

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 19-0132.01 Richard Sweetman x4333

**HOUSE BILL 19-1029**

**HOUSE SPONSORSHIP**

**Arndt**, Benavidez, Bird, Bockenfeld, Buentello, Cutter, Esgar, Exum, Galindo, Gonzales-Gutierrez, Hansen, Herod, Kipp, Kraft-Tharp, Lontine, McCluskie, McLachlan, Michaelson Jenet, Roberts, Snyder, Tipper, Titone, Valdez A.

**SENATE SPONSORSHIP**

**Crowder**, Coram, Garcia, Story

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**House Committees**  
Rural Affairs & Agriculture

**Senate Committees**  
Agriculture & Natural Resources

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**A BILL FOR AN ACT**

101      **CONCERNING THE REPUBLICAN RIVER WATER CONSERVATION**  
102                    **DISTRICT, AND, IN CONNECTION THEREWITH, EXPANDING THE**  
103                    **BOUNDARIES OF THE DISTRICT AND ADJUSTING THE MEETING**  
104                    **SCHEDULE OF THE DISTRICT'S BOARD OF DIRECTORS.**

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**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://leg.colorado.gov/>.)*

**Water Resources Review Committee.** The boundaries of the Republican river water conservation district are currently established by statute as certain counties and portions of counties that are within the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

SENATE  
3rd Reading Unamended  
February 12, 2019

SENATE  
Amended 2nd Reading  
February 11, 2019

HOUSE  
3rd Reading Unamended  
January 23, 2019

HOUSE  
Amended 2nd Reading  
January 18, 2019

Republican river basin. The bill expands the boundaries by including the district areas where groundwater pumping depletes the flow of the Republican river as contemplated by applicable United States supreme court case law. The composition of the district's board of directors is adjusted accordingly.

Current law requires the Republican river water conservation district board of directors to conduct regular quarterly meetings in January, April, July, and October. The bill changes these months to February, May, August, and November.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-50-103, **amend**  
3 (1) as follows:

4 **37-50-103. Creation and name of district.** (1) There is hereby  
5 created a water conservation district to be known and designated as the  
6 "Republican river water conservation district". The district is hereby  
7 declared to be a body corporate under the laws of Colorado. The district  
8 ~~shall comprise~~ CONSISTS OF the following area and territory of the state  
9 of Colorado:

10 (a) Phillips and Yuma counties; and

11 (b) Those portions of CHEYENNE, Kit Carson, Lincoln, Logan,  
12 Sedgwick, and Washington counties within the ~~Republican river basin~~  
13 MODEL DOMAIN OF THE REPUBLICAN RIVER COMPACT ADMINISTRATION  
14 GROUNDWATER MODEL WITHIN THE STATE OF COLORADO AS THAT  
15 DOMAIN IS DEFINED IN APPENDIX B TO THE FINAL REPORT OF THE SPECIAL  
16 MASTER WITH CERTIFICATE OF ADOPTION OF RRCA GROUNDWATER  
17 MODEL, *KANSAS V. NEBRASKA AND COLORADO*, UNITED STATES SUPREME  
18 COURT, NO. 126, ORIGINAL, DATED SEPTEMBER 17, 2003.

19 **SECTION 2.** In Colorado Revised Statutes, 37-50-104, **amend**  
20 (1), (2), and (3)(b); and **add** (3)(a)(IV) as follows:

1           **37-50-104. Board of directors.** (1) (a) The district shall be  
2 managed and controlled by a board of ~~fifteen~~ SEVENTEEN directors. The  
3 members of the board shall hold their offices for terms of three years and  
4 until their successors are appointed and qualified. A director may serve  
5 one or more terms. The boards of county commissioners of the counties  
6 of Yuma, Phillips, Kit Carson, Washington, Sedgwick, Lincoln,  
7 ~~CHEYENNE, and Logan shall each appoint one director. who shall be a~~  
8 ~~resident of the respective county.~~ One member of the board shall be  
9 appointed by each of the boards of the EAST CHEYENNE, Marks Butte,  
10 Frenchman, W-Y, Sand Hills, Central Yuma, Arikaree, and Plains ground  
11 water management districts. One member of the board shall be appointed  
12 by the Colorado ground water commission and ~~shall~~ MUST be a member  
13 of the Colorado ground water commission.

14           (b) (I) Each director ~~shall~~ MUST be, at the time of the director's  
15 appointment:

16           (A) A resident OF THE STATE OF COLORADO;

17           (B) A RESIDENT OF A COUNTY THAT IS, IN WHOLE OR IN PART,  
18 WITHIN THE BOUNDARIES OF THE DISTRICT; AND

19           (C) ~~and~~ AN owner of real property THAT IS within the ~~county or~~  
20 ~~ground water management~~ BOUNDARIES OF THE district from which ~~he or~~  
21 ~~she~~ THE DIRECTOR is appointed, ~~or, if only a part of~~ AS WELL AS WITHIN  
22 the county or ground water management district ~~is included within the~~  
23 ~~boundaries of the district, a resident and owner of real property within~~  
24 ~~such included part. The director appointed by the Colorado ground water~~  
25 ~~commission shall, at the time of appointment, reside within the district~~  
26 FROM WHICH THE DIRECTOR IS APPOINTED.

27           (II) Each director shall be appointed by either the board of county

1 commissioners of the county in which the director resides or by the  
2 ground water management district in which the director resides. The  
3 director may be a member of the board of county commissioners of such  
4 county or the board of directors of such ground water management  
5 district. ~~Such~~ THE appointments shall be made at the first meeting of the  
6 board of county commissioners, ground water management district, or  
7 Colorado ground water commission after the establishment of the district;  
8 EXCEPT THAT THE DIRECTORS APPOINTED BY THE CHEYENNE COUNTY  
9 BOARD OF COUNTY COMMISSIONERS AND THE EAST CHEYENNE GROUND  
10 WATER MANAGEMENT DISTRICT MUST BE APPOINTED AT THE FIRST  
11 MEETING OF THE BOARD OF COUNTY COMMISSIONERS OR GROUND WATER  
12 MANAGEMENT DISTRICT, AS APPLICABLE, AFTER THE EFFECTIVE DATE OF  
13 THIS SUBSECTION (1)(b), AS AMENDED.

14 (b.5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION  
15 TO THE CONTRARY, A PERSON MAY NOT BE APPOINTED TO THE BOARD TO  
16 REPRESENT A COUNTY UNLESS THE PERSON RESIDES IN THAT COUNTY.

17 (c) The members of the board shall annually select one of their  
18 number to act as president and one of their number to act as  
19 vice-president, each to hold office for one year or until a successor is duly  
20 selected.

21 (2) The office of a director ~~shall become~~ BECOMES vacant when  
22 the director ceases to reside in ~~the county or ground water management~~  
23 ~~district from which the director was appointed, or in the case of~~  
24 COLORADO OR WITHIN A COUNTY THAT IS, IN WHOLE OR IN PART, WITHIN  
25 THE BOUNDARIES OF THE DISTRICT, OR WHEN THE DIRECTOR NO LONGER  
26 OWNS REAL PROPERTY THAT IS WITHIN THE BOUNDARIES OF THE DISTRICT  
27 AND WITHIN THE COUNTY OR GROUND WATER MANAGEMENT DISTRICT

1 FROM WHICH THE DIRECTOR IS APPOINTED. The OFFICE OF A director  
2 appointed by the Colorado ground water commission BECOMES VACANT  
3 when the director ceases to reside in the district or is no longer a member  
4 of the Colorado ground water commission or when declared vacant by a  
5 majority vote of all of the members of the board when a director has  
6 failed to attend two consecutive regular meetings without having been  
7 excused from attendance by the president. If a vacancy occurs in the  
8 office by reason of death, resignation, removal, or otherwise, it shall be  
9 filled for the remainder of the unexpired term by the board of county  
10 commissioners of the county, or the ground water management district  
11 from which the director was originally appointed. Each director shall take  
12 an oath or affirmation in accordance with section 24-12-101.

13 (3) (a) Upon creation of the district, the directors shall be  
14 appointed by the respective boards of county commissioners or ground  
15 water management districts as provided in this section for the following  
16 terms of office:

17 (IV) THE DIRECTOR FROM THE COUNTY OF CHEYENNE HAS AN  
18 INITIAL TERM ENDING ON THE DATE OF THE REGULAR QUARTERLY MEETING  
19 OF THE BOARD OF COUNTY COMMISSIONERS TO BE HELD IN NOVEMBER  
20 2021 OR UPON THE APPOINTMENT OF HIS OR HER SUCCESSOR, WHICHEVER  
21 OCCURS LATER. THE DIRECTOR FROM THE EAST CHEYENNE GROUND  
22 WATER MANAGEMENT DISTRICT HAS AN INITIAL TERM ENDING ON THE  
23 DATE OF THE REGULAR QUARTERLY MEETING OF THE DISTRICT'S BOARD TO  
24 BE HELD IN NOVEMBER 2020 OR UPON THE APPOINTMENT OF HIS OR HER  
25 SUCCESSOR, WHICHEVER OCCURS LATER.

26 (b) Thereafter, each director shall be appointed for a term of  
27 three years, and the term shall expire EXPIRES on the date of the regular

1 quarterly meeting to be held in ~~October~~ NOVEMBER of the year that  
2 commences during the third year of the director's term, or as soon  
3 thereafter as a successor is duly appointed and qualified. For the purpose  
4 of determining ~~such~~ THE expiration date, the term of the director shall be  
5 taken as having begun on the date of the first regular ~~October~~ NOVEMBER  
6 quarterly meeting at which the term of a predecessor would have expired  
7 had the director then been duly appointed and qualified.

8 **SECTION 3.** In Colorado Revised Statutes, **amend** 37-50-108 as  
9 follows:

10 **37-50-108. Principal office - meetings.** The board shall designate  
11 a place within the district where the principal office is to be maintained  
12 and may change ~~such~~ THE place from time to time. Regular quarterly  
13 meetings of the board shall be held at the office on the ~~second Thursday~~  
14 THIRD TUESDAY in the months of ~~January, April, July, and October~~  
15 FEBRUARY, MAY, AUGUST, AND NOVEMBER. The board may hold such  
16 special meetings as may be required for the proper transaction of  
17 business. All special meetings of the board shall be held at locations that  
18 are within the boundaries of the district or that are within the boundaries  
19 of any county in which the district is located, in whole or in part, or in any  
20 county if the meeting location is within Colorado and does not exceed  
21 twenty miles from the district boundaries. The provisions of this section  
22 governing the location of meetings may be waived only if the proposed  
23 change of location of a meeting of the board appears on the agenda of a  
24 regular or special meeting of the board and if a resolution is adopted by  
25 the board stating the reason for which a meeting of the board is to be held  
26 in a location other than under the provisions of this section and further  
27 stating the date, time, and place of such meeting. Special meetings may

1 be called by the president of the board or by any four directors. Meetings  
2 of the board ~~shall be~~ ARE public, and proper minutes of the proceedings  
3 of the board ~~shall~~ MUST be preserved and ~~shall be~~ ARE open to inspection  
4 by any elector of the district during business hours.

5 **SECTION 4. In Colorado Revised Statutes, add 37-50-138.5 as**  
6 **follows:**

7 **37-50-138.5. Prohibition on duplication of fees.**  
8 **NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 50 TO THE**  
9 **CONTRARY, AN ENTITY THAT PAYS AUGMENTATION FEES TO A WATER**  
10 **CONSERVATION DISTRICT OTHER THAN THE DISTRICT FOR THE PURPOSE OF**  
11 **PREVENTING CURTAILMENT OR WHICH HAS AN AUGMENTATION PLAN IN**  
12 **PLACE MAY NOT BE REQUIRED TO PAY AUGMENTATION FEES TO THE**  
13 **DISTRICT.**

14 **SECTION 5. Act subject to petition - effective date -**  
15 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
16 the expiration of the ninety-day period after final adjournment of the  
17 general assembly (August 2, 2019, if adjournment sine die is on May 3,  
18 2019); except that, if a referendum petition is filed pursuant to section 1  
19 (3) of article V of the state constitution against this act or an item, section,  
20 or part of this act within such period, then the act, item, section, or part  
21 will not take effect unless approved by the people at the general election  
22 to be held in November 2020 and, in such case, will take effect on the  
23 date of the official declaration of the vote thereon by the governor.

24 (2) This act applies to conduct occurring on or after the applicable  
25 effective date of this act.