

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 23-0270.02 Pierce Lively x2059

SENATE BILL 23-280

SENATE SPONSORSHIP

Mullica, Priola, Rodriguez

HOUSE SPONSORSHIP

Snyder,

Senate Committees

Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **C O N C E R N I N G T H E M I T I G A T I O N O F C E R T A I N**
102 **T R A N S P O R T A T I O N - R E L A T E D E N V I R O N M E N T A L H A Z A R D S , A N D , I N**
103 **C O N N E C T I O N T H E R E W I T H , C R E A T I N G T H E F U E L S I M P A C T**
104 **E N T E R P R I S E T O A D M I N I S T E R P R O G R A M S A N D I M P O S E F E E S T H A T**
105 **A R E R E L A T E D T O T H E T R A N S P O R T A T I O N O F F U E L W I T H I N T H E**
106 **S T A T E , M O D I F Y I N G T H E C L E A N F L E E T E N T E R P R I S E S O T H A T I T**
107 **A D M I N I S T E R S P R O G R A M S A N D I M P O S E S F E E S T H A T A R E**
108 **D E S I G N E D T O R E D U C E E M I S S I O N S F R O M D I E S E L T R U C K S ,**
109 **C R E A T I N G A T A X C R E D I T F O R T H E C O N V E R S I O N , L E A S E , O R**
110 **P U R C H A S E O F C L E A N C O M M E R C I A L V E H I C L E S , M O D I F Y I N G T H E**
111 **F E E C O L L E C T E D F O R T H E D I S T R I B U T I O N T O T H E**
112 **P E R F L U O R O A L K Y L A N D P O L Y F L U O R O A L K Y L S U B S T A N C E S C A S H**
113 **F U N D , M O D I F Y I N G T H E P E T R O L E U M S T O R A G E T A N K F U N D ,**

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
3rd Reading Unamended
April 25, 2023

SENATE
Amended 2nd Reading
April 24, 2023

101 ALLOWING THE COLORADO STATE PATROL TO CONFORM
102 HAZARD MATERIALS ROUTING REGULATIONS TO
103 TRANSPORTATION COMMISSION RULES, PHASING OUT THE USE
104 OF CERTAIN DIESEL TRUCKS ON STATE PROJECTS, AND MAKING
105 AN APPROPRIATION.

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://leg.colorado.gov>.)

The bill creates the fuels impact enterprise. The enterprise imposes a new fuels impact reduction fee on fuel product manufacturers to fund the fuels impact reduction grant program that the fuels impact enterprise administers. The fuels impact reduction fee is equal to \$.06125 per gallon of fuel products delivered during the previous calendar month for sale or use in Colorado. The fee is collected and deposited in the fuels impact enterprise hazardous materials infrastructure cash fund until the fund has an available balance of \$15 million or more.

Under the fuels impact reduction grant program, the fuels impact enterprise provides grants to certain critically impacted communities, governments, and transportation corridors for the improvement of hazardous mitigation corridors and to support key commercial freight corridors, local and state government projects related to emergency responses, environmental mitigation, or projects related to the transportation of fuel within the state.

The bill also amends the clean fleet enterprise so that the clean fleet enterprise imposes, between January 1, 2024, and December 31, 2032, a heavy-duty diesel vehicle registration fee of \$10 for heavy-duty diesel vehicles that are model year 2014 through 2016, \$20 for heavy-duty diesel vehicles that are model year 2010 through 2013, and \$50 for heavy-duty diesel vehicles that are model year 2009 or older.

Under the diesel truck emissions reduction grant program, the clean fleet enterprise, along with the division of administration in the department of public health and environment (division), awards grant money to certain private and public entities to decommission diesel trucks and replace them with newer model trucks through. The clean fleet enterprise and the division are required to determine eligibility for the grant money and the eligible fuel types for qualifying as a replacement vehicle under the grant program.

The bill also replaces a tax credit for a qualified investment in a commercial truck, truck tractor, or semitrailer that is used solely and exclusively in an enterprise zone with a tax credit for the conversion, lease, or purchase of a bi-fuel renewable fuel truck, electric, hybrid, low nitrogen oxides, plug-in hybrid electric, or renewable fuel truck that is predominantly housed and based at a taxpayer's business facility within an enterprise zone for the 12-month period following its purchase and is not used for personal use. The new credit:

- Is available between tax years 2023 and 2029;
- May be assigned to the financial entity that finances the lease or purchase of the truck;
- May not be carried forward, but may be refunded; and
- Is available in an amount that depends on the type of truck the taxpayer converts, leases, or purchases and when that conversion, lease, or purchase occurs.

