

## **2013 Legislation Status – Colorado General Assembly Final Report - May 13, 2013**

Following is an assessment by the [Rocky Mountain Climate Organization](#) (RMCO) of bills that were considered during the 2013 session of the Colorado General Assembly. This report serves two purposes:

- 1) To track legislation that would have the effect of either implementing or preventing implementation of the most significant provisions of either the [recommendations](#) made in October 2007 by the Climate Action Panel convened by the [Rocky Mountain Climate Organization](#) or the [Colorado Climate Action Plan](#) announced by Gov. Bill Ritter in November 2007.
- 2) To track legislation that affects the [state policy agenda](#) established by the [Steering Committee](#) of the [Colorado Climate Network](#). The Network itself grew out of the implementation phase of the RMCO panel's recommendations, and the Network policy agenda items are similar in many ways to the categories in the panel recommendations.

This status report is therefore distributed to RMCO partners, Climate Action Panel members, and staff and local officials associated with Colorado Climate Network members. It is divided into categories that are representative of both the Panel's recommendations and the Network's state policy agenda:

- Cross-cutting policies
- Access to clean energy sources
- Investing in energy efficiency
- Statewide transportation system policies
- Waste reduction and diversion policies
- State climate preparedness policies
- State technical and funding assistance for local programs

Among the criteria RMCO uses to assess the importance of proposed laws in advancing climate action are the provisions of the RMCO Climate Action Panel recommendations and the State Plan. Other bills with provisions not addressed in either the CAP recommendations or the State Plan may also be considered high priority if they establish significant state policies that either support or deter progress on climate action. In such cases, RMCO will consult with partners prior to taking a position on the bills.

The Colorado General Assembly's [website](#) has additional information about the content and status of legislation under consideration during the 2013 session (and prior sessions). Bills overlaid with an X in the Status column did not pass.

## Highlights of the 2013 session:

Significant progress was made on passing legislation that implements either the recommendations of the RMCO Climate Action Panel or the State Plan. The primary reason for this was the shift in the House majority to the Democratic Party as a result of the November 2012 elections. Regrettably, climate-change and clean-energy policies have become largely a partisan issue, and Democratic control of both the House and Senate, combined with a Democratic governor, led to favorable consideration of such policies. The most significant bills included an increase in the Renewable Energy Standard for rural electric cooperatives from 10 percent to 20 percent, and creation of a climate position in state government with responsibilities to update the state's climate action plan and to do climate-change preparedness planning.

RMCO tracked 22 bills during the session. Of these, 8 were directly related to either the CAP panel recommendations or the State Plan; 7 of those passed and 1 was withdrawn by the sponsor. Summarized below are the most important bills (from RMCO's view) considered during the session, followed by a table with more detail on the outcome of all 22 bills tracked, including links to the full text of the bills. In the table, high-priority bills in each category are highlighted in bold face.

### Cross-cutting policies:

- Creating a climate change position in state government – passed. [HB 13-1293](#) requires the governor to hire or designate a climate change staff position in the state government to update the state's climate action plan and to collaborate with others in the state on climate-change preparedness planning. The bill also requires annual reports to the General Assembly on emissions reductions, preparedness planning, and the state's vulnerability to climate change. RMCO actively supported this bill with testimony in both the House and Senate committees of reference.

### Access to clean energy sources:

- Raising the renewable energy standard (RES) for rural electric cooperatives – passed. [SB 13-252](#) requires the Tri-State Generation and Transmission Association, the principal electricity supplier for the state's rural electric cooperatives to deliver at least 20 percent of electricity sold to its Colorado customers from renewable energy or other qualified sources (an increase in the RES from 10 percent to 20 percent). The bill also expands the definition of "eligible energy resources" that can be used to meet the RES to include coal mine methane and synthetic gas produced by pyrolysis of municipal solid waste, subject to a determination by the PUC that the production and use of these gases does not cause a net increase in greenhouse gas emissions. RMCO regards coalmine methane control as an important goal, but qualifying its use as a renewable energy credit could undercut utility investments in truly renewable sources. RMCO supported this bill by contacting House members to urge an affirmative vote.

