

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

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TO: Colorado Water Conservation Board Members

John W. Hickenlooper
Governor

FROM: Eric Hecox, Acting Deputy Director

Mike King
DNR Executive Director

DATE: March 14, 2011

Jennifer L. Gimbel
CWCB Director

SUBJECT: **Agenda Item 7, March 15 – 16, 2011 Board Meeting
Legislative Update**

Introduction

CWCB tracks legislation that is of interest to the Board and staff. Attached is a bill summary updated as of March 14, 2010.

Also attached is a copy of House Bill 1274 (CONCERNING THE FUNDING OF COLORADO WATER CONSERVATION BOARD PROJECTS, AND MAKING APPROPRIATIONS IN CONNECTION THEREWITH) also known as the "Projects Bill."

CWCB Bill Tracking – 3-14-11

BILL [HB11-1034](#)

CONCERNING THE CREATION OF A PROTECT-OUR-RIVERS SPECIAL LICENSE
PLATE FOR COLORADO TROUT UNLIMITED.

Short Title: Protect-our-rivers Special License Plate

Sponsors: WILSON / SCHWARTZ

The bill creates the protect-our-rivers special license plate. A person becomes eligible to use the plate by donating \$25 to Colorado trout unlimited. In addition to the normal motor vehicle fees, the plate requires 2 one-time fees of \$25. One of the fees is credited to the highway users tax fund and the other to the licensing services cash fund.

Status

01/12/2011 Introduced In House - Assigned to Transportation

01/12/2011 Introduced In House - Assigned to Transportation + Agriculture, Livestock, & Natural Resources

01/26/2011 House Committee on Transportation Refer Amended to Agriculture, Livestock, & Natural Resources

02/07/2011 House Committee on Agriculture, Livestock, & Natural Resources Postpone Indefinitely

Amendment

House Journal, January 27

1 HB11-1034 be amended as follows, and as so amended, be referred to

2 the Committee on Agriculture, Livestock, & Natural
3 Resources with favorable recommendation:

4

5 Amend printed bill, page 3, line 2, strike "UNLIMITED, OR ITS
SUCCESSOR"

6 and substitute "UNLIMITED".

7

8 Page 3, line 3, strike "ORGANIZATION,".

9

10 Page 3, after line 4 insert:

11

12 "(c) COLORADO TROUT UNLIMITED SHALL NOT USE ANY MONEYS

13 FROM A DONATION MADE UNDER PARAGRAPH (a) OF THIS SUBSECTION
(3)
14 FOR LITIGATION OR LOBBYING.
15
16 " (d) COLORADO TROUT UNLIMITED SHALL USE ANY MONEY FROM
17 A DONATION MADE UNDER PARAGRAPH (a) OF THIS SUBSECTION (3)
FOR
18 RIVER AND STREAM RESTORATION AND IMPROVEMENT." .
19

Fiscal Notes Status: Fiscal impact for this bill

[Fiscal Note](#)

BILL [HB11-1052](#)

CONCERNING THE ADOPTION OF PAY-AS-YOU-GO REQUIREMENTS FOR CERTAIN
BILLS WITH SPECIFIED IMPACTS ON THE STATE BUDGET.

Short Title: Pay-as-you-go Requirements

Sponsors: HULLINGHORST / MORSE

For each regular or special session of the general assembly, prior to the passage of the long appropriation bill, the bill prohibits the appropriations committee in either house from favorably passing out a bill that either requires a tax expenditure or that results in a decrease in revenue to the state unless the bill either specifically identifies equivalent decreases in such expenditures or offsets to the general fund or specifically identifies sufficient increases in revenue for the next state fiscal year and for any other fiscal year that new tax expenditures or changes in tax expenditures would be implemented so that the bill does not impact the state budget.

Status

01/12/2011 Introduced In House - Assigned to Finance + Appropriations

02/10/2011 House Committee on Finance Committee Vote - Final Action Failed

02/14/2011 House Committee on Finance Postpone Indefinitely

Fiscal Notes Status: Fiscal impact for this bill

[Fiscal Note](#)

CONCERNING A REQUIREMENT THAT THE STATE TREASURER TRANSMIT MONEYS APPROPRIATED TO DEPARTMENTS OF STATE GOVERNMENT THAT ARE UNEXPENDED AND UNENCUMBERED AT THE END OF A FISCAL YEAR TO SPECIFIED FUNDS SO THAT THE MONEYS MAY BE USED TO PAY SALARIES IN JUNE FOR WORK PERFORMED BY STATE EMPLOYEES DURING THE MONTH OF JUNE.

Short Title: Undo 2003 Payday Shift

Sponsors: KERR A. / STEADMAN

Currently, state employees are paid on the first working day in July of each year for work performed during the month of June. Unless general fund revenues are augmented with moneys from cash funds in a fiscal year, the bill requires the state treasurer to transfer any general fund moneys appropriated to all principal departments in the executive branch of state government and all offices and agencies in the judicial department that are unexpended and unencumbered at the end of the fiscal year to the state employee payday shift fund (payday shift fund) created in the bill. Unless general fund revenues are augmented with moneys from cash funds in a fiscal year, the bill also requires the state treasurer to transfer any general fund moneys appropriated to the legislative branch that are unexpended and unencumbered at the end of the fiscal year to the legislative department cash fund. The bill requires the office of state planning and budgeting to submit a budget request to the general assembly requesting an appropriation of moneys in the payday shift fund to the departments, offices, and agencies stated above. Any moneys appropriated pursuant to such a request and any moneys in the legislative department cash fund will first be used to pay the salaries for the month of June of state employees who are paid on a biweekly basis. Next, the remaining moneys in the payday shift fund and the legislative department cash fund will be used to pay the salaries for the month of June of state employees who are paid on a monthly basis. The general assembly may also appropriate moneys from the fund for any other purpose it deems necessary.