Beginning October 1, 2023, the bill modifies the fee that is currently collected for distribution to the perfluoroalkyl and polyfluoroalkyl substances cash fund by extending the collection of the fee to 2036 and by changing the distribution of the fee revenue. Under the new distribution, the state treasurer shall credit:

- An amount equal to the cost of administering the fee to the department of revenue;
- \$2 million of the fee revenue to the department of public safety to support the regulation of hazardous materials on highways in the state as well as the enforcement of commercial and hazardous materials critical corridors determined by the chief of the Colorado state patrol;
- 70% of the amount remaining to the perfluoroalkyl and polyfluoroalkyl substances cash fund; and
- 30% of the amount remaining to the department of transportation to support functions related to the transportation of hazardous materials and the safe and efficient movement of freight as well as to support infrastructure projects that enhance the safety of movement of freight and hazardous materials.

The bill also increases the amount of fee revenue that can be held annually in the perfluoroalkyl and polyfluoroalkyl substances cash fund from \$8 million to \$9 million.

Additionally, the bill:

- Extends authorization for the division of oil and public safety to use the petroleum storage tank fund for costs related to petroleum storage tank facility inspections and meter calibrations from September 1, 2023, to September 1, 2033;
- Delays the effective date of the \$8 million cap on the

petroleum storage tank fund from September 1, 2023, to September 1, 2033;

- Allows the director of the division of oil and public safety, in consultation with the petroleum storage tank committee, to establish rules that allow an operator of petroleum storage tanks to apply to the petroleum storage tank fund for reimbursement even if the total remediation expenses do not exceed \$10,000;
- Allows the director of the division of oil and public safety to annually transfer up to \$500,000 from the petroleum storage tank fund to the petroleum cleanup and redevelopment fund;
- Allows the Colorado state patrol to conform hazardous materials routing regulations to transportation commission rules; and
- Phases out the use of certain diesel trucks on state projects.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-20.5-103, **amend**
3 (3) introductory portion, (3)(f)(II), (9)(a)(III), and (9)(a)(IV); and **add**
4 (3.7) and (9)(a)(V) as follows:

5 **8-20.5-103. Petroleum storage tank fund - petroleum cleanup**
6 **and redevelopment fund - creation - rules - repeal.** (3) The moneys
7 MONEY in the petroleum storage tank fund ~~are~~ IS continuously
8 appropriated to the division of oil and public safety; except that moneys
9 THE EXPENDITURE OF MONEY for the purposes specified in paragraphs ~~(b)~~;
10 ~~(f), and (g) of this subsection (3) are~~ SUBSECTIONS (3)(b), (3)(f), AND
11 (3)(g) OF THIS SECTION IS subject to annual appropriation by the general
12 assembly. The fund shall be used for:

13 (f) (II) This paragraph ~~(f)~~ SUBSECTION (3)(f) is repealed, effective
14 ~~September 1, 2023~~ SEPTEMBER 1, 2033.

15 (3.7) THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY
16 MAY ANNUALLY TRANSFER UP TO FIVE HUNDRED THOUSAND DOLLARS

1 ANNUALLY FROM THE PETROLEUM STORAGE TANK FUND TO THE
2 PETROLEUM CLEANUP AND REDEVELOPMENT FUND.

3 (9) (a) There is hereby created in the state treasury the petroleum
4 cleanup and redevelopment fund, which is referred to in this subsection
5 (9) as the redevelopment fund. The redevelopment fund's sources of
6 revenue are:

7 (III) Any legislative appropriations made to the redevelopment
8 fund; ~~and~~

9 (IV) Earned interest, which the state treasurer shall deposit in the
10 redevelopment fund; AND

11 (V) MONEY TRANSFERRED FROM THE PETROLEUM STORAGE TANK
12 FUND PURSUANT TO SUBSECTION (3.7) OF THIS SECTION.

13 **SECTION 2.** In Colorado Revised Statutes, 8-20.5-206, **add**
14 (1)(f) as follows:

15 **8-20.5-206. Financial responsibility for petroleum**
16 **underground storage tanks.** (1) (f) THE DIRECTOR OF THE DIVISION OF
17 OIL AND PUBLIC SAFETY, IN CONSULTATION WITH THE PETROLEUM
18 STORAGE TANK COMMITTEE ESTABLISHED PURSUANT TO SECTION
19 8-20.5-104, MAY ESTABLISH RULES THAT ALLOW THE PAYMENT REQUIRED
20 BY SUBSECTION (1)(b)(I) OF THIS SECTION TO BE BASED ON A PERCENTAGE
21 THAT IS LESS THAN ONE HUNDRED PERCENT OF THE REMEDIATION
22 AMOUNT.

23 **SECTION 3.** In Colorado Revised Statutes, 8-20-206.5, **amend**
24 (1)(c), (6)(a) introductory portion, (6)(b), (6)(d) introductory portion,
25 (6)(e), and (6)(f); and **add** (6)(d.5) and (8) as follows:

26 **8-20-206.5. Environmental response surcharge - liquefied**
27 **petroleum gas and natural gas inspection fund - perfluoroalkyl and**

1 **polyfluoroalkyl substances cash fund - hazardous materials**
2 **infrastructure cash fund - fuels impact reduction grant program -**
3 **definitions.** (1) (c) Notwithstanding ~~paragraph (b) of this subsection (1)~~
4 SUBSECTION (1)(b) OF THIS SECTION, on and after ~~September 1, 2023,~~
5 SEPTEMBER 1, 2033, if the available fund balance in the petroleum storage
6 tank fund is greater than eight million dollars, no surcharge shall be
7 imposed, but if the available fund balance in the fund is less than eight
8 million dollars, the fee imposed by ~~paragraph (a) of this subsection (1)~~
9 SUBSECTION (1)(a) OF THIS SECTION is twenty-five dollars per tank
10 truckload.

