



MEMORANDUM
APRIL 5, 2018

TO: BOARD OF DIRECTORS

FROM: CHRIS TREESE
ZANE KESSLER

SUBJECT: COLORADO LEGISLATIVE HANDOUTS

ACTION: *None requested with this memo; action may be requested at the quarterly meeting based on newly introduced legislation, if any.*

STRATEGIC INITIATIVE(S):

- 1. A – E Outreach and Advocacy*
Others
-

Zane and I will have timely updates and forecasts at the April meeting. We will also request action or direction on any newly introduced bills, none as of today. **Remember that you cancelled your April 12, noon, phone meeting in favor of your in-person quarterly meeting three business days following.**

The Senate has pretty well dedicated this week to the Long Bill (with the goal that final passage will not interfere with this week's true priority: Friday's home opener at Coor's Field). The House focused largely on moving bills out of the Appropriations Committee, since they passed the Long Bill last week (just in time to take Good Friday off). Remember that the controversial bills (e.g., Long Bill, PERA, transportation financing) will all go to conference committee and likely not emerge until the final days of the session.

The only update worthy of mention at this time is the progress of **HB18-1301**, the mining reform bill. It passed both House Ag and Finance Committees along party lines. I, and by implication the River District, have been criticized for not being for or against the bill. I have no trouble with – and will not apologize for – the District's "nuanced" position only in favor of the provision requiring inclusion of water quality protections in setting of the reclamation bond. I freely share, including in my testimony, our questions and concerns with the all-but-requirement for an applicant to commit to an end date for water treatment in the original application for mining and reclamation. I also testified that ensuring HB 1301 does not interfere with federal Good Samaritan legislation is a District priority.

At this time, the HB18-1301 still does not have a Senate sponsor. (A second house sponsor is not required until second reading in the originating house.) I expect the bill to continue through the House on party lines. Similarly, I expect the bill to die in first Senate committee also on party lines.

Martha keeps us up to date on the status of the 3 dozen pieces of legislation with the attached Spreadsheet and Summary documents. Also attached is my running tally of those who are in and out of Congressional and gubernatorial races of interest to the District. With Democrat and Republic state conventions occurring the weekend prior to your quarterly meeting, there are likely to be more departures from the crowded races and no new entries.

