

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

January 19, 2016 Water Legislation Report # 2 (2016 Legislative Session)

The State Affairs Committee met on Tuesday, January 19, 2016 to review bills approved by the Water Resources Review Committee (Interim Committee) and other proposed legislation. The Second Regular Session of the Seventieth General Assembly convened on January 13, 2016. The next meeting of the State Affairs Committee will be on **Monday, January 25, 2016.**

Proposed Legislation: The State Affairs Committee also discussed other possible legislation for 2016 regarding: *water loss audit report performance standards, water projects eligibility list, accounting for water losses in municipal system, and water rights protection act.* Drafts of these bills were not available prior to the State Affairs meeting, so they are not included in the summary provided below.

Ballot Initiatives: Ballot **Initiative 40** and **Initiative 63** were also discussed at the meeting. Both of these proposed Initiatives are similar to ballot measures that have been previously proposed, and are partly driven by Oil/Gas production and hydro-fracking. Initiative 40 has had a review and rehearing by the Title Board, and is focused on local jurisdiction and local sovereignty. Initiative 63 is similar to past attempts at an “Environmental Rights Measure”, but has had the public trust issue removed from the language. This measure has a hearing before the Title Board this week. Both of these proposed initiatives could have impacts to water rights and water providers in the state. More information can on proposed ballot initiatives can be found on the Colorado Water Stewardship Project web page at <http://cowaterstewardship.com/>

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** and **CWC Action**. 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
HB16 – 1004 Measurable Goals Deadlines CO Climate Action Plan	H Winter/Arndt S N/A Health, Insurance & Environment	CONCERNING A REQUIREMENT TO INCLUDE MEASURABLE GOALS THAT ARE SUBJECT TO DEADLINES IN COLORADO'S CLIMATE ACTION PLAN.		1/13/16 DISCUSSION
<p>SUMMARY: The bill requires 1) the state climate action plan to include specific measurable goals, the achievement of which will either reduce Colorado's greenhouse gas emissions or increase Colorado's adaptive capability to respond to climate change, along with associated near-term, mid-term, and long-term deadlines to achieve the goals; and 2) the annual climate report to the general assembly to include an analysis of the progress made in meeting the measurable goals and deadlines specified in the plan.</p>				
HB16 – 1005 Residential Precipitation Collection	H Esgar/Danielson S Merrifield Ag, Livestock & Natural Resources	CONCERNING THE USE OF RAIN BARRELS TO COLLECT PRECIPITATION FROM A RESIDENTIAL ROOFTOP FOR NONPOTABLE OUTDOOR USES.		1/13/16 DISCUSSION
<p>SUMMARY: Section 1 of the bill allows the collection of precipitation from a residential rooftop if: 1) A maximum of 2 rain barrels with a combined storage capacity of 110 gallons or less are used; 2) Precipitation is collected from the rooftop of a building that is used primarily as a single-family residence or a multi-family residence with 4 or fewer units; 3) The collected precipitation is used on the residential property on which the precipitation is collected; and 4) The collected precipitation is applied to outdoor purposes such as lawn irrigation and gardening. Section 1 also requires the state engineer, to the extent practicable within existing resources, to provide information on the permitted use of rain barrels on the state engineer's website.</p> <p>Section 2 requires the department of public health and environment, to the extent practicable within existing resources, to develop best practices for nonpotable usage of collected precipitation and vector control and to post any best practices developed on the department's website.</p> <p>Section 3 prevents a homeowners' association from prohibiting a unit owner from using rain barrels for precipitation collection.</p>				
HB16 – 1019 Broadcast Burns Watershed Protection	H Becker S Jones/Roberts Ag, Livestock & Natural Resources	CONCERNING INCREASED AUTHORITY TO USE BROADCAST BURNING AS A TOOL TO PROMOTE WATERSHED RESTORATION.		1/13/16 DISCUSSION
<p>SUMMARY: Wildfire Matters Review Committee. The bill adds broadcast burning, the method by which fire is applied generally to most or all of an area within well-defined boundaries, to the types of projects and methods for which the state forest service may award grants from the healthy forests and vibrant communities fund and the forest restoration program cash fund to help restore community watersheds.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action
House Joint Resolution 1002 Dam Restoration Access to Federal Lands	H Coram/Mitsch-Bush S Baumgardner Ag, Livestock & Natural Resources	CONCERNING TIMELY ACCESS TO FEDERAL LANDS FOR DAM RESTORATION PROJECTS.	<i>Water Resources Review Committee.</i>	1/13/16 SUPPORT
SUMMARY: Water Resources Review Committee. A Resolution; "That we, the members of the Colorado General Assembly, urge federal agencies, specifically the United States Forest Service and the Bureau of Land Management, to respond promptly to requests for permission to access a dam located on federal land when the purpose of accessing the dam is to maintain, repair, or rehabilitate the dam."				
SB16 -037 Public Access Digitally Stored Data Under CORA	S Kefalas H Pabon State, Veterans & Military Affairs	CONCERNING REQUIRED PUBLIC ACCESS UNDER THE "COLORADO OPEN RECORDS ACT" TO PUBLIC RECORDS AS DEFINED BY SUCH ACT CONTAINED IN DIGITALLY STORED DATA MAINTAINED BY GOVERNMENTAL BODIES.		1/13/16 DISCUSSION
SUMMARY: The bill makes the following modifications to existing legal requirements under the "Colorado Open Records Act" (CORA) pertaining to the inspection of public records: <ul style="list-style-type: none"> • Updates outmoded statutory language used to describe public records kept in miniaturized, electronic, or digital form as a foundation for inspection requirements in connection with such records; • Deletes existing language requiring the official custodian to take such measures as are necessary to assist the public in locating the specific records sought and to ensure public access to the public records without unreasonable delay or cost. In place of such language, the bill substitutes provisions requiring the official custodian to provide records, or any portion of such records, in any nonproprietary file format and storage medium specified by a records requestor including digital copies of any computer files on any digital storage medium in common usage at the time of the request, via electronic mail, records uploaded to an online storage location shared with the requestor, access through viewing stations for public records kept on microfiche, or, in the discretion of the official custodian, direct electronic access. If requested, the official custodian must provide the records, or any portion of such records, in the same database or other file format in which the records are maintained by the official custodian unless, in the sole discretion of the official custodian, providing the records or any portion of such records, in the same database or other file format in which the records are maintained by the official custodian will result in the public disclosure of confidential or proprietary information of third parties or specialized details of security arrangements or investigations. In such cases, the official custodian is required to export the data into an alternative machine-readable digital format in common usage at the time of the request. • Requires the official custodian to manipulate electronically or digitally stored data in order to delete any confidential data in response to a records request. Removal of confidential information or data does not trigger certain requirements specified in CORA for the payment of fees for the generation or copy of a public record. However, the official custodian may charge the requestor for the actual cost of the digital storage medium used, if any, and a research and retrieval fee for the time spent removing such information. 				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action
<p>Senate Joint Memorial 001</p> <p>Good Samaritan Remediation Abandoned Mines</p>	<p>S Roberts H Coram/Mitsch-Bush</p> <p>Ag, Natural Resources & Energy</p>	<p>CONCERNING PROTECTION FROM LIABILITY FOR VOLUNTARY RECLAMATION OF ABANDONED HARD ROCK MINES.</p>	<p><i>Water Resources Review Committee.</i></p>	<p>1/13/16</p> <p>SUPPORT</p>
<p>SUMMARY: Water Resources Review Committee. A Resolution; “That we, the members of the Colorado General Assembly, urge Congress to pass legislation establishing a Good Samaritan exemption from liability under the CWA and CERCLA as an important step toward preventing another disaster like the Gold King Mine spill and remediating all other draining abandoned hard rock mines in Colorado.”</p>				
<p>Senate Joint Memorial 002</p> <p>Federal Funding For Catastrophic Wildfire Response</p>	<p>S Jones/Roberts H Coram/Vigil</p> <p>Ag, Natural Resources & Energy</p>	<p>CONCERNING THE NEED FOR CONGRESS TO FUND CATASTROPHIC WILDFIRE RESPONSE COSTS OUTSIDE OF FEDERAL FOREST MANAGEMENT AGENCIES' NORMAL BUDGETS.</p>	<p><i>Water Resources Review Committee.</i></p>	<p>1/13/16</p> <p>SUPPORT</p>
<p>SUMMARY: Water Resources Review Committee. A Resolution; “That Congress should enact laws necessary to protect federal land management agencies' ability to mitigate the risk of catastrophic wildfires and manage the lands within their jurisdiction by funding catastrophic wildfire response in a manner analogous to that used for natural disasters.”</p>				