

SB20-204

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Fenberg

1 Amend the Finance Committee Report, dated May 27, 2020, page 1, after
2 line 2 insert:

3 "Page 7 of the bill, line 5, strike "HEALTH EFFECTS DATA;" and substitute
4 "DATA REGARDING POTENTIAL HEALTH RISKS FROM EMISSIONS;".

5 Page 7 of the bill, line 15, strike "IMPARTIAL" and substitute "IMPARTIAL,
6 TRANSPARENT,".

7 Page 1 of the report, after line 4 insert:

8 "Page 8 of the bill, line 3, strike "HEALTH" and substitute "PUBLIC HEALTH
9 RISK,".

10 Page 1 of the report, strike lines 10 and 11 and substitute "SCIENCE AND
11 NOT ADVOCATE FOR OR DEVELOP AIR QUALITY POLICY. CONSISTENT WITH
12 THIS, THE BOARD SHALL NOT PARTICIPATE AS A PARTY IN ANY".

13 Page 1 of the report, line 16, strike "MANAGEMENT," and substitute
14 "MANAGEMENT, ONE GOVERNOR APPOINTEE WITH SIGNIFICANT PRIVATE
15 SECTOR EXPERIENCE IN THE FIELD OF BUSINESS MANAGEMENT,".

16 Page 1 of the report, after line 17 insert:

17 "Page 10 of the bill, after line 7 insert:

18 "(g) THE BOARD SHALL CONDUCT THE ENTERPRISE'S BUSINESS AS
19 REQUIRED BY STATE LAW, INCLUDING THE OPEN MEETING REQUIREMENTS
20 OF PART 4 OF ARTICLE 6 OF TITLE 24 AND THE OPEN RECORD
21 REQUIREMENTS OF ARTICLE 72 OF TITLE 24."

22 Page 11 of the bill, line 4, strike "AND RESEARCH;" and substitute
23 "HEALTH RISK ASSESSMENT, AND RESEARCH RELATED TO STATIONARY
24 SOURCES THAT:

25 (A) FOLLOW OR ADVANCE BEST PRACTICES FOR RISK ASSESSMENT,
26 RISK MANAGEMENT, MONITORING, MODELING, AND ASSESSMENT;

27 (B) USE CONSISTENT, DATA-DRIVEN, AND TRANSPARENT
28 PROCESSES FOR SCOPING AND PRIORITIZING ACTIVITIES; AND

29 (C) USE THE BEST AVAILABLE SCIENTIFIC INFORMATION;".

30 Page 11 of the bill, line 6, after "REGARDING" insert "STATIONARY
31 SOURCE".

- 1 Page 11 of the bill, strike line 8 and substitute "PUBLIC HEALTH RISK
2 IMPACTS FROM THOSE EMISSIONS;"
- 3 Page 11 of the bill, line 27, after the period insert "BEFORE FINALIZING A
4 DRAFT RESEARCH PRODUCT, THE BOARD SHALL POST THE DRAFT ON THE
5 BOARD'S WEBSITE AND ALLOW A PERIOD OF TIME FOR PUBLIC COMMENT ON
6 THE DRAFT.".
- 7 Page 2 of the report, line 4, strike "ENGAGING IN ANY RULEMAKING TO
8 ESTABLISH" and substitute "ESTABLISHING".
- 9 Page 2 of the report, line 10, strike "TWO" and substitute "ONE".
- 10 Page 2 of the report, after line 20 insert:
- 11 "Page 12 of the bill, after line 26 insert:
12 "(6) **Repeal.** (a) THIS SECTION IS REPEALED, EFFECTIVE
13 SEPTEMBER 1, 2034. BEFORE THE REPEAL, THE ENTERPRISE IS SCHEDULED
14 FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.
15 (b) ON SEPTEMBER 1, 2034, THE STATE TREASURER SHALL
16 TRANSFER ALL UNALLOCATED MONEY IN THE FUND TO THE STATIONARY
17 SOURCES CONTROL FUND CREATED IN SECTION 25-7-114.7 (2)(b)(I).
18 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **add**
19 (35)(a)(IV) as follows:
20 **24-34-104. General assembly review of regulatory agencies**
21 **and functions for repeal, continuation, or reestablishment - legislative**
22 **declaration - repeal.** (35) (a) The following agencies, functions, or both,
23 are scheduled for repeal on September 1, 2034:
24 (IV) THE AIR QUALITY ENTERPRISE CREATED BY SECTION
25 25-7-103.5."
- 26 Renumber succeeding sections accordingly.
- 27 Page 13 of the bill, line 10, strike "EIGHTEEN DOLLARS." and substitute
28 "SIXTEEN DOLLARS. FOR STATE FISCAL YEAR 2021-22, THE FEE FOR FILING
29 AN AIR POLLUTANT EMISSION NOTICE OR AN AMENDMENT TO THE NOTICE
30 UNDER THIS SECTION IS TWO HUNDRED FORTY-TWO DOLLARS."
- 31 Page 13 of the bill, line 20, after "(2)(b)(III)" insert "and (2)(b)(IV)".
- 32 Page 14 of the bill, line 2, strike "THIRTY-THREE" and substitute
33 "THIRTY-TWO DOLLARS PER TON OF REGULATED POLLUTANT REPORTED IN
34 THE MOST RECENT AIR POLLUTION EMISSION NOTICE ON FILE WITH THE
35 DIVISION. FOR STATE FISCAL YEAR 2021-22, THE FEE IS THIRTY-SIX".

