

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 22-0383.02 Jennifer Berman x3286

SENATE BILL 22-193

SENATE SPONSORSHIP

Fenberg and Gonzales,

HOUSE SPONSORSHIP

Valdez A.,

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.

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, VOLUNTARY ACTIONS ARE NEEDED TO ACHIEVE FURTHER
17 REDUCTIONS IN INDUSTRIAL POLLUTION.

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

20 (a) "AIR POLLUTANT":

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

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

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

26 (c) "FUND" MEANS THE INDUSTRIAL AND MANUFACTURING
27 OPERATIONS CLEAN AIR GRANT PROGRAM CASH FUND CREATED IN

1 SUBSECTION (6) OF THIS SECTION.

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

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

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

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

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

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

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

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

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

25 (j) "PUBLIC-PRIVATE PARTNERSHIP" MEANS A PARTNERSHIP
26 BETWEEN A LOCAL GOVERNMENT AND A PRIVATE ENTITY THAT ENGAGES
27 IN INDUSTRIAL AND MANUFACTURING OPERATIONS.

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

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

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

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

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

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

25 (A) ENERGY EFFICIENCY PROJECTS;

26 (B) RENEWABLE ENERGY PROJECTS;

27 (C) BENEFICIAL ELECTRIFICATION PROJECTS;

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

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

3 (a) THE DIRECT AND INDIRECT COSTS THE OFFICE INCURS IN
4 ADMINISTERING THE GRANT PROGRAM; AND

5 (b) INTERAGENCY MONEY TRANSFERS FOR TECHNICAL SUPPORT
6 THAT THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR THE
7 DEPARTMENT OF NATURAL RESOURCES MAY PROVIDE THE OFFICE IN
8 ADMINISTERING THE GRANT PROGRAM.

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

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

20 (6) **Fund.** (a) (I) THE INDUSTRIAL AND MANUFACTURING
21 OPERATIONS CLEAN AIR GRANT PROGRAM CASH FUND IS CREATED IN THE
22 STATE TREASURY, AND THE OFFICE SHALL ADMINISTER THE FUND FOR THE
23 PURPOSES OF THIS SECTION. THE FUND CONSISTS OF ANY MONEY THAT THE
24 GENERAL ASSEMBLY MAY TRANSFER OR APPROPRIATE TO THE FUND FOR
25 IMPLEMENTATION OF THE GRANT PROGRAM AND ANY FEDERAL MONEY OR
26 GIFTS, GRANTS, OR DONATIONS RECEIVED PURSUANT TO SUBSECTION
27 (6)(a)(II) OF THIS SECTION.

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

3 (A) MONEY FROM FEDERAL SOURCES; AND

4 (B) GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC
5 SOURCES.

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

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

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

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

21 (7) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1,
22 2029.

23 **SECTION 2.** In Colorado Revised Statutes, **add** part 4 to article
24 38.5 of title 24 as follows:

25 PART 4
26 COMMUNITY ACCESS TO
27 ELECTRIC BICYCLES

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

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

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

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

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

16 (e) A WIDE VARIETY OF ELECTRIC BICYCLES ARE AVAILABLE AND,
17 ALONG WITH NEW MODELS BECOMING AVAILABLE, ARE INCREASINGLY
18 AFFORDABLE;

19 (f) ELECTRIC BICYCLES PRODUCE ZERO EMISSIONS AND ARE AN
20 IMPORTANT COMPONENT IN A STRATEGY FOR REDUCING EMISSIONS IN THE
21 TRANSPORTATION SECTOR; AND

22 (g) IT IS IN THE INTEREST OF THE STATE TO INCREASE THE NUMBER
23 OF ELECTRIC BICYCLES USED FOR TRANSPORTATION AND TO INCREASE THE
24 ACCESSIBILITY OF ELECTRIC BICYCLES TO INDIVIDUALS IN LOW- AND
25 MODERATE-INCOME HOUSEHOLDS.

26 **24-38.5-402. Definitions.** AS USED IN THIS PART 4, UNLESS THE
27 CONTEXT OTHERWISE REQUIRES:

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

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

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

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

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

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

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

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

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

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

23 (9) "OWNERSHIP PROGRAM" MEANS A PROGRAM THAT PROVIDES
24 ELECTRIC BICYCLES, EQUIPMENT, AND RELATED SERVICES TO INDIVIDUALS
25 IN LOW- AND MODERATE-INCOME HOUSEHOLDS, AS DETERMINED BY THE
26 OFFICE.

27 (10) "PROGRAM" MEANS A BIKE SHARE PROGRAM OR AN

1 OWNERSHIP PROGRAM.

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

4 **24-38.5-403. Community access to electric bicycles grant**
5 **program - creation - eligibility.** (1) (a) (I) THE COMMUNITY ACCESS TO
6 ELECTRIC BICYCLES GRANT PROGRAM IS CREATED TO HELP FINANCE BIKE
7 SHARE PROGRAMS AND OWNERSHIP PROGRAMS THAT LOCAL
8 GOVERNMENTS OR NONPROFIT ORGANIZATIONS ADMINISTER OR PLAN TO
9 ADMINISTER IN THE STATE. THE OFFICE SHALL ADMINISTER THE GRANT
10 PROGRAM. TO BE ELIGIBLE TO APPLY FOR MONEY UNDER THE GRANT
11 PROGRAM, A LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION MUST
12 ADMINISTER OR PLAN TO ADMINISTER, OR CONTRACT WITH A THIRD PARTY
13 TO ADMINISTER:

14 (A) A BIKE SHARE PROGRAM USING A FLEET OF ELECTRIC
15 BICYCLES; OR

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

18 (II) A LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION
19 AWARDED MONEY UNDER THE GRANT PROGRAM MAY USE THE MONEY TO
20 PURCHASE AND MAINTAIN ELECTRIC BICYCLES, EQUIPMENT, AND
21 INFRASTRUCTURE FOR ITS BIKE SHARE PROGRAM OR OWNERSHIP PROGRAM,
22 PAY LABOR COSTS RELATED TO IMPLEMENTATION OF THE PROGRAM, AND
23 COVER THE DIRECT AND INDIRECT ADMINISTRATIVE COSTS THAT THE
24 LOCAL GOVERNMENT, THE NONPROFIT ORGANIZATION, OR A THIRD-PARTY
25 CONTRACTOR INCURS IN IMPLEMENTING THE PROGRAM.

