

HB26-1326

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVES Duran and Willford

1 Amend printed bill, page 7, after line 4 insert:

2 "SECTION 5. In Colorado Revised Statutes, 40-2-104, **add** (5)
3 as follows:

4 **40-2-104. Assistants and employees - utilization of**
5 **independent experts.**

6 (5) THE COMMISSION SHALL EMPLOY AND DESIGNATE EMPLOYEES
7 OF THE COMMISSION TO PERFORM INTERNAL AND EXTERNAL
8 COMMUNICATIONS AND ENGAGEMENT FUNCTIONS, INCLUDING TO ENSURE
9 CONSISTENCY AND INCLUSIVENESS OF PUBLIC COMMENT HEARINGS AND TO
10 PROMOTE EFFECTIVE INTERAGENCY COORDINATION.

11 **SECTION 6.** In Colorado Revised Statutes, 40-2-108, **amend**
12 (3)(a); and **add** (3)(c)(III), (3)(e), and (3)(f) as follows:

13 **40-2-108. Rules - legislative declaration - equity impacts**
14 **proceedings - equity analyst - equity task force - creation.**

15 (3) (a) The general assembly finds, determines, and declares that:

16 (I) Certain communities, both in Colorado and internationally,
17 have historically been forced to bear a disproportionate burden of adverse
18 human health or environmental effects, as documented in numerous
19 studies, including the "Toxic Wastes and Race at Twenty, 1987-2007"
20 report by the United Church of Christ Justice & Witness Ministries; the
21 federal environmental protection agency's annual environmental justice
22 progress reports; and a 2021 report from the "Mapping for Environmental
23 Justice" project at the Berkeley Public Policy/The Goldman School that
24 shows how the pollution burden is distributed in Colorado, while also
25 facing systemic exclusion from environmental decision-making processes
26 and enjoying fewer environmental benefits; and

27 (II) The purpose of this subsection (3) is to ensure that the
28 commission, in exercising its regulatory authority, will take account of
29 and, where possible, help to correct these historical inequities AND TAKE
30 REASONABLE ACTIONS TO BENEFIT COLORADO COMMUNITIES AND
31 WORKERS, INCLUDING NET BENEFITS SUCH AS:

32 (A) HIGH-QUALITY JOBS IN COLORADO THAT PROVIDE
33 AFFORDABLE HEALTH INSURANCE AND PAY WAGES THAT SUPPORT
34 COLORADO FAMILIES;

35 (B) A WORKFORCE WITH THE TOOLS, OPPORTUNITIES, AND
36 ECONOMIC ASSISTANCE TO SUCCESSFULLY ADAPT DURING AN ENERGY
37 TRANSITION, PARTICULARLY WITHIN COAL TRANSITION AND
38 ENVIRONMENTAL JUSTICE COMMUNITIES; AND

39 (C) DECISIONS IN WHICH COLORADANS SHARE IN THE BENEFITS OF
40 ENERGY CONSTRUCTION, MAINTENANCE, OPERATION, GENERATION,

1 TRANSMISSION, AND PROCUREMENT.

2 (c) (III) IN ADOPTING RULES PURSUANT TO THIS SUBSECTION (3),
3 THE COMMISSION SHALL IDENTIFY EQUITY IMPACT PROCEEDINGS THAT
4 HAVE THE POTENTIAL TO IMPACT THE DISTRIBUTION OF BENEFITS AND
5 BURDENS TO DISPROPORTIONATELY IMPACTED COMMUNITIES, WORKERS,
6 AND INCOME-QUALIFIED CUSTOMERS. THE COMMISSION SHALL ENSURE
7 THAT EQUITY IMPACT PROCEEDINGS INCLUDE PROCEDURALLY AND
8 SUBSTANTIVELY APPROPRIATE REQUIREMENTS TO PROMOTE EQUITY.

9 (e) THE DIRECTOR OF THE COMMISSION SHALL HIRE AND
10 DESIGNATE AN EMPLOYEE WITH A PRIMARY PURPOSE TO OVERSEE THE
11 ONGOING IMPLEMENTATION OF THIS SUBSECTION (3), INCLUDING WORKING
12 WITH THE COMMISSION TO ADOPT RULES THAT:

13 (I) MINIMIZE IMPACTS ON, AND PRIORITIZE BENEFITS TO,
14 DISPROPORTIONATELY IMPACTED COMMUNITIES;

15 (II) IMPLEMENT EQUITABLE AND INCLUSIVE PRACTICES; AND

16 (III) ENGAGE DISPROPORTIONATELY IMPACTED COMMUNITIES AND
17 JUST TRANSITION COMMUNITIES.

18 (f) (I) THE COMMISSION SHALL ESTABLISH AN EQUITY TASK FORCE
19 TO PROVIDE INPUT AND RECOMMENDATIONS TO THE COMMISSION
20 REGARDING THE IMPLEMENTATION OF THIS SUBSECTION (3), INCLUDING:

21 (A) IDENTIFICATION OF BARRIERS TO PARTICIPATION IN
22 COMMISSION PROCEEDINGS;

23 (B) COMMUNITY ENGAGEMENT PRACTICES;

24 (C) THE IMPACTS OF COMMISSION DECISIONS ON
25 DISPROPORTIONATELY IMPACTED COMMUNITIES AND INCOME-QUALIFIED
26 CUSTOMERS;

27 (D) EQUITY IMPACT PROCEEDINGS; AND

28 (E) OTHER MATTERS THAT RELATE TO EQUITY, ACCESSIBILITY,
29 AND INCLUSIVE PARTICIPATION IN COMMISSION PROCEEDINGS.

30 (II) THE DIRECTOR OF THE COMMISSION SHALL APPOINT MEMBERS
31 TO THE EQUITY TASK FORCE. TO THE EXTENT PRACTICABLE, THE
32 MEMBERSHIP OF THE EQUITY TASK FORCE MUST INCLUDE
33 REPRESENTATIVES OF:

34 (A) DISPROPORTIONATELY IMPACTED COMMUNITIES;

35 (B) COMMUNITY-BASED ORGANIZATIONS;

36 (C) TRIBAL COMMUNITIES;

37 (D) INCOME-QUALIFIED RESIDENTIAL UTILITY CUSTOMERS;

38 (E) UTILITY WORKERS;

39 (F) LABOR ORGANIZATIONS; AND

40 (G) ORGANIZATIONS WITH EXPERIENCE IN ENVIRONMENTAL
41 JUSTICE.

42 (III) TASK FORCE MEMBERS SERVE WITHOUT COMPENSATION AND
43 SHALL NOT RECEIVE REIMBURSEMENT FOR EXPENSES.

1 (IV) THE EMPLOYEE DESCRIBED IN SUBSECTION (3)(e) OF THIS
2 SECTION SHALL STAFF THE EQUITY TASK FORCE.

3 (V) THE EQUITY TASK FORCE SHALL MEET AT LEAST QUARTERLY
4 AND MAY PROVIDE RECOMMENDATIONS TO THE COMMISSION.

5 (VI) BEGINNING JULY 1, 2029, AND EVERY THREE YEARS
6 THEREAFTER, THE COMMISSION SHALL FORMALLY EVALUATE THE PURPOSE
7 AND FREQUENCY OF EQUITY TASK FORCE MEETINGS TO DETERMINE THE
8 CONTINUED NECESSITY AND OPERATIONAL EFFICIENCY OF THE TASK
9 FORCE.".

10 Renumber succeeding sections accordingly.

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