

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0918.02 Jery Payne x2157

HOUSE BILL 24-1246

HOUSE SPONSORSHIP

DeGraaf,

SENATE SPONSORSHIP

(None),

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING EMISSIONS EMANATING FROM POWER SOURCES, AND, IN
102 CONNECTION THEREWITH, ADDRESSING ELECTRIC GENERATION
103 AND DISTRIBUTION RESILIENCE AND SUSPENDING THE
104 REGULATION OF CARBON DIOXIDE AS AN AIR POLLUTANT.

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 public utilities commission (commission) to develop a contingency plan to create electrical generation and grid resilience against geomagnetic storms. Standards are set for the plan. The

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.

commission shall promulgate rules requiring an electrical utility to:

- Incorporate the resiliency plan;
- Monitor the space weather prediction center of the national oceanic and atmospheric administration in order to isolate large power transformers and power generation from the grid;
- Mechanically isolate critical components if or when the coronal mass ejection is likely to cause geomagnetically induced currents;
- Restrict or close fuel pipeline valves to mitigate damage in a sectional failure;
- Install automatic neutral ground blocking devices in large power transformers;
- Ensure computer equipment can be mechanically isolated from the grid and sheltered from geomagnetically induced surges;
- Require all networked systems that operate electrical generation and distribution to be electronically and physically separable from the outside networks; and
- Require cyber-certification of hardware and software that operate electrical generation and distribution.

Current law sets carbon dioxide emission reduction goals for the years 2030 and 2050. The bill extends these goals to 2040 and 2060 and makes these goals a lower priority than the electrical generation and distribution resilience provisions of the bill.

The bill prohibits the classification of carbon dioxide as an air pollutant and establishes, notwithstanding any other law to the contrary, that state statute, executive agency rules, and any regulations of political subdivisions of the state must not include the regulation of carbon dioxide emissions as a pollutant. Any portion of an executive agency rule that treats carbon dioxide emissions as a pollutant is void.

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

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

4 (a) According to the federal cybersecurity and infrastructure
5 security agency, "The U.S. energy infrastructure fuels the economy of the
6 21st century. Without a stable energy supply, health and welfare are
7 threatened and the U.S. economy cannot function. Presidential Policy

1 Directive 21 identifies the Energy Sector as uniquely critical because it
2 provides an 'enabling function' across all critical infrastructure sectors.
3 More than 80 percent of the country's energy infrastructure is owned by
4 the private sector, supplying fuels to the transportation industry,
5 electricity to households and businesses, and other sources of energy that
6 are integral to growth and production across the nation."

7 (b) The participation of transmission utilities in organized
8 wholesale markets and the implementation of the "Colorado Electric
9 Transmission Authority Act", article 42 of title 40, Colorado Revised
10 Statutes, will assist transmission utilities and the Colorado electric
11 transmission authority in ensuring the resilience of the electric grid and
12 its resistance to both natural disasters and intentional attacks.
13 Accordingly, the public utilities commission should use all available
14 means to support these entities in preparing for, and documenting their
15 ability to mitigate, any threats identified in the 2021 Colorado energy
16 assurance emergency plan.

17 (2) The general assembly further finds and declares that:

18 (a) Greenhouse gas is an atmospheric gas that is mostly
19 transparent to incoming high-energy, short-wave solar radiation, but is
20 somewhat opaque to outgoing low-energy, long-wave infrared radiation
21 on its way to outer space, which is below -450 degrees Fahrenheit;

22 (b) Greenhouse gases are essential for life on the planet,
23 dispersing that long-wave infrared radiation throughout the atmosphere
24 to raise the lows and lower the highs the earth would otherwise
25 experience, thus creating a self-regulating temperature band in which life
26 can survive;

27 (c) Carbon dioxide is a minor greenhouse gas. As a whole, it

1 contributes less than 10% of the greenhouse gas effect while water vapor
2 accounts for over 90% of the greenhouse gas effect, and oxygen,
3 methane, and nitrous oxide contribute less than 1% of the greenhouse gas
4 effect.

5 (d) Statistically, the state of Colorado contributes less than
6 three-millionths of the greenhouse gas effect. Anthropogenic carbon
7 dioxide is approximately 1% of atmospheric carbon dioxide. There are
8 3,100 billion tons of atmospheric carbon dioxide, and humans annually
9 create approximately 30 billion tons, which equals 1% of atmospheric
10 carbon dioxide. The United States contributes less than 15% of the carbon
11 dioxide that results from hydrocarbon oxidation. Colorado is less than 2%
12 of the United States population. Two percent of 15% of 1% of 10%
13 equals three-millionths of 1%.

14 (e) A single Coloradan contributes one-half of one-trillionth of
15 total carbon dioxide emissions;

16 (3) The general assembly further finds and declares that:

17 (a) Geomagnetic storms are major disturbances of earth's
18 magnetosphere that occur when there is a very efficient exchange of
19 energy from the solar wind into earth's environment. The storms transfer
20 energy into the earth's magnetosphere, resulting in major changes in
21 currents, plasmas, and fields. These changes are often accompanied by
22 coronal mass ejections, which are massive eruptions of plasma expelled
23 from the sun's corona.

24 (b) Solar flares emit radiation in all bands of the electromagnetic
25 spectrum, affect little more than radio communication, and arrive in 8
26 minutes;

27 (c) Coronal mass ejections often occur with solar flares, but each

1 can take place in the absence of the other. Coronal mass ejections take
2 several days to reach the earth.

3 (d) Coronal mass ejections are large expulsions of plasma and
4 magnetic field from the sun's corona. They can eject billions of tons of
5 coronal material and carry an embedded magnetic field frozen in flux that
6 is stronger than the background solar wind interplanetary magnetic field
7 strength. Coronal mass ejections travel outward from the sun at speeds
8 ranging from slower than 250 kilometers per second to as fast as nearly
9 3,000 kilometers per second. The fastest earth-directed coronal mass
10 ejections can reach our planet in as little as 15 to 18 hours. Slower
11 coronal mass ejections can take several days to arrive.

12 (e) The polarity of a coronal mass ejection can usually be
13 determined at the Lagrange point, which is approximately 1.5 million
14 kilometers from earth;

15 (f) At the Lagrange point, coronal mass ejections are 10 to 45
16 minutes from earth;

17 (g) If a coronal mass ejection is the same polarity as the earth's
18 geomagnetic field, the coronal mass ejections will tend to be deflected,
19 but if a coronal mass ejection is opposite the earth's polarity, the earth's
20 magnetic field will act to draw it in, creating disturbances in the earth's
21 magnetic field, inducing electrical currents in metal objects such as
22 pipelines and electrical wires, or generating destructive heat in
23 transformers due to an offset direct current charge;

24 (h) The result of geomagnetic storms is that electric current is
25 generated in the magnetosphere and ionosphere, which generates
26 electromagnetic fields at the ground level. The movement of magnetic
27 fields around a conductor induces an electrical current. The excess current

1 can cause voltage collapse or permanent damage to large transformers.

2 (i) Geomagnetic storms are classified G 1 to G 5 based on a
3 quasi-logarithmic classification system developed by the national oceanic
4 and atmospheric administration. The strongest storms are G 5 class. The
5 smallest ones are G 1 class (near background levels). G 5 means extreme,
6 which is expected to occur for 4 days in each 11-year cycle, leading to
7 widespread voltage control problems and possibly protective system
8 problems. Some grid systems may experience complete collapse or
9 blackouts. Pipeline currents can reach hundreds of amps. G 4 means
10 severe, which is expected to occur for 4 days in each 11-year cycle,
11 leading to possible widespread voltage control problems and some
12 protective systems mistakenly tripping. Induced pipeline currents may
13 affect preventive measures. G 3 means strong, which is expected to occur
14 for 60 days in each 11-year cycle, possibly necessitating voltage
15 corrections and triggering false alarms. G 2 means moderate, which is
16 expected to occur for 360 days in each 11-year cycle, with long duration
17 storms possibly causing transformer damage. G 1 means minor, which is
18 expected to occur for 900 days in each 11-year cycle and which may
19 induce weak power-grid fluctuations.

