

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 18-0336.01 Kip Kolkmeier x4510

SENATE BILL 18-033

SENATE SPONSORSHIP

Sonnenberg,

HOUSE SPONSORSHIP

Arndt and Becker J.,

Senate Committees

Agriculture, Natural Resources, & Energy
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE ANIMAL FEEDING**
102 **OPERATION PERMIT PROGRAM UNDER THE DEPARTMENT OF**
103 **PUBLIC HEALTH AND ENVIRONMENT, AND, IN CONNECTION**
104 **THEREWITH, MAKING AN APPROPRIATION.**

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://leg.colorado.gov>.)

The bill replaces the July 1, 2018, repeal date for the department of public health and environment's animal feeding operation permit program with a repeal date of July 1, 2025. The bill also extends the fees

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

SENATE
Amended 2nd Reading
February 15, 2018

associated with the program at their current levels.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-8-502, **amend**
3 (1.1)(a) as follows:

4 **25-8-502. Application - definitions - fees - funds created -**
5 **public participation - repeal.** (1.1) For each regulated activity listed in
6 this subsection (1.1), the division may assess an annual permit fee and a
7 nonrefundable permit application fee for new permits that must equal fifty
8 percent of the annual permit fee. The full amount of the application fee
9 is credited toward the annual permit fee. All such fees must be in
10 accordance with the following schedules:

11 (a) The animal agriculture sector includes annual fee schedules for
12 regulated activities associated with animal feeding operations as follows:

13 (I) General permit: The division shall assess a CAFO an annual
14 permit fee not to exceed two hundred fifty dollars plus four cents per
15 animal unit, based on the CAFO's permitted capacity; except that, from
16 July 1, 2009, through June 30, ~~2018~~ 2025, the division shall assess a
17 CAFO an annual permit fee not to exceed seven hundred fifty dollars plus
18 nine cents per animal unit, based on the CAFO's permitted capacity.

19 (II) Individual permit: The division shall assess a CAFO an annual
20 permit fee not to exceed five hundred dollars plus eight cents per animal
21 unit, based on the CAFO's permitted capacity; except that, from July 1,
22 2009, through June 30, ~~2018~~ 2025, the division shall assess a CAFO an
23 annual permit fee not to exceed one thousand five hundred dollars plus
24 nine cents per animal unit, based on the CAFO's permitted capacity.

25 (III) (A) Effective July 1, 2009, through June 30, ~~2018~~ 2025, the

1 division shall assess an unpermitted CAFO an annual administrative fee,
2 not to exceed six cents per animal unit based upon the CAFO's registered
3 capacity, to cover the direct and indirect costs associated with the
4 environmental agriculture program, including inspections, compliance
5 assurance, compliance assistance, and associated regulatory interpretation
6 and review.

7 (B) This ~~subparagraph (H)~~ SUBSECTION (1.1)(a)(III) is repealed,
8 effective July 1, ~~2018~~ 2025.

9 (IV) (A) Except as otherwise provided in this ~~subparagraph (IV)~~
10 SUBSECTION (1.1)(a)(IV), the division shall assess on each housed
11 commercial swine feeding operation an annual permit fee, not to exceed
12 twenty cents per animal, based on the operation's working capacity, to
13 offset the direct and indirect costs of the program created in section
14 25-8-501.1.

15 (B) From July 1, 2009, through June 30, ~~2018~~ 2025, the division
16 shall assess on each housed commercial swine feeding operation an
17 annual permit fee, ~~that shall~~ not TO exceed twenty-six cents per animal,
18 based on the operation's working capacity, to offset the direct and indirect
19 costs of the program created in section 25-8-501.1. This
20 ~~sub-subparagraph (B)~~ SUBSECTION (1.1)(a)(IV)(B) is repealed, effective
21 July 1, ~~2018~~ 2025.

22 (C) As used in this ~~subparagraph (IV)~~ SUBSECTION (1.1)(a)(IV),
23 "working capacity" means the number of swine the housed commercial
24 swine feeding operation is capable of housing at any one time.

25 **SECTION 2. Appropriation - adjustments to 2018 long bill. To**
26 **implement this act, the cash funds appropriation from the animal feeding**
27 **operations fund created in section 25-8-502 (1.6), C.R.S., made in the**

1 annual general appropriation act for the 2018-19 state fiscal year to the
2 department of public health and environment for use by the division of
3 environmental health and sustainability for the animal feeding operations
4 program is increased by \$14,323.

5 **SECTION 3. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.