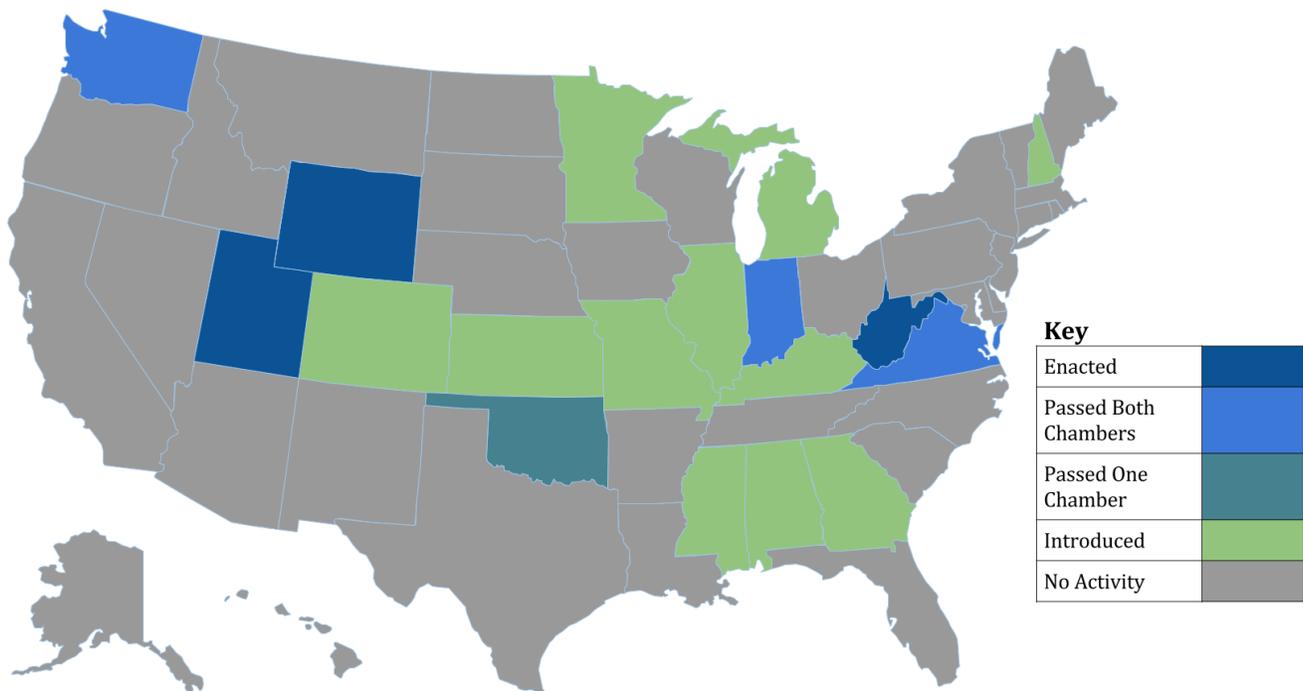


2016 State Legislation Relating to the Clean Power Plan April 2016

To date in 2016, legislators in 18 states have introduced 44 bills related to the implementation of the U.S. Environmental Protection Agency’s Clean Power Plan. This level of activity is lower than at this point in 2015. This is likely due to the fact that the U.S. Supreme Court issued a [stay](#) of the CPP in February 2016, but also could be driven by the fact that several states do not hold even year legislative sessions.

Five bills—Utah [SB 115](#), West Virginia [HB 4435](#) and [SB 691](#), Washington [SB 6248](#) and Wyoming [SB 1](#)—have been enacted, while two bills in Indiana ([HB 1082](#)) and Virginia ([SB 21](#)) have passed both chambers.¹

