

Colorado Climate Network

supporting local programs

2011 Legislation Status – Colorado General Assembly March 15, 2011

The [Steering Committee](#) of the [Colorado Climate Network](#), based on input from local climate program leaders, has adopted among its 2011 priorities the tracking and reporting of legislation under consideration by the Colorado General Assembly. As a means to gauge the relevance to local climate programs of laws being considered by the General Assembly, the Steering Committee has established a state policy agenda, summarized as follows:

- Establish mechanisms that enable the state to achieve goals for reduction of emissions of heat-trapping pollutants (20% reduction of heat-trapping emissions by 2020 and 80% by 2050, compared to 2005 levels).
- Make access to clean energy a priority strategy in promoting the vitality of state and local economies.
- Capitalize on the near-term cost savings and emissions reductions that can be realized through well-designed energy efficiency policies.
- Support the development of an efficient and integrated statewide transportation system.
- Take advantage of opportunities to reduce emissions by adopting promoting statewide waste reduction and diversion strategies.
- Prepare for the changes that are coming through state-level adaptation planning.
- Enable state agencies to offer technical assistance and funding sources that local governments can access to support climate action programs.

Following is an assessment by the [Rocky Mountain Climate Organization](#) (RMCO) of bills that are related to CCN's state policy agenda items, organized under each of the policy agenda items. **Highest priority bills in each category are highlighted in bold face.** Among the criteria RMCO uses to assess the relevance of proposed laws to climate action are the provisions of the [Colorado Climate Action Plan](#) announced by Gov. Ritter in November 2007 or the [recommendations](#) made in October 2007 by the Climate Action Panel convened by RMCO. The Colorado General Assembly's [website](#) has additional information about the content and status of legislation under consideration during the 2011 session (and prior sessions) of the state legislature. Bills overlaid with an X in the Status column have been killed.

Bill	Description	Status	Priority/Comments
Access to Clean Energy Sources			
SB 11-071: Rollback of Renewable Energy Standard Prime sponsors: Sen. Shawn Mitchell, R-Broomfield	Rolls back state Renewable Energy Standards (RES) to 2004 levels, those of citizen-initiated Amendment 37 (10% renewable energy sources for investor-owned utilities only). Current standard, last amended by HB 10-1001 in 2010, is 30% for investor owned utilities and 10% for rural electric cooperatives and municipal utilities.	Feb. 9 – KILLED in Senate State, Veterans, and Military Affairs Committee	HIGH PRIORITY RMCO is opposing this bill. It would run counter to RMCO's Climate Action Panel recommendation ES-2, which calls for 30% RES for investor-owned utilities and 15%

