

SB141_L.001

SENATE COMMITTEE OF REFERENCE REPORT

 Chairman of Committee

 Date
Committee on Agriculture and Natural Resources.

After consideration on the merits, the Committee recommends the following:

SB09-141 be amended as follows:

- 1 Amend printed bill, page 2, line 24, after "DRAINAGE," insert
- 2 "SEDIMENTATION, WATER QUALITY, WATER QUANTITY,".
- 3 Page 3, line 3, after "FOUNTAIN," insert "MANITOU SPRINGS,";
- 4 line 4, strike "MONUMENT, AND MANITOU";
- 5 line 5, strike "SPRINGS," and substitute "AND MONUMENT,";
- 6 line 15, after "DRAINAGE," insert "SEDIMENTATION, WATER QUALITY,
- 7 WATER QUANTITY,";
- 8 line 16, after "PROBLEMS", insert "AND RECREATIONAL OPPORTUNITIES";
- 9 line 22, after "WATERSHED", insert "AND THE FOUNTAIN CREEK
- 10 WATERSHED MANAGEMENT AREA";
- 11 line 23, strike "MITIGATE" and substitute "PREVENT AND MITIGATE";
- 12 line 24, strike "ADDRESS WATER QUALITY" and substitute "IMPROVE
- 13 WATER QUALITY AND OTHERWISE ADDRESS WATER QUALITY AND WATER
- 14 QUANTITY";
- 15 line 26, strike "PROTECTION OF OPEN SPACE; AND" and substitute
- 16 "ACQUISITION AND PROTECTION OF OPEN SPACE;".



1 Page 4, strike line 1 and substitute the following:

2 "PARKS, TRAILS, AND OPEN SPACE; AND

3 (VI) IMPROVE WILDLIFE AND AQUATIC HABITAT AND RESTORE,
4 ENHANCE, ESTABLISH, AND PRESERVE WETLANDS.";

5 line 16, strike "DISTRICT." and substitute "DISTRICT;

6 (d) ALL LEGAL AND AVAILABLE FUNDING SOURCES SHALL BE
7 AVAILABLE TO THE DISTRICT, INCLUDING, BUT NOT LIMITED TO, MILL
8 LEVIES, SERVICE FEES, SPECIAL ASSESSMENTS, AND GIFTS, GRANTS, AND
9 DONATIONS FROM PUBLIC, PRIVATE, AND NOT-FOR-PROFIT SOURCES."

10 Page 6, after line 1, insert the following:

11 "(9) (a) "CORRIDOR" MEANS AN AREA GENERALLY NORTHERLY TO
12 SOUTHERLY ALONG FOUNTAIN CREEK THAT CONSISTS OF THE PORTION OF
13 THE ONE-HUNDRED-YEAR FLOODPLAIN OF FOUNTAIN CREEK, AS DEFINED
14 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND FURTHER
15 IDENTIFIED ON MAPS PROMULGATED BY THE AGENCY, HERINAFTER
16 REFERRED TO AS THE "FEMA ONE-HUNDRED-YEAR FLOODPLAIN",
17 CONSISTING OF FLOODPLAINS IN EL PASO COUNTY THAT LIE SOUTH OF THE
18 MUNICIPAL LIMITS OF THE CITY OF FOUNTAIN AND THE FLOODPLAIN IN
19 PUEBLO COUNTY THAT LIES NORTH OF THE MUNICIPAL LIMITS OF THE CITY
20 OF PUEBLO.

21 (b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (9),
22 PUBLIC BODIES NOT REPRESENTED ON THE BOARD, THROUGH THEIR
23 GOVERNING BODIES, MAY CONSENT TO THE JURISDICTION OF THE DISTRICT
24 AND ADD PROPERTY TO THE CORRIDOR. THE REPRESENTED PUBLIC BODIES
25 SHALL ALSO HAVE THE OPTION OF ADDING ADDITIONAL SECTIONS OF THE
26 WATERSHED WITHIN THEIR RESPECTIVE JURISDICTIONAL BOUNDARIES TO
27 THE CORRIDOR AND CONSENT TO THE JURISDICTION OF THE DISTRICT."

28 Renumber succeeding subsections accordingly.

29 Page 6, line 4, strike "32-11.5-201." and substitute "32-11.5-201, THE
30 BOUNDARY OF WHICH IS DEFINED IN SECTION 32-11.5-202.";

31 line 11, strike "A WIDE AND FAVORABLE REPUTATION FOR";

- 1 line 25, strike "DRAINAGE,"
- 2 line 26, strike "AND FLOOD CONTROL" and substitute "DRAINAGE, FLOOD
3 CONTROL, AND RECREATIONAL".
- 4 Page 7, line 2, strike "DRAINAGE AND FLOOD CONTROL," and substitute
5 "DRAINAGE, FLOOD CONTROL, AND RECREATION,";
- 6 line 4, after "TO," insert "WATER RIGHTS FOR RECREATIONAL OR FLOOD
7 CONTROL USES, OR BOTH,";
- 8 line 21, strike the first "AND";
- 9 line 22, after "FACILITIES," insert "TRAILS, OPEN SPACE,".
- 10 Page 8, after line 5, insert the following:
- 11 "(18) "FOUNTAIN CREEK WATERSHED MANAGEMENT AREA" OR
12 "WATERSHED MANAGEMENT AREA" MEANS THAT PORTION OF THE
13 DISTRICT THAT CONSISTS OF TOWNSHIPS WITHIN THE WATERSHED AND
14 OTHER TOWNSHIPS THAT WILL BENEFIT FROM IMPROVEMENTS TO THE
15 WATERSHED AND THAT IS LEGALLY DESCRIBED AS TOWNSHIPS 11S68W,
16 11S67W, 11S66W, 12S68W, 12S67W, 12S66W, 12S65W, 13S68W, 13S67W,
17 13S66W, 13S65W, 14S68W, 14S67W, 14S66W, 14S65W, 14S64W, 15S67W,
18 15S66W, 15S65W, 15S64W, 16S67W, 16S66W, 16S65W, 16S64W, 17S66W,
19 17S65W, 17S64W, 18S66W, 18S65W, 18S64W, 19S66W, 19S65W, 19S64W,
20 20S66W, 20S65W, 20S64W, 21S66W, 21S65W, 21S64W OF THE 6TH
21 PRINCIPAL MERIDIAN."
- 22 Renumber succeeding subsections accordingly.
- 23 Page 8, line 6, after "COUNCIL," insert "BOARD OF TOWN TRUSTEES,";
- 24 line 14, strike "DISTRICT" and substitute "WATERSHED MANAGEMENT
25 AREA";
- 26 line 21, after "ONE", insert "OR";
- 27 line 26, strike "LAST-KNOWN OWNER" and substitute "OWNER OF RECORD";
- 28 line 27, strike "OR OTHER DESIGNATED PERSON AT HIS OR".



- 1 Page 9, line 1, strike "HER LAST KNOWN ADDRESS, BY DEPOSIT AT LEAST
2 TWENTY" and substitute "BY DEPOSIT AT LEAST FOURTEEN";
- 3 line 10, strike "THREE CONSECUTIVE";
- 4 strike lines 11 and 12 and substitute the following:
- 5 "ONE PUBLICATION AT LEAST FOURTEEN DAYS PRIOR TO THE DATE OF A
6 HEARING OR EVENT IN EACH OFFICIAL NEWSPAPER DESIGNATED BY THE
7 DISTRICT PURSUANT TO SECTION 32-11.5-205 (1) (I).";
- 8 line 26, strike "GREEN";
- 9 strike line 27 and substitute the following:
- 10 "THE TOWN OF GREEN MOUNTAIN FALLS, THE CITY OF MANITOU SPRINGS,
11 THE TOWN OF MONUMENT, AND THE TOWN OF PALMER LAKE,".
- 12 Page 10, line 19, after "DEFINITE", insert "LEGAL".
- 13 Page 11, line 1, after "IN", insert "THE STATE CONSTITUTION OR".
- 14 Page 12, line 2, after "ARTICLE.", add "THIS ARTICLE SHALL NOT BE
15 CONSTRUED AS REPEALING, MODIFYING, OR AMENDING ANY EXISTING LAW
16 OR COURT DECREE CONCERNING THE DETERMINATION OR ADMINISTRATION
17 OF WATER RIGHTS.";
- 18 line 7, strike "PUBLIC";
- 19 line 22, strike "RESOLUTION." and substitute "RESOLUTION, EXCEPT AS
20 LIMITED BY THE SUPERMAJORITY REQUIREMENTS SPECIFIED IN SECTION
21 32-11.5-204 (1) (b) (II).".
- 22 Page 13, line 16, strike "DIRECTOR" and substitute "CITY OF PUEBLO CITY
23 COUNCIL MEMBER OR THE MAYOR OF THE CITY OF PUEBLO";
- 24 line 18, strike "DIRECTOR" and substitute "CITY OF COLORADO SPRINGS
25 CITY COUNCIL MEMBER OR THE MAYOR OF THE CITY OF COLORADO
26 SPRINGS";
- 27 line 20, strike "DIRECTOR" and substitute "CITY OF FOUNTAIN CITY



- 1 COUNCIL MEMBER OR THE MAYOR OF THE CITY OF FOUNTAIN";
- 2 line 23, after "IS", insert "EITHER".
- 3 Page 14, line 2, strike "A GROUP OF AT LEAST TWO";
- 4 line 3, strike "JOINTLY";
- 5 line 4, strike "TWO CANDIDATES, IS" and substitute "ONE CANDIDATE,
- 6 THEN";
- 7 line 8, strike "LARGE;" and substitute "LARGE AND RESIDES IN PUEBLO
- 8 COUNTY;".
- 9 Page 17, line 2, strike "RESOLUTIONS" and substitute "RESOLUTIONS,
- 10 INCLUDING, BUT NOT LIMITED TO, RESOLUTIONS THAT, SUBJECT TO
- 11 APPLICABLE VOTER APPROVAL REQUIREMENTS, ESTABLISH OR INCREASE
- 12 TAXES LEVIED OR FEES IMPOSED AND COLLECTED BY THE DISTRICT OR
- 13 MULTIPLE-FISCAL YEAR FINANCIAL OBLIGATIONS TO BE INCURRED BY THE
- 14 DISTRICT, AND PUBLIC POLICY RESOLUTIONS, INCLUDING BUT NOT LIMITED
- 15 TO RESOLUTIONS THAT INITIATE CONDEMNATION PROCEEDINGS AND
- 16 RESOLUTIONS TO INITIATE OR VOLUNTARILY PARTICIPATE IN LITIGATION,".
- 17 Page 18, line 3, strike "RESOLUTION." and substitute "RESOLUTION, WHICH
- 18 MAY REQUIRE APPROVAL BY A SUPERMAJORITY VOTE AS SPECIFIED IN
- 19 SUBPARAGRAPH (II) OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS
- 20 SECTION.";
- 21 line 27, after "PLACE", insert "WITHIN THE DISTRICT".
- 22 Page 19, strike line 14 and substitute the following:
- 23 "PROFESSIONALS.";
- 24 line 24, strike "AS A DIRECTOR OR".
- 25 Page 20, line 22, strike "THE";
- 26 line 23, strike "DISTRICT" and substitute "EL PASO COUNTY AND AN
- 27 OFFICIAL NEWSPAPER PUBLISHED IN PUEBLO COUNTY";



- 1 line 24, after "NEWSPAPER", insert "OR NEWSPAPERS";
- 2 line 27, strike "THEREOF;" and substitute "THEREOF OR WITH THE FEDERAL
3 GOVERNMENT;"
- 4 Page 21, line 8, strike "FACILITY," and substitute "FACILITY OR ANY PARK
5 OR UTILITY FACILITY OWNED OR OPERATED BY A PUBLIC BODY OR AN
6 ENTERPRISE OF A PUBLIC BODY,";
- 7 line 9, strike "REIMBURSE" and substitute "COOPERATE WITH THE PUBLIC
8 BODY TO DETERMINE THE NECESSITY OF THE REMOVAL AND RELOCATION
9 AND, IF NECESSARY, THE APPROPRIATE REIMBURSEMENT TO";
- 10 line 10, before "PUBLIC", insert "PARK OR";
- 11 line 12, strike "LAND." and substitute "LAND AND ANY OTHER RESULTING
12 COSTS.";
- 13 line 22, after "TO", insert "PREVENT AND";
- 14 strike lines 23 and 24 and substitute the following:
- 15 "IMPROVE DRAINAGE AND WATER QUALITY, ADDRESS WATER QUANTITY,
16 PROVIDE A HEALTHY RIPARIAN HABITAT WITH RECREATIONAL AMENITIES,
17 INCLUDING, BUT NOT LIMITED TO, OPEN SPACE AND TRAILS, IMPROVE
18 WILDLIFE AND AQUATIC HABITAT, AND RESTORE, ENHANCE, ESTABLISH,
19 AND PRESERVE WETLANDS;"
- 20 line 25, strike "AND POSITION";
- 21 line 26, strike "STATEMENTS".
- 22 Page 22, line 12, after "CHARGES", insert "WITHIN THE WATERSHED
23 MANAGEMENT AREA";
- 24 line 20, strike "DONATIONS; AND" and substitute "DONATIONS FROM
25 PUBLIC, PRIVATE, AND NOT-FOR-PROFIT SOURCES;
- 26 (E) CERTIFICATES OF PARTICIPATION; AND".
- 27 Reletter succeeding sub-subparagraph accordingly.

- 1 Page 23, line 23, strike "LIMITATION SPECIFIED IN" and substitute
2 "LIMITATIONS SPECIFIED IN PART 3 OF THIS ARTICLE AND".
- 3 Page 24, line 4, strike "WATERSHED." and substitute "WATERSHED
4 MANAGEMENT AREA."
- 5 Page 25, line 1, strike "DEMAND" and substitute "REQUEST";
6 line 3, strike "SHALL" and substitute "MAY";
7 line 10, after "TO", insert "ANNUAL";
8 line 23, strike "(a)";
9 strike line 25 and substitute the following:
10 "(a) WITHIN THE CORRIDOR, TO";
11 strike line 26;
12 line 27, strike "WATERSHED AND TO".
- 13 Page 26, line 1, strike "(II) OUTSIDE OF THE CORRIDOR," and substitute
14 "(b) OUTSIDE OF THE CORRIDOR, BUT WITHIN THE WATERSHED
15 MANAGEMENT AREA,";
- 16 line 5, strike "CORRIDOR" and substitute "CORRIDOR, BUT WITHIN THE
17 WATERSHED MANAGEMENT AREA,";
- 18 line 10, strike "THE" and substitute "ITS";
19 after line 13, insert the following:
20 "(c) THROUGHOUT THE WATERSHED MANAGEMENT AREA,
21 INCLUDING WITHIN THE CORRIDOR, THE DISTRICT HAS THE AUTHORITY TO
22 ACCEPT AND MANAGE FUNDING FOR THE MANAGEMENT AND
23 CONSTRUCTION OF ANY STREAM IMPROVEMENT AUTHORIZED BY THE
24 REPRESENTED PUBLIC BODY OR BODIES WITH JURISDICTION OVER THE
25 AREA IN WHICH THE IMPROVEMENT WILL BE LOCATED.";
- 26 strike lines 14 through 27.



- 1 Page 27, strike lines 1 through 3;
- 2 line 8, after "AGENCIES,", insert "LOCAL AND";
- 3 line 11, strike "ACQUISITION";
- 4 strike line 12 and substitute the following:
- 5 "ACQUISITION, CONSTRUCTION, OPERATION, AND MAINTENANCE OF
6 FACILITIES";
- 7 line 14, strike "DISTRICT" and substitute "WATERSHED MANAGEMENT
8 AREA";
- 9 strike line 17 and substitute the following:
- 10 "A PUBLIC BODY SUBJECT TO FIRST OBTAINING CONSENT FROM THE
11 PUBLIC";
- 12 line 18, strike "SAME."; and substitute "SAME, WHICH CONSENT SHALL NOT
13 BE UNREASONABLY WITHHELD, BUT MAY BE CONTINGENT UPON
14 REASONABLE CONDITIONS BEING MET.";
- 15 line 22, strike "PERMANENTLY IMPAIR COMPLETELY";
- 16 line 23, strike "OR UNNECESSARILY" and substitute "ADVERSELY AFFECT";
- 17 line 27, strike "DISTRICT" and substitute "WATERSHED MANAGEMENT
18 AREA".
- 19 Page 28, line 10, strike "FACILITIES" and substitute "INFRASTRUCTURE";
- 20 line 12, strike "AREA" and substitute "AREA, WHETHER DIRECTLY OR
21 THROUGH AN ENTERPRISE,";
- 22 line 19, strike "REGARDING".
- 23 Page 29, line 1, strike "DRAINAGE AND FLOOD CONTROL" and substitute
24 "DRAINAGE, FLOOD CONTROL, OR RECREATIONAL";
- 25 line 23, strike "ARBITRATE" and substitute "MEDIATE".



- 1 Page 30, line 2, strike "ON" and substitute "SUBJECT TO THE LIMITATIONS
2 SPECIFIED IN SECTION 32-11.5-205 (3), ON";
- 3 line 5, strike "DISTRICT" and substitute "WATERSHED MANAGEMENT
4 AREA";
- 5 line 20, strike "DRAINAGE OR FLOOD CONTROL" and substitute "DRAINAGE,
6 FLOOD CONTROL, OR RECREATIONAL";
- 7 line 21, after "IMPROVEMENT", insert "WITHIN THE WATERSHED
8 MANAGEMENT AREA";
- 9 line 27, strike "DRAINAGE OR FLOOD CONTROL" and substitute "DRAINAGE,
10 FLOOD CONTROL, OR RECREATIONAL".
- 11 Page 31, line 5, strike "DRAINAGE OR FLOOD CONTROL" and substitute
12 "DRAINAGE, FLOOD CONTROL, OR RECREATIONAL";
- 13 line 6, after "IMPROVEMENT", insert "WITHIN THE WATERSHED
14 MANAGEMENT AREA".
- 15 Page 32, line 14, strike "OR EQUIP" and substitute "EQUIP, OPERATE, OR
16 MAINTAIN";
- 17 line 27, strike "CHARGES" and substitute "CHARGES, OR SPECIAL FEES AS
18 DEFINED BY COLORADO LAW,".
- 19 Page 33, line 3, after "SERVICES.", add "SUCH SERVICE CHARGES MAY
20 ONLY BE CHARGED WITHIN THE WATERSHED MANAGEMENT AREA.";
- 21 line 6, strike "DISTRICT" and substitute "WATERSHED MANAGEMENT
22 AREA";
- 23 line 25, strike "DISTRICT" and substitute "WATERSHED MANAGEMENT
24 AREA".
- 25 Page 34, line 20, after "TO,", insert "LOCATION WITHIN THE WATERSHED,";
- 26 line 22, strike "DISTRICT" and substitute "WATERSHED MANAGEMENT
27 AREA".



