

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 17, 2009
Date

Committee on Transportation.

After consideration on the merits, the Committee recommends the following:

SB09-098 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 3, line 6, strike "SUCH" and substitute "IN
2 ACCORDANCE WITH SECTION 39-27-104 (1) (d.5), SUCH";

3 after line 13, insert the following:

4 "SECTION 3. 39-27-104 (1), Colorado Revised Statutes, is
5 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6 **39-27-104. License and deposit - exception.** (1) (d.5) NO
7 PERSON SHALL BLEND EXEMPT DYED DIESEL FUEL WITH BIODIESEL FUEL
8 AFTER WITHDRAWAL AT A TERMINAL RACK OR REFINERY RACK UNLESS
9 SUCH PERSON IS A LICENSED BLENDER IN ACCORDANCE WITH PARAGRAPH
10 (d) OF THIS SUBSECTION (1) WHO HAS A VALID FEDERAL BLENDING PERMIT.
11 ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS PARAGRAPH (d.5) OR
12 THE REPORTING OR OTHER REQUIREMENTS OF THIS SECTION RELATING TO
13 SUCH BLENDING OR WHO MISREPRESENTS THE AMOUNT OF BIODIESEL FUEL
14 THAT IS BLENDED WITH DYED DIESEL FUEL SHALL BE SUBJECT TO THE
15 FOLLOWING CIVIL PENALTIES:

16 (I) A FIVE-THOUSAND-DOLLAR FINE FOR THE FIRST VIOLATION;

17 (II) A TEN-THOUSAND-DOLLAR FINE FOR THE SECOND OR
18 SUBSEQUENT VIOLATION; AND

1 (III) IN ACCORDANCE WITH RULES PROMULGATED PURSUANT TO
2 THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24,
3 C.R.S., REVOCATION OF ANY LICENSE ISSUED IN ACCORDANCE WITH THE
4 PROVISIONS OF THIS SECTION FOR THE THIRD VIOLATION.

5 **SECTION 4.** 39-27-109.7, Colorado Revised Statutes, is
6 amended to read:

7 **39-27-109.7. Data collection services.** In order to track the
8 movement of gasoline or special fuel within this state and thereby
9 facilitate and expedite the collection of excise taxes imposed pursuant to
10 this part 1, the executive director of the department of revenue may enter
11 into a contract with one or more private entities for the provision of a
12 computer-based program to monitor and track the data that licensees are
13 required to report to the department pursuant to this part 1. Such
14 computer-based program shall be funded solely with moneys from the
15 highway users tax fund; EXCEPT THAT, FOR THE STATE FISCAL YEAR
16 2009-10, UP TO THIRTY-SEVEN THOUSAND SIX HUNDRED THIRTY DOLLARS
17 FOR THE COMPUTER-BASED PROGRAM TO MONITOR AND TRACK EXEMPT
18 DYED DIESEL FUEL THAT IS BLENDED WITH BIODIESEL FUEL AFTER
19 WITHDRAWAL AT A TERMINAL RACK OR REFINERY RACK PURSUANT TO
20 SECTION 39-27-102.5 (2) (a) MAY BE FUNDED BY MONEYS RECEIVED BY
21 THE GOVERNOR'S ENERGY OFFICE CREATED IN SECTION 24-38.5-101,
22 C.R.S., FROM THE UNITED STATES DEPARTMENT OF ENERGY."

23 Renumber succeeding section accordingly.

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