

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0566.01 Thomas Morris x4218

SENATE BILL 18-117

SENATE SPONSORSHIP

Donovan, Aguilar, Court, Fenberg, Jones, Kefalas, Kerr, Merrifield

HOUSE SPONSORSHIP

Hansen,

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING THE COLLECTION OF GREENHOUSE GAS EMISSIONS DATA.

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>.)

The bill requires the department of public health and environment to collect and report on greenhouse gas emissions data.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25-1.5-113 as

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.

1 follows:

2 **25-1.5-113. Greenhouse gas emissions data - legislative**
3 **declaration - rules - reports - definition.** (1) THE GENERAL ASSEMBLY
4 HEREBY:

5 (a) FINDS THAT:

6 (I) GREENHOUSE GAS REPORTING REQUIREMENTS WERE FIRST
7 ESTABLISHED IN COLORADO IN 2008 WITH EXECUTIVE ORDER D004-08.
8 THE POLICIES ESTABLISHED BY THIS EXECUTIVE ORDER WERE CONTINUED
9 UNDER THE NEXT GOVERNOR AND REQUIRE THE DEPARTMENT TO REPORT
10 EVERY FIVE YEARS ON ESTIMATIONS OF GREENHOUSE GAS EMISSIONS BY
11 SECTOR. THE LAST REPORT BY THE DEPARTMENT WAS ISSUED IN 2014 AND
12 THE NEXT REPORT IS DUE IN 2019.

13 (II) EXECUTIVE ORDER D2017-015 DIRECTED THE DEPARTMENT TO
14 PROPOSE A STATE GREENHOUSE GAS REPORTING RULE THAT MIRRORS THE
15 CURRENT FEDERAL REPORTING RULE, 10 CFR PART 300, BY DECEMBER 30,
16 2018, AND ESTABLISHED THE FOLLOWING GOALS:

17 (A) REDUCING GREENHOUSE GAS EMISSIONS STATEWIDE BY MORE
18 THAN TWENTY-SIX PERCENT BELOW 2005 LEVELS BY 2025;

19 (B) REDUCING CARBON DIOXIDE EMISSIONS FROM THE
20 ELECTRICITY SECTOR BY TWENTY-FIVE PERCENT BELOW 2012 LEVELS BY
21 2025 AND THIRTY-FIVE PERCENT BELOW 2012 LEVELS BY 2030; AND

22 (C) REDUCING ELECTRICITY SALES BY TWO PERCENT BY 2020
23 THROUGH COST-EFFECTIVE ENERGY EFFICIENCY MEASURES;

24 (b) DETERMINES THAT:

25 (I) WITH ONLY TWO MORE REPORTS ON GREENHOUSE GAS
26 EMISSIONS COMING DUE (IN 2019 AND 2024) PRIOR TO THE 2025 TARGET
27 OF EXECUTIVE ORDER D2017-015, THERE IS INSUFFICIENT INFORMATION

1 TO ACCURATELY MEASURE PROGRESS AND IDENTIFY STEPS TO ACHIEVE
2 THE GOALS ESTABLISHED IN THE GOVERNOR'S 2017 ORDER;

3 (II) BY COLLECTING AND DISSEMINATING BETTER INFORMATION ON
4 GREENHOUSE GAS EMISSIONS, COLORADO CAN MORE EFFECTIVELY
5 QUANTIFY EMISSIONS TRENDS, TRACK PROGRESS, AND IDENTIFY
6 POTENTIAL AREAS OF GREATEST IMPACT ON THE GREENHOUSE GAS
7 EMISSIONS PROFILE TO FACILITATE THE IMPLEMENTATION OF MEASURES
8 THAT WOULD MOST COST-EFFECTIVELY ALLOW THE STATE TO MEET ITS
9 GREENHOUSE GAS EMISSIONS REDUCTION GOALS; AND

10 (III) DATA COLLECTION SHOULD:

11 (A) BE BOTH TIMELY AND ACCURATE AND THE COLLECTED DATA
12 SHOULD BE MADE AVAILABLE TO THE PUBLIC; AND

13 (B) SUPPORT EMISSIONS TRACKING AND INFORM POTENTIAL
14 APPROACHES TO ACHIEVING THE STATE'S EMISSION REDUCTION GOALS;
15 AND

16 (c) DECLARES THAT IT IS IN THE STATE'S INTERESTS TO OBTAIN
17 ACCURATE MEASUREMENTS OF GREENHOUSE GAS EMISSIONS IN ORDER TO
18 TRACK PROGRESS AND IDENTIFY THE MOST EFFECTIVE STRATEGIES FOR
19 THE STATE TO ACHIEVE EXISTING AND FUTURE TARGETS FOR POLLUTION
20 REDUCTION.

21 (2) THE DEPARTMENT SHALL, BY DECEMBER 30, 2018,
22 PROMULGATE RULES MODELED ON 10 CFR PART 300 TO REQUIRE THE
23 SUBMISSION OF THE BEST INFORMATION AVAILABLE FROM GREENHOUSE
24 GAS EMISSION SOURCES WHILE ALSO USING DATA THAT IS ALREADY BEING
25 COLLECTED, INCLUDING PURSUANT TO FEDERAL LAW, AND INFORMATION
26 THAT IS ALREADY AVAILABLE TO MAKE THE DATA COLLECTION AS
27 EFFICIENT AS POSSIBLE. THE RULES MUST:

1 (a) IMPLEMENT MEASURES TO COLLECT AND REPORT
2 ECONOMY-WIDE GREENHOUSE GAS EMISSIONS INFORMATION ON A
3 BIANNUAL BASIS; AND

4 (b) IMPLEMENT MEASURES TO COLLECT THE BEST INFORMATION
5 REASONABLY AVAILABLE FROM EMITTING ENTITIES IN ORDER TO
6 INVENTORY AND TRACK EMISSIONS WITH A HIGH DEGREE OF ACCURACY.

7 (3) IN CARRYING OUT ITS DUTIES PURSUANT TO THIS SECTION, THE
8 DEPARTMENT:

9 (a) MAY REQUIRE ENTITIES TO REPORT THEIR GREENHOUSE GAS
10 EMISSIONS AND OTHER ASSOCIATED INFORMATION TO THE STATE ON A
11 TIMELY BASIS; AND

12 (b) SHALL:

13 (I) CONDUCT A BIANNUAL, ECONOMY-WIDE INVENTORY OF
14 GREENHOUSE GAS EMISSIONS BY SECTOR;

15 (II) IDENTIFY THE MOST COST-EFFECTIVE MECHANISMS FOR
16 TRACKING THE DATA COLLECTED WHILE ENSURING THE HIGHEST LEVEL OF
17 DATA ACCURACY THAT IS REASONABLE TO OBTAIN; AND

18 (III) PRODUCE THE FIRST COMPREHENSIVE STATEWIDE INVENTORY
19 BY NO LATER THAN DECEMBER 30, 2019, FOR EMISSIONS IN CALENDAR
20 YEAR 2017 AND THEN EVERY TWO YEARS THEREAFTER.

21 (4) FOR PURPOSES OF THIS SECTION, "GREENHOUSE GAS" MEANS
22 CARBON DIOXIDE (CO₂), METHANE (CH₄), NITROUS OXIDE (N₂O),
23 HYDROFLUOROCARBONS (HFCs), PERFLUOROCARBONS (PFCs), SULFUR
24 HEXAFLUORIDE (SF₆), AND NITROGEN TRIFLOURIDE (NF₃).

25 (5) THE DEPARTMENT SHALL PUBLICLY RELEASE THE FINDINGS OF
26 THE BIANNUAL INVENTORY ON THE DEPARTMENT'S WEBSITE AND
27 MAINTAIN THE DATA THROUGH AT LEAST 2030.

1 **SECTION 2. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2018 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.