

CHAPTER 339

GENERAL ASSEMBLY

HOUSE BILL 19-1188

BY REPRESENTATIVE(S) Sirota and Snyder, Arndt, Buckner, Buentello, Caraveo, Cutter, Duran, Exum, Froelich, Galindo, Gonzales-Gutierrez, Hansen, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Lontine, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Valdez A., Weissman, Becker, Bird;
also SENATOR(S) Foote, Lee, Pettersen, Story.

AN ACT

CONCERNING THE INCLUSION OF THE NET IMPACT ON GREENHOUSE GAS POLLUTION IN THE FISCAL NOTES PREPARED FOR LEGISLATIVE MEASURES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Greenhouse gas pollution is causing a climate change crisis that threatens Colorado's economy and ecosystem;

(b) Greenhouse gas pollution is causing a climate change crisis that could require ever-larger mitigation costs; and

(c) Policymakers trying to combat climate change need to know if legislation will increase or decrease greenhouse gas pollution.

SECTION 2. In Colorado Revised Statutes, **add** 2-2-322.3 as follows:

2-2-322.3. Greenhouse gas emissions reports - definitions - repeal. (1) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT REQUIRES OTHERWISE:

(a) "GREENHOUSE GAS" MEANS:

(I) CARBON DIOXIDE;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

- (II) METHANE;
- (III) NITROUS OXIDE;
- (IV) HYDROFLUOROCARBONS;
- (V) PERFLUOROCARBONS; OR
- (VI) SULFUR HEXAFLUORIDE.

(b) "GREENHOUSE GAS EMISSIONS REPORT" OR "REPORT" MEANS A NOTE THAT USES AVAILABLE DATA TO ASSESS WHETHER A LEGISLATIVE MEASURE IS LIKELY TO DIRECTLY CAUSE A NET INCREASE OR DECREASE IN GREENHOUSE GAS POLLUTION WITHIN THE TEN-YEAR PERIOD FOLLOWING ITS ENACTMENT, INCLUDING IDENTIFYING NEW SOURCES OF GREENHOUSE GAS EMISSIONS, ANY INCREASE OR DECREASE IN EMISSIONS FROM EXISTING SOURCES, AND ANY IMPACT ON SEQUESTRATION OF EMISSIONS. A REPORT IS NOT REQUIRED TO QUANTIFY THE MAGNITUDE OF THE IMPACT ON EMISSIONS, BUT MAY DO SO TO THE EXTENT THAT NONPARTISAN STAFF IS ABLE TO PROVIDE AN UNBIASED ESTIMATE GIVEN THE AVAILABLE DATA.

(2) (a) COMMENCING WITH THE SECOND REGULAR SESSION OF THE SEVENTY-SECOND GENERAL ASSEMBLY AND DURING EACH REGULAR SESSION THEREAFTER, THE STAFF OF THE LEGISLATIVE COUNCIL SHALL PREPARE GREENHOUSE GAS EMISSIONS REPORTS ON LEGISLATIVE BILLS AS SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION.

(b) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, AND THE MINORITY LEADER OF THE SENATE MAY EACH REQUEST THE PREPARATION OF A GREENHOUSE GAS EMISSIONS REPORT ON UP TO FIVE LEGISLATIVE BILLS, OR MORE AT THE DISCRETION OF THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL.

(c) PRIOR TO COMMENCING WORK ON A REPORT, THE STAFF OF THE LEGISLATIVE COUNCIL SHALL MEET WITH THE MEMBER OF LEADERSHIP REQUESTING THE REPORT AND WITH THE SPONSOR OF THE LEGISLATIVE BILL TO DISCUSS WHETHER A GREENHOUSE GAS EMISSIONS REPORT CAN PRACTICALLY BE COMPLETED FOR THAT LEGISLATIVE BILL. IF NOT, THE MEMBER OF LEADERSHIP MAY REQUEST A REPORT, WITHIN THE LIMITS SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION, ON A DIFFERENT LEGISLATIVE BILL THAT MIGHT BE MORE CONDUCTIVE TO A GREENHOUSE GAS EMISSIONS REPORT'S ANALYSIS.