Colorado River District

Bill #	Position	Short Title	Sponsors	Most Recent Status
HB18-1008	Support	Mussel-free Colorado Act	D. Esgar J. Arndt / K. Donovan D. Coram	4/3/2018 Senate Passed House & Senate
HB18-1053	Support	Reclaimed Water Use For Marijuana Cultivation	J. Arndt C. Hansen / K. Donovan	1/29/2018 Passed House Ag. To Appropriations
HB18-1069	Support	Reclaimed Water Use For Toilet Flushing	J. Arndt D. Thurlow / D. Coram	3/28/2018 Passed Senate Ag. To Appropriations
HB18-1073	Amend	Water District Ability Contract Water Assets	M. Gray / B. Gardner	3/22/2018 Governor Signed
HB18-1093	Support	Reclaimed Water Use For Edible Crops	J. Arndt / D. Coram	4/4/2018 Passed Senate 2nd Reading.
HB18-1147	Monitor	Sunset Process Weather Modification	J. Ginal K. Ransom / D. Coram	3/28/2018 Passed Senate Ag. To Appropriations
HB18-1151	Support in Concept	CWCB Approve Deficit Irrigation Pilot Projects	J. Arndt M. Catlin / L. Crowder	3/20/2018 Senate State Affairs Postpone Indefinitely
HB18-1199	Monitor	Aquifer Storage-and-recovery Plans	M. Catlin B. McLachlan / D. Coram	4/4/2018 Signed by the Speaker of the House
HB18-1201	Support	Severance Tax Voter-approved Revenue Change	D. Thurlow / D. Coram	2/5/2018 House Finance + Appropriations
HB18-1215	Aggressively Monitor	Safe Disposal Naturally Occur Radioactive Material	J. Arndt	3/22/2018 Passed HI&E. To Finance
HB18-1301	Support water quality protection provision	Protect Water Quality Adverse Mining Impacts	D. Roberts B. McLachlan	4/4/2018 Passed House Finance. To Appropriations
HB18-1338	Support	Reduced Revenue Severance Tax Operational Fund Transfers	B. Rankin / K. Lambert	4/4/2018 Passed Senate 2nd Reading
SB18-019	Support	Expanded Duration For Colorado Water Resources And Power Development Authority Revolving Loans	K. Donovan D. Coram / C. Hansen J. Arndt	3/1/2018 Governor Signed
SB18-038	Support	Reclaimed Water Use On Industrial Hemp	K. Donovan D. Coram / D. Esgar Y. Willett	1/18/2018 Passed Senate Ag. To Appropriations
SB18-039	Support	Continue The Wildfire Matters Review Committee	M. Jones J. Cooke / D. Thurlow T. Exum	1/18/2018 Passed Senate Ag. To Appropriations
SB18-041	Support	Authorize Water Use Incidental Sand And Gravel Mines	D. Coram R. Baumgardner / L. Saine J. Arndt	3/1/2018 Governor Signed
SB18-134	Monitor	Public Utilities Commission Deregulate Nonprofit Water Utilities	J. Cooke / J. Arndt	4/2/2018 Governor Signed
SB18-143	Monitor	Parks And Wildlife Measures To Increase Revenue	S. Fenberg D. Coram / J. Arndt J. Wilson	4/2/2018 Passed House Finance. To Appropriations
SB18-167	Monitor	Enforce Requirements 811 Locate Underground Facilities	R. Scott K. Donovan / F. Winter L. Saine	3/1/2018 Passed Senate Finance. To Appropriations
SB18-170	Support the "savings clause"	Reservoir Releases For Fish And Wildlife Mitigation	J. Sonnenberg / C. Hansen H. McKean	3/29/2018 Passed Senate and House
SB18-176	Support	Board Meeting Dates Southwestern Water Conservation District	D. Coram / B. McLachlan M. Catlin	4/2/2018 Passed Senate and House
SB18-194	Recommended: Oppose	Contributions CO Natural Resources Foundation Fund	D. Coram / D. Roberts Y. Willett	3/13/2018 Senate Finance Postpone Indefinitely
SB18-205	Support	Industrial Hemp Designation Agricultural Product	V. Marble D. Coram / M. Catlin B. McLachlan	4/3/2018 House Ag.
SB18-218	Support	CWCB Construction Fund Project	D. Coram / J. Arndt	3/28/2018 Passed Senate Ag. To Appropriations
SJM18-001	Support	Memorialize Congress To Fund Wildfire Response	M. Jones R. Baumgardner / J. Singer D. Thurlow	1/27/2018 Signed by the Speaker of the House
SJR18-003	Support	Water Projects Eligibility Lists	R. Baumgardner / J. Arndt	2/13/2018 Governor Signed

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: 4/5/2018 House Considered Senate Amendments - Result was to Concur - Repass

[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: 3/28/2018 Senate Committee on Agriculture, Natural Resources, & Energy Refer Unamended 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: 3/22/2018 Governor Signed

[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: 4/5/2018 Senate Third Reading Passed - No Amendments

[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 the reengrossed version of this bill as introduced in the second house.)

Status: 3/28/2018 Senate Committee on Agriculture, Natural Resources, & Energy 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: 3/20/2018 Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

[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: 4/4/2018 Signed by the Speaker of the House

[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: 3/22/2018 House Committee on Health, Insurance, & Environment Refer Amended to Finance

[HB18-1301](#)**Protect Water Quality Adverse Mining Impacts**

Position: Support water quality provision

Short Title: Protect Water Quality Adverse Mining Impacts

Sponsors: D. Roberts | B. McLachlan

Summary: Current law does not address reliance on perpetual water treatment as the means to minimize impacts to water quality in a reclamation plan for a mining operation. **Section 1** of the bill requires most reclamation plans to demonstrate, by substantial evidence, an end date for any water quality treatment necessary to ensure compliance with applicable water quality standards.

Current law allows a mining permittee to submit an audited financial statement as proof that the operator has sufficient funds to meet its reclamation liabilities in lieu of a bond or other financial assurance. **Section 2** eliminates this self-bonding option and also requires that all reclamation bonds include financial assurances in an amount sufficient to protect water quality, including costs for any necessary treatment and monitoring costs.

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

Status: 4/4/2018 House Committee on Finance Refer Unamended to Appropriations

Position: Support
Short Title: Reduced Revenue Severance Tax Operational Fund Transfers
Sponsors: B. Rankin / K. Lambert
Summary:

Joint Budget Committee. Under current law, money is transferred from the severance tax operational fund (operational fund) to certain cash funds to benefit programs that are commonly referred to as the tier 2 programs. On June 30, 2018, the bill requires the state treasurer to transfer money to the operational fund from the following cash funds to recoup money that was previously transferred in this fiscal year for tier 2 programs:

- \$727,888 from the species conservation trust fund (**section 8** of the bill);
- \$18,488 from the special account in the general fund used by the mined land reclamation board for reclaiming certain lands (**section 10**);
- \$80,068 from the water efficiency grant program cash fund (**section 11**);
- \$108,465 from the interbasin compact committee operation fund (**section 12**); and
- \$1,455,776 from the water supply reserve fund (**section 14**).

Section 9 transfers to the general fund \$393,272 from the division of parks and outdoor recreation aquatic nuisance species fund and \$189,912 from the division of wildlife aquatic nuisance species fund.

To replace funding from the operational fund, the bill requires the state treasurer to transfer the following amounts on July 1, 2018, from the general fund to pay for tier 2 programs for the next fiscal year:

- \$954,545 to the forest restoration and wildfire risk mitigation grant program cash fund (**section 1**);
- \$1,186,363 to the healthy forests and vibrant communities fund (**section 2**);
- \$3,000,000 to the species conservation trust fund (**section 3**);
- \$45,455 to the wildland-urban interface training fund (**section 4**);
- \$86,364 to the wildfire preparedness fund (**section 5**);
- \$127,000 to the special account in the general fund established by the mined land reclamation board (**section 6**);
- \$450,000 to the conservation district grant fund (**section 7**);
- \$2,452,193 to the division of parks and outdoor recreation aquatic nuisance species fund (section 9); and
- \$1,184,171 to the division of wildlife aquatic nuisance species fund (section 9).

Section 16 further appropriates the \$3 million transferred to the species conservation trust fund for programs submitted by the executive director of the department of natural resources that are designed to conserve native species that state or federal law list as threatened or endangered or that are candidate species or are likely to become candidate species as determined by the United States fish and wildlife service.

If, prior to July 1, 2018, there is insufficient money in the severance tax reserve, which is used to make severance tax refunds, then under current law, money would be recouped from the various severance tax cash funds in order to make the refunds. **Section 13** requires income tax revenue that would otherwise be deposited in the general fund to be deposited in the reserve to make the refund instead of recouping money from the operational fund.

Section 15 requires the state treasurer to make 3 transfers from the general fund to the operational fund:

- \$17,030,925 on July 1, 2018, which amount will fund the programs commonly known as the tier 1 programs;

- \$3,000,000 on January 1, 2019; and
- On July 1, 2019, an amount equal to the operational fund reserve required for the fiscal year commencing on July 1, 2019, or \$14,214,854, whichever is less. The transfers made in 2019 will be used to fund the tier 1 operational fund reserve.

