

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

**INTRODUCED**

LLS NO. 23-0336.02 Sarah Lozano x3858

**SENATE BILL 23-295**

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**SENATE SPONSORSHIP**

**Roberts and Will**, Bridges, Pelton B., Rich

**HOUSE SPONSORSHIP**

**McCluskie and Catlin**, Holtorf, Lukens, McCormick, McLachlan, Soper, Velasco

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**Senate Committees**

Agriculture & Natural Resources

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE CREATION OF THE COLORADO RIVER DROUGHT**  
102 **TASK FORCE.**

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**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 creates the Colorado river drought task force (task force). The members of the task force must, to the extent practicable, reflect the racial and ethnic diversity of the state and have experience with a wide range of water issues. The task force must begin meeting no later than July 31, 2023, and may hold up to 12 meetings in the 2023 legislative interim.

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.*

The purpose of the task force is to develop recommendations for state legislation that provides additional tools for the Colorado water conservation board to collaborate with the Colorado river water conservation district, the southwestern water conservation district, and other relevant stakeholders in the development of programs that address drought in the Colorado river basin and interstate commitments related to the Colorado river and its tributaries through conservation of the waters of the Colorado river and its tributaries (recommendations).

No later than December 15, 2023, the task force must submit a written report that includes the recommendations and a summary of the task force's work to the water resources and agriculture review committee.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) Since 2000, the Colorado river basin, including the Colorado  
5 river and its tributaries in Colorado, has experienced unprecedented  
6 drought conditions that have contributed to decreased water supplies;

7 (b) Climate change, drier conditions, and depleted snowpack may  
8 further reduce water available in Colorado's surface streams for beneficial  
9 uses and threaten Colorado's significant interests in the Colorado river  
10 and its tributaries; and

11 (c) Dry hydrology continues to reduce water supplies across the  
12 western slope of Colorado and the Colorado river basin and threatens the  
13 security of available water resources.

14 (2) The general assembly therefore determines that it is in the best  
15 interest of Colorado to form a task force to provide recommendations for  
16 programs to assist Colorado in addressing drought in the Colorado river  
17 basin and the state's interstate commitments related to the Colorado river  
18 and its tributaries.

19 **SECTION 2.** In Colorado Revised Statutes, **add** 37-98-105 as

1 follows:

2 **37-98-105. Colorado river drought task force - created -**  
3 **appointments - report - definitions - repeal.** (1) AS USED IN THIS  
4 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

5 (a) "BOARD" MEANS THE COLORADO WATER CONSERVATION  
6 BOARD CREATED IN SECTION 37-60-102.

7 (b) "COLORADO RIVER WATER CONSERVATION DISTRICT" MEANS  
8 THE COLORADO RIVER WATER CONSERVATION DISTRICT CREATED IN  
9 SECTION 37-46-103.

10 (c) "COMMITTEE" MEANS THE WATER RESOURCES AND  
11 AGRICULTURE REVIEW COMMITTEE CREATED IN SECTION 37-98-102  
12 (1)(a)(I).

13 (d) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL  
14 RESOURCES CREATED IN SECTION 24-1-124 (1).

15 (e) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY  
16 COUNTY, MUNICIPALITY, OR CITY AND COUNTY.

17 (f) "PROGRAMS" MEANS THE PROGRAMS DESCRIBED IN SUBSECTION  
18 (4)(a) OF THIS SECTION.

19 (g) "SOUTHWESTERN WATER CONSERVATION DISTRICT" MEANS  
20 THE SOUTHWESTERN WATER CONSERVATION DISTRICT CREATED IN  
21 SECTION 37-47-103.

22 (h) "TASK FORCE" MEANS THE COLORADO RIVER DROUGHT TASK  
23 FORCE CREATED IN SUBSECTION (2) OF THIS SECTION.

24 (i) "WATER RIGHT" HAS THE MEANING SET FORTH IN SECTION  
25 37-92-103 (12).

