

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0429.01 Thomas Morris x4218

**SENATE BILL 19-096**

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**SENATE SPONSORSHIP**

**Donovan,**

**HOUSE SPONSORSHIP**

**Hansen,**

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**Senate Committees**

Transportation & Energy  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE COLLECTION OF GREENHOUSE GAS EMISSIONS DATA**  
102              **TO FACILITATE THE IMPLEMENTATION OF MEASURES THAT**  
103              **WOULD MOST COST-EFFECTIVELY ALLOW THE STATE TO MEET**  
104              **ITS GREENHOUSE GAS EMISSIONS REDUCTION GOALS, AND, IN**  
105              **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

The bill requires the air quality control commission in the department of public health and environment to collect greenhouse gas

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

emissions data from greenhouse gas-emitting entities, report on the data, including a forecast of future emissions, and propose a draft rule to address the emissions by July 1, 2020.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add 25-7-140** as  
3 follows:

4           **25-7-140. Greenhouse gas emissions - data collection -**  
5 **legislative declaration - rules - reporting - forecasting - public**  
6 **information - definitions. (1) Legislative declaration.** THE GENERAL  
7 ASSEMBLY HEREBY:

8           (a) FINDS THAT:

9           (I) GREENHOUSE GAS EMISSIONS REPORTING REQUIREMENTS WERE  
10 FIRST ESTABLISHED IN COLORADO IN 2008 WITH EXECUTIVE ORDER D  
11 004-08. THE POLICIES ESTABLISHED BY THIS EXECUTIVE ORDER WERE  
12 CONTINUED UNDER THE NEXT GOVERNOR AND REQUIRE THE DEPARTMENT  
13 OF PUBLIC HEALTH AND ENVIRONMENT TO REPORT EVERY FIVE YEARS ON  
14 ESTIMATES OF GREENHOUSE GAS EMISSIONS BY SECTOR. THE LAST REPORT  
15 BY THE DEPARTMENT WAS ISSUED IN 2014 AND THE NEXT REPORT IS DUE  
16 IN 2019.

17           (II) EXECUTIVE ORDER D 2017-015 DIRECTED THE DEPARTMENT  
18 TO PROPOSE A STATE GREENHOUSE GAS REPORTING RULE THAT MIRRORS  
19 THE CURRENT FEDERAL REPORTING RULE, 40 CFR 98, BY DECEMBER 30,  
20 2018, AND ESTABLISHED THE FOLLOWING GOALS:

21           (A) REDUCING GREENHOUSE GAS EMISSIONS STATEWIDE BY MORE  
22 THAN TWENTY-SIX PERCENT BELOW 2005 LEVELS BY 2025;

23           (B) REDUCING CARBON DIOXIDE EMISSIONS FROM THE  
24 ELECTRICITY SECTOR BY TWENTY-FIVE PERCENT BELOW 2012 LEVELS BY

1 2025 AND THIRTY-FIVE PERCENT BELOW 2012 LEVELS BY 2030; AND  
2 (C) REDUCING ELECTRICITY SALES BY TWO PERCENT BY 2020  
3 THROUGH COST-EFFECTIVE ENERGY EFFICIENCY MEASURES;  
4 (b) DETERMINES THAT:  
5 (I) IT IS IN THE STATE'S INTEREST TO LEVERAGE DATA COLLECTED  
6 AND ANALYSES CONDUCTED FOR ITS GREENHOUSE GAS EMISSIONS  
7 INVENTORIES AND FORECASTS AND MAKE DATA SETS AVAILABLE TO LOCAL  
8 GOVERNMENTS;  
9 (II) WHILE OTHER STATES HAVE IDENTIFIED AND ADOPTED  
10 GREENHOUSE GAS EMISSIONS REPORTING, INVENTORY, AND FORECAST  
11 METHODOLOGIES THAT MORE EFFECTIVELY ACHIEVE THE FOLLOWING  
12 PURPOSES, THE 2014 INVENTORY PERFORMED BY THE DEPARTMENT DID  
13 NOT UTILIZE DATA THAT:  
14 (A) MOST ACCURATELY ACCOUNTED FOR GREENHOUSE GAS  
15 EMISSIONS IN CERTAIN SECTORS;  
16 (B) EFFECTIVELY TRACKED PROGRESS ON REDUCING EMISSIONS;  
17 OR  
18 (C) ENABLED IDENTIFICATION OF EFFECTIVE STRATEGIES;  
19 (III) WITH ONLY TWO MORE REPORTS ON GREENHOUSE GAS  
20 EMISSIONS COMING DUE, IN 2019 AND 2024, BEFORE THE 2025 TARGET OF  
21 EXECUTIVE ORDER D 2017-015, THERE IS INSUFFICIENT INFORMATION TO  
22 ACCURATELY MEASURE PROGRESS AND IDENTIFY STEPS TO ACHIEVE THE  
23 GOALS ESTABLISHED IN THE GOVERNOR'S 2017 ORDER;  
24 (IV) BY COLLECTING AND DISSEMINATING BETTER INFORMATION  
25 ON GREENHOUSE GAS EMISSIONS, COLORADO CAN MORE EFFECTIVELY  
26 QUANTIFY EMISSIONS TRENDS, TRACK PROGRESS, AND IDENTIFY  
27 POTENTIAL AREAS OF GREATEST IMPACT ON THE STATE'S GREENHOUSE GAS