To offset the general fund transfers, section 14 requires revenue, up to a maximum of \$40,942,016, that was or otherwise would be deposited in the operational fund from February 1, 2018, through June 30, 2019, to instead be transferred or deposited in the general fund. It also requires the department of revenue to submit an annual report to each member of the general assembly about revenues, property tax credits, stripper well exemptions, and deductions for the oil and gas severance tax.

Section 15 also prohibits the state treasurer from making any transfers from the operational fund to benefit the tier 2 programs for the next fiscal year, unless severance tax receipts are deposited in the operational fund during the fiscal year and there is sufficient money in the operational fund reserve so that no transfer will be made to the fund from the general fund on July 1, 2019.

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

Status: 4/4/2018 Senate Second Reading Special Order - Passed with Amendments - Committee

<u>SB18-019</u>	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

<u>SB18-038</u>	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

<u>SB18-039</u>	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

<u>SB18-041</u>	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

<u>SB18-134</u>	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: 4/2/2018 Governor Signed

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.

Section 17 authorizes the commission to establish fees by rule for daily and annual passes for individuals entering state parks or state recreation areas by means other than by motor vehicle.

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

Status:

4/2/2018 House Committee on Finance Refer Unamended to Appropriations

[SB18-167](#)

Enforce Requirements 811 Locate Underground Facilities

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: 3/29/2018 House Third Reading Passed - No Amendments

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. <i>(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)</i>
Status:	4/2/2018 House Third Reading Passed - No Amendments

SB18-194	Contributions Colorado Natural Resources Foundation Fund
Position:	Recommended: 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. <i>(Note: This summary applies to this bill as introduced.)</i>
Status:	3/13/2018 Senate Committee on Finance Postpone Indefinitely

SB18-205	Industrial Hemp Designation Agricultural Product
Position:	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. <i>(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)</i>
Status:	4/3/2018 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

Position:

Support

Short Title:

Colorado Water Conservation Board Construction Fund Project

Sponsors:

D. Coram / J. Arndt

Summary:

The bill appropriates the following amounts from the Colorado water conservation board (CWCB) construction fund (fund) to the CWCB or the division of water resources in the department of natural resources for the following projects:

- Continuation of the satellite monitoring system maintenance, \$380,000 (**section 1** of the bill);
- Continuation of the Colorado floodplain map modernization program, \$100,000 (**section 2**);
- Continuation of the Arkansas river decision support system, \$500,000 (**section 3**);
- Continuation of the weather modification program, \$175,000 (**section 4**);
- Continuation of the Colorado Mesonet, \$150,000 (**section 5**);
- Continuation of the water forecasting partnership project, \$800,000 (**section 6**);
- Acquisition of lidar data, \$200,000 (**section 7**);
- Continuation of technical assistance for federal irrigation improvement cost-sharing program, \$200,000 (**section 8**);
- Continuation of the Chatfield Reservoir channel improvements program, \$200,000 (**section 9**);
- South Platte river basin groundwater level data collection, analysis, and remediation, \$500,000 (**section 10**);
- Central Colorado water conservancy district - Chatfield reservoir reallocation project, \$511,894.20 (**section 11**); and
- Continuation of the watershed restoration program, \$2,000,000 (**section 12**).

Section 13 directs the state treasurer to transfer \$30,000,000 from the loan guarantee fund to the severance tax perpetual base fund on June 30, 2018. **Section 14** authorizes the CWCB to loan up to \$17,170,000 from the severance tax perpetual base fund to the Pueblo conservancy district to repair the levees within the City of Pueblo to bring the levees up to federal emergency management agency standards. **Section 15** transfers \$4 million on June 30, 2018, from the severance tax perpetual base fund to the fund for the Chatfield reservoir reallocation project; **section 16** appropriates this money to the board for this purpose. **Section 17** increases loan authorizations from the severance tax perpetual base fund for the Chatfield reservoir reallocation project in the following amounts:

- Centennial water and sanitation district, an increase of \$9,046,267 for a total of \$53,486,267;
- Central Colorado water conservancy district, an increase of \$1,548,229 for a total of \$29,999,929; and
- Castle Pines north metro district, an increase of \$1,319,464 for a total of \$7,773,364.