Status

01/12/2011 Introduced In House - Assigned to Finance

01/12/2011 Introduced In House - Assigned to Finance + Appropriations

02/09/2011 House Committee on Finance Refer Amended to Appropriations

Amendment

House Journal, February 10

29 HB11-1056 be amended as follows, and as so amended, be referred to

30 the Committee on Appropriations with favorable
31 recommendation:

32

33 Amend printed bill, page 4, line 11, strike "DEPARTMENT OF"

and

34 substitute "DEPARTMENT, OFFICE, AGENCY, AND INSTITUTION OF
HIGHER

35 EDUCATION IN".

36

37 Page 4, strike line 12 and substitute "GOVERNMENT AND TO EACH
OFFICE

38 AND AGENCY IN THE JUDICIAL DEPARTMENT".

39

40 Page 4, line 13, strike "AGENCY THEREOF,".

41

42 Page 4, line 27, strike "AND AGENCIES," and substitute
"AGENCIES, AND

43 INSTITUTIONS OF HIGHER EDUCATION".

44

45 Page 5, line 15, strike "AND AGENCIES," and substitute
"AGENCIES, AND

46 INSTITUTIONS OF HIGHER EDUCATION".

47

48 Page 5, line 23, strike "OR AGENCY" and substitute "AGENCY,
OR

49 INSTITUTION OF HIGHER EDUCATION".

50

51 Page 5, line 26, strike "OR AGENCY" and substitute "AGENCY,
OR

52 INSTITUTION OF HIGHER EDUCATION".

53

54 Page 6, line 1, strike "OR AGENCY" and substitute "AGENCY, OR
55 INSTITUTION OF HIGHER EDUCATION".

56

1 Page 6, line 3, strike "OR AGENCY" and substitute "AGENCY, OR
2 INSTITUTION OF HIGHER EDUCATION".

3

4 Page 6, line 6, strike "OR AGENCY" and substitute "AGENCY, OR
5 INSTITUTION OF HIGHER EDUCATION".

6

7 Page 6, line 8, strike "OR AGENCY" and substitute "AGENCY, OR
8 INSTITUTION OF HIGHER EDUCATION".

9

10 Page 6, line 10, strike "OR".

11

12 Page 6, line 11, strike "AGENCY" and substitute "AGENCY, OR
INSTITUTION

13 OF HIGHER EDUCATION".

14

15

Fiscal Notes Status: Fiscal impact for this bill

[Fiscal Note](#)

BILL [HB11-1068](#)

CONCERNING THE STATE ENGINEER'S AUTHORITY TO APPROVE TEMPORARY AGRICULTURAL WATER TRANSFER AGREEMENTS.

Short Title: State Engineer Approve Ag Water Transfer

Sponsors: FISCHER / GIRON

The bill authorizes the state engineer to approve agricultural water transfer agreements for periods of up to 40 years, using a review and public notice and comment process analogous to that used for substitute water supply plans. The user of the agricultural water right must notify the state engineer and the parties who filed comments to the application for approval of the agreement by March 1 of any year in which the user intends to operate the water rights subject to the agreement. The agreement can be reapproved using the same process for one additional period of up to 40 years.

Status

01/19/2011 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

02/14/2011 House Committee on Agriculture, Livestock, & Natural Resources Postpone Indefinitely

Fiscal Notes Status: Fiscal impact for this bill

[Fiscal Note](#)

BILL [HB11-1083](#)

CONCERNING THE CONSIDERATION OF NEW HYDROELECTRICITY PROJECTS, AND, IN CONNECTION THEREWITH, ALLOWING THE PUBLIC UTILITIES COMMISSION TO CONSIDER HYDROELECTRICITY AND PUMPED HYDROELECTRICITY FOR THE GENERATION OF ELECTRICITY.

Short Title: Hydroelectricity & Pumped Hydro
Sponsors: SWERDFEGER / GIRON

The bill adds hydroelectricity and pumped hydroelectricity to the list of technologies that the public utilities commission may give the fullest possible consideration when considering generation acquisitions for electric utilities.

Status

01/20/2011 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources
02/07/2011 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to House Committee of the Whole
02/10/2011 House Second Reading Laid Over Daily
02/11/2011 House Second Reading Passed with Amendments
02/15/2011 House Third Reading Passed
02/21/2011 Introduced In Senate - Assigned to Agriculture, Natural Resources, and Energy
03/09/2011 Senate Committee on Agriculture, Natural Resources, and Energy Refer Amended to Senate Committee of the Whole

Amendment

House Journal, February 8

44 HB11-1083 be amended as follows, and as so amended, be
referred to
45 the Committee of the Whole with favorable
46 recommendation:
47
48 Amend printed bill, page 2, line 12, strike everything after
"PARAGRAPH"
49 and substitute "(c):
50
51 (I) "HYDROELECTRICITY" MEANS THE GENERATION AND DELIVERY
52 TO THE INTERCONNECTION METER OF ANY SOURCE OF ELECTRICAL OR
53 MECHANICAL ENERGY BY HARNESSING THE KINETIC ENERGY OF WATER
54 THAT IS:
55
56 (A) A NEW FACILITY THAT IS AN ADDITION TO WATER
1 INFRASTRUCTURE SUCH AS A RESERVOIR, DITCH, OR PIPELINE THAT
2 EXISTED BEFORE JANUARY 1, 2011, AND DOES NOT RESULT IN ANY
CHANGE
3 IN THE QUANTITY OR TIMING OF DIVERSIONS OR RELEASES FOR
PURPOSES
4 OF PEAK POWER GENERATION; OR
5
6 (B) A NEW FACILITY THAT IS PLACED INTO PRODUCTION AS PART

7 OF NEW WATER INFRASTRUCTURE SUCH AS A RESERVOIR, DITCH, OR
8 PIPELINE CONSTRUCTED ON OR AFTER JANUARY 1, 2011, AND OPERATED
9 FOR PRIMARY BENEFICIAL USES OF WATER OTHER THAN SOLELY FOR
10 PRODUCTION OF ELECTRICITY.

