A BILL FOR AN ACT

CONCERNING THE INCLUSION OF PUBLIC INPUT IN THE DEVELOPMENT OF A STATE WATER RESOURCES DEMAND MANAGEMENT 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...
water resources demand management program as part of the Colorado upper basin states' drought contingency plan.

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

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

37-60-106.7. Water resources demand management program - public hearings. (1) Legislative declaration. (a) The General Assembly finds that:

(I) To reduce the risk of a declared water shortage on the Colorado river, in 2019 the states of the upper Colorado river basin, including Colorado, adopted drought contingency plans, which plans contemplate the development of water demand management programs.

(II) To this end, the General Assembly supported the development of a water resources demand management program, referred to in this section as the "program", by enacting Senate Bill 19-212, which appropriated one million seven hundred thousand dollars from the General Fund to the Department of Natural Resources for use by the Colorado Water Conservation Board; and

(III) The board is directed to use this money for stakeholder outreach and technical analysis to develop a program.

(b) The General Assembly also finds that:

(I) Current law requires the board and the water resources review committee created in section 37-98-102, referred to in this section as the "committee", to develop the
STATE WATER PLAN WITH THE INVOLVEMENT OF THE PUBLIC AND TO PROVIDE OPPORTUNITIES FOR PUBLIC COMMENT BEFORE ADOPTING ANY FINAL OR SIGNIFICANTLY AMENDED PLAN; AND

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

(c) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE BOARD AND THE COMMITTEE ARE REQUIRED TO INVOLVE THE PUBLIC AND PROVIDE OPPORTUNITIES FOR PUBLIC COMMENT BEFORE ADOPTING ANY FINAL OR SIGNIFICANTLY AMENDED PROGRAM AS PART OF THE COLORADO UPPER BASIN STATES' DROUGHT CONTINGENCY PLAN.

(2) Development of program - board duties. In developing a program as part of the Colorado upper basin states' drought contingency plan, the board shall:

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

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

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

(d) PRESENT THE DRAFT PROGRAM TO THE COMMITTEE;

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

(f) Notify the committee of any proposed significant amendments to the program, as determined by the board, present the proposed amendment to the committee, and consider the committee's feedback submitted pursuant to subsection (3)(c) of this section.

(3) Development of program - committee duties. (a) When the board submits the scope, fundamental approach, and basic elements of a draft program to the committee as specified in subsection (2)(b) of this section, the committee shall hold at least one public hearing on the scope, fundamental approach, and basic elements of the draft program in each geographic region associated with the basin roundtables, as created in section 37-75-104 (3)(b), for the purpose of receiving the public's feedback. The committee shall provide a summary of the public's feedback, as well as the committee's own feedback, to the board.

(b) When the board submits a draft program to the committee as specified in subsection (2)(d) of this section, the committee shall hold at least one public hearing on the draft program in each geographic region associated with the basin roundtables for the purpose of receiving the public's feedback. The committee shall provide a summary of the public's feedback, as well as the committee's own feedback, to the board.

(c) When the board submits a significant amendment to the state program to the committee as specified in subsection (2)(f) of this section, the committee may hold at least one public hearing on the amendment in each geographic region associated
WITH THE BASIN ROUNDTABLES FOR THE PURPOSE OF RECEIVING THE
PUBLIC'S FEEDBACK. IF THE COMMITTEE HOLDS THE HEARINGS, THE
COMMITTEE SHALL PROVIDE A SUMMARY OF THE PUBLIC'S FEEDBACK, AS
WELL AS THE COMMITTEE'S OWN FEEDBACK, TO THE BOARD.

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

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

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

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

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