

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0559.01 Thomas Morris x4218

SENATE BILL 21-200

SENATE SPONSORSHIP

Winter and Moreno,

HOUSE SPONSORSHIP

Jackson,

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO FURTHER ENVIRONMENTAL PROTECTIONS,
102 AND, IN CONNECTION THEREWITH, ADOPTING MEASURES TO
103 REDUCE EMISSIONS OF GREENHOUSE GASES AND ADOPTING
104 PROTECTIONS FOR DISPROPORTIONATELY IMPACTED
105 COMMUNITIES.

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>.)

Current law requires the air quality control commission (AQCC) to adopt rules that will result in the statewide reduction of greenhouse gas

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.

(GHG) emissions of 26% by 2025, 50% by 2030, and 90% by 2050, as compared to 2005 emissions. **Section 2** of the bill supplements these requirements by:

- Directing the AQCC to:
 - Consider the social cost of GHG emissions;
 - Require GHG reductions on a linear or more stringent path; and
 - Finalize its implementing rules by March 1, 2022, including specific net emission weight limits for various emission sectors, subject to modification by the AQCC, including through the use of a multi-sector program;
- Directing each wholesale generation and transmission electric cooperative to file with the public utilities commission a responsible energy plan that will achieve at least an 80% GHG reduction by 2030 as compared to 2005 levels and specifying that if a plan is not filed, the cooperative must achieve at least a 90% GHG reduction by 2030 as compared to 2005 levels; and
- Directing each retail, wholesale, and municipal electric utility and cooperative electric association to reduce its GHG emissions by at least 95% between 2035 and 2040 and by 100% by 2040.

Section 3 adds GHG to the definition of "regulated pollutant", prohibits the AQCC from excluding GHG emissions from the requirement to pay annual emission fees that are based on emissions of regulated pollutants, gives the AQCC rule-making authority to set the GHG annual emission fee, and authorizes the use of these fees for outreach to and engagement of disproportionately impacted communities. **Section 4** requires the AQCC's GHG reporting rules to establish an assumed emission rate representing the average regional fossil fuel generation emission rate for electricity generated by a renewable energy resource for which the associated renewable energy credit is not retired in the year generated.

Section 5 creates an environmental justice ombudsperson position and an environmental justice advisory board in the department of public health and environment. The ombudsperson and the advisory board will work collaboratively to promote environmental justice in Colorado. Sections 2 and 5 specify processes for soliciting and facilitating input from disproportionately impacted communities regarding proposed AQCC rule changes and departmental decision-making.

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

1 **SECTION 1.** In Colorado Revised Statutes, 25-7-102, **add** (3) as
2 follows:

3 **25-7-102. Legislative declaration.** (3) (a) (I) IT IS DECLARED TO
4 BE THE POLICY OF THIS STATE THAT THE COMMISSION SHALL ADOPT RULES,
5 INCLUDING EMISSION CONTROL REGULATIONS, THAT ARE SUFFICIENT TO
6 ACHIEVE QUANTIFIABLE AND ENFORCEABLE REDUCTIONS IN GREENHOUSE
7 GAS EMISSIONS CONSISTENT WITH THE CLIMATE GOALS SET FORTH IN
8 SUBSECTION (2)(g) OF THIS SECTION AS QUICKLY AS POSSIBLE, TAKING
9 INTO ACCOUNT THE FEASIBILITY, COST-EFFECTIVENESS, AND EQUITY
10 IMPLICATIONS OF MEASURES TO REDUCE THE STATE'S CONTRIBUTION TO
11 CLIMATE CHANGE.

12 (II) THE GENERAL ASSEMBLY RECOGNIZES THAT PROMPT ACTION
13 IS ESSENTIAL FOR COLORADO TO MEET ITS CLIMATE GOALS, GIVEN, AMONG
14 OTHER THINGS, THE SLOW TURNOVER OF EQUIPMENT, VEHICLES,
15 APPLIANCES, AND OTHER TECHNOLOGIES THAT BURN OR RELEASE FOSSIL
16 FUELS. THE GENERAL ASSEMBLY FURTHER RECOGNIZES THAT CLIMATE
17 CHANGE IS A CUMULATIVE EMISSIONS PROBLEM. THIS IS BECAUSE
18 LONG-LIVED CLIMATE POLLUTANTS CAN PERSIST FOR CENTURIES IN THE
19 ATMOSPHERE, THUS COMMITTING US TO WARMING FOR GENERATIONS TO
20 COME. AS WE CONTINUE TO EMIT GREENHOUSE GASES INTO THE
21 ATMOSPHERE OVER THE NEXT DECADE, AND EVEN OVER THE NEXT FEW
22 YEARS, WE WILL CONTINUE TO EXACERBATE THE CLIMATE DAMAGES WE
23 ARE ALREADY SEEING AND INCREASE THE RISK OF CATASTROPHIC
24 DISRUPTION. THEREFORE, EARLY ACTION TO REDUCE THE POLLUTANTS
25 THAT CONTRIBUTE TO CLIMATE CHANGE, THEREBY REDUCING OVERALL
26 ATMOSPHERIC GREENHOUSE GAS CONCENTRATIONS, IS ESSENTIAL.
27 COLORADO NEEDS TO SECURE STEADY, PERSISTENT REDUCTIONS IN

1 POLLUTION OVER TIME THAT ALIGN WITH THE ESTIMATED CARBON DIOXIDE
2 BUDGETS IDENTIFIED BY THE UNITED NATIONS' INTERGOVERNMENTAL
3 PANEL ON CLIMATE CHANGE (IPCC) CONSISTENT WITH LIMITING THE
4 AVERAGE GLOBAL WARMING, IN COMPARISON TO ACCEPTED HISTORICAL
5 AVERAGE TEMPERATURES, TO ONE AND ONE-HALF DEGREES CELSIUS.

