

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0199.01 Richard Sweetman x4333

SENATE BILL 23-262

SENATE SPONSORSHIP

Priola and Mullica,

HOUSE SPONSORSHIP

Ricks and Soper,

Senate Committees

Agriculture & Natural Resources
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIRING THE COLORADO WATER CONSERVATION**
102 **BOARD TO STUDY THE FEASIBILITY OF WATER DESALINATION AS**
103 **A POTENTIAL CONTRIBUTING SOLUTION TO THE CRISIS OF**
104 **WATER SCARCITY IN THE COLORADO RIVER BASIN, AND, IN**
105 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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>.)

The bill requires the Colorado water conservation board (CWCB) to perform a comprehensive literature review of existing research on the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
Amended 2nd Reading
April 21, 2023

challenges and opportunities of desalination facilities in California or Mexico. The literature review must include a summary of the current status of research on desalination, including quantification of certain costs of and benefits that could be realized from the construction and perpetual operation of one or more water desalination facilities in California or Mexico, or both.

On or before July 1, 2025, the CWCB must complete the study and submit a report of the CWCB's findings and recommendations to:

- The Colorado legislative committees of reference that consider water matters;
- The governor; and
- The bureau of reclamation in the federal department of the interior.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 37-60-136 as
3 follows:

4 **37-60-136. Study regarding feasibility of water desalination**
5 **solutions for the Colorado river basin - legislative declaration -**
6 **required considerations - report - repeal. (1) Legislative declaration.**

7 (a) THE GENERAL ASSEMBLY FINDS THAT:

8 (I) THE COLORADO RIVER SYSTEM, WHICH SUPPLIES NEARLY
9 FORTY MILLION PEOPLE ACROSS THE WESTERN UNITED STATES WITH
10 DRINKING WATER AND IRRIGATES APPROXIMATELY FIVE MILLION ACRES OF
11 FARMLAND, IS FACING HISTORIC LOWS AS A RESULT OF SUSTAINED
12 DROUGHT CONDITIONS; AND

13 (II) THE SEVEN STATES OF THE COLORADO RIVER BASIN ARE
14 STRUGGLING TO CONCEIVE AND IMPLEMENT ADEQUATE MEASURES TO
15 REDUCE WATER USAGE, CONSERVE AVAILABLE WATER SUPPLIES, AND PLAN
16 FOR A NEAR FUTURE WITH INCREASINGLY SCARCE WATER SUPPLIES.

17 (b) THE GENERAL ASSEMBLY ALSO FINDS THAT:

18 (I) DESALINATION FACILITIES HAVE BEEN SUCCESSFULLY

1 CONSTRUCTED AND DEPLOYED IN THE UNITED STATES AND MANY OTHER
2 NATIONS, INCLUDING AUSTRALIA, ISRAEL, QATAR, SINGAPORE, AND
3 SAUDI ARABIA;

4 (II) THESE FACILITIES LOCATED ALONG COASTAL COMMUNITIES
5 HAVE DEMONSTRATED THAT DESALINATION OF SEAWATER IS A VIABLE
6 AND COST-EFFECTIVE WAY TO DEVELOP NEW SUPPLIES OF WATER THAT
7 CAN BE SAFELY USED AS DRINKING WATER AND FOR OTHER BENEFICIAL
8 PURPOSES;

9 (III) CALIFORNIA CURRENTLY HAS TWELVE WATER DESALINATION
10 FACILITIES OPERATING OFF ITS COAST AND RECENTLY APPROVED THE
11 INVESTMENT OF ONE HUNDRED FORTY MILLION DOLLARS TO CONSTRUCT
12 A THIRTEENTH FACILITY CALLED THE DOHENY OCEAN DESALINATION
13 PROJECT, WHICH IS EXPECTED TO SUPPLY FIVE MILLION GALLONS OF
14 DRINKING WATER PER DAY FOR FORTY THOUSAND PEOPLE IN ORANGE
15 COUNTY AND IS EXPECTED TO REDUCE THE COUNTY'S RELIANCE ON WATER
16 IMPORTED THROUGH THE CALIFORNIA STATE WATER PROJECT AND FROM
17 THE COLORADO RIVER BY UP TO SEVENTY PERCENT;

18 (IV) DESALINATION OPERATIONS IN CALIFORNIA AND MEXICO
19 COULD REDUCE THE DEMANDS PLACED ON THE COLORADO RIVER BY
20 LOWER BASIN STATES, INCLUDING CALIFORNIA AND ARIZONA, WHERE
21 DESALINATED WATER CAN BE PUT TO BENEFICIAL USES; AND

22 (V) ALTHOUGH DESALINATION OF SEAWATER WILL NOT
23 SINGLE-HANDEDLY SOLVE THE CURRENT COLORADO RIVER CRISIS, ITS
24 POTENTIAL AS A CONTRIBUTING SOLUTION HAS NOT BEEN FULLY
25 DEVELOPED AND UTILIZED AND IS WORTH EXPLORING AND QUANTIFYING.

26 (c) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS
27 IMPORTANT THAT THE BOARD STUDY AND REPORT ON THE FEASIBILITY OF

1 BASIN-WIDE COOPERATION TO BUILD ADDITIONAL WATER DESALINATION
2 FACILITIES AS A POTENTIAL CONTRIBUTING SOLUTION TO THE PROBLEM OF
3 WATER SCARCITY IN THE COLORADO RIVER BASIN AND SHARE THAT
4 INFORMATION WITH NEIGHBORING STATES IN THE BASIN.

5 (2) **Literature review required.** THE BOARD SHALL PERFORM A
6 COMPREHENSIVE LITERATURE REVIEW OF EXISTING RESEARCH ON THE
7 CHALLENGES AND OPPORTUNITIES OF DESALINATION FACILITIES IN
8 CALIFORNIA OR MEXICO. THE LITERATURE REVIEW MUST INCLUDE A
9 SUMMARY OF THE CURRENT STATUS OF RESEARCH AND IDENTIFICATION OF
10 GAPS IN EXISTING RESEARCH ON THE FOLLOWING TOPICS AS THEY RELATE
11 TO DESALINATION:

12 (a) COSTS ASSOCIATED WITH THE CONSTRUCTION OF WATER
13 DESALINATION FACILITIES IN CALIFORNIA OR MEXICO;

14 (b) ANALYSIS OF THE ANNUAL COSTS OF OPERATING AND
15 MAINTAINING WATER DESALINATION FACILITIES;

16 (c) THE AMOUNT OF SEAWATER THAT COULD BE DESALINATED
17 ANNUALLY AND PUT TO BENEFICIAL USES IN CALIFORNIA AND ARIZONA;

18 (d) AN ESTIMATE OF THE AMOUNTS BY WHICH CALIFORNIA,
19 ARIZONA, AND MEXICO COULD REDUCE THEIR RESPECTIVE USE OF WATER
20 FROM THE COLORADO RIVER AS A RESULT OF IMPLEMENTING AND
21 OPERATING DESALINATION FACILITIES;

22 (e) THE ROLE THAT RENEWABLE ENERGY MAY PLAY IN OPERATING
23 AND BENEFITTING FROM DESALINATION FACILITIES;

24 (f) THE ENVIRONMENTAL EFFECTS OF DESALINATION OF
25 SEAWATER; AND

26 (g) IDENTIFICATION OF POTENTIAL FUNDING SOURCES TO PAY
27 START-UP COSTS, INCLUDING COSTS FOR THE CONSTRUCTION OF

1 FACILITIES, INCLUDING CONSIDERATION OF PUBLIC AND PRIVATE FUNDING
2 SOURCES IN EACH STATE WITHIN THE UPPER AND LOWER COLORADO RIVER
3 BASINS.

4 (3) **Report required.** ON OR BEFORE JULY 1, 2025, THE BOARD
5 SHALL COMPLETE THE LITERATURE REVIEW DESCRIBED IN SUBSECTION (2)
6 OF THIS SECTION AND SUBMIT A REPORT OF THE BOARD'S FINDINGS AND
7 RECOMMENDATIONS TO:

8 (a) THE AGRICULTURE, WATER, AND NATURAL RESOURCES
9 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, THE AGRICULTURE AND
10 NATURAL RESOURCES COMMITTEE OF THE SENATE, AND THE WATER
11 RESOURCES AND AGRICULTURE REVIEW COMMITTEE, OR TO ANY
12 SUCCESSOR COMMITTEES;

13 (b) THE GOVERNOR; AND

14 (c) THE BUREAU OF RECLAMATION IN THE FEDERAL DEPARTMENT
15 OF THE INTERIOR.

16 (4) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

17 **SECTION 2. Appropriation.** For the 2023-24 state fiscal year,
18 \$50,000 is appropriated to the department of natural resources for use by
19 the Colorado water conservation board. This appropriation is from the
20 Colorado water conservation board construction fund created in section
21 37-60-121 (1)(a), C.R.S. To implement this act, the board may use this
22 appropriation for operating expenses.

23 **SECTION 3. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly; except
26 that, if a referendum petition is filed pursuant to section 1 (3) of article V
27 of the state constitution against this act or an item, section, or part of this

1 act within such period, then the act, item, section, or part will not take
2 effect unless approved by the people at the general election to be held in
3 November 2024 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.