



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 22-0752
Prime Sponsors: Sen. Cooke

Date: February 15, 2022
Bill Status: Senate SVMA
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Bill Topic: **PROCESS FOR PROPOSED AIR QUALITY RULES**

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 in the Department of Public Health and Environment to make certain procedural revisions to the rulemaking process. It minimally increases state workload beginning in FY 2022-23.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

The bill modifies certain procedures of the rulemaking process in the Air Quality Control Commission (AQCC) in the Department of Public Health and Environment (CDPHE). It requires the AQCC to include a description of the classes of persons, including businesses, that will be affected by the proposed rule in the notice of proposed rule-making, and encourages the AQCC to give more than the required 60-day notice prior to a public hearing.

The bill requires a party who proposes a rule differing from the rule proposed by AQCC, or a revision of limited applicability, to also include a description of the classes of persons, including businesses, that will be affected by the proposal, by a deadline determined by the AQCC by rule. The AQCC will designate a hearing officer to determine if the proposal is an alternative proposal within 10 days of submission, and provide notice of the determination. If the proposal is determined to be an alternative proposal, the party must include an initial economic impact analysis with the proposal.

Background

Procedures for AQCC hearings are established in rules promulgated by the AQCC. The rules inform stakeholders of all aspects of the AQCC's rulemaking process. The rules are periodically reviewed and, based upon a rule review in 2020, CDPHE began working with stakeholders to update, clarify, and modify the rules to make the rulemaking process more accessible and to ensure alternate proposals maintain alignment with the scope of topics considered by the AQCC.

State Expenditures

The CDPHE is currently engaging stakeholders to modify the AQCC's procedural rules. The revisions being developed include changes to the alternative proposal process and can accommodate the changes required in the bill. CDPHE may incur minimal workload impacts for future rulemaking to accommodate the additional processes, which can be accomplished 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