

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 24-0878.01 Clare Haffner x6137

SENATE BILL 24-105

SENATE SPONSORSHIP

Hinrichsen, Ginal, Priola

HOUSE SPONSORSHIP

Epps and McLachlan,

Senate Committees

Transportation & Energy

House Committees

Transportation, Housing & Local Government

A BILL FOR AN ACT

101 **CONCERNING CLARIFICATIONS TO THE FEES IMPOSED BY THE**
102 **DEPARTMENT OF REVENUE RELATED TO FUEL PRODUCTS.**

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/>.)

Statutory Revision Committee. Under current law, manufacturers and distributors of fuel products in the state of Colorado are required to pay a fee each calendar month to the department of revenue (department). The fee is deposited in the petroleum storage tank fund. The department also collects another fee to fund the perfluoroalkyl and polyfluoroalkyl substances cash fund, support the department of transportation, support

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

HOUSE
Amended 2nd Reading
March 13, 2024

SENATE
3rd Reading Unamended
February 15, 2024

SENATE
2nd Reading Unamended
February 14, 2024

the Colorado state patrol, and pay the costs to the department for administering the fee.

The bill clarifies the fee amounts that the department is required to collect for the petroleum storage tank fund and repeals outdated provisions regarding the other fee collected by the department.

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

SECTION 1. In Colorado Revised Statutes, 8-20-206.5, **amend** (1)(b) introductory portion, (1)(c), (6)(b), (6)(d.5) introductory portion, and (8)(b)(II); and **repeal** (6)(c) and (6)(d) as follows:

8-20-206.5. Environmental response surcharge - liquefied petroleum gas and natural gas inspection fund - perfluoroalkyl and polyfluoroalkyl substances cash fund - hazardous materials infrastructure cash fund - fuels impact reduction grant program - definitions. (1) (b) In the event the available fund balance in the petroleum storage tank fund is greater than twelve million dollars, no surcharge shall be imposed, but if the available fund balance in the fund is less than OR EQUAL TO:

(c) Notwithstanding subsection (1)(b) of this section, on and after September 1, 2033, if the available fund balance in the petroleum storage tank fund is greater than eight million dollars, no surcharge shall be imposed, but if the available fund balance in the fund is less than OR EQUAL TO eight million dollars, the fee imposed by subsection (1)(a) of this section is twenty-five dollars per tank truckload.

(6) (b) On and after September 1, 2020, but before September 1, 2031, every manufacturer of fuel products ~~who~~ THAT manufactures such products for sale within Colorado or ~~who~~ THAT ships such products from any point outside of Colorado to a distributor within Colorado and every distributor ~~who~~ THAT ships such products from any point outside of

1 Colorado to a point within Colorado shall pay to the executive director of
2 the department of revenue, each calendar month, twenty-five dollars per
3 tank truckload of fuel products delivered during the previous calendar
4 month for sale or use in Colorado. This section does not apply to fuel that
5 is used in aviation or to odorized liquefied petroleum gas and natural gas.

6 ~~(c) On and after September 1, 2020, but before October 1, 2021,~~
7 ~~the executive director of the department of revenue shall transmit any fee~~
8 ~~collected in accordance with this subsection (6) to the state treasurer, who~~
9 ~~shall credit:~~

10 ~~(I) Fifty percent, minus the costs to the department of revenue for~~
11 ~~administering the fee, to the perfluoroalkyl and polyfluoroalkyl~~
12 ~~substances cash fund;~~

13 ~~(II) Twenty-five percent, minus the costs to the department of~~
14 ~~revenue for administering the fee, to the department of transportation to~~
15 ~~support functions related to the administration of hazardous materials and~~
16 ~~safe and efficient freight movement and infrastructure in the state as well~~
17 ~~as supporting infrastructure projects that enhance the safety of movement~~
18 ~~of freight and hazardous materials;~~

19 ~~(III) Twenty-five percent, minus the costs to the department of~~
20 ~~revenue for administering the fee, to the department of public safety for~~
21 ~~use by the Colorado state patrol to support the regulation of hazardous~~
22 ~~materials on highways in the state; and~~

23 ~~(IV) The costs to the department of revenue for administering the~~
24 ~~fee.~~

25 ~~(d) On and after October 1, 2021, but before October 1, 2023, the~~
26 ~~executive director of the department of revenue shall transmit any fee~~
27 ~~collected in accordance with this subsection (6) to the state treasurer, who~~

1 shall credit:

2 (I) ~~One hundred thousand dollars to the department of public~~
3 ~~safety for use by the Colorado state patrol to support the regulation of~~
4 ~~hazardous materials on highways in the state;~~

5 (II) ~~Seventy-five percent of the amount remaining, minus the costs~~
6 ~~to the department of revenue for administering the fee, to the~~
7 ~~perfluoroalkyl and polyfluoroalkyl substances cash fund;~~

8 (III) ~~Twenty-five percent of the amount remaining, minus the~~
9 ~~costs to the department of revenue for administering the fee, to the~~
10 ~~department of transportation to support functions related to the~~
11 ~~administration of hazardous materials and safe and efficient freight~~
12 ~~movement and infrastructure in the state as well as supporting~~
13 ~~infrastructure projects that enhance the safety of movement of freight and~~
14 ~~hazardous materials; and~~

15 (IV) ~~The costs to the department of revenue for administering the~~
16 ~~fee.~~

17 (d.5) ~~On and after BEGINNING October 1, 2023, but before~~
18 ~~October 1, 2031, AND EVERY OCTOBER 1 THEREAFTER THROUGH~~
19 ~~OCTOBER 1, 2031, the executive director of the department of revenue~~
20 ~~shall transmit any fee collected in accordance with this subsection (6) to~~
21 ~~the state treasurer, who shall credit:~~

22 (8) (b) (II) As used in this subsection (8)(b), "distributor" means
23 the person ~~who~~ THAT remits the applicable state fee imposed pursuant to
24 subsection (1) or (6) of this section.

25 **SECTION 2. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly; except

1 that, if a referendum petition is filed pursuant to section 1 (3) of article V
2 of the state constitution against this act or an item, section, or part of this
3 act within such period, then the act, item, section, or part will not take
4 effect unless approved by the people at the general election to be held in
5 November 2024 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.