CPP-Related Legislation as of April 4, 2016



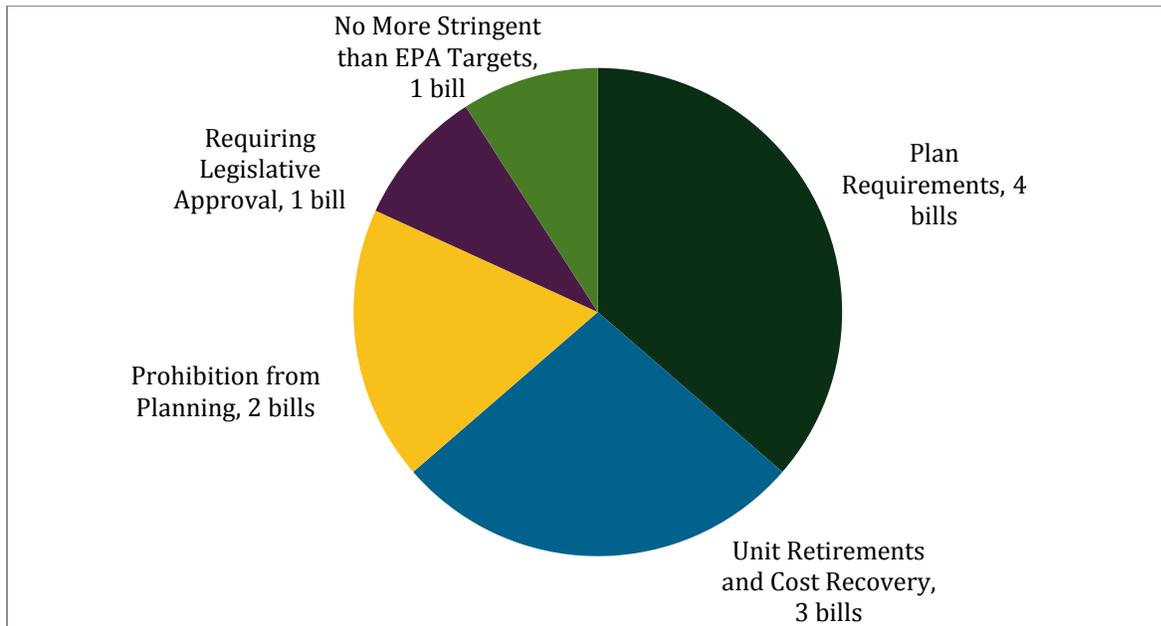
Western State Focus²

Of the 44 proposed bills introduced this session, 11 were in the West. Outright prohibitions on producing CPP compliance plans, requiring legislative approval prior to submitting the plan to the EPA, or imposing specific requirements upon state plans are the most frequently introduced types of legislation.

¹ The Virginia bill has been vetoed by Governor McAuliffe.

² Here the West is assumed to include Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

Figure 1. Western State Introduced CPP Legislation in 2016 (11 bills)



So far this session only Wyoming's [SB 1](#), which prohibits the Department of Environmental Quality from expending any funds to develop a compliance plan until the stay is lifted, has been enacted. Bills addressing generating unit retirement and cost recovery processes associated with CPP compliance have had comparatively more success this session. For example, Utah enacted [SB 115](#) that allows regulators to authorize a cost recovery account associated with early retirements of coal-fired power plants among other stipulations. And a similar bill with cost recovery language has been enacted in Washington ([SB 6248](#)).

Bill information and summaries of these and all the introduced CPP-related legislation across the West is listed in the table below (ordered by stage in the process). This table also includes California [SB 350](#) and Oregon [SB 1547](#) that among other requirements increase each state's Renewable Portfolio Standard (RPS) to 50% by 2030 and 2040 respectively, which though not directly CPP-related would have significant impacts on compliance.

Table 1. Active 2016 Clean Power Plan-Related Legislation in the West

State	Bill Number (Companion)	Last Action	Bill Status (Last Action)	Bill Summary	Link
California	SB 350	Enacted (2015)	Enacted (2015)	Establishes 50% RPS by 2030	Bill Text
Oregon	SB 1547	Enacted	Enacted	Establishes 50% RPS by 2040	Bill Text
Utah	SB 115	Enacted	Enacted	Allows PacifiCorp to develop an early coal plant retirement account and the PUC may authorize them to develop a coal retirement expense as a regulatory liability	Bill Text
Washington	SB 6248 (HB2525)	Enacted	Enacted	Regulators may authorize an electrical company to put regulatory liabilities into a retirement account to cover costs, only if plant is retired after 2023 among other stipulations.	Bill Text
Wyoming	SB 1	Enacted	Enacted	Prohibits the Department of Environmental Quality from appropriating funds to produce a compliance plan, until such time that the stay is lifted	Bill Text
Washington	HB 2506	passed one chamber	3/10/2016	Plan should use market-based/mass-based regulations to achieve compliance, facilitate regional/multistate participation, and distribute allocations equally across baseline emissions among other stipulations.	Bill Text
Washington	SB 6217	passed one chamber	3/10/2016	Plan must incorporate new or uprated nuclear generation, which includes Small Modular Reactors (SMR)	Bill Text
Washington	SB 6173	passed one chamber	3/10/2016	Department of Ecology cannot adopt a rule without legislative approval.	Bill Text
Colorado	SB 16-046	Introduced	1/19/2016	Allows Colorado to conduct stakeholder process, but prohibits making any binding commitments in extension letter in 2016.	Bill Text
Colorado	SB 16-157	Introduced	3/17/2016	Prohibits implementation of CPP until stay is lifted.	Bill Text
Colorado	SB 16-061	Introduced	3/10/2016	PUC is to create a ratepayer protection program where state fund pays for compliance not ratepayers. The fund is financed by appropriations from stationary sources control fund.	Bill Text
Washington	HB 2684	Introduced	3/10/2016	Plan should grant credit to fossil generators for reduced emissions.	Bill Text
Washington	HB 2421	Introduced	3/10/2016	Washington may not regulate GHGs any more stringently than federal regulations require.	Bill Text