



## Fiscal Note

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## HB 25-1241: PUBLIC ACCESSIBILITY OF EMISSIONS RECORDS

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**Prime Sponsors:**

Rep. Marshall; Garcia

Sen. Cutter; Kipp

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**Fiscal note status:** The revised fiscal note reflects the introduced bill, as amended by the House Energy and Environment Committee.

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### Summary Information

**Overview.** The bill requires certain polluting facilities to make records of their emissions publicly available.

**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis:

- State Revenue
- State Expenditures

**Appropriations.** For FY 2025-26, the bill requires an appropriation of \$426,203 to the Department of Public Health and Environment.

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**Table 1**  
**State Fiscal Impacts**

<b>Type of Impact<sup>1</sup></b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
State Revenue	\$0	\$0
State Expenditures	\$497,748	\$864,573
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	3.5 FTE	6.3 FTE

<sup>1</sup> Fund sources for these impacts are shown in the tables below.

**Table 1A**  
**State Expenditures**

<b>Fund Source</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
General Fund	\$426,203	\$742,990
Cash Funds	\$0	\$0
Federal Funds	\$0	\$0
Centrally Appropriated	\$71,545	\$121,583
<b>Total Expenditures</b>	<b>\$497,748</b>	<b>\$864,573</b>
<b>Total FTE</b>	<b>3.5 FTE</b>	<b>6.3 FTE</b>

## Summary of Legislation

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The Department of Public Health and Environment (CDPHE) regulates the amount of pollution allowable from stationary sources, which include buildings and facilities. Beginning January 1, 2026, the bill requires the owner of a stationary source to post on their website copies of records that they submit to state or federal government following the same schedule that those records are made available to government entities. Stationary source owners may redact confidential business information from these records. A violation of the reporting requirement is subject to a civil penalty.

## Assumptions

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Although the regulatory activities of the Air Quality Control Commission are typically funded from the Stationary Sources Control Fund, the fiscal note assumes that the expenditures identified in this bill require General Fund due to the long-term balance of the cash fund.

## State Revenue

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Public disclosure of emissions records is expected to lead to discovery of additional violations of emission limits by stationary sources. To the extent that this leads to additional settlements or civil penalties, state revenue will increase. This revenue, which is classified as a damage award and not subject to TABOR, has not been estimated.

## State Expenditures

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The bill increases state expenditures in CDPHE by about \$500,000 in FY 2025-26 and \$865,000 in FY 2026-27 and subsequent years. These costs, paid from the General Fund, are summarized in Table 2 and discussed below.

**Table 2  
 State Expenditures  
 Department of Public Health and Environment**

<b>Cost Component</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
Personal Services	\$328,480	\$559,285
Operating Expenses	\$4,224	\$7,168
Capital Outlay Costs	\$46,690	\$0
Legal Services	\$46,809	\$176,537
Centrally Appropriated Costs	\$71,545	\$176,537
FTE – Personal Services	3.3 FTE	5.6 FTE
FTE – Legal Services	0.2 FTE	0.7 FTE
<b>Total Costs</b>	<b>\$497,748</b>	<b>\$864,573</b>
<b>Total FTE</b>	<b>3.5 FTE</b>	<b>6.3 FTE</b>

**Department of Public Health and Environment**

The bill increase expenditures in the department to conduct rulemaking, build and maintain a webpage, investigate complaints, and conduct additional enforcement actions against polluters.

**Staff**

CDPHE staff requirements include 0.5 FTE in FY 2025-26 only to conduct rulemaking.

Currently, there are about 13,000 active stationary sources owned by about 2,300 companies. Under current law, CDPHE is required to investigate each complaint that is not clearly frivolous. Starting January 1, 2026, emissions disclosures are expected to increase the number of complaints made to CDPHE about companies’ compliance. The fiscal note assumes an additional 300 complaints received each year. Evaluating each complaint, investigating as necessary, and taking appropriate enforcement actions requires 5.6 FTE per year. Standard operating and capital outlay costs are included. Investigation and enforcement costs are prorated in the first year for a January 1 start date.

**Legal Services**

CDPHE requires 350 hours of legal services in FY 2025-26 and 1,320 hours in subsequent years to conduct rulemaking and to pursue additional enforcement actions. Legal services are provided by the Department of Law at a rate of \$133.74 per hour.

**Centrally Appropriated Costs**

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which may include employee insurance, supplemental employee retirement payments, indirect cost assessments, and other costs, are shown in Table 2.

## Technical Note

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There is a statute of limitations for CDPHE to pursue enforcement actions against violations of air quality regulations that begins when the department knows or should have known of the violation. If the bill's record disclosure requirements constitute a notification to CDPHE of potential emissions violations, it would drive significant costs for the department to investigate and pursue enforcement actions. While the fiscal note assumes that CDPHE is not required to review companies' public records, the bill does not clarify if the reporting requirements constitute notice of potential violations or not.

## Effective Date

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The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

## State Appropriations

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For FY 2025-26, the bill requires a General Fund appropriation of \$426,203 to the Department of Public Health and Environment, and 3.3 FTE. Of this amount, \$46,809 is reappropriated to the Department of Law, with an additional 0.2 FTE.

## Departmental Difference

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The Department of Public Health and Environment and the Department of Law estimate that the bill requires \$6.5 million and 49.8 FTE in FY 2025-26 and \$14.0 million and 121.7 FTE in FY 2026-27. The CDPHE estimate assumes that the department is required to proactively monitor and inspect companies' public emissions records, and address new complaints for each of the state's 13,000 stationary sources through inspections.

The fiscal note assumes that CDPHE is responding to record-related complaints under current law, as these records are already available on the department's website and likely inclusive of any federal law records requirements. It also assumes that the lower number of records required to be posted under the amended bill will reduce the volume of new complaints the department receives as a result of the bill.

## State and Local Government Contacts

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Law

Public Health and Environment

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The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).