

CHAPTER 13

HEALTH AND ENVIRONMENT

SENATE BILL 19-083

BY SENATOR(S) Zenzinger, Moreno, Crowder, Priola, Smallwood, Tate, Todd, Williams A.;
also REPRESENTATIVE(S) McKean, Hooton, Arndt, Galindo, Herod, Snyder, Titone, Valdez A.

AN ACT

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

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

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

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

25-7-111. Administration of air quality control programs - directive - prescribed fire - review. (1) The division shall administer and enforce the air quality control programs adopted by the commission. In furtherance of such responsibility of the division, the executive director of the department of public health and environment shall establish within the division a separate air quality control agency, the head of which shall be a licensed professional engineer or shall have a graduate degree in engineering or other specialty dealing with the problems of air quality control. Such person shall also have appropriate practical and administrative experience related to air quality control. Such person shall not be the technical secretary employed pursuant to section 25-7-105 (3). Any potential conflict of interest of such person shall be adequately disclosed prior to appointment and as may from time to time arise. ~~All policies and procedures followed in the administration and enforcement of the air quality control programs that have been adopted by the commission shall be subject to supervision by the state board of~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

health.

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

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

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

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

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 7, 2019