

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 19-0339.01 Thomas Morris x4218

HOUSE BILL 19-1261

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A BILL FOR AN ACT

101 **CONCERNING THE REDUCTION OF GREENHOUSE GAS POLLUTION, AND,**
102 **IN CONNECTION THEREWITH, ESTABLISHING STATEWIDE**
103 **GREENHOUSE GAS POLLUTION REDUCTION GOALS AND MAKING**
104 **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>.)

Section 1 of the bill states that Colorado shall have statewide goals to reduce 2025 greenhouse gas emissions by at least 26%, 2030 greenhouse gas emissions by at least 50%, and 2050 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
3rd Reading Unamended
April 16, 2019

HOUSE
Amended 2nd Reading
April 15, 2019

emissions by at least 90% of the levels of greenhouse gas emissions that existed in 2005.

Section 3 specifies considerations that the air quality control commission is to take into account in implementing policies and promulgating rules to reduce greenhouse gas pollution, including the benefits of compliance and the equitable distribution of those benefits, the costs of compliance, opportunities to incentivize clean energy in transitioning communities, and the potential to enhance the resilience of Colorado's communities and natural resources to climate impacts. The commission will consult with the public utilities commission with regard to rules that affect the providers of retail electricity in Colorado.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 25-7-102 as
3 follows:

4 **25-7-102. Legislative declaration.** (1) In order to foster the
5 health, welfare, convenience, and comfort of the inhabitants of the state
6 of Colorado and to facilitate the enjoyment and use of the scenic and
7 natural resources of the state, it is declared to be the policy of this state to
8 achieve the maximum practical degree of air purity in every portion of the
9 state, to attain and maintain the national ambient air quality standards, and
10 to prevent the significant deterioration of air quality in those portions of
11 the state where the air quality is better than the national ambient air
12 quality standards. To that end, it is the purpose of this ~~article~~ ARTICLE 7
13 to require the use of all available practical methods which are
14 technologically feasible and economically reasonable so as to reduce,
15 prevent, and control air pollution throughout the state of Colorado; to
16 require the development of an air quality control program in which the
17 benefits of the air pollution control measures utilized bear a reasonable
18 relationship to the economic, environmental, and energy impacts and
19 other costs of such measures; and to maintain a cooperative program

1 between the state and local units of government. It is further declared that
2 the prevention, abatement, and control of air pollution in each portion of
3 the state are matters of statewide concern and are affected with a public
4 interest and that the provisions of this ~~article~~ ARTICLE 7 are enacted in the
5 exercise of the police powers of this state for the purpose of protecting
6 the health, peace, safety, and general welfare of the people of this state.
7 The general assembly further recognizes that a current and accurate
8 inventory of actual emissions of air pollutants from all sources is essential
9 for the proper identification and designation of attainment and
10 nonattainment areas, the determination of the most cost-effective
11 regulatory strategy to reduce pollution, the targeting of regulatory efforts
12 to achieve the greatest health and environmental benefits, and the
13 achievement of a federally approved clean air program. In order to
14 achieve the most accurate inventory of air pollution sources possible, this
15 ~~article~~ ARTICLE 7 specifically provides incentives to achieve the most
16 accurate and complete inventory possible and to provide for the most
17 accurate enforcement program achievable based upon that inventory.

18 (2) IT IS FURTHER DECLARED THAT:

19 (a) CLIMATE CHANGE ADVERSELY AFFECTS COLORADO'S
20 ECONOMY, AIR QUALITY AND PUBLIC HEALTH, ECOSYSTEMS, NATURAL
21 RESOURCES, AND QUALITY OF LIFE;

22 (b) COLORADO IS ALREADY EXPERIENCING HARMFUL CLIMATE
23 IMPACTS, INCLUDING DECLINING SNOWPACK, PROLONGED DROUGHT, MORE
24 EXTREME HEAT, ELEVATED WILDFIRE RISK AND RISK TO FIRST
25 RESPONDERS, WIDESPREAD BEETLE INFESTATION DECIMATING FORESTS,
26 INCREASED RISK OF VECTOR-BORNE DISEASES, MORE FREQUENT AND
27 SEVERE FLOODING, MORE SEVERE GROUND-LEVEL OZONE POLLUTION

1 CAUSING RESPIRATORY DAMAGE AND LOSS OF LIFE, DECREASED ECONOMIC
2 ACTIVITY FROM OUTDOOR RECREATION AND AGRICULTURE, AND
3 DIMINISHED QUALITY OF LIFE. MANY OF THESE IMPACTS
4 DISPROPORTIONATELY AFFECT RURAL COMMUNITIES, COMMUNITIES OF
5 COLOR, YOUTH AND THE ELDERLY, AND WORKING FAMILIES. REDUCING
6 STATEWIDE GREENHOUSE GAS POLLUTION AS OUTLINED IN THIS
7 SUBSECTION (2) WILL PROTECT THESE FRONTLINE COMMUNITIES, FIRST
8 RESPONDERS, AND ALL COLORADO RESIDENTS FROM THESE AND OTHER
9 CLIMATE IMPACTS.