6 (b) IT IS FURTHER DECLARED THAT:

7 (I) DUE TO HISTORICAL SYSTEMS AND PRACTICES THAT
8 INTENTIONALLY TARGETED BLACK AND INDIGENOUS PEOPLE,
9 COMMUNITIES OF COLOR, AND LOW-INCOME COMMUNITIES, THERE
10 CONTINUES TO BE A RACIAL AND SOCIOECONOMIC INEQUITY IN REGARD TO
11 THE IMPACTS OF CLIMATE CHANGE AND POLLUTION. DISPROPORTIONATELY
12 IMPACTED COMMUNITIES SUFFER FROM HIGHER RATES OF AIR POLLUTION
13 AND DAMAGE DUE TO CHANGING AND MORE SEVERE WEATHER, AND HAVE
14 BEEN SYSTEMATICALLY EXCLUDED FROM GOVERNANCE AND
15 DECISION-MAKING. IT IS THEREFORE THE RESPONSIBILITY OF THE STATE TO
16 INCLUDE AND ENGAGE THESE COMMUNITIES MORE FULLY IN
17 POLICYMAKING AT EVERY LEVEL AND TO ENSURE THAT CLIMATE POLICY
18 WORKS TOWARD RESTORATIVE JUSTICE AND BENEFITING THESE
19 COMMUNITIES.

20 (II) THE PUBLIC SHOULD HAVE A MEANINGFUL OPPORTUNITY TO
21 PARTICIPATE IN RULE-MAKING PROCEEDINGS BEFORE THE COMMISSION.
22 THIS REQUIRES THAT MEMBERS OF THE PUBLIC BE PROVIDED WITH TIMELY
23 ACCESS TO INFORMATION NEEDED TO UNDERSTAND PROPOSED RULES AND
24 TO DEVELOP ALTERNATIVE PROPOSALS, AND THAT THEY BE AFFORDED THE
25 TIME NECESSARY TO DO SO.

26 (III) THE COMMISSION SHOULD REMOVE BARRIERS TO PUBLIC
27 PARTICIPATION IN RULE-MAKING PROCEEDINGS TO THE EXTENT POSSIBLE.

1 THE COMMISSION IS ENCOURAGED TO USE LANGUAGE THAT IS
2 UNDERSTANDABLE TO CITIZENS WHO DO NOT HAVE SPECIALIZED
3 KNOWLEDGE OF THE MATTERS BEFORE THE COMMISSION.

4 **SECTION 2.** In Colorado Revised Statutes, 25-7-105, **amend**
5 (1)(e)(I), (1)(e)(II), and (1)(e)(III); and **add** (1)(e)(VIII)(G),
6 (1)(e)(VIII)(H), (1)(e)(VIII)(I), (1)(e)(VIII)(J), and (1)(e)(XI)(B.5) as
7 follows:

8 **25-7-105. Duties of commission - rules - legislative declaration**
9 **- definitions - repeal.** (1) Except as provided in sections 25-7-130 and
10 25-7-131, the commission shall promulgate such rules and regulations as
11 are consistent with the legislative declaration set forth in section 25-7-102
12 and necessary for the proper implementation and administration of this
13 article 7, including, but not limited to:

14 (e) (I) (A) Statewide greenhouse gas pollution abatement.

15 (B) THE COMMISSION MAY CONSIDER THE SOCIAL COST OF
16 GREENHOUSE GAS EMISSIONS IN ANY RULE-MAKING PROCEEDING. IN ANY
17 RULE-MAKING PROCEEDING THAT HAS THE POTENTIAL TO MATERIALLY
18 AFFECT GREENHOUSE GAS EMISSIONS, THE DIVISION SHALL, AND OTHER
19 PARTIES ARE ENCOURAGED TO, USE THE SOCIAL COST OF GREENHOUSE
20 GASES IN ANY ECONOMIC IMPACT ANALYSIS OF THE EMISSION REDUCTIONS
21 OR BENEFITS OF A PROPOSAL AND IN ANY COST-BENEFIT ANALYSIS. THE
22 VALUE OF THE SOCIAL COST OF CARBON MUST BE NO LESS THAN THE
23 APPROPRIATE VALUE IN THE 2016 TECHNICAL SUPPORT DOCUMENT OF THE
24 FEDERAL INTERAGENCY WORKING GROUP ON THE SOCIAL COST OF
25 GREENHOUSE GASES, ENTITLED "TECHNICAL UPDATE OF THE SOCIAL
26 COST OF CARBON FOR REGULATORY IMPACT ANALYSIS - UNDER
27 EXECUTIVE ORDER 12866". THE VALUE OF THE SOCIAL COST OF METHANE

1 AND THE SOCIAL COST OF NITROUS OXIDE MUST BE NO LESS THAN THE
2 APPROPRIATE VALUES IN THE ADDENDUM TO THE 2016 TECHNICAL
3 SUPPORT DOCUMENT OF THE FEDERAL INTERAGENCY WORKING GROUP,
4 ENTITLED "ADDENDUM TO TECHNICAL SUPPORT DOCUMENT ON SOCIAL
5 COST OF CARBON FOR REGULATORY IMPACT ANALYSIS UNDER
6 EXECUTIVE ORDER 12866: APPLICATION OF THE METHODOLOGY TO
7 ESTIMATE THE SOCIAL COST OF METHANE AND THE SOCIAL COST OF
8 NITROUS OXIDE". A SOCIAL COST OF CARBON, SOCIAL COST OF METHANE,
9 OR SOCIAL COST OF NITROUS OXIDE HIGHER THAN THE CORRESPONDING
10 VALUE IN THE 2016 TECHNICAL SUPPORT DOCUMENT AND ITS ADDENDUM
11 MAY BE USED IF IT IS ADEQUATELY SUPPORTED OR IF THE FEDERAL
12 GOVERNMENT HAS PUBLISHED A MORE RECENT CALCULATION OF THE
13 SOCIAL COST OF GREENHOUSE GASES, IN WHICH CASE THE SOCIAL COST OF
14 GREENHOUSE GASES MUST BE NO LESS THAN THE HIGHEST VALUE.

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

26 (B) THE COMMISSION'S IMPLEMENTING RULES PROMULGATED
27 PURSUANT TO THIS SUBSECTION (1)(e)(II) MUST REQUIRE REDUCTIONS OF

1 STATEWIDE GREENHOUSE GAS POLLUTION ON A LINEAR OR MORE
2 STRINGENT PATHWAY CORRESPONDING TO THE GOALS ESTABLISHED IN
3 SECTION 25-7-102 (2)(g), TAKING INTO ACCOUNT EARLY REDUCTIONS OF
4 EMISSIONS BELOW THAT PATHWAY.

