

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0251.03 Jason Gelender x4330

HOUSE BILL 24-1235

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HOUSE SPONSORSHIP

**Brown and Bird**, Amabile, Clifford, Hernandez, Kipp, Lindstedt, Parenti, Weissman,  
Willford, Woodrow

SENATE SPONSORSHIP

**Fenberg and Zenzinger**,

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House Committees

Transportation, Housing & Local Government

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING MEASURES TO REDUCE THE IMPACT OF AVIATION ON  
102 SURROUNDING COMMUNITIES.

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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>.)*

**Section 3** of the bill creates a state income tax credit for owners of aircraft that incur qualified expenses to enable an aircraft that is powered by leaded aviation gasoline to be certified to instead be powered by unleaded aviation gasoline. **Sections 4 and 8** provide explicit authority in the existing state aviation grant program (grant program) for aviation fund (fund) grants to general aviation airports and commercial airports at

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.*

which there is significant general aviation activity to fund the design, engineering, construction, installation, acquisition, and inspection of infrastructure, including equipment, that allows the sale of unleaded aviation gasoline at such airports and to subsidize purchases of unleaded aviation gasoline at such airports.

**Section 6** increases the Colorado aeronautical board (board) from 7 to 9 voting members by requiring the appointment of 2 members who are residents of communities that are affected by general aviation airport traffic or traffic at a commercial airport at which there is significant general aviation activity and makes the executive director of the department of public health and environment (CDPHE), or the executive director's designee, an ex officio nonvoting member of the board. In appointing the 2 new voting members, the governor is required to give priority to individuals who are not trained pilots and who reside directly in the predominant flight path of a high-traffic general aviation airport or a commercial airport at which there is significant general aviation activity and in an area that has a population density of more than 3,000 individuals per square mile.

**Section 8** requires prioritization of grant program grants to general aviation airports or commercial airports at which there is significant general aviation activity, as determined by the division of aeronautics (division), in urban or suburban areas that use a predominant flight pattern that includes a county or municipality that has a population density of more than 3,000 individuals per square mile.

**Section 8** also prohibits money from being expended from the fund for an airport that the division has identified as being located in a densely populated residential area or as having a significant number of flights over a densely populated residential area unless the airport or entity operating the airport demonstrates to the satisfaction of the division that:

- By January 1, 2026, it has adopted a plan for phasing out sales of leaded aviation gasoline at the airport;
- It has voluntarily established and enforces an effective noise mitigation plan in accordance with specified criteria, requirements, or guidelines that the division is required to develop; and
- It complies with the requirements of any aviation easements or contracts that it has entered into.

However, the limitation on the expenditure of money from the fund does not apply to money expended for an aviation project that is determined by the division to be designed and intended to mitigate significant adverse impacts on the health, safety, and welfare of individuals who reside near the airport at which the aviation project will be completed. **Section 7** imposes similar limitations on certain federal money that the state may apply to receive for aviation purposes.

**Section 9** requires the division and CDPHE to work together to evaluate, prevent, and mitigate the adverse impacts of aircraft noise and the use of leaded aviation gasoline on public health, safety, and welfare and specifies prioritization and other minimum requirements for the mitigation activities.

**Section 9** also creates the unleaded aviation gasoline enterprise in the aeronautics division of the department of transportation for the purpose of remediating impacts caused by the use of leaded aviation gasoline by imposing a leaded aviation gasoline impact remediation fee on purchases of leaded aviation gasoline and using fee revenue to provide grants, loans, and rebates to fund infrastructure and programs at general aviation airports that are designed to increase the use of unleaded aviation gasoline in lieu of leaded aviation gasoline.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) According to the United States environmental protection  
5 agency:

6 (I) Aircraft that use leaded aviation gasoline are a leading source  
7 of lead emissions in our air;

8 (II) Excessive exposure to lead has many harmful health effects,  
9 which can include adverse effects on the nervous system, kidney function,  
10 the immune system, reproductive and developmental systems, the  
11 cardiovascular system, and the oxygen carrying capacity of blood;

12 (III) Exposure to lead can cause irreversible and life-long harmful  
13 health effects in children; and

14 (IV) Elevated lead in the environment can result in decreased  
15 growth and reproduction in plants and animals, and negative neurological  
16 effects in vertebrates;

17 (b) According to the United States centers for disease control and  
18 prevention, no level of lead exposure is safe for children, and even low

1 levels of lead in their blood are associated with developmental delays,  
2 learning difficulties, and behavioral issues;

3 (c) Peer-reviewed research indicates that children who live near  
4 general aviation airports and commercial airports at which there is  
5 significant general aviation activity have elevated levels of lead in their  
6 blood and that blood lead levels in children under five increase as levels  
7 of atmospheric lead increase; and

8 (d) It is therefore necessary, appropriate, and in the best interest  
9 of all Coloradans for the state to:

10 (I) Provide financial incentives, in the form of an income tax  
11 credit and a grant program, to reduce the use of leaded aviation gasoline;  
12 and

13 (II) Create the unleaded aviation gasoline enterprise in the  
14 aeronautics division of the department of transportation for the purpose  
15 of reducing the use of leaded aviation gasoline and encouraging the use  
16 of unleaded aviation gasoline by imposing a fee on purchases of leaded  
17 aviation gasoline and using fee revenue to fund infrastructure needed to  
18 provide unleaded aviation gasoline at general aviation airports and to  
19 fund programs at such airports that subsidize the purchase of unleaded  
20 aviation gasoline or create incentives for the conversion of aircraft that  
21 have been powered by leaded aviation gasoline to be powered by  
22 unleaded aviation gasoline.

23 **SECTION 2.** In Colorado Revised Statutes, 39-21-119.5, **amend**  
24 (4)(k) and (4)(l); and **add** (4)(m) as follows:

25 **39-21-119.5. Mandatory electronic filing of returns -**  
26 **mandatory electronic payment - penalty - waiver - definitions.**

27 (4) Except as provided in subsection (6) of this section, on and after

1 August 2, 2019, electronic filing of returns and the payment of any tax or  
2 fee by electronic funds transfer is required for the following:

3 (k) Any clean fleet per ride fee and air pollution mitigation per  
4 ride fee return required to be filed and payment required pursuant to  
5 section 40-10.1-607.5; and

6 (l) Any quarterly report for the advance payment of an income tax  
7 credit required to be filed pursuant to section 39-22-629 (2)(b); AND

8 (m) ANY LEADED AVIATION GASOLINE IMPACT REMEDIATION FEE  
9 RETURN REQUIRED TO BE FILED PURSUANT TO SECTION 43-10-119 (5).

