

## CHAPTER 378

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**WATER AND IRRIGATION**


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**HOUSE BILL 10-1051**

BY REPRESENTATIVE(S) Pommer, Fischer, Frangas, Hullinghorst, Labuda, Looer, Pace;  
also SENATOR(S) Whitehead, Carroll M., Foster, Tochtrop.

**AN ACT**

**CONCERNING ADDITIONAL INFORMATION REGARDING COVERED ENTITIES' WATER EFFICIENCY  
PLANS.**

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

**SECTION 1.** 37-60-126 (4) (a) (I) and (9) (a), Colorado Revised Statutes, are amended, and the said 37-60-126 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**37-60-126. Water conservation and drought mitigation planning - programs - relationship to state assistance for water facilities - guidelines - water efficiency grant program - repeal.** (4) A plan developed by a covered entity pursuant to subsection (2) of this section shall, at a minimum, include a full evaluation of the following plan elements:

(a) The water-saving measures and programs to be used by the covered entity for water conservation. In developing these measures and programs, each covered entity shall, at a minimum, consider the following:

(I) Water-efficient fixtures and appliances, including toilets, urinals, CLOTHES WASHERS, showerheads, and ~~faucets~~ FAUCET AERATORS;

(4.5) (a) ON AN ANNUAL BASIS STARTING NO LATER THAN JUNE 30, 2014, COVERED ENTITIES SHALL REPORT WATER USE AND CONSERVATION DATA, TO BE USED FOR STATEWIDE WATER SUPPLY PLANNING, FOLLOWING BOARD GUIDELINES PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4.5), TO THE BOARD BY THE END OF THE SECOND QUARTER OF EACH YEAR FOR THE PREVIOUS CALENDAR YEAR.

(b) NO LATER THAN FEBRUARY 1, 2012, THE BOARD SHALL ADOPT GUIDELINES

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

REGARDING THE REPORTING OF WATER USE AND CONSERVATION DATA BY COVERED ENTITIES, AND SHALL PROVIDE A REPORT TO THE SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, REGARDING THE GUIDELINES. THESE GUIDELINES SHALL:

(I) BE ADOPTED PURSUANT TO THE BOARD'S PUBLIC PARTICIPATION PROCESS AND SHALL INCLUDE OUTREACH TO STAKEHOLDERS FROM WATER PROVIDERS WITH GEOGRAPHIC AND DEMOGRAPHIC DIVERSITY, NONGOVERNMENTAL ORGANIZATIONS, AND WATER CONSERVATION PROFESSIONALS; AND

(II) INCLUDE CLEAR DESCRIPTIONS OF: CATEGORIES OF CUSTOMERS, USES, AND MEASUREMENTS; HOW GUIDELINES WILL BE IMPLEMENTED; AND HOW DATA WILL BE REPORTED TO THE BOARD.

(c) (I) NO LATER THAN FEBRUARY 1, 2019, THE BOARD SHALL REPORT TO THE SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, ON THE GUIDELINES AND DATA COLLECTED BY THE BOARD UNDER THE GUIDELINES.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2020.

(9) (a) Neither the board nor the Colorado water resources and power development authority shall release grant or loan proceeds to a covered entity unless ~~such~~ THE covered entity provides a copy of the water conservation plan adopted pursuant to this section; except that the board or the authority may release ~~such~~ THE grant or loan proceeds NOTWITHSTANDING A COVERED ENTITY'S FAILURE TO COMPLY WITH THE REPORTING REQUIREMENTS OF SUBSECTION (4.5) OF THIS SECTION OR if the board or the authority, as applicable, determines that an unforeseen emergency exists in relation to the covered entity's loan application, in which case the board or the authority, as applicable, may impose a grant or loan surcharge upon the covered entity that may be rebated or reduced if the covered entity submits and adopts a plan in compliance with this section in a timely manner as determined by the board or the authority, as applicable.

**SECTION 2. Applicability.** This act shall apply to conduct occurring on or after the effective date of this act.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 7, 2010