5 (C) THE COMMISSION SHALL ADOPT FINAL IMPLEMENTING RULES
6 NO LATER THAN MARCH 1, 2022. EXCEPT AS SPECIFIED IN SUBSECTIONS
7 (1)(e)(II)(E) AND (1)(e)(II)(F) OF THIS SECTION, THE RULES MUST, AT A
8 MINIMUM, ENSURE THAT: ANNUAL GREENHOUSE GAS EMISSIONS FROM THE
9 POWER SECTOR, INCLUDING ALL EMISSIONS ASSOCIATED WITH POWER
10 GENERATED IN COLORADO AND ALL IMPORTED POWER USED TO SERVE
11 COLORADO CUSTOMERS, DO NOT EXCEED TWENTY-ONE MMTCO₂E BY
12 2025 AND DO NOT EXCEED EIGHT MMTCO₂E BY 2030; ANNUAL
13 GREENHOUSE GAS EMISSIONS FROM THE COMBUSTION OF FOSSIL FUELS IN
14 RESIDENTIAL AND COMMERCIAL BUILDINGS AND INDUSTRIAL PROCESSES
15 DO NOT EXCEED TWENTY-SIX MMTCO₂E BY 2025 AND DO NOT EXCEED
16 TWENTY MMTCO₂E BY 2030; ANNUAL GREENHOUSE GAS EMISSIONS FROM
17 TRANSPORTATION AND MOBILE SOURCES DO NOT EXCEED TWENTY-THREE
18 MMTCO₂E BY 2025 AND DO NOT EXCEED EIGHTEEN MMTCO₂E BY 2030;
19 ANNUAL GREENHOUSE GAS EMISSIONS FROM OIL AND GAS EXPLORATION
20 AND PRODUCTION, PROCESSING, TRANSMISSION, AND STORAGE DO NOT
21 EXCEED THIRTEEN MMTCO₂E BY 2025 AND DO NOT EXCEED EIGHT
22 MMTCO₂E BY 2030; AND ANNUAL GREENHOUSE GAS EMISSIONS FROM
23 REMAINING SOURCES DO NOT EXCEED THE MAXIMUM AMOUNT ALLOWABLE
24 TO MEET THE GOALS SET FORTH IN SECTION 25-7-102 (2)(g) BY 2025 AND
25 BY 2030.

26 (D) THE COMMISSION SHALL DESIGN THE IMPLEMENTING RULES
27 FOR THE POWER SECTOR LIMITS IN SUBSECTION (1)(e)(II)(C) OF THIS

1 SECTION, REGARDLESS OF WHETHER THOSE LIMITS ARE MODIFIED
2 PURSUANT TO SUBSECTION (1)(e)(II)(E) OF THIS SECTION OR LOWERED
3 PURSUANT TO SUBSECTION (1)(e)(II)(F) OF THIS SECTION, TO ACCELERATE
4 NEAR-TERM REDUCTIONS IN GREENHOUSE GAS EMISSIONS FROM THE
5 POWER SECTOR SO AS TO ACHIEVE THE MAXIMUM PRACTICABLE
6 CUMULATIVE REDUCTIONS IN GREENHOUSE GAS POLLUTION FROM THE
7 POWER SECTOR BY 2030.

8 (E) THE COMMISSION MAY MODIFY THE SECTOR-SPECIFIC TARGETS
9 SPECIFIED IN SUBSECTION (1)(e)(II)(C) OF THIS SECTION, BUT ONLY IF IT
10 DETERMINES THAT THE MODIFICATION WILL: INCREASE THE
11 COST-EFFECTIVENESS OF THE OVERALL REGULATORY STRUCTURE AND
12 RESULT IN AN EQUIVALENT OR LOWER LEVEL OF CUMULATIVE
13 GREENHOUSE GAS EMISSIONS BY 2025 AND BY 2030 THAN WOULD RESULT
14 FROM THE SECTOR-SPECIFIC TARGETS IN SUBSECTION (1)(e)(II)(C) OF THIS
15 SECTION; OR RESULT IN A LOWER LEVEL OF CUMULATIVE GREENHOUSE GAS
16 EMISSIONS BY 2025 AND BY 2030 THAN WOULD RESULT FROM THE
17 SECTOR-SPECIFIC TARGETS IN SUBSECTION (1)(e)(II)(C) OF THIS SECTION.

18 (F) THE COMMISSION SHALL LOWER THE MAXIMUM AMOUNTS OF
19 GREENHOUSE GAS EMISSIONS ALLOWED BY 2025 AND BY 2030 PURSUANT
20 TO SUBSECTION (1)(e)(II)(C) OR (1)(e)(II)(E) OF THIS SECTION TO REFLECT
21 THE AGGREGATE VERIFIED GREENHOUSE GAS EMISSION REDUCTIONS
22 FORECASTED IN CLEAN ENERGY PLANS AND RESPONSIBLE ENERGY PLANS
23 APPROVED BY THE PUBLIC UTILITIES COMMISSION PURSUANT TO
24 SUBSECTION (1)(e)(VIII) OF THIS SECTION IF THOSE PLANS RESULT IN
25 LOWER OVERALL GREENHOUSE GAS EMISSIONS FROM THE POWER SECTOR
26 BY 2025 AND BY 2030. IN NO EVENT SHALL THE COMMISSION INCREASE
27 THE MAXIMUM AMOUNT OF GREENHOUSE GAS EMISSIONS ALLOWED BY

1 2025 OR BY 2030 PURSUANT TO SUBSECTION (1)(e)(II)(C) OF THIS
2 SECTION, AND IMPLEMENTING RULES ADOPTED PURSUANT TO SUBSECTION
3 (1)(e)(II)(C) OR (1)(e)(II)(G) OF THIS SECTION MUST GUARANTEE THAT
4 THE GREENHOUSE GAS EMISSION REDUCTIONS FORECASTED IN CLEAN
5 ENERGY PLANS AND RESPONSIBLE ENERGY PLANS ARE ACHIEVED.

6 (G) THE COMMISSION SHALL EVALUATE AND DETERMINE WHETHER
7 A MULTI-SECTOR PROGRAM WITH AN OVERALL LIMIT ON GREENHOUSE GAS
8 EMISSIONS WOULD ENABLE THE STATE TO ACHIEVE THE GOALS
9 ESTABLISHED IN SECTION 25-7-102 (2)(g) IN A MANNER CONSISTENT WITH
10 THE FACTORS SPECIFIED IN SUBSECTION (1)(e)(VI) OF THIS SECTION.
11 NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION (1)(e)(II)(C) OF
12 THIS SECTION, IF THE COMMISSION DETERMINES THAT SUCH A
13 MULTI-SECTOR PROGRAM CONTAINING STRATEGIES DESIGNED TO ACHIEVE
14 REDUCTIONS IN HARMFUL AIR POLLUTION AFFECTING
15 DISPROPORTIONATELY IMPACTED COMMUNITIES WOULD ENSURE THAT THE
16 STATE ACHIEVES THE GOALS ESTABLISHED IN SECTION 25-7-102 (2)(g) IN
17 A MANNER THAT IS CONSISTENT WITH THE FACTORS IN SUBSECTION
18 (1)(e)(VI) OF THIS SECTION, THE COMMISSION MAY ADOPT SUCH A
19 MULTI-SECTOR PROGRAM BY RULE IN LIEU OF THE SECTOR-SPECIFIC LIMITS
20 SET FORTH IN SUBSECTION (1)(e)(II)(C) OF THIS SECTION.

