

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 13-0142.01 Jennifer Berman x3286

SENATE BILL 13-152

SENATE SPONSORSHIP

Aguilar,

HOUSE SPONSORSHIP

May,

Senate Committees
Health & Human Services

House Committees
Health, Insurance & Environment

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE ASBESTOS ABATEMENT**
102 **CERTIFICATION PROCESS CONDUCTED BY THE DEPARTMENT OF**
103 **PUBLIC HEALTH AND ENVIRONMENT, AND, IN CONNECTION**
104 **THEREWITH, IMPLEMENTING THE DEPARTMENT OF**
105 **REGULATORY AGENCIES' RECOMMENDATIONS IN THE 2012**
106 **SUNSET REPORT.**

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 <http://www.leg.state.co.us/billsummaries>.)

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.

HOUSE
2nd Reading Unamended
March 15, 2013

SENATE
3rd Reading Unamended
February 20, 2013

SENATE
Amended 2nd Reading
February 19, 2013

Sunset Process - Senate Health and Human Services Committee. The bill implements the recommendations of the department of regulatory agencies' review of the Colorado department of public health and environment's certification process in connection with asbestos abatement by:

- ! Continuing the certification process for 9 years, until 2022; and
- ! Requiring property owners applying for permits to renovate or demolish property to disclose knowledge of whether the property has been inspected for asbestos. A local government entity need not require a property owner applying for a property renovation or demolition permit to make the disclosure until the entity has updated its application forms, which it may do when it otherwise creates and disseminates updated application forms pursuant to its standard practice.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **amend**
3 (44) introductory portion and (53.5) introductory portion; **repeal** (44) (n);
4 and **add** (53.5) (c) as follows:

5 **24-34-104. General assembly review of regulatory agencies**
6 **and functions for termination, continuation, or reestablishment.**

7 (44) The following agencies, functions, or both, ~~shall~~ terminate on July
8 1, 2013:

9 (n) ~~The certification of persons in connection with the control of~~
10 ~~asbestos pursuant to part 5 of article 7 of title 25, C.R.S.;~~

11 (53.5) The following agencies, functions, or both, ~~shall~~ terminate
12 on September 1, 2022:

13 (c) THE CERTIFICATION OF PERSONS IN CONNECTION WITH THE
14 CONTROL OF ASBESTOS PURSUANT TO PART 5 OF ARTICLE 7 OF TITLE 25,
15 C.R.S.

16 **SECTION 2.** In Colorado Revised Statutes, **amend** 25-7-512 as

1 follows:

2 **25-7-512. Repeal of part.** This part 5 is repealed, effective July
3 ~~1, 2013. Prior to such~~ SEPTEMBER 1, 2022. BEFORE THE repeal, the
4 DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW THE functions of
5 the division under this part 5 ~~shall be reviewed~~ as provided for in section
6 24-34-104, C.R.S.

7 **SECTION 3.** In Colorado Revised Statutes, **add** 25-7-509.5 as
8 follows:

9 **25-7-509.5. Building permits.** (1) EXCEPT AS OTHERWISE
10 PROVIDED IN SUBSECTION (2) OF THIS SECTION, A LOCAL GOVERNMENT
11 ENTITY WITH AUTHORITY TO ISSUE BUILDING PERMITS SHALL REQUIRE A
12 PROPERTY OWNER APPLYING FOR EITHER A PERMIT TO RENOVATE
13 PROPERTY OR A PERMIT TO DEMOLISH PROPERTY TO DISCLOSE, ON THE
14 PERMIT APPLICATION FORM, WHETHER THE PROPERTY OWNER KNOWS IF
15 THE PROPERTY HAS BEEN INSPECTED FOR ASBESTOS.

16 (2) (a) A LOCAL GOVERNMENT ENTITY WITH AUTHORITY TO ISSUE
17 BUILDING PERMITS NEED NOT UPDATE ITS APPLICATION FORMS TO INCLUDE
18 THE DISCLOSURE REQUIRED BY SUBSECTION (1) OF THIS SECTION UNTIL
19 THE ENTITY OTHERWISE CREATES AND DISSEMINATES UPDATED
20 APPLICATION FORMS PURSUANT TO ITS STANDARD PRACTICE. THE LOCAL
21 GOVERNMENT ENTITY NEED NOT REQUIRE A PROPERTY OWNER APPLYING
22 FOR A PERMIT TO RENOVATE OR DEMOLISH PROPERTY TO MAKE THE
23 DISCLOSURE REQUIRED BY SUBSECTION (1) OF THIS SECTION UNTIL IT HAS
24 UPDATED ITS APPLICATION FORMS.

25 (b) WHEN UPDATING THE APPLICATION FORM FOR A PERMIT TO
26 RENOVATE PROPERTY OR A PERMIT TO DEMOLISH PROPERTY, THE LOCAL
27 GOVERNMENT ENTITY SHALL INCLUDE ON THE APPLICATION FORM

1 SUBSTANTIALLY THE FOLLOWING INFORMATION:

2 I DO NOT KNOW IF AN ASBESTOS INSPECTION HAS
3 **BEEN CONDUCTED ON THE BUILDING MATERIALS THAT**
4 **WILL BE DISTURBED BY THIS PROJECT.**

5 AN ASBESTOS INSPECTION HAS BEEN CONDUCTED
6 **ON THE BUILDING MATERIALS THAT WILL BE DISTURBED**
7 **BY THIS PROJECT ON OR ABOUT:**

8 _____

9 (DATE)

10 AN ASBESTOS INSPECTION HAS NOT BEEN
11 **CONDUCTED ON THE BUILDING MATERIALS THAT WILL**
12 **BE DISTURBED BY THIS PROJECT.**

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