10 (c) WE MUST WORK TOGETHER TO REDUCE STATEWIDE
11 GREENHOUSE GAS POLLUTION IN ORDER TO LIMIT THE INCREASE IN THE
12 GLOBAL AVERAGE TEMPERATURE TO ONE AND ONE-HALF DEGREES
13 CELSIUS, WHICH SCIENTISTS AGREE WOULD PROVIDE A MORE STABLE AND
14 HOSPITABLE CLIMATE FOR CURRENT AND FUTURE GENERATIONS AND
15 MITIGATE THE RISK OF CATASTROPHIC CLIMATE IMPACTS IN COLORADO;

16 (d) BY REDUCING GREENHOUSE GAS POLLUTION, COLORADO WILL
17 ALSO REDUCE OTHER HARMFUL AIR POLLUTANTS WHICH WILL, IN TURN,
18 IMPROVE PUBLIC HEALTH, REDUCE HEALTH CARE COSTS, IMPROVE AIR
19 QUALITY, AND HELP SUSTAIN THE ENVIRONMENT;

20 (e) REDUCING GREENHOUSE GAS POLLUTION WILL CREATE NEW
21 MARKETS, SPUR INNOVATION, DRIVE INVESTMENTS IN LOW-CARBON
22 TECHNOLOGIES, AND PUT COLORADO SQUARELY ON THE PATH TO A
23 MODERN, RESILIENT, ONE-HUNDRED-PERCENT CLEAN ECONOMY. DELAY
24 IN PURSUING AND SECURING GREENHOUSE GAS REDUCTIONS AS OUTLINED
25 IN THIS SUBSECTION (2) WILL PREVENT COLORADO COMMUNITIES FROM
26 CAPTURING THE BENEFITS OF THESE NEW JOBS AND MARKETS, IN ADDITION
27 TO EXACERBATING THE CLIMATE IMPACTS THAT HARM COLORADANS. THE

1 CLEAN ENERGY ECONOMY IS ALREADY BRINGING TENS OF THOUSANDS OF
2 JOBS AND BILLIONS OF DOLLARS IN DIRECT INVESTMENT TO COUNTIES
3 ACROSS THE STATE, BENEFITTING WORKERS, FAMILIES, AND COMMUNITIES.
4 COLORADO CAN CONTINUE TO FACILITATE SUCH A TRANSITION TO A CLEAN
5 ENERGY ECONOMY. FOOD AND FIBER PRODUCTION HAS MADE SIGNIFICANT
6 ACHIEVEMENTS IN AREAS OF PRODUCTIVITY AND SUSTAINABILITY.
7 MODERN TECHNOLOGY IN THIS SECTOR CONTRIBUTES TO REDUCTIONS IN
8 GREENHOUSE GAS EMISSIONS BY SEQUESTERING CARBON IN THE SOIL AND
9 ENHANCING SUSTAINABILITY THROUGH TECHNOLOGIES THAT REDUCE
10 METHANE EMISSIONS AND PRODUCE RENEWABLE ENERGY. CONTINUING TO
11 ENCOURAGE THESE TYPES OF ACHIEVEMENTS IS BENEFICIAL.

12 (f) BY EXERCISING A LEADERSHIP ROLE, COLORADO WILL ALSO
13 POSITION ITS ECONOMY, TECHNOLOGY CENTERS, FINANCIAL INSTITUTIONS,
14 AND BUSINESSES TO BENEFIT FROM NATIONAL AND INTERNATIONAL
15 EFFORTS TO REDUCE GREENHOUSE GASES;

16 (g) ACCORDINGLY, COLORADO SHALL STRIVE TO INCREASE
17 RENEWABLE ENERGY GENERATION AND ELIMINATE STATEWIDE
18 GREENHOUSE GAS POLLUTION BY THE MIDDLE OF THE TWENTY-FIRST
19 CENTURY AND HAVE GOALS OF ACHIEVING, AT A MINIMUM, A
20 TWENTY-SIX-PERCENT REDUCTION IN STATEWIDE GREENHOUSE GAS
21 POLLUTION BY 2025, A FIFTY-PERCENT REDUCTION IN STATEWIDE
22 GREENHOUSE GAS POLLUTION BY 2030, AND A NINETY-PERCENT
23 REDUCTION IN STATEWIDE GREENHOUSE GAS POLLUTION BY 2050. THE
24 REDUCTIONS IDENTIFIED IN THIS SUBSECTION (2)(g) ARE MEASURED
25 RELATIVE TO 2005 STATEWIDE GREENHOUSE GAS POLLUTION LEVELS.

