

**The Southwestern Water Conservation District
West Building, 841 E. 2nd Ave.
Durango, CO 81301**

**NOTICE IS HEREBY GIVEN
A Special Board Meeting of the
Southwestern Water Conservation District
will be held on**

**Wednesday, April 21, 2021
9:00 a.m. – 10:15 a.m.**

**Video: [Click here to join Zoom](#)
Phone Number: (346) 248 7799
Meeting ID: 852 4669 2513
Participant ID: 931249**

Posted and Noticed Monday, April 19, 2021

Tentative Agenda

*Please text 970-901-1388 if you have difficulty joining the meeting. Please raise your hand to be recognized by the chair. To raise your hand by phone, dial*9. To raise your hand by computer, please use Alt+Y (Windows) or Option+Y (Mac). To mute and unmute by phone, dial *6.*

Except the time indicated for when the meeting is scheduled to begin, the times noted for each agenda item are estimates and subject to change. The Board may address and act on agenda items in any order to accommodate the needs of the Board and the audience. Agenda items can also be added during the meeting at the consensus of the Board.

- 1.0 Call to Order - Roll Call and Verification of Quorum (9:00 a.m.)**
- 2.0 Review & Approve the Agenda (9:02 a.m.)**
- 3.0 Questions/Comments from Audience (9:03 a.m.)**
- 4.0 New Business (9:05 a.m.)**
 - 4.1 State Legislative Update & Position on Bills
- 5.0 General Counsel Report (10:00 a.m.)**
 - 5.1 Application of Salem Minerals, Inc. et al. for Finding of Reasonable Diligence, Case No. 20CW3036, Water Division 7 – Consideration of Proposed Settlement
- 6.0 Executive Session (if needed) (10:05 a.m.)**
- 7.0 Summary and Action Items from Executive Session (10:10 a.m.)**
- 8.0 Adjournment (10:15 a.m.)**

Upcoming Meetings

Thursday, May 6, 2021	12:00 p.m.	Special Board Meeting
Thursday, May 13, 2021	9:00 a.m.	Special Board Meeting
Thursday, May 20, 2021	9:00 a.m.	Special Board Meeting

JANUARY

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Holiday Closure
 Regular Board Meeting
 Other Meetings

REVISED 4-8-21

FRI, JAN 1: NEW YEARS DAY

MON, JAN 18: MLK DAY

TUES, JAN 19: BOARD TELECONFERENCE

WED, FEB 3: BOARD TELECONFERENCE

FEB 10-11: REGULAR BOARD MEETING (GRANTS)

MON, FEB 15: PRESIDENTS DAY

WED, FEB 24: BOARD TELECONFERENCE

THURS, MARCH 11: BOARD TELECONFERENCE

THURS, MARCH 25: BOARD TELECONFERENCE

APRIL 1-2: REGULAR BOARD MEETING

THURS, APRIL 8: BOARD TELECONFERENCE

WED, APRIL 21: BOARD TELECONFERENCE

THURS, MAY 6: BOARD TELECONFERENCE

THURS, MAY 13: BOARD TELECONFERENCE

THURS, MAY 20: BOARD TELECONFERENCE

MON, MAY 31: MEMORIAL DAY

JUNE 9-10: REGULAR BOARD MEETING

MON, JULY 5: INDEPENDENCE DAY (OBSERVED)

AUG 11-12: REGULAR BOARD MEETING (TOUR TBD)

MON, SEPT 6: LABOR DAY

WED, SEPT 8: BUDGET WORKSHOP

OCT 4-5: REGULAR BOARD MEETING

NOV 25-26: THANKSGIVING

DEC 8-9: REGULAR BOARD MEETING

DEC 23-24: CHRISTMAS



THE SOUTHWESTERN WATER CONSERVATION DISTRICT

Developing and Conserving the Waters in the
SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES
West Building – 841 East Second Avenue
DURANGO, COLORADO 81301
(970) 247-1302

MEMORANDUM

April 19, 2021

To: Southwestern Board of Directors

From: Chris Treese, Independent Consultant

RE: **Colorado Legislative Report #7**

**Remember your bi-weekly, special meeting this week is Wednesday, not Thursday, same time 9:00 A.M.*

As of this morning, the Senate and the House both have completed their respective review and passage of the Long Bill and most of the allied budget bills. Although the Long Bill now passes back to the Senate for consideration of House amendments, the flood gates of both houses' Appropriations Committees now open and all bills with a fiscal impact that had been bottled up awaiting budget numbers can now be considered by the respective Appropriations Committees and then resume their progression through the legislative process.

The Legislature crossed the half-way milestone last week in this COVID-altered year. In addition to attention to the Long Bill, SB21-205, legislators have been busy introducing new bills in the past two weeks. There have been 529 bills introduced as of the date of this memo. I have five newly introduced water and District-related bills for Board consideration. I am recommending a position of 'monitor' for the majority of the following bills as I do not see a priority connection to SCWD or SW Colorado; however, Directors are, as always, welcome to direct more active involvement.

Action Requested:

[SB21-234](#)

Ag. & Drought Resiliency Fund

Lewis and Sonnenberg

Cutter and Holtorf

Summary: SB 234 creates a short-lived agriculture and drought resiliency fund in the Dept. of Ag with a one-time \$3 million General Fund transfer from the current (2020-21) fiscal year's budget.

The Dept. of Ag would use the fund to “anticipate, prepare for, mitigate, adapt to, or respond to events, trends, or climatological disturbances related to drought or climate.” The bill directs the development of a “hay bank” to provide “adequate resources for livestock in times of drought” and “supporting recovery of grazing lands following wildfire(s).”

Analysis: Directors may be interested in reading the legislative findings opening Section 1 describing the hardships and conditions currently challenging Colorado ag sector. The Dept. of Ag has sole authority for fund expenditures but is directed to “collaborate and coordinate with DNR, CWCB and the Ag Impact Task Force.” I don’t believe this bill has sufficiently direct connection to water and SWCD to warrant further attention, but I look forward to Director feedback.

RECOMMENDED POSITION: Monitor

SB21-237

Colorado Forest Health Council

Donovan
McCluskie

Summary: This bill repeals and recreates the recently (2016) created forest health advisory council, currently within the state forest service (within CSU), and moves it to the division of forestry within DNR. It also makes changes to the council's membership (23 members) and duties. Finally, it schedules the new council for sunset in 2026. The stated purpose of the new council is “to advise the Governor and General Assembly on a broad range of issues, opportunities, and threats with regard to Colorado’s forests.”

Analysis: I haven’t heard the exact motivation for this move of the forest health council from Ag. to DNR, but I suspect it has more to do with direct reporting to the administration and legislature than anything else. Additionally, funding for the Department of Natural Resources is traditionally more robust than for Ag. Curiously, the new council is scheduled to sunset (repeal) next year on September 1, which date corresponds to neither the state nor federal fiscal years. In any case, while forest health is critical to water supply and water quality, I do not see a sufficiently direct interest to SWCD to recommend a position of active support. This bill is scheduled for first hearing this Thursday afternoon.

RECOMMENDED POSITION: Monitor

SB21-240

CWCB Watershed Grant Program

Danielson and Simpson
Kipp and Catlin

Summary: This bill, co-sponsored by two SWCD members, transfers General Fund monies to the CWCB construction fund for watershed programs. Specifically, the appropriated \$15 million is to be used predominantly for grants to “protect against the impacts of wildfires through the existing watershed restoration grant program and for conducting a statewide watershed analysis to investigate the susceptibility of life, safety, infrastructure, and water supplies to wildfire impacts.”

Analysis: This bill provides a welcome additional \$15 million to the CWCB’s watershed restoration grant program for awards by the end of calendar 2022. While not specifically designated, these

funds are anticipated to assist post-wildfire restoration projects of the largest of the record-setting 2020 wildfires.

RECOMMENDED POSITION: SUPPORT

HB21-1266

Environmental Justice Act

Jackson, et al.

Winter and Buckner

Summary: HB 1266 has a stated purpose of redressing the effects of environmental injustice on disproportionately impacted communities. It creates a nineteen-member task force, including two members appointed by each of Colorado's two tribes. "The mission of the task forces is to propose recommendations to the General Assembly regarding practical means of addressing environmental justice inequities."

Analysis: The bill primarily references air quality concerns as the focus of environmental injustice, but air is not the exclusive focus, water is also referenced. Given the open-ended nature of the task force's mission, including financial reparations for past inequities, the fiscal implications of the report's recommendations will be extremely interesting. SB 1266 currently has a \$900,000 two-year fiscal impact note. This bill has at least the potential to implicate and complicate water project permitting. It is calendared for first hearing in the House Energy & Environment Committee on Thursday this week.

RECOMMENDED POSITION: Monitor

HB21-1268

Managing Colorado Water through Emerging Technologies

Titone and Will

(none)

Summary: HB 1268 requires CU and CSU to study potential uses of emerging technologies to manage Colorado's water supply more effectively. Specifically, "blockchain, telemetry, improved sensors, and advanced aerial observation platforms" are mentioned for "feasibility study and pilot deployments." The bill makes a legislative finding that these technologies "can improve monitoring, management, conservation, and trading of water and enhance confidence in the reliability of data underlying water rights transactions." It appropriates \$20,000 each to CU and CSU conditioned on the receipt of matching funds to conduct the studies. The study shall be presented at a hearing of the Water Resources Review Committee by July 15, 2022.

Analysis: This is a repeat of legislation that has been introduced several times in the past few years. The indicated \$80,000 funding is probably well short of what is required. The potential use of these emerging technologies may represent significant benefits to water management in Colorado. In light of current the Demand Management debate, the term "trading of water" should be more narrowly defined in this statute.

RECOMMENDED POSITION: Support (with potential amendment clarifying the term "trading of water")

In other news:

Colorado Dredge & Fill program

The Department of Health circulated an initial draft of their proposed bill establishing a [State Dredge & Fill Permit Program](#) two weeks ago. This is the draft bill resulting from the department's "outline" that I have been discussing for at least the past three meetings. A bill has not been formally introduced to date. I anticipate this bill to be the subject to significant amendment throughout the legislative process. Contrary to CDPHE assurances, there are no agricultural water use protections or exemptions included in this draft.

This is a lengthy and detailed bill that frankly seems to omit important details. Encouragingly, it explicitly maintains current supremacy of beneficial water use in the final paragraph, (f), of Section 1. ("No provision of this article shall be interpreted so as to supersede, abrogate, or impair rights to divert water and apply water to beneficial uses . . ." C.R.S. 25-8-104(1))

Although a formal bill has not been introduced as of this writing, **I recommend the board direct continued SWCD involvement with this bill** as it navigates the legislative process with broad direction regarding priorities, in particular explicit protection for agricultural water uses. At a minimum, these protections should mirror the ag protections of federal ag rules included in both the Obama and Trump rules.

Changing faces

In the inevitable game of musical chairs at the Legislature, Representative Jeni Arndt (D-Ft. Collins) resigned last week following her election at the beginning of the month as Mayor of Ft. Collins. Her replacement to the Legislature and more relevant to SWCD her successor as chair of the House Agriculture, Livestock, and Water Committee has not been named. I hope to have the new chair's name by Wednesday's meeting.



SOUTHWESTERN WATER CONSERVATION DISTRICT

2021 State Legislative Update: [April 19, 2021](#)

Below is a summary of 2021 water-related legislation under consideration by the Colorado General Assembly. These summaries generally apply to the bills as introduced.

Click on the bill number to view the most recent bill language and other information.

The Colorado Water Congress (CWC) State Affairs Committee met on April 12th and April 19th. **Positions taken on bills are in red text for CWC and green text for SWCD.**

THE FOLLOWING BILLS HAVE NOT YET BEEN CONSIDERED BY SWCD.

[SB21-234](#) **General Fund Transfer Agriculture and Drought Resiliency**

SWCD Position: [Discussion](#)
CWC Position: [Discussion](#)
Sponsors: Senate (Lewis, Sonnenberg), House (Cutter, Holtorf)
Committee of Reference: Senate Agriculture & Natural Resources

Bill Status: Scheduled for consideration by the Senate Agriculture and Natural Resources Committee on April 28th.

Title: Concerning creation of the agriculture and drought resiliency fund, and, in connection therewith, transferring money from the general fund to the fund and making an appropriation.

Summary: SB 234 creates a short-lived agriculture and drought resiliency fund in the Colorado Department of Agriculture with a one-time \$3 million General Fund transfer from the current fiscal year's budget. The Department of Agriculture would use the fund to anticipate, prepare for, mitigate, adapt to, or respond to events, trends, or climatological disturbances related to drought or climate." The bill directs the development of a "hay bank" to provide "adequate resources for livestock in times of drought" and "supporting recovery of grazing lands following wildfire(s)." The fund is repealed September 1, 2022.

Comments:

[SB21-237](#) **Create Forest Health Council in Department of Natural Resources**

SWCD Position: [Discussion](#)
CWC Position: [Discussion](#)
Sponsors: Senate (Donovan), House (McCluskie)
Committee of Reference: Senate Agriculture & Natural Resources

Bill Status: Scheduled for consideration by the Senate Agriculture and Natural Resources Committee on April 22nd.

Title: Concerning creation of the Colorado Forest Health Council in the Department of Natural Resources, and, in connection therewith, repealing the forest health advisory council within the state forest service.

Summary: Under current law, the forest health advisory council was created within the state forest service, which is within Colorado state university. Section 4 of the bill repeals the forest health advisory council and section 2 creates the Colorado forest health council within the division of forestry within the department of natural resources and specifies the new council's membership and duties. Section 1 schedules the new council for sunset review in 2026.

Comments:

SB21-240 **Watershed Restoration Grant Program Stimulus**

SWCD Position: Discussion

CWC Position: Discussion

Sponsors: Senate (Danielson, Simpson), House (Kipp, Catlin)

Committee of Reference: Senate Agriculture & Natural Resources

Bill Status: Introduced on April 12th and assigned to the Senate Agriculture and Natural Resources Committee.

Title: Concerning the transfer of money from the general fund to the Colorado water conservation board construction fund for watershed protection programs, and, in connection therewith, making an appropriation.

Summary: The bill transfers \$15 million from the general fund to the Colorado Water Conservation Board construction fund for use by the Colorado water conservation board (CWCB) to protect watersheds against the impacts of wildfires through the existing watershed restoration grant program and for conducting a statewide watershed analysis to investigate the susceptibility of life, safety, infrastructure, and water supplies to wildfire impacts. The CWCB can use up to 5% of the money to administer the grant program and up to 10% to provide technical engineering services to grantees. The CWCB is directed to:

- Spend up to \$500,000 by December 31, 2022, to conduct the analysis; and
- Award at least \$10 million dollars in grants under the grant program by July 1, 2022, and award the remaining money, less the money the CWCB uses to administer the grant program and provide technical engineering services, in grants by December 31, 2022.

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

Comments:

HB21-1266 **Environmental Justice Disproportionate Impacted Community**

SWCD Position: Discussion

CWC Position: Discussion

Sponsors: House (Jackson), Senate (Winter, Buckner)

Committee of Reference: House Energy & Environment

Bill Status: Scheduled for consideration by the House Energy and Environment Committee on April 22nd.

Title: Concerning efforts to redress the effects of environmental injustice on disproportionately impacted communities.

Summary: Section 3 of the bill defines "disproportionately impacted community". Section 4 requires the air quality control commission to promote outreach to and engage with disproportionately impacted communities by creating new ways to gather input from communities across the state, using multiple languages and multiple formats, and transparently sharing information about adverse effects resulting from its proposed actions. Section 5 creates the environmental justice action task force (task force) in the department of public health and environment (department), the goal of which is to propose recommendations to the general assembly regarding practical means of addressing environmental justice inequities. The task force will:

- Hold meetings to solicit public comment concerning the development of a state agency-wide environmental justice strategy and a plan to implement that strategy, including ways to address data gaps and data sharing between state agencies and the engagement of disproportionately impacted communities;
- Evaluate and propose recommended revisions to the definition of "disproportionately impacted community" and the state agencies and their proposed actions that are subject to section 3; and
- File a final report by November 14, 2022, regarding its recommendations.

The department will report on the task force during the department's "SMART Act" presentations.
(Note: This summary applies to this bill as introduced.)

Comments:

[HB21-1268](#) Study Emerging Technologies for Water Management

SWCD Position: Discussion
CWC Position: Discussion
Sponsors: House (Titone), Senate (Will)
Committee of Reference: House Agriculture, Livestock and Water

Bill Status: Introduced on April 9th and assigned to the House Agriculture, Livestock and Water Committee.

Title: Concerning a requirement that Colorado institutions of higher education study potential uses of emerging technologies to more effectively manage Colorado's water supply, and, in connection therewith, making an appropriation conditioned on the receipt of matching funds from gifts, grants, and donations.

Summary: The bill declares that new technologies, such as blockchain, telemetry, improved sensors, and advanced aerial observation platforms, can improve monitoring, management, conservation, and trading of water and enhance confidence in the reliability of data underlying water rights transactions. To advance the potential use of these new technologies, the bill:

- Authorizes and directs the university of Colorado and Colorado state university, in collaboration with the Colorado water institute at Colorado state university, to conduct feasibility studies and pilot deployments of these new technologies to improve water management in Colorado; and
- Appropriates \$20,000 to each university from the general fund, contingent on the universities' receipt of a matching \$40,000 in gifts, grants, and donations, for the purpose of funding the feasibility studies and pilot deployments.

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

Comments:

THE FOLLOWING BILLS HAVE ALREADY BEEN CONSIDERED BY SWCD.

<u>SB21-034</u>	Water Resources Financing Enterprise (POSTPONED INDEFINITELY)
SWCD Position:	Monitor
CWC Position:	No Position
Sponsors:	Senate (Coram)
Committee of Reference:	Senate Agriculture & Natural Resources
Bill Status:	Postponed indefinitely by the Senate Agriculture and Natural Resources Committee.
Title:	Concerning the creation of an enterprise that is exempt from the requirements of section 20 of article X of the state constitution to administer a fee-based water resources financing program.
Summary:	<p>This bill creates the water resources financing enterprise. The board of the enterprise would consist of the combined boards of the Colorado Water Resources and Power Development Authority and the Colorado Water Conservation Board. The enterprise will provide financing (including grants and low interest loans) to drinking water suppliers, wastewater treaters, and raw water suppliers. "Raw water suppliers" are limited to those providing raw water for treatment and use as drinking water.</p> <p>The enterprise would be funded with a \$0.25/1000 gal. fee above 4,000 gal./mo. minimum on drinking water bills. The fee would be collected by drinking water utilities and remitted to the state. As a fee-based enterprise, new revenues collected would not be included in any TABOR calculations for state budget caps. Fees may be adjusted annually for inflation and to address "certain equity concerns."</p> <p>Although clearly established as an enterprise fund, voters will be asked in November 2022 to authorize the creation of the enterprise.</p>
Comments:	
<u>SB21-054</u>	Transfers for Wildfire Mitigation and Response (PASSED & SIGNED BY GOVERNOR)
SWCD Position:	Support
CWC Position:	Support
Sponsors:	Senate (Hansen/Rankin) House (McCluskie)
Committee of Reference:	Senate Appropriations
Bill Status:	Passed and signed by the governor.
Title:	Concerning transfers from the general fund to cash funds to be used to address wildland fires, and, in connection therewith, making an appropriation.
Summary:	<p>SB 54 transfers from the General Fund \$13 million to three cash funds for wildfire preparedness and post-fire mitigation.</p> <ul style="list-style-type: none">• Section 1 transfers \$6 million to the forest restoration and wildfire risk mitigation grant program cash fund.• Section 2 transfers \$3 million from the general fund to the wildfire preparedness fund. The division of homeland security and emergency management will use these funds as<ul style="list-style-type: none">○ State match for federal hazard mitigation assistance grants to local governments that are used to mitigate wildland fire hazards; and

- To provide local governments that are eligible to receive the federal grants with strategic planning assistance for wildland fire hazard mitigation.
- Section 3 transfers \$4 million to CWCB construction for the watershed restoration program.

Comments:

SB21-087 **Agricultural Workers' Rights**

SWCD Position: **Oppose**

CWC Position: **Discussion**

Sponsors: Senate (Danielson), House (McCormick, Caraveo)

Committee of Reference: Senate Business, Labor & Technology; Senate Appropriations

Bill Status: Passed out of Senate Business, Labor & Technology as amended on March 17th and referred to Senate Appropriations.

Title: Concerning agricultural workers' rights.

Summary: This lengthy and detailed bill removes the historical exemption of agricultural labor from state and local labor and minimum wage laws. It also provides detailed directions and limitations on farm-labor operations including, among others:

- Specifies meal breaks and rest periods,
- Even specifically prohibits use of the short-handled or long-handled hoes,
- Creates an agricultural work advisory committee to study and analyze agricultural wages and working conditions and
- Creates an appeal process and enforcement actions, including minimum penalties, for aggrieved agricultural employees, whistleblowers, and key service providers.

Comments:

SB21-164 **Uniform Easement Relocation Act (POSTPONED INDEFINITELY)**

SWCD Position: **Oppose**

CWC Position: **Oppose**

Sponsors: Senate (Gardner)

Committee of Reference: Senate Agriculture & Natural Resources

Bill Status: Postponed indefinitely by Senate Agriculture and Natural Resources.

Title: Concerning the "Uniform Easement Relocation Act".

Summary: The bill would enact the "Uniform Easement Relocation Act," drafted by the Uniform Law Commission. The bill sets procedures to relocate most easements. Nearly half of this lengthy bill outlines what must not be done in order to relocate an easement.

Comments:

SB21-189 **Colorado Water Conservation Board Construction Fund Project**

SWCD Position: **Support**

CWC Position: **Support**

Sponsors: Senate (Donovan), House (Arndt)

Committee of Reference: Senate Agriculture and Natural Resources

Bill Status: Passed as amended out of Senate Agriculture and Natural Resources Committee and referred to Senate Appropriations.

Title: Concerning the funding of Colorado Water Conservation Board projects, and, in connection therewith, making an appropriation.

Summary: SB 189 is the annual construction fund bill for CWCB projects' authorizations. In addition to a pared-down list of authorized operations expenditures (e.g., weather modification, flood plain mapping), this year's bill allows a transfer of up to \$2,000,000 to the interstate litigation fund. It also authorizes the CWCB to make a loan up to \$3,000,000 to assist the confined aquifer recovery project in the San Luis Valley. Finally, in a much shorter than normal projects' bill, Section 7 conditionally reinstates funding for the water efficiency grant program with \$550,000 annually if the general assembly chooses not to spend 100% of the money in the operational fund on core departmental programs.

Comments:

[SB21-220](#) Reverse Transfers from Severance Tax Operational Fund

SWCD Position: Support

CWC Position: Discussion

Sponsors: Senate (Hansen, Rankin), House (Herod)

Committee of Reference: Senate Appropriations

Bill Status: Passed out of Senate unamended and awaiting House Third Reading.

Title: Concerning the stabilization of revenue in the severance tax operational fund by returning money that was transferred to natural resources and energy grant programs.

Summary: Money in the severance tax operational fund is primarily used for two purposes. The General Assembly annually appropriates money from the operational fund for several core departmental programs. If money remains after these core appropriations and the reserve requirement for the core programs is met, then the state treasurer transfers money to several funds that support natural resources and energy grant programs. (These used to be called "Tier II" programs.)

Based on recent forecasts, there will be insufficient revenue in the operational fund for even the core departmental programs. To avoid a fund deficit in the operational fund, this JBC bill reverses five transfers made in the following amounts:

\$1,998,205 for the Species Conservation Trust Fund (SCTF);
 \$1,600,964 for CPW's aquatic nuisance species (ANS) fund;
 \$219,803 for the CWCB's water efficiency grant program cash fund;
 \$297,759 for the Inter-Basin Compact Committee's (IBCC) operating fund; and
 \$3,996,410 for the water supply reserve fund (WSRF).

Comments:

HJR21-1002 **Water Projects Eligibility Lists (PASSED & SIGNED BY THE GOVERNOR)**

SWCD Position: Support

CWC Position: Support

Sponsors: House (Arndt), Senate (Donovan)

Committee of Reference: House Agriculture, Livestock & Water

Bill Status: Passed and signed by the governor.

Title: Concerning approval of water project revolving fund eligibility lists administered by the Colorado water resources and power development authority.

Summary: See bill text for full fund eligibility lists.

Comments:

HB21-1008 **Forest Health Project Financing**

SWCD Position: Support as amended

CWC Position: Support

Sponsors: House (Arndt/Catlin), Senate (Cooke/Hansen)

Committee of Reference: House Agriculture, Livestock & Water, House Finance

Bill Status: Passed out of the House, out of Senate Ag and Natural Resources and awaiting Senate First reading on April 20th.

Title: Concerning increased options for financing forest health projects, and, in connection therewith, financing wildfire mitigation treatments.

Summary: HB 1008 provides additional options for financing forest health projects by authorizing:

- Creation of special improvement districts by a combination of local governments,
- Special assessments on property specially benefited by the improvement district, including forest health projects,
- Specifically authorizing counties, municipalities, special districts, water conservancy districts, the Colorado River District, and the Southwestern Water Conservation District to participate in and finance forest health projects; and
- A forest improvement district to use sales tax revenue for forest health projects.

The bill also extends the statutory sunset of the Colorado Water Resources Power and Development Authority to issue bonds to fund watershed protection and forest health projects from July 1, 2023, to July 1, 2033.

Comments:

HB21-1043 **Study Underground Water Storage Maximum Beneficial Use**

SWCD Position: Monitor

CWC Position: Support

Sponsors: House (Holtorf), Senate (Sonnenberg)

Committee of Reference: House Agriculture, Livestock & Water

Bill Status: Passed as amended out of House Agriculture, Livestock and Water Committee and House Finance Committee, and referred to House Appropriations.

Title: Concerning a study of underground water storage to maximize the beneficial use of water within Colorado.

Summary: This bill directs the CWCB, in consultation with the state engineer, to sponsor a study of underground water storage for later recovery. The study must identify:

- Specific aquifers that are hydrologically and legally available to be used for underground storage and subsequent beneficial use;
- Sources of revenue that could be used to pay for underground storage projects;
- Planned, potential or existing underground storage projects that meet the objectives identified in the study; and
- Recommend legislative changes needed to implement underground storage projects.

The bill directs the study be submitted to the Water Resources Review Committee by August 1, 2022, including recommended legislation to implement the study's recommendations

Comments:

[HB21-1046](#) Water Share Right Mutual Ditch Corporation

SWCD Position: Monitor

CWC Position: Support

Sponsors: House (Arndt/Catlin), Senate (Fields/Sonnenberg)

Committee of Reference: House Agriculture, Livestock & Water

Bill Status: Passed as amended out of the House and Senate Ag and Natural Resources Committee, awaiting Senate First Reading on April 20th.

Title: Concerning the use of a water right obtained through a mutual ditch corporation.

Summary: The House Ag. Committee unanimously voted to adopt the sponsors' amendment rewriting the entirety of HB21-1046. The strike below (SBEC) amendment resulted from extensive stakeholder outreach and collaboration at the State Affairs Committee of CWC. The resulting SBEC amendment reflects a consensus compromise for a workable bill addressing the most troubling elements of recent water court rulings. The amended bill clarifies that, subject to the Articles of Incorporation and Bylaws of the corporation:

- When stockholder demand exceeds supply, mutual ditch corporations may limit or otherwise rotate delivery of water ratably among the stockholders;
- When a stockholder is not using some of or all of the available water under the stockholder's shares, the remaining stockholders taking delivery of water through the ditch may use any unused portion of the water that would otherwise have been available to that stockholder's shares, absent certain exceptions; and
- The provision is not intended to prevent a stockholder from changing the use of the water rights represented by the stockholder's shares, create any impediments to changes in use, affect storage water rights, or change the standards for water court approval to change a water right.

Comments:

HB21-1105 **Low-Income Utility Payment Assistance Contributions**

SWCD Position: Support**CWC Position:** No action**Sponsors:** House (Kennedy), Senate (Hansen)**Committee of** House Finance**Reference:****Bill Status:** Passed out of House Finance Committee as amended and referred to House Appropriations.**Title:** Concerning utility customers' financial contributions for low-income utility assistance.**Summary:** This 17-section bill has several water-related elements. Section 1 removes the low-income energy assistance program (LEAP) from the "tier 2" severance tax operational fund money, something the water community has advocated for years. Later sections provide for voluntary, opt-in charges that a water utility may offer its customers to help finance a water utility bill payment assistance program. Alternatively, HB 1105 allows a water utility to implement its own water utility bill payment assistance program.**Comments:**

HB21-1226 **More Robust Check Station Aquatic Nuisance Species**

SWCD Position: Support**CWC Position:** Support**Sponsors:** House (Esgar, Will), Senate (Coram, Donovan)**Committee of** House Agriculture, Livestock & Water**Reference:****Bill Status:** Scheduled for House Third Reading as amended on April 19th.**Title:** Concerning additional measures to control aquatic nuisance species, and, in connection therewith, prohibiting a person from refusing to stop at a check station and directing the division of parks and wildlife to report to the general assembly regarding implementation of the act.**Summary:** Current law allows qualified peace officers to stop a conveyance, including a boat trailer and a boat, and inspect the conveyance for the presence of aquatic nuisance species before the boat is launched onto waters of the state and before departing from the waters of the state or a vessel staging area, and to impound and quarantine a conveyance that is contaminated until it is decontaminated. Authorized agents can detain and inspect conveyances but cannot impound or quarantine conveyances. Section 1 of the bill directs the division of parks and wildlife in the department of natural resources to investigate the methods that other states are using with respect to the location and operation of check stations and report regarding its investigation and the operation of check stations pursuant to the bill to the general assembly's committees with jurisdiction over wildlife. Section 2 authorizes a qualified peace officer to stop and inspect for the presence of aquatic nuisance species a conveyance that has encountered an aquatic nuisance species check station. Section 3 prohibits a person who encounters a check station from failing or refusing to stop at the check station while transporting a conveyance during the check station's hours of operation without presenting the conveyance for inspection.

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

Comments:

HB21-1233 Conservation Easement Tax Credit Modifications

SWCD Position: Monitor**CWC Position:** Discussion**Sponsors:** House (Roberts, Will), Senate (Donovan, Winter)**Committee of Reference:** House Agriculture, Livestock & Water**Bill Status:** Passed out of House Agriculture, Livestock, and Water Committee and scheduled for House Finance Committee on April 22nd.**Title:** Concerning modifications to the requirements for claiming an income tax credit for the donation of a perpetual conservation easement.**Summary:** HB 1233 makes numerous changes affecting claims for an income tax credit for the donation of a perpetual conservation easement. The proposed changes are generally favorable and clarifying for potential easement donors.**Comments:**

HB21-1260 General Fund Transfer Implement State Water Plan

SWCD Position: Support**CWC Position:** Discussion**Sponsors:** House (Garnett/Catlin), Senate (Donovan/Simpson)**Committee of Reference:** House Agriculture, Livestock & Water**Bill Status:** Scheduled for consideration by the House Agriculture, Livestock and Water Committee on April 19th.**Title:** Concerning transfers of money from the general fund to implement the state water plan, and, in connection therewith, making an appropriation.**Summary:** The bill allocates \$20 million from the general fund to the Colorado water conservation board (CWCB) to be spent to implement the state water plan as follows:

- \$15 million, which is transferred to the water plan implementation cash fund for expenditures and grants administered by the CWCB to implement the state water plan; and
- \$5 million, which is transferred to the water supply reserve fund for CWCB to disperse to the basin roundtables.

Comments:

Monitoring legislation is integral to keeping a finger on the pulse of dynamic water policy in the state. On behalf of its diverse constituents in southwestern Colorado, the Southwestern Water Conservation District (SWCD) tracks state water legislation closely. Beth Van Vurst, SWCD General Counsel, and Chris Treese, lobbyist, ensure the views and priorities of southwestern Colorado are considered as the State legislature enacts new laws affecting water resources.

SWCD staff provides this written summary of water-related legislation, updated throughout the session via email to interested stakeholders and public. To be added to the list, please contact lauras@swwcd.org. We hope that you find the updates beneficial and informative.

Colorado Water Congress 2021 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
HB21-1008	Forest Health Project Financing	8-Mar	16-Feb	2/22 Ag	04-Mar F	9-Mar	10-Mar	12-Mar	15-Apr Ag					
HB21-1043	Study Underground Water Storage Maximum Beneficial Use	1-Mar	16-Feb	3/1 Ag	01-Apr F									
HB21-1046	Water Share Right Mutual Ditch Corporation	15-Mar	16-Feb	3/17 Ag		22-Mar	23-Mar	24-Mar	15-Apr Ag					
HB21-1105	Low-income Utility Payment Assistance Contributions	22-Mar	16-Feb	4/1 F	Ap									
HB21-1168	Historically Underutilized Businesses Local Government Procurement	29-Mar	4-Mar	3/31 TLG	F									
HB21-1181	Agricultural Soil Health Program		4-Mar	3/22 Ag	5/4 Ap	7-Apr	8-Apr	9-Apr	Ag					
HB21-1226	More Robust Check Station Aquatic Nuisance Species	5-Apr	18-Mar	4/8 Ag		15-Apr								
HB21-1233	Conservation Easement Tax Credit Modifications		19-Mar	4/5 Ag	F									

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
HB21-1242	Create Agricultural Drought and Climate Resilience Office	12-Apr	24-Mar	4/5 Ag		15-Apr								
HB21-1260	General Fund Transfer Implement State Water	19-Apr	6-Apr	Ag										
HB21-1266	Environmental Justice Disproportionate Impacted Community		6-Apr	EE										
HB21-1268	Study Emerging Technologies for Water Management		9-Apr	Ag										
SB21-028	Promulgation of Public Health Rules and Orders	1-Mar	16-Feb	3/2 SVMA										
SB21-034	Water Resource Financing Enterprise		16-Feb	3/11 Ag										
SB21-054	Transfers for Wildfire Mitigation and Response	1-Mar	16-Feb	2/23 Ap		25-Feb	26-Feb	26-Feb	02-Mar Ap	4-Mar	5-Mar	11-Mar	11-Mar	11-Mar
SB21-113	Firefighting Aircraft Wildfire Mgmt and Response	1-Mar	19-Feb	2/23 Ap		25-Feb	26-Feb	26-Feb	02-Mar Ap	4-Mar	5-Mar	10-Mar	10-Mar	11-Mar

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
SB21-136	Sunset Forest Health Advisory Council	22-Mar	1-Mar	3/11 Ag	4/1 Ap	1-Apr	5-Apr	5-Apr	Ag					
SB21-145	Extending Expiring Tax Check-offs	22-Mar	1-Mar	3/8 F		11-Mar	12-Mar	17-Mar	01-Apr F	7-Apr	8-Apr	13-Apr	13-Apr	
SB21-164	Uniform Easement Relocation Act	15-Mar	2-Mar	3/18 Ag										
SB21-170	Wildland Fire Mitigation Cooperative Electric Association	22-Mar	2-Mar	T&E										
SB21-176	Protecting Opportunities and Workers' Rights	29-Mar	8-Mar	J										
SB21-189	Colorado Water Conservation Board Construction Fund Project	5-Apr	19-Mar	4/1 Ag	Ap									
SB21-200	Reduce Greenhouse Gases Increase Environmental Justice	19-Apr	29-Mar	TE										
SB21-202	Public School Air Quality Improvement Grants		31-Mar	15-Apr E	Ap									
SB21-220	Reverse Transfers From Severance Tax Operational Fund		5-Apr	4/6 Ap		8-Apr	9-Apr	9-Apr	13-Apr Ap	15-Apr				

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
SB21-225	Repay Cash Funds for 2020 Transfers		5-Apr	4/6 Ap		8-Apr	9-Apr	9-Apr	13-Apr Ap	15-Apr				
SB21-234	General Fund Transfer Agriculture and Drought Resiliency		6-Apr	Ag										
SB21-237	Create Forest Health Council in Department of Natural Resources		6-Apr	Ag										
SB21-240	Waterwhed Restoration Grant Program Stimulus		12-Apr	Ag										
HJR21-1002	Water Projects Eligibility Lists	16-Feb	15-Jan	2/18 Ag		24-Feb	23-Feb	04-Mar Ag		10-Mar	11-Mar	11-Mar	21-Mar	

BILL STATUS	ABBREVIATIONS
Bill scheduled for action at next SA meeting (yellow)	Ag = Agriculture, Livestock & Water
Bill not calendared (no fill)	Ap = Appropriations Committee
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
<u>CWC POSITION</u>	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

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

INTRODUCED

LLS NO. 21-0889.01 Thomas Morris x4218

SENATE BILL 21-234

SENATE SPONSORSHIP

Jaquez Lewis and Sonnenberg,

HOUSE SPONSORSHIP

Cutter and Holtorf,

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 **CONCERNING CREATION OF THE AGRICULTURE AND DROUGHT**
102 **RESILIENCY FUND, AND, IN CONNECTION THEREWITH,**
103 **TRANSFERRING MONEY FROM THE GENERAL FUND TO THE FUND**
104 **AND MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the agriculture and drought resiliency fund and directs the state treasurer to transfer \$3 million from the general fund to the fund. The department of agriculture will use the fund to engage in

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.

activities that promote the ability of the state to anticipate, prepare for, mitigate, adapt to, or respond to any event, trend, or climatological disturbance related to drought or climate. The fund is repealed, effective September 1, 2022.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 35-1-114 as
3 follows:

4 **35-1-114. Agriculture and drought resilience - cash fund -**
5 **legislative declaration - repeal.** (1) THE GENERAL ASSEMBLY HEREBY:

6 (a) FINDS THAT:

7 (I) IN 2020, ALL OF COLORADO WAS IN DROUGHT;

8 (II) MAJOR DRIVERS OF THE SEVERE DROUGHT IN 2020 INCLUDE AN
9 ESSENTIALLY ABSENT MONSOON SEASON, INCREASED SOIL MOISTURE
10 DEFICITS, RECORD-HIGH TEMPERATURES, AND EXTREME EVAPORATIVE
11 DEMANDS FROM WINDS, LOW HUMIDITY, AND HIGH TEMPERATURES; AND

12 (III) A WARM SPRING, DRY SUMMER, AND CRITICALLY HOT
13 AUTUMN WITH A COMPLETE LACK OF MONSOONAL MOISTURE
14 CONTRIBUTED TO 2020'S RECORD-BREAKING FIRES;

15 (b) DETERMINES THAT:

16 (I) MULTI-YEAR OR COMPOUNDING HAZARDS, SUCH AS THE 2018
17 DROUGHT, 2019 FREEZE, 2020 DROUGHT, AND WILDFIRES, TAKE DEEP
18 ECONOMIC AND ECOLOGICAL TOLLS ON COLORADO'S AGRICULTURE;

19 (II) CLIMATE OUTLOOKS FOR 2021 INDICATE DROUGHT
20 CONDITIONS ARE EXPECTED TO CONTINUE;

21 (III) MORE THAN ONE HUNDRED STUDIES PUBLISHED SINCE 2013
22 SHOW STRONG CONSENSUS THAT CLIMATE CHANGE PROMOTES THE
23 WEATHER CONDITIONS ON WHICH WILDFIRES DEPEND, ENHANCING THEIR

1 LIKELIHOOD AND INCREASING THEIR SEVERITY; AND

2 (IV) BY 2050, DROUGHT MAY COST COLORADO AN ADDITIONAL
3 FIVE HUNDRED ELEVEN MILLION DOLLARS IN EXPECTED ANNUAL DAMAGES
4 TO AGRICULTURE; AND

5 (c) DECLARES THAT SUPPORTING AGRICULTURAL DROUGHT AND
6 CLIMATE RESILIENCE IS ESSENTIAL TO A STRONG AND PROSPEROUS FUTURE
7 FOR AGRICULTURE IN COLORADO.

8 (2) (a) THE AGRICULTURE AND DROUGHT RESILIENCY FUND,
9 REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE
10 STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND
11 PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION AND ANY OTHER
12 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
13 TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
14 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
15 FUND TO THE FUND.

16 (b) WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS
17 SECTION, THE STATE TREASURER SHALL TRANSFER THREE MILLION
18 DOLLARS FROM THE GENERAL FUND TO THE FUND.

19 (3) (a) THE DEPARTMENT SHALL COLLABORATE AND COORDINATE
20 AS NECESSARY WITH THE DEPARTMENT OF NATURAL RESOURCES, THE
21 COLORADO WATER CONSERVATION BOARD, AND THE GOVERNOR'S
22 AGRICULTURAL IMPACT TASK FORCE TO IDENTIFY THE MOST EFFECTIVE
23 AND EFFICIENT USES OF THE MONEY IN THE FUND.

24 (b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
25 ASSEMBLY, THE DEPARTMENT SHALL USE THE MONEY IN THE FUND TO
26 ENGAGE IN ACTIVITIES THAT PROMOTE THE ABILITY OF THE STATE TO
27 ANTICIPATE, PREPARE FOR, MITIGATE, ADAPT TO, OR RESPOND TO ANY

1 EVENT, TREND, OR CLIMATOLOGICAL DISTURBANCE RELATED TO DROUGHT
2 OR CLIMATE, INCLUDING:

3 (I) DEVELOPING OR FACILITATING A HAY BANK TO PROVIDE
4 FARMERS AND RANCHERS WITH ADEQUATE RESOURCES FOR LIVESTOCK IN
5 TIMES OF DROUGHT;

6 (II) PROVIDING FINANCIAL OR TECHNICAL ASSISTANCE WITH
7 TRANSPORTING HAY OR LIVESTOCK FEED FROM AREAS OUTSIDE OF
8 COLORADO;

9 (III) SUPPORTING RECOVERY OF GRAZING LANDS FOLLOWING
10 WILDFIRE DEVASTATION EXACERBATED BY DROUGHT CONDITIONS; OR

11 (IV) PROVIDING TO PRODUCERS, AS DEFINED BY THE FEDERAL
12 DEPARTMENT OF AGRICULTURE, TECHNICAL ASSISTANCE TO HELP PREPARE
13 AND PLAN FOR FUTURE OR PERSISTENT DROUGHT CONDITIONS.

14 (4) THE DEPARTMENT SHALL INCLUDE UPDATES REGARDING ITS
15 ACTIVITIES UNDERTAKEN PURSUANT TO THIS SECTION, INCLUDING
16 EXPENDITURES FROM THE FUND, IN ITS DEPARTMENTAL PRESENTATION TO
17 LEGISLATIVE COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203.

18 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2022.

19 **SECTION 2. Appropriation.** For the 2020-21 state fiscal year,
20 \$3,000,000 is appropriated to the department of agriculture for use by the
21 department. This appropriation is from the general fund. The department
22 may use this appropriation to implement this act. Any money appropriated
23 in this section but not expended prior to July 1, 2021, is further
24 appropriated to the department for the 2021-22 and 2022-23 state fiscal
25 years for the same purpose.

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.

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0927.01 Thomas Morris x4218

SENATE BILL 21-237

SENATE SPONSORSHIP

Donovan,

HOUSE SPONSORSHIP

McCluskie,

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 CONCERNING CREATION OF THE COLORADO FOREST HEALTH COUNCIL
102 IN THE DEPARTMENT OF NATURAL RESOURCES, AND, IN
103 CONNECTION THEREWITH, REPEALING THE FOREST HEALTH
104 ADVISORY COUNCIL WITHIN THE STATE FOREST SERVICE.

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>.)

Under current law, the forest health advisory council was created within the state forest service, which is within Colorado state university. **Section 4** of the bill repeals the forest health advisory council and **section**

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.

2 creates the Colorado forest health council within the division of forestry within the department of natural resources and specifies the new council's membership and duties. **Section 1** schedules the new council for sunset review in 2026.

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

2 **SECTION 1.** In Colorado Revised Statutes, 2-3-1203, **repeal**
3 (12)(a)(III); and **add** (17)(a)(IV) as follows:

4 **2-3-1203. Sunset review of advisory committees - legislative**
5 **declaration - definition - repeal.** (12) (a) The following statutory
6 authorizations for the designated advisory committees will repeal on
7 September 1, 2021:

8 (III) ~~The forest health advisory council created in section~~
9 ~~23-31-316, C.R.S.;~~

10 (17) (a) The following statutory authorizations for the designated
11 advisory committees will repeal on September 1, 2026:

12 (IV) THE COLORADO FOREST HEALTH COUNCIL CREATED IN
13 SECTION 24-33-206.

14 **SECTION 2.** In Colorado Revised Statutes, **add** 24-33-206 as
15 follows:

16 **24-33-206. Colorado forest health council - legislative**
17 **declaration - repeal.** (1) **Legislative declaration.** THE GENERAL
18 ASSEMBLY HEREBY:

19 (a) FINDS THAT:

20 (I) THE FOREST HEALTH ADVISORY COUNCIL WAS CREATED
21 PURSUANT TO HOUSE BILL 16-1255 WITHIN THE COLORADO STATE FOREST
22 SERVICE TO PROVIDE A COLLABORATIVE FORUM TO ADVISE THE STATE
23 FORESTER ON A RANGE OF ISSUES, OPPORTUNITIES, AND THREATS WITH

1 REGARD TO COLORADO'S FORESTS;

2 (II) SINCE THEN, THE COUNCIL HAS MET REGULARLY TO DEVELOP
3 FOREST HEALTH PRIORITIES AND RECOMMENDATIONS, PROVIDE EARLY AND
4 ONGOING INPUT ON THE DEVELOPMENT OF THE FOREST ACTION PLAN, AND
5 CONVENE DISCUSSIONS ON ISSUES SUCH AS LANDSCAPE-SCALE PLANNING,
6 PRESCRIBED FIRES, WATERSHED HEALTH, FEDERAL FUNDING, AND OTHER
7 TOPICS; AND

8 (III) DURING THE 2020 FIRE SEASON, COLORADO EXPERIENCED ITS
9 THREE LARGEST WILDFIRES IN RECORDED HISTORY, WITH WILDFIRES
10 STATEWIDE BURNING OVER SIX HUNDRED TWENTY-FIVE THOUSAND ACRES
11 AND COSTING AT LEAST TWO HUNDRED EIGHTY-FIVE MILLION DOLLARS TO
12 SUPPRESS; AND

13 (b) DETERMINES THAT:

14 (I) THE CHALLENGES FACING COLORADO'S FORESTS, FROM
15 INVASIVE SPECIES TO WILDFIRE ACTIVITY, HAVE BECOME INCREASINGLY
16 SERIOUS AND COMPLEX;

17 (II) THE TREND TOWARDS LARGER, MORE DESTRUCTIVE, MORE
18 FREQUENT WILDFIRES IS EXPECTED TO CONTINUE IN THE YEARS TO COME
19 AS A RESULT OF HISTORICAL FIRE SUPPRESSION PRACTICES AND ONGOING
20 CLIMATE-CHANGE-INDUCED SHIFTS IN WEATHER CONDITIONS AND FOREST
21 HEALTH; AND

22 (III) INVESTMENTS IN FOREST HEALTH AND WILDFIRE MITIGATION
23 HELP AVOID MORE EXPENSIVE FIRE SUPPRESSION AND RECOVERY COSTS
24 AND PROVIDE MULTIPLE BENEFITS TO INDIVIDUALS AS WELL AS SOCIETY,
25 INCLUDING PROTECTION OF LIVES AND PROPERTY, WATERSHEDS, WILDLIFE
26 HABITAT, LIVELIHOODS, AND AIR QUALITY; CARBON SEQUESTRATION; AND
27 OPPORTUNITIES FOR RECREATION AND SOLACE; AND

1 (c) DECLARES THAT:

2 (I) AS THE ISSUES RELATED TO FOREST HEALTH AND WILDFIRE
3 MITIGATION HAVE EVOLVED, SO HAS THE MANNER IN WHICH THE STATE
4 SEEKS TO ADDRESS THEM, AND CREATING A COLORADO FOREST HEALTH
5 COUNCIL WITHIN THE DEPARTMENT OF NATURAL RESOURCES TO REPORT
6 TO THE GOVERNOR AND THE GENERAL ASSEMBLY IS THE MOST EFFECTIVE
7 AND INTEGRATED STRUCTURE THROUGH WHICH TO DO SO ; AND

8 (II) ESTABLISHING THE COLORADO FOREST HEALTH COUNCIL
9 SERVES THE INTEREST OF THE STATE AND LOCAL COMMUNITIES IN
10 DEVELOPING EFFECTIVE STRATEGIES FOR FOREST HEALTH AND WILDFIRE
11 MITIGATION.

12 (2) **Council created.** THERE IS HEREBY CREATED WITHIN THE
13 DIVISION OF FORESTRY IN THE DEPARTMENT OF NATURAL RESOURCES THE
14 COLORADO FOREST HEALTH COUNCIL, REFERRED TO THIS SECTION AS THE
15 "COUNCIL", TO PROVIDE A COLLABORATIVE FORUM TO ADVISE THE
16 GOVERNOR AND GENERAL ASSEMBLY ON A BROAD RANGE OF ISSUES,
17 OPPORTUNITIES, AND THREATS WITH REGARD TO COLORADO'S FORESTS.

18 (3) **Membership.** (a) THE COUNCIL CONSISTS OF THE FOLLOWING
19 TWENTY-THREE MEMBERS:

20 (I) THE FOLLOWING EX OFFICIO MEMBERS OR THEIR DESIGNEES:

21 (A) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL
22 RESOURCES, WHO IS THE CHAIR OF THE COUNCIL;

23 (B) THE STATE FORESTER APPOINTED PURSUANT TO SECTION
24 23-31-207;

25 (C) THE DIRECTOR OF THE DIVISION OF FIRE PREVENTION AND
26 CONTROL APPOINTED PURSUANT TO SECTION 24-33.5-1201;

27 (D) THE REGIONAL FORESTER OR DEPUTY REGIONAL FORESTER FOR

1 THE UNITED STATES FOREST SERVICE REGION 2;

2 (E) THE FORESTRY PROGRAM LEAD FOR THE FEDERAL BUREAU OF
3 LAND MANAGEMENT IN COLORADO;

4 (F) THE STATE CONSERVATIONIST FOR THE NATURAL RESOURCES
5 CONSERVATION SERVICE IN THE UNITED STATES DEPARTMENT OF
6 AGRICULTURE;

7 (II) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

8 (A) AN EMPLOYEE OF THE COLORADO OFFICE OF ECONOMIC
9 DEVELOPMENT CREATED IN SECTION 24-48.5-101 WITH A LEADERSHIP
10 ROLE AND EXPERTISE IN OUTDOOR RECREATION;

11 (B) ONE MEMBER WHO IS AN ENROLLED MEMBER OF A TRIBE THAT
12 HAS A RESERVATION WITHIN COLORADO;

13 (C) TWO COUNTY COMMISSIONERS, ONE OF WHOM MUST
14 REPRESENT A COUNTY WEST OF THE CONTINENTAL DIVIDE AND ONE OF
15 WHOM MUST REPRESENT A COUNTY EAST OF THE CONTINENTAL DIVIDE;

16 (D) ONE MEMBER WHO IS EMPLOYED OR ASSOCIATED WITH A
17 FOREST COLLABORATIVE ORGANIZATION;

18 (E) ONE MEMBER WHO IS A FOREST SCIENTIST OR IS EMPLOYED IN
19 A FOREST RESEARCH POSITION AND HAS CLIMATE SCIENCE EXPERTISE;

20 (F) ONE MEMBER WHO IS EMPLOYED BY A RESEARCH INSTITUTION
21 AND WHO HAS FOREST POLICY EXPERTISE;

22 (G) TWO MEMBERS EMPLOYED BY A WATER SUPPLIER, INCLUDING
23 A MUNICIPAL DRINKING WATER SUPPLIER AND AN IRRIGATION WATER
24 SUPPLIER, ONE OF WHOM MUST RESIDE IN A COUNTY WEST OF THE
25 CONTINENTAL DIVIDE;

26 (H) ONE MEMBER WHO IS EMPLOYED OR ASSOCIATED WITH THE
27 TIMBER INDUSTRY;

1 (I) ONE MEMBER WHO IS EMPLOYED BY OR ASSOCIATED WITH A
2 CONSERVATION ORGANIZATION;

3 (J) ONE MEMBER WHO IS EMPLOYED BY OR ASSOCIATED WITH THE
4 INSURANCE INDUSTRY;

5 (K) ONE MEMBER WHO IS EMPLOYED BY A PUBLIC UTILITY THAT
6 OWNS OR OPERATES TRANSMISSION FACILITIES;

7 (L) ONE MEMBER WHO OWNS A RANCH AND OWNS GRAZING RIGHTS
8 ON PUBLIC LANDS; AND

9 (M) ONE MEMBER WHO IS EMPLOYED BY OR ASSOCIATED WITH A
10 WILDLIFE ORGANIZATION; AND

11 (III) TWO MEMBERS OF THE GENERAL ASSEMBLY, INCLUDING A
12 MAJORITY AND MINORITY REPRESENTATIVE FROM THE WILDFIRE MATTERS
13 REVIEW COMMITTEE, ONE APPOINTED BY THE PRESIDENT OF THE SENATE
14 AND ONE APPOINTED BY THE SPEAKER OF THE HOUSE OF
15 REPRESENTATIVES;

16 (b) THE TERM OF EACH COUNCIL MEMBER IS FIVE YEARS; EXCEPT
17 THAT THE TERMS OF COUNCIL MEMBERS APPOINTED PURSUANT TO
18 SUBSECTIONS (3)(a)(II)(A) TO (3)(a)(II)(I) OF THIS SECTION IS THREE
19 YEARS.

20 (4) **Powers and duties.** (a) THE MISSION OF THE COUNCIL IS TO
21 IMPROVE FOREST HEALTH IN COLORADO THROUGH AN INTEGRATED,
22 SCIENCE-BASED, STATEWIDE APPROACH FOCUSED ON COLLABORATION
23 AMONG FEDERAL, STATE, AND LOCAL GOVERNMENTS, AND PRIVATE AND
24 NONPROFIT PARTNERS, TO MITIGATE WILDFIRE, RESTORE ECOLOGICAL
25 HEALTH, SAFEGUARD COMMUNITIES AND WATER SUPPLIES, MITIGATE AND
26 ADAPT TO CLIMATE CHANGE, SUPPORT LOCAL ECONOMIES, AND PROTECT
27 RECREATIONAL SETTINGS, AS APPROPRIATE, ACROSS ALL JURISDICTIONAL

1 BOUNDARIES.

2 (b) IN FURTHERANCE OF ITS MISSION, THE COUNCIL SHALL ENGAGE
3 IN AT LEAST THE FOLLOWING ACTIVITIES:

4 (I) MAKING RECOMMENDATIONS FOR FOREST HEALTH AND
5 WILDFIRE MITIGATION CAPACITY BUILDING AND FUNDING;

6 (II) DEVELOPMENT OF, AND RECOMMENDATIONS FOR, ATTAINING
7 A THIRTY-YEAR VISION FOR FOREST HEALTH IN COLORADO, INCLUDING
8 DEVELOPING GOALS AND BOTH ANNUAL AND MULTI-YEAR
9 RECOMMENDATIONS FOR ACTIONS TO IMPROVE FOREST HEALTH AND
10 REDUCE FIRE RISK THROUGH INCREASED FUNDING AND CAPACITY
11 BUILDING;

12 (III) IDENTIFICATION OF STATE-LEVEL PRIORITIES FOR FOREST
13 RESTORATION, WILDFIRE RISK REDUCTION, AND RELATED MANAGEMENT;
14 KEY BARRIERS INHIBITING THE ACHIEVEMENT OF THOSE PRIORITIES; AND
15 SOLUTIONS TO OVERCOME THOSE BARRIERS;

16 (IV) MONITORING TRENDS RELATED TO FOREST ECOSYSTEM
17 HEALTH, INCLUDING THOSE RELATED TO CLIMATE ADAPTATION, AND
18 ADVISING ON OPPORTUNITIES FOR STATE-LEVEL ACTION;

19 (V) MONITORING AND IDENTIFYING OPPORTUNITIES TO SUPPORT
20 AND PROMOTE SYNERGY ACROSS FOREST-BASED COLLABORATIVES IN THE
21 STATE, INCLUDING COORDINATING STATE FUNDING SOURCES AND SHARING
22 BEST PRACTICES;

23 (VI) IDENTIFICATION OF STRATEGIES FOR BUILDING SUSTAINED
24 CAPACITY TO CONDUCT FOREST RESTORATION AND WILDFIRE MITIGATION
25 WORK AT SCALE THROUGH COLLABORATION ACROSS MULTIPLE AGENCIES,
26 ORGANIZATIONS, AND JURISDICTIONS; PUBLIC-PRIVATE PARTNERSHIPS;
27 INNOVATIVE PUBLIC AND PRIVATE FUNDING VEHICLES; SHARED

1 STEWARDSHIP; AND OTHER SOLUTIONS, WITH EMPHASIS ON LEVERAGING
2 AND MAXIMIZING THE IMPACT AND REACH OF STATE FUNDING;

3 (VII) IDENTIFICATION OF WORKFORCE DEVELOPMENT CHALLENGES
4 AND OPPORTUNITIES, AS WELL AS POTENTIAL REGIONAL AND STATEWIDE
5 ECONOMIC BENEFITS, ASSOCIATED WITH A SIGNIFICANT INCREASE IN
6 WILDFIRE MITIGATION AND FOREST RESTORATION ACTIVITIES;

7 (VIII) DEVELOPMENT AND SUPPORT OF SOLUTIONS TO MANAGE
8 AND UTILIZE WOODY MATERIAL PRODUCED BY MITIGATION WORK,
9 INCLUDING CONSIDERATION OF CLIMATE CHANGE AND ECOLOGICAL
10 IMPACTS;

11 (IX) DEVELOPMENT OF LEGISLATIVE AND REGULATORY
12 RECOMMENDATIONS FOR POLICIES THAT COULD SUPPORT WILDFIRE
13 MITIGATION AND FOREST RESTORATION GOALS; AND

14 (X) PROVIDING TECHNICAL EXPERTISE AND RECOMMENDATIONS
15 TO INFORM THE GENERAL ASSEMBLY, THE EXECUTIVE BRANCH, AND
16 FEDERAL AND LOCAL AGENCIES ON FOREST HEALTH AND WILDFIRE
17 MITIGATION ISSUES.

18 (5) **Staff support.** THE DIVISION SHALL PROVIDE OFFICE SPACE,
19 EQUIPMENT, AND STAFF SERVICES AS MAY BE NECESSARY TO IMPLEMENT
20 THIS SECTION.

21 (6) **Reports.** AT A MINIMUM, THE COUNCIL SHALL ANNUALLY
22 BRIEF THE WILDFIRE MATTERS REVIEW COMMITTEE CREATED IN SECTION
23 2-3-1602 AND SUBMIT AN ANNUAL REPORT TO THE GOVERNOR.

24 (7) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1,
25 2026. BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN
26 ACCORDANCE WITH SECTION 2-3-1203.

27 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-1233,

1 **amend** (3)(a)(IV) as follows:

2 **24-33.5-1233. Colorado fire commission - creation - powers**
3 **and duties - report - legislative declaration - repeal. (3) Membership.**

4 (a) The commission consists of twenty-four voting members as follows:

5 (IV) The state forester, or the state forester's designee, to include
6 relevant information pursuant to section ~~23-31-316~~ 24-33-206;

7 **SECTION 4.** In Colorado Revised Statutes, **repeal** 23-31-316.

8 **SECTION 5. 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.

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0884.01 Thomas Morris x4218

SENATE BILL 21-240

SENATE SPONSORSHIP

Danielson and Simpson,

HOUSE SPONSORSHIP

Kipp and Catlin,

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 CONCERNING THE TRANSFER OF MONEY FROM THE GENERAL FUND TO
102 THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION
103 FUND FOR WATERSHED PROTECTION PROGRAMS, AND, IN
104 CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill transfers \$15 million from the general fund to the Colorado water conservation board construction fund for use by the Colorado water conservation board (CWCB) to protect watersheds

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.

against the impacts of wildfires through the existing watershed restoration grant program and for conducting a statewide watershed analysis to investigate the susceptibility of life, safety, infrastructure, and water supplies to wildfire impacts. The CWCB can use up to 5% of the money to administer the grant program and up to 10% to provide technical engineering services to grantees. The CWCB is directed to:

- Spend up to \$500,000 by December 31, 2022, to conduct the analysis; and
- Award at least \$10 million dollars in grants under the grant program by July 1, 2022, and award the remaining money, less the money the CWCB uses to administer the grant program and provide technical engineering services, in grants by December 31, 2022.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-60-121, **amend**
3 **as added by Senate Bill 21-054** (11) as follows:

4 **37-60-121. Colorado water conservation board construction**
5 **fund - creation - nature of fund - funds for investigations -**
6 **contributions - use for augmenting the general fund - funds created**
7 **- repeal.** (11) (a) On the effective date of this subsection (11), the state
8 treasurer shall transfer four million dollars from the general fund to the
9 Colorado water conservation board construction fund.

10 (b) (I) WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS
11 SUBSECTION (11)(b), THE STATE TREASURER SHALL TRANSFER FIFTEEN
12 MILLION DOLLARS FROM THE GENERAL FUND TO THE COLORADO WATER
13 CONSERVATION BOARD CONSTRUCTION FUND.

14 (II) (A) EXCEPT AS SPECIFIED IN SUBSECTIONS (11)(b)(III) AND
15 (11)(b)(IV) OF THIS SECTION, THE BOARD SHALL USE THE MONEY
16 TRANSFERRED PURSUANT TO THIS SUBSECTION (11)(b) IN CONNECTION
17 WITH THE WATERSHED RESTORATION PROGRAM FOR WATERSHED
18 RESTORATION AND FLOOD MITIGATION GRANTS TO RESTORE, MITIGATE,

1 AND PROTECT STREAM CHANNELS AND RIPARIAN AREAS SUSCEPTIBLE TO
2 FLOOD HAZARDS AND SEDIMENT EROSION AND DEPOSITION AFTER
3 WILDFIRE, INCLUDING EXPENDITURES FOR THE REPAIR, REPLACEMENT,
4 MODIFICATION, MAINTENANCE, OR INSTALLATION OF RELATED WATER AND
5 DEBRIS-CONTROL STRUCTURES, WITH SPECIAL CONSIDERATION OF
6 PROJECTS WITH FEDERAL AND LOCAL MATCHING REQUIREMENTS.

7 (B) THE BOARD SHALL AWARD AT LEAST TEN MILLION DOLLARS OF
8 THE MONEY TRANSFERRED PURSUANT TO THIS SUBSECTION (11)(b) BY
9 JULY 1, 2022, AND SHALL AWARD THE REMAINING MONEY BY DECEMBER
10 31, 2022.

11 (III) THE BOARD SHALL EXPEND UP TO FIVE HUNDRED THOUSAND
12 DOLLARS BY DECEMBER 31, 2022, FOR A STATEWIDE WATERSHED
13 ANALYSIS TO INVESTIGATE THE SUSCEPTIBILITY OF LIFE, SAFETY,
14 INFRASTRUCTURE, AND WATER SUPPLIES TO WILDFIRE IMPACTS.

15 (IV) THE BOARD MAY USE UP TO FIVE PERCENT OF THE MONEY TO
16 ADMINISTER THE GRANT PROGRAM AS SPECIFIED IN SUBSECTION (11)(b)(II)
17 OF THIS SECTION AND MAY USE UP TO TEN PERCENT FOR THE COSTS
18 ASSOCIATED WITH PROVIDING NECESSARY TECHNICAL ENGINEERING
19 SERVICES TO ASSIST GRANTEEES WITH DESIGN REVIEW, ENGINEERING
20 ANALYSIS, FIRE AND FLOOD SUPPORT, CONSTRUCTION OVERSIGHT, FLUVIAL
21 HAZARD ZONE PROGRAM IMPLEMENTATION, PROJECT MONITORING AND
22 ADAPTIVE MANAGEMENT, AND OVERALL PROGRAM MANAGEMENT.

23 (c) THE DEPARTMENT OF NATURAL RESOURCES SHALL INCLUDE
24 UPDATES REGARDING THE BOARD'S ACTIVITIES UNDERTAKEN PURSUANT
25 TO SUBSECTION (11)(b) OF THIS SECTION IN ITS DEPARTMENTAL
26 PRESENTATION TO LEGISLATIVE COMMITTEES OF REFERENCE PURSUANT TO
27 SECTION 2-7-203.

1 (d) THIS SUBSECTION (11) IS REPEALED, EFFECTIVE SEPTEMBER 1,
2 2026.

3 **SECTION 2. Appropriation.** (1) For the 2020-21 state fiscal
4 year, \$15,000,000 is appropriated to the department of natural resources
5 for use by the Colorado water conservation board. This appropriation is
6 from the Colorado water conservation board construction fund created in
7 section 37-60-121, C.R.S. The Colorado water conservation board may
8 use this appropriation for the purposes specified in section 37-60-121
9 (11)(b), C.R.S.

10 (2) The money appropriated in subsection (1) of this section
11 remains available for the designated purposes until it is fully expended.

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

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0472.02 Thomas Morris x4218

HOUSE BILL 21-1266

HOUSE SPONSORSHIP

Jackson, Bacon, Benavidez, Caraveo, Cutter, Duran, Exum, Gonzales-Gutierrez, Gray, Jodeh, Kennedy, Kipp, Ortiz, Sirota, Titone, Valdez A., Woodrow

SENATE SPONSORSHIP

Winter and Buckner,

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING EFFORTS TO REDRESS THE EFFECTS OF ENVIRONMENTAL**
102 **INJUSTICE ON DISPROPORTIONATELY IMPACTED COMMUNITIES.**

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 3 of the bill defines "disproportionately impacted community".

Section 4 requires the air quality control commission to promote outreach to and engage with disproportionately impacted communities by creating new ways to gather input from communities across the state, using multiple languages and multiple formats, and transparently sharing

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Capital letters or bold & italic numbers indicate new material to be added to existing statute.
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information about adverse effects resulting from its proposed actions.

Section 5 creates the environmental justice action task force (task force) in the department of public health and environment (department), the goal of which is to propose recommendations to the general assembly regarding practical means of addressing environmental justice inequities.

The task force will:

- Hold meetings to solicit public comment concerning the development of a state agency-wide environmental justice strategy and a plan to implement that strategy, including ways to address data gaps and data sharing between state agencies and the engagement of disproportionately impacted communities;
- Evaluate and propose recommended revisions to the definition of "disproportionately impacted community" and the state agencies and their proposed actions that are subject to section 3; and
- File a final report by November 14, 2022, regarding its recommendations.

The department will report on the task force during the department's "SMART Act" presentations.

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

2 **SECTION 1. Short title.** The short title of this act is the
3 "Environmental Justice Act".

4 **SECTION 2. Legislative declaration.** (1) The general assembly
5 hereby:

6 (a) Finds that:

7 (I) All people have the right to breathe clean air, drink clean
8 water, participate freely in decisions that affect their environments, live
9 free of dangerous levels of toxic pollution, experience equal protection
10 provided by environmental policies, and share the benefits of a
11 prosperous and vibrant pollution-free economy;

12 (II) Certain communities, both in Colorado and internationally,
13 have historically been forced to bear a disproportionate burden of adverse
14 human health or environmental effects, while also facing systemic

1 exclusion from environmental decision-making processes and enjoying
2 fewer environmental benefits;

3 (III) Specifically, communities with residents who are Black,
4 indigenous, Latino, or people of color have faced centuries of genocide,
5 environmental racism, and predatory extraction practices; and

6 (IV) At the same time, environmental justice affects and requires
7 the participation of all Coloradans;

8 (b) Determines that:

9 (I) State action to correct environmental injustice is imperative,
10 and state policy can and should improve public health and the
11 environment and improve the overall well-being of all communities;

12 (II) Efforts to right past wrongs and move toward environmental
13 justice must focus on disproportionately impacted communities and the
14 voices of their residents;

15 (III) Less-burdened communities have benefitted from
16 relationships that impose burdens on other communities, which is a
17 tangible debt that must be repaid through financial reinvestment, and
18 these relatively privileged communities have a responsibility to
19 acknowledge the harms to which they contribute and a duty to find ways
20 to give back what has been taken; and

21 (IV) Environmental justice is not a zero-sum game: The better we
22 take care of all communities, the more we all grow, and by focusing on
23 communities that are hurting the most, all communities will find
24 opportunities to heal and thrive; and

25 (c) Declares that:

26 (I) The state government has a responsibility to achieve
27 environmental justice, health equity, and climate justice for all

1 communities by avoiding and mitigating harm;

2 (II) It is necessary for disproportionately impacted communities
3 to be meaningfully engaged as partners and stakeholders in government
4 decision-making;

5 (III) Potential environmental and climate threats to communities
6 merit a higher level of engagement, review, and consent; and

7 (IV) This act is necessary to ensure that communities are not
8 forced to bear disproportionate environmental and health impacts.

9 **SECTION 3.** In Colorado Revised Statutes, 2-4-401, **add** (2.7)
10 as follows:

11 **2-4-401. Definitions.** The following definitions apply to every
12 statute, unless the context otherwise requires:

13 (2.7) (a) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS
14 A COMMUNITY THAT:

15 (I) IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN ACCORDANCE
16 WITH THE MOST RECENT UNITED STATES CENSUS, WHERE THE PROPORTION
17 OF HOUSEHOLDS THAT ARE LOW INCOME IS GREATER THAN FORTY
18 PERCENT, THE PROPORTION OF HOUSEHOLDS THAT IDENTIFY AS MINORITY
19 IS GREATER THAN FORTY PERCENT, OR THE PROPORTION OF HOUSEHOLDS
20 THAT ARE HOUSING COST-BURDENED IS GREATER THAN FORTY PERCENT;
21 OR

22 (II) IS ANY OTHER COMMUNITY AS IDENTIFIED OR APPROVED BY A
23 STATE AGENCY, IF:

24 (A) THE COMMUNITY HAS A HISTORY OF ENVIRONMENTAL RACISM
25 PERPETUATED THROUGH REDLINING, ANTI-INDIGENOUS, ANTI-IMMIGRANT,
26 ANTI-HISPANIC, OR ANTI-BLACK LAWS; OR

27 (B) THE COMMUNITY IS ONE WHERE MULTIPLE FACTORS,

1 INCLUDING SOCIOECONOMIC STRESSORS, DISPROPORTIONATE
2 ENVIRONMENTAL BURDENS, VULNERABILITY TO ENVIRONMENTAL
3 DEGRADATION, AND LACK OF PUBLIC PARTICIPATION, MAY ACT
4 CUMULATIVELY TO AFFECT HEALTH AND THE ENVIRONMENT AND
5 CONTRIBUTE TO PERSISTENT DISPARITIES.

6 (b) AS USED IN THIS SUBSECTION (2.7):

7 (I) "COST-BURDENED" MEANS A HOUSEHOLD THAT SPENDS MORE
8 THAN THIRTY PERCENT OF ITS INCOME ON HOUSING.

9 (II) "LOW INCOME" MEANS THE MEDIAN HOUSEHOLD INCOME IS
10 LESS THAN OR EQUAL TO TWO HUNDRED PERCENT OF THE FEDERAL
11 POVERTY GUIDELINE.

12 **SECTION 4.** In Colorado Revised Statutes, **add** 24-4-109 as
13 follows:

14 **24-4-109. State engagement of disproportionately impacted**
15 **communities - definitions - repeal.** (1) **Goal.** THE GOAL OF OUTREACH
16 TO AND ENGAGEMENT OF DISPROPORTIONATELY IMPACTED COMMUNITIES
17 IS TO BUILD TRUST AND TRANSPARENCY, PROVIDE MEANINGFUL
18 OPPORTUNITIES TO INFLUENCE PUBLIC POLICY, AND MODIFY PROPOSED
19 STATE ACTION IN RESPONSE TO RECEIVED PUBLIC INPUT TO DECREASE
20 ENVIRONMENTAL BURDENS OR INCREASE ENVIRONMENTAL BENEFITS FOR
21 EACH DISPROPORTIONATELY IMPACTED COMMUNITY.

22 (2) **Definitions.** (a) (I) THE ENVIRONMENTAL JUSTICE ACTION
23 TASK FORCE CREATED IN SECTION 25-1-131 WILL RECOMMEND TO THE
24 GENERAL ASSEMBLY POTENTIAL MODIFICATIONS TO THE DEFINITIONS
25 ESTABLISHED IN THIS SUBSECTION (2). THE DEFINITIONS ESTABLISHED IN
26 THIS SUBSECTION (2) APPLY UNLESS AND UNTIL THE GENERAL ASSEMBLY
27 ACTS BY BILL TO MODIFY ONE OR MORE OF THE DEFINITIONS.

1 (II) THIS SUBSECTION (2)(a) IS REPEALED, EFFECTIVE SEPTEMBER
2 1, 2024.

3 (b) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
4 REQUIRES:

5 (I) "AGENCY" MEANS THE AIR QUALITY CONTROL COMMISSION
6 CREATED IN SECTION 25-7-104.

7 (II) "PROPOSED STATE ACTION" MEANS:

8 (A) RULE-MAKING PROCEEDINGS HELD PURSUANT TO SECTION
9 24-4-103;

10 (B) LICENSING PROCEEDINGS, INCLUDING THE ISSUANCE AND
11 RENEWAL OF PERMITS, HELD PURSUANT TO SECTION 24-4-104; AND

12 (C) ADJUDICATORY HEARINGS HELD PURSUANT TO SECTION
13 24-4-105.

14 (3) **Engagement.** (a) TO PROMOTE THE GOAL OF STATE
15 ENGAGEMENT OF DISPROPORTIONATELY IMPACTED COMMUNITIES, AN
16 AGENCY SHALL STRIVE TO CREATE NEW WAYS TO GATHER INPUT FROM
17 COMMUNITIES ACROSS THE STATE, USING MULTIPLE LANGUAGES AND
18 MULTIPLE FORMATS AND TRANSPARENTLY SHARING INFORMATION ABOUT
19 ADVERSE ENVIRONMENTAL EFFECTS FROM ITS PROPOSED STATE ACTION.

20 (b) WHEN CONDUCTING OUTREACH TO AND ENGAGEMENT OF
21 DISPROPORTIONATELY IMPACTED COMMUNITIES REGARDING A PROPOSED
22 STATE ACTION, THE AGENCY SHALL:

23 (I) SCHEDULE VARIABLE TIMES OF DAY AND DAYS OF THE WEEK
24 FOR OPPORTUNITIES FOR PUBLIC INPUT ON THE PROPOSED STATE ACTION,
25 INCLUDING AT LEAST ONE WEEKEND TIME, ONE EVENING TIME, AND ONE
26 MORNING TIME FOR PUBLIC INPUT;

27 (II) PROVIDE NOTICE AT LEAST THIRTY DAYS BEFORE ANY PUBLIC

1 INPUT OPPORTUNITY OR BEFORE THE START OF ANY PUBLIC COMMENT
2 PERIOD;

3 (III) UTILIZE SEVERAL DIFFERENT METHODS OF OUTREACH AND
4 WAYS TO PUBLICIZE THE PROPOSED STATE ACTION, INCLUDING
5 DISSEMINATING INFORMATION THROUGH SCHOOLS, CLINICS, SOCIAL
6 MEDIA, SOCIAL AND ACTIVITY CLUBS, LOCAL GOVERNMENTS, TRIBAL
7 GOVERNMENTS, LIBRARIES, RELIGIOUS ORGANIZATIONS, CIVIC
8 ASSOCIATIONS, COMMUNITY-BASED ENVIRONMENTAL JUSTICE
9 ORGANIZATIONS, OR OTHER LOCAL SERVICES;

10 (IV) PROVIDE SEVERAL METHODS FOR THE PUBLIC TO GIVE INPUT,
11 SUCH AS IN-PERSON MEETINGS, VIRTUAL AND ONLINE MEETINGS, ONLINE
12 COMMENT PORTALS OR E-MAIL, AND CALL-IN MEETINGS;

13 (V) CONSIDER USING A VARIETY OF LOCATIONS FOR PUBLIC INPUT
14 ON THE PROPOSED STATE ACTION, INCLUDING MEETING LOCATIONS IN
15 URBAN CENTERS, IN NEIGHBORHOODS WHOSE POPULATIONS ARE
16 PREDOMINANTLY BLACK, INDIGENOUS, OR PEOPLE OF COLOR AND HAVE AN
17 AVERAGE INCOME BELOW THE STATE'S AVERAGE, AND IN RURAL
18 LOCATIONS IN VARIOUS REGIONS OF THE STATE; AND

19 (VI) CREATE OUTREACH MATERIALS CONCERNING THE PROPOSED
20 STATE ACTION IN LAYPERSON'S TERMS, TRANSLATED INTO THE TOP TWO
21 LANGUAGES SPOKEN IN A COMMUNITY, THAT INFORM PEOPLE OF
22 OPPORTUNITIES TO PROVIDE INPUT ON THE PROPOSED STATE ACTION, THEIR
23 RIGHTS, THE POSSIBLE OUTCOMES, AND THE UPCOMING PUBLIC INPUT
24 PROCESS.