11 (6) (a) In addition to the ~~payment~~ PAYMENTS collected ~~under~~
12 ~~subsection~~ PURSUANT TO SUBSECTIONS (1)(a) AND (8)(a) of this section,
13 the executive director of the department of revenue shall also collect a fee
14 to:

15 (b) On and after September 1, 2020, but before ~~September 1, 2026~~
16 SEPTEMBER 1, 2031, every manufacturer of fuel products who
17 manufactures such products for sale within Colorado or who ships such
18 products from any point outside of Colorado to a distributor within
19 Colorado and every distributor who ships such products from any point
20 outside of Colorado to a point within Colorado shall pay to the executive
21 director of the department of revenue, each calendar month, twenty-five
22 dollars per tank truckload of fuel products delivered during the previous
23 calendar month for sale or use in Colorado. This section does not apply
24 to fuel that is used in aviation or to odorized liquefied petroleum gas and
25 natural gas.

26 (d) On and after October 1, 2021, but before ~~October 1, 2026~~
27 OCTOBER 1, 2023, the executive director of the department of revenue

1 shall transmit any fee collected in accordance with this subsection (6) to
2 the state treasurer, who shall credit:

3 (d.5) ON AND AFTER OCTOBER 1, 2023, BUT BEFORE OCTOBER 1,
4 2031, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL
5 TRANSMIT ANY FEE COLLECTED IN ACCORDANCE WITH THIS SUBSECTION
6 (6) TO THE STATE TREASURER, WHO SHALL CREDIT:

7 (I) FIRST, THE COSTS TO THE DEPARTMENT OF REVENUE FOR
8 ADMINISTERING THE FEE AND THE COSTS TO THE DEPARTMENT OF
9 REVENUE FOR ADMINISTERING THE TAX CREDIT CREATED IN SECTION
10 39-30-104 (7);

11 (II) SECOND, TWO MILLION DOLLARS TO THE DEPARTMENT OF
12 PUBLIC SAFETY FOR USE BY THE COLORADO STATE PATROL TO SUPPORT
13 THE REGULATION OF AND RESPONSE TO HAZARDOUS MATERIALS ON
14 HIGHWAYS IN THE STATE, TO MAKE EMPLOYER CONTRIBUTIONS TO A
15 MULTIPLE EMPLOYER HEALTH TRUST IN ORDER TO PARTICIPATE IN THE
16 VOLUNTARY FIREFIGHTER CANCER BENEFITS PROGRAM PURSUANT TO PART
17 4 OF ARTICLE 5 OF TITLE 29, AND AS WELL AS ENFORCEMENT OF
18 COMMERCIAL AND HAZARDOUS MATERIALS CRITICAL CORRIDORS
19 DESIGNATED BY THE CHIEF OF THE COLORADO STATE PATROL; AND

20 (III) THIRD, OF THE AMOUNT REMAINING:

21 (A) SEVENTY PERCENT TO THE PERFLUOROALKYL AND
22 POLYFLUOROALKYL SUBSTANCES CASH FUND; AND

23 (B) THIRTY PERCENT TO THE DEPARTMENT OF TRANSPORTATION
24 TO SUPPORT FUNCTIONS RELATED TO THE TRANSPORTATION OF
25 HAZARDOUS MATERIALS AND THE SAFE AND EFFICIENT MOVEMENT OF
26 FREIGHT, AS WELL AS TO SUPPORT INFRASTRUCTURE PROJECTS THAT
27 ENHANCE THE SAFETY OF THE MOVEMENT OF FREIGHT AND HAZARDOUS

1 MATERIALS SUCH AS THE INSTALLATION OF FOAM SUPPRESSION SYSTEMS
2 IN THE EISENHOWER-JOHNSON TUNNELS, THE MITIGATION OF HAZARDS IN
3 GLENWOOD CANYON, AND OTHER USES NECESSARY TO SECURE THE SAFE
4 TRANSPORT OF FUELS THROUGH THE I-70 MOUNTAIN CORRIDOR.

5 (e) (I) BEFORE OCTOBER 1, 2023, notwithstanding subsection
6 (6)(b) of this section, if the available fund balance in the perfluoroalkyl
7 and polyfluoroalkyl substances cash fund is greater than eight million
8 dollars, the executive director of the department of revenue shall not
9 collect the fee described in subsection (6)(b) of this section, but if the
10 available balance in the fund is less than eight million dollars within a
11 fiscal year, the executive director of the department of revenue shall
12 impose a fee in accordance with subsection (6)(b) of this section.

