INTRODUCED

LLS NO. 14-0778.01 Thomas Morris x4218

SENATE BILL 14-115

SENATE SPONSORSHIP
Roberts and Schwartz,

HOUSE SPONSORSHIP
Fischer and Coram,

Senate Committees
Agriculture, Natural Resources, & Energy

House Committees

A BILL FOR AN ACT

CONCERNING PROCEDURAL REQUIREMENTS APPLICABLE TO STATE WATER PLANS.

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://www.leg.state.co.us/billsummaries.)

The bill requires the Colorado water conservation board to hold a hearing on a draft state water plan within each basin roundtable, update the plan based on public comments, and present the draft plan to the water resources review committee. The committee must vote on whether to introduce legislation that would approve the plan. The plan does not

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment. Capital letters indicate new material to be added to existing statute. Dashes through the words indicate deletions from existing statute.
embody state water policy unless the general assembly, acting by bill, approves the plan.

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

SECTION 1. In Colorado Revised Statutes, 37-60-106, amend (1) (c); and add (1.5) as follows:

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

(c) (I) To devise and formulate methods, means, and plans for bringing about the greater utilization of the waters of the state and the prevention of flood damages therefrom, and to designate and approve storm water or floodwater runoff channels or basins, and to make such designations available to legislative bodies of cities and incorporated towns, to county planning commissions, and to boards of adjustment of cities, incorporated towns, and counties of this state;

(II) In exercising its authority pursuant to executive order D2013-005, or any analogous successor order directing the board to adopt or amend a state or Colorado water plan, the board is subject to the requirements of subsection (1.5) of this section.

(1.5) (a) Because the constitution vests all legislative power of the state in the general assembly, the general assembly:

(I) 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;

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

(III) DECLARES THAT ENACTMENT OF THIS SUBSECTION (1.5) IS
NECESSARY TO PROTECT THE INTERESTS OF THE PUBLIC IN THE STATE'S
WATER RESOURCES.

(b) IN EXERCISING ITS AUTHORITY TO ADOPT OR AMEND A STATE
WATER PLAN, THE BOARD SHALL:

(I) PUBLISH A DRAFT STATE WATER PLAN OR PLAN AMENDMENT IN
THE MANNER SPECIFIED IN SECTION 24-4-103 (3) (a), C.R.S., HOLD AT
LEAST ONE PUBLIC HEARING ON THE DRAFT STATE WATER PLAN IN EACH
BASIN ROUNDTABLE, AS THAT TERM IS DEFINED IN SECTION 37-75-104 (3)
(b), AT WHICH THE DIRECTOR OF THE BOARD AND A MAJORITY OF THE
BOARD MUST BE PRESENT, AND GIVE THE PUBLIC AT LEAST NINETY DAYS
AFTER THE FINAL PUBLIC HEARING ON THE DRAFT PLAN OR PLAN
AMENDMENT TO SUBMIT WRITTEN COMMENTS ON THE DRAFT PLAN OR
PLAN AMENDMENT; AND

(II) BASED ON THE PUBLIC COMMENTS, PRESENT AN UPDATED
DRAFT PLAN OR PLAN AMENDMENT TO THE WATER RESOURCES REVIEW
COMMITTEE CREATED IN SECTION 37-98-102.

(c) THE WATER RESOURCES REVIEW COMMITTEE SHALL VOTE ON
WHETHER TO INTRODUCE LEGISLATION TO APPROVE THE PLAN OR PLAN
AMENDMENT.

(d) IF THE GENERAL ASSEMBLY DOES NOT ENACT A BILL
APPROVING THE PLAN OR PLAN AMENDMENT, THE PLAN OR PLAN
AMENDMENT DOES NOT EMBODY STATE WATER POLICY BUT MAY EMBODY THE BOARD’S WATER POLICY EXCEPT TO THE EXTENT THAT THE GENERAL ASSEMBLY, ACTING BY BILL, SPECIFICALLY DISAPPROVES THE PLAN OR PLAN AMENDMENT.

(e) A STATE WATER PLAN, WHETHER OR NOT APPROVED BY THE GENERAL ASSEMBLY, IS ONLY A POLICY, IS NOT A RULE, DOES NOT HAVE THE FORCE OR EFFECT OF LAW, AND IS NOT APPEALABLE TO ANY JUDICIAL ENTITY.

SECTION 2. Applicability. This act applies to conduct occurring on or after the effective date of this act.

SECTION 3. 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.