- 1 Page 35, line 5, strike "MAY" and substitute "SHALL";
- 2 line 6, strike "SERVICE CHARGES." and substitute "ANY SERVICE CHARGES
- 3 IT IMPOSES OR COLLECTS."
- 4 Page 36, line 6, strike "AND SECTION 39-10-111";
- 5 line 7, strike "(11),".
- 6 Page 38, line 20, after "ANY", insert "LAWFUL".
- 7 Page 40, line 15, strike "PROCEDURAL,";
- 8 line 16, strike "ELECTION," and substitute "ELECTION REQUIREMENTS
- 9 SPECIFIED IN SECTION 32-11.5-205 (2) (c) (II) AND THE PROCEDURAL".
- 10 Page 41, line 8, strike "RESOLUTION," and substitute "RESOLUTION
- 11 APPROVED BY A SUPERMAJORITY VOTE AS SPECIFIED IN SECTION
- 12 32-11.5-204 (1) (b) (II),".
- 13 Page 44, line 26, strike "RESOLUTION";
- 14 line 27, strike "AND PUBLISHES NOTICE OF THE".
- 15 Page 45, line 20, strike "AN ARBITRARY AND AN UNREASONABLE" and
- 16 substitute "ARBITRARY AND CAPRICIOUS ACTION OR".
- 17 Page 46, line 18, strike "MAIL." and substitute "MAIL TO ALL OWNERS OF
- 18 RECORD OF THE TRACTS TO BE ASSESSED."
- 19 Page 47, line 7, strike "PROJECT," and substitute "PROJECT AND".
- 20 Page 49, line 22, before "A", insert "IN".
- 21 Page 50, line 5, after "of", insert "**improvement**";
- 22 line 7, after the second "AND", insert "ARE";
- 23 line 10, strike "32-11.5-508," and substitute "32-11.5-508 AND ANY
- 24 REQUIRED ELECTION HAS BEEN HELD,".



- 1 Page 51, line 1, after "THE", insert "IMPROVEMENT";
- 2 line 23, strike "**district.**" and substitute "**watershed management area.**";
- 3 line 24, strike "DISTRICT" and substitute "WATERSHED MANAGEMENT
4 AREA".
- 5 Page 52, line 11, strike "DISTRICT" and substitute "WATERSHED
6 MANAGEMENT AREA";
- 7 line 14, strike "DISTRICT." and substitute "WATERSHED MANAGEMENT
8 AREA".
- 9 Page 53, line 14, strike "DISTRICT" and substitute "WATERSHED
10 MANAGEMENT AREA";
- 11 line 16, strike "DISTRICT;" and substitute "WATERSHED MANAGEMENT
12 AREA;";
- 13 line 18, strike "DISTRICT" and substitute "WATERSHED MANAGEMENT
14 AREA".
- 15 Page 54, line 19, strike "DISTRICT" and substitute "WATERSHED
16 MANAGEMENT AREA".
- 17 Page 55, line 1, strike "DISTRICT." and substitute "WATERSHED
18 MANAGEMENT AREA.";
- 19 line 6, strike "DISTRICT;" and substitute "WATERSHED MANAGEMENT
20 AREA;".
- 21 Page 56, line 18, strike "DISTRICT" and substitute "WATERSHED
22 MANAGEMENT AREA";
- 23 line 19, strike "DISTRICT" and substitute "WATERSHED MANAGEMENT
24 AREA";
- 25 line 22, strike "DISTRICT" and substitute "WATERSHED MANAGEMENT
26 AREA".
- 27 Page 57, line 1, strike "DISTRICT," and substitute "WATERSHED



- 1 MANAGEMENT AREA,";
- 2 line 10, strike "DISTRICT" and substitute "WATERSHED MANAGEMENT
3 AREA";
- 4 line 11, strike "DISTRICT" and substitute "WATERSHED MANAGEMENT
5 AREA";
- 6 line 21, strike "DISTRICT" and substitute "WATERSHED MANAGEMENT
7 AREA";
- 8 line 25, strike "DISTRICT." and substitute "WATERSHED MANAGEMENT
9 AREA.";
- 10 line 26, strike "DISTRICT" and substitute "WATERSHED MANAGEMENT
11 AREA".
- 12 Page 58, line 2, strike "FOR THE ENTIRE DISTRICT" and substitute "WITHIN
13 THE WATERSHED MANAGEMENT AREA";
- 14 line 5, strike "DISTRICT" and substitute "WATERSHED MANAGEMENT
15 AREA".
- 16 Page 59, line 8, strike "OR THE";
- 17 line 9, strike "EFFECTIVE DATE THEREOF, WHICHEVER OCCURS FIRST,".

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