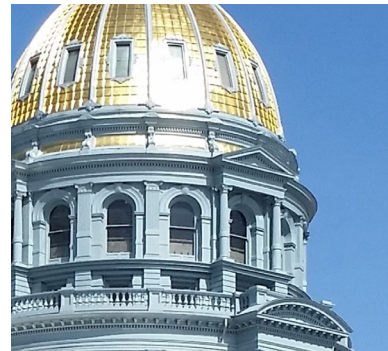


2022

Report to the Colorado General Assembly



Water Resources and Agriculture Review Committee



Prepared by Legislative Council Staff
Research Publication No. 781
December 2022

Water Resources and Agriculture Review Committee

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December 2022

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December 2022

Submitted herewith is the final report of the Water Resources and Agriculture Review Committee. This committee was created pursuant to Article 98 of Title 37, Colorado Revised Statutes. The purpose of this committee is to oversee the conservation, use, development, and financing of Colorado's water resources and Colorado agriculture issues.

At its meeting on October 14, 2022 the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2023 session was approved.

Sincerely,

/s/ Representative Alec Garnett
Chair

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The text of each bill is included as Attachments A and B after the resource materials page(s).

This report is also available online at:

<https://leg.colorado.gov/committees/water-resources-and-agriculture-review-committee/2022-regular-session>

Committee Charge

The recently renamed Water Resources and Agriculture Review Committee (WRARC) was created to contribute to and monitor the conservation, use, development, and financing of Colorado's water resources for the general welfare of the state (Section 37-98-102, C.R.S.). In 2022, the committee charge was updated to include Colorado agriculture issues. The committee is also required to review statewide planning for water resources. The WRARC reviews and proposes legislation to further its purpose. In conducting its review, the WRARC consults with experts in the fields of water conservation, quality, use, finance, and development. The WRARC was authorized to meet up to eight times in 2022 and to take two field trips.

Committee Activities

During the 2022 interim, the WRARC held three meetings and took two field trips - one to the Colorado Water Congress in Steamboat Springs and one to Denver Water Headquarters in Denver. The WRARC met with a broad range of water users and government officials, including local water providers, water policy experts, state water planners, and concerned citizens. The committee received briefings on a variety of topics including:

- aging infrastructure and economic resiliency in agriculture;
- airborne snowpack measurement;
- Colorado Big-Thompson Project;
- the Colorado Water Plan;
- emerging water technologies;
- non-tributary water resources;
- per- and polyfluoroalkyl substances;
- soil health and drought;
- stream rehabilitation;
- Water Education Colorado;
- watershed restoration; and
- xeriscaping.

The committee also drafted legislation related to make the Water Resources and Agriculture Review committee a year-round committee and to create a task force to look at high-altitude water storage. The following sections discuss the committee's activities during the 2022 interim.

Aging Infrastructure and Economic Resiliency in Agriculture

Panelists from the Colorado Water Conservation Board (CWCB), Gunnison Basin Roundtable, and the Colorado Department of Agriculture spoke about the impacts of aging infrastructure and how agriculture relies on water to be economically resilient. The panelists discussed the need for consistent funding and technical assistance across the state. The CWCB discussed [Senate Bill 21-281](#), which authorized CWCB to transfer funding from the Perpetual Base Account to the Water Supply Reserve Fund (WSRF). Panelists discussed changes that would allow for the use of severance tax revenue for

projects across the river basins. They also requested that the General Assembly reestablish a statewide matching fund to help with aging infrastructure and drought resilience.

The Department of Agriculture discussed the ongoing needs for irrigation and water delivery infrastructure. Panelists also told the committee about current programs within the department and the need for ongoing technical assistance across the state.

Airborne Snowpack Measurement

Airborne Snow Observatories, Inc., Denver Water, and the Dolores Water Conservation District informed the committee about the Colorado Airborne Snow Measurement (CASM) program. The panelists updated the committee on their efforts to measure snow water equivalent using airborne snowpack measurement and how it can improve river flow forecasting. They demonstrated how the technology maps snowpack and provided examples of how Colorado would benefit from increased use of airborne measurement. The panelists discussed a timeline for potential state funding and building out a flight program to try to measure snowpack in all of Colorado's headwaters.

