

CHAPTER 208

**HEALTH**

**HOUSE BILL 93-1309**

BY REPRESENTATIVES Morrison, Knox, and Wright;  
also SENATOR Johnson.

**AN ACT**

**CONCERNING MONEYS CREDITED TO THE STATIONARY SOURCES CONTROL FUND IN THE STATE TREASURY, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** 25-7-114.1 (6), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**25-7-114.1. Air pollutant emission notices (APEN).** (6) The fee for filing an air pollutant emission notice or amendment thereto under this section shall be seventy-five dollars for fiscal year 1992-93 and one hundred dollars for fiscal year 1993-94 and thereafter. ~~THE MONEYS COLLECTED PURSUANT TO THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT THE SAME TO THE STATIONARY SOURCES CONTROL FUND.~~

**SECTION 2.** 25-7-114.6 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**25-7-114.6. Emission notice - fees.** (1) The commission shall designate by regulations those classes of minor or insignificant sources of air pollution which are exempt from the requirement for an emission notice ~~OR THE PAYMENT OF AN EMISSION NOTICE FILING FEE~~ because of their negligible impact upon air quality. ~~Any person required by the commission to file an air pollutant emission notice with the division shall pay a nonrefundable fee of sixty dollars; except that the commission may designate those activities or classes of sources which shall be exempt from the payment of such fee.~~

**SECTION 3.** The introductory portion to 25-7-114.7 (2) (a) (I) and 25-7-114.7

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(2) (a) (I) (A) and (2) (b), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

**25-7-114.7. Emission fees - fund.** (2) (a) (I) THE COMMISSION SHALL DESIGNATE BY RULE AND REGULATION THOSE CLASSES OF SOURCES OF AIR POLLUTION WHICH ARE EXEMPT FROM THE REQUIREMENT TO PAY AN ANNUAL EMISSION FEE. Every owner or operator of an air pollution source NOT OTHERWISE EXEMPT IN ACCORDANCE WITH SUCH COMMISSION RULES AND REGULATIONS shall pay an annual fee as follows:

(A) ~~Eight dollars and four cents per ton~~ FOR FISCAL YEAR 1993-94 AND THEREAFTER, TEN DOLLARS AND NINETY-EIGHT CENTS PER TON of regulated pollutant reported in the most recent air pollution emission notice on file with the division.

(b) The moneys collected pursuant to this section shall be remitted to the state treasurer, who shall credit the same to the stationary sources control fund, which fund is hereby created. From such fund, the general assembly shall appropriate to the department of health, at least annually, such moneys as may be necessary to cover the division's direct and indirect costs required to develop and administer the ~~renewable operating permit program~~ PROGRAMS ESTABLISHED PURSUANT TO PARTS 1 TO 4 OF THIS ARTICLE FOR THE CONTROL OF AIR POLLUTION FROM STATIONARY SOURCES. Any permit fee moneys not appropriated by the general assembly and any appropriated funds not spent by the division shall remain in the stationary sources control fund and shall not revert to the general fund of the state at the end of any fiscal year. Any such moneys shall be separately accounted for and used to reduce the permit fees to be assessed against sources pursuant to this article. Until June 30, 1994, any interest earned on moneys in the stationary sources control fund pursuant to this article shall remain in the fund and shall not revert to the general fund of the state at the end of any fiscal year. Any such interest shall be separately accounted for and used to reduce the permit fees to be assessed against sources pursuant to this article. Beginning with fiscal year 1994-95 and thereafter, all interest earned on moneys in the stationary sources control fund shall revert to the general fund.

**SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the stationary sources control fund not otherwise appropriated, to the department of health, for allocation to the division of administration, for the fiscal year beginning July 1, 1993, the sum of one hundred ninety-seven thousand nine hundred thirty-six dollars (\$197,936) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

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

Approved: May 28, 1993