1 EMISSIONS PROFILE TO FACILITATE THE IMPLEMENTATION OF MEASURES  
2 THAT WOULD MOST COST-EFFECTIVELY ALLOW THE STATE TO MEET ITS  
3 GREENHOUSE GAS EMISSIONS REDUCTION GOALS; AND

4 (V) DATA COLLECTION SHOULD:

5 (A) BE BOTH TIMELY AND ACCURATE, AND THE COLLECTED DATA  
6 SHOULD BE MADE AVAILABLE TO THE PUBLIC; AND

7 (B) SUPPORT EMISSIONS TRACKING AND INFORM POTENTIAL  
8 APPROACHES TO ACHIEVING THE STATE'S GREENHOUSE GAS EMISSIONS  
9 REDUCTION GOALS; AND

10 (c) DECLARES THAT IT IS IN THE STATE'S INTEREST TO OBTAIN  
11 ACCURATE MEASUREMENTS OF GREENHOUSE GAS EMISSIONS IN ORDER TO  
12 TRACK PROGRESS AND IDENTIFY THE MOST EFFECTIVE STRATEGIES FOR  
13 THE STATE TO ACHIEVE EXISTING AND FUTURE TARGETS FOR POLLUTION  
14 REDUCTION.

15 (2) **Rules.** THE COMMISSION SHALL:

16 (a) BY DECEMBER 30, 2019, PROMULGATE RULES THAT MIRROR 40  
17 CFR 98 TO REQUIRE THE SUBMISSION OF THE BEST INFORMATION  
18 AVAILABLE FROM EMITTING ENTITIES WHILE ALSO USING DATA THAT IS  
19 ALREADY BEING COLLECTED, INCLUDING PURSUANT TO FEDERAL LAW, AND  
20 INFORMATION THAT IS ALREADY AVAILABLE TO MAKE THE DATA  
21 COLLECTION AS EFFICIENT AS POSSIBLE. THE RULES MUST:

22 (I) DEFINE THE CLASS OF EMITTING ENTITIES THAT MUST REPORT  
23 GREENHOUSE GAS EMISSIONS AND, FOR THIS PURPOSE, THE RULES MAY USE  
24 THE ENTITIES THAT ARE SUBJECT TO REPORTING PURSUANT TO 40 CFR 98  
25 OR MAY EXPAND THAT CLASS;

26 (II) IMPLEMENT MEASURES TO COLLECT AND REPORT STATEWIDE  
27 AND ECONOMY-WIDE GREENHOUSE GAS EMISSIONS INFORMATION ON AN

1 ANNUAL BASIS; AND

2 (III) IMPLEMENT MEASURES TO COLLECT THE BEST INFORMATION  
3 REASONABLY AVAILABLE FROM EMITTING ENTITIES IN ORDER TO  
4 INVENTORY AND TRACK EMISSIONS WITH A HIGH DEGREE OF ACCURACY.

5 (b) BY JULY 1, 2020, PUBLISH A NOTICE OF PROPOSED  
6 RULE-MAKING THAT PROPOSES RULES TO IMPLEMENT MEASURES THAT  
7 WOULD MOST COST-EFFECTIVELY ALLOW THE STATE TO MEET ITS  
8 GREENHOUSE GAS EMISSIONS REDUCTION GOALS.

