

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
9.28.17

BILL 8

LLS NO. 18-0221.01 Thomas Morris x4218

INTERIM COMMITTEE BILL

Water Resources Review Committee

BILL TOPIC: "Protect Private Prop Rights Water Quality Reqmnt"

A BILL FOR AN ACT

101 **CONCERNING ADDITIONAL PROCEDURAL PROTECTIONS FOR PRIVATE**
102 **PROPERTY RIGHTS RELATING TO WATER QUALITY**
103 **REQUIREMENTS.**

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. Current law allows the water quality control commission to adopt rules more stringent than corresponding enforceable federal requirements only if it finds at a public hearing, based on sound scientific or technical evidence in the record, that more stringent state rules are necessary to protect the public health,

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

beneficial use of water, or the environment of the state. The bill adds the condition that the state rules must be necessary to protect private property rights. The bill also directs the commission to annually report to the water resources review committee regarding complaints related to new interpretations or applications of statutes, rules, or permit terms made by the water quality control division, commission, or department of public health and environment.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-8-202, **amend**
3 (8)(a) as follows:

4 **25-8-202. Duties of commission - rules - report.** (8) (a) (I) The
5 commission may adopt rules more stringent than corresponding
6 enforceable federal requirements only if it is demonstrated at a public
7 hearing, and the commission finds, based on sound scientific or technical
8 evidence in the record, that state rules more stringent than the
9 corresponding federal requirements are necessary to protect the public
10 health, beneficial use of water, or the environment of the state AND THE
11 STATE RULES ARE NECESSARY TO PROTECT PRIVATE PROPERTY RIGHTS.
12 Those findings shall be accompanied by a statement of basis and purpose
13 referring to and evaluating the public health and environmental
14 information and studies contained in the record ~~which~~ THAT form the
15 basis for the commission's conclusion.

16 (II) THE COMMISSION SHALL ANNUALLY REPORT TO THE WATER
17 RESOURCES REVIEW COMMITTEE CREATED IN SECTION 37-98-102
18 REGARDING COMPLAINTS RELATED TO NEW INTERPRETATIONS OR
19 APPLICATIONS OF STATUTES, RULES, OR PERMIT TERMS MADE BY THE
20 DIVISION, COMMISSION, OR DEPARTMENT. <{*Which of the following do*
21 *you prefer: "NOTWITHSTANDING THE REQUIREMENT IN SECTION*
22 *24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT*

1 REQUIRED IN THIS SUBSECTION (8)(a)(II) CONTINUES INDEFINITELY." or
2 "PURSUANT TO SECTION 24-1-136 (11)(a)(I), THIS SUBSECTION (8)(a)(II)
3 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021."?>

4 **SECTION 2. 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 8, 2018, if adjournment sine die is on May 9,
8 2018); 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 2018 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.

16 <{Do you want a specific effective date or a safety clause?}>