

**Colorado Legislative Report
Second Regular Session
Seventy-second General Assembly**

February 20, 2020

Bill: [HB20-1037](#)

Title: **Augmentation of Instream Flows**

CCW Summary Concerning the Colorado water conservation board's authority to augment stream flows with acquired water rights that have been previously decreed for augmentation use.

Official Summary The bill authorizes the Colorado water conservation board to augment stream flows to preserve or improve the natural environment to a reasonable degree by use of an acquired water right that has been previously quantified and changed to include augmentation use, without a further change of the water right being required.

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (01/20/2020)

House Committee Rural Affairs and Agriculture

Senate Committee Agriculture and Natural Resources

Sponsors (House and Senate) Senate:
[D. Coram](#) (R)
House:
[J. Arndt](#) (D)

Status Introduced In Senate - Assigned to Agriculture & Natural Resources (02/03/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date 02/20/2020

Bill: [HB20-1042](#)

Title: **PFAS Polyfluoroalkyl Substances Manufacturer Notice Requirements**

CCW Summary Concerning a modification of the notice requirements for manufacturers of perfluoroalkyl and polyfluoroalkyl substances.

Statutory Revision Committee. House Bill 19-1279, enacted in 2019, requires manufacturers of class B firefighting foam that contains intentionally added polyfluoroalkyl substances to notify, in writing, sellers of their products about the state's new regulations of these products

Official Summary no less than one year prior to the effective date of section 25-5-1303, which is impossible because the notice requirements did not exist prior to the bill's effective date on August 2, 2019. The bill addresses this error by modifying the effective date of the required notice to prior to August 2, 2020.

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (01/21/2020)

House Committee Transportation and Local Government

Senate Committee Local Government

Sponsors (House and Senate) Senate:
[D. Moreno](#) (D)
[J. Tate](#) (R)
House:
[H. McKean](#) (R)
[D. Valdez](#) (D)

Status Introduced In Senate - Assigned to Local Government (02/06/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date

Bill: [HB20-1069](#)

Title: **Add Water Well Inspectors Identify High-risk Wells**

CCW Summary Concerning the inspection of water wells.

Official Summary **Water Resources Review Committee.** The bill requires the state engineer to employ a minimum of 4 water well inspectors in the state's water well inspection program. The bill requires the state board of water well construction and

pump installation contractors, on or before November 1, 2020, to promulgate rules for identifying high-risk water wells that should be prioritized for inspection. Thereafter, the state engineer shall use the rules

to identify high-risk water wells and shall prioritize the inspection of

high-risk water wells.

The bill clarifies that money in the well inspection cash fund shall be appropriated to and expended by the state engineer only for the well inspection program.

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (02/18/2020)

House Committee Rural Affairs and Agriculture

Senate Committee

Sponsors (House and Senate) Senate:
[J. Sonnenberg](#) (R)
[D. Coram](#) (R)
House:
[L. Saine](#) (R)
[B. Titone](#) (D)

Status House Committee on Finance Refer Amended to Appropriations (02/13/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date

Bill: [HB20-1072](#)

Title: **Study Emerging Technologies For Water Management**

CCW Summary Concerning a requirement that the university of Colorado study potential uses of emerging technologies to more effectively manage Colorado's water supply, and, in connection therewith, making an appropriation, conditioned on the receipt of matching funds from gifts, grants, and donations.

Official Summary **Water Resources Review Committee.** The bill declares that new technologies, such as blockchain, telemetry, improved sensors, and advanced aerial observation platforms, can improve monitoring,

management, conservation, and trading of water and enhance confidence in the reliability of data underlying water rights transactions. To advance the potential use of these new technologies, the bill:

- Authorizes and directs the university of Colorado, in collaboration with the Colorado water institute at Colorado state university, to conduct feasibility studies and pilot deployments of these new technologies to improve water management in Colorado; and
- Appropriates \$40,000 from the general fund, contingent on the university of Colorado's receipt of a matching \$40,000 in gifts, grants, and donations, for the purpose of funding the studies and pilot programs.

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (01/17/2020)

House Committee Rural Affairs and Agriculture

Senate Committee

Sponsors (House and Senate) Senate:
[J. Sonnenberg](#) (R)
[J. Bridges](#) (D)
House:
[L. Saine](#) (R)
[J. Arndt](#) (D)

Status House Committee on Rural Affairs & Agriculture Refer Unamended to Appropriations (01/27/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date

Bill: [HB20-1074](#)

Title: **Trash Collection By Special Districts**

CCW Summary Concerning the authorization for special districts to provide for the collection and transportation of solid waste.

Official Summary The Special District Act (act) allows a sanitation district, a water and sanitation district, or a metropolitan district with a population of 2,500 or less that is located in a county with a population of 25,000 or less to provide for the collection and transportation of solid waste. The bill amends the act to remove the population restriction, allowing a

sanitation district, water and sanitation district, or metropolitan district to provide for the collection and transportation of solid waste regardless of the population in the district or the county.