13 (II) ON OR AFTER OCTOBER 1, 2023, NOTWITHSTANDING
14 SUBSECTION (6)(b) OF THIS SECTION, IF THE AVAILABLE FUND BALANCE IN
15 THE PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES CASH FUND
16 IS GREATER THAN NINE MILLION DOLLARS, THE EXECUTIVE DIRECTOR OF
17 THE DEPARTMENT OF REVENUE SHALL NOT COLLECT THE FEE DESCRIBED
18 IN SUBSECTION (6)(b) OF THIS SECTION, BUT IF THE AVAILABLE BALANCE
19 IN THE FUND IS LESS THAN NINE MILLION DOLLARS WITHIN A FISCAL YEAR,
20 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL
21 IMPOSE A FEE IN ACCORDANCE WITH SUBSECTION (6)(b) OF THIS SECTION.

22 (f) As used in this subsection (6) AND SUBSECTION (8) OF THIS
23 SECTION, "fuel products" means all gasoline; diesel; biodiesel; biodiesel
24 blends; kerosene; and all alcohol blended fuels that are produced,
25 compounded, and offered for sale or used for the purpose of generating
26 heat, light, or power in internal combustion engines or fuel cells, for
27 cleaning, or for any other similar usage. "Fuel products" does not mean

1 INCLUDE fuel that is used in aviation or odorized liquefied petroleum gas
2 and natural gas.

3 (8) (a) IN ADDITION TO THE PAYMENTS COLLECTED UNDER
4 SUBSECTIONS (1)(a) AND (6) OF THIS SECTION, BEGINNING SEPTEMBER 1,
5 2023, THE FUELS IMPACT ENTERPRISE CREATED IN SECTION 43-4-1503
6 SHALL IMPOSE A FUELS IMPACT REDUCTION FEE, THE EXECUTIVE DIRECTOR
7 OF THE DEPARTMENT OF REVENUE SHALL COLLECT THE FEE ON BEHALF OF
8 THE FUELS IMPACT ENTERPRISE, AND THE STATE TREASURER SHALL CREDIT
9 AN AMOUNT OF THE FEE REVENUE TO THE DEPARTMENT OF REVENUE TO
10 COVER THE COSTS OF COLLECTING THE FEE.

11 (b) (I) ON AND AFTER SEPTEMBER 1, 2023, A TAX DISTRIBUTOR
12 WITHIN COLORADO, AND A DISTRIBUTOR WHO SHIPS FUEL PRODUCTS
13 FROM ANY POINT OUTSIDE OF COLORADO TO A POINT WITHIN COLORADO,
14 SHALL PAY THE FUELS IMPACT REDUCTION FEE TO THE EXECUTIVE
15 DIRECTOR OF THE DEPARTMENT OF REVENUE. TO PAY THIS FEE, EACH
16 CALENDAR MONTH THE DISTRIBUTOR SHALL PAY THE EXECUTIVE
17 DIRECTOR OF THE DEPARTMENT OF REVENUE SIX THOUSAND ONE HUNDRED
18 TWENTY-FIVE MILLIONTHS OF A DOLLAR PER GALLON OF FUEL PRODUCTS
19 DELIVERED DURING THE PREVIOUS CALENDAR MONTH FOR SALE OR USE IN
20 COLORADO OR A LESSER AMOUNT DETERMINED BY THE FUELS IMPACT
21 ENTERPRISE. THE DISTRIBUTOR SHALL PAY THIS FEE ON A PER GALLON
22 BASIS AND AT THE SAME TIME AND ON THE SAME FORM AS THE FEES
23 COLLECTED PURSUANT TO SUBSECTIONS (1) AND (6) OF THIS SECTION.

24 (II) FOR PURPOSES OF THIS SUBSECTION (8)(b), "DISTRIBUTOR"
25 MEANS THE PERSON WHO REMITS THE APPLICABLE STATE FEE IMPOSED
26 PURSUANT TO SUBSECTION (1) OR (6) OF THIS SECTION.

27 (c) ON AND AFTER SEPTEMBER 1, 2023, THE EXECUTIVE DIRECTOR

1 OF THE DEPARTMENT OF REVENUE SHALL TRANSMIT ANY FUELS IMPACT
2 REDUCTION FEE REVENUE THAT IT COLLECTS ON BEHALF OF THE FUELS
3 IMPACT ENTERPRISE PURSUANT TO THIS SUBSECTION (8) TO THE STATE
4 TREASURER, WHO SHALL CREDIT:

5 (I) THE TOTAL AMOUNT OF FUELS IMPACT REDUCTION FEE
6 REVENUE COLLECTED BY THE DEPARTMENT OF REVENUE, MINUS THE
7 COSTS TO THE DEPARTMENT OF REVENUE FOR ADMINISTERING THE FEE, TO
8 THE FUELS IMPACT ENTERPRISE FUND CREATED IN SECTION 43-4-1504;
9 AND

10 (II) THE COSTS TO THE DEPARTMENT OF REVENUE FOR
11 ADMINISTERING THE FEE TO THE DEPARTMENT OF REVENUE.

12 **SECTION 4.** In Colorado Revised Statutes, 8-20.5-303, **add**
13 (1)(f) as follows:

14 **8-20.5-303. Financial responsibility for aboveground storage**
15 **tanks.** (1) (f) THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY,
16 IN CONSULTATION WITH THE PETROLEUM STORAGE TANK COMMITTEE
17 ESTABLISHED PURSUANT TO SECTION 8-20.5-104, MAY ESTABLISH RULES
18 THAT ALLOW THE PAYMENT OF REMEDIATION EXPENSES FOR CERTAIN
19 OWNERS AND OPERATORS OF ABOVEGROUND STORAGE TANKS FROM THE
20 PETROLEUM STORAGE TANK FUND TO BE BASED ON A PERCENTAGE THAT
21 IS LESS THAN ONE HUNDRED PERCENT OF THE REMEDIATION AMOUNT.

22 **SECTION 5.** In Colorado Revised Statutes, 25-5-1312, **amend**
23 (1) introductory portion as follows:

24 **25-5-1312. Reporting requirement.** (1) Notwithstanding section
25 24-1-136 (11)(a)(I), the department shall annually report by February 1,
26 2021, and February 1 of each year until ~~February 1, 2027~~ FEBRUARY 1,
27 2036, to the general assembly's committees of reference with jurisdiction

1 over public health regarding:

2 **SECTION 6.** In Colorado Revised Statutes, 25-7.5-103, **amend**
3 (3) introductory portion, (3)(b), (5)(a), (6)(f), (6)(g), and (6)(h); and **add**
4 (3)(a.5), (5.5), (6.5), (8.5), and (9.5) as follows:

5 **25-7.5-103. Clean fleet enterprise - creation - board - powers**
6 **and duties - fees - fund.** (3) The business purpose of the enterprise is to
7 incentivize and support the use of electric motor vehicles, including
8 motor vehicles that originally were powered exclusively by internal
9 combustion engines but have been converted into electric motor vehicles,
10 and, to the extent temporarily necessitated by the limitations of current
11 electric motor vehicle technology for certain fleet uses, compressed
12 natural gas motor vehicles that are fueled by recovered methane, by
13 businesses and governmental entities that own or operate fleets of motor
14 vehicles, including fleets composed of personal motor vehicles owned or
15 leased by individual contractors who provide prearranged rides for
16 transportation network companies or deliver goods for a third-party
17 delivery service, AND TO INCENTIVIZE AND SUPPORT THE REPLACEMENT OF
18 OLDER DIESEL TRUCKS WITH NEWER TRUCKS WITH NEWER SAFETY
19 SYSTEMS AND LOWER EMISSIONS. To allow the enterprise to accomplish
20 this purpose and fully exercise its powers and duties through the board,
21 the enterprise may:

22 (a.5) IMPOSE A HEAVY-DUTY DIESEL VEHICLE REGISTRATION FEE
23 AS AUTHORIZED BY SUBSECTION (8.5) OF THIS SECTION;

24 (b) Issue grants, loans, and rebates as authorized by ~~subsection~~
25 SUBSECTIONS (9) AND (9.5) of this section; and

26 (5) (a) The clean fleet enterprise fund is hereby created in the state
27 treasury. The fund consists of clean fleet per ride fee revenue and clean

1 fleet retail delivery fee revenue credited to the fund pursuant to
2 subsections (7) and (8) of this section, any monetary gifts, grants,
3 donations, or other payments received by the enterprise, any federal
4 money that may be credited to the fund, and any other money that the
5 general assembly may appropriate or transfer to the fund. The state
6 treasurer shall credit all interest and income derived from the deposit and
7 investment of money in the fund to the fund. Money in the fund is
8 continuously appropriated to the enterprise for the purposes set forth in
9 this article 7.5, EXCEPT FOR THE PURPOSES SET FORTH IN SUBSECTIONS
10 (5.5), (8.5), AND (9.5) OF THIS SECTION, and to pay the enterprise's
11 reasonable and necessary operating expenses, including the repayment of
12 any loan received pursuant to subsection (5)(b) of this section.

