

SENATE FLOOR AMENDMENT

Second Reading

BY SENATORS Priola and Winter F.

1 Amend reengrossed bill, page 21, before line 27 insert:

2 "SECTION 14. In Colorado Revised Statutes, 24-4-109, **amend**
3 (2)(a) and (2)(b)(II); and **add** (5) and (6) as follows:

4 **24-4-109. State engagement of disproportionately impacted**
5 **communities - definitions.** (2) **Definitions.** (a) (I) (A) The
6 ~~environmental justice action task force created in section 25-1-133 will~~
7 ~~recommend to the general assembly potential modifications to the~~
8 ~~definitions established in this subsection (2). The definitions established~~
9 ~~in this subsection (2) apply unless and until the general assembly acts by~~
10 ~~bill to modify one or more of the definitions~~ ALL AGENCIES SHALL USE
11 THE DEFINITION OF DISPROPORTIONATELY IMPACTED COMMUNITY SET
12 FORTH IN SUBSECTION (2)(b)(II) OF THIS SECTION.

13 (B) IN APPLYING THE DEFINITION OF DISPROPORTIONATELY
14 IMPACTED COMMUNITY, AN AGENCY MAY PRIORITIZE OR TARGET CERTAIN
15 CRITERIA OF THE DEFINITION OF DISPROPORTIONATELY IMPACTED
16 COMMUNITY OR CERTAIN SUBSETS OF COMMUNITIES THAT MEET THE
17 DEFINITION OF DISPROPORTIONATELY IMPACTED COMMUNITY IF THE
18 AGENCY MAKES A DETERMINATION BY RULE OR OTHER PUBLIC
19 DECISION-MAKING PROCESS THAT THE PRIORITIZATION OR TARGETING IS
20 WARRANTED AND REASONABLY TAILORED TO THE CATEGORY OF AGENCY
21 ACTION INVOLVED. AN AGENCY WITH RULEMAKING AUTHORITY SHALL
22 MAKE THE DETERMINATION BY RULE.

23 (C) A DETERMINATION OF THE PUBLIC UTILITIES COMMISSION THAT
24 IT WILL PRIORITIZE OR TARGET CERTAIN CRITERIA OF THE DEFINITION OF
25 DISPROPORTIONATELY IMPACTED COMMUNITY OR SUBSETS OF
26 COMMUNITIES THAT MEET THE DEFINITION OF DISPROPORTIONATELY
27 IMPACTED COMMUNITY DOES NOT CONSTITUTE ANY PREJUDICE OR
28 DISADVANTAGE OR ANY UNREASONABLE DIFFERENCE AS SET FORTH IN
29 SECTION 40-3-106 (1)(a).

30 (II) ~~This subsection (2)(a) is repealed, effective September 1,~~
31 ~~2024.~~

32 (b) As used in this section and sections 25-1-133, 25-1-134, and
33 25-7-105 (1)(e), unless the context otherwise requires:

34 (II) "Disproportionately impacted community" means a
35 community that is in a census block group, as determined in accordance
36 with the most recent United States census, ~~where the proportion of~~
37 ~~households that are low income is greater than forty percent, the~~
38 ~~proportion of households that identify as minority is greater than forty~~
39 ~~percent, or the proportion of households that are housing cost-burdened~~