10 **SECTION 3.** In Colorado Revised Statutes, **add** 39-22-560 as  
11 follows:

12 **39-22-560. Tax credit for certification of aircraft to use**  
13 **unleaded aviation gasoline - tax preference performance statement**  
14 **- review - legislative declaration - definitions - repeal.** (1) (a) IN  
15 ACCORDANCE WITH SECTION 39-21-304 (1), WHICH REQUIRES EACH BILL  
16 THAT CREATES A NEW TAX EXPENDITURE TO INCLUDE A TAX PREFERENCE  
17 PERFORMANCE STATEMENT AS PART OF A STATUTORY LEGISLATIVE  
18 DECLARATION, THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE  
19 PURPOSE OF THE TAX CREDIT PROVIDED IN THIS SECTION IS TO INDUCE  
20 CERTAIN DESIGNATED BEHAVIOR BY TAXPAYERS, SPECIFICALLY THE  
21 MODIFICATION OF AIRCRAFT THAT ARE POWERED BY LEADED AVIATION  
22 GASOLINE SO THAT SUCH AIRCRAFT CAN BE CERTIFIED TO BE POWERED BY  
23 UNLEADED AVIATION GASOLINE AND NO LONGER USE LEADED AVIATION  
24 GASOLINE.

25 (b) THE GENERAL ASSEMBLY AND THE STATE AUDITOR SHALL  
26 MEASURE THE EFFECTIVENESS OF THE CREDIT IN ACHIEVING THE PURPOSE  
27 SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION BASED ON THE NUMBER

1 OF CREDITS CLAIMED.

2 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
3 REQUIRES:

4 (a) "AIRCRAFT" HAS THE SAME MEANING AS SET FORTH IN SECTION  
5 43-10-102 (1).

6 (b) "AVIATION GASOLINE" MEANS GASOLINE-BASED FUEL THAT IS  
7 USED TO POWER AN AIRCRAFT.

8 (c) "LEADED AVIATION GASOLINE" MEANS AVIATION GASOLINE  
9 THAT CONTAINS LEAD AND INCLUDES AVGAS 100 AND AVGAS 100LL.

10 (d) "QUALIFYING AIRCRAFT" MEANS AN AIRCRAFT THAT HAS BEEN  
11 POWERED BY LEADED AVIATION GASOLINE AND FOR WHICH A  
12 SUPPLEMENTAL TYPE CERTIFICATE THAT APPROVES THE COMPLETED  
13 MODIFICATION OF THE AIRCRAFT TO BE POWERED BY UNLEADED AVIATION  
14 GASOLINE HAS BEEN ISSUED.

15 (e) "QUALIFYING EXPENSES" MEANS ANY ACTUAL OUT-OF-POCKET  
16 EXPENSES INCURRED AND PAID BY A QUALIFYING TAXPAYER FOR THE  
17 PURPOSE OF MODIFYING AN AIRCRAFT IN THIS STATE SO THAT IT IS A  
18 QUALIFYING AIRCRAFT.

19 (f) "QUALIFYING TAXPAYER" MEANS A PERSON SUBJECT TO TAX  
20 UNDER THIS ARTICLE 22 WHO IS THE OWNER OF AN AIRCRAFT AS  
21 INDICATED ON THE AIRCRAFT REGISTRY MAINTAINED BY THE FEDERAL  
22 AVIATION ADMINISTRATION.

23 (g) "SUPPLEMENTAL TYPE CERTIFICATE" MEANS A TYPE  
24 CERTIFICATE ISSUED BY THE FEDERAL AVIATION ADMINISTRATION TO AN  
25 APPLICANT THAT HAS MODIFIED AN AERONAUTICAL PRODUCT FROM ITS  
26 ORIGINAL DESIGN WITH FEDERAL AVIATION ADMINISTRATION APPROVAL.

27 (h) "UNLEADED AVIATION GASOLINE" MEANS AVIATION GASOLINE

1 THAT DOES NOT INCLUDE LEAD AND INCLUDES AVGAS G100UL.

2 (3) FOR ANY INCOME TAX YEAR COMMENCING ON OR AFTER  
3 JANUARY 1, 2025, BUT BEFORE JANUARY 1, 2030, A QUALIFYING  
4 TAXPAYER WHO INCURS QUALIFYING EXPENSES IS ALLOWED A CREDIT  
5 AGAINST THE INCOME TAXES IMPOSED BY THIS ARTICLE 22 IN THE TAX  
6 YEAR IN WHICH THE QUALIFYING AIRCRAFT IS PLACED INTO SERVICE IN  
7 THIS STATE IN AN AMOUNT EQUAL TO FIFTY PERCENT OF ALL QUALIFYING  
8 EXPENSES INCURRED; EXCEPT THAT THE MAXIMUM AMOUNT OF THE  
9 CREDIT THAT MAY BE CLAIMED FOR QUALIFYING EXPENSES INCURRED IN  
10 MODIFYING ANY ONE AIRCRAFT IS FIVE HUNDRED DOLLARS.

11 (4) IF THE AMOUNT OF A CREDIT AUTHORIZED BY THIS SECTION  
12 EXCEEDS THE AMOUNT OF INCOME TAXES OTHERWISE DUE ON THE INCOME  
13 OF THE QUALIFYING TAXPAYER CLAIMING THE CREDIT IN THE INCOME TAX  
14 YEAR FOR WHICH THE CREDIT IS BEING CLAIMED, THE AMOUNT OF THE  
15 CREDIT NOT USED AS AN OFFSET AGAINST INCOME TAXES IN THAT INCOME  
16 TAX YEAR MAY BE CARRIED FORWARD AS A CREDIT AGAINST SUBSEQUENT  
17 YEARS' INCOME TAX LIABILITY FOR A PERIOD NOT EXCEEDING FIVE YEARS  
18 AND MUST BE APPLIED FIRST TO THE EARLIEST INCOME TAX YEARS  
19 POSSIBLE. ANY CREDIT REMAINING AFTER THE PERIOD MAY NOT BE  
20 REFUNDED OR CREDITED TO THE QUALIFYING TAXPAYER.

21 (5) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2039.

