

CRES Legislation Tracker 2021

Bill	Sponsors	Topic	Issue	Date	Action	Next Date	Next Action	Amend.	Description	CRES position	CRES Action
HB21-1180	Rep. D. Valdez, Rep. P. Will, Sen. D. Coram	Biomass	Increase Utilization Study	4/21/2021	Senate Committee on Agriculture & Natural Resources Laid Over for Action Only				The bill requires the state forest service to conduct a study of biomass utilization by identifying the potential costs and benefits of increasing biomass utilization throughout the state and any administrative or statutory changes needed to increase biomass utilization. In conducting the study, the state forest service shall engage in shared stewardship by consulting with various state agencies, local officials who serve communities in the wildland-urban interface, and other interested stakeholders. On or before March 1, 2022, the state forest service shall submit a report summarizing its findings and recommendations from the study to the governor and the legislative committees with jurisdiction over agriculture and natural resources matters.	Support	
HB21-1242	Rep. J. Arndt, Sen. K. Donovan	Climate	Resilience Office	4/21/2021	House Third Reading Passed - No Amendments			L.001 L.004	resilience office (office). The office may provide voluntary technical assistance, nonregulatory programs, and incentives that increase the ability to anticipate, prepare for, mitigate, adapt to, and respond to hazardous events, trends, or disturbances related to drought or the climate. The office may accept gifts, grants, and donations for these purposes. On July 1, 2021, the state treasurer shall transfer all unobligated money in the agriculture value-added cash fund to the newly created agriculture drought and climate resiliency cash fund. The commissioner of agriculture shall appoint the head of the office and may promulgate rules necessary for the administration of the office's assistance, programs, and incentives. Section 2 annually transfers \$500,000 from tier 2 of the severance tax operational fund to the new cash fund until July 1, 2029.	Monitor	
SB21-180	Sen. K. Priola, Rep. S. Bird, Rep. B. Titone, Sen. R. Zenzinger, Rep. M. Soper	Recycling & Composting	Grants	4/21/2021	Senate Committee on Finance Refer Amended to Appropriations			L.001 L.003 L.007 L.008 L.009 L.010	The bill creates the Colorado recycling and composting infrastructure enterprise (enterprise) within the department of public health and environment (department) to develop and modernize the recycling and composting infrastructure in the state. The enterprise is authorized to issue revenue bonds. The bill creates the Colorado recycling and composting infrastructure enterprise grant program (grant program) within the department to provide grants to eligible entities to: Create new or expand existing recycling, recovery, and composting operations; Create markets for recycled materials, including the use of food service packaging as feedstock in the production of new products; and Facilitate recycling, composting, litter cleanup, and education efforts concerning recycling and composting practices. The bill creates the Colorado recycling and composting infrastructure enterprise board (enterprise board) to administer the grant program and submit an annual report concerning the grant program. The bill creates the Colorado recycling and composting infrastructure enterprise grant program cash fund (cash fund) and requires the enterprise board to award grants from the cash fund. The bill allows the executive board to promulgate rules to implement the grant program and requires the solid and hazardous waste commission (commission) to promulgate rules establishing a process for calculating the rates at which common types of food service packaging are being recycled or composted in the state, based on recently available data. On or before January 1, 2025, the commission must use the process to calculate such rates. Thereafter, the commission must recalculate each rate at least every 2 years. The enterprise board must evaluate the rates and advise the commission regarding their accuracy. The bill requires the enterprise to determine and impose a fee on food service packaging that is initially sold or offered for sale in the state, as follows: On and after January 1, 2022, and until January 1, 2030, the enterprise shall impose a fee in an amount to be determined by the enterprise but which may not exceed three-tenths of a cent on each unit of the food service packaging; On and after January 1, 2030, and until January 1, 2035, if the food service packaging is a type of food service packaging for which the commission has calculated a recycling or composting rate that is less than 50%, the enterprise shall impose a fee in an amount to be determined by the enterprise but which may not exceed six-tenths of a cent on each unit of the food service packaging; and On and after January 1, 2035, if the food service packaging is a type of food service packaging for which the commission has calculated a recycling or composting rate that is less than 75%, the enterprise shall impose a fee in an amount to be determined by the enterprise but which may not exceed one cent on each unit of the food service packaging. The enterprise shall collect the fee from the distributor that initially sells the food service packaging into the state. All money collected as fees must be deposited into the cash fund. The bill requires the commission to conduct an assessment of the state's recycling and composting infrastructure on or before January 1, 2022, including examining the types of food service packaging being collected, processed, recycled, or composted in the state.		
SB21-235	Sen. S. Jaquez Lewis, Rep. T. Bernett, Rep. K. McCormick	ACRE3	Funding	4/6/2021	Introduced In Senate - Assigned to Agriculture & Natural Resources	4/29/2021	Hearing Upon Adjournment Old Supreme Court		The bill directs the state treasurer to make an immediate, one-time transfer of \$3 million from the general fund to the agriculture value-added cash fund to augment the department of agriculture's ongoing advancing Colorado's renewable energy and energy efficiency (ACRE 3) program. The bill also appropriates \$2 million from the general fund to the conservation services division within the department of agriculture for the purpose of administering voluntary soil health programs. The bill requires the department of agriculture to periodically report on its expenditures to the office of state planning and budgeting and the general assembly.		

