

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

April 28, 2023  
Date

Committee on Appropriations.

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

HB23-1294 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend the Energy and Environment Committee Report, dated April 20,
- 2 2023, page 1, lines 25 and 26, strike "welfare, particularly" and substitute
- 3 "welfare".
  
- 4 Page 2, line 2, strike "pollution;" and substitute "pollution by the
- 5 American lung association;".
  
- 6 Page 2, line 9, after "cause" insert "and contribute to".
  
- 7 Page 2, strike lines 14 through 18.
  
- 8 Reletter succeeding paragraphs accordingly.
  
- 9 Page 2, strike lines 36 through 39.
  
- 10 Reletter succeeding paragraphs accordingly.
  
- 11 Page 4, strike lines 13 through 43.
  
- 12 Strike pages 5 through 7.
  
- 13 Page 8, strike lines 1 through 17.
  
- 14 Renumber succeeding sections accordingly.
  
- 15 Page 8, line 19, strike "(3)(a)," and "and (4)(c)".
  
- 16 Page 8, strike lines 28 through 30 and substitute "division shall cause a

1 prompt AND DILIGENT investigation to be made ~~and~~; UNLESS:".

2 Page 8, strike lines 35 through 38 and substitute:

3 "(b) WITHIN THIRTY DAYS AFTER RECEIPT OF A COMPLAINT FILED  
4 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, THE DIVISION SHALL  
5 RESPOND TO A COMPLAINANT TO OUTLINE THE STEPS OF THE COMPLAINT  
6 INVESTIGATION.

7 (c) (I) If the division investigation determines that any ~~such~~  
8 violation or failure to comply exists, the division shall act expeditiously  
9 and within the period prescribed by law ~~in~~ TO".

10 Page 9, line 5, strike "(2)(b)(I)" and substitute "(2)(c)(I)".

11 Page 9, strike lines 6 through 9 and substitute:

12 "(d) THE DIVISION SHALL ACCEPT AND CONSIDER ALL RELEVANT  
13 EVIDENCE IT RECEIVES OR ACQUIRES IN INVESTIGATING AND DETERMINING  
14 WHETHER A VIOLATION OR NONCOMPLIANCE OCCURRED, INCLUDING  
15 AUDIO, VIDEO, AND TESTIMONIAL EVIDENCE."

16 Page 9, strike lines 10 through 27.

17 Page 9, line 28, before "(b)" insert "(3) ".

18 Page 9, line 29, strike "(3)(a)(I)" and substitute "(3)(a)".

19 Page 10, strike lines 34 through 43.

20 Page 11, strike lines 1 through 16.

21 Page 11, strike lines 30 through 43.

22 Page 12, strike lines 1 through 3 and substitute:

23 "**SECTION 8.** In Colorado Revised Statutes, 25-7-122, **amend**  
24 (2)(a) introductory portion, (2)(a)(VII), and (2)(a)(VIII); and **add**  
25 (2)(a)(IX) as follows:

26 **25-7-122. Civil penalties - rules - definitions.** (2) (a) In  
27 determining the amount of any civil penalty, the ~~following factors~~  
28 DIVISION shall ~~be considered~~ CONSIDER THE FOLLOWING FACTORS:

29 (VII) Malfeasance; ~~and~~

30 (VIII) Whether legal and factual theories were advanced for  
31 purposes of delay; AND

- 1 (IX) THE SEVERITY OF THE VIOLATION OR NONCOMPLIANCE."
- 2 Page 12, line 7, strike "AN" and substitute "ANY".
- 3 Page 12, line 9, strike "COMMENCED, INCLUDING" and substitute  
4 "COMMENCED".
- 5 Page 12, strike lines 29 through 43.
- 6 Strike page 13.
- 7 Page 14, strike lines 1 through 12.
- 8 Renumber succeeding sections accordingly.
- 9 Page 16, after line 24 insert:

10 **"SECTION 15. Appropriation.** (1) For the 2023-24 state fiscal  
11 year, \$79,493 is appropriated to the department of public health and  
12 environment for use by the air pollution control division This  
13 appropriation is from the general fund. To implement this act, the division  
14 may use this appropriation as follows:

15 (a) \$71,473 for personal services related to stationary sources,  
16 which amount is based on an assumption that the division will require an  
17 additional 0.9 FTE; and

18 (b) \$8,020 for operating expenses related to stationary sources.

19 (2) For the 2023-24 state fiscal year, \$820,697 is appropriated to  
20 the department of natural resources. This appropriation is from the oil and  
21 gas conservation and environmental response fund created in section  
22 34-60-122 (5), C.R.S. To implement this act, the department may use this  
23 appropriation as follows:

24 (a) \$725,531 for use by the oil and gas conservation commission  
25 for program costs, which amount is based on an assumption that the  
26 commission will require an additional 6.0 FTE; and

27 (b) \$95,166 for use by the executive director's office for the  
28 purchase of legal services.

29 (3) For the 2023-24 state fiscal year, \$95,166 is appropriated to  
30 the department of law. This appropriation is from reappropriated funds  
31 received from the department of natural resources under subsection (2)(b)  
32 of this section and is based on an assumption that the department of law  
33 will require an additional 0.5 FTE. To implement this act, the department  
34 of law may use this appropriation to provide legal services for the  
35 department of natural resources.

1           (4) For the 2023-24 state fiscal year, \$61,616 is appropriated to  
2 the legislative department. This appropriation is from the general fund. To  
3 implement this act, the department may use this appropriation as follows:  
4           (a) \$26,180 for use by the legislative council, which amount is  
5 based on an assumption that the council will require an additional 0.3  
6 FTE;  
7           (b) \$18,452 for use by the committee on legal services, which  
8 amount is based on an assumption that the committee will require an  
9 additional 0.2 FTE; and  
10          (c) \$16,984 for use by the general assembly."

11          Renumber succeeding sections accordingly.

12          Page 16 of the report, after line 30 insert:

13          "Page 1 of the bill, line 102, strike "POLLUTION." and substitute  
14          "**POLLUTION, AND, IN CONNECTION THEREWITH, MAKING AN**  
15          **APPROPRIATION.**".

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