

CHAPTER 169

HEALTH AND ENVIRONMENT

HOUSE BILL 96-1179

BY REPRESENTATIVE Tucker;
also SENATORS Norton and Matsunaka.**AN ACT****CONCERNING THE CONDUCT OF THE NORTHERN FRONT RANGE AIR QUALITY STUDY, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.***Be it enacted by the General Assembly of the State of Colorado:*

SECTION 1. The introductory portion to 25-7-136 (3) (a) and 25-7-136 (3) (a) (I), (3) (b) (I) (A), (3) (b) (II), and (4), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended, and the said 25-7-136 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

25-7-136. Air pollution data collection and technical evaluation - repeal.

(3) (a) A DRAFT REPORT OF THE STUDY SHALL BE SUBMITTED TO THE GENERAL ASSEMBLY AND THE GOVERNOR NO LATER THAN DECEMBER 31, 1997. The study shall be concluded with a report to the general assembly and the governor with specific findings of fact as to sources of air pollution no later than ~~October 15, 1996.~~ If it is determined pursuant to subparagraph (II) of paragraph (b) of this subsection ~~(3) that adequate resources are not available to meet the October 15, 1996, deadline,~~ the governor, president of the senate, and speaker of the house of representatives shall set an alternative date for submittal of such study with a publication date no later than ~~January 1, 1997~~ JULY 1, 1998. The study shall be conducted by a vendor selected from qualified bidders to ensure an independent and objective study that provides for peer review by a panel of scientists with appropriate expertise. The study shall include, but not be limited to:

(I) (A) Determining the sources of the air pollution in the Denver urban region area, including sulfate, nitrate, and other particles, sulfur dioxide, carbon monoxide, nitrogen oxide gases, ammonia, and volatile organic compounds;

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

(B) IN DETERMINING SOURCES OF AIR POLLUTION PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I), THE STUDY SHALL CONSIDER AND RECEIVE INFORMATION ON PAST AND ON-GOING AIR QUALITY STUDIES TO UTILIZE SUCH INFORMATION IN THE WORK OF THE STUDY CONDUCTED UNDER THIS SECTION.

(b) (I) (A) For purposes of providing technical advice on the parameters of the study conducted pursuant to paragraph (a) of this subsection (3) THE RELATIONSHIP OF THIS STUDY TO OTHER AIR QUALITY STUDIES, and continuing guidance related thereto, there is hereby created the air quality study technical advisory panel. The panel shall consist of ~~eight~~ TWELVE members. ~~Six~~ NINE members shall be appointed by and shall serve at the pleasure of the governor. Of the members appointed by the governor, three members shall be from industry groups significantly affected by air pollution control strategies required along the front range area, one member shall represent the department of public health and environment, one member shall represent the regional air quality council, ~~and~~ one member shall represent recognized environmental groups, ONE MEMBER SHALL REPRESENT THE MOTOR VEHICLE INDUSTRY, ONE MEMBER SHALL REPRESENT THE PETROLEUM INDUSTRY, AND TWO MEMBERS SHALL BE CITIZEN MEMBERS WITH TECHNICAL EXPERTISE IN AIR QUALITY STUDIES. Of the remaining two members, one member of the panel shall be a member of the senate appointed by and serving at the pleasure of the president of the senate and one member of the panel shall be a member of the house of representatives appointed by and serving at the pleasure of the speaker of the house of the representatives.

(II) It is the intent of the general assembly that the members of the technical advisory panel be appointed no later than ten days after May 31, 1995, and that a process for a request for proposals be implemented as expeditiously as possible after May 31, 1995, by the governor, president of the senate, and speaker of the house of representatives. ~~with a determination on or before June 12, 1995, of whether adequate resources have been made available to conduct the study set forth in paragraph (a) of this subsection (3).~~ IT IS ALSO THE INTENT OF THE GENERAL ASSEMBLY THAT ALL PUBLICLY FUNDED STUDIES, DRAFT STUDIES, AND PLANNING PROCESSES ADDRESSING AIR QUALITY WITHIN THE STUDY AREA BE SUBMITTED TO THE TECHNICAL ADVISORY PANEL FOR REVIEW TO ASSURE SUCH STUDIES FULLY UTILIZE THE RESULTS OF THIS STUDY AND TO ASSURE THAT THE PUBLIC CAN ENSURE MAXIMUM UTILIZATION OF ALL PUBLIC MONEYS SPENT ON SUCH STUDIES. THE TECHNICAL ADVISORY PANEL SHALL COORDINATE ITS ACTIVITIES, TO THE MAXIMUM EXTENT PRACTICAL, WITH ALL OTHER PUBLICLY FUNDED STUDIES, DRAFT STUDIES, AND PLANNING PROCESSES ADDRESSING AIR QUALITY WITHIN THE STUDY AREA. TO THAT END, THE GENERAL ASSEMBLY STRONGLY URGES THE GOVERNING BODIES OF SAID STUDIES AND PLANNING PROCESSES TO COOPERATE FULLY WITH THE TECHNICAL ADVISORY PANEL TO ENSURE COORDINATION AND THE EFFICIENT USE OF PUBLIC AND PRIVATE RESOURCES.

(3.5) NO STATE ELECTED OFFICIAL, CABINET MEMBER, OR DIVISION HEAD OF A STATE AGENCY SHALL SOLICIT FUNDS FROM THE PRIVATE SECTOR TO PAY FOR THE COSTS OF THE STUDY CONDUCTED PURSUANT TO THIS SECTION.

(4) This section is repealed, effective July 1, ~~1997~~ 1999.

SECTION 2. 25-7-136 (3), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25-7-136. Air pollution data collection and technical evaluation - repeal.

(3) (a.5) AT NO TIME SHALL THE STUDY CONDUCTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) INCLUDE THE USE OF ANY METHOD THAT INVOLVES STOPPING TRAFFIC ON ANY PUBLIC ROAD FOR PURPOSES OF GATHERING INFORMATION OF A PERSONAL NATURE FROM MOTORISTS.

SECTION 3. Appropriations. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the stationary sources control fund not otherwise appropriated, to the department of public health and environment, for allocation to Colorado state university, for the fiscal year beginning July 1, 1996, the sum of one hundred thousand dollars (\$100,000), or so much thereof as may be necessary, for purposes of the study conducted pursuant to section 25-7-136, Colorado Revised Statutes.

(2) 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, for allocation to Colorado state university, for the fiscal year beginning July 1, 1996, the sum of six hundred fifty thousand dollars (\$650,000). Of such sum, five hundred thousand dollars (\$500,000), or so much thereof as may be necessary, shall be for the purposes of the study conducted pursuant to section 25-7-136, Colorado Revised Statutes, and one hundred fifty thousand dollars (\$150,000), or so much thereof as may be necessary, shall be for the development of an inventory for light duty vehicles for particulates from gasoline and diesel powered vehicles, through a contract with the Aurora technical center laboratory, operated by the department of public health and environment, by testing in-use motor vehicles to develop values that actually represent the Denver vehicle population and also by testing vehicles in order to evaluate the effectiveness of control programs such as oxygenated fuels, alternative fuels, and inspection/maintenance.

(3) In addition to any other appropriation, there is hereby appropriated, to the Department of Higher Education, State Board of Agriculture, for allocation to the Colorado State University, the sum of six hundred thousand dollars (\$600,000), or so much thereof as may be necessary, for the purposes of the study conducted pursuant to section 25-7-136, C.R.S. Such sum shall be from the appropriations made in subsections (1) and (2) of this section.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 23, 1996