A BILL FOR AN ACT

CONCERNING THE COLLECTION OF GREENHOUSE GAS EMISSIONS DATA
TO FACILITATE THE IMPLEMENTATION OF MEASURES THAT
WOULD MOST COST-EFFECTIVELY ALLOW THE STATE TO MEET
ITS GREENHOUSE GAS EMISSIONS REDUCTION GOALS, AND, IN
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
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.

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

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

25-7-140. Greenhouse gas emissions - data collection - legislative declaration - rules - reporting - forecasting - public information - definitions. (1) Legislative declaration. The General Assembly hereby:

(a) Finds that:

(I) Greenhouse gas emissions reporting requirements were first established in Colorado in 2008 with Executive Order D004-08. The policies established by this executive order were continued under the next governor and require the Department of Public Health and Environment to report every five years on estimates of greenhouse gas emissions by sector. The last report by the department was issued in 2014 and the next report is due in 2019.

(II) Executive Order D 2017-015 directed the department to propose a state greenhouse gas reporting rule that mirrors the current federal reporting rule, 40 CFR 98, by December 30, 2018, and established the following goals:

(A) Reducing greenhouse gas emissions statewide by more than twenty-six percent below 2005 levels by 2025;

(B) Reducing carbon dioxide emissions from the electricity sector by twenty-five percent below 2012 levels by
2025 and thirty-five percent below 2012 levels by 2030; and

(C) Reducing electricity sales by two percent by 2020

through cost-effective energy efficiency measures; and

(b) Declares that it is in the state's interest to leverage
data collected and analyses conducted for its greenhouse gas
emissions inventories and forecasts and make data sets
available to local governments.

(2) Rules. The commission shall:

(a) By June 1, 2020, adopt rules requiring greenhouse
gas-emitting entities to monitor and publicly report their
emissions as the commission deems appropriate to support
Colorado's greenhouse gas emission inventory efforts and to
facilitate implementation of rules that will timely achieve
Colorado's greenhouse gas reduction goals. The commission
shall consider what information is already being publicly
reported by the federal environmental protection agency and
tailor new reporting requirements to fill any gaps in data, as it
determines is appropriate, to allow for maintaining and updating
state inventories that are sufficiently comprehensive and
robust. The rules must include requirements for providers of
retail or wholesale electric service in the state of Colorado to
track and report emissions from all generation sources within
the state and elsewhere that electricity consumption by their
customers in this state causes to be emitted. The commission may
require emitting entities to report the amount of emissions of
each of the seven individual components of greenhouse gases as
well as the carbon dioxide equivalent of those emissions.
(b) Direct the Division to update the statewide inventory of greenhouse gas emissions by sector, up to on an annual basis as determined by the Commission, but in no event less frequently than every two years. The Division shall update the inventory in a manner that allows reasonable tracking of progress in reducing greenhouse gas emissions over time. The inventory must include a forecast of Colorado's greenhouse gas emissions for the milestone year of 2025, as well as 2030, 2035, 2040, and 2045. The initial inventory required under this subsection (2) must include a recalculation of Colorado's 2005 greenhouse gas emissions to serve as a baseline for measuring progress against Colorado's greenhouse gas emission reduction goals.

(c) By July 1, 2020, publish a notice of proposed rule-making that proposes rules to implement measures that would cost-effectively allow the State to meet its greenhouse gas emissions reduction goals.

(3) Public information. The Division shall:

(a) Publicly release the findings of the inventory on the Division's website and maintain the data through at least 2030; and

(b) Notwithstanding 24-1-136 (11), report the findings to the Governor, the Public Utilities Commission, and the General Assembly.

(4) Definition. For the purposes of this section, "greenhouse gas" includes carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF₆), and nitrogen trifluoride (NF₃).
SECTION 2. Appropriation. (1) For the 2019-20 state fiscal year, $1,680,600 is appropriated to the department of public health and environment. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) $331,720 for use by the air pollution control division for program costs, which amount is based on an assumption that the division will require an additional 3.8 FTE; and

(b) $1,348,880 for the purchase of information technology services.

(2) For the 2019-20 state fiscal year, $1,348,880 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of public health and environment under subsection (1)(b) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of public health and environment.

SECTION 3. 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.