### Statewide transportation system policies:

- Enabling use of local government Highway Users Tax Fund allocations for transit purposes – passed. [SB 13-048](#) authorizes local governments to use their allocations of Highway Users Tax Funds (HUTF) for transit and other alternative transportation uses, similar to prior legislation authorizing the state to do so; no more than 15% of such uses may be for operational

purposes. RMCO worked to develop support for this bill among Colorado Climate Network members prior to and during the legislative session.

**Waste reduction and diversion policies:**

- Increase in landfill tipping fees to support recycling resources grants program – passed. [SB 13-050](#) increases landfill tipping fees to finance Recycling Resources Economic Opportunity grants of the Colorado Department of Public Health and Environment by incrementally increasing the tipping fee that funds these grants from the current rate of \$.07 per cubic yard per load to, by 2016, \$.14 per cubic yard per load; the bill also extends sunset date of authorizing legislation from 2017 to 2026.

**State climate preparedness policies:**

- Authorizing pilot projects for temporary leases of agricultural water for municipal uses – passed. [HB 13-1248](#) authorizes the Colorado Water Conservation Board (CWCB) to administer 3 pilot projects in the lower Arkansas River basin to demonstrate the practice of fallowing agricultural irrigation land and leasing the associated water rights for temporary municipal use.
- Continued funding for CWCB’s Colorado River Water Availability Study (CRWAS) and the Statewide Water Supply Initiative (SWSI) – passed. [SB 13-181](#), the annual CWCB bill to fund specific projects, includes \$75,000 for CRWAS phase II and \$225,000 for SWSI, both of which contain components for analyzing the effects of climate change on water supply.
- Incentivizing use of forest biomass (including beetle-killed timber) for energy production – passed. [SB 13-273](#) includes several measures for the state and local governments to study and encourage use of forest feedstocks in energy generation and authorizes CDPHE’s Air Quality Control Division to study air quality impacts.

Bill	Description	Status	Priority/Comments
<b>Cross-cutting Policies</b>			
<p><a href="#">HB 13-1293</a>: Creating a position by the governor for climate change matters</p> <p>Sponsors: Rep. Paul Rosenthal, D, Denver; Sen. Rollie Heath, D, Boulder</p>	<p>Directs the governor to create a climate change position, whose duties will include development and periodic update of a climate action plan or similar document that sets forth a strategy, including specific policy recommendations, that the state could use to address climate change and reduce its greenhouse gas emissions; collaboration with other entities regarding climate change preparedness studies; and preparation of an annual report to the House and Senate agriculture and natural resources committees on climate change issues generally, the current climate action plan developed under this section, and the specific ways in which</p>	<p>Apr. 19 – passed House 33-20-2</p> <p>May 3 – passed Senate 20-15-0</p> <p>Pending action by Gov. Hickenlooper</p>	<p>RMCO supported this bill and offered testimony in House and Senate committee hearings. Significantly enhances state’s ability to implement CAP recommendation CC-9 which calls for the state to perform a statewide vulnerability assessment and a preparedness plan. Consistent with goals of State plan.</p>

