

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

**INTRODUCED**

LLS NO. 23-0207.02 Jessica Herrera x4218

**HOUSE BILL 23-1154**

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**HOUSE SPONSORSHIP**

**Valdez,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

State, Civic, Military, & Veterans Affairs

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING REQUIREMENTS FOR INITIATIVES WITH A PROJECTED**  
102            **ENVIRONMENTAL IMPACT THAT ARE PROPERLY SUBMITTED TO**  
103            **THE TITLE BOARD, AND, IN CONNECTION THEREWITH,**  
104            **REQUIRING THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE**  
105            **COUNCIL TO PREPARE A PRELIMINARY REPORT FOR SUCH**  
106            **INITIATIVES, REQUIRING THE TITLE OF SUCH INITIATIVES TO**  
107            **REFLECT THE FINDINGS OF THE PRELIMINARY REPORT, AND**  
108            **REQUIRING THAT THE FINDINGS ARE REFERENCED IN THE**  
109            **BALLOT INFORMATION BOOKLET ENTRY FOR SUCH INITIATIVES.**

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**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*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.*

*applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Current law allows a legislative measure to include a greenhouse gas emissions report (report) prepared by the nonpartisan staff of the legislative council that indicates whether the legislative measure is likely to cause a net increase, decrease, or indeterminate amount of greenhouse gas pollution in the 10-year period following its enactment. A report must consider new sources of emissions, increases or decreases in existing sources of emissions, and any impact on sequestration of emissions. 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 the legislative council staff to assist in the preparation of a report.

The bill requires the director of research of the legislative council (director) to prepare a preliminary report that requires an analysis on whether a properly submitted initiative has a net change in greenhouse gas emissions that directly impacts the following sectors:

- Electric power;
- Natural gas and oil systems;
- Transportation;
- Residential, commercial, or industrial fuel use;
- Industrial processes;
- Coal mining and abandoned mines;
- Waste management;
- Land use, land use change, or forestry; and
- Agriculture.

The director is required to provide proponents of the proposed initiative, or their representatives, and the secretary of state with the preliminary report no later than the time of the title board meeting at which the proposed initiated measure is to be considered.

The bill requires the ballot title of a measure that has a net increase in greenhouse gas emissions as indicated by the preliminary report to begin with "Shall there be an increase in greenhouse gas emissions...". The ballot title of a measure that has a net decrease in greenhouse gas emissions as indicated by the preliminary report must begin with "Shall there be a decrease in greenhouse gas emissions...".

If it is determined in the preliminary report that the proposed initiative is likely to directly cause a net increase or decrease, excluding any de minimis net changes, in greenhouse gas pollution in the 10-year period following the potential enactment of the initiative, staff of the legislative council are required to prepare a full report. The department of natural resources, the Colorado energy office, and other state agencies with relevant subject matter expertise are required to assist the staff of the legislative council with information in preparation of the report if

requested.

Proponents may file a motion for a rehearing with the secretary of state within 7 days after the title board sets the initiative's title on the grounds that the preliminary report is misleading or prejudicial. The title board may modify the preliminary report based on information presented at the rehearing. If the title board modifies the report, the secretary of state shall provide the director with a copy of the amended report and the director shall post the new version of the report on the legislative council's website.

The bill further requires the ballot information booklet to include any required preliminary report for any statewide measure and provide information on how to obtain the full greenhouse gas emissions report if one is available.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-40-106, **amend**  
3 (3)(h); and **add** (3.2) as follows:

4 **1-40-106. Title board - meetings - ballot title - initiative and**  
5 **referendum - definitions.** (3) (h) In determining whether a ballot title  
6 qualifies as brief for purposes of section 1-40-102 (10) and subsection  
7 (3)(b) of this section, the language required by subsection (3)(e), (3)(f),  
8 (3)(g), or (3)(j), (3.2)(g), or (3.2)(h) of this section may not be  
9 considered.

10 (3.2) (a) AS USED IN THIS SECTION, UNLESS THE CONTEXT  
11 OTHERWISE REQUIRES:

12 (I) "DIRECTOR" MEANS THE DIRECTOR OF RESEARCH OF THE  
13 LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY.

