



COLORADO CATTLEMEN'S ASSOCIATION

2010 Second Regular Legislature Session of the Sixty-Seventh General Assembly PI LIST

(Bills listed by house and number)

Last updated: March 9, 2010

* CAPITALIZED TEXT and ~~strikethrough~~ text within summary indicates amendments

Senate Bills

SB 10-033: Schultheis, Harvey, Renfroe (Baumgardner, King S., Lambert)

**CONCERNING THE VERIFICATION OF THE WORK ELIGIBILITY STATUS OF
NEW EMPLOYEES THROUGH THE FEDERAL ELECTRONIC VERIFICATION
PROGRAM.**

Under current law, employers are required to examine, and retain records of examining, the legal work status of new employees. The bill repeals the current law and instead creates the "Fair and Legal Employment for Coloradans Act" (act), which requires all nongovernmental employers in the state to participate in the federal electronic verification program (e-verify program) for purposes of verifying the work eligibility status of all new employees hired by an employer. A person who employs only H-2A workers would not have to comply with the act.

Employers would be obligated to start participating in the e-verify program in accordance with the following schedule:

- For employers with 200 or more employees, by January 1, 2011;
- For employers with 50 or more employees but fewer than 200 employees, by July 1, 2011; and
- For employers with fewer than 50 employees, by July 1, 2013.

The attorney general is to impose fines on an employer for knowing or intentional failure to participate in the e-verify program or to provide documentary proof of participation.

An employer would be prohibited from intentionally or knowingly employing an unauthorized alien, and would be required to immediately terminate an employee for whom the

employer receives a final notice of nonconfirmation of work eligibility through the e-verify program. The attorney general or the county or city attorney, as appropriate, would be obligated to investigate complaints of employer noncompliance, and the appropriate county or city attorney would have to bring a court action against the employer when an investigation shows a complaint has merit.

Upon finding a violation, the bill requires the court to order the employer to:

- Terminate the employment of all unauthorized aliens;
- Be subject to probation, during which the employer must submit quarterly reports of all newly hired employees to the county or city attorney; and
- Submit a sworn affidavit attesting that the employer has terminated the employment of all unauthorized aliens.

For knowing violations, the court may order the suspension of the employer's business licenses. For intentional violations, the court must order the suspension of all business licenses for a period determined by the court. For a second violation, the court is to order the immediate and permanent revocation of all business licenses.

The bill requires the attorney general to maintain copies of, and provide access to, all court orders issued against employers and to maintain a database of employers with a first violation. The department of labor and employment (department) is required to notify employers via quarterly electronic publications and post a notice on its web sit explaining the requirements of the act to employers. Additionally, the bill requires the secretary of state, in consultation with the department, to include information about the requirements of the bill on its web site.

The bill creates the e-verify program cash fund, to consist of moneys collected as fines imposed on employers for failing to participate in the e-verify program. The moneys in the fund are to be used to cover the reasonable costs incurred by the attorney general, county attorneys, and city attorneys in administering and enforcing the requirements of the act.

The bill defines as a discriminatory or unfair employment practice the refusal to hire, or to terminate from employment, a United States citizen or permanent resident alien while hiring or retaining an unauthorized alien in the same type of job when the employer knew or should have known that the person was an unauthorized alien.

Committee Assignments: State, Veterans & Military Affairs

Status: 01/13/2010 Introduced In Senate - Assigned to State, Veterans & Military Affairs
03/03/2010 Senate Committee on State, Veterans & Military Affairs Postpone
Indefinitely

CCA Position: Monitor

NOTES: STATE and LOCAL FISCAL IMPACT

http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/31FA79951C3288B0872576A80027B4CC?Open&file=033_01.pdf

SB 10-051: Renfroe, Brophy, Harvey, Lundberg, Scheffel, Schultheis (Sonnenberg)

CONCERNING THE GOVERNOR'S AUTHORITY TO RESTRICT THE DISTRIBUTION OF FIREARMS DURING A STATE OF DISASTER EMERGENCY.

Eliminates the authority of the governor to suspend or limit the sale, dispensing, or transportation of firearms during a state of disaster emergency.

Committee Assignments: State, Veterans & Military Affairs

Status: 01/13/2010 Introduced In Senate - Assigned to State, Veterans & Military Affairs
02/10/2010 Senate Committee on State, Veterans & Military Affairs Postpone
Indefinitely

CCA Position: Support

NOTES: NO FISCAL IMPACT

http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/845A92C5F145E31B872576A80027B772?Open&file=051_01.pdf

SB 10-067: Hodge, Shaffer B. (None)

CONCERNING THE EXEMPTION OF CERTAIN SCHOOL WELLS FROM THE LAWS GOVERNING THE ADMINISTRATION OF WATER RIGHTS.

The bill exempts public school wells that pump 15 gallons per minute or less, are located in a school district that serves a population of 25,000 or less, and are used only for irrigation from the "Water Right Determination and Administration Act of 1969".

Committee Assignments: Agriculture and Natural Resources

Status: 01/15/2010 Introduced In Senate - Assigned to Agriculture and Natural Resources
02/11/2010 Senate Committee on Agriculture and Natural Resources Postpone
Indefinitely

CCA Position: Monitor

NOTES:

http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/900DA3DAFAAA3D6A872576AA006937F8?Open&file=067_01.pdf

SB 10-078: Hodge (None)

CONCERNING THE USE OF REUSABLE EFFLUENT THAT HAS BEEN DISCHARGED BACK TO A WATER BODY FROM A DOMESTIC WASTEWATER FACILITY AFTER BEING PUT TO BENEFICIAL USE.

The bill defines the term "decreed consumptive use water", defines "reusable effluent" to include decreed consumptive use water, and:

- Authorizes an appropriator to use, reuse, and make a succession of uses of the return flows of reusable effluent in any place or for any beneficial use and to dispose of such water by exchange or otherwise; and

Directs the state engineer to review contemplated uses of the return flows of reusable effluent to ensure that:

- They originate from reusable effluent;
- The appropriator has established an adequate measuring and accounting system to measure the volume of the return flows of reusable effluent;
- The appropriator has established an adequate means of measuring transit loss between the point of introduction and the point of withdrawal of the return flows of reusable effluent; and
- The appropriator can demonstrate that the return flows of reusable effluent to be withdrawn for use have previously been placed to beneficial use at least one time and discharged back to the water body after passing through a domestic wastewater facility.

Committee Assignments: Agriculture and Natural Resources

Status: 01/15/2010 Introduced In Senate - Assigned to Agriculture and Natural Resources
02/11/2010 Senate Committee on Agriculture and Natural Resources Postpone
Indefinitely

CCA Position: Monitor

NOTES:

http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/DFD7F7FC137C91C1872576AA00697FC2?Open&file=078_01.pdf

House Bills

HB 10-1086: Curry (Hodge)

CONCERNING A LIMITATION OF LANDOWNERS' LIABILITY, AND, IN CONNECTION HEREWITH, LIMITING LANDOWNERS' LIABILITY ARISING FROM FACILITIES RELATED TO WATER RIGHTS AND FROM THE USE OF LAND FOR RECREATIONAL PURPOSES.

Under current law, a landowner can be held liable for injuries suffered by a trespassing minor if the land contains an attractive nuisance. **Sections 1 and 4** of the bill specify that a facility constructed for the diversion, storage, conveyance, or use of water is not an attractive nuisance with regard to a landowner's liability to a trespasser. **Sections 2 and 3** expand the definition of "recreational purpose" as to which a landowner's liability is limited under current law. **Section 3** also specifies that a landowner is not liable for injuries to members of the public who use land for recreational purposes unless the landowner willfully or deliberately caused the injuries.

Committee Assignments: Judiciary

Status: 01/13/2010 Introduced In House - Assigned to Judiciary

01/28/2010 House Committee on Judiciary Postpone Indefinitely

CCA Position: Support

NOTES: NO FISCAL IMPACT

http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/03E5CF27A1FFF0D3872576A80029E8EB?Open&file=1086_01.pdf

HB 10-1158: Gardner C. (Hodge)

CONCERNING CLARIFICATION OF THE RIGHT TO USE WIND RESOURCES.

The bill clarifies the ownership of the right to use wind flowing across real property within this state, and specifies that, for purposes of determining the priority of uses between a severed mineral interest and a severed wind interest, the first interest severed is dominant.

Committee Assignments: Agriculture, Livestock, & Natural Resources

Status: 01/20/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources
02/09/2010 House Committee on Agriculture, Livestock, & Natural Resources Postpone Indefinitely

CCA Position: Monitor

NOTES: LOCAL FISCAL IMPACT

http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/052812A8331C7CE8872576AB0016EDE3?Open&file=1158_01.pdf

HB 10-1159: Pace, Curry, Fischer, Hullinghorst, King S., McFadyen, Scanlan, Vigil (Gibbs, Schwartz, White)

CONCERNING THE WATER COURT'S AUTHORITY TO CONSIDER CONDITIONS IN DECREES TO ADDRESS THE EFFECTS OF A WATER EXPORT ACROSS WATER DIVISION BOUNDARIES.

The bill requires a water judge to consider, in decrees for water rights, leases of water for at least 10 years, or changes of use of water rights that divert at least 1000 acre-feet of consumptive use per year from one water division into another, terms and conditions to ensure that present and prospective beneficial uses of water within the water division from which water would be diverted are not impaired or increased in cost as a result of the transdivision diversion.

These requirements will be deemed to have been met if the applicant has reached a mitigation agreement with the water conservation district and conservancy districts from within whose boundaries the waters are proposed for diversion or within whose boundaries water would be purchased for exchange and the terms and conditions of the mitigation agreement are included in the decree. Districts that propose to enter into such a mitigation agreement are required to notify the public of, and hold a public meeting on, the proposed terms of the agreement.

Committee Assignments: Agriculture, Livestock, & Natural Resources

Status: 01/20/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

02/03/2010 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to House Committee of the Whole

02/05/2010 House Second Reading Lost

CCA Position: Monitor to work toward amendments in the area of ecological considerations, clarifying how individual water right holders may be represented in water court on specific agreements, and conservation districts to hold more than one hearing with water users.

NOTES: NO FISCAL IMPACT

http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/3062AB33FCEC484D872576A80029D925?Open&file=1159_01.pdf