

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0781.01 Thomas Morris x4218

SENATE BILL 14-145

SENATE SPONSORSHIP

Hodge and Roberts,

HOUSE SPONSORSHIP

(None),

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING INCENTIVES FOR THE CONSERVATION OF WATER.

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 certain local governments to consider whether tap fees should be reduced if a developer commits to the implementation of water efficiency and conservation measures with regard to irrigated landscapes, including open space and residential lawns, within the subdivision. **Section 1** applies to counties, **section 2** applies to municipalities, and **section 3** applies to special districts that supply water. Sections 1 and 2 also prohibit county and municipal subdivision

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.

regulations from mandating a minimum percentage of a subdivision that must consist of irrigated vegetation or requiring the irrigation of medians.

Section 4 directs the Colorado water conservation board, in its awards of incentive grants for the design and implementation of water efficiency and conservation measures, to give priority to public agencies that require new subdivisions to implement water efficiency and conservation measures with regard to irrigated landscapes, including open space and residential lawns.

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

2 **SECTION 1.** In Colorado Revised Statutes, 30-28-133, **amend**
3 (4) introductory portion and (4) (d) as follows:

4 **30-28-133. Subdivision regulations.** (4) A subdivision
5 ~~regulations~~ REGULATION adopted by the board of county commissioners
6 pursuant to this section shall also include, as a minimum, provisions
7 governing the following matters:

8 (d) (I) Standards and technical procedures applicable to water
9 systems.

10 (II) (A) A SUBDIVISION REGULATION MUST NOT MANDATE A
11 MINIMUM PERCENTAGE OF A SUBDIVISION THAT MUST CONSIST OF
12 IRRIGATED VEGETATION, INCLUDING IN LAWNS, OPEN SPACE, PARKS, OR
13 BUFFER ZONES, OR MANDATE THE IRRIGATION OF MEDIANS.

14 (B) THE GENERAL ASSEMBLY DECLARES THAT THIS
15 SUBPARAGRAPH (II) IS A MATTER OF STATEWIDE CONCERN.

16 (III) WHEN ADOPTING A SUBDIVISION REGULATION, THE BOARD
17 SHALL CONSIDER WHETHER THE TAP FEE ASSESSED PURSUANT TO SECTION
18 30-20-402 (1) (f) SHOULD BE REDUCED IF THE DEVELOPER COMMITS TO
19 IMPLEMENTING WATER EFFICIENCY AND CONSERVATION MEASURES AS
20 SPECIFIED IN THE REGULATIONS OR OTHERWISE, INCLUDING IN SECTION
21 38-35.7-107 (1) (a) (III), C.R.S., WITH REGARD TO IRRIGATED

1 LANDSCAPES, INCLUDING OPEN SPACE AND RESIDENTIAL LAWNS, WITHIN
2 THE SUBDIVISION.

3 **SECTION 2.** In Colorado Revised Statutes, 31-23-214, **add** (1.7)
4 as follows:

5 **31-23-214. Subdivision regulations.** (1.7) (a) (I) A SUBDIVISION
6 REGULATION MUST NOT MANDATE A MINIMUM PERCENTAGE OF A
7 SUBDIVISION THAT MUST CONSIST OF IRRIGATED VEGETATION, INCLUDING
8 IN LAWNS, OPEN SPACE, PARKS, OR BUFFER ZONES, OR MANDATE THE
9 IRRIGATION OF MEDIANS.

10 (II) THE GENERAL ASSEMBLY DECLARES THAT THIS PARAGRAPH (a)
11 IS A MATTER OF STATEWIDE CONCERN.