1 ~~is greater than forty percent; or is any other community as identified or~~
2 ~~approved by a state agency, if: The community has a history of~~
3 ~~environmental racism perpetuated through redlining, anti-Indigenous,~~
4 ~~anti-immigrant, anti-Hispanic, or anti-Black laws; or the community is~~
5 ~~one where multiple factors, including socioeconomic stressors,~~
6 ~~disproportionate environmental burdens, vulnerability to environmental~~
7 ~~degradation, and lack of public participation, may act cumulatively to~~
8 ~~affect health and the environment and contribute to persistent disparities.~~
9 ~~As used in this subsection (2)(b)(H), "cost-burdened" means a household~~
10 ~~that spends more than thirty percent of its income on housing, and "low~~
11 ~~income" means the median household income is less than or equal to two~~
12 ~~hundred percent of the federal poverty guideline.~~ FIVE YEAR UNITED
13 STATES BUREAU OF THE CENSUS AMERICAN COMMUNITY SURVEY AND
14 MEETS ONE OR MORE OF THE FOLLOWING CRITERIA:
15 (A) THE PROPORTION OF THE POPULATION LIVING IN HOUSEHOLDS
16 THAT ARE BELOW TWO HUNDRED PERCENT OF THE FEDERAL POVERTY
17 LEVEL IS GREATER THAN FORTY PERCENT;
18 (B) THE PROPORTION OF HOUSEHOLDS THAT SPEND MORE THAN
19 THIRTY PERCENT OF HOUSEHOLD INCOME ON HOUSING IS GREATER THAN
20 FIFTY PERCENT;
21 (C) THE PROPORTION OF THE POPULATION THAT IDENTIFIES AS
22 PEOPLE OF COLOR IS GREATER THAN FORTY PERCENT;
23 (D) THE PROPORTION OF THE POPULATION THAT IS LINGUISTICALLY
24 ISOLATED IS GREATER THAN TWENTY PERCENT;
25 (E) AN AGENCY DETERMINES THAT THE POPULATION IS
26 DISPROPORTIONATELY IMPACTED BASED ON EVIDENCE, PRESENTED IN A
27 RELEVANT AGENCY DECISION-MAKING PROCESS, THAT A CENSUS BLOCK
28 GROUP IS DISPROPORTIONATELY IMPACTED BECAUSE IT HAS A HISTORY OF
29 ENVIRONMENTAL RACISM PERPETUATED THROUGH REDLINING OR
30 THROUGH ANTI-INDIGENOUS, ANTI-IMMIGRANT, ANTI-LATINO, OR
31 ANTI-BLACK LAWS, POLICIES, OR PRACTICES AND THAT PRESENT-DAY
32 DEMOGRAPHIC FACTORS AND DATA DEMONSTRATE THAT THE COMMUNITY
33 CURRENTLY FACES ENVIRONMENTAL HEALTH DISPARITIES;
34 (F) THE COMMUNITY IS IDENTIFIED BY AN AGENCY AS BEING ONE
35 WHERE MULTIPLE FACTORS, INCLUDING SOCIOECONOMIC STRESSORS,
36 VULNERABLE POPULATIONS, DISPROPORTIONATE ENVIRONMENTAL
37 BURDENS, VULNERABILITY TO ENVIRONMENTAL DEGRADATION OR
38 CLIMATE CHANGE, AND LACK OF PUBLIC PARTICIPATION MAY ACT
39 CUMULATIVELY TO AFFECT HEALTH AND THE ENVIRONMENT AND MAY
40 CONTRIBUTE TO PERSISTENT DISPARITIES;
41 (G) THE COMMUNITY IS A MOBILE HOME PARK, AS DEFINED IN
42 SECTION 38-12-201.5 (6); OR
43 (H) THE COMMUNITY IS LOCATED ON THE SOUTHERN UTE OR UTE
44 MOUNTAIN UTE INDIAN RESERVATION.
45 (5) (a) (I) THE DIVISION OF ADMINISTRATION IN THE COLORADO

1 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL DESIGN THE
2 COLORADO ENVIROSCREEN TOOL SO THAT A CENSUS BLOCK GROUP THAT
3 SCORES ABOVE THE EIGHTIETH PERCENTILE IN THE COLORADO
4 ENVIROSCREEN TOOL IS PRESUMED TO BE A DISPROPORTIONATELY
5 IMPACTED COMMUNITY. AN AGENCY DETERMINING WHETHER A
6 COMMUNITY IS A DISPROPORTIONATELY IMPACTED COMMUNITY IN
7 ACCORDANCE WITH THIS SUBSECTION (5)(a) SHALL APPLY THE MOST
8 RECENT VERSION OF COLORADO ENVIROSCREEN TOOL AVAILABLE AT THE
9 TIME THE AGENCY MAKES THE DETERMINATION.