(d) NO LATER THAN DECEMBER 1, 2019, THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL SHALL DEVELOP THE PROCEDURES FOR REQUESTING, COMPLETING, AND UPDATING THE GREENHOUSE GAS EMISSIONS REPORTS AND SHALL MEMORIALIZE THE PROCEDURES IN A LETTER TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL. THE DEPARTMENT OF NATURAL RESOURCES, THE COLORADO ENERGY OFFICE, AND ANY OTHER STATE DEPARTMENT, AGENCY, OR INSTITUTION WITH SUBJECT MATTER EXPERTISE SHALL COOPERATE WITH AND PROVIDE INFORMATION TO THE DIRECTOR TO ASSIST IN DEVELOPING THE POLICIES AND PROCEDURES REQUIRED BY THIS SUBSECTION (2)(d) IF REQUESTED BY THE DIRECTOR.

(3) (a) EACH STATE DEPARTMENT, AGENCY, OR INSTITUTION SHALL COOPERATE WITH AND PROVIDE INFORMATION FOR A GREENHOUSE GAS EMISSIONS REPORT ON A LEGISLATIVE BILL IN THE MANNER REQUESTED BY THE STAFF OF THE LEGISLATIVE COUNCIL.

(b) THE STATE DEPARTMENT, AGENCY, OR INSTITUTION SHALL MEET THE DEADLINES ESTABLISHED BY THE STAFF OF THE LEGISLATIVE COUNCIL FOR PROVIDING A RESPONSE TO A REQUEST FOR INFORMATION MADE PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION OR SHALL SPECIFY THE NEED FOR ADDITIONAL TIME TO PROVIDE THE RESPONSE. IF ADDITIONAL TIME IS REQUIRED TO RESPOND TO THE REQUEST FOR INFORMATION, THE STAFF OF THE LEGISLATIVE COUNCIL SHALL SET A REASONABLE TIME FOR PROVIDING THE INFORMATION.

(4) ON OR BEFORE DECEMBER 1, 2024, THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL SHALL PROVIDE A REPORT TO THE LEGISLATIVE COUNCIL ON THE IMPLEMENTATION OF THIS SECTION, INCLUDING INFORMATION ABOUT THE NUMBER OF GREENHOUSE GAS EMISSIONS REPORTS PREPARED, THE TYPES OF ANALYSIS AND INFORMATION THE REPORTS PROVIDED, AND ANY CHANGES OR DEVELOPMENTS IN THE POLICIES AND PROCEDURES FOR CREATING GREENHOUSE GAS EMISSIONS REPORTS OVER TIME.

(5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2025.

SECTION 3. In Colorado Revised Statutes, 2-2-322, **add** (1.5) as follows:

2-2-322. Fiscal notes - repeal. (1.5) (a) COMMENCING WITH THE SECOND REGULAR SESSION OF THE SEVENTY-SECOND GENERAL ASSEMBLY, THE FISCAL NOTE FOR A LEGISLATIVE MEASURE REQUIRED UNDER SUBSECTION (1) OF THIS SECTION MUST INDICATE IF A GREENHOUSE GAS EMISSIONS REPORT HAS BEEN PREPARED PURSUANT TO SECTION 2-3-322.3.

(b) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2025.

SECTION 4. Appropriation. (1) For the 2019-20 state fiscal year, \$81,911 is appropriated to the legislative department for use by the legislative council. This appropriation is from the general fund. To implement this act, the legislative council may use this appropriation as follows:

(a) \$76,258 for personal services, which amount is based on an assumption that the legislative council will require an additional 0.9 FTE; and

(b) \$5,653 for operating expenses.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 29, 2019