A BILL FOR AN ACT

CONCERNING MEASURES TO IMPROVE AIR QUALITY IN THE STATE, AND, 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.
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The clean air grant program is repealed on September 1, 2029.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.

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

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

24-38.5-113. Industrial and manufacturing operations clean air grant program - creation - eligibility - fund created - gifts, grants, or donations - transfer - legislative declaration - definitions -
reporting - repeal. (1) Legislative declaration. The General Assembly hereby find and declares that:

(a) The industrial and manufacturing sector is one of the five largest sources of greenhouse gas pollution in the state;

(b) Industrial emissions often:

(I) Disproportionately impact low-income, minority, or housing cost-burdened communities in the state; and

(II) Contain hazardous air pollutants that cause or exacerbate existing health conditions, which, in turn, contribute further to the existing economic disparity between the disproportionately impacted communities and other communities of the state; and

(c) While state and federal regulation of industrial air pollution, including pollution from greenhouse gases, is essential for public health and for achieving state climate goals and addressing ozone nonattainment, voluntary actions are needed to achieve further reductions in industrial pollution.

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

(a) "Air Pollutant":

(I) Has the meaning set forth in section 25-7-103 (1.5); and

(II) Includes air toxics, particulates, ozone precursors, and greenhouse gases.

(b) "Disproportionately impacted community" has the meaning set forth in section 24-4-109 (2)(b)(II).

(c) "Fund" means the industrial and manufacturing
OPERATIONS CLEAN AIR GRANT PROGRAM CASH FUND CREATED IN SUBSECTION (6) OF THIS SECTION.

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

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

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

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

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

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

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

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

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

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

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

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

(3) Grant program. (a) The industrial and manufacturing operations clean air grant program is created to allow private entities, local governments, and public-private partnerships to apply to the office for grant money to help finance voluntary projects to reduce emissions of air pollutants from industrial and manufacturing operations. The office shall administer the grant program.

(b) In administering the grant program, the office shall:

(I) Establish an application process for private entities, local governments, tribal governments, and public-private partnerships to apply for money to help finance voluntary projects and post information about the application process on the office’s website;

(II) Determine types of voluntary projects that are eligible for money under the grant program, which types of voluntary projects may include:

(A) Energy efficiency projects;
(B) RENEWABLE ENERGY PROJECTS;
(C) BENEFICIAL ELECTRIFICATION PROJECTS;
(D) TRANSPORTATION ELECTRIFICATION PROJECTS;
(E) PROJECTS PRODUCING OR UTILIZING CLEAN HYDROGEN;
(F) PROJECTS INVOLVING CARBON CAPTURE AT INDUSTRIAL
FACILITIES AND DIRECT AIR CAPTURE PROJECTS;
(G) METHANE CAPTURE FROM LANDFILLS, SEWAGE TREATMENT
PLANTS, ACTIVE OR INACTIVE COAL MINES, OR AGRICULTURAL
OPERATIONS;
(H) PROJECTS PRODUCING OR UTILIZING SUSTAINABLE AVIATION
FUEL; AND
(I) INDUSTRIAL PROCESS CHANGES THAT REDUCE EMISSIONS;
(III) DEVELOP CRITERIA FOR AWARDING MONEY UNDER THE GRANT
PROGRAM, WHICH CRITERIA MUST INCLUDE GIVING PRIORITY FOR
VOLUNTARY PROJECTS LOCATED IN:
(A) DISPROPORTIONATELY IMPACTED COMMUNITIES; OR
(B) NONATTAINMENT AREAS;
(IV) ESTABLISH THE MINIMUM AMOUNT OF MATCHING MONEY
THAT AN APPLICANT NEEDS TO PROVIDE TO BE ELIGIBLE UNDER THE GRANT
PROGRAM;
(V) DETERMINE HOW A GRANTEE MUST DEMONSTRATE THAT A
VOLUNTARY PROJECT REDUCES EMISSIONS OF AIR POLLUTANTS AND OZONE
PRECURSORS, INCLUDING ANY MODELING REQUIREMENTS FOR PROJECT
EVALUATION AND MONITORING AND TESTING REQUIREMENTS DURING
PROJECT IMPLEMENTATION AND AFTER PROJECT COMPLETION;
(VI) REQUIRE PERIODIC REPORTING REQUIREMENTS FOR A
GRANTEE TO DEMONSTRATE THAT THE MONEY AWARDED IS BEING USED
IN COMPLIANCE WITH THE PURPOSES OF THIS SECTION; AND

(VII) Establish procedures for addressing a grantee’s noncompliance with this section, including procedures for reimbursement of money awarded.

