

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 19-0132.01 Richard Sweetman x4333

HOUSE BILL 19-1029

HOUSE SPONSORSHIP

Arndt,

SENATE SPONSORSHIP

Crowder,

House Committees
Rural Affairs & Agriculture

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REPUBLICAN RIVER WATER CONSERVATION**
102 **DISTRICT, AND, IN CONNECTION THEREWITH, EXPANDING THE**
103 **BOUNDARIES OF THE DISTRICT AND ADJUSTING THE MEETING**
104 **SCHEDULE OF THE DISTRICT'S BOARD OF DIRECTORS.**

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://leg.colorado.gov/>.)

Water Resources Review Committee. The boundaries of the Republican river water conservation district are currently established by statute as certain counties and portions of counties that are within the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Republican river basin. The bill expands the boundaries by including the district areas where groundwater pumping depletes the flow of the Republican river as contemplated by applicable United States supreme court case law. The composition of the district's board of directors is adjusted accordingly.

Current law requires the Republican river water conservation district board of directors to conduct regular quarterly meetings in January, April, July, and October. The bill changes these months to February, May, August, and November.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-50-103, **amend**
3 (1) as follows:

4 **37-50-103. Creation and name of district.** (1) There is hereby
5 created a water conservation district to be known and designated as the
6 "Republican river water conservation district". The district is hereby
7 declared to be a body corporate under the laws of Colorado. The district
8 ~~shall comprise~~ CONSISTS OF the following area and territory of the state
9 of Colorado:

10 (a) Phillips and Yuma counties; and

11 (b) Those portions of CHEYENNE, Kit Carson, Lincoln, Logan,
12 Sedgwick, and Washington counties within the ~~Republican river basin~~
13 MODEL DOMAIN OF THE REPUBLICAN RIVER COMPACT ADMINISTRATION
14 GROUNDWATER MODEL WITHIN THE STATE OF COLORADO AS THAT
15 DOMAIN IS DEFINED IN APPENDIX B TO THE FINAL REPORT OF THE SPECIAL
16 MASTER WITH CERTIFICATE OF ADOPTION OF RRCA GROUNDWATER
17 MODEL, *KANSAS V. NEBRASKA AND COLORADO*, UNITED STATES SUPREME
18 COURT, NO. 126, ORIGINAL, DATED SEPTEMBER 17, 2003.

19 **SECTION 2.** In Colorado Revised Statutes, 37-50-104, **amend**
20 (1), (2), and (3)(b); and **add** (3)(a)(IV) as follows:

1 **37-50-104. Board of directors.** (1) (a) The district shall be
2 managed and controlled by a board of ~~fifteen~~ SEVENTEEN directors. The
3 members of the board shall hold their offices for terms of three years and
4 until their successors are appointed and qualified. A director may serve
5 one or more terms. The boards of county commissioners of the counties
6 of Yuma, Phillips, Kit Carson, Washington, Sedgwick, Lincoln,
7 CHEYENNE, and Logan shall each appoint one director. ~~who shall be a~~
8 ~~resident of the respective county.~~ One member of the board shall be
9 appointed by each of the boards of the EAST CHEYENNE, Marks Butte,
10 Frenchman, W-Y, Sand Hills, Central Yuma, Arikaree, and Plains ground
11 water management districts. One member of the board shall be appointed
12 by the Colorado ground water commission and ~~shall~~ MUST be a member
13 of the Colorado ground water commission.

14 (b) (I) Each director ~~shall~~ MUST be, at the time of the director's
15 appointment:

16 (A) A resident OF THE STATE OF COLORADO;

17 (B) A RESIDENT OF A COUNTY THAT IS, IN WHOLE OR IN PART,
18 WITHIN THE BOUNDARIES OF THE DISTRICT; AND

19 (C) ~~and~~ AN owner of real property THAT IS within the ~~county or~~
20 ~~ground water management~~ BOUNDARIES OF THE district from which ~~he or~~
21 ~~she~~ THE DIRECTOR is appointed, ~~or, if only a part of~~ AS WELL AS WITHIN
22 the county or ground water management district ~~is included within the~~
23 ~~boundaries of the district, a resident and owner of real property within~~
24 ~~such included part. The director appointed by the Colorado ground water~~
25 ~~commission shall, at the time of appointment, reside within the district~~
26 FROM WHICH THE DIRECTOR IS APPOINTED.

27 (II) Each director shall be appointed by either the board of county

1 commissioners of the county in which the director resides or by the
2 ground water management district in which the director resides. The
3 director may be a member of the board of county commissioners of such
4 county or the board of directors of such ground water management
5 district. ~~Such~~ THE appointments shall be made at the first meeting of the
6 board of county commissioners, ground water management district, or
7 Colorado ground water commission after the establishment of the district;
8 EXCEPT THAT THE DIRECTORS APPOINTED BY THE CHEYENNE COUNTY
9 BOARD OF COUNTY COMMISSIONERS AND THE EAST CHEYENNE GROUND
10 WATER MANAGEMENT DISTRICT MUST BE APPOINTED AT THE FIRST
11 MEETING OF THE BOARD OF COUNTY COMMISSIONERS OR GROUND WATER
12 MANAGEMENT DISTRICT, AS APPLICABLE, AFTER THE EFFECTIVE DATE OF
13 THIS SUBSECTION (1)(b), AS AMENDED.