Bill	Description	Status	Priority/Comments
<p>SB 11-045: Streamlining electricity transmission line approval process</p> <p>Sponsors: Johnston, Levy</p>	<p>Proposes that siting authority for specified electric transmission facilities can be acquired by getting approval of the PUC and a newly created siting commission (consisting of 3 utility regulators, 3 representatives of local governments affected by the particular application, and one representative of the public) rather than from each county and municipality in which the facility is located.</p>	<p>Feb. 24 – amended in Sen. Agriculture and Natural Resources Committee to form a task force that would make recommendations by 12/1/11 on needs for streamlining transmission facility-siting processes and whether a statewide facility-siting panel is needed.</p> <p>Mar. 14 – passed Senate 24-8-2-1. Pending action in House</p>	<p>RES for rural electric cooperatives and municipal utilities.</p> <p>Not addressed in either State plan or CAP recommendations</p>
<p>SB 11-058: Repeal PUC requirements to consider renewable technologies in utility generation facilities approvals</p> <p>Sponsor: Renfro</p>	<p>Repeals recent directives requiring the PUC to give special consideration to a number of factors and specific technologies when considering applications by electric utilities for approval of investments in generation facilities and restates the priority of minimizing costs to ratepayers and directs the PUC to adopt rules reflecting the legal standards that prevailed under prior law.</p>	<p>Feb. 7 - KILLED in Sen. State, Veterans and Military Affairs Committee</p>	<p>Would discourage PUC from considering renewable energy technologies when considering utility generation plans.</p>
<p>HB 11-1083: Requiring PUC to consider new hydroelectricity projects technologies in utility generation facilities approvals,</p> <p>Sponsors: Swerdfeger/Giron & Grantham</p>	<p>Adds hydroelectricity and pumped hydroelectricity to the list of technologies that the PUC may give the fullest possible consideration when considering generation acquisitions for electric utilities.</p>	<p>Feb. 25 - passed House 65-0. On Senate 3rd reading calendar Mar. 15</p>	<p>Consistent with State plan renewable energy provisions and with CAP Recommendation ES-11 calling for hydropower development.</p>
<p>HB 11-1240: Restricting PUC consideration of federal carbon pricing when analyzing utility energy supply plans</p> <p>Sponsors: Swalm/Cadman</p>	<p>Prevents PUC, when analyzing utility company energy supply proposals, from taking into account costs of federal carbon price legislation until such federal law is adopted,</p>	<p>Feb. 24 – KILLED in House Health and Environment Committee</p>	<p>Would discourage PUC from considering renewable energy technologies when analyzing utility electric supply plans.</p>
<p>HB 11-1255: Creating alternative energy parks through Colorado Economic Development Commission and providing financing incentives</p> <p>Sponsors: DelGrosso/Schwartz</p>	<p>Authorizes local governments to apply to Colorado Economic Development Commission for approval to create alternative energy parks, a type of enterprise zone, and allows incentives such as tax increment funding, bonding, sales tax exemptions for equipment, and property and sales tax incentives for taxpayers who invest in the parks.</p>	<p>Mar. 24 – hearing in House Finance Committee</p>	<p>Consistent with State plan and CAP recommendations for alternative energy development.</p>
Investing in Energy Efficiency			
<p>HB 11-1271: Rescinds any electric utility's existing residential summer tiered rate structures</p>	<p>Would rescind by June 1, 2011, any electric utility's (e.g., Xcel Energy started one in 2010) residential summertime tiered rate structure</p>	<p>Assigned to House Transportation Committee</p>	<p>HIGH PRIORITY</p> <p>RMCO is opposing this bill. While tiered block rates are not addressed in the State</p>

