

The Southwestern Water Conservation District
West Building, 841 E. 2nd Ave.
Durango, CO 81301

NOTICE IS HEREBY GIVEN
A Special Board Meeting of the
Southwestern Water Conservation District
will be held on

Thursday, May 20, 2021
9:00 a.m.-10:30 a.m.

Video: [Click here to join Zoom](#)
Phone Number: (346) 248 7799
Meeting ID: 813 5451 4316
Passcode: 316817

Posted and Noticed Tuesday, May 18, 2021

Tentative Agenda

*Please text 970-901-1388 if you have difficulty joining the meeting. Please raise your hand to be recognized by the chair. To raise your hand by phone, dial*9. To raise your hand by computer, please use Alt+Y (Windows) or Option+Y (Mac). To mute and unmute by phone, dial *6.*

Except the time indicated for when the meeting is scheduled to begin, the times noted for each agenda item are estimates and subject to change. The Board may address and act on agenda items in any order to accommodate the needs of the Board and the audience. Agenda items can also be added during the meeting at the consensus of the Board.

- 1.0 Call to Order - Roll Call and Verification of Quorum (9:00 a.m.)**
- 2.0 Review & Approve the Agenda (9:02 a.m.)**
- 3.0 Questions/Comments from Audience (9:03 a.m.)**
- 4.0 Executive Session (9:05 a.m.)**
 - 4.1 Southern Ute Indian Tribe's Proposed Water Quality Standards
- 5.0 Summary and Action Items from Executive Session (9:40 a.m.)**
- 6.0 New Business (9:45 a.m.)**
 - 6.1 Legislative Update & Position on Bills
- 7.0 Old Business (10:00 a.m.)**
 - 7.1 2021 Water Leaders Program Scholarship Request, 2020 Scholarship Report
 - 7.2 Proposed Updates to SWCD Personnel Policies
 - 7.3 Proposed June SWCD Board Meeting Logistics
 - 7.4 Update on 2021 SWCD Annual Water Seminar Planning
- 8.0 Adjournment (10:30 a.m.)**

Upcoming Meetings

June 3, 2021	9:00 a.m.	Special Board Meeting
June 9 and June 10, 2021	Time TBD	Regular Board Meeting



THE SOUTHWESTERN WATER CONSERVATION DISTRICT

Developing and Conserving the Waters in the
SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES

West Building – 841 East Second Avenue
DURANGO, COLORADO 81301
(970) 247-1302

MEMORANDUM

May 17, 2021

To: Southwestern Board of Directors
From: Chris Treese, Independent Consultant
RE: **Legislative Report #9**

We must be getting close to the end, there were no new water bills introduced at the Capitol in the past two weeks. Therefore, I have **no legislative action items to request or recommend to the Board.**

I have just read a draft copy of a not-yet-introduced severance tax revenue allocation bill. It is generally favorable to local governments (Department of Local Affairs) and water/natural resources (CWCB/DNR). It is very detailed. It was approved by the JBC today, so is likely to pass. You can anticipate my bringing this bill to you at the June 3 special meeting.

The following is a recap of recent activity, and non-activity, at the Denver Capitol building.

The end in sight?

The Legislative Council Committee (not to be confused with the Legislative Council that is the research/staffing arm of the legislature) met last week and set a target adjournment date of May 28. No one really expects the General Assembly to meet that goal, but it sends a clear message that the legislature is in the final weeks of its 2021 regular session. Democrat leadership is already talking about a special session this summer, utilizing “unused days” under the 120-day session limit or a call by the legislature for a special session.

It’s worth noting, the final month of a legislative session is perennially problematic. The final month typically sees a flurry of last-minute bills introduced that are often poorly developed, poorly drafted, and largely unvetted. In the final weeks, the calendar becomes the driving force. Debate is limited, amendments are discouraged, and votes are rushed.

As the legislature heads into the waning days leading up to adjournment *sine die*, special rules are routinely invoked to expedite action but frequently at the cost of adequate debate on pending legislation. For example, the requirement that all members of the chamber have a written conference committee report is suspended, and reports are made orally. There are other procedures that are waived as well. This is also the time of year when the minority party

frequently engages in filibusters in an attempt to avoid or delay votes on specific legislation. Often the target of the desired delay is not the subject of the filibuster, resulting in considerable collateral damage.

Although there were no water bills introduced this month, several of the recently introduced bills are sizeable in both scope and length. The omnibus transportation funding bill (SB21-260) is 197 pages in length and involves multiple new fees and funds. The fiscal note accompanying the bill is 19 pages in length. Additionally, an entirely new school financing bill was introduced.

Both bills are very expensive and highly controversial. If either passes, it will likely be a result of straight party-line votes as well as subsequent legal challenge.