12 (b) WHEN ADOPTING A SUBDIVISION REGULATION, THE
13 COMMISSION SHALL CONSIDER WHETHER THE TAP FEE ASSESSED PURSUANT
14 TO SECTION 31-35-402 (1) (f) SHOULD BE REDUCED IF THE DEVELOPER
15 COMMITS TO IMPLEMENTING WATER EFFICIENCY AND CONSERVATION
16 MEASURES AS SPECIFIED IN THE REGULATIONS OR OTHERWISE, INCLUDING
17 IN SECTION 38-35.7-107 (1) (a) (III), C.R.S., WITH REGARD TO IRRIGATED
18 LANDSCAPES, INCLUDING OPEN SPACE AND RESIDENTIAL LAWNS, WITHIN
19 THE SUBDIVISION.

20 **SECTION 3.** In Colorado Revised Statutes, 32-1-1006, **amend**
21 (1) (g) as follows:

22 **32-1-1006. Sanitation, water and sanitation, or water districts**
23 **- additional powers - special provisions.** (1) In addition to the powers
24 specified in section 32-1-1001, the board of any sanitation, water and
25 sanitation, or water district has the following powers for and on behalf of
26 such district:

27 (g) (I) To fix and from time to time to increase or decrease tap

1 fees. The board may pledge such revenue for the payment of any
2 indebtedness of the special district.

3 (II) THE BOARD SHALL CONSIDER WHETHER THE TAP FEE ASSESSED
4 PURSUANT TO THIS PARAGRAPH (g) SHOULD BE REDUCED IF THE
5 DEVELOPER OF A SUBDIVISION COMMITS TO IMPLEMENTING WATER
6 EFFICIENCY AND CONSERVATION MEASURES AS SPECIFIED IN SUBDIVISION
7 REGULATIONS ADOPTED PURSUANT TO SECTION 30-28-133 (4) (d) (III) OR
8 31-23-214 (1.7) (b), C.R.S., OR OTHERWISE, INCLUDING IN SECTION
9 38-35.7-107 (1) (a) (III), C.R.S., WITH REGARD TO IRRIGATED
10 LANDSCAPES, INCLUDING OPEN SPACE AND RESIDENTIAL LAWNS, WITHIN
11 THE SUBDIVISION.

12 **SECTION 4.** In Colorado Revised Statutes, 37-60-125, **amend**
13 (1) as follows:

14 **37-60-125. Authorizations for expenditures from Colorado**
15 **water conservation board construction fund for demonstration of**
16 **benefits of water efficiency.** (1) (a) The Colorado water conservation
17 board is hereby authorized to ANNUALLY expend five hundred thousand
18 dollars from the Colorado water conservation board construction fund,
19 notwithstanding the requirements of sections 37-60-119 to 37-60-122, for
20 the purpose of a ~~pilot program demonstrating the benefits of~~ PROMOTING
21 water efficiency measures by providing incentive grants, not to exceed
22 fifty thousand dollars EACH, to any public agency established under
23 Colorado law that requests assistance in the design and implementation
24 of ~~pilot~~ water efficiency and conservation measures.

25 (b) THE BOARD SHALL GIVE PRIORITY IN THE AWARD OF GRANTS TO
26 LOCAL GOVERNMENTS THAT REQUIRE NEW SUBDIVISIONS TO IMPLEMENT
27 WATER EFFICIENCY AND CONSERVATION MEASURES, INCLUDING AS

1 SPECIFIED IN SECTION 38-35.7-107 (1) (a) (III), C.R.S., WITH REGARD TO
2 IRRIGATED LANDSCAPES, INCLUDING OPEN SPACE AND RESIDENTIAL
3 LAWNS.

4 **SECTION 5. Act subject to petition - effective date -**
5 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
6 the expiration of the ninety-day period after final adjournment of the
7 general assembly (August 6, 2014, if adjournment sine die is on May 7,
8 2014); except that, if a referendum petition is filed pursuant to section 1
9 (3) of article V of the state constitution against this act or an item, section,
10 or part of this act within such period, then the act, item, section, or part
11 will not take effect unless approved by the people at the general election
12 to be held in November 2014 and, in such case, will take effect on the
13 date of the official declaration of the vote thereon by the governor.

14 (2) This act applies to conduct occurring on or after the applicable
15 effective date of this act.