

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 19-0429.01 Thomas Morris x4218

SENATE BILL 19-096

SENATE SPONSORSHIP

Donovan, Bridges, Court, Fenberg, Foote, Ginal, Lee, Pettersen, Story, Williams A., Winter

HOUSE SPONSORSHIP

Hansen, Arndt, Becker, Bird, Buckner, Buentello, Caraveo, Cutter, Duran, Galindo, Gray, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Lontine, McCluskie, McLachlan, Melton, Michaelson Jenet, Roberts, Singer, Sirota, Snyder, Tipper, Titone, Valdez A., Weissman

Senate Committees

Transportation & Energy
Appropriations

House Committees

State, Veterans, & Military Affairs
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE COLLECTION OF GREENHOUSE GAS EMISSIONS DATA**
102 **TO FACILITATE THE IMPLEMENTATION OF MEASURES THAT**
103 **WOULD MOST COST-EFFECTIVELY ALLOW THE STATE TO MEET**
104 **ITS GREENHOUSE GAS EMISSIONS REDUCTION GOALS, AND, IN**
105 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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 air quality control commission in the department of public health and environment to collect 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.

HOUSE
Amended 3rd Reading
May 3, 2019

HOUSE
Amended 2nd Reading
May 1, 2019

SENATE
3rd Reading Unamended
April 22, 2019

SENATE
Amended 2nd Reading
April 18, 2019

emissions data from greenhouse gas-emitting entities, report on the data, including a forecast of future emissions, and propose a draft rule to address the emissions by July 1, 2020.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 25-7-140** as
3 follows:

4 **25-7-140. Greenhouse gas emissions - data collection -**
5 **legislative declaration - rules - reporting - forecasting - public**
6 **information - definitions. (1) Legislative declaration.** THE GENERAL
7 ASSEMBLY HEREBY:

8 (a) FINDS THAT:

9 (I) GREENHOUSE GAS EMISSIONS REPORTING REQUIREMENTS WERE
10 FIRST ESTABLISHED IN COLORADO IN 2008 WITH EXECUTIVE ORDER D
11 004-08. THE POLICIES ESTABLISHED BY THIS EXECUTIVE ORDER WERE
12 CONTINUED UNDER THE NEXT GOVERNOR AND REQUIRE THE DEPARTMENT
13 OF PUBLIC HEALTH AND ENVIRONMENT TO REPORT EVERY FIVE YEARS ON
14 ESTIMATES OF GREENHOUSE GAS EMISSIONS BY SECTOR. THE LAST REPORT
15 BY THE DEPARTMENT WAS ISSUED IN 2014 AND THE NEXT REPORT IS DUE
16 IN 2019.

17 (II) EXECUTIVE ORDER D 2017-015 DIRECTED THE DEPARTMENT
18 TO PROPOSE A STATE GREENHOUSE GAS REPORTING RULE THAT MIRRORS
19 THE CURRENT FEDERAL REPORTING RULE, 40 CFR 98, BY DECEMBER 30,
20 2018, AND ESTABLISHED THE FOLLOWING GOALS:

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

23 (B) REDUCING CARBON DIOXIDE EMISSIONS FROM THE
24 ELECTRICITY SECTOR BY TWENTY-FIVE PERCENT BELOW 2012 LEVELS BY

1 2025 AND THIRTY-FIVE PERCENT BELOW 2012 LEVELS BY 2030; AND
2 (C) REDUCING ELECTRICITY SALES BY TWO PERCENT BY 2020
3 THROUGH COST-EFFECTIVE ENERGY EFFICIENCY MEASURES; AND
4 (b) DECLARES THAT IT IS IN THE STATE'S INTEREST TO LEVERAGE
5 DATA COLLECTED AND ANALYSES CONDUCTED FOR ITS GREENHOUSE GAS
6 EMISSIONS INVENTORIES AND FORECASTS AND MAKE DATA SETS
7 AVAILABLE TO LOCAL GOVERNMENTS.
8 (2) (a) **Rules.** THE COMMISSION SHALL:
9 (I) BY JUNE 1, 2020, ADOPT RULES REQUIRING GREENHOUSE
10 GAS-EMITTING ENTITIES TO MONITOR AND PUBLICLY REPORT THEIR
11 EMISSIONS AS THE COMMISSION DEEMS APPROPRIATE TO SUPPORT
12 COLORADO'S GREENHOUSE GAS EMISSION INVENTORY EFFORTS AND TO
13 FACILITATE IMPLEMENTATION OF RULES THAT WILL TIMELY ACHIEVE
14 COLORADO'S GREENHOUSE GAS REDUCTION GOALS. THE COMMISSION
15 SHALL CONSIDER WHAT INFORMATION IS ALREADY BEING PUBLICLY
16 REPORTED BY THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY AND
17 TAILOR NEW REPORTING REQUIREMENTS TO FILL ANY GAPS IN DATA, AS IT
18 DETERMINES IS APPROPRIATE, TO ALLOW FOR MAINTAINING AND UPDATING
19 STATE INVENTORIES THAT ARE SUFFICIENTLY COMPREHENSIVE AND
20 ROBUST. THE RULES MUST INCLUDE REQUIREMENTS FOR PROVIDERS OF
21 RETAIL OR WHOLESALE ELECTRIC SERVICE IN THE STATE OF COLORADO TO
22 TRACK AND REPORT EMISSIONS FROM ALL GENERATION SOURCES WITHIN
23 THE STATE AND ELSEWHERE THAT ELECTRICITY CONSUMPTION BY THEIR
24 CUSTOMERS IN THIS STATE CAUSES TO BE EMITTED. THE COMMISSION MAY
25 REQUIRE EMITTING ENTITIES TO REPORT THE AMOUNT OF EMISSIONS OF
26 EACH OF THE SEVEN INDIVIDUAL COMPONENTS OF GREENHOUSE GASES AS
27 WELL AS THE CARBON DIOXIDE EQUIVALENT OF THOSE EMISSIONS.