26 (2) (a) NOTWITHSTANDING SECTION 2-3-303.3, THE COLORADO  
27 RIVER DROUGHT TASK FORCE IS CREATED. THE TASK FORCE CONSISTS OF

1 THE FOLLOWING MEMBERS:

2 (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE  
3 EXECUTIVE DIRECTOR'S DESIGNEE;

4 (II) THE STATE ENGINEER OR THE STATE ENGINEER'S DESIGNEE;

5 (III) A REPRESENTATIVE OF THE UTE MOUNTAIN UTE TRIBE,  
6 APPOINTED BY THE UTE MOUNTAIN UTE TRIBE;

7 (IV) A REPRESENTATIVE OF THE SOUTHERN UTE INDIAN TRIBE,  
8 APPOINTED BY THE SOUTHERN UTE INDIAN TRIBE;

9 (V) A REPRESENTATIVE OF THE COLORADO RIVER WATER  
10 CONSERVATION DISTRICT, APPOINTED BY THE BOARD OF DIRECTORS OF THE  
11 COLORADO RIVER WATER CONSERVATION DISTRICT;

12 (VI) A REPRESENTATIVE OF THE SOUTHWESTERN WATER  
13 CONSERVATION DISTRICT, APPOINTED BY THE BOARD OF DIRECTORS OF THE  
14 SOUTHWESTERN WATER CONSERVATION DISTRICT;

15 (VII) THE FOLLOWING MEMBERS APPOINTED BY THE PRESIDENT OF  
16 THE SENATE:

17 (A) A REPRESENTATIVE OF AN OPERATOR OR CONTRACT  
18 BENEFICIARY OF A MAJOR TRANSMOUNTAIN DIVERSION PROJECT THAT  
19 PROVIDES WATER FOR MUNICIPAL PURPOSES;

20 (B) A REPRESENTATIVE OF A LOCAL GOVERNMENT LOCATED  
21 WITHIN THE BOUNDARIES OF THE SOUTHWESTERN WATER CONSERVATION  
22 DISTRICT THAT PROVIDES WATER FOR MUNICIPAL PURPOSES; AND

23 (C) A REPRESENTATIVE OF A STATEWIDE ENVIRONMENTAL  
24 NONPROFIT ORGANIZATION WITH EXPERTISE IN WATER RIGHTS AND  
25 COLORADO RIVER INTERSTATE GOVERNANCE;

26 (VIII) THE FOLLOWING MEMBERS APPOINTED BY THE SPEAKER OF  
27 THE HOUSE OF REPRESENTATIVES:

1 (A) A REPRESENTATIVE OF AN OPERATOR OR CONTRACT  
2 BENEFICIARY OF A MAJOR TRANSMOUNTAIN DIVERSION PROJECT THAT  
3 PROVIDES WATER FOR AGRICULTURAL IRRIGATION;

4 (B) A REPRESENTATIVE OF A STATEWIDE ENVIRONMENTAL  
5 NONPROFIT ORGANIZATION WITH EXPERTISE IN WATER RIGHTS AND  
6 COLORADO RIVER INTERSTATE GOVERNANCE;

7 (C) AN AGRICULTURAL PRODUCER LOCATED WITHIN THE  
8 BOUNDARIES OF THE COLORADO RIVER WATER CONSERVATION DISTRICT;  
9 AND

10 (D) A REPRESENTATIVE OF A LOCAL GOVERNMENT LOCATED  
11 WITHIN THE BOUNDARIES OF THE COLORADO RIVER WATER CONSERVATION  
12 DISTRICT THAT PROVIDES WATER FOR MUNICIPAL PURPOSES;

13 (IX) AN AGRICULTURAL PRODUCER LOCATED WITHIN THE  
14 BOUNDARIES OF THE SOUTHWESTERN WATER CONSERVATION DISTRICT,  
15 APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

16 (X) A REPRESENTATIVE OF AN INDUSTRIAL WATER USER THAT IS  
17 LOCATED ON THE WESTERN SLOPE, APPOINTED BY THE MINORITY LEADER  
18 OF THE HOUSE OF REPRESENTATIVES.

19 (b) THE MEMBERS OF THE TASK FORCE MUST, TO THE EXTENT  
20 PRACTICABLE, REFLECT THE RACIAL AND ETHNIC DIVERSITY OF THE STATE  
21 AND HAVE EXPERIENCE IN A WIDE RANGE OF WATER ISSUES, INCLUDING  
22 CONSUMPTIVE USES OF WATER FOR MUNICIPAL, INDUSTRIAL, AND  
23 IRRIGATION PURPOSES AND NONCONSUMPTIVE USES OF WATER FOR  
24 OUTDOOR RECREATION, FISH AND WILDLIFE, AND HYDROPOWER PURPOSES.

