

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 9, 2012  
Date

Committee on Agriculture, Natural Resources, and Energy.

After consideration on the merits, the Committee recommends the following:

SB12-132 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 2, line 20, strike "application." and substitute
- 2 "application; EXCEPT THAT THE TWELVE-MONTH DEADLINE DOES NOT
- 3 APPLY TO AN APPLICATION FOR RENEWAL OF A PERMIT."
  
- 4 Page 3, line 10, after "(7)" insert "and (8)".
  
- 5 Page 3, line 13, strike "OR COMMISSION".
  
- 6 Page 3, line 15, strike "COMPLETE." and substitute "COMPLETE; EXCEPT
- 7 THAT NOTHING IN THIS SUBSECTION (7) APPLIES TO AN APPLICATION FOR
- 8 RENEWAL OF A PERMIT." and strike "OR".
  
- 9 Page 3, line 16, strike everything before "TO".
  
- 10 Page 3, after line 18 insert:
  
- 11 "(8) (a) IF THE DIVISION EXPERIENCES A BACKLOG IN PROCESSING
- 12 WATER QUALITY PERMIT APPLICATIONS CAUSED BY AN OCCASIONAL NEED
- 13 THAT IS SEASONAL, IRREGULAR, OR FLUCTUATING IN NATURE, AND THE
- 14 DEPARTMENT DETERMINES OR REASONABLY EXPECTS THAT, AS A RESULT,
- 15 PERMITS WOULD NOT BE ISSUED WITHIN STATUTORY TIME FRAMES, THE
- 16 DIVISION MAY MAKE AVAILABLE TO AN APPLICANT THE OPTION TO HAVE
- 17 THE APPLICANT'S PERMIT APPLICATION REVIEWED FOR ACCEPTANCE AS
- 18 DEMONSTRATING COMPLIANCE BY A CONTRACT CONSULTANT SELECTED

1 BY THE DIVISION IN LIEU OF THE REVIEW BEING CONDUCTED BY DIVISION  
2 STAFF.

3 (b) THE DIVISION SHALL SELECT AND CONTRACT WITH  
4 NONGOVERNMENTAL ENGINEERS TO PERFORM PERMIT APPLICATION  
5 REVIEWS FOR APPLICANTS WHO CHOOSE CONTRACT CONSULTANT REVIEW  
6 OF THEIR PERMIT APPLICATION. THE DIVISION IS NOT SUBJECT TO THE  
7 REQUIREMENTS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF  
8 TITLE 24, C.R.S., IN SELECTING AND CONTRACTING WITH THE  
9 CONSULTANTS. THE DIVISION SHALL REVIEW AND EXCLUDE FROM  
10 CONSIDERATION AS A CONTRACT CONSULTANT ANY CONTRACTORS WITH  
11 A CONFLICT OF INTEREST REGARDING SUCH PERMIT APPLICATIONS.  
12 APPLICANTS THAT CHOOSE CONSULTANT REVIEW OF THEIR APPLICATION  
13 ARE RESPONSIBLE FOR BOTH THE CONSULTANT'S COSTS ASSOCIATED WITH  
14 THE REVIEW AS WELL AS THE DIVISION'S COSTS ASSOCIATED WITH THE  
15 REVIEW AND DETERMINATION OF THE PERMIT APPLICATION, TO BE PAID TO  
16 THE DIVISION. THE DIVISION SHALL TRANSFER THE MONEY TO THE STATE  
17 TREASURER, WHO SHALL CREDIT IT TO THE WATER QUALITY CONTROL  
18 FUND CREATED IN SECTION 25-8-502 (1) (c).

19 (c) THE DIVISION SHALL USE THE RESULTS OF THE REVIEW  
20 CONDUCTED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (8) FOR  
21 PURPOSES OF THE DIVISION'S PERMIT APPLICATION ANALYSIS."

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