1 Page 14 of the bill, line 18, strike "EIGHTEEN" and substitute "SIXTEEN
2 DOLLARS PER TON. FOR STATE FISCAL YEAR 2021-22, IN ADDITION TO THE
3 ANNUAL FEE SET FORTH IN SUBSECTION (2)(a)(I)(A) OF THIS SECTION, FOR
4 HAZARDOUS AIR POLLUTANTS, INCLUDING OZONE-DEPLETING COMPOUNDS,
5 THERE IS AN ANNUAL FEE OF TWO HUNDRED THIRTY-NINE".

6 Page 15 of the bill, line 10, strike "NINE DOLLARS" and substitute "EIGHT
7 DOLLARS AND TWELVE CENTS PER HOUR. FOR STATE FISCAL YEAR
8 2021-22, THE DIVISION SHALL ASSESS A FEE FOR WORK IT PERFORMS, UP TO
9 A MAXIMUM OF THIRTY HOURS AT A RATE OF ONE HUNDRED NINETEEN
10 DOLLARS".

11 Page 2 of the report, after line 21 insert:

12 "Page 16 of the bill, line 12, strike "OIL AND GAS" and substitute
13 "STATIONARY".

14 Page 16 of the bill, line 17, strike "OIL AND GAS INDUSTRY" and substitute
15 "STATIONARY SOURCE".

16 Page 16 of the bill, after line 25 insert:

17 "(IV) THE DIVISION SHALL REPORT ANNUALLY REGARDING HOW
18 THE FEES AUTHORIZED BY THIS SECTION HAVE BEEN UTILIZED, WHAT
19 RELATED EFFICIENCY AND PROCESS IMPROVEMENTS HAVE BEEN MADE,
20 AND A PROJECTION OF SHORT-TERM AND LONG-TERM CAPITAL OPERATING
21 EXPENDITURES. BEFORE MAKING ANY FEE ADJUSTMENT AFTER FISCAL
22 YEAR 2021-22 THAT IS AUTHORIZED BY SECTION 25-7-114.1 (6)(a) OR
23 25-7-114.7 (2)(a)(I)(A), (2)(a)(I)(B), OR (2)(a)(III), THE DIVISION SHALL
24 REPORT ANNUALLY ABOUT HOW EXISTING FEES HAVE BEEN UTILIZED AND
25 ENGAGE IN A STAKEHOLDER PROCESS WITH IMPACTED STATIONARY
26 SOURCES. THE DIVISION SHALL INITIATE THIS STAKEHOLDER PROCESS AT
27 LEAST SIX MONTHS BEFORE ANY RULE THAT INCREASES FEES BECOMES
28 EFFECTIVE UNLESS EMERGENCY RULEMAKING PURSUANT TO SECTION
29 24-4-103 IS NECESSARY. THE STAKEHOLDER PROCESS MUST INVOLVE
30 DISCUSSION OF:

31 (A) ONGOING EFFICIENCY IMPROVEMENT PROJECTS AND PROGRESS
32 TOWARDS COMPLETION OF THOSE PROJECTS, INCLUDING DATABASE
33 IMPROVEMENTS AND REPLACING THE EXISTING AIR POLLUTION EMISSION
34 NOTICE PROCESS WITH AN IMPROVED EMISSION INVENTORY PROCESS; AND

35 (B) THE JUSTIFICATION AND NECESSITY OF ADDITIONAL FEE
36 INCREASES, INCLUDING AN OUTLINE OF WHERE INCREASES IN FEES WILL BE
37 UTILIZED MOVING FORWARD.".

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