26 **SECTION 2.** In Colorado Revised Statutes, 25-7-103, **amend** the
27 introductory portion; and **add** (22.5) as follows:

1 **25-7-103. Definitions.** As used in this ~~article~~ ARTICLE 7, unless
2 the context otherwise requires:

3 (22.5) "STATEWIDE GREENHOUSE GAS POLLUTION" MEANS THE
4 TOTAL NET STATEWIDE ANTHROPOGENIC EMISSIONS OF CARBON DIOXIDE,
5 METHANE, NITROUS OXIDE, HYDROFLUOROCARBONS,
6 PERFLUOROCARBONS, NITROGEN TRIFLUORIDE, AND SULFUR
7 HEXAFLUORIDE, EXPRESSED AS CARBON DIOXIDE EQUIVALENT.

8 **SECTION 3.** In Colorado Revised Statutes, 25-7-105, **amend** (1)
9 introductory portion; and **add** (1)(e) as follows:

10 **25-7-105. Duties of commission - rules - legislative declaration**
11 **- definitions.** (1) Except as provided in sections 25-7-130 and 25-7-131,
12 the commission shall promulgate such rules and regulations as are
13 consistent with the legislative declaration set forth in section 25-7-102
14 and necessary for the proper implementation and administration of this
15 ~~article~~ ARTICLE 7, including, but not limited to:

16 (e) (I) STATEWIDE GREENHOUSE GAS POLLUTION ABATEMENT.

17 (II) CONSISTENT WITH SECTION 25-7-102 (2)(g), THE COMMISSION
18 SHALL TIMELY PROMULGATE IMPLEMENTING RULES AND REGULATIONS.
19 THE IMPLEMENTING RULES MAY TAKE INTO ACCOUNT OTHER RELEVANT
20 LAWS AND RULES, AS WELL AS VOLUNTARY ACTIONS TAKEN BY LOCAL
21 COMMUNITIES AND THE PRIVATE SECTOR, TO ENHANCE EFFICIENCY AND
22 COST-EFFECTIVENESS, AND SHALL BE REVISED AS NECESSARY OVER TIME
23 TO ENSURE TIMELY PROGRESS TOWARD THE 2025, 2030, AND 2050 GOALS.
24 THE IMPLEMENTING RULES SHALL PROVIDE FOR ONGOING TRACKING OF
25 EMISSION SOURCES THAT ADVERSELY AFFECT DISPROPORTIONATELY
26 IMPACTED COMMUNITIES AND ARE SUBJECT TO RULES IMPLEMENTED
27 PURSUANT TO THIS SUBSECTION (1)(e) AND MUST INCLUDE STRATEGIES

1 DESIGNED TO ACHIEVE REDUCTIONS IN HARMFUL AIR POLLUTION
2 AFFECTING THOSE COMMUNITIES.

3 (III) THE DIVISION, AT THE DIRECTION OF THE COMMISSION, SHALL
4 SOLICIT INPUT FROM OTHER STATE AGENCIES, STAKEHOLDERS, AND THE
5 PUBLIC ON THE ADVANTAGES OF DIFFERENT STATEWIDE GREENHOUSE GAS
6 POLLUTION MITIGATION MEASURES, SPECIFICALLY SOLICITING INPUT FROM
7 THOSE MOST IMPACTED BY CLIMATE CHANGE AND FROM WORKERS IN
8 RELEVANT INDUSTRIES, INCLUDING ADVANCED ENERGY AND FUEL
9 DELIVERY, AND COMMUNITIES THAT ARE CURRENTLY ECONOMICALLY
10 DEPENDENT ON INDUSTRIES WITH HIGH LEVELS OF GREENHOUSE GAS
11 EMISSIONS.

