

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 08-0601.01 Thomas Morris

**SENATE BILL 08-055**

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**SENATE SPONSORSHIP**

**Hagedorn,**

**HOUSE SPONSORSHIP**

**Madden,**

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**Senate Committees**

Health and Human Services  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

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

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**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.*

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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.