26 (b) IN ADMINISTERING THE GRANT PROGRAM, THE OFFICE SHALL
27 ESTABLISH AN APPLICATION PROCESS FOR LOCAL GOVERNMENTS AND

1 NONPROFIT ORGANIZATIONS TO USE TO APPLY FOR MONEY UNDER THE
2 GRANT PROGRAM. THE OFFICE SHALL POST INFORMATION ABOUT THE
3 APPLICATION PROCESS ON ITS WEBSITE.

4 (2) THE OFFICE SHALL DEVELOP:

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

7 (I) GIVING PRIORITY TO LOCAL GOVERNMENTS AND NONPROFIT
8 ORGANIZATIONS OFFERING A PROGRAM IN:

9 (A) ONE OR MORE DISPROPORTIONATELY IMPACTED COMMUNITIES;

10 OR

11 (B) ONE OR MORE NONATTAINMENT AREAS;

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

15 (III) A REQUIREMENT THAT A LOCAL GOVERNMENT OR NONPROFIT
16 ORGANIZATION THAT APPLIES FOR GRANT MONEY FOR A PLANNED, BUT
17 NOT YET IMPLEMENTED, PROGRAM DEMONSTRATE TO THE SATISFACTION
18 OF THE OFFICE THAT THE LOCAL GOVERNMENT OR NONPROFIT
19 ORGANIZATION, AFTER RECEIVING MONEY UNDER THE GRANT PROGRAM,
20 WILL BE ABLE TO START IMPLEMENTING THE PROGRAM WITHIN A CERTAIN
21 NUMBER OF MONTHS AFTER RECEIVING THE MONEY, AS DETERMINED BY
22 THE OFFICE;

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

26 (c) PROCEDURES FOR ADDRESSING A GRANTEE'S NONCOMPLIANCE
27 WITH THIS SECTION, INCLUDING PROCEDURES FOR REIMBURSEMENT OF

1 MONEY AWARDED.

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

5 **24-38.5-404. Community access to electric bicycles rebate**
6 **program - eligibility - reimbursement.** (1) THE OFFICE SHALL
7 ESTABLISH THE COMMUNITY ACCESS TO ELECTRIC BICYCLES REBATE
8 PROGRAM TO PROVIDE REBATES FOR PURCHASES OF ELECTRIC BICYCLES
9 AND EQUIPMENT MADE BY ELIGIBLE INDIVIDUALS. IN ESTABLISHING THE
10 REBATE PROGRAM, THE OFFICE SHALL DETERMINE:

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

13 (I) AN ELIGIBLE INDIVIDUAL RESIDES IN A LOW- OR
14 MODERATE-INCOME HOUSEHOLD, WHICH INCOME THRESHOLDS THE OFFICE
15 SHALL DETERMINE; AND

16 (II) TO QUALIFY FOR A REBATE, THE PURCHASE MUST BE OF AN
17 ELECTRIC BICYCLE AND EQUIPMENT THAT:

18 (A) ARE USED PRIMARILY FOR COMMUTING OR OTHER
19 NONRECREATIONAL PURPOSE; AND

20 (B) COST LESS THAN A MAXIMUM THRESHOLD PRICE SET BY THE
21 OFFICE.

22 (b) REBATE AMOUNTS AND ANY CRITERIA USED IN DETERMINING
23 REBATE AMOUNTS; AND

24 (c) THE MECHANISM FOR ISSUING A REBATE, WHICH MECHANISM
25 MAY INCLUDE:

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

1 (II) VENDOR PAYMENTS MADE TO BICYCLE SHOPS THAT SELL A
2 QUALIFYING ELECTRIC BICYCLE AND EQUIPMENT AT A DISCOUNT TO AN
3 INDIVIDUAL WHO IS ELIGIBLE TO PARTICIPATE UNDER THE REBATE
4 PROGRAM.

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

8 **24-38.5-405. Reporting.** (1) ON OR BEFORE JANUARY 1, 2025,
9 AND ON OR BEFORE JANUARY 1 OF EACH YEAR THEREAFTER, THE OFFICE
10 SHALL PREPARE A REPORT SUMMARIZING THE PROGRESS OF THE GRANT
11 PROGRAM AND THE REBATE PROGRAM AND SUBMIT THE REPORT TO THE
12 HOUSE OF REPRESENTATIVES TRANSPORTATION AND LOCAL GOVERNMENT
13 COMMITTEE AND THE SENATE TRANSPORTATION AND ENERGY COMMITTEE,
14 OR THEIR SUCCESSOR COMMITTEES. THE OFFICE SHALL POST A COPY OF
15 EACH REPORT ON ITS WEBSITE.

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

20 **24-38.5-406. Community access to electric bicycles cash fund**
21 **- creation - gifts, grants, or donations - transfer - repeal.** (1) (a) THE
22 COMMUNITY ACCESS TO ELECTRIC BICYCLES CASH FUND IS CREATED IN
23 THE STATE TREASURY, AND THE OFFICE SHALL ADMINISTER THE FUND FOR
24 THE PURPOSES OF THIS PART 4. THE FUND CONSISTS OF ANY MONEY THAT
25 THE GENERAL ASSEMBLY MAY TRANSFER OR APPROPRIATE TO THE FUND
26 FOR IMPLEMENTATION OF THE GRANT PROGRAM AND THE REBATE
27 PROGRAM AND ANY FEDERAL MONEY OR GIFTS, GRANTS, OR DONATIONS

1 RECEIVED PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION.

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

4 (A) MONEY FROM FEDERAL SOURCES; AND

5 (B) GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC
6 SOURCES.

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

10 (2) THE MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO
11 THE OFFICE FOR THE PURPOSES SET FORTH IN THIS PART 4. THE STATE
12 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
13 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. ANY
14 UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND AT
15 THE END OF A STATE FISCAL YEAR REMAINS IN THE FUND; EXCEPT THAT
16 THE STATE TREASURER SHALL TRANSFER ANY MONEY REMAINING IN THE
17 FUND AT THE END OF THE 2026-27 STATE FISCAL YEAR TO THE GENERAL
18 FUND.

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

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

22 **24-38.5-407. Repeal of part.** THIS PART 4 IS REPEALED, EFFECTIVE
23 SEPTEMBER 1, 2028.