11

12 (II) "PUMPED HYDROELECTRICITY" MEANS".

13

14 Page 2, line 16, strike "RESERVOIR." and substitute
"RESERVOIR TAKING

15 INTO ACCOUNT THE POTENTIAL BENEFITS OR IMPACTS OF THE
PROPOSED

16 FACILITY ON FISHERY HEALTH.".

17

18

Senate Journal, March 10

After consideration on the merits, the Committee recommends that
HB11-1083 be
amended as follows, and as so amended, be referred to the
Committee of the Whole with
favorable recommendation.

Amend reengrossed bill, page 2, line 11, strike
"HYDROELECTRICITY." and
substitute "HYDROELECTRICITY, TAKING INTO ACCOUNT THE ASSOCIATED
COSTS AND BENEFITS.".

Fiscal Notes Status: Fiscal impact for this bill

[Fiscal Note](#)

BILL [HB11-1123](#)

CONCERNING A PROHIBITION ON TRANSFERS TO THE STATE GENERAL FUND
FROM CASH FUNDS THAT HAVE REVENUE RELATED TO THE SEVERANCE OF
MINERALS IN THE STATE.

Short Title: Prohibit Sev Related Revenue To Gen Fund

Sponsors: CORAM / ROBERTS

The bill prohibits transfers to the general fund from the:

- * Higher education federal mineral lease revenues fund;
- * Higher education maintenance and reserve fund;
- * Local government permanent fund;
- * Local government mineral impact fund;
- * Colorado water conservation board construction fund;
- * Perpetual base account of the severance tax trust fund; and
- * Local government severance tax fund. In addition, the governor is prohibited from restricting the moneys in each of these funds from being used as required by law for the purpose of saving the restricted moneys for a future transfer to the general fund.

Status

01/21/2011 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

02/14/2011 House Committee on Agriculture, Livestock, & Natural Resources Witness

Testimony and/or Committee Discussion Only

03/02/2011 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to House Committee of the Whole

03/07/2011 House Second Reading Laid Over Daily

03/11/2011 House Second Reading Passed with Amendments

Amendment

House Journal, March 3

39 HB11-1123 be amended as follows, and as so amended, be referred to

40 the Committee of the Whole with favorable

41 recommendation:

42

43 Amend printed bill, page 5, line 13, strike "THEREAFTER," and substitute

44 "ON AND AFTER JULY 1, 2013,".

45

46 Page 5, line 15, strike "2011," and substitute "2013,".

47

48 Page 5, line 23, strike "THEREAFTER," and substitute "ON AND AFTER

49 JULY 1, 2013,".

50

51 Page 5, line 25, strike "2011," and substitute "2013,".

52

53 Page 6, line 16, strike "THEREAFTER," and substitute "ON AND AFTER

54 JULY 1, 2013,".

55

56 Page 6, line 18, strike "2011," and substitute "2013,".

1 Page 7, line 11, strike "THEREAFTER," and substitute "ON AND
AFTER
2 JULY 1, 2013,".
3
4 Page 7, line 13, strike "2011," and substitute "2013,".
5
6 Page 7, line 27, strike "THEREAFTER," and substitute "ON AND
AFTER
7 JULY 1, 2013,".
8
9 Page 8, line 2, strike "2011," and substitute "2013,".
10
11 Page 8, line 22, strike "ADDITIONAL" and substitute "ON AND
AFTER JULY
12 1, 2013,".
13
14 Page 8, line 24, strike "2011," and substitute "2013,".
15
16 Page 9, line 9, strike "ADDITIONAL" and substitute "ON AND
AFTER JULY
17 1, 2013,".
18
19 Page 9, line 11, strike "2011," and substitute "2013,".
20
21

Fiscal Notes Status: Fiscal impact for this bill

[Fiscal Note](#)

BILL [HB11-1150](#)

CONCERNING ADDITIONAL REVENUES FOR WATER STORAGE PROJECTS.

Short Title: Use Wildlife Fees Habitat Water Storage

Sponsors: BECKER / JAHN

Section 1 of the bill transfers \$5 million per year for 10 years from the wildlife cash fund to the Colorado water conservation board construction fund. Section 2 allows the Colorado water conservation board to expend these revenues only for water storage projects that will enhance,

create, or preserve wildlife habitat or contribute to a wildlife restoration project, a fish restoration or management project, or the conservation of wildlife, and only if the board determines that doing so does not violate federal law.

Status

01/27/2011 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

02/21/2011 House Committee on Agriculture, Livestock, & Natural Resources Postpone Indefinitely

Fiscal Notes Status: Fiscal impact for this bill

[Fiscal Note](#)

BILL [HB11-1177](#)

CONCERNING AN EXTENSION OF THE ABILITY TO MAKE VOLUNTARY CONTRIBUTIONS VIA INCOME TAX TO THE COLORADO HEALTHY RIVERS FUND.

Short Title: Healthy Rivers Fund Tax Donation

Sponsors: SONNENBERG / SCHWARTZ

The contribution via tax checkoff for the Colorado healthy rivers fund is extended to the 2020 tax year.

Status

02/03/2011 Introduced In House - Assigned to Finance

02/10/2011 House Committee on Finance Refer Amended to House Committee of the Whole

02/14/2011 House Second Reading Special Order - Passed with Amendments

02/15/2011 House Third Reading Passed

02/21/2011 Introduced In Senate - Assigned to Finance

03/01/2011 Senate Committee on Finance Refer Unamended to Senate Committee of the Whole

03/04/2011 Senate Second Reading Passed

03/07/2011 Senate Third Reading Passed

Amendment**House Journal, February 14**

27 Amendment No. 1, Finance Report, dated February 10, 2011, and placed

28 in member's bill file; Report also printed in House Journal, February 11,

29 page 228.

