

## CHAPTER 165

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**HEALTH AND ENVIRONMENT**

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## SENATE BILL 23-016

BY SENATOR(S) Hansen, Buckner, Cutter, Danielson, Exum, Fields, Gonzales, Jaquez Lewis, Kolker, Marchman, Moreno, Priola, Rodriguez, Winter F., Fenberg;  
also REPRESENTATIVE(S) McCormick and Sirota, Amabile, Bacon, Boesenecker, Brown, deGruy Kennedy, Dickson, English, Epps, Froelich, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Joseph, Kipp, Lindsay, Lindstedt, Mabrey, McLachlan, Ricks, Sharbini, Titone, Valdez, Velasco, Vigil, Weissman, Willford, Woodrow, Story, Garcia, Michaelson Jenet, Ortiz, Parenti, McCluskie.

## AN ACT

CONCERNING MEASURES TO PROMOTE REDUCTIONS IN GREENHOUSE GAS EMISSIONS IN COLORADO,  
AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

**SECTION 1.** In Colorado Revised Statutes, **add** 10-3-244 as follows:

**10-3-244. Climate risk disclosure - insurer participation - rules - reporting - definition.** (1) THE COMMISSIONER SHALL ADOPT RULES REQUIRING THAT, BEGINNING IN 2024, AN INSURER ISSUED A CERTIFICATE OF AUTHORITY TO TRANSACT BUSINESS PURSUANT TO PART 1 OF THIS ARTICLE 3 THAT REPORTS MORE THAN ONE HUNDRED MILLION DOLLARS ON ITS ANNUAL NAIC SCHEDULE T FILING, OR SUCH OTHER THRESHOLD DOLLAR AMOUNT THAT THE NAIC ESTABLISHES IN SUBSEQUENT YEARS, MUST PARTICIPATE IN AND COMPLETE THE NAIC'S ANNUAL "INSURER CLIMATE RISK DISCLOSURE SURVEY", OR SUCH OTHER SURVEY OR REPORTING MECHANISM THAT THE NAIC ADOPTS IN SUBSEQUENT YEARS. IF AN INSURER REPORTS LESS THAN ONE HUNDRED MILLION DOLLARS ON ITS ANNUAL NAIC SCHEDULE T FILING, OR SUCH OTHER THRESHOLD DOLLAR AMOUNT THAT THE NAIC ESTABLISHES IN SUBSEQUENT YEARS, THE INSURER MAY PARTICIPATE IN AND COMPLETE THE SURVEY VOLUNTARILY.

(2) AS USED IN THIS SECTION, "NAIC" MEANS THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, AN ORGANIZATION OF INSURANCE REGULATORS FROM THE FIFTY STATES OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, AND FIVE UNITED STATES TERRITORIES.

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

**SECTION 2.** In Colorado Revised Statutes, 24-38.5-102 **amend** (1) as follows:

**24-38.5-102. Colorado energy office - duties and powers.** (1) The Colorado energy office shall:

(a) Work with communities, utilities, AND private and public organizations ~~and individuals to promote~~ TO:

(I) SUPPORT ACHIEVING LEGISLATIVE GOALS TO REDUCE STATEWIDE GREENHOUSE GAS POLLUTION, AS DEFINED IN SECTION 25-7-103 (22.5);

(II) MAKE PROGRESS TOWARD ELIMINATING GREENHOUSE GAS POLLUTION FROM ELECTRICITY GENERATION, GAS UTILITIES, AND TRANSPORTATION;

~~(III)~~ (III) IMPLEMENT the renewable energy standard established in section 40-2-124;

~~(IV)~~ (IV) ~~Clean and~~ SUPPORT THE DEPLOYMENT OF renewable energy, such as wind, hydroelectricity, solar, CLEAN HYDROGEN, and geothermal;

~~(V)~~ (V) EVALUATE, AND WHEN APPROPRIATE, SUPPORT THE DEPLOYMENT OF cleaner energy sources such as ~~biogas, biomass, and~~ CLEAN HYDROGEN, GEOTHERMAL, RECOVERED METHANE, RECOVERED HEAT, AND ADVANCED nuclear;

~~(IV)~~ ~~Traditional energy sources such as oil and other petroleum products, coal, propane, and natural gas;~~

~~(V)~~ (VI) SUPPORT THE DEPLOYMENT OF energy efficiency AND ENERGY LOAD MANAGEMENT technologies and practices;

~~(VI)~~ ~~Cleaner technologies by utilizing traditional, Colorado-sourced energy;~~

(VII) ~~New~~ EVALUATE, AND WHERE APPROPRIATE, SUPPORT THE DEPLOYMENT OF INNOVATIVE energy technologies as described in section 40-2-123; ~~and~~

(VIII) SUPPORT THE DEPLOYMENT OF energy storage systems, INCLUDING BOTH LONG-DURATION AND SHORT-DURATION ENERGY STORAGE;

(IX) SUPPORT THE IMPLEMENTATION OF CLEAN HEAT PLANS PURSUANT TO SECTION 40-3.2-108;

(X) SUPPORT WIDESPREAD TRANSPORTATION ELECTRIFICATION;

(XI) SUPPORT BENEFICIAL ELECTRIFICATION, AS DEFINED IN SECTION 40-1-102 (1.2) IN THE BUILDING, INDUSTRIAL, AND OIL AND GAS SECTORS;

(XII) SUPPORT INDUSTRIAL EMISSIONS REDUCTIONS;

(XIII) SUPPORT POLLUTION REDUCTION THROUGH CARBON CAPTURE AND SEQUESTRATION AND OTHER FORMS OF CARBON MANAGEMENT; AND

(XIV) SUPPORT SUSTAINABLE LAND-USE PATTERNS THAT REDUCE ENERGY CONSUMPTION AND GREENHOUSE GAS POLLUTION.

~~(b) Develop programs to promote high performance~~ REDUCE ENERGY USE AND GREENHOUSE GAS POLLUTION FROM buildings for IN commercial and residential markets;

~~(c) Make~~ SUPPORT EFFORTS TO REDUCE GREENHOUSE GAS POLLUTION BY state government more THROUGH energy efficient EFFICIENCY, LOAD MANAGEMENT, RENEWABLE ENERGY, TRANSPORTATION ELECTRIFICATION, AND CLEANER PROCUREMENT;

(d) Promote technology transfer and economic development;

~~(e) Advance innovative energy efficiency, renewable energy, and efficiency throughout the state as specified in sections 24-38.5-102.4 and 24-38.5-102.5;~~

~~(f) to (i) Repealed.~~

~~(j) (e) Ensure that information explaining the requirements of~~ SUPPORT THE ADOPTION AND IMPLEMENTATION OF ADVANCED energy codes is available THAT REDUCE ENERGY USE AND GREENHOUSE GAS EMISSIONS and provide INFORMATION AND technical assistance concerning the implementation and enforcement of energy codes to both counties and municipalities, INCLUDING as specified in sections 30-28-211 (7) 24-38.5-103, 24-38.5-401, 24-38.5-402, and 31-15-602 (7); C.R.S.;

~~(k) (f) Collaborate with the state board of land commissioners regarding renewable energy resource development as specified in section 36-1-147.5 (4); C.R.S.;~~

~~(l) (g) Provide home energy efficiency improvements for low-income households, INCLUDING THROUGH THE WEATHERIZATION ASSISTANCE PROGRAM, as specified in section 40-8.7-112 (3)(b); C.R.S., and prepare and submit to the general assembly an annual report as specified in section 40-8.7-112 (3)(f), C.R.S.;~~

~~(m) Establish and manage a program to improve energy efficiency in public schools as provided in section 39-29-109.5; C.R.S.;~~

~~(n) (I) Provide public utilities with reasonable assistance, if requested, in seeking and obtaining support and sponsorship for an IGCC project and manage and distribute to the utility some or all of any funds provided by the state or by the United States government to the state for purposes of study or development of an IGCC project.~~

~~(H) As used in this subsection (1)(n), "IGCC project" means an IGCC facility that:~~

~~(A) Demonstrates the use of IGCC technology to generate electricity using Colorado or other western coal;~~

~~(B) Does not exceed three hundred fifty megawatts nameplate capacity; except~~

that it may exceed this capacity if the Colorado energy office determines that a larger size is necessary to obtain the benefits of federal cost sharing, financial grants or tax benefits, or other financial opportunities or arrangements benefitting the project, including opportunities to jointly develop the project with other electric utilities;

~~(C) Demonstrates the capture and sequestration of a portion of the project's carbon dioxide emissions;~~

~~(D) Includes methods and procedures to monitor the fate of the carbon dioxide captured and sequestered from the facility; and~~

~~(E) Is located in Colorado.~~

~~(H) As used in this subsection (1)(n), "IGCC facility" means an integrated gasification combined cycle generation facility that converts coal to a gaseous fuel from which impurities are removed prior to combustion, uses the gaseous fuel in a combustion turbine to produce electricity, and captures the waste heat from the combustion turbine to drive a steam turbine to produce more electricity. An IGCC facility may also use natural gas, in addition to gasified coal, as a fuel in the combustion turbine.~~

~~(h)~~ (h) Collaborate with stakeholders to develop and encourage increased utilization of energy curricula, including science, technology, engineering, and math curricula, that will serve the ~~work force~~ WORKFORCE needs of all CLEAN energy industries. Such collaboration may include executive departments, research institutions, state colleges, community colleges, industry, and trade organizations in an effort to develop a means by which the state may address all facets of ~~work force~~ WORKFORCE demands in ~~developing a balanced energy portfolio~~ SUPPORTING A CLEAN ENERGY FUTURE. Institutions may also partner in the development of curricula with organizations that have existing energy curricula and training programs.