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

26 PART 14

27 DIESEL TRUCK EMISSIONS REDUCTION

1 GRANT PROGRAM

2 25-7-1401. **Short title.** THE SHORT TITLE OF THIS PART 14 IS THE
3 "DIESEL TRUCK EMISSIONS REDUCTION ACT".

4 25-7-1402. **Legislative declaration.** (1) (a) THE GENERAL
5 ASSEMBLY FINDS THAT:

6 (I) OLDER DIESEL TRUCKS CONTRIBUTE DISPROPORTIONATE
7 AMOUNTS OF LOCALIZED EMISSIONS OF PARTICULATE MATTER AND
8 NITROGEN OXIDES IN DISADVANTAGED COMMUNITIES WHERE MAJOR
9 INTERSTATES BRING TRUCK TRAFFIC TO WAREHOUSES, REFINERIES, FLEET
10 YARDS, AND FUEL DEPOTS;

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

14 (III) SUCH NEGATIVE HEALTH EFFECTS CAN INCLUDE ASTHMA,
15 SUSCEPTIBILITY TO RESPIRATORY ILLNESS, LUNG CANCER, AND
16 PREMATURE DEATH;

17 (IV) OLDER DIESEL TRUCKS CAN BE REPLACED BY NEWER TRUCKS
18 TO REDUCE FUEL USAGE AND THE RELATED EMISSIONS OF HAZARDOUS AIR
19 POLLUTANTS AND CRITERIA EMISSIONS THAT NEGATIVELY IMPACT AIR
20 QUALITY;

21 (V) OLDER DIESEL TRUCKS ARE MORE LIKELY THAN NEWER
22 TRUCKS TO BREAK DOWN AND CAUSE CONGESTION AND SAFETY ISSUES IN
23 COLORADO'S URBAN AREAS AND ALONG COLORADO'S MOUNTAIN
24 HIGHWAYS AND INTERSTATES;

25 (VI) SMALL BUSINESSES AND SOLE PROPRIETORS THAT OWN OLDER
26 DIESEL TRUCKS ARE LESS LIKELY THAN OTHER VEHICLE OWNERS TO HAVE
27 ACCESS TO THE CAPITAL OR FINANCING REQUIRED TO INVEST IN NEWER,

1 CLEANER MODELS;

2 (VII) REPLACING OLDER DIESEL TRUCKS WITH NEWER TRUCKS
3 WITH NEWER SAFETY SYSTEMS WILL REDUCE THE CHANCE OF
4 BREAKDOWNS AND VEHICLE CRASHES ON COLORADO'S MOUNTAIN
5 HIGHWAYS AND INTERSTATES; AND

6 (VIII) REPLACING OLDER DIESEL TRUCKS WITH NEWER TRUCKS
7 WILL ALSO REDUCE FUEL USAGE, INCREASE FUEL ECONOMY, AND REDUCE
8 EMISSIONS, WHICH WILL HELP COLORADO COMPLY WITH AIR QUALITY
9 ATTAINMENT STANDARDS AND REDUCE GREENHOUSE GAS POLLUTION TO
10 HELP COLORADO MEET ITS GREENHOUSE GAS POLLUTION TARGETS.

11 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS
12 APPROPRIATE TO ESTABLISH THE DIESEL TRUCK EMISSIONS REDUCTION
13 GRANT PROGRAM TO ASSIST PRIVATE AND PUBLIC ENTITIES IN
14 DECOMMISSIONING OLDER DIESEL TRUCKS AND REPLACING THOSE TRUCKS
15 WITH NEWER TRUCKS.

16 **25-7-1403. Definitions.** AS USED IN THIS PART 14, UNLESS THE
17 CONTEXT OTHERWISE REQUIRES:

18 (1) "DECOMMISSION" MEANS RENDERING BOTH THE ENGINE AND
19 THE CHASSIS OF A DIESEL TRUCK INOPERABLE THROUGH CUTTING A THREE
20 INCH HOLE THROUGH THE WALL OF THE ENGINE BLOCK AND CUTTING THE
21 CHASSIS RAILS IN HALF OR THROUGH SIMILARLY EFFECTIVE MEANS, AS
22 DETERMINED BY THE DIVISION.

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

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

27 (4) "ELIGIBLE ENTITY" MEANS ANY PUBLIC ENTITY OR PRIVATE

1 COMPANY THAT OWNS OR LEASES AND USES A QUALIFIED DIESEL TRUCK AS
2 SPECIFIED BY THE DIVISION.

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

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

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

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

15 **25-7-1404. Diesel truck emissions reduction grant program -**
16 **created.** (1) THERE IS HEREBY CREATED IN THE DIVISION THE DIESEL
17 TRUCK EMISSIONS REDUCTION GRANT PROGRAM TO PROVIDE GRANTS TO
18 CERTAIN PRIVATE AND PUBLIC ENTITIES FOR DECOMMISSIONING AND
19 REPLACING DIESEL TRUCKS.

20 (2) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH
21 THE GRANT PROGRAM FOR DECOMMISSIONING AND REPLACING DIESEL
22 TRUCKS IN ACCORDANCE WITH POLICIES AND PROCEDURES ESTABLISHED
23 BY THE DIVISION.

24 (3) THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM AND,
25 SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS
26 PROVIDED IN THIS PART 14. SUBJECT TO AVAILABLE APPROPRIATIONS,
27 GRANTS SHALL BE PAID OUT OF THE FUND.

1 (4) TO ADMINISTER THE GRANT PROGRAM, THE DIVISION SHALL
2 DETERMINE THE FOLLOWING:

- 3 (a) WHO MAY QUALIFY AS AN ELIGIBLE ENTITY;
- 4 (b) ELIGIBLE FUEL TYPES FOR REPLACEMENT VEHICLES;
- 5 (c) THE TIME FRAMES FOR APPLYING FOR GRANTS;
- 6 (d) THE CRITERIA USED TO EVALUATE AND PRIORITIZE
7 APPLICATIONS FOR GRANTS, INCLUDING A PRIORITY FOR APPLICATIONS
8 CONCERNING VEHICLES THAT ARE OPERATED WITHIN
9 DISPROPORTIONATELY IMPACTED COMMUNITIES, NONATTAINMENT AREAS,
10 OR BOTH;
- 11 (e) THE FORM OF THE GRANT PROGRAM APPLICATION;
- 12 (f) THE TIME FRAMES FOR AWARDING GRANTS; AND
- 13 (g) ANY OTHER COMPONENTS OF THE GRANT PROGRAM NECESSARY
14 FOR ITS IMPLEMENTATION.