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (01/21/2020)

House Committee Rural Affairs and Agriculture

Senate Committee Local Government

Sponsors (House and Senate) Senate:
[J. Smallwood](#) (R)
House:
[K. Ransom](#) (R)
[B. Titone](#) (D)

Status Introduced In Senate - Assigned to Local Government (02/10/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date 02/27/2020

Bill: [HB20-1089](#)

Title: **Employee Protection Lawful Off-duty Activities**

CCW Summary Concerning clarification that the prohibition on an employer terminating an employee for the employee's lawful off-duty activities extends to activities that are lawful under state law even if those activities are not lawful under federal law.

Official Summary The bill prohibits an employer from terminating an employee for the employee's lawful off-duty activities that are lawful under state law even if those activities are not lawful under federal law.

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (02/12/2020)

House Business Affairs and Labor

Committee

Senate
Committee

Sponsors (House and Senate) Senate:
House:
[J. Melton](#) (D)

Status House Committee on Business Affairs & Labor Postpone Indefinitely
(02/19/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date

Bill: [HB20-1095](#)

Title: **Local Governments Water Elements In Master Plans**

CCW Summary Concerning the authority of a local government's master plan to include policies to implement state water plan goals as a condition of development approvals.

Official Summary The bill authorizes a local government master plan to include goals specified in the state water plan and to include policies that condition development approvals on implementation of those goals.

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (02/18/2020)

House Committee Rural Affairs and Agriculture

Senate Committee Agriculture and Natural Resources

Sponsors (House and Senate) Senate:
[J. Bridges](#) (D)
House:
[J. Arndt](#) (D)

Status Introduced In Senate - Assigned to Agriculture & Natural Resources
(02/13/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date 02/20/2020

Bill: [HB20-1097](#)

Title: **Connected Municipal Use No Change If Already Quantified**

CCW Summary Concerning the ability to use water that has been adjudicated for municipal use in an interconnected treated municipal water supply system if the historical consumptive use of the water right has already been quantified in a previous change of the water right.

Current law limits the place of use of water subject to a changed

water right that has been decreed for use in a treated domestic or municipal water supply system to only that system. The bill authorizes the

use of that water in an interconnected treated domestic or municipal water

supply system if:

- The water is attributable to a water right for which the historical consumptive use has previously been quantified, diverted from a point of diversion that has already been decreed for that water right, and delivered from the decreed treated system to the interconnected treated system without the water being returned to the natural stream; and

Official Summary

- The owner of the water right has given written notice to the division engineer that identifies the proposed accounting for the use of the water right and the division engineer has approved the accounting.

The owner of the water right must give notice to all persons on the substitute water supply plan notification list for the applicable water division. The division engineer will review any comments received on the

proposed accounting and make a determination whether the accounting is adequate. This determination may be appealed to the water judge.

Other

than the place of use, all of the terms and conditions of the previous change of water right decree continue to apply to the water right. A claim

to any return flows from the use of the water right in the interconnected treated domestic or municipal water supply system must be approved by the water judge.

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (02/11/2020)

House Rural Affairs and Agriculture

Committee
Senate
Committee

Senate:

Sponsors (House
and Senate)

House:
[J. Arndt](#) (D)
[M. Young](#) (D)

Status

House Committee on Rural Affairs & Agriculture Postpone Indefinitely
(02/13/2020)

Lobbyists

[Lobbyists](#)

Votes

[Votes all Legislators](#)

Hearing Date

Bill: [HB20-1119](#)

Title:

**State Government Regulation Of Perfluoroalkyl And
Polyfluoroalkyl Substances**

CCW Summary

Concerning the authority of the state government to regulate
perfluoroalkyl and polyfluoroalkyl substances.

The bill addresses the authority of the state government to regulate
perfluoroalkyl and polyfluoroalkyl substances (PFAS).

Section 1 of the bill addresses when PFAS may be used for
firefighting foam system testing both in general and in certain aircraft
hangars.

Official
Summary

Section 2 grants the department of public health and environment
the power to adopt and enforce standards and regulations that require
public drinking water systems to sample drinking water supply sources
and finished drinking water for PFAS.

Section 3 clarifies that the water quality control commission
may set standards related to PFAS in surface water and groundwater and
may require wastewater systems to collect PFAS data relevant to the
commission setting PFAS standards.

Section 4 requires the solid and hazardous waste commission to
promulgate rules for a certificate of registration for any facility or fire
department that possesses PFAS in firefighting agents or firefighting
equipment and for standards for the capture and disposal of PFAS in
firefighting agents or firefighting equipment.

Comment

Position

Monitor

Full Text

[Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (01/31/2020)

House Committee Energy and Environment

Senate Committee

Sponsors (House and Senate) Senate:
[P. Lee](#) (D)
[D. Hisey](#) (R)
 House:
[L. Landgraf](#) (R)
[T. Exum Sr.](#) (D)

Status Introduced In House - Assigned to Energy & Environment (01/15/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date 03/02/2020

Bill: [HB20-1138](#)

Title: **Public Real Property Index**

CCW Summary Concerning supplementing the centralized inventory of state-owned real property maintained by the office of the state architect to include all publicly owned real property.

Not later than December 31, 2020, the bill requires each state agency, state institution of higher education, and political subdivision of the state to submit to the office of the state architect (office) a list of all

usable real property owned by or under the control of the agency, institution, or political subdivision of the state. This list must include, if applicable:

- The address where the real property is located;
- The size of the real property;
- How the real property is zoned;
- Contact information for the state agency, institution, or political subdivision of the state that owns or controls the real property;
- The plan, if one is available, for the use, development, or sale of the real property; and
- A description that includes the condition of the real property and a measurement of total area of the real property that is vacant, unused, or underdeveloped.

Not later than December 31 of each subsequent year, each state agency, state institution, and political subdivision of the state must submit

to the office any updates to the information the agency, institution, or

political subdivision of the state originally submitted to the office about the usable real property the agency, institution, or political subdivision of the state owns or controls.

Beginning July 1, 2021, whenever any state agency, state institution of higher education, or political subdivision of the state plans to offer any usable real property for sale, or otherwise plans to solicit any

offer to purchase real property, the agency, institution, or political subdivision of the state shall notify the office.

Not later than July 1, 2021, the office must establish and maintain a current database that includes the information listed above. This database must be available free of charge to the public on the office's website.

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (02/14/2020)

House Committee Transportation and Local Government

Senate Committee

Sponsors (House and Senate) Senate:
[J. Bridges](#) (D)
[R. Gardner](#) (R)
House:
[J. Coleman](#) (D)
[C. Larson](#) (R)

Status Introduced In House - Assigned to Transportation & Local Government + Appropriations (01/16/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date

Bill: [HB20-1143](#)

Title: **Environmental Justice and Projects Increase Environmental Fines**

CCW Summary Concerning additional public health protections regarding alleged environmental violations, and, in connection therewith, raising the maximum fines for air quality and water quality violations and allocating the fines to environmental mitigation projects.

Official Current state law sets the maximum civil fine for most air quality

Summary

violations at \$15,000 per day and most water quality violations at \$10,000

per day, but federal law allows the federal environmental protection agency to assess a maximum daily fine per violation of \$47,357 for these

violations. **Sections 2 and 4** of the bill raise the maximum fine to \$47,357

per day and direct the air quality control commission and the water quality control commission in the department of public health and environment (department) to annually adjust the maximum fine based on

changes in the consumer price index.

Current law allocates all water quality fines to the water quality improvement fund; **section 4** authorizes the use of money in that fund to pay for projects addressing impacts to environmental justice communities.

Section 4 also extends the repeal date for the water quality improvement fund to September 1, 2025.

Current law allocates all air quality fines to the general fund; **section 3** allocates them to the newly created community impact cash fund. Section 3 also:

- Specifies that the department is to use money in the community impact cash fund for environmental mitigation projects (EMPs);

- Defines an EMP as a project that avoids, minimizes, or mitigates the adverse effects of a violation or alleged violation of the air quality or water quality laws;

- Creates the environmental justice advisory board to recommend EMPs in response to violations or alleged violations that affect environmental justice communities; and

- Creates an environmental justice ombudsperson position within the department, who serves as chief staff to the advisory board and advocates for environmental justice communities.

Section 3 also requires the department to post proposed EMPs on the department's website in a format that allows the public to submit comments on the proposed EMP, not approve an EMP until at least 45 days after the EMP has been posted on its website, and include a description of all approved EMPs in its departmental SMART Act presentations.

Section 1 sunsets the advisory board on September 1, 2025.

Comment

Position

Monitor

Full Text

[Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (02/06/2020)

House Committee Energy and Environment

Senate Committee

Sponsors (House and Senate) Senate:
[F. Winter](#) (D)
 House:
[D. Jackson](#) (D)
[S. Gonzales-Gutierrez](#) (D)

Status House Committee on Energy & Environment Refer Amended to Finance (02/10/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date 02/27/2020

Bill: [HB20-1154](#)

Title: **Workers' Compensation**

CCW Summary

Concerning the "Workers' Compensation Act of Colorado", and, in connection therewith, making changes that affect the timely payment of benefits, guardian and conservator services, offsets related to the receipt of federal disability or retirement benefits, the apportionment of benefits, the selection of independent medical examiners, limits on temporary disability and permanent partial disability payments, the withdrawal of admissions of liability, mileage expense reimbursement, the authority of prehearing administrative law judges, petitions to review, the reopening of permanent total disability awards, and appeals to the court of appeals.

The bill:

- Clarifies when payments for benefits and penalties payable to an injured worker are deemed paid (**section 1**);
- Adds guardian and conservator services to the list of medical aid that an employer is required to furnish to an employee who is incapacitated as a result of a work-related injury or occupational disease (**section 2**);
- Requires a claimant for mileage reimbursement for travel related to obtaining compensable medical care to submit a request to the employer or insurer within 120 days after the expense is incurred and requires the employer or insurer to pay or dispute mileage within 30 days of submittal and to include in the brochure of claimants' rights an explanation of rights to mileage reimbursement and the deadline for filing a request (**sections 2 and 7**);

Official Summary

- Clarifies that offsets to disability benefits granted by the federal Old-Age, Survivors, and Disability Insurance Amendments of 1965 only apply if the payments were not already being received by the employee at the time of the work-related injury (**section 3**);
 - Prohibits the reduction of an employee's temporary total disability, temporary partial disability, or medical benefits based on apportionment under any circumstances; limits apportionment of permanent impairment to specific situations; and declares that the employer or insurer bears the burden of proof, by a preponderance of evidence, at a hearing regarding apportionment of permanent impairment or permanent total disability benefits (**section 4**);
 - Adds the conditions that, in order for an employer or insurer to request the selection of an independent medical examiner when an authorized treating physician has not determined that the employee has reached maximum medical improvement (MMI), an examining physician must serve a written report to the authorized treating physician specifying that the examining physician has determined that the employee has reached MMI; the authorized treating physician must examine the employee at least 20 months after the date of the injury and determine that the employee has reached MMI; the authorized treating physician must be served with a written report indicating MMI; and the authorized treating physician has responded that the employee has not reached MMI or has failed to respond within 15 days after service of the report (**section 5**);
 - Changes the whole person impairment rating applicable to an injured worker from 25% to 19% for purposes of determining the maximum amount of combined temporary disability and permanent partial disability payments an injured worker may receive (**section 6**);
 - Prohibits an employer or insurer from withdrawing an admission of liability 2 years after the date the admission of liability on the issue of compensability was filed, except in cases of fraud (**section 7**);
 - Prohibits the director of the division of workers' compensation or an administrative law judge from determining issues of compensability or liability unless specific benefits or penalties are awarded or denied at the same time (**section 8**);
 - Clarifies the scope of authority of prehearing administrative law judges (**section 9**);
 - Increases the threshold amount that an injured worker must earn in order for permanent total disability payments to cease and allows for annual adjustment of the threshold amount starting in 2021 (**section 11**); and

- Clarifies the orders that are subject to review or appeal (**sections 10 and 12**).

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (02/11/2020)

House Committee Business Affairs and Labor

Senate Committee

Sponsors (House and Senate) Senate:
[V. Marble](#) (R)
[J. Bridges](#) (D)
 House:
[T. Kraft-Tharp](#) (D)
[K. Van Winkle](#) (R)

Status House Committee on Business Affairs & Labor Refer Unamended to Appropriations (02/12/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date

Bill: [HB20-1157](#)

Title: **Loaned Water For Instream Flows To Improve Environment**

CCW Summary Concerning the Colorado water conservation board's authority to use water that a water right owner voluntarily loans to the board for instream flow purposes.

Under current law, the Colorado water conservation board (board), subject to procedural requirements established to prevent injury to water rights and decreed conditional water rights, may use loaned water for

instream flows if the loaned water is used for preserving the natural environment of a stream reach that is subject to a decreed instream flow water right held by the board. The bill expands the number of years within

a 10-year period that a renewable loan may be exercised from 3 years to 5 years, but for no more than 3 consecutive years, and allows a loan to be renewed for up to 2 additional 10-year periods. The bill limits the duration that an expedited loan may be exercised for up to one year, and prohibits an applicant from seeking additional expedited loans regarding

a water right following an approved expedited loan of that water right. The bill also expands the board's ability to use loaned water for instream flows to improve the natural environment to a reasonable degree

pursuant to a decreed instream flow water right held by the board. In considering whether to accept a proposed loan, the board must evaluate the proposed loan based on biological and scientific evidence presented, including a biological analysis performed by the division of parks and wildlife.

The state engineer will review a proposed loan and must consider any comments filed by parties notified of the application in determining whether the loaned water will not cause injury to other vested or conditionally decreed water rights. The filing fee is increased from \$100 to \$300.

The board is required to promulgate rules regarding the necessary steps for reviewing and accepting a loan for instream flow use to improve

the natural environment to a reasonable degree.

The state engineer's decision to approve or deny a proposed loan may be appealed to a water judge, who is required to hear and determine the matter on an expedited basis using the procedures and standards established for matters rereferred to the water judge by a water referee.

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (02/07/2020)

House Committee Rural Affairs and Agriculture

Senate Committee

Sponsors (House and Senate) Senate:
[K. Donovan](#) (D)
House:
[D. Roberts](#) (D)
[P. Will](#) (R)

Status House Second Reading Laid Over Daily - No Amendments (02/19/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date 02/20/2020

Bill: [HB20-1159](#)

Title: **State Engineer Confirm Existing Use Instream Flow**

CCW Summary Concerning the authority of the state engineer to confirm the extent of uses of water in existence on the date of an instream flow appropriation.

Official Summary Current law specifies that the Colorado water conservation board's appropriation of water for instream flow purposes is subject to existing uses and exchanges of water. The bill directs the state engineer, in administering current law, to confirm a claim of an existing use or exchange if the use or exchange has not previously been confirmed by court order or decree. The person making the claim may also seek confirmation by the water judge.

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (02/07/2020)

House Committee Rural Affairs and Agriculture

Senate Committee

Sponsors (House and Senate) Senate:
[D. Coram](#) (R)
[K. Donovan](#) (D)
House:
[M. Catlin](#) (R)
[D. Roberts](#) (D)

Status House Third Reading Passed - No Amendments (02/18/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date

Bill: [HB20-1164](#)

Title: **Housing Authority Exemptions from Water Fees**

CCW Summary Concerning the exemption of a housing authority from certain fees imposed by a water conservancy district.

Official Summary The bill specifies that housing authorities are exempt from tap fees and development impact fees imposed by a water conservancy district.

Comment

Position Monitor

Full Text [Full Text of Bill](#)
Fiscal Notes [Fiscal Notes](#) (02/05/2020)
House Committee Transportation and Local Government
Senate Committee

Sponsors (House and Senate) Senate:
[R. Zenzinger](#) (D)
House:
[K. Becker](#) (D)
[J. Rich](#) (R)

Status House Second Reading Laid Over Daily - No Amendments
(02/18/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date 02/25/2020

Bill: [HB20-1172](#)

Title: **No Abandonment of Water Rights For Efficiencies**

CCW Summary Concerning protecting the water rights of persons who implement efficiencies that reduce their water usage.

Current law provides that a period of nonuse of a portion of a water right is tolled, and no intent to discontinue permanent use is found for purposes of determining an abandonment of a water right, for the duration that the nonuse of the water right by its owner is a result of any of certain conditions. The bill adds a condition that applies when the nonuse of a portion of a water right is a result of the implementation of

Official Summary efficiency improvement projects or methods that result in a reduction of the amount of water diverted for the decreed beneficial use. In such case:

- For the period of nonuse to be tolled, the owner of the water right must submit written notice of the efficiency improvement project or method to the division engineer, on a form prescribed by the division engineer, within one year of the date that the efficiency improvement project or method is first implemented; and
- The nonuse of the portion of the water right is tolled for a maximum of 20 years.

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes

House Committee Rural Affairs and Agriculture

Senate Committee

Sponsors (House and Senate) Senate:
House:
[J. Arndt](#) (D)

Status Introduced In House - Assigned to Rural Affairs & Agriculture (01/28/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date 03/02/2020

Bill: [HB20-1173](#)

Title: **811 Locate Exemption for County Road Maintenance**

CCW Summary Concerning excavation notification requirements for underground facility location in connection with county road maintenance, and, in connection therewith, specifying that excavation does not include routine or emergency maintenance of right-of-way on county-owned gravel or dirt roads that does not lower the existing grade or elevation of the road, shoulder, and ditches and that does not disturb more than six inches in depth during maintenance operations.

Official Summary Current law requires an individual or entity to notify the statewide notification association of all owners and operators of underground facilities of its intent to engage in excavation so that any underground facilities, such as water and sewer pipes, gas lines, and electric or cable lines, that the excavation might affect can be located and marked before excavation begins. Underground facilities are often located beneath county gravel and dirt roads, normally at a depth of at least 18 inches below the road surface. Counties maintain the profile and surface condition of such county roads and county road rights-of-way by engaging in routine and emergency maintenance activities that do not disturb more than 6 inches in depth. These maintenance activities currently trigger the excavation notification requirement, and the related requirement that the location of underground facilities be marked, even though they occur above the levels where underground facilities are located. To prevent such activities from triggering the excavation notification requirement, the bill specifies that excavation does not include routine or emergency maintenance of right-of-way on

county-owned gravel or dirt roads performed by county employees that:

- Does not lower the existing grade or elevation of the road, shoulder, and ditches; and
- Does not disturb more than 6 inches in depth during maintenance operations.

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (02/10/2020)

House Committee Transportation and Local Government

Senate Committee

Sponsors (House and Senate) Senate:
[F. Winter](#) (D)
[J. Smallwood](#) (R)
House:
[L. Saine](#) (R)
[M. Baisley](#) (R)

Status House Second Reading Laid Over Daily - No Amendments (02/18/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date 02/21/2020

Bill: [HB20-1215](#)

Title: **Sunset Water Wastewater Facility Operators Certification Board**

CCW Summary Concerning the continuation of the water and wastewater facility operators certification board, and, in connection therewith, implementing the recommendations contained in the 2019 sunset report by the department of regulatory agencies.

Sunset Process - House Energy and Environment Committee.

The bill implements the recommendations of the department of regulatory

Official Summary agencies' sunset review of the water and wastewater facility operators certification board by:

- Extending the repeal date of the board until September 1, 2031 (**sections 1 and 2** of the bill);
- Amending the definition of domestic wastewater treatment facility to exclude only those small on-site wastewater

treatment systems with a design capacity of 2,000 gallons or less per day, unless the system discharges directly to surface water (**section 3**);

- Repealing the exclusion of facilities designed to operate for less than one year and facilities with in-situ discharges from the definition of industrial wastewater treatment facilities (**section 3**);
- Creating a water and wastewater facility operators fund for fees that the board receives directly and uses for the exclusive use of the regulatory program (**section 4**); and
- Repealing an obsolete provision of law relating to a reorganization of the board on July 1, 2004 (**section 2**).

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (02/12/2020)

House Committee Energy and Environment

Senate Committee

Senate:

Sponsors (House and Senate) House:
[M. Froelich](#) (D)
[D. Valdez](#) (D)
[A. Valdez](#) (D)

Status House Committee on Energy & Environment Refer Unamended to Appropriations (02/13/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date 02/21/2020

Bill: [SB20-008](#)

Title: **Enhance Penalties Water Quality Criminal Violations**

CCW Summary Concerning the enhancement of penalties for criminal violations of water quality laws.

Official Summary Current law specifies that a person who commits criminal pollution of state waters that is committed:

- With criminal negligence or recklessly is subject to a maximum daily fine of \$12,500; and
- Knowingly or intentionally is subject to a maximum daily

fine of \$25,000.

Section 1 of the bill makes a:

- Criminally negligent or reckless violation a misdemeanor and increases the penalty to \$25,000, imprisonment of up to one year, or both; and
- Knowing or intentional violation a class 5 felony and increases the penalty to \$50,000, imprisonment of up to 3 years, or both.

Current law specifies that a person who knowingly makes any false representation in a required record or who knowingly renders inaccurate any required water quality monitoring device or method is guilty of a misdemeanor and is subject to a fine of not more than \$10,000,

imprisonment in the county jail for not more than 6 months, or both.

Section 2 makes these violations a class 5 felony and specifies that if 2 separate offenses occur in 2 separate occurrences during a period of 2 years, the maximum fine and imprisonment for the second offense are double the default amounts.

Comment	
Position	Monitor
Full Text	Full Text of Bill
Fiscal Notes	Fiscal Notes (01/24/2020)
House Committee	Energy and Environment
Senate Committee	Agriculture and Natural Resources
Sponsors (House and Senate)	Senate: F. Winter (D) M. Foote (D) House: D. Jackson (D) E. Hooton (D)
Status	Introduced In House - Assigned to Energy & Environment (02/13/2020)
Lobbyists	Lobbyists
Votes	Votes all Legislators
Hearing Date	
Bill:	SB20-019
Title:	Legislative Oversight Committee Concerning Tax Policy
CCW Summary	Concerning the creation of the legislative oversight committee

concerning tax policy.

Tax Expenditure Evaluation Interim Study Committee. The bill creates the legislative oversight committee concerning tax policy (committee), and the associated task force (task force).

The committee is required to consider the policy considerations contained in the tax expenditure evaluations prepared by the state auditor and is responsible for the oversight of the task force. The committee may

Official
Summary

recommend legislative changes that are treated as bills recommended by an interim legislative committee.

The task force is required to study tax policy and develop and propose for committee consideration any modifications to the current system of state and local taxation.

The task force is also authorized, upon request by a committee member, to provide evidence-based feedback on the potential benefits or consequences of a legislative or other policy proposal not directly affiliated with or generated by the task force, including any bill or resolution introduced by the general assembly that affects tax policy.

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (01/14/2020)

House
Committee

Senate
Committee Finance

Sponsors (House
and Senate) Senate:
[J. Tate](#) (R)
House:
[R. Bockenfeld](#) (R)
[A. Benavidez](#) (D)

Status Senate Committee on Finance Refer Amended to Appropriations
(02/18/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date

Bill: [SB20-024](#)

Title: **Require Public Input on Water Demand Management Program**

CCW Summary Concerning the inclusion of public input in the development of a state water resources demand management program.

Official Summary **Water Resources Review Committee.** The bill requires the Colorado water conservation board and the water resources review committee to involve the public and provide opportunities for public comment, using procedures similar to those used for initial adoption of the state water plan, before adopting any final or significantly amended

water resources demand management program as part of the Colorado upper basin states' drought contingency plan.

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes

House Committee

Senate Committee Agriculture and Natural Resources

Sponsors (House and Senate) Senate:
[D. Coram](#) (R)
[K. Donovan](#) (D)
House:
[J. Arndt](#) (D)
[M. Catlin](#) (R)

Status Senate Committee on Agriculture & Natural Resources Postpone Indefinitely (01/30/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date

Bill: [SB20-048](#)

Title: **Study Strengthening Water Anti-Speculation Law**

CCW Summary Concerning a study to consider the strengthening of the prohibition on speculative appropriations of water.

Official Summary **Water Resources Review Committee.** Current law specifies that an appropriation of water cannot be based on speculation, as evidenced by either of the following:

- The applicant does not have either a legally vested interest or a reasonable expectation of procuring such an interest in the lands or facilities to be served by the appropriation,

unless the appropriator is a governmental agency or an agent in fact for the persons proposed to be benefited by the appropriation; or

- The applicant does not have a specific plan and intent to divert, store, or otherwise capture, possess, and control a specific quantity of water for specific beneficial uses.

The bill requires the executive director of the department of natural resources to convene a work group to explore ways to strengthen current anti-speculation law and to report to the water resources review committee by August 15, 2021, regarding any recommended changes.