~~(p)~~ (i) Annually report to the senate ~~agriculture, natural resources,~~ TRANSPORTATION and energy committee and the house ~~agriculture, livestock, and natural resources~~ ENERGY AND ENVIRONMENT committee, or their successor committees;

~~(q)~~ (j) Administer the electric vehicle grant fund CREATED IN SECTION 24-38.5-103 (1)(a) AND THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION 24-38.5-303 (1);

~~(r) and (s) Repealed.~~

~~(t)~~ (k) Assist the executive director of the department of local affairs in allocating revenues from the geothermal resource leasing fund to eligible entities pursuant to section 34-63-105; ~~C.R.S.;~~

~~(u)~~ (l) Develop basic consumer education or guidance about leased solar installation and purchased solar installation in consultation with industries that offer these options to consumers; AND

(↔) (m) In consultation with the appropriate industries, develop basic consumer education or guidance about purchased or, if available, leased installation of a system that uses geothermal energy for water heating or space heating or cooling in a single building or for space heating for more than one building through a pipeline network.

**SECTION 3.** In Colorado Revised Statutes, **amend** 24-51-220 as follows:

**24-51-220. Reporting to general assembly - inclusion of climate risk assessment in annual stewardship report.** (1) The association shall ~~provide~~ **SUBMIT** a report to the general assembly on January 1, 2016, and every five years thereafter, regarding the economic impact of the 2010 legislative changes to the annual increase provisions on the retirees and benefit recipients as compared to the actual rate of inflation and the progress made toward eliminating the unfunded liabilities of each division of the association.

(2) **ON AND AFTER JANUARY 1, 2025, THE ASSOCIATION SHALL INCLUDE, AS PART OF ITS ANNUAL INVESTMENT STEWARDSHIP REPORT OR ANY SUCCESSOR ANNUAL REPORT REGARDING THE ASSOCIATION'S INVESTMENTS THAT THE ASSOCIATION POSTS ON ITS WEBSITE OR OTHERWISE MAKES AVAILABLE TO THE PUBLIC, A DESCRIPTION OF:**

(a) **THE ASSOCIATION'S PROCESS FOR IDENTIFYING CLIMATE-CHANGE-RELATED RISKS AND ASSESSING THE FINANCIAL IMPACT THAT THE CLIMATE-CHANGE-RELATED RISKS HAVE ON THE ASSOCIATION'S OPERATIONS;**

(b) **THE CURRENT OR ANTICIPATED FUTURE RISKS THAT CLIMATE CHANGE POSES TO THE ASSOCIATION'S INVESTMENT PORTFOLIO, THE IMPACT THAT CLIMATE CHANGE HAS ON THE ASSOCIATION'S INVESTMENT STRATEGIES, AND ANY STRATEGY CHANGES THAT THE ASSOCIATION HAS IMPLEMENTED IN RESPONSE TO SUCH IMPACT;**

(c) **ACTIONS THAT THE ASSOCIATION IS TAKING TO MANAGE THE RISKS THAT CLIMATE CHANGE POSES TO THE ASSOCIATION'S OPERATIONS; AND**

(d) **THE ASSOCIATION'S USE AND CONSIDERATION OF ANY CLIMATE-RELATED REPORTING THAT THE FEDERAL SECURITIES AND EXCHANGE COMMISSION REQUIRES.**

**SECTION 4.** In Colorado Revised Statutes, 25-6.5-201, **amend** (2); and **add** (3) as follows:

**25-6.5-201. Definitions.** As used in this part 2, unless the context otherwise requires:

(2)(a) "Pollution control equipment" means any personal property, including ~~but not limited to,~~ equipment, machinery, devices, systems, buildings, or structures, that is installed, constructed, or used in or as a part of a facility that creates a product in a manner that generates less pollution by the utilization of an alternative manufacturing or generating technology.

(b) "Pollution control equipment" includes: ~~but is not limited to,~~

(I) Gas or wind turbines and associated compressors or equipment;

(II) Solar, thermal, or photovoltaic equipment; ~~or~~

(III) Equipment used as part of a system that uses geothermal energy for water heating or space heating or cooling in a single building, for space heating for more than one building through a pipeline network, or for electricity generation; OR

(IV) WASTEWATER THERMAL ENERGY EQUIPMENT.

(3) "WASTEWATER THERMAL ENERGY EQUIPMENT" MEANS EQUIPMENT USED AS PART OF A SYSTEM THAT USES THERMAL ENERGY IN WASTEWATER, TO HEAT OR COOL A SPACE, OR FOR ANY OTHER USEFUL THERMAL PURPOSE THAT REDUCES GREENHOUSE GAS EMISSIONS FROM THE COMBUSTION OF GAS IN CUSTOMER END USES.

**SECTION 5.** In Colorado Revised Statutes, 25-7-114.7, **amend** (2)(a)(VII) as follows:

**25-7-114.7. Emission fees - fund - rules - definition - repeal.** (2) (a) (VII) The commission shall establish, by rule, a fee per ton of greenhouse gas, in the form of carbon dioxide equivalent, that was reported in the most recent air pollutant emission notice on file with the division, OR THAT WAS REPORTED TO THE DIVISION PURSUANT TO SECTION 25-7-140 (2)(a)(I), in an amount that is sufficient to cover the indirect and direct costs required to develop and administer the programs established pursuant to this article 7 that pertain to emissions of greenhouse gas. The commission may set thresholds of reported greenhouse gas below which no such fee shall be assessed. No more frequently than annually, the commission may adjust the fee for greenhouse gas by rule to cover the indirect and direct costs required to develop and administer the programs established pursuant to this article 7 that pertain to emissions of greenhouse gas.

**SECTION 6.** In Colorado Revised Statutes, 25-7-142, **amend** (8)(c)(I) introductory portion and (8)(c)(II) introductory portion as follows:

**25-7-142. Energy benchmarking - data collection and access - utility requirements - task force - rules - reports - definitions - legislative declaration - repeal.** (8) (c) (I) If at least two-thirds of the members appointed to the task force agree on recommendations pursuant to subsection (8)(a)(I) of this section, and the director of the office in consultation with the division determines that the recommendations meet the greenhouse gas emission reduction requirements set forth in subsection (8)(a)(II) of this section, the division shall, on or before January 31, 2023, request that the commission publish a notice of proposed rule-making to adopt rules to implement performance standards. On or before ~~June 1, 2023~~ SEPTEMBER 1, 2023, the commission, upon careful consideration of the recommendations of the task force as presented by the division, shall promulgate rules to establish performance standards. The commission shall also adopt rules regarding waivers and extensions of time regarding the performance standard requirements. The commission's rules must include a provision that an owner of a public building need only comply with performance standards with regard to work on a construction or renovation project that:

(II) If two-thirds of the members of the task force cannot agree on recommendations or if the director of the office in consultation with the commission determines that the task force's recommendations do not meet the greenhouse gas emission reduction requirements set forth in subsection (8)(a)(II) of this section, the commission, on or before ~~June 1, 2023~~ SEPTEMBER 1, 2023, shall, by rule, adopt performance standards that meet the greenhouse gas emission reduction requirements set forth in subsection (8)(a)(II) of this section. The commission shall also adopt rules regarding waivers and extensions of time regarding the performance standard requirements. The commission's rules must include a provision that an owner of a public building need only comply with performance standards with regard to work on a construction or renovation project that:

**SECTION 7.** In Colorado Revised Statutes, 40-3.2-108, **amend** (2)(c)(V); and **add** (2)(c)(V.8) and (2)(u) as follows:

**40-3.2-108. Clean heat targets - legislative declaration - definitions - plans - rules - reports.** (2) **Definitions.** As used in this section, unless the context otherwise requires:

(c) "Clean heat resource" means any one or a combination of:

(V) Pyrolysis of tires if the pyrolysis meets a recovered methane protocol; ~~and~~

(V.8) WASTEWATER THERMAL ENERGY; AND

(u) "WASTEWATER THERMAL ENERGY" MEANS A SYSTEM THAT USES THERMAL ENERGY IN WASTEWATER, TO HEAT OR COOL A SPACE, OR FOR ANY OTHER USEFUL THERMAL PURPOSE THAT REDUCES GREENHOUSE GAS EMISSIONS FROM THE COMBUSTION OF GAS IN CUSTOMER END USES.