15 **25-7-1405. Diesel truck emissions reduction grant program -**
16 **application - criteria - awards.** (1) TO RECEIVE A GRANT, AN ELIGIBLE
17 ENTITY MUST SUBMIT AN APPLICATION TO THE DIVISION IN ACCORDANCE
18 WITH THE POLICIES AND PROCEDURES ESTABLISHED BY THE DIVISION. AT
19 A MINIMUM, THE APPLICATION MUST INCLUDE THE FOLLOWING
20 INFORMATION:

- 21 (a) GRANT APPLICANT ORGANIZATIONAL AND CONTACT
22 INFORMATION;
- 23 (b) THE FUNDING REQUESTED PER VEHICLE;
- 24 (c) THE MAKE, MODEL, MODEL YEAR, AND MILEAGE OF THE DIESEL
25 TRUCKS TO BE DECOMMISSIONED UPON GRANT AWARD;
- 26 (d) THE LOCATION OF THE DIESEL TRUCKS TO BE DECOMMISSIONED
27 AND REPLACED;

1 (e) THE OPERATING AREA OF THE DIESEL TRUCKS TO BE
2 DECOMMISSIONED AND REPLACED; AND

3 (f) THE MAKE, MODEL, AND FUEL TYPE OF THE PROPOSED
4 REPLACEMENT VEHICLES.

5 (2) THE DIVISION MAY CONSULT WITH THE GRANT APPLICANT
6 REGARDING REPLACEMENT VEHICLE OPTIONS, AND, FOR VEHICLES THAT
7 WILL BE REPLACED BY ANOTHER DIESEL VEHICLE, THE DIVISION SHALL
8 GIVE CONSIDERATION TO THE REPLACEMENT OF VEHICLES THAT WOULD
9 OTHERWISE BE OPERATED FOR A DECADE OR MORE BASED ON THE GRANT
10 APPLICANT'S TYPICAL PRACTICES.

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

15 (4) THE DIVISION SHALL DEVELOP A POLICY REGARDING A
16 GRANTEE'S NONCOMPLIANCE WITH A GRANT AWARD AGREEMENT ENTERED
17 INTO BY THE GRANTEE AND THE DIVISION. THIS POLICY MAY INCLUDE A
18 MECHANISM FOR THE DIVISION TO CONVERT THE GRANT TO A LOAN WITH
19 INTEREST.

20 **25-7-1406. Reporting requirements.** (1) ON OR BEFORE JUNE 30,
21 2023, AND ON OR BEFORE JUNE 30 OF EACH YEAR THEREAFTER, EACH
22 ELIGIBLE ENTITY THAT RECEIVES A GRANT THROUGH THE GRANT PROGRAM
23 SHALL SUBMIT A REPORT TO THE DIVISION. AT A MINIMUM, THE REPORT
24 MUST INCLUDE THE FOLLOWING INFORMATION:

25 (a) THE GRANT APPLICANT'S ORGANIZATIONAL AND CONTACT
26 INFORMATION;

27 (b) THE MAKE, MODEL, AND MODEL YEAR OF THE REPLACEMENT

- 1 VEHICLES;
- 2 (c) THE PURCHASE DATES OF THE REPLACEMENT VEHICLES;
- 3 (d) THE FUEL TYPE OF THE REPLACEMENT VEHICLES;
- 4 (e) THE MONTHLY MILEAGE PER REPLACEMENT VEHICLE;
- 5 (f) THE MONTHLY FUEL USAGE PER REPLACEMENT VEHICLE;
- 6 (g) CERTIFICATION THAT THE AWARDED VEHICLES ARE STILL
- 7 ROADWORTHY, OPERATIONAL AND OWNED BY THE ORIGINAL AWARDEE;
- 8 (h) THE MAKE, MODEL, AND MODEL YEAR OF THE DIESEL TRUCKS
- 9 DECOMMISSIONED;
- 10 (i) THE LOCATION OF DIESEL TRUCKS DECOMMISSIONED;
- 11 (j) THE OPERATING AREA OF THE DIESEL TRUCKS
- 12 DECOMMISSIONED; AND
- 13 (k) ANY ADDITIONAL INFORMATION REQUIRED BY THE DIVISION.
- 14 (2) ON OR BEFORE DECEMBER 1, 2023, AND ON OR BEFORE
- 15 DECEMBER 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT OF PUBLIC
- 16 HEALTH AND ENVIRONMENT SHALL PREPARE A REPORT SUMMARIZING THE
- 17 PROGRESS OF THE GRANT PROGRAM AND SUBMIT THE REPORT TO THE
- 18 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE AND THE
- 19 ENERGY AND ENVIRONMENT COMMITTEE OF THE HOUSE OF
- 20 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE DEPARTMENT
- 21 SHALL POST A COPY OF EACH REPORT ON ITS WEBSITE. AT A MINIMUM, THE
- 22 REPORT MUST INCLUDE:
- 23 (a) THE AMOUNT OF MONEY EXPENDED ON GRANTS DURING THE
- 24 IMMEDIATELY PRECEDING STATE FISCAL YEAR;
- 25 (b) THE NUMBER OF DIESEL TRUCKS DECOMMISSIONED AND
- 26 REPLACED DURING THE IMMEDIATELY PRECEDING STATE FISCAL YEAR;
- 27 (c) THE ESTIMATED REDUCTION OF ANNUAL EMISSIONS OF PM10,

1 PM2.5, NOX, AND GHGs, WHERE "PM" REFERS TO PARTICULATE MATTER,
2 "NOX" REFERS TO NITROGEN OXIDES, AND "GHGs" REFERS TO
3 GREENHOUSE GASES, AS A RESULT OF DIESEL TRUCK REPLACEMENTS
4 FUNDED DURING THE PRECEDING FISCAL YEAR; AND

5 (d) A BREAKDOWN OF THE DIESEL TRUCK CLASSES
6 DECOMMISSIONED AND REPLACED DURING THE IMMEDIATELY PRECEDING
7 STATE FISCAL YEAR.

