

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

INTRODUCED

LLS NO. 19-0123.01 Kristen Forrestal x4217

SENATE BILL 19-083

SENATE SPONSORSHIP

Zenzinger, Moreno

HOUSE SPONSORSHIP

McKean, Hooton

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF OBSOLETE PROVISIONS REGARDING AIR**
102 **QUALITY CONTROL, AND, IN CONNECTION THEREWITH,**
103 **ELIMINATING THE REQUIREMENT THAT THE STATE BOARD OF**
104 **HEALTH SUPERVISE CERTAIN AIR QUALITY CONTROL PROGRAMS**
105 **AND REMOVING STATUTORY PROVISIONS RELATING TO THE AIR**
106 **POLLUTION VARIANCE BOARD AND THE AIR QUALITY HEARINGS**
107 **BOARD.**

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/>.)

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.

Statutory Revision Committee. The bill:

- ! Eliminates the requirement that the state board of health supervise certain air quality control programs; and
- ! Removes statutory provisions relating to the air pollution variance board and the air quality hearings board.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that the purpose of this act is to repeal obsolete statutory
4 provisions relating to the Colorado department of public health and
5 environment. The general assembly further declares that repealing these
6 statutory provisions does not alter the scope or applicability of the
7 remaining statutes.

8 **SECTION 2.** In Colorado Revised Statutes, 25-7-111, **amend** (1)
9 as follows:

10 **25-7-111. Administration of air quality control programs -**
11 **directive - prescribed fire - review.** (1) The division shall administer
12 and enforce the air quality control programs adopted by the commission.
13 In furtherance of such responsibility of the division, the executive director
14 of the department of public health and environment shall establish within
15 the division a separate air quality control agency, the head of which shall
16 be a licensed professional engineer or shall have a graduate degree in
17 engineering or other specialty dealing with the problems of air quality
18 control. Such person shall also have appropriate practical and
19 administrative experience related to air quality control. Such person shall
20 not be the technical secretary employed pursuant to section 25-7-105 (3).
21 Any potential conflict of interest of such person shall be adequately
22 disclosed prior to appointment and as may from time to time arise. ~~At~~

1 policies and procedures followed in the administration and enforcement
2 of the air quality control programs that have been adopted by the
3 commission shall be subject to supervision by the state board of health.

4 **SECTION 3.** In Colorado Revised Statutes, 25-7-127, **repeal** (3),
5 (4), and (5) as follows:

6 **25-7-127. Continuance of existing rules and orders.** (3) All
7 actions, orders, and determinations of the air pollution variance board
8 created by article 29 of chapter 66, C.R.S. 1963, as that article existed on
9 January 1, 1970, shall remain in full force and effect unless
10 countermanded or modified by said board prior to July 1, 1984, or until
11 countermanded or modified by the commission created by this article.

12 (4) All actions, orders, and determinations of the air pollution
13 variance board created by this article as it existed prior to June 20, 1979,
14 shall remain in full force and effect unless countermanded or modified by
15 said board prior to July 1, 1984, or until countermanded or modified by
16 the commission created by this article.

17 (5) All actions, orders, and determinations of the air quality
18 hearings board created by this article as this article existed prior to July
19 1, 1984, shall remain in full force and effect until countermanded or
20 modified by the commission created by this article.

21 **SECTION 4. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2020 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.