**SECTION 8.** In Colorado Revised Statutes, 25-7-102, **amend** (2)(g) as follows:

**25-7-102. Legislative declaration.** (2) It is further declared that:

(g) (I) Accordingly, Colorado shall strive to increase renewable energy generation and eliminate statewide greenhouse gas pollution by the middle of the twenty-first century and have goals of achieving, at a minimum:

(A) A twenty-six percent reduction in statewide greenhouse gas pollution by 2025;

(B) A fifty percent reduction in statewide greenhouse gas pollution by 2030;

(C) A SIXTY-FIVE PERCENT REDUCTION IN STATEWIDE GREENHOUSE GAS POLLUTION BY 2035;

(D) A SEVENTY-FIVE PERCENT REDUCTION IN STATEWIDE GREENHOUSE GAS POLLUTION BY 2040;

(E) A NINETY PERCENT REDUCTION IN STATEWIDE GREENHOUSE GAS POLLUTION BY 2045; and

(F) A ~~ninety~~ ONE HUNDRED percent reduction in statewide greenhouse gas pollution by 2050.

(II) The reductions identified in this subsection (2)(g) are measured relative to 2005 statewide greenhouse gas pollution levels.

**SECTION 9.** In Colorado Revised Statutes, 34-60-106, **amend** (9)(a) and (9)(b)(I); and **add** (9)(c), (9)(d), (9)(e), (9.3), (9.5), and (9.7) as follows:

**34-60-106. Additional powers of commission - rules - definitions - repeal.**

(9) (a) (I) Notwithstanding section 34-60-120 or any other provision of law AND SUBJECT TO SUBSECTION (9)(a)(II) OF THIS SECTION, the commission, as to class II AND CLASS VI injection wells classified in 40 CFR 144.6, may perform all acts for the ~~purpose~~ PURPOSES of protecting underground sources of drinking water in accordance with state programs authorized by THE FEDERAL "SAFE DRINKING WATER ACT", 42 U.S.C. sec. 300f et seq., and regulations under those sections, as amended, AND ENSURING THE SAFE AND EFFECTIVE SEQUESTRATION OF GREENHOUSE GASES IN A VERIFIABLE MANNER THAT MEETS COLORADO'S SHORT- AND LONG-TERM GREENHOUSE GAS EMISSION REDUCTION GOALS, AS SET FORTH IN SECTION 25-7-102 (2)(g).

(II) IN PERFORMING ACTS FOR THE PURPOSE OF ENSURING THE SAFE AND EFFECTIVE SEQUESTRATION OF GREENHOUSE GASES PURSUANT TO SUBSECTION (9)(a)(I) OF THIS SECTION, THE COMMISSION SHALL ACT IN ACCORDANCE WITH SUBSECTION (9)(c) OF THIS SECTION AND ONLY AFTER THE GOVERNOR AND THE COMMISSION HAVE MADE AN AFFIRMATIVE DETERMINATION THAT THE STATE HAS SUFFICIENT RESOURCES NECESSARY TO ENSURE THE SAFE AND EFFECTIVE REGULATION OF THE SEQUESTRATION OF GREENHOUSE GASES IN ACCORDANCE WITH THE FINDINGS FROM THE COMMISSION'S STUDY CONDUCTED PURSUANT TO SUBSECTION (9)(b) OF THIS SECTION.

(b) The commission shall:

(I) Conduct a study to evaluate what resources are needed to ensure the safe and effective regulation of the sequestration of greenhouse gases ~~as that term is defined in section 25-7-140 (6)~~; and to identify and assess the applicable resources that the commission or other state agencies have; and

(c) (I) THE COMMISSION MAY SEEK CLASS VI INJECTION WELL PRIMACY UNDER THE FEDERAL "SAFE DRINKING WATER ACT", 42 U.S.C. SEC. 300f ET SEQ., AS AMENDED, AFTER THE COMMISSION:

(A) DETERMINES IT HAS THE NECESSARY RESOURCES FOR THE APPLICATION OUTLINED IN THE COMMISSION'S STUDY PERFORMED PURSUANT TO SUBSECTION (9)(b) OF THIS SECTION; AND

(B) HOLDS A PUBLIC HEARING ON THE MATTER.

(II) THE COMMISSION MAY ISSUE AND ENFORCE PERMITS AS NECESSARY FOR THE PURPOSE SET FORTH IN THIS SUBSECTION (9)(c) AFTER THE COMMISSION MAKES THE DETERMINATION AND HOLDS THE HEARING SET FORTH IN SUBSECTION (9)(c)(I) OF



THIS SECTION AND THE COMMISSION AND THE GOVERNOR SATISFY THE REQUIREMENTS SET FORTH IN SUBSECTION (9)(a) OF THIS SECTION.

(III) (A) IF THE CLASS VI INJECTION WELL IS PROPOSED TO BE SITED IN AN AREA THAT WOULD AFFECT A DISPROPORTIONATELY IMPACTED COMMUNITY, THE COMMISSION SHALL WEIGH THE GEOLOGIC STORAGE OPERATOR'S SUBMITTED CUMULATIVE IMPACTS ANALYSIS AND DETERMINE WHETHER, ON BALANCE, THE CLASS VI INJECTION WELL WILL HAVE A POSITIVE EFFECT ON THE DISPROPORTIONATELY IMPACTED COMMUNITY. A PROPOSAL THAT WILL HAVE NEGATIVE NET CUMULATIVE IMPACTS ON ANY DISPROPORTIONATELY IMPACTED COMMUNITY MUST BE DENIED. THE COMMISSION'S DECISION MUST INCLUDE A PLAIN LANGUAGE SUMMARY OF ITS DETERMINATION.

(B) THE COMMISSION MAY AMEND BY RULE THE CUMULATIVE EFFECTS ANALYSIS AND REQUIREMENTS SET FORTH IN THIS SUBSECTION (9)(c)(III) IF THE COMMISSION FINDS THE ANALYSIS AND REQUIREMENTS TO BE INCONSISTENT WITH, OR INCOMPLETE WITH RESPECT TO, THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S REQUIREMENTS FOR CLASS VI PRIMACY.

(C) AS USED IN THIS SUBSECTION (9)(c)(III), "CUMULATIVE IMPACTS" MEANS THE EFFECT ON PUBLIC HEALTH AND THE ENVIRONMENT, INCLUDING THE EFFECT ON AIR QUALITY, WATER QUALITY, THE CLIMATE, NOISE, ODOR, WILDLIFE, AND BIOLOGICAL RESOURCES, CAUSED BY THE INCREMENTAL IMPACT THAT A PROPOSED NEW OR MODIFIED CLASS VI INJECTION WELL WOULD HAVE WHEN ADDED TO THE IMPACTS FROM OTHER PAST, PRESENT, AND REASONABLY FORESEEABLE FUTURE DEVELOPMENT OF ANY TYPE ON THE AFFECTED AREA, INCLUDING AN AIRSHED OR WATERSHED, OR ON A DISPROPORTIONATELY IMPACTED COMMUNITY.

(IV) (A) THE COMMISSION SHALL REQUIRE EACH OPERATOR OF A CLASS VI INJECTION WELL TO PROVIDE ADEQUATE FINANCIAL ASSURANCE DEMONSTRATING THAT THE OPERATOR IS FINANCIALLY CAPABLE OF FULFILLING EVERY OBLIGATION IMPOSED ON THE OPERATOR UNDER THIS ARTICLE 60 AND UNDER RULES THAT THE COMMISSION ADOPTS PURSUANT TO THIS ARTICLE 60.

(B) THE FINANCIAL ASSURANCE REQUIRED UNDER THIS SUBSECTION (9)(c)(IV) MUST COVER THE COST OF CORRECTIVE ACTION, INJECTION WELL PLUGGING, POST-INJECTION SITE CARE, SITE CLOSURE, AND ANY EMERGENCY AND REMEDIAL RESPONSE.

