

CHAPTER 93

HEALTH AND ENVIRONMENT

HOUSE BILL 03-1101

BY REPRESENTATIVE(S) Hall and Boyd;
also SENATOR(S) Jones and May R.

AN ACT

CONCERNING AUTHORIZATION FOR THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO RECOVER THE FULL AMOUNT OF ITS COSTS IN REVIEWING APPLICATIONS UNDER THE "VOLUNTARY CLEAN-UP AND REDEVELOPMENT ACT".

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

SECTION 1. 25-16-303 (4) (b), Colorado Revised Statutes, is amended to read:

25-16-303. Voluntary clean-up and redevelopment program - general provisions - fees - access to property during reviews. (4) (b) (I) The department shall establish and publish hourly rates for review charges performed by the department in connection with applications for approval of voluntary clean-up plans and petitions for no action under this part 3. Within thirty days after the department's approval or denial of a voluntary clean-up plan or no action petition, the department shall bill an applicant or petitioner for all direct and indirect charges of review of applications and petitions under this part 3 in accordance with the hourly rate structure established pursuant to this ~~paragraph (b)~~ SUBPARAGRAPH (I). The department's charges shall be billed against the application fee paid pursuant to this subsection (4) ~~but such charges shall not exceed the amount of the filing fee~~ IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH (b).

(II) (A) If the department bills charges in an amount less than the application fee, the department shall return any unused balance to the applicant OR PETITIONER after the department's final determination in the matter has been made.

(B) IF THE DEPARTMENT BILLS CHARGES THAT EXCEED THE APPLICATION FEE, THE DEPARTMENT MAY BILL THE APPLICANT OR PETITIONER FOR DIRECT AND INDIRECT CHARGES THAT THE DEPARTMENT INCURS IN EXCESS OF THE APPLICATION FEE UP TO A MAXIMUM OF AN ADDITIONAL ONE THOUSAND 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.

(C) IF THE DEPARTMENT DETERMINES THAT REVIEW OF THE APPLICATION CANNOT BE COMPLETED FOR THREE THOUSAND DOLLARS OR LESS DUE TO THE SIZE OR COMPLEXITY OF THE SITE, THE DEPARTMENT SHALL CONTACT THE APPLICANT OR PETITIONER PRIOR TO INCURRING ADDITIONAL CHARGES. THE APPLICANT OR PETITIONER SHALL THEN BE GIVEN THE OPPORTUNITY TO EITHER NEGOTIATE AN AGREEMENT CONTAINING AN UPPER LIMIT ON THE DEPARTMENT'S CHARGES AND COMPLETE THE REVIEW, OR WITHDRAW THE APPLICATION AND RECEIVE A REFUND OF THE UNBILLED BALANCE OF FEES ALREADY PAID TO THE DEPARTMENT. AGREEMENTS NEGOTIATED PURSUANT TO THIS SUB-SUBPARAGRAPH (C) SHALL BE IN WRITING AND SHALL BE SIGNED BY AUTHORIZED REPRESENTATIVES OF THE PARTIES.

(D) THE DEPARTMENT SHALL MAKE ITS BEST EFFORTS TO DETERMINE WHETHER THE APPLICATION REVIEW WILL EXCEED THREE THOUSAND DOLLARS WITHIN THE FIRST TEN HOURS OF REVIEW OR, IF THE APPLICANT OR PETITIONER REQUESTS A PRE-APPLICATION CONFERENCE, WITHIN TEN BUSINESS DAYS AFTER SUCH CONFERENCE.

SECTION 2. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to applications and petitions filed on or after the applicable effective date of this act.

Approved: April 1, 2003