10 (II) AS USED IN THIS SUBSECTION (5)(a), "COLORADO
11 ENVIROSCREEN TOOL" MEANS THE ENVIRONMENTAL JUSTICE MAPPING
12 TOOL DEVELOPED AND ADMINISTERED BY THE DEPARTMENT OF PUBLIC
13 HEALTH AND ENVIRONMENT AND COLORADO STATE UNIVERSITY, OR ANY
14 SUCCESSOR TOOL.

15 (b) A CENSUS BLOCK GROUP THAT IS WITHIN A CENSUS TRACT
16 THAT QUALIFIES AS DISADVANTAGED AS DETERMINED UNDER THE CLIMATE
17 AND ECONOMIC JUSTICE SCREENING TOOL DEVELOPED BY THE COUNCIL ON
18 ENVIRONMENTAL QUALITY IN THE OFFICE OF THE PRESIDENT OF THE
19 UNITED STATES IS PRESUMED TO BE A DISPROPORTIONATELY IMPACTED
20 COMMUNITY. AN AGENCY DETERMINING WHETHER A COMMUNITY IS A
21 DISPROPORTIONATELY IMPACTED COMMUNITY UNDER THIS SUBSECTION
22 (5)(b) SHALL APPLY THE MOST RECENT VERSION OF THE CLIMATE AND
23 ECONOMIC JUSTICE SCREENING TOOL AVAILABLE WHEN IT IS DETERMINING
24 WHETHER A COMMUNITY IS A DISPROPORTIONATELY IMPACTED
25 COMMUNITY.

26 (6) THE PROVISIONS OF SUBSECTION (2)(b)(II) OF THIS SECTION
27 ARE SEVERABLE, AND IF ANY PROVISION OF SUBSECTION (2)(b)(II) OF THIS
28 SECTION IS FOUND BY A COURT OF COMPETENT JURISDICTION TO BE
29 UNCONSTITUTIONAL, THE REMAINING PROVISIONS ARE VALID, UNLESS:

30 (a) IT APPEARS TO THE COURT THAT THE VALID PROVISIONS ARE SO
31 ESSENTIALLY AND INSEPARABLY CONNECTED WITH, AND SO DEPENDENT
32 ON, THE UNCONSTITUTIONAL PROVISION THAT IT CANNOT BE PRESUMED
33 THAT THE LEGISLATURE WOULD HAVE ENACTED THE VALID PROVISIONS
34 WITHOUT THE UNCONSTITUTIONAL ONE; OR

35 (b) THE COURT DETERMINES THAT THE VALID PROVISIONS,
36 STANDING ALONE, ARE INCOMPLETE AND ARE INCAPABLE OF BEING
37 EXECUTED IN ACCORDANCE WITH THE LEGISLATIVE INTENT.

38 **SECTION 15.** In Colorado Revised Statutes, 8-83-502, **amend**
39 (4) as follows:

40 **8-83-502. Definitions.** As used in this part 5, unless the context
41 otherwise requires:

42 (4) "Disproportionately impacted community" ~~means any~~
43 ~~community of color, low-to-middle income community, or indigenous~~
44 ~~community that is or has been directly impacted by coal pollution~~ HAS
45 THE MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

1 **SECTION 16.** In Colorado Revised Statutes, **amend** 24-30-104
2 as follows:

3 **24-30-104. Burnham Yard rail property site - required**
4 **development planning.** The executive director of the department of
5 personnel shall engage with stakeholders including the city and county of
6 Denver, the department of transportation, the department of local affairs,
7 the regional transportation district created in section 32-9-105, and the
8 communities, including disproportionately impacted communities, as
9 defined in section ~~43-1-128 (2)(c)~~ SECTION 24-4-109 (2)(b)(II), and
10 registered neighborhood organizations in the vicinity of the Burnham
11 Yards rail property to create a site plan to support transit-oriented
12 development at the Burnham Yard rail property site and potential
13 recommendations for how to suballocate parcels for various beneficial
14 uses at the site. The executive director shall, in consultation with the other
15 governmental stakeholders named in this section, actively reach out to the
16 communities, including disproportionately impacted communities, and
17 registered neighborhood organizations in the vicinity of the Burnham
18 Yards rail property regarding all stages of the development of the
19 property, provide meaningful opportunities for members of those
20 communities to express their views regarding the development of the
21 property, and endeavor to identify groups or individuals from those
22 communities who are interested in and capable of representing the
23 interests of those communities throughout the development process. The
24 executive director shall also identify any additional stakeholders, and as
25 appropriate already engaged stakeholders, to engage with who may have
26 an interest in developing the suballocated parcels for the best use such as
27 the department of local affairs for affordable housing, local housing
28 authorities, and the great outdoors Colorado program for potential green
29 space development. The site plan must consider opportunities for the site
30 including front range passenger rail service, multi-family and affordable
31 housing development, community benefits, green spaces, parkland,
32 recreational opportunities, retail, and links to transit and multi-modal
33 options to connect the site to the surrounding community. The site plan
34 must promote the development and operation of quality public private
35 partnership opportunities and include a well-defined framework to
36 facilitate collaboration between public and private entities in
37 infrastructure development and operation and enable investment of public
38 and private capital.

39 **SECTION 17.** In Colorado Revised Statutes, 24-38.5-302,
40 **amend** (3) as follows:

41 **24-38.5-302. Definitions.** As used in this part 3, unless the
42 context otherwise requires:

43 (3) (a) ~~"Disproportionately impacted community" means a~~
44 ~~community that is in a census block group, as determined in accordance~~
45 ~~with the most recent United States decennial census, where the proportion~~

1 ~~of households that are low income is greater than forty percent, the~~
2 ~~proportion of households that identify as minority is greater than forty~~
3 ~~percent, or the proportion of households that are housing cost-burdened~~
4 ~~is greater than forty percent~~ "DISPROPORTIONATELY IMPACTED
5 COMMUNITY" HAS THE MEANING SET FORTH IN SECTION 24-4-109
6 (2)(b)(II).

7 ~~(b) As used in this subsection (3):~~

8 ~~(I) "Cost-burdened" means a household that spends more than~~
9 ~~thirty percent of its income on housing.~~

10 ~~(II) "Low income" means the median household income is less~~
11 ~~than or equal to two hundred percent of the federal poverty guideline.~~

12 **SECTION 18.** In Colorado Revised Statutes, 25-7.5-102, **amend**
13 **(7)** as follows:

14 **25-7.5-102. Definitions.** As used in this article 7.5, unless the
15 context otherwise requires:

16 ~~(7) (a) "Disproportionately impacted community" means a~~
17 ~~community that is in a census block group, as determined in accordance~~
18 ~~with the most recent United States decennial census, where the proportion~~
19 ~~of households that are low income is greater than forty percent, the~~
20 ~~proportion of households that identify as minority is greater than forty~~
21 ~~percent, or the proportion of households that are housing cost-burdened~~
22 ~~is greater than forty percent~~ "DISPROPORTIONATELY IMPACTED
23 COMMUNITY" HAS THE MEANING SET FORTH IN SECTION 24-4-109
24 (2)(b)(II).

25 ~~(b) As used in this subsection (7):~~

26 ~~(I) "Cost-burdened" means a household that spends more than~~
27 ~~thirty percent of its income on housing.~~

28 ~~(II) "Low income" means the median household income is less~~
29 ~~than or equal to two hundred percent of the federal poverty guideline.~~

30 **SECTION 19.** In Colorado Revised Statutes, 40-1-102, **add** (6.5)
31 as follows:

32 **40-1-102. Definitions.** As used in articles 1 to 7 of this title 40,
33 unless the context otherwise requires:

34 (6.5) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE
35 MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

36 **SECTION 20.** In Colorado Revised Statutes, 40-2-108, **repeal**
37 **(3)(d)** as follows:

38 **40-2-108. Rules - definitions - legislative declaration.**

39 ~~(3) (d) As used in this subsection (3):~~

40 ~~(I) "Cost-burdened" means a household that spends more than~~
41 ~~thirty percent of its income on housing.~~

42 ~~(II) "Disproportionately impacted community" means a~~
43 ~~community that is in a census block group, as determined in accordance~~
44 ~~with the most recent United States census, where the proportion of~~
45 ~~households that are low income is greater than forty percent, the~~

1 ~~proportion of households that identify as minority is greater than forty~~
2 ~~percent, or the proportion of households that are housing cost-burdened~~
3 ~~is greater than forty percent; or is any other community as identified or~~
4 ~~approved by a state agency, if:~~

5 ~~(A) The community has a history of environmental racism~~
6 ~~perpetuated through redlining, anti-Indigenous, anti-immigrant,~~
7 ~~anti-Hispanic, or anti-Black laws; or~~

8 ~~(B) The community is one where multiple factors, including~~
9 ~~socioeconomic stressors, disproportionate environmental burdens,~~
10 ~~vulnerability to environmental degradation, and lack of public~~
11 ~~participation, may act cumulatively to affect health and the environment~~
12 ~~and contribute to persistent disparities.~~

13 ~~(H) "Low income" means meeting one or more of the following~~
14 ~~criteria:~~

15 ~~(A) Median household income less than or equal to two hundred~~
16 ~~percent of the federal poverty guideline;~~

17 ~~(B) Median household income less than or equal to eighty percent~~
18 ~~of the area median income; or~~

19 ~~(C) Qualification under income guidelines adopted by the~~
20 ~~department of human services pursuant to section 40-8.5-105.~~

21 **SECTION 21.** In Colorado Revised Statutes, 43-1-128, **amend**
22 **(2)(c)** as follows:

23 **43-1-128. Environmental impacts of capacity projects -**
24 **additional requirements - legislative declaration - definitions.** (2) As
25 used in this section, unless the context otherwise requires:

26 ~~(c) (f) "Disproportionately impacted community" means a~~
27 ~~community that is in a census block group, as determined in accordance~~
28 ~~with the most recent United States decennial census, where the proportion~~
29 ~~of households that are low income is greater than forty percent, the~~
30 ~~proportion of households that identify as minority is greater than forty~~
31 ~~percent, or the proportion of households that are housing cost-burdened~~
32 ~~is greater than forty percent "DISPROPORTIONATELY IMPACTED~~
33 ~~COMMUNITY" HAS THE MEANING SET FORTH IN SECTION 24-4-109~~
34 ~~(2)(b)(II).~~

35 ~~(H) As used in this subsection (2)(c):~~

36 ~~(A) "Cost-burdened" means a household that spends more than~~
37 ~~thirty percent of its income on housing.~~

38 ~~(B) "Low income" means the median household income is less~~
39 ~~than or equal to two hundred percent of the federal poverty guideline.~~

40 **SECTION 22.** In Colorado Revised Statutes, 43-4-1202, **amend**
41 **(5)** as follows:

42 **43-4-1202. Definitions.** As used in this part 12, unless the context
43 otherwise requires:

44 ~~(5) (a) "Disproportionately impacted community" means a~~
45 ~~community that is in a census block group, as determined in accordance~~

1 with the most recent United States decennial census, where the proportion
2 of households that are low income is greater than forty percent, the
3 proportion of households that identify as minority is greater than forty
4 percent, or the proportion of households that are housing cost-burdened
5 is greater than forty percent "DISPROPORTIONATELY IMPACTED
6 COMMUNITY" HAS THE MEANING SET FORTH IN SECTION 24-4-109
7 (2)(b)(II).
8 (b) As used in this subsection (5):
9 (f) "Cost-burdened" means a household that spends more than
10 thirty percent of its income on housing.
11 (H) "Low income" means the median household income is less
12 than or equal to two hundred percent of the federal poverty guideline".
13 Renumber succeeding section accordingly.

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