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (01/09/2020)

House Committee Rural Affairs and Agriculture

Senate Committee Agriculture and Natural Resources

Sponsors (House and Senate) Senate:
[D. Coram](#) (R)
[K. Donovan](#) (D)

House:
[M. Catlin](#) (R)
[D. Roberts](#) (D)

Status Introduced In House - Assigned to Rural Affairs & Agriculture (01/31/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date 02/20/2020

Bill: [SB20-065](#)

Title: **Limit Mobile Electronic Devices While Driving**

CCW Summary Concerning a limitation on the use of mobile electronic devices while driving.

Official Summary The bill limits the use of a mobile electronic device while driving to adult drivers who use the mobile electronic device through a hands-free accessory.

The bill establishes penalties of \$50 and 2 points for a first violation, \$100 and 2 points for a second violation, \$200 and 4 points

for
a third or subsequent violation, and \$300 and 4 points if the violation
involves text messaging.

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (02/05/2020)

House
Committee

Senate
Committee Transportation and Energy

Sponsors (House
and Senate) Senate:
[C. Hansen](#) (D)
House:
[D. Roberts](#) (D)

Status Senate Committee on Transportation & Energy Refer Amended to
Appropriations (02/11/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date 02/25/2020

Bill: [SB20-067](#)

Title: **Vehicle Specific Ownership Tax Actual Price**

CCW Summary Concerning the use of a vehicle's actual purchase price to determine the
taxable value for the computation of specific ownership tax.

Official
Summary Current law uses the manufacturer's suggested retail price (MSRP)
of a vehicle to determine taxable value, which is used to determine the
amount of the specific ownership tax. For class A and B vehicles that
weigh 16,000 pounds or less, current law uses 75% of the MSRP; for
class C and D vehicles, current law uses 85% of MSRP.

The bill changes this taxable value from MSRP to the actual
purchase price.

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (01/30/2020)

House
Committee

Senate
Committee

Finance

Sponsors (House
and Senate) Senate:
[L. Crowder](#) (R)
House:

Status Senate Committee on Finance Postpone Indefinitely (02/04/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date

Bill: [SB20-109](#)

Title: **Short-term Rentals Property Tax**

CCW Summary Concerning the property tax classification of property used for short-term rentals.

For purposes of the property tax, the bill classifies an improvement that is used to provide short-term stays, which is overnight lodging for less than 30 consecutive days in exchange for a monetary payment. A building or a portion of a building that is designed and used as a residency by a person, a family, or families and that is leased or available to be leased for short-term stays is a residential improvement and, therefore, it

Official
Summary

is classified as residential property.
A short-term rental unit is excluded from the definition of residential improvements and, therefore, it is classified as nonresidential property. A short-term rental unit is defined to mean a building or a portion of a building that is designed for use predominantly as a place of residency by a person, a family, or families, but that is leased or available to be leased for short-term stays during the property tax year and is occupied by the owner for less than 30 days in a year.

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (01/28/2020)

House
Committee

Senate Finance

Committee

Sponsors (House and Senate) Senate:
[R. Gardner](#) (R)
House:

Status Senate Committee on Finance Postpone Indefinitely (02/11/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date

Bill: [SB20-139](#)

Title: **County Loans for Public Infrastructure Projects**

CCW Summary Concerning authorization for a county to lend money to a governmental entity created by or located within the county for the purpose of providing funding for public infrastructure projects within the county.

The bill authorizes a county to lend money to a governmental entity that is created by or located within the county subject to the following requirements:

Official Summary

- The source of the loan must be legally available money that is not otherwise encumbered or obligated;
 - The loan must have a specified repayment term;
 - The loan recipient is required to pay the county interest on the loan at an initial rate that is equal to or greater than the rate of return earned on all county financial investments;
- and
- The loan recipient shall use loan proceeds for the sole purpose of funding public infrastructure projects within the county.

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (02/07/2020)

House Committee

Senate Committee Local Government

Sponsors (House and Senate) Senate:
[M. Foote](#) (D)
House:

Status Introduced In Senate - Assigned to Local Government (01/27/2020)

Lobbyists [Lobbyists](#)
Votes [Votes all Legislators](#)
Hearing Date 02/25/2020

Bill: [SB20-153](#)

Title: **Water Resource Financing Enterprise**

CCW Summary Concerning the creation of an enterprise that is exempt from the requirements of section 20 of article X of the state constitution to administer a fee-based water resources financing program.

The bill creates the water resources financing enterprise (enterprise). The board of the enterprise (board) consists of the board of directors of the Colorado water resources and power development

authority and the Colorado water conservation board. The enterprise will provide financing to water providers, defined to include drinking water suppliers, wastewater treatment suppliers, and raw water suppliers. Raw water suppliers are limited to those that provide raw water for treatment and use as drinking water.