(C) THE COMMISSION SHALL ADOPT RULES REQUIRING THAT THE FINANCIAL ASSURANCE COVER THE COST OF OBLIGATIONS THAT ARE IN ADDITION TO THE OBLIGATIONS LISTED IN SUBSECTION (9)(c)(IV)(B) OF THIS SECTION IF THE ADDITIONAL OBLIGATIONS ARE REASONABLY ASSOCIATED WITH CLASS VI INJECTION WELLS AND LOCATIONS.

(D) AN OPERATOR SHALL MAINTAIN THE FINANCIAL ASSURANCE REQUIRED UNDER THIS SUBSECTION (9)(c)(IV) OR UNDER ANY RULES ADOPTED PURSUANT TO THIS SUBSECTION (9)(c)(IV) UNTIL THE COMMISSION APPROVES SITE CLOSURE, AS SPECIFIED IN RULES ADOPTED BY THE COMMISSION. COMMISSION APPROVAL OF A SITE CLOSURE DOES NOT OTHERWISE MODIFY AN OPERATOR'S RESPONSIBILITY TO COMPLY WITH APPLICABLE LAWS.

(E) FINANCIAL ASSURANCE PROVIDED UNDER THIS SUBSECTION (9)(c)(IV) MAY BE IN THE FORM OF A SURETY BOND, INSURANCE, OR ANY OTHER INSTRUMENT THAT THE COMMISSION, BY RULE, DEEMS SATISFACTORY.

(d) IN ISSUING AND ENFORCING PERMITS PURSUANT TO SUBSECTION (9)(c) OF THIS SECTION, THE COMMISSION SHALL ENSURE, AFTER A PUBLIC HEARING, THAT:

(I) THE PERMITTING OF A CLASS VI INJECTION WELL COMPLIES WITH A LOCAL GOVERNMENT'S SITING OF THE PROPOSED CLASS VI INJECTION WELL LOCATION;

(II) THE PROPOSED NEW OR MODIFIED CLASS VI INJECTION WELL HAS RECEIVED AN APPLICABLE AIR PERMIT FROM THE DIVISION OF ADMINISTRATION IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

(III) THE OPERATOR OF THE CLASS VI INJECTION WELL HAS RECEIVED THE CONSENT OF ANY SURFACE OWNER OR OWNERS OF THE LAND WHERE THE SURFACE DISTURBANCE WILL OCCUR AND HAS PROVIDED THE COMMISSION A WRITTEN CONTRACTUAL AGREEMENT THAT THE SURFACE OWNER OR OWNERS HAVE EXECUTED; AND

(IV) THE COMMISSION HAS EVALUATED AND ADDRESSED ANY CLASS VI INJECTION WELL IMPACTS FROM THE PROPOSED CLASS VI INJECTION WELL ON THE AFFECTED AREA TO ENSURE THE TERMS AND CONDITIONS OF ANY PERMIT ISSUED UNDER THIS SECTION ARE SUFFICIENT TO ENSURE THAT ANY CLASS VI INJECTION WELL IMPACTS ARE AVOIDED, MINIMIZED TO THE EXTENT PRACTICABLE, AND, TO THE EXTENT THAT ANY CLASS VI INJECTION WELL IMPACTS REMAIN, THAT THE IMPACTS ARE MITIGATED. THE COMMISSION SHALL PROVIDE A PLAIN LANGUAGE SUMMARY OF HOW THE NEGATIVE IMPACTS ARE AVOIDED OR, IF NOT AVOIDED, MINIMIZED AND MITIGATED AND, IF ANY, THE NEGATIVE IMPACTS THAT CANNOT BE MITIGATED.

(e) AS USED IN THIS SUBSECTION (9), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "CLASS VI INJECTION WELL IMPACTS" MEANS THE EFFECT ON THE PUBLIC HEALTH AND THE ENVIRONMENT, INCLUDING AIR, WATER AND SOIL, AND THE CLIMATE, CAUSED BY THE INCREMENTAL IMPACT THAT A PROPOSED NEW OR SIGNIFICANTLY MODIFIED CLASS VI INJECTION WELL AND ASSOCIATED INFRASTRUCTURE WOULD HAVE WHEN ADDED TO THE IMPACTS FROM OTHER DEVELOPMENT IN THE AFFECTED AREA.

(II) "CORRECTIVE ACTION" HAS THE MEANING SET FORTH IN 40 CFR 146.81.

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

(IV) "GREENHOUSE GAS" HAS THE MEANING SET FORTH IN SECTION 25-7-140 (6).

(V) "POST-INJECTION SITE CARE" HAS THE MEANING SET FORTH IN 40 CFR 146.81.

(VI) "SITE CLOSURE" HAS THE MEANING SET FORTH IN 40 CFR 146.81.

(9.3)(a) THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC

HEALTH AND ENVIRONMENT, MAY ADOPT RULES TO ESTABLISH A PROCESS TO CERTIFY THE QUANTITY AND DEMONSTRATED SECURITY OF CARBON DIOXIDE STORED IN A CLASS VI INJECTION WELL.

(b) THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, SHALL EVALUATE THE RISK OF CLASS VI INJECTION WELLS BY DETERMINING THE LIKELIHOOD AND SEVERITY OF AN INCIDENT INVOLVING A CLASS VI INJECTION WELL, THE POTENTIAL FOR EXPOSURE FROM SUCH INCIDENT, AND THE OVERALL EFFECT THAT SUCH INCIDENT COULD HAVE ON THE PUBLIC HEALTH, SAFETY, AND WELFARE AND ON THE ENVIRONMENT.

(9.5) (a) ON OR BEFORE FEBRUARY 1, 2024, THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, SHALL CONDUCT A STUDY TO BETTER UNDERSTAND THE SAFETY OF CLASS VI INJECTION WELLS, THE POTENTIAL FOR CARBON DIOXIDE RELEASES FROM THE WELLS, AND METHODS TO LIMIT THE LIKELIHOOD OF A CARBON DIOXIDE RELEASE FROM A CLASS VI INJECTION WELL OR CARBON DIOXIDE PIPELINE OR SEQUESTRATION FACILITY. THE STUDY MUST INCLUDE:

(I) AN EVALUATION OF THE POTENTIAL AIR QUALITY IMPACTS OF CAPTURE TECHNOLOGY AT A CARBON DIOXIDE SOURCE FACILITY;

(II) CARBON DIOXIDE PIPELINE SAFETY CONSIDERATIONS, INCLUDING COMPUTER MODELING TO SIMULATE CARBON DIOXIDE LEAKS FROM PIPELINES OF VARYING DIAMETERS AND LENGTHS;

(III) APPROPRIATE SAFETY PROTOCOLS IN THE OPERATION AND MAINTENANCE OF A CLASS VI INJECTION WELL;

(IV) METHODS FOR DETERMINING THE STABILITY OF UNDERGROUND CARBON DIOXIDE STORAGE AND ESTIMATES OF THE TIME NEEDED FOR CARBON DIOXIDE PLUME STABILIZATION; AND

(V) RECOMMENDATIONS FOR SAFETY MEASURES TO PROTECT COMMUNITIES FROM CARBON DIOXIDE RELEASES, SUCH AS HAZARD ZONES, PUBLIC NOTIFICATION SYSTEMS, SETBACKS, ADDITIONAL MONITORING REQUIREMENTS, OR OTHER MEASURES.

(b) ON OR BEFORE MARCH 1, 2024, THE COMMISSION SHALL PRESENT ITS FINDINGS AND CONCLUSIONS FROM THE STUDY, INCLUDING ANY RECOMMENDATIONS FOR LEGISLATION, TO THE HOUSE OF REPRESENTATIVES ENERGY AND ENVIRONMENT COMMITTEE AND THE SENATE TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES. THE COMMISSION SHALL NOT PERMIT A CLASS VI INJECTION WELL IN THE STATE UNTIL THE STUDY HAS BEEN COMPLETED AND PRESENTED TO THE GENERAL ASSEMBLY.

(c) A CLASS VI INJECTION WELL SHALL NOT BE LOCATED WITHIN TWO THOUSAND FEET OF A RESIDENCE, SCHOOL, OR COMMERCIAL BUILDING. THE COMMISSION MAY ADJUST THE TWO-THOUSAND-FOOT SETBACK BY RULE AFTER STUDYING AND EVALUATING THE SEVERITY OF IMPACTS ARISING FROM FOUR OR MORE CLASS VI

INJECTION WELLS THAT HAVE BEEN IN PLACE IN THE STATE FOR AT LEAST FOUR YEARS.

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

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

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

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

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

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

**SECTION 10.** In Colorado Revised Statutes, 38-30-168, **amend** (1)(b)(II) and (1)(b)(III); and **add** (1)(b)(IV) as follows:

**38-30-168. Unreasonable restrictions on renewable energy generation devices - definitions.** (1) (b) As used in this section, "renewable energy generation device" means:

(II) A wind-electric generator that meets the interconnection standards established in rules promulgated by the public utilities commission pursuant to section 40-2-124; ~~or~~

(III) A geothermal energy device; OR

(IV) A HEAT PUMP SYSTEM, AS DEFINED IN SECTION 39-26-732 (2)(c).

