
Colorado River District

[HB18-1008](#)**Mussel-free Colorado Act**

Position: Support

Short Title: Mussel-free Colorado Act

Sponsors: D. Esgar | J. Arndt / K. Donovan | D. Coram

Summary: Creates an aquatic nuisance species stamp required for all motor boats and sail boats using Colorado waters. An annual stamp purchase will cost \$25 for in-state and \$50 for out-of-state boat owners. Stamp purchase is not required of any craft that is not currently subject to registration.

Status: 3/8/2018 Senate Committee on Finance Refer Amended to Appropriations

[HB18-1053](#)**Reclaimed Water Use For Marijuana Cultivation**

Position: Support

Short Title: Reclaimed Water Use For Marijuana Cultivation

Sponsors: J. Arndt | C. Hansen / K. Donovan

Summary: Bill codifies currently promulgated rules for allowable uses of reclaimed domestic wastewater, specifically adding marijuana cultivation as an allowable use. This bill encourages full use (to extinction) of existing transmountain diverted water consistent with the District s Transmountain Diversion policy.

Status: 1/29/2018 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to Appropriations

[HB18-1069](#)**Reclaimed Water Use For Toilet Flushing**

Position: Support

Short Title: Reclaimed Water Use For Toilet Flushing

Sponsors: J. Arndt | D. Thurlow / D. Coram

Summary: Bill codifies existing rules promulgated by the Water Quality Control Commission for allowable uses of reclaimed wastewater, adding toilet and urinal flushing in multifamily structures as allowable uses. This bill encourages full use (to extinction) of existing transmountain diverted water consistent with the District s Transmountain Diversion policy.

Status: 1/29/2018 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to Appropriations

[HB18-1073](#)**Water District Ability Contract Water Assets**

Position: Amend

Short Title: Water District Ability Contract Water Assets

Sponsors: M. Gray / B. Gardner

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.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 3/8/2018 Senate Third Reading Passed - No Amendments

[HB18-1093](#)**Reclaimed Water Use For Edible Crops**

Position: Support

Short Title: Reclaimed Water Use For Edible Crops

Sponsors: J. Arndt / D. Coram

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.

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. The commission may develop more stringent standards by rule if it determines that the existing standards and categories are not protective of public health and identifies a specific health risk posed by the use of reclaimed domestic wastewater under the existing standards. Section 3 also authorizes the water quality control division, after conducting a public stakeholders' process, to develop policy, guidance, or best management practices for use of reclaimed domestic wastewater. Finally, section 3 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.

Section 5 appropriates \$14,399 in the 2018-19 fiscal year from the general fund to the department of public health and environment for use by the water quality control division to implement the bill.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 3/12/2018 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy

[HB18-1147](#)**Sunset Process Weather Modification**

Position: Monitor

Short Title: Sunset Process Weather Modification

Sponsors: J. Ginal | K. Ransom / D. Coram

Summary: **Sunset Process - House Health, Insurance, and Environment Committee. Sections 1 and 2** of the bill continue the regulation of people who modify the weather until 2033. **Section 3** repeals a provision that prohibits weather modification that benefits another state if the other state prohibits weather modification that benefits Colorado.
(Note: This summary applies to this bill as introduced.)

Status: 2/22/2018 House Committee on Health, Insurance, & Environment Refer Unamended to Appropriations

[HB18-1151](#)**Colorado Water Conservation Board Approve Deficit Irrigation Pilot Projects**

Position: Support in Concept

Short Title: Colorado Water Conservation Board Approve Deficit Irrigation Pilot Projects

Sponsors: J. Arndt | M. Catlin / L. Crowder

Summary: Current law allows the Colorado water conservation board to approve up to 15 pilot projects for agricultural water leasing or fallowing projects. The bill expands the types of projects that may be approved to include deficit irrigation projects, which use less than the optimal amount of water on a particular crop, but limits these projects to water divisions 2 and 3 and within the boundaries of the upper Gunnison water conservancy district. The bill also excludes from the determination of historical consumptive use decreases in use resulting from deficit irrigation projects to conserve or lease water.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 3/12/2018 Introduced In Senate - Assigned to State, Veterans, & Military Affairs