9 (3) **Reporting.** IN CARRYING OUT ITS DUTIES PURSUANT TO THIS  
10 SECTION, THE COMMISSION OR, IF APPROPRIATE, THE DIVISION:

11 (a) MAY REQUIRE EMITTING ENTITIES TO:

12 (I) REPORT THEIR GREENHOUSE GAS EMISSIONS AND OTHER  
13 ASSOCIATED INFORMATION TO THE STATE ON A TIMELY, ANNUAL, AND  
14 ECONOMY-WIDE BASIS THAT ALIGNS WITH THE TIMING OF REQUIRED  
15 FEDERAL GREENHOUSE GAS REPORTING;

16 (II) REPORT THE BEST REASONABLY AVAILABLE DATA THAT IS  
17 ALREADY BEING COLLECTED, INCLUDING PURSUANT TO FEDERAL LAW; AND

18 (III) REPORT, IN METRIC TONS, THE AMOUNT OF EMISSIONS OF  
19 EACH OF THE SEVEN INDIVIDUAL COMPONENTS OF GREENHOUSE GASES AS  
20 WELL AS THE CARBON DIOXIDE EQUIVALENT OF THOSE EMISSIONS.

21 (b) MAY ESTABLISH A REPORTING REQUIREMENT THRESHOLD THAT  
22 IS APPROPRIATE FOR COLORADO; AND

23 (c) SHALL:

24 (I) CONDUCT AN ANNUAL, STATEWIDE AND ECONOMY-WIDE  
25 INVENTORY OF GREENHOUSE GAS EMISSIONS BY SECTOR;

26 (II) IDENTIFY THE MOST COST-EFFECTIVE MECHANISMS FOR  
27 TRACKING THE DATA COLLECTED WHILE ENSURING THE HIGHEST LEVEL OF

1 DATA ACCURACY THAT IS REASONABLE TO OBTAIN;

2 (III) PRODUCE THE FIRST COMPREHENSIVE INVENTORY ON OR  
3 BEFORE DECEMBER 30, 2020, FOR EMISSIONS IN CALENDAR YEAR 2018  
4 AND THEN ANNUALLY THEREAFTER;

5 (IV) WHEN ADOPTING AN INVENTORY REPORTING METHODOLOGY,  
6 ATTEMPT TO:

7 (A) ACHIEVE HIGH ACCURACY IN THE MEASUREMENT OF  
8 GREENHOUSE GAS EMISSIONS, EXCEPT WITH REGARD TO EMISSIONS THAT  
9 ONLY SLIGHTLY EXCEED THE REPORTING THRESHOLD SO THAT HIGH  
10 ACCURACY WOULD NOT PRODUCE MORE ACTIONABLE RESULTS;

11 (B) ENSURE SUFFICIENT GRANULARITY TO REFLECT CHANGES  
12 RESULTING FROM ACTIONS TAKEN ON A STATEWIDE BASIS TO ADDRESS  
13 CLIMATE CHANGE;

14 ==

15 (C) PRODUCE USEFUL AND ACTIONABLE RESULTS;

16 (D) CREATE DATA THAT IS COMPARABLE WITH INVENTORIES FROM  
17 PREVIOUS YEARS;

18 (E) ENABLE GREENHOUSE GAS EMISSIONS FORECASTING; AND

19 (F) MAKE STATE-LEVEL FOUNDATIONAL DATA AVAILABLE TO  
20 LOCAL JURISDICTIONS AND IN OTHER WAYS ENABLE THOSE JURISDICTIONS  
21 TO IMPROVE THE QUALITY OF THEIR OWN LOCAL EMISSIONS INVENTORIES;

22 (V) RECALCULATE THE 2005 EMISSIONS INVENTORY TO THE  
23 EXTENT POSSIBLE, USING THE INVENTORY REPORTING METHODOLOGY  
24 ADOPTED PURSUANT TO SUBSECTION (3)(c)(IV) OF THIS SECTION; AND

25 (VI) PERFORM ADDITIONAL RECALCULATIONS IF THE COMMISSION  
26 MAKES SUBSEQUENT CHANGES TO THE METHODOLOGY THAT WOULD  
27 SIGNIFICANTLY AFFECT PREVIOUS INVENTORY RESULTS.