13 (5.5) (a) THE CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS
14 REDUCTION GRANT PROGRAM CASH FUND IS CREATED IN THE STATE
15 TREASURY. THE CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS
16 REDUCTION GRANT PROGRAM CASH FUND CONSISTS OF HEAVY-DUTY
17 DIESEL VEHICLE REGISTRATION FEE REVENUE CREDITED TO THE CLEAN
18 FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM
19 CASH FUND PURSUANT TO SUBSECTION (8.5) OF THIS SECTION AND ANY
20 MONEY THAT THE GENERAL ASSEMBLY MAY TRANSFER OR APPROPRIATE
21 TO THE CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION
22 GRANT PROGRAM CASH FUND FOR IMPLEMENTATION OF THE DIESEL TRUCK
23 EMISSIONS REDUCTION GRANT PROGRAM CREATED IN SUBSECTION (9.5) OF
24 THIS SECTION. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
25 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
26 CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION GRANT
27 PROGRAM CASH FUND TO THE CLEAN FLEET ENTERPRISE DIESEL TRUCK

1 EMISSIONS REDUCTION GRANT PROGRAM CASH FUND. ANY UNEXPENDED
2 AND UNENCUMBERED MONEY REMAINING IN THE CLEAN FLEET ENTERPRISE
3 DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM CASH FUND AT THE
4 END OF A STATE FISCAL YEAR REMAINS IN THE CLEAN FLEET ENTERPRISE
5 DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM CASH FUND.

6 (b) MONEY IN THE CLEAN FLEET ENTERPRISE DIESEL TRUCK
7 EMISSIONS REDUCTION GRANT PROGRAM CASH FUND IS CONTINUOUSLY
8 APPROPRIATED TO THE ENTERPRISE FOR THE DIRECT AND INDIRECT COSTS
9 OF IMPLEMENTING THE DIESEL TRUCK EMISSIONS REDUCTION GRANT
10 PROGRAM CREATED IN SUBSECTION (9.5) OF THIS SECTION.

11 (c) THE ENTERPRISE SHALL USE ONLY MONEY FROM THE CLEAN
12 FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM
13 CASH FUND, AND NOT MONEY FROM THE CLEAN FLEET ENTERPRISE FUND,
14 FOR THE DIRECT AND INDIRECT COSTS OF IMPLEMENTING THE DIESEL
15 TRUCK EMISSIONS REDUCTION GRANT PROGRAM.

16 (6) In addition to any other powers and duties specified in this
17 section, the board has the following general powers and duties:

18 (f) To provide services as set forth in ~~subsection~~ SUBSECTIONS (9)
19 AND (9.5) of this section;

20 (g) To publish the processes by which the enterprise accepts
21 applications, the criteria for evaluating applications, and a list of grantees
22 or program participants pursuant to ~~subsection~~ SUBSECTIONS (9) AND (9.5)
23 of this section;

24 (g.5) TO IMPOSE THE HEAVY-DUTY DIESEL VEHICLE REGISTRATION
25 FEE AT THE MAXIMUM AMOUNT AUTHORIZED IN THIS SECTION AND TO
26 PROMULGATE RULES TO ADJUST THE FEE AT OR BELOW THE MAXIMUM
27 AMOUNT AUTHORIZED IN THIS SECTION AS REQUIRED;

1 (h) To promulgate rules for the sole purpose of setting the
2 amounts of the clean fleet per ride fee and the clean fleet retail delivery
3 fee, AND ADJUSTING THE AMOUNT OF THE HEAVY-DUTY DIESEL VEHICLE
4 REGISTRATION FEE, at or below the maximum amounts authorized in this
5 section; and

6 (6.5) THE BOARD MAY CONTRACT FOR GOODS AND SERVICES
7 NEEDED TO EXERCISE ITS POWERS AND DUTIES, AS SET FORTH IN THIS
8 ARTICLE 7.5, WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES
9 101 TO 112 OF TITLE 24.

10 (8.5) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, THE
11 ENTERPRISE SHALL IMPOSE THE HEAVY-DUTY DIESEL VEHICLE
12 REGISTRATION FEE TO BE PAID BY A PERSON WHO REGISTERS A
13 HEAVY-DUTY DIESEL VEHICLE. FOR THE PURPOSE OF MINIMIZING
14 COMPLIANCE COSTS FOR DISTRIBUTORS AND ADMINISTRATIVE COSTS FOR
15 THE STATE, THE DEPARTMENT OF REVENUE SHALL COLLECT THE
16 HEAVY-DUTY DIESEL VEHICLE REGISTRATION FEE ON BEHALF OF THE
17 ENTERPRISE, AND A PERSON WHO REGISTERS A HEAVY-DUTY DIESEL
18 VEHICLE SHALL PAY THE FEE TO THE DEPARTMENT OF REVENUE AS
19 REQUIRED BY SECTION 42-3-304 (20.5)(a).

20 (b) FOR A PERSON WHO REGISTERS A HEAVY-DUTY DIESEL
21 VEHICLE, THE ENTERPRISE SHALL IMPOSE THE HEAVY-DUTY DIESEL
22 VEHICLE REGISTRATION FEE _____ THAT IS _____ NO MORE THAN THIRTY
23 DOLLARS FOR HEAVY-DUTY DIESEL VEHICLES THAT ARE MODEL YEAR 2010
24 THROUGH 2014, AND NO MORE THAN FIFTY DOLLARS FOR HEAVY-DUTY
25 DIESEL VEHICLES THAT ARE MODEL YEAR 2009 OR OLDER. THE FEE APPLIES
26 TO BOTH INTRASTATE AND INTERSTATE HEAVY-DUTY DIESEL VEHICLES.
27 FOR INTERSTATE HEAVY-DUTY DIESEL VEHICLES, THE FEE IS PRORATED

