

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0577.01 Kate Meyer

HOUSE BILL 11-1082

HOUSE SPONSORSHIP

Vaad, Beezley, DelGrosso, Nikkel, Sonnenberg

SENATE SPONSORSHIP

Renfroe,

House Committees

Health and Environment
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT OZONE LEVELS IN CERTAIN**
102 **COUNTIES EXCEED A SPECIFIED THRESHOLD IN ORDER FOR THE**
103 **AIR QUALITY CONTROL COMMISSION IN THE DEPARTMENT OF**
104 **PUBLIC HEALTH AND ENVIRONMENT TO INCLUDE THOSE**
105 **COUNTIES IN THE AUTOMOBILE INSPECTION AND READJUSTMENT**
106 **PROGRAM, AND IN CONNECTION THEREWITH, ADJUSTING**
107 **APPROPRIATIONS IN THE FISCAL YEAR 2011-12 LONG BILL.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

http://www.leg.state.co.us/bills/summaries.)

Effective July 1, 2011, the bill removes Larimer and Weld counties from the enhanced program area of the automobile inspection and readjustment program (AIR program). Beginning December 1, 2012, the air quality control commission (commission) in the department of public health and environment will be required to analyze annually the 3-year rolling average of the fourth maximum for ozone levels in Larimer and Weld counties. If the data show that ozone levels have exceeded .075 parts per billion on a 3-year rolling average in either county, the bill authorizes the commission to include that county in the enhanced area program of the AIR program.

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

2 **SECTION 1.** 42-4-304 (20) (c) (I) and (20) (d), Colorado Revised
3 Statutes, are amended to read:

4 **42-4-304. Definitions relating to automobile inspection and**
5 **readjustment program - rules.** As used in sections 42-4-301 to
6 42-4-316, unless the context otherwise requires:

7 (20) (c) (I) Effective ~~January 1, 2010~~ JULY 1, 2011, the enhanced
8 emissions program area ~~shall consist~~ CONSISTS of the counties of Adams,
9 Arapahoe, Boulder, Douglas, AND Jefferson, ~~Larimer, and Weld,~~ and the
10 cities and counties of Broomfield and Denver as described in paragraph
11 (a) of this subsection (20) and subject to paragraph (d) of this subsection
12 (20). ~~Notwithstanding any other provision of this section, vehicles~~
13 ~~registered in the counties of Larimer and Weld shall not be required to~~
14 ~~obtain a certificate of emissions control prior to July 1, 2010, in order to~~
15 ~~be registered or reregistered.~~

16 (d) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
17 PARAGRAPH (d), the commission shall review the boundaries of the
18 program area and may, by rule promulgated on or before December 31,
19 2011, adjust such boundaries to exclude particularly identified regions

1 from either the basic program area, the enhanced area, or both, based on
2 an analysis of the applicable air quality science and the effects of the
3 program on the population living in such regions.

4 (II) BEGINNING DECEMBER 1, 2012, AND ON OR BEFORE EACH
5 DECEMBER 1 THEREAFTER, THE COMMISSION SHALL ANALYZE THE OZONE
6 EMISSIONS DATA FOR LARIMER AND WELD COUNTIES FOR THE THREE
7 PRIOR CALENDAR YEARS. TO CONDUCT THESE ANALYSES, THE
8 COMMISSION MUST USE DATA FROM THE FORT COLLINS WEST TOWER
9 MONITOR FOR LARIMER COUNTY AND THE GREELEY TOWER MONITOR FOR
10 WELD COUNTY. IF, PURSUANT TO SUCH ANALYSIS, THE COMMISSION FINDS
11 THAT THE THREE-YEAR ROLLING AVERAGE OF THE FOURTH MAXIMUM FOR
12 OZONE LEVELS IN LARIMER COUNTY OR WELD COUNTY DEMONSTRATES
13 THAT THE OZONE LEVELS IN EITHER COUNTY HAVE EXCEEDED 0.075 PARTS
14 PER MILLION, THE COMMISSION MAY, BY RULE, INCLUDE THAT COUNTY, AS
15 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (20), IN THE ENHANCED
16 EMISSIONS PROGRAM.

17 **SECTION 2. Adjustments to the FY 2011-12 long bill.** (1) For
18 the implementation of this act, the cash funds appropriation made in the
19 annual general appropriation act for the fiscal year beginning July 1, 2011
20 to the department of public health and environment, air pollution control
21 division, is decreased by one hundred fifty-nine thousand two hundred
22 sixty-one dollars (\$159,261) and 2.8 FTE. Said sum shall be from the
23 department of public health and environment sub-account of the
24 automobile inspection and readjustment account of the highway users tax
25 fund created in Section 42-3-304 (18) (c), Colorado Revised Statutes.

26 (2) For the implementation of this act, the cash funds
27 appropriation made in the annual general appropriation act for the fiscal

1 year beginning July 1, 2011 to the department of revenue, division of
2 motor vehicles, is decreased by one hundred sixteen thousand four
3 hundred three dollars (\$116,403) and 2.0 FTE. Said sum shall be from
4 the department of revenue sub-account of the automobile inspection and
5 readjustment account of the highway users tax fund created in Section 42-
6 3-304 (18) (c), Colorado Revised Statutes.

7 **SECTION 3. Effective date.** This act shall take effect July 1,
8 2011.

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