14 (II) "GREENHOUSE GAS" MEANS:

15 (A) CARBON DIOXIDE;

16 (B) METHANE;

17 (C) NITROUS OXIDE;

1 (D) HYDROFLUOROCARBONS;

2 (E) PERFLUOROCARBONS; OR

3 (F) SULFUR HEXAFLUORIDE.

4 (III) "GREENHOUSE GAS EMISSIONS REPORT" OR "REPORT" MEANS  
5 A NOTE THAT USES AVAILABLE DATA TO ASSESS WHETHER A PROPOSED  
6 INITIATIVE IS LIKELY TO DIRECTLY CAUSE A NET INCREASE OR DECREASE,  
7 EXCLUDING ANY DE MINIMIS NET CHANGES, IN GREENHOUSE GAS  
8 EMISSIONS WITHIN THE TEN-YEAR PERIOD FOLLOWING THE POTENTIAL  
9 ENACTMENT OF THE INITIATIVE. AT THE DISCRETION OF THE DIRECTOR, A  
10 REPORT MAY ALSO INDICATE THAT ANY NET CHANGE IN GREENHOUSE GAS  
11 EMISSIONS IS INDETERMINATE. THE ANALYSIS INCLUDED IN THE REPORT  
12 MUST IDENTIFY ANY NEW SOURCES OF GREENHOUSE GAS EMISSIONS, ANY  
13 INCREASE OR DECREASE IN EMISSIONS FROM EXISTING SOURCES, AND ANY  
14 IMPACT ON SEQUESTRATION OF EMISSIONS. A REPORT IS NOT REQUIRED TO  
15 QUANTIFY THE MAGNITUDE OF THE IMPACT ON EMISSIONS, BUT MAY DO SO  
16 TO THE EXTENT THAT THE DIRECTOR AND STAFF OF THE LEGISLATIVE  
17 COUNCIL OF THE GENERAL ASSEMBLY ARE ABLE TO PROVIDE AN UNBIASED  
18 ESTIMATE GIVEN THE AVAILABLE DATA.

19 (b) THE DIRECTOR SHALL PREPARE A PRELIMINARY GREENHOUSE  
20 GAS EMISSIONS REPORT WITH THE FOLLOWING STATEMENT: "THIS  
21 GREENHOUSE GAS EMISSIONS REPORT, PREPARED BY THE NONPARTISAN  
22 STAFF OF THE LEGISLATIVE COUNCIL, CONTAINS A PRELIMINARY  
23 ASSESSMENT OF THE MEASURE'S GREENHOUSE EMISSIONS IMPACT." FOR  
24 EVERY INITIATIVE PROPERLY SUBMITTED TO THE TITLE BOARD THAT THE  
25 LEGISLATIVE COUNCIL STAFF DETERMINES IMPACTS THE FOLLOWING  
26 SECTORS:

27 (I) ELECTRIC POWER;

- 1 (II) NATURAL GAS AND OIL SYSTEMS;
- 2 (III) TRANSPORTATION;
- 3 (IV) RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL FUEL USE;
- 4 (V) INDUSTRIAL PROCESSES;
- 5 (VI) COAL MINING AND ABANDONED MINES;
- 6 (VII) WASTE MANAGEMENT; OR
- 7 (VIII) AGRICULTURE.

8 (c) UPON A FINDING OF DIRECT NET INCREASE OR DECREASE,  
9 EXCLUDING ANY DE MINIMIS NET CHANGES, IN GREENHOUSE GAS  
10 POLLUTION WITHIN THE TEN-YEAR PERIOD FOLLOWING THE POTENTIAL  
11 ENACTMENT OF A MEASURE, THE DIRECTOR SHALL INDICATE IN THE  
12 PRELIMINARY ASSESSMENT THE BASIS FOR SUCH FINDING AND PERFORM A  
13 FULL GREENHOUSE EMISSIONS REPORT IN ACCORDANCE WITH SUBSECTION  
14 (3.2)(a)(III) OF THIS SECTION.

15 (d) THE REPORT SHALL BE SUBSTANTIALLY SIMILAR IN FORM TO  
16 THE GREENHOUSE GAS EMISSIONS REPORTS PROVIDED BY THE LEGISLATIVE  
17 COUNCIL OF THE GENERAL ASSEMBLY FOR LEGISLATIVE MEASURES  
18 PURSUANT TO SECTION 2-2-322.3.

