

SENATE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chair of Committee

April 26, 2023  
Date

Committee on Agriculture & Natural Resources.

After consideration on the merits, the Committee recommends the following:

SB23-295 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 3, after line 21 insert:
- 2       "(h) "SUB-TASK FORCE" MEANS THE SUB-TASK FORCE ESTABLISHED
- 3 PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION."
- 4 Reletter succeeding paragraphs accordingly.
- 5 Page 4, strike line 4 and substitute:
- 6       "(II) THE COMMISSIONER OF AGRICULTURE OR THE COMMISSIONER
- 7 OF AGRICULTURE'S DESIGNEE;"
- 8 Page 4, after line 14 insert:
- 9       "(VII) A REPRESENTATIVE OF THE SOUTHEASTERN COLORADO
- 10 WATER CONSERVANCY DISTRICT, APPOINTED BY THE BOARD OF DIRECTORS
- 11 OF THE SOUTHEASTERN COLORADO WATER CONSERVANCY DISTRICT;
- 12       (VIII) A REPRESENTATIVE OF THE NORTHERN COLORADO WATER
- 13 CONSERVANCY DISTRICT, APPOINTED BY THE BOARD OF DIRECTORS OF THE
- 14 NORTHERN COLORADO WATER CONSERVANCY DISTRICT;"
- 15 Renumber succeeding subparagraphs accordingly.
- 16 Page 4, strike lines 17 through 19.
- 17 Reletter succeeding sub-subparagraphs accordingly.
- 18 Page 5, strike lines 1 through 3.

1 Page 5, after line 3 insert:

2 "(A) A REPRESENTATIVE OF A STATEWIDE AGRICULTURAL  
3 ORGANIZATION;"

4 Page 5, after line 18 insert:

5 "(b) THE STATE ENGINEER OR THE STATE ENGINEER'S DESIGNEE  
6 SHALL ALSO SERVE ON THE TASK FORCE IN AN ADVISORY, NONVOTING  
7 CAPACITY."

8 Reletter succeeding paragraph accordingly.

9 Page 6, line 6, after "(c)" insert "(I)".

10 Page 6, after line 11 insert:

11 "(II) ANY MEETING OF THE TASK FORCE OR SUB-TASK FORCE MUST  
12 BE OPEN TO THE PUBLIC. THE TASK FORCE AND SUB-TASK FORCE SHALL  
13 ALLOW PUBLIC TESTIMONY DURING AT LEAST ONE MEETING OF THE TASK  
14 FORCE AND SUB-TASK FORCE. A TASK FORCE MEMBER, SUB-TASK FORCE  
15 MEMBER, OR GOVERNMENTAL ENTITY THAT IS PARTICIPATING IN THE TASK  
16 FORCE OR SUB-TASK FORCE IS NOT REQUIRED TO PROVIDE ANY  
17 INFORMATION THAT IS PROTECTED FROM DISCLOSURE BY APPLICABLE  
18 LAW."

19 Page 7, strike lines 21 through 24 and substitute "LINE FOR INTERSTATE  
20 PURPOSES MUST BE OPERATED CONSISTENT WITH:

21 (A) THE AGREEMENT REGARDING STORAGE AT COLORADO RIVER  
22 STORAGE PROJECT ACT RESERVOIRS UNDER AN UPPER BASIN DEMAND  
23 MANAGEMENT PROGRAM, ENTERED INTO BY THE STATES OF COLORADO,  
24 NEW MEXICO, UTAH, AND WYOMING AND THE FEDERAL SECRETARY OF  
25 THE INTERIOR ON MAY 20, 2019; AND

26 (B) PRINCIPLE FOUR OF COLORADO'S CONCEPTUAL FRAMEWORK,  
27 REFERENCED ON PAGE SEVENTY-FIVE OF THE COLORADO WATER PLAN,  
28 WHICH WAS FINALIZED AND APPROVED BY THE BOARD ON JANUARY 24,  
29 2023."

30 Page 8, after line 15 insert:

31 "(5) (a) THE TASK FORCE SHALL ESTABLISH A SUB-TASK FORCE TO  
32 STUDY TRIBAL MATTERS. THE SUB-TASK FORCE CONSISTS OF:

33 (I) THE REPRESENTATIVE OF THE SOUTHERN UTE INDIAN TRIBE  
34 APPOINTED PURSUANT TO SUBSECTION (2)(a)(IV) OF THIS SECTION;

1 (II) THE REPRESENTATIVE OF THE UTE MOUNTAIN UTE TRIBE  
2 APPOINTED PURSUANT TO SUBSECTION (2)(a)(V) OF THIS SECTION;  
3 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE  
4 DIRECTOR'S DESIGNEE; AND  
5 (IV) TWO OTHER MEMBERS JOINTLY APPOINTED BY THE SOUTHERN  
6 UTE INDIAN TRIBE, THE UTE MOUNTAIN UTE TRIBE, AND THE  
7 DEPARTMENT.  
8 (b) THE PURPOSE OF THE SUB-TASK FORCE IS TO PROVIDE  
9 RECOMMENDATIONS FOR STATE LEGISLATION THAT WILL:  
10 (I) PROVIDE FOR FULL TRIBAL PARTICIPATION IN THE PROGRAMS IN  
11 A MANNER THAT RECOGNIZES THE UNIQUE NATURE OF TRIBAL WATER  
12 RIGHTS AND TRIBAL WATER USE, SPECIFICALLY IN REGARD TO  
13 FORBEARANCE AND DEMAND MANAGEMENT OPPORTUNITIES;  
14 (II) PROVIDE FOR TRIBAL PARTICIPATION IN THE PROGRAMS IN A  
15 MANNER THAT IS VOLUNTARY, TEMPORARY, AND COMPENSATED; AND  
16 (III) EVALUATE SOURCES OF REVENUE TO APPROPRIATELY  
17 COMPENSATE THE SOUTHERN UTE INDIAN TRIBE AND THE UTE MOUNTAIN  
18 UTE TRIBE FOR PARTICIPATION IN THE PROGRAMS."

19 Renumber succeeding subsections accordingly.

20 Page 8, strike line 19 and substitute "FORCE, EXCEPT FOR PROPRIETARY  
21 INFORMATION A STATE AGENCY HAS RECEIVED FROM THE SOUTHERN UTE  
22 INDIAN TRIBE AND THE UTE MOUNTAIN UTE TRIBE."

23 Page 8, line 21, strike "(6)(b)" and substitute "(7)(b)".

24 Page 8, strike line 27 and substitute "SUBSECTIONS (4)(a) AND (5)(b) OF  
25 THIS SECTION;"

26 Page 9, line 1, after "FORCE'S" insert "AND SUB-TASK FORCE'S".

27 After "FORCE" insert "AND SUB-TASK FORCE" on **Page 8**, lines 24 and 26;  
28 and **Page 9**, lines 3 and 5.

\*\* \*\*\* \*\* \*\*\* \*\*