



## WATER BOARD

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**Meeting Date:** February 26, 2018

**Item Number:** 7b

**Subject:** Update on 2018 Water Legislation

**Type of Item:** General Business

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**Suggested Action:** Staff will ask Water Board for a recommendation to Council on select 2018 water related legislative bills.

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The Second Regular Session of the Seventy-first Colorado General Assembly convened on January 10, 2018, and is scheduled to adjourn on May 9, 2018. Each month during the 2018 Legislative Session, staff will provide Water Board with the current water related Legislation Bills Longmont is tracking. For February 2018, there are five (5) water related legislation bills, HB18-1093, HB18-1151, HB18-1199, SB18-134, and SJR-003. At this time, staff is recommending monitoring all referenced Bills. City Council at its February 13, 2018 Regular Session meeting recommended support of HB18-1008. Status on these bills will be discussed with Water Board at its February 26, 2018 regular meeting.

For additional Legislative information visit Water Board's web page located at <http://longmontcolorado.gov/departments/boards-committees-and-commissions/directory-of-boards-committees-and-commissions/water-board>. From this page the Board can access the Prior Water Board Legislative Communications, City Managers' Legislative Affairs web page, Legislative Guiding Water Principles and a link to the Colorado General Assembly home page.

**Attachments:**

2018 Water Board Legislation Tracking Sheet  
House Bill 18-1073

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 18-0706.01 Thomas Morris x4218

**HOUSE BILL 18-1073**

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**HOUSE SPONSORSHIP**

**Gray,**

**SENATE SPONSORSHIP**

**Gardner,**

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**House Committees**

Agriculture, Livestock, & Natural Resources  
Finance

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING WATER DISTRICTS' ABILITY TO ENTER INTO CONTRACTS**  
102 **REGARDING THEIR WATER-RELATED ASSETS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

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.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

HOUSE  
3rd Reading Unamended  
February 13, 2018

HOUSE  
Amended 2nd Reading  
February 12, 2018

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 37-45-131 as  
3 follows:

4 **37-45-131. Sale of water by contract.** The board may sell, lease,  
5 or otherwise dispose of the use of water OR CAPACITY IN WORKS by term  
6 contracts or by contracts for the perpetual use of ~~such~~ THE water OR  
7 WORKS to public corporations, DISTRICTS, AS THAT TERM IS DEFINED IN  
8 SECTION 37-45.1-102 (1), UTILITIES, persons, mutual ditch companies,  
9 water users' associations, and other private corporations for irrigation,  
10 domestic, MUNICIPAL, INDUSTRIAL, ~~or commercial, use~~ OR OTHER  
11 ~~AUTHORIZED USES~~ as ~~shall be~~ provided by contracts, in writing, authorized  
12 and entered into by the board. ~~and~~ The board shall require that security be  
13 given to secure the payments to be made under ~~such~~ THE contracts, WHICH  
14 SECURITY MAY INCLUDE THE SECURITY SPECIFIED IN SECTION 37-45-132  
15 OR SUCH OTHER SECURITY AS THE BOARD DETERMINES TO BE  
16 APPROPRIATE. THE CONTRACTS MAY INCLUDE THE CONTRACTUAL  
17 PROVISIONS SPECIFIED IN SECTION 31-35-402 (1)(h) AS DETERMINED BY  
18 THE BOARD.

19 **SECTION 2.** In Colorado Revised Statutes, 37-45.1-106, **add** (4)  
20 as follows:

21 **37-45.1-106. Contracts.** (4) A DISTRICT OR ITS WATER ACTIVITY  
22 ENTERPRISE MAY CONTRACT WITH ANY OTHER ~~PERSON, INCLUDING A~~  
23 ~~DISTRICT OR A WATER ACTIVITY ENTERPRISE OF ANOTHER DISTRICT,~~ FOR  
24 THE USE OF WATER OR A WATER PROJECT OR FACILITY, WHICH CONTRACT  
25 MAY CONTAIN PROVISIONS SPECIFIED IN SECTION 31-35-402 (1)(h) AS  
26 DETERMINED BY THE DISTRICT OR WATER ACTIVITY ENTERPRISE.

1           **SECTION 3. Act subject to petition - effective date -**  
2           **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
3           the expiration of the ninety-day period after final adjournment of the  
4           general assembly (August 8, 2018, if adjournment sine die is on May 9,  
5           2018); except that, if a referendum petition is filed pursuant to section 1  
6           (3) of article V of the state constitution against this act or an item, section,  
7           or part of this act within such period, then the act, item, section, or part  
8           will not take effect unless approved by the people at the general election  
9           to be held in November 2018 and, in such case, will take effect on the  
10          date of the official declaration of the vote thereon by the governor.  
11          (2) This act applies to conduct occurring on or after the applicable  
12          effective date of this act.

Bill Number	Description	City Position	Bill Status
HB18-1008	Mussel-free Colorado act: 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	Support	House Committee on Finance Refer Unamended to Appropriations on 01-31-2018
HB18-1053	Reclaimed water use for marijuana cultivation: Concerning the allowable uses of reclaimed domestic wastewater, and, in connection therewith, allowing reclaimed domestic wastewater to be used for marijuana cultivation.	Monitor	House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to Appropriations on 01-29-2018
HB18-1069	Reclaimed water use for toilet flushing: Concerning the allowable uses of reclaimed domestic wastewater, and, in connection therewith, allowing reclaimed domestic wastewater to be used for toilet flushing.	Monitor	House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to Appropriations on 01-29-2018
HB18-1073	Water district ability contract water assets concerning water districts' ability to enter into contracts regarding their water-related assets.	Monitor	House Third Reading Passed - No Amendments on 02-13-2018
HB18-1093	Reclaimed water use for edible crops: Concerning the allowable uses of reclaimed domestic wastewater, and, in connection therewith, allowing reclaimed domestic wastewater to be used for food crops.	Monitor	House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to Appropriations on 01-29-2018
HB18-1151	Colorado Water Conservation Board approve deficit irrigation pilot projects: Concerning the authorization of deficit irrigation pilot projects approved by the Colorado Water Conservation Board.	Monitor	Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources on 01-31-2018
HB18-1199	Aquifer storage-and-recovery plans: Concerning a process for the ground water commission to use for approving aquifer storage-and-recovery plans, and, in connection therewith, requiring that the ground water commission promulgate rules governing its implementation of the process.	Monitor	Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources on 02-05-2018
SB18-019	Expanded duration for Colorado Water Resources and Power Development Authority revolving loans: 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.	Monitor	House Third Reading Passed - No Amendments on 02-16-2018
SB18-038	Reclaimed water use on industrial hemp: Concerning the allowable uses of reclaimed domestic wastewater, and, in connection therewith, allowing reclaimed domestic wastewater to be used for industrial hemp cultivation.	Monitor	Senate Committee on Agriculture, Natural Resources, & Energy Refer Amended to Appropriations on 01-18-2018
SB18-041	Authorize water use incidental sand and gravel mines: 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.	Monitor	House Third Reading Passed - No Amendments on 02-16-2018

SB18-134	Public utilities commission deregulate nonprofit water utilities: Concerning the exemption of nonprofit water companies from regulation by the public utilities commission.	Monitor	Senate Third Reading Passed - No Amendments on 02-14-2018
SJR18-003	Water projects eligibility lists: Concerning approval of water project revolving fund eligibility lists administered by the Colorado Water Resources and Power Development Authority.	Monitor	Governor Signed on 02-13-2018