

**Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0653.01 Thomas Morris

**HOUSE BILL 10-1051**

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**HOUSE SPONSORSHIP**

**Pommer,**

**SENATE SPONSORSHIP**

**Whitehead,**

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**House Committees**

Agriculture, Livestock, & Natural Resources

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING ADDITIONAL INFORMATION REGARDING COVERED**  
102 **ENTITIES' WATER EFFICIENCY PLANS.**

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**Bill Summary**

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

The bill requires water providers' water efficiency plans to include specific elements, including the use of water-efficient washing machines, and, beginning in 2013, requires water providers to annually report to the Colorado water conservation board the total amount of water provided to major sectors of water customers, the total number of accounts or taps

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

served in each such sector, an estimate of the resident population and total population served by the covered entity, an estimate of the amount of water that has been saved for the year through the implementation of certain plan elements, and a description of any changes made to the plan elements.

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

2           **SECTION 1.**    37-60-126 (4) (a) (I) and (9) (a), Colorado  
3 Revised Statutes, are amended, and the said 37-60-126 is further amended  
4 BY THE ADDITION OF A NEW SUBSECTION, to read:

5           **37-60-126. Water conservation and drought mitigation**  
6 **planning - programs - relationship to state assistance for water**  
7 **facilities - guidelines - water efficiency grant program - repeal.** (4) A  
8 plan developed by a covered entity pursuant to subsection (2) of this  
9 section shall, at a minimum, include a full evaluation of the following  
10 plan elements:

11           (a) The water-saving measures and programs to be used by the  
12 covered entity for water conservation. In developing these measures and  
13 programs, each covered entity shall, at a minimum, consider the  
14 following:

15           (I) Water-efficient fixtures and appliances, including toilets,  
16 urinals, CLOTHES WASHERS, showerheads, and ~~faucets~~ FAUCET AERATORS;

17           (4.5) (a) ON AN ANNUAL BASIS STARTING NO LATER THAN JUNE 30,  
18 2014, COVERED ENTITIES SHALL REPORT WATER USE AND  
19 CONSERVATION DATA, TO BE USED FOR STATEWIDE WATER SUPPLY  
20 PLANNING, FOLLOWING BOARD GUIDELINES PURSUANT TO PARAGRAPH (b)  
21 OF THIS SUBSECTION (4.5), TO THE BOARD BY THE END OF THE SECOND  
22 QUARTER OF EACH YEAR FOR THE PREVIOUS CALENDAR YEAR.

23           (b) NO LATER THAN FEBRUARY 1, 2012, THE BOARD SHALL ADOPT

1 GUIDELINES REGARDING THE REPORTING OF WATER USE AND  
2 CONSERVATION DATA BY COVERED ENTITIES, AND SHALL PROVIDE A  
3 REPORT TO THE SENATE AGRICULTURE AND NATURAL RESOURCES  
4 COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE,  
5 LIVESTOCK, AND NATURAL RESOURCES COMMITTEE, OR THEIR SUCCESSOR  
6 COMMITTEES, REGARDING THE GUIDELINES. THESE GUIDELINES SHALL:

7 (I) BE ADOPTED PURSUANT TO THE BOARD'S PUBLIC PARTICIPATION  
8 PROCESS AND SHALL INCLUDE OUTREACH TO STAKEHOLDERS FROM WATER  
9 PROVIDERS WITH GEOGRAPHIC AND DEMOGRAPHIC DIVERSITY,  
10 NONGOVERNMENTAL ORGANIZATIONS, AND WATER CONSERVATION  
11 PROFESSIONALS; AND

12 (II) INCLUDE CLEAR DESCRIPTIONS OF: CATEGORIES OF  
13 CUSTOMERS, USES, AND MEASUREMENTS; HOW GUIDELINES WILL BE  
14 IMPLEMENTED; AND HOW DATA WILL BE REPORTED TO THE BOARD.

15 (c) (I) NO LATER THAN FEBRUARY 1, 2019, THE BOARD SHALL  
16 REPORT TO THE SENATE AGRICULTURE AND NATURAL RESOURCES  
17 COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE,  
18 LIVESTOCK, AND NATURAL RESOURCES COMMITTEE, OR THEIR SUCCESSOR  
19 COMMITTEES, ON THE GUIDELINES AND DATA COLLECTED BY THE BOARD  
20 UNDER THE GUIDELINES.

21 (II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2020.

22 (9) (a) Neither the board nor the Colorado water resources and  
23 power development authority shall release grant or loan proceeds to a  
24 covered entity unless ~~such~~ THE covered entity provides a copy of the  
25 water conservation plan adopted pursuant to this section; except that the  
26 board or the authority may release ~~such~~ THE grant or loan proceeds  
27 NOTWITHSTANDING A COVERED ENTITY'S FAILURE TO COMPLY WITH THE

1 REPORTING REQUIREMENTS OF SUBSECTION (4.5) OF THIS SECTION OR if the  
2 board or the authority, as applicable, determines that an unforeseen  
3 emergency exists in relation to the covered entity's loan application, in  
4 which case the board or the authority, as applicable, may impose a grant  
5 or loan surcharge upon the covered entity that may be rebated or reduced  
6 if the covered entity submits and adopts a plan in compliance with this  
7 section in a timely manner as determined by the board or the authority, as  
8 applicable.

9           **SECTION 2. Applicability.** This act shall apply to conduct  
10 occurring on or after the effective date of this act.

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