(4) The office may use a portion of the money in the fund to cover:

(a) The direct and indirect costs the office incurs in administering the grant program; and

(b) Interagency money transfers for technical support that the Department of Public Health and Environment or the Department of Natural Resources may provide the office in administering the grant program.

(5) Reporting. (a) On or before January 1, 2025, and on or before January 1 of each year thereafter, the office shall prepare a report summarizing the progress of the grant program and submit the report to the House of Representatives Energy and Environment Committee and the Senate Transportation and Energy Committee, or their successor committees. The office shall post a copy of each report on its website.

(b) Notwithstanding section 24-1-136 (11)(a)(I), the reporting requirements set forth in subsection (5)(a) of this section continue until the grant program repeals pursuant to subsection (7) of this section.

(6) Fund. (a) (I) The industrial and manufacturing operations clean air grant program cash fund is created in the state treasury, and the office shall administer the fund for the purposes of this section. The fund consists of any money that the
GENERAL ASSEMBLY MAY TRANSFER OR APPROPRIATE TO THE FUND FOR
IMPLEMENTATION OF THE GRANT PROGRAM AND ANY FEDERAL MONEY OR
GIFTS, GRANTS, OR DONATIONS RECEIVED PURSUANT TO SUBSECTION
(6)(a)(II) OF THIS SECTION.

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

(A) MONEY FROM FEDERAL SOURCES; AND

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

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

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

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

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

(7) Repeal. This section is repealed, effective September 1, 2029.

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

PART 4

COMMUNITY ACCESS TO

ELECTRIC BICYCLES

24-38.5-401. Legislative declaration. (1) The General Assembly hereby finds and declares that:

(a) Transportation is the largest single source of greenhouse gas pollution in the state and is a major contributing source of other forms of pollution, including ozone precursors, hazardous air pollutants, nitrogen oxides, and particulate pollution;

(b) In 2017, nearly sixty percent of household motor vehicle trips were six miles or less and seventy-five percent were ten miles or less;

(c) For many persons, shorter trips may be completed by bicycle, especially if a person uses an electric bicycle;

(d) Electric bicycles, when compared to nonelectric bicycles, allow a rider to travel greater distances, through more challenging terrain, and carry more cargo;

(e) A wide variety of electric bicycles are available and, along with new models becoming available, are increasingly affordable;

(f) Electric bicycles produce zero emissions and are an important component in a strategy for reducing emissions in the transportation sector; and

(g) It is in the interest of the state to increase the number of electric bicycles used for transportation and to increase the
ACCESSIBILITY OF ELECTRIC BICYCLES TO INDIVIDUALS IN LOW- AND MODERATE-INCOME HOUSEHOLDS.

24-38.5-402. Definitions. As used in this part 4, unless the context otherwise requires:

(1) "Bike share program" means a service in which bicycles:
(a) are made publicly available to multiple users for rent on a short-term basis; and
(b) may either be picked up in one public location and dropped off at another public location or be checked out and returned at a single location.

(2) "Disproportionately impacted community" has the meaning set forth in section 24-4-109 (2)(b)(II).

(3) "Electric bicycle" has the same meaning as "electrical assisted bicycle" as set forth in section 42-1-102 (28.5).

(4) "Fund" means the community access to electric bicycles cash fund created in section 24-38.5-406 (1)(a).

(5) "Grant program" means the community access to electric bicycles grant program created in section 24-38.5-403.

(6) "Local government" means a statutory or home rule municipality, county, or city and county.

(7) "Nonattainment area" means an area of the state that the federal environmental protection agency has designated as being in nonattainment with a national ambient air quality standard.

(8) "Office" means the Colorado energy office created in section 24-38.5-101.

