

HB1110\_L.005

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation & Energy.HB13-1110 be amended as follows:

1 Amend printed bill, page 5, after line 4 insert:

2 "SECTION 3. In Colorado Revised Statutes, 8-20-201, **amend**  
3 (2) as follows:

4 **8-20-201. Definitions.** As used in this part 2, unless the context  
5 otherwise requires:

6 (2) "Fuel products" means all gasoline, aviation gasoline, aviation  
7 turbine fuel, diesel, jet fuel, fuel oil, biodiesel, biodiesel blends, kerosene,  
8 all alcohol blended fuels, ~~liquified~~ LIQUEFIED petroleum gas, gas or  
9 gaseous compounds, NATURAL GAS, INCLUDING COMPRESSED NATURAL  
10 GAS AND LIQUEFIED NATURAL GAS, and all other volatile, flammable, or  
11 combustible liquids, produced, compounded, and offered for sale or used  
12 for the purpose of generating heat, light, or power in internal combustion  
13 engines or fuel cells, for cleaning, or for any other similar usage.

14 **SECTION 4.** In Colorado Revised Statutes, 8-20-206.5, **amend**  
15 (1) (a), (1) (d), (1) (e), (3), and (4) (b); and **add** (4) (c) as follows:

16 **8-20-206.5. Environmental response surcharge - liquefied**  
17 **petroleum gas and natural gas inspection fund - definitions.**

18 (1) (a) Every first purchaser of odorized liquefied petroleum gas, every  
19 manufacturer of fuel products who manufactures such products for sale  
20 within Colorado or who ships such products from any point outside of  
21 Colorado to a distributor within Colorado, and every distributor who ships  
22 such products from any point outside of Colorado to a point within  
23 Colorado shall pay to the executive director of the department of revenue,  
24 each calendar month, either twenty-five dollars per tank truckload of fuel  
25 products delivered during the previous calendar month for sale or use in  
26 Colorado or the fee for odorized liquefied petroleum gas AND NATURAL  
27 GAS as specified in paragraph (d) of this subsection (1), whichever is  
28 applicable. Such payment shall be made on forms prescribed and  
29 furnished by the executive director. The provisions of this section shall  
30 not apply to fuel that is especially prepared and sold for use in aircraft or  
31 railroad equipment or locomotives.

32 (d) Notwithstanding paragraph (b) of this subsection (1), the  
33 executive director of the department of revenue shall have the authority  
34 to determine and adjust a fee for odorized liquefied petroleum gas AND  
35 NATURAL GAS, not to exceed ten dollars per tank truckload FOR LIQUEFIED  
36 PETROLEUM GAS AND LIQUEFIED NATURAL GAS AND PER EVERY EIGHT  
37 THOUSAND GALLON EQUIVALENTS FOR COMPRESSED NATURAL GAS.



1 (e) (I) There is hereby created the liquefied petroleum gas AND  
2 NATURAL GAS inspection fund within the state treasury. Neither this  
3 section nor section 8-20.5-103 shall be construed to make the liquefied  
4 petroleum gas AND NATURAL GAS inspection fund an enterprise fund.  
5 Such fund shall consist of:

6 (A) Liquefied petroleum gas AND NATURAL GAS inspection  
7 moneys collected pursuant to this article;

8 (B) Civil penalties collected as a result of court actions pursuant  
9 to section 8-20-104;

10 (C) Any moneys appropriated to the fund by the general assembly;  
11 and

12 (D) Any moneys granted to the department from a federal agency  
13 or trade association for administration of the department's liquefied  
14 petroleum gas AND NATURAL GAS inspection program.

15 (II) The executive director of the department of revenue shall  
16 adjust the fees collected pursuant to this article so that the balance of  
17 unexpended and unencumbered moneys in the liquefied petroleum gas  
18 AND NATURAL GAS inspection fund does not exceed the amount necessary  
19 to accumulate and maintain in the liquefied petroleum gas AND NATURAL  
20 GAS inspection fund a reserve sufficient to defray administrative expenses  
21 of the division of oil and public safety for a period of two months.

22 (III) The moneys in the fund shall be subject to annual  
23 appropriation by the general assembly. Moneys in the fund shall only be  
24 used for costs related to:

25 (A) Initial and subsequent inspections of liquefied petroleum gas  
26 AND NATURAL GAS installations;

27 (B) Proving, including calibrating and adjusting, liquefied  
28 petroleum gas AND NATURAL GAS meters and dispensers;

29 (C) Abatement of fire and safety hazards at liquefied petroleum  
30 gas AND NATURAL GAS installations;

31 (D) Investigation of reported liquefied petroleum gas AND  
32 NATURAL GAS that requires state matching dollars;

33 (E) Any federal program pertaining to liquefied petroleum gas  
34 AND NATURAL GAS that requires state matching dollars;

35 (F) Liquefied petroleum gas AND NATURAL GAS product quality  
36 testing;

37 (G) Administrative costs, including costs for contract services;  
38 and

39 (H) Defraying the salaries and operating expenses incurred by the  
40 department of labor and employment in the administration of this article  
41 as it pertains to liquefied petroleum gas AND NATURAL GAS installations,

1 meters, and dispensers. Such moneys shall be appropriated for such  
2 purposes by the general assembly.

3 (IV) The moneys in the liquefied petroleum gas AND NATURAL  
4 GAS inspection fund and all interest earned on the moneys in the fund  
5 shall remain in such fund and shall not be credited or transferred to the  
6 general fund or any other fund at the end of any fiscal year.

7 (3) (a) EXCEPT AS SET FORTH IN PARAGRAPH (b) OF THIS  
8 SUBSECTION (3), it is the duty of every manufacturer or distributor as  
9 described in subsection (1) of this section to compute the amount of the  
10 surcharge payable on all tank truckloads sold by ~~him~~ THE MANUFACTURER  
11 OR DISTRIBUTOR and separately state the surcharge due on statements  
12 issued with each purchase of fuel. In the event that the manufacturer or  
13 distributor sells such fuel to a retailer or consumer or consumes such fuel,  
14 ~~he~~ THE MANUFACTURER OR DISTRIBUTOR shall pay to the department of  
15 revenue the surcharge imposed in subsection (1) of this section.

16 (b) FOR COMPRESSED NATURAL GAS, THE FUEL DISTRIBUTOR WHO  
17 REPORTS THE GALLONS FOR PURPOSES OF PAYING THE TAX SET FORTH IN  
18 ARTICLE 27 OF TITLE 39, C.R.S., SHALL PAY THE SURCHARGE IMPOSED IN  
19 SUBSECTION (1) OF THIS SECTION TO THE DEPARTMENT OF REVENUE.

20 (4) For the purposes of this section:

21 (b) "Fuel product" means gasoline, blended gasoline, gasoline sold  
22 for gasohol production, gasohol, diesel, biodiesel blends, NATURAL GAS,  
23 and special fuels, and special fuel mixes with alcohol.

24 (c) "TANK TRUCKLOAD" MEANS EIGHT THOUSAND GALLONS OR  
25 GALLON EQUIVALENTS."

26 Renumber succeeding sections accordingly.

\*\* \*\* \*\* \*\* \*\*