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HB21-1229	Rep. N. Ricks, Rep. B. Titone, Sen. R. Fields	HOA Governance	Specificity to allowance of solar	3/18/2021	Introduced In House - Assigned to Business Affairs & Labor	4/29/2021	Hearing at 1: 30 pm HCR 0112		<p>The bill increases requirements for disclosure and transparency in the operations of unit owners' associations (HOAs) in common interest communities, including:</p> <p>Posting on the HOA information and resource center's website the community's governing documents, and any amendments to those documents, in addition to recording them in the county land records as required by current law (sections 5 and 17 of the bill);</p> <p>Supplying a list of the HOA's current fees chargeable upon sale of a home in the community to the HOA information and resource center for posting on the center's own website (sections 14 and 17);</p> <p>Posting on a website, with the web address communicated annually to all unit owners, the contact information for the HOA and its management company, if any, as well as other information currently required to be disclosed (section 6);</p> <p>Specifically authorizing the state internet portal authority to coordinate with the HOA information and resource center to host HOA websites on behalf of registered HOAs (sections 1 and 17);</p> <p>Allowing unit owners to place items on a meeting agenda by petition, to record any portion of an open meeting, and to invite a registered parliamentarian to observe executive board elections (sections 11 and 12);</p> <p>Limiting the use of proxies by requiring express delegation of a unit owner's voting rights in a signed, dated writing (section 12);</p> <p>Prohibiting any action to be taken at an open meeting by written or secret ballot unless at least 20% of the unit owners in attendance or represented by proxy so request (section 12); and</p> <p>If access to association records required to be provided within 30 calendar days after a request was submitted by certified mail is withheld beyond that period, penalizing the HOA \$50 per day for not providing them (section 14).</p> <p>The bill also requires:</p> <p>Members of an HOA's executive board to either certify that they know and fully understand the HOA's governing documents or complete a free, online basic training course offered or approved by the HOA information and resource center (sections 8 and 17);</p> <p>The executive board to commission a reserve study at least every 3 years and, at least annually, to adjust the HOA's finances accordingly (sections 7 and 10); and</p> <p>All contracts for goods or services over a specific dollar amount to be awarded based on a competitive bid process involving at least 3 bids if possible (section 13).</p> <p>For purposes of the reserve study requirements, HOAs with fewer than 35 residential units that do not employ professional association managers may conduct an internal reserve study.</p> <p>Under current law, the developer of a subdivision (declarant) is not required to transfer control of the HOA to executive board members representing the owners of units in the subdivision until specified percentages of the units are sold to initial purchasers. Section 10 places limits on the amount of time that may pass before the declarant must turn over control of the HOA to unit owners, regardless of the percentage of units that remain unsold, and requires the annual budget to detail proposed allocations to the reserve fund and a history of the prior year's expenditures from the reserve fund. Section 10 also requires any vacancy on the executive board that occurs more than 60 days before the next board election to be filled by a special election rather than by the remaining board members as allowed by current law.</p> <p>Section 9 prohibits the HOA from closing off or limiting use of the common elements except for a finite period of time, with advance notice to unit owners and a statement of the reason for the closure, and prohibits the selective scheduling of maintenance on common elements to immediately benefit certain units in preference over others.</p> <p>Upon the sale of a unit, current law requires disclosure to the buyer of certain HOA documents. Section 14 requires the HOA to ensure that the documents provided to a buyer or posted online are correct and complete, and gives the buyer the right to sue for damages if they are not. Section 15 requires the HOA to disclose whether a loss has occurred to common property that may result in a future assessment against unit owners, and section 16 requires property and casualty insurers to pay claims for loss assessments based on when the assessment is made rather than when the loss occurred, thus avoiding a potential gap in coverage for the buyer of the unit. Section 2 adds specificity to the requirement that HOAs allow installation of renewable energy generation devices (e.g., solar panels) subject to reasonable aesthetic guidelines by requiring approval or denial of a completed application within 60 days and requiring approval if imposition of the aesthetic guidelines would result in more than a 10% reduction in efficiency or a 10% increase in price. Section 3:</p> <p>Amends current provisions regarding political yard signs to specify that the election season during which such signs must be permitted begins 45 days before the first mail-in ballots are sent to voters, rather than 45 days before the official date of the election; and</p> <p>Specifically includes nonvegetative turf grass (also known as artificial turf) among the types of drought-tolerant landscaping materials that the HOA may regulate but not prohibit.</p> <p>Section 4 requires any dispute between the HOA and a unit owner to be submitted to mediation, either through the office of dispute resolution within the Colorado judicial branch or through other available mediation services, prior to the commencement of any legal proceeding. The HOA's acceptance of a settlement proposed by the mediator does not preclude the HOA from enforcing covenants or rules in any future proceeding.</p>		

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HB21-1253	Rep. M. Froelich, Rep. M. Gray, Sen. B. Rankin, Sen. F. Winter	Clean Energy	Grants	3/31/2021	Introduced In House - Assigned to Energy & Environment	4/22/2021	Hearing at 1:30 pm Old State Library		The bill transfers \$5 million from the general fund to the local government severance tax fund for the purpose of funding grants to local governments for renewable and clean energy infrastructure implementation projects. The grants must be made by August 15, 2021, or as soon as possible thereafter, and the department of local affairs, which makes the grants, is required to report to the general assembly regarding the grants during its 2022 annual "SMART Act" presentation to legislative committees of reference. \$5 million is appropriated from the local government severance tax fund to the division of local government of the department of local affairs so that the division can make the grants.	Support	Letter sent to Sponsors and Committee
HB21-1149	Rep. E. Hooton	Workforce	Energy Sector Careers	4/1/2021	House Committee on Energy & Environment Refer Amended to Appropriations	4/23/2021	Hearing at 8:00 am Old State Library	L.001	The bill requires the Colorado work force development council (council), in collaboration with local work force boards, the department of education, superintendents of local school districts, the state board for community colleges and occupational education, and other postsecondary partners, to design a career pathway for students in the energy sector using an existing statutory model for the design and implementation of career pathways.		