(9) "Ownership program" means a program that provides
ELECTRIC BICYCLES, EQUIPMENT, AND RELATED SERVICES TO INDIVIDUALS IN LOW- AND MODERATE-INCOME HOUSEHOLDS, AS DETERMINED BY THE OFFICE.

(10) "Program" means a bike share program or an ownership program.

(11) "Rebate program" means the community access to electric bicycles rebate program created in Section 24-38.5-404.

24-38.5-403. Community access to electric bicycles grant program - creation - eligibility. (1) (a) (I) The community access to electric bicycles grant program is created to help finance bike share programs and ownership programs that local governments, tribal governments, or nonprofit organizations administer or plan to administer in the state. The office shall administer the grant program. To be eligible to apply for money under the grant program, a local government, tribal government, or nonprofit organization must administer or plan to administer, or contract with a third party to administer:

(A) A bike share program using a fleet of electric bicycles; or

(B) An ownership program offering an electric bicycle to a specific individual or household;

(II) A local government, tribal government, or nonprofit organization awarded money under the grant program may use the money to purchase and maintain electric bicycles, equipment, and infrastructure for its bike share program or ownership program, pay labor costs related to implementation of the program, and cover the direct and indirect administrative
COSTS THAT THE LOCAL GOVERNMENT, TRIBAL GOVERNMENT, THE
NONPROFIT ORGANIZATION, OR A THIRD-PARTY CONTRACTOR INCURS IN
IMPLEMENTING THE PROGRAM.

(b) In administering the grant program, the Office shall
establish an application process for local governments, tribal
governments, and nonprofit organizations to use to apply for
money under the grant program. The Office shall post
information about the application process on its website.

(2) The Office shall develop:

(a) criteria for awarding grant money, which criteria
must include:

(I) giving priority to local governments, tribal
governments, and nonprofit organizations offering a program
in:

(A) one or more disproportionately impacted communities;
or

(B) one or more nonattainment areas;

(II) a requirement that the local government or
nonprofit organization provide at least a certain percentage of
matching money for the program; and

(III) a requirement that a local government, tribal
government, or nonprofit organization that applies for grant
money for a planned, but not yet implemented, program
demonstrate to the satisfaction of the Office that the local
government, tribal government, or nonprofit organization,
after receiving money under the grant program, will be able to
start implementing the program within a certain number of
MONTHS AFTER RECEIVING THE MONEY, AS DETERMINED BY THE OFFICE;
(b) PERIODIC REPORTING REQUIREMENTS FOR A GRANTEE TO
DEMONSTRATE THAT THE MONEY AWARDED IS BEING USED IN COMPLIANCE
WITH THE PURPOSES OF THIS SECTION; AND
(c) PROCEDURES FOR ADDRESSING A GRANTEE'S NONCOMPLIANCE
WITH THIS SECTION, INCLUDING PROCEDURES FOR REIMBURSEMENT OF
MONEY AWARDED.
(3) THE OFFICE MAY USE A PORTION OF THE MONEY IN THE FUND
TO COVER THE DIRECT AND INDIRECT COSTS THE OFFICE INCURS IN
ADMINISTERING THE GRANT PROGRAM.

24-38.5-404. Community access to electric bicycles rebate
program - eligibility - reimbursement. (1) THE OFFICE SHALL
ESTABLISH THE COMMUNITY ACCESS TO ELECTRIC BICYCLES REBATE
PROGRAM TO PROVIDE REBATES FOR PURCHASES OF ELECTRIC BICYCLES
AND EQUIPMENT MADE BY ELIGIBLE INDIVIDUALS, BUSINESSES, AND
NONPROFIT ORGANIZATIONS. IN ESTABLISHING THE REBATE PROGRAM, THE
OFFICE SHALL DETERMINE:
(a) ELIGIBILITY FOR PARTICIPATION IN THE REBATE PROGRAM,
WHICH ELIGIBILITY MUST INCLUDE A REQUIREMENT THAT:
(I) AN ELIGIBLE INDIVIDUAL RESIDES IN A LOW- OR
MODERATE-INCOME HOUSEHOLD, WHICH INCOME THRESHOLDS THE OFFICE
SHALL DETERMINE;
(II) AN ELIGIBLE BUSINESS OR NONPROFIT ORGANIZATION USES
ELECTRIC BICYCLES TO CONDUCT ITS BUSINESS ACTIVITIES;
(III) TO QUALIFY FOR A REBATE, THE PURCHASE MUST BE OF AN
ELECTRIC BICYCLE AND EQUIPMENT THAT:
(A) ARE USED PRIMARILY FOR COMMUTING OR OTHER
NONRECREATIONAL PURPOSE; AND

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

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

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

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

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

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

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

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

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

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

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

(A) MONEY FROM FEDERAL SOURCES; AND

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

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

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

   (3) (a) ON JUNE 30, 2022, THE STATE TREASURER SHALL TRANSFER
TWELVE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.
   (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2023.

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

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

PART 14

DIESEL TRUCK EMISSIONS REDUCTION

GRANT PROGRAM

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

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

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

(II) THESE LOCALIZED EMISSIONS OF PARTICULATE MATTER AND
NITROGEN OXIDES NEGATIVELY AFFECT THE HEALTH OF CHILDREN,
SENSITIVE POPULATIONS, AND AT-RISK ADULTS;
(III) Such negative health effects can include asthma, susceptibility to respiratory illness, lung cancer, and premature death;

(IV) Older diesel trucks can be replaced by newer trucks to reduce fuel usage and the related emissions of hazardous air pollutants and criteria emissions that negatively impact air quality;

(V) Small businesses and sole proprietors that own older diesel trucks are less likely than other vehicle owners to have access to the capital or financing required to invest in newer, cleaner models;

(VI) Replacing older diesel trucks with newer trucks with newer safety systems will reduce the chance of breakdowns and vehicle crashes on Colorado's mountain highways and interstates; and

(VII) Replacing older diesel trucks with newer trucks will also reduce fuel usage, increase fuel economy, and reduce emissions, which will help Colorado comply with air quality attainment standards and reduce greenhouse gas pollution to help Colorado meet its greenhouse gas pollution targets.

(b) The general assembly finds, therefore, that it is appropriate to establish the diesel truck emissions reduction grant program to assist private and public entities in decommissioning older diesel trucks and replacing those trucks with newer trucks.

25-7-1403. Definitions. As used in this part 14, unless the
CONTEXT OTHERWISE REQUIRES:

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

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

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

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

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

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

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

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

25-7-1404. Diesel truck emissions reduction grant program -
created. (1) There is hereby created in the division the diesel
TRUCK EMISSIONS REDUCTION GRANT PROGRAM TO PROVIDE GRANTS TO CERTAIN PRIVATE AND PUBLIC ENTITIES FOR DECOMMISSIONING AND REPLACING DIESEL TRUCKS.

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

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

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

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

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

(a) GRANT APPLICANT ORGANIZATIONAL AND CONTACT
INFORMATION;

(b) THE FUNDING REQUESTED PER VEHICLE;

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

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

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

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

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

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

(4) THE DIVISION SHALL DEVELOP A POLICY REGARDING A
GRANTEE’S NONCOMPLIANCE WITH A GRANT AWARD AGREEMENT ENTERED
into by the grantee and the division. This policy may include a
mechanism for the division to convert the grant to a loan with
interest.

25-7-1406. Reporting requirements. (1) On or before June 30,
2023, and on or before June 30 of each year thereafter, each
eligible entity that receives a grant through the grant program
shall submit a report to the division. At a minimum, the report
must include the following information:

(a) The grant applicant's organizational and contact
information;
(b) The make, model, and model year of the replacement
vehicles;
(c) The purchase dates of the replacement vehicles;
(d) The fuel type of the replacement vehicles;
(e) The monthly mileage per replacement vehicle;
(f) The monthly fuel usage per replacement vehicle;
(g) Certification that the awarded vehicles are still
roadworthy, operational and owned by the original awardee;
(h) The make, model, and model year of the diesel trucks
decommissioned;
(i) The location of diesel trucks decommissioned;
(j) The operating area of the diesel trucks
decommissioned; and
(k) Any additional information required by the division.