20 (4) For Colorado's energy grid to be maintained at a sustainable
21 level, which means the ability to be maintained at a certain rate or level
22 and the avoidance of the depletion of natural resources in order to
23 maintain an ecological balance, the general assembly further finds and
24 declares that:

25 (a) It is essential for the energy grid to achieve climate goals on
26 a cost-effective basis based on scientifically validated causal
27 relationships;

1 (b) Colorado energy initiatives will need to include
2 cradle-to-grave economic and environmental effects of all pollutants to
3 include manufacture, transport, installation, demolition and recycling, or
4 other end-of-life disposition;

5 (c) Environmental impacts of severe weather and other
6 catastrophic events must be considered in siting electric utilities;

7 (d) Material acquisition and processing must adhere to the
8 standards promulgated by regulation of the federal environmental
9 protection agency and the federal occupational safety and health
10 administration, regardless of country of origin;

11 (e) System plans require fifty- and one-hundred-year projections
12 for system reliability; and

13 (f) To ensure the resilience of energy system infrastructure,
14 applicable utilities should develop a coronal-mass-ejection plan.

15 (5) The general assembly further finds and declares that:

16 (a) Carbon dioxide will continue to be tracked, but carbon
17 dioxide's treatment as a pollutant will be temporarily lifted until
18 technology advances to allow the goals to be achieved in a safe and
19 cost-beneficial manner for Colorado citizens;

20 (b) Current technology does not allow Colorado to safely continue
21 on its goals to net-zero carbon dioxide emissions, but the models created
22 by the Intergovernmental Panel on Climate Change predict only a
23 one-third of one-degree Fahrenheit reduction by the year 2100 if net-zero
24 carbon dioxide emissions had been accomplished by the year 2010;

25 (c) The goal of net-zero carbon dioxide emissions cannot be safely
26 continued at this time;

27 (d) Carbon dioxide is a foundational molecule to all life, and other

1 than a potential impact on the greenhouse-gas effect, it has no deleterious
2 impacts on life below concentrations of 8,000 particles per million, and
3 is currently at 420 particles per million; and

4 (e) Currently, providing Colorado with energy without producing
5 carbon dioxide would leave Coloradans dependent on an incredibly
6 fragile distribution grid that is vulnerable to geomagnetic storms,
7 electromagnetic pulses, and malicious hacking, leaving Coloradans and
8 Colorado infrastructure especially vulnerable on even the most common
9 days of sub-zero or summer temperatures, and this vulnerability would
10 likely result in the annual deaths of thousands of Coloradans.

11 (6) Thus, the general assembly further declares that carbon
12 dioxide will continue to be monitored and studied, but will not be
13 considered a pollutant or significant contributor to climate change by the
14 state of Colorado until newer technologies make net-zero carbon
15 emissions feasible.

16 **SECTION 2.** In Colorado Revised Statutes, 40-2-125.5, **amend**
17 (3)(a)(I), (3)(a)(II), (4)(c)(I), and (5)(g)(I)(A); and **add** (8) as follows:

18 **40-2-125.5. Carbon dioxide emission reductions - goal to**
19 **eliminate by 2060 - legislative declaration - interim targets -**
20 **submission and approval of plans - definitions - cost recovery -**
21 **reports - rules. (3) Clean energy targets. (a)** In addition to the other
22 requirements of this section, a qualifying retail utility shall meet the
23 following clean energy targets:

24 (I) By ~~2030~~ 2040, the qualifying retail utility shall reduce the
25 carbon dioxide emissions associated with electricity sales to the
26 qualifying retail utility's electricity customers by eighty percent from 2005
27 levels.

1 (II) For the years ~~2050~~ 2060 and thereafter, or sooner if
2 practicable, the qualifying retail utility shall seek to achieve the goal of
3 providing its customers with energy generated from one-hundred-percent
4 clean energy resources AND GENERATED FROM THE LEAST OVERALL
5 POLLUTION GENERATING SOURCES MEASURED IN ACCORDANCE WITH
6 SECTION 40-2-125.6 (1)(b) so long as doing so is technically and
7 economically feasible, in the public interest, and consistent with the
8 requirements of this section.