[HB18-1199](#)**Aquifer Storage-and-recovery Plans**

Position: Monitor

Short Title: Aquifer Storage-and-recovery Plans

Sponsors: M. Catlin | B. McLachlan / D. Coram

Summary: The bill authorizes a person to apply to the ground water commission (commission) for approval of an aquifer storage-and-recovery plan and requires the commission to promulgate rules governing the application process and the requirements that an aquifer storage-and-recovery plan must meet to be approved.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 3/12/2018 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy

[HB18-1201](#)**Severance Tax Voter-approved Revenue Change**

Position: Support

Short Title: Severance Tax Voter-approved Revenue Change

Sponsors: D. Thurlow / D. Coram

Summary: The bill requires the secretary of state to refer a ballot issue at the general election held on November 6, 2018, to seek voter approval for the state to retain and spend an amount equal to state severance tax revenue. The change only has effect in years when the state would otherwise be required to make a refund under section 20 of article X of the state constitution (TABOR) and is conditioned on the state not:

- Repealing or reducing any of the existing severance tax exemptions or credits; or
- Reducing the percentage of the severance tax revenue that is allocated to local governments.

If the state does any of these actions, then the state's authority to retain and spend revenues based on the voters' approval of the referred ballot issue is rescinded at that time and going forward.

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

Status: 2/5/2018 Introduced In House - Assigned to Finance + Appropriations

[HB18-1215](#)**Safe Disposal Naturally Occur Radioactive Material**

Position: Aggressively Monitor

Short Title: Safe Disposal Naturally Occur Radioactive Material

Sponsors: J. Arndt

Summary: Current law allows the state board of health to adopt rules concerning the disposal of naturally occurring radioactive materials (NORM) only after the federal environmental protection agency (EPA) has adopted rules concerning the disposal of NORM. The EPA has not adopted the rules. The bill:

- Requires the state board to adopt rules for the disposal of NORM and technologically enhanced NORM (TENORM); and
- While the state board is conducting its rule-making investigation, temporarily prohibits the disposal of oil and gas exploration and production waste (EP waste) with potentially high concentrations of radionuclides at a facility that is not specifically approved and designated to receive the waste unless:
- The generator of the waste has sampled and tested the EP waste on a per-shipment basis or in a representative and statistically valid manner approved by the state board; and
- The results of the test indicate that the EP waste contains low levels of TENORM.

A generator of EP waste must file reports with the state board.

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

Status: 2/5/2018 Introduced In House - Assigned to Health, Insurance, & Environment

[SB18-019](#) Expanded Duration For Colorado Water Resources And Power Development Authority Revolving Loans

Position: Support

Short Title: Expanded Duration For Colorado Water Resources And Power Development Authority Revolving Loans

Sponsors: K. Donovan | D. Coram / C. Hansen | J. Arndt

Summary: The state statute limits Colorado Water & Power loan terms to 20-years plus construction. Amendments to the federal act now allow for longer terms. Longer terms would benefit some Colorado local government agencies. This bill would update the state statute to allow for longer loan terms, agreed to by the local government and as permitted by the federal act. This bill applies to loans under the Clean Water and Safe Drinking Acts.

Status: 3/1/2018 Governor Signed

[SB18-038](#) Reclaimed Water Use On Industrial Hemp

Position: Support

Short Title: Reclaimed Water Use On Industrial Hemp

Sponsors: K. Donovan | D. Coram / D. Esgar | Y. Willett

Summary: Bill codifies rules promulgated by the WQCC related to the allowable uses of reclaimed domestic wastewater and expands allowable uses to include the irrigation of industrial hemp. It has similar provisions to the two related House bills directing the WQCC to promulgate related rules consistent with the legislation. This bill encourages full use (to extinction) of existing transmountain diverted water consistent with the District s Transmountain Diversion policy.

Status: 1/18/2018 Senate Committee on Agriculture, Natural Resources, & Energy Refer Amended to Appropriations

[SB18-039](#) Continue The Wildfire Matters Review Committee

Position: Support

Short Title: Continue The Wildfire Matters Review Committee

Sponsors: M. Jones | J. Cooke / D. Thurlow | T. Exum

Summary: The Wildfire Matters Review Committee is currently scheduled to repeal on July 1, 2018. This bill defers the repeal date to September 1, 2025. This Interim Water Committee has successfully served to enhance and legislatively support the nexus between sustainable water supplies and healthy forests.

Status: 1/18/2018 Senate Committee on Agriculture, Natural Resources, & Energy Refer Unamended to Appropriations

[SB18-041](#)**Authorize Water Use Incidental Sand And Gravel Mines**

Position: Support

Short Title: Authorize Water Use Incidental Sand And Gravel Mines

Sponsors: D. Coram | R. Baumgardner / L. Saine | J. Arndt

Summary: This bill requires designated groundwater replacement plans or substitute supply plans to authorize and include incidental water uses, including dust suppression, reclamation and impacts of mining and dewatering. The State Engineer reports that most of these new uses are currently allowed in existing water plans.

Status: 3/1/2018 Governor Signed

[SB18-134](#)**Public Utilities Commission Deregulate Nonprofit Water Utilities**

Position: Monitor

Short Title: Public Utilities Commission Deregulate Nonprofit Water Utilities

Sponsors: J. Cooke / J. Arndt

Summary: Under current law, the public utilities commission is directed to grant simplified regulatory treatment to water companies that serve fewer than 1,500 customers. The bill expands on this concept by deregulating water companies that are registered as nonprofits, so long as their rates, charges, and terms and conditions of service are just and reasonable. The commission retains the right to entertain a complaint of unjust or unreasonable rates or practices, and to take remedial action, if the complaint is authorized by specified public officials or other persons.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 3/12/2018 House Committee on Agriculture, Livestock, & Natural Resources Refer Unamended to House Committee of the Whole

Position: Monitor

Short Title: Parks And Wildlife Measures To Increase Revenue

Sponsors: S. Fenberg | D. Coram / J. Arndt | J. Wilson

Summary: **Section 1** adds a nonstatutory short title. **Section 2** of the bill makes legislative findings. **Section 3** adds 'preference point' to the documents listed under the definition of 'license'. **Sections 4 and 12** add 'sponsorships', 'contributions', and 'donations' to the list of money transfers that the parks and wildlife commission (commission) is authorized to receive and expend. **Sections 5 and 9** change the name of the wildlife management public education advisory council to the wildlife council. **Section 6** raises the amount of residential and nonresidential license fees, stamp fees, and surcharges for certain hunting and fishing activities. Section 6 also: Authorizes the commission to apply a consumer price index adjustment to hunting and fishing fees; establishes an annual residential youth fishing fee; and, together with **section 7**, moves a reference to the state migratory waterfowl stamp fee amount. Section 7 also allows the division of parks and wildlife (division) to grant up to 25% of the money derived from sales of the state migratory waterfowl stamp to nonprofit organizations implementing the North American waterfowl management plan. **Section 8** authorizes the commission to establish by rule a special licensing program for young adult hunters and anglers. **Section 10** requires the division to prepare reports on increased licensing fees and to present the reports to the agricultural committees in the house of representatives and the senate.

Section 11 removes the restriction on the commission's ability to raise or lower park fees and charges only if the commission reasonably anticipates that the annual revenues from the fees and charges will not increase by more than 20% above the annual amount earned from fees and charges as they existed on July 1, 2011. Section 11 also establishes a maximum fee increase that the commission may impose by rule for park passes in any one year as a one-dollar increase for a daily park pass and a \$10 increase for an annual park pass. **Section 13** removes the \$200,000 limitation on the amount that may be held in the stores revolving fund, which fund is maintained for acquiring stock for warehousing and distributing supplies for retail sales to visitors, and requires that the fund be continuously appropriated.

Section 14 removes the \$5 cap on the fee that the division may charge a person to replace a lost or destroyed pass or registration. The fee may be set by the commission by rule in an amount up to 50% of the cost of the original pass or registration.

Section 15 removes a requirement that an aspen leaf annual park pass be affixed to the vehicle for which the pass was issued.

Section 16 directs the commission to determine, by rule, how the columbine annual park pass will be displayed to enter a state park or recreation area.

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

Status: 3/13/2018 Senate Third Reading Passed - No Amendments

Position: Monitor

Short Title: Enforce Requirements 811 Locate Underground Facilities

Sponsors: R. Scott | K. Donovan / F. Winter | L. Saine

Summary: Current law requires a person, before conducting an excavation, to contact a nonprofit notification association (comprised of all owners and operators of underground facilities) by dialing '811' to learn the location of underground facilities in the excavation project area. The owners and operators must then accurately mark the location of their facilities. Violations of the excavation damage prevention law are enforced exclusively through civil actions initiated by damaged parties to collect specified civil penalties and damages. In 2016, the United States department of transportation's pipeline and hazardous materials safety administration (PHMSA) conducted an adequacy evaluation of Colorado's enforcement of its excavation damage prevention law and determined that the enforcement is inadequate, which may eventually result in the withholding of federal funds from Colorado.

The bill creates the underground damage prevention safety commission (commission) as an independent agency within the department of labor and employment. The commission has rule-making and enforcement authority regarding the excavation damage prevention law and is required to enter into a memorandum of understanding with the notification association to facilitate implementation and administration of the law. The notification association is required to provide administrative support to the commission in performing its duties. A review committee of the commission initially determines whether a violation of the law has occurred and, if appropriate, recommends remedial action, potentially including a fine. Fines range from \$250 for a single minor violation within the previous 12 months to \$75,000 for a fourth major violation within the previous 12 months. The full commission is bound by the review committee's determination of facts but determines the final agency action regarding alleged violations. Fines are credited to the damage prevention fund, which the commission will use to develop educational programming, including by making grants, that is designed to improve worker and public safety relating to excavation and underground facilities.

Current law allows only an excavator to submit a location request to the notification association. The bill authorizes a licensed professional engineer designing excavation to submit a location request. The engineer is required to ensure that the engineering plans meet certain standards established by the American Society of Civil Engineers for defining the accuracy of an underground facility location. The notification association will collect a fee for each location request, which is deposited in the safety commission fund and used to pay the commission's expenses.

Current law creates 2 tiers of membership in the notification association. Tier 2 members are limited members with limited benefits and include certain special districts, local governments, cable television providers, and small telecommunications providers; tier 1 members are full members with full benefits, and tier 1 consists of all other owners and operators. If, after receiving a location request, the notification association determines that a tier 1 member owns or operates the underground facilities, the notification association contacts the tier 1 member to arrange for the marking of the underground facilities. If a tier 2 member owns or operates the underground facilities, the excavator must contact the tier 2 member to arrange for the marking of the underground facilities. Effective January 1, 2021, all underground facility owners and operators are full members of the notification association with full benefits, and excavators will no longer need to contact the owners or operators to arrange for the marking.

All new underground facilities installed on or after January 1, 2020, must be electronically locatable when installed. Home rule local governments are not subject to the commission's enforcement authority, but the governing body of a home rule local government is required to either adopt a similar enforceable damage prevention safety program or waive its exemption and delegate its damage prevention enforcement authority to the commission.

Information regarding the location of underground facilities is exempt from the 'Colorado Open Records Act', pursuant to the existing exemption for specialized details of critical infrastructure.

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

Status: 3/1/2018 Senate Committee on Finance Refer Amended to Appropriations

[SB18-170](#)**Reservoir Releases For Fish And Wildlife Mitigation**

Position: Support the "savings clause"

Short Title: Reservoir Releases For Fish And Wildlife Mitigation

Sponsors: J. Sonnenberg / C. Hansen | H. McKean

Summary: Current law requires an applicant for a water diversion, delivery, or storage facility that requires an application for a permit, license, or other approval from the United States to submit for approval a proposal to the Colorado water conservation board (board), parks and wildlife commission, and the division of parks and wildlife for a fish and wildlife mitigation plan (mitigation plan), which mitigation plan, when approved, is communicated to each federal, state, or other governmental agency from the which the applicant must obtain a permit, license, or other approval.