Colorado Dredge & Fill bill, update

As of today, the state Department of Health and Environment remains intent on legislation authorizing it to establish a state-based dredge and fill permit program for the so-called gap waters that are not covered by the “Trump rule” defining Waters of the U.S. (WOTUS). The department still does not have “late bill” permission from legislative leadership, meaning the chances of a bill this year authorizing rulemaking are growing ever dimmer. The department professes to not have a Plan B, but they have acknowledged the need to address proposed projects, as well as protect uncovered waters of the state. Frankly, the department appears to be using its lack of a Plan B as a lever to gain support (unsuccessfully) for a late bill. A possible compromise bill could simply direct the Interim Water Committee to address the various, complex issues associated with protecting these “gap waters.”

November 2022 is just around the corner – apparently

Candidates are lining up to run against Governor Polis. There are currently eight declared Republican candidates, two Independents, and one Democrat challenger.

Only one is returning from the 2018 election cycle. That candidate is Greg Lopez, an Elizabeth resident who was once the mayor of Parker.

None of the other seven Republicans in the race has ever been elected to office before. They are Laurie Clark of Monument, Jeffrey Fry of Hayden, Jon Gray-Ginsberg of Frisco, Benjamin Huseman of Commerce City, Danielle Neuschwanger of Elbert, Jim Rundberg of Antonito and Destinee Workman of Clifton.

Two unaffiliated candidates also have created campaign accounts, Ralph Tingle of Denver and Zachary Varon of Avon. There is also one declared Democrat challenger to Polis, Dustin Rorex of Pueblo West.

Raining dollars:

The state will receive \$5.7B as part of the federal American Rescue Plan. This is on top of the \$37B the state already received from the federal CARES Act. Both federal acts sent money directly to state and local governments, alas none to SWCD.

As if that weren't enough, Colorado still has the prospect of significant additional federal dollars from the American Rescue Plan (Infrastructure Act). Depending on state discretion allowed in allocation of Rescue Plan dollars, this is one of the larger agenda items for a special summer session of the legislature.



SOUTHWESTERN WATER CONSERVATION DISTRICT

2021 State Legislative Update: [May 17, 2021](#)

Below is a summary of 2021 water-related legislation under consideration by the Colorado General Assembly. These summaries generally apply to the bills as introduced.

Click on the bill number to view the most recent bill language and other information.

The Colorado Water Congress (CWC) State Affairs Committee met on May 10th and May 17th. **Positions taken on bills are in red text for CWC and green text for SWCD.**

THE FOLLOWING BILLS HAVE ALREADY BEEN CONSIDERED BY SWCD.

[SB21-034](#) **Water Resources Financing Enterprise** **(POSTPONED INDEFINITELY)**

SWCD Position: Monitor
CWC Position: No Position
Sponsors: Senate (Coram)
Committee of Reference: Senate Agriculture & Natural Resources

Bill Status: Postponed indefinitely by the Senate Agriculture and Natural Resources Committee.

Title: Concerning the creation of an enterprise that is exempt from the requirements of section 20 of article X of the state constitution to administer a fee-based water resources financing program.

Summary: This bill creates the water resources financing enterprise. The board of the enterprise would consist of the combined boards of the Colorado Water Resources and Power Development Authority and the Colorado Water Conservation Board. The enterprise will provide financing (including grants and low interest loans) to drinking water suppliers, wastewater treaters, and raw water suppliers. "Raw water suppliers" are limited to those providing raw water for treatment and use as drinking water.

The enterprise would be funded with a \$0.25/1000 gal. fee above 4,000 gal./mo. minimum on drinking water bills. The fee would be collected by drinking water utilities and remitted to the state. As a fee-based enterprise, new revenues collected would not be included in any TABOR calculations for state budget caps. Fees may be adjusted annually for inflation and to address "certain equity concerns."

Although clearly established as an enterprise fund, voters will be asked in November 2022 to authorize the creation of the enterprise.

Comments:

[SB21-054](#) **Transfers for Wildfire Mitigation and Response** **(PASSED & SIGNED BY GOVERNOR)**

SWCD Position: Support
CWC Position: Support
Sponsors: Senate (Hansen/Rankin) House (McCluskie)
Committee of Reference: Senate Appropriations

Bill Status: Passed and signed by the governor.

Title: Concerning transfers from the general fund to cash funds to be used to address wildland fires, and, in connection therewith, making an appropriation.

Summary: SB 54 transfers from the General Fund \$13 million to three cash funds for wildfire preparedness and post-fire mitigation.

