

**Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 08-0601.01 Thomas Morris

SENATE BILL 08-055

SENATE SPONSORSHIP

Hagedorn,

HOUSE SPONSORSHIP

Madden,

Senate Committees

Health and Human Services
Appropriations

House Committees

Health and Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING INCREASED FEES FOR STATIONARY SOURCES OF AIR**
102 **EMISSIONS, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Increases fees for:

- ! The registration of sources of ozone-depleting compounds;
- ! Emissions of regulated and hazardous air pollutants;
- ! The filing of air pollutant emission notices; and
- ! Significant users of prescribed fires.

Makes an appropriation.

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.

HOUSE
2nd Reading Unam ended
April 22, 2008

SENATE
3rd Reading Unam ended
March 25, 2008

SENATE
Am ended 2nd Reading
March 20, 2008

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

2 **SECTION 1.** The introductory portion to 25-7-105 (11) and
3 25-7-105 (11) (h), Colorado Revised Statutes, are amended to read:

4 **25-7-105. Duties of commission.** (11) The commission shall
5 promulgate ~~regulations~~ RULES concerning ~~CFC's~~ CFC and
6 ozone-depleting compounds as follows:

7 (h) ~~Regulations~~ ~~which~~ RULES THAT are necessary for the
8 imposition and collection of a fee for registering as stationary sources
9 refrigeration systems and other appliances ~~which~~ THAT contain a
10 minimum of one hundred pounds or use a drive system of one hundred
11 horsepower or more and use ozone-depleting compounds. The fee set by
12 the commission shall reflect the direct and indirect costs of registering
13 refrigeration systems and appliances; however, such fee shall not exceed
14 twenty-five SEVENTY-FIVE dollars per unit and shall not exceed a
15 maximum of two THREE hundred dollars per facility.

16 **SECTION 2.** 25-7-114.1 (6) (a), Colorado Revised Statutes, is
17 amended to read:

18 **25-7-114.1. Air pollutant emission notices (APEN).** (6) (a) The
19 fee for filing an air pollutant emission notice or amendment thereto under
20 this section shall be one hundred ~~nineteen~~ FIFTY-TWO dollars and
21 ~~ninety-six~~ NINETY cents. The moneys collected pursuant to this section
22 shall be transmitted to the state treasurer, who shall credit the same to the
23 stationary sources control fund CREATED IN SECTION 25-7-114.7 (2) (b)
24 (I).

25 **SECTION 3.** The introductory portion to 25-7-114.7 (2) (a) (I)
26 and 25-7-114.7 (2) (a) (I) (A), (2) (a) (I) (B), and (2) (a) (III), Colorado

1 Revised Statutes, are amended to read:

2 **25-7-114.7. Emission fees - fund.** (2) (a) (I) The commission
3 shall designate by rule ~~and regulation~~ those classes of sources of air
4 pollution ~~which~~ THAT are exempt from the requirement to pay an annual
5 emission fee. Every owner or operator of an air pollution source not
6 otherwise exempt in accordance with such commission rules ~~and~~
7 ~~regulations~~ shall pay an annual fee as follows:

8 (A) For fiscal years ~~2001-02~~ 2008-09 and thereafter, ~~seventeen~~
9 TWENTY-TWO dollars and ~~ninety-seven~~ NINETY cents per ton of regulated
10 pollutant reported in the most recent air pollution emission notice on file
11 with the division;

12 (B) For fiscal years ~~2001-02~~ 2008-09 and thereafter, in addition
13 to the annual fee set forth in sub-subparagraph (A) of this subparagraph
14 (I), for hazardous air pollutants, including ozone-depleting ~~substances~~
15 COMPOUNDS, an annual fee of one hundred ~~nineteen~~ FIFTY-TWO dollars
16 and ~~ninety-six~~ NINETY cents per ton;

17 (III) Every owner or operator subject to the requirements of
18 paying fees set forth in subparagraph (I) of this paragraph (a) shall also
19 pay a processing fee for the costs of processing any application other than
20 an air pollution emission notice under this article. Every significant user
21 of prescribed fire, including federal facilities, submitting a planning
22 document to the commission pursuant to section 25-7-106 (8) (b) shall
23 pay a fee for costs of evaluating such documents. The division shall
24 assess a fee for work it performs, up to a maximum of thirty hours at a
25 rate of ~~fifty-nine~~ SEVENTY-SIX dollars and ~~ninety-eight~~ FORTY-FIVE cents
26 per hour. If the division requires more than thirty hours to process the
27 application or evaluate the prescribed fire-related planning documents,

1 the fee paid by the applicant shall not exceed three thousand dollars
2 unless the division has informed the source that the respective billings
3 may exceed three thousand dollars and has provided the source with an
4 estimate of what the actual charges may be prior to commencing the
5 work.

6 **SECTION 4. Appropriation.** In addition to any other
7 appropriation, there is hereby appropriated, to the department of public
8 health and environment, for allocation to the division of administration,
9 for the fiscal year beginning July 1, 2008, the sum of seven hundred
10 thirty-seven thousand nine hundred twenty-nine dollars (\$737,929), and
11 5.0 FTE, or so much thereof as may be necessary, for the implementation
12 of this act. Of said sum, two hundred twenty-eight thousand eight
13 hundred fifty dollars (\$228,850) and 1.0 FTE shall be from the AIR
14 account of the highway users tax fund created in section 42-3-304 (18)
15 (a), Colorado Revised Statutes, and five hundred nine thousand
16 seventy-nine dollars (\$509,079) and 4.0 FTE shall be from the stationary
17 sources control fund created in section 25-7-114.7 (2) (b) (I), Colorado
18 Revised Statutes.

19 **SECTION 5. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.