

CHAPTER 263

HEALTH AND ENVIRONMENT

HOUSE BILL 98-1106

BY REPRESENTATIVES Tucker, G. Berry, Paschall, Schauer, Grampas, Kreutz, Nichol, Swenson, Taylor, and Young;
also SENATORS Mutzebaugh, Chlouber, Norton, Congrove, Perlmutter, and Weddig.

AN ACT

CONCERNING THE AUTHORITY OF THE AIR QUALITY CONTROL COMMISSION TO REVISE CONTROL REGULATIONS TO UTILIZE NEW OR IMPROVED TECHNOLOGY, AND MAKING APPROPRIATIONS IN CONNECTION THEREWITH.

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

SECTION 1. The introductory portion to 25-7-117 (1) and 25-7-117 (1) (a), Colorado Revised Statutes, are amended to read:

25-7-117. State implementation plan - revisions of limited applicability.

(1) The commission, upon application by the owner or operator of a stationary OR MOBILE source or as provided in section 25-7-110 (2), may revise the state implementation plan or any regulation or standard ~~which~~ THAT is not part of the state implementation plan pursuant to this section if it determines that:

(a) Control techniques are not available, compliance with applicable emission control regulations would cause an unreasonable economic burden, COMPLIANCE WITH APPLICABLE EMISSION CONTROL REGULATIONS THROUGH NEW OR IMPROVED TECHNOLOGY IS ECONOMICALLY AND TECHNOLOGICALLY BENEFICIAL, or compliance with applicable emission control regulations would result in an arbitrary and unreasonable taking of property;

SECTION 2. 42-4-404, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-4-404. Powers and duties of the executive director of the department of public health and environment. (6) THE EXECUTIVE DIRECTOR MAY ESTABLISH AN ARRANGEMENT BY CONTRACT OR OTHERWISE WITH THE COLORADO INSTITUTE FOR FUELS AND HIGH ALTITUDE ENGINE RESEARCH OF THE COLORADO SCHOOL OF MINES.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SUCH CONTRACT MAY PROVIDE FOR SERVICES INCLUDING, BUT NOT LIMITED TO, IN-USE TESTING OF HEAVY DUTY VEHICLES, DEVELOPMENT OF EFFECTIVE INSPECTION PROCEDURES, AND INVESTIGATION OF EMISSIONS ABATEMENT TECHNOLOGIES FOR THE UNIQUE CONDITIONS EXISTING IN THE FRONT RANGE AND THE HIGH ALTITUDE COMMUNITIES.

SECTION 3. Appropriations. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the AIR account in the highway users tax fund not otherwise appropriated, to the department of public health and environment, air quality control division, administration, operating expenses, for allocation to the board of trustees of the Colorado school of mines, for the fiscal year beginning July 1, 1998, the sum of one hundred fifty thousand dollars (\$150,000). Such sum shall be from cash funds exempt for purposes of the performance of services under a contract with the Colorado institute for fuels and high altitude engine research under section 42-4-404 (6), Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of higher education, for allocation to the board of trustees of the Colorado school of mines, the sum of one hundred fifty thousand dollars (\$150,000), or so much thereof as may be necessary, for the purposes specified in subsection (1) of this section. Such sum shall be from cash funds exempt received from the department of public health and environment out of the appropriation made in subsection (1) of this section.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 27, 1998