Colorado Big-Thompson Project

Two separate panels discussed the Colorado-Big Thompson (C-BT) project. The first panel, with the mayor of Grand Lake and representatives from Three Lakes Watershed Association and the Outstanding Grand Lake Foundation, discussed how the C-BT's transmountain diversion negatively affects the water quality and clarity of the Three Lakes system. The committee viewed images of Grand Lake's water quality and heard about the characteristics of the design of the water pumping system. The panelists requested that the committee require an outside study of the environmental impacts of the diversion.

The second panel, with Grand County, the Bureau of Reclamation, and Northern Water, discussed the history of water quality management in the Three Lakes system, including the stakeholders involved and the more recent impacts of large wildfires. The committee heard about the Water Quality Control Commission, how it has watched over the water quality of the Three Lakes system, and how the water quality is currently managed. The panelists discussed the ongoing efforts to manage water quality at Grand Lake. These efforts include adaptive management process, nutrient reduction projects, the Learning By Doing aquatic and river health partnership, water temperature mitigation, riparian vegetation monitoring, and the Colorado connectivity channel.

Colorado Water Plan

The committee heard an update from the Colorado Water Conservation Board about revisions to the Colorado Water Plan (CWP) and outreach on the upcoming revisions. The CWCB told the committee about its outreach efforts, which included holding events in counties across Colorado, listening sessions, translating materials from English, press releases, and the CWCB podcast episode on the Water Plan. The panelists discussed the timeline of the CWP and the stakeholder group participation and meetings that went into the newest draft. The committee heard about the variety of pieces that are a part of the CWP, including grants for local projects, local collaboration, individual action, and

collaborative state actions. The CWCB also discussed the vision and the action areas of the plan, which include vibrant communities, robust agriculture, thriving watersheds, and resilient planning.

Emerging Water Technologies

Researchers from the University of Colorado at Boulder and Colorado State University presented to the committee on their work resulting from [House Bill 21-1268](#), which authorized the universities to conduct feasibility studies and deploy pilot projects to improve the monitoring, management, conservation, and allocation of water. The researchers interviewed and surveyed stakeholders to identify important challenges in the monitoring and management of Colorado water. The survey found that there are gaps in groundwater monitoring, snowpack and streamflow data, and watershed health.

The panelists discussed current programs and trainings across Colorado. For example, the Colorado Master Irrigator program is a water management training program to teach water and crop management topics and technologies.

The panelists' recommendations included:

- increased support for the integration of emerging technologies with state agency operations;
- more support for anti-speculative digitization of water allocations for conservation, leasing, selling, and retiring;
- additional support for statewide data-driven collective action for surface and groundwater management; and
- exploring technology costs, benefits, and opportunities to incentivize management and conservation.

Non-tributary Water Resources

Two panels spoke to the committee about the potential benefits and challenges of creating new non-tributary water resources from oil and gas, mining, and agricultural operations. Dr. David Stewart, of Stewart Environmental Consulting Group, informed the committee about how Colorado may encourage the treatment of non-tributary water for beneficial use and reuse. He gave an overview of existing water laws and regulations as it relates to produced water and provided examples of legislation in other states related to this practice. His recommendation to incentivize included tax credits for the reuse of the treated water.

The second panel, from the Colorado Oil and Gas Conservation Commission (COGCC), gave an overview of how produced water is processed during exploration and production in oil and gas operations. COGCC outlined the challenges of using produced water, including third party involvement, ownership questions, legal concerns, and technology costs.

Committee recommendations. As a result of its discussion on this topic, the committee drafted Bill 3, which allowed developed water to be transferred to a water treatment facility in order to be treated for beneficial use. The draft bill would also have created a state income tax credit for an owner or an operator of a treatment facility to induce the treatment of developed water for beneficial use. The bill draft was not recommended to Legislative Council by the committee.

Per- and Polyfluoroalkyl Substances (PFAS)

The committee heard presentations about PFAS in biosolids and the recent changes in Environmental Protection Agency (EPA) health advisories for PFAS chemicals in drinking water.. Vranesh and Raisch, Roxborough Water and Sanitation District, and Centennial Water and Sanitation District discussed the presence of PFAS in biosolids, a product of the domestic wastewater treatment process. The panelists discussed the potential benefits of applying biosolids to the land, including nutrient addition, improved soil structure, water reuse, reducing greenhouse gases, and others. They discussed the history of beneficial reuse of biosolids in Colorado and other potential storage options. The panelists recommended that there be continued support for addressing PFAS in biosolids.

Staff from the Colorado Department of Public Health and Environment (CDPHE) discussed the updated EPA PFAS health advisories. The new interim advisory levels indicate that some negative health effects may occur with certain PFAS concentrations in drinking water that are near zero. The EPA plans to establish a final national rule on PFAS in late 2022. The panelists spoke about the effects of PFAS in water. The CDPHE followed the EPA recommendations in partnership with water utilities. This included assessing contamination, informing the public if PFAS were confirmed in tap water, and reducing PFAS if possible. The department informed the committee about the different PFAS levels detected in community water systems across the state.

Committee recommendations. As a result of its discussions, the committee drafted Bill 9, which modified the basis by which the CDPHE may adopt rules or rule amendments that directly affect water or air quality. The bill draft was not recommended to Legislative Council by the committee.

Soil Health

The Colorado Department of Agriculture (CDA) and the National Center for Appropriate Technology (NCAT) provided the committee with an overview of soil health and its importance to Colorado's agricultural sector. The Conservation Services Division in CDA shared information on the STAR Program – Saving Tomorrow's Agricultural Resources – to help producers set and assess progress towards soil health goals. CDA staff spoke about stakeholder engagement across the state, including with conservation districts, and how the department can use funds for soil health. The panelists discussed recent legislation focused on soil health, including [House Bill 21-1181](#) and [Senate Bill 21-235](#).

NCAT also discussed soil health and drought. The panelist spoke about NCAT's Soil for Water Program and educated the committee on the nexus of healthy soils and water. The committee heard about the different collaborations that NCAT has with farmers across the country, and how Colorado farmers and individuals can collaborate and support soil health initiatives.

Stream Rehabilitation

The committee heard from two panels, including River Science, Audubon Rockies, and two water conservancy districts, on the issue of degraded streams in Colorado. Presenters from Audubon Rockies told the committee about the importance of watersheds and the problem of streams becoming disconnected from their floodplains. The presenters spoke about the role of restored riverscapes in drought resiliency. Audubon Rockies also discussed the value of beaver dams and beaver dam analogs, and they noted ways in which restoring healthy streams can improve water quality and resiliency.

The Upper Arkansas Water Conservancy District and River Science presented together on the Van Norman Project and noted their concerns about injuring water rights during the stream restoration process. The panelists spoke about the benefit of using process based restoration to address stream issues. The Upper Arkansas Water Conservancy District discussed their concerns with beaver dam analogs, including diversions into riparian areas, stream depletions, evaporation, and groundwater exposure. Panelists told the committee about the interaction of stream restoration and water rights and potential injury to water rights with the current process. They recommended more funding to implement and study pilot projects focused on restoration.

Water Education Colorado

Water Education Colorado provided the committee with an update on the organization's recent activities, including water leadership programs, river basin tours and other educational opportunities, public outreach campaigns, youth engagement, and news and publications.

Watershed Restoration

Northern Water, the city of Greeley, and Grand County presented to the committee about watershed restoration after the Cameron Peak and East Troublesome wildfires. They discussed their specific restoration projects, the outreach and partnerships required to undertake restoration work, and the need for continued funding. Grand County explained to committee about their coordination with landowners to implement and complete projects. The committee was shown photos of the different projects being done. The panel spoke about post-fire water quality monitoring and how wildfire impacts in a watershed can last up to ten years or more.

The city of Greeley spoke about their municipal water systems and the limited capacity to sponsor watershed restoration. Panelists told the committee that the 2020 wildfire season burned approximately 400,000 acres. They spoke about how water supplies are at risk and how to mitigate this risk, as well as the need for rapid response. The panelists discussed the need for a combination of local, state, and federal funding, combined with a locally focused, science based, data driven watershed coalition.

Xeriscaping

The committee heard from a number of proponents of xeriscaping and policies to protect homeowners' ability to install drought-tolerant landscaping, particularly in homeowners associations (HOAs). The panelists from the People and Pollinators Action Network, Cherry Creek 3 HOA, and the city of Greeley, spoke about current law, which allows an HOA to adopt aesthetic guidelines. The panelists told the committee about how this exemption can limit xeriscaping opportunities and how law can change to address this challenge.

Committee recommendations. As a result of its discussions, the committee drafted Bill 1, which required that HOAs allow the use of non-vegetative landscaping and limited community covenants restricting xeriscaping. The bill draft was not recommended to Legislative Council by the committee.

Other Policy Areas

The committee recommended a number of bills that did not directly relate to presentations to the committee. These bills are discussed below.

Water Literacy Education in Public Schools. This bill draft required the Colorado Department of Education to create and maintain a water literacy resource bank beginning in FY 2023-24. The resource bank must contain curricula, training materials, and other educational resources, assembled with input from state agencies, experts, and nonprofits from within the water industry. The bill draft was not recommended to Legislative Council by the committee.

Authorize Water Conservancy District Water Management. This bill draft expanded the purposes for which district courts may create water conservation districts, and the authority of water districts to organize groundwater management sub-districts and to participate in augmentation plans and groundwater management plans. The bill draft was not recommended to Legislative Council by the committee.

Plant Swaps Exemptions for Nonprofits. This bill draft clarified the exemption of non-profit organizations from the regulation of plant and seed distribution under the Colorado Nursery Act and the Colorado Seed Act. The bill draft was not recommended to Legislative Council by the committee.

Interstate Water Compacts Annual Presentation to the General Assembly. This bill draft required the joint legislative committee of reference with jurisdiction over natural resources to annually invite the State Engineer to present updates on interstate water compacts, including compliance and water administration issues. The bill draft was not recommended to Legislative Council by the committee.

Summary of Recommendations

As a result of the committee's activities, the committee recommended two bills to the Legislative Council for consideration in the 2023 session. At its meeting on October 14, 2022 the Legislative Council approved both of the bills recommended bills for introduction. The approved bills are described below.

Bill A — Task Force on High-Altitude Water Storage

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. The task force is made up of the following seven members:

- the State Engineer or a designee;
- one Representative;
- one Senator;
- a representative of the ski industry;
- a representative of the whitewater rafting industry;
- an engineer with knowledge and experience with high-altitude hydrology; and
- a representative from the United States Forest Service.

The task force must convene by November 1, 2023, and meet at least once every three months. The task force must work with stakeholders across Colorado, and prepare a final report to the Water Resources and Agriculture Review Committee by June 1, 2024. The task force repeals on December 1, 2024.

Bill B — Water Resources and Agriculture Committee

Under current law, the Water Resources and Agriculture Review Committee is an interim committee that meets up to eight times per year and may take up to two field trips per year. The bill instead makes it a year-round committee that must meet at least four times per year. The bill also removes the limit on the number of field trips the committee may take each year.

Resource Materials

Meeting summaries are prepared for each meeting of the commission and subcommittee, and contain all handouts provided to them. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-2055). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

<https://leg.colorado.gov/content/committees>

Meeting Date and Topics Discussed

August 4, 2022

- Per-and polyfluoroalkyl substances (PFAS)
- Aging infrastructure and economic resiliency in agriculture
- Transbasin diversions
- Non-tributary water resources
- Bill draft requests

August 24, 2022

- Water Plan update
- Emerging water technologies
- Stream rehabilitation
- Watershed restoration
- Colorado Airborne Snowpack Measurement Program

September 22, 2022

- Soil health and drought
- Xeriscaping
- Water Education Colorado
- Consideration of committee legislation

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

Attachment A

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.

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

Bill B

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

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.

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.