

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

**March 20, 2017 Water Legislation Report #11 (2017 Legislative Session)**

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The State Affairs Committee met on Monday, March 20 to review proposed bills. Legislation that has been introduced since the last meeting include: **SB 235** (Pilot Project Seaplanes Land in State Parks) and **HB 1254** (Noneconomic Damages Cap Wrongful Death of Child). The next meeting of the State Affairs Committee is scheduled for Monday, March 27.

Discussions continue regarding **SB 40** (Public Access to Electronic Files), and recent amendments that have been introduced. The Secretary of State is supportive of the legislation, but the Water Congress has taken a position of opposition to the bill with concerns about impacts to small Districts and the possibility of data-mining for profit by outside interests. If the bill moves forward, the Water Congress staff will continue to push for amendments that address those concerns as well as project security related issues.

There was also discussion of **HB 1177** (Mediating Disputes Under CORA), as well as draft bills **HB LLS 1074** (Finance Water Pollution Control Program) and **HB LLS 1038** (Real Estate Development Demonstrate Water Conservation), which will likely be introduced sometime this week..

Other possible legislation that may be introduced in the near future include a bill concerning a Dedication of Reservoir Releases for Instream Flow purposes, being discussed by the Northern District related to NISP operations.

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**. 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 or individuals 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
<b>SB-235</b>  <b>Pilot Project</b> <b>Seaplanes Land in</b> <b>State Parks</b>	<b>S Crowder</b> <b>H N/A</b>  <b>Ag, Natural Resources &amp;</b> <b>Energy</b>	<b>CONCERNING AN AUTHORIZATION OF A</b> <b>PILOT PROGRAM TO ALLOW AMPHIBIOUS</b> <b>SEAPLANES TO OPERATE IN DESIGNATED</b> <b>STATE PARKS.</b>		<b>03/16/17</b>  <b>OPPOSE</b>  <b>SWCD Position:</b> <b>DISCUSSION</b>
<p><b>SUMMARY:</b> Current state park law excludes seaplanes from the definition of a "vessel", and applicable park rules essentially prohibit seaplanes from landing in or taking off from state park water bodies. The bill <b>creates a pilot project</b> to allow amphibious seaplanes to land in at least 2 state parks after the seaplanes have been inspected for and decontaminated of aquatic nuisance species. The parks and wildlife commission may adopt rules to implement the pilot program.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
<b>HB 1233</b>  <b>Protect Water Historical Consumptive Use Analysis</b>	<b>H Ardent S N/A</b>  <b>Ag, Livestock &amp; Natural Resources</b>	<b>CONCERNING PROTECTION OF THE HISTORICAL CONSUMPTIVE USE ANALYSIS OF A WATER RIGHT INVOLVED IN A WATER CONSERVATION PROGRAM</b>		<b>03/07/17</b>  <b>SUPPORT</b>  <b>SWCD Position: DISCUSSION</b>
<p><b>SUMMARY:</b> When a water right owner wishes to change a water right, the amount of water that can be changed is limited to the historical consumptive use of the water right. Current law provides that the reduced water usage that results from participation in a government-sponsored water conservation program will not be considered in analyzing the historical consumptive use of the water right, but only in water divisions 4, 5, or 6. The bill <b>applies this rule statewide</b>, includes water conservation pilot programs, and limits state agencies that can approve a water conservation program to only those that have explicit statutory jurisdiction over water conservation or water rights.</p>				
<b>HB 1248</b>  <b>CWCB Construction Fund Projects</b>	<b>H Ardent S Sonnenberg</b>  <b>Ag, Livestock &amp; Natural Resources</b>	<b>CONCERNING THE FUNDING OF COLORADO WATER CONSERVATION BOARD PROJECTS, AND, IN CONNECTION THEREWITH, MAKING APPROPRIATIONS.</b>		<b>03/09/17</b>  <b>SUPPORT</b>  <b>SWCD Position: DISCUSSION</b>
<p><b>SUMMARY:</b> The bill appropriates the following amounts from the Colorado water conservation board (CWCB) construction fund (fund) to the CWCB or the division of water resources for the following projects:</p> <ul style="list-style-type: none"> <li>- \$380,000 for continuation of the satellite monitoring system maintenance (section 1);</li> <li>- \$500,000 for continuation of the Colorado floodplain map modernization program (section 2);</li> <li>- \$200,000 for continuation of the Colorado decision support system operation and maintenance (section 3);</li> <li>- \$175,000 for continuation of the weather modification program (section 4);</li> <li>- \$154,000 for the support of the Colorado Mesonet, a spatially coherent network of weather stations reporting in near real-time via major data portals (section 5);</li> <li>- \$800,000 for continuation of the water forecasting partnership project (section 6);</li> <li>- \$1,000,000 for continuation of the alternative agricultural transfer methods grant program (section 7);</li> <li>- \$500,000 for continuation of technical assistance for the federal irrigation improvement cost-sharing program (section 8);</li> <li>- \$1,100,000 for implementation of the Colorado water loss control initiative (section 9);</li> <li>- \$10,000,000 for continuation of the Rio Grande cooperative project (section 12);</li> <li>- \$5,000,000 for continuation of the watershed restoration program (section 13); and</li> <li>- \$10,000,000 for implementation of the Colorado water plan (section 14).</li> </ul>				

<b>Bill No.</b> <b>Title</b>	<b>Sponsors</b> <b>Committee</b>	<b>Concerning</b>	<b>Amendments</b> <i>Comments</i>	<b>When Introduced</b> <b>CWC Action / SWCD Position</b>
<p>Section 10 appropriates \$260,000 from the public and private utilities sector fund to the water quality control division in the Colorado department of public health and environment for updating regulations related to nonpotable water reuse and graywater usage. Section 11 authorizes the CWCB to make loans in the amount of up to \$90,000,000 from the fund for the Windy Gap firming project.</p> <p>The bill directs the state treasurer to transfer the following amounts from the fund:</p> <ul style="list-style-type: none"> <li>- Up to \$500,000 to the flood and drought response fund (section 15);</li> <li>- \$1,300,000 to the litigation fund (section 16);</li> <li>- \$300,000 to the feasibility study small grant fund (section 17);</li> <li>- \$1,500,000 to the fish and wildlife resources fund (section 18); and</li> <li>- \$260,000 to the public and private utilities sector fund (section 19).</li> </ul> <p>Section 21 transfers the following amounts from the severance tax perpetual base fund to the fund:</p> <ul style="list-style-type: none"> <li>- On July 1, 2017, \$10,000,000 for the Rio Grande cooperative project;</li> <li>- On July 1, 2017, \$5,000,000 for the watershed restoration program;</li> <li>- On July 1, 2017, and each July 1 thereafter, \$10,000,000 for implementation of the state water plan; and</li> <li>- On July 1, 2017, \$10,000,000 to supplement the water supply reserve fund.</li> </ul> <p>Section 21 also transfers, on July 1, 2017, \$30,000,000 from the severance tax perpetual base fund to the loan guarantee fund, which fund is created in section 20 for use by the CWCB for the purpose of guaranteeing the repayment of loans for water projects with multiple participants; except that, if, on or before June 30, 2017, the CWCB informs the state treasurer that an amount less than \$30,000,000 should be transferred from the severance tax perpetual base fund to the loan guarantee fund, the state treasurer is required to transfer that lesser amount on July 1, 2017.</p>				
<p><b>HB 1254</b></p> <p><b>Noneconomic Damages Cap Wrongful Death of Child</b></p>	<p><b>H Becker K. S Kagan</b></p> <p><b>State, Veterans &amp; Military Affairs</b></p>	<p><b>CONCERNING THE ELIMINATION OF THE CAP ON NONECONOMIC DAMAGES FOR THE WRONGFUL DEATH OF A MINOR CHILD.</b></p>		<p><b>03/10/17</b></p> <p><b>DISCUSSION</b></p> <p><b>SWCD Position: DISCUSSION</b></p>
<p><b>SUMMARY:</b> The bill eliminates the cap on noneconomic damages for the wrongful death of a minor child. The <b>bill clarifies</b> that, for purposes of the wrongful death statutes, "minor child" is defined using the general statutory definition of "minor", which is "any person who has not attained the age of twenty-one years".</p>				