

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

April 23, 2018 Water Legislation Report #12 (2018 Legislative Session)

The State Affairs Committee met on April 23 to discuss proposed water legislation for consideration in the 2018 legislative session. Since the last meeting, **SB 245 (Allow Natural Occurring Radioactive Material Rules)**, **SCR 004 (Congressional Redistricting)**, and **SCR 005 (Legislative Redistricting)**. The next meeting of the State Affairs Committee is scheduled for Monday, May 7.

Southwestern Colorado is now in “Exceptional Drought” (D4), and 50% of runoff has already occurred, nearly one month faster than average. Taryn Finnessey, CWCB, described Colorado’s drought response plan as the most comprehensive in the nation, with a cabinet level task force. At least 18 counties have received a drought declaration by U.S. Department of Agriculture. CWCB solicited comments on activating the state drought plan.

There was also discussion of topics to suggest to the Interim Water Resources Review Committee, including stabilization of severance tax revenue, the reauthorization of the South Platte Recovery Program, state drought response, drought contingency planning, orthophosphate for lead control in drinking water, TENORM rules, aquatic nuisance species, Upper Basin drought contingency plan, and the protection of water quality from adverse impacts caused by mineral mining.

The following table provides a detailed summary of water-related legislation introduced during the current session. 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 SWCD staff. 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

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 245 Allow Natural Occurring Radioactive Material Rules	S Cooke Ag, Natural Resources & Energy	CONCERNING REPEAL OF THE PROHIBITION ON THE STATE BOARD OF HEALTH ADOPTING RULES CONCERNING THE DISPOSAL OF NATURALLY OCCURRING RADIOACTIVE MATERIALS UNTIL AFTER 104 THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY HAS ADOPTED RULES CONCERNING THE DISPOSAL OF NATURALLY OCCURRING RADIOACTIVE MATERIALS		04/16/2018 OPPOSE SWCD Position: DISCUSSION
<p>SUMMARY: Current law allows the state board of health to adopt rules concerning the disposal of naturally occurring radioactive materials (NORM) only after the federal environmental protection agency (EPA) has adopted rules concerning the disposal of NORM. The EPA has not adopted the rules. The bill repeals this prohibition.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
<p>SCR 004</p> <p><u>Congressional Redistricting</u></p>	<p>S Grantham and Fenberg</p> <p>State, Veteran & Military Affairs</p>	<p>SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION CONCERNING CONGRESSIONAL REDISTRICTING.</p>		<p>04/18/2018</p> <p>DISCUSSION</p> <p>SWCD Position: DISCUSSION</p>
<p>SUMMARY: The concurrent resolution amends the state constitution to create the independent congressional redistricting commission (commission) and to transfer the general assembly's responsibility to divide the state into congressional districts to the commission. Specifically, the concurrent resolution:</p> <ul style="list-style-type: none"> ! Specifies that the commission is appointed after each federal decennial census of the United States; ! Specifies that the commission consists of 12 members, 4 of whom must be registered with the state's largest political party, 4 of whom must be registered with the state's second largest political party, and 4 of whom must not be registered with any political party; ! Establishes the qualifications to serve on the commission and the method by which commissioners are appointed; ! Authorizes the commission to adopt rules and specifies how the commission is staffed, how the commission is funded, how the commission is organized, and sets forth the ethical obligations of the commissioners; ! Requires the commission to provide the opportunity for public involvement, including multiple hearings, the ability to propose maps, and to testify at commission hearings, and requires hearings to comply with state statutes regarding open meetings; ! Mandates that paid lobbying of the commission be disclosed to the secretary of state by the lobbyist within 72 hours of when the lobbying occurred or when the payment for lobbying occurred, whichever is earlier; ! Establishes prioritized factors for the commission to use in drawing districts, including federal requirements, the preservation of communities of interest and political subdivisions, and maximizing the number of competitive districts; ! Prohibits the commission from approving a map if it has been drawn for the purpose of protecting one or more members of or candidates for congress or a political party, and codifies current federal law and related existing federal requirements prohibiting maps drawn for the purpose of or that results in the denial or abridgement of a person's right to vote or electoral influence on account of a person's race, ethnic origin, or membership in a protected language group; ! Requires at least 8 of the 12 commissioners, including at least 2 of the commissioners who are not registered with any political party, to approve a redistricting map and specifies the date by which a final map must be approved; ! Specifies that nonpartisan staff will draft a preliminary redistricting map and up to 3 additional maps, and, in the event of deadlock by the commission, creates a process by which nonpartisan staff submit a final map to the Supreme Court for review based on specified criteria; and -2- SCR18-004 ! Allows for judicial review of a commission approved or nonpartisan staff submitted redistricting map, and limits Supreme Court review to whether the commission or the staff committed an abuse of discretion. 				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
<p>SCR 005</p> <p>Legislative Redistricting</p>	<p>S Grantham and Fenberg</p> <p>State, Veteran & Military Affairs</p>	<p>SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION CONCERNING LEGISLATIVE REDISTRICTING.</p>		<p>04/18/2018</p> <p>DISCUSSION</p> <p>SWCD Position: DISCUSSION</p>
<p>SUMMARY: The concurrent resolution amends the state constitution to create the independent legislative redistricting commission (commission) to divide the state into state senate and state representative legislative districts. Specifically, the concurrent resolution:</p> <ul style="list-style-type: none"> ! Specifies that the commission is appointed after each federal decennial census of the United States; ! Specifies that the commission consists of 12 members, 4 of whom must be registered with the state's largest political party, 4 of whom must be registered with the state's second largest political party, and 4 of whom must not be registered with any political party; ! Establishes the qualifications to serve on the commission and the method by which commissioners are appointed; ! Authorizes the commission to adopt rules and specifies how the commission is staffed, how the commission is funded, how the commission is organized, and sets forth the ethical obligations of the commissioners; ! Requires the commission to provide the opportunity for public involvement, including multiple hearings, the ability to propose maps, and to testify at commission hearings, and requires hearings to comply with state statutes regarding open meetings; ! Mandates that paid lobbying of the commission be disclosed to the secretary of state by the lobbyist within 72 hours of when the lobbying occurred or when the payment for lobbying occurred, whichever is earlier; ! Establishes prioritized factors for the commission to use in drawing districts, including federal requirements, the preservation of communities of interest and political subdivisions, and maximizing the number of competitive districts; ! Prohibits the commission from approving a map if it has been drawn for the purpose of protecting one or more members of or candidates for state legislative office or a political party, and codifies current federal law and related existing federal requirements prohibiting maps drawn for the purpose of or that results in the denial or abridgement of a person's right to vote or electoral influence on account of a person's race, ethnic origin, or membership in a protected language group; ! Requires at least 8 of the 12 commissioners, including at least 2 of the commissioners who are not registered with any political party, to approve a redistricting map and specifies the date by which a final map must be approved; ! Specifies that nonpartisan staff will draft a preliminary redistricting map and up to 3 additional maps, and, in the event of deadlock by the commission, creates a process by which nonpartisan staff submit a final map to the Supreme Court for review based on specified criteria; and ! Allows for judicial review of a commission approved or -2- SCR18-005 nonpartisan staff submitted redistricting map, and limits Supreme Court review to whether the commission or the staff committed an abuse of discretion. 				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
<p>HB 1383</p> <p><u>Bonding Requirements for Public Projects Using Private Financing</u></p>	<p>H Winter S Priola</p> <p>Business Affairs & Labor</p>	<p>CONCERNING BONDING REQUIREMENTS FOR A CONTRACTOR THAT IS PARTY TO A CONTRACT THAT USES PRIVATE FINANCING FOR CONSTRUCTION CONTRACTS ON PUBLIC PROPERTY</p>	<p><i>No motion was made for action on this bill, although it was up for possible action on April 23.</i></p>	<p>04/12/18</p> <p>DISCUSSION</p> <p>SWCD Position: DISCUSSION</p>
<p>SUMMARY: Pursuant to current law, when a person, company, firm, corporation, or contractor (contractor) enters into a contract with certain governmental entities or governmental bodies to perform work in connection with certain projects, the contractor is required to execute performance bonds and payment bonds. The bill specifies that these bonding requirements apply to all construction contracts situated or located on public real property using public or private money, public or private financing, or public real property.</p>				