SENATE BILL 19-083

A BILL FOR 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.

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.)
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.

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 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.