

Colorado Water Congress  
State Affairs Committee Meeting  
Report prepared by the Southwestern Water Conservation District

**February 12, 2018 Water Legislation Report #4 (2018 Legislative Session)**

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The State Affairs Committee met on February 12 to discuss proposed water legislation for consideration in the 2018 legislative session. Since the last meeting, **HB 1199 (Aquifer Storage-and-Recovery Plan)**, **HB 1215 (Safe Disposal Naturally Occur Radioactive Material)**, and **SJR 004 (Memorialize Former Congressman Ray Kogovsek)** were introduced. The Committee discussed the draft bill brought forward by Northern Water Conservancy District to protect mitigation flow requirements for the Northern Integrated System Project (NISP). Northern anticipates introducing the bill within the next two weeks.

The following table provides a detailed summary of water-related legislation introduced during the current session. The format of each bill includes five columns and a following **Summary** cell. The 1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup>, & 5<sup>th</sup> column each contain two information items as follows: 1<sup>st</sup> column has both the **Bill No.** and the **Short Title**. The 2<sup>nd</sup> column has both the **Sponsors** and the assigned **Committee**. The 3<sup>rd</sup> column contains only the **Concerning** statement, copied directly from the bill. The 4<sup>th</sup> column will show important **Amendments** and **Comments** provided by SWCD staff. The 5<sup>th</sup> column shows both **When Introduced**, **CWC Action**, and **SWCD Position**. Once a bill no longer requires SA Comm action I will include it in a summary table, which will also show its progress. Until CWC takes action, the bill will remain in this format. I will however, **highlight in yellow** changes in any of the cells, compared to the prior report. Once, CWC has acted on a bill, I will move it to the **Status table**, where its' progress can be more easily monitored.

If you are aware of other entities that would like to receive these reports, please contact the Southwestern Water Conservation District office at 970-247-1302 with e-mail contact information. Once introduced, copies of bills are available at [www.leg.state.co.us](http://www.leg.state.co.us). Additional info is available at the CWC web site: <http://www.cowatercongress.org/stateaffairs/>

FYI: Legislator Contact Information

Senator Don Coram (SD 6):	303-866-4884	<a href="mailto:don.coram.senate@state.co.us">don.coram.senate@state.co.us</a>
Representative Barbara McLachlan (HD 59):	303-866-2914	<a href="mailto:barbara.mclachlan.house@state.co.us">barbara.mclachlan.house@state.co.us</a>
Representative Marc Catlin (HD 58):	303-866-2955	<a href="mailto:marc.catlin.house@state.co.us">marc.catlin.house@state.co.us</a>

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
<p>SB 134</p> <p><a href="#">Public Utilities Commission Deregulate Nonprofit Water Utilities</a></p>	<p>S Cooke H Arndt</p> <p>Ag, Natural Resources &amp; Energy</p>	<p>CONCERNING THE EXEMPTION OF NONPROFIT WATER COMPANIES FROM REGULATION BY THE PUBLIC UTILITIES COMMISSION.</p>	<p><i>No position taken at the 2/12 meeting, could be considered for action at the next SA meeting.</i></p>	<p>01/29/2018</p> <p>NO POSITION</p> <p>SWCD Position: DISCUSSION</p>

**SUMMARY:** Under current law, the public utilities commission is directed to grant simplified regulatory treatment to water companies that serve fewer than 1,500 customers. The bill expands on this concept by **deregulating water companies that are registered as nonprofits**, so long as their rates, charges, and terms and conditions of service are just and reasonable. The commission retains the right to entertain a complaint of unjust or to take remedial action, if the complaint is authorized by specified public officials or other persons.

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
<p><b>SB 143</b></p> <p><u>Parks And Wildlife Measures To Increase Revenue</u></p>	<p><b>S Fenberg/Coram H Arndt/Wilson</b></p> <p><b>Finance</b></p>	<p>CONCERNING MEASURES TO INCREASE REVENUE FOR THE PARKS AND WILDLIFE DIVISION, AND, IN CONNECTION THEREWITH, SETTING CERTAIN HUNTING, FISHING, PARKS, AND RECREATION FEES</p>		<p><b>01/29/2018</b></p> <p><b>DISCUSSION</b></p> <p><b>SWCD Position: DISCUSSION</b></p>
<p><b>SUMMARY:</b></p> <p>Section 1 adds a nonstatutory short title.</p> <p>Section 2 of the bill makes legislative findings.</p> <p>Section 3 adds "preference point" to the documents listed under the definition of "license".</p> <p>Sections 4 and 12 add "sponsorships", "contributions", and "donations" to the list of money transfers that the parks and wildlife commission (commission) is authorized to receive and expend. Sections 5 and 9 change the name of the wildlife management public education advisory council to the wildlife council.</p> <p>Section 6 raises the amount of residential and nonresidential license fees, stamp fees, and surcharges for certain hunting and fishing activities. Section 6 also: Authorizes the commission to apply a consumer price index adjustment to hunting and fishing fees; establishes an annual residential youth fishing fee; and, together with section 7, moves a reference to the state migratory waterfowl stamp fee amount.</p> <p>Section 7 also allows the division of parks and wildlife (division) to grant up to 25% of the money derived from sales of the state migratory waterfowl stamp to nonprofit organizations implementing the North American waterfowl management plan.</p> <p>Section 8 authorizes the commission to establish by rule a special licensing program for young adult hunters and anglers.</p> <p>Section 10 requires the division to prepare reports on increased licensing fees and to present the reports to the agricultural committees in the house of representatives and the senate.</p> <p>Section 11 removes the restriction on the commission's ability to raise or lower park fees and charges only if the commission reasonably anticipates that the annual revenues from the fees and charges will not increase by more than 20% above the annual amount earned from fees and charges as they existed on July 1, 2011. Section 11 also establishes a maximum fee increase that the commission may impose by rule for park passes in any one year as a one-dollar increase for a daily park pass and a \$10 increase for an annual park pass.</p> <p>Section 13 removes the \$200,000 limitation on the amount that may be held in the stores revolving fund, which fund is maintained for acquiring stock for warehousing and distributing supplies for retail sales to visitors, and requires that the fund be continuously appropriated.</p> <p>Section 14 removes the \$5 cap on the fee that the division may charge a person to replace a lost or destroyed pass or registration. The fee may be set by the commission by rule in an amount up to 50% of the cost of the original pass or registration.</p> <p>Section 15 removes a requirement that an aspen leaf annual park pass be affixed to the vehicle for which the pass was issued.</p> <p>Section 16 directs the commission to determine, by rule, how the columbine annual park pass will be displayed to enter a state park or recreation area.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
<p><b>SJM 1004</b></p> <p><a href="#"><u>Memorialize Former Congressman Ray Kogovsek</u></a></p>	<p><b>S Garcia H Esgar</b></p>	<p>MEMORIALIZE FORMER CONGRESSMAN RAY KOGOVSEK</p>		<p><b>02/05/2018</b></p> <p><b>SUPPORT</b></p> <p><b>SWCD Position: DISCUSSION</b></p>
<p><b>SUMMARY:</b> WHEREAS, Governor John Hickenlooper, after ordering flags to be flown at half staff on all Colorado public buildings statewide on May 3, 2017, in honor of this Colorado statesman, remarked, "Ray dedicated his life to supporting the interests of the people of Pueblo and southern Colorado. His efforts have left an indelible mark across our state and on so many lives that will cherish his legacy of respect and selflessness in serving others"; now, therefore,</p> <p>Be It Resolved by the Senate of the Seventy-first General Assembly of the State of Colorado, the House of Representatives concurring herein: That, in the death of Raymond Kogovsek, the people of the State of Colorado have lost a devoted public servant and an outstanding citizen, and that we, the members of the Seventy-first General Assembly, pay tribute to Raymond Kogovsek for his years of dedicated public service and do hereby extend our deep and heartfelt sympathy to the members of his family.</p>				
<p><b>HB 1151</b></p> <p><a href="#"><u>CWCB Approve Deficit Irrigation Pilot Projects</u></a></p>	<p><b>H Arndt/Catlin S Crowder</b></p> <p>Ag, Livestock &amp; Natural Resources</p>	<p>CONCERNING THE AUTHORIZATION OF DEFICIT IRRIGATION PILOT PROJECTS APPROVED BY THE COLORADO WATER CONSERVATION BOARD.</p>	<p><i>Postponed action until 2/20. Bill sponsor agreed to layover committee hearing for 1 week.</i></p>	<p><b>01/31/18</b></p> <p><b>DISCUSSION</b></p> <p><b>SWCD Position: DISCUSSION</b></p>
<p><b>SUMMARY:</b> Current law allows the Colorado water conservation board to approve up to 15 pilot projects for agricultural water leasing or fallowing projects. The bill <b>expands the types of projects that may be approved to include deficit irrigation projects</b>, which use less than the optimal amount of water on a particular crop. The bill also excludes from the determination of historical consumptive use decreases in use resulting from deficit irrigation projects to conserve or lease water.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
<p><b>HB 1199</b></p> <p><a href="#"><u>Aquifer Storage-and-Recovery Plans</u></a></p>	<p><b>H Catlin S Coram</b></p> <p>Ag, Livestock &amp; Natural Resources</p>	<p>CONCERNING A PROCESS FOR THE GROUND WATER COMMISSION TO USE FOR APPROVING AQUIFER STORAGE-AND-RECOVERY PLANS, AND, IN CONNECTION THEREWITH, REQUIRING THAT THE GROUND WATER COMMISSION PROMULGATE RULES GOVERNING ITS IMPLEMENTATION OF THE PROCESS.</p>		<p><b>02/05/18</b></p> <p><b>DISCUSSION</b></p> <p><b>SWCD Position: DISCUSSION</b></p>
<p><b>SUMMARY:</b> The bill authorizes a person to apply to the ground water commission (commission) for approval of an <b>aquifer storage-and-recovery plan</b> and requires the commission to promulgate rules governing the application process and the requirements that an aquifer storage-and-recovery plan must meet to be approved.</p>				
<p><b>HB 1215</b></p> <p><a href="#"><u>Safe Disposal Naturally Occur Radioactive Material</u></a></p>	<p><b>H Arndt</b></p> <p>Health, Insurance &amp; Environment</p>	<p>CONCERNING ENHANCED PROTECTIONS REGARDING THE DISPOSAL OF NATURALLY OCCURRING RADIOACTIVE MATERIALS.</p>		<p><b>02/05/18</b></p> <p><b>DISCUSSION</b></p> <p><b>SWCD Position: DISCUSSION</b></p>
<p><b>SUMMARY:</b> Current law allows the state board of health to adopt rules concerning the disposal of naturally occurring radioactive materials (NORM) only after the federal environmental protection agency (EPA) has adopted rules concerning the disposal of NORM. The EPA has not adopted the rules.</p> <p>The bill:</p> <ul style="list-style-type: none"> <li>• Requires the state board to adopt rules for the disposal of NORM and technologically enhanced NORM (TENORM); and</li> <li>• While the state board is conducting its rule-making investigation, temporarily prohibits the disposal of oil and gas exploration and production waste (EP waste) with potentially high concentrations of radionuclides at a facility that is not specifically approved and designated to receive the waste unless:             <ul style="list-style-type: none"> <li>○ The generator of the waste has sampled and tested the EP waste on a per-shipment basis or in a representative and statistically valid manner approved by the state board; and</li> <li>○ The results of the test indicate that the EP waste contains low levels of TENORM. A generator of EP waste must file reports with the state board.</li> </ul> </li> </ul>				

# Colorado Water Congress 2018 Bill Status Sheet

Bill No.	Short Title	CWC Position	First House					Second House					First House Repass	Conference Committee	Governor	
			Introduced	1st Committee	2nd Committee	2nd Reading	3rd Reading	Introduced	1st Committee	2nd Committee	2nd Reading	3rd Reading				
<a href="#">HB18-1008</a>	Mussel-Free Colorado Act	16-Jan	10-Jan	22-Jan	31-Jan	Ap										
<a href="#">HB18-1053</a>	Reclaimed Water Use for Marijuana Cultivation	16-Jan	10-Jan	29-Jan	Ap											
<a href="#">HB18-1069</a>	Reclaimed Water Use for Toilet Flushing	22-Jan	10-Jan	29-Jan	Ap											
<a href="#">HB18-1073</a>	Water District Ability Contract Water Assets	5-Feb	16-Jan	29-Jan	7-Feb	12-Feb	13-Feb									
<a href="#">HB18-1093</a>	Reclaimed Water Use for Edible Crops	5-Feb	18-Jan	29-Jan	Ap											
<a href="#">HB18-1151</a>	Colorado Water Conservation Board Approve Deficit Irrigation Pilot Projects		31-Jan	26-Feb Ag												
<a href="#">HB18-1199</a>	Aquifer Storage-and-recovery Plans		5-Feb	26-Feb Ag												
<a href="#">HB18-1201</a>	Severance Tax Voter-approved Revenue Change		5-Feb	9-Apr F												
<a href="#">HB18-1215</a>	Safe Disposal Naturally Occur Radioactive Material		5-Feb													
<a href="#">SB18-019</a>	Expanded Duration for CWRPDA Revolving Loans	16-Jan	10-Jan	1/18 Ag		23-Jan	24-Jan	26-Jan	12-Feb							
<a href="#">SB18-038</a>	Reclaimed Water Use on Industrial Hemp	16-Jan	10-Jan	1/18 Ag	Ap											

Bill No.	Short Title	CWC Position	First House					Second House					First House Repass	Conference Committee	Governor	
			Introduced	1st Committee	2nd Committee	2nd Reading	3rd Reading	Introduced	1st Committee	2nd Committee	2nd Reading	3rd Reading				
<a href="#">SB18-041</a>	Authorize Water Use Incidental Sand & Gravel Mines	16-Jan	10-Jan	1/18 Ag		23-Jan	24-Jan	26-Jan	12-Feb							
<a href="#">SB18-134</a>	Public Utilities Commission Deregulate Nonprofit Water Utilities		29-Jan	8-Feb Ag	13-Feb											
<a href="#">SB18-143</a>	Parks and Wildlife Measures to Increase Revenue		29-Jan	13-Feb F												
<a href="#">SJM18-004</a>	Memorialize Foermer Congressman Ray Kogovsek		5-Feb				6-Feb	6-Feb				9-Feb				
<a href="#">SJR18-003</a>	Water Projects Eligibility Lists	16-Jan	12-Jan				17-Jan	26-Jan					2-Feb			6-Feb

Bill No.	Short Title	CWC Position	First House					Second House					First House Repass	Conference Committee	Governor
			Introduced	1st Committee	2nd Committee	2nd Reading	3rd Reading	Introduced	1st Committee	2nd Committee	2nd Reading	3rd Reading			
BILL STATUS			ABBREVIATIONS												
Bill scheduled for action at next SA meeting (yellow)			Ag = Agriculture and Natural Resources Committee												
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 Postponed Indefinitely, Lost or Laid Over to end of session, date of action (orange)			F = Finance Committee												



Bill did not go to second committee or no action required (black)		HIE= Health, Insurance, and Environment																	
		J = Judiciary																	
<u>CWC POSITION</u>		LG = Local Government Committee																	
Bill scheduled for activity in CWC State Affairs (yellow)		SVMA = State, Veterans, and Military Affairs Committee																	
Support (green)		TE = Transportation and Energy Committee																	
Oppose (orange)		UA = Upon Adjournment																	
Amend (blue)		UR = Upon Recess																	
Monitor, Neutral, No Position																			