Bill	Description	Status	Priority/Comments
	climate change affects the state.		
<b>Access to Clean Energy Sources</b>			
<p><b>SB 13-252: Raising Renewable Energy Standard for large rural electric associations and transmission/generation associations to 20% by 2020 and conditional qualification of coalmine methane and of pyrolysis of landfill gases as RES sources</b></p> <p><b>Sponsors: Sens. Gail Schwartz, D, Snowmass Village and John Morse, D, Colorado Springs; Reps. Crisanta Durant, D, Denver and Mark Ferrandino, D, Denver</b></p>	<p><b>Raises from 10% to 20% by 2020 the amount of retail electricity sales that must be achieved from renewable and other eligible energy resources by generation and transmission cooperative electric associations that directly provide electricity at wholesale to cooperative electric associations in Colorado that are its members (i.e., Tri-State Generation and Transmission Assoc.), and by cooperative electric associations that provide service to 100,000 members (i.e., Intermountain Rural Electric Assoc.); retains for small rural electric coops and municipal utilities a 10% RES rate by 2020 except that 1/10 of the 10% must come from distributed generation; increases the allowable retail rate impact on customers from 1% to 2%.</b></p> <p><b>For investor-owned and public utilities, removes multipliers incentives for in-state and local sources of renewable energy; expands the definition of "eligible energy resources" that can be used to meet the RES to include coal mine methane and synthetic gas produced by pyrolysis of municipal solid waste, subject to a determination by the PUC that the production and use of these gases does not cause a net increase in greenhouse gas emissions.</b></p>	<p><b>Apr. 15 - passed Senate 18-17</b></p> <p><b>Apr. 30 – passed House 37-27-1</b></p> <p><b>May 1- Senate concurred with House amendments</b></p> <p><b>Pending action by Gov. Hickenlooper</b></p>	<p><b>Partially implements CAP recommendation ES-2 calling for all electricity suppliers to meet a 30% standard by 2020. Consistent with State plan provisions for rural electrics to reduce carbon dioxide emissions. RMCO regards coalmine methane control as an important goal, but qualifying its use as a renewable energy credit could undercut utility investments in truly renewable sources.</b></p>
<p><b>SB 13-003: Qualifying coal-mine methane capture as a renewable energy resource</b></p> <p><b>Sponsors: Baumgardner/Coram</b></p>	<p><b>Establishes a greenhouse gas mitigation project involving the capture of coal mine methane gas from active and inactive coal mines. Each kilowatt-hour of energy generated by captured coal mine methane gas is counted as one kilowatt-hour for purposes of compliance with the renewable energy standard.</b></p>	<p><del>Feb. 14 – KILLED in Senate State, Veterans, &amp; Military Affairs Cte.</del></p>	<p><b>RMCO opposes this bill on the grounds that methane from coal production is not a renewable resource and that qualifying its use as a renewable energy credit could undercut utility investments in truly renewable sources. Yet methane control from mining operations is an important goal.</b></p>
<p><b>SB13-063: Qualifying burning of waste as an energy source as recycled energy in renewable energy standard credits</b></p>	<p><b>Adds to the definition of "recycled energy" in renewable energy standard statutes the energy that is produced by combusting synthetic gas from waste materials through pyrolysis as the fuel source for generation.</b></p>	<p><del>Feb. 14 – KILLED in Senate State, Veterans, &amp; Military Affairs Cte.</del></p>	<p><b>Similar to SB 13-03 on coal mine methane as an energy source, this bill attempts to squeeze a process using non-renewable fuels into the renewable energy standard.</b></p>