19 (e) THE DEPARTMENT OF NATURAL RESOURCES, THE COLORADO  
20 ENERGY OFFICE, AND ANY OTHER STATE DEPARTMENT, AGENCY, OR  
21 INSTITUTION WITH SUBJECT MATTER EXPERTISE SHALL COOPERATE WITH  
22 AND PROVIDE INFORMATION IN A MANNER REQUESTED BY THE STAFF OF  
23 THE LEGISLATIVE COUNCIL IN THEIR PREPARATION OF THE REPORT.

24 (f) THE STATE DEPARTMENT, AGENCY, OR INSTITUTION SHALL  
25 MEET THE DEADLINES ESTABLISHED BY THE STAFF OF THE LEGISLATIVE  
26 COUNCIL FOR PROVIDING A RESPONSE TO A REQUEST FOR INFORMATION  
27 MADE PURSUANT TO SUBSECTION (3.2)(e) OF THIS SECTION OR SHALL

1 SPECIFY THE NEED FOR ADDITIONAL TIME TO PROVIDE THE RESPONSE. IF  
2 ADDITIONAL TIME IS REQUIRED TO RESPOND TO THE REQUEST FOR  
3 INFORMATION, THE STAFF OF THE LEGISLATIVE COUNCIL SHALL SET A  
4 REASONABLE DEADLINE FOR PROVIDING THE INFORMATION.

5 (g) EXCEPT FOR INITIATIVES DESCRIBED IN SUBSECTION (3.2)(h) OF  
6 THIS SECTION, THE BALLOT TITLE OF A MEASURE THAT WILL CAUSE A NET  
7 INCREASE IN GREENHOUSE GAS EMISSIONS AS INDICATED BY THE  
8 PRELIMINARY REPORT MUST BEGIN WITH "SHALL THERE BE AN INCREASE  
9 IN GREENHOUSE GAS EMISSIONS...". THE BALLOT TITLE OF A MEASURE  
10 THAT WILL CAUSE A NET DECREASE IN GREENHOUSE GAS EMISSIONS AS  
11 INDICATED BY THE PRELIMINARY REPORT MUST BEGIN WITH "SHALL THERE  
12 BE A DECREASE IN GREENHOUSE GAS EMISSIONS...".

13 (h) FOR MEASURES THAT REDUCE STATE TAX REVENUE THROUGH  
14 A TAX CHANGE, REDUCE LOCAL PROPERTY TAX REVENUE THROUGH A TAX  
15 CHANGE, OR INCREASE TAX REVENUE FOR ANY DISTRICT THROUGH A TAX  
16 CHANGE, AFTER THE LANGUAGE REQUIRED BY SECTION 20 (3)(c) OF  
17 ARTICLE X OF THE STATE CONSTITUTION OR SUBSECTION (3)(e), (3)(f), OR  
18 (3)(g) OF THIS SECTION, THE MEASURE'S BALLOT TITLE MUST INDICATE IF  
19 THE MEASURE WILL DECREASE OR INCREASE NET GREENHOUSE GAS  
20 EMISSIONS WITHIN THE TEN-YEAR PERIOD FOLLOWING THE MEASURE'S  
21 POTENTIAL ENACTMENT AS INDICATED BY THE PRELIMINARY REPORT.

22 (i) THE DIRECTOR SHALL PROVIDE THE DESIGNATED  
23 REPRESENTATIVES OF THE PROPONENTS AND THE SECRETARY OF STATE  
24 WITH THE PRELIMINARY REPORT NO LATER THAN THE TIME OF THE TITLE  
25 BOARD MEETING AT WHICH THE PROPOSED INITIATIVE IS TO BE  
26 CONSIDERED. THE TITLE BOARD SHALL NOT CONDUCT A HEARING ON THE  
27 GREENHOUSE GAS EMISSIONS REPORT AT THIS TITLE BOARD MEETING, AND

1 THE DIRECTOR'S GREENHOUSE GAS EMISSIONS REPORT IS FINAL, UNLESS  
2 MODIFIED IN ACCORDANCE WITH SECTION 1-40-107.

3 **SECTION 2.** In Colorado Revised Statutes, 1-40-107, **amend**  
4 (1)(a)(II) introductory portion, (1)(a)(II)(B), and (5.5); and **add**  
5 (1)(a)(II)(D) and (1)(a)(II)(E) as follows:

6 **1-40-107. Rehearing - appeal - fees - signing.** (1) (a) (II) The  
7 designated representatives of the proponents or any registered elector who  
8 is not satisfied with the fiscal summary OR THE GREENHOUSE GAS  
9 EMISSIONS REPORT prepared by the director of research of the legislative  
10 council of the general assembly in accordance with ~~section~~ SECTIONS  
11 1-40-105.5 AND 1-40-106 may file a motion for a rehearing with the  
12 secretary of state within seven days after the titles and submission clause  
13 for the initiative petition are set on the grounds that:

14 (B) The fiscal summary is misleading or prejudicial; ~~or~~

15 (D) THE GREENHOUSE GAS EMISSIONS REPORT IS MISLEADING OR  
16 PREJUDICIAL; OR

17 (E) THE GREENHOUSE GAS EMISSIONS REPORT DOES NOT COMPLY  
18 WITH THE REQUIREMENTS SET FORTH IN SECTION 1-40-106 (3.2).

19 (5.5) If the title board modifies the fiscal summary OR THE  
20 GREENHOUSE GAS EMISSIONS REPORT pursuant to this section, the  
21 secretary of state shall provide the director of research of the legislative  
22 council of the general assembly with a copy of the amended fiscal  
23 summary OR THE GREENHOUSE GAS EMISSIONS REPORT, and the director  
24 shall post the new version of the fiscal summary OR THE GREENHOUSE  
25 GAS EMISSIONS REPORT on the legislative council website.

26 **SECTION 3.** In Colorado Revised Statutes, 1-40-110, **amend** (1)  
27 as follows:

1            **1-40-110. Warning - ballot title.** (1) At the top of each page of  
2 every initiative or referendum petition section shall be printed, in a form  
3 as prescribed by the secretary of state, the following:

4                                **WARNING:**

5                                     **IT IS AGAINST THE LAW:**

6        **For anyone to sign any initiative or referendum petition with any**  
7 **name other than his or her own or to knowingly sign his or her name**  
8 **more than once for the same measure or to knowingly sign a petition**  
9 **when not a registered elector who is eligible to vote on the measure.**

10       **DO NOT SIGN THIS PETITION UNLESS YOU ARE A**  
11 **REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS**  
12 **MEASURE. TO BE A REGISTERED ELECTOR, YOU MUST BE**  
13 **A CITIZEN OF COLORADO AND REGISTERED TO VOTE.**

14       **Before signing this petition, you are encouraged to read the text or**  
15 **the title of the proposed initiative or referred measure.**

16       **You are also encouraged to read the fiscal summary that is included**  
17 **at the beginning of this petition AND THE PRELIMINARY GREENHOUSE**  
18 **GAS EMISSIONS REPORT.**

19       **By signing this petition, you are indicating that you want this**  
20 **measure to be included on the ballot as a proposed change to the**  
21 **(Colorado constitution/Colorado Revised Statutes). If a sufficient**  
22 **number of registered electors sign this petition, this measure will**  
23 **appear on the ballot at the November (year) election.**

24                     **SECTION 4.** In Colorado Revised Statutes, 1-40-124.5, **add** (4)  
25 as follows:

26                     **1-40-124.5. Ballot information booklet.** (4) **THE BALLOT**  
27 **INFORMATION BOOKLET MUST INCLUDE ANY PRELIMINARY REPORTS FOR**



1 ANY STATEWIDE MEASURE SUBJECT TO THE REQUIREMENTS OF SECTION  
2 1-40-106 (3.2) AND MUST PROVIDE INFORMATION ON HOW TO OBTAIN THE  
3 FULL GREENHOUSE GAS EMISSIONS REPORT IF ONE WAS REQUIRED TO BE  
4 MADE.

5 **SECTION 5. Act subject to petition - effective date.** This act  
6 takes effect at 12:01 a.m. on the day following the expiration of the  
7 ninety-day period after final adjournment of the general assembly; except  
8 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
9 of the state constitution against this act or an item, section, or part of this  
10 act within such period, then the act, item, section, or part will not take  
11 effect unless approved by the people at the general election to be held in  
12 November 2024 and, in such case, will take effect on the date of the  
13 official declaration of the vote thereon by the governor.