22 **SECTION 4.** In Colorado Revised Statutes, 43-10-102, **amend**  
23 the introductory portion and (3)(a)(VII); and **add** (3)(a)(IX), (3)(a)(X),  
24 and (3)(a)(XI) as follows:

25 **43-10-102. Definitions.** As used in this ~~article~~ ARTICLE 10, unless  
26 the context otherwise requires:

27 (3) (a) "Aviation purposes" means any objective that provides

1 direct and indirect benefits to the state aviation system and includes, but  
2 is not limited to:

3 (VII) Any acquisition of land, of any interest therein, or of any  
4 easement through or other interest in airspace, including land for future  
5 airport development, which is necessary to permit any such work or to  
6 remove, mitigate, prevent, or limit the establishment of any hazard to the  
7 safe operation of aircraft; ~~and~~

8 (IX) DESIGN, ENGINEERING, CONSTRUCTION, INSTALLATION,  
9 ACQUISITION, AND INSPECTION OF INFRASTRUCTURE, INCLUDING  
10 EQUIPMENT, THAT WILL ALLOW THE SALE OF UNLEADED AVIATION  
11 GASOLINE AT A GENERAL AVIATION AIRPORT OR AT A COMMERCIAL  
12 AIRPORT AT WHICH THERE IS, AS DETERMINED BY THE DIVISION,  
13 SIGNIFICANT GENERAL AVIATION ACTIVITY;

14 (X) SUBSIDIZATION OF UNLEADED AVIATION GASOLINE AT A  
15 GENERAL AVIATION AIRPORT OR A COMMERCIAL AIRPORT AT WHICH THERE  
16 IS SIGNIFICANT GENERAL AVIATION ACTIVITY, AS DETERMINED BY THE  
17 DIVISION; AND

18 (XI) THE EVALUATION, PREVENTION, OR MITIGATION OF ADVERSE  
19 IMPACTS TO THE HEALTH, SAFETY, AND WELFARE OF INDIVIDUALS WHO  
20 RESIDE OR WORK NEAR AN AIRPORT INCLUDING BUT NOT LIMITED TO THE  
21 EVALUATION, PREVENTION, OR MITIGATION OF SUCH ADVERSE IMPACTS  
22 CONDUCTED BY THE DIVISION AND THE DEPARTMENT OF PUBLIC HEALTH  
23 AND ENVIRONMENT PURSUANT TO SECTION 43-10-118.

24 **SECTION 5.** In Colorado Revised Statutes, 43-10-103, **amend**  
25 (2) introductory portion and (2)(k); and **add** (2)(n) and (2)(o) as follows:

26 **43-10-103. Division of aeronautics created - duties.** (2) The  
27 division shall provide support for the Colorado aeronautical board in



1 fulfilling its duties. The duties of the division ~~shall~~ also include, but ARE  
2 not ~~be~~ limited to, the following:

3 (k) Publishing information relating to aeronautics in the state; ~~and~~

4 (n) WORKING WITH THE DEPARTMENT OF PUBLIC HEALTH AND  
5 ENVIRONMENT TO EVALUATE, PREVENT, AND MITIGATE THE ADVERSE  
6 IMPACTS OF AIRCRAFT NOISE AND THE USE OF LEADED AVIATION  
7 GASOLINE, AS DEFINED IN SECTION 43-10-119 (2)(e), ON PUBLIC HEALTH,  
8 SAFETY, AND WELFARE AS REQUIRED BY SECTION 43-10-118; AND

9 (o) EDUCATING GENERAL AVIATION AIRPORTS AND COMMERCIAL  
10 AIRPORTS AT WHICH THERE IS SIGNIFICANT GENERAL AVIATION ACTIVITY,  
11 AS DETERMINED BY THE DIVISION, REGARDING:

12 (I) THE NEED TO EXPEDITE THE TRANSITION FROM LEADED  
13 AVIATION GASOLINE TO UNLEADED AVIATION GASOLINE; AND

14 (II) THE PROVISIONS OF THIS ARTICLE 10, AS AMENDED BY THIS  
15 HOUSE BILL 24-\_\_\_\_, ENACTED IN 2024, THAT OFFER FUNDING FOR  
16 PROJECTS AND UNLEADED AVIATION FUEL SUBSIDIES, IF OFFERED BY THE  
17 DIVISION, THAT SUPPORT THE TRANSITION FROM LEADED AVIATION  
18 GASOLINE TO UNLEADED AVIATION GASOLINE AND IMPOSE REQUIREMENTS  
19 FOR ACCESSING THAT FUNDING AND, IF OFFERED, THOSE SUBSIDIES.

20 **SECTION 6.** In Colorado Revised Statutes, 43-10-104, **amend**  
21 (1)(b), (1)(f), and (2) as follows:

22 **43-10-104. Colorado aeronautical board - created.** (1)(b) The  
23 board consists of ~~seven~~ NINE VOTING members appointed by the governor,  
24 with the consent of the senate, for terms of three years; except that the  
25 terms ~~shall~~ MUST be staggered so that no more than three members' terms  
26 expire in the same year.

27 (f) The board shall not conduct any business unless there are at

1 least ~~four~~ FIVE VOTING members of the board present.

2 (2) (a) The ~~members of the board shall be chosen as follows~~  
3 CONSISTS OF THE FOLLOWING MEMBERS:

4 (I) Four members, two from the eastern slope and two from the  
5 western slope of the state, representing local governments ~~which~~ THAT  
6 operate airports, which members ~~shall be selected by the governor~~ SHALL  
7 SELECT from a list of nominees supplied by THOSE local governments;

8 (II) TWO MEMBERS WHO ARE RESIDENTS OF COMMUNITIES THAT  
9 ARE AFFECTED BY GENERAL AVIATION AIRPORT TRAFFIC OR TRAFFIC AT A  
10 COMMERCIAL AIRPORT AT WHICH THERE IS SIGNIFICANT GENERAL  
11 AVIATION ACTIVITY, AS DETERMINED BY THE DIVISION. IN APPOINTING  
12 THESE MEMBERS, THE GOVERNOR SHALL GIVE PRIORITY TO INDIVIDUALS  
13 WHO:

14 (A) ARE NOT TRAINED PILOTS; AND

15 (B) RESIDE DIRECTLY IN THE PREDOMINANT FLIGHT PATH OF A  
16 HIGH-TRAFFIC GENERAL AVIATION AIRPORT OR COMMERCIAL AIRPORT AT  
17 WHICH THERE IS SIGNIFICANT GENERAL AVIATION ACTIVITY, AS  
18 DETERMINED BY THE DIVISION, AND IN AN AREA THAT HAS A POPULATION  
19 DENSITY OF MORE THAN THREE THOUSAND INDIVIDUALS PER SQUARE MILE;