Bill	Description	Status	Priority/Comments
<p>Prime sponsors: Rep. Ray Scott, R-Grand Jct.; Sen. Cheri Jahn, D- Jefferson County</p>			<p>plan, the CAP found tiered rates have the potential to yield significant reductions in energy demand and two CAP Recommendations (RCI-5 and RCI-11) called for two different versions of year-round tiered rate structures by all electric utilities.</p>
<p>SB 11-030: Requirement that energy utilities disclose costs associated with customers' utility bills</p> <p>Sponsors: Renfroe/DelGrosso</p>	<p>Requires investor-owned gas and electric utilities to include new information in customer billing communications, namely disclosing four times a year: types of fuels used to generate electricity, the percentage of electricity attributable to each, load profile for each, all costs associated with the bills they pay for energy and how much each energy source affects their total bill. Also requires disclosure of gas and electric transmission network costs.</p>	<p>Feb. 10 – KILLED in Senate Agriculture and Natural Resources Committee</p>	<p>Somewhat related to energy efficiency goals in the State plan and the CAP recommendations.</p>
<p>SB 11-032: On-bill financing for consumer clean energy improvements</p> <p>Sponsor: Johnston</p>	<p>Requires PUC to promulgate rules to establish an on-bill clean energy improvement financing program under which PUC-regulated public utilities front the costs for energy-efficiency upgrades for residential property, and customers pay back the cost to the utility on their utility bills (through higher temporary rates or surcharges).</p>	<p>Action delayed in Senate Agriculture and Natural Resources Committee</p>	<p>Consistent with energy efficiency goals in the State plan and the CAP recommendations.</p>
<p>SB 11-130: Commercial building energy performance ratings</p> <p>Sponsors: Johnston/Renfroe</p>	<p>Requires customer-owned and investor-owned utilities serving more than 40,000 customers to maintain energy consumption data for commercial properties, to set up a reporting system in cooperation with EPA, and for commercial property owners to disclose energy performance ratings at time of sale or lease.</p>	<p>Action delayed in Senate Agriculture and Natural Resources Committee</p>	<p>Consistent with energy efficiency goals in the State plan and the CAP recommendations.</p>
<p>SB 11-131: Implementing statewide smart grid task force recommendations</p> <p>Sponsors: S. Williams/Solano</p>	<p>Directs Division of Employment and Training, GEO, and Office of Economic Development to develop several smart grid enabling programs and directs PUC to develop rules regarding a statewide system.</p>	<p>Mar. 17 – hearing in Senate Agriculture and Natural Resources Committee</p>	<p>Consistent with energy efficiency goals in the State plan and the CAP recommendation RCI-7 regarding smart metering for all residential and commercial utility customers.</p>
<p>HB 11-1047: Inclusion of commercial buildings in the Colorado New Energy Improvement District</p> <p>Sponsors: Jones/Schwartz</p>	<p>Expands the scope of the Colorado New Energy Improvement District pursuant to the "New Energy Jobs Creation Act of 2010" by making commercial buildings, including buildings owned or used by nonprofit entities, eligible to be included in the district and making appropriate conforming amendments.</p>	<p>Jan. 31 - KILLED in House Local Government Committee</p>	<p>Consistent with energy efficiency goals in the State plan and the CAP recommendations.</p>
<p>HB 11-1103: Tax incentives for distributed electrical generation wind turbine systems.</p> <p>Sponsors: Kerr</p>	<p>Creates a sales and use tax exemption for sales, storage, and use of distributed wind turbines; creates a 30% income tax credit for a taxpayer's installation costs; creates a business 40 % investment tax credit; exempts wind turbine manufacturers with net job growth of 100 or more new jobs in the state during 2011 from the income tax withholding requirement for 3 calendar years.</p>	<p>Feb. 25 – KILLED in House Finance Committee</p>	<p>Consistent with energy efficiency goals in the State plan and the CAP recommendations.</p>
<p>HB 11-1132: On-bill financing of energy efficiency improvements to residential real property.</p>	<p>Authorizes a public utility that sells natural gas or electricity to enter into residential property on-bill financing arrangement whereby the utility finances and completes one or more energy efficiency improvements and imposes a meter conservation</p>	<p>Mar. 9 – KILLED in House Transportation Committee</p>	<p>Consistent with energy efficiency goals in the State plan and the CAP recommendations.</p>

Bill	Description	Status	Priority/Comments
Becker, R-Fort Morgan	safety project to exclude any project that involves the construction, reconstruction, or maintenance of bikeways or dedicated bicycle lanes and repeals dedication of \$5 million per year of FASTER revenues for grants to local governments for local transit projects	X	priority to reducing emissions by reducing the growth of vehicle miles traveled and making investments in mass transit.
<p>HB 11-1084: Reducing fee for late registration of a vehicle</p> <p>Prime sponsors: Rep. Randy Baumgardner, R-Hot Sulphur Springs; Sen. Kevin Grantham, R-Ordway</p>	Reduces fees for late registration of vehicles and takes that revenue from FASTER legislation funding, including of public transit and bikeway projects.	<p>Feb. 3 – passed House Transportation Committee</p> <p>Feb. 24 – passed House 40-23-2</p> <p>Pending action in Senate State, Veterans and Military Affairs Committee</p>	<p>HIGH PRIORITY</p> <p>RMCO is opposing this bill. Both the State plan and CAP recommendations give high priority to reducing emissions by reducing the growth of vehicle miles traveled and making investments in mass transit.</p>
<p>HB 11-1046: Giving CDOT sole authority to do transportation planning for areas of the state that are outside of the jurisdiction of metropolitan planning organizations</p> <p>Sponsors:</p>	Gives CDOT and the state transportation commission responsibility for developing, maintaining, coordinating and overseeing the state transportation planning process and the state transportation plan with respect to areas outside the jurisdiction of Metropolitan Planning Organizations. Displaces local government jurisdiction.	X	Not addressed in State plan and related to CAP recommendation calling for smart growth transportation and land use planning.
<p>HB 11-1092: Procedures to be followed by local authorities when closing certain routes to bicycle traffic</p> <p>Sponsors: Kerr/Brophy</p>	Specifies that a local authority may not prohibit the operation of bicycles or electrically assisted bicycles on a street or highway unless a suitable bike path, horseback trail, or other trail is available within a specified distance for use as an alternate route and an engineering and traffic investigation has been done to determine whether the operation of such vehicles is incompatible with the normal and safe movement of traffic	X	Not addressed in State plan and related to CAP recommendation calling for smart growth transportation and land use planning.
<p>HB 11-1210: Requires CDOT to make recommendations to General Assembly regarding mobility improvements in the I-70 mountain corridor</p> <p>Sponsors: Hamner/Nicholson</p>	Requires CDOT to consult with local governments and businesses and then make prioritized recommendations on mobility improvements in the I-70 mountain corridor to the transportation committees by 2/15/2012.	Feb. 23 – passed by House 50-14-1, pending hearing in Senate Transportation Committee	Somewhat related to State plan and CAP recommendations to reduce growth in vehicle miles traveled.
<p>HB 11-1275: Creating an engine idling standard for large commercial diesel vehicles</p> <p>Sponsor: Priola</p>	Prohibits engine idling for commercial diesel vehicles for no more than 5 minutes per hour, but grants a wide range of exceptions including overnight parking and rest areas.	Assigned to House Transportation Committee	<p>Not addressed in State plan.</p> <p>CAP recommendation TLU-4 calls for a statewide engine idling standard for heavy-duty vehicles with very few exceptions, such as emergency vehicles.</p>
Waste Reduction and Diversion Strategies			
<p>HB 11-1094: Measurement of solid waste diverted from landfills</p> <p>Sponsors: Hullinghorst/ Aguilar</p>	Requires a city or county with a population of 25,000 or more to annually report to the Department Of Public Health And Environment (CDPHE) the quantity and categories of solid waste that originated in the area served by that city or county	X	Consistent with waste management goals in the State plan and the CAP recommendations.