30

31 As amended, ordered engrossed and placed on the Calendar for
Third
32 Reading and Final Passage.
33

Fiscal Notes Status: No fiscal impact for this bill

[Fiscal Note](#)

BILL [HB11-1269](#)

CONCERNING THE LIMITS ON UNCOMMITTED RESERVES IN CASH FUNDS.

Short Title: Limits On Uncommitted Cash Fund Reserves

Sponsors: MIKLOSI / TOCHTROP

Legislative Audit Committee. Section 1 of the bill allows entities to reduce by rule any fees that are set specifically in statute instead of requiring the entity to seek legislation for the reduction in order to meet the requirements of the limit on uncommitted reserves. Section 1 also allows a fee that was so reduced to be increased by rule instead of legislation, subject to specific requirements already in statute related to the increase of fees that were reduced to meet the limit on uncommitted reserves. Section 2 of the bill establishes a statutory alternative reserve balance for the Colorado auto theft prevention cash fund.

Status

02/25/2011 Introduced In House - Assigned to Finance

Fiscal Notes Status: Fiscal impact for this bill

[Fiscal Note](#)

BILL [HB11-1274](#)

CONCERNING THE FUNDING OF COLORADO WATER CONSERVATION BOARD PROJECTS, AND MAKING APPROPRIATIONS IN CONNECTION THEREWITH.

Short Title: Water Conservation Bd Construction Fund

Sponsors: SONNENBERG / SCHWARTZ

The bill appropriates the following amounts from the Colorado water conservation board construction fund for the following projects:

- * \$300,000 for continuation of the satellite monitoring system maintenance;
- * \$175,000 for continuation of the weather modification program;
- * \$500,000 for continuation of the Colorado flood plain map modernization program;
- * \$250,000 for continuation of the watershed restoration program;
- * \$300,000 to restore the flood response fund balance;
- * \$200,000 for a water conservation data tracking project;
- * \$500,000 to begin implementation of the Arkansas river decision support system;
- * \$700,000 to restore the litigation fund cash balance; and
- * \$12 million for the second installment of the purchase of Colorado's allotment of Animas-La Plata project water.

Status

03/04/2011 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

Fiscal Notes Status: Fiscal note currently unavailable

BILL [SB11-021](#)

CONCERNING THE REMOVAL OF TERM LIMITS FOR MEMBERS OF THE WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION BOARD.

Short Title: Term Limits Water Facility Operators Bd

Sponsors: NICHOLSON / LOOPER

The bill removes the term limits currently in place for members of the water and wastewater facility operators certification board.

Status

01/12/2011 Introduced In Senate - Assigned to Agriculture and Natural Resources

01/27/2011 Senate Committee on Agriculture and Natural Resources Refer Unamended - Consent Calendar to Senate Committee of the Whole

02/02/2011 Senate Second Reading Laid Over Daily

02/10/2011 Senate Second Reading Passed

02/11/2011 Senate Third Reading Passed

02/16/2011 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

03/07/2011 House Committee on Agriculture, Livestock, & Natural Resources Refer Unamended to House Committee of the Whole

03/10/2011 House Second Reading Laid Over Daily

03/11/2011 House Second Reading Passed

Fiscal Notes Status: No fiscal impact for this bill

BILL [SB11-025](#)

CONCERNING ACCOUNTABILITY FOR STATE PROCUREMENT, AND, IN CONNECTION THEREWITH, ENACTING THE "COLORADO TAXPAYER EMPOWERMENT ACT OF 2011".

Short Title: Colorado Taxpayer Empowerment Act 2011

Sponsors: CARROLL / FERRANDINO

The bill enacts the "Colorado Taxpayer Empowerment Act of 2011". Current law makes state procurement information available to the public. Section 2 of the bill requires each contract entered into by a governmental body under the state "Procurement Code" to contain a provision reflecting this current law and specifies that, with the exception of records exempt from inspection under the "Colorado Open Records Act", upon request, records relating to the costs of or any performance measures under the contract are available to the contracting governmental body, the president of the senate, the speaker of the house of representatives, the minority leaders of the senate and house of representatives, and legislative oversight committees of the general assembly. Authorizes the executive director of the department of personnel and administration to promulgate rules for the administration of the provisions enacted in the bill.

Status

01/12/2011 Introduced In Senate - Assigned to Finance

02/10/2011 Senate Committee on Finance Refer Amended to Senate Committee of the Whole

02/15/2011 Senate Second Reading Laid Over Daily

02/21/2011 Senate Second Reading Passed with Amendments

02/22/2011 Senate Third Reading Passed

02/25/2011 Introduced In House - Assigned to Finance

Amendment

Senate Journal, February 11

After consideration on the merits, the Committee recommends that SB11-025 be amended

as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 10, strike "(a)".

Page 2, strike lines 11 through 20.

Page 3, strike lines 1 through 5 and substitute "BODY PURSUANT

TO THIS
CODE SHALL SPECIFY THAT THE CONTRACT AND PERFORMANCE MEASURES
AND STANDARDS UNDER ARTICLE 103.5 OF THIS TITLE ARE OPEN TO
INSPECTION BY THE PUBLIC AS PROVIDED IN SECTIONS 24-72-203 AND
24-72-204." .

Fiscal Notes Status: Fiscal impact for this bill

[Fiscal Note](#)

BILL [SB11-035](#)

CONCERNING A PROHIBITION ON TRANSFERS TO THE STATE GENERAL FUND
FROM CASH FUNDS THAT HAVE REVENUE RELATED TO THE SEVERANCE OF
MINERALS IN THE STATE.

Short Title: Prohibit Sev Related Revenue To Gen Fund

Sponsors: ROBERTS / CORAM

The bill prohibits transfers to the general fund from the:

- * Higher education federal mineral lease revenues fund;
- * Higher education maintenance and reserve fund;
- * Local government permanent fund;
- * Local government mineral impact fund; and
- * Local government severance tax fund. In addition, the governor is prohibited from restricting the moneys in each of these funds from being used as required by law for the purpose of saving the restricted moneys for a future transfer to the general fund.

Status

01/12/2011 Introduced In Senate - Assigned to State, Veterans & Military Affairs

02/07/2011 Senate Committee on State, Veterans & Military Affairs Postpone Indefinitely

Fiscal Notes Status: Fiscal impact for this bill

[Fiscal Note](#)

BILL [SB11-041](#)

CONCERNING THE CREATION OF EFFICIENCIES IN STATE EXECUTIVE DEPARTMENTS.

Short Title: Efficiencies In State Executive Depts

Sponsors: KOPP

The bill requires the legislative audit committee to appoint a task force (task force) to review executive branch departments and make recommendations related to the executive branch departments' programs in order to identify redundancies, abuse, fraud, and cost savings and to specify other efficiency measures. The task force must report to the legislative audit committee by August 6, 2012, and the legislative audit committee must then recommend to the general assembly such legislation regarding the findings and recommendations of the task force as may be necessary. The bill also addresses the circumstances under which staff assistance will be available for the task force.

Status

01/14/2011 Introduced In Senate - Assigned to Finance

01/14/2011 Introduced In Senate - Assigned to Finance + Legislative Council

02/03/2011 Senate Committee on Finance Refer Unamended to Legislative Council

Fiscal Notes Status: Fiscal impact for this bill

[Fiscal Note](#)

BILL [SB11-076](#)

CONCERNING THE CONTINUATION OF A TEMPORARY MODIFICATION TO THE CONTRIBUTION RATES FOR CERTAIN DIVISIONS OF THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION.

Short Title: PERA Contribution Rates

Sponsors: STEADMAN / BECKER

The employer and member contribution rates for the public employees' retirement association (PERA) are specified in statute. For the 2010-11 state fiscal year, the general assembly decreased the employer contribution rate for employers in the state and judicial divisions of PERA by 2.5% and increased the member contribution rate for employees in the state and judicial divisions of PERA by 2.5%. The bill extends these changes to the employer and member contribution rates for the 2011-12 state fiscal year. For the 2011-12 state fiscal year, the contribution rates will remain changed as follows:

* For the state division, except state troopers, the employer contribution rate is decreased from 10.15% to 7.65% of salary and the member contribution is increased from 8% to 10.5% of salary.

* For state troopers, the employer contribution rate is decreased from 12.85% to 10.35% of salary and the member contribution rate is increased from 10% to 12.5% of salary.
* For the judicial division, the employer contribution rate is decreased from 13.66% to 11.16% of salary and the member contribution rate is increased from 8% to 10.5% of salary. The bill does not impact the employer or member contribution rates for any of the other divisions of PERA.

Status

01/24/2011 Introduced In Senate - Assigned to Finance
01/24/2011 Introduced In Senate - Assigned to Finance + Appropriations
01/27/2011 Senate Committee on Finance Witness Testimony and/or Committee Discussion Only
02/03/2011 Senate Committee on Finance Refer Unamended to Appropriations
02/04/2011 Senate Committee on Appropriations Refer Unamended to Senate Committee of the Whole
02/04/2011 Senate Second Reading Special Order - Passed
02/07/2011 Senate Third Reading Passed
02/09/2011 Introduced In House - Assigned to Finance

Fiscal Notes Status: Fiscal impact for this bill

[Fiscal Note](#)

BILL [SB11-090](#)

CONCERNING THE CONTINUATION OF THE ISSUANCE OF PERMITS FOR WEATHER MODIFICATION OPERATIONS, AND, IN CONNECTION THEREWITH, IMPLEMENTING A SUNSET REVIEW RECOMMENDATION OF THE DEPARTMENT OF REGULATORY AGENCIES AND CONTINUING INDEFINITELY THE "WEATHER MODIFICATION ACT OF 1972".

Short Title: Sunset Weather Modification Act Of 1972

Sponsors: SCHWARTZ / BAUMGARDNER

Sunset Process - Senate Agriculture and Natural Resources Committee. The bill implements the recommendations made by the department of regulatory agencies (DORA) in DORA's 2010 sunset review of the "Weather Modification Act of 1972". Sections 1, 2, and 3 of the bill extend weather modification permitting by the executive director of the department of natural resources (executive director) until September 1, 2020. Section 4 requires the executive director to adopt rules by June 30, 2012.

Status

01/31/2011 Introduced In Senate - Assigned to Agriculture and Natural Resources

01/31/2011 Introduced In Senate - Assigned to Agriculture and Natural Resources + Appropriations
02/17/2011 Senate Committee on Agriculture and Natural Resources Refer Amended to Appropriations
02/25/2011 Senate Committee on Appropriations Refer Unamended to Senate Committee of the Whole
03/01/2011 Senate Second Reading Laid Over Daily
03/04/2011 Senate Second Reading Laid Over to 03/11/2011
03/11/2011 Senate Second Reading Passed with Amendments
03/14/2011 Senate Third Reading Passed

Fiscal Notes Status: Fiscal impact for this bill

[Fiscal Note](#)

BILL [SB11-118](#)

CONCERNING AN ADDITIONAL REVIEW OF RULES PROMULGATED PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT" BY COMMITTEES OF REFERENCE OF THE GENERAL ASSEMBLY.

