

**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

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- 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- The task force is repealed, effective December 1, 2024.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.

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

BILL B

LLS NO. 23-0091.01 Megan McCall x4215

SENATE BILL

SENATE SPONSORSHIP

Bridges and Simpson,

HOUSE SPONSORSHIP

McKean and McLachlan, McCormick

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE WATER RESOURCES AND AGRICULTURE REVIEW**
102 **COMMITTEE.**

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 removes a reference to the water resources and agriculture review committee being an interim committee and removes an outdated reference to Senate Bill 96-074 in the legislative declaration. The bill also removes limitations on the number of meetings and the number of field trips the committee may hold and requires the committee to meet at least 4 times

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during each calendar year.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-98-101, **amend**
3 (1) introductory portion, (2)(d), and (2)(e); and **repeal** (2)(f) as follows:

4 **37-98-101. Legislative declaration.** (1) The general assembly
5 finds, determines, and declares that the purpose of this article 98 is to
6 provide ~~an interim~~ A committee as a forum through which the general
7 assembly shall review:

8 (2) The general assembly recognizes its mandate to vigorously
9 protect and defend Colorado's finite supply of water. The general
10 assembly further recognizes the need to ensure that water issues receive
11 sufficient legislative scrutiny and public input:

12 (d) To protect water quality and water quantity; AND

13 (e) To ensure that Colorado's interstate water compact agreements
14 are met and, in relation to the agreements, that Colorado's water resources
15 are protected against unwarranted claims. ~~and~~

16 (f) ~~To continue the studies of the special water committee~~
17 ~~pursuant to Senate Bill 96-074.~~

18 **SECTION 2.** In Colorado Revised Statutes, 37-98-102, **amend**
19 (1)(a)(I) as follows:

20 **37-98-102. Water resources and agriculture review committee**
21 **- creation.** (1) (a) (I) For the purposes of contributing to and monitoring
22 the conservation, use, development, and financing of the water resources
23 of Colorado for the general welfare of its inhabitants; identifying,
24 monitoring, and addressing Colorado agriculture issues; and reviewing
25 and proposing water resources and agriculture legislation, there is hereby

1 created the water resources and agriculture review committee, referred to
2 in this article 98 as the "committee". The committee shall meet at the call
3 of the chair ~~as often as six times during even-numbered years and eight~~
4 ~~times during odd-numbered years~~ AT LEAST FOUR TIMES DURING EACH
5 CALENDAR YEAR to review and to propose water resources and agriculture
6 legislation and related matters. ~~No more than two of such meetings may~~
7 ~~occur while the general assembly is in session.~~ In connection with such
8 review, AND AT THE DISCRETION OF THE CHAIR, the committee may take
9 ~~up to two field trips per~~ DURING THE CALENDAR year in connection with
10 its mandate and shall consult with experts in the field of water
11 conservation, quality, use, finance, and development and the field of
12 agriculture. The department of natural resources, the state engineer, the
13 department of agriculture, and the attorney general, together with the
14 members and staff of the Colorado water conservation board, the
15 Colorado water resources and power development authority, the water
16 quality control commission, the department of public health and
17 environment, and the great outdoors Colorado program, shall cooperate
18 with the committee and with any persons assisting the committee in
19 pursuing its responsibilities pursuant to this section. Further, the
20 committee may utilize the legislative council staff to assist its members
21 in researching any matters.

22 **SECTION 3.** In Colorado Revised Statutes, 37-98-103, **amend**
23 **(6)(c); and repeal (6)(d)(I)** as follows:

24 **37-98-103. Annual recommendations - bill limitation -**
25 **deadlines for introduction.** (6) (c) NOTWITHSTANDING THE PROVISIONS
26 ON MEETINGS AND FIELD TRIPS SET FORTH IN SECTION 37-98-102 (1)(a)(I),
27 when the Colorado water conservation board submits a significant

1 amendment to the state water plan to the committee as specified in section
2 37-60-106.3 (3)(b), the committee may hold at least one public hearing
3 on the amendment in each geographic region associated with the basin
4 roundtables for the purpose of receiving the public's feedback. If the
5 committee holds the hearings, the committee shall provide a summary of
6 the public's feedback, as well as the committee's own feedback, to the
7 board by November 1 of the year in which the hearings are held.

8 (d) Hearings held pursuant to this subsection (6):

9 (I) ~~Do not count against the number of meetings or field trips~~
10 ~~allowed by section 37-98-102 (1)(a); and~~

11 **SECTION 4.** In Colorado Revised Statutes, 37-60-106.3, **amend**
12 (4) as follows:

13 **37-60-106.3. State water plan - legislative declaration - grant**
14 **program. (4) Legislation.** By November 1 of each year following the
15 submission to the water resources and agriculture review committee of a
16 state water plan or amendment pursuant to this section, any member of
17 the general assembly may make a request in writing to the chairperson of
18 the water resources and agriculture review committee that the committee
19 hold one or more hearings to review the plan or amendment as submitted
20 to the water resources and agriculture review committee. Upon receipt of
21 the request, AND NOTWITHSTANDING THE PROVISIONS ON MEETINGS SET
22 FORTH IN SECTION 37-98-102 (1)(a)(I), the chairperson of the committee
23 shall promptly schedule a hearing to conduct the review and provide
24 adequate notice to the public and the board. The committee, after holding
25 a public hearing, may recommend the introduction of a bill or bills based
26 on the results of the review. A bill recommended by the committee for
27 consideration under this subsection (4) does not count against the number

1 of bills to which either the committee or the members of the general
2 assembly are limited by law or joint rule of the senate and the house of
3 representatives. ~~and a hearing held by the committee pursuant to this~~
4 ~~subsection (4) does not count against the number of meetings allowed by~~
5 ~~section 37-98-102 (1)(a).~~

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