

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

Bill A

LLS NO. 23-0089.01 Richard Sweetman x4333

HOUSE BILL

HOUSE SPONSORSHIP

McKean and McLachlan,

SENATE SPONSORSHIP

Bridges and Simpson,

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A TASK FORCE TO STUDY THE FEASIBILITY OF**
102 **HIGH-ALTITUDE WATER STORAGE IN COLORADO.**

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 and Agriculture Review Committee. The bill creates a task force to study the feasibility of implementing water storage in the form of snow in high-altitude areas of the state (task force). The task force must submit a report to the water resources and agriculture review committee on or before June 1, 2024, which report:

- Describes the feasibility of implementing high-altitude

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 storage in Colorado;
 - Describes findings and recommendations regarding issues considered by the task force; and
 - Describes any legislative proposals associated with the implementation of high-altitude water storage in Colorado, including identification of any state agencies that will be responsible for implementing legislative directives and identification of funding sources.
- The task force is repealed, effective December 1, 2024.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 37-98-105 as
3 follows:

4 **37-98-105. Task force for the consideration of high-altitude**
5 **water storage - creation - membership - duties - compensation - staff**
6 **support - repeal. (1) Creation - membership. (a) THERE IS CREATED**
7 A TASK FORCE FOR THE CONSIDERATION OF HIGH-ALTITUDE WATER
8 STORAGE, REFERRED TO IN THIS SECTION AS THE "TASK FORCE". THE TASK
9 FORCE CONSISTS OF THE FOLLOWING SEVEN MEMBERS:

- 10 (I) THE STATE ENGINEER OR THE STATE ENGINEER'S DESIGNEE;
- 11 (II) ONE MEMBER WHO IS A STATE REPRESENTATIVE, TO BE
12 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;
- 13 (III) ONE MEMBER WHO IS A STATE SENATOR, TO BE APPOINTED BY
14 THE PRESIDENT OF THE SENATE;
- 15 (IV) ONE MEMBER WHO REPRESENTS THE COLORADO SKI
16 INDUSTRY, TO BE APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF
17 REPRESENTATIVES;
- 18 (V) ONE MEMBER WHO REPRESENTS THE COLORADO WHITEWATER
19 RAFTING INDUSTRY, TO BE APPOINTED BY THE MINORITY LEADER OF THE
20 SENATE;

1 (VI) ONE MEMBER WHO IS AN ENGINEER WITH EXPERT
2 KNOWLEDGE OF, AND EXPERIENCE WITH, HIGH-ALTITUDE HYDROLOGY, TO
3 BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES; AND

4 (VII) ONE MEMBER WHO REPRESENTS THE UNITED STATES FOREST
5 SERVICE, TO BE APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF
6 REPRESENTATIVES.

7 (b) THE APPOINTING AUTHORITIES DESCRIBED IN SUBSECTION
8 (1)(a) OF THIS SECTION SHALL MAKE EACH OF THE INITIAL APPOINTMENTS
9 TO THE TASK FORCE WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF
10 THIS SECTION, AND THE PRESIDENT OF THE SENATE SHALL APPOINT A
11 MEMBER OF THE TASK FORCE TO SERVE AS THE CHAIR OF THE TASK FORCE.

12 (2) **Issues for study.** THE TASK FORCE SHALL EXAMINE AND,
13 PURSUANT TO SUBSECTION (3)(d) OF THIS SECTION, REPORT TO THE
14 COMMITTEE CONCERNING THE FEASIBILITY OF IMPLEMENTING WATER
15 STORAGE IN THE FORM OF SNOW IN HIGH-ALTITUDE AREAS OF THE STATE,
16 INCLUDING CONSIDERATION OF:

17 (a) THE POTENTIAL RELATIONSHIP BETWEEN INCREASED
18 SNOWMAKING AND INCREASED WATER STORAGE;

19 (b) WHETHER SNOWMAKING REPRESENTS MEANINGFUL STORAGE;

20 (c) THE POTENTIAL BENEFITS OF SMALL-SCALE STORAGE PONDS OR
21 TANKS IN COMPARISON TO LARGER RESERVOIRS; AND

22 (d) A TIME-BENEFIT ANALYSIS THAT EXAMINES THE COSTS AND
23 TIMELINE FOR INCREASED SNOWMAKING AND THE SITING AND
24 CONSTRUCTION OF A RESERVOIR.

25 (3) **Additional duties of the task force.** THE TASK FORCE SHALL:

26 (a) MEET ON OR BEFORE NOVEMBER 1, 2023, AT A TIME AND PLACE
27 TO BE DETERMINED BY THE CHAIR OF THE TASK FORCE;

1 (b) MEET AT LEAST ONCE EVERY THREE MONTHS, OR MORE OFTEN
2 AS DIRECTED BY THE CHAIR OF THE TASK FORCE;

3 (c) COMMUNICATE WITH AND OBTAIN INPUT FROM GROUPS
4 THROUGHOUT THE STATE AFFECTED BY THE ISSUES IDENTIFIED IN
5 SUBSECTION (2) OF THIS SECTION; AND

6 (d) SUBMIT A REPORT TO THE COMMITTEE ON OR BEFORE JUNE 1,
7 2024, THAT, AT A MINIMUM:

8 (I) DESCRIBES THE FEASIBILITY OF IMPLEMENTING HIGH-ALTITUDE
9 WATER STORAGE IN COLORADO;

10 (II) DESCRIBES FINDINGS AND RECOMMENDATIONS REGARDING
11 ISSUES CONSIDERED BY THE TASK FORCE; AND

12 (III) DESCRIBES ANY LEGISLATIVE PROPOSALS ASSOCIATED WITH
13 THE IMPLEMENTATION OF HIGH-ALTITUDE WATER STORAGE IN COLORADO,
14 INCLUDING IDENTIFICATION OF ANY STATE AGENCIES THAT WILL BE
15 RESPONSIBLE FOR IMPLEMENTING LEGISLATIVE DIRECTIVES AND
16 IDENTIFICATION OF FUNDING SOURCES.

17 (4) **Compensation.** NONLEGISLATIVE MEMBERS OF THE TASK
18 FORCE SERVE WITHOUT COMPENSATION. COMPENSATION OF LEGISLATIVE
19 MEMBERS IS PAID FROM APPROPRIATIONS TO THE GENERAL ASSEMBLY.

20 (5) **Staff support.** THE DIRECTOR OF RESEARCH OF THE
21 LEGISLATIVE COUNCIL MAY SUPPLY STAFF ASSISTANCE TO THE TASK FORCE
22 AS THE DIRECTOR OF RESEARCH DEEMS APPROPRIATE, SUBJECT TO
23 AVAILABLE APPROPRIATIONS. THE TASK FORCE MAY ALSO ACCEPT
24 DONATIONS OF IN-KIND SERVICES FOR STAFF SUPPORT FROM THE PRIVATE
25 SECTOR.

26 (6) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 1,
27 2024.

1 **SECTION 2. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly; except
4 that, if a referendum petition is filed pursuant to section 1 (3) of article V
5 of the state constitution against this act or an item, section, or part of this
6 act within such period, then the act, item, section, or part will not take
7 effect unless approved by the people at the general election to be held in
8 November 2024 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.