

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0559.01 Thomas Morris x4218

**SENATE BILL 21-200**

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**SENATE SPONSORSHIP**

**Winter and Moreno,**

**HOUSE SPONSORSHIP**

**Jackson,**

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**Senate Committees**

Transportation & Energy  
Finance  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING MEASURES TO FURTHER ENVIRONMENTAL PROTECTIONS,**  
102                    **AND, IN CONNECTION THEREWITH, ADOPTING MEASURES TO**  
103                    **REDUCE EMISSIONS OF GREENHOUSE GASES, ADOPTING**  
104                    **PROTECTIONS FOR DISPROPORTIONATELY IMPACTED**  
105                    **COMMUNITIES, AND MAKING AN APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Current law requires the air quality control commission (AQCC) to adopt rules that will result in the statewide reduction of greenhouse gas

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

(GHG) emissions of 26% by 2025, 50% by 2030, and 90% by 2050, as compared to 2005 emissions. **Section 2** of the bill supplements these requirements by:

- Directing the AQCC to:
  - Consider the social cost of GHG emissions;
  - Require GHG reductions on a linear or more stringent path; and
  - Finalize its implementing rules by March 1, 2022, including specific net emission weight limits for various emission sectors, subject to modification by the AQCC, including through the use of a multi-sector program;
- Directing each wholesale generation and transmission electric cooperative to file with the public utilities commission a responsible energy plan that will achieve at least an 80% GHG reduction by 2030 as compared to 2005 levels and specifying that if a plan is not filed, the cooperative must achieve at least a 90% GHG reduction by 2030 as compared to 2005 levels; and
- Directing each retail, wholesale, and municipal electric utility and cooperative electric association to reduce its GHG emissions by at least 95% between 2035 and 2040 and by 100% by 2040.

**Section 3** adds GHG to the definition of "regulated pollutant", prohibits the AQCC from excluding GHG emissions from the requirement to pay annual emission fees that are based on emissions of regulated pollutants, gives the AQCC rule-making authority to set the GHG annual emission fee, and authorizes the use of these fees for outreach to and engagement of disproportionately impacted communities. **Section 4** requires the AQCC's GHG reporting rules to establish an assumed emission rate representing the average regional fossil fuel generation emission rate for electricity generated by a renewable energy resource for which the associated renewable energy credit is not retired in the year generated.

**Section 5** creates an environmental justice ombudsperson position and an environmental justice advisory board in the department of public health and environment. The ombudsperson and the advisory board will work collaboratively to promote environmental justice in Colorado. Sections 2 and 5 specify processes for soliciting and facilitating input from disproportionately impacted communities regarding proposed AQCC rule changes and departmental decision-making.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

1           **SECTION 1.** In Colorado Revised Statutes, 25-7-102, **add** (3) as  
2 follows:

3           **25-7-102. Legislative declaration.** (3) (a) (I) IT IS DECLARED TO  
4 BE THE POLICY OF THIS STATE THAT THE COMMISSION SHALL ADOPT RULES,  
5 INCLUDING EMISSION CONTROL REGULATIONS, THAT ARE SUFFICIENT TO  
6 ACHIEVE QUANTIFIABLE AND ENFORCEABLE REDUCTIONS IN GREENHOUSE  
7 GAS EMISSIONS CONSISTENT WITH THE CLIMATE GOALS SET FORTH IN  
8 SUBSECTION (2)(g) OF THIS SECTION AS QUICKLY AS POSSIBLE, TAKING  
9 INTO ACCOUNT THE FEASIBILITY, COST-EFFECTIVENESS, AND EQUITY  
10 IMPLICATIONS OF MEASURES TO REDUCE THE STATE'S CONTRIBUTION TO  
11 CLIMATE CHANGE.

12           (II) ACTIONS TO REDUCE GREENHOUSE GAS POLLUTION CAN AND  
13 SHOULD OCCUR AT ALL LEVELS OF STATE GOVERNMENT. NONETHELESS,  
14 THE COMMISSION, AS THE STATE'S AIR QUALITY REGULATOR AND THE SOLE  
15 ENTITY WITH THE LEGAL RESPONSIBILITY TO IMPLEMENT SECTION  
16 25-7-105 (1)(e), IS THE AGENCY RESPONSIBLE FOR ENSURING THAT  
17 COLORADO'S ALL-OF-GOVERNMENT APPROACH TO ADDRESSING CLIMATE  
18 CHANGE WILL RESULT IN SUFFICIENT REDUCTIONS IN GREENHOUSE GAS  
19 POLLUTION TO ACHIEVE THE GOALS SET FORTH IN SECTION 25-7-105 (1)(e)  
20 BY TAKING ANY ADDITIONAL REGULATORY ACTION NECESSARY TO ENSURE  
21 THAT THE STATE'S GREENHOUSE GAS EMISSION REDUCTION GOALS ARE  
22 ACTUALLY ACHIEVED.

23           (III) THE GENERAL ASSEMBLY RECOGNIZES THAT PROMPT ACTION  
24 IS ESSENTIAL FOR COLORADO TO MEET ITS CLIMATE GOALS, GIVEN, AMONG  
25 OTHER THINGS, THE SLOW TURNOVER OF EQUIPMENT, VEHICLES,  
26 APPLIANCES, AND OTHER TECHNOLOGIES THAT BURN OR RELEASE FOSSIL  
27 FUELS. THE GENERAL ASSEMBLY FURTHER RECOGNIZES THAT CLIMATE

1 CHANGE IS A CUMULATIVE EMISSIONS PROBLEM. THIS IS BECAUSE  
2 LONG-LIVED CLIMATE POLLUTANTS CAN PERSIST FOR CENTURIES IN THE  
3 ATMOSPHERE, THUS COMMITTING US TO WARMING FOR GENERATIONS TO  
4 COME. AS WE CONTINUE TO EMIT GREENHOUSE GASES INTO THE  
5 ATMOSPHERE OVER THE NEXT DECADE, AND EVEN OVER THE NEXT FEW  
6 YEARS, WE WILL CONTINUE TO EXACERBATE THE CLIMATE DAMAGES WE  
7 ARE ALREADY SEEING AND INCREASE THE RISK OF CATASTROPHIC  
8 DISRUPTION. THEREFORE, EARLY ACTION TO REDUCE THE POLLUTANTS  
9 THAT CONTRIBUTE TO CLIMATE CHANGE, THEREBY REDUCING OVERALL  
10 ATMOSPHERIC GREENHOUSE GAS CONCENTRATIONS, IS ESSENTIAL.  
11 COLORADO NEEDS TO SECURE STEADY, PERSISTENT REDUCTIONS IN  
12 POLLUTION OVER TIME THAT ALIGN WITH THE ESTIMATED CARBON DIOXIDE  
13 BUDGETS IDENTIFIED BY THE UNITED NATIONS' INTERGOVERNMENTAL  
14 PANEL ON CLIMATE CHANGE (IPCC) CONSISTENT WITH LIMITING THE  
15 AVERAGE GLOBAL WARMING, IN COMPARISON TO ACCEPTED HISTORICAL  
16 AVERAGE TEMPERATURES, TO ONE AND ONE-HALF DEGREES CELSIUS.

17 (IV) THE GENERAL ASSEMBLY RECOGNIZES THAT THE  
18 COMMISSION'S "RESOLUTION TO ENSURE GREENHOUSE GAS REDUCTION  
19 GOALS ARE MET", ADOPTED OCTOBER 23, 2020, OUTLINES A SET OF  
20 SECTOR-SPECIFIC GREENHOUSE GAS EMISSION REDUCTION TARGETS,  
21 ACHIEVEMENT OF WHICH WILL DEMONSTRATE THAT COLORADO IS ON  
22 TRACK TO ACHIEVE ITS GREENHOUSE GAS EMISSION REDUCTION GOALS.  
23 GIVEN THE RAPID PACE OF TECHNOLOGICAL AND ECONOMIC CHANGE, THE  
24 GENERAL ASSEMBLY ALSO AUTHORIZES THE COMMISSION TO ADJUST THE  
25 SECTOR-SPECIFIC TARGETS IF NECESSARY, SO LONG AS THE OVERALL  
26 REQUIRED LEVEL OF EMISSION REDUCTIONS IS ACHIEVED.

27 (b) IT IS FURTHER DECLARED THAT:

1 (I) DUE TO HISTORICAL SYSTEMS AND PRACTICES THAT  
2 INTENTIONALLY TARGETED BLACK AND INDIGENOUS PEOPLE,  
3 COMMUNITIES OF COLOR, AND LOW-INCOME COMMUNITIES, THERE  
4 CONTINUES TO BE A RACIAL AND SOCIOECONOMIC INEQUITY IN REGARD TO  
5 THE IMPACTS OF CLIMATE CHANGE AND POLLUTION. DISPROPORTIONATELY  
6 IMPACTED COMMUNITIES SUFFER FROM HIGHER RATES OF AIR POLLUTION  
7 AND DAMAGE DUE TO CHANGING AND MORE SEVERE WEATHER, AND HAVE  
8 BEEN SYSTEMATICALLY EXCLUDED FROM GOVERNANCE AND  
9 DECISION-MAKING. IT IS THEREFORE THE RESPONSIBILITY OF THE STATE TO  
10 INCLUDE AND ENGAGE THESE COMMUNITIES MORE FULLY IN  
11 POLICYMAKING AT EVERY LEVEL AND TO ENSURE THAT CLIMATE POLICY  
12 WORKS TOWARD RESTORATIVE JUSTICE AND BENEFITING THESE  
13 COMMUNITIES. THE GENERAL ASSEMBLY RECOGNIZES THAT THE KEY TO  
14 ADDRESSING THESE HISTORIC WRONGS IS TO RAPIDLY REDUCE POLLUTION  
15 IN DISPROPORTIONATELY IMPACTED COMMUNITIES.

16 (II) THE PUBLIC SHOULD HAVE A MEANINGFUL OPPORTUNITY TO  
17 PARTICIPATE IN RULE-MAKING PROCEEDINGS BEFORE THE COMMISSION.  
18 THIS REQUIRES THAT MEMBERS OF THE PUBLIC BE PROVIDED WITH TIMELY  
19 ACCESS TO INFORMATION NEEDED TO UNDERSTAND PROPOSED RULES AND  
20 TO DEVELOP ALTERNATIVE PROPOSALS, AND THAT THEY BE AFFORDED THE  
21 TIME NECESSARY TO DO SO.

22 (III) THE COMMISSION SHOULD REMOVE BARRIERS TO PUBLIC  
23 PARTICIPATION IN RULE-MAKING PROCEEDINGS TO THE EXTENT POSSIBLE.  
24 THE COMMISSION IS ENCOURAGED TO USE LANGUAGE THAT IS  
25 UNDERSTANDABLE TO CITIZENS WHO DO NOT HAVE SPECIALIZED  
26 KNOWLEDGE OF THE MATTERS BEFORE THE COMMISSION.

27 **SECTION 2.** In Colorado Revised Statutes, 25-7-105, **amend**

1 (1)(e)(I), (1)(e)(II), and (1)(e)(III); and **add** (1)(e)(VIII)(G),  
2 (1)(e)(VIII)(H), (1)(e)(VIII)(I),      and (1)(e)(XI)(B.5) as follows:

3 **25-7-105. Duties of commission - rules - legislative declaration**  
4 **- definitions - repeal.** (1) Except as provided in sections 25-7-130 and  
5 25-7-131, the commission shall promulgate such rules and regulations as  
6 are consistent with the legislative declaration set forth in section 25-7-102  
7 and necessary for the proper implementation and administration of this  
8 article 7, including, but not limited to:

9 (e) (I) (A) Statewide greenhouse gas pollution abatement.

10 (B) THE COMMISSION MAY CONSIDER THE SOCIAL COST OF  
11 GREENHOUSE GAS EMISSIONS IN ANY RULE-MAKING PROCEEDING. IN ANY  
12 RULE-MAKING PROCEEDING THAT HAS THE POTENTIAL TO MATERIALLY  
13 AFFECT GREENHOUSE GAS EMISSIONS, THE DIVISION SHALL, AND OTHER  
14 PARTIES ARE ENCOURAGED TO, USE THE SOCIAL COST OF GREENHOUSE  
15 GASES IN ANY ECONOMIC IMPACT ANALYSIS OF THE EMISSION REDUCTIONS  
16 OR BENEFITS OF A PROPOSAL AND IN ANY COST-BENEFIT ANALYSIS. THE  
17 VALUE OF THE SOCIAL COST OF CARBON MUST BE NO LESS THAN THE  
18 APPROPRIATE VALUE IN THE 2016 TECHNICAL SUPPORT DOCUMENT OF THE  
19 FEDERAL INTERAGENCY WORKING GROUP ON THE SOCIAL COST OF  
20 GREENHOUSE GASES, ENTITLED "TECHNICAL UPDATE OF THE SOCIAL  
21 COST OF CARBON FOR REGULATORY IMPACT ANALYSIS - UNDER  
22 EXECUTIVE ORDER 12866". THE VALUE OF THE SOCIAL COST OF METHANE  
23 AND THE SOCIAL COST OF NITROUS OXIDE MUST BE NO LESS THAN THE  
24 APPROPRIATE VALUES IN THE ADDENDUM TO THE 2016 TECHNICAL  
25 SUPPORT DOCUMENT OF THE FEDERAL INTERAGENCY WORKING GROUP,  
26 ENTITLED "ADDENDUM TO TECHNICAL SUPPORT DOCUMENT ON SOCIAL  
27 COST OF CARBON FOR REGULATORY IMPACT ANALYSIS UNDER

1 EXECUTIVE ORDER 12866: APPLICATION OF THE METHODOLOGY TO  
2 ESTIMATE THE SOCIAL COST OF METHANE AND THE SOCIAL COST OF  
3 NITROUS OXIDE". A SOCIAL COST OF CARBON, SOCIAL COST OF METHANE,  
4 OR SOCIAL COST OF NITROUS OXIDE HIGHER THAN THE CORRESPONDING  
5 VALUE IN THE 2016 TECHNICAL SUPPORT DOCUMENT AND ITS ADDENDUM  
6 MAY BE USED IF IT IS ADEQUATELY SUPPORTED OR IF THE FEDERAL  
7 GOVERNMENT HAS PUBLISHED A MORE RECENT CALCULATION OF THE  
8 SOCIAL COST OF GREENHOUSE GASES, IN WHICH CASE THE SOCIAL COST OF  
9 GREENHOUSE GASES MUST BE NO LESS THAN THE HIGHEST VALUE.

10 (II) (A) Consistent with section 25-7-102 (2)(g), the commission  
11 shall timely promulgate implementing rules and regulations. The  
12 implementing rules may take into account other relevant laws and rules,  
13 as well as voluntary actions taken by local communities and the private  
14 sector, to enhance efficiency and cost-effectiveness, and shall be revised  
15 as necessary over time to ensure timely progress toward the 2025, 2030,  
16 and 2050 goals. The implementing rules shall provide for ongoing  
17 tracking of emission sources that adversely affect disproportionately  
18 impacted communities and are subject to rules implemented pursuant to  
19 this subsection (1)(e) and must include strategies designed to achieve  
20 reductions in harmful air pollution affecting those communities.

21 (B) THE COMMISSION'S IMPLEMENTING RULES PROMULGATED  
22 PURSUANT TO THIS SUBSECTION (1)(e)(II) MUST BE DESIGNED TO MITIGATE  
23 THE CUMULATIVE IMPACT OF STATEWIDE GREENHOUSE GAS POLLUTION,  
24 REQUIRING REDUCTIONS ON A PATHWAY THAT REFLECTS STEADY  
25 PROGRESS CORRESPONDING TO THE GOALS ESTABLISHED IN SECTION  
26 25-7-102 (2)(g), TAKING INTO ACCOUNT EARLY REDUCTIONS OF EMISSIONS  
27 BELOW THAT PATHWAY.

1 (C) THE COMMISSION SHALL ADOPT FINAL IMPLEMENTING RULES  
2 NO LATER THAN MARCH 1, 2022. EXCEPT AS SPECIFIED IN SUBSECTIONS  
3 (1)(e)(II)(E) AND (1)(e)(II)(F) OF THIS SECTION, THE RULES MUST, AT A  
4 MINIMUM, ENSURE THAT: ANNUAL GREENHOUSE GAS EMISSIONS FROM THE  
5 POWER SECTOR, INCLUDING ALL EMISSIONS ASSOCIATED WITH POWER  
6 GENERATED IN COLORADO AND ALL IMPORTED POWER USED TO SERVE  
7 COLORADO CUSTOMERS, DO NOT EXCEED TWENTY-ONE MMTCO<sub>2</sub>E BY  
8 2025 AND DO NOT EXCEED EIGHT MMTCO<sub>2</sub>E BY 2030; ANNUAL  
9 GREENHOUSE GAS EMISSIONS FROM THE COMBUSTION OF FOSSIL FUELS IN  
10 RESIDENTIAL AND COMMERCIAL BUILDINGS AND INDUSTRIAL PROCESSES  
11 DO NOT EXCEED TWENTY-SIX MMTCO<sub>2</sub>E BY 2025 AND DO NOT EXCEED  
12 TWENTY MMTCO<sub>2</sub>E BY 2030; ANNUAL GREENHOUSE GAS EMISSIONS FROM  
13 TRANSPORTATION AND MOBILE SOURCES DO NOT EXCEED TWENTY-THREE  
14 MMTCO<sub>2</sub>E BY 2025 AND DO NOT EXCEED EIGHTEEN MMTCO<sub>2</sub>E BY 2030;  
15 ANNUAL GREENHOUSE GAS EMISSIONS FROM OIL AND GAS EXPLORATION  
16 AND PRODUCTION, PROCESSING, TRANSMISSION, AND STORAGE DO NOT  
17 EXCEED THIRTEEN MMTCO<sub>2</sub>E BY 2025 AND DO NOT EXCEED EIGHT  
18 MMTCO<sub>2</sub>E BY 2030; AND ANNUAL GREENHOUSE GAS EMISSIONS FROM  
19 REMAINING SOURCES DO NOT EXCEED THE MAXIMUM AMOUNT ALLOWABLE  
20 TO MEET THE GOALS SET FORTH IN SECTION 25-7-102 (2)(g) BY 2025 AND  
21 BY 2030.

22 (D) THE COMMISSION SHALL DESIGN THE IMPLEMENTING RULES  
23 FOR THE POWER SECTOR LIMITS IN SUBSECTION (1)(e)(II)(C) OF THIS  
24 SECTION, REGARDLESS OF WHETHER THOSE LIMITS ARE MODIFIED  
25 PURSUANT TO SUBSECTION (1)(e)(II)(E) OF THIS SECTION OR LOWERED  
26 PURSUANT TO SUBSECTION (1)(e)(II)(F) OF THIS SECTION, TO ACCELERATE  
27 NEAR-TERM REDUCTIONS IN GREENHOUSE GAS EMISSIONS FROM THE



1 POWER SECTOR SO AS TO ACHIEVE THE MAXIMUM PRACTICABLE  
2 CUMULATIVE REDUCTIONS IN GREENHOUSE GAS POLLUTION FROM THE  
3 POWER SECTOR BY 2030.

4 (E) THE COMMISSION MAY MODIFY THE SECTOR-SPECIFIC TARGETS  
5 SPECIFIED IN SUBSECTION (1)(e)(II)(C) OF THIS SECTION, BUT ONLY IF IT  
6 DETERMINES THAT THE MODIFICATION WILL: INCREASE THE  
7 COST-EFFECTIVENESS OF THE OVERALL REGULATORY STRUCTURE AND  
8 RESULT IN AN EQUIVALENT OR LOWER LEVEL OF CUMULATIVE  
9 GREENHOUSE GAS EMISSIONS BY 2025 AND BY 2030 THAN WOULD RESULT  
10 FROM THE SECTOR-SPECIFIC TARGETS IN SUBSECTION (1)(e)(II)(C) OF THIS  
11 SECTION; OR RESULT IN A LOWER LEVEL OF CUMULATIVE GREENHOUSE GAS  
12 EMISSIONS BY 2025 AND BY 2030 THAN WOULD RESULT FROM THE  
13 SECTOR-SPECIFIC TARGETS IN SUBSECTION (1)(e)(II)(C) OF THIS SECTION.

14 (F) THE COMMISSION SHALL LOWER THE MAXIMUM AMOUNTS OF  
15 GREENHOUSE GAS EMISSIONS ALLOWED BY 2025 AND BY 2030 PURSUANT  
16 TO SUBSECTION (1)(e)(II)(C) OR (1)(e)(II)(E) OF THIS SECTION TO REFLECT  
17 THE AGGREGATE VERIFIED GREENHOUSE GAS EMISSION REDUCTIONS  
18 FORECASTED IN CLEAN ENERGY PLANS AND RESPONSIBLE ENERGY PLANS  
19 APPROVED BY THE PUBLIC UTILITIES COMMISSION PURSUANT TO  
20 SUBSECTION (1)(e)(VIII) OF THIS SECTION IF THOSE PLANS RESULT IN  
21 LOWER OVERALL GREENHOUSE GAS EMISSIONS FROM THE POWER SECTOR  
22 BY 2025 AND BY 2030. IN NO EVENT SHALL THE COMMISSION INCREASE  
23 THE MAXIMUM AMOUNT OF GREENHOUSE GAS EMISSIONS ALLOWED BY  
24 2025 OR BY 2030 PURSUANT TO SUBSECTION (1)(e)(II)(C) OF THIS  
25 SECTION, AND IMPLEMENTING RULES ADOPTED PURSUANT TO SUBSECTION  
26 (1)(e)(II)(C) OR (1)(e)(II)(G) OF THIS SECTION MUST GUARANTEE THAT  
27 THE GREENHOUSE GAS EMISSION REDUCTIONS FORECASTED IN CLEAN

1 ENERGY PLANS AND RESPONSIBLE ENERGY PLANS ARE ACHIEVED.

2 (G) THE COMMISSION SHALL EVALUATE AND DETERMINE WHETHER  
3 A MULTI-SECTOR PROGRAM WITH AN OVERALL LIMIT ON GREENHOUSE GAS  
4 EMISSIONS WOULD ENABLE THE STATE TO ACHIEVE THE GOALS  
5 ESTABLISHED IN SECTION 25-7-102 (2)(g) IN A MANNER CONSISTENT WITH  
6 THE FACTORS SPECIFIED IN SUBSECTION (1)(e)(VI) OF THIS SECTION.  
7 NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION (1)(e)(II)(C) OF  
8 THIS SECTION, IF THE COMMISSION DETERMINES THAT SUCH A  
9 MULTI-SECTOR PROGRAM CONTAINING STRATEGIES DESIGNED TO ACHIEVE  
10 REDUCTIONS IN HARMFUL AIR POLLUTION AFFECTING  
11 DISPROPORTIONATELY IMPACTED COMMUNITIES WOULD ENSURE THAT THE  
12 STATE ACHIEVES THE GOALS ESTABLISHED IN SECTION 25-7-102 (2)(g) IN  
13 A MANNER THAT IS CONSISTENT WITH THE FACTORS IN SUBSECTION  
14 (1)(e)(VI) OF THIS SECTION, THE COMMISSION MAY ADOPT SUCH A  
15 MULTI-SECTOR PROGRAM BY RULE IN LIEU OF THE SECTOR-SPECIFIC LIMITS  
16 SET FORTH IN SUBSECTION (1)(e)(II)(C) OF THIS SECTION.

17 (III) (A) The commission ~~will~~ SHALL identify disproportionately  
18 impacted communities. In identifying these communities, the commission  
19 will consider: Minority, low-income, tribal, or indigenous populations in  
20 the state that potentially experience disproportionate environmental harms  
21 and risks. This disproportionality can be a result of increased vulnerability  
22 to environmental degradation, lack of opportunity for public participation,  
23 or other factors. Increased vulnerability may be attributable to an  
24 accumulation of negative or lack of positive environmental, health,  
25 economic, or social conditions within these populations.  
26 "Disproportionately impacted communities" describes situations where  
27 multiple factors, including both environmental and socioeconomic

1 stressors, may act cumulatively to affect health and the environment and  
2 contribute to persistent environmental health disparities.

3 (B) THE COMMISSION SHALL ALSO NOTIFY, CONDUCT OUTREACH  
4 TO, AND ENGAGE WITH DISPROPORTIONATELY IMPACTED COMMUNITIES  
5 THAT MAY BE AFFECTED BY A PROPOSED RULE, ALLOWING SUFFICIENT  
6 TIME FOR MEANINGFUL COMMUNICATION BETWEEN THE COMMISSION AND  
7 DISPROPORTIONATELY IMPACTED COMMUNITIES.

8 (C) IN DETERMINING WHETHER A DISPROPORTIONATELY IMPACTED  
9 COMMUNITY MAY BE AFFECTED BY A PROPOSED RULE, THE COMMISSION  
10 SHALL MAKE AN INITIAL DETERMINATION TO ACCOMPANY THE NOTICE OF  
11 HEARING. IF THE COMMISSION DETERMINES THAT NO  
12 DISPROPORTIONATELY IMPACTED COMMUNITY IS LIKELY TO BE AFFECTED  
13 BY A PROPOSED RULE, ANY MEMBER OF THE PUBLIC MAY REQUEST  
14 RECONSIDERATION OF THAT DETERMINATION WITHIN FOURTEEN  
15 CALENDAR DAYS AFTER THE DETERMINATION. IF THE COMMISSION  
16 DETERMINES THAT THE PROPOSED RULE WILL ADVERSELY AFFECT ANY  
17 DISPROPORTIONATELY IMPACTED COMMUNITY, IT SHALL PLAN OUTREACH  
18 TO AND ENGAGEMENT OF THE DISPROPORTIONATELY IMPACTED  
19 COMMUNITY IN COORDINATION WITH THE ENVIRONMENTAL JUSTICE  
20 OMBUDSPERSON AND THE ENVIRONMENTAL JUSTICE ADVISORY BOARD  
21 ESTABLISHED IN SECTION 25-1-131.

22 (D) FOR EACH HEARING ON A PROPOSED RULE, THE COMMISSION  
23 SHALL PROVIDE OPPORTUNITIES FOR PUBLIC COMMENT THAT MEET THE  
24 FOLLOWING MINIMUM REQUIREMENTS: THE COMMISSION SHALL PROVIDE  
25 AT LEAST TWO OPPORTUNITIES FOR PUBLIC COMMENT, ONE ON A WEEKDAY  
26 AT A TIME BETWEEN THE HOURS OF 9 A.M. AND 5 P.M. AND ANOTHER ON A  
27 WEEKDAY AT A TIME BETWEEN THE HOURS OF 5 P.M. AND 10 P.M.; THE

1 COMMISSION SHALL ENSURE THAT MEMBERS OF THE PUBLIC CAN PROVIDE  
2 COMMENT REMOTELY THROUGH AN ONLINE SERVICE THAT IS AVAILABLE  
3 FREE TO THE PUBLIC; AND THE COMMISSION SHALL ENSURE THAT SPANISH  
4 LANGUAGE OUTREACH MATERIALS AND REAL-TIME TRANSLATION  
5 SERVICES ARE AVAILABLE TO MEMBERS OF THE PUBLIC AND SHALL  
6 REASONABLY ACCOMMODATE REQUESTS FOR MEMBERS OF THE PUBLIC TO  
7 USE A TRANSLATOR IN A LANGUAGE OTHER THAN SPANISH.

8 (E) THE DIVISION SHALL DEVELOP BEST PRACTICES TO ENGAGE  
9 DISPROPORTIONATELY IMPACTED COMMUNITIES IN THE RULE-MAKING  
10 PROCESS AND PRESENT THOSE BEST PRACTICES FOR REVIEW BY THE  
11 COMMISSION NO LATER THAN JULY 1, 2021, AND SHALL PROVIDE A REPORT  
12 DESCRIBING THESE BEST PRACTICES TO THE GENERAL ASSEMBLY BY  
13 SEPTEMBER 1, 2021. THIS SUBSECTION (1)(e)(III)(E) IS REPEALED,  
14 EFFECTIVE SEPTEMBER 1, 2023.

15 (VIII) (G) EACH WHOLESALE GENERATION AND TRANSMISSION  
16 ELECTRIC COOPERATIVE SHALL FILE WITH THE PUBLIC UTILITIES  
17 COMMISSION A RESPONSIBLE ENERGY PLAN THAT WILL ACHIEVE AT LEAST  
18 AN EIGHTY-PERCENT REDUCTION BY 2030, RELATIVE TO 2005 LEVELS, IN  
19 GREENHOUSE GAS EMISSIONS CAUSED BY THE COOPERATIVE'S PROVISION  
20 OF ELECTRICITY TO CUSTOMERS WITHIN THE STATE. THE RESPONSIBLE  
21 ENERGY PLAN MAY BE INCLUDED AS PART OF ANY PENDING ELECTRIC  
22 RESOURCE PLAN BEFORE THE PUBLIC UTILITIES COMMISSION. THE DIVISION  
23 SHALL VERIFY WHETHER THE RESPONSIBLE ENERGY PLAN, AS APPROVED  
24 BY THE PUBLIC UTILITIES COMMISSION, WILL ACHIEVE AT LEAST AN  
25 EIGHTY-PERCENT REDUCTION IN GREENHOUSE GAS EMISSIONS CAUSED BY  
26 THE COOPERATIVE'S PROVISION OF ELECTRICITY TO WHOLESALE  
27 CUSTOMERS WITHIN THE STATE, INCLUDING EMISSIONS ASSOCIATED WITH

1 ELECTRICITY IMPORTED TO THE STATE, BY 2030 AS COMPARED TO 2005  
2 LEVELS. THE CALCULATION OF EMISSIONS REDUCTIONS FROM THE PLAN  
3 MUST BE BASED ON AND REFLECT CHANGES IN THE UTILIZATION AND  
4 PROVISION OF RESOURCES THAT RESULT IN DEMONSTRATED REDUCTIONS  
5 IN ACTUAL GREENHOUSE GAS EMISSIONS TO THE ATMOSPHERE, RATHER  
6 THAN RESOURCE SHUFFLING, WHICH INCLUDES ANY PLAN, SCHEME,  
7 TRANSACTION, ARTIFICE, OR DESIGNATION THAT ATTEMPTS TO  
8 DEMONSTRATE REDUCTIONS IN GREENHOUSE GAS EMISSIONS BASED ON  
9 EMISSIONS REDUCTIONS THAT HAVE NOT ACTUALLY OCCURRED AND THAT  
10 INVOLVE OR AFFECT THE DELIVERY OF ELECTRICITY TO THE STATE. THE  
11 PUBLIC UTILITIES COMMISSION SHALL APPROVE A PLAN MEETING THE  
12 REQUIREMENTS OF THIS SUBSECTION (1)(e)(VIII)(G) NO LATER THAN  
13 DECEMBER 31, 2022.

14 (H) CLEAN ENERGY PLANS REQUIRED BY SUBSECTIONS  
15 (1)(e)(VIII)(C) AND (1)(e)(VIII)(F) OF THIS SECTION AND RESPONSIBLE  
16 ENERGY PLANS REQUIRED BY SUBSECTION (1)(e)(VIII)(G) OF THIS SECTION  
17 MUST MAXIMIZE NEAR-TERM GREENHOUSE GAS EMISSION REDUCTIONS TO  
18 THE GREATEST EXTENT PRACTICABLE AND SHALL BE SUBMITTED IN  
19 ACCORDANCE WITH DEADLINES AND PROCEDURES ESTABLISHED BY THE  
20 COMMISSION AND THE PUBLIC UTILITIES COMMISSION. FOR UTILITIES THAT  
21 ARE NOT INVESTOR-OWNED OR WHOLESALE GENERATION AND  
22 TRANSMISSION COOPERATIVE UTILITIES, THE DIVISION SHALL FULLY  
23 EVALUATE AND VERIFY ALL CLEAN ENERGY AND RESPONSIBLE ENERGY  
24 PLANS NO LATER THAN JULY 1, 2022. CLEAN ENERGY PLANS SUBMITTED  
25 PURSUANT TO SUBSECTION (1)(e)(VIII)(C) OF THIS SECTION AND  
26 RESPONSIBLE ENERGY PLANS SUBMITTED PURSUANT TO SUBSECTION  
27 (1)(e)(VIII)(G) OF THIS SECTION MUST ALSO BE APPROVED BY THE PUBLIC

1 UTILITIES COMMISSION. IN VERIFYING CLEAN ENERGY OR RESPONSIBLE  
2 ENERGY PLANS, THE DIVISION SHALL PREVENT DOUBLE COUNTING OF  
3 EMISSION REDUCTIONS AMONG UTILITIES AND SHALL CONSIDER  
4 ELECTRICITY GENERATED BY RENEWABLE ENERGY RESOURCES AS HAVING  
5 ZERO GREENHOUSE GAS EMISSIONS ONLY IF THE ELECTRICITY IS  
6 ACCOMPANIED BY A RENEWABLE ENERGY CREDIT THAT IS RETIRED ON  
7 BEHALF OF THE UTILITY'S CUSTOMERS IN THE YEAR GENERATED. ONCE  
8 VERIFIED BY THE DIVISION, THE PROJECTED ANNUAL GREENHOUSE GAS  
9 EMISSION LEVELS IN THE CLEAN ENERGY PLAN OR RESPONSIBLE ENERGY  
10 PLAN ARE UTILITY-SPECIFIC EMISSION LIMITS ENFORCEABLE BY THE  
11 DIVISION.

12 (I) A UTILITY INTENDING TO FILE A CLEAN ENERGY OR  
13 RESPONSIBLE ENERGY PLAN MUST INFORM THE DIVISION NO LATER THAN  
14 JULY 1, 2021. AN ELECTRIC UTILITY THAT DOES NOT INDICATE INTENT TO  
15 FILE A CLEAN ENERGY OR RESPONSIBLE ENERGY PLAN OR THAT DOES NOT  
16 SUBMIT A CLEAN ENERGY OR RESPONSIBLE ENERGY PLAN AFTER  
17 EXPRESSING INTENT TO DO SO SHALL REDUCE GREENHOUSE GAS EMISSIONS  
18 AT LEAST NINETY PERCENT BY 2030, AS COMPARED TO 2005 LEVELS,  
19 INCLUDING EMISSIONS ASSOCIATED WITH IMPORTED ELECTRICITY. AN  
20 ELECTRIC UTILITY THAT FAILS TO ACHIEVE THE EMISSION REDUCTIONS  
21 FORECASTED IN A VERIFIED CLEAN ENERGY OR RESPONSIBLE ENERGY PLAN  
22 IS SUBJECT TO ALTERNATIVE EMISSION LIMITS THAT SECURE GREATER  
23 CUMULATIVE GREENHOUSE GAS EMISSION REDUCTIONS THAN ARE  
24 FORECASTED IN A VERIFIED CLEAN ENERGY OR RESPONSIBLE ENERGY PLAN  
25 AND THAT ARE ADOPTED DURING THE RULE-MAKING HELD PURSUANT TO  
26 SUBSECTION (1)(e)(II)(C) OR (1)(e)(II)(G) OF THIS SECTION.

27

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1 (XI) As used in this subsection (1)(e):

2 (B.5) "MMTCO<sub>2</sub>E" MEANS MILLION METRIC TONS OF CARBON  
3 DIOXIDE EQUIVALENT.

4 **SECTION 3.** In Colorado Revised Statutes, 25-7-114.7, **amend**  
5 (2)(a)(I) introductory portion, (2)(a)(I)(A), (2)(a)(II), and (2)(b)(III)(G);  
6 and **add** (1)(b)(I)(E), (2)(b)(III)(I), and (2)(b)(III)(J) as follows:

7 **25-7-114.7. Emission fees - fund - rules - definition - repeal.**

8 (1) As used in this section, unless the context otherwise requires:

9 (b) (I) "Regulated pollutant" means:

10 (E) A GREENHOUSE GAS, AS DEFINED IN SECTION 25-7-140 (6).

11 (2) (a) (I) The commission shall designate by rule those classes of  
12 sources of air pollution that are exempt from the requirement to pay an  
13 annual emission fee BUT SHALL NOT CATEGORICALLY EXEMPT ANY  
14 GREENHOUSE GAS EMISSIONS FROM THE REQUIREMENT TO PAY ANNUAL  
15 EMISSION FEES. Every owner or operator of an air pollution source not  
16 otherwise exempt in accordance with ~~such commission~~ THE rules shall  
17 pay an annual fee as follows:

18 (A) For state fiscal year 2020-21, the fee is thirty-two dollars per  
19 ton of regulated pollutant reported in the most recent air pollution  
20 emission notice on file with the division. For state fiscal year 2021-22, the  
21 fee is thirty-six dollars per ton of regulated pollutant reported in the most  
22 recent air pollution emission notice on file with the division; EXCEPT  
23 THAT THE COMMISSION SHALL ESTABLISH, BY RULE, A FEE PER TON OF  
24 GREENHOUSE GAS, AS DEFINED IN SECTION 25-7-140 (6), THAT WAS  
25 REPORTED IN THE MOST RECENT AIR POLLUTION EMISSION NOTICE ON FILE  
26 WITH THE DIVISION IN AN AMOUNT THAT IS SUFFICIENT TO COVER THE  
27 INDIRECT AND DIRECT COSTS REQUIRED TO DEVELOP AND ADMINISTER THE

1 PROGRAMS ESTABLISHED PURSUANT TO THIS ARTICLE 7 THAT PERTAIN TO  
2 EMISSIONS OF GREENHOUSE GASES. Thereafter, the commission may adjust  
3 the fee, OTHER THAN THE FEE FOR GREENHOUSE GASES, by rule to cover  
4 the indirect and direct costs required to develop and administer the  
5 programs established pursuant to this article 7, AND MAY ADJUST THE FEE  
6 FOR GREENHOUSE GASES BY RULE TO COVER THE INDIRECT AND DIRECT  
7 COSTS REQUIRED TO DEVELOP AND ADMINISTER THE PROGRAMS  
8 ESTABLISHED PURSUANT TO THIS ARTICLE 7 THAT PERTAIN TO EMISSIONS  
9 OF GREENHOUSE GASES.

10 (II) In no event shall an owner or operator of a major source pay  
11 more than a fee based upon total annual emissions of four thousand tons  
12 of each regulated pollutant, INCLUDING EACH GREENHOUSE GAS, per  
13 source.

14 (b) (III) The division shall expend the portion of the fee revenue  
15 collected pursuant to subsections (2)(a)(I)(A), (2)(a)(I)(B), and (2)(a)(III)  
16 of this section and section 25-7-114.1 (6)(a) attributable to the increases  
17 authorized in 2020 by Senate Bill 20-204 for the following purposes:

18 (G) Expanding the division's capacity to quickly respond to and  
19 better understand public health issues that are related to exposure to air  
20 toxics, such as benzene and other volatile organic compounds; ~~and~~

21 (I) ENABLING OUTREACH TO AND ENGAGEMENT OF  
22 DISPROPORTIONATELY IMPACTED COMMUNITIES; AND

23 (J) PAYING FOR THE ENVIRONMENTAL JUSTICE OMBUDSPERSON  
24 AND THE ENVIRONMENTAL JUSTICE ADVISORY BOARD CREATED IN SECTION  
25 25-1-131.

26 **SECTION 4.** In Colorado Revised Statutes, 25-7-140, **amend**  
27 (2)(a)(I) and (2)(a)(II) as follows:



1           **25-7-140. Greenhouse gas emissions - data collection -**  
2 **legislative declaration - rules - reporting - forecasting - public**  
3 **information - definitions. (2) Rules. (a) The commission shall:**

4           (I)       ~~By June 1, 2020,~~ Adopt rules requiring  
5 greenhouse-gas-emitting entities to monitor and publicly report their  
6 emissions as the commission deems appropriate to support Colorado's  
7 greenhouse gas emission inventory efforts and to facilitate  
8 implementation of rules that will timely achieve Colorado's greenhouse  
9 gas emission reduction goals. The commission shall consider what  
10 information is already being publicly reported by the federal  
11 environmental protection agency and tailor new reporting requirements  
12 to fill any gaps in data, as it determines is appropriate, to allow for  
13 maintaining and updating state inventories that are sufficiently  
14 comprehensive and robust. The rules must include requirements for  
15 providers of retail or wholesale electric service in the state of Colorado  
16 to track and report emissions from all generation sources within the state  
17 and elsewhere that electricity consumption by their customers in this state  
18 causes to be emitted AND MUST ESTABLISH AN ASSUMED EMISSION RATE  
19 REPRESENTING THE AVERAGE REGIONAL FOSSIL FUEL GENERATION  
20 EMISSION RATE FOR ELECTRICITY GENERATED BY A RENEWABLE ENERGY  
21 RESOURCE FOR WHICH THE ASSOCIATED RENEWABLE ENERGY CREDIT IS  
22 NOT RETIRED IN THE YEAR GENERATED. THE RULES MUST INCLUDE  
23 REQUIREMENTS FOR FUEL IMPORTERS AND FUEL SUPPLIERS TO TRACK AND  
24 DIRECTLY REPORT EMISSIONS OF GREENHOUSE GASES FROM THE FULL  
25 COMBUSTION OR OXIDATION OF ANY SIGNIFICANT AMOUNT OF FUEL THAT  
26 EACH FUEL IMPORTER OR FUEL SUPPLIER IMPORTS, OWNS, OR STORES FOR  
27 DISTRIBUTION OR SALE IN THE STATE OF COLORADO, IF THOSE EMISSIONS

1 WOULD NOT OTHERWISE BE REPORTED TO THE STATE. The commission  
2 may require emitting entities to report the amount of emissions of each of  
3 the seven individual components of greenhouse gases as well as the  
4 carbon dioxide equivalent of those emissions.

5 (II) Direct the division to update the statewide inventory of  
6 greenhouse gas emissions by sector, up to on an annual basis as  
7 determined by the commission, but in no event less frequently than every  
8 two years. The division shall update the inventory in a manner that allows  
9 reasonable tracking of progress in reducing greenhouse gas emissions  
10 over time. The commission shall take reasonable steps to ensure that  
11 emission abatement that counts toward meeting the state's greenhouse gas  
12 emission reduction goals is durable and rigorously tracked. The inventory  
13 must include a forecast of Colorado's greenhouse gas emissions for the  
14 milestone year of 2025, as well as 2030, 2035, 2040, and 2045. THE  
15 FORECAST MUST BE CREDIBLE, SUBSTANTIATED BY EVIDENCE, AND  
16 REASONABLY TRANSPARENT AND MUST NOT INCLUDE EMISSION  
17 REDUCTIONS PROJECTED TO OCCUR BECAUSE OF ANY FEDERAL, STATE, OR  
18 LOCAL LAW, RULE, REGULATION, POLICY, OR PROGRAM THAT IS NOT FINAL  
19 OR NOT IN PLACE AS OF THE DATE OF PUBLICATION OF THE INVENTORY.  
20 The initial inventory required under this subsection (2) must include a  
21 recalculation of Colorado's 2005 greenhouse gas emissions to serve as a  
22 baseline for measuring progress against Colorado's greenhouse gas  
23 emission reduction goals.

24 **SECTION 5.** In Colorado Revised Statutes, **add 25-1-131** as  
25 follows:

26 **25-1-131. Environmental justice - ombudsperson - advisory**  
27 **board - definitions - repeal. (1) Environmental justice**

1 **ombudsperson.** (a) THERE IS HEREBY CREATED IN THE OFFICE OF THE  
2 EXECUTIVE DIRECTOR THE POSITION OF AN ENVIRONMENTAL JUSTICE  
3 OMBUDSPERSON. THE DEPARTMENT SHALL PROVIDE ADMINISTRATIVE  
4 SUPPORT FOR THE OMBUDSPERSON. THE OMBUDSPERSON OTHERWISE  
5 FUNCTIONS INDEPENDENTLY IN EXERCISING ITS POWERS.

6 (b) THE EXECUTIVE DIRECTOR SHALL APPOINT THE OMBUDSPERSON  
7 AS SOON AS PRACTICABLE BUT NO LATER THAN FEBRUARY 1, 2022, AND  
8 AS NECESSARY THEREAFTER TO FILL A VACANCY. PRIOR TO AN  
9 APPOINTMENT, THE EXECUTIVE DIRECTOR SHALL CONSULT WITH, AND MAY  
10 RECEIVE RECOMMENDATIONS FROM, THE ADVISORY BOARD, THE GENERAL  
11 ASSEMBLY, REPRESENTATIVES OF DISPROPORTIONATELY IMPACTED  
12 COMMUNITIES, AND OTHER RELEVANT STAKEHOLDERS REGARDING THE  
13 SELECTION OF THE OMBUDSPERSON.

14 (c) THE OMBUDSPERSON MUST BE QUALIFIED BY TRAINING OR  
15 EXPERIENCE IN ENVIRONMENTAL JUSTICE, AND SHOULD HAVE BEEN A  
16 RESIDENT OF ONE OR MORE DISPROPORTIONATELY IMPACTED  
17 COMMUNITIES OR HAVE WORKED TO ADVANCE ENVIRONMENTAL JUSTICE  
18 WITHIN DISPROPORTIONATELY IMPACTED COMMUNITIES.

19 (d) THE OMBUDSPERSON SHALL:

20 (I) WORK COLLABORATIVELY WITH THE ENVIRONMENTAL JUSTICE  
21 ADVISORY BOARD, ESTABLISHED IN SUBSECTION (2) OF THIS SECTION, FOR  
22 THE PURPOSE OF PROMOTING ENVIRONMENTAL JUSTICE FOR THE PEOPLE OF  
23 COLORADO;

24 (II) SERVE AS AN ADVOCATE FOR DISPROPORTIONATELY IMPACTED  
25 COMMUNITIES AND AS A LIAISON BETWEEN DISPROPORTIONATELY  
26 IMPACTED COMMUNITIES AND THE DEPARTMENT;

27 (III) ADDRESS THE RELATIONSHIPS AND INTERACTIONS BETWEEN

1 DISPROPORTIONATELY IMPACTED COMMUNITIES AND THE DEPARTMENT;

2 (IV) INCREASE THE FLOW OF INFORMATION BETWEEN THE  
3 DEPARTMENT AND DISPROPORTIONATELY IMPACTED COMMUNITIES  
4 CONCERNING THE ENVIRONMENT AND DEPARTMENTAL PROGRAMS USING  
5 METHODS OF OUTREACH THAT INCLUDE, AT A MINIMUM:

6 (A) DISSEMINATING INFORMATION THROUGH LOCAL SCHOOLS,  
7 SOCIAL MEDIA, LOCAL SOCIAL AND ACTIVITY CLUBS, LIBRARIES, OR OTHER  
8 LOCAL SERVICES; AND

9 (B) PRIORITIZING IN-PERSON MEETINGS IN COMMUNITIES WITH  
10 POPULATIONS THAT ARE PREDOMINANTLY BLACK, INDIGENOUS, OR PEOPLE  
11 OF COLOR, THAT HAVE AN AVERAGE INCOME BELOW THE STATE'S  
12 AVERAGE, OR THAT ARE IN RURAL LOCATIONS;

13 (V) ENABLE MEANINGFUL PARTICIPATION IN THE  
14 DECISION-MAKING PROCESSES OF THE DEPARTMENT;

15 (VI) MAINTAIN A TELEPHONE NUMBER, WEBSITE, AND MAILING  
16 ADDRESS FOR THE RECEIPT OF COMPLAINTS AND INQUIRIES;

17 (VII) ESTABLISH PROCEDURES TO RESOLVE COMPLAINTS TO THE  
18 EXTENT PRACTICABLE;

19 (VIII) ENSURE THAT NO COMMUNITY IS DISPROPORTIONATELY  
20 AFFECTED BY ENVIRONMENTAL BURDENS TO THE EXTENT PRACTICABLE;  
21 AND

22 (IX) SERVE IN AN ADVISORY CAPACITY TO OTHER STATE AGENCIES  
23 CONDUCTING OUTREACH TO AND ENGAGEMENT OF DISPROPORTIONATELY  
24 IMPACTED COMMUNITIES IN LIGHT OF A PROPOSED AGENCY ACTION.

25 (2) **Environmental justice advisory board.** (a) THERE IS  
26 HEREBY CREATED IN THE DEPARTMENT THE ENVIRONMENTAL JUSTICE  
27 ADVISORY BOARD. THE DEPARTMENT SHALL PROVIDE ADMINISTRATIVE

1 SUPPORT FOR THE ADVISORY BOARD. THE ADVISORY BOARD OTHERWISE  
2 FUNCTIONS INDEPENDENTLY IN EXERCISING ITS POWERS.

3 (b) THE APPOINTING AUTHORITIES SHALL MAKE THEIR INITIAL  
4 APPOINTMENTS AS SOON AS PRACTICABLE, BUT NO LATER THAN THREE  
5 MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION.

6 (c) THE ADVISORY BOARD CONSISTS OF THE FOLLOWING MEMBERS  
7 WHO, TO THE EXTENT PRACTICABLE, MUST RESIDE IN DIFFERENT  
8 GEOGRAPHIC AREAS OF THE STATE, REFLECT THE RACIAL AND ETHNIC  
9 DIVERSITY OF THE STATE, AND HAVE EXPERIENCE WITH A RANGE OF  
10 ENVIRONMENTAL ISSUES, INCLUDING AIR POLLUTION, WATER  
11 CONTAMINATION, AND PUBLIC HEALTH IMPACTS:

12 (I) FIVE MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR, OF  
13 WHOM FOUR MUST HAVE BEEN RESIDENTS OF ONE OR MORE  
14 DISPROPORTIONATELY IMPACTED COMMUNITIES AND ONE MUST BE FROM  
15 A NONGOVERNMENTAL ORGANIZATION THAT REPRESENTS STATEWIDE  
16 INTERESTS TO ADVANCE ENVIRONMENTAL JUSTICE; AND

17 (II) FOUR MEMBERS, ONE OF WHOM IS APPOINTED BY EACH OF THE  
18 FOLLOWING:

- 19 (A) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;
- 20 (B) THE PRESIDENT OF THE SENATE;
- 21 (C) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;
- 22 AND
- 23 (D) THE MINORITY LEADER OF THE SENATE.

