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Fiscal Note

Drafting Number: LLS 22-0317
Prime Sponsors: Rep. Valdez A.; Titone
Date: February 28, 2022
Bill Status: House Energy & Environment
Fiscal Analyst: Clare Pramuk | 303-866-2677
 clare.pramuk@state.co.us

Bill Topic: SUNSET CONTINUE REGULATION OF ASBESTOS

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

Sunset Bill. This bill continues the administration of the Asbestos Control Act by the Air Quality Control Commission in the Department of Public Health and Environment. It is currently set to repeal on September 1, 2022. State fiscal impacts under the bill include only the continuation of the program's current revenue and expenditures. The program is continued through September 1, 2027.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under HB 22-1232¹

		Budget Year FY 2022-23	Out Year FY 2023-24
New Impacts			
Revenue		-	-
Expenditures		-	-
Other Budget Impacts		-	-
Continuing Impacts			
Revenue	Cash Funds	-	\$1,903,215
Expenditures	Cash Funds	-	\$1,903,215
	Continuing FTE	-	13.1 FTE
Other Budget Impacts		-	-

¹ Table 1 shows the new impacts resulting from changes to the program under the bill, and the continuing impacts from extending the program beyond its current repeal date. Because the bill continues a program without making any changes, there are no new impacts. The continuing program impacts will end if the bill is not passed and the program is allowed to repeal.

Summary of Legislation

The administration of the Asbestos Control Act by the Department of Public Health and Environment is set to expire September 1, 2022. This bill continues the program until September 1, 2027, removes provisions that prohibit rules under the Act from being more restrictive than the laws and regulations under the federal Occupational Safety and Health Act; and requires local governments to include specific language regarding asbestos inspections on building permits.

Background

The Indoor Environment Program within the Air Pollution Control Division at the Colorado Department of Public Health and Environment is responsible for asbestos regulatory compliance in the state. The program is authorized and obligated to enforce the federal National Emission Standards for Hazardous Air Pollutants regarding asbestos in public and commercial buildings, the federal Asbestos Hazard Emergency Response Act regarding asbestos in schools, and the federal Asbestos School Hazard Abatement Reauthorization Act, which extends certification requirements to public and commercial buildings. Funding for asbestos control administration includes fees for permits for asbestos abatement and demolition and the testing and certification of individuals and companies involved in asbestos abatement activities. The 2021 sunset review can be found here: <https://drive.google.com/file/d/1XZzvJffxP6Aexxx0GwGX4l8gPUWTTTFEd/view>.

Continuing Program Impacts

Based on the department's FY 2022-23 budget request, the Department of Public Health and Environment is expected to have revenue and expenditures of \$1,903,215 to administer the Asbestos Program, including the certification of asbestos control professionals. If this bill is enacted, current revenue and expenditures will continue for the program starting in FY 2023-24. This continuing revenue is subject to the state TABOR limit. If this bill is not enacted, the program will end on September 1, 2023, following a wind-down period, and state revenue and expenditures will decrease starting in FY 2023 24 by the amounts shown in Table 1, above.

Local Government

When updating application forms for building permits, local governments will add the language specified in the bill, which may increase printing costs.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Counties	Information Technology	Law
Municipalities	Public Health and Environment	

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit: leg.colorado.gov/fiscalnotes.