

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

REREVISED

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

LLS NO. 19-0772.01 Megan Waples x4348

HOUSE BILL 19-1188

HOUSE SPONSORSHIP

Sirota and Snyder, Arndt, Becker, 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

SENATE SPONSORSHIP

Foote, Lee, Pettersen, Story

House Committees

Energy & Environment
Appropriations

Senate Committees

Legislative Council
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE INCLUSION OF THE NET IMPACT ON GREENHOUSE**
102 **GAS POLLUTION IN THE FISCAL NOTES PREPARED FOR**
103 **LEGISLATIVE MEASURES, AND, IN CONNECTION THEREWITH,**
104 **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>.)

Beginning in 2020, the bill requires fiscal notes on legislative measures to include an assessment of whether the measure is likely to directly cause a net increase or decrease in greenhouse gas pollution in

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.*

SENATE
3rd Reading Unamended
May 3, 2019

SENATE
Amended 2nd Reading
May 2, 2019

HOUSE
3rd Reading Unamended
April 16, 2019

HOUSE
Amended 2nd Reading
April 12, 2019

the 10-year period following its enactment. The assessment must consider new sources of emissions, increases or decreases in existing sources of emissions, and any impact on sequestration of emissions. The fiscal note is not required to estimate the magnitude of the impact. The director of research of the legislative council staff is required to develop policies and procedures for completing the assessment. The department of natural resources, the Colorado energy office, and other state agencies with relevant subject matter expertise are required to cooperate with and provide information, if requested, to develop the policies and procedures for the assessment and to provide information to the legislative council staff on a legislative measure's impact on greenhouse gas pollution in connection with the preparation of a fiscal note.

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

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

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

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

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

10
11 **SECTION 2. In Colorado Revised Statutes, add 2-2-322.3 as**
12 **follows:**

13 **2-2-322.3. Greenhouse gas emissions reports - definitions -**
14 **repeal. (1) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT**
15 **REQUIRES OTHERWISE:**

16 (a) "GREENHOUSE GAS" MEANS:

17 (I) CARBON DIOXIDE;

18 (II) METHANE;

19 (III) NITROUS OXIDE;

1 (IV) HYDROFLUOROCARBONS;

2 (V) PERFLUOROCARBONS; OR

3 (VI) SULFUR HEXAFLUORIDE.

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

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

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

25 (c) PRIOR TO COMMENCING WORK ON A REPORT, THE STAFF OF THE
26 LEGISLATIVE COUNCIL SHALL MEET WITH THE MEMBER OF LEADERSHIP
27 REQUESTING THE REPORT AND WITH THE SPONSOR OF THE LEGISLATIVE

1 BILL TO DISCUSS WHETHER A GREENHOUSE GAS EMISSIONS REPORT CAN
2 PRACTICALLY BE COMPLETED FOR THAT LEGISLATIVE BILL. IF NOT, THE
3 MEMBER OF LEADERSHIP MAY REQUEST A REPORT, WITHIN THE LIMITS
4 SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION, ON A DIFFERENT
5 LEGISLATIVE BILL THAT MIGHT BE MORE CONDUCTIVE TO A GREENHOUSE
6 GAS EMISSIONS REPORT'S ANALYSIS.

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

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

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

1 INFORMATION, THE STAFF OF THE LEGISLATIVE COUNCIL SHALL SET A
2 REASONABLE TIME FOR PROVIDING THE INFORMATION.

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

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

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

14 **2-2-322. Fiscal notes - repeal. (1.5) (a) COMMENCING WITH THE**
15 **SECOND REGULAR SESSION OF THE SEVENTY-SECOND GENERAL ASSEMBLY,**
16 **THE FISCAL NOTE FOR A LEGISLATIVE MEASURE REQUIRED UNDER**
17 **SUBSECTION (1) OF THIS SECTION MUST INDICATE IF A GREENHOUSE GAS**
18 **EMISSIONS REPORT HAS BEEN PREPARED PURSUANT TO SECTION 2-3-322.3.**

19 **(b) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE SEPTEMBER 1,**
20 **2025.**

21 **SECTION 4. Appropriation.** For the 2019-20 state fiscal year,
22 \$81,911 is appropriated to the legislative department for use by the
23 legislative council. This appropriation is from the general fund. To
24 implement this act, the legislative council may use this appropriation as
25 follows:

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

1 and

2 (b) \$5,653 for operating expense.

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