Short Title: Committee Of Reference Review Of Rules

Sponsors: SCHEFFEL

The bill creates an additional rule review process for rules adopted on or after November 1, 2010, that are determined by the staff of the committee on legal services (the office of legislative legal services) to be related to legislation enacted during any legislative session, regular or special, commencing on or after January 1, 2010. The rules are to be reviewed by a committee of reference of the general assembly. The legislative council staff determines what committee of reference appears to be the most appropriate based on the principal departments assigned to each committee of reference as specified in legislative rule. The committees of reference must review all assigned rules no later than the 45th day of the legislative session. Each committee of reference may establish its own procedures for the review, but the bill sets forth minimum requirements for at least one public meeting. The bill allows the committees of reference to disapprove a rule for any reason, but provides the committees of reference some minimum considerations. The bill requires that the committees of reference recommend to the general assembly a bill regarding the committee's determinations related to the expiration or postponement of the expiration of rules assigned to and reviewed by the committee of reference. The bill also requires the posting of a completed cost-benefit analysis on the official web sites of the agencies completing the cost-benefit analysis and the official web site of the department of regulatory agencies.

Status

01/31/2011 Introduced In Senate - Assigned to State, Veterans & Military Affairs
02/15/2011 Senate Committee on State, Veterans & Military Affairs Postpone Indefinitely

Fiscal Notes Status: Fiscal impact for this bill

[Fiscal Note](#)

BILL [SB11-121](#)

CONCERNING THE ALLOCATION OF THE STATE SHARE OF SEVERANCE TAX REVENUES.

Short Title: Distrib State Share Sev Tax Revenues

Sponsors: LUNDBERG / JOSHI

The bill changes the allocation of the state share of severance tax revenues by limiting the amount of the transfer to the state severance tax trust fund commencing July 1, 2011, and each state fiscal year thereafter, to \$100 million as adjusted annually for inflation after the 2011-12 state fiscal year. The remainder of the state share after the transfer to the state severance tax trust fund will be distributed 50% to the state general fund, 25% to the property tax relief cash fund created in the bill, and 25% to the perpetual base account of the state severance tax trust fund.

Status

01/31/2011 Introduced In Senate - Assigned to State, Veterans & Military Affairs
02/14/2011 Senate Committee on State, Veterans & Military Affairs Postpone Indefinitely

Fiscal Notes Status: Fiscal impact for this bill

[Fiscal Note](#)

BILL [SB11-147](#)

CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES.

Short Title: Suppl Approp Dept Of Natural Resources

Sponsors: HODGE / GEROU

Supplemental appropriations are made to the department of natural resources.

Status

02/07/2011 Introduced In Senate - Assigned to Appropriations
02/09/2011 Senate Committee on Appropriations Refer Unamended to Senate Committee of the Whole
02/11/2011 Senate Second Reading Passed
02/14/2011 Senate Third Reading Passed
02/14/2011 Introduced In House - Assigned to Appropriations
02/15/2011 House Committee on Appropriations Refer Unamended to House Committee of the Whole
02/16/2011 House Second Reading Special Order - Passed
02/17/2011 House Third Reading Passed
02/23/2011 Signed by the President of the Senate
02/25/2011 Signed by the Speaker of the House
02/28/2011 Sent to the Governor
03/09/2011 Governor Action - Signed

Fiscal Notes Status: Fiscal note currently unavailable

BILL [SB11-164](#)

CONCERNING THE AUGMENTATION OF THE GENERAL FUND THROUGH TRANSFERS OF CERTAIN MONEYS.

Short Title: Cash Fund Transfers For FY 2010-11

Sponsors: HODGE / GEROU

2010-11 budget balancing bill. For the purpose of augmenting the amount of revenues in the state general fund for the 2010-11 state fiscal year, on June 30, 2011, the bill requires the state treasurer to make the following new or additional transfers to the general fund:

- * \$10,000,000 from the major medical insurance fund;
- * \$672,725 from the drug offender treatment fund;
- * \$2,853,383 from the contingency reserve fund;
- * \$2,500,000 from the Colorado travel and tourism promotion fund;
- * \$2,000,000 from the supplemental old age pension health and medical care fund;
- * \$4,800,000 from the local government permanent fund;
- * \$15,000,000 from the local government mineral impact fund;
- * \$200,000 from the Colorado domestic abuse program fund;
- * \$5,000,000 from the perpetual base account of the severance tax trust fund; and
- * \$60,000,000 from the local government severance tax fund.

Status

02/07/2011 Introduced In Senate - Assigned to Appropriations
02/09/2011 Senate Committee on Appropriations Refer Unamended to Senate Committee of the Whole

02/11/2011 Senate Second Reading Passed with Amendments
02/14/2011 Senate Third Reading Passed
02/14/2011 Introduced In House - Assigned to Appropriations
02/15/2011 House Committee on Appropriations Refer Unamended to House Committee of the Whole
02/15/2011 House Committee on Appropriations Lay Over Unamended - Amendment(s) Failed
02/16/2011 House Second Reading Special Order - Passed with Amendments
02/17/2011 House Third Reading Passed
02/21/2011 Senate Considered House Amendments - Result was to Not Concur - Request Conference Committee
02/28/2011 First Conference Committee Result was to Adopt Rerevised w/ Amendments
03/03/2011 House Consideration of First Conference Committee Report result was to Adopt Committee Report - Repass
03/04/2011 Senate Consideration of First Conference Committee Report result was to Adopt Committee Report - Repass
03/09/2011 Signed by the President of the Senate
03/10/2011 Signed by the Speaker of the House
03/10/2011 Sent to the Governor

Amendment

Senate Journal, February 11

SB11-164 by Senator(s) Hodge, Steadman, Lambert; also
Representative(s) Gerou, Becker,
Ferrandino--Concerning the augmentation of the general fund
through transfers of certain
moneys.

Amendment No. 1(L.001), by Senator Morse.

Amend printed bill, page 3, after line 8 insert:

"SECTION 4. 24-21-104 (3) (d), Colorado Revised Statutes, is
amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:
24-21-104. Fees of secretary of state - repeal.
(3) (d) (XVI) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) OF
THIS SUBSECTION (3) TO THE CONTRARY, ON THE EFFECTIVE DATE OF
THIS
SUBPARAGRAPH (XVI), THE STATE TREASURER SHALL DEDUCT FOUR
MILLION DOLLARS FROM THE DEPARTMENT OF STATE CASH FUND AND
TRANSFER SUCH SUM TO THE GENERAL FUND.".

Renumber succeeding sections accordingly.

Senate Journal, February 11

SB11-164 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning the augmentation of the general fund through transfers of certain moneys.

Senators Kopp and Cadman moved to amend the Report of the Committee of the Whole to show that the following Morse floor amendment, (L.001) to SB 11-164, did not pass.

Amend printed bill, page 3, after line 8 insert:

"SECTION 4. 24-21-104 (3) (d), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:
24-21-104. Fees of secretary of state - repeal. (3) (d) (XVI) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) OF THIS SUBSECTION (3) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (XVI), THE STATE TREASURER SHALL DEDUCT FOUR MILLION DOLLARS FROM THE DEPARTMENT OF STATE CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.".

Renumber succeeding sections accordingly.

House Journal, February 16

6 Amendment No. 1, by Representative(s) Gerou.

7

8 Amend reengrossed bill, page 3, strike lines 9 through 16.

9

10 Renumber succeeding sections accordingly.

11

12 As amended, ordered revised and placed on the Calendar for Third

13 Reading and Final Passage.

14

House Journal, February 16

28 Amend reengrossed bill, page 6, line 1, strike "SIXTEEN" and substitute

29 "TWELVE".

30

31 The amendment was declared lost by the following roll call
vote:

32

Fiscal Notes Status: Fiscal impact for this bill

[Fiscal Note](#)

BILL [SB11-167](#)

CONCERNING THE CREATION OF EFFICIENCIES IN THE STATE REGULATORY
SYSTEM.

Short Title: Efficiencies In State Regulatory System

Sponsors: KOPP

The bill requires the committee on legal services to appoint a task force (COLS task force) to review the state's regulatory system and make recommendations related to whether:

- * The current system creates a regulatory advantage to one segment of an industry at the expense of another;
- * The existing availability of cost benefit analysis needs strengthening in order to produce meaningful measures of adverse impacts on consumers and private industry;
- * The enforcement practices of the current system, if any, create perverse incentives for unreasonably punitive fines and penalties on private parties;
- * Economic conditions merit a downsizing of the regulatory body with resulting reduction of financial compliance costs;
- * A particular regulated industry is regulated in an outmoded form of regulation that is no longer advisable;
- * Currently regulated industries are regulated by other means;
- * Continued regulation of the regulated industry is justified;
- * The current system regulates fewer businesses than it did in a previous state fiscal year; and
- * Compliance costs could be reduced or eliminated at no risk to the public welfare or environment and at no risk of creating or protecting a monopoly. The COLS task force must report to the committee on legal services by August 6, 2012, and the committee on legal services must then recommend to the general assembly such legislation regarding the findings and recommendations of the COLS task force as may be necessary. The bill also addresses the circumstances under which staff assistance will be available for the COLS task force.

Status

02/09/2011 Introduced In Senate - Assigned to Business, Labor and Technology

Fiscal Notes Status: Fiscal impact for this bill

[Fiscal Note](#)

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 11-0849.01 Thomas Morris

HOUSE BILL 11-1274

HOUSE SPONSORSHIP

Sonnenberg,

SENATE SPONSORSHIP

Schwartz,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE FUNDING OF COLORADO WATER CONSERVATION**
102 **BOARD PROJECTS, AND MAKING APPROPRIATIONS IN**
103 **CONNECTION THEREWITH.**

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://www.leg.state.co.us/billsummaries>.)

The bill appropriates the following amounts from the Colorado water conservation board construction fund for the following projects:

! \$300,000 for continuation of the satellite monitoring system maintenance;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

- ! \$175,000 for continuation of the weather modification program;
- ! \$500,000 for continuation of the Colorado flood plain map modernization program;
- ! \$250,000 for continuation of the watershed restoration program;
- ! \$300,000 to restore the flood response fund balance;
- ! \$200,000 for a water conservation data tracking project;
- ! \$500,000 to begin implementation of the Arkansas river decision support system;
- ! \$700,000 to restore the litigation fund cash balance; and
- ! \$12 million for the second installment of the purchase of Colorado's allotment of Animas-La Plata project water.

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

2 **SECTION 1. Continuation of the satellite monitoring system**

3 **maintenance - appropriation.** (1) In addition to any other
4 appropriation, there is hereby appropriated, out of any moneys in the
5 Colorado water conservation board construction fund not otherwise
6 appropriated, to the department of natural resources, for allocation to the
7 division of water resources, for the fiscal year beginning July 1, 2011, the
8 sum of three hundred thousand dollars (\$300,000), or so much thereof as
9 may be necessary, for renovation of existing gauging stations,
10 replacement of outdated collection platforms and upgrading of
11 transmission components of the satellite monitoring system established
12 and operated pursuant to section 37-80-102 (10), Colorado Revised
13 Statutes, stream gauge flood hardening projects, and data collection
14 efforts related to flood forecasting and warning.

15 (2) The moneys appropriated in subsection (1) of this section
16 remain available for the designated purposes until they are fully
17 expended.

18 **SECTION 2. Continuation of the weather modification**

1 **program - appropriation.** (1) In addition to any other appropriation,
2 there is hereby appropriated, out of any moneys in the Colorado water
3 conservation board construction fund not otherwise appropriated, to the
4 department of natural resources, for allocation to the Colorado water
5 conservation board, for the fiscal year beginning July 1, 2011, the sum of
6 one hundred seventy-five thousand dollars (\$175,000), or so much thereof
7 as may be necessary, for the board to continue to assist water
8 conservation districts, water conservancy districts, and other water
9 providers with the development of cloud seeding programs that provide
10 benefits to recreation, streams, and reservoirs through snow pack
11 enhancement.