1 BASED ON THE FLEET OWNER'S PERCENTAGE OF MILEAGE IN COLORADO.

2 (c) AS REQUIRED BY SECTION 42-3-304 (20.5)(b), THE
3 DEPARTMENT OF REVENUE SHALL TRANSMIT THE HEAVY-DUTY DIESEL
4 VEHICLE REGISTRATION FEE REVENUE IT COLLECTS ON BEHALF OF THE
5 ENTERPRISE TO THE STATE TREASURER, WHO SHALL TRANSFER THE FEE TO
6 THE CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION
7 GRANT PROGRAM CASH FUND.

8 (9.5) (a) (I) THE GENERAL ASSEMBLY HEREBY FINDS AND
9 DECLARES THAT:

10 (A) OLDER DIESEL TRUCKS CONTRIBUTE DISPROPORTIONATE
11 AMOUNTS OF LOCALIZED EMISSIONS OF PARTICULATE MATTER AND
12 NITROGEN OXIDES IN DISADVANTAGED COMMUNITIES WHERE MAJOR
13 INTERSTATES BRING TRUCK TRAFFIC TO WAREHOUSES, REFINERIES, FLEET
14 YARDS, AND FUEL DEPOTS;

15 (B) THESE LOCALIZED EMISSIONS OF PARTICULATE MATTER AND
16 NITROGEN OXIDES HAVE DISPROPORTIONATELY NEGATIVE EFFECTS ON THE
17 HEALTH OF CHILDREN, SENSITIVE POPULATIONS, AND AT-RISK ADULTS;

18 (C) SUCH NEGATIVE HEALTH EFFECTS CAN INCLUDE ASTHMA,
19 SUSCEPTIBILITY TO RESPIRATORY ILLNESS, LUNG CANCER, AND
20 PREMATURE DEATH;

21 (D) OLDER DIESEL TRUCKS CAN BE REPLACED BY NEWER TRUCKS
22 TO REDUCE FUEL USAGE AND RELATED EMISSIONS OF HAZARDOUS AIR
23 POLLUTANTS AND CRITERIA EMISSIONS THAT NEGATIVELY IMPACT AIR
24 QUALITY;

25 (E) OLDER DIESEL TRUCKS ARE MORE LIKELY THAN NEWER
26 TRUCKS TO BREAK DOWN AND CAUSE CONGESTION AND SAFETY ISSUES IN
27 COLORADO'S URBAN AREAS AND ALONG COLORADO'S MOUNTAIN

1 HIGHWAYS AND INTERSTATES;

2 (F) SMALL BUSINESSES AND SOLE PROPRIETORS THAT OWN OLDER
3 DIESEL TRUCKS ARE LESS LIKELY THAN OTHER VEHICLE OWNERS TO HAVE
4 ACCESS TO THE CAPITAL OR FINANCING REQUIRED TO INVEST IN NEWER,
5 CLEANER MODELS;

6 (G) REPLACING OLDER DIESEL TRUCKS WITH NEWER TRUCKS WITH
7 NEWER SAFETY SYSTEMS WILL REDUCE THE CHANCE OF BREAKDOWNS AND
8 VEHICLE CRASHES ON COLORADO'S MOUNTAIN HIGHWAYS AND
9 INTERSTATES; AND

10 (H) REPLACING OLDER DIESEL TRUCKS WITH NEWER TRUCKS WILL
11 ALSO REDUCE FUEL USAGE, INCREASE FUEL ECONOMY, AND REDUCE
12 EMISSIONS, WHICH WILL HELP COLORADO COMPLY WITH AIR QUALITY
13 ATTAINMENT STANDARDS AND REDUCE GREENHOUSE GAS POLLUTION TO
14 HELP COLORADO MEET ITS GREENHOUSE GAS POLLUTION TARGETS.

15 (II) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS
16 APPROPRIATE TO ESTABLISH THE DIESEL TRUCK EMISSIONS REDUCTION
17 GRANT PROGRAM TO ASSIST PRIVATE AND PUBLIC ENTITIES IN
18 DECOMMISSIONING OLDER DIESEL TRUCKS AND REPLACING THOSE TRUCKS
19 WITH NEWER TRUCKS AND TO FUND THAT GRANT PROGRAM BY CHARGING
20 THE OWNERS OF OLDER HEAVY-DUTY DIESEL VEHICLES A MINOR FEE.

21 (b) (I) THERE IS HEREBY CREATED THE DIESEL TRUCK EMISSIONS
22 REDUCTION GRANT PROGRAM TO PROVIDE GRANTS TO CERTAIN PRIVATE
23 AND PUBLIC ENTITIES FOR DECOMMISSIONING AND REPLACING DIESEL
24 TRUCKS.

