

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

September 26, 2016 Water Legislation Interim Report (2017 Legislative Session)

The State Affairs Committee met on Monday, September 26, 2016 to review the five proposed bills approved by the Interim Water Resources Review Committee that were discussed in hearings over the summer. Other possible legislation discussed by the State Affairs Committee may include a bill amending the Colorado Open Records Act to require public entities to produce data in its native format, and all relevant metadata. We may also see legislation regarding water banking and the water and land use planning nexus. The Second Regular Session of the Seventieth General Assembly will convene on January 11, 2017. The Water Resource Review Committee bills will be some of the first legislation introduced after the Legislature convenes. Bill E will be introduced in the Senate, and Bills A-D will be introduced in the House.

Of the ballot initiatives the Water Congress had been tracking, only [Initiative 96](#) will be on the 2016 ballot. Water Congress passed a resolution in support of Initiative 96 (Amendment 71), which asks voters to hold our state's constitution to a higher standard by mandating minimum signature requirements with geographic diversity of 2% of voters in all 35 State Senate Districts, and increasing the threshold for voter approval from 50% to 55% in order to amend Colorado's Constitution. The Water Congress Resolution can be found at the following link:

http://www.cowatercongress.org/uploads/5/2/4/6/52461715/initiative_96_resolution_final.pdf

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**, **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.

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 / SWCD Position
<p>BILL E</p> <p>State Engineer Statutes Cleanup</p>	<p>S Sonnenberg H Arndt</p> <p>N/A</p>	<p>CONCERNING REQUIREMENTS GOVERNING IMPLEMENTATION OF THE STATE ENGINEER'S FUNCTIONS, AND, IN CONNECTION THEREWITH, RESTRUCTURING THE FEE THAT THE STATE ENGINEER MAY CHARGE FOR RATING CERTAIN TYPES OF WATER INFRASTRUCTURE, REPEALING CERTAIN REQUIREMENTS, AND UPDATING LANGUAGE IN THE STATUTES REGARDING THE DIVISION OF WATER RESOURCES.</p>		<p>N/A</p> <p>DISCUSSION</p> <p>SWCD Position: DISCUSSION</p>
<p>SUMMARY: Water Resources Review Committee. Section 8 of the bill restructures the fee that the state engineer may charge for rating certain types of water infrastructure from \$25 per day for expenses incurred in determining the rating to a flat fee of \$75. Section 1 specifies the location of the state engineer's office as within the capitol complex. Section 2 permits the state engineer to use new technology that can accomplish the same functions as satellite or telemetry-based monitoring systems and is more cost effective.</p> <p>The bill repeals certain requirements as follows:</p> <ul style="list-style-type: none"> *In sections 1, 4, and 11, the requirement that certain officials take an oath and post bond; *In section 8, certain fee requirements; and *In section 14, the requirement that the state engineer survey, lay out, and locate a ditch or canal along the Arkansas river. <p>Section 16 increases the amount of time for filing comments on a substitute water supply plan from 30 days after the state engineer mails the notice to 35 days after mailing the notice. The bill updates language within the statutes related to the state engineer and the division of water resources.</p>				
<p>BILL A HJR</p> <p>Funding Prevent Aquatic Nuisance Species</p>	<p>H Mitsch Bush and Coram S Baumgardner</p> <p>N/A</p>	<p>CONCERNING FUNDING FOR THE PREVENTION OF AQUATIC NUISANCE SPECIES IN COLORADO</p>		<p>N/A</p> <p>DISCUSSION</p> <p>SWCD Position: DISCUSSION</p>
<p>SUMMARY: Water Resources Review Committee. Be It Resolved by the House of Representatives of the Seventy-first General Assembly of the State of Colorado, the Senate concurring herein: That we, the members of the Colorado General Assembly, urge the United States Bureau of Reclamation, the United States Army Corps of Engineers, and the USFS to provide funding to Colorado Parks and Wildlife for implementation of the State of Colorado Zebra and Quagga Mussel Management Plan.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
<p>BILL B</p> <p>CWCB Grants Loans Dredge South Platte Basin Reservoirs</p>	<p>H Becker S Sonnenberg</p> <p>N/A</p>	<p>CONCERNING AN AUTHORIZATION FOR THE COLORADO WATER CONSERVATION BOARD TO FINANCE SOUTH PLATTE RIVER BASIN RESERVOIR DREDGING PROJECTS</p>		<p>N/A</p> <p>DISCUSSION</p> <p>SWCD Position: DISCUSSION</p>
<p>SUMMARY: Water Resources Review Committee. The bill appropriates \$5 million from the Colorado water conservation board construction fund to the Colorado water conservation board to make loans and grants to enable the recipients to dredge existing reservoirs located in the South Platte river basin to restore the reservoirs' full decreed storage capacity.</p>				
<p>BILL C</p> <p>Update 1921 Irrigation District Act</p>	<p>H Arndt, Becker J. S Sonnenberg, Baumgardner</p> <p>N/A</p>	<p>CONCERNING UPDATES TO THE 1921 LAW GOVERNING IRRIGATION DISTRICTS.</p>		<p>N/A</p> <p>DISCUSSION</p> <p>SWCD Position: DISCUSSION</p>
<p>SUMMARY: Water Resources Review Committee. This bill amends the 1921 irrigation district law to:</p> <ul style="list-style-type: none"> • Remove inconsistencies and update antiquated provisions; • Clarify the definition of landowners entitled to receive water, vote in district elections, and serve on the board of directors; • Update dollar figures and, in subsequent years, adjust for inflation; • Define "agricultural land"; • Update election procedures; • Clarify how irrigation district assessments are collected and held; and • Modernize procedures for selling surplus property. <p>The bill also clarifies that water acquired in excess of an irrigation district's own needs can be leased for all beneficial purposes, rather than only for domestic, agricultural, and power and mechanical purposes, and that the provisions of the 1921 irrigation district law are in addition to powers conferred on irrigation districts in other statutes.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
<p>BILL D</p> <p>Graywater Regulations Exemption for Scientific Research</p>	<p>H Arndt S Sonnenberg</p> <p>N/A</p>	<p>CONCERNING AN EXEMPTION FROM THE WATER QUALITY CONTROL COMMISSION'S GRAYWATER CONTROL REGULATIONS FOR GRAYWATER USED FOR THE PURPOSE OF SCIENTIFIC RESEARCH INVOLVING HUMAN SUBJECTS.</p>		<p>N/A</p> <p>DISCUSSION</p> <p>SWCD Position: DISCUSSION</p>
<p>SUMMARY: Water Resources Review Committee. The water quality control commission in the department of public health and environment (commission) is responsible for developing requirements, prohibitions, and standards that protect public health and water quality for the use of graywater for nondrinking purposes. Scientific research on graywater that might involve graywater uses and systems that do not strictly comply with the requirements, prohibitions, and standards developed by the commission would not be permitted under the control regulations.</p> <p>To facilitate scientific research related to graywater uses and systems, the bill creates an exemption from the commission's graywater control regulations for scientific research involving human subjects whereby a person may collect and use graywater for purposes of scientific research involving human subjects if the person:</p> <ul style="list-style-type: none"> • Seeks to conduct the scientific research on behalf of an institution of higher education; • Utilizes a graywater treatment works system that incorporates a secondary water supply to provide an alternative source of water if any portion of the system does not function properly; and • Collects and uses graywater in accordance with the terms and conditions of the decrees, contracts, and well permits applicable to the use of the source water rights or source water and any return flows. <p>The person is required to report to the water resources review committee on an annual basis the results of periodic monitoring conducted to assess the continued functioning of the graywater treatment works system used in the project and the project's compliance with federal rules concerning the protection of human research subjects.</p>				