



# SOUTHWESTERN WATER CONSERVATION DISTRICT

## 2020 State Legislative Update: [January 21, 2020](#)

---

The Colorado General Assembly convened on Wednesday, January 8, 2020. Below is a summary of water-related legislation introduced thus far. **Bills introduced since the last written update are highlighted in yellow.**

The Colorado Water Congress (CWC) State Affairs Committee met on Tuesday, January 21, 2020. **Positions taken on bills since the last written update are in red text.** There was discussion of a draft bill regarding a public real property index.

---

### **SB20-008**      **Enhance Penalties Water Quality Criminal Violations**

---

**SWCD Position:** Discussion  
**CWC Position:** **Action postponed until 1/27 to allow time for consideration of proposed amendments.**  
**Sponsors:** Senate (Winter), House (Jackson/Hooton)  
**Committee of Reference:** Agriculture & Natural Resources  
**Title:** Concerning the enhancement of penalties for criminal violations of water quality laws.

**Summary:** Current law specifies that a person who commits criminal pollution of state waters that is committed:

- With criminal negligence or recklessly is subject to a maximum daily fine of \$12,500; and
- Knowingly or intentionally is subject to a maximum daily fine of \$25,000.

Section 1 of the bill makes a:

- Criminally negligent or reckless violation a **misdemeanor** and **increases the penalty to \$25,000, imprisonment of up to one year, or both;** and
- **Knowing or intentional violation a class 5 felony and increases the penalty to \$50,000, imprisonment of up to 3 years, or both.**

Current law specifies that a person who knowingly makes any false representation in a required record or who knowingly renders inaccurate any required water quality monitoring device or method is guilty of a misdemeanor and is subject to a fine of not more than \$10,000, imprisonment in the county jail for not more than 6 months, or both.

Section 2 makes these violations a **class 5 felony** and specifies that if 2 separate offenses occur in 2 separate occurrences during a period of 2 years, the maximum fine and imprisonment for the second offense are double the default amounts.

#### **Comments:**

---

### **SB20-024**      **Require Public Input on Water Demand Management Program**

---

**SWCD Position:** Discussion  
**CWC Position:** **Monitor**  
**Sponsors:** Senate (Coram/Donovan), House (Arndt/Catlin)  
**Committee of Reference:** Agriculture & Natural Resources  
**Title:** Concerning the inclusion of public input in the development of a state water resources demand management program.

**Summary:** **Water Resources Review Committee.**  
The bill requires the CWCB and the water resources review committee to involve the public and provide opportunities for public comment, **using procedures similar to those used for initial adoption of the state water plan**, before adopting any final or significantly amended water resources demand management program as part of the Colorado upper basin states' drought contingency plan.

**Comments:**

---

---

**SB20-025** **Conservancy District Boards Art and Beautification Projects**

---

**SWCD Position:** Discussion  
**CWC Position:** Discussion  
**Sponsors:** Senate (Garcia), House (Buentello/Esgar)  
**Committee of Reference:** Agriculture & Natural Resources  
**Title:** Concerning authorization of the board of directors of a conservancy district to participate in certain projects within the district, and, in connection therewith, authorizing such a board to consider such participation a current expense of the district.

**Summary:** Current law authorizes the board of directors of a conservancy district (board) to participate in the development of parks and recreational facilities within the district. The bill permits a board to consider such participation a current expense of the district.

The bill also **authorizes a board to participate in artistic and beautification projects** that improve the aesthetic appearance of waterways within the district and to consider such participation a current expense of the district.

**Comments:**

---

---

**SB20-048** **Study Strengthening Water Anti-Speculation Law**

---

**SWCD Position:** Discussion  
**CWC Position:** **Action postponed until 1/27 and monitor until next week.**  
**Sponsors:** Senate (Donovan/Coram), House (Roberts/Catlin)  
**Committee of Reference:** Agriculture & Natural Resources  
**Title:** Concerning a study to consider the strengthening of the prohibition on speculative appropriations of water  
**Summary:** **Water Resources Review Committee.**  
Current law specifies that an appropriation of water cannot be based on speculation, as evidenced by either of the following:

- The applicant does not have either a legally vested interest or a reasonable expectation of procuring such an interest in the lands or facilities to be served by the appropriation, unless the appropriator is a governmental agency or an agent in fact for the persons proposed to be benefited by the appropriation; or
- The applicant does not have a specific plan and intent to divert, store, or otherwise capture, possess, and control a specific quantity of water for specific beneficial uses.

The bill requires the executive director of the department of natural resources to **convene a work group** to explore ways to strengthen current anti-speculation law and to report to the water resources review committee by August 15, 2021, regarding any recommended changes.

**Comments:**

---

---

**HB20-1037 Augmentation of Instream Flows**

---

---

**SWCD Position:** Discussion

**CWC Position:** **Action postponed until 1/27 allow time for consideration of proposed amendments.**

**Sponsors:** House (Arndt), Senate (Coram)

**Committee of Reference:** Rural Affairs & Agriculture

**Title:** Concerning the CWCB's authority to augment stream flows with acquired water rights that have been previously decreed for augmentation use.

**Summary:** The bill authorizes the CWCB to 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.

**Comments:**

---

---

**HB20-1042 PFAS Polyfluoroalkyl Substances Manufacturer Notice Requirements**

---

---

**SWCD Position:** Discussion

**CWC Position:** **Monitor**

**Sponsors:** House (Valdez, McKean), Senate (Moreno/Tate)

**Committee of Reference:** Transportation & Local Government

**Title:** Concerning a modification of the notice requirements for manufacturers of perfluoroalkyl and polyfluoroalkyl substances.

**Summary:** **Statutory Revision Committee.**

House Bill 19-1279, enacted in 2019, requires manufacturers of class B firefighting foam that contains intentionally added polyfluoroalkyl substances to notify, in writing, sellers of their products about the state's new regulations of these products "no less than one year prior to the effective date of section 25-5-1303", which is impossible because the notice requirements did not exist prior to the bill's effective date on August 2, 2019. The bill **addresses this error** by modifying the effective date of the required notice to prior to August 2, 2020.

**Comments:**

---

---

**HB20-1069 Add Water Well Inspectors Identify High-Risk Wells**

---

---

**SWCD Position:** Discussion

**CWC Position:** **Support**

**Sponsors:** House (Saine/Titone), Senate (Sonnenberg/Coram)

**Committee of Reference:** Rural Affairs & Agriculture

**Reference:**

**Title:** Concerning the inspection of water wells.

**Summary:** **Water Resources Review Committee.**

The bill requires the state engineer to employ a minimum of 4 water well inspectors in the state's water well inspection program.

The bill requires the state board of water well construction and pump installation contractors, on or before November 1, 2020, to promulgate rules for identifying high-risk water wells that should be prioritized for inspection. Thereafter, the state engineer shall use the rules to identify high-risk water wells and shall prioritize the inspection of high-risk water wells.

The bill clarifies that money in the well inspection cash fund shall be appropriated to and expended by the state engineer only for the well inspection program.

**Comments:**

---

---

**[HB20-1072](#) Study Emerging Technologies for Water Management**

---

---

**SWCD Position:** Discussion

**CWC Position:** Support

**Sponsors:** House (Arndt/Saine), Senate (Sonnenberg/Bridges)

**Committee of Reference:** Rural Affairs & Agriculture

**Title:** Concerning a requirement that the university of Colorado study potential uses of emerging technologies to more effectively manage Colorado's water supply, and, in connection therewith, making an appropriation, conditioned on the receipt of matching funds from gifts, grants, and donations.

**Summary:** **Water Resources Review Committee.**

The bill declares that new technologies, such as blockchain, telemetry, improved sensors, and advanced aerial observation platforms, can improve monitoring, management, conservation, and trading of water and enhance confidence in the reliability of data underlying water rights transactions. To advance the potential use of these new technologies, the bill:

- Authorizes and directs the University of Colorado, in collaboration with the Colorado Water Institute at Colorado State University, to conduct feasibility studies and pilot deployments of these new technologies to improve water management in Colorado; and
- Appropriates \$40,000 from the general fund, contingent on the university of Colorado's receipt of a matching \$40,000 in gifts, grants, and donations, for the purpose of funding the studies and pilot programs.

**Comments:**

---

---

**[HB20-1094](#) Repeal Fee Cap On-site Wastewater Treatment System**

---

---

**SWCD Position:** Discussion

**CWC Position:** Discussion

**Sponsors:** House (Catlin/Arndt), Senate (Ginal/Coram)

**Committee of Reference:** Rural Affairs & Agriculture

**Title:** Concerning a repeal of the dollar limitation on the fee that a local board of health may set for on-site wastewater treatment system permits.

**Summary:** Current law requires that a local board of health set the permit fee for on-site wastewater treatment system permits in an amount to recover the actual indirect and direct costs associated with the permit and sets a \$1,000 cap on the fee. The bill repeals the dollar limitation on the fee.

**Comments:**

---

---

**[HB20-1095](#) Local Governments Water Elements in Master Plans**

---

---

**SWCD Position:** Discussion

**CWC Position:** Discussion  
**Sponsors:** House (Arndt), Senate (Bridges)  
**Committee of Reference:** Rural Affairs & Agriculture  
**Title:** Concerning the authority of a local government's master plan to include policies to implement state water plan goals as a condition of development approvals.  
**Summary:** The bill authorizes a local government master plan to include goals specified in the state water plan and to include policies that condition development approvals on implementation of those goals.  
**Comments:**

---

**HB20-1119      **State Government Regulation of Perfluoroalkyl and Polyfluoroalkyl Substances****

---

**SWCD Position:** Discussion  
**CWC Position:** Discussion  
**Sponsors:** House (Exum/Landgraf), Senate (Hisey/Lee)  
**Committee of Reference:** Energy & Environment  
**Title:** Concerning the authority of the state government to regulate perfluoroalkyl and polyfluoroalkyl substances.  
**Summary:** The bill addresses the authority of the state government to regulate perfluoroalkyl and polyfluoroalkyl substances (PFAS).  
**Section 1** of the bill addresses when PFAS may be used for firefighting foam system testing both in general and in certain aircraft hangars.  
**Section 2** grants the department of public health and environment the power to adopt and enforce standards and regulations that require public drinking water systems to sample drinking water supply sources and finished drinking water for PFAS.  
**Section 3** clarifies that the water quality control commission may set standards related to PFAS in surface water and groundwater and may require wastewater systems to collect PFAS data relevant to the commission setting PFAS standards.  
**Section 4** requires the solid and hazardous waste commission to promulgate rules for a certificate of registration for any facility or fire department that possesses PFAS in firefighting agents or firefighting equipment and for standards for the capture and disposal of PFAS in firefighting agents or firefighting equipment.

**Comments:**

Monitoring legislation is integral to keeping a finger on the pulse of dynamic water policy in the state. On behalf of its diverse constituents in southwestern Colorado, the Southwestern Water Conservation District (SWCD) tracks state water legislation closely, specifically through participation in the Colorado Water Congress State Affairs Committee. Beth Van Vurst, SWCD General Counsel, and Frank Kugel, SWCD Executive Director, participate in the State Affairs Committee meetings weekly during the legislative session (January-May) and ensure southwestern Colorado is considered as the State legislature enacts new laws affecting water management.

SWCD staff provides this written summary of water-related legislation, updated throughout the session via email to interested stakeholders and public. To be added to the list, please contact [lauras@swgcd.org](mailto:lauras@swgcd.org). We hope that you find the updates beneficial and informative.