Customers of drinking water suppliers will pay a fee to the supplier, who will transmit it to the enterprise to be used for the financing. The fee is 25 cents per 1,000 gallons of drinking water delivered per month to each metered connection in a drinking water supplier's public water system, collected after the first 4,000 gallons of drinking water delivered per month to an individual metered connection. The board may adjust the fee based on inflation and equity concerns for large nonresidential customers and customers who pay tiered rates that start higher than 4,000 gallons per month.

Official
Summary

The enterprise can provide financing for grants, loans, and in-kind technical assistance in arranging third-party financing. In determining whether to provide financing, the board shall consider the following factors:

- A water provider's ability to pay, including whether the water provider has sought or received other financial assistance;
- Whether a water provider is subject to noncompliance or increased requirements related to the provision of raw water, drinking water, water treatment, or wastewater treatment;
- Whether the proposed use of financing relates to a project identified in and in furtherance of the state water plan; and
- The geographic location and demographic characteristics of the water provider and its customers.

The enterprise shall provide, and a water provider may use, the financing only:

- In connection with the provision of raw water, drinking water, water treatment, or wastewater treatment; and
- For feasibility studies, consulting, planning, permitting, and construction of infrastructure and water conservation projects and related recreational, hydroelectric, and flood control facilities, including necessary enlargement and rehabilitation of facilities but excluding maintenance and operation.

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (02/12/2020)

House
Committee

Senate
Committee Agriculture and Natural Resources

Sponsors (House
and Senate) Senate:
[D. Coram](#) (R)
House:

Status Senate Committee on Agriculture & Natural Resources Postpone
Indefinitely (02/13/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date

Bill: [SB20-155](#)

Title: **Keep Presumption Noninjury Well on Divided Land**

CCW Summary Concerning the continued presumption of noninjury to water rights regarding the use of an exempt well for domestic purposes after the land on which the well is located has been divided into multiple parcels.

Under current law, a well that is exempt from the state engineer's administration and is used for domestic purposes is afforded a rebuttable presumption that the use of the well will not cause material injury to

Official
Summary

others' vested water rights or to any other existing well. If the land on which the exempt well is located is later divided into multiple parcels, the well loses that presumption. The bill maintains the presumption of noninjury to vested water rights or other wells when the land on which the well is located is later divided and use of the well continues to meet

certain requirements.

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes [Fiscal Notes](#) (02/11/2020)

House
Committee

Senate
Committee Agriculture and Natural Resources

Sponsors (House and Senate) Senate:
[J. Sonnenberg](#) (R)
House:
[R. Pelton](#) (R)

Status Senate Second Reading Passed - No Amendments (02/19/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date 02/20/2020

Bill: [SB20-168](#)

Title: **Sustainable Severance & Property Tax Policies**

CCW Summary Concerning tax policy that promotes environmental sustainability.

The bill modifies the community solar garden property tax exemption, which exempts the percentage of alternating current electricity capacity of a community solar garden that is attributed to subscribers who

are tax exempt, by:

- Extending the exemption for 5 more property tax years (**section 1** of the bill); and

Official
Summary

- Expanding the exemption to apply to a community solar garden that is a solar energy facility, which is assessed statewide (**section 2**).

For the period that the exemption is extended, the state will reimburse local governments for the lost property tax revenues that result from the newly expanded credit. These payments will be made from the sustainable energy tax policy fund, which consists of the increased revenue as a result of changes to the coal tax made in **sections 4 and 5**, and the general fund if there is insufficient money in the fund. In years when the state is required to refund excess state revenues

under section 20 of article X of the state constitution (TABOR), the reimbursements to the counties are a TABOR refund mechanism. This refund mechanism only applies after the refunds made to counties for the reimbursements for the senior homestead exemption (**sections 1 and 6**). Locally assessed solar energy facilities are valued by assessors using valuation procedures developed by the property tax administrator (administrator). Currently, the administrator is required to utilize a cost approach to valuation for all renewable energy facilities. This valuation currently involves a tax factor based on a 20-year period. Section 2 extends this period by 10 years and specifies that after the 30 years, a tax factor is not applied and the taxable value shall not exceed the depreciated value floor calculated using the cost basis method. Under **section 3**, the administrator will be required to utilize the income approach used for solar energy facilities for a renewable energy facility that would qualify as a solar energy facility if it generated more energy, so that all similar facilities will be valued in the same manner. For purposes of the severance tax on coal, beginning July 1, 2021, **section 4** eliminates the quarterly exemption on the first 300,000 tons of coal and the credit for coal produced from underground mines and for the production of lignitic coal. Prior to June 30, 2026, the additional severance tax that results from these changes will be credited to the sustainable energy policy fund, and thereafter it is allocated like other severance tax revenue (section 5).

Comment

Position Monitor

Full Text [Full Text of Bill](#)

Fiscal Notes

House Committee

Senate Committee Transportation and Energy

Sponsors (House and Senate) Senate:
[C. Hansen](#) (D)
[B. Pettersen](#) (D)
 House:
[A. Valdez](#) (D)

Status Introduced In Senate - Assigned to Transportation & Energy (02/18/2020)

Lobbyists [Lobbyists](#)

Votes [Votes all Legislators](#)

Hearing Date 02/27/2020