21 (III) (A) The commission ~~will~~ SHALL identify disproportionately
22 impacted communities. In identifying these communities, the commission
23 will consider: Minority, low-income, tribal, or indigenous populations in
24 the state that potentially experience disproportionate environmental harms
25 and risks. This disproportionality can be a result of increased vulnerability
26 to environmental degradation, lack of opportunity for public participation,
27 or other factors. Increased vulnerability may be attributable to an

1 accumulation of negative or lack of positive environmental, health,
2 economic, or social conditions within these populations.
3 "Disproportionately impacted communities" describes situations where
4 multiple factors, including both environmental and socioeconomic
5 stressors, may act cumulatively to affect health and the environment and
6 contribute to persistent environmental health disparities.

7 (B) THE COMMISSION SHALL ALSO NOTIFY, CONDUCT OUTREACH
8 TO, AND ENGAGE WITH DISPROPORTIONATELY IMPACTED COMMUNITIES
9 THAT MAY BE AFFECTED BY A PROPOSED RULE, ALLOWING SUFFICIENT
10 TIME FOR MEANINGFUL COMMUNICATION BETWEEN THE COMMISSION AND
11 DISPROPORTIONATELY IMPACTED COMMUNITIES.

12 (C) IN DETERMINING WHETHER A DISPROPORTIONATELY IMPACTED
13 COMMUNITY MAY BE AFFECTED BY A PROPOSED RULE, THE COMMISSION
14 SHALL MAKE AN INITIAL DETERMINATION TO ACCOMPANY THE NOTICE OF
15 HEARING. IF THE COMMISSION DETERMINES THAT NO
16 DISPROPORTIONATELY IMPACTED COMMUNITY IS LIKELY TO BE AFFECTED
17 BY A PROPOSED RULE, ANY MEMBER OF THE PUBLIC MAY REQUEST
18 RECONSIDERATION OF THAT DETERMINATION WITHIN FOURTEEN
19 CALENDAR DAYS AFTER THE DETERMINATION. IF THE COMMISSION
20 DETERMINES THAT THE PROPOSED RULE WILL ADVERSELY AFFECT ANY
21 DISPROPORTIONATELY IMPACTED COMMUNITY, IT SHALL PLAN OUTREACH
22 TO AND ENGAGEMENT OF THE DISPROPORTIONATELY IMPACTED
23 COMMUNITY IN COORDINATION WITH THE ENVIRONMENTAL JUSTICE
24 OMBUDSPERSON AND THE ENVIRONMENTAL JUSTICE ADVISORY BOARD
25 ESTABLISHED IN SECTION 25-1-131.

26 (D) FOR EACH HEARING ON A PROPOSED RULE, THE COMMISSION
27 SHALL PROVIDE OPPORTUNITIES FOR PUBLIC COMMENT THAT MEET THE

1 FOLLOWING MINIMUM REQUIREMENTS: THE COMMISSION SHALL PROVIDE
2 AT LEAST TWO OPPORTUNITIES FOR PUBLIC COMMENT, ONE ON A WEEKDAY
3 AT A TIME BETWEEN THE HOURS OF 9 A.M. AND 5 P.M. AND ANOTHER ON A
4 WEEKDAY AT A TIME BETWEEN THE HOURS OF 5 P.M. AND 10 P.M.; THE
5 COMMISSION SHALL ENSURE THAT MEMBERS OF THE PUBLIC CAN PROVIDE
6 COMMENT REMOTELY THROUGH AN ONLINE SERVICE THAT IS AVAILABLE
7 FREE TO THE PUBLIC; AND THE COMMISSION SHALL ENSURE THAT SPANISH
8 LANGUAGE OUTREACH MATERIALS AND REAL-TIME TRANSLATION
9 SERVICES ARE AVAILABLE TO MEMBERS OF THE PUBLIC AND SHALL
10 REASONABLY ACCOMMODATE REQUESTS FOR MEMBERS OF THE PUBLIC TO
11 USE A TRANSLATOR IN A LANGUAGE OTHER THAN SPANISH.

12 (E) THE DIVISION SHALL DEVELOP BEST PRACTICES TO ENGAGE
13 DISPROPORTIONATELY IMPACTED COMMUNITIES IN THE RULE-MAKING
14 PROCESS AND PRESENT THOSE BEST PRACTICES FOR REVIEW BY THE
15 COMMISSION NO LATER THAN JULY 1, 2021, AND SHALL PROVIDE A REPORT
16 DESCRIBING THESE BEST PRACTICES TO THE GENERAL ASSEMBLY BY
17 SEPTEMBER 1, 2021. THIS SUBSECTION (1)(e)(III)(E) IS REPEALED,
18 EFFECTIVE SEPTEMBER 1, 2023.

19 (VIII) (G) EACH WHOLESALE GENERATION AND TRANSMISSION
20 ELECTRIC COOPERATIVE SHALL FILE WITH THE PUBLIC UTILITIES
21 COMMISSION A RESPONSIBLE ENERGY PLAN THAT WILL ACHIEVE AT LEAST
22 AN EIGHTY-PERCENT REDUCTION BY 2030, RELATIVE TO 2005 LEVELS, IN
23 GREENHOUSE GAS EMISSIONS CAUSED BY THE COOPERATIVE'S PROVISION
24 OF ELECTRICITY TO CUSTOMERS WITHIN THE STATE. THE RESPONSIBLE
25 ENERGY PLAN MAY BE INCLUDED AS PART OF ANY PENDING ELECTRIC
26 RESOURCE PLAN BEFORE THE PUBLIC UTILITIES COMMISSION. THE DIVISION
27 SHALL VERIFY WHETHER THE RESPONSIBLE ENERGY PLAN, AS APPROVED

1 BY THE PUBLIC UTILITIES COMMISSION, WILL ACHIEVE AT LEAST AN
2 EIGHTY-PERCENT REDUCTION IN GREENHOUSE GAS EMISSIONS CAUSED BY
3 THE COOPERATIVE'S PROVISION OF ELECTRICITY TO WHOLESALE
4 CUSTOMERS WITHIN THE STATE, INCLUDING EMISSIONS ASSOCIATED WITH
5 ELECTRICITY IMPORTED TO THE STATE, BY 2030 AS COMPARED TO 2005
6 LEVELS. THE CALCULATION OF EMISSIONS REDUCTIONS FROM THE PLAN
7 MUST BE BASED ON AND REFLECT CHANGES IN THE UTILIZATION AND
8 PROVISION OF RESOURCES THAT RESULT IN DEMONSTRATED REDUCTIONS
9 IN ACTUAL GREENHOUSE GAS EMISSIONS TO THE ATMOSPHERE, RATHER
10 THAN RESOURCE SHUFFLING, WHICH INCLUDES ANY PLAN, SCHEME,
11 TRANSACTION, ARTIFICE, OR DESIGNATION THAT ATTEMPTS TO
12 DEMONSTRATE REDUCTIONS IN GREENHOUSE GAS EMISSIONS BASED ON
13 EMISSIONS REDUCTIONS THAT HAVE NOT ACTUALLY OCCURRED AND THAT
14 INVOLVE OR AFFECT THE DELIVERY OF ELECTRICITY TO THE STATE. THE
15 PUBLIC UTILITIES COMMISSION SHALL APPROVE A PLAN MEETING THE
16 REQUIREMENTS OF THIS SUBSECTION (1)(e)(VIII)(G) NO LATER THAN
17 DECEMBER 31, 2022.

18 (H) CLEAN ENERGY PLANS REQUIRED BY SUBSECTIONS
19 (1)(e)(VIII)(C) AND (1)(e)(VIII)(F) OF THIS SECTION AND RESPONSIBLE
20 ENERGY PLANS REQUIRED BY SUBSECTION (1)(e)(VIII)(G) OF THIS SECTION
21 MUST MAXIMIZE NEAR-TERM GREENHOUSE GAS EMISSION REDUCTIONS TO
22 THE GREATEST EXTENT PRACTICABLE AND SHALL BE SUBMITTED IN
23 ACCORDANCE WITH DEADLINES AND PROCEDURES ESTABLISHED BY THE
24 COMMISSION AND THE PUBLIC UTILITIES COMMISSION. FOR UTILITIES THAT
25 ARE NOT INVESTOR-OWNED OR WHOLESALE GENERATION AND
26 TRANSMISSION COOPERATIVE UTILITIES, THE DIVISION SHALL FULLY
27 EVALUATE AND VERIFY ALL CLEAN ENERGY AND RESPONSIBLE ENERGY

1 PLANS NO LATER THAN JULY 1, 2022. CLEAN ENERGY PLANS SUBMITTED
2 PURSUANT TO SUBSECTION (1)(e)(VIII)(C) OF THIS SECTION AND
3 RESPONSIBLE ENERGY PLANS SUBMITTED PURSUANT TO SUBSECTION
4 (1)(e)(VIII)(G) OF THIS SECTION MUST ALSO BE APPROVED BY THE PUBLIC
5 UTILITIES COMMISSION. IN VERIFYING CLEAN ENERGY OR RESPONSIBLE
6 ENERGY PLANS, THE DIVISION SHALL PREVENT DOUBLE COUNTING OF
7 EMISSION REDUCTIONS AMONG UTILITIES AND SHALL CONSIDER
8 ELECTRICITY GENERATED BY RENEWABLE ENERGY RESOURCES AS HAVING
9 ZERO GREENHOUSE GAS EMISSIONS ONLY IF THE ELECTRICITY IS
10 ACCOMPANIED BY A RENEWABLE ENERGY CREDIT THAT IS RETIRED ON
11 BEHALF OF THE UTILITY'S CUSTOMERS IN THE YEAR GENERATED. ONCE
12 VERIFIED BY THE DIVISION, THE PROJECTED ANNUAL GREENHOUSE GAS
13 EMISSION LEVELS IN THE CLEAN ENERGY PLAN OR RESPONSIBLE ENERGY
14 PLAN ARE UTILITY-SPECIFIC EMISSION LIMITS ENFORCEABLE BY THE
15 DIVISION.

16 (I) A UTILITY INTENDING TO FILE A CLEAN ENERGY OR
17 RESPONSIBLE ENERGY PLAN MUST INFORM THE DIVISION NO LATER THAN
18 JULY 1, 2021. AN ELECTRIC UTILITY THAT DOES NOT INDICATE INTENT TO
19 FILE A CLEAN ENERGY OR RESPONSIBLE ENERGY PLAN OR THAT DOES NOT
20 SUBMIT A CLEAN ENERGY OR RESPONSIBLE ENERGY PLAN AFTER
21 EXPRESSING INTENT TO DO SO SHALL REDUCE GREENHOUSE GAS EMISSIONS
22 AT LEAST NINETY PERCENT BY 2030, AS COMPARED TO 2005 LEVELS,
23 INCLUDING EMISSIONS ASSOCIATED WITH IMPORTED ELECTRICITY. AN
24 ELECTRIC UTILITY THAT FAILS TO ACHIEVE THE EMISSION REDUCTIONS
25 FORECASTED IN A VERIFIED CLEAN ENERGY OR RESPONSIBLE ENERGY PLAN
26 IS SUBJECT TO ALTERNATIVE EMISSION LIMITS THAT SECURE GREATER
27 CUMULATIVE GREENHOUSE GAS EMISSION REDUCTIONS THAN ARE

1 FORECASTED IN A VERIFIED CLEAN ENERGY OR RESPONSIBLE ENERGY PLAN
2 AND THAT ARE ADOPTED DURING THE RULE-MAKING HELD PURSUANT TO
3 SUBSECTION (1)(e)(II)(C) OR (1)(e)(II)(G) OF THIS SECTION.