**SECTION 11.** In Colorado Revised Statutes, 38-33.3-106.7, **amend** (1)(b)(VI) as follows:

**38-33.3-106.7. Unreasonable restrictions on energy efficiency measures - definitions.** (1) (b) As used in this section, "energy efficiency measure" means a device or structure that reduces the amount of energy derived from fossil fuels that is consumed by a residence or business located on the real property. "Energy efficiency measure" is further limited to include only the following types of devices or structures:

(VI) A heat pump SYSTEM, AS DEFINED IN SECTION 39-26-732 (2)(c).

**SECTION 12.** In Colorado Revised Statutes, **add** 39-22-550 as follows:

**39-22-550. Tax credit for reducing emissions from certain lawn equipment - report - legislative declaration - tax preference performance statement - definitions - repeal.** (1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(I) GASOLINE-POWERED LAWN EQUIPMENT, SUCH AS LAWN MOWERS, LEAF BLOWERS, TRIMMERS, AND SNOWBLOWERS, EMITS HIGH LEVELS OF AIR POLLUTANTS, INCLUDING NITROGEN OXIDES AND VOLATILE ORGANIC COMPOUNDS THAT, TOGETHER, FORM OZONE AND PARTICULATE MATTER;

(II) REPLACING SUCH GASOLINE-POWERED LAWN EQUIPMENT WITH ELECTRIC-POWERED LAWN EQUIPMENT CAN REDUCE OZONE POLLUTION; AND

(III) THE PURPOSE OF THE TAX CREDIT IN SUBSECTION (3) OF THIS SECTION IS TO INCENTIVIZE THE VOLUNTARY TRANSITION FROM GASOLINE-POWERED TO ELECTRIC-POWERED LAWN EQUIPMENT.

(b) IN ACCORDANCE WITH SECTION 39-21-304 (1), WHICH REQUIRES EACH BILL THAT CREATES A NEW TAX EXPENDITURE TO INCLUDE A TAX PREFERENCE PERFORMANCE STATEMENT AS PART OF A STATUTORY LEGISLATIVE DECLARATION, THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(I) THE GENERAL LEGISLATIVE PURPOSE OF THE TAX CREDIT ALLOWED BY SUBSECTION (3) OF THIS SECTION IS TO INDUCE CERTAIN DESIGNATED BEHAVIORS BY TAXPAYERS, SPECIFICALLY THE PURCHASE OF ELECTRIC-POWERED LAWN EQUIPMENT; AND

(II) IN ORDER TO ALLOW THE GENERAL ASSEMBLY AND THE STATE AUDITOR TO MEASURE THE EFFECTIVENESS OF THE TAX CREDIT, THE DEPARTMENT OF REVENUE SHALL SUBMIT TO THE GENERAL ASSEMBLY AND THE STATE AUDITOR AN ANNUAL REPORT IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION DETAILING THE SALES OF NEW, ELECTRIC-POWERED LAWN EQUIPMENT, AS REPORTED BY TAXPAYERS CLAIMING THE TAX CREDIT AUTHORIZED UNDER SUBSECTION (3) OF THIS SECTION.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "LAWN EQUIPMENT" MEANS A LAWN MOWER, LEAF BLOWER, TRIMMER, OR SNOWBLOWER.

(b) "PURCHASE PRICE" HAS THE MEANING SET FORTH IN SECTION 39-26-102 (7).

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

(I) HOLDS A STATE SALES TAX LICENSE;

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

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

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

(d) "RETAILER" HAS THE MEANING SET FORTH IN SECTION 39-26-102 (8).

(e) "RETAIL SALE" HAS THE MEANING SET FORTH IN SECTION 39-26-102 (9).

(3) (a) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2024, BUT BEFORE JANUARY 1, 2027, A RETAILER QUALIFIED PURSUANT TO SUBSECTION (3)(d)(III) OF THIS SECTION IS ALLOWED A TAX CREDIT AGAINST THE TAX IMPOSED PURSUANT TO THIS ARTICLE 22 IN AN AMOUNT EQUAL TO THIRTY-THREE PERCENT OF THE AGGREGATE PURCHASE PRICE FOR ALL RETAIL SALES OF NEW, ELECTRIC-POWERED LAWN EQUIPMENT THAT THE QUALIFIED RETAILER SOLD IN THE STATE DURING THE TAX YEAR.

(b) IN ORDER TO QUALIFY FOR THE TAX CREDIT ALLOWED UNDER THIS SUBSECTION (3), THE QUALIFIED RETAILER SHALL PROVIDE TO THE PURCHASER, AT THE TIME OF THE RETAIL SALE OF NEW, ELECTRIC-POWERED LAWN EQUIPMENT, A DISCOUNT ON THE PURCHASE PRICE OF THE LAWN EQUIPMENT EQUAL TO THIRTY PERCENT OF THE PURCHASE PRICE AND SHALL SHOW THE DISCOUNT AS A SEPARATE ITEM ON THE RECEIPT OR INVOICE PROVIDED TO THE PURCHASER.

(c) TO DETERMINE WHETHER A QUALIFIED RETAILER SOLD NEW, ELECTRIC-POWERED LAWN EQUIPMENT IN THIS STATE, THE RULES OF SECTION 39-26-104 (3)(a) APPLY.

(d) THE QUALIFIED RETAILER MAY RETAIN FROM THE CREDIT ALLOWED IN THIS SECTION AN ADMINISTRATIVE FEE NOT TO EXCEED THREE PERCENT OF THE PURCHASE PRICE OF THE NEW, ELECTRIC-POWERED LAWN EQUIPMENT SOLD.

(e) (I) THE QUALIFIED RETAILER SHALL ELECTRONICALLY SUBMIT A REPORT TO THE DEPARTMENT OF REVENUE, ON A QUARTERLY BASIS AND IN THE FORM AND MANNER REQUIRED BY THE DEPARTMENT, THAT DETAILS THE NUMBER OF PIECES OF NEW, ELECTRIC-POWERED LAWN EQUIPMENT SOLD BY THE QUALIFIED RETAILER IN THE REPORTING PERIOD FOR WHICH THE QUALIFIED RETAILER PROVIDED A DISCOUNT AS DESCRIBED IN SUBSECTION (3)(b) OF THIS SECTION. THE DEPARTMENT MAY REQUIRE THE QUALIFIED RETAILER TO INCLUDE ADDITIONAL INFORMATION IN THE REPORT.

(II) BEFORE SELLING A PIECE OF NEW, ELECTRIC-POWERED LAWN EQUIPMENT FOR WHICH A RETAILER INTENDS TO CLAIM A CREDIT PURSUANT TO THIS SECTION, THE RETAILER SHALL REGISTER AS A QUALIFIED RETAILER BY FILING WITH THE DEPARTMENT OF REVENUE A REGISTRATION STATEMENT IN THE FORM AND MANNER THAT THE DEPARTMENT PRESCRIBES.

(4) IF A CREDIT AUTHORIZED BY THIS SECTION EXCEEDS THE INCOME TAX DUE ON THE INCOME OF THE QUALIFIED RETAILER FOR THE TAXABLE YEAR, THE EXCESS CREDIT MAY NOT BE CARRIED FORWARD AND MUST BE REFUNDED TO THE QUALIFIED RETAILER.

(5) PURSUANT TO SECTION 39-21-304 (3), NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), AND FOR THE PURPOSE OF PROVIDING DATA THAT ALLOWS THE GENERAL ASSEMBLY AND THE STATE AUDITOR TO MEASURE THE EFFECTIVENESS OF THE TAX CREDIT CREATED IN SUBSECTION (3) OF THIS SECTION, THE DEPARTMENT OF REVENUE, ON OR BEFORE JANUARY 1, 2025, AND ON OR BEFORE JANUARY 1 OF EACH YEAR THEREAFTER THROUGH JANUARY 1, 2028, SHALL SUBMIT TO THE GENERAL ASSEMBLY AND THE STATE AUDITOR A REPORT DETAILING THE SALES OF NEW, ELECTRIC-POWERED LAWN EQUIPMENT, AS REPORTED BY A QUALIFIED RETAILER CLAIMING THE TAX CREDIT AUTHORIZED UNDER SUBSECTION (3) OF THIS SECTION. THE TAX CREDIT ESTABLISHED IN THIS SECTION MEETS ITS PURPOSE IF SALES OF NEW, GASOLINE-POWERED LAWN EQUIPMENT ARE SIGNIFICANTLY REDUCED WITHIN FIVE YEARS AFTER THE TAX CREDIT BECOMES EFFECTIVE, AS DETERMINED BY THE GENERAL ASSEMBLY AND THE STATE AUDITOR PURSUANT TO SECTION 39-21-304(3).