- Section 1 transfers \$6 million to the forest restoration and wildfire risk mitigation grant program cash fund.
- Section 2 transfers \$3 million from the general fund to the wildfire preparedness fund. The division of homeland security and emergency management will use these funds as
 - State match for federal hazard mitigation assistance grants to local governments that are used to mitigate wildland fire hazards; and
 - To provide local governments that are eligible to receive the federal grants with strategic planning assistance for wildland fire hazard mitigation.
- Section 3 transfers \$4 million to CWCB construction for the watershed restoration program.

Comments:

SB21-087 **Agricultural Workers' Rights**

SWCD Position: **Oppose**

CWC Position: **Has not discussed**

Sponsors: Senate (Danielson), House (McCormick, Caraveo)

Committee of Reference: Senate Business, Labor & Technology; Senate Appropriations

Bill Status: Passed out of Senate Business, Labor & Technology and Senate Appropriations as amended; scheduled for Senate Second Reading on May 18th.

Title: Concerning agricultural workers' rights.

Summary: This lengthy and detailed bill removes the historical exemption of agricultural labor from state and local labor and minimum wage laws. It also provides detailed directions and limitations on farm-labor operations including, among others:

- Specifies meal breaks and rest periods,
- Even specifically prohibits use of the short-handled or long-handled hoes,
- Creates an agricultural work advisory committee to study and analyze agricultural wages and working conditions and
- Creates an appeal process and enforcement actions, including minimum penalties, for aggrieved agricultural employees, whistleblowers, and key service providers.

Comments:

SB21-164 **Uniform Easement Relocation Act (POSTPONED INDEFINITELY)**

SWCD Position: **Oppose**

CWC Position: **Oppose**

Sponsors: Senate (Gardner)

Committee of Reference: Senate Agriculture & Natural Resources

Bill Status: Postponed indefinitely by Senate Agriculture and Natural Resources.

Title: Concerning the "Uniform Easement Relocation Act".

Summary: The bill would enact the "Uniform Easement Relocation Act," drafted by the Uniform Law Commission. The bill sets procedures to relocate most easements. Nearly half of this lengthy bill outlines what must not be done in order to relocate an easement.

Comments:

SB21-189 **Colorado Water Conservation Board Construction Fund Project**

SWCD Position: Support

CWC Position: Support

Sponsors: Senate (Donovan), House (Arndt)

Committee of Reference: Senate Agriculture and Natural Resources

Bill Status: Passed out of the House Agriculture, Livestock and Water Committee and referred to House Appropriations.

Title: Concerning the funding of Colorado Water Conservation Board projects, and, in connection therewith, making an appropriation.

Summary: SB 189 is the annual construction fund bill for CWCB projects' authorizations. In addition to a pared-down list of authorized operations expenditures (e.g., weather modification, flood plain mapping), this year's bill allows a transfer of up to \$2,000,000 to the interstate litigation fund. It also authorizes the CWCB to make a loan up to \$3,000,000 to assist the confined aquifer recovery project in the San Luis Valley. Finally, in a much shorter than normal projects' bill, Section 7 conditionally reinstates funding for the water efficiency grant program with \$550,000 annually if the general assembly chooses not to spend 100% of the money in the operational fund on core departmental programs.

Comments:

SB21-220 **Reverse Transfers from Severance Tax Operational Fund**

(PASSED & SIGNED BY GOVERNOR)

SWCD Position: Support

CWC Position: Discussion

Sponsors: Senate (Hansen, Rankin), House (Herod)

Committee of Reference: Senate Appropriations

Bill Status: Passed out of Senate unamended and awaiting House Third Reading.

Title: Concerning the stabilization of revenue in the severance tax operational fund by returning money that was transferred to natural resources and energy grant programs.

Summary: Money in the severance tax operational fund is primarily used for two purposes. The General Assembly annually appropriates money from the operational fund for several core departmental programs. If money remains after these core appropriations and the reserve requirement for the core programs is met, then the state treasurer transfers money to several funds that support natural resources and energy grant programs. (These used to be called "Tier II" programs.)

Based on recent forecasts, there will be insufficient revenue in the operational fund for even the core departmental programs. To avoid a fund deficit in the operational fund, this JBC bill reverses five transfers made in the following amounts:

\$1,998,205 for the Species Conservation Trust Fund (SCTF);
\$1,600,964 for CPW's aquatic nuisance species (ANS) fund;
\$219,803 for the CWCB's water efficiency grant program cash fund;
\$297,759 for the Inter-Basin Compact Committee's (IBCC) operating fund; and
\$3,996,410 for the water supply reserve fund (WSRF).

Comments:

SB21-234 General Fund Transfer Agriculture and Drought Resiliency

SWCD Position: Support

CWC Position: Discussion

Sponsors: Senate (Lewis, Sonnenberg), House (Cutter, Holtorf)

Committee of Reference: Senate Agriculture & Natural Resources

Bill Status: Passed out of Senate Agriculture and Natural Resources Committee and referred to Senate Appropriations.

Title: Concerning creation of the agriculture and drought resiliency fund, and, in connection therewith, transferring money from the general fund to the fund and making an appropriation.

Summary: SB 234 creates a short-lived agriculture and drought resiliency fund in the Colorado Department of Agriculture with a one-time \$3 million General Fund transfer from the current fiscal year's budget. The Department of Agriculture would use the fund to anticipate, prepare for, mitigate, adapt to, or respond to events, trends, or climatological disturbances related to drought or climate." The bill directs the development of a "hay bank" to provide "adequate resources for livestock in times of drought" and "supporting recovery of grazing lands following wildfire(s)." The fund is repealed September 1, 2022.

Comments:

SB21-237 Create Forest Health Council in Department of Natural Resources

SWCD Position: Monitor

CWC Position: Discussion

Sponsors: Senate (Donovan), House (McCluskie)

Committee of Reference: Senate Agriculture & Natural Resources

Bill Status: Passed out of Senate and scheduled for consideration by the House Agriculture, Livestock and Water Committee on May 20th.

Title: Concerning creation of the Colorado Forest Health Council in the Department of Natural Resources, and, in connection therewith, repealing the forest health advisory council within the state forest service.

Summary: Under current law, the forest health advisory council was created within the state forest service, which is within Colorado state university. Section 4 of the bill repeals the forest health advisory council and section 2 creates the Colorado forest health council within the division of forestry within the department of natural resources and specifies the new council's membership and duties. Section 1 schedules the new council for sunset review in 2026.

Comments:

SB21-240 **Watershed Restoration Grant Program Stimulus**

SWCD Position: **Support**

CWC Position: **Support**

Sponsors: Senate (Danielson, Simpson), House (Kipp, Catlin)

Committee of Reference: Senate Agriculture & Natural Resources

Bill Status: Passed out of Senate Agriculture and Natural Resources Committee and Senate Appropriations Committee; scheduled for consideration on the Senate floor on May 18th.

Title: Concerning the transfer of money from the general fund to the Colorado water conservation board construction fund for watershed protection programs, and, in connection therewith, making an appropriation.

Summary: The bill transfers \$15 million from the general fund to the Colorado Water Conservation Board construction fund for use by the Colorado water conservation board (CWCB) to protect watersheds against the impacts of wildfires through the existing watershed restoration grant program and for conducting a statewide watershed analysis to investigate the susceptibility of life, safety, infrastructure, and water supplies to wildfire impacts. The CWCB can use up to 5% of the money to administer the grant program and up to 10% to provide technical engineering services to grantees. The CWCB is directed to:

- Spend up to \$500,000 by December 31, 2022, to conduct the analysis; and
- Award at least \$10 million dollars in grants under the grant program by July 1, 2022, and award the remaining money, less the money the CWCB uses to administer the grant program and provide technical engineering services, in grants by December 31, 2022.

(Note: This summary applies to this bill as introduced.)

Comments:

SB21-248 **Loan Program for Colorado Agriculture**

SWCD Position: **Monitor**

CWC Position: **Discussion**

Sponsors: Senate (Donovan/Simpson), House (McCormick/Holtorf)

Committee of Reference: Senate Agriculture & Natural Resources

Bill Status: Passed out of Senate Agriculture and Natural Resources Committee and Senate Appropriations Committee; scheduled for consideration on the Senate floor on May 18th.

Title: Concerning assistance for agriculture in Colorado, and, in connection therewith, establishing a loan program in the Department of Agriculture and transferring money from the general fund to a new agricultural future loan program cash fund to be used for the loan program.

Summary: The bill creates the Colorado agricultural loan program in the Department of Agriculture to provide: Farm-to-market infrastructure loans to eligible applicants and low-interest loans to eligible farmers or ranchers and eligible ag-related businesses in Colorado. It funds the program with a one-time \$30 million General Fund transfer to the Dept. of Ag. with direction to provide:

- Ag processor loans; and

- Low-interest loans to eligible farmers, ranchers and ag businesses.

The Department is directed to award:

- At least \$5 million but no more than \$10 million in loans to ag processors by June 30, 2022; and
- At least \$10 million but no more than \$20 million in the form of low-interest loans to eligible farmers, ranchers, and ag-related businesses by December 31, 2022.

After January 1, 2023, the Department is directed to prioritize loans to farmers or ranchers who have owned or operated a farm or ranch for less than 10 years or represent a population that is underserved or underrepresented in Colorado agriculture.

Comments:

SB21-258 Wildfire Risk Mitigation

SWCD Position: Monitor

CWC Position: Support

Sponsors: Senate (Ginal/Rankin), House (Snyder/Hanks)

Committee of Reference: Senate Local Government

Bill Status: Scheduled for consideration by the Senate Local Government Committee on May 18th.

Title: Concerning the administration of state assistance programs to mitigate the risk of wildfire, and, in connection therewith, creating the wildfire mitigation capacity development fund and the hazard mitigation fund; transferring money into specially designed wildfire funds; and making an appropriation.

Summary: The bill creates two funds. First is the wildfire mitigation capacity development fund. Money for this fund is continuously appropriated to the DNR for a number of wildfire related programs. The second is the hazard mitigation fund to assist local jurisdictions in obtaining the matching funds required for certain federal grants.

The bill directs the following transfers and appropriations:

- \$5 million from the General Fund to the healthy forests and vibrant communities fund;
- \$2.5 million from the General Fund to the wildfire risk mitigation revolving fund for loans issued by the wildfire risk mitigation loan program;
- \$17.5 million from the General Fund to the wildfire mitigation capacity development fund;
- \$3 million from the wildfire preparedness fund to the hazard mitigation fund; and
- \$600,000 from the wildfire preparedness fund and \$1.2 million from the Colorado firefighting air corps fund to the wildfire emergency response fund.

Additionally, the bill allows the state forest service to issue forest restoration and wildfire risk mitigation grants for projects on federal lands. The bill also generously expands the allowable uses of the forest restoration and wildfire risk mitigation grant program by allowing the program to fund capacity-building efforts for local governments, community groups, and collaborative forestry efforts.

Comments:

HJR21-1002 **Water Projects Eligibility Lists (PASSED & SIGNED BY THE GOVERNOR)**

SWCD Position: Support

CWC Position: Support

Sponsors: House (Arndt), Senate (Donovan)

Committee of Reference: House Agriculture, Livestock & Water

Bill Status: Passed and signed by the governor.

Title: Concerning approval of water project revolving fund eligibility lists administered by the Colorado water resources and power development authority.

Summary: See bill text for full fund eligibility lists.

Comments:

HB21-1008 **Forest Health Project Financing (PASSED & AWAITING GOVERNOR'S CONSIDERATION)**

SWCD Position: Support as amended

CWC Position: Support

Sponsors: House (Arndt/Catlin), Senate (Cooke/Hansen)

Committee of Reference: House Agriculture, Livestock & Water, House Finance

Bill Status: Passed out of the House, out of Senate Ag and Natural Resources and awaiting Senate First reading on April 20th.

Title: Concerning increased options for financing forest health projects, and, in connection therewith, financing wildfire mitigation treatments.

Summary: HB 1008 provides additional options for financing forest health projects by authorizing:

- Creation of special improvement districts by a combination of local governments,
- Special assessments on property specially benefited by the improvement district, including forest health projects,
- Specifically authorizing counties, municipalities, special districts, water conservancy districts, the Colorado River District, and the Southwestern Water Conservation District to participate in and finance forest health projects; and
- A forest improvement district to use sales tax revenue for forest health projects.

The bill also extends the statutory sunset of the Colorado Water Resources Power and Development Authority to issue bonds to fund watershed protection and forest health projects from July 1, 2023, to July 1, 2033.

Comments:

HB21-1043 **Study Underground Water Storage Maximum Beneficial Use**

SWCD Position: Monitor

CWC Position: Support

Sponsors: House (Holtorf), Senate (Sonnenberg)

Committee of Reference: House Agriculture, Livestock & Water

Bill Status: Passed as amended out of House Agriculture, Livestock and Water Committee and House Finance Committee, and referred to House Appropriations.

Title: Concerning a study of underground water storage to maximize the beneficial use of water within Colorado.

Summary: This bill directs the CWCB, in consultation with the state engineer, to sponsor a study of underground water storage for later recovery. The study must identify:

- Specific aquifers that are hydrologically and legally available to be used for underground storage and subsequent beneficial use;
- Sources of revenue that could be used to pay for underground storage projects;
- Planned, potential or existing underground storage projects that meet the objectives identified in the study; and
- Recommend legislative changes needed to implement underground storage projects.

The bill directs the study be submitted to the Water Resources Review Committee by August 1, 2022, including recommended legislation to implement the study's recommendations

Comments:

HB21-1046 **Water Share Right Mutual Ditch Corporation**
(PASSED & AWAITING GOVERNOR'S CONSIDERATION)

SWCD Position: Monitor

CWC Position: Support

Sponsors: House (Arndt/Catlin), Senate (Fields/Sonnenberg)

Committee of Reference: House Agriculture, Livestock & Water

Bill Status: Passed as amended out of the House and Senate Ag and Natural Resources Committee, awaiting Senate First Reading on April 20th.

