

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 13, 2026
Date

Committee on Transportation & Energy.

After consideration on the merits, the Committee recommends the following:

SB26-101 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1. Legislative declaration.** (1) The general
4 assembly finds and declares that:

5 (a) On December 18, 2025, the air quality control commission in
6 the department of public health and environment adopted Regulation
7 Number 31, "Control of Methane Emissions from Municipal Solid Waste
8 Landfills", 5 CCR 1001-35, to reduce methane emissions and other air
9 pollutants from municipal solid waste landfills;

10 (b) Regulation Number 31 requires municipal solid waste landfills
11 to reduce methane emissions through the installation and operation of gas
12 collection and control systems and improved monitoring and gas
13 management, thereby supporting cleaner air and lowering greenhouse gas
14 emissions; and

15 (c) Compliance with Regulation Number 31 may impose a
16 financial burden on some entities that own or operate municipal solid
17 waste landfills.

18 (2) The general assembly further finds and declares that:

19 (a) The community impact cash fund was created in section
20 25-7-129, Colorado Revised Statutes, to provide financial assistance for
21 environmental mitigation projects through the environmental justice grant
22 program using air quality-related penalty revenue. The community impact
23 cash fund is an existing source of state financial assistance intended to
24 address impacts of air and water quality to local communities and
25 infrastructures.

26 (b) The local government mineral impact fund, created in section
27 34-63-102 (5), Colorado Revised Statutes, consists of money that is

1 distributed by the executive director of the department of local affairs to
2 counties, federal mineral lease districts, and municipalities in accordance
3 with guidelines established by the executive director in consultation with
4 the energy impact assistance advisory committee;

5 (c) It is the intent of the general assembly that money in the
6 community impact cash fund and local government mineral impact fund
7 may be used to assist entities in complying with Regulation Number 31;

8 (d) In determining any financial assistance for municipal solid
9 waste landfill methane emission reduction projects, priority should be
10 given to municipal solid waste landfills that are owned or operated by
11 local governments in recognition of local governments' limited access to
12 private capital; and

13 (e) Clarifying the availability and prioritization of these funding
14 sources will support timely compliance with Regulation Number 31,
15 protect public health, and reduce greenhouse gas emissions.

16 **SECTION 2.** In Colorado Revised Statutes, 25-7-129, **add** (3)(g)
17 as follows:

18 **25-7-129. Disposition of fines - community impact cash fund**
19 **- repeal.**

20 (3) (g) (I) PURSUANT TO THE DEPARTMENT OF PUBLIC HEALTH AND
21 ENVIRONMENT'S AUTHORITY TO EXPEND MONEY FROM THE FUND TO
22 PROVIDE GRANTS FOR ENVIRONMENTAL MITIGATION PROJECTS PURSUANT
23 TO SECTION 25-1-134 (2)(g)(VII), THE DEPARTMENT MAY EXPEND MONEY
24 FROM THE FUND TO PROVIDE GRANTS FOR MUNICIPAL SOLID WASTE
25 LANDFILL METHANE EMISSION REDUCTION PROJECTS THAT ARE
26 CONDUCTED IN ACCORDANCE WITH RULES ADOPTED BY THE COMMISSION
27 UNDER THIS ARTICLE 7 AND THAT QUALIFY AS ENVIRONMENTAL
28 MITIGATION PROJECTS, AS DEFINED IN SECTION 25-1-134 (4)(b).

29 (II) THE ENVIRONMENTAL JUSTICE ADVISORY BOARD, CREATED IN
30 SECTION 25-1-134 (2)(a), SHALL PRIORITIZE A GRANT REQUEST FOR THE
31 PURPOSE OF COMPLYING WITH MUNICIPAL SOLID WASTE LANDFILL
32 METHANE EMISSION REDUCTION REQUIREMENTS FROM A LOCAL
33 GOVERNMENT THAT OWNS OR OPERATES A MUNICIPAL SOLID WASTE
34 LANDFILL OVER A GRANT REQUEST FROM A PRIVATE ENTITY THAT OWNS
35 OR OPERATES A MUNICIPAL SOLID WASTE LANDFILL.

36 (III) AN ENTITY SHALL USE MONEY EXPENDED BY THE
37 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO
38 SUBSECTION (3)(g)(I) OF THIS SECTION AS SUPPLEMENTAL FUNDING ONLY
39 AND NOT AS THE EXCLUSIVE SOURCE OF FUNDING FOR COMPLIANCE WITH
40 MUNICIPAL SOLID WASTE LANDFILL METHANE EMISSION REDUCTION
41 REQUIREMENTS. WITH THE EXCEPTION OF SUPPLEMENTAL FUNDING
42 GRANTS FOR ENVIRONMENTAL MITIGATION PROJECTS PROVIDED PURSUANT
43 TO SUBSECTION (3)(g)(I) OF THIS SECTION, NOTHING IN THIS SUBSECTION

1 (3)(g) RELIEVES AN ENTITY OF THE RESPONSIBILITY TO OTHERWISE ENSURE
2 ADEQUATE FUNDING FOR MUNICIPAL SOLID WASTE LANDFILL METHANE
3 EMISSION REDUCTION PROJECTS IN COMPLIANCE WITH APPLICABLE
4 COMMISSION RULES.

5 **SECTION 3. Act subject to petition - effective date -**
6 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
7 the expiration of the ninety-day period after final adjournment of the
8 general assembly (August 12, 2026, if adjournment sine die is on May 13,
9 2026); except that, if a referendum petition is filed pursuant to section 1
10 (3) of article V of the state constitution against this act or an item, section,
11 or part of this act within such period, then the act, item, section, or part
12 will not take effect unless approved by the people at the general election
13 to be held in November 2026 and, in such case, will take effect on the
14 date of the official declaration of the vote thereon by the governor.

15 (2) This act applies to conduct occurring on or after the applicable
16 effective date of this act."

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