14 (c) The members of the board shall annually select one of their
15 number to act as president and one of their number to act as
16 vice-president, each to hold office for one year or until a successor is duly
17 selected.

18 (2) ~~The office of a director shall become~~ BECOMES vacant when
19 ~~the director ceases to reside in the county or ground water management~~
20 ~~district from which the director was appointed, or in the case of~~
21 ~~COLORADO OR WITHIN A COUNTY THAT IS, IN WHOLE OR IN PART, WITHIN~~
22 ~~THE BOUNDARIES OF THE DISTRICT, OR WHEN THE DIRECTOR NO LONGER~~
23 ~~OWNS REAL PROPERTY THAT IS WITHIN THE BOUNDARIES OF THE DISTRICT~~
24 ~~AND WITHIN THE COUNTY OR GROUND WATER MANAGEMENT DISTRICT~~
25 ~~FROM WHICH THE DIRECTOR IS APPOINTED. The OFFICE OF A director~~
26 ~~appointed by the Colorado ground water commission BECOMES VACANT~~
27 ~~when the director ceases to reside in the district or is no longer a member~~

1 of the Colorado ground water commission or when declared vacant by a
2 majority vote of all of the members of the board when a director has
3 failed to attend two consecutive regular meetings without having been
4 excused from attendance by the president. If a vacancy occurs in the
5 office by reason of death, resignation, removal, or otherwise, it shall be
6 filled for the remainder of the unexpired term by the board of county
7 commissioners of the county, or the ground water management district
8 from which the director was originally appointed. Each director shall take
9 an oath or affirmation in accordance with section 24-12-101.

10 (3) (a) Upon creation of the district, the directors shall be
11 appointed by the respective boards of county commissioners or ground
12 water management districts as provided in this section for the following
13 terms of office:

14 (IV) THE DIRECTOR FROM THE COUNTY OF CHEYENNE HAS AN
15 INITIAL TERM ENDING ON THE DATE OF THE REGULAR QUARTERLY MEETING
16 OF THE BOARD OF COUNTY COMMISSIONERS TO BE HELD IN NOVEMBER
17 2021 OR UPON THE APPOINTMENT OF HIS OR HER SUCCESSOR, WHICHEVER
18 OCCURS LATER. THE DIRECTOR FROM THE EAST CHEYENNE GROUND
19 WATER MANAGEMENT DISTRICT HAS AN INITIAL TERM ENDING ON THE
20 DATE OF THE REGULAR QUARTERLY MEETING OF THE DISTRICT'S BOARD TO
21 BE HELD IN NOVEMBER 2020 OR UPON THE APPOINTMENT OF HIS OR HER
22 SUCCESSOR, WHICHEVER OCCURS LATER.

23 (b) Thereafter, each director shall be appointed for a term of
24 three years, and the term shall expire EXPIRES on the date of the regular
25 quarterly meeting to be held in ~~October~~ NOVEMBER of the year that
26 commences during the third year of the director's term, or as soon
27 thereafter as a successor is duly appointed and qualified. For the purpose

1 of determining ~~such~~ THE expiration date, the term of the director shall be
2 taken as having begun on the date of the first regular ~~October~~ NOVEMBER
3 quarterly meeting at which the term of a predecessor would have expired
4 had the director then been duly appointed and qualified.

5 **SECTION 3.** In Colorado Revised Statutes, **amend** 37-50-108 as
6 follows:

7 **37-50-108. Principal office - meetings.** The board shall designate
8 a place within the district where the principal office is to be maintained
9 and may change ~~such~~ THE place from time to time. Regular quarterly
10 meetings of the board shall be held at the office on the ~~second Thursday~~
11 ~~THIRD TUESDAY~~ in the months of ~~January, April, July, and October~~
12 FEBRUARY, MAY, AUGUST, AND NOVEMBER. The board may hold such
13 special meetings as may be required for the proper transaction of
14 business. All special meetings of the board shall be held at locations that
15 are within the boundaries of the district or that are within the boundaries
16 of any county in which the district is located, in whole or in part, or in any
17 county if the meeting location is within Colorado and does not exceed
18 twenty miles from the district boundaries. The provisions of this section
19 governing the location of meetings may be waived only if the proposed
20 change of location of a meeting of the board appears on the agenda of a
21 regular or special meeting of the board and if a resolution is adopted by
22 the board stating the reason for which a meeting of the board is to be held
23 in a location other than under the provisions of this section and further
24 stating the date, time, and place of such meeting. Special meetings may
25 be called by the president of the board or by any four directors. Meetings
26 of the board ~~shall be~~ ARE public, and proper minutes of the proceedings
27 of the board ~~shall~~ MUST be preserved and ~~shall be~~ ARE open to inspection

1 by any elector of the district during business hours.

2 **SECTION 4. Act subject to petition - effective date -**

3 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
4 the expiration of the ninety-day period after final adjournment of the
5 general assembly (August 2, 2019, if adjournment sine die is on May 3,
6 2019); except that, if a referendum petition is filed pursuant to section 1
7 (3) of article V of the state constitution against this act or an item, section,
8 or part of this act within such period, then the act, item, section, or part
9 will not take effect unless approved by the people at the general election
10 to be held in November 2020 and, in such case, will take effect on the
11 date of the official declaration of the vote thereon by the governor.

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