(2) On or before December 1, 2023, and on or before
December 1 of each year thereafter, the department of public
health and environment shall prepare a report summarizing the
PROGRESS OF THE GRANT PROGRAM AND SUBMIT THE REPORT TO THE
TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE AND THE
ENERGY AND ENVIRONMENT COMMITTEE OF THE HOUSE OF
REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE DEPARTMENT
SHALL POST A COPY OF EACH REPORT ON ITS WEBSITE. AT A MINIMUM, THE
REPORT MUST INCLUDE:

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

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

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

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

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

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

(b) Money in the fund is subject to annual appropriation by the General Assembly to the department for the direct and indirect costs of implementing the grant program.

(c) The State Treasurer shall credit all interest and income derived from the deposit and investment of money in the fund to the fund. Any unexpended and unencumbered money remaining in the fund at the end of a state fiscal year remains in the fund; except that the State Treasurer shall transfer any money remaining in the fund at the end of the 2030-31 state fiscal year to the General Fund.

(2) For the purposes of this Part 14, the Division may seek, accept, and expend:

(a) Money from federal sources; and

(b) Gifts, grants, or donations from private or public sources. The Division shall transmit any money received through gifts, grants, or donations to the State Treasurer, who shall credit the money to the fund.

(3) (a) On June 30, 2022, the State Treasurer shall transfer fifteen million dollars from the General Fund to the Fund.

(b) This subsection (3) is repealed, effective July 1, 2023.

25-7-1408. Repeal of part. This Part 14 is repealed, effective July 1, 2032.

PART 15
ELECTRIFYING SCHOOL BUSES

GRANT PROGRAM

25-7-1501. Legislative declaration. (1) The General Assembly finds that:

(a) Disproportionately impacted communities are disproportionately affected by particulate matter and nitrogen oxides arising from fossil-fuel-powered school buses, especially because the fleet yards, warehouses, fuel depots, and interstates used in conjunction with school buses are often located in disproportionately impacted communities;

(b) In addition to exposure to particulate matter and nitrogen oxides in their communities, school children are also exposed to fine particulates and other pollutants as a result of riding on fossil-fuel-powered school buses;

(c) A transition from fossil-fuel-powered school buses to electric-powered school buses will positively affect school children's health, while helping to address long-standing pollution inequities faced by disproportionately impacted communities;

(d) The federal "Infrastructure Investment and Jobs Act", Pub.L. 117-58, has created a competitive funding program to support the adoption of an electric school bus fleet, and a state program investing in electric school buses will help leverage the federal funds made available through the federal act to allow schools in the state to access the federal funds; and

(e) A transition to electric school buses can provide benefits to the operation of the electric grid in the state:
If the timing of charging electric school buses is
managed to support grid operations; and

(ii) through the potential for using batteries on electric
school buses:

(A) as a source of renewable energy through
vehicle-to-grid operations; and

(B) as a community resilience resource to help
communities affected by power outages or disasters causing
electric grid interruptions.

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

(a) the state should help school districts procure and
maintain electric-powered school buses and related
infrastructure, convert fossil-fuel-powered school buses to
electric-powered school buses, and facilitate the associated
retirement of fossil-fuel-powered school buses; and

(b) school districts can leverage state grant money to
obtain money from federal and private sources to further
finance the transition to an electric-powered school bus fleet.

25-7-1502. Definitions. As used in this part 15, unless the
context otherwise requires:

(1) "Charter school" means a charter school authorized
pursuant to part 1 of article 30.5 of title 22, the state charter
school institute established pursuant to section 22-30.5-503, or
an institute charter school authorized pursuant to part 5 of
article 30.5 of title 22.

(2) "Department" means the department of public health
and environment.
"DISPROPORTIONATELY IMPACTED COMMUNITY" has the meaning set forth in section 24-4-109 (2)(b)(II).

"ELECTRIC-POWERED SCHOOL BUS" means a school bus that is powered solely by electricity.

"FOSSIL-FUEL-POWERED SCHOOL BUS" means a school bus powered by diesel fuel or gasoline.

"FUND" means the Electrifying School Buses Grant Program cash fund created in section 25-7-1505 (1)(a).

"GRANT PROGRAM" means the Electrifying School Buses Grant Program created in section 25-7-1503.

"NONATTAINMENT AREA" means an area of the State that the Federal Environmental Protection Agency has designated as being in nonattainment with a national ambient air standard.

"OFFICE" means the Colorado Energy Office created in section 24-38.5-101.

"SCHOOL BUS":
(a) has the meaning set forth in section 42-4-707 (5)(b); and
(b) includes any publicly or privately financed bus, van, or similar vehicle that a school district or charter school uses as part of its fleet for the routine pick up and drop off of students for public or charter school or school-related programming or activities.

"SCHOOL DISTRICT" means a school district organized pursuant to article 30 of title 22. "SCHOOL DISTRICT" includes schools operated by tribal governments.

25-7-1503. Electrifying school buses grant program - creation - eligibility. (1) (a) (I) The electrifying school buses grant
PROGRAM IS CREATED TO ALLOW A SCHOOL DISTRICT, CHARTER SCHOOL, OR NONPROFIT PARTNER ACTING ON BEHALF OF A SCHOOL DISTRICT OR CHARTER SCHOOL TO APPLY TO THE DEPARTMENT FOR GRANT MONEY TO HELP FINANCE:

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

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

AND

(C) THE SCHOOL DISTRICT’S OR CHARTER SCHOOL’S ADMINISTRATIVE COSTS ASSOCIATED WITH SUCH PROCUREMENTS, CONVERSIONS, MAINTENANCE, OR RETIREMENTS, INCLUDING ANY UP-FRONT ADMINISTRATIVE COSTS ASSOCIATED WITH DEVELOPING AND IMPLEMENTING A PROPOSAL FOR THE PROCUREMENTS, CONVERSIONS, MAINTENANCE, OR RETIREMENTS.

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

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

(I) POST INFORMATION ABOUT THE GRANT PROGRAM APPLICATION PROCESS, INCLUDING ANY APPLICATION FORMS THAT THE DEPARTMENT DEVELOPS FOR THE GRANT PROGRAM, ON ITS WEBSITE; AND
(II) Share the grant program application process information with the Department of Education, which Department shall post the information on its website.

(2) The Department shall develop:

(a) criteria for awarding grant money, which criteria must include:

(I) giving priority to school districts and charter schools:

(A) located in or attended by students living in disproportionately impacted communities;

(B) located in nonattainment areas; or

(C) at which at least a certain percentage of students, as determined by the Department, receive free or reduced-price lunches under a school lunch program; and

(II) a requirement that, as a condition of receiving a grant award, grantees retire or convert at least a certain percentage of their fossil-fuel-powered school buses, retire or convert their fossil-fuel-powered school buses in a certain manner, or both;

(b) periodic reporting requirements for a grantee to demonstrate that the money awarded is being used in compliance with this Part 15; and

(c) procedures for addressing a grantee's noncompliance with this Part 15, including procedures for reimbursement of money awarded.

(3) The Department may use a portion of the money in the fund to cover the direct and indirect costs the Department
25-7-1504. Reporting. (1) On or before January 1, 2025, and on or before January 1 of each odd-numbered year thereafter, the department shall prepare a report summarizing the progress of the grant program and submit the report to the house of representatives education committee and energy and environment committee and the senate education committee and transportation and energy committee, or their successor committees. The department shall post a copy of each report on its website.

(2) Notwithstanding section 24-1-136 (11)(a)(I), the reporting requirements set forth in subsection (1) of this section continue until the grant program repeals pursuant to section 25-7-1506.

25-7-1505. Electrifying school buses grant program cash fund - creation - gifts, grants, and donations - transfer - repeal. (1) (a) The electrifying school buses grant program cash fund is created in the state treasury, and the department shall administer the fund for the purposes of this part 15. The fund consists of any money that the general assembly may transfer or appropriate to the fund for implementation of the grant program and any federal money or gifts, grants, or donations received pursuant to subsection (1)(b) of this section.

(b) (I) For the purposes of this part 15, the department may seek, accept, and expend:

(A) Money from federal sources; and

(B) Gifts, grants, or donations from private or public
SOURCES.

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

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

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

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

25-7-1506. Repeal of part. This part 15 is repealed, effective September 1, 2034.

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

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

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

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

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

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

25-7-103.5. Air quality enterprise - legislative declaration -
fund - definitions - gifts, grants, or donations - rules - report - repeal.
(1) Legislative declaration. The general assembly hereby finds and
declares that:

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

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

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

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

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

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

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

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

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

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

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

(2) (a) By the February 15 following submission of the certified report under subsection (1) of this section, any member of the general assembly may make a request in writing to the chairperson of the legislative council that the legislative council hold a hearing or hearings to review any addition or change to elements of the SIP contained in the report submitted pursuant to subsection (1) of this section. Upon receipt...
of such request, the chairperson of the legislative council shall forthwith
schedule a hearing to conduct such review. Any review by the legislative
council shall determine whether the addition or change to the SIP element
accomplishes the results intended by enactment of the statutory provisions
under which the addition or change to the SIP element was adopted. The
legislative council, after allowing a public hearing preceded by adequate
notice to the public and the commission, may recommend the introduction
of a bill or bills based on the results of such review. If the legislative
council does not recommend introduction of a bill under this subsection
(2), the addition or change to the SIP element may be submitted under
paragraph (b) of this subsection (2). Any bill recommended for
consideration under this subsection (2) shall not be counted against the
number of bills to which members of the general assembly are limited by
law or joint rule of the senate and the house of representatives. If the
legislative council does not recommend the introduction of a bill under
this paragraph (a), and the member or members of the general assembly
that requested such review will be introducing a bill under the provisions
of paragraph (c) of this subsection (2), any such member shall provide
written notice to the chairperson of the legislative council within three
days after the action by the legislative council not to recommend
introduction of a bill. If such member or members provide such written
notice, the addition or change to the SIP or any element thereof that is the
subject of any such bill may not be submitted to the administrator of the
federal environmental protection agency until the expiration of the
addition or change to the SIP has been postponed by the general assembly
acting by bill or the member or members provide written notice to the
chairperson of the executive committee of the legislative council that no
(b) Unless a written request for legislative council review of an addition or change to a SIP element is submitted by the February 15 following submission of the report under subsection (1) of this section, or a notice is provided by a member or members that they are introducing a bill under paragraph (c) of this subsection (2) within three days after legislative council action not to introduce a bill under paragraph (a) of this subsection (2), all other additions or changes to a SIP element described in such report shall be submitted to the administrator for final approval and incorporation into the SIP.

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

(d) Repealed.

(2.5) (a) Until February 15 following submission of the certified report under subsection (1) of this section, any addition or change to the SIP must not be submitted to the administrator for final approval and incorporation into the SIP, unless the addition or change is designated by the governor or the governor's designee as a provisional submission.

(b) By February 15 any member of the general assembly may introduce a bill to modify or delete all or a portion of the additions or changes to the SIP in the certified report submitted pursuant to subsection (1)(a) of this section. Any bill introduced
UNDER THIS SUBSECTION (2.5)(b) DOES NOT COUNT AGAINST THE NUMBER OF BILLS TO WHICH MEMBERS OF THE GENERAL ASSEMBLY ARE LIMITED BY LAW OR JOINT RULE OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

During the period that any such bill introduced under this subsection (2.5)(b) is being considered, the additions or changes to the SIP may not be submitted to the administrator for final approval and incorporation into the SIP, unless designated by the governor or the governor's designee as a provisional submission.

(c) If a bill introduced under subsection (2.5)(b) of this section that seeks to modify or delete the additions or changes to the SIP does not become law, the additions or changes to the SIP must be submitted to the administrator for final approval and incorporation into the SIP. If the bill becomes law, the commission shall modify or delete the additions or changes to the SIP as directed by the bill, and any modified additions or changes to the SIP shall then be submitted to the administrator for final approval and incorporation into the SIP.

(d) As used in this subsection (2.5), "additions or changes" means additions or changes to regulatory requirements.

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

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

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

(2) For the 2022-23 state fiscal year, $7,000,000 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. Any money appropriated in this subsection (2) that is not expended before July 1, 2023, is further appropriated to the department for the 2023-24 and 2024-25 state fiscal years for the same purpose. To implement this act, the division may use this appropriation as follows:

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

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

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

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

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

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

(5) For the 2022-23 state fiscal year, $65,000,000 is appropriated to the department of public health and environment for use by the air pollution control division. This appropriation is from the electrifying school buses grant program cash fund created in section 25-7-1505 (1)(a), C.R.S. To implement this act, the department may use this appropriation as follows:

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

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

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