

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

April 1, 2019 Water Legislation Report #12 (2019 Legislative Session)

The State Affairs Committee of the Colorado Water Congress met on April 1 to discuss water-related legislation. Since the last report, the following bills have been introduced: [SB19-212 \(Appropriation General Fund Implement State Water Plan\)](#), [SB19-221 \(Colorado Water Conservation Board Construction Fund Project\)](#), and [HB19-1279 \(Protect Public Health Firefighter Safety Regulation PFAS Polyfluoroalkyl Substances\)](#). For more details, see the table below.

Five amendments to [HB19-1218 \(Loaned Water for Instream Flows to Improve Environment\)](#) have been adopted. Please click on the hyperlink for the most recent reengrossed version. The SWCD board acted to oppose this proposed legislation as written at their March 20 teleconference.

The State Affairs Committee acted to support [HB19-1231 \(New Appliance Energy and Water Efficiency Standards\)](#), [HB19-1259 \(Species Conservation Trust Fund Projects\)](#), and [SB19-212 \(Appropriation General Fund Implement State Water Plan\)](#). The Committee again postponed action on [SB19-186 \(Expand Agricultural Chemical Management Program Protect Surface Water\)](#) to allow for consideration of potential amendment language to address concerns that came out of the stakeholder meeting.

All the bills SWCD is currently supporting, along with recent reports, can be found at <https://swgcd.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

Senator Don Coram (SD 6):	303-866-4884	don.coram.senate@state.co.us
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Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
HB19 1218 Loaned Water For Instream Flows to Improve Environment	H Roberts Energy & Environment	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.	Update: The bill passed 3rd reading in the House on April 2. State Affairs Committee may reconsider taking a position on the bill on April 8. The bill now has five amendments. Click on the link to the left for the reengrossed version.	03/04/2019 DISCUSSION SWCD Position: OPPOSE
<p>SUMMARY: 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. The bill expands the number of years 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 expands the board's ability to use loaned water for instream flows to allow loans to:</p> <ul style="list-style-type: none"> • Improve the natural environment to a reasonable degree pursuant to a decreed instream flow water right held by the board; or • Preserve 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. <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>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
<p>HB19 1231</p> <p><u>New Appliance Energy And Water Efficiency Standards</u></p>	<p>H Froelich, Kipp</p> <p>Energy & Environment</p>	<p>CONCERNING EFFICIENCY STANDARDS FOR EQUIPMENT SOLD IN COLORADO, AND, IN CONNECTION THEREWITH, REQUIRING CERTAIN APPLIANCES, PLUMBING FIXTURES, AND OTHER PRODUCTS SOLD FOR RESIDENTIAL OR COMMERCIAL USE TO MEET ENERGY EFFICIENCY AND WATER EFFICIENCY STANDARDS.</p>		<p>03/08/2019</p> <p>SUPPORT</p> <p>SWCD Position: DISCUSSION</p>
<p>SUMMARY: The bill updates and adopts standards for water efficiency and energy efficiency that apply to a list of consumer and commercial appliances and other products. The standards are based on state standards, federal Energy Star and WaterSense specifications, and industry standards in most cases or, where a standard is not incorporated by reference, the standard is specified by statute.</p> <p>The standards apply to new products sold or installed in Colorado and are phased in over a period of 3 years, with general service lamps covered beginning in 2020, air compressors and portable air conditioners covered beginning in 2022, and all other listed products covered beginning in 2021. The bill also keeps in place the water efficiency standards on certain products that were added to the Colorado statutes in 2014. The sale of a noncomplying product after the effective date of the applicable standard is defined as a deceptive trade practice under the "Colorado Consumer Protection Act".</p> <p>The executive director of the department of public health and environment is directed to collect and publish the standards that are incorporated by reference. The executive director is also authorized, but not required, to adopt rules incorporating more recent versions of standards or test methods in order to maintain or improve consistency with other state or federal agency standards, subject to a one-year grace period between adoption and enforcement of any new or amended standards.</p>				
<p>HB19 1247</p> <p><u>Study Agricultural Applications For Blockchain</u></p>	<p>H Valdez, Catlin S Donovan, Coram</p> <p>Rural Affairs & Agriculture</p> <p>Appropriations</p>	<p>CONCERNING A STUDY BY THE COMMISSIONER OF AGRICULTURE ON THE POTENTIAL APPLICATIONS FOR BLOCKCHAIN TECHNOLOGY IN AGRICULTURAL OPERATIONS.</p>		<p>03/15/2019</p> <p>NO POSITION</p> <p>SWCD Position: DISCUSSION</p>
<p>SUMMARY: The bill directs the commissioner of agriculture to convene an advisory group to study the potential applications for blockchain technology in agricultural operations and to report to the general assembly in 2020 with its findings and recommendations for legislation, if any. The advisory group is subject to repeal July 1, 2020.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
HB19 1259 Species Conservation Trust Fund Projects	H Roberts, Pelton S Donovan Rural Affairs & Agriculture	CONCERNING SUPPORT FOR SPECIES CONSERVATION TRUST FUND PROJECTS, AND, IN CONNECTION THEREWITH, MAKING TRANSFERS TO AND APPROPRIATIONS FROM THE SPECIES CONSERVATION TRUST FUND FOR PURPOSES RECOMMENDED BY THE DEPARTMENT OF NATURAL RESOURCES.		03/20/2019 SUPPORT SWCD Position: DISCUSSION
<p>SUMMARY: The bill appropriates \$3.9 million 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 state or federal law list as threatened or endangered or that are candidate species or are likely to become candidate species as determined by the United States fish and wildlife service, allocated as follows:</p> <ul style="list-style-type: none"> • Native terrestrial wildlife conservation, \$615,500; • Native aquatic wildlife conservation, \$839,000; • Platte river recovery implementation program, \$1,940,000; • Colorado river basin native fish recovery programs, \$205,500; and • Federal endangered species act litigation program, \$300,000. <p>On July 1, 2019, the bill transfers \$600,000 from the Colorado water conservation board construction fund to the species conservation trust fund. For the 2019-20 fiscal year and each of the 4 subsequent fiscal years, the bill transfers \$5,000,000 from the severance tax operational fund to the species conservation trust fund.</p>				
HB19 1271 Augmentation of Instream Flows	H Arndt Rural Affairs & Agriculture	CONCERNING A CLARIFICATION OF THE AUTHORITY OF THE COLORADO WATER CONSERVATION BOARD TO AUGMENT STREAM FLOWS WITH ACQUIRED WATER RIGHTS THAT HAVE BEEN PREVIOUSLY DECREED FOR AUGMENTATION USE	<i>The House Rural Affairs & Ag Committee will consider the bill on April 8, at which time the sponsor may introduce two amendments to address issues brought forward by State Affairs members.</i>	03/25/2019 DISCUSSION SWCD Position: DISCUSSION
<p>SUMMARY: The bill clarifies that the Colorado water conservation board may augment stream flows to preserve or improve the natural environment to a reasonable degree by use of an acquired water right that has been previously quantified and changed to include augmentation use, without a further change of the water right being required.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
HB19 1279 Protect Public Health Firefighter Safety Regulation PFAS Polyfluoroalkyl Substances	H Exum, Landgraf S Lee, Hisey Energy & Environment	CONCERNING A CLARIFICATION OF THE CONCERNING THE USE OF PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.		03/27/2019 DISCUSSION SWCD Position: DISCUSSION
<p>SUMMARY: The bill prohibits the use of class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS foam) for training purposes and creates a civil penalty for doing so. The bill also creates the "Firefighting Foams Control Act" (act) which:</p> <ul style="list-style-type: none"> • Prohibits the sale of PFAS foam in certain circumstances; • Requires manufacturers of PFAS foam to notify sellers of the provisions of the act; • Requires manufacturers to disclose whether the personal protective equipment they produce contains perfluoroalkyl and polyfluoroalkyl substances; • Allows for the department of public health and environment to request a certificate of compliance from a manufacturer of class B firefighting foam or firefighting personal protective equipment to ensure that those manufacturers are complying with the limitations on the manufacture of PFAS foam as set forth in the act; • Creates a civil penalty for violating the provisions of the act; and • Requires the department of public health and environment to conduct a survey to determine the amount of PFAS foam currently held, used, and disposed of by fire departments. 				
SB19 186 Expand Agricultural Chemical Management Program Protect Surface Water	S Donovan H Coram, Arndt Agriculture & Natural Resources	CONCERNING THE EXPANSION OF AGRICULTURAL CHEMICAL MANAGEMENT PLANS TO PROTECT SURFACE WATER.	<i>Farm Bureau held a stake holder meeting, and is drafting language for amendments to propose to the sponsor. SA Committee action was postponed until April 8.</i>	03/05/2019 POSTPONED SWCD Position: DISCUSSION
<p>SUMMARY: Under current law, the commissioner of agriculture is responsible for the management of the use of agricultural chemicals to protect groundwater, and the commissioner adopts rules establishing agricultural management plans for this purpose. The bill expands the scope of the commissioner's agricultural management plans to include the protection of state waters, which includes surface and subsurface waters.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
<p>SB19 212</p> <p><u>Appropriation General Fund Implement State Water Plan</u></p>	<p>S Rankin H Esgar</p> <p>Appropriations</p>	<p>CONCERNING GENERAL FUND SUPPORT TO IMPLEMENT THE STATE WATER PLAN, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.</p>		<p>03/25/2019</p> <p>SUPPORT</p> <p>SWCD Position: DISCUSSION</p>
<p>SUMMARY: Section 1 of the bill:</p> <ul style="list-style-type: none"> • Creates the water plan implementation grant program (program); and • Specifies criteria for expenditures by the Colorado water conservation board (board) for the program. <p>Section 5:</p> <ul style="list-style-type: none"> • Appropriates \$8.3 million from the general fund to the department of natural resources (department) for use by the board to finance grants; and • Appropriates \$1.7 million from the general fund to the department for use by the board for stakeholder outreach and technical analysis to develop a water resources demand management program. 				
<p>SB19 221</p> <p><u>CWCB Construction Fund Project</u></p>	<p>S Donovan H Roberts</p> <p>Agriculture & Natural Resources</p>	<p>CONCERNING THE FUNDING OF COLORADO WATER CONSERVATION BOARD PROJECTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.</p>		<p>03/29/2019</p> <p>DISCUSSION</p> <p>SWCD Position: DISCUSSION</p>
<p>SUMMARY: The bill appropriates the following amounts from the Colorado water conservation board (CWCB) construction fund (fund) to the CWCB or the division of water resources in the department of natural resources for the following projects:</p> <ul style="list-style-type: none"> • Continuation of the satellite monitoring system operation and maintenance, \$380,000 (section 1 of the bill); • Continuation of the Colorado floodplain map modernization program, \$500,000 (section 2); • Continuation of the weather modification permitting program, \$175,000 (section 3); • Continuation of the Colorado Mesonet project, \$150,000 (section 4); • Continuation of instream flow engineering support services, \$250,000 (section 5); • Acquisition of LIDAR data, \$200,000 (section 6); and • Technical assistance grants for beneficiaries of the federal "Colorado River Storage Project Act", \$200,000 (section 7). 				

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<p>The state treasurer will make the following transfers from the fund:</p> <ul style="list-style-type: none"> • Up to \$2,000,000 on July 1, 2019, to the litigation fund (section 8); and • \$2,500,000 on June 30, 2019, to the water supply reserve fund (section 9). <p>Section 10 appropriates \$17,500,000 from the fund to the CWCB for continuing implementation of the state water plan as follows:</p> <ul style="list-style-type: none"> • Up to \$4,000,000 to support watershed health goals; • Up to \$3,000,000 to facilitate the development of additional storage, artificial recharge into aquifers, and dredging existing reservoirs; • Up to \$1,000,000 for agricultural projects; • Up to \$1,000,000 for grant funding to implement long-term strategies for conservation, land use, and drought planning; • Up to \$500,000 for grants for water education, outreach, and innovation efforts; • Up to \$1,500,000 for environmental and recreational projects; • Up to \$1,000,000 to provide continued funding for the alternative agricultural grant program; and • Up to \$5,500,000 to fund updates to basin implementation plans, improve basin data collection and metrics for tracking state water plan implementation, and for use of the data for future updates of the state water plan. <p>Section 11 authorizes the CWCB to make loans up to \$15,150,000 from the fund for the Walker recharge project, a water supply retiming effort that uses the alluvial aquifer of the South Platte river to increase irrigation opportunities for agricultural production. Current law:</p> <ul style="list-style-type: none"> • Makes money appropriated for use in Republican river matters available until June 30, 2019; section 12 extends -2- SB19-221 availability until the money is fully expended; • Authorizes and directs the state treasurer to transfer \$200,000 from the from the fund to the feasibility study small grant fund; section 13 makes this an annual obligation on July 1 of each year and increases the transfer cap to \$500,000 in order to restore the unencumbered balance in the fund up to \$500,000; and • Creates the flood and drought response fund; section 14 authorizes and directs the state treasurer to annually transfer money on July 1 of each year from the fund to the flood and drought response fund to restore the unencumbered balance in the fund to \$500,000. <p>Section 15 changes a continuing annual transfer established in statute of \$10 million from the severance tax perpetual base fund to the fund for implementation of the state water plan to a single transfer of \$10 million on July 1, 2019.</p>				