

CHAPTER 187

WATER AND IRRIGATION

SENATE BILL 14-115

BY SENATOR(S) Roberts and Schwartz, Grantham, Guzman, Kefalas, Todd;
also REPRESENTATIVE(S) Fischer and Coram, Becker, Dore, Exum, Fields, Garcia, Gerou, Ginal, Hamner, Hullinghorst,
Labuda, Lebsack, Lee, McCann, Mitsch Bush, Pabon, Rankin, Rosenthal, Ryden, Schafer, Sonnenberg, Stephens, Tyler, Vigil,
Young.

AN ACT

CONCERNING PROCEDURAL REQUIREMENTS APPLICABLE TO STATE WATER PLANS, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 37-60-106, **add** (1) (u) as follows:

37-60-106. Duties of the board - state water plan - legislative declaration.

(1) It is the duty of the board to promote the conservation of the waters of the state of Colorado in order to secure the greatest utilization of such waters and the utmost prevention of floods; and in particular, and without limiting the general character of this section, the board has the power and it is its duty:

(u) (I) TO ADOPT AND UPDATE, AS WARRANTED, A STATE WATER PLAN. IN EXERCISING ITS AUTHORITY PURSUANT TO THIS PARAGRAPH (u), EXECUTIVE ORDER D2013-005, OR ANY ANALOGOUS SUCCESSOR ORDER DIRECTING THE BOARD TO ADOPT OR AMEND A STATE OR COLORADO WATER PLAN, THE BOARD SHALL COMPLY WITH ALL REQUIREMENTS OF THIS PARAGRAPH (u).

(II) **Legislative declaration.** BECAUSE THE CONSTITUTION VESTS ALL LEGISLATIVE POWER OF THE STATE IN THE GENERAL ASSEMBLY, THE GENERAL ASSEMBLY:

(A) FINDS THAT THE PRIMARY PURPOSE OF A STATE WATER PLAN IS TO DETERMINE STATE POLICY REGARDING THE OPTIMAL CONSERVATION AND DEVELOPMENT OF COLORADO'S WATER RESOURCES;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(B) DETERMINES THAT THE GENERAL ASSEMBLY IS PRIMARILY RESPONSIBLE FOR GUIDING THE DEVELOPMENT OF STATE WATER POLICY; AND

(C) DECLARES THAT ENACTMENT OF THIS PARAGRAPH (u) IS NECESSARY TO PROTECT THE INTERESTS OF THE PUBLIC IN THE STATE'S WATER RESOURCES AND THAT IN ENACTING THIS PARAGRAPH (u), THE GENERAL ASSEMBLY INTENDS TO ENGAGE THE PEOPLE OF THE STATE IN A PUBLIC DIALOGUE REGARDING OPTIMUM STATE WATER POLICY; AFFIRM ITS DELEGATION OF POLICY-MAKING AUTHORITY TO THE COLORADO WATER CONSERVATION BOARD, SUBJECT TO DIRECTION BY THE GENERAL ASSEMBLY; AND NOT INTERFERE WITH, BUT INSTEAD TO PROMOTE THE POLICIES, PROCESSES, BASIN ROUNDTABLE PLANS, AND INTERBASIN COMPACT NEGOTIATIONS CONDUCTED PURSUANT TO THE "COLORADO WATER FOR THE 21ST CENTURY ACT", ARTICLE 75 OF THIS TITLE, AND THE INTERBASIN COMPACT CHARTER AS APPROVED BY THE GENERAL ASSEMBLY ACTING BY BILL AS SPECIFIED IN SECTION 37-75-105 (2).

(III) IN EXERCISING ITS AUTHORITY PURSUANT TO THIS PARAGRAPH (u), THE BOARD SHALL:

(A) DEVELOP THE STATE WATER PLAN WITH THE INVOLVEMENT OF THE PUBLIC AND THE BASIN ROUNDTABLES, AS CREATED IN SECTION 37-75-104 (3) (b), AND PROVIDE OPPORTUNITIES FOR PUBLIC COMMENT BEFORE ADOPTING ANY FINAL OR SIGNIFICANTLY AMENDED PLAN;

(B) PRESENT THE SCOPE, FUNDAMENTAL APPROACH, AND BASIC ELEMENTS OF THE PLAN TO THE WATER RESOURCES REVIEW COMMITTEE CREATED IN SECTION 37-98-102 BY AUGUST 1, 2014;