The bill establishes a water court process by which an owner of a water storage right allowing water to be stored in a newly constructed reservoir or an enlarged existing reservoir may comply with the mitigation measures identified in a mitigation plan by contracting with the board to dedicate to the board, pursuant to a water court decree, an amount of water for release into, and protection from diversion and use through, a qualifying stream reach to avoid, minimize, or mitigate the probable impacts that the newly constructed or expanded reservoir has on fish and wildlife resources.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 3/13/2018 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

[SB18-176](#)**Board Meeting Dates Southwestern Water Conservation District**

Position: Support

Short Title: Board Meeting Dates Southwestern Water Conservation District

Sponsors: D. Coram / B. McLachlan | M. Catlin

Summary: The board of the southwestern water conservation district (board) is currently required to meet on the fourth Tuesday of January, April, July, and October. **Section 1** of the bill requires the board to meet once every 3 months and eliminates the specific date requirement. **Section 2** makes conforming amendments to the provisions governing the terms of board members and of the board president.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 3/12/2018 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

[SB18-194](#)**Contributions Colorado Natural Resources Foundation Fund**

Position: Recommend: Oppose

Short Title: Contributions Colorado Natural Resources Foundation Fund

Sponsors: D. Coram / D. Roberts | Y. Willett

Summary: Current law allows the department of natural resources to receive or reject gifts and devises of money or property.

The bill allows the department of natural resources and each of its divisions to receive or reject gifts, grants, donations, and devises of money or property.

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

Status: 3/13/2018 Senate Committee on Finance Postpone Indefinitely

[SB18-205](#)**Industrial Hemp Designation Agricultural Product**

Position: Recommend: Support

Short Title: Industrial Hemp Designation Agricultural Product

Sponsors: V. Marble | D. Coram / M. Catlin | B. McLachlan

Summary: **Section 1** of the bill includes the unprocessed seeds of industrial hemp in the definition of 'commodity' within the 'Commodity Handler Act', thus subjecting a person who acts as a commodity handler with respect to the unprocessed seeds of industrial hemp to the licensing requirements set forth in the 'Commodity Handler Act'.

Section 2 includes industrial hemp in the definition of 'farm products' within the 'Farm Products Act', thus subjecting a person who acts as a farm products dealer, small-volume dealer, or agent to the licensing requirements set forth in the 'Farm Products Act'.

Section 3 reiterates these licensing requirements within the act governing industrial hemp cultivation in Colorado.

Section 4 authorizes the commissioner to set a fee schedule for industrial hemp cultivation registration.
(Note: This summary applies to this bill as introduced.)

Status: 3/12/2018 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy

[SJM18-001](#)**Memorialize Congress To Fund Wildfire Response**

Position: Support

Short Title: Memorialize Congress To Fund Wildfire Response

Sponsors: M. Jones | R. Baumgardner / J. Singer | D. Thurlow

Summary: This memorial (Senate version of a resolution to Congress) urges the U.S. Congress to protect federal land management agencies to mitigate the risk of catastrophic wildfires by funding fire response costs analogous to those for other natural disasters. This resolution is consistent with the District's federal priority to end fire borrowing.

Status: 1/27/2018 Signed by the Speaker of the House

[SJR18-003](#)**Water Projects Eligibility Lists**

Position: Support

Short Title: Water Projects Eligibility Lists

Sponsors: R. Baumgardner / J. Arndt

Summary: This is the annual projects approval list for the revolving loan funds administered by the Water & Power Development Authority. The list includes projects eligible and recommended for loans under the Safe Drinking and Clean Water Acts. The River District has always supported this resolution, though no significant effort is necessary to ensure its passage.

Status: 2/13/2018 Governor Signed