

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

**REVISED**

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

LLS NO. 23-0336.02 Sarah Lozano x3858

**SENATE BILL 23-295**

**SENATE SPONSORSHIP**

**Roberts and Will**, Bridges, Pelton B., Rich, Coleman, Cutter, Exum, Gardner, Ginal, Kirkmeyer, Liston, Lundeen, Marchman, Moreno, Mullica, Pelton R., Priola, Rodriguez, Simpson, Smallwood, Winter F., Zenzinger

**HOUSE SPONSORSHIP**

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

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**Senate Committees**

Agriculture & Natural Resources  
Appropriations

**House Committees**

Agriculture, Water & Natural Resources  
Appropriations

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**A BILL FOR AN ACT**

101      **CONCERNING THE CREATION OF THE COLORADO RIVER DROUGHT**  
102              **TASK FORCE, AND, IN CONNECTION THEREWITH, MAKING AN**  
103              **APPROPRIATION.**

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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

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.*

HOUSE  
Amended 2nd Reading  
May 5, 2023

SENATE  
3rd Reading Unamended  
May 1, 2023

SENATE  
Amended 2nd Reading  
April 28, 2023

interim.

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.

1           **SECTION 2.** In Colorado Revised Statutes, **add** 37-98-105 as  
2 follows:

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

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

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

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

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

16           (e) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY  
17 COUNTY, MUNICIPALITY, CITY AND COUNTY, WATER CONSERVANCY  
18 DISTRICT, OR WATER AND SANITATION DISTRICT.

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

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

24           (h) "SUB-TASK FORCE" MEANS THE SUB-TASK FORCE ESTABLISHED  
25 PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION.

26           (i) "TASK FORCE" MEANS THE COLORADO RIVER DROUGHT TASK  
27 FORCE CREATED IN SUBSECTION (2) OF THIS SECTION.

1           (j) "WATER RIGHT" HAS THE MEANING SET FORTH IN SECTION  
2 37-92-103 (12).

3           (2) (a) NOTWITHSTANDING SECTION 2-3-303.3, THE COLORADO  
4 RIVER DROUGHT TASK FORCE IS CREATED. THE TASK FORCE CONSISTS OF  
5 THE FOLLOWING MEMBERS:

6           (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE  
7 EXECUTIVE DIRECTOR'S DESIGNEE;

8           (II) THE COMMISSIONER OF AGRICULTURE OR THE COMMISSIONER  
9 OF AGRICULTURE'S DESIGNEE;

10          (III) A REPRESENTATIVE OF THE UTE MOUNTAIN UTE TRIBE,  
11 APPOINTED BY THE UTE MOUNTAIN UTE TRIBE;

12          (IV) A REPRESENTATIVE OF THE SOUTHERN UTE INDIAN TRIBE,  
13 APPOINTED BY THE SOUTHERN UTE INDIAN TRIBE;

14          (V) A REPRESENTATIVE OF THE COLORADO RIVER WATER  
15 CONSERVATION DISTRICT, APPOINTED BY THE BOARD OF DIRECTORS OF THE  
16 COLORADO RIVER WATER CONSERVATION DISTRICT;

17          (VI) A REPRESENTATIVE OF THE SOUTHWESTERN WATER  
18 CONSERVATION DISTRICT, APPOINTED BY THE BOARD OF DIRECTORS OF THE  
19 SOUTHWESTERN WATER CONSERVATION DISTRICT;

20          (VII) A REPRESENTATIVE OF THE SOUTHEASTERN COLORADO  
21 WATER CONSERVANCY DISTRICT, APPOINTED BY THE BOARD OF DIRECTORS  
22 OF THE SOUTHEASTERN COLORADO WATER CONSERVANCY DISTRICT;

23          (VIII) A REPRESENTATIVE OF THE NORTHERN COLORADO WATER  
24 CONSERVANCY DISTRICT, APPOINTED BY THE BOARD OF DIRECTORS OF THE  
25 NORTHERN COLORADO WATER CONSERVANCY DISTRICT;

26          (IX) THE FOLLOWING MEMBERS APPOINTED BY THE PRESIDENT OF  
27 THE SENATE:

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

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

(X) THE FOLLOWING MEMBERS APPOINTED BY THE SPEAKER OF  
THE HOUSE OF REPRESENTATIVES:

==  
(A) A REPRESENTATIVE OF A STATEWIDE AGRICULTURAL  
ORGANIZATION THAT IS THE OWNER OF WATER RIGHTS;

(B) A REPRESENTATIVE OF A FRONT RANGE MUNICIPAL WATER  
PROVIDER THAT DIVERTS WATER FROM THE COLORADO RIVER;

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

(D) AN AGRICULTURAL PRODUCER THAT OWNS WATER RIGHTS  
WITHIN THE BOUNDARIES OF THE COLORADO RIVER WATER CONSERVATION  
DISTRICT; AND

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

(XI) AN AGRICULTURAL PRODUCER THAT OWNS WATER RIGHTS  
WITHIN THE BOUNDARIES OF THE SOUTHWESTERN WATER CONSERVATION  
DISTRICT, APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

(XII) A REPRESENTATIVE OF AN INDUSTRIAL WATER USER THAT IS

1 LOCATED ON THE WESTERN SLOPE, APPOINTED BY THE MINORITY LEADER  
2 OF THE HOUSE OF REPRESENTATIVES.

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

6 (c) THE MEMBERS OF THE TASK FORCE MUST, TO THE EXTENT  
7 PRACTICABLE, REFLECT THE RACIAL AND ETHNIC DIVERSITY OF THE STATE  
8 AND HAVE EXPERIENCE IN A WIDE RANGE OF WATER ISSUES, INCLUDING  
9 CONSUMPTIVE USES OF WATER FOR MUNICIPAL, INDUSTRIAL, AND  
10 IRRIGATION PURPOSES AND NONCONSUMPTIVE USES OF WATER FOR  
11 OUTDOOR RECREATION, FISH AND WILDLIFE, AND HYDROPOWER PURPOSES.

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

13 (I) THE APPOINTING AUTHORITIES SHALL MAKE ALL APPOINTMENTS  
14 TO THE TASK FORCE; AND

15 (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL  
16 APPOINT A CHAIR OF THE TASK FORCE.

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

20 (c) (I) NO LATER THAN JULY 31, 2023, THE CHAIR OF THE TASK  
21 FORCE APPOINTED PURSUANT TO SUBSECTION (3)(a)(II) OF THIS SECTION  
22 SHALL CONVENE THE FIRST MEETING OF THE TASK FORCE. THE TASK FORCE  
23 MAY HOLD UP TO TWELVE MEETINGS IN THE 2023 LEGISLATIVE INTERIM,  
24 WHICH MAY BE IN-PERSON OR VIRTUAL MEETINGS. THE TASK FORCE SHALL  
25 TAKE ANY ACTION REQUIRED PURSUANT TO THIS SECTION BY A MAJORITY  
26 VOTE.

27 (II) ANY MEETING OF THE TASK FORCE OR SUB-TASK FORCE MUST

1 BE OPEN TO THE PUBLIC. THE TASK FORCE AND SUB-TASK FORCE SHALL  
2 ALLOW PUBLIC TESTIMONY DURING AT LEAST ONE MEETING OF THE TASK  
3 FORCE AND SUB-TASK FORCE. A TASK FORCE MEMBER, SUB-TASK FORCE  
4 MEMBER, OR GOVERNMENTAL ENTITY THAT IS PARTICIPATING IN THE TASK  
5 FORCE OR SUB-TASK FORCE IS NOT REQUIRED TO PROVIDE ANY  
6 INFORMATION THAT IS PROTECTED FROM DISCLOSURE BY APPLICABLE LAW.

7 (d) (I) THE MEMBERS OF THE TASK FORCE SERVE WITHOUT  
8 COMPENSATION BUT MAY BE REIMBURSED FOR ANY REASONABLE  
9 EXPENSES THEY INCUR IN THE PERFORMANCE OF THEIR DUTIES PURSUANT  
10 TO THIS SECTION.

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

16 (III) A MEMBER OF THE TASK FORCE MAY DESIGNATE ANOTHER  
17 PERSON THAT MEETS THE MEMBER'S QUALIFICATIONS FOR MEMBERSHIP ON  
18 THE TASK FORCE TO ATTEND A MEETING OR MEETINGS OF THE TASK FORCE  
19 ON THE MEMBER'S BEHALF IF THE MEMBER IS UNABLE TO ATTEND A  
20 MEETING OR MEETINGS.

21 (4) (a) THE PURPOSE OF THE TASK FORCE IS TO PROVIDE  
22 RECOMMENDATIONS FOR POTENTIAL STATE LEGISLATION THAT WOULD  
23 PROVIDE ADDITIONAL TOOLS TO THE BOARD TO COLLABORATE WITH THE  
24 COLORADO RIVER WATER CONSERVATION DISTRICT, THE SOUTHWESTERN  
25 WATER CONSERVATION DISTRICT, AND OTHER RELEVANT STAKEHOLDERS,  
26 INCLUDING HOLDERS OF WATER RIGHTS, AGRICULTURAL PRODUCERS,  
27 INDUSTRIAL WATER USERS, ENVIRONMENTAL ORGANIZATIONS, THE UTE

1 MOUNTAIN UTE TRIBE, THE SOUTHERN UTE INDIAN TRIBE, AND LOCAL  
2 GOVERNMENTS, TO DEVELOP PROGRAMS THAT ADDRESS DROUGHT IN THE  
3 COLORADO RIVER BASIN AND INTERSTATE COMMITMENTS RELATED TO THE  
4 COLORADO RIVER AND ITS TRIBUTARIES THROUGH THE IMPLEMENTATION  
5 OF DEMAND REDUCTION PROJECTS AND THE VOLUNTARY AND  
6 COMPENSATED CONSERVATION OF THE WATERS OF THE COLORADO RIVER  
7 AND ITS TRIBUTARIES.