Bill	Description	Status	Priority/Comments
<b>Statewide Transportation System Policies</b>			
<p><b>SB 13-048: Authorizing local government use of HUTF for transit and other alternative transportation uses</b></p> <p><b>Sponsors: Sen. Nancy Todd, D, Aurora; Rep. Max Tyler, D, Lakewood</b></p>	<p><b>Authorizes local governments to use their allocations of Highway Users Tax Funds (HUTF) for transit purposes, similar to prior legislation authorizing the state to do so; no more than 15% of such uses may be for operational purposes.</b></p>	<p><b>Feb. 12 – passed Senate 24-11.</b></p> <p><b>Mar. 28 – passed House 37-27-1.</b></p> <p><b>Apr. 26 – SIGNED INTO LAW by Gov. Hickenlooper</b></p>	<p><b>Helps implement CAP recommendation TLU-3 to expand and improve mass transit and consistent with State plan goals to reduce vehicle miles traveled.</b></p>
<p><b>SB13-070:</b> Purchase of alternative fuel vehicles for state government fleet</p> <p>Sponsors: Schwartz/Scott &amp; Tyler</p>	<p>Adds other alternative fuel vehicles to current legislative directive that Department of Personnel must purchase state fleet vehicles fueled by compressed natural gas, unless the purchase price or life-cycle cost is 10% over petroleum-fueled vehicles. Requires a report to Legislature by November 2013 on implementation and availability of statewide alternative vehicle fueling infrastructure.</p>	<p>Feb. 13 – passed Senate 34-1.</p> <p>Mar. 21 – passed House 54-10-1</p> <p>Apr. 26 – SIGNED INTO LAW by Gov. Hickenlooper</p>	<p>Consistent with State plan and CAP goals to reduce emissions from transportation sector.</p>
<p><b>SB 13-126:</b> Requiring condominium/apartment landlords or homeowner associations to allow installation of electric vehicle charging stations</p> <p>Sponsors: Guzman/Duran</p>	<p>Prohibits a landlord or the unit owners' association of a condominium or common interest community, respectively, from restricting the right of a tenant or unit owner to install an electric vehicle charging system for his or her own use, at the tenant's or unit owner's expense, and subject to reasonable safety and insurance requirements.</p>	<p>Feb. 19 – passed Senate 21-13-1.</p> <p>Mar. 28 – passed House 37-27-1</p> <p>Apr. 5 – Senate concurrence with House amendments</p> <p>May 3 - SIGNED INTO LAW by Gov. Hickenlooper</p>	<p>Consistent with State plan and CAP goals to reduce emissions from transportation sector.</p>
<p><b>HB 13-1110:</b> Special fuel tax &amp; electric vehicle fee</p> <p>Sponsors: Fischer/Jones</p>	<p>Sets tax rates on liquefied petroleum and natural gas used in motor vehicles and subject to a Special Fuel Use tax that helps fund the HUTF. Requires annual registration fees for plug-in electric vehicles to include \$30 to be credited to the HUTF.</p>	<p>Mar. 21 – passed House 64-0-1</p> <p>Apr. 16 – passed Senate 23-12</p> <p>Pending action by Gov. Hickenlooper</p>	<p>Helps integrate alternative-fuel vehicles into state transportation system by addressing concerns that they do not contribute to highway construction and maintenance through the HUTF.</p>
<b>Waste Reduction and Diversion Policies</b>			
<p><b>SB 13-050: Increase landfill tipping fees to finance Recycling Resources Economic</b></p>	<p><b>Incrementally increases the amount of this fee from the current rate of \$.07 per cubic yard per load to, by 2016, \$.14 per cubic yard per load. Extends sunset date of authorizing legislation</b></p>	<p><b>Feb. 27 – passed Senate 22-12-1</b></p> <p><b>Apr. 22 – passed House</b></p>	<p><b>Helps implement CAP recommendation AFW-8 which in part calls for such fees to finance such programs and consistent with</b></p>

