

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**REVISED**

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

LLS NO. 13-0817.01 Thomas Morris x4218

**HOUSE BILL 13-1252**

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**HOUSE SPONSORSHIP**

**Hamner and Scott,**

**SENATE SPONSORSHIP**

**Jahn and King,**

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**House Committees**

Transportation & Energy  
Appropriations

**Senate Committees**

Agriculture, Natural Resources, & Energy  
Finance  
Appropriations

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**A BILL FOR AN ACT**

101 **CONCERNING THE PETROLEUM CLEANUP AND REDEVELOPMENT FUND.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill creates the petroleum cleanup and redevelopment fund, consisting of civil penalties collected for violations of the petroleum storage tank laws. The department of labor and employment 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

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.*

SENATE  
2nd Reading Unamended  
May 2, 2013

HOUSE  
3rd Reading Unamended  
April 9, 2013

HOUSE  
2nd Reading Unamended  
April 8, 2013

actions would enhance environmental protection and beneficial use of the property affected by the releases.

On July 1, 2013, the treasurer will transfer \$5,000,000 from the redevelopment fund to the state highway fund to be used for a fire suppression system at the Eisenhower-Johnson tunnels.

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*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 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,

1 ABATEMENT ACTION, AND PREPARING AND IMPLEMENTING CORRECTIVE  
2 ACTION PLANS FOR PETROLEUM RELEASES NOT COVERED BY THE  
3 PETROLEUM STORAGE TANK FUND IF, IN THE OPINION OF THE DIRECTOR OF  
4 THE DIVISION OF OIL AND PUBLIC SAFETY, SUCH ACTIONS WOULD ENHANCE  
5 ENVIRONMENTAL PROTECTION AND BENEFICIAL USE OF THE PROPERTY  
6 AFFECTED BY THE RELEASES.

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

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

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

19 (B) SHALL NOT BE EXPENDED FOR ADMINISTRATIVE PURPOSES.

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

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

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

25 **SECTION 3. Safety clause.** The general assembly hereby finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, and safety.