

NOTE: The governor signed this measure on 5/18/2013.

An Act

HOUSE BILL 13-1252

BY REPRESENTATIVE(S) Hamner and Scott, Fields, Fischer, Labuda, Lebsock, Mitsch Bush, Moreno, Salazar, Schafer;
also SENATOR(S) Jahn and King, Cadman, Giron, Grantham, Harvey, Heath, Jones, Kefalas, Scheffel, Schwartz, Tochtrop, Todd.

CONCERNING THE PETROLEUM CLEANUP AND REDEVELOPMENT FUND.

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

SECTION 1. In Colorado Revised Statutes, 8-20.5-103, **amend** (1) introductory portion; **repeal** (1) (b); and **add** (9) as follows:

8-20.5-103. Petroleum storage tank fund - petroleum cleanup and redevelopment fund - creation - rules - repeal. (1) There is hereby created in the state treasury the petroleum storage tank fund, which ~~shall be~~ IS an enterprise fund. ~~Such~~ THE fund ~~shall consist~~ CONSISTS of the following:

(b) ~~Civil penalties collected pursuant to section 8-20.5-107;~~

(9) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE PETROLEUM CLEANUP AND REDEVELOPMENT FUND, WHICH IS REFERRED TO IN THIS SUBSECTION (9) AS THE REDEVELOPMENT FUND. THE

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

REDEVELOPMENT FUND'S SOURCES OF REVENUE ARE:

(I) CIVIL PENALTIES COLLECTED PURSUANT TO SECTION 8-20.5-107;

(II) ANY PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS TO THE REDEVELOPMENT FUND RECEIVED BY THE DEPARTMENT;

(III) ANY LEGISLATIVE APPROPRIATIONS MADE TO THE REDEVELOPMENT FUND; AND

(IV) EARNED INTEREST, WHICH THE STATE TREASURER SHALL DEPOSIT IN THE REDEVELOPMENT FUND.

(b) (I) THE DEPARTMENT MAY USE MONEYS IN THE REDEVELOPMENT FUND FOR ADMINISTRATION, INVESTIGATION, ABATEMENT ACTION, AND PREPARING AND IMPLEMENTING CORRECTIVE ACTION PLANS FOR PETROLEUM RELEASES NOT COVERED BY THE PETROLEUM STORAGE TANK FUND IF, IN THE OPINION OF THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY, SUCH ACTIONS WOULD ENHANCE ENVIRONMENTAL PROTECTION AND BENEFICIAL USE OF THE PROPERTY AFFECTED BY THE RELEASES.

(II) SUBJECT TO THE AVAILABILITY OF MONEY IN THE REDEVELOPMENT FUND, THE MAXIMUM AMOUNT PAYABLE FROM THE REDEVELOPMENT FUND FOR ANY SINGLE CORRECTIVE ACTION PLAN MUST NOT EXCEED FIFTY PERCENT OF THE ELIGIBLE CLEANUP COSTS OR FIVE HUNDRED THOUSAND DOLLARS, WHICHEVER IS LESS.

(c) (I) DURING THE FISCAL YEAR BEGINNING JULY 1, 2013, THE TREASURER SHALL TRANSFER FIVE MILLION DOLLARS FROM THE REDEVELOPMENT FUND TO THE STATE HIGHWAY FUND. THE TRANSFERRED MONEYS:

(A) SHALL BE EXPENDED SOLELY FOR COSTS RELATED TO CONSTRUCTION OF A FIRE SUPPRESSION SYSTEM AT THE EISENHOWER-JOHNSON TUNNELS; AND

(B) SHALL NOT BE EXPENDED FOR ADMINISTRATIVE PURPOSES.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2014.

(d) THE DIVISION OF OIL AND PUBLIC SAFETY SHALL PROMULGATE RULES TO IMPLEMENT THIS SUBSECTION (9).

SECTION 2. Applicability. This act applies to conduct occurring on or after the effective date of this act.

SECTION 3. 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.

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

John P. Morse
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO