

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 22-0383.02 Jennifer Berman x3286

SENATE BILL 22-193

SENATE SPONSORSHIP

Fenberg and Gonzales, Buckner, Danielson, Donovan, Fields, Ginal, Hansen, Jaquez
Lewis, Kolker, Lee, Pettersen, Story, Winter, Zenzinger

HOUSE SPONSORSHIP

Valdez A. and Froelich,

Senate Committees

Transportation & Energy
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO IMPROVE AIR QUALITY IN THE STATE, AND,**
102 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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>.)

Industrial and manufacturing operations clean air grant program. Section 1 of the bill creates the industrial and manufacturing operations clean air grant program (clean air grant program) through which the Colorado energy office (office) awards grant money to private entities, local governments, and public-private partnerships for voluntary projects to reduce air pollutants from industrial and manufacturing

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.

SENATE
3rd Reading Unamended
April 18, 2022

SENATE
Amended 2nd Reading
April 14, 2022

operations.

Voluntary projects eligible for grant money include:

- Energy efficiency projects;
- Renewable energy projects;
- Beneficial electrification projects;
- Transportation electrification projects;
- Projects producing or utilizing clean hydrogen;
- Projects involving carbon capture at industrial facilities;
- Methane capture projects;
- Projects producing or utilizing sustainable aviation fuel;
- and
- Industrial process changes that reduce emissions.

Starting in 2025, the office is required to report annually on the progress of the clean air grant program, submit the report to the legislative committees with jurisdiction over energy matters, and post the reports on the office's website.

On June 30, 2022, the state treasurer shall transfer \$25 million from the general fund to the industrial and manufacturing operations clean air grant program cash fund, which fund is created in the bill. The fund may also consist of money from federal sources and from gifts, grants, and donations. The money in the fund is continuously appropriated to the office for its administration of the clean air grant program.

The clean air grant program is repealed on September 1, 2029.

Community access to electric bicycles. Section 2 creates the community access to electric bicycles grant program (electric bicycles grant program) through which the office awards grant money to local governments and nonprofit organizations that administer or plan to administer a bike share program or an ownership program for the provision of electric bicycles in a community. **Section 2** also creates the community access to electric bicycles rebate program (rebate program) through which the office provides individuals in low- and moderate-income households, or bicycle shops that sell electric bicycles to program participants at discounted prices, rebates for purchases of electric bicycles used for commuting purposes.

Starting in 2025, the office is required to report annually on the progress of the electric bicycles grant program and the rebate program, submit copies of the report to the legislative committees with jurisdiction over transportation matters, and post the report on the office's website.

On June 30, 2022, the state treasurer shall transfer \$12 million from the general fund to the community access to electric bicycles cash fund, which fund is created in the bill. The fund may also consist of money from federal sources and from gifts, grants, and donations. The money in the fund is subject to annual appropriation by the general assembly to the office for its administration of the electric bicycles grant program and the rebate program.

The electric bicycles grant program and the rebate program are repealed on September 1, 2028.

Diesel truck emissions reduction grant program. Section 3 creates the diesel truck emissions reduction grant program (diesel trucks grant program) through which the division of administration (division) in the department of public health and environment (department) awards grant money to certain private and public entities for decommissioning diesel trucks and replacing the trucks with newer model trucks. The division is required to determine eligibility for the grant money and the eligible fuel types for qualifying as a replacement vehicle under the diesel trucks grant program.

Starting in 2023, the department is required to report annually on the progress of the diesel trucks grant program and submit a copy of the report to the legislative committees with jurisdiction over energy matters.

On June 30, 2022, the state treasurer shall transfer \$15 million from the general fund to the diesel truck emissions reduction grant program cash fund, which fund is created in the bill. The fund may also consist of money from federal sources and from gifts, grants, and donations. The money in the fund is subject to annual appropriation by the general assembly to the department for use by the division for its administration of the diesel trucks grant program.

The diesel trucks grant program is repealed on July 1, 2032.

Electrifying school buses grant program. Section 3 also creates the electrifying school buses grant program (school buses grant program) through which the department, with technical assistance from the office, awards grant money to school districts and charter schools to help finance the purchase and maintenance of electric-powered school buses, the conversion of fossil-fuel-powered school buses to electric-powered school buses, charging infrastructure, and upgrades for electric charging infrastructure and the retirement of fossil-fuel-powered school buses.

Starting in 2025, and every odd-numbered year thereafter, the department is required to report on the progress of the school buses grant program, submit copies of the report to the legislative committees with jurisdiction over education and transportation matters, and post copies of the report on its website.

On June 30, 2022, the state treasurer shall transfer \$65 million from the general fund to the electrifying school buses grant program cash fund, which fund is created in the bill. The fund may also consist of money from federal sources and from gifts, grants, and donations. The money in the fund is subject to annual appropriation by the general assembly to the department for its administration of the school buses grant program.

The school buses grant program is repealed on September 1, 2034.

Section 4 updates the definition of "federal act" regarding the reference to the federal "Clean Air Act". **Section 4** also updates the

definition of "issue" with respect to an order, permit, determination, or notice issued by the division, to remove certified mail and add electronic mail as options to issue such order, permit, determination, or notice.

Section 5 clarifies that the statutory fee caps for fees collected by the air quality enterprise apply only to the annual stationary source emission fees. The statutory fee caps are \$1 million for state fiscal year 2021-22, \$3 million for state fiscal year 2022-23, \$4 million for state fiscal year 2023-24, and \$5 million on and after July 1, 2024.

Section 6 removes the requirement that the division make the forms on which a person provides details necessary for filing an air pollution emission notice available at all of the air pollution control authority offices.

Section 7 extends the time within which the commission must grant or deny a request for a hearing from within 15 days after the request was made to within 30 days after the request was made.

Existing law authorizes the commission to submit any additions or changes to the state implementation plan (SIP) to the administrator of the federal environmental protection agency (administrator) for conditional or temporary approval pending legislative council review of the additions or changes. **Section 8** authorizes the commission to submit the changes or additions to the administrator as a provisional submission, pending possible introduction and enactment of a bill to modify or delete all or a portion of the commission's additions or changes to the SIP.

Section 9 makes a conforming amendment.

Section 10 appropriates the money transferred from the general fund to the cash funds created in **sections 1, 2, and 3** to the office, the division, and the department for their administration of the programs described in **sections 1, 2, and 3**. Additionally, **section 10** appropriates from the general fund:

- \$750,000 to the department of personnel for the costs of issuing free annual eco passes to state employees; and
- \$7,000,000 to the department of public health and environment to finance the aerial surveying of pollutants.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 24-38.5-113** as
3 follows:

4 **24-38.5-113. Industrial and manufacturing operations clean**
5 **air grant program - creation - eligibility - fund created - gifts, grants,**
6 **or donations - transfer - legislative declaration - definitions -**

1 **reporting - repeal. (1) Legislative declaration.** THE GENERAL
2 ASSEMBLY HEREBY FIND AND DECLARES THAT:

3 (a) THE INDUSTRIAL AND MANUFACTURING SECTOR IS ONE OF THE
4 FIVE LARGEST SOURCES OF GREENHOUSE GAS POLLUTION IN THE STATE;

5 (b) INDUSTRIAL EMISSIONS OFTEN:

6 (I) DISPROPORTIONATELY IMPACT LOW-INCOME, MINORITY, OR
7 HOUSING COST-BURDENED COMMUNITIES IN THE STATE; AND

8 (II) CONTAIN HAZARDOUS AIR POLLUTANTS THAT CAUSE OR
9 EXACERBATE EXISTING HEALTH CONDITIONS, WHICH, IN TURN,
10 CONTRIBUTE FURTHER TO THE EXISTING ECONOMIC DISPARITY BETWEEN
11 THE DISPROPORTIONATELY IMPACTED COMMUNITIES AND OTHER
12 COMMUNITIES OF THE STATE; AND

13 (c) WHILE STATE AND FEDERAL REGULATION OF INDUSTRIAL AIR
14 POLLUTION, INCLUDING POLLUTION FROM GREENHOUSE GASES, IS
15 ESSENTIAL FOR PUBLIC HEALTH AND FOR ACHIEVING STATE CLIMATE
16 GOALS AND ADDRESSING OZONE NONATTAINMENT, VOLUNTARY ACTIONS
17 ARE NEEDED TO ACHIEVE FURTHER REDUCTIONS IN INDUSTRIAL
18 POLLUTION.

19 (2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
20 OTHERWISE REQUIRES:

21 (a) "AIR POLLUTANT":

22 (I) HAS THE MEANING SET FORTH IN SECTION 25-7-103 (1.5); AND

23 (II) INCLUDES AIR TOXICS, PARTICULATES, OZONE PRECURSORS,
24 AND GREENHOUSE GASES.

25 (b) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE
26 MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

27 (c) "FUND" MEANS THE INDUSTRIAL AND MANUFACTURING

1 OPERATIONS CLEAN AIR GRANT PROGRAM CASH FUND CREATED IN
2 SUBSECTION (6) OF THIS SECTION.

3 (d) "GRANT PROGRAM" MEANS THE INDUSTRIAL AND
4 MANUFACTURING OPERATIONS CLEAN AIR GRANT PROGRAM CREATED IN
5 SUBSECTION (3)(a) OF THIS SECTION.

6 (e) "GREENHOUSE GAS" HAS THE MEANING SET FORTH IN SECTION
7 2-2-322.3 (1)(a).

8 (f) (I) "INDUSTRIAL AND MANUFACTURING OPERATIONS" MEANS
9 COMMERCIAL ACTIVITIES IN WHICH AIR POLLUTANTS ARE EMITTED DURING
10 OR AS A RESULT OF THE ACTIVITIES.

11 (II) "INDUSTRIAL AND MANUFACTURING OPERATIONS" INCLUDES,
12 BUT IS NOT LIMITED TO, OPERATIONS:

13 (A) BY ENERGY PRODUCERS, REFINERIES, MEAT PACKING PLANTS,
14 DAIRIES, STEEL MILLS, CEMENT PLANTS, MANUFACTURING OPERATIONS,
15 MINING OPERATIONS, AND AIRLINE OPERATIONS; AND

16 (B) AT AIRPORTS, WASTEWATER TREATMENT PLANTS, LANDFILLS,
17 AND ABANDONED COAL MINES.

18 (g) "LOCAL GOVERNMENT" MEANS A STATUTORY OR HOME RULE
19 MUNICIPALITY, COUNTY, CITY AND COUNTY, OR SPECIAL DISTRICT.

20 (h) "NONATTAINMENT AREA" MEANS AN AREA OF THE STATE THAT
21 THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY HAS DESIGNATED AS
22 BEING IN NONATTAINMENT WITH A NATIONAL AMBIENT AIR QUALITY
23 STANDARD.

24 (i) "OFFICE" MEANS THE COLORADO ENERGY OFFICE CREATED IN
25 SECTION 24-38.5-101.

26 (j) "PUBLIC-PRIVATE PARTNERSHIP" MEANS A PARTNERSHIP
27 BETWEEN A LOCAL GOVERNMENT AND A PRIVATE ENTITY THAT ENGAGES

1 IN INDUSTRIAL AND MANUFACTURING OPERATIONS.

2 (k) "SPECIAL DISTRICT" MEANS ANY QUASI-MUNICIPAL
3 CORPORATION AND POLITICAL SUBDIVISION ORGANIZED OR ACTING
4 PURSUANT TO TITLE 32, INCLUDING A METROPOLITAN DISTRICT AND A
5 WATER AND SANITATION DISTRICT.

6 (l) "VOLUNTARY PROJECT" MEANS A PROJECT THAT A PRIVATE
7 ENTITY, LOCAL GOVERNMENT, OR PUBLIC-PRIVATE PARTNERSHIP
8 IMPLEMENTS OR PLANS TO IMPLEMENT ON A VOLUNTARY BASIS TO REDUCE
9 EMISSIONS OF HARMFUL AIR POLLUTANTS RESULTING FROM INDUSTRIAL
10 AND MANUFACTURING OPERATIONS.

11 (3) **Grant program.** (a) THE INDUSTRIAL AND MANUFACTURING
12 OPERATIONS CLEAN AIR GRANT PROGRAM IS CREATED TO ALLOW PRIVATE
13 ENTITIES, LOCAL GOVERNMENTS, AND PUBLIC-PRIVATE PARTNERSHIPS TO
14 APPLY TO THE OFFICE FOR GRANT MONEY TO HELP FINANCE VOLUNTARY
15 PROJECTS TO REDUCE EMISSIONS OF AIR POLLUTANTS FROM INDUSTRIAL
16 AND MANUFACTURING OPERATIONS. THE OFFICE SHALL ADMINISTER THE
17 GRANT PROGRAM.

18 (b) IN ADMINISTERING THE GRANT PROGRAM, THE OFFICE SHALL:

19 (I) ESTABLISH AN APPLICATION PROCESS FOR PRIVATE ENTITIES,
20 LOCAL GOVERNMENTS, TRIBAL GOVERNMENTS, AND PUBLIC-PRIVATE
21 PARTNERSHIPS TO APPLY FOR MONEY TO HELP FINANCE VOLUNTARY
22 PROJECTS AND POST INFORMATION ABOUT THE APPLICATION PROCESS ON
23 THE OFFICE'S WEBSITE;

24 (II) DETERMINE TYPES OF VOLUNTARY PROJECTS THAT ARE
25 ELIGIBLE FOR MONEY UNDER THE GRANT PROGRAM, WHICH TYPES OF
26 VOLUNTARY PROJECTS MAY INCLUDE:

27 (A) ENERGY EFFICIENCY PROJECTS;

- 1 (B) RENEWABLE ENERGY PROJECTS;
- 2 (C) BENEFICIAL ELECTRIFICATION PROJECTS;
- 3 (D) TRANSPORTATION ELECTRIFICATION PROJECTS;
- 4 (E) PROJECTS PRODUCING OR UTILIZING CLEAN HYDROGEN;
- 5 (F) PROJECTS INVOLVING CARBON CAPTURE AT INDUSTRIAL
- 6 FACILITIES AND DIRECT AIR CAPTURE PROJECTS;
- 7 (G) METHANE CAPTURE FROM LANDFILLS, SEWAGE TREATMENT
- 8 PLANTS, ACTIVE OR INACTIVE COAL MINES, OR AGRICULTURAL
- 9 OPERATIONS;
- 10 (H) PROJECTS PRODUCING OR UTILIZING SUSTAINABLE AVIATION
- 11 FUEL; AND
- 12 (I) INDUSTRIAL PROCESS CHANGES THAT REDUCE EMISSIONS;
- 13 (III) DEVELOP CRITERIA FOR AWARDING MONEY UNDER THE GRANT
- 14 PROGRAM, WHICH CRITERIA MUST INCLUDE GIVING PRIORITY FOR
- 15 VOLUNTARY PROJECTS LOCATED IN:
- 16 (A) DISPROPORTIONATELY IMPACTED COMMUNITIES; OR
- 17 (B) NONATTAINMENT AREAS;
- 18 (IV) ESTABLISH THE MINIMUM AMOUNT OF MATCHING MONEY
- 19 THAT AN APPLICANT NEEDS TO PROVIDE TO BE ELIGIBLE UNDER THE GRANT
- 20 PROGRAM;
- 21 (V) DETERMINE HOW A GRANTEE MUST DEMONSTRATE THAT A
- 22 VOLUNTARY PROJECT REDUCES EMISSIONS OF AIR POLLUTANTS AND OZONE
- 23 PRECURSORS, INCLUDING ANY MODELING REQUIREMENTS FOR PROJECT
- 24 EVALUATION AND MONITORING AND TESTING REQUIREMENTS DURING
- 25 PROJECT IMPLEMENTATION AND AFTER PROJECT COMPLETION;
- 26 (VI) REQUIRE PERIODIC REPORTING REQUIREMENTS FOR A
- 27 GRANTEE TO DEMONSTRATE THAT THE MONEY AWARDED IS BEING USED

1 IN COMPLIANCE WITH THE PURPOSES OF THIS SECTION; AND

2 (VII) ESTABLISH PROCEDURES FOR ADDRESSING A GRANTEE'S
3 NONCOMPLIANCE WITH THIS SECTION, INCLUDING PROCEDURES FOR
4 REIMBURSEMENT OF MONEY AWARDED.

5 (4) THE OFFICE MAY USE A PORTION OF THE MONEY IN THE FUND
6 TO COVER:

7 (a) THE DIRECT AND INDIRECT COSTS THE OFFICE INCURS IN
8 ADMINISTERING THE GRANT PROGRAM; AND

9 (b) INTERAGENCY MONEY TRANSFERS FOR TECHNICAL SUPPORT
10 THAT THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR THE
11 DEPARTMENT OF NATURAL RESOURCES MAY PROVIDE THE OFFICE IN
12 ADMINISTERING THE GRANT PROGRAM.

13 (5) **Reporting.** (a) ON OR BEFORE JANUARY 1, 2025, AND ON OR
14 BEFORE JANUARY 1 OF EACH YEAR THEREAFTER, THE OFFICE SHALL
15 PREPARE A REPORT SUMMARIZING THE PROGRESS OF THE GRANT PROGRAM
16 AND SUBMIT THE REPORT TO THE HOUSE OF REPRESENTATIVES ENERGY
17 AND ENVIRONMENT COMMITTEE AND THE SENATE TRANSPORTATION AND
18 ENERGY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES. THE OFFICE
19 SHALL POST A COPY OF EACH REPORT ON ITS WEBSITE.

20 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
21 REPORTING REQUIREMENTS SET FORTH IN SUBSECTION (5)(a) OF THIS
22 SECTION CONTINUE UNTIL THE GRANT PROGRAM REPEALS PURSUANT TO
23 SUBSECTION (7) OF THIS SECTION.

24 (6) **Fund.** (a) (I) THE INDUSTRIAL AND MANUFACTURING
25 OPERATIONS CLEAN AIR GRANT PROGRAM CASH FUND IS CREATED IN THE
26 STATE TREASURY, AND THE OFFICE SHALL ADMINISTER THE FUND FOR THE
27 PURPOSES OF THIS SECTION. THE FUND CONSISTS OF ANY MONEY THAT THE

1 GENERAL ASSEMBLY MAY TRANSFER OR APPROPRIATE TO THE FUND FOR
2 IMPLEMENTATION OF THE GRANT PROGRAM AND ANY FEDERAL MONEY OR
3 GIFTS, GRANTS, OR DONATIONS RECEIVED PURSUANT TO SUBSECTION
4 (6)(a)(II) OF THIS SECTION.

5 (II) FOR THE PURPOSES OF THIS SECTION, THE OFFICE MAY SEEK,
6 ACCEPT, AND EXPEND:

7 (A) MONEY FROM FEDERAL SOURCES; AND

8 (B) GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC
9 SOURCES.

10 (III) THE OFFICE SHALL TRANSMIT ANY MONEY RECEIVED
11 PURSUANT TO SUBSECTION (6)(a)(II) OF THIS SECTION TO THE STATE
12 TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

13 (b) THE MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO
14 THE OFFICE FOR THE PURPOSES SET FORTH IN THIS SECTION. THE STATE
15 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
16 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. ANY
17 UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND AT
18 THE END OF A STATE FISCAL YEAR REMAINS IN THE FUND; EXCEPT THAT
19 THE STATE TREASURER SHALL TRANSFER ANY MONEY REMAINING IN THE
20 FUND AT THE END OF THE 2027-28 STATE FISCAL YEAR TO THE GENERAL
21 FUND.

22 (c) (I) ON JUNE 30, 2022, THE STATE TREASURER SHALL TRANSFER
23 TWENTY-FIVE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

24 (II) THIS SUBSECTION (6)(c) IS REPEALED, EFFECTIVE JULY 1, 2023.

25 (7) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1,
26 2029.

27 **SECTION 2.** In Colorado Revised Statutes, **add** part 4 to article

1 38.5 of title 24 as follows:

2 PART 4
3 COMMUNITY ACCESS TO
4 ELECTRIC BICYCLES

5 **24-38.5-401. Legislative declaration.** (1) THE GENERAL
6 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

7 (a) TRANSPORTATION IS THE LARGEST SINGLE SOURCE OF
8 GREENHOUSE GAS POLLUTION IN THE STATE AND IS A MAJOR
9 CONTRIBUTING SOURCE OF OTHER FORMS OF POLLUTION, INCLUDING
10 OZONE PRECURSORS, HAZARDOUS AIR POLLUTANTS, NITROGEN OXIDES,
11 AND PARTICULATE POLLUTION;

12 (b) IN 2017, NEARLY SIXTY PERCENT OF HOUSEHOLD MOTOR
13 VEHICLE TRIPS WERE SIX MILES OR LESS AND SEVENTY-FIVE PERCENT WERE
14 TEN MILES OR LESS;

15 (c) FOR MANY PERSONS, SHORTER TRIPS MAY BE COMPLETED BY
16 BICYCLE, ESPECIALLY IF A PERSON USES AN ELECTRIC BICYCLE;

17 (d) ELECTRIC BICYCLES, WHEN COMPARED TO NONELECTRIC
18 BICYCLES, ALLOW A RIDER TO TRAVEL GREATER DISTANCES, THROUGH
19 MORE CHALLENGING TERRAIN, AND CARRY MORE CARGO;

20 (e) A WIDE VARIETY OF ELECTRIC BICYCLES ARE AVAILABLE AND,
21 ALONG WITH NEW MODELS BECOMING AVAILABLE, ARE INCREASINGLY
22 AFFORDABLE;

23 (f) ELECTRIC BICYCLES PRODUCE ZERO EMISSIONS AND ARE AN
24 IMPORTANT COMPONENT IN A STRATEGY FOR REDUCING EMISSIONS IN THE
25 TRANSPORTATION SECTOR; AND

26 (g) IT IS IN THE INTEREST OF THE STATE TO INCREASE THE NUMBER
27 OF ELECTRIC BICYCLES USED FOR TRANSPORTATION AND TO INCREASE THE

1 ACCESSIBILITY OF ELECTRIC BICYCLES TO INDIVIDUALS IN LOW- AND
2 MODERATE-INCOME HOUSEHOLDS.

3 **24-38.5-402. Definitions.** AS USED IN THIS PART 4, UNLESS THE
4 CONTEXT OTHERWISE REQUIRES:

5 (1) "BIKE SHARE PROGRAM" MEANS A SERVICE IN WHICH BICYCLES:

6 (a) ARE MADE PUBLICLY AVAILABLE TO MULTIPLE USERS FOR RENT
7 ON A SHORT-TERM BASIS; AND

8 (b) MAY EITHER BE PICKED UP IN ONE PUBLIC LOCATION AND
9 DROPPED OFF AT ANOTHER PUBLIC LOCATION OR BE CHECKED OUT AND
10 RETURNED AT A SINGLE LOCATION.

11 (2) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE
12 MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

13 (3) "ELECTRIC BICYCLE" HAS THE SAME MEANING AS "ELECTRICAL
14 ASSISTED BICYCLE" AS SET FORTH IN SECTION 42-1-102 (28.5).

15 (4) "FUND" MEANS THE COMMUNITY ACCESS TO ELECTRIC
16 BICYCLES CASH FUND CREATED IN SECTION 24-38.5-406 (1)(a).

17 (5) "GRANT PROGRAM" MEANS THE COMMUNITY ACCESS TO
18 ELECTRIC BICYCLES GRANT PROGRAM CREATED IN SECTION 24-38.5-403.

19 (6) "LOCAL GOVERNMENT" MEANS A STATUTORY OR HOME RULE
20 MUNICIPALITY, COUNTY, OR CITY AND COUNTY.

21 (7) "NONATTAINMENT AREA" MEANS AN AREA OF THE STATE THAT
22 THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY HAS DESIGNATED AS
23 BEING IN NONATTAINMENT WITH A NATIONAL AMBIENT AIR QUALITY
24 STANDARD.

25 (8) "OFFICE" MEANS THE COLORADO ENERGY OFFICE CREATED IN
26 SECTION 24-38.5-101.

27 (9) "OWNERSHIP PROGRAM" MEANS A PROGRAM THAT PROVIDES

1 ELECTRIC BICYCLES, EQUIPMENT, AND RELATED SERVICES TO INDIVIDUALS
2 IN LOW- AND MODERATE-INCOME HOUSEHOLDS, AS DETERMINED BY THE
3 OFFICE.

4 (10) "PROGRAM" MEANS A BIKE SHARE PROGRAM OR AN
5 OWNERSHIP PROGRAM.

6 (11) "REBATE PROGRAM" MEANS THE COMMUNITY ACCESS TO
7 ELECTRIC BICYCLES REBATE PROGRAM CREATED IN SECTION 24-38.5-404.

8 **24-38.5-403. Community access to electric bicycles grant**
9 **program - creation - eligibility.** (1) (a) (I) THE COMMUNITY ACCESS TO
10 ELECTRIC BICYCLES GRANT PROGRAM IS CREATED TO HELP FINANCE BIKE
11 SHARE PROGRAMS AND OWNERSHIP PROGRAMS THAT LOCAL
12 GOVERNMENTS, TRIBAL GOVERNMENTS, OR NONPROFIT ORGANIZATIONS
13 ADMINISTER OR PLAN TO ADMINISTER IN THE STATE. THE OFFICE SHALL
14 ADMINISTER THE GRANT PROGRAM. TO BE ELIGIBLE TO APPLY FOR MONEY
15 UNDER THE GRANT PROGRAM, A LOCAL GOVERNMENT, TRIBAL
16 GOVERNMENT, OR NONPROFIT ORGANIZATION MUST ADMINISTER OR PLAN
17 TO ADMINISTER, OR CONTRACT WITH A THIRD PARTY TO ADMINISTER:

18 (A) A BIKE SHARE PROGRAM USING A FLEET OF ELECTRIC
19 BICYCLES; OR

20 (B) AN OWNERSHIP PROGRAM OFFERING AN ELECTRIC BICYCLE TO
21 A SPECIFIC INDIVIDUAL OR HOUSEHOLD;

22 (II) A LOCAL GOVERNMENT, TRIBAL GOVERNMENT, OR NONPROFIT
23 ORGANIZATION AWARDED MONEY UNDER THE GRANT PROGRAM MAY USE
24 THE MONEY TO PURCHASE AND MAINTAIN ELECTRIC BICYCLES,
25 EQUIPMENT, AND INFRASTRUCTURE FOR ITS BIKE SHARE PROGRAM OR
26 OWNERSHIP PROGRAM, PAY LABOR COSTS RELATED TO IMPLEMENTATION
27 OF THE PROGRAM, AND COVER THE DIRECT AND INDIRECT ADMINISTRATIVE

1 COSTS THAT THE LOCAL GOVERNMENT, TRIBAL GOVERNMENT, THE
2 NONPROFIT ORGANIZATION, OR A THIRD-PARTY CONTRACTOR INCURS IN
3 IMPLEMENTING THE PROGRAM.

4 (b) IN ADMINISTERING THE GRANT PROGRAM, THE OFFICE SHALL
5 ESTABLISH AN APPLICATION PROCESS FOR LOCAL GOVERNMENTS, TRIBAL
6 GOVERNMENTS, AND NONPROFIT ORGANIZATIONS TO USE TO APPLY FOR
7 MONEY UNDER THE GRANT PROGRAM. THE OFFICE SHALL POST
8 INFORMATION ABOUT THE APPLICATION PROCESS ON ITS WEBSITE.

9 (2) THE OFFICE SHALL DEVELOP:

10 (a) CRITERIA FOR AWARDING GRANT MONEY, WHICH CRITERIA
11 MUST INCLUDE:

12 (I) GIVING PRIORITY TO LOCAL GOVERNMENTS, TRIBAL
13 GOVERNMENTS, AND NONPROFIT ORGANIZATIONS OFFERING A PROGRAM
14 IN:

15 (A) ONE OR MORE DISPROPORTIONATELY IMPACTED COMMUNITIES;
16 OR

17 (B) ONE OR MORE NONATTAINMENT AREAS;

18 (II) A REQUIREMENT THAT THE LOCAL GOVERNMENT OR
19 NONPROFIT ORGANIZATION PROVIDE AT LEAST A CERTAIN PERCENTAGE OF
20 MATCHING MONEY FOR THE PROGRAM; AND

21 (III) A REQUIREMENT THAT A LOCAL GOVERNMENT, TRIBAL
22 GOVERNMENT, OR NONPROFIT ORGANIZATION THAT APPLIES FOR GRANT
23 MONEY FOR A PLANNED, BUT NOT YET IMPLEMENTED, PROGRAM
24 DEMONSTRATE TO THE SATISFACTION OF THE OFFICE THAT THE LOCAL
25 GOVERNMENT, TRIBAL GOVERNMENT, OR NONPROFIT ORGANIZATION,
26 AFTER RECEIVING MONEY UNDER THE GRANT PROGRAM, WILL BE ABLE TO
27 START IMPLEMENTING THE PROGRAM WITHIN A CERTAIN NUMBER OF

1 MONTHS AFTER RECEIVING THE MONEY, AS DETERMINED BY THE OFFICE;

2 (b) PERIODIC REPORTING REQUIREMENTS FOR A GRANTEE TO
3 DEMONSTRATE THAT THE MONEY AWARDED IS BEING USED IN COMPLIANCE
4 WITH THE PURPOSES OF THIS SECTION; AND

5 (c) PROCEDURES FOR ADDRESSING A GRANTEE'S NONCOMPLIANCE
6 WITH THIS SECTION, INCLUDING PROCEDURES FOR REIMBURSEMENT OF
7 MONEY AWARDED.

8 (3) THE OFFICE MAY USE A PORTION OF THE MONEY IN THE FUND
9 TO COVER THE DIRECT AND INDIRECT COSTS THE OFFICE INCURS IN
10 ADMINISTERING THE GRANT PROGRAM.

11 **24-38.5-404. Community access to electric bicycles rebate**

12 **program - eligibility - reimbursement.** (1) THE OFFICE SHALL
13 ESTABLISH THE COMMUNITY ACCESS TO ELECTRIC BICYCLES REBATE
14 PROGRAM TO PROVIDE REBATES FOR PURCHASES OF ELECTRIC BICYCLES
15 AND EQUIPMENT MADE BY ELIGIBLE INDIVIDUALS, BUSINESSES, AND
16 NONPROFIT ORGANIZATIONS. IN ESTABLISHING THE REBATE PROGRAM, THE
17 OFFICE SHALL DETERMINE:

18 (a) ELIGIBILITY FOR PARTICIPATION IN THE REBATE PROGRAM,
19 WHICH ELIGIBILITY MUST INCLUDE A REQUIREMENT THAT:

20 (I) AN ELIGIBLE INDIVIDUAL RESIDES IN A LOW- OR
21 MODERATE-INCOME HOUSEHOLD, WHICH INCOME THRESHOLDS THE OFFICE
22 SHALL DETERMINE;

23 (II) AN ELIGIBLE BUSINESS OR NONPROFIT ORGANIZATION USES
24 ELECTRIC BICYCLES TO CONDUCT ITS BUSINESS ACTIVITIES;

25 (III) TO QUALIFY FOR A REBATE, THE PURCHASE MUST BE OF AN
26 ELECTRIC BICYCLE AND EQUIPMENT THAT:

27 (A) ARE USED PRIMARILY FOR COMMUTING OR OTHER

1 NONRECREATIONAL PURPOSE; AND

2 (B) COST LESS THAN A MAXIMUM THRESHOLD PRICE SET BY THE
3 OFFICE; AND

4 (IV) TO QUALIFY FOR A REBATE, A BUSINESS OR NONPROFIT
5 ORGANIZATION THAT PURCHASES AN ELECTRIC BICYCLE MUST USE THE
6 ELECTRIC BICYCLE PRIMARILY TO CONDUCT ITS BUSINESS ACTIVITIES,
7 INCLUDING MAKING LAST-MILE DELIVERIES, AND FOR OTHER
8 NONRECREATIONAL PURPOSES.

9 (b) REBATE AMOUNTS AND ANY CRITERIA USED IN DETERMINING
10 REBATE AMOUNTS; AND

11 (c) THE MECHANISM FOR ISSUING A REBATE, WHICH MECHANISM
12 MAY INCLUDE:

13 (I) A REQUIREMENT THAT REBATE PROGRAM PARTICIPANTS ATTEST
14 TO THEIR ELIGIBILITY FOR A REBATE; AND

15 (II) VENDOR PAYMENTS MADE TO BICYCLE SHOPS THAT SELL A
16 QUALIFYING ELECTRIC BICYCLE AND EQUIPMENT AT A DISCOUNT TO AN
17 INDIVIDUAL, BUSINESS, OR NONPROFIT ORGANIZATION THAT IS ELIGIBLE TO
18 PARTICIPATE UNDER THE REBATE PROGRAM.

19 (2) THE OFFICE MAY USE A PORTION OF THE MONEY IN THE FUND
20 TO COVER ITS DIRECT AND INDIRECT COSTS INCURRED IN ADMINISTERING
21 THE REBATE PROGRAM.

22 **24-38.5-405. Reporting.** (1) ON OR BEFORE JANUARY 1, 2025,
23 AND ON OR BEFORE JANUARY 1 OF EACH YEAR THEREAFTER, THE OFFICE
24 SHALL PREPARE A REPORT SUMMARIZING THE PROGRESS OF THE GRANT
25 PROGRAM AND THE REBATE PROGRAM AND SUBMIT THE REPORT TO THE
26 HOUSE OF REPRESENTATIVES TRANSPORTATION AND LOCAL GOVERNMENT
27 COMMITTEE AND THE SENATE TRANSPORTATION AND ENERGY COMMITTEE,

1 OR THEIR SUCCESSOR COMMITTEES. THE OFFICE SHALL POST A COPY OF
2 EACH REPORT ON ITS WEBSITE.

3 (2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
4 REPORTING REQUIREMENTS SET FORTH IN SUBSECTION (1) OF THIS SECTION
5 CONTINUE UNTIL THE GRANT PROGRAM AND REBATE PROGRAM REPEAL
6 PURSUANT TO SECTION 24-38.5-407.

7 **24-38.5-406. Community access to electric bicycles cash fund**
8 **- creation - gifts, grants, or donations - transfer - repeal.** (1) (a) THE
9 COMMUNITY ACCESS TO ELECTRIC BICYCLES CASH FUND IS CREATED IN
10 THE STATE TREASURY, AND THE OFFICE SHALL ADMINISTER THE FUND FOR
11 THE PURPOSES OF THIS PART 4. THE FUND CONSISTS OF ANY MONEY THAT
12 THE GENERAL ASSEMBLY MAY TRANSFER OR APPROPRIATE TO THE FUND
13 FOR IMPLEMENTATION OF THE GRANT PROGRAM AND THE REBATE
14 PROGRAM AND ANY FEDERAL MONEY OR GIFTS, GRANTS, OR DONATIONS
15 RECEIVED PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION.

16 (b) (I) FOR THE PURPOSES OF THIS PART 4, THE OFFICE MAY SEEK,
17 ACCEPT, AND EXPEND:

- 18 (A) MONEY FROM FEDERAL SOURCES; AND
- 19 (B) GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC
20 SOURCES.

21 (II) THE OFFICE SHALL TRANSMIT ANY MONEY RECEIVED
22 PURSUANT TO SUBSECTION (1)(b)(I) OF THIS SECTION TO THE STATE
23 TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

24 (2) THE MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO
25 THE OFFICE FOR THE PURPOSES SET FORTH IN THIS PART 4. THE STATE
26 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
27 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. ANY

1 UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND AT
2 THE END OF A STATE FISCAL YEAR REMAINS IN THE FUND; EXCEPT THAT
3 THE STATE TREASURER SHALL TRANSFER ANY MONEY REMAINING IN THE
4 FUND AT THE END OF THE 2026-27 STATE FISCAL YEAR TO THE GENERAL
5 FUND.

6 (3) (a) ON JUNE 30, 2022, THE STATE TREASURER SHALL TRANSFER
7 TWELVE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

8 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2023.

9 **24-38.5-407. Repeal of part.** THIS PART 4 IS REPEALED, EFFECTIVE
10 SEPTEMBER 1, 2028.

11 **SECTION 3.** In Colorado Revised Statutes, **add** parts 14 and 15
12 to article 7 of title 25 as follows:

13 PART 14

14 DIESEL TRUCK EMISSIONS REDUCTION

15 GRANT PROGRAM

16 **25-7-1401. Short title.** THE SHORT TITLE OF THIS PART 14 IS THE
17 "DIESEL TRUCK EMISSIONS REDUCTION ACT".

18 **25-7-1402. Legislative declaration.** (1) (a) THE GENERAL
19 ASSEMBLY FINDS THAT:

20 (I) OLDER DIESEL TRUCKS CONTRIBUTE DISPROPORTIONATE
21 AMOUNTS OF LOCALIZED EMISSIONS OF PARTICULATE MATTER AND
22 NITROGEN OXIDES IN DISADVANTAGED COMMUNITIES WHERE MAJOR
23 INTERSTATES BRING TRUCK TRAFFIC TO WAREHOUSES, REFINERIES, FLEET
24 YARDS, AND FUEL DEPOTS;

25 (II) THESE LOCALIZED EMISSIONS OF PARTICULATE MATTER AND
26 NITROGEN OXIDES NEGATIVELY AFFECT THE HEALTH OF CHILDREN,
27 SENSITIVE POPULATIONS, AND AT-RISK ADULTS;

1 (III) SUCH NEGATIVE HEALTH EFFECTS CAN INCLUDE ASTHMA,
2 SUSCEPTIBILITY TO RESPIRATORY ILLNESS, LUNG CANCER, AND
3 PREMATURE DEATH;

4 (IV) OLDER DIESEL TRUCKS CAN BE REPLACED BY NEWER TRUCKS
5 TO REDUCE FUEL USAGE AND THE RELATED EMISSIONS OF HAZARDOUS AIR
6 POLLUTANTS AND CRITERIA EMISSIONS THAT NEGATIVELY IMPACT AIR
7 QUALITY;

8 ==
9 (V) SMALL BUSINESSES AND SOLE PROPRIETORS THAT OWN OLDER
10 DIESEL TRUCKS ARE LESS LIKELY THAN OTHER VEHICLE OWNERS TO HAVE
11 ACCESS TO THE CAPITAL OR FINANCING REQUIRED TO INVEST IN NEWER,
12 CLEANER MODELS;

13 (VI) REPLACING OLDER DIESEL TRUCKS WITH NEWER TRUCKS WITH
14 NEWER SAFETY SYSTEMS WILL REDUCE THE CHANCE OF BREAKDOWNS AND
15 VEHICLE CRASHES ON COLORADO'S MOUNTAIN HIGHWAYS AND
16 INTERSTATES; AND

17 (VII) REPLACING OLDER DIESEL TRUCKS WITH NEWER TRUCKS
18 WILL ALSO REDUCE FUEL USAGE, INCREASE FUEL ECONOMY, AND REDUCE
19 EMISSIONS, WHICH WILL HELP COLORADO COMPLY WITH AIR QUALITY
20 ATTAINMENT STANDARDS AND REDUCE GREENHOUSE GAS POLLUTION TO
21 HELP COLORADO MEET ITS GREENHOUSE GAS POLLUTION TARGETS.

22 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS
23 APPROPRIATE TO ESTABLISH THE DIESEL TRUCK EMISSIONS REDUCTION
24 GRANT PROGRAM TO ASSIST PRIVATE AND PUBLIC ENTITIES IN
25 DECOMMISSIONING OLDER DIESEL TRUCKS AND REPLACING THOSE TRUCKS
26 WITH NEWER TRUCKS.

27 **25-7-1403. Definitions.** AS USED IN THIS PART 14, UNLESS THE

1 CONTEXT OTHERWISE REQUIRES:

2 (1) "DECOMMISSION" MEANS RENDERING BOTH THE ENGINE AND
3 THE CHASSIS OF A DIESEL TRUCK INOPERABLE THROUGH CUTTING A THREE
4 INCH HOLE THROUGH THE WALL OF THE ENGINE BLOCK AND CUTTING THE
5 CHASSIS RAILS IN HALF OR THROUGH SIMILARLY EFFECTIVE MEANS, AS
6 DETERMINED BY THE DIVISION.

7 (2) "DIESEL TRUCK" MEANS A TRUCK THAT USES DIESEL FUEL
8 RATHER THAN COMPRESSED NATURAL GAS OR OTHER FOSSIL FUELS.

9 (3) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE
10 MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

11 (4) "ELIGIBLE ENTITY" MEANS ANY PUBLIC ENTITY OR PRIVATE
12 COMPANY THAT OWNS OR LEASES AND USES A QUALIFIED DIESEL TRUCK AS
13 SPECIFIED BY THE DIVISION.

14 (5) "FUND" MEANS THE DIESEL TRUCK EMISSIONS REDUCTION
15 GRANT PROGRAM CASH FUND CREATED IN SECTION 25-7-1407.

16 (6) "GRANT PROGRAM" MEANS THE DIESEL TRUCK EMISSIONS
17 REDUCTION GRANT PROGRAM CREATED IN SECTION 25-7-1404.

18 (7) "NONATTAINMENT AREA" MEANS AN AREA OF THE STATE THAT
19 THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY HAS DESIGNATED AS
20 BEING IN NONATTAINMENT WITH A NATIONAL AMBIENT AIR QUALITY
21 STANDARD.

22 (8) "REPLACEMENT" OR "REPLACE" MEANS THE REPLACEMENT OF
23 AN EXISTING IN-USE MODEL YEAR 2009 OR OLDER DIESEL TRUCK WITH A
24 MODEL YEAR 2017 OR NEWER TRUCK TO BE USED FOR THE SAME OR
25 SIMILAR PURPOSE.

26 **25-7-1404. Diesel truck emissions reduction grant program -**
27 **created.** (1) THERE IS HEREBY CREATED IN THE DIVISION THE DIESEL

1 TRUCK EMISSIONS REDUCTION GRANT PROGRAM TO PROVIDE GRANTS TO
2 CERTAIN PRIVATE AND PUBLIC ENTITIES FOR DECOMMISSIONING AND
3 REPLACING DIESEL TRUCKS.

4 (2) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH
5 THE GRANT PROGRAM FOR DECOMMISSIONING AND REPLACING DIESEL
6 TRUCKS IN ACCORDANCE WITH POLICIES AND PROCEDURES ESTABLISHED
7 BY THE DIVISION.

8 (3) THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM AND,
9 SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS
10 PROVIDED IN THIS PART 14. SUBJECT TO AVAILABLE APPROPRIATIONS,
11 GRANTS SHALL BE PAID OUT OF THE FUND.

12 (4) TO ADMINISTER THE GRANT PROGRAM, THE DIVISION SHALL
13 DETERMINE THE FOLLOWING:

- 14 (a) WHO MAY QUALIFY AS AN ELIGIBLE ENTITY;
- 15 (b) ELIGIBLE FUEL TYPES FOR REPLACEMENT VEHICLES;
- 16 (c) THE TIME FRAMES FOR APPLYING FOR GRANTS;
- 17 (d) THE CRITERIA USED TO EVALUATE AND PRIORITIZE
18 APPLICATIONS FOR GRANTS, INCLUDING A PRIORITY FOR APPLICATIONS
19 CONCERNING VEHICLES THAT ARE OPERATED WITHIN
20 DISPROPORTIONATELY IMPACTED COMMUNITIES, NONATTAINMENT AREAS,
21 OR BOTH;
- 22 (e) THE FORM OF THE GRANT PROGRAM APPLICATION;
- 23 (f) THE TIME FRAMES FOR AWARDING GRANTS; AND
- 24 (g) ANY OTHER COMPONENTS OF THE GRANT PROGRAM NECESSARY
25 FOR ITS IMPLEMENTATION.

26 **25-7-1405. Diesel truck emissions reduction grant program -**
27 **application - criteria - awards.** (1) TO RECEIVE A GRANT, AN ELIGIBLE

1 ENTITY MUST SUBMIT AN APPLICATION TO THE DIVISION IN ACCORDANCE
2 WITH THE POLICIES AND PROCEDURES ESTABLISHED BY THE DIVISION. AT
3 A MINIMUM, THE APPLICATION MUST INCLUDE THE FOLLOWING
4 INFORMATION:

5 (a) GRANT APPLICANT ORGANIZATIONAL AND CONTACT
6 INFORMATION;

7 (b) THE FUNDING REQUESTED PER VEHICLE;

8 (c) THE MAKE, MODEL, MODEL YEAR, AND MILEAGE OF THE DIESEL
9 TRUCKS TO BE DECOMMISSIONED UPON GRANT AWARD;

10 (d) THE LOCATION OF THE DIESEL TRUCKS TO BE DECOMMISSIONED
11 AND REPLACED;

12 (e) THE OPERATING AREA OF THE DIESEL TRUCKS TO BE
13 DECOMMISSIONED AND REPLACED; AND

14 (f) THE MAKE, MODEL, AND FUEL TYPE OF THE PROPOSED
15 REPLACEMENT VEHICLES.

16 (2) THE DIVISION MAY CONSULT WITH THE GRANT APPLICANT
17 REGARDING REPLACEMENT VEHICLE OPTIONS, AND, FOR VEHICLES THAT
18 WILL BE REPLACED BY ANOTHER DIESEL VEHICLE, THE DIVISION SHALL
19 GIVE CONSIDERATION TO THE REPLACEMENT OF VEHICLES THAT WOULD
20 OTHERWISE BE OPERATED FOR A DECADE OR MORE BASED ON THE GRANT
21 APPLICANT'S TYPICAL PRACTICES.

22 (3) THE DIVISION SHALL PROVIDE FUNDING TO DECOMMISSION AND
23 REPLACE DIESEL TRUCKS, AND A GRANTEE SHALL USE THE MONEY
24 RECEIVED THROUGH THE GRANT PROGRAM ONLY IN ACCORDANCE WITH
25 THIS PART 14.

26 (4) THE DIVISION SHALL DEVELOP A POLICY REGARDING A
27 GRANTEE'S NONCOMPLIANCE WITH A GRANT AWARD AGREEMENT ENTERED

1 INTO BY THE GRANTEE AND THE DIVISION. THIS POLICY MAY INCLUDE A
2 MECHANISM FOR THE DIVISION TO CONVERT THE GRANT TO A LOAN WITH
3 INTEREST.

4 **25-7-1406. Reporting requirements.** (1) ON OR BEFORE JUNE 30,
5 2023, AND ON OR BEFORE JUNE 30 OF EACH YEAR THEREAFTER, EACH
6 ELIGIBLE ENTITY THAT RECEIVES A GRANT THROUGH THE GRANT PROGRAM
7 SHALL SUBMIT A REPORT TO THE DIVISION. AT A MINIMUM, THE REPORT
8 MUST INCLUDE THE FOLLOWING INFORMATION:

9 (a) THE GRANT APPLICANT'S ORGANIZATIONAL AND CONTACT
10 INFORMATION;

11 (b) THE MAKE, MODEL, AND MODEL YEAR OF THE REPLACEMENT
12 VEHICLES;

13 (c) THE PURCHASE DATES OF THE REPLACEMENT VEHICLES;

14 (d) THE FUEL TYPE OF THE REPLACEMENT VEHICLES;

15 (e) THE MONTHLY MILEAGE PER REPLACEMENT VEHICLE;

16 (f) THE MONTHLY FUEL USAGE PER REPLACEMENT VEHICLE;

17 (g) CERTIFICATION THAT THE AWARDED VEHICLES ARE STILL
18 ROADWORTHY, OPERATIONAL AND OWNED BY THE ORIGINAL AWARDEE;

19 (h) THE MAKE, MODEL, AND MODEL YEAR OF THE DIESEL TRUCKS
20 DECOMMISSIONED;

21 (i) THE LOCATION OF DIESEL TRUCKS DECOMMISSIONED;

22 (j) THE OPERATING AREA OF THE DIESEL TRUCKS
23 DECOMMISSIONED; AND

24 (k) ANY ADDITIONAL INFORMATION REQUIRED BY THE DIVISION.

25 (2) ON OR BEFORE DECEMBER 1, 2023, AND ON OR BEFORE
26 DECEMBER 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT OF PUBLIC
27 HEALTH AND ENVIRONMENT SHALL PREPARE A REPORT SUMMARIZING THE

1 PROGRESS OF THE GRANT PROGRAM AND SUBMIT THE REPORT TO THE
2 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE AND THE
3 ENERGY AND ENVIRONMENT COMMITTEE OF THE HOUSE OF
4 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE DEPARTMENT
5 SHALL POST A COPY OF EACH REPORT ON ITS WEBSITE. AT A MINIMUM, THE
6 REPORT MUST INCLUDE:

7 (a) THE AMOUNT OF MONEY EXPENDED ON GRANTS DURING THE
8 IMMEDIATELY PRECEDING STATE FISCAL YEAR;

9 (b) THE NUMBER OF DIESEL TRUCKS DECOMMISSIONED AND
10 REPLACED DURING THE IMMEDIATELY PRECEDING STATE FISCAL YEAR;

11 (c) THE ESTIMATED REDUCTION OF ANNUAL EMISSIONS OF PM10,
12 PM2.5, NOX, AND GHGs, WHERE "PM" REFERS TO PARTICULATE MATTER,
13 "NOX" REFERS TO NITROGEN OXIDES, AND "GHGs" REFERS TO
14 GREENHOUSE GASES, AS A RESULT OF DIESEL TRUCK REPLACEMENTS
15 FUNDED DURING THE PRECEDING FISCAL YEAR; AND

16 (d) A BREAKDOWN OF THE DIESEL TRUCK CLASSES
17 DECOMMISSIONED AND REPLACED DURING THE IMMEDIATELY PRECEDING
18 STATE FISCAL YEAR.

19 (3) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
20 REPORTING REQUIREMENTS SET FORTH IN SUBSECTION (2) OF THIS SECTION
21 CONTINUE UNTIL THE GRANT PROGRAM REPEALS PURSUANT TO SECTION
22 25-7-1408.

23 **25-7-1407. Diesel truck emissions reduction grant program**
24 **cash fund - creation - use - transfer.** (1) (a) THE DIESEL TRUCK
25 EMISSIONS REDUCTION GRANT PROGRAM CASH FUND IS CREATED IN THE
26 STATE TREASURY, AND THE DIVISION SHALL ADMINISTER THE FUND FOR
27 THE PURPOSES OF THIS PART 14. THE FUND CONSISTS OF ANY MONEY THAT

1 THE GENERAL ASSEMBLY MAY TRANSFER OR APPROPRIATE TO THE FUND
2 FOR IMPLEMENTATION OF THE GRANT PROGRAM AND ANY FEDERAL MONEY
3 OR GIFTS, GRANTS, OR DONATIONS RECEIVED PURSUANT TO SUBSECTION
4 (2) OF THIS SECTION.

5 (b) MONEY IN THE FUND IS SUBJECT TO ANNUAL APPROPRIATION
6 BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE DIRECT AND
7 INDIRECT COSTS OF IMPLEMENTING THE GRANT PROGRAM.

8 (c) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
9 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
10 FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEY
11 REMAINING IN THE FUND AT THE END OF A STATE FISCAL YEAR REMAINS IN
12 THE FUND; EXCEPT THAT THE STATE TREASURER SHALL TRANSFER ANY
13 MONEY REMAINING IN THE FUND AT THE END OF THE 2030-31 STATE
14 FISCAL YEAR TO THE GENERAL FUND.

15 (2) FOR THE PURPOSES OF THIS PART 14, THE DIVISION MAY SEEK,
16 ACCEPT, AND EXPEND:

17 (a) MONEY FROM FEDERAL SOURCES; AND

18 (b) GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC
19 SOURCES. THE DIVISION SHALL TRANSMIT ANY MONEY RECEIVED THROUGH
20 GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL
21 CREDIT THE MONEY TO THE FUND.

22 (3) (a) ON JUNE 30, 2022, THE STATE TREASURER SHALL TRANSFER
23 FIFTEEN MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

24 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2023.

25 **25-7-1408. Repeal of part.** THIS PART 14 IS REPEALED, EFFECTIVE
26 JULY 1, 2032.

27 PART 15

1 ELECTRIFYING SCHOOL BUSES

2 GRANT PROGRAM

3 **25-7-1501. Legislative declaration.** (1) THE GENERAL ASSEMBLY

4 FINDS THAT:

5 (a) DISPROPORTIONATELY IMPACTED COMMUNITIES ARE
6 DISPROPORTIONATELY AFFECTED BY PARTICULATE MATTER AND NITROGEN
7 OXIDES ARISING FROM FOSSIL-FUEL-POWERED SCHOOL BUSES, ESPECIALLY
8 BECAUSE THE FLEET YARDS, WAREHOUSES, FUEL DEPOTS, AND
9 INTERSTATES USED IN CONJUNCTION WITH SCHOOL BUSES ARE OFTEN
10 LOCATED IN DISPROPORTIONATELY IMPACTED COMMUNITIES;

11 (b) IN ADDITION TO EXPOSURE TO PARTICULATE MATTER AND
12 NITROGEN OXIDES IN THEIR COMMUNITIES, SCHOOL CHILDREN ARE ALSO
13 EXPOSED TO FINE PARTICULATES AND OTHER POLLUTANTS AS A RESULT OF
14 RIDING ON FOSSIL-FUEL-POWERED SCHOOL BUSES;

15 (c) A TRANSITION FROM FOSSIL-FUEL-POWERED SCHOOL BUSES TO
16 ELECTRIC-POWERED SCHOOL BUSES WILL POSITIVELY AFFECT SCHOOL
17 CHILDREN'S HEALTH, WHILE HELPING TO ADDRESS LONG-STANDING
18 POLLUTION INEQUITIES FACED BY DISPROPORTIONATELY IMPACTED
19 COMMUNITIES;

20 (d) THE FEDERAL "INFRASTRUCTURE INVESTMENT AND JOBS ACT",
21 PUB.L. 117-58, HAS CREATED A COMPETITIVE FUNDING PROGRAM TO
22 SUPPORT THE ADOPTION OF AN ELECTRIC SCHOOL BUS FLEET, AND A STATE
23 PROGRAM INVESTING IN ELECTRIC SCHOOL BUSES WILL HELP LEVERAGE
24 THE FEDERAL FUNDS MADE AVAILABLE THROUGH THE FEDERAL ACT TO
25 ALLOW SCHOOLS IN THE STATE TO ACCESS THE FEDERAL FUNDS; AND

26 (e) A TRANSITION TO ELECTRIC SCHOOL BUSES CAN PROVIDE
27 BENEFITS TO THE OPERATION OF THE ELECTRIC GRID IN THE STATE:

1 (I) IF THE TIMING OF CHARGING ELECTRIC SCHOOL BUSES IS
2 MANAGED TO SUPPORT GRID OPERATIONS; AND

3 (II) THROUGH THE POTENTIAL FOR USING BATTERIES ON ELECTRIC
4 SCHOOL BUSES:

5 (A) AS A SOURCE OF RENEWABLE ENERGY THROUGH
6 VEHICLE-TO-GRID OPERATIONS; AND

7 (B) AS A COMMUNITY RESILIENCE RESOURCE TO HELP
8 COMMUNITIES AFFECTED BY POWER OUTAGES OR DISASTERS CAUSING
9 ELECTRIC GRID INTERRUPTIONS.

10 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

11 (a) THE STATE SHOULD HELP SCHOOL DISTRICTS PROCURE AND
12 MAINTAIN ELECTRIC-POWERED SCHOOL BUSES AND RELATED
13 INFRASTRUCTURE, CONVERT FOSSIL-FUEL-POWERED SCHOOL BUSES TO
14 ELECTRIC-POWERED SCHOOL BUSES, AND FACILITATE THE ASSOCIATED
15 RETIREMENT OF FOSSIL-FUEL-POWERED SCHOOL BUSES; AND

16 (b) SCHOOL DISTRICTS CAN LEVERAGE STATE GRANT MONEY TO
17 OBTAIN MONEY FROM FEDERAL AND PRIVATE SOURCES TO FURTHER
18 FINANCE THE TRANSITION TO AN ELECTRIC-POWERED SCHOOL BUS FLEET.

19 **25-7-1502. Definitions.** AS USED IN THIS PART 15, UNLESS THE
20 CONTEXT OTHERWISE REQUIRES:

21 (1) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL AUTHORIZED
22 PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22, THE STATE CHARTER
23 SCHOOL INSTITUTE ESTABLISHED PURSUANT TO SECTION 22-30.5-503, OR
24 AN INSTITUTE CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 5 OF
25 ARTICLE 30.5 OF TITLE 22.

26 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
27 AND ENVIRONMENT.

1 (3) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE
2 MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

3 (4) "ELECTRIC-POWERED SCHOOL BUS" MEANS A SCHOOL BUS THAT
4 IS POWERED SOLELY BY ELECTRICITY.

5 (5) "FOSSIL-FUEL-POWERED SCHOOL BUS" MEANS A SCHOOL BUS
6 POWERED BY DIESEL FUEL OR GASOLINE.

7 (6) "FUND" MEANS THE ELECTRIFYING SCHOOL BUSES GRANT
8 PROGRAM CASH FUND CREATED IN SECTION 25-7-1505 (1)(a).

9 (7) "GRANT PROGRAM" MEANS THE ELECTRIFYING SCHOOL BUSES
10 GRANT PROGRAM CREATED IN SECTION 25-7-1503.

11 (8) "NONATTAINMENT AREA" MEANS AN AREA OF THE STATE THAT
12 THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY HAS DESIGNATED AS
13 BEING IN NONATTAINMENT WITH A NATIONAL AMBIENT AIR STANDARD.

14 (9) "OFFICE" MEANS THE COLORADO ENERGY OFFICE CREATED IN
15 SECTION 24-38.5-101.

16 (10) "SCHOOL BUS":

17 (a) HAS THE MEANING SET FORTH IN SECTION 42-4-707 (5)(b); AND

18 (b) INCLUDES ANY PUBLICLY OR PRIVATELY FINANCED BUS, VAN,
19 OR SIMILAR VEHICLE THAT A SCHOOL DISTRICT OR CHARTER SCHOOL USES
20 AS PART OF ITS FLEET FOR THE ROUTINE PICK UP AND DROP OFF OF
21 STUDENTS FOR PUBLIC OR CHARTER SCHOOL OR SCHOOL-RELATED
22 PROGRAMMING OR ACTIVITIES.

23 (11) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED
24 PURSUANT TO ARTICLE 30 OF TITLE 22. "SCHOOL DISTRICT" INCLUDES
25 SCHOOLS OPERATED BY TRIBAL GOVERNMENTS.

26 **25-7-1503. Electrifying school buses grant program - creation**
27 **- eligibility.** (1) (a) (I) THE ELECTRIFYING SCHOOL BUSES GRANT

1 PROGRAM IS CREATED TO ALLOW A SCHOOL DISTRICT, CHARTER SCHOOL,
2 OR NONPROFIT PARTNER ACTING ON BEHALF OF A SCHOOL DISTRICT OR
3 CHARTER SCHOOL TO APPLY TO THE DEPARTMENT FOR GRANT MONEY TO
4 HELP FINANCE:

5 (A) THE PROCUREMENT AND MAINTENANCE OF
6 ELECTRIC-POWERED SCHOOL BUSES, THE CONVERSION OF
7 FOSSIL-FUEL-POWERED SCHOOL BUSES TO ELECTRIC-POWERED SCHOOL
8 BUSES, CHARGING INFRASTRUCTURE, AND ELECTRICAL UPGRADES
9 NECESSARY TO SUPPORT CHARGING INFRASTRUCTURE;

10 (B) THE RETIREMENT OF FOSSIL-FUEL-POWERED SCHOOL BUSES;
11 AND

12 (C) THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S
13 ADMINISTRATIVE COSTS ASSOCIATED WITH SUCH PROCUREMENTS,
14 CONVERSIONS, MAINTENANCE, OR RETIREMENTS, INCLUDING ANY
15 UP-FRONT ADMINISTRATIVE COSTS ASSOCIATED WITH DEVELOPING AND
16 IMPLEMENTING A PROPOSAL FOR THE PROCUREMENTS, CONVERSIONS,
17 MAINTENANCE, OR RETIREMENTS.

18 (II) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM,
19 AND THE OFFICE SHALL PROVIDE TECHNICAL ASSISTANCE FOR THE GRANT
20 PROGRAM AS NEEDED.

21 (b) THE DEPARTMENT SHALL ESTABLISH AN APPLICATION PROCESS
22 FOR SCHOOL DISTRICTS, CHARTER SCHOOLS, AND NONPROFIT PARTNERS
23 ACTING ON BEHALF OF SCHOOL DISTRICTS OR CHARTER SCHOOLS TO APPLY
24 FOR MONEY UNDER THE GRANT PROGRAM AND:

25 (I) POST INFORMATION ABOUT THE GRANT PROGRAM APPLICATION
26 PROCESS, INCLUDING ANY APPLICATION FORMS THAT THE DEPARTMENT
27 DEVELOPS FOR THE GRANT PROGRAM, ON ITS WEBSITE; AND

1 (II) SHARE THE GRANT PROGRAM APPLICATION PROCESS
2 INFORMATION WITH THE DEPARTMENT OF EDUCATION, WHICH
3 DEPARTMENT SHALL POST THE INFORMATION ON ITS WEBSITE.

4 (2) THE DEPARTMENT SHALL DEVELOP:

5 (a) CRITERIA FOR AWARDING GRANT MONEY, WHICH CRITERIA
6 MUST INCLUDE:

7 (I) GIVING PRIORITY TO SCHOOL DISTRICTS AND CHARTER
8 SCHOOLS:

9 (A) LOCATED IN OR ATTENDED BY STUDENTS LIVING IN
10 DISPROPORTIONATELY IMPACTED COMMUNITIES;

11 (B) LOCATED IN NONATTAINMENT AREAS; OR

12 (C) AT WHICH AT LEAST A CERTAIN PERCENTAGE OF STUDENTS, AS
13 DETERMINED BY THE DEPARTMENT, RECEIVE FREE OR REDUCED-PRICE
14 LUNCHES UNDER A SCHOOL LUNCH PROGRAM; AND

15 (II) A REQUIREMENT THAT, AS A CONDITION OF RECEIVING A
16 GRANT AWARD, GRANTEE RETIRE OR CONVERT AT LEAST A CERTAIN
17 PERCENTAGE OF THEIR FOSSIL-FUEL-POWERED SCHOOL BUSES, RETIRE OR
18 CONVERT THEIR FOSSIL-FUEL-POWERED SCHOOL BUSES IN A CERTAIN
19 MANNER, OR BOTH;

20 (b) PERIODIC REPORTING REQUIREMENTS FOR A GRANTEE TO
21 DEMONSTRATE THAT THE MONEY AWARDED IS BEING USED IN COMPLIANCE
22 WITH THIS PART 15; AND

23 (c) PROCEDURES FOR ADDRESSING A GRANTEE'S NONCOMPLIANCE
24 WITH THIS PART 15, INCLUDING PROCEDURES FOR REIMBURSEMENT OF
25 MONEY AWARDED.

26 (3) THE DEPARTMENT MAY USE A PORTION OF THE MONEY IN THE
27 FUND TO COVER THE DIRECT AND INDIRECT COSTS THE DEPARTMENT

1 INCURS IN ADMINISTERING THE GRANT PROGRAM.

2 **25-7-1504. Reporting.** (1) ON OR BEFORE JANUARY 1, 2025, AND
3 ON OR BEFORE JANUARY 1 OF EACH ODD-NUMBERED YEAR THEREAFTER,
4 THE DEPARTMENT SHALL PREPARE A REPORT SUMMARIZING THE PROGRESS
5 OF THE GRANT PROGRAM AND SUBMIT THE REPORT TO THE HOUSE OF
6 REPRESENTATIVES EDUCATION COMMITTEE AND ENERGY AND
7 ENVIRONMENT COMMITTEE AND THE SENATE EDUCATION COMMITTEE AND
8 TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR SUCCESSOR
9 COMMITTEES. THE DEPARTMENT SHALL POST A COPY OF EACH REPORT ON
10 ITS WEBSITE.

11 (2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
12 REPORTING REQUIREMENTS SET FORTH IN SUBSECTION (1) OF THIS SECTION
13 CONTINUE UNTIL THE GRANT PROGRAM REPEALS PURSUANT TO SECTION
14 25-7-1506.

15 **25-7-1505. Electrifying school buses grant program cash fund**
16 **- creation - gifts, grants, and donations - transfer - repeal.** (1) (a) THE
17 ELECTRIFYING SCHOOL BUSES GRANT PROGRAM CASH FUND IS CREATED IN
18 THE STATE TREASURY, AND THE DEPARTMENT SHALL ADMINISTER THE
19 FUND FOR THE PURPOSES OF THIS PART 15. THE FUND CONSISTS OF ANY
20 MONEY THAT THE GENERAL ASSEMBLY MAY TRANSFER OR APPROPRIATE
21 TO THE FUND FOR IMPLEMENTATION OF THE GRANT PROGRAM AND ANY
22 FEDERAL MONEY OR GIFTS, GRANTS, OR DONATIONS RECEIVED PURSUANT
23 TO SUBSECTION (1)(b) OF THIS SECTION.

24 (b) (I) FOR THE PURPOSES OF THIS PART 15, THE DEPARTMENT MAY
25 SEEK, ACCEPT, AND EXPEND:

26 (A) MONEY FROM FEDERAL SOURCES; AND

27 (B) GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC

1 SOURCES.

2 (II) THE DEPARTMENT SHALL TRANSMIT ANY MONEY RECEIVED
3 PURSUANT TO SUBSECTION (1)(b)(I) OF THIS SECTION TO THE STATE
4 TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

5 (2) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
6 ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY IN THE FUND FOR THE
7 PURPOSES SET FORTH IN THIS PART 15. THE STATE TREASURER SHALL
8 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
9 INVESTMENT OF MONEY IN THE FUND TO THE FUND. ANY UNEXPENDED
10 AND UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A
11 STATE FISCAL YEAR REMAINS IN THE FUND; EXCEPT THAT THE STATE
12 TREASURER SHALL TRANSFER ANY MONEY REMAINING IN THE FUND AT THE
13 END OF THE 2032-33 STATE FISCAL YEAR TO THE GENERAL FUND.

14 (3) (a) ON JUNE 30, 2022, THE STATE TREASURER SHALL TRANSFER
15 SIXTY-FIVE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

16 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2023.

17 **25-7-1506. Repeal of part.** THIS PART 15 IS REPEALED, EFFECTIVE
18 SEPTEMBER 1, 2034.

19 **SECTION 4.** In Colorado Revised Statutes, 25-7-103, **amend**
20 (12), (15), and (22) as follows:

21 **25-7-103. Definitions.** As used in this article 7, unless the context
22 otherwise requires:

23 (12) "Federal act" means the federal "Clean Air Act", 42 U.S.C.
24 sec. 7401 et seq., ~~(1970), as the same is in effect on November 15, 1990,~~
25 AS AMENDED.

26 (15) "Issue" or "issuance" means the mailing, INCLUDING BY
27 ELECTRONIC MAIL, of any order, permit, determination, or notice, other

1 than notice by publication, ~~by certified mail to the last address furnished~~
2 ~~to the agency by the person subject thereto~~ or personal service on ~~such~~
3 THE person. ~~and~~ The date of issuance of ~~such~~ THE order, permit,
4 determination, or notice ~~shall~~ MUST be the date of ~~such~~ THE mailing or
5 service or such later date as is stated in the order, permit, determination,
6 or notice.

7 (22) "State implementation plan" OR "SIP" means ~~the~~ A plan
8 required by and described in ~~section 110(a)~~ SECTION 110 (a) OR 169A of
9 the federal act.

10 **SECTION 5.** In Colorado Revised Statutes, 25-7-103.5, **amend**
11 (1)(m) and (4)(e) introductory portion as follows:

12 **25-7-103.5. Air quality enterprise - legislative declaration -**
13 **fund - definitions - gifts, grants, or donations - rules - report - repeal.**

14 (1) **Legislative declaration.** The general assembly hereby finds and
15 declares that:

16 (m) So long as the enterprise qualifies as an enterprise for
17 purposes of section 20 of article X of the state constitution, the revenue
18 ~~from the fees~~ collected by the enterprise is not state fiscal year spending,
19 as defined in section 24-77-102 (17), or state revenues, as defined in
20 section 24-77-103.6 (6)(c), and does not count against either the state
21 fiscal year spending limit imposed by section 20 of article X of the state
22 constitution or the excess state revenues cap, as defined in ~~section~~
23 ~~24-77-103.6 (6)(b)(I)(D)~~ SECTION 24-77-103.6 (6)(b).

24 (4) **Fund - fees.** (e) Before establishing fees, the board shall
25 conduct a stakeholder process to solicit input from potential fee payers
26 and other stakeholders on the appropriate fee structure. The enterprise
27 shall not collect any fees before July 1, 2021. The amount of enterprise

1 fees collected UNDER SUBSECTION (4)(b)(I) OF THIS SECTION is limited as
2 follows:

3 **SECTION 6.** In Colorado Revised Statutes, 25-7-114.1, **amend**
4 (4) as follows:

5 **25-7-114.1. Air pollutant emission notices - rules.** (4) Each
6 ~~such~~ notice ~~shall~~ REQUIRED BY THIS SECTION MUST specify the location at
7 which the proposed emission will occur; the name and address of the
8 person operating or owning ~~such~~ THE facility, process, or activity; the
9 nature of ~~such~~ THE facility, process, or activity; and an estimate of the
10 quantity and composition of the expected emission. The division shall
11 ~~make available at all air pollution control authority offices~~ PROVIDE
12 appropriate forms on which the information required by this section ~~shall~~
13 MUST be furnished.

14 **SECTION 7.** In Colorado Revised Statutes, 25-7-119, **amend** (1)
15 as follows:

16 **25-7-119. Hearings.** (1) Not ~~less~~ MORE than ~~fifteen~~ THIRTY
17 calendar days after a hearing has been requested as provided in this ~~article~~
18 ARTICLE 7, the commission shall grant MUST ACT UPON such request. and
19 IF GRANTED, THE COMMISSION SHALL set a time and place therefor FOR
20 THE HEARING not more than ninety calendar days following THE FIRST
21 REGULARLY SCHEDULED COMMISSION MEETING AFTER receipt of such THE
22 HEARING request, unless a shorter period is otherwise specifically
23 provided for in this ~~article~~ ARTICLE 7. Notice of ~~such~~ THE hearing ~~shall~~
24 MUST be printed in a newspaper of general circulation in the area in which
25 the proposed project or activity is located at least thirty days prior to the
26 date of ~~said~~ THE hearing.

27 **SECTION 8.** In Colorado Revised Statutes, 25-7-133, **amend** (1);

1 **repeal** (2); and **add** (2.5) as follows:

2 **25-7-133. Legislative review and approval of state**
3 **implementation plans and rules - legislative declaration - definition.**

4 (1) (a) Notwithstanding any other provision of law but subject to
5 subsection (7) of this section, by January 15 of each year, the commission
6 shall certify in a report to the chairperson of the legislative council in
7 summary form any additions or changes to elements of the state
8 implementation plan THAT INCLUDE ANY NEW REGULATORY
9 REQUIREMENTS OR MODIFICATIONS TO EXISTING REGULATORY
10 REQUIREMENTS adopted during the prior year that are to be submitted to
11 the administrator for purposes of federal enforceability. ~~Such~~

12 (b) THE report ~~shall~~ MUST be written in plain, nontechnical
13 language using words with common and everyday meaning that are
14 understandable to the average reader. Copies of such report ~~shall~~ MUST be
15 available to the public and ~~shall be made available~~ SUBMITTED to each
16 member of the general assembly. ~~The provisions of~~

17 (c) This section ~~shall~~ DOES not apply to control measures and
18 strategies that have been adopted and implemented by the enacting
19 jurisdiction of a local unit of government if ~~such~~ THE measures and
20 strategies do not result in mandatory direct costs upon any entity other
21 than the enacting jurisdiction.

22 (2) (a) ~~By the February 15 following submission of the certified~~
23 ~~report under subsection (1) of this section, any member of the general~~
24 ~~assembly may make a request in writing to the chairperson of the~~
25 ~~legislative council that the legislative council hold a hearing or hearings~~
26 ~~to review any addition or change to elements of the SIP contained in the~~
27 ~~report submitted pursuant to subsection (1) of this section. Upon receipt~~

1 of such request, the chairperson of the legislative council shall forthwith
2 schedule a hearing to conduct such review. Any review by the legislative
3 council shall determine whether the addition or change to the SIP element
4 accomplishes the results intended by enactment of the statutory provisions
5 under which the addition or change to the SIP element was adopted. The
6 legislative council, after allowing a public hearing preceded by adequate
7 notice to the public and the commission, may recommend the introduction
8 of a bill or bills based on the results of such review. If the legislative
9 council does not recommend introduction of a bill under this subsection
10 (2), the addition or change to the SIP element may be submitted under
11 paragraph (b) of this subsection (2). Any bill recommended for
12 consideration under this subsection (2) shall not be counted against the
13 number of bills to which members of the general assembly are limited by
14 law or joint rule of the senate and the house of representatives. If the
15 legislative council does not recommend the introduction of a bill under
16 this paragraph (a), and the member or members of the general assembly
17 that requested such review will be introducing a bill under the provisions
18 of paragraph (c) of this subsection (2), any such member shall provide
19 written notice to the chairperson of the legislative council within three
20 days after the action by the legislative council not to recommend
21 introduction of a bill. If such member or members provide such written
22 notice, the addition or change to the SIP or any element thereof that is the
23 subject of any such bill may not be submitted to the administrator of the
24 federal environmental protection agency until the expiration of the
25 addition or change to the SIP has been postponed by the general assembly
26 acting by bill or the member or members provide written notice to the
27 chairperson of the executive committee of the legislative council that no

1 bill will be introduced.

2 (b) ~~Unless a written request for legislative council review of an~~
3 ~~addition or change to a SIP element is submitted by the February 15~~
4 ~~following submission of the report under subsection (1) of this section,~~
5 ~~or a notice is provided by a member or members that they are introducing~~
6 ~~a bill under paragraph (c) of this subsection (2) within three days after~~
7 ~~legislative council action not to introduce a bill under paragraph (a) of~~
8 ~~this subsection (2), all other additions or changes to a SIP element~~
9 ~~described in such report shall be submitted to the administrator for final~~
10 ~~approval and incorporation into the SIP.~~

11 (c) ~~Until such February 15 as provided in paragraph (b) of this~~
12 ~~subsection (2), the commission may only submit an addition or change to~~
13 ~~the SIP or any element thereof, as defined in section 110 of the federal~~
14 ~~act, any rule which is a part thereof, or any revision thereto as specified~~
15 ~~in subsection (1) of this section to the administrator for conditional~~
16 ~~approval or temporary approval. If legislative council review is requested~~
17 ~~as to any addition or change to a SIP element under paragraph (a) of this~~
18 ~~subsection (2), then no such SIP, revision, rule required by the SIP or~~
19 ~~revision, or rule related to the implementation of the SIP or revision so~~
20 ~~submitted to the administrator may take effect for purposes of federal~~
21 ~~enforceability, or enforcement of any kind at the state level against any~~
22 ~~person or entity based only on the commission's general authority to adopt~~
23 ~~a SIP under section 25-7-105 (1), unless expiration of the SIP, rule~~
24 ~~required for the SIP, or addition or change to a SIP element has been~~
25 ~~postponed by the general assembly acting by bill in the same manner as~~
26 ~~provided in section 24-4-103 (8)(c) and (8)(d), C.R.S. Any member of the~~
27 ~~general assembly may introduce a bill to modify or delete all or a portion~~

1 of the SIP or any rule or additions or changes to SIP elements which are
2 a component thereof. Any bill introduced under this paragraph (c) shall
3 not be counted against the number of bills to which members of the
4 general assembly are limited by law or joint rule of the senate and the
5 house of representatives. Any committee of reference of the senate or the
6 house of representatives to which a bill introduced under this paragraph
7 (c) is referred shall conduct as part of consideration of any such bill on
8 the merits the review provided for under paragraph (a) of this subsection
9 (2). If any bill is introduced under paragraph (a) of this subsection (2) or
10 under this paragraph (c) to postpone the expiration of any addition or
11 change to a SIP element described in a report submitted under subsection
12 (1) of this section, and any such bill does not become law, the addition or
13 change to a SIP element addressed in such bill may be submitted to the
14 administrator of the federal environmental protection agency for final
15 approval and incorporation into the SIP under paragraph (b) of this
16 subsection (2).

17 (d) Repealed.

18 (2.5) (a) UNTIL FEBRUARY 15 FOLLOWING SUBMISSION OF THE
19 CERTIFIED REPORT UNDER SUBSECTION (1) OF THIS SECTION, ANY
20 ADDITION OR CHANGE TO THE SIP MUST NOT BE NOT SUBMITTED TO THE
21 ADMINISTRATOR FOR FINAL APPROVAL AND INCORPORATION INTO THE SIP,
22 UNLESS THE ADDITION OR CHANGE IS DESIGNATED BY THE GOVERNOR OR
23 THE GOVERNOR'S DESIGNEE AS A PROVISIONAL SUBMISSION.

24 (b) BY FEBRUARY 15 ANY MEMBER OF THE GENERAL ASSEMBLY
25 MAY INTRODUCE A BILL TO MODIFY OR DELETE ALL OR A PORTION OF THE
26 ADDITIONS OR CHANGES TO THE SIP IN THE CERTIFIED REPORT SUBMITTED
27 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION. ANY BILL INTRODUCED

1 UNDER THIS SUBSECTION (2.5)(b) DOES NOT COUNT AGAINST THE NUMBER
2 OF BILLS TO WHICH MEMBERS OF THE GENERAL ASSEMBLY ARE LIMITED BY
3 LAW OR JOINT RULE OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.
4 DURING THE PERIOD THAT ANY SUCH BILL INTRODUCED UNDER THIS
5 SUBSECTION (2.5)(b) IS BEING CONSIDERED, THE ADDITIONS OR CHANGES
6 TO THE SIP MAY NOT BE SUBMITTED TO THE ADMINISTRATOR FOR FINAL
7 APPROVAL AND INCORPORATION INTO THE SIP, UNLESS DESIGNATED BY
8 THE GOVERNOR OR THE GOVERNOR'S DESIGNEE AS A PROVISIONAL
9 SUBMISSION.

10 (c) IF A BILL INTRODUCED UNDER SUBSECTION (2.5)(b) OF THIS
11 SECTION THAT SEEKS TO MODIFY OR DELETE THE ADDITIONS OR CHANGES
12 TO THE SIP DOES NOT BECOME LAW, THE ADDITIONS OR CHANGES TO THE
13 SIP MUST BE SUBMITTED TO THE ADMINISTRATOR FOR FINAL APPROVAL
14 AND INCORPORATION INTO THE SIP. IF THE BILL BECOMES LAW, THE
15 COMMISSION SHALL MODIFY OR DELETE THE ADDITIONS OR CHANGES TO
16 THE SIP AS DIRECTED BY THE BILL, AND ANY MODIFIED ADDITIONS OR
17 CHANGES TO THE SIP SHALL THEN BE SUBMITTED TO THE ADMINISTRATOR
18 FOR FINAL APPROVAL AND INCORPORATION INTO THE SIP.

19 (d) AS USED IN THIS SUBSECTION (2.5), "ADDITIONS OR CHANGES"
20 MEANS ADDITIONS OR CHANGES TO REGULATORY REQUIREMENTS.

21 **SECTION 9.** In Colorado Revised Statutes, 25-7-133.5, **amend**
22 (3) as follows:

23 **25-7-133.5. Approval or rescission of specific revisions to state**
24 **implementation plan (SIP) after 1996.** (3) Revisions to the SIP that are
25 adopted solely to conform the SIP to prior actions of the general assembly
26 under section 25-7-133 and this section may be submitted to the federal
27 environmental protection agency for final approval under ~~section~~

1 ~~25-7-133 (2)~~ SECTION 25-7-133 (2.5) without further approval by the
2 general assembly under section 25-7-133 or this section.

3 **SECTION 10. Appropriation.** (1) For the 2022-23 state fiscal
4 year, \$750,000 is appropriated to the department of personnel for use by
5 the division of human resources. This appropriation is from the general
6 fund. To implement this act, the division may use this appropriation for
7 operating expenses related to employee benefits services.

8 (2) For the 2022-23 state fiscal year, \$7,000,000 is appropriated
9 to the department of public health and environment for use by the air
10 pollution control division. This appropriation is from the general fund.
11 Any money appropriated in this subsection (2) that is not expended before
12 July 1, 2023, is further appropriated to the department for the 2023-24
13 and 2024-25 state fiscal years for the same purpose To implement this act,
14 the division may use this appropriation as follows:

15 (a) \$6,909,275 for personal services related to administration,
16 which amount is based on an assumption that the division will require an
17 additional 1.5 FTE; and

18 (b) \$90,725 for the purchase of information technology services.

19 (3) For the 2022-23 state fiscal year, \$90,725 is appropriated to
20 the office of the governor for use by the office of information technology.
21 This appropriation is from reappropriated funds received from the
22 department of public health and environment under subsection (2)(b) of
23 this section. To implement this act, the office may use this appropriation
24 to provide information technology services for the department of public
25 health and environment.

26 (4) For the 2022-23 state fiscal year, \$15,000,000 is appropriated
27 to the department of public health and environment for use by the air

1 pollution control division. This appropriation is from the diesel truck
2 emissions reduction grant program cash fund created in section 25-7-1407
3 (1)(a), C.R.S. To implement this act, the department may use this
4 appropriation as follows:

5 (a) \$986,013 for use by the division for personal services related
6 to mobile sources, which amount is based on an assumption that the
7 division will require an additional 5.0 FTE; and

8 (b) \$14,013,987 for use by the division for operating expenses
9 related to mobile sources.

10 (5) For the 2022-23 state fiscal year, \$65,000,000 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 electrifying
13 school buses grant program cash fund created in section 25-7-1505 (1)(a),
14 C.R.S. To implement this act, the department may use this appropriation
15 as follows:

16 (a) \$986,013 for use by the division for personal services related
17 to mobile sources, which amount is based on an assumption that the
18 division will require an additional 5.0 FTE; and

19 (b) \$64,013,987 for use by the division for operating expenses
20 related to mobile sources. _____

21 **SECTION 11. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.