25 **SECTION 5.** In Colorado Revised Statutes, **add** 25-1-131 as
26 follows:

27 **25-1-131. Environmental justice action task force - report -**

1 **repeal. (1) Creation.** (a) THERE IS HEREBY CREATED IN THE
2 DEPARTMENT THE ENVIRONMENTAL JUSTICE ACTION TASK FORCE TO
3 RECOMMEND AND PROMOTE STRATEGIES FOR INCORPORATING
4 ENVIRONMENTAL JUSTICE AND EQUITY INTO HOW STATE AGENCIES
5 DISCHARGE THEIR RESPONSIBILITIES.

6 (b) THE TASK FORCE CONSISTS OF NINETEEN MEMBERS APPOINTED
7 PURSUANT TO SUBSECTION (1)(c) OF THIS SECTION.

8 (c) THE MEMBERSHIP OF THE TASK FORCE AND APPOINTING
9 AUTHORITIES ARE AS FOLLOWS:

10 (I) THE GOVERNOR SHALL APPOINT THE FOLLOWING NINE
11 MEMBERS:

12 (A) THREE REPRESENTATIVES FROM THE DEPARTMENT OF PUBLIC
13 HEALTH AND ENVIRONMENT, ONE WITH EXPERTISE IN AIR QUALITY, ONE
14 WITH EXPERTISE IN WATER QUALITY, AND ONE WITH EXPERTISE IN HEALTH
15 EQUITY;

16 (B) ONE REPRESENTATIVE OF THE DEPARTMENT OF NATURAL
17 RESOURCES;

18 (C) ONE REPRESENTATIVE OF THE DEPARTMENT OF
19 TRANSPORTATION;

20 (D) ONE REPRESENTATIVE OF THE COLORADO ENERGY OFFICE;

21 (E) ONE REPRESENTATIVE OF THE PUBLIC UTILITIES COMMISSION;

22 (F) ONE REPRESENTATIVE OF THE DEPARTMENT OF AGRICULTURE;

23 AND

24 (G) ONE REPRESENTATIVE OF THE GOVERNOR'S OFFICE;

25 (II) TWO MEMBERS, ONE APPOINTED BY THE CHAIR OF THE
26 SOUTHERN UTE INDIAN TRIBE TRIBAL COUNCIL AND ONE APPOINTED BY
27 THE CHAIR OF THE UTE MOUNTAIN UTE TRIBE TRIBAL COUNCIL;

1 (III) EIGHT MEMBERS APPOINTED BY THE PRESIDENT OF THE
2 SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE
3 HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADER OF THE HOUSE
4 OF REPRESENTATIVES, WITH ONE MEMBER APPOINTED BY EACH
5 APPOINTING AUTHORITY FROM BOTH OF THE FOLLOWING TWO CATEGORIES:

6 (A) FOUR MEMBERS WHO REPRESENT DISPROPORTIONATELY
7 IMPACTED COMMUNITIES LOCATED, TO THE EXTENT PRACTICABLE, IN
8 DIFFERENT CONGRESSIONAL DISTRICTS OF THE STATE; AND

9 (B) FOUR MEMBERS OF ORGANIZATIONS THAT CARRY OUT
10 INITIATIVES RELATING TO ENVIRONMENTAL JUSTICE, REPRESENT BUSINESS
11 INTERESTS, REPRESENT WORKER INTERESTS, OR REPRESENT THE INTERESTS
12 OF PEOPLE OF COLOR.

13 (d) THE APPOINTING AUTHORITIES SHALL FILL A VACANCY AS SOON
14 AS POSSIBLE. IN MAKING APPOINTMENTS TO THE TASK FORCE, THE
15 APPOINTING AUTHORITIES SHALL ENSURE THAT THE MEMBERSHIP OF THE
16 TASK FORCE REFLECTS THE RACIAL, ETHNIC, CULTURAL, AND GENDER
17 DIVERSITY OF THE STATE, INCLUDING REPRESENTATION OF ALL AREAS OF
18 THE STATE.

19 (2) **Mission of the task force.** THE MISSION OF THE TASK FORCE
20 IS TO PROPOSE RECOMMENDATIONS TO THE GENERAL ASSEMBLY
21 REGARDING PRACTICAL MEANS OF ADDRESSING ENVIRONMENTAL JUSTICE
22 INEQUITIES BY:

23 (a) PROMOTING ENVIRONMENTAL JUSTICE ACROSS STATE
24 AGENCIES AND IMPROVING COLLABORATION AMONG STATE AGENCIES IN
25 IDENTIFYING AND ADDRESSING THE HUMAN HEALTH AND ENVIRONMENTAL
26 EFFECTS OF PROGRAMS, POLICIES, PRACTICES, AND ACTIVITIES ON
27 DISPROPORTIONATELY IMPACTED COMMUNITIES;

1 (b) IMPROVING COOPERATION ON ENVIRONMENTAL JUSTICE
2 INITIATIVES BETWEEN THE STATE GOVERNMENT, TRIBAL GOVERNMENTS,
3 AND LOCAL GOVERNMENTS;

4 (c) ENSURING MEANINGFUL INVOLVEMENT AND DUE PROCESS IN
5 THE DEVELOPMENT, IMPLEMENTATION, AND ENFORCEMENT OF
6 ENVIRONMENTAL LAWS AND POLICIES; AND

7 (d) ADDRESSING ENVIRONMENTAL HEALTH, POLLUTION, AND
8 PUBLIC HEALTH BURDENS IN DISPROPORTIONATELY IMPACTED
9 COMMUNITIES AND BUILDING HEALTHY, SUSTAINABLE, AND RESILIENT
10 COMMUNITIES.

11 (3) **Duties of the task force.** THE TASK FORCE SHALL CONSIDER
12 PROPOSING RECOMMENDATIONS CONCERNING THE FOLLOWING:

13 (a) DEVELOPING A STATE AGENCY-WIDE ENVIRONMENTAL JUSTICE
14 STRATEGY AND A PLAN TO IMPLEMENT THAT STRATEGY, WHICH COULD
15 INCLUDE:

16 (I) RECOMMENDATIONS FOR CREATING AND IMPLEMENTING
17 EQUITY ANALYSIS INTO ALL SIGNIFICANT PLANNING, RULE-MAKING,
18 ADJUDICATIONS, ORDERS, PROGRAMMATIC AND POLICY DECISION-MAKING,
19 AND INVESTMENTS;

20 (II) A POTENTIAL REQUIREMENT THAT AGENCIES PREPARE AN
21 ENVIRONMENTAL EQUITY ANALYSIS FOR ANY STATE ACTION THAT HAS THE
22 POTENTIAL TO CAUSE NEGATIVE ENVIRONMENTAL OR PUBLIC HEALTH
23 IMPACTS TO A DISPROPORTIONATELY IMPACTED COMMUNITY, WHICH
24 ANALYSIS COULD INCLUDE A PROCESS FOR IDENTIFYING AND DESCRIBING
25 CUMULATIVE IMPACTS TO THE HEALTH AND ENVIRONMENT OF
26 DISPROPORTIONATELY IMPACTED COMMUNITIES;

27 (III) A POTENTIAL REQUIREMENT THAT FOR ANY STATE ACTION

1 THAT MAY CAUSE ADVERSE ENVIRONMENTAL OR PUBLIC HEALTH IMPACTS
2 TO A DISPROPORTIONATELY IMPACTED COMMUNITY, THE ADVERSE
3 ENVIRONMENTAL OR PUBLIC HEALTH MUST BE AVOIDED, AND IF THE
4 EFFECTS CANNOT BE AVOIDED, THEY MUST BE MINIMIZED AND MITIGATED;

5 (IV) A POTENTIAL REQUIREMENT THAT NO PERMIT WILL BE ISSUED
6 OR RENEWED IF IT IS DETERMINED AFTER AN ENVIRONMENTAL EQUITY
7 ANALYSIS THAT THE TERMS AND CONDITIONS OF THE PERMIT OR RENEWAL
8 WOULD NOT BE SUFFICIENT TO ENSURE A REASONABLE CERTAINTY OF NO
9 HARM TO THE HEALTH AND ENVIRONMENT OF DISPROPORTIONATELY
10 IMPACTED COMMUNITIES;

11 (V) A POTENTIAL REQUIREMENT THAT ALL ENVIRONMENTAL
12 PROJECTS DEVELOPED AS PART OF A SETTLEMENT RELATING TO
13 VIOLATIONS IN A DISPROPORTIONATELY IMPACTED COMMUNITY ARE
14 DEVELOPED IN CONSULTATION WITH AND THROUGH MEANINGFUL
15 PARTICIPATION OF INDIVIDUALS IN THE DISPROPORTIONATELY IMPACTED
16 COMMUNITY AND RESULT IN IMPROVEMENT TO THE HEALTH AND
17 ENVIRONMENT OF THE AFFECTED DISPROPORTIONATELY IMPACTED
18 COMMUNITY; AND

19 (VI) RECOMMENDATIONS FOR ESTABLISHING MEASURABLE GOALS
20 FOR REDUCING ENVIRONMENTAL HEALTH DISPARITIES FOR
21 DISPROPORTIONATELY IMPACTED COMMUNITIES;

22 (b) ADOPTION OF A PLAN THAT ADDRESSES THE LACK OF DATA AND
23 LACK OF DATA SHARING BETWEEN STATE AGENCIES ABOUT POTENTIAL
24 EXPOSURE TO ENVIRONMENTAL HAZARDS AND IMPROVES RESEARCH AND
25 DATA COLLECTION EFFORTS RELATED TO THE HEALTH AND ENVIRONMENT
26 OF DISPROPORTIONATELY IMPACTED COMMUNITIES, CLIMATE CHANGE,
27 AND THE INEQUITABLE DISTRIBUTION OF BURDENS AND BENEFITS OF THE

1 MANAGEMENT AND USE OF NATURAL RESOURCES;

2 (c) THE PROVISIONS OF SECTION 24-4-109 REGARDING
3 ENGAGEMENT OF DISPROPORTIONATELY IMPACTED COMMUNITIES, TAKING
4 INTO ACCOUNT BARRIERS TO PARTICIPATION THAT MAY ARISE DUE TO
5 RACE, COLOR, ETHNICITY, RELIGION, INCOME, OR EDUCATION LEVEL; AND

6 (d) EVALUATING AND PROPOSING RECOMMENDATIONS OR
7 REVISIONS TO THE FOLLOWING DEFINITIONS:

8 (I) "DISPROPORTIONATELY IMPACTED COMMUNITY" AS DEFINED IN
9 SECTION 2-4-401 (2.7);

10 (II) "PROPOSED STATE ACTION" AS DEFINED IN SECTION 24-4-109
11 (2)(b)(II); AND

12 (III) "AGENCY" AS DEFINED IN SECTION 24-4-109 (2)(b)(I). IN
13 FORMULATING ITS RECOMMENDATION, THE TASK FORCE SHALL CONSIDER
14 INCLUDING WITHIN THE DEFINITION AT LEAST THE STATE ENTITIES
15 SPECIFIED IN SUBSECTION (1)(c)(I) OF THIS SECTION.

16 (4) THE TASK FORCE SHALL:

17 (a) HOLD AT LEAST SIX MEETINGS, WHICH MAY BE ONLINE OR IN
18 PERSON, TO SEEK INPUT FROM, PRESENT ITS WORK PLAN AND PROPOSALS
19 TO, AND RECEIVE FEEDBACK FROM COMMUNITIES THROUGHOUT THE
20 STATE;

21 (b) SUBMIT A FINAL REPORT OF ITS FINDINGS AND
22 RECOMMENDATIONS TO THE GOVERNOR, THE DEPARTMENT, THE HOUSE OF
23 REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND WATER, ENERGY AND
24 ENVIRONMENT, AND HEALTH AND INSURANCE COMMITTEES, AND THE
25 SENATE AGRICULTURE AND NATURAL RESOURCES, HEALTH AND HUMAN
26 SERVICES, AND TRANSPORTATION AND ENERGY COMMITTEES, OR THEIR
27 SUCCESSOR COMMITTEES, BY NOVEMBER 14, 2022; AND

1 (c) POST SUMMARIES OF ITS MEETINGS, DRAFT
2 RECOMMENDATIONS, AND THE FINAL REPORT, WHICH MUST BE AVAILABLE
3 AS A PUBLIC RECORD ON THE HOME PAGE OF THE DEPARTMENT'S WEBSITE.

4 (5) THE DEPARTMENT SHALL INCLUDE UPDATES REGARDING THE
5 TASK FORCE'S ACTIVITIES, INCLUDING ITS FINAL REPORT, IN ITS
6 DEPARTMENTAL PRESENTATION TO LEGISLATIVE COMMITTEES OF
7 REFERENCE PURSUANT TO SECTION 2-7-203.

8 (6) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2024.

9 **SECTION 6.** In Colorado Revised Statutes, 25-7-105, **amend**
10 (1)(e)(III) as follows:

11 **25-7-105. Duties of commission - rules - legislative declaration**
12 **- definitions.** (1) Except as provided in sections 25-7-130 and 25-7-131,
13 the commission shall promulgate such rules and regulations as are
14 consistent with the legislative declaration set forth in section 25-7-102
15 and necessary for the proper implementation and administration of this
16 article 7, including, but not limited to:

17 (e) (III) The commission will identify AND ENGAGE WITH
18 disproportionately impacted communities ~~In identifying these~~
19 ~~communities, the commission will consider: Minority, low-income, tribal,~~
20 ~~or indigenous populations in the state that potentially experience~~
21 ~~disproportionate environmental harms and risks. This disproportionality~~
22 ~~can be a result of increased vulnerability to environmental degradation,~~
23 ~~lack of opportunity for public participation, or other factors. Increased~~
24 ~~vulnerability may be attributable to an accumulation of negative or lack~~
25 ~~of positive environmental, health, economic, or social conditions within~~
26 ~~these populations. "Disproportionately impacted communities" describes~~
27 ~~situations where multiple factors, including both environmental and~~

1 ~~socioeconomic stressors, may act cumulatively to affect health and the~~
2 ~~environment and contribute to persistent environmental health disparities~~
3 AS SPECIFIED IN SECTION 24-4-109.

4 **SECTION 7. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety.

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0921.01 Duane Gall x4335

HOUSE BILL 21-1268

HOUSE SPONSORSHIP

Titone and Will,

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Livestock, & Water

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT COLORADO INSTITUTIONS OF
102 HIGHER EDUCATION STUDY POTENTIAL USES OF EMERGING
103 TECHNOLOGIES TO MORE EFFECTIVELY MANAGE COLORADO'S
104 WATER SUPPLY, AND, IN CONNECTION THEREWITH, MAKING AN
105 APPROPRIATION CONDITIONED ON THE RECEIPT OF MATCHING
106 FUNDS FROM GIFTS, GRANTS, AND DONATIONS.

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 declares that new technologies, such as blockchain,

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.

telemetry, improved sensors, and advanced aerial observation platforms, can improve monitoring, management, conservation, and trading of water and enhance confidence in the reliability of data underlying water rights transactions. To advance the potential use of these new technologies, the bill:

- Authorizes and directs the university of Colorado and Colorado state university, in collaboration with the Colorado water institute at Colorado state university, to conduct feasibility studies and pilot deployments of these new technologies to improve water management in Colorado; and
- Appropriates \$20,000 to each university from the general fund, contingent on the universities' receipt of a matching \$40,000 in gifts, grants, and donations, for the purpose of funding the feasibility studies and pilot deployments.

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 determines that emerging new and improved technologies may
4 offer significant benefits to Colorado water users and managers by:

5 (a) Improving the monitoring, management, conservation, and
6 trading of both surface water and groundwater;

7 (b) Reducing inefficiency and waste in the process of recycling,
8 reclaiming, or disposing of produced water and wastewater; and

9 (c) Allowing parties to water rights transactions to have more
10 confidence in the data on which those transactions are based.

11 (2) Therefore, the general assembly declares that it is in the public
12 interest to authorize and direct the university of Colorado, in
13 collaboration with Colorado state university and the Colorado water
14 institute, to conduct feasibility studies and pilot deployments of these
15 technologies and to report to the general assembly on the potential of
16 these technologies to improve Colorado water management.

17 **SECTION 2.** In Colorado Revised Statutes, **add** 23-20-141 as

1 follows:

2 **23-20-141. Emerging technologies for water management -**

3 **study - report - repeal.** (1) (a) SUBJECT TO SUBSECTION (2) OF THIS

4 SECTION AND IN COLLABORATION WITH COLORADO STATE UNIVERSITY

5 AND THE COLORADO WATER INSTITUTE CREATED IN SECTION 23-31-801,

6 THE UNIVERSITY OF COLORADO SHALL CONDUCT FEASIBILITY STUDIES AND

7 PILOT DEPLOYMENTS OF NEW AND EMERGING TECHNOLOGIES THAT HAVE

8 POTENTIAL TO IMPROVE THE MONITORING, MANAGEMENT, CONSERVATION,

9 AND TRADING OF SURFACE WATER AND GROUNDWATER AND TO REDUCE

10 INEFFICIENCY AND WASTE IN THE PROCESS OF RECYCLING, RECLAIMING, OR

11 DISPOSING OF PRODUCED WATER AND WASTEWATER.

12 (b) THE TECHNOLOGIES TO BE INVESTIGATED BY THE UNIVERSITIES

13 AND THE INSTITUTE PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION

14 MAY INCLUDE:

15 (I) IN-SITU SENSORS TO MONITOR SURFACE AND GROUNDWATER

16 USE;

17 (II) DIRECT OR REMOTE SENSORS TO MONITOR WATER QUALITY;

18 (III) CELLULAR AND SATELLITE TELEMETRY SYSTEMS ALLOWING

19 REMOTE ACCESS TO SENSOR DATA;

20 (IV) AERIAL OBSERVATION PLATFORMS, INCLUDING

21 HIGH-ALTITUDE BALLOONS AND UNMANNED AERIAL VEHICLES;

22 (V) SATELLITE-BASED REMOTE SENSING AND WATER RESOURCE

23 FORECASTING TECHNOLOGIES; AND

24 (VI) BLOCKCHAIN-BASED DOCUMENTATION, COMMUNICATION,

25 AND AUTHENTICATION OF DATA REGARDING WATER USE, TRADING, AND

26 CONSERVATION.

27 (c) ON OR BEFORE JULY 15, 2022, AND UPON REQUEST OF THE

1 WATER RESOURCES REVIEW COMMITTEE OF THE GENERAL ASSEMBLY IN
2 ANY YEAR THEREAFTER, THE UNIVERSITIES SHALL PROVIDE LIVE
3 TESTIMONY AND A WRITTEN REPORT ON THE PROGRESS OF THE FEASIBILITY
4 STUDIES AND PILOT DEPLOYMENTS CONDUCTED PURSUANT TO THIS
5 SUBSECTION (1), INCLUDING ANY CONCLUSIONS REGARDING THE
6 POTENTIAL OF THESE TECHNOLOGIES TO IMPROVE COLORADO WATER
7 MANAGEMENT AND ANY RECOMMENDATIONS FOR ADMINISTRATIVE OR
8 LEGISLATIVE ACTION TO PROMOTE THEIR USE, TO THE WATER RESOURCES
9 REVIEW COMMITTEE.

10 (d) ANY FEASIBILITY STUDIES OR PILOT DEPLOYMENTS MADE
11 PURSUANT TO THIS SECTION, AND ANY RECOMMENDATIONS FOR
12 ADMINISTRATIVE OR LEGISLATIVE ACTION TO PROMOTE THE USE OF THE
13 TECHNOLOGIES CONSIDERED, MUST TAKE ACCOUNT OF THE EXISTING
14 SYSTEM OF PRIOR APPROPRIATION UNDER ARTICLE XVI OF THE STATE
15 CONSTITUTION AND COLORADO WATER LAW.

16 (2) THE UNIVERSITY OF COLORADO AND COLORADO STATE
17 UNIVERSITY MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR
18 DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS
19 SECTION. THE UNIVERSITIES SHALL NOT CONDUCT THE FEASIBILITY
20 STUDIES OR PILOT DEPLOYMENTS DESCRIBED IN SUBSECTION (1) OF THIS
21 SECTION UNLESS THEY HAVE RECEIVED AT LEAST FORTY THOUSAND
22 DOLLARS PURSUANT TO THIS SUBSECTION (2) ON OR BEFORE JUNE 1, 2022.
23 THE GENERAL ASSEMBLY SHALL APPROPRIATE FORTY THOUSAND DOLLARS
24 FROM THE GENERAL FUND TO THE DEPARTMENT OF HIGHER EDUCATION,
25 WITH TWENTY THOUSAND DOLLARS ALLOCATED TO EACH UNIVERSITY, FOR
26 THE PURPOSES OF THIS SECTION; EXCEPT THAT THE APPROPRIATION IS
27 CONTINGENT ON THE UNIVERSITIES RECEIVING FORTY THOUSAND DOLLARS

1 IN GIFTS, GRANTS, AND DONATIONS ON OR BEFORE JUNE 1, 2022, AND
2 CERTIFYING IN WRITING TO THE STATE CONTROLLER THAT SAID AMOUNT
3 HAS BEEN RECEIVED ON OR BEFORE JUNE 1, 2022.

4 (3) (a) THE UNIVERSITIES SHALL NOTIFY THE REVISOR OF STATUTES
5 IN WRITING, BY E-MAIL SENT TO REVISOROFSTATUTES.GA@STATE.CO.US,
6 WHETHER THE UNIVERSITIES RECEIVED, BY JUNE 1, 2022, THE AMOUNT OF
7 MONEY SPECIFIED IN SUBSECTION (2) OF THIS SECTION.

8 (b) (I) IF THE NOTICE FROM THE UNIVERSITIES STATES THAT, AS OF
9 JUNE 1, 2022, THE UNIVERSITIES DID NOT RECEIVE THE AMOUNT OF MONEY
10 SPECIFIED IN SUBSECTION (2) OF THIS SECTION, THIS SECTION IS REPEALED,
11 EFFECTIVE SEPTEMBER 1, 2022.

12 (II) IF THE NOTICE FROM THE UNIVERSITIES STATES THAT, AS OF
13 JUNE 1, 2022, THE UNIVERSITIES DID RECEIVE THE AMOUNT OF MONEY
14 SPECIFIED IN SUBSECTION (2) OF THIS SECTION, THIS SUBSECTION (3) IS
15 REPEALED, EFFECTIVE UPON THE DATE IDENTIFIED IN THE NOTICE THAT
16 THE MONEY WAS RECEIVED OR, IF THE NOTICE DOES NOT SPECIFY THAT
17 DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

18 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2023.

19 **SECTION 3.** In Colorado Revised Statutes, 23-31-801, **amend**
20 (4)(e)(V) and (4)(f); and **add** (4)(g) as follows:

21 **23-31-801. Colorado water institute - creation.** (4) It is the duty
22 of the institute to:

23 (e) Facilitate and stimulate scientific research and policy analysis
24 that:

25 (V) Examines the interconnections between climate change, water
26 supply, and water quality and provides tools water managers and
27 policymakers need to adapt to global climate change; ~~and~~

1 (f) Establish and maintain a clearinghouse and archive of water
2 research, water quality, and climate projection data; AND

3 (g) COLLABORATE WITH THE UNIVERSITY OF COLORADO AND
4 COLORADO STATE UNIVERSITY IN STUDYING THE FEASIBILITY OF NEW AND
5 IMPROVED WATER-RELATED TECHNOLOGIES IN ACCORDANCE WITH
6 SECTION 23-20-141.

7 **SECTION 4.** In Colorado Revised Statutes, 23-3.3-103, **add** (9)
8 as follows:

9 **23-3.3-103. Annual appropriations - repeal.** (9) (a) THE
10 PROVISIONS OF SUBSECTION (1) OF THIS SECTION CONCERNING
11 APPROPRIATIONS FOR STUDENT FINANCIAL ASSISTANCE UNDER THIS
12 ARTICLE 3.3 DO NOT APPLY TO APPROPRIATIONS MADE FOR THE PURPOSE
13 OF CONDUCTING FEASIBILITY STUDIES AND PILOT DEPLOYMENTS TO
14 INVESTIGATE EMERGING TECHNOLOGIES FOR WATER MANAGEMENT
15 PURSUANT TO SECTION 23-20-141.

16 (b) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE JULY 1, 2023.

17 **SECTION 5.** In Colorado Revised Statutes, 23-18-308, **add**
18 (1)(h) as follows:

19 **23-18-308. Fee-for-service contracts - limited purpose - repeal.**

20 (1) Subject to available appropriations, the department shall enter into
21 fee-for-service contracts for the following purposes:

22 (h) (I) THE CONDUCT OF FEASIBILITY STUDIES AND PILOT
23 DEPLOYMENTS TO INVESTIGATE EMERGING TECHNOLOGIES FOR WATER
24 MANAGEMENT PURSUANT TO SECTION 23-20-141.

25 (II) THIS SUBSECTION (1)(h) IS REPEALED, EFFECTIVE JULY 1, 2023.

26 **SECTION 6. Appropriation.** (1) For the 2021-22 state fiscal
27 year, \$40,000 is appropriated to the department of higher education. This

1 appropriation is from the general fund. To implement this act, the
2 department may use this appropriation for the college opportunity fund
3 program created in section 23-18-201, C.R.S., to be used for limited
4 purpose fee-for-service contracts with state institutions.

5 (2) For the 2021-22 state fiscal year, \$40,000 is appropriated to
6 the department of higher education. This appropriation is from
7 reappropriated funds received from the limited purpose fee-for-service
8 contracts with state institutions under subsection (1) of this section. To
9 implement this act, the department may use this appropriation for the
10 regents of the university of Colorado and the board of governors of
11 Colorado state university.

12 **SECTION 7. Effective date.** (1) Except as otherwise provided
13 in subsection (2) of this section, this act takes effect upon passage.

14 (2) Section 6 of this act takes effect only if the university of
15 Colorado, Colorado state university, or both, certify in writing to the state
16 controller that a total of at least \$40,000 in gifts, grants, and donations has
17 been received for the purposes of this act. After receiving this
18 certification, the state controller shall notify the joint budget committee
19 in writing that the state controller has received the certification.

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