

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**

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**SENATE SPONSORSHIP**

**Roberts and Schwartz,**

**HOUSE SPONSORSHIP**

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

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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/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.*

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.

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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, DOES NOT HAVE THE FORCE OR  
7 EFFECT OF LAW, AND IS NOT APPEALABLE TO ANY JUDICIAL ENTITY.

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

27 (6) NO LATER THAN NOVEMBER 1, 2017, AND NO LATER THAN

1 EVERY FIVE YEARS THEREAFTER, THE COMMITTEE SHALL PREPARE A LIST  
2 OF SPECIFIC TOPICS THAT IT DEEMS NECESSARY TO BE ADDRESSED IN THE  
3 STATE WATER PLAN, AS UPDATED OR AMENDED PURSUANT TO SECTION  
4 37-60-106 (1) (u). THE COLORADO WATER CONSERVATION BOARD SHALL  
5 PROVIDE ITS RECOMMENDATIONS, INCLUDING SUGGESTIONS FOR  
6 POTENTIAL LEGISLATION, FOR THE COMMITTEE'S CONSIDERATION WITHIN  
7 EIGHT MONTHS AFTER RECEIPT OF THE LIST OF SPECIFIC TOPICS.

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

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

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

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