

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 13, 2023
Date

Committee on Agriculture & Natural Resources.

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

SB23-270 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

- 1 Amend printed bill, page 4, strike lines 3 through 8 and substitute:
 - 2 "(A) STABILIZING THE BANKS OR SUBSTRATE OF A NATURAL
 - 3 STREAM WITH HARD, BIOENGINEERED, OR NATURAL MATERIALS THAT,
 - 4 UNDER LESS THAN EXTREME FLOW CONDITIONS, ALLOW WATER TO FLOW
 - 5 DOWNSTREAM, DO NOT CAUSE THE WATER LEVEL TO EXCEED THE
 - 6 ORDINARY HIGH WATER MARK, AND MAY INCIDENTALLY INCREASE
 - 7 SURFACE AREA OF THE NATURAL STREAM;"
- 8 Page 5, line 4, after "SYSTEM;" add "AND".
- 9 Page 5, lines 7 and 8, strike "DROUGHT RESILIENCE;"
- 10 Page 5, line 9, strike "MANAGEMENT; AND" and substitute
- 11 "MANAGEMENT."
- 12 Page 5, strike lines 10 through 27.
- 13 Strike page 6.
- 14 Page 7, strike lines 1 through 10.
- 15 Page 7, line 11, strike "(f)" and substitute "(c)".
- 16 Page 7, line 14, after "RIGHT;" add "AND".
- 17 Page 7, line 16, strike "OBSTRUCTION; AND" and substitute

1 "OBSTRUCTION."

2 Page 7, strike lines 17 through 19.

3 Page 7, line 20, strike "(g)" and substitute "(d)".

4 Page 7, strike lines 26 and 27.

5 Page 8, strike lines 1 through 12.

6 Page 8, line 13, strike "(i)" and substitute "(e)".

7 Page 8, after line 14 insert:

8 "(I) CREATES A PRESUMPTION OF INJURY FOR ANY ACTIVITY THAT
9 DOES NOT MEET THE DEFINITION OF A MINOR STREAM RESTORATION
10 ACTIVITY PURSUANT TO SUBSECTION (9)(b)(I) OF THIS SECTION;"

11 Renumber succeeding subparagraphs accordingly.

12 Page 9, strike lines 4 through 9 and substitute:

13 "(f) A STREAM RESTORATION PROJECT THAT HAS OBTAINED ANY
14 APPLICABLE PERMITS OR IS UNDER CONSTRUCTION OR COMPLETED BY
15 AUGUST 1, 2023 DOES NOT CAUSE MATERIAL INJURY TO ANY VESTED
16 WATER RIGHT AND IS NOT AN UNNECESSARY DAM OR OTHER
17 OBSTRUCTION."

18 Page 9, strike lines 10 through 12 and substitute:

19 "**SECTION 3. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly; except
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V
23 of the state constitution against this act or an item, section, or part of this
24 act within such period, then the act, item, section, or part will not take
25 effect unless approved by the people at the general election to be held in
26 November 2024 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor."

28 Page 1, line 101, strike "PROJECTS" and substitute "ACTIVITIES".

** *** ** *** **