4 (J) NO LATER THAN DECEMBER 31, 2025, EACH RETAIL ELECTRIC
5 UTILITY AND WHOLESALE GENERATION AND TRANSMISSION COOPERATIVE
6 SHALL FILE WITH THE PUBLIC UTILITIES COMMISSION AN APPLICATION FOR
7 APPROVAL OF A PLAN TO ACHIEVE THE GREENHOUSE GAS EMISSION
8 REDUCTIONS SPECIFIED IN THIS SUBSECTION (1)(e)(VIII)(J) AND TO
9 MAXIMIZE NEAR-TERM EMISSIONS REDUCTIONS BY REDUCING
10 GREENHOUSE GAS EMISSIONS AS EARLY AS POSSIBLE CONSISTENT WITH
11 MAINTAINING RELIABLE ELECTRIC SERVICE. NO LATER THAN DECEMBER
12 31, 2025, EACH MUNICIPAL UTILITY AND COOPERATIVE ELECTRIC
13 ASSOCIATION THAT HAS VOTED TO EXEMPT ITSELF FROM REGULATION BY
14 THE PUBLIC UTILITIES COMMISSION PURSUANT TO SECTION 40-9.5-103
15 SHALL SUBMIT TO ITS RESPECTIVE GOVERNING BODY FOR APPROVAL A
16 PLAN TO ACHIEVE THE EMISSION REDUCTIONS SPECIFIED IN THIS
17 SUBSECTION (1)(e)(VIII)(J) AND TO MAXIMIZE NEAR-TERM GREENHOUSE
18 GAS EMISSION REDUCTIONS BY REDUCING GREENHOUSE GAS EMISSIONS AS
19 EARLY AS POSSIBLE CONSISTENT WITH MAINTAINING RELIABLE ELECTRIC
20 SERVICE. EACH RETAIL AND WHOLESALE ELECTRIC UTILITY SERVING
21 CUSTOMERS IN COLORADO SHALL REDUCE GREENHOUSE GAS EMISSIONS
22 CAUSED BY ITS PROVISION OF ELECTRICITY TO CUSTOMERS WITHIN THE
23 STATE BY AT LEAST NINETY-FIVE PERCENT BETWEEN 2035 AND 2040 AND
24 BY ONE HUNDRED PERCENT BY 2040, RELATIVE TO 2005 EMISSIONS
25 LEVELS.

26 (XI) As used in this subsection (1)(e):

27 (B.5) "MmTCo2e" MEANS MILLION METRIC TONS OF CARBON

1 DIOXIDE EQUIVALENT.

2 **SECTION 3.** In Colorado Revised Statutes, 25-7-114.7, **amend**
3 (2)(a)(I) introductory portion, (2)(a)(I)(A), and (2)(b)(III)(G); and **add**
4 (1)(b)(I)(E), (2)(b)(III)(I), and (2)(b)(III)(J) as follows:

5 **25-7-114.7. Emission fees - fund - rules - definition - repeal.**

6 (1) As used in this section, unless the context otherwise requires:

7 (b) (I) "Regulated pollutant" means:

8 (E) A GREENHOUSE GAS, AS DEFINED IN SECTION 25-7-140 (6).

9 (2) (a) (I) The commission shall designate by rule those classes of
10 sources of air pollution that are exempt from the requirement to pay an
11 annual emission fee BUT SHALL NOT CATEGORICALLY EXEMPT ANY
12 GREENHOUSE GAS EMISSIONS FROM THE REQUIREMENT TO PAY ANNUAL
13 EMISSION FEES. Every owner or operator of an air pollution source not
14 otherwise exempt in accordance with ~~such commission~~ THE rules shall
15 pay an annual fee as follows:

16 (A) For state fiscal year 2020-21, the fee is thirty-two dollars per
17 ton of regulated pollutant reported in the most recent air pollution
18 emission notice on file with the division. For state fiscal year 2021-22, the
19 fee is thirty-six dollars per ton of regulated pollutant reported in the most
20 recent air pollution emission notice on file with the division; EXCEPT
21 THAT THE COMMISSION SHALL ESTABLISH, BY RULE, A FEE PER TON OF
22 GREENHOUSE GAS, AS DEFINED IN SECTION 25-7-140 (6), THAT WAS
23 REPORTED IN THE MOST RECENT AIR POLLUTION EMISSION NOTICE ON FILE
24 WITH THE DIVISION IN AN AMOUNT THAT IS SUFFICIENT TO COVER THE
25 INDIRECT AND DIRECT COSTS REQUIRED TO DEVELOP AND ADMINISTER THE
26 PROGRAMS ESTABLISHED PURSUANT TO THIS ARTICLE 7 THAT PERTAIN TO
27 EMISSIONS OF GREENHOUSE GASES. Thereafter, the commission may adjust

1 the fee, OTHER THAN THE FEE FOR GREENHOUSE GASES, by rule to cover
2 the indirect and direct costs required to develop and administer the
3 programs established pursuant to this article 7, AND MAY ADJUST THE FEE
4 FOR GREENHOUSE GASES BY RULE TO COVER THE INDIRECT AND DIRECT
5 COSTS REQUIRED TO DEVELOP AND ADMINISTER THE PROGRAMS
6 ESTABLISHED PURSUANT TO THIS ARTICLE 7 THAT PERTAIN TO EMISSIONS
7 OF GREENHOUSE GASES.

8 (b) (III) The division shall expend the portion of the fee revenue
9 collected pursuant to subsections (2)(a)(I)(A), (2)(a)(I)(B), and (2)(a)(III)
10 of this section and section 25-7-114.1 (6)(a) attributable to the increases
11 authorized in 2020 by Senate Bill 20-204 for the following purposes:

12 (G) Expanding the division's capacity to quickly respond to and
13 better understand public health issues that are related to exposure to air
14 toxics, such as benzene and other volatile organic compounds; ~~and~~

15 (I) ENABLING OUTREACH TO AND ENGAGEMENT OF
16 DISPROPORTIONATELY IMPACTED COMMUNITIES; AND

17 (J) PAYING FOR THE ENVIRONMENTAL JUSTICE OMBUDSPERSON
18 AND THE ENVIRONMENTAL JUSTICE ADVISORY BOARD CREATED IN SECTION
19 25-1-131.