20 (III) One member representing a statewide association of airport  
21 managers;

22 (IV) One member representing a statewide association of pilots;  
23 ~~and~~

24 (V) One member familiar with and supportive of the state's  
25 aviation issues, interests, and concerns; AND

26 (VI) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC  
27 HEALTH AND ENVIRONMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE,

1 WHO IS AN EX OFFICIO NONVOTING MEMBER OF THE BOARD.

2 (b) ~~Appointments shall be made~~ IN ADDITION TO SATISFYING THE  
3 REQUIREMENTS SET FORTH IN SECTION 24-20-115, THE GOVERNOR SHALL  
4 MAKE APPOINTMENTS TO THE BOARD so as to ~~insure~~ ENSURE a balance  
5 broadly representative of the activity level of airports throughout the state  
6 AND FURTHER ENSURE THAT THE RACIAL, ETHNIC, AND GENDER MAKEUP  
7 OF THE BOARD IS REPRESENTATIVE OF COMMUNITIES THAT ARE  
8 DISPROPORTIONATELY IMPACTED BY GENERAL AVIATION AIRPORT TRAFFIC  
9 OR TRAFFIC AT A COMMERCIAL AIRPORT AT WHICH THERE IS SIGNIFICANT  
10 GENERAL AVIATION ACTIVITY, AS DETERMINED BY THE DIVISION.

11 **SECTION 7.** In Colorado Revised Statutes, 43-10-105, **amend**  
12 (2)(b) introductory portion; and **add** (2)(c) as follows:

13 **43-10-105. Duties of the board.** (2) (b) Pursuant to section  
14 47105 (a)(1)(B) of the federal "Revision of Title 49, Transportation", 49  
15 U.S.C. sec. 40101 et seq., "Subtitle VII - Aviation Programs", Federal  
16 Public Law 103-272, 108 Stat. 1093, AND SUBJECT TO THE LIMITATION  
17 SET FORTH IN SUBSECTION (2)(c) OF THIS SECTION, the board may also  
18 accept and distribute by contract to local airports federal funds available  
19 to the state for airport development projects benefitting one or more  
20 airports or for airport planning projects for one or more airports if the  
21 following requirements are met:

22 (c) THE STATE SHALL NOT APPLY FOR FEDERAL FUNDS AS  
23 OTHERWISE AUTHORIZED BY SUBSECTION (2)(b) OF THIS SECTION FOR AN  
24 AIRPORT PLANNING OR AIRPORT DEVELOPMENT PROJECT FOR AN AIRPORT  
25 THAT THE DIVISION HAS IDENTIFIED AS BEING LOCATED IN A DENSELY  
26 POPULATED RESIDENTIAL AREA OR AS HAVING A SIGNIFICANT NUMBER OF  
27 FLIGHTS OVER A DENSELY POPULATED RESIDENTIAL AREA, UNLESS THE

1 AIRPORT HAS DEMONSTRATED TO THE SATISFACTION OF THE DIVISION  
2 THAT IT HAS SATISFIED THE REQUIREMENTS OF SECTION 43-10-108.5  
3 (2)(c). THIS LIMITATION DOES NOT APPLY TO AN AIRPORT PLANNING OR  
4 AIRPORT DEVELOPMENT PROJECT THAT THE DIVISION DETERMINES IS  
5 DESIGNED AND INTENDED TO MITIGATE SIGNIFICANT ADVERSE IMPACTS ON  
6 THE HEALTH, SAFETY, AND WELFARE OF INDIVIDUALS WHO RESIDE NEAR  
7 SUCH AN AIRPORT.

8 **SECTION 8.** In Colorado Revised Statutes, 43-10-108.5, **amend**  
9 (2) as follows:

10 **43-10-108.5. State aviation system grant program - definition.**

11 (2) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(c) OF THIS  
12 SECTION, any entity operating an FAA-designated public-use airport may  
13 apply to the division for a state aviation system grant to be used solely for  
14 aviation purposes. Applications ~~shall~~ MUST contain such information as  
15 may be required by the division and shall be filed in accordance with  
16 procedures established by the division. In order to be eligible for a grant,  
17 the applicant must demonstrate, to the satisfaction of the division, that the  
18 grant shall be used solely for aviation purposes as defined in section  
19 43-10-102 (3). The division shall evaluate grant applications based upon  
20 criteria established by the division, AND CRITERIA SET FORTH IN  
21 SUBSECTION (2)(b)(I) OF THIS SECTION, and make recommendations to the  
22 board on the awarding of grants. Any grant proposed by the board ~~shall~~  
23 MUST be submitted to the governor's office for review and  
24 recommendation prior to a final decision. The governor shall accomplish  
25 ~~his~~ THE GOVERNOR'S review and recommendation within thirty days of  
26 submittal of the grant proposal by the board. The board shall make final  
27 decisions on the awarding of grants subject to the availability of ~~moneys~~

1 MONEY in the aviation fund created in section 43-10-109. The board shall  
2 establish procedures to ensure that grants awarded pursuant to the  
3 provisions of this section are used solely for aviation purposes as required  
4 by this subsection (2).

5 (b) (I) THE DIVISION, WHEN EVALUATING GRANT APPLICATIONS  
6 AND MAKING RECOMMENDATIONS TO THE BOARD AS TO THE AWARDING OF  
7 GRANTS; THE GOVERNOR'S OFFICE, WHEN REVIEWING REQUESTED GRANTS  
8 RECOMMENDED BY THE DIVISION MAKING RECOMMENDATIONS REGARDING  
9 SUCH REQUESTED GRANTS TO THE BOARD; AND THE BOARD, WHEN  
10 AWARDING GRANTS, SHALL PRIORITIZE GRANTS TO GENERAL AVIATION  
11 AIRPORTS AND COMMERCIAL AIRPORTS AT WHICH THERE IS SIGNIFICANT  
12 GENERAL AVIATION ACTIVITY, AS DETERMINED BY THE DIVISION, IN URBAN  
13 OR SUBURBAN AREAS THAT USE A PREDOMINANT FLIGHT PATTERN THAT  
14 INCLUDES A COUNTY OR MUNICIPALITY THAT HAS A POPULATION DENSITY  
15 OF MORE THAN THREE THOUSAND INDIVIDUALS PER SQUARE MILE.