12 (IV) THE IMPLEMENTING RULES AND POLICIES MAY INCLUDE, IN
13 ADDITION TO RENEWABLE ENERGY DEVELOPMENT STRATEGIES,
14 REGULATORY STRATEGIES THAT HAVE BEEN DEPLOYED BY ANOTHER
15 JURISDICTION TO REDUCE MULTI-SECTOR GREENHOUSE GAS EMISSIONS,
16 THAT FACILITATE ADOPTION OF TECHNOLOGIES THAT HAVE ZERO
17 EMISSIONS, AND THAT ENHANCE COST-EFFECTIVENESS, COMPLIANCE
18 FLEXIBILITY, AND TRANSPARENCY AROUND COMPLIANCE COSTS, AMONG
19 OTHER REGULATORY STRATEGIES. THE COMMISSION MAY COORDINATE
20 WITH OTHER JURISDICTIONS IN SECURING EMISSION REDUCTIONS,
21 INCLUDING IN SATISFYING FUTURE FEDERAL REGULATIONS. THE
22 COMMISSION MAY ACCOUNT FOR REDUCTIONS IN NET GREENHOUSE GAS
23 EMISSIONS THAT OCCUR UNDER COORDINATED JURISDICTIONS' PROGRAMS
24 IF THE COMMISSION FINDS THAT THE IMPLEMENTING REGULATIONS OF
25 EACH COORDINATED JURISDICTION ARE OF SUFFICIENT RIGOR TO ENSURE
26 THE INTEGRITY OF THE REDUCTIONS IN GREENHOUSE GAS EMISSIONS TO
27 THE ATMOSPHERE AND MAY ACCOUNT FOR CARBON DIOXIDE THAT

1 ELECTRICITY CONSUMPTION IN THIS STATE CAUSES TO BE EMITTED
2 ELSEWHERE.

3 (V) IN CARRYING OUT ITS RESPONSIBILITIES UNDER THIS
4 SUBSECTION (1)(e), THE COMMISSION SHALL CONSIDER: THE BENEFITS OF
5 COMPLIANCE, INCLUDING HEALTH, ENVIRONMENTAL, AND AIR QUALITY;
6 THE COSTS OF COMPLIANCE; ECONOMIC AND JOB IMPACTS AND
7 OPPORTUNITIES; THE TIME NECESSARY FOR COMPLIANCE; THE RELATIVE
8 CONTRIBUTION OF EACH SOURCE OR SOURCE CATEGORY TO STATEWIDE
9 GREENHOUSE GAS POLLUTION BASED ON CURRENT DATA UPDATED AT
10 REASONABLE INTERVALS AS DETERMINED BY THE COMMISSION; THE
11 IMPORTANCE OF STRIVING TO EQUITABLY DISTRIBUTE THE BENEFITS OF
12 COMPLIANCE, OPPORTUNITIES TO INCENTIVIZE RENEWABLE ENERGY
13 RESOURCES AND POLLUTION ABATEMENT OPPORTUNITIES IN
14 DISPROPORTIONATELY IMPACTED COMMUNITIES, OPPORTUNITIES TO
15 ENCOURAGE CLEAN ENERGY IN TRANSITIONING COMMUNITIES; ISSUES
16 RELATED TO THE BENEFICIAL USE OF ELECTRICITY TO REDUCE
17 GREENHOUSE GAS EMISSIONS; THE POTENTIAL TO ENHANCE THE
18 RESILIENCE OF COLORADO'S COMMUNITIES AND NATURAL RESOURCES TO
19 CLIMATE IMPACTS; AND WHETHER GREATER OR MORE COST-EFFECTIVE
20 EMISSION REDUCTIONS ARE AVAILABLE THROUGH PROGRAM DESIGN.

21 (VI) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
22 DIVISION, AT THE DIRECTION OF THE COMMISSION, SHALL REPORT TO THE
23 GENERAL ASSEMBLY EVERY ODD-NUMBERED YEAR AFTER THE EFFECTIVE
24 DATE OF THIS SUBSECTION (1)(e) REGARDING: PROGRESS TOWARD THE
25 GOALS SET FORTH IN SECTION 25-7-102 (2)(g); ANY NEWLY AVAILABLE,
26 FINAL COST-BENEFIT OR REGULATORY ANALYSIS, DEVELOPED UNDER
27 SECTION 24-4-103 (2.5) OR (4.5), FOR RULES ADOPTED TO ATTAIN THE

1 GOALS; AND ANY RECOMMENDATIONS ON FUTURE LEGISLATIVE ACTION TO
2 ADDRESS CLIMATE CHANGE, SUCH AS IMPLEMENTATION OF CLIMATE
3 ADAPTATION POLICIES OR ACCELERATING DEPLOYMENT OF CLEANER
4 TECHNOLOGIES.