20 **SECTION 4.** In Colorado Revised Statutes, 25-7-140, **amend**
21 (2)(a)(I) as follows:

22 **25-7-140. Greenhouse gas emissions - data collection -**
23 **legislative declaration - rules - reporting - forecasting - public**
24 **information - definitions. (2) Rules. (a) The commission shall:**

25 (I) ~~By June 1, 2020;~~ Adopt rules requiring
26 greenhouse-gas-emitting entities to monitor and publicly report their
27 emissions as the commission deems appropriate to support Colorado's

1 greenhouse gas emission inventory efforts and to facilitate
2 implementation of rules that will timely achieve Colorado's greenhouse
3 gas emission reduction goals. The commission shall consider what
4 information is already being publicly reported by the federal
5 environmental protection agency and tailor new reporting requirements
6 to fill any gaps in data, as it determines is appropriate, to allow for
7 maintaining and updating state inventories that are sufficiently
8 comprehensive and robust. The rules must include requirements for
9 providers of retail or wholesale electric service in the state of Colorado
10 to track and report emissions from all generation sources within the state
11 and elsewhere that electricity consumption by their customers in this state
12 causes to be emitted AND MUST ESTABLISH AN ASSUMED EMISSION RATE
13 REPRESENTING THE AVERAGE REGIONAL FOSSIL FUEL GENERATION
14 EMISSION RATE FOR ELECTRICITY GENERATED BY A RENEWABLE ENERGY
15 RESOURCE FOR WHICH THE ASSOCIATED RENEWABLE ENERGY CREDIT IS
16 NOT RETIRED IN THE YEAR GENERATED. The commission may require
17 emitting entities to report the amount of emissions of each of the seven
18 individual components of greenhouse gases as well as the carbon dioxide
19 equivalent of those emissions.

20 **SECTION 5.** In Colorado Revised Statutes, **add** 25-1-131 as
21 follows:

22 **25-1-131. Environmental justice - ombudsperson - advisory**
23 **board - definitions - repeal.** (1) **Environmental justice**
24 **ombudsperson.** (a) THERE IS HEREBY CREATED IN THE OFFICE OF THE
25 EXECUTIVE DIRECTOR THE POSITION OF AN ENVIRONMENTAL JUSTICE
26 OMBUDSPERSON. THE DEPARTMENT SHALL PROVIDE ADMINISTRATIVE
27 SUPPORT FOR THE OMBUDSPERSON. THE OMBUDSPERSON OTHERWISE

1 FUNCTIONS INDEPENDENTLY IN EXERCISING ITS POWERS.

2 (b) THE EXECUTIVE DIRECTOR SHALL APPOINT THE OMBUDSPERSON
3 AS SOON AS PRACTICABLE BUT NO LATER THAN FEBRUARY 1, 2022, AND
4 AS NECESSARY THEREAFTER TO FILL A VACANCY. PRIOR TO AN
5 APPOINTMENT, THE EXECUTIVE DIRECTOR SHALL CONSULT WITH, AND MAY
6 RECEIVE RECOMMENDATIONS FROM, THE ADVISORY BOARD, THE GENERAL
7 ASSEMBLY, REPRESENTATIVES OF DISPROPORTIONATELY IMPACTED
8 COMMUNITIES, AND OTHER RELEVANT STAKEHOLDERS REGARDING THE
9 SELECTION OF THE OMBUDSPERSON.

10 (c) THE OMBUDSPERSON MUST BE QUALIFIED BY TRAINING OR
11 EXPERIENCE IN ENVIRONMENTAL JUSTICE, AND SHOULD HAVE BEEN A
12 RESIDENT OF ONE OR MORE DISPROPORTIONATELY IMPACTED
13 COMMUNITIES OR HAVE WORKED TO ADVANCE ENVIRONMENTAL JUSTICE
14 WITHIN DISPROPORTIONATELY IMPACTED COMMUNITIES.

15 (d) THE OMBUDSPERSON SHALL:

16 (I) WORK COLLABORATIVELY WITH THE ENVIRONMENTAL JUSTICE
17 ADVISORY BOARD, ESTABLISHED IN SUBSECTION (2) OF THIS SECTION, FOR
18 THE PURPOSE OF PROMOTING ENVIRONMENTAL JUSTICE FOR THE PEOPLE OF
19 COLORADO;

20 (II) SERVE AS AN ADVOCATE FOR DISPROPORTIONATELY IMPACTED
21 COMMUNITIES AND AS A LIAISON BETWEEN DISPROPORTIONATELY
22 IMPACTED COMMUNITIES AND THE DEPARTMENT;

23 (III) ADDRESS THE RELATIONSHIPS AND INTERACTIONS BETWEEN
24 DISPROPORTIONATELY IMPACTED COMMUNITIES AND THE DEPARTMENT;

25 (IV) INCREASE THE FLOW OF INFORMATION BETWEEN THE
26 DEPARTMENT AND DISPROPORTIONATELY IMPACTED COMMUNITIES
27 CONCERNING THE ENVIRONMENT AND DEPARTMENTAL PROGRAMS USING

1 METHODS OF OUTREACH THAT INCLUDE, AT A MINIMUM:

2 (A) DISSEMINATING INFORMATION THROUGH LOCAL SCHOOLS,
3 SOCIAL MEDIA, LOCAL SOCIAL AND ACTIVITY CLUBS, LIBRARIES, OR OTHER
4 LOCAL SERVICES; AND

5 (B) PRIORITIZING IN-PERSON MEETINGS IN COMMUNITIES WITH
6 POPULATIONS THAT ARE PREDOMINANTLY BLACK, INDIGENOUS, OR PEOPLE
7 OF COLOR, THAT HAVE AN AVERAGE INCOME BELOW THE STATE'S
8 AVERAGE, OR THAT ARE IN RURAL LOCATIONS;

9 (V) ENABLE MEANINGFUL PARTICIPATION IN THE
10 DECISION-MAKING PROCESSES OF THE DEPARTMENT;

11 (VI) MAINTAIN A TELEPHONE NUMBER, WEBSITE, AND MAILING
12 ADDRESS FOR THE RECEIPT OF COMPLAINTS AND INQUIRIES;

13 (VII) ESTABLISH PROCEDURES TO RESOLVE COMPLAINTS TO THE
14 EXTENT PRACTICABLE;

15 (VIII) ENSURE THAT NO COMMUNITY IS DISPROPORTIONATELY
16 AFFECTED BY ENVIRONMENTAL BURDENS TO THE EXTENT PRACTICABLE;
17 AND

18 (IX) SERVE IN AN ADVISORY CAPACITY TO OTHER STATE AGENCIES
19 CONDUCTING OUTREACH TO AND ENGAGEMENT OF DISPROPORTIONATELY
20 IMPACTED COMMUNITIES IN LIGHT OF A PROPOSED AGENCY ACTION.

21 (2) **Environmental justice advisory board.** (a) THERE IS
22 HEREBY CREATED IN THE DEPARTMENT THE ENVIRONMENTAL JUSTICE
23 ADVISORY BOARD. THE DEPARTMENT SHALL PROVIDE ADMINISTRATIVE
24 SUPPORT FOR THE ADVISORY BOARD. THE ADVISORY BOARD OTHERWISE
25 FUNCTIONS INDEPENDENTLY IN EXERCISING ITS POWERS.

26 (b) THE APPOINTING AUTHORITIES SHALL MAKE THEIR INITIAL
27 APPOINTMENTS AS SOON AS PRACTICABLE, BUT NO LATER THAN THREE

1 MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION.

2 (c) THE ADVISORY BOARD CONSISTS OF THE FOLLOWING MEMBERS
3 WHO, TO THE EXTENT PRACTICABLE, MUST RESIDE IN DIFFERENT
4 GEOGRAPHIC AREAS OF THE STATE, REFLECT THE RACIAL AND ETHNIC
5 DIVERSITY OF THE STATE, AND HAVE EXPERIENCE WITH A RANGE OF
6 ENVIRONMENTAL ISSUES, INCLUDING AIR POLLUTION, WATER
7 CONTAMINATION, AND PUBLIC HEALTH IMPACTS:

8 (I) FIVE MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR, OF
9 WHOM FOUR MUST HAVE BEEN RESIDENTS OF ONE OR MORE
10 DISPROPORTIONATELY IMPACTED COMMUNITIES AND ONE MUST BE FROM
11 A NONGOVERNMENTAL ORGANIZATION THAT REPRESENTS STATEWIDE
12 INTERESTS TO ADVANCE ENVIRONMENTAL JUSTICE; AND

13 (II) FOUR MEMBERS, ONE OF WHOM IS APPOINTED BY EACH OF THE
14 FOLLOWING:

15 (A) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

16 (B) THE PRESIDENT OF THE SENATE;

17 (C) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;

18 AND

19 (D) THE MINORITY LEADER OF THE SENATE.

20 (d) EACH MEMBER'S TERM OF APPOINTMENT IS FOUR YEARS;
21 EXCEPT THAT THE INITIAL TERM OF TWO MEMBERS APPOINTED BY THE
22 EXECUTIVE DIRECTOR PURSUANT TO SUBSECTION (2)(c)(I) OF THIS
23 SECTION, AS SPECIFIED BY THE EXECUTIVE DIRECTOR, AND EACH MEMBER
24 APPOINTED PURSUANT TO SUBSECTIONS (2)(c)(II)(C) AND (2)(c)(II)(D) OF
25 THIS SECTION IS TWO YEARS. THE APPOINTING OFFICIALS SHALL FILL ANY
26 VACANCIES ON THE ADVISORY BOARD, INCLUDING FOR THE REMAINDER OF
27 ANY UNEXPIRED TERM.

1 (e) AS AUTHORIZED BY SECTION 25-7-114.7 (2)(b)(III)(J), EACH
2 MEMBER OF THE ADVISORY BOARD IS ENTITLED TO RECEIVE
3 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES.

4 (f) THE ADVISORY BOARD SHALL ELECT A CHAIRPERSON FROM
5 AMONG ITS MEMBERS EVERY YEAR. THE ADVISORY BOARD SHALL MEET AT
6 LEAST ONCE EVERY QUARTER. THE CHAIRPERSON MAY CALL SUCH
7 ADDITIONAL MEETINGS AS ARE NECESSARY FOR THE ADVISORY BOARD TO
8 COMPLETE ITS DUTIES.

9 (g) THE ADVISORY BOARD SHALL:

10 (I) SERVE IN AN ADVISORY CAPACITY TO THE OMBUDSPERSON IN
11 ADDRESSING THE RELATIONSHIP BETWEEN THE DEPARTMENT AND
12 DISPROPORTIONATELY IMPACTED COMMUNITIES BY INCREASING THE FLOW
13 OF INFORMATION, ENABLING MEANINGFUL PARTICIPATION IN
14 DEPARTMENTAL DECISION-MAKING, AND WORKING TO ENSURE THAT NO
15 COMMUNITY IS DISPROPORTIONATELY IMPACTED BY ENVIRONMENTAL
16 BURDENS;

17 (II) HOLD A PORTION OF ADVISORY BOARD MEETINGS FOR THE
18 OMBUDSPERSON TO JOINTLY RECEIVE STAKEHOLDER INPUT INTO THE
19 ACTIVITIES AND PRIORITIES OF THE OMBUDSPERSON;

20 (III) ADDRESS ANY OTHER MATTERS RELATING TO ADVERSE
21 ENVIRONMENTAL EFFECTS ON DISPROPORTIONATELY IMPACTED
22 COMMUNITIES AS REFERRED TO THE ADVISORY BOARD BY THE GOVERNOR
23 OR THE EXECUTIVE DIRECTOR; AND

24 (IV) STUDY, RESEARCH, AND ADVISE THE DEPARTMENT ON
25 MATTERS THAT IT DEEMS APPROPRIATE TO ENABLE THE DEPARTMENT TO
26 INTERACT WITH DISPROPORTIONATELY IMPACTED COMMUNITIES IN THE
27 BEST MANNER POSSIBLE.

1 (h) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE SEPTEMBER 1,
2 2027. BEFORE THE REPEAL, THE ADVISORY BOARD AND ITS FUNCTIONS ARE
3 SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

4 (3) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
5 OTHERWISE REQUIRES:

6 (a) "ADVISORY BOARD" MEANS THE ENVIRONMENTAL JUSTICE
7 ADVISORY BOARD CREATED IN SUBSECTION (2) OF THIS SECTION.

8 (b) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
9 THE DEPARTMENT.

10 (c) "OMBUDSPERSON" MEANS THE ENVIRONMENTAL JUSTICE
11 OMBUDSPERSON APPOINTED PURSUANT TO SUBSECTION (1) OF THIS
12 SECTION.

13 **SECTION 6.** In Colorado Revised Statutes, 2-3-1203, **add**
14 (18.5)(a)(II) as follows:

15 **2-3-1203. Sunset review of advisory committees - legislative**
16 **declaration - definition - repeal.** (18.5) (a) The following statutory
17 authorizations for the designated advisory committees will repeal on
18 September 1, 2027:

19 (II) THE ENVIRONMENTAL JUSTICE ADVISORY BOARD CREATED IN
20 SECTION 25-1-131 (2).

21 **SECTION 7. Applicability.** This act applies to conduct occurring
22 on or after the effective date of this act.

23 **SECTION 8. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety.