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HOUSE BILL 10-1185

BY REPRESENTATIVE(S) Priola, Balmer, Bradford, DelGrosso, Labuda, Nikkel, Riesberg, Schafer S., Stephens, Todd, Waller, Casso, Kerr J., Lambert, Vigil;
also SENATOR(S) Schwartz, Gibbs, Hodge, Kopp, Whitehead.

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

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

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

8-20-206.5. Environmental response surcharge - liquefied petroleum gas inspection fund - definitions. (1) (a) Every first purchaser of odorized liquefied petroleum gas, every manufacturer of fuel products who manufactures such products for sale within Colorado or who ships such products from any point outside of Colorado to a distributor within Colorado, and every distributor who ships such 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, either twenty-five dollars per tank truckload of fuel products delivered during the previous calendar month for sale or use in

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

Colorado or the fee for odorized liquefied petroleum gas as specified in paragraph (d) of this subsection (1), whichever is applicable. Such payment shall be made on forms prescribed and furnished by the executive director. The provisions of this section shall not apply to fuel that is especially prepared and sold for use in aircraft or railroad equipment or locomotives.

(c) Notwithstanding paragraph (b) of this subsection (1), on and after July 1, ~~2012~~ 2018, if the available fund balance in the petroleum storage tank fund is greater than eight million dollars, no surcharge shall be imposed, but if the available fund balance in the fund is less than eight million dollars, the fee imposed by paragraph (a) of this subsection (1) shall be twenty-five dollars per tank truckload.

(2) The FEE OR surcharge imposed by subsection (1) of this section shall be collected, administered, and enforced in the same manner as the fuel taxes imposed pursuant to the provisions of article 27 of title 39, C.R.S., and the same penalty and interest provisions shall apply.

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

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

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

SECTION 3. Act subject to petition - 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 (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

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

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO