

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

March 20, 2017 Water Legislation Report #12 (2017 Legislative Session)

The State Affairs Committee met on Monday, March 27 to review proposed bills. Legislation that has been introduced since the last meeting include: **HB 1289** (State Engineer Rules Historical Consumptive Use); **HB 1285** (Finance Water Pollution Control Program), *previously discussed in draft form as LLS 1074*; and **HB 1273** (Real Estate Development) *previously discussed in draft form as LLS 1038*. The next meeting of the State Affairs Committee is scheduled for Monday, April 3.

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. Additional discussion also continued on **HB 1177** (Mediating Disputes Under CORA), which had a strike below amendment in Committee. Both of these bills will be on the agenda next week for Reconsideration of Position.

There were two other draft bills discussed at the meeting on Monday and include; **LLS 1109 (Dedicate Reservoir Release Environmental Purposes)** regarding mitigation releases from NISP facilities, and **LLS 1095** (Alternate Storage Not Change if Already Qualified).

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**. 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 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.

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	don.coram.senate@state.co.us
Representative Barbara McLachlan (HD 59):	303-866-2914	barbara.mclachlan.house@state.co.us
Representative Marc Catlin (HD 58):	303-866-2955	marc.catlin.house@state.co.us

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
HB 1254 Noneconomic Damages Cap Wrongful Death of Child	H Becker K. S Kagan State, Veterans & Military Affairs	CONCERNING THE ELIMINATION OF THE CAP ON NONECONOMIC DAMAGES FOR THE WRONGFUL DEATH OF A MINOR CHILD.		03/10/17 OPPOSE SWCD Position: DISCUSSION
<p>SUMMARY: The bill eliminates the cap on noneconomic damages for the wrongful death of a minor child. The bill clarifies 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>				
HB 1273 Real Estate Development Demonstrate Water Conservation	H Hansen, McKean S N/A Ag, Livestock & Natural Resources	CONCERNING A REQUIREMENT THAT AN APPLICANT FOR A REAL2 ESTATE DEVELOPMENT PERMIT DEMONSTRATE WATER CONSERVATION MEASURES THAT WILL BE IMPLEMENTED IN THE DEVELOPMENT.	<i>Postponed until next meeting on April 3, and request of Sponsor and proponents.</i>	03/17/17 POSTPONE SWCD Position: DISCUSSION
<p>SUMMARY: Current law's definition of a water supply that is "adequate" for purposes of a local government's approval of a real estate development permit merely allows the inclusion of reasonable conservation measures and water demand management measures to account for hydrologic variability. The bill amends the definition to include reasonable conservation measures and water demand management measures to reduce water needs and account for hydrologic variability (section 2 of the bill) and prohibits the local government from approving the permit application unless the applicant demonstrates that appropriate water conservation and demand management measures have been included in the water supply plan (section 3). Current law also requires an applicant for a real estate development permit to demonstrate to the local government issuing the permit:</p> <ul style="list-style-type: none"> - The water conservation measures, if any, that may be implemented within the development; and - The water demand management measures, if any, that may be implemented to account for hydrologic variability. <p>Section 4 requires the applicant to demonstrate:</p> <ul style="list-style-type: none"> - The water conservation measures that will be implemented within the development to reduce indoor and outdoor demand; and = The water demand management measures that will be implemented to account for hydrologic variability. 				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
HB 1285 Finance Water Pollution Control Program	H Mitsch-Bush, Lawrence S Cooke, Jahn Health, Insurance, & Environment	CONCERNING THE FINANCING OF THE WATER POLLUTION CONTROL PROGRAM, AND, IN CONNECTION THEREWITH, MAKING APPROPRIATIONS.		03/21/17 SUPPORT SWCD Position: DISCUSSION
<p>SUMMARY: Current law finances the state's water quality program with a mix of general fund money and fees that are paid by sources that discharge pollutants into the state's waters. Section 2 of the bill raises the fees and establishes goals for future adjustments of the ratio of revenue from fees and the general fund as follows:</p> <ul style="list-style-type: none"> - Commerce and industry sector: 50% general fund and 50% cash funds; - Construction sector: 20% general fund and 80% cash funds; - Municipal separate storm sewer: 50% general fund and 50% cash funds; - Pesticides sector: 94% general fund and 6% cash funds; - Public and private utilities sector: 50% general fund and 50% cash funds; and - Water quality certifications sector: 5% general fund and 95% cash funds. <p>Section 4 appropriates \$433,042 from the general fund to the department of public health and environment for use by the water quality control division, and section 5 appropriates \$774,965 to the department for use by the division from the 6 water quality sector funds.</p>				
HB 1289 State Engineer Rules Historical Consumptive Use	H Valdez, Hansen S Coram, Crowder Ag, Livestock & Natural Resources	CONCERNING A REQUIREMENT THAT THE STATE ENGINEER PROMULGATE RULES THAT ESTABLISH AN OPTIONAL STREAMLINED APPROACH TO CALCULATE THE HISTORICAL CONSUMPTIVE USE OF A WATER RIGHT.		03/23/17 DISCUSSION SWCD Position: DISCUSSION
<p>SUMMARY: When a water right owner wishes to change a water right—whether a temporary loan or change approved by the state engineer or a permanent change approved by a water judge—the determination of the amount of water that can be loaned or changed relies on a calculation of the historical consumptive use of the water right. The bill directs the state engineer to promulgate rules that take into account local conditions that an applicant can use to calculate historical consumptive use. The results of the calculation carry no presumptive weight before the state engineer, water referee, or water judge.</p>				