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

12 **25-7-1407. Diesel truck emissions reduction grant program**
13 **cash fund - creation - use - transfer.** (1) (a) THE DIESEL TRUCK
14 EMISSIONS REDUCTION GRANT PROGRAM CASH FUND IS CREATED IN THE
15 STATE TREASURY, AND THE DIVISION SHALL ADMINISTER THE FUND FOR
16 THE PURPOSES OF THIS PART 14. THE FUND CONSISTS OF ANY MONEY THAT
17 THE GENERAL ASSEMBLY MAY TRANSFER OR APPROPRIATE TO THE FUND
18 FOR IMPLEMENTATION OF THE GRANT PROGRAM AND ANY FEDERAL MONEY
19 OR GIFTS, GRANTS, OR DONATIONS RECEIVED PURSUANT TO SUBSECTION
20 (2) OF THIS SECTION.

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

24 (c) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
25 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
26 FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEY
27 REMAINING IN THE FUND AT THE END OF A STATE FISCAL YEAR REMAINS IN

1 THE FUND; EXCEPT THAT THE STATE TREASURER SHALL TRANSFER ANY
2 MONEY REMAINING IN THE FUND AT THE END OF THE 2030-31 STATE
3 FISCAL YEAR TO THE GENERAL FUND.

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

6 (a) MONEY FROM FEDERAL SOURCES; AND

7 (b) GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC
8 SOURCES. THE DIVISION SHALL TRANSMIT ANY MONEY RECEIVED THROUGH
9 GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL
10 CREDIT THE MONEY TO THE FUND.

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

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

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

16 PART 15

17 ELECTRIFYING SCHOOL BUSES

18 GRANT PROGRAM

19 **25-7-1501. Legislative declaration.** (1) THE GENERAL ASSEMBLY
20 FINDS THAT:

21 (a) DISPROPORTIONATELY IMPACTED COMMUNITIES ARE
22 DISPROPORTIONATELY AFFECTED BY PARTICULATE MATTER AND NITROGEN
23 OXIDES ARISING FROM FOSSIL-FUEL-POWERED SCHOOL BUSES, ESPECIALLY
24 BECAUSE THE FLEET YARDS, WAREHOUSES, FUEL DEPOTS, AND
25 INTERSTATES USED IN CONJUNCTION WITH SCHOOL BUSES ARE OFTEN
26 LOCATED IN DISPROPORTIONATELY IMPACTED COMMUNITIES;

27 (b) IN ADDITION TO EXPOSURE TO PARTICULATE MATTER AND

1 NITROGEN OXIDES IN THEIR COMMUNITIES, SCHOOL CHILDREN ARE ALSO
2 EXPOSED TO FINE PARTICULATES AND OTHER POLLUTANTS AS A RESULT OF
3 RIDING ON FOSSIL-FUEL-POWERED SCHOOL BUSES;

4 (c) A TRANSITION FROM FOSSIL-FUEL-POWERED SCHOOL BUSES TO
5 ELECTRIC-POWERED SCHOOL BUSES WILL POSITIVELY AFFECT SCHOOL
6 CHILDREN'S HEALTH, WHILE HELPING TO ADDRESS LONG-STANDING
7 POLLUTION INEQUITIES FACED BY DISPROPORTIONATELY IMPACTED
8 COMMUNITIES;

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

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

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

19 (II) THROUGH THE POTENTIAL FOR USING BATTERIES ON ELECTRIC
20 SCHOOL BUSES:

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

23 (B) AS A COMMUNITY RESILIENCE RESOURCE TO HELP
24 COMMUNITIES AFFECTED BY POWER OUTAGES OR DISASTERS CAUSING
25 ELECTRIC GRID INTERRUPTIONS.

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

27 (a) THE STATE SHOULD HELP SCHOOL DISTRICTS PROCURE AND

1 MAINTAIN ELECTRIC-POWERED SCHOOL BUSES AND RELATED
2 INFRASTRUCTURE, CONVERT FOSSIL-FUEL-POWERED SCHOOL BUSES TO
3 ELECTRIC-POWERED SCHOOL BUSES, AND FACILITATE THE ASSOCIATED
4 RETIREMENT OF FOSSIL-FUEL-POWERED SCHOOL BUSES; AND

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

8 **25-7-1502. Definitions.** AS USED IN THIS PART 15, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL AUTHORIZED
11 PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22, THE STATE CHARTER
12 SCHOOL INSTITUTE ESTABLISHED PURSUANT TO SECTION 22-30.5-503, OR
13 AN INSTITUTE CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 5 OF
14 ARTICLE 30.5 OF TITLE 22.

15 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
16 AND ENVIRONMENT.

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

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

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

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

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

27 (8) "NONATTAINMENT AREA" MEANS AN AREA OF THE STATE THAT

1 THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY HAS DESIGNATED AS
2 BEING IN NONATTAINMENT WITH A NATIONAL AMBIENT AIR STANDARD.

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

5 (10) "SCHOOL BUS":

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

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

12 (11) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED
13 PURSUANT TO ARTICLE 30 OF TITLE 22.

14 **25-7-1503. Electrifying school buses grant program - creation**

15 - **eligibility.** (1) (a) (I) THE ELECTRIFYING SCHOOL BUSES GRANT
16 PROGRAM IS CREATED TO ALLOW A SCHOOL DISTRICT, CHARTER SCHOOL,
17 OR NONPROFIT PARTNER ACTING ON BEHALF OF A SCHOOL DISTRICT OR
18 CHARTER SCHOOL TO APPLY TO THE DEPARTMENT FOR GRANT MONEY TO
19 HELP FINANCE:

20 (A) THE PROCUREMENT AND MAINTENANCE OF
21 ELECTRIC-POWERED SCHOOL BUSES, THE CONVERSION OF
22 FOSSIL-FUEL-POWERED SCHOOL BUSES TO ELECTRIC-POWERED SCHOOL
23 BUSES, CHARGING INFRASTRUCTURE, AND ELECTRICAL UPGRADES
24 NECESSARY TO SUPPORT CHARGING INFRASTRUCTURE;

25 (B) THE RETIREMENT OF FOSSIL-FUEL-POWERED SCHOOL BUSES;
26 AND

27 (C) THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S

1 ADMINISTRATIVE COSTS ASSOCIATED WITH SUCH PROCUREMENTS,
2 CONVERSIONS, MAINTENANCE, OR RETIREMENTS, INCLUDING ANY
3 UP-FRONT ADMINISTRATIVE COSTS ASSOCIATED WITH DEVELOPING AND
4 IMPLEMENTING A PROPOSAL FOR THE PROCUREMENTS, CONVERSIONS,
5 MAINTENANCE, OR RETIREMENTS.