SB21-238	Sen. L. Garcia, Sen. R. Zenzinger, Rep. D. Esgar, Rep. M. Gray, Sen. J. Bridges, Sen. J. Buckner, Sen. J. Coleman, Sen. D. Coram, Sen. K. Donovan, Sen. S. Fenberg, Sen. R. Fields, Sen. S. Jaquez, Lewis, Sen. P. Lee, Sen. K. Priola, Sen. C. Simpson, Sen. T. Story, Sen. F. Winter	Transportation	Rail District	4/9/2021	Introduced In Senate - Assigned to Transportation & Energy	4/27/2021	Hearing at 2:00 pm SCR 357		<p>The bill creates the front range passenger rail district (district) for the purpose of planning, designing, developing, financing, constructing, operating, and maintaining an interconnected passenger rail system (system) along the front range. The district is specifically required to work collaboratively with the regional transportation district (RTD) to ensure interconnectivity with any passenger rail system operated by or for the RTD and with Amtrak on interconnectivity with Amtrak's Southwest Chief, California Zephyr, and Winter Park Express trains, including but not limited to rerouting of the Amtrak Southwest Chief passenger train. If deemed appropriate by the board of directors of the district and by the board of directors of RTD, the district may share with RTD capital costs associated with shared use of rail line infrastructure in the northwest rail line corridor for passenger train service.</p> <p>The area that comprises the district extends from Wyoming to New Mexico and includes:</p> <p>The entirety of the city and county of Broomfield and the city and county of Denver;</p> <p>All areas within Adams, Arapahoe, Boulder, Douglas, El Paso, Huerfano, Jefferson, Larimer, Las Animas, Pueblo, and Weld counties that are located within the territory of a metropolitan planning organization (MPO);</p> <p>All areas within Huerfano, Las Animas, and Pueblo counties that are not located within the territory of a MPO and are located within a county precinct that is located wholly or partly within 5 miles of the public right-of-way of interstate highway 25; and</p> <p>All areas within Larimer and Weld counties that are not located within the territory of a MPO and are located within a county precinct that is north of the city of Fort Collins and is located wholly or partly within 5 miles of the public right-of-way of interstate highway 25.</p> <p>The district is governed by a board of directors composed of appointees of transportation planning organizations that have jurisdiction within the territory of the district, the governor, and the executive director of the department of transportation (CDOT), as well as a nonvoting representative of RTD, and, if the respective governors and chief executive officers choose to make appointments, nonvoting representatives of the BNSF Railway, the Union Pacific Railroad, Amtrak, and communities in Wyoming and New Mexico. Of the directors appointed by the governor, one must be a representative of organized labor and one must be a representative of a conservation organization with expertise in transit-oriented land use planning. The board must be fully appointed by April 1, 2022, with an earlier appointment deadline for some appointees. The board must convene for its initial meeting not later than May 15, 2022, and on that date, the existing southwest chief and front range passenger rail commission is terminated and any remaining commission funds are transferred to the district.</p> <p>The district is authorized to exercise the powers necessary to plan, design, develop, finance, construct, operate, and maintain the system including but not limited to:</p> <p>The power, subject to the approval of the voters of the district and other specified limitations, to levy a sales and use tax and to exercise specified taxing authority common to special districts within the district and to issue bonds;</p> <p>The power, subject to the approval of the owners of property within a 2-mile radius of any existing or proposed passenger rail station, to create a station area improvement district with the authority to levy additional sales and use tax, special assessments on real property, or both, to cover the costs of construction, operation, and maintenance of the station;</p> <p>The power to enter into public-private partnerships; and</p> <p>The power to employ its own personnel or contract with public or private entities, or both, for the operation and maintenance of the system.</p>		
HB21-1238	Rep. T. Bennett, Sen. C. Hansen, Rep. C. Kennedy	DSM	PUC Modernization	4/8/2021	House Committee on Energy & Environment Witness Testimony and/or Committee Discussion Only	4/28/2021	Hearing Upon Adjournment LSB A		The bill updates the methods used to determine the cost-effectiveness of demand-side management (DSM) programs of public utilities selling natural gas at retail, including requiring that the calculation of future benefits reflects the avoided costs to ratepayers resulting from reduced consumption of natural gas. The bill specifies that the calculation must be based on reliable estimates and published scientific data and must include methane emissions. In addition, the bill adds savings targets and budget control mechanisms to the approval process for gas DSM programs, paralleling the existing process that applies to electric DSM programs.	Support	

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HB21-1181	Rep. K. McCormick, Rep. P. Will, Sen. C. Simpson, Sen. F. Winter	Soil Health	Carbon Sequestration	4/9/2021	Introduced In Senate - Assigned to Agriculture & Natural Resources	4/29/2021	Hearing at 1:30 pm Old Supreme Court	J.001 L.002 L.003 L.007	<p>The bill creates the Colorado soil health program in the department of agriculture (department). The soil health program is voluntary. The department, commissioner of agriculture (commissioner), and state agricultural commission will administer the soil health program.</p> <p>The department may establish the following:</p> <p>A system for monitoring the environmental or economic benefits of soil health practices; A state soil health inventory and platform; A soil health testing program; and Other programs the department deems appropriate or necessary.</p> <p>Before establishing a system, inventory and platform, or program, the department must provide public notice and afford the public an opportunity to submit written comments.</p> <p>The department may also:</p> <p>Seek, accept, and expend gifts, grants, or donations; Administer and expend the money from public and private sources; Provide grants, loans, and other resources to perform soil health activities; and Cooperate and collaborate with other people.</p> <p>The bill also creates a soil health advisory committee (advisory committee). The commissioner is required to appoint members who represent the different geographic areas, political diversity, and demographic diversity of the state and include agricultural producers of diverse production systems.</p> <p>The advisory committee will make recommendations to the department and assist in the development of the soil health program. The advisory committee is also authorized to solicit input, review proposals and agreements, and evaluate the soil health program.</p> <p>The department shall maintain the confidentiality of information related to private lands that identify landowners, land managers, agricultural producers, or lands.</p> <p>No later than January 31 of each year, the department shall prepare and make available to the public a report of its activities on its official website.</p>		
HB21-1269	Rep. E. Hooton, Rep. C. Kipp, Sen. K. Donovan	Community Choice Energy	Study	4/9/2021	Introduced In House - Assigned to Energy & Environment + Appropriations	4/29/2021	Hearing at 1:30 pm LSB A		<p>The bill concerns the concept of "community choice energy" (CCE), under which a community, or group of communities, may choose to purchase their electricity from a wholesale supplier other than the local investor-owned electric utility. The bill declares that CCE has the potential to enable communities to meet their renewable energy goals and to reduce their electricity rates by allowing wholesale competition and local control over the energy supplier and energy mix without changing the local utility's current status as sole supplier of electric transmission, distribution, billing, and customer service functions.</p> <p>To lay the groundwork for evaluating the potential adoption of CCE in Colorado, the bill proposes an investigatory proceeding at the public utilities commission that would invite testimony and documentation from interested stakeholders, utilities, the public, invited subject-matter experts, and persons with firsthand knowledge of CCE operations, including regulators from states in which CCE has been implemented. The proceeding would address a series of questions and topics that are specified in the bill, with the goal of better understanding CCE in the Colorado context and identifying best practices that would allow CCE to function well in Colorado if adopted. The bill does not change current statutes and regulations governing the electricity system.</p> <p>The bill directs the commission to submit a report summarizing the investigatory proceeding to the legislative committees with jurisdiction over energy matters by December 15, 2022.</p>	Support	Letter sent to Sponsors and Testifying in House Committee
SB21-072	Sen. C. Hansen, Rep. A. Valdez	Transmission	PUC RTO	4/16/2021	Introduced In House - Assigned to Energy & Environment + Appropriations	4/29/2021	Hearing at 1:30 pm LSB A	L.002 L.005 L.007 L.009 L.010	Concerning the expansion of electric transmission facilities to enable Colorado to meet its clean energy goals, and, in connection therewith, creating the Colorado electric transmission authority, requiring transmission utilities to join regional transmission organizations, and allowing additional classes of transmission utilities to obtain revenue through the collocation of broadband facilities within their existing rights-of-way.	Monitor	Letter of Support Sent to Sponsors
HB21-1052	Rep. H. McKean	Pumped Hydro	Defined as Renewable	4/14/2021	Sent to the Governor		Governor To Sign	L.002	The bill removes the existing restriction on pumped hydroelectric facilities as a source of recycled energy, which is included in the definition of an eligible energy resource under the renewable energy standard statute.	Support	Emailed Sponsor offering support for pumped hydro and collaboration on the bill

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HB21-1105	Rep. C. Kennedy Sen. C. Hansen	Low-Income	Payment Assistance Funding	3/29/2021	House Committee on Finance Refer Amended to Appropriations			L_012 L_015 L_007 L_003 L_013 L_010 L_014 L_009	<p>Section 1 of the bill removes the low-income energy assistance program administered by Energy Outreach Colorado (EOC) from the grant program reserve funded by tier 2 severance tax operational fund money.</p> <p>Section 2 clarifies that the definition of a "low-income utility customer", with regard to the public utilities commission's (PUC) consideration of a preference or advantage that a gas or electric utility grants a low-income utility customer, means a utility customer who meets the Colorado department of human services' income eligibility criteria.</p> <p>Sections 3 and 4 make modifications to the legislative commission on low-income energy assistance, wherein section 3 expands the commission's scope to include water utility assistance and section 4 reduces the composition of the commission from 11 members to 7 members.</p> <p>Section 4 also requires the commission to:</p> <p>! Advise the Colorado energy office (office) on grants awarded from the federal department of energy regarding the office's weatherization assistance program;</p> <p>! Advise water utilities that provide their customers with utility assistance and efficiency programs; and</p> <p>! Review EOC's annual budget that it submits to the PUC regarding the use of funding for utility bill payment assistance.</p> <p>Sections 5, 6, and 8 to 10 concern the creation of an energy assistance system benefit charge, which is a mandatory monthly charge that investor-owned electric and gas utilities are required to collect from their customers. The initial amount of the charge per customer is \$1 for electric service provided and \$1 for natural gas service provided, but the PUC may adopt rules to modify the amount of the charge, so long as the charge is at least \$1 per service provided. Investor-owned utilities are required to remit the charges collected to EOC to help finance the direct utility bill payment assistance and energy retrofit programs that EOC administers for low-income households.</p> <p>Sections 7 and 11 concern voluntary, opt-in charges that a water utility may offer its customers to help finance the water utility bill payment assistance program that EOC administers. Alternatively, a water utility may implement its own water utility bill payment assistance program.</p> <p>Section 12 requires EOC and the office, when installing energy retrofits for low-income households, to prioritize customer savings, emission reductions, and improving indoor air quality.</p> <p>Section 13 governs reporting requirements for EOC regarding the mandatory monthly energy assistance system benefit charge and voluntary, opt-in monthly water utility bill payment assistance collections.</p> <p>Sections 14 to 17 make conforming amendments.</p>	Monitor	
HB21-1131	Rep. J. Amabile	Electric Coops	Governance	4/21/2021	Sent to the Governor			L_001 L_002 L_004 L_005	<p>The bill:</p> <p>Makes current laws concerning governance and transparency for cooperative electric associations (associations) applicable to nonprofit generation and transmission cooperative electric associations that provide wholesale electric service directly to Colorado cooperative electric associations that are its members;</p> <p>Eliminates an exemption to those requirements for associations with fewer than 25,000 members;</p> <p>Allows an association to authorize, in its bylaws, its members and directors to participate in meetings electronically;</p> <p>Allows an association to authorize, in its bylaws, members to vote in an election through a secure and verifiable electronic voting system;</p> <p>Clarifies that members voting or participating in a meeting electronically are considered present in person for the purpose of establishing quorum;</p> <p>Defines joint memberships and clarifies how joint memberships can vote;</p> <p>Amends the deadlines and requirements for notice of an election;</p> <p>Requires an association to adopt written policies concerning the compensation of board members and disclosures of conflicts of interest for board members;</p> <p>Requires board members to fulfill their duty of loyalty to the cooperative association at all times; except that, if a director serves on the board of both a generation and transmission association and a distribution association, the director can not be required to prioritize the director's duty to the generation and transmission association over the director's duty to the distribution association; and</p> <p>Requires associations to post on their websites information about their rates and net metering requirements and to make financial audits available to members on request.</p>	Support	Letter to Sponsor sent
