

SUMMARY OF BILLS QQ TRACKED THAT PASSED IN 2024

June 6, 2024

Bill No.	Bill Description	Sponsors
Senate Bills		
SB24-005	Prohibit Landscaping Practices for Water Conservation	Sens. Roberts & Simpson; Reps. McCormick & McLachlan
SB24-026	Agriculture & Natural Resources Public Engagement Requirement	Sens. Roberts & Will; Reps. McLachlan & Catlin.
SB24-037	Study Green Infrastructure for Water Quality Management	Sen. Cutter; Reps. Boesenecker & Joseph
SB24-058	Landowner Liability Recreational Use Warning Signs	Sens. Baisley & Roberts; Reps. Titone & Bird
SB24-081	Perfluoroalkyl & Polyfluoroalkyl Chemicals	Sen. Cutter; Reps. Kipp & Rutinel
SB24-148	Precipitation Harvesting Storm Water Detention	Sen. Van Winkle; Reps. McLachlan & Bradley
SB24-185	Protections Mineral Interest Owners Forced Pooling	Sen. Fenberg, Rep. Amabile
SB24-197	Water Conservation Measures	Sen. Roberts & Will; Reps McCluskie.
SB24-199	Annual Species Conservation Trust Fund Projects.	Sens. Roberts & Will; Reps McCormick & Catlin
SB24-212	Local Govs Renewable Energy Projects	Sens. Fenberg & Hansen
House Bills		
HB24-1030	Railroad Safety Requirements	Rep. Mabrey & Cutter; Sen. Exum
HB24-1362	Concerning Measures to Promote the Use of Graywater	Reps. Lukens & Catlin; Sens. Roberts & Simpson
HB24-1379	Regulate Dredge & Fill Activities in State Waters	Reps. McCluskie & McCormick, Sen. Roberts
HB24-1435	Colorado Water Conservation Board Projects	Reps. McCormick & Catlin; Sen. Roberts & Simpson
HB24-1436	Sports Betting Tax Revenue Voter Approval	Reps. McCluskie & Catlin Sen. Roberts & Simpson
HB24-1463	Restrictions on Tap Fees	Reps. DeGruy Kennedy & Hartsook; Sens. Hansen & Kirkmeyer

QQ Legislative Update

June 6th, 2024



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The General Assembly wrapped up its legislative session late in the night on Wednesday May 8th. Thanks to QQ Members for your the hard work and dedication that went into successes this session.

Below is the summary of all bills QQ tracked that are headed to the Governor's desk to become law.

Senate Bills

SB24-005. Prohibit Landscaping Practices for Water Conservation *Sens Roberts and Simpson, Bridges, Hinrichsen & Reps. McCormick and McLachlan,*

- Local entity (i.e. city, county, or special district) may not install, plant, place, or allow any person to install plant, or place "nonfunctional turf," artificial turf, or invasive plants as part of a new development or redevelopment project.
 - Grass seed or sod that is a native plant or has been hybridized for arid conditions is still permitted.
- Nonfunctional turf is defined as any turf that is not functional turf. Functional turf means "turf that is located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, which may include playgrounds; sports fields; picnic grounds; amphitheaters; portions of parks; and the playing areas of golf courses. . . "
 - Nonfunctional turf includes "turf located in a street right-of-way, parking lot, median, or transportation corridor."
- Local entities must enact or amend conforming ordinances, resolutions, regulations, or other laws by January 1, 2026.

SB24-026. Agriculture & Natural Resources Public Engagement Requirement. *Sen. Roberts & Will; Reps McLachlan & Catlin. From the Water/Ag Review Committee*

- Requires parks and wildlife commission, state agricultural commission, and the Colorado water conservation board to hold at least 2 in-person each year public meetings to engage with the public. The bill also includes provisions for tracking and reporting the status of these meetings and provides reimbursement for the costs incurred.

SB24-037. Study Green Infrastructure for Water Quality Management. *Sen. Simpson & Bridges; Reps Lynch & McCormick. From the Water/Ag Committee*

- Establishes a feasibility study and pilot projects to explore the use of green infrastructure instead of traditional gray infrastructure (centralized water quality treatment facilities) for water quality management and to explore the potential to integrate these techniques into water quality permits. Studies will explore new sources of funding, such as green bonds and carbon credits.

SB24-058. Landowner Liability Recreational Use Warning Signs. *Sens. Baisley & Roberts; Reps. Titone & Bird*

- Revises the "Colorado Recreational Use Statute" (CRUS), which limits landowner liability in certain circumstances should the landowner allow public recreational use of their land.
- Expands landowner liability protection in CRUS: "In the event that an individual who lawfully enters land at a primary access point is injured or killed on the land by a known dangerous condition . . . , the owner does not commit a willful or malicious failure to guard or warn against the known dangerous condition . . . if . . ."
 - Owner posts a sign at the primary access point with specific language (see p. 4-5)
 - The sign describes the dangerous condition, use, structure, or activity that caused such injury or death.

SB24-081. Perfluoroalkyl & Polyfluoroalkyl Chemicals. *Sen. Cutter; Reps. Kipp & Rutinel*

- Strengthens many existing restrictions on the sale and distribution of products containing perfluoroalkyl and polyfluoroalkyl chemicals (PFAS).