16 (II) AS USED IN THIS SUBSECTION (2)(b), "GENERAL AVIATION  
17 AIRPORT" MEANS A GENERAL AVIATION AIRPORT, AS DEFINED IN 49 U.S.C.  
18 SEC. 47102 (8).

19 (c) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(d) OF  
20 THIS SECTION, MONEY SHALL NOT BE EXPENDED FROM THE FUND FOR A  
21 GRANT AWARDED PURSUANT TO THIS SECTION OR OTHERWISE TO AN  
22 AIRPORT THAT THE DIVISION HAS IDENTIFIED AS BEING LOCATED IN A  
23 DENSELY POPULATED RESIDENTIAL AREA OR AS HAVING A SIGNIFICANT  
24 NUMBER OF FLIGHTS OVER A DENSELY POPULATED RESIDENTIAL AREA  
25 UNLESS THE AIRPORT OR ENTITY OPERATING THE AIRPORT DEMONSTRATES  
26 TO THE SATISFACTION OF THE DIVISION THAT:

27 (I) BY JANUARY 1, 2026, IT HAS ADOPTED A PLAN FOR PHASING

1 OUT SALES OF LEADED AVIATION GASOLINE, AS DEFINED IN SECTION  
2 43-10-119 (2)(e), AT THE AIRPORT;

3 (II) IT HAS ESTABLISHED, IN CONSULTATION WITH FLIGHT SCHOOLS  
4 AND PILOTS THAT REGULARLY USE THE AIRPORT, AND ENFORCES AN  
5 EFFECTIVE VOLUNTARY NOISE MITIGATION PLAN SO THAT AIRCRAFT NOISE  
6 IS NOT A SIGNIFICANT PUBLIC NUISANCE AND DOES NOT CAUSE  
7 SIGNIFICANT ADVERSE IMPACTS TO THE PUBLIC HEALTH, SAFETY, AND  
8 WELFARE OF INDIVIDUALS RESIDING NEAR THE AIRPORT. THE DIVISION  
9 SHALL DEVELOP CRITERIA, REQUIREMENTS, OR GUIDELINES FOR THE  
10 ESTABLISHMENT AND ENFORCEMENT OF EFFECTIVE VOLUNTARY NOISE  
11 MITIGATION PLANS THAT MUST INCLUDE, AT A MINIMUM:

12 (A) PUBLICATION OF NOISE MITIGATION PLANS AMONG ALL  
13 AIRPORT OPERATORS;

14 (B) REQUIRED NOISE MITIGATION PLAN ELEMENTS;

15 (C) STEPS TO LIMIT NOISE;

16 (D) LIMITATIONS ON WHEN FLIGHTS MAY DEPART FROM THE  
17 AIRPORT OR ON THE NUMBER OF FLIGHTS THAT MAY DEPART FROM THE  
18 AIRPORT WITHIN SPECIFIED PERIODS; AND

19 (E) LIMITATIONS ON THE FREQUENCY OF TOUCH AND GO FLIGHTS  
20 DURING WHICH AN AIRCRAFT TOUCHES DOWN ON A RUNWAY AND THEN  
21 IMMEDIATELY ACCELERATES AND TAKES OFF AGAIN WITHOUT STOPPING;  
22 AND

23 (III) IT COMPLIES WITH THE REQUIREMENTS OF ANY AVIGATION  
24 EASEMENTS OR CONTRACTS THAT IT HAS ENTERED INTO.

25 (d) THE LIMITATION ON THE EXPENDITURE OF MONEY FROM THE  
26 FUND SET FORTH IN SUBSECTION (2)(c) OF THIS SECTION DOES NOT APPLY  
27 TO MONEY EXPENDED FOR AN AVIATION PROJECT THAT IS DETERMINED BY

1 THE DIVISION TO BE DESIGNED AND INTENDED TO MITIGATE SIGNIFICANT  
2 ADVERSE IMPACTS ON THE HEALTH, SAFETY, AND WELFARE OF  
3 INDIVIDUALS WHO RESIDE NEAR THE AIRPORT AT WHICH THE AVIATION  
4 PROJECT WILL BE COMPLETED.

5 **SECTION 9.** In Colorado Revised Statutes, **add** 43-10-118 and  
6 43-10-119 as follows:

7 **43-10-118. Adverse impacts - prevention and mitigation.**

8 (1) THE DIVISION AND THE DEPARTMENT OF PUBLIC HEALTH AND  
9 ENVIRONMENT SHALL WORK TOGETHER TO EVALUATE, PREVENT, AND  
10 MITIGATE THE ADVERSE IMPACTS OF AIRCRAFT NOISE AND THE USE OF  
11 LEADED AVIATION GASOLINE, AS DEFINED IN SECTION 43-10-119 (2)(e), ON  
12 PUBLIC HEALTH, SAFETY, AND WELFARE. THE DIVISION SHALL PRIORITIZE  
13 THIS EVALUATION, PREVENTION, AND MITIGATION AT AIRPORTS THAT THE  
14 DIVISION HAS IDENTIFIED AS BEING LOCATED IN DENSELY POPULATED  
15 RESIDENTIAL AREAS OR AS HAVING A SIGNIFICANT NUMBER OF FLIGHTS  
16 OVER DENSELY POPULATED RESIDENTIAL AREAS, AND THE DIVISION AND  
17 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL, AT A  
18 MINIMUM:

19 (a) INSTALL NOISE MONITORING SYSTEMS TO EVALUATE NOISE  
20 LEVELS FROM AIRCRAFT AND OTHER ACTIVITY AT SUCH AIRPORTS;

21 (b) CONDUCT PERIODIC TESTING FOR THE PRESENCE OF LEAD IN  
22 THE BLOOD OF INDIVIDUALS WHO RESIDE OR WORK NEAR SUCH AIRPORTS  
23 OR CHILDREN WHO ATTEND SCHOOLS OR CHILD CARE FACILITIES NEAR  
24 SUCH AIRPORTS; AND

25 (c) PROVIDE TECHNICAL ASSISTANCE TO SUCH AIRPORTS AND TO  
26 LOCAL GOVERNMENTS TO EMPLOY BEST PRACTICES TO PREVENT AND  
27 MITIGATE SIGNIFICANT ADVERSE IMPACTS ON PUBLIC HEALTH, SAFETY,

