

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

February 19, 2019 Water Legislation Report #6 (2019 Legislative Session)

The State Affairs Committee of the Colorado Water Congress met on February 19th to discuss water-related legislation. Since the last meeting, no new bills were introduced, but CWC staff brought [HB19-1108 \(Non-Resident Electors and Special Districts\)](#) before the Committee for review. The bill would expand the ability of non-resident electors to participate in the governance of special districts.

Also, since the last written report, the SWCD board acted to support [HB 1082 \(Water Rights Easements\)](#) at their February 6th meeting. All the bills SWCD is currently supporting can be found at <https://swgcd.org/resources/legislative-updates/>, along with recent reports.

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
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
<p>SB19 096</p> <p>Collect Long Term Climate Change Data</p>	<p>S Donovan H Hansen</p> <p>Transportation & Energy</p>	<p>CONCERNING THE COLLECTION OF GREENHOUSE GAS EMISSIONS DATA TO FACILITATE THE IMPLEMENTATION OF MEASURES THAT WOULD MOST COST-EFFECTIVELY ALLOW THE STATE TO MEET ITS GREENHOUSE GAS EMISSIONS REDUCTION GOALS.</p>	<p><i>SA members didn't express concern for or identify a clear water nexus with the bill.</i></p>	<p>01/23/2019</p> <p>REMOVED FROM SA AGENDA</p> <p>SWCD Position: DISCUSSION</p>
<p>SUMMARY: The bill requires the air quality control commission in the department of public health and environment to collect greenhouse gas emissions data from greenhouse gas-emitting entities, report on the data, including a forecast of future emissions, and propose a draft rule to address the emissions by July 1, 2020.</p>				
<p>HB19 1006</p> <p>Wildfire Mitigation Wildland-urban Interface Areas</p>	<p>H McLachlan, Carver S Fields</p> <p>Rural Affairs & Ag</p>	<p>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</p>	<p><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></p>	<p>01/04/2019</p> <p>POSTPONED</p> <p>SWCD Position: DISCUSSION</p>
<p>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.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
HB19 1082 Water Rights Easements	H Catlin, Valdez S Coram Rural Affairs & Ag	CONCERNING THE RIGHTS OF A WATER RIGHTS EASEMENT HOLDER.	An ad-hoc group of SA committee members provided revised language for an amendment to address concerns initially expressed about the unintentional consequences of the bill. This amendment was adopted by the House Rural Affairs & Ag Committee.	01/11/2019 SUPPORT WITH AMENDMENT SWCD Position: SUPPORT
SUMMARY: The bill clarifies that water rights easement holders may maintain, repair, and improve their easement.				
HB19 1108 Non-Resident Electors and Special Districts	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 DISCUSSION SWCD Position: DISCUSSION
<p>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.</p> <p>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.</p> <p>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</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments <i>Comments</i>	When Introduced CWC Action / SWCD Position
<p>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>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 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>				