

CHAPTER 419

LABOR AND INDUSTRY

SENATE BILL 03-324

BY SENATOR(S) Taylor, Entz, Kester, and May R.;
also REPRESENTATIVE(S) Berry, Borodkin, Boyd, and Marshall.

AN ACT

**CONCERNING THE EXPENDITURE OF MONEYS IN THE PETROLEUM STORAGE TANK FUND TO IMPLEMENT
THE REGULATION OF FUEL PRODUCTS BY THE DIVISION OF OIL AND PUBLIC SAFETY.**

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

SECTION 1. 8-20-206.5 (1) (a), the introductory portion to 8-20-206.5 (1) (b), and 8-20-206.5 (1) (c) and (4), Colorado Revised Statutes, are amended to read:

8-20-206.5. Environmental response surcharge. (1) (a) Every manufacturer of fuel products who manufactures such products for sale within Colorado or who ships such fuel products from any point outside of Colorado to a distributor within Colorado and every distributor who ships fuel products from any point outside of Colorado to a point within Colorado shall pay to the executive director of the department of revenue, on or before the twenty-fifth day of each calendar month, twenty-five dollars per tank truckload of fuel delivered during the previous calendar month for sale or use in Colorado. Such payment shall be made on forms ~~which are~~ prescribed and furnished by the executive director. The provisions of this section shall not apply to fuel ~~which~~ THAT is especially prepared and sold for use in aircraft or railroad cars. ~~The surcharge imposed by this subsection (1) is effective July 1, 1989~~ EQUIPMENT OR LOCOMOTIVES.

(b) In the event the ~~revenues~~ AVAILABLE FUND BALANCE in the petroleum storage tank fund ~~are~~ IS greater than thirty million dollars, no surcharge shall be imposed, but if the ~~revenues~~ AVAILABLE FUND BALANCE in the fund ~~are~~ IS less than:

(c) Notwithstanding paragraph (b) of this subsection (1), on and after July 1, ~~2004~~ 2007, if the ~~revenues~~ AVAILABLE FUND BALANCE in the petroleum storage tank fund ~~are~~ IS greater than eight million dollars, no surcharge shall be imposed, but if the ~~revenues~~ AVAILABLE FUND BALANCE in the fund ~~are~~ IS less than eight million dollars,

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

the fee imposed by paragraph (a) of this subsection (1) shall be twenty-five dollars per tank truckload.

(4) For the purposes of this section:

(a) "AVAILABLE FUND BALANCE" MEANS THE SUM OF THE CURRENT YEAR REVENUES AND THE PREVIOUS FUND BALANCE MINUS THE SUM OF THE OBLIGATIONS APPROVED BY THE PETROLEUM STORAGE TANK COMMITTEE PURSUANT TO SECTION 8-20.5-104 AND THE COSTS INCURRED BY THE DIVISION OF OIL AND PUBLIC SAFETY FOR PURPOSES OF ADMINISTERING ARTICLES 20 AND 20.5 OF THIS TITLE.

(b) ~~the term~~ "Fuel product" means gasoline, blended gasoline, gasoline sold for gasohol production, gasohol, diesel and special fuels, and special fuel mixes with alcohol.

SECTION 2. Repeal. 8-20.5-103 (6) (a), Colorado Revised Statutes, is repealed as follows:

8-20.5-103. Petroleum storage tank fund - creation. (6) Moneys in the petroleum storage tank fund shall not be used:

(a) ~~To supplant moneys received from the statewide indirect cost allocation agreement with the federal government;~~

SECTION 3. 8-20.5-103 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

8-20.5-103. Petroleum storage tank fund - creation - repeal. (3) The moneys in the fund shall be subject to annual appropriation by the general assembly. The fund shall be used for:

(g) ADMINISTRATIVE COSTS NECESSARY FOR THE IMPLEMENTATION OF THIS ARTICLE AND SECTION 8-20-206.5.

SECTION 4. Effective date - applicability. This act shall take effect upon passage and shall apply to fees due on or after said date.

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: June 5, 2003