

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

**February 4, 2019 Water Legislation Report #5 (2019 Legislative Session)**

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The State Affairs Committee met on February 4th to discuss proposed water legislation for consideration in the 2019 legislative session. Since the last meeting, no new legislation has been introduced, and the Committee tentatively cancelled their meeting on February 11th unless a new water bill is introduced in the meantime.

The Committee acted to support [HB19-1113 \(Protect Water Quality Adverse Mining Impacts\)](#) with amendments requested by the mining industry and agreed to by the sponsors, including to replace “end date” with “a reasonably foreseeable end date.” SWCD Executive Director Bruce Whitehead testified before the House Rural Affairs Committee on Monday in support of the bill.

The SA committee again postponed action on [HB19-1006 \(Wildfire Mitigation Wildland-urban Interface Areas\)](#). The sponsor is awaiting language for a strike-below amendment to expand the current grant program to HOAs, rather than create a competing grant program.

The table below 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
SB19 096 <a href="#">Collect Long Term Climate Change Data</a>	S Donovan H Hansen  Transportation & Energy	CONCERNING THE COLLECTION OF GREENHOUSE GAS EMISSIONS DATA TO FACILITATE THE IMPLEMENTATION OF MEASURES THAT WOULD MOST COST-EFFECTIVELY ALLOW THE STATE TO MEET ITS GREENHOUSE GAS EMISSIONS REDUCTION GOALS.	<i>SA staff will reach out to the CWCB to more clearly define the water nexus of this bill.</i>	01/23/2019  DISCUSSION  SWCD Position: DISCUSSION
<b>SUMMARY:</b> The bill <b>requires</b> the air quality control commission in the department of public health and environment to collect greenhouse gas emissions data from greenhouse gas-emitting entities, report on the data, including a forecast of future emissions, and propose a draft rule to address the emissions by July 1, 2020.				
HB19 1006 <a href="#">Wildfire Mitigation Wildland-urban Interface Areas</a>	H McLachlan, Carver S Fields  Rural Affairs & Ag	CONCERNING MEASURES TO MITIGATE THE EFFECTS OF WILDFIRES WITHIN WILDLAND-URBAN INTERFACE AREAS, AND, IN CONNECTION THEREWITH, CREATING A STATE GRANT PROGRAM TO PROMOTE FOREST MANAGEMENT FUELS REDUCTION PROJECTS IN SUCH AREAS	<i>The SA committee again postponed action on the bill until the next meeting. The sponsor may introduce a strike-below amendment to expand the current grant program to HOAs, rather than create a competing grant program.</i>	01/04/2019  POSTPONED  SWCD Position: DISCUSSION
<b>SUMMARY: Wildfire Matters Review Committee.</b> The bill <b>creates a state grant program</b> to be administered by the Colorado state forest service (forest service) to fund proactive forest management fuels reduction projects to reduce the impacts to life, property, and critical infrastructure caused by wildfires. To be eligible for a grant award, a grant recipient must be any one of a group of individual landowners as specified in the bill whose real property that is the subject of a grant application is located within a land area that is covered by a community wildfire protection plan. The bill specifies requirements pertaining to the evaluation of grant proposals. The forest service is to select the proposals that will receive funding, administer the grant program, and develop procedures by which applicants are to apply for grants. The bill imposes a monetary limit on the amount of a grant to be awarded and also requires a grant applicant to demonstrate an available amount of matching funds to be awarded a grant. The bill creates the forest management fuels reduction projects grant program cash fund in the state treasury. The bill requires the forest service to report annually to the general assembly on the number, location, and benefits of all projects for which a grant award is made.				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
<p><b>HB19 1082</b></p> <p><a href="#"><u>Water Rights Easements</u></a></p>	<p><b>H Catlin, Valdez S Coram</b></p> <p>Rural Affairs &amp; Ag</p>	<p>CONCERNING THE RIGHTS OF A WATER RIGHTS EASEMENT HOLDER.</p>	<p><i>An ad-hoc group of SA committee members provided revised language for an amendment to address concerns initially expressed about the unintentional consequences of the bill.</i></p>	<p><b>01/11/2019</b></p> <p><b>SUPPORT WITH AMENDMENT</b></p> <p>SWCD Position: <b>DISCUSSION</b></p>
<p><b>SUMMARY:</b> The bill <b>clarifies</b> that water rights easement holders may maintain, repair, and improve their easement.</p>				
<p><b>HB19 1113</b></p> <p><a href="#"><u>Protect Water Quality Adverse Mining Impacts</u></a></p>	<p><b>H Roberts, McLachlan</b></p> <p>Rural Affairs &amp; Ag</p>	<p>CONCERNING THE PROTECTION OF WATER QUALITY FROM ADVERSE IMPACTS CAUSED BY MINERAL MINING.</p>	<p><i>The sponsors will introduce amendments requested by the mining industry, including to replace “end date” with “a reasonably foreseeable end date.”</i></p> <p><i>This bill received strong support on the Western Slope from the Upper Gunnison WCD, the River District, and SWCD, and passed with a 2/3 majority.</i></p>	<p><b>01/15/2019</b></p> <p><b>SUPPORT WITH PROPOSED AMENDMENT</b></p> <p>SWCD Position: <b>SUPPORT</b></p>
<p><b>SUMMARY:</b> Current law does not address reliance on perpetual water treatment as the means to minimize impacts to water quality in a reclamation plan for a mining operation. Section 1 of the bill <b>requires</b> most reclamation plans to demonstrate, by substantial evidence, <b>an end date for any water quality treatment</b> necessary to ensure compliance with applicable water quality standards.</p> <p>Current law allows a mining permittee to submit an audited financial statement as proof that the operator has sufficient funds to meet its reclamation liabilities in lieu of a bond or other financial assurance. Section 2 <b>eliminates this self-bonding option</b> and also requires that all reclamation bonds include financial assurances in an amount sufficient to protect water quality, including costs for any necessary treatment and monitoring costs.</p>				