SB24-148. Precipitation Harvesting Storm Water Detention *Sen Van Winkle*

- Permits certain facilities to utilize water detained in stormwater detention and infiltration facilities for precipitation harvesting.
 - Currently, these facilities are prohibited from diverting, storing, or using water detained within them.
- Bill was requested by Sterling Ranch, large development in Douglas County developed in part utilizing water harvesting.

SB 24-185. Protect Mineral Interest Owners in Forced Pooling. *Sens Fenberg; Rep Amabile*

- Clarifies that a local government cannot be force pooled.¹ Because municipalities and counties hold property, including mineral rights, in trust for the public, local elected officials cannot dispose of such property unless it is in the best interest of the community.
- This bill ensures local elected officials make a determination of public interest if and when those electeds determine to develop mineral interests

SB24-197. Water Conservation Measures. *Sens. Roberts & Will; Rep McCluskie.*

- Implements proposals from the Colorado River Drought Task Force to enhance water conservation in Colorado, including principally allowing owners of storage water rights to lend water to the Colorado Water Conservation Board for areas lacking instream flow rights. QQ supported the bill that initiated the Drought Task Force last year, and Kathy Chandler-Henry served as its Chair.

¹ "Forced pooling is a process by which mineral interests that belong to mineral owners that did not sign a voluntary lease for the extraction of their minerals are pooled with all other mineral interests within a drilling and spacing unit for the consolidated development and allocation of revenue."

SB24-199. Annual Species Conservation Trust Fund Projects. *Sens. Roberts & Will; Reps McCormick & Catlin*

- This annual bill appropriates \$5,000,000 from the Species Conservation Trust Fund for wildlife conservation programs in Colorado for fiscal year 2024-25. The funds are allocated to initiatives including the Upper Colorado River Endangered Fish Recovery Program, selenium management, three species recovery efforts, native terrestrial wildlife conservation, and native aquatic wildlife conservation.

SB24-212. Local Govs Renewable Energy Projects. *Sens. Fenberg & Hansen*

- Initially slated to impose a range of restrictions on local government regulation of renewable energy projects, this bill was scaled back due in large part to local government opposition. The bill instead now includes state support to local governments regulating renewable energy projects, including instructing Division of Parks and Wildlife to develop best management practices for wildlife protection and establishing a repository of model codes and ordinances.

House Bills:

HB24-1030. Railroad Safety Requirements. *Rep. Mabrey & Cutter; Sen. Exum*

- This bill sets safety requirements for railroads in Colorado. It includes limits on train length, requires the use of wayside detector systems, and limits the time a train can block a crossing.

HB24-1362. Concerning Measures to Promote the Use of Graywater. *Reps Lukens & Catlin; Sens Roberts & Simpson*

- In current law, buildings may utilize graywater, consistent with Water Quality Control Commission Regulations (Reg. 86), only if a local government has first adopted regulations governing greywater. This bill would allow new construction to utilize graywater anywhere in the State EXCEPT where a local government opts out of allowing greywater.
 - Graywater is a part of the water used in a residential, commercial, or industrial building that may be collected after the first use and put to a second beneficial use.
 - Local governments must notify the state health department of any ordinances or resolutions regarding graywater use.
- QQ requested amendments on the bill that did not occur to address the potential burdens to small systems. However, bill sponsors felt that the "opt out" avenue provided adequate avenues to address QQ's concerns.
- Implementation is Jan 1, 2026.

HB24-1379. "State Bill" to Regulate Dredge & Fill Activities in State Waters. *Reps. McCluskie & McCormick, Sens Roberts & Kirkemeyer*

- **Implementing agency:** Water Quality Control Commission (WQCC) and Water Quality Control Division (WQCD).
- **Scope:** The "State Bill" would regulate dredge and fill activities in all "state waters" and includes a long list of exemptions that are largely similar to federal exemptions.

- **Mitigation.** Consistent with federal permitting, the “State Bill” requires compensatory mitigation for all authorizations where adverse impacts over a certain size cannot be avoided.
- **General Permits.** The “State Bill” creates a general permit program “where activities cause minimal adverse impacts separately or cumulatively,” again very similar to the federal process.
- **Rulemaking Required.** The WQCC must undertake a rulemaking to complete this program by Dec. 31, 2025. QQ will likely participate in this rulemaking.

HB24-1435. Colorado Water Conservation Board “Projects Bill.” *Reps McCormick & Catlin; Sens. Roberts & Simpson*

- Allocates funds from the Colorado Water Conservation Board (CWCB) construction fund for various water conservation projects within Colorado during the 2024-25 fiscal year, including \$20 million for Shoshone permanency.

HB24-1436. Sports Betting Tax Revenue Voter Approval. *Reps McCluskie & Catlin Sens. Roberts & Simpson*

- Proposes redirecting surplus revenue from sports betting taxes in Colorado to fund water conservation projects, subject to a ballot measure for the November 2024 election. If approved, the state would keep tax revenue exceeding \$29 million annually for water projects; otherwise, the surplus would return to casinos.
- State’s retained funding from sports betting would include significant funding towards the Water Plan grants, which funds much of the work of QQ members or conducted in the QQ region.

HB24-1463. Restrictions on Tap Fees.” *Reps DeGruy Kennedy & Hartsook; Sens. Hansen & Kirkmeyer*

- Requires the board to provide detailed justifications for the fees upon request from local governments within the district's boundaries. (was significantly paired down due to significant opposition, including from some QQ members)