

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0704.01 Kate Meyer

HOUSE BILL 10-1185

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HOUSE SPONSORSHIP

**Priola**, Balmer, Bradford, DelGrosso, Labuda, Nikkel, Riesberg, Schafer S., Stephens, Todd,  
Waller

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A BILL FOR AN ACT

101 CONCERNING EXTENDING CERTAIN DATES RELATED TO THE  
102 PETROLEUM STORAGE TANK FUND.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries.>)*

**Section 1** of the bill changes the date by which a person is required to pay the environmental response surcharge or fee for odorized liquefied petroleum gas and fuel products from the twenty-fifth day to the twenty-sixth day of each calendar month.

Current law provides that, beginning July 1, 2012, if the available

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

balance of the petroleum storage tank fund exceeds \$8,000,000, no environmental response surcharge shall be imposed. **Section 1** extends that date to July 1, 2018.

**Section 2** extends the date until which moneys in the petroleum storage tank fund may be used to pay for costs related to petroleum storage tank facility inspections and meter calibrations until July 1, 2018.

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

2 **SECTION 1.** 8-20-206.5 (1) (a) and (1) (c), Colorado Revised  
3 Statutes, are amended to read:

4 **8-20-206.5. Environmental response surcharge - liquefied**  
5 **petroleum gas inspection fund - definitions.** (1) (a) Every first  
6 purchaser of odorized liquefied petroleum gas, every manufacturer of fuel  
7 products who manufactures such products for sale within Colorado or  
8 who ships such products from any point outside of Colorado to a  
9 distributor within Colorado, and every distributor who ships such  
10 products from any point outside of Colorado to a point within Colorado  
11 shall pay to the executive director of the department of revenue, on or  
12 before the ~~twenty-fifth~~ TWENTY-SIXTH day of each calendar month, either  
13 twenty-five dollars per tank truckload of fuel products delivered during  
14 the previous calendar month for sale or use in Colorado or the fee for  
15 odorized liquefied petroleum gas as specified in paragraph (d) of this  
16 subsection (1), whichever is applicable. Such payment shall be made on  
17 forms prescribed and furnished by the executive director. The provisions  
18 of this section shall not apply to fuel that is especially prepared and sold  
19 for use in aircraft or railroad equipment or locomotives.

20 (c) Notwithstanding paragraph (b) of this subsection (1), on and  
21 after July 1, ~~2012~~ 2018, if the available fund balance in the petroleum  
22 storage tank fund is greater than eight million dollars, no surcharge shall

1 be imposed, but if the available fund balance in the fund is less than eight  
2 million dollars, the fee imposed by paragraph (a) of this subsection (1)  
3 shall be twenty-five dollars per tank truckload.

4 **SECTION 2.** 8-20.5-103 (3) (f) (II), Colorado Revised Statutes,  
5 is amended to read:

6 **8-20.5-103. Petroleum storage tank fund - creation - rules -**  
7 **repeal.** (3) The moneys in the petroleum storage tank fund shall be  
8 continuously appropriated to the division of oil and public safety; except  
9 that moneys for the purposes specified in paragraphs (b), (f), and (g) of  
10 this subsection (3) shall be subject to annual appropriation by the general  
11 assembly. The fund shall be used for:

12 (f) (II) This paragraph (f) is repealed, effective July 1, ~~2014~~ 2018.

13 **SECTION 3. Act subject to petition - effective date -**  
14 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day  
15 following the expiration of the ninety-day period after final adjournment  
16 of the general assembly (August 11, 2010, if adjournment sine die is on  
17 May 12, 2010); except that, if a referendum petition is filed pursuant to  
18 section 1 (3) of article V of the state constitution against this act or an  
19 item, section, or part of this act within such period, then the act, item,  
20 section, or part shall not take effect unless approved by the people at the  
21 general election to be held in November 2010 and shall take effect on the  
22 date of the official declaration of the vote thereon by the governor.

23 (2) The provisions of this act shall apply to surcharges and fees  
24 due on or after the applicable effective date of this act.