

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

January 22, 2018 Water Legislation Report #2 (2018 Legislative Session)

The State Affairs Committee met on January 22 to discuss proposed water legislation for consideration in the 2018 legislative session. Since the last meeting, **HB 1073** (Water District Ability Contract Water Assets) was introduced. As part of their efforts to develop the Northern Integrated Supply Project and Windy Gap Firming Project, Northern Water Conservancy District believes it necessary to clarify and confirm in the Water Conservancy Act that both water supply and water capacity may be contracted for under the statute. Each project has formed a water activity enterprise under existing statute under which it will issue contracts to project participants. **HB 1093** (Reclaimed Water Use For Edible Crops) was also introduced and adds food crops as an allowable use for reclaimed domestic wastewater.

The following table 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>SB 019</p> <p>Expanded Duration for CWRPDA Revolving Loans</p>	<p>S Donovan/Coram H Hansen/Arndt</p> <p>Ag, Natural Resources & Energy</p>	<p>CONCERNING AN EXPANSION OF THE DURATION FOR WHICH THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY MAY MAKE A LOAN UNDER THE AUTHORITY'S REVOLVING LOAN PROGRAMS.</p>		<p>01/10/2018</p> <p>SUPPORT</p> <p>SWCD Position: SUPPORT</p>
<p>SUMMARY: Water Resources Review Committee. Water Resources Review Committee. Pursuant to the federal clean water act and the federal "Safe Water Drinking Act", the Colorado water resources and power development authority (authority) makes loans under its water pollution control revolving fund and its drinking water revolving fund. Under state law, the duration of any water pollution control loan made by the authority must not exceed 20 years after project completion; however, the federal clean water act now allows for loans up to the lesser of 30 years or the projected useful life of the project, as determined by the state. The bill removes the 20-year limitation on water pollution control loans and authorizes the authority to make loans in compliance with the clean water act and the "Safe Water Drinking Act."</p>				
<p>SB 038</p> <p>Reclaimed Water Use on Industrial Hemp</p>	<p>S Donovan/Coram H Esgar/Willett</p> <p>Ag, Natural Resources & Energy</p>	<p>CONCERNING THE ALLOWABLE USES OF RECLAIMED DOMESTIC WASTEWATER, AND, IN CONNECTION THEREWITH, ALLOWING RECLAIMED DOMESTIC WASTEWATER TO BE USED FOR INDUSTRIAL HEMP CULTIVATION.</p>	<p><i>Support was conditioned on an amendment being introduced to clarify language that the water rights allow for reuse.</i></p>	<p>01/10/2018</p> <p>SUPPORT</p> <p>SWCD Position: SUPPORT</p>
<p>SUMMARY: Water Resources Review Committee. The bill codifies rules promulgated by the water quality control commission (commission) of the Colorado department of public health and environment concerning allowable uses of reclaimed domestic wastewater, which is wastewater that has been treated for subsequent reuses other than drinking water. Section 3 of the bill defines 3 categories of water quality standards for reclaimed domestic wastewater, sets forth the allowable uses for each water quality standard category, and adds industrial hemp cultivation as an allowable use for reclaimed domestic wastewater. Section 3 also authorizes the commission to establish new categories of water quality standards and to recategorize any use of reclaimed domestic wastewater to a less stringent category of water quality standard. Section 3 also authorizes the division of administration in the department of public health and environment to grant variances for uses of reclaimed domestic wastewater. Sections 1, 2, and 4 make conforming amendments.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
SB 041 Authorize Water Use Incidental Sand and Gravel Mines	S Coram/ Baumgardner H Saine/Arndt Ag, Natural Resources & Energy	CONCERNING THE ABILITY OF OPERATORS OF SAND AND GRAVEL MINES TO USE WATER INCIDENTAL TO SAND AND GRAVEL MINING OPERATIONS TO MITIGATE THE IMPACTS OF MINING.		01/10/2018 SUPPORT SWCD Position: DISCUSSION
<p>SUMMARY: Water Resources Review Committee. Current law requires operators of sand and gravel open mines that expose groundwater to the atmosphere to obtain a well permit and either: A replacement plan approved by the ground water commission for designated groundwater; or a plan for augmentation approved by the water court or a plan of substitute supply approved by the state engineer for tributary groundwater. The bill specifies that the replacement plan (in section 1 of the bill) or the plan of substitute supply (in section 2) and the permit may authorize uses of water incidental to open mining for sand and gravel, including specifically (among other things) the mitigation of impacts from mining and dewatering.</p>				
SJR 003 Water Projects Eligibility Lists	S Baumgardner H Arndt	CONCERNING APPROVAL OF WATER PROJECT REVOLVING FUND ELIGIBILITY LISTS ADMINISTERED BY THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY.		01/12/2018 SUPPORT SWCD Position: DISCUSSION
<p>SUMMARY: The annual eligibility list for the water projects revolving fund is set forth in this Senate Joint Resolution. These water projects are ranked in priority for financial assistance to improve drinking water facilities or wastewater treatment facilities administered by CWR&PDA. The Water Quality Control Commission has made changes to the list, and the legislature must approve them before funding can take place. The list must be submitted to the legislature on or before January 15 and must be presented to the governor by April 1 of each year.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
HB 1008 Mussel-free Colorado Act	H Esgar/Ardnt S Donovan/Coram Ag, Livestock & Natural Resources	CONCERNING THE FINANCING OF THE DIVISION OF PARKS AND WILDLIFE'S AQUATIC NUISANCE SPECIES PROGRAM, AND, IN CONNECTION THEREWITH, CREATING AN AQUATIC NUISANCE SPECIES STAMP FOR THE OPERATION OF MOTORBOATS AND SAILBOATS IN WATERS OF THE STATE, INCREASING PENALTIES RELATED TO THE INTRODUCTION OF AQUATIC NUISANCE SPECIES INTO THE WATERS OF THE STATE, AND COMBINING TWO SEPARATE FUNDS RELATED TO THE AQUATIC NUISANCE SPECIES PROGRAM INTO ONE FUND.		01/10/18 SUPPORT SWCD Position: SUPPORT
<p>SUMMARY: Water Resources Review Committee. Section 3 of the bill updates a legislative declaration concerning aquatic nuisance species to encourage the federal government to dedicate sufficient funding and resources to the detection, prevention, control, and eradication of aquatic nuisance species for federally owned or managed aquatic resources and water infrastructure in Colorado. Section 4 defines "motorboat" and "sailboat". Section 5 authorizes the division of parks and wildlife (division) to seek reimbursement from a conveyance owner (i.e., motor vehicles, trailers, and watercraft) for the storage and decontamination of a conveyance that has been impounded and quarantined due to the suspected presence of an aquatic nuisance species. Section 6 requires an in-state resident registering a motorboat or sailboat in Colorado for use on or after January 1, 2019, to pay a \$25 fee for an aquatic nuisance species stamp in addition to the watercraft registration fee. A nonresident using a motorboat or sailboat in waters of the state on or after January 1, 2019, is required to pay a \$50 fee for an aquatic nuisance species stamp. Section 7 increases penalties related to aquatic nuisance species and creates new penalties for failing to purchase an aquatic nuisance species stamp; failing to comply with a qualified peace officer's or an authorized agent's request to stop, detain, and inspect a vessel; and launching a vessel without first obtaining a vessel inspection at an aquatic nuisance species check station. Section 8 combines the division of parks and outdoor recreation aquatic nuisance species fund and the division of wildlife aquatic nuisance species fund into a single fund: The division of parks and wildlife aquatic nuisance species fund. Sections 1, 2, 9, and 10 make conforming amendments.</p>				
HB 1053 Reclaimed Water use for Marijuana Cultivation	H Arndt/Hansen S Donovan Ag, Livestock & Natural Resources	CONCERNING THE ALLOWABLE USES OF RECLAIMED DOMESTIC WASTEWATER, AND, IN CONNECTION THEREWITH, ALLOWING RECLAIMED DOMESTIC WASTEWATER TO BE USED FOR MARIJUANA CULTIVATION	Support was conditioned on an amendment being introduced to clarify language that the water rights allow for reuse.	01/10/18 SUPPORT SWCD Position: SUPPORT
<p>SUMMARY: Water Resources Review Committee. The bill codifies rules promulgated by the water quality control commission (commission) of the Colorado department of public health and environment concerning allowable uses of reclaimed domestic wastewater, which is wastewater that has been treated for subsequent reuses other than drinking water. Section 3 of the bill defines 3 categories of water quality standards for reclaimed domestic wastewater, sets forth the allowable uses for each water quality standard category, and adds marijuana cultivation as an allowable use for reclaimed domestic wastewater. Section 3 also authorizes the commission to establish new categories of water quality standards and to recategorize any use of reclaimed domestic wastewater to a less stringent category of water quality standard. Section 3 also authorizes the division of administration in the department of public health and environment to grant variances for uses of reclaimed domestic wastewater. Sections 1, 2, and 4 make conforming amendments.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
HB 1069 Reclaimed Water for Toilet Flushing	H Arndt.Thurlow S Coram Ag, Livestock & Natural Resources	CONCERNING THE ALLOWABLE USES OF RECLAIMED DOMESTIC WASTEWATER, AND, IN CONNECTION THEREWITH, ALLOWING RECLAIMED DOMESTIC WASTEWATER TO BE USED FOR TOILET FLUSHING.	<i>Support was conditioned on an amendment being introduced to clarify language that the water rights allow for reuse.</i>	01/10/18 SUPPORT SWCD Position: SUPPORT
<p>SUMMARY: The bill codifies rules promulgated by the water quality control commission (commission) of the Colorado department of public health and environment concerning allowable uses of reclaimed domestic wastewater, which is wastewater that has been treated for subsequent reuses other than drinking water.</p> <p>Section 3 of the bill defines 3 categories of water quality standards for reclaimed domestic wastewater, sets forth the allowable uses for each water quality standard category, and adds toilet and urinal flushing in multifamily residential and nonresidential structures as allowable uses for reclaimed domestic wastewater. Section 3 also authorizes the commission to establish new categories of water quality standards and to recategorize any use of reclaimed domestic wastewater to a less stringent category of water quality standard. Section 3 also authorizes the division of administration in the department of public health and environment to grant variances for uses of reclaimed domestic wastewater. Sections 1, 2, and 4 make conforming amendments.</p>				
HB 1073 Water District Ability Contract Water Assets	H Gray S Gardner Ag, Livestock & Natural Resources	CONCERNING WATER DISTRICTS' ABILITY TO ENTER INTO CONTRACTS REGARDING THEIR WATER-RELATED ASSETS		01/16/18 DISCUSSION SWCD Position: DISCUSSION
<p>SUMMARY: The bill authorizes water districts, including water activity enterprises, to enter into contracts for water and the capacity in works and allows the contracts to be based on municipalities' authority to contract for water and sewer facilities. It also specifies that water conservancy districts' contracts can be for municipal and industrial use by the recipient of the water.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action / SWCD Position
<p>HB 1093</p> <p>Reclaimed Water Use For Edible Crops</p>	<p>H Arndt S Coram</p> <p>Ag, Livestock & Natural Resources</p>	<p>CONCERNING THE ALLOWABLE USES OF RECLAIMED DOMESTIC WASTEWATER, AND, IN CONNECTION THEREWITH, ALLOWING RECLAIMED DOMESTIC WASTEWATER TO BE USED FOR FOOD CROPS.</p>		<p>01/18/18</p> <p>DISCUSSION</p> <p>SWCD Position: DISCUSSION</p>
<p>SUMMARY: The bill codifies rules promulgated by the water quality control commission (commission) of the Colorado department of public health and environment concerning allowable uses of reclaimed domestic wastewater, which is wastewater that has been treated for subsequent reuses other than drinking water.</p> <p>Section 3 of the bill defines 3 categories of water quality standards for reclaimed domestic wastewater, sets forth the allowable uses for each water quality standard category, and adds food crop irrigation as an allowable use for reclaimed domestic wastewater. Section 3 also authorizes the commission to establish new categories of water quality standards and to recategorize any use of reclaimed domestic wastewater to a less stringent category of water quality standard. Section 3 also authorizes the division of administration in the department of public health and environment to grant variances for uses of reclaimed domestic wastewater.</p> <p>Sections 1, 2, and 4 make conforming amendments.</p>				
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Colorado Water Congress 2018 Bill Status Sheet

Bill No.	Short Title	CWC Position	First House					Second House					First House Repass	Conference Committee	Governor	
			Introduced	1st Committee	2nd Committee	2nd Reading	3rd Reading	Introduced	1st Committee	2nd Committee	2nd Reading	3rd Reading				
HB18-1008	Mussel-Free Colorado Act	16-Jan	1/10/2018	22-Jan	F											
HB18-1053	Reclaimed Water Use for Marijuana Cultivation	16-Jan	1/10/2018	1/29 Ag @ 1:30PM												
HB18-1069	Reclaimed Water Use for Toilet Flushing	22-Jan	1/10/2018	1/29 Ag @ 1:30PM												
HB18-1073	Water District Ability Contract Water Assets		1/16/2018	1/29 Ag 1:30PM												
HB18-1093	Reclaimed Water Use for Edible Crops		1/18/2018	1/29 Ag 1:30PM												
SB18-019	Expanded Duration for CWRPDA Revolving Loans	16-Jan	1/10/2018	1/18 Ag		23-Jan	24-Jan									
SB18-038	Reclaimed Water Use on Industrial Hemp	16-Jan	1/10/2018	1/18 Ag	Ap											
SB18-041	Authorize Water Use Incidental Sand & Gravel Mines	16-Jan	1/10/2018	1/18 Ag		23-Jan	24-Jan									
SJR18-003	Water Projects Eligibility Lists	16-Jan	1/12/2018				17-Jan									

Bill No.	Short Title	CWC Position	First House					Second House					Governor		
			Introduced	1st Committee	2nd Committee	2nd Reading	3rd Reading	Introduced	1st Committee	2nd Committee	2nd Reading	3rd Reading		First House Repass	Conference Committee
BILL STATUS			ABBREVIATIONS												
Bill scheduled for action at next SA meeting (yellow)			Ag = Agriculture and Natural Resources Committee												
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 Postponed Indefinitely, Lost or Laid Over to end of session, date of action (orange)			F = Finance Committee												

Bill did not go to second committee or no action required (black)		HIE= Health, Insurance, and Environment																	
		J = Judiciary																	
<u>CWC POSITION</u>		LG = Local Government Committee																	
Bill scheduled for activity in CWC State Affairs (yellow)		SVMA = State, Veterans, and Military Affairs Committee																	
Support (green)		TE = Transportation and Energy Committee																	
Oppose (orange)		UA = Upon Adjournment																	
Amend (blue)		UR = Upon Recess																	
Monitor, Neutral, No Position																			