

CHAPTER 275

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**HEALTH AND ENVIRONMENT**

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**HOUSE BILL 97-1169**

BY REPRESENTATIVES Takis and June;  
also SENATORS Mutzebaugh, Norton, and Schroeder.

**AN ACT**

CONCERNING THE ELIMINATION OF THE WOOD SMOKE REDUCTION FUND.

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

**SECTION 1.** 25-7-413 (3), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**25-7-413. Methods for reducing wood smoke in program area.** (3) **Wood smoke reduction fee - termination.** (a) On and after July 1, 1992, any retailer who sells a new wood stove or insert or a gas or electric fireplace or fireplaces that uses a gas or electric device in the program area shall obtain from the purchaser a signed conversion form, which form shall be provided by the department of revenue, or an entity with which the department is hereby authorized to contract, affirming the purchase of such device and indicating whether the purchase is in connection with a conversion to a cleaner burning device. In addition to obtaining the signed conversion form, the retailer shall submit to the department of revenue in accordance with paragraph (b) of this subsection (3) a fee in the amount of one dollar.

(b) On and after July 1, 1992, and in accordance with paragraph (c) of this subsection (3), the retailer shall submit to the department of revenue the conversion form along with the fee described in paragraph (a) of this subsection (3). The department of revenue shall transmit the fee to the state treasurer who shall credit the same to the wood smoke reduction fund, which fund is hereby created. The moneys in the fund shall be subject to annual appropriation by the general assembly to the department of revenue to cover the direct and indirect costs of developing a conversion form in accordance with paragraph (a) of this subsection (3), tracking conversion in accordance with paragraph (a) of this subsection (3) and paragraph (b) of subsection (2) of this section, and for the department of public health and environment to conduct a survey in connection with the implementation of a

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

contingency plan in accordance with paragraph (d) of subsection (1) of this section; except that no moneys shall be used for conducting a survey in connection with the implementation of a contingency plan in accordance with paragraph (d) of subsection (1) of this section without specific approval by the joint budget committee. In accordance with section 24-36-114, C.R.S., all interest derived from the deposit and investment of this fund shall be credited to the general fund. The department of revenue, or the entity with which the department has contracted pursuant to paragraph (a) of this subsection (3), shall submit a report to the commission on the number of conversions no later than thirty days after receiving reports from retailers in accordance with paragraph (c) of this subsection (3).

(c) The retailer shall submit semi-annual reports to the department of revenue no later than on the twentieth day of the month after the close of the preceding six-month period together with the conversion forms and the remittance for all fees collected for the preceding six-month period. If no fees are submitted by the retailer, no report is necessary.

(d) EFFECTIVE JULY 1, 1997, THE WOOD SMOKE REDUCTION FUND AND THE WOOD SMOKE REDUCTION FEE ARE ELIMINATED, AND THE FOLLOWING PROVISIONS SHALL APPLY:

(I) A RETAILER WITHIN THE PROGRAM AREA THAT SELLS A NEW WOOD STOVE OR INSERT, OR A GAS OR ELECTRIC FIREPLACE THAT USES A GAS OR ELECTRIC DEVICE, BETWEEN JANUARY 1, 1997, AND JUNE 30, 1997, SHALL SUBMIT A FINAL SEMI-ANNUAL REPORT TO THE DEPARTMENT OF REVENUE NO LATER THAN JULY 20, 1997, TOGETHER WITH:

(A) SIGNED CONVERSION FORMS INDICATING WHETHER SUCH PURCHASES WERE MADE IN CONNECTION WITH A CONVERSION TO A CLEANER BURNING DEVICE; AND

(B) A REMITTANCE OF THE WOOD SMOKE REDUCTION FEES COLLECTED DURING SUCH PERIOD.

(II) A RETAILER WHO DOES NOT HAVE FEES TO REMIT PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) NEED NOT FILE A FINAL SEMI-ANNUAL REPORT.

(III) MONEYS HELD BY THE STATE TREASURER IN THE WOOD SMOKE REDUCTION FUND ON JULY 1, 1997, AND ANY MONEYS CREDITED TO THE FUND ON OR AFTER SUCH DATE SHALL BE TRANSFERRED TO THE GENERAL FUND.

**SECTION 2. 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: June 4, 1997