

CHAPTER 42

HEALTH AND ENVIRONMENT

HOUSE BILL 98-1109

BY REPRESENTATIVES Taylor, G. Berry, Paschall, Schauer, K. Alexander, Allen, Anderson, Dean, Entz, Miller, Musgrave, Nichol, Reeser, Swenson, Tucker, and Young;
also SENATORS Ament, Chlouber, Mutzebaugh, Powers, Rizzuto, and Wattenberg.

AN ACT

CONCERNING THE RESPONSIBILITIES OF FEDERAL OFFICIALS IN CONNECTION WITH VISIBILITY MONITORING IN CLASS I AREAS.

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

SECTION 1. 25-7-212, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25-7-212. Actions of federal government affecting visibility - evaluation report - legislative declaration - monitoring - funding. (3) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES, AFTER REVIEWING THE FACTORS THAT CONTRIBUTE TO REGIONAL HAZE AND VISIBILITY IMPAIRMENT IN THE WEST, THAT SIGNIFICANT CONTRIBUTIONS TO REGIONAL HAZE AND VISIBILITY IMPAIRMENT EMANATE FROM FEDERAL LANDS WITHIN THE STATE OF COLORADO. FOR THE PURPOSE OF ADDRESSING REGIONAL HAZE VISIBILITY IMPAIRMENT IN MANDATORY CLASS I FEDERAL AREAS, THE FEDERAL LAND MANAGER OF SUCH AREAS SHALL DEVELOP A PLAN FOR EVALUATING VISIBILITY IN EACH MANDATORY CLASS I FEDERAL AREA BY VISUAL OBSERVATION OR OTHER APPROPRIATE MONITORING TECHNIQUE APPROVED BY THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY AND SHALL SUBMIT SUCH PLAN FOR APPROVAL TO THE DIVISION FOR INCORPORATION BY THE COMMISSION AS PART OF THE STATE IMPLEMENTATION PLAN. SUCH SUBMITTAL AND COMPLIANCE BY THE FEDERAL LAND MANAGERS SHALL BE DONE IN A MANNER AND AT A TIME SO AS TO MEET ALL PRESENT OR FUTURE FEDERAL REQUIREMENTS FOR THE PROTECTION OF VISIBILITY IN ANY MANDATORY CLASS I FEDERAL AREA. SUCH PLAN SHALL ONLY BE APPROVED BY THE COMMISSION IF THE EXPENSE OF IMPLEMENTING SUCH A PLAN IS BORNE BY THE FEDERAL GOVERNMENT.

(b) FEDERAL OFFICIALS SHALL CONFER WITH THE COMMISSION AND THE DIVISION

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

AND SHALL ENSURE THAT ALL DATA DEVELOPED FOR VISIBILITY PROTECTION PURPOSES IS MADE AVAILABLE TO THE DIVISION AND THE COMMISSION.

SECTION 2. 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.

Became Law: March 24, 1998