

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

May 2, 2016 Water Legislation Report #15 (2016 Legislative Session)

The State Affairs Committee met on Monday, May 2, 2016 to review bills as introduced or amended and other proposed legislation. The Second Regular Session of the Seventieth General Assembly convened on January 13, 2016, and is scheduled to adjourn on May 11, 2016. The State Affairs Committee's last scheduled meeting is **Monday, May 9, 2016.**

Other legislation introduced, or requested for discussion or action since the last meeting: **HB 1458 (Species Conservation Trust Fund Projects)** and **SB 200 (Create Director Water Project Permit Coordination).**

Proposed Legislation: CWC staff met with the Representative Vigil, who will Chair the Interim Water Resources Review Committee this summer, to discuss possible topics for the Interim Committee this summer. On Monday, the State Affairs Committee (CWC) discussed those suggestions, and added a few potential topics to the list. These potential topics and legislation for the Interim Committee meetings this summer include; a follow up to the water banking legislation that was PI'd this session, expansion of alternative transfer methods, aging infrastructure (including diversion, storage, and domestic delivery systems), further discussion of water loss audit reporting legislation that was PI'd this year, financing alternatives for water projects, beneficial uses of water and use fees (idea from Rep. Coram).

Bills for Possible Reconsideration: N/A

Ballot Initiatives: **Initiative 40** and **Initiative 63** are similar to ballot measures that have been previously proposed, and are partly driven by Oil/Gas production and hydro-fracking. Initiative 40 is focused on local jurisdiction and local sovereignty. On Monday March 14, the State Affairs Committee recommended a position of **Opposition** to Initiative 40 to the Water Congress Board. Initiative 63 is similar to past attempts at an "Environmental Rights Measure," but has had the Public Trust issue removed from the language. The Titles have been approved for both of these Initiatives. These proposed measures could have impacts to water rights and water providers in the state.

There have been a number of Initiatives that have had the Title set that would increase the requirements for ballot initiatives in Colorado. **Initiative 87** would require preparation of a Fiscal Impact Statement for proposed Initiatives, **Initiatives 93 and 94** are specific to Constitutional Amendments and would increase the number of votes needed for a Constitutional Amendment from 50% to 55%, **Initiatives 95, 96 and 97** are specific to Constitutional Amendments and would not change the total number of signatures required but would require that the signatures include 2% of the registered voters in each Senate District. Regarding Initiatives 93-97, two of those Initiatives have been withdrawn, and the other three are on appeal to the Supreme Court. Pending the outcome of the decision, it is likely that one or more of these remaining Initiatives will move forward that include the signatory threshold as well as the 55% of the votes requirement. The Water Congress will wait to take a position until it is clear which version of these initiatives will move forward. More information can on proposed ballot initiatives can be found on the Colorado Water Stewardship Project web page at <http://cowaterstewardship.com/>

Click on the following links to read the full ballot initiative language:

[Initiative 40](#) (Oppose)
[Initiative 63](#)

[Initiative 87](#)
[Initiative 95](#)

[Initiative 93](#)
[Initiative 96](#)

[Initiative 94](#)
[Initiative 97](#)

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

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Representative Don Coram: 303-866-2955

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Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
<p>HB16 – 1458</p> <p>Species Conservation Trust Fund Projects</p>	<p>H Vigil/Coram S Sonnenberg/ Garcia</p> <p>Ag, Livestock & Natural Resources</p>	<p>CONCERNING MEASURES TO EFFECTUATE THE CONSERVATION OF NATIVE SPECIES IN COLORADO, AND, IN CONNECTION THEREWITH, MAKING APPROPRIATIONS FROM THE SPECIES CONSERVATION TRUST FUND FOR PURPOSES RECOMMENDED BY THE DEPARTMENT OF NATURAL RESOURCES.</p>	<p><i>SA Committee took a position since the bill was scheduled in House Ag on 5/2.</i></p>	<p>04/27/16</p> <p>SUPPORT</p> <p>SWCD Position: N/A</p>
<p>SUMMARY: The bill appropriates money from the species conservation trust fund for programs submitted by the executive director of the department of natural resources that are designed to conserve native species that have been listed as threatened or endangered under state or federal law or that are candidate species or are likely to become candidate species as determined by the United States fish and wildlife service.</p>				
<p>HJR16 – 1021</p> <p>Congress Streamline Water Project Permit Process</p>	<p>H Brown/Vigil S Sonnenberg/ Baumgardner</p> <p>N/A</p>	<p>CONCERNING THE NECESSITY FOR CONGRESS TO STREAMLINE THE WATER PROJECT PERMITTING PROCESS.</p>		<p>04/19/16</p> <p>SUPPORT</p> <p>SWCD Position: N/A</p>
<p>SUMMARY: <i>Be It Resolved by the House of Representatives of the Seventieth General Assembly of the State of Colorado, the Senate concurring herein:</i> That Colorado's congressional delegation is urged to encourage the federal agencies to stay engaged in the LEAN process and support streamlining recommendations that cut waste, avoid duplication, provide greater coordination with the state, and ultimately reduce the cost and time of the water project permitting process. <i>Be It Further Resolved,</i> That copies of this joint resolution be provided to each member of Colorado's congressional delegation and Governor John Hickenlooper.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
HJR16 – 1023 Pub Input & GA Review Before New Nutrient Reqmnts	H Coram S Sonnenberg/ Baumgardner N/A	CONCERNING THE ENCOURAGEMENT OF STAKEHOLDER INPUT WITH SUBSEQUENT LEGISLATIVE REVIEW PRIOR TO THE IMPLEMENTATION OF ADDITIONAL NUTRIENT DISCHARGE CONTROLS.		04/21/16 MONITOR SWCD Position: N/A
<p>SUMMARY: <i>Be It Resolved by the House of Representatives of the Seventieth General Assembly of the State of Colorado, the Senate concurring herein:</i> That we, the members of the General Assembly: (1) Encourage interested stakeholders, including the Division, members of the regulated community, drinking water providers, the agricultural community, the conservation community, and the general public, beginning in 2016 and prior to the Commission's scheduled triennial review of Regulation #85 in October 2017, to participate through the established Water Quality Forum workgroup process to evaluate holistic regulatory alternatives and cooperative strategies to ensure that additional statewide nutrient reduction approaches: (a) Focus spending where it will have the most environmental benefit; (b) Take into consideration the technical and economic feasibility of treatment; (c) Are environmentally sustainable; (d) Do not unnecessarily burden small, rural, or disadvantaged communities; (e) Are consistent with the goals of Colorado's Water Plan; (f) Include strategies for measuring nutrient reductions achieved over time; and (g) Reflect input from participating stakeholders; and (2) Encourage the Division and other participating stakeholders, prior to the Commission's October 2017 triennial review of Regulation #85, to present strategies identified during the Water Quality Forum workgroup process to a joint meeting of the Senate Agriculture, Natural Resources, and Energy Committee and the House Agriculture, Livestock, and Natural Resources Committee no later than February 28, 2017. <i>Be It Further Resolved,</i> That copies of this Joint Resolution be sent to Governor John Hickenlooper, each member of Colorado's congressional delegation, and Dr. Larry Wolk, the executive director of the department of public health and environment.</p>				
SB16 – 200 Create Director Water Project Permit Coordination	S Sonnenberg H Vigil Ag, Natural Resources & Energy	CONCERNING THE CREATION OF A POSITION IN THE OFFICE OF THE GOVERNOR THAT COORDINATES THE PERMITTING OF WATER PROJECTS.	<i>Possible action by SA on 5/9.</i>	04/27/16 DISCUSSION SWCD Position: N/A
<p>SUMMARY: Section 1 of the bill creates a position in the office of the governor, designated as the director of water project permitting, to coordinate the permitting of: raw water diversion, storage, or delivery projects, including associated hydroelectric facilities and both consumptive and nonconsumptive uses of water; and water projects that are either assessed a water quality certification fee or are eligible for financing from the Colorado water conservation board construction fund. Sections 2 and 3 direct the annual transfer of \$ each from the water quality certification sector fund and the Colorado water conservation board construction fund to the newly created water permitting coordination fund.</p>				