

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 22, 2016  
Date

Committee on Agriculture, Livestock, & Natural Resources.

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

HB16-1005 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, strike line 6 and substitute:

2           **"37-96.5-101. Legislative declaration.** (1) THE GENERAL  
3 ASSEMBLY HEREBY FINDS AND DETERMINES THAT, PURSUANT TO SECTIONS  
4 5 AND 6 OF ARTICLE XVI OF THE STATE CONSTITUTION, WATER IS  
5 CONSIDERED THE PROPERTY OF THE PUBLIC, IS DEDICATED TO THE USE OF  
6 THE PEOPLE, IS SUBJECT TO THE DOCTRINE OF PRIOR APPROPRIATION, AND  
7 MUST BE ADMINISTERED IN ACCORDANCE WITH THE PRIORITY SYSTEM  
8 ESTABLISHED IN ARTICLE 92 OF THIS TITLE.

9           (2) THE GENERAL ASSEMBLY DECLARES THAT NOTHING IN THIS  
10 ARTICLE IS INTENDED TO INFRINGE UPON OR IMPAIR THE DOCTRINE OF  
11 PRIOR APPROPRIATION.

12           **37-96.5-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE".

13 Page 3, line 1, strike "**37-96.5-102.**" and substitute "**37-96.5-103.**".

14 Page 3, line 17, strike "**37-96.5-103.**" and substitute "**37-96.5-104.**".

15 Page 3, line 22, strike "37-96.5-102." and substitute "37-96.5-103.".

16 Page 4, line 6, strike "37-96.5-101" and substitute "37-96.5-102".

17 Page 4, line 7, strike "37-96.5-102," and substitute "37-96.5-103,".

1 Page 5, line 2, after "(j)" insert "(I)".

2 Page 5, line 3, strike "37-96.5-101" and substitute "37-96.5-102".

3 Page 5, line 4, strike "37-96.5-102," and substitute "37-96.5-103,".

4 Page 5, after line 4 insert:

5           "(II) THIS PARAGRAPH (j) DOES NOT CONFER UPON A RESIDENT OF  
6 A COMMON INTEREST COMMUNITY THE RIGHT TO PLACE A RAIN BARREL ON  
7 PROPERTY OR TO CONNECT A RAIN BARREL TO ANY PROPERTY THAT IS:  
8           (A) LEASED, EXCEPT WITH PERMISSION OF THE LESSOR;  
9           (B) A COMMON ELEMENT OR A LIMITED COMMON ELEMENT OF A  
10 COMMON INTEREST COMMUNITY;  
11           (C) MAINTAINED BY THE UNIT OWNERS' ASSOCIATION FOR A  
12 COMMON INTEREST COMMUNITY; OR  
13           (D) ATTACHED TO ONE OR MORE OTHER UNITS, EXCEPT WITH  
14 PERMISSION OF THE OWNERS OF THE OTHER UNITS.  
15           (III) A COMMON INTEREST COMMUNITY MAY IMPOSE REASONABLE  
16 AESTHETIC REQUIREMENTS THAT GOVERN THE PLACEMENT OR EXTERNAL  
17 APPEARANCE OF A RAIN BARREL."

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