5 (VII) (A) IN CARRYING OUT ITS RESPONSIBILITIES UNDER THIS
6 SUBSECTION (1)(e), THE COMMISSION SHALL CONSULT WITH THE PUBLIC
7 UTILITIES COMMISSION.

8 (B) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND
9 DECLARES THAT IT IS BENEFICIAL TO ENCOURAGE THE DEVELOPMENT OF
10 CLEAN ENERGY PLANS THAT WILL REQUIRE GREENHOUSE GAS EMISSIONS
11 CAUSED BY COLORADO RETAIL ELECTRICITY SALES TO DECREASE EIGHTY
12 PERCENT BY 2030 RELATIVE TO 2005 LEVELS TO PROVIDE FOR THE
13 COST-EFFECTIVE AND PROACTIVE DEPLOYMENT OF CLEAN ENERGY
14 RESOURCES.

15 (C) IN DESIGNING, IMPLEMENTING, AND ENFORCING PROGRAMS
16 AND REQUIREMENTS UNDER THIS SUBSECTION (1)(e), THE COMMISSION
17 AND THE DIVISION SHALL TAKE INTO CONSIDERATION ANY CLEAN ENERGY
18 PLAN AT THE PUBLIC UTILITIES COMMISSION THAT, AS FILED, WILL ACHIEVE
19 AT LEAST AN EIGHTY-PERCENT REDUCTION IN GREENHOUSE GAS EMISSIONS
20 CAUSED BY THE UTILITY'S COLORADO RETAIL ELECTRICITY SALES BY 2030
21 RELATIVE TO 2005 LEVELS, AS VERIFIED BY THE DIVISION. WHEN
22 INCLUDING PUBLIC UTILITIES IN ITS PROGRAMS OR REQUIREMENTS UNDER
23 THIS SUBSECTION (1)(e), THE COMMISSION SHALL NOT MANDATE THAT A
24 PUBLIC UTILITY REDUCE GREENHOUSE GAS EMISSIONS CAUSED BY THE
25 UTILITY'S COLORADO RETAIL ELECTRICITY SALES BY 2030 MORE THAN IS
26 REQUIRED UNDER SUCH AN APPROVED CLEAN ENERGY PLAN OR IMPOSE
27 ANY DIRECT, NONADMINISTRATIVE COST ON THE PUBLIC UTILITY DIRECTLY

1 ASSOCIATED WITH QUANTITIES OF GREENHOUSE GAS EMISSIONS CAUSED
2 BY THE UTILITY'S COLORADO RETAIL ELECTRICITY SALES THAT REMAIN
3 AFTER THE REDUCTIONS REQUIRED BY SUCH A CLEAN ENERGY PLAN
4 THROUGH 2030 IF THOSE REDUCTIONS ARE ACHIEVED AND THE DIVISION
5 HAS VERIFIED THAT THE APPROVED CLEAN ENERGY PLAN WILL ACHIEVE AT
6 LEAST A SEVENTY-FIVE-PERCENT REDUCTION IN GREENHOUSE GAS
7 EMISSIONS CAUSED BY THE UTILITY'S COLORADO RETAIL ELECTRICITY
8 SALES BY 2030 RELATIVE TO 2005 LEVELS.

9 (D) IMPLEMENTING RULES DEVELOPED BY THE COMMISSION MUST
10 NOT INCLUDE ANY REQUIREMENTS DICTATING THE MIX OF ELECTRIC
11 GENERATING RESOURCES THAT ANY PUBLIC UTILITY SHALL USE TO MEET
12 APPLICABLE POLLUTION LIMITS.

13 (E) IMPLEMENTING RULES DEVELOPED BY THE COMMISSION MUST
14 CONSIDER ISSUES RELATING TO JOINT OWNERSHIP OF ELECTRIC
15 GENERATING RESOURCES AS BETWEEN MULTIPLE PARTIES AND THE EXTENT
16 TO WHICH THE PUBLIC UTILITY IS RELYING ON POWER PURCHASED FROM
17 THIRD PARTIES IN MEETING ITS OBLIGATIONS UNDER SUCH A CLEAN
18 ENERGY PLAN.

