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DIGEST OF BILLS

Enacted by The

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FIFTY-FIFTH GENERAL ASSEMBLY

1985 First Regular Session



**COLORADO
LEGISLATIVE DRAFTING OFFICE**

30 State Capitol Bldg.
Denver, Colorado 80203

July, 1985

DIGEST
 OF
 SENATE AND HOUSE BILLS ENACTED
 BY THE
 FIFTY-FIFTH GENERAL ASSEMBLY
 OF THE
 STATE OF COLORADO
 (1985 - Second Regular Session)

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For grouping of bills by general subject matter,
 see pages i and ii.

Detailed subject index appears at end of digest,
 together with index by bill number.

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Compiled by the
 Legislative Drafting Office
 and the
 Office of Revisor of Statutes
 State Capitol Building
 Denver

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The first date appearing after the act is the date on which it was approved by the Governor or, if noted, became law without his signature; the second date is the effective date of the act. Vetoed bills are digested and marked "VETOED". All vetoes which were overridden are also indicated.

9 House Bills and 3 Senate Bills became law without the Governor's signature. 7 House Bills and 1 Senate Bill, which were vetoed by the Governor, became law when the vetoes were overridden by the General Assembly. The Became Law totals below include these bills.

This digest also includes one Senate Concurrent Resolution and one House Concurrent Resolution, which are proposed state constitutional amendments.

This digest is intended to direct the user to the text of specific bills and does not purport to be exhaustive.

	<u>Introduced</u>	<u>Passed</u>	<u>Vetoed</u>	<u>Became Law</u>
HOUSE	386	209	3	206
SENATE	<u>256</u>	<u>141</u>	<u>2</u>	<u>139</u>
TOTALS	642	350	5	345

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WATER AND IRRIGATION

- S.B. 3 Reservoir operators - compliance with directions of state engineer. Permits the attorney general to commence proceedings against reservoir operators to obtain compliance with the directions of the state engineer.

April 12 April 12

- S.B. 5 Nontributary ground water - legislative declaration - definition - permits for wells - adjudication of water rights - appropriation. Makes a legislative declaration that recognizes the unique, finite nature of nontributary ground water; declares that nontributary ground water shall be devoted to beneficial use in amounts based upon conservation of the resource and protection of vested water rights; states that the doctrine of prior appropriation shall not apply to nontributary ground water; and requires that nontributary ground water be allocated on the basis of ownership of the overlying land.

Defines "nontributary ground water". Details the procedures to obtain a permit to construct a well to withdraw specified ground water. States that such a well permit shall expire one year after its issuance and that upon a showing of good cause and an estimate of the time necessary to complete the well the state engineer shall extend the permit for one or more additional one-year periods. Allows the state engineer to require the filing of a notice of commencement of beneficial use under such permit. Authorizes withdrawal of such specified ground water on the basis of an aquifer life of 100 years.

Requires the applicant for a permit to withdraw such specified ground water to own the land, have consent of the landowner to withdraw such ground water, or have consent of the landowner to withdraw such ground water by means of a municipal ordinance or quasi-municipal district resolution.

Requires the state engineer to promulgate rules and regulations which facilitate the permitting of wells to withdraw nontributary ground water in the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers by December 31, 1985. Allows the state engineer to promulgate rules and regulations to facilitate the permitting of wells to withdraw specified ground water in any aquifer or portion thereof.

Entitles the owners of permits to withdraw specified ground water to obtain additional permits for additional wells to be constructed on certain specified land.

States that applications for determinations of rights to specified ground water shall be supplemented by evidence that the state engineer has issued or failed to issue, within 4 months of the filing of the application in water court, a determination as to the facts of the application. Requires the water clerk to forward such application to the state engineer and does not require a separate filing or docketing with the state engineer by the applicant.

With respect to standards to be applied by the referee and the water judge, establishes that nontributary ground water shall not be administered in accordance with priority of appropriation. Retains jurisdiction, as to determinations to specified ground water, with the water judge to afford the water judge the opportunity to adjust as necessary the annual amount of withdrawal allowable from such specified ground water wells so as to conform to actual local aquifer characteristics. States that right to such specified ground water shall be deemed vested property rights.

Authorizes a study of the state's ground water resources.

Appropriates \$79,550 to the department of natural resources for allocation to the division of water resources for its expenses.

June 6 July 1

S.B. 74 Water well construction and pump installation. Makes various changes in existing definitions for statutory provisions regulating contractors involved in water well construction and pump installation. Establishes additional definitions for "dewatering well", "directly employed", "monitoring and observation well", "person", "private pump installer", "supervision", and "test hole". Changes the name of the state board of examiners of water well and pump installation contractors to the state board of examiners of water well construction and pump installation contractors.

Allows the board to designate a hearing officer who has technical expertise in the areas of well construction or pump installation to conduct hearings. Authorizes the board to promulgate rules and regulations regarding the construction, use, and abandonment of monitoring and