9 (4) **Submission and approval of plans.** (c) (I) After consulting
10 with the air quality control commission, the division of administration
11 shall determine whether a clean energy plan as filed under this section
12 will result in an eighty percent reduction, relative to 2005 levels, in
13 carbon dioxide emissions from the qualifying retail utility's Colorado
14 electricity sales by ~~2030~~ 2040 and is otherwise consistent with any
15 greenhouse gas emission reduction goals established by the state of
16 Colorado. The division shall publish, and shall report to the public
17 utilities commission, the division's calculation of carbon dioxide emission
18 reductions attributable to any approved clean energy plan. THE DIVISION
19 SHALL REPORT ON EACH FEASIBLE GLOBAL TEMPERATURE REDUCTION, THE
20 CAUSALLY VALIDATED PROJECTIONS FOR EACH FEASIBLE GLOBAL
21 TEMPERATURE REDUCTION, AND THE COST ANTICIPATED TO ACHIEVE EACH
22 FEASIBLE GLOBAL TEMPERATURE REDUCTION. Nothing in the division's
23 engagement in this process shall be construed to diminish or override the
24 commission's authority under this title 40.

25 (5) **Regulatory matters.** (g) (I) A clean energy plan voluntarily
26 filed by a municipal utility or a cooperative electric association that has
27 voted to exempt itself from regulation by the commission pursuant to

1 article 9.5 of this title 40 shall be deemed approved by the commission as
2 filed if:

3 (A) The division of administration, in consultation with the
4 commission, verifies that the plan demonstrates that, by ~~2030~~ 2040, the
5 municipal utility or cooperative electric association will achieve at least
6 an eighty-percent reduction in greenhouse gas emissions caused by the
7 entity's Colorado electricity sales relative to 2005 levels; and

8 (8) IN A CONFLICT BETWEEN THIS SECTION AND SECTION
9 40-2-125.6, SECTION 40-2-125.6 SUPERCEDES THIS SECTION.

10 **SECTION 3.** In Colorado Revised Statutes, **add** 40-2-125.6 as
11 follows:

12 **40-2-125.6. Electrical generation and distribution resiliency.**

13 (1) NOTWITHSTANDING SECTION 40-2-125.5, THE COMMISSION SHALL
14 DEVELOP A CONTINGENCY PLAN TO CREATE ELECTRICAL GENERATION AND
15 GRID RESILIENCE AGAINST GEOMAGNETIC STORMS. THE PLAN MUST:

16 (a) GENERATE ELECTRICITY FROM MULTIPLE SOURCES, INCLUDING
17 HYDROCARBON-BASED ENERGY, WHICH MAY BE DECOMMISSIONED WHEN
18 TECHNICALLY FEASIBLE TO PROVIDE DIVERSE AND REDUNDANT POWER
19 GENERATION WITHOUT HYDROCARBON-BASED ENERGY;

20 (b) INCLUDE THE ENTIRE CYCLE OF ECONOMIC AND
21 ENVIRONMENTAL EFFECTS OF ALL POLLUTANTS CAUSED BY ENERGY
22 GENERATION AND DISTRIBUTION, INCLUDING MANUFACTURE, TRANSPORT,
23 INSTALLATION, DEMOLITION, AND RECYCLING, OR OTHER END-OF-LIFE
24 DISPOSITION;

25 (c) FACTOR IN THE ENVIRONMENTAL IMPACTS OF SEVERE WEATHER
26 AND OTHER CATASTROPHIC EVENTS;

27 (d) REQUIRE MATERIAL ACQUISITION AND PROCESSING,

1 REGARDLESS OF COUNTRY OF ORIGIN, TO COMPLY WITH STANDARDS
2 PROMULGATED BY REGULATIONS OF THE FEDERAL ENVIRONMENTAL
3 PROTECTION AGENCY AND THE FEDERAL OCCUPATIONAL SAFETY AND
4 HEALTH ADMINISTRATION;

5 (e) USE FIFTY- AND ONE-HUNDRED-YEAR PROJECTIONS FOR
6 SYSTEM RELIABILITY;

7 (f) DEVELOP PROCEDURES TO RESTORE ELECTRICAL POWER
8 OPERATION WITHIN THE FOLLOWING TIMELINES FOR THE FOLLOWING TYPES
9 OF GEOMAGNETIC STORMS:

10 (I) FOR A G 5 RATED GEOMAGNETIC STORM:

11 (A) POWER GENERATION RESUMING WITHIN FIVE DAYS;

12 (B) RECOVERY OF CRITICAL INFRASTRUCTURE WITHIN ONE WEEK;

13 (C) TRANSMISSION LINES AND NODES OPERATING WITHIN TWO
14 WEEKS; AND

15 (D) COMMUNITY DISTRIBUTION OF ELECTRICITY WITHIN TWO
16 WEEKS;

17 (II) FOR A G 4 RATED GEOMAGNETIC STORM:

18 (A) POWER GENERATION RESUMING WITHIN THREE DAYS;

19 (B) RECOVERY OF CRITICAL INFRASTRUCTURE WITHIN THREE
20 DAYS;

21 (C) TRANSMISSION LINES AND NODES OPERATING WITHIN ONE
22 WEEK; AND

23 (D) COMMUNITY DISTRIBUTION OF ELECTRICITY WITHIN TWO
24 WEEKS;

25 (III) FOR A G 3 RATED GEOMAGNETIC STORM:

26 (A) POWER GENERATION RESUMING WITHIN TWO DAYS;

27 (B) RECOVERY OF CRITICAL INFRASTRUCTURE WITHIN TWO DAYS;

1 (C) TRANSMISSION LINES AND NODES OPERATING WITHIN THREE
2 DAYS; AND

3 (D) COMMUNITY DISTRIBUTION OF ELECTRICITY WITHIN ONE
4 WEEK; AND

5 (IV) FOR A G 1 OR G 2 RATED GEOMAGNETIC STORM, NO MORE
6 THAN A BRIEF INTERRUPTION OF ELECTRIC SERVICE.

7 (2) TO ENSURE THE RESILIENCE OF ENERGY SYSTEM
8 INFRASTRUCTURE, THE COMMISSION SHALL PROMULGATE RULES
9 REQUIRING ELECTRIC UTILITIES TO DEVELOP A CORONAL-MASS-EJECTION
10 PLAN TO ENSURE ELECTRICAL GENERATION AND DISTRIBUTION RESILIENCE.

11 THE RULES MUST:

12 (a) REQUIRE THE ELECTRICAL UTILITIES TO INCORPORATE THE
13 PLAN CREATED IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION;

14 (b) MONITOR THE SPACE WEATHER PREDICTION CENTER OF THE
15 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION IN ORDER TO:

16 (I) PREPARE TO ISOLATE LARGE POWER TRANSFORMERS AND
17 POWER GENERATION FROM THE GRID IF A CORONAL MASS EJECTION IS
18 DETECTED WITH A POTENTIAL EARTH-ORBIT INTERSECTION;

19 (II) REQUIRE, WITHIN FIVE MINUTES, THE MECHANICAL ISOLATION
20 OF CRITICAL COMPONENTS IF OR WHEN THE CORONAL MASS EJECTION IS
21 LIKELY TO CAUSE GEOMAGNETICALLY INDUCED CURRENTS; AND

22 (III) REQUIRE, WHEN APPROPRIATE, RESTRICTING OR CLOSING FUEL
23 PIPELINE VALVES TO MITIGATE DAMAGE IN A SECTIONAL FAILURE;

24 (c) REQUIRE THE INSTALLATION OF AUTOMATIC NEUTRAL GROUND
25 BLOCKING DEVICES IN LARGE POWER TRANSFORMERS;

26 (d) ENSURE COMPUTER EQUIPMENT CAN BE MECHANICALLY
27 ISOLATED FROM THE GRID AND SHELTERED FROM GEOMAGNETICALLY

1 INDUCED SURGES;

2 (e) REQUIRE ALL NETWORKED SYSTEMS THAT OPERATE
3 ELECTRICAL GENERATION AND DISTRIBUTION TO BE ELECTRONICALLY AND
4 PHYSICALLY SEPARABLE FROM THE OUTSIDE NETWORKS; AND

5 (f) REQUIRE CYBER-CERTIFICATION OF HARDWARE AND SOFTWARE
6 THAT OPERATE ELECTRICAL GENERATION AND DISTRIBUTION.

7 **SECTION 4.** In Colorado Revised Statutes, 25-7-103, **amend**
8 (1.5); and **add** (19.2) as follows:

9 **25-7-103. Definitions.** As used in this article 7, unless the context
10 otherwise requires:

11 (1.5) "Air pollutant" means any fume, smoke, particulate matter,
12 vapor, or gas or any combination thereof ~~which~~ THAT is emitted into or
13 otherwise enters the atmosphere, including, but not limited to, any
14 physical, chemical, biological, radioactive (including source material,
15 special nuclear material, and byproduct material) substance or matter, but
16 "air pollutant" does not include CARBON DIOXIDE, water vapor, or steam
17 condensate or any other emission exempted by the commission consistent
18 with the federal act. Such term includes any precursors to the formation
19 of any air pollutant, to the extent the administrator of the United States
20 environmental protection agency or the commission has identified such
21 precursor or precursors for the particular purpose for which the term "air
22 pollutant" is used.

23 (19.2) (a) "POLLUTION" MEANS A SUBSTANCE OR ENERGY THAT,
24 WHEN INTRODUCED INTO THE ENVIRONMENT, HAS UNDESIRE EFFECTS.

25 (b) "POLLUTION" INCLUDES SUBSTANCES THAT CAN:

26 (I) AFFECT HUMANS, CAUSING OR EXACERBATING HEALTH
27 PROBLEMS, INCLUDING ALLERGIES, ASTHMA, CANCER, OR HEART DISEASE,

1 AND EVEN DEATH;
2 (II) HARM FLORA AND FAUNA IN THE WILD;
3 (III) DAMAGE ENTIRE ECOSYSTEMS; AND
4 (IV) DAMAGE AGRICULTURAL PRODUCTION, WHICH PUTS THE FOOD
5 SUPPLY AT RISK.

6 **SECTION 5.** In Colorado Revised Statutes, **add** 25-7-146 as
7 follows:

8 **25-7-146. Prohibit treatment of carbon dioxide as an air**
9 **pollutant.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW:

10 (a) CARBON DIOXIDE IS NOT CLASSIFIED AS AN AIR POLLUTANT IN
11 THE STATE; AND

12 (b) THE COMMISSION, THE DIVISION, THE PUBLIC UTILITIES
13 COMMISSION, THE ENERGY AND CARBON MANAGEMENT COMMISSION, OR
14 ANY OTHER STATE AGENCY, LOCAL GOVERNMENT, OR POLITICAL
15 SUBDIVISION OF THE STATE SHALL NOT:

16 (I) CLASSIFY CARBON DIOXIDE AS AN AIR POLLUTANT; OR

17 (II) ENACT A RULE, ORDINANCE, OR RESOLUTION THAT REGULATES
18 CARBON DIOXIDE AS AN AIR POLLUTANT.

19 (2) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION:

20 (a) ANY STATE STATUTE OR ANY LOCAL ORDINANCE, RESOLUTION,
21 OR RULE THAT TREATS CARBON DIOXIDE AS AN AIR POLLUTANT IS
22 UNENFORCEABLE; AND

23 (b) ANY PORTION OF AN EXECUTIVE AGENCY RULE ADOPTED
24 UNDER PART 1 OF ARTICLE 4 OF TITLE 24 THAT TREATS CARBON DIOXIDE
25 AS AN AIR POLLUTANT IS VOID.

26 **SECTION 6.** In Colorado Revised Statutes, 34-60-106, **add** (23)
27 as follows:

1 **34-60-106. Additional powers of commission - rules -**
2 **definitions - repeal.** (23) IN PROMULGATING RULES UNDER THIS ARTICLE
3 60, THE COMMISSION IS SUBJECT TO SECTION 25-7-146.

4 **SECTION 7.** In Colorado Revised Statutes, **add** 40-1-105 as
5 follows:

6 **40-1-105. Carbon dioxide rules.** IN PROMULGATING RULES
7 UNDER THIS TITLE 40, THE COMMISSION IS SUBJECT TO SECTION 25-7-146.

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

18 (2) This act applies to acts occurring on or after the applicable
19 effective date of this act.