The bill requires the Colorado water conservation board to hold a hearing on a draft state water plan within each basin roundtable, update the plan based on public comments, and present the draft plan to the water resources review committee. The committee must vote on whether to

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.

SENATE
3rd Reading Unamended
March 28, 2014

SENATE
Amended 2nd Reading
March 27, 2014

introduce legislation that would approve the plan. The plan does not embody state water policy unless the general assembly, acting by bill, approves the plan.

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

2 **SECTION 1. In Colorado Revised Statutes, 37-60-106, add (1)**
3 **(u) as follows:**

4 **37-60-106. Duties of the board - state water plan - legislative**
5 **declaration. (1) It is the duty of the board to promote the conservation**
6 **of the waters of the state of Colorado in order to secure the greatest**
7 **utilization of such waters and the utmost prevention of floods; and in**
8 **particular, and without limiting the general character of this section, the**
9 **board has the power and it is its duty:**

10 **(u) (I) TO ADOPT AND UPDATE, AS WARRANTED, A STATE WATER**
11 **PLAN. IN EXERCISING ITS AUTHORITY PURSUANT TO THIS PARAGRAPH (u),**
12 **EXECUTIVE ORDER D2013-005, OR ANY ANALOGOUS SUCCESSOR ORDER**
13 **DIRECTING THE BOARD TO ADOPT OR AMEND A STATE OR COLORADO**
14 **WATER PLAN, THE BOARD SHALL COMPLY WITH ALL REQUIREMENTS OF**
15 **THIS PARAGRAPH (u).**

16 **(II) Legislative declaration. BECAUSE THE CONSTITUTION VESTS**
17 **ALL LEGISLATIVE POWER OF THE STATE IN THE GENERAL ASSEMBLY, THE**
18 **GENERAL ASSEMBLY:**

19 **(A) FINDS THAT THE PRIMARY PURPOSE OF A STATE WATER PLAN**
20 **IS TO DETERMINE STATE POLICY REGARDING THE OPTIMAL CONSERVATION**
21 **AND DEVELOPMENT OF COLORADO'S WATER RESOURCES;**

22 **(B) DETERMINES THAT THE GENERAL ASSEMBLY IS PRIMARILY**
23 **RESPONSIBLE FOR GUIDING THE DEVELOPMENT OF STATE WATER POLICY;**

24 **AND**

1 (C) DECLARES THAT ENACTMENT OF THIS PARAGRAPH (u) IS
2 NECESSARY TO PROTECT THE INTERESTS OF THE PUBLIC IN THE STATE'S
3 WATER RESOURCES AND THAT IN ENACTING THIS PARAGRAPH (u), THE
4 GENERAL ASSEMBLY INTENDS TO ENGAGE THE PEOPLE OF THE STATE IN A
5 PUBLIC DIALOGUE REGARDING OPTIMUM STATE WATER POLICY; AFFIRMS
6 DELEGATION OF POLICY-MAKING AUTHORITY TO THE COLORADO WATER
7 CONSERVATION BOARD, SUBJECT TO DIRECTION BY THE GENERAL
8 ASSEMBLY; AND NOT INTERFERE WITH, BUT INSTEAD TO PROMOTE THE
9 POLICIES, PROCESSES, BASIN ROUNDTABLE PLANS, AND INTERBASIN
10 COMPACT NEGOTIATIONS CONDUCTED PURSUANT TO THE "COLORADO
11 WATER FOR THE 21ST CENTURY ACT", ARTICLE 75 OF THIS TITLE, AND THE
12 INTERBASIN COMPACT CHARTER AS APPROVED BY THE GENERAL ASSEMBLY
13 ACTING BY BILL AS SPECIFIED IN SECTION 37-75-105 (2).

14 (III) IN EXERCISING ITS AUTHORITY PURSUANT TO THIS PARAGRAPH
15 (u), THE BOARD SHALL:

16 (A) DEVELOP THE STATE WATER PLAN WITH THE INVOLVEMENT OF
17 THE PUBLIC AND THE BASIN ROUNDTABLES, AS CREATED IN SECTION
18 37-75-104 (3) (b), AND PROVIDE OPPORTUNITIES FOR PUBLIC COMMENT
19 BEFORE ADOPTING ANY FINAL OR SIGNIFICANTLY AMENDED PLAN;

20 (B) PRESENT THE SCOPE, FUNDAMENTAL APPROACH, AND BASIC
21 ELEMENTS OF THE PLAN TO THE WATER RESOURCES REVIEW COMMITTEE
22 CREATED IN SECTION 37-98-102 BY AUGUST 1, 2014;

23 (C) IN DEVELOPING THE DRAFT PLAN, CONSIDER THE FEEDBACK
24 FROM THE WATER RESOURCES REVIEW COMMITTEE SUBMITTED TO THE
25 BOARD PURSUANT TO SECTION 37-98-103 (5) (a) BY NOVEMBER 1, 2014;

26 (D) PRESENT THE DRAFT PLAN TO THE WATER RESOURCES REVIEW
27 COMMITTEE BY JULY 1, 2015;

1 (E) IN DEVELOPING THE FINAL PLAN, CONSIDER THE FEEDBACK
2 FROM THE WATER RESOURCES REVIEW COMMITTEE SUBMITTED PURSUANT
3 TO SECTION 37-98-103 (5) (b) BY NOVEMBER 1, 2015; AND

4 (F) NOTIFY THE WATER RESOURCES REVIEW COMMITTEE OF ANY
5 PROPOSED SIGNIFICANT AMENDMENTS TO THE PLAN, AS DETERMINED BY
6 THE BOARD, BY JUNE 1 OF ANY YEAR IN WHICH THE AMENDMENT IS
7 PROPOSED TO BE ADOPTED; PRESENT THE PROPOSED AMENDMENT TO THE
8 COMMITTEE BY AUGUST 1 OF THAT YEAR; AND CONSIDER THE
9 COMMITTEE'S FEEDBACK SUBMITTED PURSUANT TO SECTION 37-98-103 (5)
10 (c) BY NOVEMBER 1 OF THAT YEAR.

11 (IV) BY NOVEMBER 1 OF EACH YEAR FOLLOWING THE SUBMISSION
12 TO THE WATER RESOURCES REVIEW COMMITTEE OF A STATE WATER PLAN
13 OR AMENDMENT PURSUANT TO THIS PARAGRAPH (u), ANY MEMBER OF THE
14 GENERAL ASSEMBLY MAY MAKE A REQUEST IN WRITING TO THE
15 CHAIRPERSON OF THE WATER RESOURCES REVIEW COMMITTEE THAT THE
16 COMMITTEE HOLD ONE OR MORE HEARINGS TO REVIEW THE PLAN OR
17 AMENDMENT AS SUBMITTED TO THE WATER RESOURCES REVIEW
18 COMMITTEE. UPON RECEIPT OF THE REQUEST, THE CHAIRPERSON OF THE
19 COMMITTEE SHALL PROMPTLY SCHEDULE A HEARING TO CONDUCT THE
20 REVIEW AND PROVIDE ADEQUATE NOTICE TO THE PUBLIC AND THE BOARD.
21 THE COMMITTEE, AFTER HOLDING A PUBLIC HEARING, MAY RECOMMEND
22 THE INTRODUCTION OF A BILL OR BILLS BASED ON THE RESULTS OF THE
23 REVIEW. A BILL RECOMMENDED BY THE COMMITTEE FOR CONSIDERATION
24 UNDER THIS SUBPARAGRAPH (IV) DOES NOT COUNT AGAINST THE NUMBER
25 OF BILLS TO WHICH EITHER THE COMMITTEE OR THE MEMBERS OF THE
26 GENERAL ASSEMBLY ARE LIMITED BY LAW OR JOINT RULE OF THE SENATE
27 AND THE HOUSE OF REPRESENTATIVES, AND A HEARING HELD BY THE

1 COMMITTEE PURSUANT TO THIS SUBPARAGRAPH (IV) DOES NOT COUNT
2 AGAINST THE NUMBER OF MEETINGS ALLOWED BY SECTION 37-98-102 (1)
3 (a).

4 (V) A STATE WATER PLAN, WHETHER OR NOT THE SUBJECT OF A
5 BILL INTRODUCED PURSUANT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH
6 (u), IS ONLY A POLICY, IS NOT A RULE, AND DOES NOT HAVE THE FORCE OR
7 EFFECT OF LAW.

8 **SECTION 2.** In Colorado Revised Statutes, 37-98-101, **amend**
9 (1) introductory portion as follows:

10 **37-98-101. Legislative declaration.** (1) The general assembly
11 finds, determines, and declares that the purpose of this article is to
12 provide an interim committee as a forum through which the general
13 assembly shall review the STATEWIDE PLANNING, administration, and
14 monitoring of Colorado's water resources. The general assembly
15 recognizes its mandate to vigorously protect and defend Colorado's finite
16 supply of water. The general assembly further recognizes the need to
17 ensure that water issues receive sufficient legislative scrutiny and public
18 input:

19 **SECTION 3.** In Colorado Revised Statutes, 37-98-103, **add** (5)
20 and (6) as follows:

21 **37-98-103. Annual recommendations - bill limitation -**
22 **deadlines for introduction - repeal.** (5) (a) WHEN THE COLORADO
23 WATER CONSERVATION BOARD SUBMITS THE SCOPE, FUNDAMENTAL
24 APPROACH, AND BASIC ELEMENTS OF A DRAFT STATE WATER PLAN TO THE
25 COMMITTEE AS SPECIFIED IN SECTION 37-60-106 (1) (u) (III) (B), THE
26 COMMITTEE SHALL HOLD AT LEAST ONE PUBLIC HEARING ON THE SCOPE,
27 FUNDAMENTAL APPROACH, AND BASIC ELEMENTS OF THE DRAFT PLAN IN

1 EACH GEOGRAPHIC REGION ASSOCIATED WITH THE BASIN ROUNDTABLES,
2 AS CREATED IN SECTION 37-75-104 (3) (b), FOR THE PURPOSE OF
3 RECEIVING THE PUBLIC'S FEEDBACK. THE COMMITTEE SHALL PROVIDE A
4 SUMMARY OF THE PUBLIC'S FEEDBACK, AS WELL AS THE COMMITTEE'S OWN
5 FEEDBACK, TO THE BOARD BY NOVEMBER 1, 2014.

6 (b) WHEN THE COLORADO WATER CONSERVATION BOARD SUBMITS
7 A DRAFT STATE WATER PLAN TO THE COMMITTEE AS SPECIFIED IN SECTION
8 37-60-106 (1) (u) (III) (D), THE COMMITTEE SHALL HOLD AT LEAST ONE
9 PUBLIC HEARING ON THE DRAFT PLAN IN EACH GEOGRAPHIC REGION
10 ASSOCIATED WITH THE BASIN ROUNDTABLES FOR THE PURPOSE OF
11 RECEIVING THE PUBLIC'S FEEDBACK. THE COMMITTEE SHALL PROVIDE A
12 SUMMARY OF THE PUBLIC'S FEEDBACK, AS WELL AS THE COMMITTEE'S OWN
13 FEEDBACK, TO THE BOARD BY NOVEMBER 1, 2015.

14 (c) WHEN THE COLORADO WATER CONSERVATION BOARD SUBMITS
15 A SIGNIFICANT AMENDMENT TO THE STATE WATER PLAN TO THE
16 COMMITTEE AS SPECIFIED IN SECTION 37-60-106 (1) (u) (III) (F), THE
17 COMMITTEE MAY HOLD AT LEAST ONE PUBLIC HEARING ON THE
18 AMENDMENT IN EACH GEOGRAPHIC REGION ASSOCIATED WITH THE BASIN
19 ROUNDTABLES FOR THE PURPOSE OF RECEIVING THE PUBLIC'S FEEDBACK.
20 IF THE COMMITTEE HOLDS THE HEARINGS, THE COMMITTEE SHALL PROVIDE
21 A SUMMARY OF THE PUBLIC'S FEEDBACK, AS WELL AS THE COMMITTEE'S
22 OWN FEEDBACK, TO THE BOARD BY NOVEMBER 1 OF THE YEAR IN WHICH
23 THE HEARINGS ARE HELD.

24 (d) HEARINGS HELD PURSUANT TO THIS SUBSECTION (5):

25 (I) DO NOT COUNT AGAINST THE NUMBER OF MEETINGS OR FIELD
26 TRIPS ALLOWED BY SECTION 37-98-102 (1) (a); AND

27 (II) MAY BE HELD BEFORE THE COLORADO WATER CONSERVATION

1 BOARD SUBMITS THE DOCUMENTS SPECIFIED IN SECTION 37-60-106 (1) (u)
2 (III) (B) OR (1) (u) (III) (D) IF DEEMED APPROPRIATE BY THE CHAIR OF THE
3 COMMITTEE.

4 (6) NO LATER THAN NOVEMBER 1, 2017, AND NO LATER THAN
5 EVERY FIVE YEARS THEREAFTER, THE COMMITTEE SHALL PREPARE A LIST
6 OF SPECIFIC TOPICS THAT IT DEEMS NECESSARY TO BE ADDRESSED IN THE
7 STATE WATER PLAN, AS UPDATED OR AMENDED PURSUANT TO SECTION
8 37-60-106 (1) (u). THE COLORADO WATER CONSERVATION BOARD SHALL
9 PROVIDE ITS RECOMMENDATIONS, INCLUDING SUGGESTIONS FOR
10 POTENTIAL LEGISLATION, FOR THE COMMITTEE'S CONSIDERATION WITHIN
11 EIGHT MONTHS AFTER RECEIPT OF THE LIST OF SPECIFIC TOPICS.

12 **SECTION 4. Appropriation adjustments to the 2014 long bill.**

13 (1) For the implementation of this act, the general fund appropriation
14 made in the annual general appropriation act to the controlled
15 maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado
16 Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased
17 by \$13,680.

18 (2) In addition to any other appropriation, there is hereby
19 appropriated, out of any moneys in the general fund not otherwise
20 appropriated, to the legislative department, for the fiscal year beginning
21 July 1, 2014, the sum of \$13,680, or so much thereof as may be necessary,
22 for the implementation of this act.

23 **SECTION 5. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.