

CHAPTER 3

**HEALTH AND ENVIRONMENT**

SENATE BILL 19-021

BY SENATOR(S) Moreno, Zenzinger, Court, Crowder, Gardner, Priola, Tate;  
also REPRESENTATIVE(S) McKean, Garnett, Singer, Snyder.

**AN ACT**

**CONCERNING ELIMINATING THE REQUIREMENT THAT THE STATE BOARD OF HEALTH APPROVE THE  
RETENTION OF COUNSEL IN CERTAIN CIRCUMSTANCES.**

*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, **amend** 25-1-112 as follows:

**25-1-112. Legal adviser - attorney general - actions.** The attorney general ~~shall~~ **be** IS the legal adviser for the department and shall defend it in all actions and proceedings brought against it. The district attorney of the judicial district in which a cause of action ~~may arise~~ **ARISES** shall bring any ~~action~~; civil or criminal **ACTION** requested by the executive director of the department to abate a condition ~~which~~ **THAT** exists in violation of, or to restrain or enjoin any action ~~which~~ **THAT** is in violation of, or to prosecute for the violation of or for the enforcement of, the public health laws ~~or~~ **AND** the standards, orders, **AND** rules ~~and regulations~~ of the department established by or issued under the provisions of this part 1. If the district attorney fails to act, the executive director may bring any such action and shall be represented by the attorney general or ~~with the approval of the board~~, by special counsel.

**SECTION 3.** In Colorado Revised Statutes, **amend** 25-1-514 as follows:

**25-1-514. Legal adviser - county attorney - actions.** The county attorney for

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*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.*

the county or the district attorney of the judicial district in which a cause of action arises shall bring any civil or criminal action requested by a county or district public health director to abate a condition that exists in violation of, or to restrain or enjoin any action that is in violation of, or to prosecute for the violation of or for the enforcement of, the public health laws and the standards, orders, and rules of the state board or a county or district board of health. If the county attorney or the district attorney fails to act, the public health director may bring an action and be represented by special counsel employed by him or her with the approval of the county or district board. An agency, through its county or district board of health or through its public health director, ~~with the approval of the state board,~~ may employ or retain and compensate an attorney to be the legal adviser of the agency and to defend ~~all actions and proceedings brought against the agency or~~ AND the officers and employees of the agency AGAINST ALL ACTIONS AND PROCEEDINGS BROUGHT AGAINST THEM.

**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: February 20, 2019