HB21-1141	Rep. E. Hooton	EV	License Plate	4/19/2021	House Committee on Finance Refer Unamended to Appropriations				<p>The bill establishes the electric vehicle license plate, which is issued for use on plug-in electric motor vehicles. The electric vehicle license plates are issued to the owner of a plug-in electric motor vehicle upon registration of the vehicle and payment of applicable fees and taxes, unless the owner elects an alternative license plate. A person may be issued personalized electric vehicle license plates. The requirement for decals to identify plug-in electric motor vehicles applies only if a person has not obtained the electric vehicle license plate.</p>	Support	Letter to Sponsor and committee

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HB21-1156	Rep. M. Lynch, Rep. A. Pico, Sen. B. Kirkmeyer, Sen. R. Zenzinger, Rep. J. Arndt, Rep. D. Valdez, Sen. D. Moreno, Sen. R. Woodward	Severance Withholdings	Statutory Correction	4/20/2021	Senate Third Reading Passed - No Amendments				<p>Under current law, a producer or purchaser is required to withhold an amount from each disbursement made to an interest owner in any oil and gas produced in the state and pay this amount to the department of revenue. The bill fixes defects related to this law by:</p> <p>For purposes of electronic payments, replacing a cross-reference to a repealed subsection with a reference to the current statutory requirement; Expanding the defined term "producer" to be "producer or purchaser" to eliminate a redundancy in the law; and Repealing extraneous references to "oil shale" from the definition.</p> <p>The bill also repeals obsolete filing requirements that applied prior to July 1, 2007.</p>		
HB21-1162	Rep. L. Cutter, Rep. A. Valdez, Sen. J. Gonzales, Rep. J. Amabile, Rep. T. Burnett, Rep. E. Hooton, Rep. C. Kipp, Rep. E. Sirota, Rep. S. Woodrow	Plastics	Management	3/29/2021	House Committee on Finance Refer Amended to Appropriations			L_001 L_003 L_008 L_015	<p>Under current law, local governments are prohibited from requiring or banning the use or sale of specific types of plastic materials or products. Section 1 repeals the prohibition on July 1, 2023. Section 2 prohibits stores and retail food establishments, on and after September 1, 2022, from providing single-use plastic carryout bags to customers. The prohibition does not apply to inventory purchased before September 1, 2022, and used on or before March 31, 2023, which may be supplied to a customer at the point of sale for a 10-cent fee.</p> <p>Between September 1, 2021, and September 1, 2022, a store may furnish a recycled paper carryout bag or a single-use plastic carryout bag to a customer at the point of sale if the customer pays a fee of 10 cents per bag or a higher fee adopted by the municipality or county in which the store is located. On and after September 1, 2022, a store may furnish only a recycled paper carryout bag to a customer at the point of sale at a fee of 10 cents per bag or a higher fee imposed by the municipality or county in which the store is located.</p> <p>A store is required to remit, on a quarterly basis beginning January 1, 2022, 60% of the carryout bag fee revenues to the municipality or county within which the store is located and may retain the remaining 40% of the carryout bag fee revenues. A municipality or county may use its portion of the carryout bag fee revenues to pay for its administrative and enforcement costs and any recycling, composting, or other waste diversion programs or related outreach or education activities.</p> <p>The carryout bag fee does not apply to a customer that provides evidence to the store that the customer is a participant in a federal or state food assistance program.</p> <p>Section 2 also prohibits a retail food establishment, on and after January 1, 2022, from distributing an expanded polystyrene product for use as a container for ready-to-eat food in this state. The prohibition does not apply to retail food establishments located within certain schools until January 1, 2023; except that the prohibition does not apply to a high school until January 1, 2024.</p> <p>Retail food establishments that purchase expanded polystyrene products before January 1, 2022, may continue to use the products until their supply is depleted.</p> <p>Section 2 also authorizes a local government to enforce against a violation of section 2 and expressly authorizes a county to impose a civil penalty against a store or retail food establishment of \$500 for a second violation or \$1,000 for a third or subsequent violation.</p> <p>On and after July 1, 2023, a local government may enact, implement, or enforce an ordinance, resolution, rule, or charter provision that is as stringent as or more stringent than the requirements set forth in the bill.</p>	Support	Letter to Sponsors / Committee when in Senate
HB21-1189	Rep. A. Benavidez, Rep. A. Valdez, Sen. J. Gonzales, Sen. D. Moreno	Air Quality	Regulation	4/19/2021	House Finance Committee Laid Over			L_009 L_010	<p>Current law defines as a "covered facility" a stationary source of air pollutants that reported in its federal toxics release inventory filing at least one of the following amounts of the following "covered air toxics" in one year:</p> <p>! For hydrogen cyanide, 10,000 pounds; ! For hydrogen sulfide, 5,000 pounds; and ! For benzene, 5,000 pounds.</p> <p>The bill expands upon the requirements applicable to covered facilities by:</p> <p>! Directing the air quality control commission to consider, at least every 5 years, adding new types of covered air toxics and adjusting the applicable emission thresholds; ! Requiring that a covered facility's outreach to communities near the covered facility, in particular disproportionately impacted communities, be conducted in the 2 most prevalent languages spoken in the communities; ! Requiring covered facilities to conduct fence-line monitoring of covered air toxics and to publicly report the results of the monitoring; and ! Requiring covered facilities to take corrective action within 15 days after a violation occurs.</p> <p>The bill also requires the division of administration in the department of public health and environment to conduct community-based monitoring of covered air toxics in areas near covered facilities and to publicly report the results.</p>	Support	

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SB21-020	Sen. C. Hansen, Sen. D. Hisey Rep. M. Soper, Rep. A. Valdez, Sen. K. Priola	Tax Policy	Energy Equipment Property Tax	4/14/2021	Sent to the Governor		Governor To Sign		Sections 1 and 2 of the bill ensure that clean energy resources and energy storage systems used to store electricity are assessed for valuation for the purpose of property taxation in a similar manner to renewable energy facility property used to generate and deliver electricity. Currently, the property tax administrator (administrator) is required to determine the actual value of a small or low impact hydroelectric energy facility, a geothermal energy facility, a biomass energy facility, a wind energy facility, or a solar energy facility using the income approach to valuation only. This valuation currently involves a "tax factor" based on a 20-year period. Section 2 extends this period by 10 years for a renewable energy facility that begins generating energy on or after January 1, 2021. It also specifies that after the 20- or 30-year period, as applicable, a tax factor is not applied and the taxable value shall not exceed the depreciated value floor calculated using the cost basis method. Under section 3, the administrator is required to utilize the income approach for solar energy facilities that generate 2 megawatts or less, so that similar facilities will be valued in the same manner.	Support	
SB21-103	Sen. S. Fenberg, Sen. F. Winter	Office of Consumer Council	Authorizing & Tweaking	3/30/2021	Senate Committee on Transportation Referred as Amended to Appropriations	4/23/2021	Hearing at 8:00 am LSB B	L.007 L.006 L.004 L.003 L.002 L.001	The bill implements the recommendations of the department of regulatory agencies' (department) sunset review and report regarding the office of consumer counsel (office) and the utility consumers' board (board) by: ! Continuing the office and the board for 7 years, to 2028; ! Clarifying that, in addition to being authorized to appear before and participate in the public utilities commission's proceedings, the office is authorized to appear before and participate in other agencies' proceedings; ! Changing the name of the office to the office of the utility consumer advocate and the name of the head of the office from the consumer counsel to the director; ! Changing the board from a type 1 transfer to a type 2 transfer; ! Repealing requirements that the board annually review the office's performance and confer with the executive director of the department regarding hiring and performance evaluation matters; and ! Repealing the requirement that members of the board represent all 7 of the state's congressional districts and instead requiring that appointing authorities ensure that the board's membership reflect the greatest degree of diversity possible.		
SB21-108	Sen. T. Story	PUC	Pipeline Safety	2/18/2021	Introduced In Senate - Assigned to Transportation & Energy				Section 1 of the bill declares that, due to recent dramatic increases in both the extraction and transportation of natural gas and the construction of new homes and businesses in close proximity to these activities, it is appropriate to consolidate, strengthen, and streamline the safety regulations that apply to natural gas pipeline utilities. Section 2 updates and clarifies the duty of the public utilities commission (PUC) to collaborate with the United States department of transportation (DOT) on pipeline safety issues by: ! Formally accepting responsibility to enforce DOT pipeline safety rules; and ! Adopting rules at the state level as needed to comply with federal requirements. The PUC's rules may be more stringent than required by federal standards in specified areas. Section 3 amends existing penalty provisions for pipeline safety violations by: ! Increasing the penalty cap from \$100,000 per violation to \$200,000, and increasing the aggregate total from \$1 million to \$2 million; ! Allowing the PUC to recover court costs if it must sue to recover any penalty assessed against a violator; and ! Requiring any compromise of a penalty to be based on objective metrics and factors, including the severity of the violation, the extent to which the violator has remedied the conditions that led to the violation, and the amount the violator agrees to spend on approved measures to reduce future risk. Any such compromise may not reduce the amount payable as a penalty below \$5,000 per violation.		

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SB21-200	Sen. D. Moreno, Sen. F. Winter, Rep. D. Jackson	GHGs	And Envi. Justice	4/20/2021	Senate Committee on Transportation & Energy Refer Amended to Finance	4/28/2021	Hearing at 1:30 pm Old Supreme Court		<p>Current law requires the air quality control commission (AQCC) to adopt rules that will result in the statewide reduction of greenhouse gas (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:</p> <p>Directing the AQCC to:</p> <ul style="list-style-type: none"> 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; <p>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</p> <p>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.</p> <p>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.</p> <p>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.</p>	Support	Letter to Sponsors and Testifying in Senate Committee
SB21-230	Sen. C. Hansen, Sen. F. Winter, Rep. T. Bernett, Rep. A. Valdez	CEO	Funding	4/13/2021	Senate Committee on Transportation & Energy Refer Unamended to Appropriations				<p>The bill directs the state treasurer to make an immediate, one-time transfer of \$40 million from the general fund to the energy fund administered by the Colorado energy office (CEO). The CEO may use the money for its ongoing programs plus the following enumerated purposes:</p> <ul style="list-style-type: none"> - Making grants to the Colorado Clean Energy Fund and the Colorado new energy improvement district totaling up to \$30 million and \$3 million, respectively; - Increasing the amounts available through residential energy upgrade loans by up to \$2 million; and - Providing up to \$5 million in additional funding to the charge ahead Colorado program administered by the CEO. <p>The bill requires the CEO to periodically report on its expenditures to the office of state planning and budgeting and the general assembly.</p> <p>The bill appropriates \$40 million from the energy fund to the CEO to be used for the specified purposes.</p>		
SB21-246	Sen. S. Fenberg	Beneficial Electrification	PUC Direction	4/16/2021	Introduced In Senate - Assigned to Transportation & Energy				<p>The bill directs the public utilities commission (PUC) to establish energy savings targets and approve plans under which investor-owned electric utilities will promote the use of energy-efficient electric equipment in place of less efficient fossil-fuel-based systems. This directive would substantially follow the model of existing demand-side management (DSM) policies established by the PUC. Section 1 of the bill declares that DSM has provided substantial economic and environmental benefits, and the PUC's administration of DSM has successfully carried out legislative intent; therefore, the PUC is directed to implement the beneficial electrification programs and plans using the same approach. Sections 2 and 4 specify the parameters for these programs and plans, including the types of systems and appliances that are eligible for installation, the criteria to be considered when the PUC evaluates plan proposals, the implementation of plans, utility cost-recovery mechanisms, and performance incentives. Section 4 also requires that any installation, upgrade, or new construction under a beneficial electrification program must be performed either by utility employees or by qualified, Colorado-licensed contractors. Section 3 directs the PUC to apply current standards for measurement of the social cost of carbon emissions, including methane, in evaluating the cost, benefit, or net present value of utility plans and proposals for beneficial electrification. Section 5 makes a conforming amendment.</p>		
XB21-1023	Rep. P. Will, Sen. D. Coram	Real Estate	RE Facility Classification	3/17/2021	House Committee on Finance Postpone Indefinitely				<p>Currently, the location of a small or low impact hydroelectric energy facility, a geothermal energy facility, a biomass energy facility, a wind energy facility, or a solar energy facility on real property does not affect the classification of that real property for purposes of determining the actual value of that real property. As a result, a county assessor cannot use the location of the facility as a basis for reclassifying the real property. The bill creates an exception to this requirement for real property that, immediately prior to the location of the facility, was classified as agricultural. Therefore, an assessor will be able to consider the location of the facility when determining whether the real property should be reclassified.</p>		
XB21-1034	Rep. D. Woog	Gas	Consumer Rights	3/3/2021	House Committee on Energy & Environment Postpone Indefinitely				<p>The bill invalidates any statute, rule, or local ordinance or resolution that limits or prohibits, except as required for safety purposes, the installation in a new or existing home or business any system or appliance that uses natural gas or propane for cooking, hot water, space heating, or electrical generation.</p>		

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XB21-114	Sen. B. Kirkmeyer	Oil & Gas	New School Setbacks	3/31/2021	Senate Second Reading Laid Over to 09/15/2021 - No Amendments			L_001	The bill requires that proposed public school building sites be set back from existing oil and gas facilities a distance that is no less than: ! The setback distance required by the local government having land use jurisdiction over the site for locating new oil and gas facilities from public school properties; or ! If there are no local government setback requirements, the setback distance required by the oil and gas conservation commission for siting new oil and gas facilities from existing public school properties.		
XB21-1205	Rep. Andres Pico	EV	Fee	3/24/2021	House Committee on Energy & Environment Postpone Indefinitely				The bill requires a road usage equalization fee (equalization fee) to be imposed at the time of annual registration on each plug-in electric motor vehicle that is required to be registered in the state. The fee is set in an amount that is estimated to achieve parity between the aggregate amount of motor vehicle registration fees and motor fuel excise taxes paid per vehicle by owners of plug-in electric motor vehicles and vehicles fueled by gasoline, diesel, or other special fuels and is annually adjusted for inflation. The executive directors of the department of transportation and the department of revenue are required to form a joint working group to develop recommendations as to whether and to what extent the equalization fee should be adjusted to achieve the goal of maintaining parity between plug-in electric motor vehicle owners and owners of motor vehicles that use motor fuel for propulsion with respect to the aggregate amount in motor vehicle registration fees and motor fuel taxes paid. The recommendations must include recommendations as to whether the road equalization fee needs to be adjusted to account for changes to motor fuel excise tax rates or the imposition of other government charges that are calculated on the basis of motor fuel consumption, whether the amount of the fee should be different for personal and commercial vehicles, or whether the amount of the fee should vary based on specified factors. After the joint working group reports to the executive directors, the executive directors or their designees must prepare a written report regarding the recommendations for presentation to the transportation legislation review committee during the 2022 legislative interim. Revenue generated by the fee: Must be credited to the highway users tax fund (HUTF) and distributed pursuant to the existing "second stream" HUTF allocation formula as follows: 60% to the state highway fund; 22% to counties; and 18% to municipalities; and Must be used only for maintenance of existing highways, streets, and roads.	Oppose	Letter if gets out of committee
XB21-1246	Rep. E. Sirota, Sen. S. Jaquez Lewis	PERA	Fossil Divestment	4/19/2021	House Committee on Finance Postpone Indefinitely				The public employees' retirement association (PERA) board (board) is required to create an exclusion list of all fossil fuel companies in whose stocks, securities, equities, assets, or other obligations PERA has any money or assets directly invested. The board is required to notify any company on the list of its inclusion on the list and of the divestment requirements of the bill. The board is required to periodically update the exclusion list. A company that was included on the exclusion list may request that it be removed from the list on the basis of clear and convincing evidence that it is not currently a fossil fuel company or that it will no longer meet such definition by a certain date. Within 6 months from the completion of the exclusion list, the board is required to issue a determination as to whether divestment from the companies on the exclusion list complies with the board's fiduciary obligations. If the board determines that divestment from any company on the exclusion list does not comply with its fiduciary obligations, the board will remove the company from the exclusion list. Beginning one year after the effective date of the bill, the board is required to: - Divest the funds managed by PERA (fund) of any stocks, securities, equities, assets, or other obligations of companies on the exclusion list in which any money or assets of the fund are directly invested; and - Cease new direct investments of any money or assets of the fund in any stocks, securities, or other obligations of any company that is a fossil fuel company. The board is required to complete divestment from fossil fuel companies by a specified date. Beginning one year after the effective date of the bill, the board is required to endeavor to ensure that no money or assets of the fund are invested in an indirect investment vehicle unless the board is satisfied that such indirect investment vehicle is unlikely to have in excess of 2% of its assets directly or indirectly invested in fossil fuel companies. The board is required to issue periodic reports to the members of the pension review commission of the general assembly outlining all actions taken to comply with the requirements of the bill.		

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XB21-125	Sen. J. Cooke	Air Quality	AQCC Rules	4/1/2021	Senate Committee on Transportation & Energy Postpone Indefinitely			L0001	<p>Current law requires the air quality control commission (commission) to give at least 60 days' notice before the hearing when promulgating certain rules that set air quality standards. The bill clarifies that the commission may give an earlier notice and requires the notice to include a description of the classes of persons and entities that will be affected by the proposed rule.</p> <p>Current law authorizes people to submit alternate proposals to the commission's rules that set air quality standards. The bill requires the commission to promulgate rules concerning alternate proposals that:</p> <ul style="list-style-type: none"> ! Establish a deadline for submitting these proposals, but the deadline can be no later than the deadline for party statements; ! Govern the submission of proposals; ! Establish procedures for assigning a hearing officer to make the determination whether the proposal complies with the requirements; ! Ensure that any party to the hearing is afforded sufficient time before the hearing to consider proposals and file with the commission a written response to the proposal. <p>The commission is prohibited from considering an alternate proposal at the hearing unless the proposal:</p> <ul style="list-style-type: none"> ! Complies with the bill, as determined by a hearing officer; and ! Includes: <ul style="list-style-type: none"> ! An initial economic impact analysis; ! A description of the classes of persons that will be affected; and ! A statement as to whether the proposal was developed in consultation with those persons or why consultation with those persons was not conducted. <p>No later than 10 days after receiving an alternate proposal, a hearing officer must:</p> <ul style="list-style-type: none"> ! Determine whether the proposal complies with the bill; and ! Provide notice of the determinations to all persons that have filed with the commission a written request to receive the notices. <p>The bill requires the proponents of an alternate proposal to provide to the commission a final economic impact analysis.</p>		
XB21-149	Sen. B. Gardner	Wind	Siting near military	3/23/2021	Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely				<p>The bill requires a wind energy developer or owner to notify the United States department of defense military aviation and installation assurance siting clearinghouse (clearinghouse) of the new construction or expansion of a wind energy facility if the proposed project would include vertical construction exceeding 200 feet in height.</p> <p>Upon receiving notification of a proposed project, the clearinghouse is requested to review the proposed project to determine whether it would have an adverse impact to military mission, training, or operations and to notify the wind energy developer of its determination in writing within 90 days after receiving the notice. If the clearinghouse determines the proposed project will have no adverse impact, the proposed project may proceed. If the clearinghouse determines that the proposed project will have an adverse impact, the proposed project may proceed only if the wind energy developer or owner commits to resolving the adverse impact through the implementation of mitigation measures that the clearinghouse identifies in its determination.</p> <p>A wind energy developer or owner shall not construct a new wind energy facility or expand an existing wind energy facility in a manner that includes any vertical construction in excess of 50 feet in height if the wind energy facility is located within 2 nautical miles of an active federal military missile launch or control facility.</p>	Oppose	

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XB21-161	Sen. D. Coram, Sen. C. Hansen, Rep. J. Arndt	Gas	GHG Reduction	4/20/2021	Senate Committee of Transportation & Energy Postponed Indefinitely				<p>The bill requires the public utilities commission (PUC) to adopt by rule, no later than July 31, 2022, greenhouse gas (GHG) emission reduction programs (reduction programs) for large natural gas utilities (those that have at least 250,000 customer accounts in Colorado) and small natural gas utilities (those that have fewer than 250,000 customer accounts in Colorado) (collectively, utilities). Municipally owned utilities may, but need not, participate in a reduction program. The rules must include reporting requirements and a process for utilities to fully recover qualified investments, which are prudently incurred costs associated with a reduction program.</p> <p>The bill establishes the following GHG emission reduction targets, using a utility's 2019 GHG emissions as a baseline:</p> <p>By January 1, 2025, at least 5%; By January 1, 2030, at least 10%; and On and after January 1, 2035, at least 15%.</p> <p>GHG emission reductions from the delivery of natural gas to other utilities and transportation sector retail customers are excluded from the reduction programs. The following sources of GHG emission reductions are included in the reduction programs:</p> <p>Methane leaked from the transportation and delivery of natural gas from natural gas distribution and service pipelines; and Carbon dioxide emitted by the utility's retail customers (other than those in the transportation sector) as a result of the combustion of natural gas delivered by the utility.</p> <p>GHG emission reductions can be achieved by:</p> <p>Using renewable natural gas, which must account for at least 35% of the emission reductions; Emission offsets; Methane emission reductions from a variety of mechanisms; and Other programs developed by the utility and approved by the PUC that demonstrate GHG emission reductions.</p> <p>If a large utility's total incremental annual cost to meet the GHG emission reduction targets exceeds 2% of the large utility's total revenue requirement for a particular year, the large utility shall not make additional qualified investments under the reduction program for that year without approval from the PUC.</p> <p>Small utilities may opt in to the reduction program as established by the PUC by rule. The rule must include tradeable credits and a rate cap limiting the small utility's costs of making qualified investments. For included emission reductions and until 2025, a utility participating in a reduction program is not subject to any additional GHG emission reduction requirements or required to incur any additional costs under Colorado's generally applicable GHG emission reduction requirements if the utility:</p> <p>Files with the PUC a plan that contains approvable and cost-effective programs that make progress toward the GHG emission reduction targets and are projected to meet either the applicable emission reduction targets or the applicable retail rate impact; Reports GHG emission reductions consistent with the accounting methodology established by the division of administration in the department of public health and environment; and Is either projected to meet the GHG emission reduction targets in an applicable year or the PUC finds that the projected costs to achieve the emission reductions have met the applicable retail rate impact.</p> <p>The bill gives the oil and gas conservation commission the authority to authorize class VI injection permits, which authorize the deep sequestration of carbon dioxide.</p>	Support	

