

CHAPTER 208

**HEALTH AND ENVIRONMENT**

**HOUSE BILL 00-1306**

BY REPRESENTATIVES McPherson, Smith, Clapp, Fairbank, Hagedorn, Hefley, Hoppe, Lee, Miller, Mitchell, Nunez, Paschall, Spence, Stengel, Taylor, T. Williams, and Young;  
also SENATORS Teck, Blickensderfer, Hernandez, Lamborn, Martinez, Matsunaka, Pascoe, Perlmutter, Reeves, Sullivant, and Tebedo.

**AN ACT**

CONCERNING INCENTIVES FOR REDEVELOPMENT OF CONTAMINATED LAND, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

**SECTION 1.** 25-16-306 (5), Colorado Revised Statutes, is amended to read:

**25-16-306. Approval of voluntary clean-up plan - time limits - contents of notice - conditions under which approval is void - expiration of approval.**

(5) (a) Within forty-five days after the completion of the voluntary clean-up described in the voluntary clean-up plan approved by the department, the property owner shall provide to the department a certification from a qualified environmental professional that the plan has been fully implemented.

(b) IF THE OWNER IS APPLYING FOR THE TAX CREDIT PROVIDED IN SECTION 39-22-526, C.R.S., THE OWNER SHALL SUBMIT TO THE DEPARTMENT THE CERTIFICATION ALONG WITH AN APPLICATION PURSUANT TO SECTION 25-16-303. THE CERTIFICATION SHALL, IN ADDITION TO CERTIFYING THAT THE PLAN HAS BEEN FULLY IMPLEMENTED, DISCLOSE THE COSTS OF IMPLEMENTATION AND INCLUDE SUPPORTING DOCUMENTATION OF THOSE COSTS. THE DEPARTMENT SHALL THEN CERTIFY THE ACCURACY OF THE COSTS AND ISSUE THE PROPERTY OWNER A CERTIFICATE STATING THAT THE CLEAN-UP HAS OCCURRED AND THE COSTS OF SUCH CLEAN-UP. THE PROPERTY OWNER MAY SUBMIT THIS CERTIFICATE TO THE DEPARTMENT OF REVENUE TO CLAIM A TAX CREDIT UNDER SECTION 39-22-526 (2), C.R.S.

**SECTION 2.** Part 5 of article 22 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

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

**39-22-526. Credit for redevelopment of contaminated land - repeal.** (1) FOR TAX YEARS 2000 TO 2005, THERE SHALL BE ALLOWED TO ANY PERSON WHO MEETS THE FOLLOWING REQUIREMENTS A CREDIT AGAINST THE INCOME TAXES IMPOSED BY THIS ARTICLE FOR ANY APPROVED ENVIRONMENTAL REMEDIATION FOR THE PURPOSE OF REDEVELOPMENT:

(a) THE PROPERTY WHERE THE ENVIRONMENTAL REMEDIATION TAKES PLACE AND WHICH IS PROPOSED FOR REDEVELOPMENT MUST BE LOCATED WITHIN A MUNICIPALITY THAT HAS A POPULATION OF TEN THOUSAND OR MORE PERSONS.

(b) THE PERSON SEEKING THE CREDIT MUST POSSESS A CERTIFICATE ISSUED BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO SECTION 25-16-306 (5), C.R.S.

(2) THE TAX CREDIT ALLOWED UNDER THIS SECTION SHALL NOT EXCEED FIFTY PERCENT OF THE FIRST ONE HUNDRED THOUSAND DOLLARS EXPENDED FOR THE APPROVED REMEDIATION, THIRTY PERCENT OF THE NEXT ONE HUNDRED THOUSAND DOLLARS EXPENDED FOR THE APPROVED REMEDIATION AND TWENTY PERCENT OF THE NEXT ONE HUNDRED THOUSAND DOLLARS EXPENDED FOR THE APPROVED REMEDIATION. UNDER NO CIRCUMSTANCES SHALL A TAX CREDIT BE ALLOWED FOR EXPENDITURES EXCEEDING THREE HUNDRED THOUSAND DOLLARS ON ANY INDIVIDUAL PROJECT.

(3) IF THE CREDIT ALLOWED BY THIS SECTION EXCEEDS THE TAX OTHERWISE DUE, THE EXCESS MAY BE CARRIED FORWARD AND SHALL BE CLAIMED ON THE EARLIEST POSSIBLE SUBSEQUENT TAX RETURN FOR A PERIOD NOT TO EXCEED FIVE YEARS.

(4) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2010.

**SECTION 3.** 25-16-104.6 (2) (b), Colorado Revised Statutes, is amended, and the said 25-16-104.6 (2) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

**25-16-104.6. Fund established - administration - revenue sources - use.**

(2) The general assembly may appropriate up to two and one-half percent of the moneys in the hazardous substance response fund for the department's costs of administration and its costs of collection of fees or civil penalties pursuant to section 25-16-104.5. In addition, the department is authorized, subject to appropriation by the general assembly, to use the moneys in the fund for the following purposes:

(b) To supply such state matching funds as may be needed to perform response actions at any site ~~on the national priority list established~~ WHERE ACTION IS BEING TAKEN pursuant to the federal act;

(e) TO PROVIDE SUCH STATE MATCHING FUNDS AS MAY BE NEEDED TO PERFORM REMEDIATION ACTIVITIES AT SITES SUBJECT TO REMEDIATION UNDER THE FEDERAL "WATER POLLUTION CONTROL ACT", 33 U.S.C. SEC. 1251 ET SEQ., WHERE SUCH REMEDIATION ACTIVITIES WOULD KEEP THE SITE FROM BEING ADDED TO THE NATIONAL PRIORITIES LIST ESTABLISHED PURSUANT TO THE FEDERAL ACT;

(f) TO REMEDIATE SITES:

(I) THAT DO NOT HAVE A RESPONSIBLE PARTY THAT WILL PERFORM A REMEDIATION;

(II) THAT HAVE BEEN DETERMINED TO PRESENT A THREAT TO HUMAN HEALTH OR THE ENVIRONMENT; AND

(III) WHERE THE REMEDIATION WILL ALLOW THE REDEVELOPMENT OF THE PROPERTY FOR THE PUBLIC GOOD.

**SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of the hazardous substance response fund, to the department of public health and environment, for the fiscal year beginning July 1, 2000, the sum of two hundred fifty thousand dollars (\$250,000), or so much thereof as may be necessary, for the implementation of this act. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2000, the department of public health and environment will receive the sum of nine hundred seventy-five thousand dollars (\$975,000) in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing the state appropriation amounts.

**SECTION 5. Effective date.** This act shall take effect January 1, 2001.

**SECTION 6. 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 24, 2000