24 (d) EACH MEMBER'S TERM OF APPOINTMENT IS FOUR YEARS;  
25 EXCEPT THAT THE INITIAL TERM OF TWO MEMBERS APPOINTED BY THE  
26 EXECUTIVE DIRECTOR PURSUANT TO SUBSECTION (2)(c)(I) OF THIS  
27 SECTION, AS SPECIFIED BY THE EXECUTIVE DIRECTOR, AND EACH MEMBER

1 APPOINTED PURSUANT TO SUBSECTIONS (2)(c)(II)(C) AND (2)(c)(II)(D) OF  
2 THIS SECTION IS TWO YEARS. THE APPOINTING OFFICIALS SHALL FILL ANY  
3 VACANCIES ON THE ADVISORY BOARD, INCLUDING FOR THE REMAINDER OF  
4 ANY UNEXPIRED TERM.

5 (e) AS AUTHORIZED BY SECTION 25-7-114.7 (2)(b)(III)(J), EACH  
6 MEMBER OF THE ADVISORY BOARD IS ENTITLED TO RECEIVE  
7 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES.

8 (f) THE ADVISORY BOARD SHALL ELECT A CHAIRPERSON FROM  
9 AMONG ITS MEMBERS EVERY YEAR. THE ADVISORY BOARD SHALL MEET AT  
10 LEAST ONCE EVERY QUARTER. THE CHAIRPERSON MAY CALL SUCH  
11 ADDITIONAL MEETINGS AS ARE NECESSARY FOR THE ADVISORY BOARD TO  
12 COMPLETE ITS DUTIES.

13 (g) THE ADVISORY BOARD SHALL:

14 (I) SERVE IN AN ADVISORY CAPACITY TO THE OMBUDSPERSON IN  
15 ADDRESSING THE RELATIONSHIP BETWEEN THE DEPARTMENT AND  
16 DISPROPORTIONATELY IMPACTED COMMUNITIES BY INCREASING THE FLOW  
17 OF INFORMATION, ENABLING MEANINGFUL PARTICIPATION IN  
18 DEPARTMENTAL DECISION-MAKING, AND WORKING TO ENSURE THAT NO  
19 COMMUNITY IS DISPROPORTIONATELY IMPACTED BY ENVIRONMENTAL  
20 BURDENS;

21 (II) HOLD A PORTION OF ADVISORY BOARD MEETINGS FOR THE  
22 OMBUDSPERSON TO JOINTLY RECEIVE STAKEHOLDER INPUT INTO THE  
23 ACTIVITIES AND PRIORITIES OF THE OMBUDSPERSON;

24 (III) ADDRESS ANY OTHER MATTERS RELATING TO ADVERSE  
25 ENVIRONMENTAL EFFECTS ON DISPROPORTIONATELY IMPACTED  
26 COMMUNITIES AS REFERRED TO THE ADVISORY BOARD BY THE GOVERNOR  
27 OR THE EXECUTIVE DIRECTOR; AND

1 (IV) STUDY, RESEARCH, AND ADVISE THE DEPARTMENT ON  
2 MATTERS THAT IT DEEMS APPROPRIATE TO ENABLE THE DEPARTMENT TO  
3 INTERACT WITH DISPROPORTIONATELY IMPACTED COMMUNITIES IN THE  
4 BEST MANNER POSSIBLE.

5 (h) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
6 2027. BEFORE THE REPEAL, THE ADVISORY BOARD AND ITS FUNCTIONS ARE  
7 SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

8 (3) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT  
9 OTHERWISE REQUIRES:

10 (a) "ADVISORY BOARD" MEANS THE ENVIRONMENTAL JUSTICE  
11 ADVISORY BOARD CREATED IN SUBSECTION (2) OF THIS SECTION.

12 (b) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF  
13 THE DEPARTMENT.

14 (c) "OMBUDSPERSON" MEANS THE ENVIRONMENTAL JUSTICE  
15 OMBUDSPERSON APPOINTED PURSUANT TO SUBSECTION (1) OF THIS  
16 SECTION.

17 **SECTION 6.** In Colorado Revised Statutes, 2-3-1203, **add**  
18 (18.5)(a)(II) as follows:

19 **2-3-1203. Sunset review of advisory committees - legislative**  
20 **declaration - definition - repeal.** (18.5) (a) The following statutory  
21 authorizations for the designated advisory committees will repeal on  
22 September 1, 2027:

23 (II) THE ENVIRONMENTAL JUSTICE ADVISORY BOARD CREATED IN  
24 SECTION 25-1-131 (2).

25 **SECTION 7. Appropriation. (1) For the 2021-22 state fiscal**  
26 **year, \$1,132,993 is appropriated to the department of public health and**  
27 **environment for use by administration and support. This appropriation is**

1 from the general fund. To implement this act, the division may use this  
2 appropriation as follows:

- 3 (a) \$332,482 for health, life, and dental;
- 4 (b) \$4,027 for short-term disability;
- 5 (c) \$118,437 for amortization equalization disbursement;
- 6 (d) \$118,437 for supplemental amortization equalization  
7 disbursement;
- 8 (e) \$319,020 for the purchase of legal services; and
- 9 (f) \$240,590 for the purchase of information technology services.

10 (2) For the 2021-22 state fiscal year, \$3,179,861 is appropriated  
11 to the department of public health and environment for use by the air  
12 pollution control division. This appropriation is from the general fund. To  
13 implement this act, the division may use this appropriation as follows:

- 14 (a) \$2,089,072 for personal services related to stationary sources,  
15 which amount is based on an assumption that the division will require an  
16 additional 31.0 FTE; and
- 17 (b) \$1,090,789 for operating expenses related to stationary  
18 sources.

19 (3) For the 2021-22 state fiscal year, \$319,020 is appropriated to  
20 the department of law. This appropriation is from reappropriated funds  
21 received from the department of public health and environment under  
22 subsection (1)(e) of this section and is based on an assumption that the  
23 department of law will require an additional 1.7 FTE. To implement this  
24 act, the department of law may use this appropriation to provide legal  
25 services for the department of public health and environment.

26 (4) For the 2021-22 state fiscal year, \$240,590 is appropriated to  
27 the office of the governor for use by the office of information technology.



1 This appropriation is from reappropriated funds received from the  
2 department of public health and environment under subsection (1)(f) of  
3 this section. To implement this act, the office may use this appropriation  
4 to provide information technology services for the department of public  
5 health and environment.

6 (5) For the 2021-22 state fiscal year, \$88,351 is appropriated to  
7 the office of the governor for use by the Colorado energy office. This  
8 appropriation is from the general fund and is based on an assumption that  
9 the office will require an additional 0.9 FTE. To implement this act, the  
10 office may use this appropriation for program costs.

11 **SECTION 8. Applicability.** This act applies to conduct occurring  
12 on or after the effective date of this act.

13 **SECTION 9. Safety clause.** The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, or safety.