



Legislative Council Staff

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Fiscal Note

Drafting Number: LLS 21-0732
Prime Sponsors: Sen. Cooke

Date: March 3, 2021
Bill Status: Senate Trans. & Energy
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Bill Topic: **ALTERNATE PROPOSALS AIR QUALITY CONTROL RULEMAKING**

Summary of Fiscal Impact:

- | | |
|---|--|
| <input type="checkbox"/> State Revenue | <input type="checkbox"/> TABOR Refund |
| <input checked="" type="checkbox"/> State Expenditure | <input type="checkbox"/> Local Government |
| <input type="checkbox"/> State Transfer | <input type="checkbox"/> Statutory Public Entity |

The bill requires the Air Quality Control Commission to promulgate procedural rules pertaining to setting air quality standards, including requirements to consider alternative proposals submitted by interested persons. It minimally increases state workload beginning in FY 2021-22.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

The bill directs the Air Quality Control Commission (commission) in the Department of Public Health and Environment to promulgate procedural rules governing the submission and consideration of alternate proposals to rules addressing ambient air quality standards. These rules must establish deadlines for submission, consideration, and review of the proposal, and establish procedures for assigning a hearing officer to determine whether the proposal complies with certain requirements.

The bill requires persons submitting alternate proposals to air quality standard rules to also file:

- an initial economic impact analysis;
- a description of the classes of persons, including businesses, impacted by the proposal;
- a statement as to whether the proposal was developed in consultation with the classes identified as impacted by the bill; and
- a final economic impact analysis if determined by the hearing officer to be consistent with the other requirements.

The bill authorizes the commission to issue a notice of proposed rulemaking more than 60 days prior to the hearing, and also requires that the notice include a description of the classes of persons, including businesses, that will be affected by the proposed rule.

State Expenditures

Beginning in FY 2021-22, the bill will increase workload for the Department of Public Health and Environment to promulgate new procedural rules. Based upon a rule review in 2020, the department began a process to modify the procedural rules to make the rulemaking process more accessible, including changes to the alternate proposals process. As a result, the department can incorporate the provisions in the bill in this current process within existing appropriations.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Information Technology

Law

Public Health and Environment