8 (b) THE RECOMMENDATIONS MADE PURSUANT TO SUBSECTION  
9 (4)(a) OF THIS SECTION MUST:

10 (I) PROVIDE THAT THE PROGRAMS BE DESIGNED TO BE  
11 REASONABLY IMPLEMENTED IN A MANNER THAT AVOIDS  
12 DISPROPORTIONATE NEGATIVE ECONOMIC OR ENVIRONMENTAL IMPACTS  
13 TO ANY SINGLE SUBBASIN OR REGION IN THE STATE;

14 (II) PROVIDE THAT ANY PROGRAM THAT SEEKS TO ADMINISTER  
15 WATER THROUGH STREAM REACHES WITHIN THE STATE OR TO THE STATE  
16 LINE FOR INTERSTATE PURPOSES MUST BE OPERATED CONSISTENT WITH:

17 (A) THE AGREEMENT REGARDING STORAGE AT COLORADO RIVER  
18 STORAGE PROJECT ACT RESERVOIRS UNDER AN UPPER BASIN DEMAND  
19 MANAGEMENT PROGRAM, ENTERED INTO BY THE STATES OF COLORADO,  
20 NEW MEXICO, UTAH, AND WYOMING AND THE FEDERAL SECRETARY OF  
21 THE INTERIOR ON MAY 20, 2019, AND ANY EXTENSION OF, AMENDMENT  
22 TO, OR REPLACEMENT OF THAT PROGRAM THAT IS INTENDED TO ACHIEVE  
23 SIMILAR OBJECTIVES; AND

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



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

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

10 (V) EVALUATE SOURCES OF REVENUE TO APPROPRIATELY  
11 COMPENSATE PARTICIPANTS IN THE PROGRAMS AND TO SUPPORT  
12 REASONABLE ADMINISTRATIVE COSTS OF THE PROGRAMS; AND

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

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

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

23 (II) THE REPRESENTATIVE OF THE UTE MOUNTAIN UTE TRIBE  
24 APPOINTED PURSUANT TO SUBSECTION (2)(a)(III) OF THIS SECTION;

25 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE  
26 DIRECTOR'S DESIGNEE; AND

27 (IV) TWO OTHER MEMBERS JOINTLY APPOINTED BY THE SOUTHERN

1 UTE INDIAN TRIBE, THE UTE MOUNTAIN UTE TRIBE, AND THE  
2 DEPARTMENT.

3 (b) THE PURPOSE OF THE SUB-TASK FORCE IS TO PROVIDE  
4 RECOMMENDATIONS FOR STATE LEGISLATION THAT WILL:

5 (I) PROVIDE FOR FULL TRIBAL PARTICIPATION IN THE PROGRAMS IN  
6 A MANNER THAT RECOGNIZES THE UNIQUE NATURE OF TRIBAL WATER  
7 RIGHTS AND TRIBAL WATER USE, SPECIFICALLY IN REGARD TO  
8 FORBEARANCE AND DEMAND MANAGEMENT OPPORTUNITIES;

9 (II) PROVIDE FOR TRIBAL PARTICIPATION IN THE PROGRAMS IN A  
10 MANNER THAT IS VOLUNTARY, TEMPORARY, AND COMPENSATED; AND

11 (III) EVALUATE SOURCES OF REVENUE TO APPROPRIATELY  
12 COMPENSATE THE SOUTHERN UTE INDIAN TRIBE AND THE UTE MOUNTAIN  
13 UTE TRIBE FOR PARTICIPATION IN THE PROGRAMS.

14 (6) ANY STATE AGENCY WITH ACCESS TO INFORMATION RELEVANT  
15 TO THE TASK FORCE'S DUTIES SHALL PROMPTLY PROVIDE THE  
16 INFORMATION TO THE TASK FORCE UPON THE REQUEST OF THE TASK  
17 FORCE, EXCEPT FOR PROPRIETARY INFORMATION A STATE AGENCY HAS  
18 RECEIVED FROM THE SOUTHERN UTE INDIAN TRIBE AND THE UTE  
19 MOUNTAIN UTE TRIBE.

20 (7) (a) BEFORE THE SUBMISSION OF THE FINAL REPORT PURSUANT  
21 TO SUBSECTION (7)(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 AND  
25 SUB-TASK FORCE SHALL SUBMIT A FINAL REPORT TO THE COMMITTEE THAT  
26 PROVIDES:

27 (I) THE RECOMMENDATIONS OF THE TASK FORCE AND SUB-TASK

1 FORCE PURSUANT TO SUBSECTIONS (4)(a) AND (5)(b) OF THIS SECTION;

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

7 (III) ANY OTHER INFORMATION THAT THE TASK FORCE AND  
8 SUB-TASK FORCE DETERMINES TO BE RELEVANT.

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

10 **SECTION 3. Appropriation.** (1) For the 2023-24 state fiscal  
11 year, \$200,000 is appropriated to the legislative department for use by the  
12 legislative council. This appropriation is from the general fund. To  
13 implement this act, the council may use this appropriation to implement  
14 the bill.

15 **SECTION 4. Safety clause.** The general assembly hereby finds,  
16 determines, and declares that this act is necessary for the immediate  
17 preservation of the public peace, health, or safety.