6 (II) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM,
7 AND THE OFFICE SHALL PROVIDE TECHNICAL ASSISTANCE FOR THE GRANT
8 PROGRAM AS NEEDED.

9 (b) THE DEPARTMENT SHALL ESTABLISH AN APPLICATION PROCESS
10 FOR SCHOOL DISTRICTS, CHARTER SCHOOLS, AND NONPROFIT PARTNERS
11 ACTING ON BEHALF OF SCHOOL DISTRICTS OR CHARTER SCHOOLS TO APPLY
12 FOR MONEY UNDER THE GRANT PROGRAM AND:

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

16 (II) SHARE THE GRANT PROGRAM APPLICATION PROCESS
17 INFORMATION WITH THE DEPARTMENT OF EDUCATION, WHICH
18 DEPARTMENT SHALL POST THE INFORMATION ON ITS WEBSITE.

19 (2) THE DEPARTMENT SHALL DEVELOP:

20 (a) CRITERIA FOR AWARDING GRANT MONEY, WHICH CRITERIA MAY
21 INCLUDE:

22 (I) GIVING PRIORITY TO SCHOOL DISTRICTS AND CHARTER
23 SCHOOLS:

24 (A) LOCATED IN OR ATTENDED BY STUDENTS LIVING IN
25 DISPROPORTIONATELY IMPACTED COMMUNITIES;

26 (B) LOCATED IN NONATTAINMENT AREAS; OR

27 (C) AT WHICH AT LEAST A CERTAIN PERCENTAGE OF STUDENTS, AS

1 DETERMINED BY THE DEPARTMENT, RECEIVE FREE OR REDUCED-PRICE
2 LUNCHES UNDER A SCHOOL LUNCH PROGRAM; AND

3 (II) A REQUIREMENT THAT, AS A CONDITION OF RECEIVING A
4 GRANT AWARD, GRANTEES RETIRE OR CONVERT AT LEAST A CERTAIN
5 PERCENTAGE OF THEIR FOSSIL-FUEL-POWERED SCHOOL BUSES, RETIRE OR
6 CONVERT THEIR FOSSIL-FUEL-POWERED SCHOOL BUSES IN A CERTAIN
7 MANNER, OR BOTH;

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

11 (c) PROCEDURES FOR ADDRESSING A GRANTEE'S NONCOMPLIANCE
12 WITH THIS PART 15, INCLUDING PROCEDURES FOR REIMBURSEMENT OF
13 MONEY AWARDED.

14 (3) THE DEPARTMENT MAY USE A PORTION OF THE MONEY IN THE
15 FUND TO COVER THE DIRECT AND INDIRECT COSTS THE DEPARTMENT
16 INCURS IN ADMINISTERING THE GRANT PROGRAM.

17 **25-7-1504. Reporting.** (1) ON OR BEFORE JANUARY 1, 2025, AND
18 ON OR BEFORE JANUARY 1 OF EACH ODD-NUMBERED YEAR THEREAFTER,
19 THE DEPARTMENT SHALL PREPARE A REPORT SUMMARIZING THE PROGRESS
20 OF THE GRANT PROGRAM AND SUBMIT THE REPORT TO THE HOUSE OF
21 REPRESENTATIVES EDUCATION COMMITTEE AND ENERGY AND
22 ENVIRONMENT COMMITTEE AND THE SENATE EDUCATION COMMITTEE AND
23 TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR SUCCESSOR
24 COMMITTEES. THE DEPARTMENT SHALL POST A COPY OF EACH REPORT ON
25 ITS WEBSITE.

26 (2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
27 REPORTING REQUIREMENTS SET FORTH IN SUBSECTION (1) OF THIS SECTION

1 CONTINUE UNTIL THE GRANT PROGRAM REPEALS PURSUANT TO SECTION
2 25-7-1506.

3 **25-7-1505. Electrifying school buses grant program cash fund**
4 **- creation - gifts, grants, and donations - transfer - repeal.** (1) (a) THE
5 ELECTRIFYING SCHOOL BUSES GRANT PROGRAM CASH FUND IS CREATED IN
6 THE STATE TREASURY, AND THE DEPARTMENT SHALL ADMINISTER THE
7 FUND FOR THE PURPOSES OF THIS PART 15. THE FUND CONSISTS OF ANY
8 MONEY THAT THE GENERAL ASSEMBLY MAY TRANSFER OR APPROPRIATE
9 TO THE FUND FOR IMPLEMENTATION OF THE GRANT PROGRAM AND ANY
10 FEDERAL MONEY OR GIFTS, GRANTS, OR DONATIONS RECEIVED PURSUANT
11 TO SUBSECTION (1)(b) OF THIS SECTION.

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

14 (A) MONEY FROM FEDERAL SOURCES; AND

15 (B) GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC
16 SOURCES.

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

20 (2) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
21 ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY IN THE FUND FOR THE
22 PURPOSES SET FORTH IN THIS PART 15. THE STATE TREASURER SHALL
23 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
24 INVESTMENT OF MONEY IN THE FUND TO THE FUND. ANY UNEXPENDED
25 AND UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A
26 STATE FISCAL YEAR REMAINS IN THE FUND; EXCEPT THAT THE STATE
27 TREASURER SHALL TRANSFER ANY MONEY REMAINING IN THE FUND AT THE

1 END OF THE 2032-33 STATE FISCAL YEAR TO THE GENERAL FUND.

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

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

5 **25-7-1506. Repeal of part.** THIS PART 15 IS REPEALED, EFFECTIVE
6 SEPTEMBER 1, 2034.

7 **SECTION 4.** In Colorado Revised Statutes, 25-7-103, **amend**
8 (12), (15), and (22) as follows:

9 **25-7-103. Definitions.** As used in this article 7, unless the context
10 otherwise requires:

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

14 (15) "Issue" or "issuance" means the mailing, INCLUDING BY
15 ELECTRONIC MAIL, of any order, permit, determination, or notice, other
16 than notice by publication, ~~by certified mail to the last address furnished~~
17 ~~to the agency by the person subject thereto~~ or personal service on ~~such~~
18 THE person. ~~and~~ The date of issuance of ~~such~~ THE order, permit,
19 determination, or notice ~~shall~~ MUST be the date of ~~such~~ THE mailing or
20 service or such later date as is stated in the order, permit, determination,
21 or notice.

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

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

27 **25-7-103.5. Air quality enterprise - legislative declaration -**

1 **fund - definitions - gifts, grants, or donations - rules - report - repeal.**

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

4 (m) So long as the enterprise qualifies as an enterprise for
5 purposes of section 20 of article X of the state constitution, the revenue
6 ~~from the fees~~ collected by the enterprise is not state fiscal year spending,
7 as defined in section 24-77-102 (17), or state revenues, as defined in
8 section 24-77-103.6 (6)(c), and does not count against either the state
9 fiscal year spending limit imposed by section 20 of article X of the state
10 constitution or the excess state revenues cap, as defined in ~~section~~
11 ~~24-77-103.6 (6)(b)(I)(D)~~ SECTION 24-77-103.6 (6)(b).

12 (4) **Fund - fees.** (e) Before establishing fees, the board shall
13 conduct a stakeholder process to solicit input from potential fee payers
14 and other stakeholders on the appropriate fee structure. The enterprise
15 shall not collect any fees before July 1, 2021. The amount of enterprise
16 fees collected UNDER SUBSECTION (4)(b)(I) OF THIS SECTION is limited as
17 follows:

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

20 **25-7-114.1. Air pollutant emission notices - rules.** (4) Each
21 ~~such~~ notice ~~shall~~ REQUIRED BY THIS SECTION MUST specify the location at
22 which the proposed emission will occur; the name and address of the
23 person operating or owning ~~such~~ THE facility, process, or activity; the
24 nature of ~~such~~ THE facility, process, or activity; and an estimate of the
25 quantity and composition of the expected emission. The division shall
26 ~~make available at all air pollution control authority offices~~ PROVIDE
27 appropriate forms on which the information required by this section ~~shall~~

1 MUST be furnished.

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

4 **25-7-119. Hearings.** (1) Not ~~less~~ MORE than ~~fifteen~~ THIRTY
5 calendar days after a hearing has been requested as provided in this ~~article~~
6 ARTICLE 7, the commission shall grant MUST ACT UPON such request. and
7 IF GRANTED, THE COMMISSION SHALL set a time and place therefor FOR
8 THE HEARING not more than ninety calendar days following THE FIRST
9 REGULARLY SCHEDULED COMMISSION MEETING AFTER receipt of such THE
10 HEARING request, unless a shorter period is otherwise specifically
11 provided for in this ~~article~~ ARTICLE 7. Notice of ~~such~~ THE hearing shall
12 MUST be printed in a newspaper of general circulation in the area in which
13 the proposed project or activity is located at least thirty days prior to the
14 date of ~~said~~ THE hearing.

15 **SECTION 8.** In Colorado Revised Statutes, 25-7-133, **amend** (1);
16 **repeal** (2); and **add** (2.5) as follows:

17 **25-7-133. Legislative review and approval of state**
18 **implementation plans and rules - legislative declaration - definition.**

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

27 (b) THE report shall MUST be written in plain, nontechnical

1 language using words with common and everyday meaning that are
2 understandable to the average reader. Copies of such report ~~shall~~ MUST be
3 available to the public and ~~shall be made available~~ SUBMITTED to each
4 member of the general assembly. ~~The provisions of~~

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

10 (2) (a) ~~By the February 15 following submission of the certified~~
11 ~~report under subsection (1) of this section, any member of the general~~
12 ~~assembly may make a request in writing to the chairperson of the~~
13 ~~legislative council that the legislative council hold a hearing or hearings~~
14 ~~to review any addition or change to elements of the SIP contained in the~~
15 ~~report submitted pursuant to subsection (1) of this section. Upon receipt~~
16 ~~of such request, the chairperson of the legislative council shall forthwith~~
17 ~~schedule a hearing to conduct such review. Any review by the legislative~~
18 ~~council shall determine whether the addition or change to the SIP element~~
19 ~~accomplishes the results intended by enactment of the statutory provisions~~
20 ~~under which the addition or change to the SIP element was adopted. The~~
21 ~~legislative council, after allowing a public hearing preceded by adequate~~
22 ~~notice to the public and the commission, may recommend the introduction~~
23 ~~of a bill or bills based on the results of such review. If the legislative~~
24 ~~council does not recommend introduction of a bill under this subsection~~
25 ~~(2), the addition or change to the SIP element may be submitted under~~
26 ~~paragraph (b) of this subsection (2). Any bill recommended for~~
27 ~~consideration under this subsection (2) shall not be counted against the~~

1 number of bills to which members of the general assembly are limited by
2 law or joint rule of the senate and the house of representatives. If the
3 legislative council does not recommend the introduction of a bill under
4 this paragraph (a), and the member or members of the general assembly
5 that requested such review will be introducing a bill under the provisions
6 of paragraph (c) of this subsection (2), any such member shall provide
7 written notice to the chairperson of the legislative council within three
8 days after the action by the legislative council not to recommend
9 introduction of a bill. If such member or members provide such written
10 notice, the addition or change to the SIP or any element thereof that is the
11 subject of any such bill may not be submitted to the administrator of the
12 federal environmental protection agency until the expiration of the
13 addition or change to the SIP has been postponed by the general assembly
14 acting by bill or the member or members provide written notice to the
15 chairperson of the executive committee of the legislative council that no
16 bill will be introduced.

17 (b) Unless a written request for legislative council review of an
18 addition or change to a SIP element is submitted by the February 15
19 following submission of the report under subsection (1) of this section,
20 or a notice is provided by a member or members that they are introducing
21 a bill under paragraph (c) of this subsection (2) within three days after
22 legislative council action not to introduce a bill under paragraph (a) of
23 this subsection (2), all other additions or changes to a SIP element
24 described in such report shall be submitted to the administrator for final
25 approval and incorporation into the SIP.