19 (F) A CLEAN ENERGY PLAN VOLUNTARILY FILED BY A
20 COOPERATIVE ELECTRIC ASSOCIATION THAT HAS VOTED TO EXEMPT ITSELF
21 FROM REGULATION BY THE PUBLIC UTILITIES COMMISSION PURSUANT TO
22 ARTICLE 9.5 OF TITLE 40 OR BY A MUNICIPAL UTILITY SHALL BE DEEMED
23 APPROVED BY THE PUBLIC UTILITIES COMMISSION AS FILED IF: THE
24 DIVISION, IN CONSULTATION WITH THE PUBLIC UTILITIES COMMISSION,
25 PUBLICLY VERIFIES THAT THE PLAN DEMONSTRATES THAT, BY 2030, THE
26 COOPERATIVE ELECTRIC ASSOCIATION OR MUNICIPAL UTILITY WILL
27 ACHIEVE AT LEAST AN EIGHTY PERCENT REDUCTION IN GREENHOUSE GAS

1 EMISSIONS CAUSED BY THE ENTITY'S COLORADO RETAIL ELECTRICITY
2 SALES RELATIVE TO 2005 LEVELS; AND THE CLEAN ENERGY PLAN HAS
3 PREVIOUSLY BEEN APPROVED BY A VOTE OF THE ENTITY'S GOVERNING
4 BODY. VOLUNTARY SUBMISSION OF A CLEAN ENERGY PLAN BY A
5 COOPERATIVE ELECTRIC ASSOCIATION OR MUNICIPAL UTILITY DOES NOT
6 ALTER THE ENTITY'S REGULATORY STATUS WITH RESPECT TO THE PUBLIC
7 UTILITIES COMMISSION, INCLUDING UNDER ARTICLE 9.5 OF TITLE 40.

8 (VIII) NOTHING IN THIS SUBSECTION (1)(e) DIMINISHES THE
9 EXISTING AUTHORITY OF THE COMMISSION OR THE DIVISION. NOTHING IN
10 THIS SUBSECTION (1)(e) ALTERS THE REGULATORY EXEMPTIONS PROVIDED
11 IN SECTION 25-7-109 (8)(a). NOTHING AUTHORIZED IN THIS SUBSECTION
12 (1)(e), INCLUDING THE ASSIGNMENT OF EMISSION REDUCTION
13 OBLIGATIONS OR EMISSION AUTHORIZATIONS AND EXCLUDING PROGRAM
14 DEVELOPMENT AND ADMINISTRATIVE COSTS, IMPLICATES STATE FISCAL
15 YEAR SPENDING AS DEFINED IN SECTION 24-77-102. NOTHING IN THIS
16 SUBSECTION (1)(e) DIMINISHES THE AUTHORITY OF THE PUBLIC UTILITIES
17 COMMISSION UNDER THE PUBLIC UTILITIES LAW, INCLUDING SECTIONS
18 40-3-101 AND 40-3-102.

19 (IX) AS USED IN THIS SUBSECTION (1)(e):

20 (A) "COST-EFFECTIVE" OR "COST-EFFECTIVENESS" MEANS THE
21 COST PER UNIT OF REDUCED EMISSIONS OF GREENHOUSE GASES EXPRESSED
22 AS CARBON DIOXIDE EQUIVALENT.

23 (B) "GREENHOUSE GAS" INCLUDES CARBON DIOXIDE, METHANE,
24 NITROUS OXIDE, HYDROFLUOROCARBONS, PERFLUOROCARBONS, NITROGEN
25 TRIFLUORIDE, AND SULFUR HEXAFLUORIDE, EXPRESSED AS CARBON
26 DIOXIDE EQUIVALENT.

27 (C) "RETAIL ELECTRICITY SALES" MEANS ELECTRIC ENERGY SOLD

1 TO RETAIL END-USE ELECTRIC CONSUMERS.

2 **SECTION 4. Appropriation.** (1) For the 2019-20 state fiscal
3 year, \$281,588 is appropriated to the department of public health and
4 environment. This appropriation is from the general fund. To implement
5 this act, the department may use this appropriation as follows:

6 (a) \$188,321 for use by the air pollution control division for
7 program costs, which amount is based on an assumption that the division
8 will require an additional 2.0 FTE; and

9 (b) \$93,267 for the purchase of legal services.

10 (2) For the 2019-20 state fiscal year, \$93,267 is appropriated to
11 the department of law. This appropriation is from reappropriated funds
12 received from the department of public health and environment under
13 subsection (1)(b) of this section and is based on an assumption that the
14 department of law will require an additional 0.5 FTE. To implement this
15 act, the department of law may use this appropriation to provide legal
16 services for the department of public health and environment.

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