

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

**March 4, 2019 Water Legislation Report #8 (2019 Legislative Session)**

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The State Affairs Committee of the Colorado Water Congress met on March 4 to discuss water-related legislation. While [HB19-1218 \(Loaned Water for Instream Flows to Improve Environment\)](#) was introduced after the meeting, the Committee referred to the draft bill language for their thorough discussion of the proposed expansions to the CWCB's Instream Flow Loan Program. Among those expansions, loaned water could be used to improve the natural environment on reaches with or without a decreed instream flow. The bill also expands the number of years that the loaned water can be used, from 3 to 5 years in a 10-year period, and allows the loan to be renewed for up to 2 additional 10-year periods.

The Committee took action to support [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 flexibility in the point of compliance for specific water quality standards.

Since the last meeting, [HB19-1213 \(Urban Drainage Flood Control District Director Compensation\)](#) which would increase the limits for district director compensation from \$75 to \$100 per meeting and \$1,200 to \$2,400 per year. These limits more generally line up with the guidelines for special districts. Committee members had no comments on the bill.

There was also mention of proposed legislation to change the source of funding to mitigate aquatic nuisance species from the volatile severance tax revenues to the more stable state general fund. The concept is a product of the Joint Budget Committee.

All the bills SWCD is currently supporting, 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 1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup>, & 5<sup>th</sup> column each contain two information items as follows: 1<sup>st</sup> column has both the **Bill No.** and the **Short Title**. The 2<sup>nd</sup> column has both the **Sponsors** and the assigned **Committee**. The 3<sup>rd</sup> column contains only the **Concerning** statement, copied directly from the bill. The 4<sup>th</sup> column will show important **Amendments** and **Comments** provided by SWCD staff. The 5<sup>th</sup> 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](http://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	<a href="mailto:don.coram.senate@state.co.us">don.coram.senate@state.co.us</a>
Representative Barbara McLachlan (HD 59):	303-866-2914	<a href="mailto:barbara.mclachlan.house@state.co.us">barbara.mclachlan.house@state.co.us</a>
Representative Marc Catlin (HD 58):	303-866-2955	<a href="mailto:marc.catlin.house@state.co.us">marc.catlin.house@state.co.us</a>

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
<b>HB19 1006</b> <a href="#">Wildfire Mitigation</a> <a href="#">Wildland-urban</a> <a href="#">Interface Areas</a>	<b>H McLachlan,</b> <b>Carver</b> <b>S Fields</b>  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 is awaiting the introduction of 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>	<b>01/04/2019</b>  <b>POSTPONED</b>  SWCD Position: <b>DISCUSSION</b>
<p><b>SUMMARY: Wildfire Matters Review Committee.</b> 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.</p>				

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<p><b>HB19 1108</b></p> <p><u>Non-Resident Electors and Special Districts</u></p>	<p><b>H Liston, Hooton S Tate</b></p> <p>State, Veterans &amp; Military Affairs</p>	<p>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.</p>		<p><b>01/14/2019</b></p> <p><b>OPPOSE</b></p> <p>SWCD Position: <b>DISCUSSION</b></p>
<p><b>SUMMARY:</b> Section 1 of the bill <b>expands</b> 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.</p> <p><b>Section 2 prohibits</b> 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.</p> <p><b>Section 3 also permits</b> 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.</p> <p><b>Section 4 authorizes</b> 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</p>				

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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>				
<p><b>HB19 1200</b></p> <p><a href="#"><u>Reclaimed Domestic Wastewater Point of Compliance</u></a></p>	<p><b>H Arndt</b></p> <p>Rural Affairs &amp; Agriculture</p>	<p>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</p>		<p><b>02/20/2019</b></p> <p><b>SUPPORT</b></p> <p>SWCD Position: <b>DISCUSSION</b></p>
<p><b>SUMMARY:</b> 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 <b>authorizes</b> 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 <b>must establish</b> 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>				
<p><b>HB19 1213</b></p> <p><a href="#"><u>Urban Drainage Flood Control District Director Compensation</u></a></p>	<p><b>H Titone</b></p> <p>Energy &amp; Environment</p>	<p>CONCERNING THE COMPENSATION PAYABLE TO A MEMBER OF A BOARD OF DIRECTORS OF AN URBAN DRAINAGE AND FLOOD CONTROL DISTRICT.</p>		<p><b>02/26/2019</b></p> <p><b>DISCUSSION</b></p> <p>SWCD Position: <b>DISCUSSION</b></p>
<p><b>SUMMARY:</b> A member of a board of directors of an urban drainage and flood control district is currently limited to receiving \$1,200 per year as compensation, not to exceed \$75 per meeting attended. The bill <b>changes</b> these maximum amounts to be the same as the amounts allowed for directors of special districts generally, which is currently specified in statute as \$2,400 per year, not to exceed \$100 per meeting.</p>				

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<p>HB19 1218</p> <p><a href="#"><u>Loaned Water For Instream Flows to Improve Environment</u></a></p>	<p>H Roberts</p> <p>Rural Affairs &amp; Agriculture</p>	<p>CONCERNING THE COLORADO WATER CONSERVATION BOARD'S AUTHORITY TO USE WATER THAT A WATER RIGHT OWNER VOLUNTARILY LOANS TO THE BOARD FOR INSTREAM FLOW PURPOSES.</p>		<p>03/04/2019</p> <p>DISCUSSION</p> <p>SWCD Position: DISCUSSION</p>
<p><b>SUMMARY:</b> Under current law, the Colorado Water Conservation Board (board), subject to procedural requirements established to prevent injury to water rights or decreed conditional water rights, may use loaned water for instream flows if the loaned water is used for preserving the natural environment of a stream reach that is subject to a decreed instream flow water right held by the board.</p> <p>The bill <b>expands the number of years</b> within a 10-year period that a loan may be exercised from 3 years to 5 years and allows a loan to be renewed for up to 2 additional 10-year periods.</p> <p>The bill also <b>expands the board's ability</b> to use loaned water for instream flows to allow loans to:</p> <ul style="list-style-type: none"> <li>• <b>Improve</b> the natural environment to a reasonable degree pursuant to a decreed instream flow water right held by the board; or</li> <li>• <b>Preserve</b> or improve the natural environment to a reasonable degree for a stream reach for which the board does not hold a decreed instream flow water right.</li> </ul> <p>In considering whether to accept one of the new types of loans authorized by the bill, the board must evaluate the proposed loan based on a biological analysis performed by the division of parks and wildlife. The board is required to promulgate rules regarding the necessary steps for reviewing and accepting such a loan.</p>				