26 (c) Until such February 15 as provided in paragraph (b) of this
27 subsection (2), the commission may only submit an addition or change to

1 the SIP or any element thereof, as defined in section 110 of the federal
2 act, any rule which is a part thereof, or any revision thereto as specified
3 in subsection (1) of this section to the administrator for conditional
4 approval or temporary approval. If legislative council review is requested
5 as to any addition or change to a SIP element under paragraph (a) of this
6 subsection (2), then no such SIP, revision, rule required by the SIP or
7 revision, or rule related to the implementation of the SIP or revision so
8 submitted to the administrator may take effect for purposes of federal
9 enforceability, or enforcement of any kind at the state level against any
10 person or entity based only on the commission's general authority to adopt
11 a SIP under section 25-7-105 (1), unless expiration of the SIP, rule
12 required for the SIP, or addition or change to a SIP element has been
13 postponed by the general assembly acting by bill in the same manner as
14 provided in section 24-4-103 (8)(c) and (8)(d), C.R.S. Any member of the
15 general assembly may introduce a bill to modify or delete all or a portion
16 of the SIP or any rule or additions or changes to SIP elements which are
17 a component thereof. Any bill introduced under this paragraph (c) shall
18 not be counted against the number of bills to which members of the
19 general assembly are limited by law or joint rule of the senate and the
20 house of representatives. Any committee of reference of the senate or the
21 house of representatives to which a bill introduced under this paragraph
22 (c) is referred shall conduct as part of consideration of any such bill on
23 the merits the review provided for under paragraph (a) of this subsection
24 (2). If any bill is introduced under paragraph (a) of this subsection (2) or
25 under this paragraph (c) to postpone the expiration of any addition or
26 change to a SIP element described in a report submitted under subsection
27 (1) of this section, and any such bill does not become law, the addition or

1 ~~change to a SIP element addressed in such bill may be submitted to the~~
2 ~~administrator of the federal environmental protection agency for final~~
3 ~~approval and incorporation into the SIP under paragraph (b) of this~~
4 ~~subsection (2).~~

5 ~~(d) Repealed.~~

6 (2.5) (a) UNTIL FEBRUARY 15 FOLLOWING SUBMISSION OF THE
7 CERTIFIED REPORT UNDER SUBSECTION (1) OF THIS SECTION, ANY
8 ADDITION OR CHANGE TO THE SIP MUST NOT BE NOT SUBMITTED TO THE
9 ADMINISTRATOR FOR FINAL APPROVAL AND INCORPORATION INTO THE SIP,
10 UNLESS THE ADDITION OR CHANGE IS DESIGNATED BY THE GOVERNOR OR
11 THE GOVERNOR'S DESIGNEE AS A PROVISIONAL SUBMISSION.

12 (b) BY FEBRUARY 15 ANY MEMBER OF THE GENERAL ASSEMBLY
13 MAY INTRODUCE A BILL TO MODIFY OR DELETE ALL OR A PORTION OF THE
14 ADDITIONS OR CHANGES TO THE SIP IN THE CERTIFIED REPORT SUBMITTED
15 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION. ANY BILL INTRODUCED
16 UNDER THIS SUBSECTION (2.5)(b) DOES NOT COUNT AGAINST THE NUMBER
17 OF BILLS TO WHICH MEMBERS OF THE GENERAL ASSEMBLY ARE LIMITED BY
18 LAW OR JOINT RULE OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.
19 DURING THE PERIOD THAT ANY SUCH BILL INTRODUCED UNDER THIS
20 SUBSECTION (2.5)(b) IS BEING CONSIDERED, THE ADDITIONS OR CHANGES
21 TO THE SIP MAY NOT BE SUBMITTED TO THE ADMINISTRATOR FOR FINAL
22 APPROVAL AND INCORPORATION INTO THE SIP, UNLESS DESIGNATED BY
23 THE GOVERNOR OR THE GOVERNOR'S DESIGNEE AS A PROVISIONAL
24 SUBMISSION.

25 (c) IF A BILL INTRODUCED UNDER SUBSECTION (2.5)(b) OF THIS
26 SECTION THAT SEEKS TO MODIFY OR DELETE THE ADDITIONS OR CHANGES
27 TO THE SIP DOES NOT BECOME LAW, THE ADDITIONS OR CHANGES TO THE

1 SIP MUST BE SUBMITTED TO THE ADMINISTRATOR FOR FINAL APPROVAL
2 AND INCORPORATION INTO THE SIP. IF THE BILL BECOMES LAW, THE
3 COMMISSION SHALL MODIFY OR DELETE THE ADDITIONS OR CHANGES TO
4 THE SIP AS DIRECTED BY THE BILL, AND ANY MODIFIED ADDITIONS OR
5 CHANGES TO THE SIP SHALL THEN BE SUBMITTED TO THE ADMINISTRATOR
6 FOR FINAL APPROVAL AND INCORPORATION INTO THE SIP.

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

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

11 **25-7-133.5. Approval or rescission of specific revisions to state**
12 **implementation plan (SIP) after 1996.** (3) Revisions to the SIP that are
13 adopted solely to conform the SIP to prior actions of the general assembly
14 under section 25-7-133 and this section may be submitted to the federal
15 environmental protection agency for final approval under ~~section~~
16 ~~25-7-133 (2)~~ SECTION 25-7-133 (2.5) without further approval by the
17 general assembly under section 25-7-133 or this section.

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

23 (2) For the 2022-23 state fiscal year, \$7,000,000 is appropriated
24 to the department of public health and environment for use by the air
25 pollution control division. This appropriation is from the general fund.
26 Any money appropriated in this subsection (2) that is not expended before
27 July 1, 2023, is further appropriated to the department for the 2023-24

1 and 2024-25 state fiscal years for the same purpose To implement this act,
2 the division may use this appropriation as follows:

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

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

7 (3) For the 2022-23 state fiscal year, \$90,725 is appropriated to
8 the office of the governor for use by the office of information technology.

9 This appropriation is from reappropriated funds received from the
10 department of public health and environment under subsection (2)(b) of
11 this section. To implement this act, the office may use this appropriation
12 to provide information technology services for the department of public
13 health and environment.

14 (4) For the 2022-23 state fiscal year, \$15,000,000 is appropriated
15 to the department of public health and environment for use by the air
16 pollution control division. This appropriation is from the diesel truck
17 emissions reduction grant program cash fund created in section 25-7-1407
18 (1)(a), C.R.S. To implement this act, the department may use this
19 appropriation as follows:

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

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

25 (5) For the 2022-23 state fiscal year, \$65,000,000 is appropriated
26 to the department of public health and environment for use by the air
27 pollution control division. This appropriation is from the electrifying

1 school buses grant program cash fund created in section 25-7-1505 (1)(a),
2 C.R.S. To implement this act, the department may use this appropriation
3 as follows:

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

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

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