12 (2) The moneys appropriated in subsection (1) of this section
13 remain available for the designated purposes until they are fully
14 expended.

15 **SECTION 3. Continuation of the Colorado flood plain map**
16 **modernization program - appropriation.** (1) In addition to any other
17 appropriation, there is hereby appropriated, out of any moneys in the
18 Colorado water conservation board construction fund not otherwise
19 appropriated, to the department of natural resources, for allocation to the
20 Colorado water conservation board, for the fiscal year beginning July 1,
21 2011, the sum of five hundred thousand dollars (\$500,000), or so much
22 thereof as may be necessary in order to restore the unencumbered balance
23 in the fund to five hundred thousand dollars (\$500,000), for the board to
24 continue to assist with the preparation of revised and improved flood
25 plain studies and maps for communities throughout Colorado and to
26 participate in federally sponsored flood plain map modernization
27 activities.

1 (2) The moneys appropriated in subsection (1) of this section
2 remain available for the designated purposes until the project is
3 completed.

4 **SECTION 4. Continuation of the watershed restoration**
5 **program - appropriation.** (1) In addition to any other appropriation,
6 there is hereby appropriated, out of any moneys in the Colorado water
7 conservation board construction fund not otherwise appropriated, to the
8 department of natural resources, for allocation to the Colorado water
9 conservation board, for the fiscal year beginning July 1, 2011, the sum of
10 two hundred fifty thousand dollars (\$250,000), or so much thereof as may
11 be necessary, for the board to continue to provide planning and
12 engineering studies, including implementation measures, to address
13 technical needs for watershed restoration and flood mitigation projects
14 throughout the state.

15 (2) The moneys appropriated in subsection (1) of this section
16 remain available for the designated purposes until they are fully
17 expended.

18 **SECTION 5. Restoration of the flood response fund balance.**
19 (1) The state treasurer shall transfer a total of three hundred thousand
20 dollars (\$300,000), or so much thereof as may be necessary, from the
21 unreserved cash in the Colorado water conservation board construction
22 fund to the flood response fund created in section 37-60-123.2, Colorado
23 Revised Statutes, in order to restore the unencumbered balance in the
24 flood response fund to three hundred thousand dollars (\$300,000).

25 (2) The moneys appropriated in subsection (1) of this section
26 remain available for the designated purposes until they are fully
27 expended.

1 **SECTION 6. Water conservation data tracking project -**

2 **appropriation.** (1) In addition to any other appropriation, there is
3 hereby appropriated, out of any moneys in the Colorado water
4 conservation board construction fund not otherwise appropriated, to the
5 department of natural resources, for allocation to the Colorado water
6 conservation board, for the fiscal year beginning July 1, 2011, the sum of
7 two hundred thousand dollars (\$200,000), or so much thereof as may be
8 necessary, for the board to create comprehensive database tools to track
9 demands, including the identification of conservation potential and the
10 costs and benefits of water conservation, and allowing water use and
11 water conservation data sets and forecasting models to be preserved over
12 time.

13 (2) The moneys appropriated in subsection (1) of this section
14 remain available for the designated purposes until they are fully
15 expended.

16 **SECTION 7. Arkansas river decision support system -**

17 **appropriation.** (1) In addition to any other appropriation, there is
18 hereby appropriated, out of any moneys in the Colorado water
19 conservation board construction fund not otherwise appropriated, to the
20 department of natural resources, for allocation to the Colorado water
21 conservation board, for the fiscal year beginning July 1, 2011, the sum of
22 five hundred thousand dollars (\$500,000), or so much thereof as may be
23 necessary, for the board to begin implementation of the Arkansas River
24 Decision Support System (ArkDSS) as identified in the ArkDSS
25 Feasibility Study, which is part of the overall Colorado Decision Support
26 System. Initial implementation of the ArkDSS will include irrigated
27 acreage mapping, parcel delineation, surface and groundwater data

1 collection, and additional modeling.

2 (2) The moneys appropriated in subsection (1) of this section
3 remain available for the designated purposes until they are fully
4 expended.

5 **SECTION 8. Restoration of litigation fund cash balance.**

6 (1) The state treasurer shall transfer a total of seven hundred thousand
7 dollars (\$700,000), or so much thereof as may be necessary, from the
8 unreserved cash in the Colorado water conservation board construction
9 fund to the litigation fund created in section 37-60-121 (2.5), Colorado
10 Revised Statutes.

11 (2) The moneys appropriated in subsection (1) of this section
12 remain available for the designated purposes until they are fully
13 expended.

14 **SECTION 9. Purchase of Colorado's allotment of Animas-La**
15 **Plata project water - appropriation.** (1) In addition to any other

16 appropriation, there is hereby appropriated, out of any moneys in the
17 Colorado water conservation board construction fund not otherwise
18 appropriated, to the department of natural resources, for allocation to the
19 Colorado water conservation board, for the fiscal year beginning July 1,
20 2011, the sum of twelve million dollars (\$12,000,000), or so much thereof
21 as may be necessary, for the purchase of all or a portion of Colorado's
22 allotment of Animas-La Plata project water pursuant to section 39-29-109
23 (2) (a) (VIII) (B), Colorado Revised Statutes. This would be the second
24 \$12,000,000 installment of the \$36,000,000 authorized under House Bill
25 10-1250, enacted in 2010, for the purchase of all or a portion of
26 Colorado's allotment of Animas-La Plata project water.

27 (2) The moneys appropriated in subsection (1) of this section

1 remain available for the designated purposes until they are fully expended
2 or until June 30, 2015, whichever comes first.

3 **SECTION 10. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.