

2013 legislative session nears the end

Written by Marianne Goodland, State Capitol reporter

The 2013 legislative session is nearing the end of its 120-day calendar, which means legislators are moving quickly to finish work on what's left of the 600 bills introduced this year. In the House, more than 100 bills and resolutions are scheduled for action in the next week.

The bill to require rural electric co-ops to boost their use of renewable energy resources passed the state Senate last week, with an 18-17 vote that shows the bill is far from a done deal.

Two Democrats, Sens. Mary Hodge (D-Brighton) and Lois Tochtrop (D-Adams County) voted with the Senate's 15 Republicans against Senate Bill 13-252.

Under the bill, certain rural electric co-ops would be required to increase their use of renewable energy sources from the current standard of 10 percent to 25 percent by 2020.

The rural co-ops impacted by SB 252 are Tri-State Generation & Transmission and Intermountain Rural Electric Association. Tri-State has estimated that the bill will cost \$3 billion to implement and will raise electric bills for its 18 member co-ops throughout rural Colorado. Supporters, including renewable energy vendors, say it will continue Colorado's leadership in renewable energy and will provide jobs to a struggling industry.

Republicans mounted an all-day filibuster during their second reading debate on April 12, hoping to sway a couple of Democrat votes on the bill. The following Monday, they continued, with four more hours of debate before the final vote.

During that final debate, Sen. Greg Brophy (R-Wray), asked the bill's sponsors, Senate President John Morse (D-Colorado Springs) and Sen. Gail Schwartz (D-Snowmass Village) why they want to hurt rural Coloradans.

"Why do you want to do this to my neighbors and me? Why take money from my family to give to your special interest friends?" he asked. Brophy said the cost to cover the additional renewable energy standard will raise electric bills by 15 percent. He estimated the cost to the

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Wray School District at \$30,000 more per year and said it could result in the loss of a teacher in the classroom to cover the higher electric bills.

SB 252 now moves to the House and its bulging schedule.

In other action at the capitol this week:

More than three months after its initial introduction, a bill to grant eminent domain rights to oil pipeline companies has finally cleared the Senate.

SB 191 was the second version of a bill introduced on the first day of the 2013 session, but its progress through the Senate has been slow due to concerns over safety and the rights of irrigation ditch companies.

The Senate voted 25-10 on April 15 to send the bill to the House, where it faces an uncertain future due to opposition to the bill from the House Majority Leader. The vote was bipartisan, with Democrats and Republicans voting both in favor and against it.

SB 191 went through a second reading debate on April 12, but there was no debate and little comment on the bill when it went through its final vote.

The bill stems from a 2012 Colorado Supreme Court ruling against Sinclair Transportation, which used its alleged eminent domain authority to obtain an additional easement for a 10-inch petroleum pipeline in Johnstown. The court told Sinclair it did not have eminent domain rights and in fact had never had them under state law.

The land is owned by Ivar and Donna Larson of Johnstown. Sinclair has had an easement on the land for a 6-inch pipeline since 1963, long before the Larsons owned the land.

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The lawsuit was sent back to Weld County Court, and on April 8 a Weld County district judge ordered Sinclair to remove one of the pipelines. According to the Larsons, the company asked that they be allowed to cap one of the lines, in hopes that SB 191 is signed into law.

Sinclair could then initiate eminent domain proceedings to gain the second easement. However, the Larsons insisted that one of the lines be removed, and on April 9 the company dug up the 6-inch line.

Sen. Mary Hodge (D-Brighton) acknowledged that she gained last-minute support for SB 191 in the final days before the Senate vote by offering a new bill, SB 275, to create an interim legislative committee to study pipeline safety issues.

The interim committee is charged under the bill to meet six times, to study safety issues and recommend legislation, and must conclude its work by July 1, 2014. The interim committee proposed in SB 275 would have 10 legislative members and one member appointed by the governor.

SB 275 was heard by the Senate Local Government Committee on Tuesday, the same committee that passed SB 191. The new bill passed on a 3-2 party-line vote and was sent to the Senate Appropriations Committee for further action.

During the April 16 hearing, Hodge said issues about pipeline safety seemed to “rise to the top” during discussions of both SB 191 and its predecessor, SB 21. “It seems to me we need to find out if they’re safe” or if new laws are needed.

Sen. David Balmer (R-Centennial) voted against the bill, claiming that the notion of an interim committee appeared to imply that pipelines aren’t safe and that the committee would be looking for problems that don’t exist. However, Sen. Gail Schwartz (D-Snowmass Village) said she believed the process for oversight needed review.

The only member of the public to testify on SB 275 was Jeb Seman of the Colorado Petroleum Association, who had testified in favor of the earlier pipeline bills. Seman said his organization

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had not taken a formal position on SB 275. “We heard very clearly over the course of the session concerns about pipeline safety,” Seman told the committee.

Given those concerns, the interim committee could review data that shows pipelines are the safest manner for transporting petroleum products and that the committee could help produce a “uniform and consistent understanding” about how pipelines work.

Interim committees usually meet during the summer, and in addition to obtaining approval from the full legislature, must also be approved by the General Assembly’s legislative council committee.

That committee reviews all requests for interim committees, including their funding, and usually approves four. There are currently at least six that will be discussed and prioritized when the Legislative Council meets on April 26.

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