

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 24, 2023
Date

Committee on Finance.

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

SB23-016 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend the Energy and Environment Committee Report, dated April 20,
2 2023, page 2, strike line 11 and substitute "(9)(e), (9.3), (9.5), and
3 (9.7)".

4 Page 2, strike lines 18 through 20 and substitute "DETERMINE WHETHER,
5 ON BALANCE, THE CLASS VI INJECTION WELL WILL HAVE A POSITIVE
6 EFFECT ON THE".

7 Page 2, strike lines 28 through 30 and substitute "(9)(c)(III) IF THE
8 COMMISSION FINDS THE ANALYSIS AND REQUIREMENTS TO BE
9 INCONSISTENT WITH, OR INCOMPLETE WITH RESPECT TO, THE FEDERAL
10 ENVIRONMENTAL PROTECTION AGENCY'S REQUIREMENTS FOR".

11 Page 5, line 22, strike "YEARS." and substitute "YEARS.

12 (9.7)(a) THE COMMISSION MAY CONDUCT A STUDY TO DETERMINE
13 IF THE STATE SHOULD SEEK REGULATORY PRIMACY UNDER THE FEDERAL
14 "SAFE DRINKING WATER ACT", 42 U.S.C. SEC. 300f ET SEQ., AS
15 AMENDED, FOR ALL SUBSURFACE INJECTION CLASSES INCLUDED WITHIN
16 THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S UNDERGROUND
17 INJECTION CONTROL PROGRAM, WHICH STUDY MUST INCLUDE
18 RECOMMENDATIONS ON THE APPROPRIATE ADMINISTRATIVE STRUCTURE
19 AND IDENTIFICATION OF OTHER STATE AGENCIES THAT ARE NECESSARY TO
20 IMPLEMENT A SAFE AND EFFECTIVE PROGRAM.

21 (b) IF THE COMMISSION CONDUCTS THE STUDY PURSUANT TO
22 SUBSECTION (9.7)(a) OF THIS SECTION, THE COMMISSION SHALL, ON OR
23 BEFORE DECEMBER 1, 2024:

24 (I) COMPLETE A REPORT SUMMARIZING THE FINDINGS,
25 CONCLUSIONS, AND RECOMMENDATIONS FROM THE STUDY;

1 (II) POST A COPY OF THE COMPLETED REPORT ON THE
2 COMMISSION'S WEBSITE; AND

3 (III) SUBMIT COPIES OF THE COMPLETED REPORT TO THE HOUSE OF
4 REPRESENTATIVES ENERGY AND ENVIRONMENT COMMITTEE AND THE
5 SENATE TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR SUCCESSOR
6 COMMITTEES.

7 (c) THIS SUBSECTION (9.7) IS REPEALED, EFFECTIVE JULY 1,
8 2025."."

9 Amend reengrossed bill, page 18, after line 13 insert:

10 "(c) "QUALIFIED RETAILER" MEANS A RETAILER THAT SELLS LAWN
11 EQUIPMENT AND:

12 (I) HOLDS A STATE SALES TAX LICENSE;

13 (II) HAS TIMELY FILED A MONTHLY SALES TAX RETURN SHOWING
14 A TAX LIABILITY FOR AT LEAST TWELVE MONTHS;

15 (III) HAS PAID THE TAXES DUE ON THE MONTHLY SALES TAX
16 RETURN; AND

17 (IV) HAS REGISTERED WITH THE DEPARTMENT OF REVENUE
18 PURSUANT TO SUBSECTION (3)(d)(III) OF THIS SECTION."

19 Reletter succeeding paragraphs accordingly.

20 Page 27, after line 7 insert:

21 **"SECTION 19.** In Colorado Revised Statutes, 40-5-107, **add (2.5)**
22 **as follows:**

23 **40-5-107. Electric vehicle programs - service connection cost**
24 **recovery - definitions - repeal.** (2.5) AN ELECTRIC PUBLIC UTILITY MAY
25 RECOVER ITS PRUDENTLY INCURRED COSTS TO FACILITATE A TIMELY
26 ELECTRIC VEHICLE CHARGING SERVICE CONNECTION, WHICH COSTS MAY
27 INCLUDE THE COSTS OF EQUIPMENT THAT THE ELECTRIC PUBLIC UTILITY
28 PROCURES FOR FUTURE UPGRADES NEEDED TO PROVIDE SERVICE
29 CONNECTIONS FOR ELECTRIC VEHICLE CHARGING. AN ELECTRIC PUBLIC
30 UTILITY MAY RECOVER THE COSTS OF ANY SUCH EQUIPMENT INVENTORY
31 AS CAPITAL WORK IN PROGRESS IF THE INVENTORY IS PROJECTED TO BE
32 USED WITHIN THREE YEARS OF ITS PROCUREMENT AND WITH A RETURN AT
33 THE MOST RECENTLY AUTHORIZED WEIGHTED AVERAGE COST OF
34 CAPITAL."

