

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

DRAFT  
9.19.19

BILL 2

LLS NO. 20-0326.01 Richard Sweetman x4333

INTERIM COMMITTEE BILL

Water Resources Review Committee

**BILL TOPIC:** "Require Public Input On Water Demand Mgmt Program"

**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

*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.

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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  
15 ENACTING SENATE BILL 19-212, WHICH APPROPRIATED ONE MILLION  
16 SEVEN HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE  
17 DEPARTMENT OF NATURAL RESOURCES FOR USE BY THE COLORADO WATER  
18 CONSERVATION BOARD; AND

19 (III) THE BOARD IS DIRECTED TO USE THIS MONEY FOR  
20 STAKEHOLDER OUTREACH AND TECHNICAL ANALYSIS TO DEVELOP A  
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 A PROGRAM, THE BOARD AND THE COMMITTEE  
5 SHOULD ALSO INVOLVE THE PUBLIC AND PROVIDE OPPORTUNITIES FOR  
6 PUBLIC COMMENT BEFORE ADOPTING ANY FINAL OR SIGNIFICANTLY  
7 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 AS PART OF THE COLORADO  
12 UPPER BASIN STATES' DROUGHT CONTINGENCY PLAN.

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

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

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

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

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

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

1 THIS SECTION; AND

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

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

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

24 (c) WHEN THE BOARD SUBMITS A SIGNIFICANT AMENDMENT TO THE  
25 STATE PROGRAM TO THE COMMITTEE AS SPECIFIED IN SUBSECTION (2)(f)  
26 OF THIS SECTION, THE COMMITTEE MAY HOLD AT LEAST ONE PUBLIC  
27 HEARING ON THE AMENDMENT IN EACH GEOGRAPHIC REGION ASSOCIATED

1 WITH THE BASIN ROUNDTABLES FOR THE PURPOSE OF RECEIVING THE  
2 PUBLIC'S FEEDBACK. IF THE COMMITTEE HOLDS THE HEARINGS, THE  
3 COMMITTEE SHALL PROVIDE A SUMMARY OF THE PUBLIC'S FEEDBACK, AS  
4 WELL AS THE COMMITTEE'S OWN FEEDBACK, TO THE BOARD.

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

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

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

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

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