25 (3) (a) NO LATER THAN JUNE 30, 2023:

26 (I) THE APPOINTING AUTHORITIES SHALL MAKE ALL APPOINTMENTS  
27 TO THE TASK FORCE; AND

1           (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL  
2 APPOINT A CHAIR OF THE TASK FORCE.

3           (b) NO LATER THAN JULY 15, 2023, THE EXECUTIVE COMMITTEE OF  
4 THE LEGISLATIVE COUNCIL CREATED IN SECTION 2-3-301 (1) SHALL HIRE  
5 A FACILITATOR TO SUPPORT THE WORK OF THE TASK FORCE.

6           (c) NO LATER THAN JULY 31, 2023, THE CHAIR OF THE TASK FORCE  
7 APPOINTED PURSUANT TO SUBSECTION (3)(a)(II) OF THIS SECTION SHALL  
8 CONVENE THE FIRST MEETING OF THE TASK FORCE. THE TASK FORCE MAY  
9 HOLD UP TO TWELVE MEETINGS IN THE 2023 LEGISLATIVE INTERIM, WHICH  
10 MAY BE IN-PERSON OR VIRTUAL MEETINGS. THE TASK FORCE SHALL TAKE  
11 ANY ACTION REQUIRED PURSUANT TO THIS SECTION BY A MAJORITY VOTE.

12           (d) (I) THE MEMBERS OF THE TASK FORCE SERVE WITHOUT  
13 COMPENSATION BUT MAY BE REIMBURSED FOR ANY REASONABLE  
14 EXPENSES THEY INCUR IN THE PERFORMANCE OF THEIR DUTIES PURSUANT  
15 TO THIS SECTION.

16           (II) AN APPOINTING AUTHORITY MAY REMOVE A MEMBER OF THE  
17 TASK FORCE FROM THE TASK FORCE FOR MALFEASANCE IN OFFICE, FAILURE  
18 TO REGULARLY ATTEND MEETINGS, OR ANY CAUSE THAT MAKES THE  
19 MEMBER UNABLE OR UNFIT TO FULFILL THE MEMBER'S DUTIES PURSUANT  
20 TO THIS SECTION.

21           (III) A MEMBER OF THE TASK FORCE MAY DESIGNATE ANOTHER  
22 PERSON THAT MEETS THE MEMBER'S QUALIFICATIONS FOR MEMBERSHIP ON  
23 THE TASK FORCE TO ATTEND A MEETING OR MEETINGS OF THE TASK FORCE  
24 ON THE MEMBER'S BEHALF IF THE MEMBER IS UNABLE TO ATTEND A  
25 MEETING OR MEETINGS.

26           (4) (a) THE PURPOSE OF THE TASK FORCE IS TO PROVIDE  
27 RECOMMENDATIONS FOR STATE LEGISLATION THAT WILL PROVIDE

1 ADDITIONAL TOOLS TO THE BOARD TO COLLABORATE WITH THE  
2 COLORADO RIVER WATER CONSERVATION DISTRICT, THE SOUTHWESTERN  
3 WATER CONSERVATION DISTRICT, AND OTHER RELEVANT STAKEHOLDERS,  
4 INCLUDING HOLDERS OF WATER RIGHTS, AGRICULTURAL PRODUCERS,  
5 INDUSTRIAL WATER USERS, ENVIRONMENTAL ORGANIZATIONS, THE UTE  
6 MOUNTAIN UTE TRIBE, THE SOUTHERN UTE INDIAN TRIBE, AND LOCAL  
7 GOVERNMENTS, TO DEVELOP PROGRAMS THAT ADDRESS DROUGHT IN THE  
8 COLORADO RIVER BASIN AND INTERSTATE COMMITMENTS RELATED TO THE  
9 COLORADO RIVER AND ITS TRIBUTARIES THROUGH THE IMPLEMENTATION  
10 OF DEMAND REDUCTION PROJECTS AND THE VOLUNTARY AND  
11 COMPENSATED CONSERVATION OF THE WATERS OF THE COLORADO RIVER  
12 AND ITS TRIBUTARIES.

13 (b) THE RECOMMENDATIONS MADE PURSUANT TO SUBSECTION  
14 (4)(a) OF THIS SECTION MUST, AT A MINIMUM:

15 (I) PROVIDE THAT THE PROGRAMS MUST BE ADOPTED AND  
16 IMPLEMENTED IN A MANNER THAT AVOIDS DISPROPORTIONATE NEGATIVE  
17 ECONOMIC OR ENVIRONMENTAL IMPACTS TO ANY SINGLE SUBBASIN OR  
18 REGION IN THE STATE;

19 (II) PROVIDE THAT ANY PROGRAM THAT SEEKS TO ADMINISTER  
20 WATER THROUGH STREAM REACHES WITHIN THE STATE OR TO THE STATE  
21 LINE FOR INTERSTATE PURPOSES MUST BE OPERATED IN A MANNER THAT  
22 PROTECTS EXISTING USES AND SOME REASONABLE INCREMENT OF FUTURE  
23 DEVELOPMENT IN THE COLORADO RIVER BASIN WITHOUT ALLOWING OR  
24 PROTECTING A NEW TRANSMOUNTAIN DIVERSION;

25 (III) REQUIRE THAT ANY ACQUISITION BY THE PROGRAMS OF A  
26 WATER RIGHT USED FOR AGRICULTURAL IRRIGATION PURPOSES IS  
27 VOLUNTARY, TEMPORARY, AND COMPENSATED;

1 (IV) SPECIFY THE RESPECTIVE ROLES AND OBLIGATIONS OF THE  
2 BOARD, THE COLORADO RIVER WATER CONSERVATION DISTRICT, AND THE  
3 SOUTHWESTERN WATER CONSERVATION DISTRICT IN THE DEVELOPMENT,  
4 IMPLEMENTATION, AND OPERATION OF THE PROGRAMS WHILE  
5 MAINTAINING THE AUTHORITY OF THE STATE ENGINEER TO ADMINISTER  
6 WATER RIGHTS FOR INTERSTATE COMPLIANCE;

7 (V) EVALUATE SOURCES OF REVENUE TO APPROPRIATELY  
8 COMPENSATE PARTICIPANTS IN THE PROGRAMS AND TO SUPPORT  
9 REASONABLE ADMINISTRATIVE COSTS OF THE PROGRAMS; AND

10 (VI) PROVIDE THE STATE ENGINEER WITH THE APPROPRIATE LEGAL  
11 AUTHORITY AND DIRECTION NECESSARY TO FULFILL THE PURPOSES OF THE  
12 PROGRAMS IN A MANNER THAT, WITHOUT MINIMIZING THE PRIMARY  
13 PURPOSE OF THE PROGRAMS TO REDUCE OR MITIGATE INTERSTATE  
14 COMMITMENTS RELATED TO THE COLORADO RIVER AND ITS TRIBUTARIES,  
15 PROVIDES BENEFITS TO RECREATION AND THE ENVIRONMENT.

16 (5) ANY STATE AGENCY WITH ACCESS TO INFORMATION RELEVANT  
17 TO THE TASK FORCE'S DUTIES SHALL PROMPTLY PROVIDE THE  
18 INFORMATION TO THE TASK FORCE UPON THE REQUEST OF THE TASK  
19 FORCE.

20 (6) (a) BEFORE THE SUBMISSION OF THE FINAL REPORT PURSUANT  
21 TO SUBSECTION (6)(b) OF THIS SECTION, THE TASK FORCE SHALL PROVIDE  
22 AT LEAST ONE UPDATE TO THE COMMITTEE ON THE PROGRESS OF THE TASK  
23 FORCE'S DUTIES PURSUANT TO THIS SECTION.

24 (b) NO LATER THAN DECEMBER 15, 2023, THE TASK FORCE SHALL  
25 SUBMIT A FINAL REPORT TO THE COMMITTEE THAT PROVIDES:

26 (I) THE RECOMMENDATIONS OF THE TASK FORCE PURSUANT TO  
27 SUBSECTION (4)(a) OF THIS SECTION;



1           (II) A SUMMARY OF THE TASK FORCE'S WORK PURSUANT TO THIS  
2 SECTION, INCLUDING ANY RECOMMENDATIONS CONSIDERED BUT NOT  
3 APPROVED BY THE TASK FORCE AND A DESCRIPTION OF WHY THE  
4 RECOMMENDATIONS WERE NOT APPROVED; AND

5           (III) ANY OTHER INFORMATION THAT THE TASK FORCE  
6 DETERMINES TO BE RELEVANT.

7           (7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

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