35 Renumber succeeding sections accordingly.

1 Page 31, after line 7 insert:

2 "SECTION 25. In Colorado Revised Statutes, 29-20-104, **amend**
3 (1)(h) introductory portion, (1)(h)(II), (2)(b), and (2)(c); and **add** (2)(d)
4 as follows:

5 **29-20-104. Powers of local governments - definition.**

6 (1) Except as expressly provided in section 29-20-104.5, the power and
7 authority granted by this section does not limit any power or authority
8 presently exercised or previously granted. Each local government within
9 its respective jurisdiction has the authority to plan for and regulate the use
10 of land by:

11 (h) Regulating the surface impacts of oil and gas operations AND
12 CLASS VI INJECTION WELLS in a reasonable manner to address matters
13 specified in this subsection (1)(h) and to protect and minimize adverse
14 impacts to public health, safety, and welfare and the environment.
15 Nothing in this subsection (1)(h) is intended to alter, expand, or diminish
16 the authority of local governments to regulate air quality under section
17 25-7-128. For purposes of this subsection (1)(h), "minimize adverse
18 impacts" means, to the extent necessary and reasonable, to protect public
19 health, safety, and welfare and the environment by avoiding adverse
20 impacts from oil and gas operations AND CLASS VI INJECTION WELLS and
21 minimizing and mitigating the extent and severity of those impacts that
22 cannot be avoided. The following matters are covered by this subsection
23 (1)(h):

24 (II) The location and siting of oil and gas facilities and oil and gas
25 locations, as those terms are defined in section 34-60-103 (6.2) and (6.4)
26 AND THE LOCATION AND SITING OF CLASS VI INJECTION WELLS;

27 (2) To implement the powers and authority granted in subsection
28 (1)(h) of this section, a local government within its respective jurisdiction
29 has the authority to:

30 (b) Impose fines for leaks, spills, and emissions; ~~and~~

31 (c) Impose fees on operators or owners to cover the reasonably
32 foreseeable direct and indirect costs of permitting and regulation and the
33 costs of any monitoring and inspection program necessary to address the
34 impacts of development and to enforce local governmental requirements;
35 AND

36 (d) IMPOSE FEES TO ENHANCE EMERGENCY PREPAREDNESS AND
37 EMERGENCY RESPONSE CAPABILITIES IF A CARBON DIOXIDE RELEASE
38 OCCURS. ALLOWABLE EXPENDITURES OF THE FEES COLLECTED INCLUDE:

39 (I) PREPARING EMERGENCY RESPONSE PLANS FOR A CARBON
40 DIOXIDE RELEASE;

41 (II) PURCHASING ELECTRIC EMERGENCY RESPONSE VEHICLES;

42 (III) DEVELOPING OR MAINTAINING A TEXT MESSAGE OR OTHER

- 1 EMERGENCY COMMUNICATION ALERT SYSTEM;
2 (IV) PURCHASING DEVICES THAT ASSIST IN THE DETECTION OF A
3 CARBON DIOXIDE RELEASE;
4 (V) EQUIPMENT FOR FIRST RESPONDERS, LOCAL RESIDENTS, AND
5 MEDICAL FACILITIES THAT ASSIST IN THE PREPARATION FOR, DETECTION
6 OF, OR RESPONSE TO THE RELEASE OF CARBON DIOXIDE OR OTHER TOXIC
7 OR HAZARDOUS MATERIALS; AND
8 (VI) TRAINING AND TRAINING MATERIALS FOR FIRST RESPONDERS,
9 LOCAL RESIDENTS, BUSINESSES, AND OTHER LOCAL ENTITIES TO PREPARE
10 FOR AND RESPOND TO THE RELEASE OF CARBON DIOXIDE OR OTHER TOXIC
11 OR HAZARDOUS MATERIALS."
12 Renumber succeeding sections accordingly.

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