Bill	Description	Status	Priority/Comments
<p><b>Opportunity grants</b></p> <p><b>Sponsors: Sen. Nancy Todd, D, Aurora; Rep. Don Coram, R, Montrose</b></p>	<p>from 2017 to 2026. Makes revisions in the use of the funds.</p>	<p>42-22-1</p> <p>Apr. 23 – Senate concurrence with House amendments</p> <p>Pending action by Gov. Hickenlooper</p>	<p>State plan waste management goals.</p>
<p><b>State Climate Preparedness Policies</b></p>			
<p><b><a href="#">HB 13-1248</a>: Authorizing pilot projects for temporary leases of agricultural water for municipal uses</b></p> <p><b>Sponsors: Rep. Randy Fischer, D, Fort Collins; Sen. Gail Schwartz, D, Snowmass Village</b></p>	<p>Authorizes the Colorado water conservation board to administer a pilot program consisting of up to 3 pilot projects, each up to 10 years in duration, in the lower Arkansas river basin to demonstrate the practice of fallowing agricultural irrigation land and leasing the associated water rights for temporary municipal use.</p>	<p>Apr. 11 - passed House 62-0-3</p> <p>May 3 – passed Senate 34-1</p> <p>Pending action by Gov. Hickenlooper</p>	<p>Partially implements CAP recommendation WA-8, calling for development of operating agreements to facilitate agriculture to municipal water use transfers. Consistent with State plan provision to develop agricultural water conservation markets.</p>
<p><b><a href="#">SB 13-181</a>: Funding Colorado Water Conservation Board Projects</b></p> <p><b>Sponsors: Sen. Gail Schwartz, D, Snowmass Village; Rep. Randy Fischer, D, Fort Collins</b></p>	<p>Among the projects funded are \$75,000 for phase II of the Colorado River Water Availability Study (CRWAS) and \$225,000 for continuation of the Statewide Water Supply Initiative (SWSI)</p>	<p>Mar. 13 – passed Senate 34-0-1</p> <p>Apr. 9 – passed House 44-19-2</p> <p>Pending action by Gov. Hickenlooper</p>	<p>Helps implement CAP recommendation WA-3, considering climate change in CRWAS, and WA-1, state to provide a leadership role in integrating climate change into water supply planning (SWSI). Also consistent with State plan.</p>
<p><b><a href="#">SB 13-273</a>: Incentivizing use of forest biomass (including beetle-kill) for energy production</b></p> <p><b>Sponsors: Sens. Gail Schwartz, D, Snowmass Village, and Jeanne Nicholson, D, Gilpin County; Rep. Millie Hamner, D, Dillon and Don Coram, R, Montrose</b></p>	<p>Encourages the use of forest biomass, including diseased timber, for energy generation and forest industry development; directs the State Forest Service to collaborate with federal agencies to facilitate the use of forest biomass as feedstock for timber mills, other industries, and for renewable energy generation; encourages communities to incorporate a biomass utilization plan in their community wildfire protection plans; authorizes the Air Quality Control Commission to analyze equipment fueled by biomass for compliance with emissions standards; authorizes the Colorado Water Resources and Power Development Authority to make forest biomass projects eligible for bond</p>	<p>Apr. 29 - passed Senate 21-14</p> <p>May 7 – passed House</p> <p>Pending action by Gov. Hickenlooper</p>	<p>Partially implements CAP recommendation AFW-7, which calls for energy production from forest biomass, and a State Plan provision to promote the use of forest-based biofuels, and otherwise anticipate and respond to the potential adverse effects of climate change on our forests.</p>