1 AND WELFARE FROM SUCH AIRPORTS.

2 **43-10-119. Unleaded aviation gasoline enterprise - creation -**  
3 **powers and duties - enterprise fund - fee - grant program - legislative**  
4 **declaration - definitions.** (1) (a) THE GENERAL ASSEMBLY FINDS AND

5 DECLARES THAT:

6 (I) LEADED AVIATION GASOLINE IS A LEADING SOURCE OF LEAD  
7 EMISSIONS IN THE ATMOSPHERE, AND EXCESSIVE EXPOSURE TO LEAD HAS  
8 BEEN SHOWN TO HAVE MANY ADVERSE EFFECTS ON HUMAN HEALTH AND  
9 THE NATURAL ENVIRONMENT; AND

10 (II) IT IS THEREFORE NECESSARY, APPROPRIATE, AND IN THE BEST  
11 INTEREST OF ALL COLORADANS TO CREATE THE UNLEADED AVIATION  
12 GASOLINE ENTERPRISE AND TO AUTHORIZE THE ENTERPRISE TO REMEDIATE  
13 IMPACTS CAUSED BY THE USE OF LEADED AVIATION GASOLINE BY  
14 IMPOSING A FEE ON PURCHASES OF LEADED AVIATION GASOLINE AND  
15 USING FEE REVENUE TO FUND INFRASTRUCTURE AND PROGRAMS THAT  
16 INCREASE THE USE OF UNLEADED AVIATION GASOLINE IN LIEU OF LEADED  
17 AVIATION GASOLINE.

18 (b) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

19 (I) THE UNLEADED AVIATION GASOLINE ENTERPRISE PROVIDES  
20 IMPACT REMEDIATION SERVICES WHEN, IN EXCHANGE FOR THE PAYMENT  
21 OF THE LEADED AVIATION GASOLINE IMPACT REMEDIATION FEE BY  
22 LICENSED AVIATION FUEL EXCISE TAX DISTRIBUTORS, IT ACTS AS  
23 AUTHORIZED BY THIS SECTION TO FUND THE DEVELOPMENT OF  
24 INFRASTRUCTURE AND PROGRAMS THAT MAKE UNLEADED AVIATION  
25 GASOLINE A MORE VIABLE AND ACCESSIBLE OPTION FOR POWERING  
26 AIRCRAFT THAT USE GENERAL AVIATION AIRPORTS, INCREASE THE USE OF  
27 UNLEADED AVIATION GASOLINE IN LIEU OF LEADED AVIATION GASOLINE,



1 AND THEREBY REMEDIATE THE ADVERSE IMPACT ON HUMAN HEALTH AND  
2 THE ENVIRONMENT THAT RESULT FROM THE USE OF LEADED AVIATION  
3 GASOLINE;

4 (II) BY PROVIDING IMPACT REDUCTION SERVICES AS AUTHORIZED  
5 BY THIS SECTION, THE UNLEADED AVIATION GASOLINE ENTERPRISE  
6 PROVIDES A SPECIFIC BENEFIT TO FEE PAYERS BY REDUCING THE RISKS OF  
7 ADVERSE IMPACTS TO THEIR HEALTH THAT RESULT FROM THE USE OF  
8 LEADED AVIATION GASOLINE AT THE GENERAL AVIATION AIRPORTS THAT  
9 THEY FREQUENT THROUGH THE FUNDING OF INFRASTRUCTURE AND  
10 PROGRAMS NEEDED TO INCREASE THE USE OF UNLEADED AVIATION  
11 GASOLINE IN THE STATE AND DECREASE THE USE OF LEADED AVIATION  
12 GASOLINE AT THOSE AIRPORTS, AND OPERATES AS A BUSINESS IN  
13 ACCORDANCE WITH THE DETERMINATION OF THE COLORADO SUPREME  
14 COURT IN *COLORADO UNION OF TAXPAYERS FOUNDATION V. CITY OF ASPEN*,  
15 2018 CO 36;

16 (III) CONSISTENT WITH THE DETERMINATION OF THE COLORADO  
17 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896  
18 P.2d 859 (COLO. 1995), THE POWER TO IMPOSE TAXES IS INCONSISTENT  
19 WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE X OF THE STATE  
20 CONSTITUTION, AND, THEREFORE, IT IS THE CONCLUSION OF THE GENERAL  
21 ASSEMBLY THAT THE REVENUE COLLECTED BY THE UNLEADED AVIATION  
22 GASOLINE ENTERPRISE IS GENERATED BY FEES, NOT TAXES, BECAUSE THE  
23 UNLEADED AVIATION GASOLINE IMPACT REMEDIATION FEE IMPOSED BY  
24 THE ENTERPRISE IS:

25 (A) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE  
26 ENTERPRISE TO DEFRAID THE COSTS OF PROVIDING THE SERVICES SPECIFIED  
27 IN THIS SECTION; AND

1 (B) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED  
2 BASED ON THE COSTS OF THE SERVICES PROVIDED BY THE ENTERPRISE;  
3 AND

4 (IV) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE  
5 FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION,  
6 THE REVENUE FROM THE LEADED AVIATION GASOLINE IMPACT  
7 REMEDIATION FEE IS NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN  
8 SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION  
9 24-77-103.6 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE STATE  
10 FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF  
11 THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS  
12 DEFINED IN SECTION 24-77-103.6 (6)(b).

13 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
14 REQUIRES:

15 (a) "AVIATION GASOLINE" MEANS GASOLINE-BASED FUEL THAT IS  
16 USED TO POWER AN AIRCRAFT.

17 (b) "ENTERPRISE" MEANS THE UNLEADED AVIATION GASOLINE  
18 ENTERPRISE CREATED IN SUBSECTION (3) OF THIS SECTION.

19 (c) "ENTERPRISE FUND" MEANS THE UNLEADED AVIATION  
20 GASOLINE ENTERPRISE FUND CREATED IN SUBSECTION (4)(a)(I) OF THIS  
21 SECTION.

22 (d) "GENERAL AVIATION AIRPORT" MEANS A GENERAL AVIATION  
23 AIRPORT AS DEFINED IN 49 U.S.C. SEC. 47102 (8).

24 (e) "LEADED AVIATION GASOLINE" MEANS AVIATION GASOLINE  
25 THAT CONTAINS LEAD AND INCLUDES AVGAS 100 AND AVGAS 100LL.

26 (f) "LEADED AVIATION GASOLINE IMPACT REMEDIATION FEE" OR  
27 "REMEDICATION FEE" MEANS THE FEE IMPOSED BY THE ENTERPRISE

1 PURSUANT TO SUBSECTION (5) OF THIS SECTION.

2 (g) "SUPPLEMENTAL TYPE CERTIFICATE" MEANS A TYPE  
3 CERTIFICATE ISSUED BY THE FEDERAL AVIATION ADMINISTRATION TO AN  
4 APPLICANT THAT HAS RECEIVED FEDERAL AVIATION ADMINISTRATION  
5 APPROVAL TO MODIFY AN AERONAUTICAL PRODUCT FROM ITS ORIGINAL  
6 DESIGN.

7 (h) "UNLEADED AVIATION GASOLINE" MEANS AVIATION GASOLINE  
8 THAT DOES NOT INCLUDE LEAD AND INCLUDES AVGAS G100UL.

9 (3) (a) (I) THE UNLEADED AVIATION GASOLINE ENTERPRISE IS  
10 CREATED IN THE DIVISION. THE ENTERPRISE IS AND OPERATES AS A  
11 GOVERNMENT-OWNED BUSINESS WITHIN THE DIVISION IN ORDER TO  
12 EXECUTE ITS BUSINESS PURPOSES AS SPECIFIED IN SUBSECTION (3)(b) OF  
13 THIS SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES  
14 AND FUNCTIONS SET FORTH IN THIS SUBSECTION (3).

15 (II) THE ENTERPRISE IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
16 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND  
17 FUNCTIONS UNDER THE DEPARTMENT OF TRANSPORTATION AND THE  
18 BOARD. THE BOARD IS THE GOVERNING BOARD OF THE ENTERPRISE.

19 (b) THE BUSINESS PURPOSES OF THE ENTERPRISE ARE TO FUND AND  
20 SUPPORT THE DEVELOPMENT OF INFRASTRUCTURE AND PROGRAMS THAT  
21 MAKE UNLEADED AVIATION GASOLINE A MORE VIABLE AND ACCESSIBLE  
22 OPTION FOR POWERING AIRCRAFT THAT USE GENERAL AVIATION AIRPORTS,  
23 INCREASE THE USE OF UNLEADED AVIATION GASOLINE IN LIEU OF LEADED  
24 AVIATION GASOLINE, AND THEREBY REMEDIATE THE ADVERSE IMPACT ON  
25 HUMAN HEALTH AND THE ENVIRONMENT THAT RESULT FROM THE USE OF  
26 LEADED AVIATION GASOLINE. TO ALLOW THE ENTERPRISE TO ACCOMPLISH  
27 THESE BUSINESS PURPOSES AND FULLY EXERCISE ITS POWERS AND DUTIES,

1 THE ENTERPRISE MAY:

2 (I) IMPOSE A LEADED AVIATION GASOLINE IMPACT REMEDIATION  
3 FEE AS AUTHORIZED BY SUBSECTION (5) OF THIS SECTION;

4 (II) PROVIDE GRANTS, LOANS, OR REBATES, AS AUTHORIZED IN  
5 SUBSECTION (6) OF THIS SECTION, TO FUND UNLEADED AVIATION GASOLINE  
6 INFRASTRUCTURE AND PROGRAMS TO INCREASE THE ACCESSIBILITY AND  
7 VIABILITY OF UNLEADED AVIATION GASOLINE AS AN OPTION FOR  
8 POWERING AIRCRAFT THAT USE GENERAL AVIATION AIRPORTS; AND

9 (III) ISSUE REVENUE BONDS PAYABLE FROM REMEDIATION FEE  
10 REVENUE AND OTHER AVAILABLE MONEY OF THE ENTERPRISE.

11 (c) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES  
12 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, SO LONG AS IT  
13 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS  
14 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS FROM ALL  
15 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT  
16 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (3)(c), THE  
17 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE  
18 CONSTITUTION.

19 (d) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN  
20 THIS SECTION, THE ENTERPRISE HAS THE FOLLOWING GENERAL POWERS  
21 AND DUTIES:

22 (I) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND  
23 THE CONDUCT OF ITS BUSINESS;

24 (II) TO EMPLOY AND SUPERVISE INDIVIDUALS, PROFESSIONAL  
25 CONSULTANTS, AND CONTRACTORS AS ARE NECESSARY IN ITS JUDGMENT  
26 TO CARRY OUT ITS BUSINESS PURPOSES;

27 (III) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY;

1           (IV) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, AND  
2 DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS  
3 SECTION. THE ENTERPRISE SHALL TRANSMIT ANY MONEY RECEIVED  
4 THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO  
5 SHALL CREDIT THE MONEY TO THE ENTERPRISE FUND.

6           (V) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
7 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES  
8 GRANTED BY THIS SECTION.

9           (4) (a) (I) THE UNLEADED AVIATION GASOLINE ENTERPRISE FUND  
10 IS CREATED IN THE STATE TREASURY. THE ENTERPRISE FUND CONSISTS OF  
11 LEADED AVIATION GASOLINE IMPACT REMEDIATION FEE REVENUE  
12 CREDITED TO THE ENTERPRISE FUND PURSUANT TO SUBSECTION (5) OF THIS  
13 SECTION, ANY MONEY THAT THE GENERAL ASSEMBLY MAY TRANSFER OR  
14 APPROPRIATE TO THE ENTERPRISE FUND, AND ANY FEDERAL MONEY OR  
15 GIFTS, GRANTS, OR DONATIONS RECEIVED. THE STATE TREASURER SHALL  
16 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND  
17 INVESTMENT OF MONEY IN THE ENTERPRISE FUND TO THE ENTERPRISE  
18 FUND.

19           (II) MONEY IN THE ENTERPRISE FUND IS CONTINUOUSLY  
20 APPROPRIATED TO THE ENTERPRISE FOR THE DIRECT AND INDIRECT COSTS  
21 OF EXECUTING ITS POWERS AND DUTIES AND PROVIDING SERVICES AS  
22 AUTHORIZED BY THIS SECTION.

