

SWCD

Bill Matrix

February 14, 2022

Bill #	Position	Calendar Notification	Short Title	Sponsors	Most Recent Status	Fiscal Note
HB22-1007		Thursday, February 17 2022 Energy & Environment 1:30 p.m. Room LSB-A (1) in house calendar.	Assistance Landowner Wildfire Mitigation	D. Valdez (D) M. Lynch (R) / C. Simpson (R) P. Lee (D)	1/12/2022 Introduced In House - Assigned to Energy & Environment	Fiscal Note
HB22-1011		Thursday, February 17 2022 Energy & Environment 1:30 p.m. Room LSB-A (3) in house calendar.	Wildfire Mitigation Incentives For Local Governments	L. Cutter (D) M. Snyder (D) / T. Story (D) P. Lee (D)	1/12/2022 Introduced In House - Assigned to Energy & Environment	Fiscal Note
HB22-1012		Thursday, February 17 2022 Energy & Environment 1:30 p.m. Room LSB-A (2) in house calendar.	Wildfire Mitigation And Recovery	L. Cutter (D) D. Valdez (D) / J. Ginal (D) P. Lee (D)	1/12/2022 Introduced In House - Assigned to Energy & Environment	Fiscal Note
HB22-1092		Thursday, February 24 2022 Agriculture, Livestock, & Water Upon Adjournment Room 0107 (2) in house calendar.	Loans From Irrigation Districts To Landowners	M. Soper (R) D. Roberts (D) / J. Bridges (D) D. Coram (R)	1/20/2022 Introduced In House - Assigned to Agriculture, Livestock, & Water	Fiscal Note
HB22-1097		Monday, February 14 2022 THIRD READING OF BILLS - FINAL PASSAGE (6) in house calendar.	Dissolution Of Special Districts	D. Valdez (D) / C. Simpson (R)	2/14/2022 House Third Reading Passed - No Amendments	Fiscal Note
HB22-1151		NOT ON CALENDAR	Turf Replacement Program	M. Catlin (R) D. Roberts (D) / J. Bridges (D) C. Simpson (R)	2/4/2022 Introduced In House - Assigned to Agriculture, Livestock, & Water	
SB22-007		NOT ON CALENDAR	Increase Wildfire Risk Mitigation Outreach Efforts	P. Lee (D) T. Story (D) / L. Cutter (D) M. Snyder (D)	2/1/2022 Senate Committee on Local Government Refer Amended to Appropriations	Fiscal Note

SB22-013		NOT ON CALENDAR	Boards And Commissions	S. Fenberg (D) C. Holbert (R) / A. Garnett (D) H. McKean (R)	2/9/2022 House Committee on Transportation & Local Government Refer Unamended to Appropriations	Fiscal Note
SB22-028	Support	Tuesday, February 15 2022 GENERAL ORDERS - SECOND READING OF BILLS (2) in senate calendar.	Groundwater Compact Compliance Fund	C. Simpson (R) J. Sonnenberg (R) / D. Roberts (D) M. Catlin (R)	2/10/2022 Senate Committee on Agriculture & Natural Resources Refer Unamended to Senate Committee of the Whole	Fiscal Note
SB22-029		NOT ON CALENDAR	Investment Water Speculation	D. Coram (R) K. Donovan (D) / K. McCormick (D)	1/12/2022 Introduced In Senate - Assigned to Agriculture & Natural Resources	Fiscal Note
SB22-030		Tuesday, February 15 2022 GENERAL ORDERS - SECOND READING OF BILLS - CONSENT CALENDAR (1) in senate calendar.	Expand Water Resources Review Committee To Include Agriculture	K. Donovan (D) J. Sonnenberg (R) / B. McLachlan (D) M. Catlin (R)	2/10/2022 Senate Committee on Agriculture & Natural Resources Refer Unamended - Consent Calendar to Senate Committee of the Whole	Fiscal Note
SB22-114		Thursday, February 17 2022 SENATE AGRICULTURE & NATURAL RESOURCES COMMITTEE 1:30 PM Old Supreme Court (1) in senate calendar.	Fire Suppression Ponds Water Rights	D. Hisey (R) T. Story (D) / D. Roberts (D) M. Catlin (R)	2/3/2022 Introduced In Senate - Assigned to Agriculture & Natural Resources	
SB22-115		Wednesday, February 16 2022 SENATE JUDICIARY COMMITTEE Upon Adjournment SCR 352 (4) in senate calendar.	Clarifying Terms Related To Landowner Liability	S. Jaquez Lewis (D) B. Gardner (R) / M. Soper (R) K. Tipper (D)	2/3/2022 Introduced In Senate - Assigned to Judiciary	
SB22-126		Thursday, February 17 2022 SENATE AGRICULTURE & NATURAL RESOURCES COMMITTEE 1:30 PM Old Supreme Court (2) in senate calendar.	Prioritize Water Storage Projects South Platte Basin	J. Sonnenberg (R) K. Donovan (D) / R. Holtorf (R)	2/4/2022 Introduced In Senate - Assigned to Agriculture & Natural Resources	Fiscal Note

SB22-131		NOT ON CALENDAR	Protect Health Of Pollinators And People	S. Jaquez Lewis (D) K. Priola (R) / C. Kipp (D) M. Froelich (D)	2/10/2022 Introduced In Senate - Assigned to Agriculture & Natural Resources	
SJR22-002	Support	Tuesday, February 15 2022 CONSIDERATION OF RESOLUTIONS (1) in senate calendar.	Water Projects Eligibility Lists	K. Donovan (D) / K. McCormick (D)	2/10/2022 Senate Committee on Agriculture & Natural Resources Refer Unamended to Senate Committee of the Whole	

Southwestern Water Conservation District

[HB22-1092](#)

Loans From Irrigation Districts To Landowners

Position:

Calendar

Thursday, February 24 2022

Notification:

Agriculture, Livestock, & Water
Upon Adjournment Room 0107
(2) in house calendar.

Short Title:

Loans From Irrigation Districts To Landowners

Sponsors:

M. Soper (R) | D. Roberts (D) / J. Bridges (D) | D. Coram (R)

Summary:

Under current law, the board of directors of an irrigation district may only enter into a contract to commit payments in excess of \$500,000 if the contract is first ratified at a general or special election. This bill permits a board of directors to enter into any obligation or contract to borrow money, which the irrigation district may use to issue loans to landowners to make improvements to private water delivery systems, or for other types of projects that improve water delivery, drainage, conservation, or efficiencies on landowner property. The board may not assess district land in order to raise money to issue the loans; however, the board may use other sources of money to issue loans.

An obligation or contract to borrow such money is exempt from the existing requirement that a contract purporting to bind the district to pay any sum in excess of \$500,000 must be ratified by a majority of all the votes cast at a general or special election. Additionally, the district cannot assess landowners to raise money to fund the loans.

The irrigation district's annual appropriation resolution to county commissioners must include the amounts needed to meet loan obligations and the amounts payable by landowners to the irrigation district. When assessing land within an irrigation district, the bill requires that the county assessor apply the information in the annual appropriation resolution concerning loans to landowners and assess the additional amount payable for each tract for which the landowner has received a loan.

(Note: This summary applies to this bill as introduced.)

Status:

1/20/2022 Introduced In House - Assigned to Agriculture, Livestock, & Water

Fiscal Notes:

[Fiscal Note](#)

HB22-1151 **Turf Replacement Program**

Position:

Calendar NOT ON CALENDAR

Notification:

Short Title: Turf Replacement Program

Sponsors: M. Catlin (R) | D. Roberts (D) / J. Bridges (D) | C. Simpson (R)

Summary: The bill requires the Colorado water conservation board (board) to develop a statewide program to provide financial incentives for the voluntary replacement of irrigated turf with water-wise landscaping (turf replacement program). The bill defines water-wise landscaping as a water- and plant-management practice that emphasizes using plants with lower water needs. Local governments, certain districts, Native American tribes, and nonprofit organizations with their own turf replacement programs may apply to the board for money to help finance their turf replacement programs. The board will contract with one or more third parties to administer one or more turf replacement programs in areas where local turf replacement programs do not exist.
(Note: This summary applies to this bill as introduced.)

Status: 2/4/2022 Introduced In House - Assigned to Agriculture, Livestock, & Water

Fiscal Notes:

SB22-114 **Fire Suppression Ponds Water Rights**

Position:

Calendar Thursday, February 17 2022

Notification: SENATE AGRICULTURE & NATURAL RESOURCES COMMITTEE
1:30 PM Old Supreme Court
(1) in senate calendar.

Short Title: Fire Suppression Ponds Water Rights

Sponsors: D. Hisey (R) | T. Story (D) / D. Roberts (D) | M. Catlin (R)

Summary: This bill allows a board of county commissioners to apply to the state engineer for the designation of a pond as a fire suppression pond. The director of the division of fire prevention and control in the department of public safety is required to promulgate rules to establish criteria for boards, in consultation with fire protection districts, to use to identify and evaluate potential fire suppression ponds. For each pond that is identified and under consideration as a potential fire suppression pond, a board must provide notice of such fact to the state engineer and to interested parties included in the substitute water supply plan notification list established for the water division in which the pond is located.

The bill also prohibits the state engineer from draining any pond:

- While the pond is under consideration for designation as a fire suppression pond;
- If the state engineer has designated the pond as a fire suppression pond; or
- On and after the effective date of the bill, and until the date upon which the director promulgates rules, with exceptions.

Finally, the bill also states that a fire suppression pond and the water associated with it:

- Are not considered a water right;
- Do not have a priority for the purpose of determining water rights; and
- May not be adjudicated as a water right.

The bill grants the authority to the state engineer to review applications received from boards and, at the state engineer's discretion, designate ponds as fire suppression ponds. The state engineer may not designate any pond as a fire suppression pond unless the pond existed as of January 1, 1975.

The bill specifies that the designation of a pond as a fire suppression pond expires 20 years after the date of the designation. Before the expiration, the board and the fire protection district must perform a needs assessment of the pond. If the needs assessment demonstrates that the pond is in compliance with criteria established in the director's rules, the board and fire protection district shall notify the state engineer of such fact, and the state engineer shall redesignate the pond as a fire suppression pond. If the needs assessment demonstrates that the pond is not in compliance with the criteria, the board and fire protection district may either:

- Notify the state engineer that the designation of the pond as a fire suppression pond should be rescinded or allowed to expire; or
- Provide to the state engineer a plan and a timeline for bringing the pond back into compliance with such criteria.

The bill also states that the designation of fire suppression ponds by the state engineer does not cause material injury to vested water rights.

(Note: This summary applies to this bill as introduced.)

Status:

2/3/2022 Introduced In Senate - Assigned to Agriculture & Natural Resources

Fiscal Notes:

[SB22-115](#)

Clarifying Terms Related To Landowner Liability

Position:

Calendar

Wednesday, February 16 2022

Notification:

SENATE JUDICIARY COMMITTEE

Upon Adjournment SCR 352

(4) in senate calendar.

Short Title:

Clarifying Terms Related To Landowner Liability

Sponsors:

S. Jaquez Lewis (D) | B. Gardner (R) / M. Soper (R) | K. Tipper (D)

Summary:

The bill clarifies the meaning of terms related to landowner liability and declares that the Colorado court of appeals and supreme court decisions in *Rocky Mountain Planned Parenthood, Inc. v. Wagner* should not be relied upon to the extent that those decisions determined:

- The foreseeability of third-party criminal conduct based upon whether the goods or services offered by a landowner are controversial; and
- That a landowner could be held liable as a substantial factor in causing harm without considering whether a third-party criminal act was the predominant cause of that harm.

(Note: This summary applies to this bill as introduced.)

Status:

2/3/2022 Introduced In Senate - Assigned to Judiciary

Fiscal Notes:

[SB22-126](#)

Prioritize Water Storage Projects South Platte Basin

Position:

Calendar

Thursday, February 17 2022

Notification:

SENATE AGRICULTURE & NATURAL RESOURCES
COMMITTEE

1:30 PM Old Supreme Court

(2) in senate calendar.

Short Title:

Prioritize Water Storage Projects South Platte Basin

Sponsors:

J. Sonnenberg (R) | K. Donovan (D) / R. Holtorf (R)

Summary:

The CWCB finances water projects throughout the state. Current law requires the board to prioritize projects that will increase the beneficial consumptive use of Colorado's undeveloped compact-entitled waters. The bill includes within this priority a specific priority for projects that increase or improve water storage in the South Platte River basin as a means of increasing the beneficial consumptive use of undeveloped water entitled under the South Platte River compact and in a manner that reduces reliance on transmountain diversions.

(Note: This summary applies to this bill as introduced.)

February 14, 2022

Status: 2/4/2022 Introduced In Senate - Assigned to Agriculture & Natural Resources

Fiscal Notes: [Fiscal Note](#)

[SB22-131](#)

Protect Health Of Pollinators And People

Position:

Calendar NOT ON CALENDAR

Notification:

Short Title: Protect Health Of Pollinators And People

Sponsors: S. Jaquez Lewis (D) | K. Priola (R) / C. Kipp (D) | M. Froelich (D)

Summary: The bill implements a number of measures to protect pollinators and people throughout the state.

- Restricts the use of pesticides on the grounds of a school, preschool program, child care center, or children’s resident camp.
- Requires DNR to conduct a study on how to address pollinator decline and increase pollinator health in the state. A report is due to the legislature by January 1, 2024.
- Creates a pilot program through CDA to provide financial grants to agricultural producers to test the use of noncoated seed-applied systemic insecticide on their crops
- Requires CDA to promulgate rules designating certain products that are neonicotinoids as restricted use chemicals. Specific exemptions are included such as use in pet care, personal care, wood preservatives, indoor pest control and on golf courses. The commissioner's rules will not affect the use of the restricted-use pesticides for agricultural purposes.
- Authorizes local governments to regulate pesticide use and remove certain preemptions regarding local government regulation of pesticide use. This does not apply to pesticides used for agricultural pesticides or on agricultural irrigation ditches.

(Note: This summary applies to this bill as introduced.)

Status: 2/10/2022 Introduced In Senate - Assigned to Agriculture & Natural Resources

Fiscal Notes:

Colorado Water Congress 2022 Bill Status Sheet

Bill No.	Short Title	CWC Position	Introduced	1st Committee	2nd Committee	2nd Reading	3rd Reading	Introduced	1st Committee	2nd Reading	3rd Reading	First House Repass	Conference Committee	Governor
HB22-1007	Assistance Landowner Wildfire Mitigation	31-Jan	12-Jan	2/17 EE										
HB22-1011	Wildfire Mitigation Incentives for Local Governments	31-Jan	12-Jan	2/17 EE										
HB22-1012	Wildfire Mitigation and Recovery	31-Jan	12-Jan	2/17 EE										
HB22-1092	Loans from Irrigation Districts to Landowners		20-Jan	2/24 Ag										
HB22-1097	Dissolution of Special Districts	7-Feb	20-Jan	2/8 T & LG		11-Feb	14-Feb							
HB22-1138	Reduce Employee Single-Occupancy Vehicle Trips		4-Feb	F										
HB22-1148	Wildfire Camera Pilot Program		4-Feb	Ag										
HB22-1151	Turf Replacement Program		4-Feb	Ag										
HB22-1152	Prohibig Employer Adverse Action Marijuana Use		4-Feb	2/24 BAL										

BILL STATUS	ABBREVIATIONS
Bill scheduled for action at next SA meeting (yellow)	Ag = Agriculture, Livestock & Water
Bill not calendared (no fill)	Ap = Appropriations
Bill Passed, date of action (green)	BLEW = Business, Labor, Economic and Workforce Development Committee
Bill no longer active (gray)	CC = Conference Committee
Bill did not go to second committee or no action required (black)	F = Finance Committee
CWC POSITION	HIE= Health, Insurance, and Environment
Bill scheduled for activity in CWC State Affairs (yellow)	J = Judiciary
Support (green)	TLG = Transportation & Local Government
Oppose (orange)	SVMA = State, Veterans, and Military Affairs Committee

Amend (blue)	EE = Energy & Environment
Monitor, Neutral, No Position	UA = Upon Adjournment
No Motions Made	UR = Upon Recess
	Ag = Agriculture and Natural Resources Committee
	CD = Capital Development
	TE = Transportation & Energy
	E = Education
	BAL = Business Affairs & Labor

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0337.01 Richard Sweetman x4333

HOUSE BILL 22-1092

HOUSE SPONSORSHIP

Soper and Roberts,

SENATE SPONSORSHIP

Bridges and Coram,

House Committees

Agriculture, Livestock, & Water

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ISSUANCE OF LOANS BY IRRIGATION DISTRICTS TO
102 LANDOWNERS FOR CERTAIN PURPOSES.

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>.)

Section 1 of the bill allows a board of directors of an irrigation district (board) to borrow money, which the irrigation district may use to make loans to landowners to be used to make improvements to private water delivery systems or for other types of projects that improve:

- Water conservation or efficiencies on landowner property;
- or

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.

- Landowner delivery or drainage systems.

An obligation or contract to borrow such money is exempt from the existing requirement that a contract purporting to bind the district to pay any sum in excess of \$500,000 must be ratified by a majority of all the votes cast at a general or special election. Additionally, the district cannot assess landowners to raise money to fund the loans.

A board may adopt rules concerning the issuance of loans to landowners.

Section 2 requires each irrigation district to include in its annual appropriation resolution all amounts payable by landowners to the irrigation district in accordance with loans issued to the landowners and indicate the amount payable by each tract within the irrigation district for which a landowner has received a loan.

Section 3 requires a county assessor, in assessing land within an irrigation district, to:

- Apply the information provided in the irrigation district's annual appropriation resolution concerning loans issued to landowners; and
- Assess the additional amount payable for each tract for which the landowner has received a loan.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-42-113, **add** (5)
3 as follows:

4 **37-42-113. Powers of district - loans for improvements.**

5 (5) (a) THE BOARD OF DIRECTORS MAY ENTER INTO ANY OBLIGATION OR
6 CONTRACT TO BORROW MONEY, WHICH THE IRRIGATION DISTRICT MAY USE
7 TO ISSUE LOANS TO LANDOWNERS:

8 (I) TO MAKE IMPROVEMENTS TO PRIVATE WATER DELIVERY
9 SYSTEMS; OR

10 (II) FOR OTHER TYPES OF PROJECTS THAT IMPROVE:

11 (A) WATER CONSERVATION OR EFFICIENCIES ON LANDOWNER
12 PROPERTY; OR

13 (B) LANDOWNER DELIVERY OR DRAINAGE SYSTEMS.

14 (b) AN OBLIGATION OR CONTRACT TO BORROW MONEY DESCRIBED

1 IN SUBSECTION (5)(a) OF THIS SECTION IS NOT SUBJECT TO THE
2 REQUIREMENTS OF SUBSECTION (1)(c) OF THIS SECTION.

3 (c) THE BOARD SHALL NOT ASSESS DISTRICT LAND IN ORDER TO
4 RAISE MONEY TO ISSUE LOANS PURSUANT TO THIS SUBSECTION (5).
5 HOWEVER, THE BOARD, IN ITS DISCRETION, MAY USE OTHER SOURCES OF
6 MONEY FOR THE PURPOSE OF ISSUING LOANS AS DESCRIBED IN THIS
7 SUBSECTION (5).

8 (d) THE BOARD MAY ADOPT RULES CONCERNING THE ISSUANCE OF
9 LOANS TO LANDOWNERS PURSUANT TO THIS SUBSECTION (5).

10 **SECTION 2.** In Colorado Revised Statutes, 37-42-125, **add** (3)
11 as follows:

12 **37-42-125. Fiscal year - appropriation resolution.** (3) THE
13 ANNUAL APPROPRIATION RESOLUTION DESCRIBED IN SUBSECTION (2) OF
14 THIS SECTION MUST INCLUDE THE AMOUNT OF MONEY NEEDED TO MEET
15 LOAN OBLIGATIONS AND ALL AMOUNTS PAYABLE BY LANDOWNERS TO THE
16 IRRIGATION DISTRICT IN ACCORDANCE WITH LOANS ISSUED TO THE
17 LANDOWNERS PURSUANT TO SECTION 37-42-113 (5) AND SHALL INDICATE
18 THE AMOUNT PAYABLE BY EACH TRACT WITHIN THE IRRIGATION DISTRICT
19 FOR WHICH A LANDOWNER HAS RECEIVED A LOAN.

20 **SECTION 3.** In Colorado Revised Statutes, 37-42-126, **add** (4)
21 as follows:

22 **37-42-126. Assessment of lands - valuation.** (4) IN ASSESSING
23 LAND WITHIN AN IRRIGATION DISTRICT, THE COUNTY ASSESSOR SHALL:

24 (a) APPLY THE INFORMATION PROVIDED IN THE IRRIGATION
25 DISTRICT'S ANNUAL APPROPRIATION RESOLUTION CONCERNING LOANS
26 ISSUED TO LANDOWNERS PURSUANT TO SECTION 37-42-113 (5), AS
27 DESCRIBED IN SECTION 37-42-125 (3); AND

1 (b) ASSESS THE ADDITIONAL AMOUNT PAYABLE FOR EACH TRACT
2 FOR WHICH THE LANDOWNER HAS RECEIVED A LOAN.

3 **SECTION 4. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly; except
6 that, if a referendum petition is filed pursuant to section 1 (3) of article V
7 of the state constitution against this act or an item, section, or part of this
8 act within such period, then the act, item, section, or part will not take
9 effect unless approved by the people at the general election to be held in
10 November 2022 and, in such case, will take effect on the date of the
11 official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0573.02 Jennifer Berman x3286

HOUSE BILL 22-1151

HOUSE SPONSORSHIP

Catlin and Roberts,

SENATE SPONSORSHIP

Bridges and Simpson,

House Committees

Agriculture, Livestock, & Water

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO INCENTIVIZE WATER-WISE LANDSCAPES,
102 AND, IN CONNECTION THEREWITH, CREATING A STATE PROGRAM
103 TO FINANCE THE VOLUNTARY REPLACEMENT OF IRRIGATED
104 TURF.

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 (board) to develop a statewide program to provide financial incentives for the voluntary replacement of irrigated turf with water-wise landscaping (turf

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Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

replacement program). The bill defines water-wise landscaping as a water- and plant-management practice that emphasizes using plants with lower water needs. Local governments, certain districts, Native American tribes, and nonprofit organizations with their own turf replacement programs may apply to the board for money to help finance their turf replacement programs. The board will contract with one or more third parties to administer one or more turf replacement programs in areas where local turf replacement programs do not exist.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 37-60-134 as
3 follows:

4 **37-60-134. State turf replacement program - creation -**
5 **administration - turf replacement fund - creation - legislative**
6 **declaration - definitions.** (1) THE GENERAL ASSEMBLY FINDS AND
7 DECLARES THAT:

8 (a) PROMOTING THE EFFICIENT AND MAXIMUM UTILIZATION OF
9 COLORADO'S WATER RESOURCES BY DECREASING THE AMOUNT OF
10 IRRIGATED TURF CAN:

11 (I) INCREASE COMMUNITIES' RESILIENCE REGARDING DROUGHT
12 AND CLIMATE CHANGE;

13 (II) REDUCE THE SALE OF AGRICULTURAL WATER RIGHTS IN
14 RESPONSE TO INCREASED DEMAND FOR MUNICIPAL WATER USE; AND

15 (III) PROTECT RIVER FLOWS;

16 (b) IRRIGATION OF OUTDOOR LANDSCAPING ACCOUNTS FOR
17 NEARLY HALF OF WATER USE WITHIN THE MUNICIPAL AND INDUSTRIAL
18 SECTORS OF THE STATE AND IS MOSTLY USED FOR IRRIGATION OF
19 NONNATIVE TURF GRASS;

20 (c) WHILE THERE ARE APPROPRIATE AND IMPORTANT USES FOR
21 IRRIGATED TURF, INCLUDING FOR PARKS, SPORTS FIELDS, PLAYGROUNDS,

1 AND PORTIONS OF RESIDENTIAL YARDS, MUCH OF THE TURF IN THE STATE
2 IS NONESSENTIAL AND IS LOCATED IN AREAS THAT RECEIVE LITTLE, IF ANY,
3 USE. SUCH IRRIGATED TURF COULD BE REPLACED WITH WATER-WISE
4 LANDSCAPING WITHOUT IMPACTING QUALITY OF LIFE OR LANDSCAPE
5 FUNCTIONALITY.

6 (d) EXAMPLES OF NONESSENTIAL TURF INCLUDE TURF USED FOR:

7 (I) MEDIANS;

8 (II) AREAS ADJACENT TO OPEN SPACES OR TRANSPORTATION
9 CORRIDORS;

10 (III) AREAS SLOPED WITH MORE THAN A TWENTY-FIVE PERCENT
11 GRADE;

12 (IV) STORM WATER DRAINAGE AND DETENTION BASINS;

13 (V) COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL PROPERTIES;

14 (VI) COMMON ELEMENTS IN A COMMON INTEREST COMMUNITY, AS
15 THOSE TERMS ARE DEFINED IN SECTION 38-33.3-103; AND

16 (VII) PORTIONS OF RESIDENTIAL YARDS;

17 (e) WATER-WISE LANDSCAPING MUST PLAY A CRITICAL ROLE IN
18 PROVIDING SUBSTANTIAL AND PERMANENT WATER SAVINGS AND IN
19 MINIMIZING WATER WASTE IN COLORADO COMMUNITIES;

20 (f) LOCAL JURISDICTIONS SHOULD ESTABLISH POLICIES THAT
21 REDUCE NONESSENTIAL TURF USED FOR NEW DEVELOPMENTS OR
22 REDEVELOPED AREAS AND INCREASE THE USE OF WATER-WISE
23 LANDSCAPING;

24 (g) THE STATE MUST PRIORITIZE THE USE OF WATER-WISE
25 LANDSCAPING FOR EXISTING AND NEW STATE GOVERNMENT PROPERTIES;

26 (h) TURF REPLACEMENT PROGRAMS PROVIDE A PROVEN AND
27 EFFECTIVE STRATEGY FOR REDUCING OUTDOOR WATER DEMAND

1 SIGNIFICANTLY, AND EVIDENCE FROM EXISTING PROGRAMS
2 DEMONSTRATES THAT, FOR EACH ACRE OF TURF REMOVED, ONE TO TWO
3 ACRE-FEET PER YEAR OF WATER SAVINGS CAN BE REALIZED, MEANING
4 THAT FOR EVERY ONE HUNDRED ACRES OF TURF CONVERTED TO
5 WATER-WISE LANDSCAPES, UP TO TWO HUNDRED ACRE-FEET PER YEAR OF
6 WATER MAY BE CONSERVED; AND

7 (i) THE BOARD SHOULD DEVELOP A STATE TURF REPLACEMENT
8 PROGRAM TO INCENTIVIZE THE VOLUNTARY REPLACEMENT OF IRRIGATED
9 TURF ON RESIDENTIAL PROPERTIES AND COMMERCIAL, INSTITUTIONAL, OR
10 INDUSTRIAL PROPERTIES AS A MEANS OF RESPONDING TO INCREASED
11 WATER DEMAND THROUGHOUT THE STATE.

12 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
13 REQUIRES:

14 (a) "CAMPUS" MEANS A COLLECTION OF TWO OR MORE BUILDINGS
15 THAT ARE OWNED AND OPERATED BY THE SAME PERSON AND HAVE A
16 SHARED PURPOSE AND FUNCTION AS A SINGLE PROPERTY.

17 (b) "COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL" OR "CII":

18 (I) MEANS THE COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL
19 SECTOR IN THE STATE; AND

20 (II) INCLUDES LOCAL GOVERNMENTS, SCHOOLS, AND BUSINESSES.

21 (c) "DISTRICT" MEANS:

22 (I) A DISTRICT OR SPECIAL DISTRICT FORMED PURSUANT TO TITLE
23 32, INCLUDING A METROPOLITAN DISTRICT, AS DEFINED IN SECTION
24 32-1-103 (10); A WATER AND SANITATION DISTRICT, AS DEFINED IN
25 SECTION 32-1-103 (24); AND A WATER DISTRICT, AS DEFINED IN SECTION
26 32-1-103 (25);

27 (II) A WATER CONSERVANCY DISTRICT ESTABLISHED UNDER

1 ARTICLE 45 OF THIS TITLE 37; OR

2 (III) A WATER CONSERVATION DISTRICT ESTABLISHED UNDER

3 ARTICLE 46, 47, 48, OR 50 OF THIS TITLE 37.

4 (d) "ELIGIBLE ENTITY" MEANS ANY OF THE FOLLOWING ENTITIES

5 THAT ALREADY ADMINISTER OR PLAN TO ADMINISTER A TURF

6 REPLACEMENT PROGRAM IN THE STATE:

7 (I) A LOCAL GOVERNMENT;

8 (II) A DISTRICT;

9 (III) A NATIVE AMERICAN TRIBE; OR

10 (IV) A NONPROFIT ORGANIZATION.

11 (e) "INVASIVE PLANT SPECIES" MEANS PLANTS THAT ARE NOT

12 NATIVE TO THE STATE AND THAT:

13 (I) ARE INTRODUCED INTO THE STATE ACCIDENTALLY OR

14 INTENTIONALLY;

15 (II) HAVE NO NATURAL COMPETITORS OR PREDATORS IN THE STATE

16 BECAUSE THE STATE IS OUTSIDE OF THEIR COMPETITORS' OR PREDATORS'

17 RANGE; AND

18 (III) HAVE HARMFUL EFFECTS ON THE STATE'S ENVIRONMENT OR

19 ECONOMY OR BOTH.

20 (f) "LOCAL GOVERNMENT" MEANS A STATUTORY OR HOME RULE

21 MUNICIPALITY, COUNTY, OR CITY AND COUNTY.

22 (g) (I) "RESIDENTIAL PROPERTY" MEANS ANY REAL PROPERTY

23 UPON WHICH A DWELLING IS CONSTRUCTED.

24 (II) "RESIDENTIAL PROPERTY" INCLUDES:

25 (A) BOTH UNITS AND COMMON ELEMENTS IN A COMMON INTEREST

26 COMMUNITY, AS THOSE TERMS ARE DEFINED IN SECTION 38-33.3-103; AND

27 (B) SINGLE-FAMILY DETACHED PROPERTIES AND SINGLE-FAMILY

1 ATTACHED PROPERTIES THAT ARE NOT IN A COMMON INTEREST
2 COMMUNITY.

3 (h) "SCHOOL" MEANS:

4 (I) A PUBLIC SCHOOL MAINTAINED AND OPERATED BY A SCHOOL
5 DISTRICT CREATED PURSUANT TO ARTICLE 30 OF TITLE 22;

6 (II) A DISTRICT CHARTER SCHOOL AS DEFINED IN SECTION
7 22-11-103 (12);

8 (III) AN INSTITUTE CHARTER SCHOOL AS DEFINED IN SECTION
9 22-11-103 (17);

10 (IV) A PRIVATE SCHOOL AS DEFINED IN SECTION 22-30.5-103 (6.5);

11 (V) A STATE INSTITUTION OF HIGHER EDUCATION AS DEFINED IN
12 SECTION 23-1-108 (7)(g)(II); OR

13 (VI) A PRIVATE INSTITUTION OF HIGHER EDUCATION AS DEFINED
14 IN SECTION 23-18-102 (9).

15 (i) "TURF" MEANS CONTINUOUS PLANT COVERAGE CONSISTING OF
16 NONNATIVE GRASSES OR GRASSES THAT HAVE NOT BEEN HYBRIDIZED FOR
17 ARID CONDITIONS AND WHICH, WHEN REGULARLY MOWED, FORM A DENSE
18 GROWTH OF LEAF BLADES AND ROOTS.

19 (j) "TURF REPLACEMENT FUND" OR "FUND" MEANS THE TURF
20 REPLACEMENT FUND CREATED IN SUBSECTION (6) OF THIS SECTION.

21 (k) "TURF REPLACEMENT PROGRAM" OR "PROGRAM" MEANS A
22 PROGRAM THROUGH WHICH FINANCIAL COMPENSATION OR IN-KIND OR
23 SUBSIDIZED GOODS OR SERVICES ARE PROVIDED TO ASSIST WITH THE
24 VOLUNTARY REPLACEMENT OF IRRIGATED TURF FOR:

25 (I) RESIDENTIAL PROPERTIES; AND

26 (II) CII PROPERTIES, INCLUDING INDUSTRIAL AND BUSINESS
27 CAMPUSES.

1 (I) "WATER-WISE LANDSCAPE" OR "WATER-WISE LANDSCAPING":

2 (I) MEANS A WATER- AND PLANT- MANAGEMENT PRACTICE THAT:

3 (A) IS INTENDED TO BE FUNCTIONAL AND ATTRACTIVE;

4 (B) EMPHASIZES THE USE OF PLANTS THAT REQUIRE LOWER
5 SUPPLEMENTAL WATER, SUCH AS NATIVE AND DROUGHT-TOLERANT
6 PLANTS; AND

7 (II) PRIORITIZES THE FOLLOWING SEVEN KEY PRINCIPLES:

8 (A) PLANNING AND DESIGN FOR WATER CONSERVATION, BEAUTY,
9 AND UTILITY;

10 (B) IMPROVING SOIL;

11 (C) APPLYING EFFICIENT IRRIGATION;

12 (D) LIMITING TURF TO HIGH TRAFFIC, ESSENTIAL AREAS;

13 (E) SELECTING PLANTS THAT HAVE LOW WATER DEMAND;

14 (F) APPLYING MULCH; AND

15 (G) MAINTAINING THE LANDSCAPE.

16 (3) ON OR BEFORE JULY 1, 2023, THE BOARD SHALL DEVELOP A
17 STATE TURF REPLACEMENT PROGRAM:

18 (a) TO PROVIDE MONEY TO AN ELIGIBLE ENTITY THAT ITSELF
19 PROVIDES MATCHING MONEY IN AN AMOUNT UP TO FIFTY PERCENT OF THE
20 DIRECT AND INDIRECT COSTS THAT THE ELIGIBLE ENTITY AND ANY THIRD
21 PARTY IT CONTRACTS WITH IN DEVELOPING OR IMPLEMENTING A TURF
22 REPLACEMENT PROGRAM WILL INCUR; OR

23 (b) THROUGH ONE OR MORE THIRD-PARTY CONTRACTORS CHOSEN
24 IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION, TO ADMINISTER
25 ONE OR MORE TURF REPLACEMENT PROGRAMS IN AREAS THROUGHOUT THE
26 STATE IN WHICH NO ELIGIBLE ENTITY HAS DEVELOPED OR IS PLANNING TO
27 IMPLEMENT A TURF REPLACEMENT PROGRAM DURING A SPECIFIED

1 IRRIGATION SEASON. TURF REPLACEMENT PROGRAMS DEVELOPED
2 PURSUANT TO THIS SUBSECTION (3)(b) MAY SERVE RESIDENTIAL
3 PROPERTIES; COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL PROPERTIES;
4 OR BOTH.

5 (4) (a) WITH REGARD TO AN ELIGIBLE ENTITY APPLICANT SEEKING
6 MONEY FOR A TURF REPLACEMENT PROGRAM THAT IT ADMINISTERS OR
7 PLANS TO ADMINISTER, THE ELIGIBLE ENTITY MAY APPLY TO THE BOARD
8 IN THE FORM AND MANNER DETERMINED BY THE BOARD FOR MONEY TO
9 ASSIST THE ELIGIBLE ENTITY IN PROVIDING TURF REPLACEMENT FOR:

10 (I) ITS OWN PROPERTY;

11 (II) RESIDENTIAL PROPERTY WITHIN THE ELIGIBLE ENTITY'S
12 BOUNDARIES OR SERVICE AREA; OR

13 (III) COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL PROPERTY
14 LOCATED WITHIN THE ELIGIBLE ENTITY'S BOUNDARIES OR SERVICE AREA.

15 (b) AN ELIGIBLE ENTITY AWARDED MONEY:

16 (I) MAY USE A PORTION OF THE MONEY TO COVER ITS DIRECT AND
17 INDIRECT COSTS, INCLUDING THE DIRECT AND INDIRECT COSTS INCURRED
18 BY ANY THIRD-PARTY CONTRACTOR, IN DEVELOPING AND ADMINISTERING
19 A TURF REPLACEMENT PROGRAM; AND

20 (II) IS ENCOURAGED TO REQUIRE THAT ITS PROGRAM PARTICIPANTS
21 UPDATE IRRIGATION SYSTEMS TO EFFICIENTLY IRRIGATE WATER-WISE
22 LANDSCAPING AS A CONDITION OF PARTICIPATING IN THE ELIGIBLE
23 ENTITY'S TURF REPLACEMENT PROGRAM.

24 (c) THE BOARD'S APPLICATION REQUIREMENTS FOR APPLICATIONS
25 RECEIVED PURSUANT TO THIS SUBSECTION (4) MUST INCLUDE A
26 REQUIREMENT THAT THE ELIGIBLE ENTITY DEMONSTRATE TO THE
27 SATISFACTION OF THE BOARD THAT:

1 (I) THE ELIGIBLE ENTITY HAS MATCHING MONEY AS REQUIRED
2 UNDER SUBSECTION (3)(a) OF THIS SECTION;

3 (II) THE ELIGIBLE ENTITY WILL START USING ANY MONEY
4 AWARDED FOR IMPLEMENTATION OF A TURF REPLACEMENT PROGRAM
5 WITHIN TWELVE MONTHS AFTER BEING AWARDED THE MONEY;

6 (III) IF THE ELIGIBLE ENTITY HAS AN EXISTING TURF REPLACEMENT
7 PROGRAM, THE ELIGIBLE ENTITY WILL USE THE MONEY AWARDED IN A
8 MANNER THAT EXPANDS ITS TURF REPLACEMENT PROGRAM, EITHER BY
9 INCREASING THE FINANCIAL INCENTIVES OFFERED PER PROPERTY OR BY
10 EXPANDING THE ANNUAL TOTAL ACREAGE OF TURF REPLACED UNDER THE
11 PROGRAM; AND

12 (IV) THE ELIGIBLE ENTITY WILL NOT ALLOW THE USE OF MONEY
13 FOR THE REPLACEMENT OF TURF WITH ANY OF THE FOLLOWING:

- 14 (A) IMPERMEABLE CONCRETE;
- 15 (B) ARTIFICIAL TURF;
- 16 (C) WATER FEATURES SUCH AS FOUNTAINS;
- 17 (D) INVASIVE PLANT SPECIES; OR
- 18 (E) TURF.

19 (5) (a) THE BOARD SHALL CONTRACT WITH ONE OR MORE THIRD
20 PARTIES, SELECTED IN COMPLIANCE WITH THE "PROCUREMENT CODE",
21 ARTICLES 101 TO 112 OF TITLE 24, TO ADMINISTER ONE OR MORE TURF
22 REPLACEMENT PROGRAMS IN ACCORDANCE WITH SUBSECTION (3)(b) OF
23 THIS SECTION. THE BOARD AND THIRD-PARTY CONTRACTOR OR
24 CONTRACTORS MAY USE MONEY FROM THE TURF REPLACEMENT FUND TO
25 COVER THEIR DIRECT AND INDIRECT COSTS IN DEVELOPING AND
26 ADMINISTERING ONE OR MORE TURF REPLACEMENT PROGRAMS UNDER THIS
27 SUBSECTION (5). THE BOARD AND THIRD-PARTY CONTRACTOR OR

1 CONTRACTORS SHALL COLLABORATE TO DEVELOP ONE OR MORE TURF
2 REPLACEMENT PROGRAMS THAT:

3 (I) ARE BASED ON INDUSTRY BEST PRACTICES AND THAT MAY THEN
4 SERVE AS A MODEL FOR TURF REPLACEMENT PROGRAMS THAT ELIGIBLE
5 ENTITIES ADMINISTER;

6 (II) ARE DESIGNED TO REQUIRE THAT:

7 (A) REMOVED TURF BE REPLACED WITH A MINIMUM PERCENTAGE
8 OF LIVING PLANT SPECIES;

9 (B) LOW OR MEDIUM WATER-USE PLANT SPECIES OR BOTH ARE
10 USED INSTEAD OF HIGH WATER-USE PLANT SPECIES IN REPLACING THE
11 TURF; AND

12 (C) THERE IS AN EMPHASIS ON USING NATIVE AND
13 POLLINATOR-FRIENDLY PLANT SPECIES;

14 (III) OFFER REBATES OR IN-KIND OR SUBSIDIZED GOODS OR
15 SERVICES TO PROPERTY OWNERS IN AN AMOUNT THAT BALANCES
16 INCENTIVIZING PROPERTY OWNERS TO VOLUNTARILY PARTICIPATE IN THE
17 PROGRAM WHILE NOT DISCOURAGING ELIGIBLE ENTITIES IN THE AREA
18 FROM DEVELOPING AND ADMINISTERING A LOCAL PROGRAM TO SERVE THE
19 AREA.

20 (b) THE BOARD SHALL ESTABLISH THE RESPONSIBILITIES OF THE
21 THIRD-PARTY CONTRACTOR OR CONTRACTORS IN MANAGING THE
22 PROGRAM PURSUANT TO THIS SUBSECTION (5), WHICH RESPONSIBILITIES
23 MUST INCLUDE:

24 (I) ENSURING ALL PROJECT WORK IS BEING COMPLETED IN AN
25 EFFICIENT MANNER AND WITHIN THE PROJECT BUDGET;

26 (II) DEVELOPING AND SUBMITTING PROGRAM INVOICES TO THE
27 BOARD; AND

1 (III) PROVIDING THE BOARD WITH PROGRESS REPORTS ABOUT THE
2 PROGRAM AND A FINAL REPORT REGARDING USE OF THE MONEY AWARDED
3 FOR THE PROGRAM.

4 (c) A RESIDENTIAL PROPERTY OWNER OR CII PROPERTY OWNER OR
5 MANAGER MAY APPLY TO A THIRD-PARTY CONTRACTOR, IN A FORM AND
6 MANNER DETERMINED BY THE BOARD AND THE THIRD-PARTY
7 CONTRACTOR, FOR MONEY FOR TURF REPLACEMENT ON THE APPLICANT'S
8 PROPERTY AS PART OF A TURF REPLACEMENT PROGRAM ESTABLISHED
9 PURSUANT TO THIS SUBSECTION (5). THE APPLICATION DEVELOPED BY THE
10 BOARD AND THIRD-PARTY CONTRACTOR MUST INFORM AN APPLICANT
11 THAT APPLICANTS RECEIVING MONEY UNDER THIS SUBSECTION (5):

12 (I) MAY USE THE MONEY TO COVER THE COST OF ALL DESIGN,
13 MATERIALS, PLANTINGS, AND LABOR REQUIRED TO COMPLETE
14 LANDSCAPING AND IRRIGATION SYSTEM MODIFICATIONS TO REMOVE TURF
15 AND REPLACE IT WITH WATER-WISE LANDSCAPING;

16 (II) ARE ENCOURAGED TO UPDATE IRRIGATION SYSTEMS TO
17 EFFICIENTLY IRRIGATE WATER-WISE LANDSCAPING AS PART OF THE
18 APPLICANTS' PARTICIPATION IN THE PROGRAM; AND

19 (III) SHALL NOT USE THE MONEY TO REPLACE TURF WITH ANY OF
20 THE FOLLOWING:

- 21 (A) IMPERMEABLE CONCRETE;
- 22 (B) ARTIFICIAL TURF;
- 23 (C) WATER FEATURES SUCH AS FOUNTAINS;
- 24 (D) INVASIVE PLANT SPECIES; OR
- 25 (E) TURF.

26 (6) (a) (I) THE TURF REPLACEMENT FUND IS HEREBY CREATED IN
27 THE STATE TREASURY TO BE ADMINISTERED BY THE BOARD FOR

1 IMPLEMENTATION OF THIS SECTION. THE FUND CONSISTS OF MONEY THAT
2 THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND,
3 ANY FEDERAL MONEY THAT THE BOARD RECEIVES FOR THE PROGRAM, AND
4 ANY GIFTS, GRANTS, OR DONATIONS THAT THE BOARD RECEIVES FROM
5 PRIVATE OR PUBLIC SOURCES PURSUANT TO SUBSECTION (6)(a)(II) OF THIS
6 SECTION. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
7 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
8 FUND TO THE FUND.

9 (II) THE BOARD MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,
10 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF
11 THIS SECTION.

12 (b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
13 ASSEMBLY, THE BOARD MAY EXPEND MONEY FROM THE FUND TO
14 IMPLEMENT THIS SECTION.

15 **SECTION 2. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly; except
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V
19 of the state constitution against this act or an item, section, or part of this
20 act within such period, then the act, item, section, or part will not take
21 effect unless approved by the people at the general election to be held in
22 November 2022 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0535.01 Richard Sweetman x4333

SENATE BILL 22-114

SENATE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING FIRE SUPPRESSION PONDS.**

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>.)

Section 1 of the bill makes legislative findings and declarations. **Section 2** allows a board of county commissioners (board) to apply to the state engineer for the designation of a pond as a fire suppression pond. The director of the division of fire prevention and control (director) in the department of public safety is required to promulgate rules to establish criteria for boards, in consultation with fire protection districts, to use to identify and evaluate potential fire suppression ponds. For each pond that is identified and under consideration as a potential fire suppression pond,

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.*

a board must provide notice of such fact to the state engineer and to interested parties included in the substitute water supply plan notification list established for the water division in which the pond is located.

Section 2 also prohibits the state engineer from draining any pond:

- While the pond is under consideration for designation as a fire suppression pond;
- If the state engineer has designated the pond as a fire suppression pond; or
- On and after the effective date of the bill, and until the date upon which the director promulgates rules, with exceptions.

Section 2 also states that a fire suppression pond and the water associated with it:

- Are not considered a water right;
- Do not have a priority for the purpose of determining water rights; and
- May not be adjudicated as a water right.

Section 3 requires the state engineer to review applications received from boards and, at the state engineer's discretion, designate ponds as fire suppression ponds. An application is presumed to be approved if the state engineer does not respond to the application within 63 days after the application is received by the state engineer. The state engineer may not designate any pond as a fire suppression pond unless the pond existed as of January 1, 1975.

Section 3 also allows the state engineer to impose reasonable requirements on a board as a condition of designating a pond as a fire suppression pond and requires a board and a fire protection district to inspect a fire suppression pond at least annually.

The designation of a pond as a fire suppression pond expires 20 years after the date of the designation. Before the expiration, the board and the fire protection district must perform a needs assessment of the pond. If the needs assessment demonstrates that the pond is in compliance with criteria established in the director's rules, the board and fire protection district shall notify the state engineer of such fact, and the state engineer shall redesignate the pond as a fire suppression pond. If the needs assessment demonstrates that the pond is not in compliance with the criteria, the board and fire protection district may either:

- Notify the state engineer that the designation of the pond as a fire suppression pond should be rescinded or allowed to expire; or
- Provide to the state engineer a plan and a timeline for bringing the pond back into compliance with such criteria.

Section 4 states that the designation of fire suppression ponds by the state engineer does not cause material injury to vested water rights.

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

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

4 (a) Colorado is facing a wildfire crisis;

5 (b) In 2020, Colorado experienced three of the largest wildfires
6 in its history, and in 2021, the Marshall fire broke yet another record,
7 becoming the most destructive fire in Colorado history by burning more
8 than one thousand homes worth five hundred million dollars in total;

9 (c) These four recent and catastrophic wildfires burned more than
10 six hundred thousand acres, causing significant devastation and property
11 loss;

12 (d) The Colorado state forest service and the front range
13 watershed wildfire protection working group have found that
14 high-severity fires can significantly impact water quality and watershed
15 conditions;

16 (e) Recent fires have tended to be much larger and more severe
17 than those in the past, and as such, have severely damaged soils and
18 watersheds, leading to heavy erosion and sediment damage in streams;
19 and

20 (f) Functional watersheds are vital for water quality and healthy
21 ecosystems and to protect water resources from post-fire flood damage.

22 (2) The general assembly also finds that:

23 (a) More resources are needed for wildfire mitigation to reduce
24 fire risk and to keep fires from becoming large and catastrophic;

25 (b) Although Colorado is committed to taking meaningful action
26 to mitigate wildfires, several remote areas in the state lack sufficient

- 1 resources to suppress fires without external support;
- 2 (c) In emergency situations, rapid action is vital and any delay
3 increases the risk of a fire becoming catastrophic;
- 4 (d) In the past, the general assembly has recognized the need to
5 use any and all available water resources in a fire event, and current law
6 grants the right for emergency use of wells and other water resources;
- 7 (e) It is a shared principle throughout the state that using water
8 resources to preserve life and property in emergencies is a priority over
9 consideration of water rights;
- 10 (f) When water is not available in close proximity, firefighters
11 may also rely on nearby ponds to fill fire trucks and suppress fires as
12 quickly as possible;
- 13 (g) Existing ponds in Colorado have proven to be critical fire
14 suppression resources, particularly in remote areas that are not equipped
15 with other fire suppression resources such as fire hydrants;
- 16 (h) Due to loss of water from evaporation, the state engineer is
17 identifying and ordering the drainage of ponds that do not have storage
18 rights associated with them;
- 19 (i) Some ponds that are subject to drainage may be critical
20 firefighting resources for remote, high-risk areas of Colorado, and if such
21 ponds are drained, firefighters could be left ill-equipped to respond to and
22 suppress fires;
- 23 (j) A process is necessary to preserve ponds that are deemed
24 critical for firefighting purposes; and
- 25 (k) Preserving fire suppression ponds will help:
- 26 (I) Ensure resources are available to help keep communities safe
27 in the event of structure fires, grassland fires, and other fire emergencies;

1 and

2 (II) Keep fires from becoming large and thereby protect lives,
3 homes, critical watersheds, water supply assets, infrastructure, and key
4 ecological and wildlife resources.

5 (3) Therefore, the general assembly declares that it is in the public
6 interest to create a process to identify, designate, and preserve critical fire
7 suppression ponds.

8 **SECTION 2.** In Colorado Revised Statutes, **add** 37-82-107 as
9 follows:

10 **37-82-107. Fire suppression ponds - legislative declaration -**
11 **needs assessment - notice of consideration required - restriction on**
12 **draining of ponds - rules - no water right created - repeal.** (1) THE
13 GENERAL ASSEMBLY HEREBY DECLARES THAT FIRE SUPPRESSION PONDS
14 ARE ESSENTIAL FOR THE PROTECTION OF PUBLIC SAFETY AND WELFARE,
15 PROPERTY, AND THE ENVIRONMENT.

16 (2) A BOARD OF COUNTY COMMISSIONERS, IN CONSULTATION WITH
17 ITS FIRE PROTECTION DISTRICT, MAY APPLY TO THE STATE ENGINEER
18 PURSUANT TO SECTION 37-80-124 FOR THE DESIGNATION OF A POND
19 WITHIN THE BORDERS OF THE COUNTY AS A FIRE SUPPRESSION POND.

20 (3) (a) BEFORE APPLYING FOR THE DESIGNATION OF A POND AS A
21 FIRE SUPPRESSION POND, A BOARD OF COUNTY COMMISSIONERS, IN
22 CONSULTATION WITH ITS FIRE PROTECTION DISTRICT, SHALL:

23 (I) IDENTIFY PONDS IN LOCATIONS WHERE THE OUTBREAK OF A
24 FIRE COULD RESULT IN A MAJOR WILDFIRE DISASTER; AND

25 (II) PERFORM A NEEDS ASSESSMENT OF EACH SUCH POND, WHICH
26 NEEDS ASSESSMENT SHALL BE COMPLETED WITHIN ONE YEAR AFTER THE
27 BOARD PROVIDES THE NOTICE DESCRIBED IN SUBSECTION (4) OF THIS

1 SECTION.

2 (b) IN PERFORMING A NEEDS ASSESSMENT PURSUANT TO
3 SUBSECTION (3)(a)(II) OF THIS SECTION, A BOARD OF COUNTY
4 COMMISSIONERS, IN CONSULTATION WITH ITS FIRE PROTECTION DISTRICT,
5 SHALL:

6 (I) IDENTIFY THE REFILL MECHANISM OF THE POND, WHETHER BY:

7 (A) GROUNDWATER;

8 (B) DIVERSION ON THE STREAM CHANNEL;

9 (C) DIVERSION OFF THE STREAM CHANNEL; OR

10 (D) WELL; AND

11 (II) APPLY THE CRITERIA ESTABLISHED PURSUANT TO RULES
12 PROMULGATED BY THE DIRECTOR OF THE DIVISION OF FIRE PREVENTION
13 AND CONTROL PURSUANT TO SUBSECTION (9) OF THIS SECTION.

14 (4) (a) FOR EACH POND THAT IS IDENTIFIED AND UNDER
15 CONSIDERATION AS A POTENTIAL FIRE SUPPRESSION POND PURSUANT TO
16 SUBSECTION (3) OF THIS SECTION, A BOARD OF COUNTY COMMISSIONERS
17 SHALL PROVIDE NOTICE OF SUCH FACT TO:

18 (I) THE STATE ENGINEER; AND

19 (II) INTERESTED PARTIES INCLUDED IN THE SUBSTITUTE WATER
20 SUPPLY PLAN NOTIFICATION LIST ESTABLISHED PURSUANT TO SECTION
21 37-92-308 (6) FOR THE WATER DIVISION IN WHICH THE POND IS LOCATED.

22 (b) THE NOTICE DESCRIBED IN SUBSECTION (4)(a) OF THIS SECTION
23 MUST INDICATE:

24 (I) THE TIMELINE OF THE NEEDS ASSESSMENT ASSOCIATED WITH
25 THE POND PURSUANT TO SUBSECTION (3) OF THIS SECTION;

26 (II) THE LOCATION OF THE POND;

27 (III) THE APPROXIMATE SURFACE AREA OF THE POND; AND

1 (IV) THE WATER REFILL MECHANISM OF THE POND, WHETHER BY:

2 (A) GROUNDWATER;

3 (B) DIVERSION ON THE STREAM CHANNEL;

4 (C) DIVERSION OFF THE STREAM CHANNEL; OR

5 (D) WELL.

6 (5) DURING THE THIRTY-FIVE DAYS FOLLOWING THE ISSUANCE OF
7 THE NOTICE DESCRIBED IN SUBSECTION (4) OF THIS SECTION, INTERESTED
8 PERSONS MAY SUBMIT COMMENTS TO THE BOARD OF COUNTY
9 COMMISSIONERS AND THE STATE ENGINEER CONCERNING THE POTENTIAL
10 DESIGNATION OF THE POND AS A FIRE SUPPRESSION POND PURSUANT TO
11 SECTION 37-80-124.

12 (6) IF A POND IS LOCATED IN WHOLE OR IN PART UPON PRIVATE
13 PROPERTY, A BOARD OF COUNTY COMMISSIONERS SHALL ACQUIRE THE
14 VOLUNTARY WRITTEN APPROVAL OF EACH OWNER OF PRIVATE PROPERTY
15 THAT ABUTS THE POND BEFORE THE BOARD APPLIES TO THE STATE
16 ENGINEER FOR THE DESIGNATION OF THE POND AS A FIRE SUPPRESSION
17 POND.

18 (7) IF A BOARD OF COUNTY COMMISSIONERS NOTIFIES THE STATE
19 ENGINEER PURSUANT TO SUBSECTION (4) OF THIS SECTION THAT A POND IS
20 UNDER CONSIDERATION AS A FIRE SUPPRESSION POND, THE BOARD SHALL
21 NOTIFY THE STATE ENGINEER PROMPTLY IF AND WHEN THE POND IS NO
22 LONGER UNDER SUCH CONSIDERATION.

23 (8) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
24 CONTRARY, EXCEPT AS MAY BE REQUIRED TO ADDRESS DAM SAFETY
25 CONCERNS, THE STATE ENGINEER SHALL NOT ORDER ANY POND TO BE
26 DRAINED OR BACKFILLED OR PROCEED WITH ANY EXISTING ORDER TO
27 DRAIN OR BACKFILL A POND:

1 (a) IF THE STATE ENGINEER HAS RECEIVED NOTICE PURSUANT TO
2 SUBSECTION (4) OF THIS SECTION THAT THE POND IS UNDER
3 CONSIDERATION BY A BOARD OF COUNTY COMMISSIONERS FOR
4 DESIGNATION AS A FIRE SUPPRESSION POND, DURING THE PENDENCY OF
5 THAT CONSIDERATION;

6 (b) IF THE STATE ENGINEER HAS DESIGNATED THE POND AS A FIRE
7 SUPPRESSION POND PURSUANT TO SECTION 37-80-124; OR

8 (c) (I) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, AND
9 UNTIL THE DATE UPON WHICH THE DIRECTOR OF THE DIVISION OF FIRE
10 PREVENTION AND CONTROL PROMULGATES RULES PURSUANT TO
11 SUBSECTION (9) OF THIS SECTION; EXCEPT THAT, DURING SUCH TIME, THE
12 STATE ENGINEER MAY ENFORCE AN ORDER TO DRAIN A POND, WHICH
13 ORDER EXISTS ON THE EFFECTIVE DATE OF THIS SECTION, IF THE STATE
14 ENGINEER FIRST PROVIDES NOTICE OF THE ORDER TO THE BOARD OF
15 COUNTY COMMISSIONERS OF THE COUNTY IN WHICH THE POND IS LOCATED
16 AND ALLOWS THE BOARD FOURTEEN DAYS TO RESPOND.

17 (II) THIS SUBSECTION (8)(c) IS REPEALED, EFFECTIVE JULY 1, 2023.

18 (9) (a) ON OR BEFORE MAY 1, 2023, THE DIRECTOR OF THE
19 DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF
20 PUBLIC SAFETY, PURSUANT TO THE DIRECTOR'S AUTHORITY UNDER
21 SECTION 24-33.5-1203.5, SHALL PROMULGATE RULES ESTABLISHING
22 CRITERIA FOR BOARDS OF COUNTY COMMISSIONERS, IN CONSULTATION
23 WITH FIRE PROTECTION DISTRICTS, TO USE TO IDENTIFY AND EVALUATE
24 POTENTIAL FIRE SUPPRESSION PONDS, AS DESCRIBED IN SUBSECTION (3) OF
25 THIS SECTION. THE CRITERIA MUST INCLUDE CONSIDERATION OF:

26 (I) WHETHER THE POND IS READILY ACCESSIBLE BY A FIRE
27 DISTRICT, FIRE DEPARTMENT, OR OTHER LOCAL FIREFIGHTING ENTITY;

1 (II) WHETHER THE POND IS LOCATED IN THE WILDLAND-URBAN
2 INTERFACE OR ANOTHER LOCATION THAT FACES AN ELEVATED THREAT OF
3 FIRE RISK;

4 (III) WHETHER THE POND IS LOCATED IN AN AREA WITHOUT
5 TIMELY OR ADEQUATE ACCESS TO FIRE HYDRANTS OR OTHER WATER
6 SUPPLIES AND WHERE THE POND PROVIDES A NEEDED SUPPLY;

7 (IV) THE APPROXIMATE SURFACE AREA OF THE POND;

8 (V) THE MAXIMUM SURFACE AREA OF THE POND, IN ORDER TO
9 LIMIT IMPACTS TO STREAMFLOW THAT MAY RESULT FROM DEPLETIONS
10 FROM THE POND;

11 (VI) WHETHER THE POND IS INCLUDED IN AN EXISTING PLAN FOR
12 AUGMENTATION, AS DEFINED IN SECTION 37-92-103 (9);

13 (VII) WHETHER THE POND IS LOCATED IN A DESIGNATED
14 GROUNDWATER BASIN, AS DESCRIBED IN SECTION 37-92-602 (1); AND

15 (VIII) WHETHER THE POND IS LOCATED IN AN AREA WHERE THE
16 LACK OF AVAILABILITY OF AUGMENTATION WATER OR THE EXCESSIVE
17 COST OF AUGMENTATION WATER PRESENTS A SIGNIFICANT BARRIER TO THE
18 ESTABLISHMENT OF A DECREED PLAN FOR AUGMENTATION, AS DEFINED IN
19 SECTION 37-92-103 (9), BY A LOCAL GOVERNMENT.

20 (b) BEFORE PROMULGATING THE RULES DESCRIBED IN SUBSECTION
21 (9)(a) OF THIS SECTION, THE DIRECTOR OF THE DIVISION OF FIRE
22 PREVENTION AND CONTROL SHALL SOLICIT AND CONSIDER INPUT FROM:

23 (I) THE STATE ENGINEER;

24 (II) LOCAL GOVERNMENTS, INCLUDING COUNTIES;

25 (III) WATER PROVIDERS; AND

26 (IV) FIRE PROTECTION DISTRICTS AND OTHER FIREFIGHTING
27 ENTITIES.

1 (10) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
2 CONTRARY, A FIRE SUPPRESSION POND AND THE WATER ASSOCIATED WITH
3 IT:

4 (a) ARE NOT CONSIDERED A WATER RIGHT, AS DEFINED IN SECTION
5 37-92-103 (12);

6 (b) DO NOT HAVE A PRIORITY, AS DEFINED IN SECTION 37-92-103
7 (10); AND

8 (c) MAY NOT BE ADJUDICATED PURSUANT TO SECTION 37-92-302.

9 **SECTION 3.** In Colorado Revised Statutes, **add** 37-80-124 as
10 follows:

11 **37-80-124. State engineer - designation of fire suppression**
12 **ponds - conditional requirements - inspections - expiration of**
13 **designation - database.** (1) FOR THE PURPOSES OF SECTION 37-82-107,
14 THE STATE ENGINEER SHALL:

15 (a) REVIEW APPLICATIONS RECEIVED FROM BOARDS OF COUNTY
16 COMMISSIONERS CONCERNING THE DESIGNATION OF PONDS AS FIRE
17 SUPPRESSION PONDS; AND

18 (b) AT THE STATE ENGINEER'S DISCRETION, DESIGNATE PONDS AS
19 FIRE SUPPRESSION PONDS.

20 (2) IN CONSIDERING WHETHER TO DESIGNATE A POND AS A FIRE
21 SUPPRESSION POND, THE STATE ENGINEER SHALL CONSIDER WHETHER THE
22 POND SATISFIES THE CRITERIA ESTABLISHED BY RULES PROMULGATED BY
23 THE DIVISION OF FIRE PREVENTION AND CONTROL PURSUANT TO SECTION
24 37-82-107 (9).

25 (3) THE STATE ENGINEER MAY ESTABLISH A STANDARD WRITTEN
26 OR ELECTRONIC FORM FOR BOARDS OF COUNTY COMMISSIONERS TO USE TO
27 APPLY FOR THE DESIGNATION OF A POND AS A FIRE SUPPRESSION POND.

1 (4) IF A BOARD OF COUNTY COMMISSIONERS SUBMITS TO THE
2 STATE ENGINEER AN APPLICATION FOR THE DESIGNATION OF A POND AS A
3 FIRE SUPPRESSION POND PURSUANT TO SECTION 37-82-107, THE
4 APPLICATION IS PRESUMED TO BE APPROVED IF THE STATE ENGINEER DOES
5 NOT RESPOND TO THE APPLICATION WITHIN SIXTY-THREE DAYS AFTER THE
6 APPLICATION IS RECEIVED BY THE STATE ENGINEER.

7 (5) AS A CONDITION OF DESIGNATING A POND AS A FIRE
8 SUPPRESSION POND PURSUANT TO THIS SECTION, THE STATE ENGINEER
9 MAY IMPOSE REASONABLE REQUIREMENTS ON A BOARD OF COUNTY
10 COMMISSIONERS, INCLUDING REQUIREMENTS FOR MEASURING AND
11 RECORDING DEVICES.

12 (6) IF THE STATE ENGINEER DESIGNATES A POND AS A FIRE
13 SUPPRESSION POND PURSUANT TO THIS SECTION, THE BOARD OF COUNTY
14 COMMISSIONERS OF THE COUNTY IN WHICH THE POND IS LOCATED AND THE
15 FIRE PROTECTION DISTRICT SHALL INSPECT THE POND AT LEAST ANNUALLY
16 TO ENSURE THAT:

- 17 (a) THE POND IS PROPERLY MAINTAINED;
- 18 (b) ANY FIREFIGHTING INFRASTRUCTURE ASSOCIATED WITH THE
19 POND IS FUNCTIONAL; AND
- 20 (c) THE APPROXIMATE SURFACE AREA OF THE POND HAS NOT
21 CHANGED.

22 (7) IF THE STATE ENGINEER DENIES AN APPLICATION FOR THE
23 DESIGNATION OF A POND AS A FIRE SUPPRESSION POND, THE STATE
24 ENGINEER SHALL PROVIDE THE APPLICANT BOARD OF COUNTY
25 COMMISSIONERS THE REASONS FOR THE STATE ENGINEER'S DENIAL AND AN
26 OPPORTUNITY TO DISCUSS THE DENIAL WITH THE STATE ENGINEER.

27 (8) (a) THE DESIGNATION OF A POND AS A FIRE SUPPRESSION POND

1 PURSUANT TO THIS SECTION EXPIRES TWENTY YEARS AFTER THE DATE OF
2 THE DESIGNATION.

3 (b) BEFORE THE EXPIRATION OF THE DESIGNATION OF A POND AS
4 A FIRE SUPPRESSION POND, THE BOARD OF COUNTY COMMISSIONERS OF THE
5 COUNTY IN WHICH THE POND IS LOCATED AND THE FIRE PROTECTION
6 DISTRICT SHALL PERFORM A NEEDS ASSESSMENT OF THE POND, AS
7 DESCRIBED IN SECTION 37-82-107 (3).

8 (c) IF THE NEEDS ASSESSMENT DESCRIBED IN SUBSECTION (8)(b) OF
9 THIS SECTION INDICATES THAT THE POND CONTINUES TO SATISFY THE
10 CRITERIA ESTABLISHED BY RULES PROMULGATED PURSUANT TO SECTION
11 37-82-107 (9), THE BOARD AND THE FIRE PROTECTION DISTRICT SHALL
12 NOTIFY THE STATE ENGINEER OF SUCH FACT, AND THE STATE ENGINEER
13 SHALL REDESIGNATE THE POND AS A FIRE SUPPRESSION POND.

14 (d) IF THE NEEDS ASSESSMENT DESCRIBED IN SUBSECTION (8)(b)
15 OF THIS SECTION INDICATES THAT THE POND NO LONGER SATISFIES THE
16 CRITERIA ESTABLISHED BY RULES PROMULGATED PURSUANT TO SECTION
17 37-82-107 (9), THE BOARD AND THE FIRE PROTECTION DISTRICT SHALL
18 EITHER:

19 (I) NOTIFY THE STATE ENGINEER THAT THE DESIGNATION OF THE
20 POND AS A FIRE SUPPRESSION POND SHOULD BE RESCINDED OR ALLOWED
21 TO EXPIRE; OR

22 (II) PROVIDE TO THE STATE ENGINEER A PLAN AND TIMELINE FOR
23 BRINGING THE POND BACK INTO COMPLIANCE WITH THE CRITERIA.

24 (9) THE STATE ENGINEER SHALL ESTABLISH A DISCRETE DATABASE
25 FOR THE ADMINISTRATION OF PONDS THAT ARE DESIGNATED AS FIRE
26 SUPPRESSION PONDS PURSUANT TO THIS SECTION.

27 (10) NOTWITHSTANDING ANY PROVISION OF LAW TO THE

1 CONTRARY, THE STATE ENGINEER SHALL NOT DESIGNATE ANY POND AS A
2 FIRE SUPPRESSION POND UNLESS THE POND EXISTED AS OF JANUARY 1,
3 1975.

4 **SECTION 4.** In Colorado Revised Statutes, 37-92-602, **amend**
5 (8)(a), (8)(b) introductory portion, and (8)(c)(I); and **add** (8)(b)(III) as
6 follows:

7 **37-92-602. Exemptions - presumptions - legislative declaration**
8 **- definitions.** (8) (a) The general assembly hereby declares that storm
9 water detention and infiltration facilities, ~~and~~ post-wildland fire facilities,
10 AND FIRE SUPPRESSION PONDS are essential for the protection of public
11 safety and welfare, property, and the environment.

12 (b) ~~For the purposes of AS USED IN this subsection (8):~~

13 (III) "FIRE SUPPRESSION POND" MEANS A POND THAT HAS BEEN:

14 (A) IDENTIFIED AS A POTENTIAL FIRE SUPPRESSION POND BY A
15 BOARD OF COUNTY COMMISSIONERS IN CONSULTATION WITH A FIRE
16 PROTECTION DISTRICT PURSUANT TO SECTION 37-82-107; AND

17 (B) DESIGNATED AS A FIRE SUPPRESSION POND BY THE STATE
18 ENGINEER PURSUANT TO SECTION 37-80-124.

19 (c) (I) Storm water detention and infiltration facilities in existence
20 on August 5, 2015, that are operated in compliance with ~~paragraphs (b)~~
21 ~~and (c) of this subsection (8) and~~ SUBSECTIONS (8)(b) AND (8)(e) OF THIS
22 SECTION; post-wildland fire facilities that are operated in compliance with
23 ~~paragraphs (b) and (c) of this subsection (8)~~ SUBSECTIONS (8)(b) AND
24 (8)(e) OF THIS SECTION; AND THE DESIGNATION OF PONDS AS FIRE
25 SUPPRESSION PONDS BY THE STATE ENGINEER PURSUANT TO SECTION
26 37-80-124 do not cause material injury to vested water rights.

27 **SECTION 5. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2022 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0780.01 Jennifer Berman x3286

SENATE BILL 22-126

SENATE SPONSORSHIP

Sonnenberg and Donovan, Kirkmeyer, Lundeen, Scott, Simpson, Woodward

HOUSE SPONSORSHIP

Holtorf,

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT THE COLORADO WATER
102 CONSERVATION BOARD PRIORITIZE WATER STORAGE IN THE
103 SOUTH PLATTE RIVER BASIN IN CHOOSING PROJECTS TO
104 FINANCE WITH MONEY FROM THE COLORADO WATER
105 CONSERVATION BOARD CONSTRUCTION FUND.

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 Colorado water conservation board (board) finances water projects throughout the state. Current law requires the board to prioritize

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.

projects that will increase the beneficial consumptive use of Colorado's undeveloped compact-entitled waters. The bill includes within this priority a specific priority for projects that increase or improve water storage in the South Platte river basin as a means of increasing the beneficial consumptive use of undeveloped water entitled under the South Platte river compact and in a manner that reduces reliance on transmountain diversions.

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

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

4 (a) It is of the utmost importance for Colorado to increase the
5 beneficial consumptive use of the undeveloped waters of the state that are
6 subject to compact compliance obligations;

7 (b) By storing undeveloped waters of the state, Colorado can
8 allocate more water for the state's increasing water demands in a manner
9 that reduces reliance on transmountain diversions;

10 (c) The storage of undeveloped waters of the state would be
11 especially beneficial in the South Platte river basin, where stored water
12 would help the state respond efficiently to increasing water demands for
13 agricultural, municipal, and industrial beneficial uses in the basin; and

14 (d) Therefore, when financing water projects through the
15 Colorado water conservation board, Colorado should prioritize projects
16 that increase or improve water storage in the South Platte river basin.

17 **SECTION 2.** In Colorado Revised Statutes, 37-60-121, **amend**
18 (1)(a), (1)(b) introductory portion, and (1)(b)(I) as follows:

19 **37-60-121. Colorado water conservation board construction**
20 **fund - creation - nature of fund - funds for investigations -**
21 **contributions - use for augmenting the general fund - funds created**
22 **- repeal.** (1) (a) There is hereby created a fund to be known as the

1 Colorado water conservation board construction fund, which ~~shall consist~~
2 CONSISTS of all ~~moneys which~~ MONEY THAT THE GENERAL ASSEMBLY may
3 ~~be appropriated thereto by the general assembly~~ APPROPRIATE TO THE
4 FUND or ~~which~~ THAT may be otherwise made available to it by the general
5 assembly and such charges that may ~~become a part thereof~~ BE CREDITED
6 TO THE FUND under the terms of section 37-60-119. All interest earned
7 from the investment of ~~moneys~~ MONEY in the fund shall be credited to the
8 fund and become a part ~~thereof~~. ~~Such~~ OF THE fund. THE FUND shall be a
9 continuing fund, ~~to~~ AND MONEY IN THE FUND MAY be expended in the
10 manner specified in section 37-60-122 and ~~shall~~ DOES not revert to the
11 general fund of the state at the end of any fiscal year.

12 (b) In the consideration of making expenditures from the fund, the
13 board shall ~~be guided by~~ MAKE ITS DETERMINATIONS BASED ON the
14 following criteria:

15 (I) The first priority of the ~~moneys~~ MONEY available to the fund
16 shall be devoted to projects ~~which~~ THAT will increase the beneficial
17 consumptive use of Colorado's undeveloped compact-entitled waters,
18 INCLUDING A PRIORITY FOR PROJECTS THAT INCREASE OR IMPROVE WATER
19 STORAGE IN THE SOUTH PLATTE RIVER BASIN:

20 (A) AS A MEANS OF INCREASING THE BENEFICIAL CONSUMPTIVE
21 USE OF COLORADO'S UNDEVELOPED WATERS TO WHICH COLORADO IS
22 ENTITLED UNDER THE SOUTH PLATTE RIVER COMPACT, ENTERED INTO
23 PURSUANT TO ARTICLE 65 OF THIS TITLE 37; AND

24 (B) IN A MANNER THAT REDUCES RELIANCE ON TRANSMOUNTAIN
25 DIVERSIONS;

26 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.