Bill	Description	Status	Priority/Comments
	and that were diverted or disposed of. Also requires CDPHE to annually report to the solid and hazardous waste commission a synopsis of the information reported by local governments and, by September 1 of each year following the initial year of data collection, make recommendations to the commission regarding opportunities to increase the amount and types of solid waste and other materials diverted from landfills.	X	
<p>HB 11 – 1116: Voter approval for provision of waste services within the boundaries of local government entities.</p> <p>Sponsor: Szabo</p>	Requires local governments to receive voter approval before providing, contracting to provide, or requiring residents of a local government to pay fees for waste services. The ballot is required to contain a description of the service to be provided and the cost of the service and must be submitted at an election at which other matters are being voted upon.	Passed House Local Government Committee, on House 2 nd reading calendar Mar. 15	Somewhat related to waste management goals in the State plan and the CAP recommendations.
<p>HB 11-1244: Recycling electronic devices</p> <p>Sponsors: Fischer/Newell and Schwartz</p>	Requires manufacturers of many consumer electronic products to implement recycling programs in cooperation with CDPHE; and phases in a ban on electronic products in landfills within 5 years of the CDPHE rule adoption.	X	Consistent with waste management goals in the State plan and the CAP recommendations.
<p>HB 11-1247: Establishing beverage container deposit program</p> <p>Sponsors: Pabon/Schwartz</p>	Starts a deposit system for most kinds of beverages, with unclaimed deposits devoted to recycling and K-12 education programs.	X	Not addressed in Governor's plan nor in CAP recommendations, but consistent with waste management goals.
State Adaptation Strategies			
<p>HB 11-090: Extends sunset date for weather modification permitting</p> <p>Sponsors: Schwartz/Baumgardner</p>	Extends authority of executive director of the Department of Natural Resources to permit weather modification activities until 2020.	Mar. 14 - passed Senate 23-9-2-1, pending action in House	Not addressed in State plan or CAP recommendations.
<p>SB 11-110: Requiring certain counties to establish a permit system for open burning of slash from forest treatments</p> <p>Sponsors: Nicholson/Coram</p>	Requires counties with large amounts of forested areas to adopt, if they do not already have one, a permit system with rules for time and place for open burning of slash from forest health treatments.	Feb. 23 – passed Senate 21-13-1, pending action in House Local Government Committee	State plan generally calls for reduction of wildfire hazards Not addressed in CAP recommendations
<p>HB 11-1068: Grants state engineer's authority to approve temporary agricultural water transfer agreements from Lower Arkansas Basin for up to 40 years.</p> <p>Sponsors: Fischer/Giron and Schwartz</p>	Authorizes the state engineer to approve agricultural water transfer agreements from Lower Arkansas Basin to municipal uses 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.	X	Not addressed in State plan, but is consistent with CAP Recommendation on agricultural water transfers.
<p>HB 11-1158: Sales and use tax exemptions for all trees harvested or salvaged in Colorado</p>	Expands current exemption from sales and use tax for harvest of trees killed by mountain pine beetles to spruce pine beetles, and starting in July, 2011, expands the sales and use tax exemption for all trees harvested or salvaged in Colorado,	Feb. 16 – passed House Finance Committee, pending action in Appropriations Committee	Consistent with State plan to encourage energy production from forest health treatment biomass, and with CAP recommendation calling for energy production from forest

Bill	Description	Status	Priority/Comments
<p>HB 11-1274: Annual Colorado Water Conservation Board funding bill, including a water conservation database</p> <p>Sponsors: Sonnenberg/Schwartz</p>	<p>including those used for biomass energy production.</p> <p>Allocates, among other projects, \$200,000 for the Water Conservation Board to create a comprehensive water conservation database to include the conservation potential and the costs and benefits of water conservation methods, and to create water conservation data sets and forecasting models.</p>	<p>Assigned to House Agriculture, Livestock and Natural Resources Committee</p>	<p>health treatments.</p> <p>Not addressed in State plan.</p> <p>CAP recommendation AFW-7 calls for water providers to work with the state and others to encourage state-of-the-art water conservation measures for development and re-development projects</p>
State Technical and Funding Assistance for Local Programs			
<p>SB 11-035: Prohibition of transfers to the state general fund from cash funds that have revenue related to the severance of minerals in the state</p> <p>Sponsors: Roberts/Coram</p>	<p>Prohibits the transfers to the general fund from: 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. Would restore funding to DOLA local government energy and mineral impact grants program.</p>	<p>Feb. 7 – KILLED in Senate State, Veterans and Military Affairs Committee</p>	<p>Somewhat related to State plan and CAP recommendations concerning local government actions. Mineral impact funds are potential sources for local climate programs.</p>
<p>HB 11- 1123: Prohibition of transfers to the state general fund from cash funds that have revenue related to the severance of minerals in the state</p> <p>Sponsors: Coram/Roberts</p>	<p>Identical companion bill to SB 11-035.</p>	<p>Mar. 14 - passed House 39-24-2, pending action in Senate State, Veterans and Military Affairs Committee</p>	<p>Somewhat related to State plan and CAP recommendations concerning local government actions. Mineral impact funds are potential sources for local climate programs.</p>