Bill	Description	Status	Priority/Comments
	<b>issues; requires the Public Utilities Commission to include wildfire risk considerations when evaluating proposed new sources clean and renewable sources in utility electric resource plans.</b>		
<p><a href="#">HB 13-1044</a>: Authorizing graywater use</p> <p>Sponsors: Fischer/Schwartz</p>	<p>Defines graywater, directs Water Quality Control Commission to set standards, and gives counties and municipalities the discretion to authorize graywater use and the exclusive authority to enforce compliance with their graywater use resolutions and ordinances; utility customers and well users can use graywater if it is consistent with water rights.</p>	<p>Apr. 5 – passed House 63-0-2</p> <p>Apr. 29 – passed Senate 35-0.</p> <p>Pending action by Gov. Hickenlooper</p>	<p>Consistent with State plan and CAP recommendations and significantly enhances the ability to conserve water as a strategy to adapt to climate impacts on water supply.</p>
<p><a href="#">SB 13-019</a>: Making conserved water eligible for a change in water right</p> <p>Sponsors: Schwartz/Fischer</p>	<p>Directs State water court judges to disregard the decrease in consumptive use of water from water conservation practices in its determinations of historical consumptive use in change of water right cases. Also defines "conserved water," and directs water court judges to allow a change of water right for conserved water.</p>	<p>Mar. 20 – passed Senate 32-0-3</p> <p>Apr. 9 – passed House 63-0-2</p> <p>Pending action by Gov. Hickenlooper</p>	<p>Consistent with State plan and CAP recommendations to conserve water as a strategy to adapt to climate impacts on water supply.</p>
<p><a href="#">SB 13-041</a>: Making stored water for firefighting and drought protection beneficial uses</p> <p>Sponsors: Hodge/Fischer</p>	<p>Expands the definition of "beneficial use" to include the impoundment of water for firefighting and makes it clear that not all conditional water rights in an integrated system must be fully developed prior to allowing perfection of a conditional right for a specific use (e.g., firefighting and drought protection). Also makes it clear that carryover storage from one year to another does not constitute abandonment of a water right.</p>	<p>Feb. 8 – passed Senate 33-0-2</p> <p>Mar. 18 – passed House 64-0-1</p> <p>Apr. 8 – SIGNED INTO LAW by Gov. Hickenlooper</p>	<p>Helps implement State plan provisions for wildfire control and drought protection, and consistent with CAP preparedness goals.</p>
<p><a href="#">SB 13-183</a>: Prohibiting condominium owner associations from prohibiting xeriscaping</p> <p>Sponsors: Carroll/Fields</p>	<p>Prohibits condominium owner associations from prohibiting or levying fines against use of xeriscaping or drought-tolerant grasses; or from requiring use of turf grass; or from levying fines against owners who abide by community water use restrictions.</p>	<p>Mar. 5 – passed Senate 23-11-1.</p> <p>Apr. 22 – passed House 64-0-1</p> <p>Pending action by Gov. Hickenlooper</p>	<p>Consistent with State plan and CAP Recommendation WA-7 to conserve water as a strategy to adapt to climate impacts on water supply.</p>
<p><a href="#">HB 13-1012</a>: Extending wildfire mitigation tax credits</p> <p>Sponsors: Gerou &amp; Levy/Roberts &amp; Nicholson</p>	<p>Continues from 2014 to 2025 an income tax deduction for a landowner who performs wildfire mitigation measures on private land in a wildland-urban interface area. Continues the authority of the Colorado Water Resources and Power Development Authority to issue bonds for the purposes of funding watershed protection and forest health projects.</p>	<p>Feb. 11- passed House 57-7-1.</p> <p>Mar. 20 – passed Senate 33-1-1</p> <p>Apr. 4 – SIGNED INTO LAW by Gov. Hickenlooper</p>	<p>Helps implement State plan provisions for wildfire control, and consistent with CAP preparedness goals.</p>

<b>Bill</b>	<b>Description</b>	<b>Status</b>	<b>Priority/Comments</b>
<p><a href="#">SB13-082</a>: Establishing wildfire matters legislative review committee</p> <p>Sponsors: Nicholson &amp; Roberts/Levy</p>	<p>The bill creates the wildfire matters review committee as an interim committee of the General Assembly to address wildfire prevention and mitigation and to review and propose legislation relating to such matters.</p>	<p>Apr. 10 – passed Senate 27-8-2</p> <p>May 1 – passed House 54-10-1</p> <p>Pending action by Gov. Hickenlooper</p>	<p>Helps implement State plan provisions for wildfire control, and consistent with CAP preparedness goals.</p>
<p><a href="#">SB13-083</a>: Colorado Prescribed Burning Act</p> <p>Sponsors: Roberts &amp; Nicholson/Gerou &amp; Levy</p>	<p>The General Assembly “acknowledges the natural role of fire in forests and other ecosystems, and finds and declares it is in the public interest to use fire as a management tool, under controlled conditions, to reduce the threat of wildfires by maintaining healthy forests and reducing high risk levels of vegetative fuel.” Requires the Division of Fire Prevention and Control in the Department of Public Safety to implement a prescribed burning program on any area of wildland within the state that the division director reasonably determines is susceptible to wildfire. Establishes a certification system for prescribed fire managers.</p>	<p>Feb. 27 – passed Senate 34-0-1</p> <p>Apr. 22 – passed House 64-0-1</p> <p>Pending action by Gov. Hickenlooper</p>	<p>Helps implement State plan provisions for wildfire control, and consistent with CAP preparedness goals.</p>
<b>State Technical and Funding Assistance for Local Programs</b>			
No bills this session			