



**Colorado  
Legislative  
Council  
Staff**

**SB16-157**

**FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-1122 **Date:** March 15, 2016  
**Prime Sponsor(s):** Sen. Cooke; Sonnenberg **Bill Status:** Senate Agriculture  
 Rep. Dore **Fiscal Analyst:** Clare Pramuk (303-866-2677)

**BILL TOPIC:** DON'T IMPLEMENT CLEAN POWER PLAN UNTIL STAY LIFTED

Fiscal Impact Summary	FY 2015-2016	FY 2016-2017	FY 2017-2018
State Revenue			
State Expenditures	Workload decrease.		
<b>Appropriation Required:</b> None.			
<b>Future Year Impacts:</b> Potential ongoing workload decrease.			

**Summary of Legislation**

On February 9, 2016, the United States Supreme Court stayed the implementation of the U.S. Environmental Protection Agency's (EPA) rules to regulate carbon dioxide emissions from existing fossil-fuel-fired, electric generating units under the Clean Air Act. This bill requires the Air Quality Control Commission (AQCC) and the Division of Administration in Colorado Department of Public Health and Environment (CDPHE) to suspend work on the Clean Power Plan and state implementation plan until the stay is lifted. It also requires that the state implementation plan be subject to legislative review.

**Background**

The U.S. Environmental Protection Agency (EPA) has promulgated rules to regulate carbon dioxide emissions from existing fossil-fuel-fired, electric generating units under the Clean Air Act. Known as the Clean Power Plan, these rules require the CDPHE to submit a state implementation plan for compliance. The rules allow states to qualify for a two-year extension for filing the state implementation plan by filing an "initial submittal" by September 6, 2016.

**Clean Air Act — EPA.** The EPA published the final federal performance standards for carbon emissions from electric utilities on October 23, 2015. Under its authority in current law, the CDPHE's Air Pollution Control Division (APCD) will draft the state implementation plan to implement the federal standards. The AQCC, which is charged with developing and maintaining a comprehensive air pollution prevention and control program for the state, will consider the CDPHE's state implementation plan and any other proposals received from the public before the CDPHE submits the final state implementation plan to the EPA. Under the federal Clean Air Act, the EPA may prescribe a federal implementation plan for Colorado if the CDPHE does not submit a state implementation plan or if the state implementation plan is not federally approved.

**State Expenditures**

This bill will reduce workload for the CDPHE on the Clean Power Plan and the state implementation plan. Because no CDPHE staff worked exclusively on the Clean Power Plan and no additional FTE were appropriated for the development of the state implementation plan, this bill will not result in a net reduction in workload for CDPHE. CDPHE staff resources will be moved from the Clean Power Plan and the state implementation plan to other agency projects.

**Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

**State and Local Government Contacts**

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