(C) IN DEVELOPING THE DRAFT PLAN, CONSIDER THE FEEDBACK FROM THE WATER RESOURCES REVIEW COMMITTEE SUBMITTED TO THE BOARD PURSUANT TO SECTION 37-98-103 (6) (a) BY NOVEMBER 1, 2014;

(D) PRESENT THE DRAFT PLAN TO THE WATER RESOURCES REVIEW COMMITTEE BY JULY 1, 2015;

(E) IN DEVELOPING THE FINAL PLAN, CONSIDER THE FEEDBACK FROM THE WATER RESOURCES REVIEW COMMITTEE SUBMITTED PURSUANT TO SECTION 37-98-103 (6) (b) BY NOVEMBER 1, 2015; AND

(F) NOTIFY THE WATER RESOURCES REVIEW COMMITTEE OF ANY PROPOSED SIGNIFICANT AMENDMENTS TO THE PLAN, AS DETERMINED BY THE BOARD, BY JUNE 1 OF ANY YEAR IN WHICH THE AMENDMENT IS PROPOSED TO BE ADOPTED; PRESENT THE PROPOSED AMENDMENT TO THE COMMITTEE BY AUGUST 1 OF THAT YEAR; AND CONSIDER THE COMMITTEE'S FEEDBACK SUBMITTED PURSUANT TO SECTION 37-98-103 (6) (c) BY NOVEMBER 1 OF THAT YEAR.

(IV) BY NOVEMBER 1 OF EACH YEAR FOLLOWING THE SUBMISSION TO THE WATER RESOURCES REVIEW COMMITTEE OF A STATE WATER PLAN OR AMENDMENT PURSUANT TO THIS PARAGRAPH (u), ANY MEMBER OF THE GENERAL ASSEMBLY MAY MAKE A REQUEST IN WRITING TO THE CHAIRPERSON OF THE WATER RESOURCES REVIEW COMMITTEE THAT THE COMMITTEE HOLD ONE OR MORE HEARINGS TO

REVIEW THE PLAN OR AMENDMENT AS SUBMITTED TO THE WATER RESOURCES REVIEW COMMITTEE. UPON RECEIPT OF THE REQUEST, THE CHAIRPERSON OF THE COMMITTEE SHALL PROMPTLY SCHEDULE A HEARING TO CONDUCT THE REVIEW AND PROVIDE ADEQUATE NOTICE TO THE PUBLIC AND THE BOARD. THE COMMITTEE, AFTER HOLDING A PUBLIC HEARING, MAY RECOMMEND THE INTRODUCTION OF A BILL OR BILLS BASED ON THE RESULTS OF THE REVIEW. A BILL RECOMMENDED BY THE COMMITTEE FOR CONSIDERATION UNDER THIS SUBPARAGRAPH (IV) DOES NOT COUNT AGAINST THE NUMBER OF BILLS TO WHICH EITHER THE COMMITTEE OR THE MEMBERS OF THE GENERAL ASSEMBLY ARE LIMITED BY LAW OR JOINT RULE OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, AND A HEARING HELD BY THE COMMITTEE PURSUANT TO THIS SUBPARAGRAPH (IV) DOES NOT COUNT AGAINST THE NUMBER OF MEETINGS ALLOWED BY SECTION 37-98-102 (1) (a).

(V) A STATE WATER PLAN, WHETHER OR NOT THE SUBJECT OF A BILL INTRODUCED PURSUANT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH (u), IS ONLY A POLICY, IS NOT A RULE, AND DOES NOT HAVE THE FORCE OR EFFECT OF LAW.

SECTION 2. In Colorado Revised Statutes, 37-98-101, **amend** (1) introductory portion as follows:

37-98-101. Legislative declaration. (1) The general assembly finds, determines, and declares that the purpose of this article is to provide an interim committee as a forum through which the general assembly shall review the STATEWIDE PLANNING, administration, and monitoring of Colorado's water resources. The general assembly recognizes its mandate to vigorously protect and defend Colorado's finite supply of water. The general assembly further recognizes the need to ensure that water issues receive sufficient legislative scrutiny and public input:

SECTION 3. In Colorado Revised Statutes, 37-98-103, **add** (6) and (7) as follows:

37-98-103. Annual recommendations - bill limitation - deadlines for introduction - repeal. (6) (a) WHEN THE COLORADO WATER CONSERVATION BOARD SUBMITS THE SCOPE, FUNDAMENTAL APPROACH, AND BASIC ELEMENTS OF A DRAFT STATE WATER PLAN TO THE COMMITTEE AS SPECIFIED IN SECTION 37-60-106 (1) (u) (III) (B), THE COMMITTEE SHALL HOLD AT LEAST ONE PUBLIC HEARING ON THE SCOPE, FUNDAMENTAL APPROACH, AND BASIC ELEMENTS OF THE DRAFT PLAN IN EACH GEOGRAPHIC REGION ASSOCIATED WITH THE BASIN ROUNDTABLES, AS CREATED IN SECTION 37-75-104 (3) (b), FOR THE PURPOSE OF RECEIVING THE PUBLIC'S FEEDBACK. THE COMMITTEE SHALL PROVIDE A SUMMARY OF THE PUBLIC'S FEEDBACK, AS WELL AS THE COMMITTEE'S OWN FEEDBACK, TO THE BOARD BY NOVEMBER 1, 2014.

(b) WHEN THE COLORADO WATER CONSERVATION BOARD SUBMITS A DRAFT STATE WATER PLAN TO THE COMMITTEE AS SPECIFIED IN SECTION 37-60-106 (1) (u) (III) (D), THE COMMITTEE SHALL HOLD AT LEAST ONE PUBLIC HEARING ON THE DRAFT PLAN IN EACH GEOGRAPHIC REGION ASSOCIATED WITH THE BASIN ROUNDTABLES FOR THE PURPOSE OF RECEIVING THE PUBLIC'S FEEDBACK. THE COMMITTEE SHALL PROVIDE A SUMMARY OF THE PUBLIC'S FEEDBACK, AS WELL AS THE COMMITTEE'S OWN FEEDBACK, TO THE BOARD BY NOVEMBER 1, 2015.

(c) WHEN THE COLORADO WATER CONSERVATION BOARD SUBMITS A SIGNIFICANT AMENDMENT TO THE STATE WATER PLAN TO THE COMMITTEE AS SPECIFIED IN SECTION 37-60-106 (1) (u) (III) (F), THE COMMITTEE MAY HOLD AT LEAST ONE PUBLIC HEARING ON THE AMENDMENT IN EACH GEOGRAPHIC REGION ASSOCIATED WITH THE BASIN ROUNDTABLES FOR THE PURPOSE OF RECEIVING THE PUBLIC'S FEEDBACK. IF THE COMMITTEE HOLDS THE HEARINGS, THE COMMITTEE SHALL PROVIDE A SUMMARY OF THE PUBLIC'S FEEDBACK, AS WELL AS THE COMMITTEE'S OWN FEEDBACK, TO THE BOARD BY NOVEMBER 1 OF THE YEAR IN WHICH THE HEARINGS ARE HELD.

(d) HEARINGS HELD PURSUANT TO THIS SUBSECTION (6):

(I) DO NOT COUNT AGAINST THE NUMBER OF MEETINGS OR FIELD TRIPS ALLOWED BY SECTION 37-98-102 (1) (a); AND

(II) MAY BE HELD BEFORE THE COLORADO WATER CONSERVATION BOARD SUBMITS THE DOCUMENTS SPECIFIED IN SECTION 37-60-106 (1) (u) (III) (B) OR (1) (u) (III) (D) IF DEEMED APPROPRIATE BY THE CHAIR OF THE COMMITTEE.

(7) NO LATER THAN NOVEMBER 1, 2017, AND NO LATER THAN EVERY FIVE YEARS THEREAFTER, THE COMMITTEE SHALL PREPARE A LIST OF SPECIFIC TOPICS THAT IT DEEMS NECESSARY TO BE ADDRESSED IN THE STATE WATER PLAN, AS UPDATED OR AMENDED PURSUANT TO SECTION 37-60-106 (1) (u). THE COLORADO WATER CONSERVATION BOARD SHALL PROVIDE ITS RECOMMENDATIONS, INCLUDING SUGGESTIONS FOR POTENTIAL LEGISLATION, FOR THE COMMITTEE'S CONSIDERATION WITHIN EIGHT MONTHS AFTER RECEIPT OF THE LIST OF SPECIFIC TOPICS.

SECTION 4. Appropriation adjustments to the 2014 long bill. (1) For the implementation of this act, the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased by \$15,792.

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

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative department, for allocation to the committee on legal services, for the fiscal year beginning July 1, 2014, the sum of \$528, or so much thereof as may be necessary, for the implementation of this act.

(4) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative department, for allocation to legislative council, for the fiscal year beginning July 1, 2014, the sum of \$1,584, or so much thereof as may be necessary, for the implementation of this act.

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

Approved: May 15, 2014