

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

April 17, 2017 Water Legislation Report #15 (2017 Legislative Session)

The State Affairs Committee met on Monday, April 17 to review proposed bills. There was no new water related legislation that had been introduced or requested for consideration since the last meeting, but a number of bills were scheduled for possible action by the Committee. The next meeting of the State Affairs Committee has not been scheduled, but the need for a meeting will be revisited later this week after review of the Legislative and Committee calendars.

Discussions continue regarding **SB 40** (Public Access to Electronic Files), and a stakeholder meeting was convened by the House Sponsor, Representative Pabon. Water Congress staff attended the meeting and stressed that the infrastructure security amendment proposed by CWC and adopted in the Senate, was critical to the Water Congress change to a position of SUPPORT. If the amendment is removed in the House, the official position of the CWC will be to oppose the bill. Representative Arndt mentioned that if the amendment were removed from SB40, that a separate piece of legislation could be run to address the infrastructure security issue.

For the third week in a row, there was lengthy discussion about **SB 282** (Dedication of Reservoir Releases for Environmental Purposes) which is being proposed by the Northern District to protect reservoir releases dedicated for permitting and mitigation purposes for NISP. The language is still being extensively discussed, and a new amended version was distributed to the State Affairs Committee membership on Friday prior to the Monday SA meeting. Two motions were considered, but both motions failed for lack of a 2/3 majority, and therefore the Water Congress does not have an official position on the legislation at this time. The bill is to be considered by the Senate Ag Committee this Thursday April 20. Additional changes are being considered, including a proposed amendment by Northern to limit the bill to new projects, or to an expansion of an existing storage project. The SWCD board voted to **oppose the legislation as introduced** at their Board meeting on April 6, and staff continues to make a number of suggestions to the proponents to address the SWCD concerns. The bill provides for a secondary beneficial use as protection through a dedication of releases through the CWCB In-stream Flow Program (preserve and/or improve). Issues that have been raised by SWCD are whether the ISF program is the appropriate tool to accomplish the shepherding of reservoir releases or whether it should be a separate program for mitigation under the CWCB (pursuant to CRS 37-60-122.2); and whether the entire reach from point of release to point of delivery for diversion and decreed purposes should be included in the dedication to CWCB, or just a dedication of the critical reach required for mitigation purposes. Concerns have also been expressed by others regarding impacts to existing and/or future exchanges and

augmentation plans; and other unintended impacts to existing decrees or practices that already provide protections for releases or delivery of stored water. Although the bill is being proposed to address mitigation issues for NISP, the legislation as introduced will apply statewide in all basins.

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
SB 252 Utility Cost-Savings Contract Local Governments	S Tate H Liston, Coleman Local Government	CONCERNING THE AUTHORITY OF A BOARD OF ANY POLITICAL SUBDIVISION TO ENTER INTO CONTRACTS FOR UTILITY COST 103 SAVINGS.	<i>No position, lack of a 2/3 majority.</i>	03/16/17 NO POSITION SWCD Position: DISCUSSION
<p>SUMMARY: Current law allows boards of political subdivisions to enter into energy cost-savings contracts for utility cost savings. Utility cost savings are defined in law to include an installation, modification, or service that is designed to reduce energy consumption and related operating costs in buildings and other facilities. The bill specifies that the boards may also enter into energy cost-savings contracts for increasing meter accuracy, which is defined as a utility cost-savings measure. The bill also changes the definition of "operation and maintenance cost savings" to clarify that the calculation must be made on a net basis.</p>				
SB 282 Dedicate Reservoir Release Environmental Purposes	S Sonnenberg H Esgar, McKean Agriculture, Natural Resources & Energy	CONCERNING THE DEDICATION OF RESERVOIR RELEASES FOR ENVIRONMENTAL PURPOSES.	<i>No position, lack of a 2/3 majority. Scheduled in Senate Ag 4/20.</i>	04/03/17 NO POSITION SWCD Position: OPPOSE as introduced
<p>SUMMARY: The bill creates a process whereby an owner of a storage water right may obtain a decree that authorizes releases from storage to a downstream point of diversion or delivery for decreed beneficial uses to be dedicated to, and used by, the Colorado water conservation board in the intervening stream reach to preserve or improve the natural environment to a reasonable degree if specified conditions are satisfied.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
<p>HB 1291</p> <p>Alternate Storage Not Changed If Already Qualified</p>	<p>H Arndt, J Becker S N/A</p> <p>Ag, Livestock & Natural Resources</p>	<p>CONCERNING THE ABILITY TO STORE WATER AT AN ALTERNATE PLACE OF STORAGE IF THE HISTORICAL CONSUMPTIVE USE OF THE WATER RIGHT HAS ALREADY BEEN QUANTIFIED IN A PREVIOUS CHANGE OF THE WATER RIGHT.</p>	<p>Postpone action until next SA meeting yet to be scheduled. Scheduled in House Ag on 4/17.</p>	<p>03/24/17</p> <p>DISCUSSION</p> <p>SWCD Position: DISCUSSION</p>
<p>SUMMARY: Current law allows water to be stored only at a location that has been specifically identified in a decree. The bill allows a water right for which the historical consumptive use was previously quantified to be stored in any reservoir, without the necessity of adjudicating an additional change of water right, if:</p> <ul style="list-style-type: none"> - The water will be diverted from a point of diversion that has already been decreed for that water right; - Previous notice is given to the division engineer; - Transit and ditch losses are assessed from the decreed point of diversion to the alternate place of storage; and - The division engineer approves the proposed accounting of the storage. 				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
HB 1321 Parks and Wildlife Financial Sustainability	H Arndt S Wilson Ag, Livestock & Natural Resources	CONCERNING THE PARKS AND WILDLIFE COMMISSION'S AUTHORITY TO SET CERTAIN CHARGES ASSESSED ON PEOPLE ENGAGING IN ACTIVITIES REGULATED BY THE DIVISION OF PARKS AND WILDLIFE, AND, IN CONNECTION THEREWITH, SETTING CERTAIN HUNTING, FISHING, PARKS, AND RECREATION FEES AND FINES, CREATING AN AQUATIC NUISANCE SPECIES STICKER AND ASSOCIATED FEE STRUCTURE, AND REQUIRING REPORTING BY THE DIVISION OF PARKS AND WILDLIFE ON FEE AMOUNTS AND THE USE OF DIVISION-MANAGED LANDS BY NONCONSUMPTIVE 110 USERS.	<i>Support bill, CWC staff only to testify in support of the Aquatic Nuisance ANS Section of the bill.</i>	03/29/17 SUPPORT SWCD Position: DISCUSSION
<p>SUMMARY: Section 1 of the bill provides a nonstatutory legislative declaration.</p> <p>Section 2 adds "voucher" and "preference point" to the documents listed under the definition of "license".</p> <p>Sections 3 and 17 add "sponsorships" and "donations" to the list of money transfers that the parks and wildlife commission (commission) is authorized to receive and expend.</p> <p>Section 4 prohibits the commission from using revenue generated from increased license fee amounts authorized by the bill for the purchase of any fee title interest in real property or any interest in water.</p> <p>Section 6 clarifies that the Colorado outdoor recreation search and rescue card fee is nonrefundable.</p> <p>Sections 7, 14, 15, and 18 raise the maximum fee amounts that the commission may assess by rule for certain licenses, permits, and passes.</p> <p>Sections 7, 14, 15, and 18 also authorize the commission to apply a consumer price index adjustment to a fee that has been set at the maximum fee amount allowed, which fee adjustment does not count toward the maximum fee amounts set.</p> <p>Section 8 allows the division of parks and wildlife (division) to grant up to 25% of the money derived from sales of the state migratory waterfowl stamp to nonprofit organizations implementing the North American waterfowl management plan.</p> <p>Section 9 removes references to the fee assessed for the youth small game hunting license since the maximum fee amount for the license is listed in another part of statute.</p> <p>Section 9 also authorizes the commission to establish by rule a special licensing program for young adult hunters and anglers and requires that, if the commission establishes such a licensing program by rule, the commission must define "young adult" in a manner that does not include adults 26 years of age or older.</p> <p>Section 10 changes the name of the wildlife management public education advisory council to the wildlife council.</p> <p>Section 11 requires the division to prepare reports on the status of certain license fee increases that the commission is authorized to promulgate pursuant to the bill and nonconsumptive users' use of division-managed land, and to present the reports to the agriculture committees in the house of representatives and the senate.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments <i>Comments</i>	When Introduced CWC Action / SWCD Position
<p>Section 12 increases the fine imposed against a person who violates a wildlife statute or rule that does not have a specific penalty listed for the violation from \$50 to \$100.</p> <p>Section 13 raises the penalty for a number of wildlife-license-related offenses to an amount equal to twice the cost of -2- HB17-1321 the most expensive license for the species.</p> <p>Section 13 also clarifies that engaging in conduct that requires a license without a license is a violation subject to an assessment of 10 license suspension points and a fine amount equal to twice the cost of the most expensive license issued for the activity that the person unlawfully engaged in without the requisite license; except that a violation based on fishing without a license is subject to a \$125 fine and an assessment of 10 license suspension points.</p> <p>Section 23 requires a person to purchase an aquatic nuisance species sticker to operate or use a vessel on the waters of the state or possess a vessel at a vessel staging area. The fees collected on the sale of aquatic nuisance species stickers are credited to the division of parks and wildlife aquatic nuisance species fund to help fund inspections of vessels and associated conveyances for the presence of aquatic nuisance species, decontamination of vessels or conveyances with the presence of aquatic nuisance species, lake monitoring for the presence of aquatic nuisance species, and outreach efforts. Under current law, "pass" or "registration" is defined as a document issued by the division authorizing the use of land or water under the division's control.</p> <p>Section 16 adds "sticker" to the definition to encompass the aquatic nuisance species sticker created in section 23.</p> <p>Section 19 establishes that a violation of the requirement to obtain an aquatic nuisance species sticker is a class 2 petty offense, punishable by a fine equal to twice the cost of a nonresident motorboat or sailboat aquatic nuisance species sticker. Section 20 repeals the division of wildlife aquatic nuisance species fund and renames the division of parks and outdoor recreation aquatic nuisance species fund as the division of parks and wildlife aquatic nuisance species fund, combining the 2 existing funds into one fund.</p> <p>Sections 5 and 26 make conforming amendments regarding the combining of the 2 funds into one renamed fund.</p> <p>Section 21 removes the \$5 cap on the fee that the division may charge a person for replacement of a lost or destroyed pass or registration. The fee is set at 50% of the cost of the original pass or registration.</p> <p>Section 22 defines "nonmotorboat".</p> <p>Section 24 changes the penalty for a violation of statutes and rules concerning parks and recreation for which a specific penalty is not listed from a class 2 petty offense to a misdemeanor and raises the fine from \$50 to \$100.</p> <p>Section 25 establishes that engaging in conduct that requires a permit, pass, or sticker issued by the division without a permit, pass, or sticker is a violation subject to a fine amount equal to twice the cost of the most expensive permit, pass, or sticker issued for the activity that the person unlawfully engaged in without the requisite permit, pass, or sticker.</p>				