(6) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2033.

**SECTION 13.** In Colorado Revised Statutes, 39-29-110, **amend** (9)(b) as follows:

**39-29-110. Local government severance tax fund - creation - administration - definitions - repeal.** (9) (b) This subsection (9) is repealed, effective ~~July 1, 2023~~ JULY 1, 2025.

**SECTION 14.** In Session Laws of Colorado 2021, **amend** section 3 of chapter 225, (HB 21-1253), as follows:

Section 3. **Appropriation.** For the 2020-21 state fiscal year, \$5,000,000 is appropriated to the department of local affairs for use by the division of local government. This appropriation is from the local government severance tax fund created in section 39-29-110 (1)(a)(I), C.R.S. To implement this act, the division of local government may use this appropriation for grants for renewable and clean energy implementation projects that meet the division's eligibility criteria for funding under the department's renewable and clean energy initiative program. Any money appropriated in this section not expended prior to ~~July 1, 2021~~ JULY 1, 2025, is further appropriated to the division of local government ~~for the 2021-22 and 2022-23 state fiscal years~~ for the same purpose UNTIL THE MONEY IS FULLY EXPENDED.

**SECTION 15.** In Colorado Revised Statutes, 40-1-102, **amend** (1.3); and **add** (1.4), (8.2), and (8.3) as follows:

**40-1-102. Definitions.** As used in articles 1 to 7 of this title 40, unless the context otherwise requires:

(1.3) ~~"Charge" includes any consideration, however denominated, paid or provided by a retail cooperative electric association to a wholesale electric cooperative in connection with an agreement by which the retail cooperative electric association terminates a wholesale electric service contract with the wholesale electric cooperative~~ "CERTIFICATE OF COMPLETION" MEANS AN ATTESTATION THAT AN INTERCONNECTION CUSTOMER SUBMITS TO A PUBLIC UTILITY TO CONFIRM THAT A RETAIL DISTRIBUTED GENERATION RESOURCE HAS BEEN PROPERLY INSPECTED OR

OTHERWISE CERTIFIED TO MEET THE SAFE OPERATION REQUIREMENTS OF A LOCAL GOVERNMENT'S BUILDING CODE ENFORCEMENT AUTHORITY.

(1.4) "CHARGE" INCLUDES ANY CONSIDERATION, HOWEVER DENOMINATED, PAID OR PROVIDED BY A RETAIL COOPERATIVE ELECTRIC ASSOCIATION TO A WHOLESALE ELECTRIC COOPERATIVE IN CONNECTION WITH AN AGREEMENT BY WHICH THE RETAIL COOPERATIVE ELECTRIC ASSOCIATION TERMINATES A WHOLESALE ELECTRIC SERVICE CONTRACT WITH THE WHOLESALE ELECTRIC COOPERATIVE.

(8.2) "INTERCONNECTION AGREEMENT" MEANS AN AGREEMENT BETWEEN A PUBLIC UTILITY AND AN INTERCONNECTION CUSTOMER TO INTERCONNECT A RETAIL DISTRIBUTED GENERATION RESOURCE TO THE UTILITY SYSTEM.

(8.3) (a) "INTERCONNECTION CUSTOMER" MEANS AN ENTITY THAT PROPOSES TO INTERCONNECT A RETAIL DISTRIBUTED GENERATION RESOURCE ON THE DISTRIBUTION SYSTEM OF A PUBLIC UTILITY.

(b) "INTERCONNECTION CUSTOMER" INCLUDES AN AFFILIATE OR A SUBSIDIARY OF A PUBLIC UTILITY THAT PROPOSES TO INTERCONNECT A RETAIL DISTRIBUTED GENERATION RESOURCE TO THE PUBLIC UTILITY'S SYSTEM.

**SECTION 16.** In Colorado Revised Statutes, 40-2-126, **add** (2.5) as follows:

**40-2-126. Transmission facilities - biennial review - energy resource zones - definitions - plans - approval - cost recovery - powerline trail consideration.**

(2.5) IN REVIEWING A PLAN THAT AN ELECTRIC UTILITY SUBMITS PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION, THE COMMISSION SHALL CONSIDER THE NEED FOR EXPANDED TRANSMISSION CAPACITY IN THE STATE, INCLUDING THE ABILITY TO EXPAND CAPACITY THROUGH THE CONSTRUCTION OF NEW TRANSMISSION LINES, IMPROVEMENTS TO EXISTING TRANSMISSION LINES, AND CONNECTIONS TO ORGANIZED WHOLESALE MARKETS, AS DEFINED IN SECTION 40-5-108 (1)(a).

**SECTION 17.** In Colorado Revised Statutes, 40-2-114, **amend** (2)(a)(III) as follows:

**40-2-114. Disposition of fees collected - telecommunications utility fund - fixed utility fund - appropriation.** (2) (a) Money in the funds created in subsection (1) of this section shall be expended only to defray the full amount determined by the general assembly for:

(III) With regard only to expenditures from the public utilities commission fixed utility fund created in subsection (1)(b) of this section, the administrative expenses, not to exceed five hundred thousand dollars annually, incurred by the Colorado electric transmission authority in carrying out its duties under article 42 of this title 40. The Colorado electric transmission authority shall remit to the PUBLIC UTILITIES COMMISSION fixed utility fund any amounts it receives in excess of its actual administrative expenses plus a ~~fifteen~~ FIFTY percent reserve margin.

**SECTION 18.** In Colorado Revised Statutes, **amend** 40-2-135 as follows:

**40-2-135. Retail distributed generation - customers' rights - rules.** (1) A



retail electric utility customer is entitled to generate, consume, store, and export electricity produced from eligible energy resources to the electric grid through the use of customer-sited retail distributed generation, as defined in section 40-2-124 (1)(a)(VIII), subject to reliability standards, interconnection rules, and procedures, as determined by the commission.

(2) (a) A RETAIL ELECTRIC UTILITY VIOLATES THIS SECTION IF THE UTILITY FAILS TO PROVIDE REASONABLE, GOOD FAITH, AND TIMELY SERVICE TO AN INTERCONNECTION CUSTOMER AND SUCH VIOLATION MAY RESULT IN COMMISSION ACTION, INCLUDING THE ASSESSMENT OF MONETARY FINES AGAINST THE RETAIL ELECTRIC UTILITY. IF A RETAIL ELECTRIC UTILITY FAILS TO PROVIDE TIMELY SERVICE AND ADHERE TO TIMELINES THAT THE COMMISSION ESTABLISHES AS PART OF THE COMMISSION'S INTERCONNECTION RULES, THE RETAIL ELECTRIC UTILITY MAY BE SUBJECT TO PENALTIES OF UP TO TWO THOUSAND DOLLARS PER DAY FOR EACH DAY THAT THE VIOLATION OCCURRED.

(b) THE COMMISSION SHALL ADOPT RULES TO ANNUALLY ADJUST THE PENALTY AMOUNT SET FORTH IN SUBSECTION (2)(a) OF THIS SECTION BASED ON THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR THE DENVER-AURORA-LAKEWOOD AREA FOR ALL ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX.

(c) (I) FOR A RETAIL DISTRIBUTED GENERATION RESOURCE THAT IS TWENTY-FIVE KILOWATTS OR LESS, A PUBLIC UTILITY SHALL PROVIDE AN INTERCONNECTION CUSTOMER AN EXECUTED INTERCONNECTION AGREEMENT NO MORE THAN THIRTY BUSINESS DAYS AFTER RECEIVING PAYMENT OF AN INTERCONNECTION FEE FROM THE INTERCONNECTION CUSTOMER.

(II) FOLLOWING THE CONSTRUCTION OF A RETAIL DISTRIBUTED GENERATION RESOURCE, A PUBLIC UTILITY MUST PROVIDE INTERCONNECTION OF THE CUSTOMER'S RETAIL DISTRIBUTED GENERATION RESOURCE NO MORE THAN THIRTY BUSINESS DAYS AFTER THE INTERCONNECTION CUSTOMER SUBMITS TO THE PUBLIC UTILITY A CERTIFICATE OF COMPLETION.

(III) IF THE SUM OF A PUBLIC UTILITY'S COMPLIANCE WITH THESE TIMES SET FORTH IN THIS SUBSECTION (2)(c) EXCEEDS SIXTY DAYS, THE PUBLIC UTILITY MAY BE SUBJECT TO PENALTIES CONSISTENT WITH THIS SUBSECTION (2).

