

CHAPTER 112

WATER AND IRRIGATION

HOUSE BILL 19-1029

BY REPRESENTATIVE(S) Arndt, Benavidez, Bird, Bockenfeld, Buentello, Cutter, Esgar, Exum, Galindo, Gonzales-Gutierrez, Hansen, Herod, Kipp, Kraft-Tharp, Lontine, McCluskie, McLachlan, Michaelson Jenet, Roberts, Snyder, Tipper, Titone, Valdez A.;

also SENATOR(S) Crowder, Coram, Story, Garcia.

AN ACT

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

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

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

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

(a) Phillips and Yuma counties; and

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

(A) A resident OF THE STATE OF COLORADO;

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

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

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

(b.5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, A PERSON MAY NOT BE APPOINTED TO THE BOARD TO REPRESENT A COUNTY UNLESS THE PERSON RESIDES IN THAT COUNTY.

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

(2) The office of a director ~~shall become~~ BECOMES vacant when the director ceases to reside in ~~the county or ground water management district from which the~~

~~director was appointed, or in the case of~~ COLORADO OR WITHIN A COUNTY THAT IS, IN WHOLE OR IN PART, WITHIN THE BOUNDARIES OF THE DISTRICT, OR WHEN THE DIRECTOR NO LONGER OWNS REAL PROPERTY THAT IS WITHIN THE BOUNDARIES OF THE DISTRICT AND WITHIN THE COUNTY OR GROUND WATER MANAGEMENT DISTRICT FROM WHICH THE DIRECTOR IS APPOINTED. ~~The office of a director appointed by the Colorado ground water commission becomes vacant when the director ceases to reside in the district or~~ is no longer a member of the Colorado ground water commission or when declared vacant by a majority vote of all of the members of the board when a director has failed to attend two consecutive regular meetings without having been excused from attendance by the president. If a vacancy occurs in the office by reason of death, resignation, removal, or otherwise, it shall be filled for the remainder of the unexpired term by the board of county commissioners of the county, or the ground water management district from which the director was originally appointed. Each director shall take an oath or affirmation in accordance with section 24-12-101.

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

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

(b) Thereafter, each director ~~shall be~~ is appointed for a term of three years, and the term ~~shall expire~~ EXPIRES on the date of the regular quarterly meeting to be held in ~~October~~ NOVEMBER of the year that commences during the third year of the director's term, or as soon thereafter as a successor is duly appointed and qualified. For the purpose of determining ~~such~~ THE expiration date, the term of the director shall be taken as having begun on the date of the first regular ~~October~~ NOVEMBER quarterly meeting at which the term of a predecessor would have expired had the director then been duly appointed and qualified.

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

37-50-108. Principal office - meetings. The board shall designate a place within the district where the principal office is to be maintained and may change ~~such~~ THE place from time to time. Regular quarterly meetings of the board shall be held at the office on the ~~second Thursday~~ THIRD TUESDAY in the months of ~~January, April, July, and October~~ FEBRUARY, MAY, AUGUST, AND NOVEMBER. The board may hold such special meetings as may be required for the proper transaction of business. All special meetings of the board shall be held at locations that are within the boundaries of the district or that are within the boundaries of any county in which the district is located, in whole or in part, or in any county if the meeting location is within Colorado and does not exceed twenty miles from the district boundaries. The provisions of this section governing the location of meetings may be waived

only if the proposed change of location of a meeting of the board appears on the agenda of a regular or special meeting of the board and if a resolution is adopted by the board stating the reason for which a meeting of the board is to be held in a location other than under the provisions of this section and further stating the date, time, and place of such meeting. Special meetings may be called by the president of the board or by any four directors. Meetings of the board ~~shall be~~ ARE public, and proper minutes of the proceedings of the board ~~shall~~ MUST be preserved and ~~shall~~ be ARE open to inspection by any elector of the district during business hours.

SECTION 4. In Colorado Revised Statutes, **add** 37-50-138.5 as follows:

37-50-138.5. Prohibition on duplication of water use fees. NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE ~~50~~ TO THE CONTRARY, A PERSON OR ENTITY WITHIN THE DISTRICT, WHICH PERSON OR ENTITY IS OBLIGATED TO PROVIDE AUGMENTATION TO A RIVER SYSTEM OTHER THAN THE REPUBLICAN RIVER PURSUANT TO A DECREED PLAN OF AUGMENTATION, IS NOT REQUIRED TO PAY WATER USE FEES TO THE DISTRICT.

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

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

Approved: April 16, 2019