

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 13, 2014
Date

Committee on Agriculture, Natural Resources, & Energy.

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

SB14-115 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

5 **37-60-106. Duties of the board - state water plan - legislative**
6 **declaration.** (1) It is the duty of the board to promote the conservation
7 of the waters of the state of Colorado in order to secure the greatest
8 utilization of such waters and the utmost prevention of floods; and in
9 particular, and without limiting the general character of this section, the
10 board has the power and it is its duty:

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

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

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

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

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

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

16 (A) DEVELOP THE STATE WATER PLAN WITH THE INVOLVEMENT OF
17 THE PUBLIC AND THE BASIN ROUNDTABLES, AS CREATED IN SECTION
18 37-75-104 (3) (b), AND PROVIDE OPPORTUNITIES FOR PUBLIC COMMENT
19 BEFORE ADOPTING ANY FINAL OR SIGNIFICANTLY AMENDED PLAN;

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

23 (C) IN DEVELOPING THE DRAFT PLAN, CONSIDER THE FEEDBACK
24 FROM THE WATER RESOURCES REVIEW COMMITTEE SUBMITTED TO THE
25 BOARD PURSUANT TO SECTION 37-98-103 (5) (a) BY NOVEMBER 1, 2014;

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

28 (E) IN DEVELOPING THE FINAL PLAN, CONSIDER THE FEEDBACK
29 FROM THE WATER RESOURCES REVIEW COMMITTEE SUBMITTED PURSUANT
30 TO SECTION 37-98-103 (5) (b) BY NOVEMBER 1, 2015; AND

31 (F) NOTIFY THE WATER RESOURCES REVIEW COMMITTEE OF ANY
32 PROPOSED SIGNIFICANT AMENDMENTS TO THE PLAN, AS DETERMINED BY
33 THE BOARD, BY JUNE 1 OF ANY YEAR IN WHICH THE AMENDMENT IS
34 PROPOSED TO BE ADOPTED; PRESENT THE PROPOSED AMENDMENT TO THE
35 COMMITTEE BY AUGUST 1 OF THAT YEAR; AND CONSIDER THE
36 COMMITTEE'S FEEDBACK SUBMITTED PURSUANT TO SECTION 37-98-103 (5)
37 (c) BY NOVEMBER 1 OF THAT YEAR.

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

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

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

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

21 **37-98-101. Legislative declaration.** (1) The general assembly
22 finds, determines, and declares that the purpose of this article is to
23 provide an interim committee as a forum through which the general
24 assembly shall review the STATEWIDE PLANNING, administration, and
25 monitoring of Colorado's water resources. The general assembly
26 recognizes its mandate to vigorously protect and defend Colorado's finite
27 supply of water. The general assembly further recognizes the need to
28 ensure that water issues receive sufficient legislative scrutiny and public
29 input:

30 **SECTION 3.** In Colorado Revised Statutes, 37-98-103, **add** (5)
31 and (6) as follows:

32 **37-98-103. Annual recommendations - bill limitation -**
33 **deadlines for introduction - repeal.** (5) (a) WHEN THE COLORADO
34 WATER CONSERVATION BOARD SUBMITS THE SCOPE, FUNDAMENTAL
35 APPROACH, AND BASIC ELEMENTS OF A DRAFT STATE WATER PLAN TO THE
36 COMMITTEE AS SPECIFIED IN SECTION 37-60-106 (1) (u) (III) (B), THE
37 COMMITTEE SHALL HOLD AT LEAST ONE PUBLIC HEARING ON THE SCOPE,
38 FUNDAMENTAL APPROACH, AND BASIC ELEMENTS OF THE DRAFT PLAN IN
39 EACH GEOGRAPHIC REGION ASSOCIATED WITH THE BASIN ROUNDTABLES,
40 AS CREATED IN SECTION 37-75-104 (3) (b), FOR THE PURPOSE OF
41 RECEIVING THE PUBLIC'S FEEDBACK. THE COMMITTEE SHALL PROVIDE A
42 SUMMARY OF THE PUBLIC'S FEEDBACK, AS WELL AS THE COMMITTEE'S OWN
43 FEEDBACK, TO THE BOARD BY NOVEMBER 1, 2014.

1 (b) WHEN THE COLORADO WATER CONSERVATION BOARD SUBMITS
2 A DRAFT STATE WATER PLAN TO THE COMMITTEE AS SPECIFIED IN SECTION
3 37-60-106 (1) (u) (III) (D), THE COMMITTEE SHALL HOLD AT LEAST ONE
4 PUBLIC HEARING ON THE DRAFT PLAN IN EACH GEOGRAPHIC REGION
5 ASSOCIATED WITH THE BASIN ROUNDTABLES FOR THE PURPOSE OF
6 RECEIVING THE PUBLIC'S FEEDBACK. THE COMMITTEE SHALL PROVIDE A
7 SUMMARY OF THE PUBLIC'S FEEDBACK, AS WELL AS THE COMMITTEE'S OWN
8 FEEDBACK, TO THE BOARD BY NOVEMBER 1, 2015.

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

19 (d) HEARINGS HELD PURSUANT TO THIS SUBSECTION (5) DO NOT
20 COUNT AGAINST THE NUMBER OF MEETINGS OR FIELD TRIPS ALLOWED BY
21 SECTION 37-98-102 (1) (a).

22 (6) NO LATER THAN NOVEMBER 1, 2017, AND NO LATER THAN
23 EVERY FIVE YEARS THEREAFTER, THE COMMITTEE SHALL PREPARE A LIST
24 OF SPECIFIC TOPICS THAT IT DEEMS NECESSARY TO BE ADDRESSED IN THE
25 STATE WATER PLAN, AS UPDATED OR AMENDED PURSUANT TO SECTION
26 37-60-106 (1) (u). THE COLORADO WATER CONSERVATION BOARD SHALL
27 PROVIDE ITS RECOMMENDATIONS, INCLUDING SUGGESTIONS FOR
28 POTENTIAL LEGISLATION, FOR THE COMMITTEE'S CONSIDERATION WITHIN
29 EIGHT MONTHS AFTER RECEIPT OF THE LIST OF SPECIFIC TOPICS.

30 **SECTION 4. Safety clause.** The general assembly hereby finds,
31 determines, and declares that this act is necessary for the immediate
32 preservation of the public peace, health, and safety."

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