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2 Be it enacted by the People of the State of Colorado:
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4 **Section 1.** Part 1 of article 7 of title 25, Colorado Revised Statutes, is amended BY THE
5 ADDITION OF A NEW SECTION to read:
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7 **25-7-109.7 Greenhouse gas emission standard.**
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9 (1) **Purpose.** COLORADANS MUST DO THEIR PART to reduce the risks
10 and impacts of global warming to Colorado's water supplies, farms and ranches, ski and
11 recreation industry, wildlife, economy, and environment. Colorado's electricity
12 ratepayers, businesses, and economy should also be protected from the costs of
13 complying with future carbon dioxide regulations by investing in low polluting electricity
14 resources today. Because carbon dioxide is a major greenhouse gas that causes global
15 warming, the purpose of this section is to limit carbon dioxide pollution from power
16 plants located in Colorado and from the production of electricity for Coloradans so as to
17 help reduce the risks and impacts of global warming and the costs of future carbon
18 dioxide regulation.
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21 (2) New electricity generating facilities located in the state of Colorado shall
22 emit into the atmosphere no more than one thousand one hundred pounds of carbon
23 dioxide pollution per megawatt-hour.
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25 (3) Before a Colorado public utility, including every cooperative electric
26 association and generation and transmission electric association whether or not exempt
27 from regulation under section . 40-1-103(2)(b), C.R.S., and including every municipally
28 owned utility subject to this section, constructs, operates, acquires, or makes a long-term
29 electricity purchase from a new electricity generating facility, it must first obtain a
30 certification from the department of public health and environment that the electricity
31 generating facility is designed, and will be operated, to emit into the atmosphere no more
32 than one thousand one hundred pounds of carbon dioxide pollution per megawatt-hour.
33 Long-term electricity purchases that do not specify a generation source for which carbon
34 dioxide emission rates can be determined shall be denied certification. For purposes of
35 this subsection (3), the governing body of each municipally owned utility shall require
36 compliance with the emission limitations set forth in this section.
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38 (4) The department of public health and environment, in consultation with
39 the public utilities commission, shall publish rules and regulations, and establish
40 penalties, to implement and enforce this section. The department of public health and
41 environment shall review the emission standard at least every five years and may revise
42 the emission standard to make it more stringent than one thousand one hundred pounds of
43 carbon dioxide per megawatt-hour, as necessary and appropriate to achieve the purpose
44 of this section. The carbon dioxide emission standard shall apply in a neutral manner to
45 new electricity generating facilities whether located within or outside of Colorado.
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48 (5) For purposes of this section:
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1 (a) “Long-term electricity purchase” means a contract or series of
2 contracts that allows the public utility, including every cooperative electric association
3 and generation and transmission electric association whether or not exempt from
4 regulation under section . 40-1-103(2)(b), C.R.S., and including every municipally owned
5 utility subject to this section, to purchase electricity for three years or more;
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7 (b) “New electricity generating facility” means a power plant, located
8 within or outside of Colorado, with a nameplate capacity rating exceeding ten megawatts
9 that has been developed to operate and produce electricity more than two thousand hours
10 per year, and that had not as of May 1, 2007, obtained all required pre-construction
11 permits pursuant to section 25-7-114.2, C.R.S., or such other air quality permits as are
12 required by the location of the facility.
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14 **(6)** Severability. If any part or particular application of this section is held
15 invalid, the remainder of this section and all other applications shall remain in effect.
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