1 (II) DIRECT THE DIVISION TO UPDATE THE STATEWIDE INVENTORY
2 OF GREENHOUSE GAS EMISSIONS BY SECTOR, UP TO ON AN ANNUAL BASIS
3 AS DETERMINED BY THE COMMISSION, BUT IN NO EVENT LESS FREQUENTLY
4 THAN EVERY TWO YEARS. THE DIVISION SHALL UPDATE THE INVENTORY
5 IN A MANNER THAT ALLOWS REASONABLE TRACKING OF PROGRESS IN
6 REDUCING GREENHOUSE GAS EMISSIONS OVER TIME. THE COMMISSION
7 SHALL TAKE REASONABLE STEPS TO ENSURE THAT EMISSION ABATEMENT
8 THAT COUNTS TOWARD MEETING THE STATE'S GREENHOUSE GAS EMISSION
9 REDUCTION GOALS IS DURABLE AND RIGOROUSLY TRACKED. THE
10 INVENTORY MUST INCLUDE A FORECAST OF COLORADO'S GREENHOUSE GAS
11 EMISSIONS FOR THE MILESTONE YEAR OF 2025, AS WELL AS 2030, 2035,
12 2040, AND 2045. THE INITIAL INVENTORY REQUIRED UNDER THIS
13 SUBSECTION (2) MUST INCLUDE A RECALCULATION OF COLORADO'S 2005
14 GREENHOUSE GAS EMISSIONS TO SERVE AS A BASELINE FOR MEASURING
15 PROGRESS AGAINST COLORADO'S GREENHOUSE GAS EMISSION REDUCTION
16 GOALS.

17 (III) BY JULY 1, 2020, PUBLISH A NOTICE OF PROPOSED
18 RULE-MAKING THAT PROPOSES RULES TO IMPLEMENT MEASURES THAT
19 WOULD COST-EFFECTIVELY ALLOW THE STATE TO MEET ITS GREENHOUSE
20 GAS EMISSIONS REDUCTION GOALS.

21 (b) ALL RULES PROMULGATED PURSUANT TO THIS SECTION ARE
22 SUBJECT TO ALL APPLICABLE REQUIREMENTS, INCLUDING APPLICABLE
23 REQUIREMENTS SPECIFIC TO GREENHOUSE GAS ABATEMENT, PROVIDED IN
24 THIS ARTICLE 7.

25 (3) **Public information.** THE DIVISION SHALL:

26 (a) PUBLICLY RELEASE THE FINDINGS OF THE INVENTORY ON
27 THE DIVISION'S WEBSITE AND MAINTAIN THE DATA THROUGH AT LEAST

1 2030; AND

2 (b) NOTWITHSTANDING 24-1-136 (11), REPORT THE FINDINGS TO
3 THE GOVERNOR, THE PUBLIC UTILITIES COMMISSION, AND THE GENERAL
4 ASSEMBLY.

5 (4) NOTHING IN THIS SECTION ALTERS THE REGULATORY
6 EXEMPTIONS PROVIDED IN SECTION 25-7-109 (8)(a).

7 (5) THIS SECTION IS INTENDED TO FACILITATE PROMPT STATE
8 ACTION TO ADDRESS GREENHOUSE GAS EMISSIONS AND NOTHING IN THIS
9 SECTION OR THE EMISSIONS INVENTORY PROVISIONS IN SECTION 25-7-102
10 SHALL BE CONSTRUED TO SLOW, INTERFERE WITH, OR IMPEDE STATE
11 ACTION TO TIMELY ADOPT RULES THAT REDUCE GREENHOUSE GAS
12 EMISSIONS TO MEET THE STATE'S GREENHOUSE GAS EMISSION REDUCTION
13 GOALS.

14 (6) **Definition.** FOR THE PURPOSES OF THIS SECTION, "GREENHOUSE
15 GAS" INCLUDES CARBON DIOXIDE (CO₂), METHANE (CH₄), NITROUS OXIDE
16 (N₂O), HYDROFLUOROCARBONS (HFCs), PERFLUOROCARBONS (PFCs),
17 SULFUR HEXAFLUORIDE (SF₆), AND NITROGEN TRIFLUORIDE (NF₃).

18 **SECTION 2. Appropriation.** For the 2019-20 state fiscal year,
19 \$265,589 is appropriated to the department of public health and
20 environment for use by the air pollution control division. This
21 appropriation is from the general fund and is based on an assumption that
22 the division will require an additional 3.1 FTE. To implement this act, the
23 division may use this appropriation for program costs.

24 **SECTION 3. Safety clause.** The general assembly hereby
25 finds, determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.