

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

BILL A

LLS NO. 20-0326.01 Richard Sweetman x4333

SENATE BILL

SENATE SPONSORSHIP

Coram and Donovan, Bridges, Sonnenberg

HOUSE SPONSORSHIP

Arndt and Catlin, Saine, Titone

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE INCLUSION OF PUBLIC INPUT IN THE DEVELOPMENT**
102 **OF A STATE WATER RESOURCES DEMAND MANAGEMENT**
103 **PROGRAM.**

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 bill requires the Colorado water conservation board and the water resources review committee to involve the public and provide opportunities for public comment, using procedures similar to those used for initial adoption of the state water plan, before adopting any final or significantly amended

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.*

water resources demand management program as part of the Colorado upper basin states' drought contingency plan.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 37-60-106.7 as
3 follows:

4 **37-60-106.7. Water resources demand management program**
5 **- public hearings. (1) Legislative declaration.** (a) THE GENERAL
6 ASSEMBLY FINDS THAT:

7 (I) TO REDUCE THE RISK OF A DECLARED WATER SHORTAGE ON THE
8 COLORADO RIVER, IN 2019 THE STATES OF THE UPPER COLORADO RIVER
9 BASIN, INCLUDING COLORADO, ADOPTED DROUGHT CONTINGENCY PLANS,
10 WHICH PLANS CONTEMPLATE THE DEVELOPMENT OF WATER DEMAND
11 MANAGEMENT PROGRAMS;

12 (II) TO THIS END, THE GENERAL ASSEMBLY SUPPORTED THE
13 DEVELOPMENT OF A WATER RESOURCES DEMAND MANAGEMENT
14 PROGRAM, REFERRED TO IN THIS SECTION AS THE "PROGRAM", BY PASSING
15 SENATE BILL 19-212, ENACTED IN 2019, WHICH APPROPRIATED ONE
16 MILLION SEVEN HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND
17 TO THE DEPARTMENT OF NATURAL RESOURCES FOR USE BY THE COLORADO
18 WATER CONSERVATION BOARD; AND

19 (III) THE BOARD IS DIRECTED TO USE THIS MONEY FOR
20 STAKEHOLDER OUTREACH AND TECHNICAL ANALYSIS TO DEVELOP THE
21 PROGRAM.

22 (b) THE GENERAL ASSEMBLY ALSO FINDS THAT:

23 (I) CURRENT LAW REQUIRES THE BOARD AND THE WATER
24 RESOURCES REVIEW COMMITTEE CREATED IN SECTION 37-98-102,
25 REFERRED TO IN THIS SECTION AS THE "COMMITTEE", TO DEVELOP THE

1 STATE WATER PLAN WITH THE INVOLVEMENT OF THE PUBLIC AND TO
2 PROVIDE OPPORTUNITIES FOR PUBLIC COMMENT BEFORE ADOPTING ANY
3 FINAL OR SIGNIFICANTLY AMENDED PLAN; AND

4 (II) IN DEVELOPING THE PROGRAM, THE BOARD AND THE
5 COMMITTEE SHOULD ALSO INVOLVE THE PUBLIC AND PROVIDE
6 OPPORTUNITIES FOR PUBLIC COMMENT BEFORE ADOPTING ANY FINAL OR
7 SIGNIFICANTLY AMENDED PROGRAM.

8 (c) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE
9 BOARD AND THE COMMITTEE ARE REQUIRED TO INVOLVE THE PUBLIC AND
10 PROVIDE OPPORTUNITIES FOR PUBLIC COMMENT BEFORE ADOPTING ANY
11 FINAL OR SIGNIFICANTLY AMENDED PROGRAM.

12 (2) **Development of program - board duties.** IN DEVELOPING A
13 PROGRAM AS PART OF THE COLORADO UPPER BASIN STATES' DROUGHT
14 CONTINGENCY PLAN, THE BOARD SHALL:

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

19 (b) PRESENT THE SCOPE, FUNDAMENTAL APPROACH, AND BASIC
20 ELEMENTS OF THE PROGRAM TO THE COMMITTEE;

21 (c) IN DEVELOPING THE DRAFT PROGRAM, CONSIDER THE
22 FEEDBACK FROM THE COMMITTEE SUBMITTED TO THE BOARD PURSUANT
23 TO SUBSECTION (3)(a) OF THIS SECTION;

24 (d) PRESENT THE DRAFT PROGRAM TO THE COMMITTEE;

25 (e) IN DEVELOPING THE FINAL PROGRAM, CONSIDER THE FEEDBACK
26 FROM THE COMMITTEE SUBMITTED PURSUANT TO SUBSECTION (3)(b) OF
27 THIS SECTION; AND

1 (f) NOTIFY THE COMMITTEE OF ANY PROPOSED SIGNIFICANT
2 AMENDMENTS TO THE PROGRAM, AS DETERMINED BY THE BOARD, PRESENT
3 THE PROPOSED AMENDMENT TO THE COMMITTEE, AND CONSIDER THE
4 COMMITTEE'S FEEDBACK SUBMITTED PURSUANT TO SUBSECTION (3)(c) OF
5 THIS SECTION.

6 (3) **Development of program - committee duties.** (a) WHEN THE
7 BOARD SUBMITS THE SCOPE, FUNDAMENTAL APPROACH, AND BASIC
8 ELEMENTS OF THE PROGRAM TO THE COMMITTEE AS SPECIFIED IN
9 SUBSECTION (2)(b) OF THIS SECTION, THE COMMITTEE SHALL HOLD AT
10 LEAST ONE PUBLIC HEARING ON THE SCOPE, FUNDAMENTAL APPROACH,
11 AND BASIC ELEMENTS OF THE PROGRAM IN EACH GEOGRAPHIC REGION
12 ASSOCIATED WITH THE BASIN ROUNDTABLES, AS CREATED IN SECTION
13 37-75-104 (3)(b), FOR THE PURPOSE OF RECEIVING THE PUBLIC'S
14 FEEDBACK. THE COMMITTEE SHALL PROVIDE A SUMMARY OF THE PUBLIC'S
15 FEEDBACK, AS WELL AS THE COMMITTEE'S OWN FEEDBACK, TO THE BOARD.

16 (b) WHEN THE BOARD SUBMITS A DRAFT PROGRAM TO THE
17 COMMITTEE AS SPECIFIED IN SUBSECTION (2)(d) OF THIS SECTION, THE
18 COMMITTEE SHALL HOLD AT LEAST ONE PUBLIC HEARING ON THE DRAFT
19 PROGRAM IN EACH GEOGRAPHIC REGION ASSOCIATED WITH THE BASIN
20 ROUNDTABLES FOR THE PURPOSE OF RECEIVING THE PUBLIC'S FEEDBACK.
21 THE COMMITTEE SHALL PROVIDE A SUMMARY OF THE PUBLIC'S FEEDBACK,
22 AS WELL AS THE COMMITTEE'S OWN FEEDBACK, TO THE BOARD.

23 (c) WHEN THE BOARD SUBMITS A SIGNIFICANT AMENDMENT TO THE
24 PROGRAM TO THE COMMITTEE AS SPECIFIED IN SUBSECTION (2)(f) OF THIS
25 SECTION, THE COMMITTEE MAY HOLD AT LEAST ONE PUBLIC HEARING ON
26 THE AMENDMENT IN EACH GEOGRAPHIC REGION ASSOCIATED WITH THE
27 BASIN ROUNDTABLES FOR THE PURPOSE OF RECEIVING THE PUBLIC'S

1 FEEDBACK. IF THE COMMITTEE HOLDS THE HEARING, THE COMMITTEE
2 SHALL PROVIDE A SUMMARY OF THE PUBLIC'S FEEDBACK, AS WELL AS THE
3 COMMITTEE'S OWN FEEDBACK, TO THE BOARD.

4 (d) HEARINGS HELD PURSUANT TO THIS SUBSECTION (3):

5 (I) DO NOT COUNT AGAINST THE NUMBER OF MEETINGS OR FIELD
6 TRIPS ALLOWED BY SECTION 37-98-102 (1)(a); AND

7 (II) MAY BE HELD BEFORE THE BOARD SUBMITS THE DOCUMENTS
8 SPECIFIED IN SUBSECTION (2)(b) OR (2)(d) OF THIS SECTION IF DEEMED
9 APPROPRIATE BY THE CHAIR OF THE COMMITTEE.

10 (e) NO LATER THAN NOVEMBER 1, 2023, AND NO LATER THAN
11 EVERY FIVE YEARS THEREAFTER, THE COMMITTEE SHALL PREPARE A LIST
12 OF SPECIFIC TOPICS THAT IT DEEMS NECESSARY TO BE ADDRESSED IN THE
13 PROGRAM. THE BOARD SHALL PROVIDE ITS RECOMMENDATIONS,
14 INCLUDING SUGGESTIONS FOR POTENTIAL LEGISLATION, FOR THE
15 COMMITTEE'S CONSIDERATION WITHIN EIGHT MONTHS AFTER RECEIPT OF
16 THE LIST OF SPECIFIC TOPICS.

17 **SECTION 2. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in
25 November 2020 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.