Title: Concerning the use of a water right obtained through a mutual ditch corporation.

Summary: The House Ag. Committee unanimously voted to adopt the sponsors' amendment rewriting the entirety of HB21-1046. The strike below (SBEC) amendment resulted from extensive stakeholder outreach and collaboration at the State Affairs Committee of CWC. The resulting SBEC amendment reflects a consensus compromise for a workable bill addressing the most troubling elements of recent water court rulings. The amended bill clarifies that, subject to the Articles of Incorporation and Bylaws of the corporation:

- When stockholder demand exceeds supply, mutual ditch corporations may limit or otherwise rotate delivery of water ratably among the stockholders;
- When a stockholder is not using some of or all of the available water under the stockholder's shares, the remaining stockholders taking delivery of water through the ditch may use any unused portion of the water that would otherwise have been available to that stockholder's shares, absent certain exceptions; and
- The provision is not intended to prevent a stockholder from changing the use of the water rights represented by the stockholder's shares, create any impediments to changes in use, affect storage water rights, or change the standards for water court approval to change a water right.

Comments:

HB21-1105 **Low-Income Utility Payment Assistance Contributions**

SWCD Position: Support**CWC Position:** No action**Sponsors:** House (Kennedy), Senate (Hansen)**Committee of Reference:** House Finance**Bill Status:** Passed out of House Finance Committee and House Appropriations Committee as amended; scheduled for House floor on May 18th.**Title:** Concerning utility customers' financial contributions for low-income utility assistance.**Summary:** This 17-section bill has several water-related elements. Section 1 removes the low-income energy assistance program (LEAP) from the "tier 2" severance tax operational fund money, something the water community has advocated for years. Later sections provide for voluntary, opt-in charges that a water utility may offer its customers to help finance a water utility bill payment assistance program. Alternatively, HB 1105 allows a water utility to implement its own water utility bill payment assistance program.**Comments:**

HB21-1226 **More Robust Check Station Aquatic Nuisance Species**
(PASSED & AWAITING GOVERNOR'S CONSIDERATION)

SWCD Position: Support**CWC Position:** Support**Sponsors:** House (Esgar, Will), Senate (Coram, Donovan)**Committee of Reference:** House Agriculture, Livestock & Water**Bill Status:** Passed and awaiting the governor's signature.**Title:** Concerning additional measures to control aquatic nuisance species, and, in connection therewith, prohibiting a person from refusing to stop at a check station and directing the division of parks and wildlife to report to the general assembly regarding implementation of the act.**Summary:** Current law allows qualified peace officers to stop a conveyance, including a boat trailer and a boat, and inspect the conveyance for the presence of aquatic nuisance species before the boat is launched onto waters of the state and before departing from the waters of the state or a vessel staging area, and to impound and quarantine a conveyance that is contaminated until it is decontaminated. Authorized agents can detain and inspect conveyances but cannot impound or quarantine conveyances. Section 1 of the bill directs the division of parks and wildlife in the department of natural resources to investigate the methods that other states are using with respect to the location and operation of check stations and report regarding its investigation and the operation of check stations pursuant to the bill to the general assembly's committees with jurisdiction over wildlife. Section 2 authorizes a qualified peace officer to stop and inspect for the presence of aquatic nuisance species a conveyance that has encountered an aquatic nuisance species check station. Section 3 prohibits a person who encounters a check station from failing or refusing to stop at the check station while transporting a conveyance during the check station's hours of operation without presenting the conveyance for inspection.**Comments:**

[HB21-1233](#) Conservation Easement Tax Credit Modifications

SWCD Position: Monitor

CWC Position: Discussion

Sponsors: House (Roberts, Will), Senate (Donovan, Winter)

Committee of Reference: House Agriculture, Livestock & Water

Bill Status: Passed out of House Agriculture, Livestock, and Water Committee , House Finance Committee, House Appropriations Committee as amended; scheduled for the House floor on May 18th.

Title: Concerning modifications to the requirements for claiming an income tax credit for the donation of a perpetual conservation easement.

Summary: HB 1233 makes numerous changes affecting claims for an income tax credit for the donation of a perpetual conservation easement. The proposed changes are generally favorable and clarifying for potential easement donors.

Comments:

[HB21-1260](#) General Fund Transfer Implement State Water Plan

SWCD Position: Support

CWC Position: Support

Sponsors: House (Garnett/Catlin), Senate (Donovan/Simpson)

Committee of Reference: House Agriculture, Livestock & Water

Bill Status: Passed out of the Senate Committee on Agriculture and Natural Resources and referred as amended to the Senate Appropriations Committee.

Title: Concerning transfers of money from the general fund to implement the state water plan, and, in connection therewith, making an appropriation.

Summary: The bill allocates \$20 million from the general fund to the Colorado water conservation board (CWCB) to be spent to implement the state water plan as follows:

- \$15 million, which is transferred to the water plan implementation cash fund for expenditures and grants administered by the CWCB to implement the state water plan; and
- \$5 million, which is transferred to the water supply reserve fund for CWCB to disperse to the basin roundtables.

Comments:

[HB21-1266](#) Environmental Justice Disproportionate Impacted Community

SWCD Position: Monitor

CWC Position: Discussion

Sponsors: House (Jackson), Senate (Winter, Buckner)

Committee of Reference: House Energy & Environment

Bill Status: Passed out of the House as amended and assigned to the Senate Finance Committee.

Title: Concerning efforts to redress the effects of environmental injustice on disproportionately impacted communities.

Summary: Section 3 of the bill defines "disproportionately impacted community". Section 4 requires the air quality control commission to promote outreach to and engage with disproportionately impacted communities by creating new ways to gather input from communities across the state, using multiple languages and multiple formats, and transparently sharing information about adverse effects resulting from its proposed actions. Section 5 creates the environmental justice action task force (task force) in the department of public health and environment (department), the goal of which is to propose recommendations to the general assembly regarding practical means of addressing environmental justice inequities. The task force will:

- Hold meetings to solicit public comment concerning the development of a state agency-wide environmental justice strategy and a plan to implement that strategy, including ways to address data gaps and data sharing between state agencies and the engagement of disproportionately impacted communities;
- Evaluate and propose recommended revisions to the definition of "disproportionately impacted community" and the state agencies and their proposed actions that are subject to section 3; and
- File a final report by November 14, 2022, regarding its recommendations.

The department will report on the task force during the department's "SMART Act" presentations.
(Note: This summary applies to this bill as introduced.)

Comments:

[HB21-1268](#) Study Emerging Technologies for Water Management

SWCD Position: Monitor
CWC Position: Discussion
Sponsors: House (Titone), Senate (Will)
Committee of Reference: House Agriculture, Livestock and Water

Bill Status: Passed out of the House as amended and scheduled for consideration by the Senate Agriculture and Natural Resources Committee on May 19th.

Title: Concerning a requirement that Colorado institutions of higher education 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: 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 and Colorado state university, 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 \$20,000 to each university from the general fund, contingent on the universities' receipt of a matching \$40,000 in gifts, grants, and donations, for the purpose of funding the feasibility studies and pilot deployments.

(Note: This summary applies to this bill as introduced.)

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. Beth Van Vurst, SWCD General Counsel, and Chris Treese, lobbyist, ensure the views and priorities of southwestern Colorado are considered as the State legislature enacts new laws affecting water resources.

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@swwcd.org. We hope that you find the updates beneficial and informative.

Colorado Water Congress 2021 Bill Status Sheet

Bill No.	Short Title	CWC Position	Introduced	1st Committee	2nd Committee	2nd Reading	3rd Reading	Introduced	1st Committee	2nd Reading	3rd Reading	First House Repass	Conference Committee	Governor
HB21-1008	Forest Health Project Financing	8-Mar	16-Feb	2/22 Ag	04-Mar F	9-Mar	10-Mar	12-Mar	15-Apr Ag	20-Apr	21-Apr	11-May	11-May	
HB21-1043	Study Underground Water Storage Maximum Beneficial Use	1-Mar	16-Feb	3/1 Ag	01-Apr F									
HB21-1046	Water Share Right Mutual Ditch Corporation	15-Mar	16-Feb	3/17 Ag		22-Mar	23-Mar	24-Mar	15-Apr Ag	21-Apr	21-Apr	11-May	11-May	
HB21-1105	Low-income Utility Payment Assistance Contributions	22-Mar	16-Feb	4/1 F	5/14 Ap									
HB21-1168	Historically Underutilized Businesses Local Government Procurement	29-Mar	4-Mar	3/31 TLG	4/19 F	23-Apr	26-Apr	27-Apr	5-May F	10-May	11-May			
HB21-1181	Agricultural Soil Health Program	26-Apr	4-Mar	3/22 Ag	5/4 Ap	7-Apr	8-Apr	9-Apr	13-May Ag					
HB21-1226	More Robust Check Station Aquatic Nuisance Species	5-Apr	18-Mar	4/8 Ag		15-Apr	19-Apr	20-Apr	29-Apr Ag	4-May	5-May	11-May	11-May	
HB21-1233	Conservation Easement Tax Credit Modifications		19-Mar	4/5 Ag	4/22 F									

Bill No.	Short Title	CWC Position	Introduced	1st Committee	2nd Committee	2nd Reading	3rd Reading	Introduced	1st Committee	2nd Reading	3rd Reading	First House Repass	Conference Committee	Governor
HB21-1242	Create Agricultural Drought and Climate Resilience Office	12-Apr	24-Mar	4/5 Ag		15-Apr	21-Apr	26-Apr	13-May Ag					
HB21-1260	General Fund Transfer Implement State Water	19-Apr	6-Apr	4/19 Ag	4/28 Ap	28-Apr	29-Apr	30-Apr	12-May Ag					
HB21-1266	Environmental Justice Disproportionate Impacted Community	3-May	6-Apr	4/22 EE	5/3 F	12-May	13-May	13-May	F					
HB21-1268	Study Emerging Technologies for Water Management	10-May	9-Apr	4/26 Ag	5/11 Ap	11-May	12-May	13-May	Ag					
HB21-1292	Report Revenues From Sports Betting Activity	10-May	22-Apr	12-May BAL										
SB21-028	Promulgation of Public Health Rules and Orders	1-Mar	16-Feb	3/2 SVMA										
SB21-034	Water Resource Financing Enterprise		16-Feb	3/11 Ag										
SB21-054	Transfers for Wildfire Mitigation and Response	1-Mar	16-Feb	2/23 Ap		25-Feb	26-Feb	26-Feb	02-Mar Ap	4-Mar	5-Mar	11-Mar	11-Mar	11-Mar

HJR21-1002	Water Projects Eligibility Lists	16-Feb	15-Jan	2/18 Ag		24-Feb	23-Feb	04-Mar Ag		10-Mar	11-Mar	11-Mar	21-Mar
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BILL STATUS	ABBREVIATIONS
Bill scheduled for action at next SA meeting (yellow)	Ag = Agriculture, Livestock & Water
Bill not calendared (no fill)	Ap = Appropriations Committee
Bill Passed, date of action (green)	BLEW = Business, Labor, Economic and Workforce Development Committee
Bill no longer active (gray)	CC = Conference Committee
Bill did not go to second committee or no action required (black)	F = Finance Committee
<u>CWC POSITION</u>	HIE= Health, Insurance, and Environment
Bill scheduled for activity in CWC State Affairs (yellow)	J = Judiciary
Support (green)	TLG = Transportation & Local Government
Oppose (orange)	SVMA = State, Veterans, and Military Affairs Committee
Amend (blue)	EE = Energy & Environment
Monitor, Neutral, No Position	UA = Upon Adjournment

No Motions Made	UR = Upon Recess
	Ag = Agriculture and Natural Resources Committee
	CD = Capital Development
	TE = Transportation & Energy
	E = Education
	BAL = Business Affairs & Labor



May 17, 2021

Southwestern Water Conservation District Board
841 E. Second Ave.
Durango, CO 81301

RE: Scholarship Funding Request

Dear Southwestern Water Conservation District Board,

I am excited to have been accepted into the Water Leaders Program with Water Education Colorado. As you are aware, this selective program conducts 8 days of water resources training to current and future leaders across Colorado; the sessions take place in 4 two-day events throughout the year. This program caught my attention as I watched colleagues who I respect very much move through the program and truly gain leadership and networking skills to better serve their clients, customers, and constituents. I hope to gain that same level of professional development to better serve my clients in SW Colorado and beyond.

I am writing to request partial or full tuition assistance from SWWCD for this Program. The tuition for 2021 is \$4,000. My company, RRI, LLC will be covering all costs associated with travel, logistics, and any portion of the tuition that is not covered by your generous commitment to building and supporting water leaders in our community.

Thank you again for your continued support of this program, my professional development, and the future of water resources in the four corners region.

Sincerely,

Warren C. Rider

Rider Resources, LLC - www.riderwater.com
170 W. 29th Street, Durango, CO 81301
warren@riderwater.com
970.274.3646

SOUTHWESTERN WATER CONSERVATION DISTRICT TRAVEL EXPENSE FORM

Board Member (or Other) Name: _____

Date: From: _____ through _____

Purpose: _____

COST

Directors fees per diem _____ days X \$100 = _____

Mileage: _____ miles X \$0.56 per mile = _____

Air Fare: _____

Car Rental: _____

Parking: _____

Hotel Expenses: _____

Total Meals: _____

Taxi/Shuttle Fares: _____

Tips: _____

Miscellaneous: _____

Registration/Dues: _____

OTHER (Please describe)

TOTAL

Board Member Signature _____

Please attach receipts

