

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

February 25, 2019 Water Legislation Report #7 (2019 Legislative Session)

The State Affairs Committee of the Colorado Water Congress met on February 25th to discuss water-related legislation. Since the last meeting, Representative Arndt introduced [HB19-1200 \(Reclaimed Domestic Wastewater Point of Compliance\)](#), which is intended to clean up statutes put into place in 2018 regarding reclaimed wastewater reuse. Specifically, it creates an additional point of compliance for specific water quality standards. The bill was put forward by Denver Water, who has coordinated with Colorado Department of Public Health and Environment. The Committee discussed this bill, and has not yet taken action.

The Committee acted to oppose [HB19-1108 \(Non-Resident Electors and Special Districts\)](#), which would expand the ability of non-Colorado resident electors to participate in the governance of special districts. Since many special districts statewide also manage water infrastructure and projects, allowing non-Colorado residents to have voting privileges and governance rights in Special Districts was a concern for some Committee members. The Colorado Special Districts Association and the Colorado County Clerks Association also oppose the bill. Similar legislation was vetoed in 2018 by Governor Hickenlooper, who cited equal protection concerns.

In addition, the Committee discussed proposed legislation soon to be introduced by Representative Dillon Roberts that would expand the CWCB's Instream Flow (ISF) Temporary Loan Program. Among the changes, the bill would increase the number of years a water right could be leased from 3 to 5 over 10 year period, allow for up to two renewals of leases (currently none are allowed), and expand the opportunities for use of the program to stream reaches without a current ISF (now only limited to those with an existing ISF). A draft of the legislation will be available before the next State Affairs meeting.

All the bills SWCD has taken a position on, along with recent reports, can be found at <https://swwcd.org/resources/legislative-updates/>.

The table below 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

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| 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 |
|---|---|--|---|--|
| HB19 1006 <u>Wildfire Mitigation Wildland-urban Interface Areas</u> | H McLachlan, Carver S Fields Rural Affairs & Ag | CONCERNING MEASURES TO MITIGATE THE EFFECTS OF WILDFIRES WITHIN WILDLAND-URBAN INTERFACE AREAS, AND, IN CONNECTION THEREWITH, CREATING A STATE GRANT PROGRAM TO PROMOTE FOREST MANAGEMENT FUELS REDUCTION PROJECTS IN SUCH AREAS | <i>The SA committee again postponed action on the bill until the next meeting. The sponsor may introduce a strike-below amendment to expand the current grant program to HOAs or provide a tax incentive, rather than create a competing grant program.</i> | 01/04/2019 POSTPONED SWCD Position: DISCUSSION |
| SUMMARY: Wildfire Matters Review Committee. The bill creates a state grant program to be administered by the Colorado state forest service (forest service) to fund proactive forest management fuels reduction projects to reduce the impacts to life, property, and critical infrastructure caused by wildfires. To be eligible for a grant award, a grant recipient must be any one of a group of individual landowners as specified in the bill whose real property that is the subject of a grant application is located within a land area that is covered by a community wildfire protection plan. The bill specifies requirements pertaining to the evaluation of grant proposals. The forest service is to select the proposals that will receive funding, administer the grant program, and develop procedures by which applicants are to apply for grants. The bill imposes a monetary limit on the amount of a grant to be awarded and also requires a grant applicant to demonstrate an available amount of matching funds to be awarded a grant. The bill creates the forest management fuels reduction projects grant program cash fund in the state treasury. The bill requires the forest service to report annually to the general assembly on the number, location, and benefits of all projects for which a grant award is made. | | | | |

| Bill No. Title | Sponsors Committee | Concerning | Amendments <i>Comments</i> | When Introduced CWC Action / SWCD Position |
|--|---|---|-------------------------------|---|
| HB19 1108 <u>Non-Resident Electors and Special Districts</u> | H Liston, Hooton S Tate State, Veterans & Military Affairs | CONCERNING MEASURES TO EXPAND THE ABILITY OF NONRESIDENT ELECTORS TO PARTICIPATE IN THE GOVERNANCE OF SPECIAL DISTRICTS, AND, IN CONNECTION THEREWITH, ALLOWING NONRESIDENT ELECTORS WHO OWN TAXABLE PROPERTY WITHIN THE SPECIAL DISTRICT TO VOTE IN SPECIAL DISTRICT ELECTIONS AND ALLOWING SUCH ELECTORS TO SERVE ON SPECIAL DISTRICT BOARDS IN A NONVOTING CAPACITY. | | 01/14/2019 OPPOSE SWCD Position: DISCUSSION |

SUMMARY: Section 1 of the bill expands the definition of "eligible elector", as used in reference of persons voting in special district elections, to include a natural person who owns, or whose spouse or civil union partner owns, taxable real or personal property situated within the boundaries of the special district or the area to be included in the special district and who has satisfied all other requirements in the bill for registering to vote in an election of a special district but who is not a resident of the state.

Section 2 prohibits a person from voting in a special district election unless that person is an eligible elector as defined by the bill. The section also requires any natural person desiring to vote at any election as an eligible elector to sign a self-affirmation that the person is an elector of the special district. The bill specifies the form the affirmation must take. Section 3 specifies procedures by which the eligible elector who is an eligible elector in another state becomes registered to be able to vote in the special district election. This section also contains an affirmation to be executed by the voter upon completing his or her application for registration. The oath or affirmation must be notarized by the elector.

Section 3 also permits any special district organized under the laws of the state, upon passage of a resolution by the board of the district (board), to allow an elector whose eligibility has been established through the procedures specified in the bill to vote for candidates for the board of directors of the special district. The bill makes clear that no person who is designated as an eligible elector is permitted to cast a ballot at any special district election without first having been registered within the time and in the manner required by the bill. The bill only applies to a special district whose board, by resolution, permits an eligible elector who is not a resident of the state to vote in elections of the special district. A person who is designated as an eligible elector in accordance with the bill is only permitted to vote in an election of the special district with which the person has registered and for a candidate for the board of directors of the special district who is listed on the ballot of the special district with which the elector is registered. A person who is designated as an eligible elector in accordance with the bill is only permitted to vote for candidates for the board and is not authorized to vote for any other candidates or ballot issues or ballot questions that may appear on the regular ballot of the special district. The bill describes procedures by which an eligible elector who is a resident of another state registers to vote with the special district. The form used to register an eligible elector under the bill must contain a question asking the elector to confirm that he or she desires to receive a ballot from the special district. Unless the elector has executed the form to indicate that he or she desires to receive a ballot from the special district, the designated election official is not required to send a ballot to the elector. The special district is solely responsible for maintaining the list of nonresident owners of property within the special district who are eligible to vote in an election of the special district.

Section 4 authorizes each special district board to select, in an exercise of its own discretion and by majority vote of the board's voting members, one or more additional board members, each of whom shall serve as a nonvoting member of the board. A member of the board appointed for this purpose must be a person who

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| <p>is a nonresident of the state but is otherwise eligible to cast a ballot in elections of the special district in accordance with the bill. A board with 3 members may appoint no more than one nonvoting member of the board. A board with 5 members may appoint no more than 2 nonvoting members of the board. The term of such board members is 4 years subject to renewal of one or more additional 4-year terms in the discretion of a majority of the voting members of the board. Any board member appointed for this purpose may be removed for cause at any time by a majority of the voting members of the board.</p> | | | | |
| HB19 1200 <u>Reclaimed Domestic Wastewater Point of Compliance</u> | H Arndt Rural Affairs & Agriculture | CONCERNING THE POINT OF COMPLIANCE RELATED TO THE TREATMENT PROCESS INVOLVED IN TREATING RECLAIMED DOMESTIC WASTEWATER FOR INDOOR NONPOTABLE USES WITHIN A BUILDING WHERE THE GENERAL PUBLIC CAN ACCESS PLUMBING FIXTURES THAT ARE USED TO DELIVER THE RECLAIMED DOMESTIC WASTEWATER | | 02/20/2019 DISCUSSION SWCD Position: DISCUSSION |
| <p>SUMMARY: In 2018, the general assembly authorized the use of reclaimed domestic wastewater for irrigation of food crops and industrial hemp and for toilet flushing if, at the point of compliance in the water treatment process, the reclaimed domestic wastewater met certain water quality standards.</p> <p>The bill authorizes the water quality control commission (commission) to adopt rules requiring a point of compliance for disinfection residual related to the treatment process for reclaimed domestic wastewater used for toilet flushing within a building where the general public can access the plumbing fixtures used to deliver the reclaimed domestic wastewater. If the commission adopts the rules, the rules must establish a point of compliance for disinfection residual at a single location where reclaimed domestic wastewater is delivered to the occupied premises and before the water is distributed for use in the occupied premises.</p> | | | | |