(d) A PUBLIC UTILITY IS NOT SUBJECT TO PENALTIES UNDER THIS SUBSECTION (2) IF THE PUBLIC UTILITY CAN DEMONSTRATE THAT:

(I) THE INTERCONNECTION CUSTOMER FAILED TO TIMELY REMEDY ANY MATERIAL DEFECTS IN THE COMPLETION OF THE INTERCONNECTION CUSTOMER'S APPLICATION FOR INTERCONNECTION AND THE PUBLIC UTILITY IDENTIFIED THE DEFECTS DURING ITS REVIEW OF THE APPLICATION;

(II) THE RETAIL DISTRIBUTED GENERATION RESOURCE CANNOT BE SAFELY INTERCONNECTED TO THE PUBLIC UTILITY'S SYSTEM IN A MANNER CONSISTENT WITH THE COMMISSION'S INTERCONNECTION RULES; OR

(III) OTHER EXTENUATING CIRCUMSTANCES CAUSED A DELAY IN INTERCONNECTION.

(3) (a) AN INTERCONNECTION CUSTOMER MAY FILE A COMPLAINT WITH THE COMMISSION IN ACCORDANCE WITH SECTION 40-6-108 ALLEGING THAT A PUBLIC UTILITY HAS VIOLATED SUBSECTION (2) OF THIS SECTION.

(b) IN CONSIDERING A COMPLAINT FILED PURSUANT TO THIS SUBSECTION (3), THE COMMISSION MAY ORDER THE PUBLIC UTILITY TO REFUND INTERCONNECTION STUDY FEES CHARGED TO THE INTERCONNECTION CUSTOMER. IF A PUBLIC UTILITY IS ORDERED TO REFUND SUCH INTERCONNECTION STUDY FEES, SUCH REFUND IS NOT AN EXPENSE THAT THE PUBLIC UTILITY MAY RECOVER FROM ITS RATEPAYERS.

(4) THE COMMISSION SHALL ONLY ASSESS THE PENALTIES SET FORTH IN SUBSECTION (2)(a) OF THIS SECTION AGAINST A PUBLIC UTILITY IF:

(a) AN INTERCONNECTION CUSTOMER OR COMMISSION STAFF HAS FILED, AND THE COMMISSION HAS ADJUDICATED, A COMPLAINT PURSUANT TO SECTION 40-6-108; AND

(b) THE PUBLIC UTILITY HAS A TARIFF ON FILE WITH THE COMMISSION THAT PROVIDES INCENTIVES AND PENALTIES TO PROVIDE INTERCONNECTION SERVICE AND THE PUBLIC UTILITY HAS EXCEEDED THE TIMELINES ESTABLISHED IN THE TARIFF FILING.

(5) IN JURISDICTIONS THAT ALLOW INTERCONNECTION WITHOUT A PUBLIC UTILITY PRESENT, AN INTERCONNECTION CUSTOMER MAY INSTALL ALL NECESSARY METERING EQUIPMENT AND ENERGIZE THE SYSTEM FOLLOWING INSTALLATION IF:

(a) THE INTERCONNECTION CUSTOMER HAS AN INTERCONNECTION AGREEMENT WITH A PUBLIC UTILITY AND A CERTIFICATE OF COMPLETION FROM A LOCAL GOVERNMENT'S BUILDING CODE ENFORCEMENT AUTHORITY; AND

(b) THE INSTALLATION AND ENERGIZING WORK IS OVERSEEN BY A LICENSED MASTER ELECTRICIAN.

(6) A PUBLIC UTILITY MAY RECOVER ITS PRUDENTLY INCURRED COSTS TO FACILITATE A TIMELY INTERCONNECTION, WHICH COSTS MAY INCLUDE THE COST OF EQUIPMENT THAT THE PUBLIC UTILITY PROCURES FOR FUTURE UPGRADES NEEDED TO INTERCONNECT RETAIL DISTRIBUTED GENERATION RESOURCES. A PUBLIC UTILITY MAY RECOVER THE COSTS OF ANY SUCH EQUIPMENT INVENTORY AS CAPITAL WORK IN PROGRESS IF THE INVENTORY IS PROJECTED TO BE USED WITHIN FIVE YEARS OF ITS PROCUREMENT AND WITH A RETURN AT THE MOST RECENTLY AUTHORIZED WEIGHTED AVERAGE COST OF CAPITAL.

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

**40-5-107. Electric vehicle programs - service connection cost recovery - definitions - repeal.** (2.5) AN ELECTRIC PUBLIC UTILITY MAY RECOVER ITS PRUDENTLY INCURRED COSTS TO FACILITATE A TIMELY ELECTRIC VEHICLE CHARGING SERVICE CONNECTION, WHICH COSTS MAY INCLUDE THE COSTS OF EQUIPMENT THAT

THE ELECTRIC PUBLIC UTILITY PROCURES FOR FUTURE UPGRADES NEEDED TO PROVIDE SERVICE CONNECTIONS FOR ELECTRIC VEHICLE CHARGING. AN ELECTRIC PUBLIC UTILITY MAY RECOVER THE COSTS OF ANY SUCH EQUIPMENT INVENTORY AS CAPITAL WORK IN PROGRESS IF THE INVENTORY IS PROJECTED TO BE USED WITHIN THREE YEARS OF ITS PROCUREMENT AND WITH A RETURN AT THE MOST RECENTLY AUTHORIZED WEIGHTED AVERAGE COST OF CAPITAL.

**SECTION 20.** In Colorado Revised Statutes, 40-7-105, **amend** (1); and **add** (1.5) and (4) as follows:

**40-7-105. Violations - penalty - separate offenses - rules.** (1) Any public utility ~~which~~ THAT violates or fails to comply with any provision of the state constitution or of articles 1 to 7 of this ~~title~~ TITLE 40 or ~~which~~ THAT fails, omits, or neglects to obey, observe, or comply with any order, decision, decree, rule, direction, demand, or requirement of the commission or any part or provision thereof, except an order for the payment of money, in a case in which a penalty has not been provided for ~~such~~ THE public utility, is subject to a penalty of not more than ~~two~~ TWENTY thousand dollars ~~for each~~ PER offense FOR EACH DAY THAT THE OFFENSE CONTINUES.

(1.5) (a) ANY PROPOSED PENALTY IS SUBJECT TO A FINDING BY THE COMMISSION OF CUSTOMER HARM THAT IS COMMENSURATE WITH THE AMOUNT OF THE PENALTY LEVIED. IN DETERMINING THE AMOUNT OF A PENALTY OR WHETHER ANY PENALTY IS LEVIED, THE COMMISSION SHALL ALSO CONSIDER FACTORS INCLUDING:

- (I) THE SIZE OF THE UTILITY;
- (II) FACTORS INFLUENCING THE VIOLATION;
- (III) THE UTILITY'S PREVIOUS HISTORY OF ANY SIMILAR VIOLATIONS;
- (IV) REMEDIAL MEASURES; AND
- (V) ANY OTHER FACTORS THAT MAY MITIGATE ANY HARM TO CUSTOMERS.

(b) THE COMMISSION SHALL ADOPT RULES TO ANNUALLY ADJUST THE MAXIMUM PER-DAY PENALTY AMOUNT SET FORTH IN SUBSECTION (1) OF THIS SECTION BASED ON THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR THE DENVER-AURORA-LAKEWOOD AREA FOR ALL ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX.

(4) ANY PENALTY THAT THE COMMISSION ASSESSES AGAINST A UTILITY UNDER THIS SECTION IS NOT RECOVERABLE AS AN EXPENSE PAYABLE BY THE UTILITY'S RATEPAYERS.

**SECTION 21.** In Colorado Revised Statutes, 40-3.2-108, **amend** (2)(a)(II) and (2)(p) introductory portion as follows:

**40-3.2-108. Clean heat targets - legislative declaration - definitions - plans**

- **rules - reports.** (2) **Definitions.** As used in this section, unless the context otherwise requires:

(a) "Biomethane":

(II) Includes biomethane recovered from manure management systems or anaerobic digesters, INCLUDING FROM OPERATIONS FOR DAIRY COWS, BEEF CATTLE, POULTRY, SWINE, OR SHEEP, that has been processed to meet pipeline quality.

(p) "Recovered methane protocol" means a documented set of procedures and requirements established by the air quality control commission to quantify ongoing greenhouse gas emission reductions or greenhouse gas removal enhancements achieved by a recovered methane project and to calculate the project baseline. A RECOVERED METHANE PROTOCOL THAT THE AIR QUALITY CONTROL COMMISSION ADOPTS FOR BIOMETHANE FROM MANURE MANAGEMENT SYSTEMS MUST ALLOW FOR THE USE OF MANURE FROM BEEF CATTLE OPERATIONS. THE AIR QUALITY CONTROL COMMISSION MAY ALSO ADOPT A RECOVERED METHANE PROTOCOL THAT IS SPECIFIC TO MANURE MANAGEMENT FROM BEEF CATTLE OPERATIONS. A recovered methane protocol must:

**SECTION 22.** In Colorado Revised Statutes, 40-42-102, **amend** (14) as follows:

**40-42-102. Definitions.** As used in this article 42, unless the context otherwise requires:

(14) "Project" means an undertaking by the authority to finance or to:

(a) Plan, acquire, maintain, and operate eligible facilities located partly or entirely within Colorado; OR

(b) RENOVATE, REBUILD, OR RECONDITION EXISTING ELIGIBLE FACILITIES, THAT ARE LOCATED PARTLY OR ENTIRELY WITHIN COLORADO AND ARE APPROVED THROUGH A LOCAL GOVERNMENT'S LAND-USE APPLICATION PROCESS, TO UPGRADE AND OPTIMIZE THE EXISTING FACILITIES.

**SECTION 23.** In Colorado Revised Statutes, 40-42-104, **add** (4.5) as follows:

**40-42-104. General and specific powers and duties of the authority.** (4.5) ON AND AFTER JULY 1, 2024, THE AUTHORITY SHALL OPERATE ON A FISCAL YEAR THAT ALIGNS WITH THE STATE FISCAL YEAR.

**SECTION 24.** In Colorado Revised Statutes, 40-42-107, **amend** (1) introductory portion as follows:

**40-42-107. Labor standards - apprenticeship - supervision.** (1) The authority shall ensure that, in any construction, expansion, RENOVATION, REBUILDING, RECONDITIONING, or maintenance of facilities undertaken in Colorado pursuant to this article 42, all labor is performed either by the employees of an electric utility, ~~or~~ by qualified contractors, or BY both, and that, except as otherwise provided in subsection (3) of this section, an electric utility DOES not use a contractor unless:

**SECTION 25.** In Colorado Revised Statutes, **add** 40-42-109 as follows:

**40-42-109. Study on expanding transmission capacity - reporting - repeal.**

(1) THE AUTHORITY SHALL EXPEND MONEY FROM THE OPERATIONAL FUND CREATED IN SECTION ~~40-42-106~~ TO STUDY THE NEED FOR EXPANDED TRANSMISSION CAPACITY IN THE STATE, INCLUDING:

(a) THE ABILITY TO EXPAND CAPACITY THROUGH THE CONSTRUCTION OF NEW TRANSMISSION LINES, IMPROVEMENTS TO EXISTING TRANSMISSION LINES, AND CONNECTIONS TO ORGANIZED WHOLESALE MARKETS, AS DEFINED IN SECTION 40-5-108 (1)(a);

(b) WHETHER AND HOW EXPANDED TRANSMISSION CAPACITY WILL:

(I) IMPROVE THE SYSTEM RELIABILITY OF THE ELECTRIC GRID AND PROVIDE OPTIMAL UTILIZATION OF ELECTRICITY FLOWS IN THE STATE;

(II) SUPPORT THE STATE'S EMISSION REDUCTION GOALS SET FORTH IN SECTION 25-7-102 (2)(g);

(III) SUPPORT THE STATE'S FORECASTED ELECTRICITY NEEDS; AND

(IV) REDUCE LAND IMPACTS BY USING EXISTING RIGHTS-OF-WAY, INCLUDING FOR LARGE CAPACITY TRANSMISSION LINES; CO-LOCATING MULTIPLE TRANSMISSION LINES; RECONDUCTORING TRANSMISSION LINES; AND STRATEGICALLY SITING NEW TRANSMISSION CORRIDORS.

(2) THE AUTHORITY SHALL PREPARE:

(a) AN INITIAL REPORT OF THE STUDY, INCLUDING ANY RECOMMENDATIONS, AND PRESENT THE INITIAL REPORT TO THE COMMISSION ON OR BEFORE SEPTEMBER 1, 2024; AND

(b) A FINAL REPORT OF THE STUDY, INCLUDING ANY RECOMMENDATIONS, AND PRESENT THE FINAL REPORT TO THE JOINT COMMITTEE OF THE HOUSE OF REPRESENTATIVES ENERGY AND ENVIRONMENT COMMITTEE AND THE SENATE TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, ON OR BEFORE JANUARY 31, 2025.

(3) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2025.

**SECTION 26.** In Colorado Revised Statutes, 29-20-104, **amend** (1)(h) introductory portion, (1)(h)(II), (2)(b), and (2)(c); and **add** (2)(d) as follows:

**29-20-104. Powers of local governments - definition.** (1) Except as expressly provided in section 29-20-104.5, the power and authority granted by this section does not limit any power or authority presently exercised or previously granted. Each local government within its respective jurisdiction has the authority to plan for and regulate the use of land by:

(h) Regulating the surface impacts of oil and gas operations AND CLASS VI

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

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

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

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

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

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

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

(II) PURCHASING ELECTRIC EMERGENCY RESPONSE VEHICLES;

(III) DEVELOPING OR MAINTAINING A TEXT MESSAGE OR OTHER EMERGENCY COMMUNICATION ALERT SYSTEM;

(IV) PURCHASING DEVICES THAT ASSIST IN THE DETECTION OF A CARBON DIOXIDE RELEASE;

(V) EQUIPMENT FOR FIRST RESPONDERS, LOCAL RESIDENTS, AND MEDICAL FACILITIES THAT ASSIST IN THE PREPARATION FOR, DETECTION OF, OR RESPONSE TO THE RELEASE OF CARBON DIOXIDE OR OTHER TOXIC OR HAZARDOUS MATERIALS; AND

(VI) TRAINING AND TRAINING MATERIALS FOR FIRST RESPONDERS, LOCAL RESIDENTS, BUSINESSES, AND OTHER LOCAL ENTITIES TO PREPARE FOR AND RESPOND TO THE RELEASE OF CARBON DIOXIDE OR OTHER TOXIC OR HAZARDOUS MATERIALS.

**SECTION 27.** In Colorado Revised Statutes, 29-20-108, **add** (7) as follows:

**29-20-108. Local government regulation - location, construction, or improvement of major electrical or natural gas facilities - powerline trail**

**notification - expedited review for certain transmission line projects - legislative declaration - definitions.** (7) A LOCAL GOVERNMENT SHALL EXPEDITE, AS PRACTICABLE, ITS REVIEW OF A LAND USE APPLICATION WITH REGARD TO A PROPOSED PROJECT TO RENOVATE, REBUILD, OR RECONDITION A TRANSMISSION LINE IN ACCORDANCE WITH SECTION 40-42-104 (3)(c).

**SECTION 28.** In Colorado Revised Statutes, 25-7-105, **amend** (1)(e)(II) as follows:

**25-7-105. Duties of commission - technical secretary - rules - legislative declaration - definitions.** (1) Except as provided in sections 25-7-130 and 25-7-131, the commission shall promulgate rules that are consistent with the legislative declaration set forth in section 25-7-102 and necessary for the proper implementation and administration of this article 7, including:

(e) (II) Consistent with section 25-7-102 (2)(g), the commission shall timely promulgate implementing rules and regulations. The implementing rules may take into account other relevant laws and rules, as well as voluntary actions taken by local communities and the private sector, to enhance efficiency and cost-effectiveness, and shall be revised as necessary over time to ensure timely progress toward the 2025, 2030, **2035, 2040, 2045,** and 2050 goals. The implementing rules ~~shall~~ **MUST** provide for ongoing tracking of emission sources that adversely affect disproportionately impacted communities and are subject to rules implemented pursuant to this subsection (1)(e) and must include strategies designed to achieve reductions in harmful air pollution affecting those communities.

**SECTION 29. Appropriation.** (1) For the 2023-24 state fiscal year, \$338,270 is appropriated to the department of natural resources for use by the oil and gas conservation commission. This appropriation is from the oil and gas conservation and environmental response fund created in section 34-60-122 (5)(a), C.R.S. To implement this act, the commission may use this appropriation as follows:

(a) \$317,122 for program costs, which amount is based on an assumption that the commission will require an additional 3.2 FTE; and

(b) \$21,148 for legal services.

(2) For the 2023-24 state fiscal year, \$14,706 is appropriated to the department of public health and environment for use by the air pollution control division. This appropriation is from the general fund, and is based on an assumption that the division will require an additional 0.2 FTE. To implement this act, the division may use this appropriation for personal services related to stationary sources.

(3) For the 2023-24 state fiscal year, \$21,148 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of natural resources under subsection (1)(b) of this section and is based on an assumption that the department of law will require an additional 0.1 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of natural resources.

**SECTION 30. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 11, 2023