1           (4) **Forecasting.** (a) THE DIVISION SHALL FORECAST COLORADO'S  
2 GREENHOUSE GAS EMISSIONS FOR EVERY FIVE YEARS THROUGH 2050  
3 USING THE INVENTORY REPORTING METHODOLOGY ADOPTED PURSUANT TO  
4 SUBSECTION (3)(c)(IV) OF THIS SECTION; EXCEPT THAT THE COMMISSION  
5 CAN SPECIFY A DIFFERENT PERIOD IF IT DETERMINES THAT AN EARLIER  
6 FORECAST IS NEEDED DUE TO THE OCCURRENCE OF AN EXTRAORDINARY  
7 EVENT THAT WOULD SIGNIFICANTLY AFFECT THE FORECAST. THE  
8 FORECAST MUST CONSIDER AT LEAST THREE SCENARIOS, INCLUDING NO  
9 ADDITIONAL ACTION TAKEN ON A STATEWIDE BASIS TO ADDRESS CLIMATE  
10 CHANGE, A LOW LEVEL OF ACTION TAKEN ON A STATEWIDE BASIS TO  
11 ADDRESS CLIMATE CHANGE, AND A HIGH LEVEL OF ACTION TAKEN ON A  
12 STATEWIDE BASIS TO ADDRESS CLIMATE CHANGE.

13           (b) IN SELECTING A METHODOLOGY TO CONDUCT THE FORECAST,  
14 THE DIVISION SHALL:

15           (I) PROVIDE FORECASTS AT MULTIPLE MILESTONE YEARS,  
16 INCLUDING 2030 AND 2050;

17           (II) USE LOCAL DATA TO FORECAST STATEWIDE TRENDS WHEN  
18 POSSIBLE;

19           (III) INCLUDE CONSIDERATION OF FORECASTS FOR POPULATION  
20 GROWTH AND CURRENT LOCAL AND STATE DATA ON HOUSING, MOBILITY,  
21 AND OTHER DEMOGRAPHIC CRITERIA; AND

22           (IV) CHOOSE A METHODOLOGY THAT:

23           (A) CAN BE READILY USED TO MODEL MULTIPLE SCENARIOS; AND

24           (B) IS TRANSPARENT ABOUT WHICH FACTORS HAVE THE MOST  
25 INFLUENCE OVER THE FORECAST RESULTS.

26           (5) **Public information.** THE DIVISION SHALL:

27           (a) PUBLICLY RELEASE THE FINDINGS OF THE ANNUAL INVENTORY

1 ON THE DIVISION'S WEBSITE AND MAINTAIN THE DATA THROUGH AT LEAST  
2 2030; AND

3 (b) NOTWITHSTANDING 24-1-136 (11), REPORT THE FINDINGS TO  
4 THE GOVERNOR, THE PUBLIC UTILITIES COMMISSION, AND THE GENERAL  
5 ASSEMBLY.

6 (6) **Definition.** FOR THE PURPOSES OF THIS SECTION, "GREENHOUSE  
7 GAS" MEANS CARBON DIOXIDE (CO<sub>2</sub>), METHANE (CH<sub>4</sub>), NITROUS OXIDE  
8 (N<sub>2</sub>O), HYDROFLUOROCARBONS (HFCs), PERFLUOROCARBONS (PFCs),  
9 SULFUR HEXAFLUORIDE (SF<sub>6</sub>), AND NITROGEN TRIFLUORIDE (NF<sub>3</sub>).

10 **SECTION 2. Appropriation.** (1) For the 2019-20 state fiscal  
11 year, \$1,680,600 is appropriated to the department of public health and  
12 environment. This appropriation is from the general fund. To implement  
13 this act, the department may use this appropriation as follows:

14 (a) \$331,720 for use by the air pollution control division for  
15 program costs, which amount is based on an assumption that the division  
16 will require an additional 3.8 FTE; and

17 (b) \$1,348,880 for the purchase of information technology  
18 services.

19 (2) For the 2019-20 state fiscal year, \$1,348,880 is appropriated  
20 to the office of the governor for use by the office of information  
21 technology. This appropriation is from reappropriated funds received  
22 from the department of public health and environment under subsection  
23 (1)(b) of this section. To implement this act, the office may use this  
24 appropriation to provide information technology services for the  
25 department of public health and environment.

26 **SECTION 3. Act subject to petition - effective date.** This act  
27 takes effect at 12:01 a.m. on the day following the expiration of the



1 ninety-day period after final adjournment of the general assembly (August  
2 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
3 referendum petition is filed pursuant to section 1 (3) of article V of the  
4 state constitution against this act or an item, section, or part of this act  
5 within such period, then the act, item, section, or part will not take effect  
6 unless approved by the people at the general election to be held in  
7 November 2020 and, in such case, will take effect on the date of the  
8 official declaration of the vote thereon by the governor.