

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

February 17, 2015 Water Legislation Report #7 (2015 Legislative Session)

The State Affairs Committee met on Tuesday, February 17, 2015 to discuss water legislation introduced during the 2015 Session. Discussion occurred, or action was taken on the bills included in the summary below. All legislation considered by the Water Congress is included in this week's report, and once the State Affairs Committee has taken action on a bill it will be moved to the status sheet the following week. The next meeting of the State Affairs Committee will be on Monday, February 23, 2015.

Other legislation introduced, or requested for discussion or action, since the last meeting: **HB - 1210 (GA Review Environmental Rules Required In Lieu Fed Law)**.

Proposed Legislation: Work continues on the proposed Stormwater legislation, and the proponents are working with possible sponsors for the bill. It was reported by the Department of Natural Resources that the Agriculture Efficiency Bill (**HB G**) had been submitted, but had not been read across the desk or had a bill number assigned as of the date of the meeting. The submitted version of the bill was circulated to the State Affairs Committee for discussion.

The format of each bill includes five columns and a following **Summary** cell. The 1st, 2nd, 4th, & 5th column each contain two information items as follows: 1st column has both the **Bill No.** and the **Short Title**. The 2nd column has both the **Sponsors** and the assigned **Committee**. The 3rd column contains only the **Concerning** statement, copied directly from the bill. The 4th column will show important **Amendments** and **Comments** provided by either me or John Porter. The 5th column shows both **When Introduced** and **CWC Action**. 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. Additional info is available at the CWC web site:
<http://www.cowatercongress.org/stateaffairs/>

FYI: Legislator Contact Information

Senator Ellen Roberts:	303-866-4884	ellen.roberts.senate@state.co.us
Representative J. Paul Brown:	303-866-2914	jpaul.brown.house@state.co.us
Representative Don Coram:	303-866-2955	don.coram.house@state.co.us

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action
HB 1118 Hydroelectric Power	H Brown State, Veterans & Military Affairs	CONCERNING THE EXPANSION OF THE TYPES OF HYDROELECTRICITY AMONG THE ELIGIBLE ENERGY RESOURCES UNDER COLORADO'S RENEWABLE ENERGY STANDARD.	<i>Bill scheduled in committee 2/18.</i>	01/15/15 NO POSITION
SUMMARY: The bill amends the definition of "renewable energy resources" that can be used to meet the state's renewable energy standard to include hydroelectricity and pumped hydroelectricity.				
HB 1159 Instream Flow Incentive Tax Credit	H Arndt S Donovan Ag, Livestock, & Nat'l Resources	CONCERNING THE INSTREAM FLOW INCENTIVE TAX CREDIT FOR WATER RIGHTS HOLDERS.	<i>Tabled until SA meeting on 2/23. Scheduled for committee on 3/2.</i>	01/29/15 TABLED
SUMMARY: In 2009, the general assembly enacted the instream flow incentive tax credit for water rights holders for 6 years. When enacted, the tax credit included a trigger that made the credit unavailable if total general fund revenues for a particular fiscal year would not be sufficient to grow the total state general fund appropriations by 6% over the previous fiscal year's appropriations. The bill extends the instream flow incentive tax credit for water rights holders for an additional 5 income tax years. The bill also makes a change to the requirements of the donation, specifying that the donation may either <i>preserve or improve</i> the environment, rather than requiring that the donation only preserve the environment as originally enacted. Additionally, the bill removes the application of the trigger to the tax credit.				
HB 1167 South Platte River Mainstem Storage Study	H Brown S Sonnenberg Ag, Livestock, & Nat'l Resources	CONCERNING A STUDY REGARDING THE CREATION OF ADDITIONAL WATER SUPPLIES IN THE SOUTH PLATTE RIVER BASIN.	<i>Tabled until SA meeting on 2/17. Scheduled for committee on 2/18. Support as Amended.</i>	01/29/15 SUPPORT
SUMMARY: The bill directs the Colorado water conservation board to study the feasibility of supplementing water supplies in the South Platte river basin through the construction of a new reservoir on the mainstem of the South Platte river between Greeley and Julesburg and the importation of water into Colorado from the Missouri river basin. The study must also estimate the volume of water that has been delivered to Nebraska above the amounts required to be delivered by the South Platte river compact and that could otherwise have been stored in the lower South Platte river basin for each of the previous 20 years. The board must provide the water resources review committee and the governor's office with an update concerning the study by October 31, 2015, include the findings from the study in the Colorado water plan, complete the study by December 31, 2015, and provide a summary report on the study to the general assembly and the governor's office by February 15, 2016.				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action
<p>HB 1178</p> <p>Emergency Well Pumping Damaging High Groundwater</p>	<p>H Saine, Humphrey S Marble</p> <p>Ag, Livestock, & Nat'l Resources</p>	<p>CONCERNING THE STATE ENGINEER'S AUTHORITY TO ALLOW WELL USERS TO LOWER THE WATER TABLE IN AN AREA THAT THE STATE ENGINEER DETERMINES IS EXPERIENCING DAMAGING HIGH GROUNDWATER LEVELS.</p>	<p><i>Tabled based on Sponsors request until SA meeting on 2/17. Sponsor considering amendments.</i></p> <p><i>Scheduled in committee on 2/18.</i></p> <p><i>Strike below amendment by bill Sponsor, vote to Oppose strike below version.</i></p>	<p>1/29/15</p> <p>OPPOSE</p>
<p>SUMMARY: The bill authorizes the state engineer, for the purpose of lowering the water table in an area that the state engineer determines is experiencing damaging high groundwater levels, to rescind an order or to decline to order a well user in the area to discontinue an out-of-priority diversion or to replace an amount of water otherwise required by an augmentation plan or a substitute water supply plan.</p>				
<p>HB 1210</p> <p>General Assembly Review Environmental Rules Required In Lieu Fed Law</p>	<p>H Dore</p> <p>State, Veterans & Military Affairs</p>	<p>CONCERNING REVIEW BY THE GENERAL ASSEMBLY OF ENVIRONMENTAL RULES REQUIRED TO MAINTAIN THE OPERATION OF STATE ENVIRONMENTAL LAW IN LIEU OF FEDERAL ENVIRONMENTAL LAW.</p>		<p>2/3/15</p> <p>DISCUSSION</p>
<p>SUMMARY: The bill requires the air quality control commission, water quality control commission, and solid and hazardous waste commission to submit an annual report to the general assembly regarding all new and amended rules that are required by new or amended regulations proposed or adopted by the federal environmental protection agency (EPA) pursuant to the federal clean air, clean water, and hazardous waste laws to maintain state primacy regarding the enforcement of state environmental law operating in lieu of federal environmental law.</p> <p>A rule specified in the report cannot be submitted for EPA's approval unless the general assembly has acted by bill to approve the submission of that particular rule. A bill to approve the submission of one or more rules specified in the report is exempt from the 5-bill limit.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action
<p>HB G</p> <p>Water Efficiency Savings Instream Use Pilot</p>	<p>H Becker S N/A</p> <p>N/A</p>	<p>CONCERNING AN AUTHORIZATION OF PILOT PROJECTS FOR THE VOLUNTARY TRANSFER OF WATER EFFICIENCY SAVINGS TO THE COLORADO WATER CONSERVATION BOARD FOR INSTREAM USE PURPOSES IN WATER DIVISIONS THAT INCLUDE LANDS WEST OF THE CONTINENTAL DIVIDE.</p>	<p><i>Department Natural Resources pilot alternative to SB14-23, vetoed by Governor Hickenlooper.</i></p> <p><i>Bill submitted, but had not been read across the desk or assigned a bill number.</i></p>	<p>N/A</p> <p>DISCUSSION</p>
<p>SUMMARY: The bill authorizes the Colorado water conservation board to select the sponsors of up to 12 pilot projects for the board's acquisition of water efficiency savings for instream flow use without the need for a water court-decreed change of water right. The board may approve up to 5 pilot projects in any one water division, but only in divisions 4, 5, 6, and 7. In order to be able to collect sufficient data, each project should operate for at least 10 years. The board cannot accept an application for a pilot project after July 1, 2020. Each pilot project must cease operations within 10 years after its approval and after the conclusion of any water court appeals; except that if no claim of injury due to the operation of a pilot project has been filed or if all such claims have been resolved to the satisfaction of the party who filed the claim, the board may extend the operation of the pilot project for up to an additional 15 years.</p> <p>The board will establish criteria and guidelines for the pilot projects. The bill specifies procedures for the board's consideration of pilot project applications, including ways to resolve claims of injury to other water rights through the imposition of terms and conditions to prevent injury. The amount of water efficiency savings acquired by the board cannot be more than the minimum amount necessary to preserve the natural environment to a reasonable degree.</p> <p>A party can appeal the board's determination with the appropriate water judge within 35 days after the board's decision has been mailed to the appropriate water clerk. A party may also file comments with the board by January 1 of the year following each year that a pilot project is operated concerning potential injury to such party's water rights due to the operation of the pilot project, in which case the original procedural safeguards must again be followed.</p> <p>By December 31, 2025, the board will file a report with the general assembly that evaluates and makes recommendations regarding the pilot projects' operation.</p>				