Section 18 appropriates \$8,000,000 to the department of natural resources from the fund for Republican river matters.

The state treasurer will make the following transfers from the fund:

- Up to \$500,000 on July 1, 2018, to the flood and drought response fund (**section 19**);
- Up to \$2,000,000 on July 1, 2018, to the litigation fund (**section 20**);
- \$500,000 on July 1, 2018, to the feasibility study small grant fund (**section 21**); and
- \$2,000,000 on June 30, 2018, to the water supply reserve fund (**section 22**).

Section 23 appropriates \$7,000,000 from the fund to the CWCB for continuing implementation of the Colorado water plan as follows:

- Up to \$3,000,000 to facilitate the development of additional storage, artificial recharge into aquifers, and dredging existing reservoirs;
- Up to \$1,000,000 for agricultural projects;

- Up to \$1,000,000 for grant funding to implement long-term strategies for conservation, land use, and drought planning;
- Up to \$500,000 for grants for water education, outreach, and innovation efforts; and
- Up to \$1,500,000 for environmental and recreational projects.

Current law:

- Prohibits the CWCB from using the fund for 'domestic water treatment and distribution systems'; **section 24** harmonizes this with other laws by excluding 'water treatment facilities';
- Continuously appropriates money in the emergency dam repair cash fund to the CWCB and authorizes the CWCB to transfer up to \$50,000 from the fund to the emergency dam repair cash fund; **section 25** adds the division of water resources to the continuous appropriation and increases the transfer cap to \$500,000;
- Repeals the natural hazard mapping fund on July 1, 2018; **section 26** extends this to July 1, 2019; and
- Authorizes taxpayers to contribute money to the Colorado healthy rivers fund, the department of revenue to deduct its administrative costs from that fund, and the annual transfer of the remaining balance to the fund; **section 27** specifies that the transferred money is continuously appropriated to the CWCB.

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

Status: 3/28/2018 Senate Committee on Agriculture, Natural Resources, & Energy Refer Unamended to Appropriations

[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

Specific races: (with scratches and additions prior to post time noted)

Governor:

Declared -

~~George Brauchler~~, Lew Gaiter, Victor Mitchell, Doug Robinson, Greg Lopez, Steve Barlock, Walker Stapleton, Cynthia Coffman, ~~Tom Tancredo~~, Steve Barlock, Jim Rundberg, Teri Kear, Barry Farah, Teri Kear, Erich Bruan, Greg Westin; Jared Polis, Mike Johnston, ~~Noel Ginsburg~~, Cary Kennedy, Donna Lynne, Erik Underwood, ~~Moses-Carmen Humes~~, ~~Adam Garrity~~, ~~Michael Schroeder~~

Rumored -

~~Donna Lynn~~; Jack Graham, ~~Cynthia Coffman~~, ~~Walker Stapleton~~, ~~Tom Tancredo~~, ~~Barry Farah~~

3rd Congressional District

Declared -

Scott Tipton; Diane Mitsch-Bush, ~~Chris Kennedy~~; Karl Hanlon, Arn Menconi, Root Routledge

Rumored -

~~Bob Baer~~, ~~Chris Kennedy~~

2nd Congressional District

Declared -

~~Bob Comer~~; Joe Neguse, Mark Williams, ~~Howard Dotson~~, Jodi Jalving; Peter Yu, ~~Todd Mitchem~~, ~~Kristopher Larsen~~

Rumored -

~~Brian DelGrosso~~, ~~Gino Campana~~, ~~Eric Rutherford~~; ~~Ken Tolz~~, ~~Jake Williams~~, ~~Shaun McGrath~~, ~~Kristopher Larsen~~

Updated: 3/28/2018