23           (b) THE DEPARTMENT OF TRANSPORTATION OR THE DIVISION MAY  
24 TRANSFER MONEY FROM ANY LEGALLY AVAILABLE SOURCE TO THE  
25 ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE  
26 ENTERPRISE BEFORE IT RECEIVES REMEDIATION FEE REVENUE OR REVENUE  
27 BOND PROCEEDS. THE ENTERPRISE MAY ACCEPT AND EXPEND ANY MONEY

1 SO TRANSFERRED, AND, NOTWITHSTANDING ANY STATE FISCAL RULE OR  
2 GENERALLY ACCEPTED ACCOUNTING PRINCIPLE THAT COULD OTHERWISE  
3 BE INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, SUCH A  
4 TRANSFER IS A LOAN FROM THE DEPARTMENT OR THE DIVISION TO THE  
5 ENTERPRISE THAT IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR  
6 PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE  
7 CONSTITUTION, OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY  
8 TRANSFERRED AS A LOAN TO THE ENTERPRISE MUST BE CREDITED TO THE  
9 ENTERPRISE FUND. LOAN LIABILITIES THAT ARE RECORDED IN THE  
10 ENTERPRISE FUND BUT THAT ARE NOT REQUIRED TO BE PAID IN THE  
11 CURRENT FISCAL YEAR SHALL NOT BE CONSIDERED WHEN CALCULATING  
12 SUFFICIENT STATUTORY FUND BALANCE FOR PURPOSES OF SECTION  
13 24-75-109. AS THE ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS  
14 OF EXPENSES, THE ENTERPRISE SHALL REIMBURSE THE DEPARTMENT OR  
15 THE DIVISION FOR THE PRINCIPAL AMOUNT OF ANY LOAN MADE BY THE  
16 DEPARTMENT OR THE DIVISION PLUS INTEREST AT A RATE SET BY THE  
17 DEPARTMENT OR THE DIVISION.

18 (5) IN FURTHERANCE OF ITS BUSINESS PURPOSES, BEGINNING  
19 SEPTEMBER 1, 2024, THE ENTERPRISE SHALL IMPOSE A LEADED AVIATION  
20 GASOLINE IMPACT REMEDIATION FEE IN A REASONABLE AMOUNT NOT TO  
21 EXCEED FIFTY CENTS PER GALLON TO BE PAID BY EACH DISTRIBUTOR OF  
22 LEADED AVIATION GASOLINE THAT PAYS THE EXCISE TAX IMPOSED ON  
23 SUCH GASOLINE PURSUANT TO ARTICLE 27 OF TITLE 39, AT THE SAME TIME  
24 AND IN THE SAME MANNER AS THE EXCISE TAX; EXCEPT THAT A  
25 DISTRIBUTOR IS NOT REQUIRED TO PAY THE REMEDIATION FEE FOR ANY  
26 GALLON OF LEADED AVIATION GASOLINE THAT IS EXEMPT FROM THE  
27 EXCISE TAX PURSUANT TO SECTION 39-27-102.5 (2)(b). FOR THE PURPOSE

1 OF MINIMIZING COMPLIANCE COSTS FOR DISTRIBUTORS AND  
2 ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE  
3 SHALL COLLECT AND ADMINISTER THE REMEDIATION FEE ON BEHALF OF  
4 THE ENTERPRISE IN THE SAME MANNER IN WHICH IT COLLECTS AND  
5 ADMINISTERS THE EXCISE TAX. THE DEPARTMENT OF REVENUE SHALL  
6 CREDIT THE REMEDIATION FEE REVENUE THAT IT COLLECTS TO THE STATE  
7 TREASURER, AND THE STATE TREASURER SHALL CREDIT THE REVENUE,  
8 MINUS THE COSTS TO THE DEPARTMENT OF REVENUE FOR COLLECTING THE  
9 REMEDIATION FEE, TO THE ENTERPRISE FUND.

10 (6) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSES, AND SUBJECT  
11 TO THE REQUIREMENTS SET FORTH IN SUBSECTIONS (6)(b) AND (6)(c) OF  
12 THIS SECTION, THE ENTERPRISE IS AUTHORIZED TO MAKE GRANTS, LOANS,  
13 OR REBATES FOR THE FOLLOWING PURPOSES:

14 (I) TO GENERAL AVIATION AIRPORTS TO FUND THE CONSTRUCTION,  
15 INSTALLATION, OR IMPROVEMENT OF INFRASTRUCTURE AND EQUIPMENT  
16 NEEDED TO PROVIDE UNLEADED AVIATION GASOLINE AT GENERAL  
17 AVIATION AIRPORTS; AND

18 (II) TO FUND PROGRAMS THAT SUBSIDIZE THE PURCHASE OF  
19 UNLEADED AVIATION GASOLINE AT GENERAL AVIATION AIRPORTS OR  
20 PROVIDE FINANCIAL INCENTIVES FOR THE OWNER OF AN AIRCRAFT THAT  
21 IS POWERED BY LEADED AVIATION GASOLINE TO OBTAIN A SUPPLEMENTAL  
22 TYPE CERTIFICATE FOR THE CONVERSION OF THE AIRCRAFT SO THAT IT IS  
23 POWERED BY UNLEADED AVIATION GASOLINE.

24 (b) WHEN MAKING GRANTS, LOANS, OR REBATES AS AUTHORIZED  
25 BY SUBSECTION (6)(a) OF THIS SECTION, THE ENTERPRISE:

26 (I) SHALL ONLY MAKE A GRANT, LOAN, OR REBATE TO A GENERAL  
27 AVIATION AIRPORT THAT IS LOCATED IN A COUNTY THAT INCLUDES AN

1 URBAN OR SUBURBAN AREA IF THE AIRPORT HAS FILED A PLAN TO REDUCE  
2 TRAFFIC OVER POPULATED AREAS FROM AIRCRAFT THAT ARE POWERED BY  
3 LEADED AVIATION GASOLINE; AND

4 (II) SHALL PRIORITIZE INFRASTRUCTURE AND PROGRAMS AT  
5 GENERAL AVIATION AIRPORTS IN DENSELY POPULATED AREAS OF THE  
6 STATE THAT HAVE THE HIGHEST LEVELS OF TRAFFIC FROM AIRCRAFT THAT  
7 ARE POWERED BY LEADED AVIATION GASOLINE.

8 (c) THE ENTERPRISE SHALL AWARD GRANTS ON A COMPETITIVE  
9 BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE ENTERPRISE IN  
10 ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF GRANT  
11 APPLICATIONS.

12 **SECTION 10. Safety clause.** The general assembly finds,  
13 determines, and declares that this act is necessary for the immediate  
14 preservation of the public peace, health, or safety or for appropriations for  
15 the support and maintenance of the departments of the state and state  
16 institutions.