

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

April 21, 2014 Report #12 Water (2014 Legislative Session)

The State Affairs Committee met on Monday April 21, 2014 to discuss water legislation introduced during the 2014 Session. Discussion occurred, or action was taken on the bills included in the summary below. All legislation considered by the Water Congress is included in this week's report, and once the State Affairs Committee has taken action on a bill it will be moved to the status sheet the following week. The next scheduled meeting of the State Affairs Committee is tentatively set for Monday April 28, 2014 if needed, and will depend on whether there is new water legislation introduced that may require action by the Committee. The Second Regular Session of the Sixty-ninth General Assembly is scheduled to adjourn sine die on May 7, 2014.

There are a number of water related bills that have been introduced during this session. Many of the bills have passed out of Committee and have had debate and votes on the floor of the House or the Senate. There are a few bills that have been signed into law by Governor Hickenlooper. Legislation introduced, and requested for discussion or action since the last State Affairs meeting include: **SB 188** – (Species Conservation Trust Fund – Department of Natural Resources), **SB 195** (Study of Phreatophyte Growth South Platte River), and **SB 198** (Creation Mineral Extraction Study).

HB 1332 (Water Management South Platte) was included on the agenda by Doug Kemper, Executive Director, since there was an amendment proposed that would significantly reduce the scope of the legislation. There was additional discussion on the proposed bill and amendment, as well as the South Platte Groundwater Study (HB 1278 from 2012 session). No members of the committee made a motion for reconsideration by the State Affairs Committee, so the Water Congress will maintain an official position of opposition. SWCD abstained from the vote on the original position, along with a number of other entities, since the bill is specific to the South Platte.

A Joint Resolution, HJR 1018 (Importance of Preserving Agricultural Water Supplies) was introduced in the House on Thursday, passed the House, and was introduced in the Senate that same day. Things can move quickly in the legislature this time of the year! The Resolution was not included on the agenda for the State Affairs Committee, so no position was taken on the legislation.

Proposed Legislation: N/A

Initiative Update: Initiative #89 (Local Government Regulation of the Environment – Catlin Leahy & Greg Diamond) had the Ballot title set by the Title Board. The Water Congress will appeal the decision to the Colorado Supreme Court. Initiative #103 (Public Trust Resources – Phil Doe & Barbara Bria-Mills) had the preliminary title set, but is pending based on a rehearing request to the Title Review Board now scheduled for April 25, 2014. Initiative #115 (Public Trust) has been withdrawn by the proponents. There were a total of 55 Ballot Initiatives proposed this year for consideration by the Title Board, but many were withdrawn and/or revised and reintroduced. Although many of the remaining Initiatives are not water specific, the proponents may be in the process of collecting signatures to get these on the November ballot, including versions of the Public Trust. The Public Trust Initiatives (#89 and #103) are being closely monitored by the Water Congress, along with a number of other initiatives that could impact Water Congress members. The Colorado Water Stewardship Project was initiated last year to prepare for the anticipated Public Trust Doctrine ballot proposals. All water interests should become educated about the adverse impacts to our current water rights system and to the Doctrine of Prior Appropriation if these ballot measures were to be successful. Learn more 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.cwatercongress.org/stateaffairs/>

FYI: Legislator Contact Information

Senator Ellen Roberts: 303-866-4884
Representative Mike McLachlan: 303-866-2914
Representative Don Coram: 303-866-2955

ellen.roberts.senate@state.co.us
mike.mclachlan.house@state.co.us
don.coram.house@state.co.us

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action
SB 188 Species Conservation Trust Fund Project List	S Schwartz/Baumgardner H Fischer/Rankin Ag, Natural Resources & Energy	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.	<i>Additional \$1.5 million Federal Endangered Species Act Litigation Program, total appropriation \$6.5 million.</i>	04/10/14 SUPPORT
<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 are candidate species or are likely to become candidate species as determined by the United States fish and wildlife service.</p>				
SB 195 South Platte River Post-flood Phreatophyte Study	S Nicholson/Renfroe H Singer/Sonnenberg Local Government	CONCERNING A STUDY OF PHREATOPHYTE GROWTH ALONG THE SOUTH PLATTE RIVER IN THE AFTERMATH OF THE SEPTEMBER 2013 FLOOD.	<i>No motion to take a position on the bill.</i>	04/14/14 NO POSITION
<p>SUMMARY: The bill directs the Colorado water conservation board to evaluate the growth and identification of phreatophytes, which are deep-rooted plants that absorb water from the water table or the layer of soil just above the water table, along the South Platte river in the aftermath of the September 2013 flood. The objectives of the study are to determine the relationship between high groundwater and nonbeneficial consumptive use by the phreatophytes and to develop a cost analysis for the removal of unwanted phreatophytes.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action
SB 198 Mineral Extraction Study Group	S Hodge/Schwartz H N/A Ag, Livestock & Nat'l Resources	CONCERNING THE CREATION OF THE MINERAL EXTRACTION STUDY GROUP.	<i>Bill listed for discussion purposes, no position to date. Suggestion made to bill sponsor that Water Congress membership on Group should be changed from one to two (East Slope & West Slope).</i>	04/16/14 DISCUSSION
<p>SUMMARY: The bill creates the mineral extraction study group (study group) to research and study matters relating to the imposition and allocation of, and credits available against, the severance tax and the distribution of federal mineral leasing revenues. The study group consists of members of the general assembly and stakeholder members of the public. To carry out its duties, the study group, at a minimum, is required to:</p> <ul style="list-style-type: none"> - Evaluate the severance tax structure on oil and gas; - Evaluate credits against the severance tax on oil and gas in current law; - Compare severance tax rates and revenue on oil and gas from regional states; - Evaluate trends by commodity based on such things as geography, timing, and net state revenues; - Evaluate the distribution model for the severance tax on oil and gas; - Evaluate whether the general assembly's legislative intent expressed when the severance tax was enacted in 1977 that a portion of the revenues derived from the severance tax be used by the state for public purposes, that a portion be held by the state in a perpetual trust fund, and that a portion be made available to local governments to offset the impact created by nonrenewable resource development is being met; - Evaluate the distribution model for federal mineral lease revenues, including direct distribution and impact grants and contributions to the impact fund; - Evaluate how increased revenue to the state could benefit water infrastructure projects, education, or other opportunities; and - Review findings and make legislative recommendations each year. 				