25 (II) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH
26 THE GRANT PROGRAM TO DECOMMISSION AND REPLACE DIESEL TRUCKS IN
27 ACCORDANCE WITH POLICIES AND PROCEDURES ESTABLISHED BY THE

1 ENTERPRISE AND THE DIVISION.

2 (III) THE ENTERPRISE SHALL WORK WITH THE DIVISION TO
3 ADMINISTER THE DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM
4 AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS
5 PROVIDED IN THIS SECTION. SUBJECT TO AVAILABLE APPROPRIATIONS,
6 GRANTS SHALL BE PAID OUT OF THE CLEAN FLEET ENTERPRISE DIESEL
7 TRUCK EMISSIONS REDUCTION GRANT PROGRAM CASH FUND.

8 (IV) TO ADMINISTER THE DIESEL TRUCK EMISSIONS REDUCTION
9 GRANT PROGRAM, THE ENTERPRISE AND THE DIVISION SHALL DETERMINE
10 THE FOLLOWING:

11 (A) WHO MAY QUALIFY AS AN ELIGIBLE ENTITY;

12 (B) ELIGIBLE FUEL TYPES FOR REPLACEMENT VEHICLES;

13 (C) THE TIME FRAMES FOR APPLYING FOR GRANTS;

14 (D) THE CRITERIA USED TO EVALUATE AND PRIORITIZE
15 APPLICATIONS FOR GRANTS, INCLUDING A PRIORITY FOR APPLICATIONS
16 CONCERNING VEHICLES THAT ARE OPERATED WITHIN
17 DISPROPORTIONATELY IMPACTED COMMUNITIES, NONATTAINMENT AREAS,
18 OR BOTH;

19 (E) THE FORM OF THE GRANT PROGRAM APPLICATION;

20 (F) THE TIME FRAME FOR AWARDED GRANTS; AND

21 (G) ANY OTHER COMPONENTS OF THE DIESEL TRUCK EMISSIONS
22 REDUCTION GRANT PROGRAM NECESSARY FOR ITS IMPLEMENTATION.

23 (c) (I) TO RECEIVE A GRANT, AN ELIGIBLE ENTITY MUST SUBMIT AN
24 APPLICATION IN ACCORDANCE WITH THE POLICIES AND PROCEDURES
25 ESTABLISHED BY THE ENTERPRISE AND THE DIVISION. AT A MINIMUM, THE
26 APPLICATION MUST INCLUDE THE FOLLOWING INFORMATION:

27 (A) THE GRANT APPLICANT'S ORGANIZATIONAL AND CONTACT

1 INFORMATION;

2 (B) THE FUNDING REQUESTED PER VEHICLE;

3 (C) THE MAKE, MODEL, MODEL YEAR, AND MILEAGE OF THE DIESEL
4 TRUCKS TO BE DECOMMISSIONED ONCE THE GRANT IS AWARDED;

5 (D) THE LOCATION OF THE DIESEL TRUCKS TO BE
6 DECOMMISSIONED AND REPLACED;

7 (E) THE OPERATING AREA OF THE DIESEL TRUCKS TO BE
8 DECOMMISSIONED AND REPLACED; AND

9 (F) THE MAKE, MODEL, MODEL YEAR, MILEAGE, AND FUEL TYPE OF
10 THE PROPOSED REPLACEMENT VEHICLES.

11 (II) THE ENTERPRISE AND THE DIVISION MAY CONSULT WITH THE
12 GRANT APPLICANT REGARDING REPLACEMENT VEHICLE OPTIONS. ==

13 (III) THE ENTERPRISE SHALL USE ONLY MONEY FROM THE CLEAN
14 FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM
15 CASH FUND, AND NOT MONEY FROM THE CLEAN FLEET ENTERPRISE FUND,
16 TO PROVIDE FUNDING TO DECOMMISSION AND REPLACE DIESEL TRUCKS,
17 AND A GRANTEE SHALL USE THE MONEY RECEIVED THROUGH THE DIESEL
18 TRUCK EMISSIONS REDUCTION GRANT PROGRAM ONLY IN ACCORDANCE
19 WITH THIS SUBSECTION (9.5).

20 (IV) THE DIVISION AND THE ENTERPRISE SHALL DEVELOP A POLICY
21 REGARDING A GRANTEE'S NONCOMPLIANCE WITH A GRANT AWARD
22 AGREEMENT ENTERED INTO BY THE GRANTEE AND THE ENTERPRISE. THIS
23 POLICY MAY INCLUDE A MECHANISM FOR THE ENTERPRISE TO CONVERT
24 THE GRANT TO A LOAN WITH INTEREST.

25 (V) THE ENTERPRISE SHALL NOT AWARD GRANTS AFTER 2032.

26 (d) (I) ON OR BEFORE JUNE 30, 2025, AND ON OR BEFORE JUNE 30
27 OF EACH YEAR THEREAFTER THROUGH 2032, EACH ELIGIBLE ENTITY THAT

1 RECEIVES A GRANT THROUGH THE GRANT PROGRAM SHALL SUBMIT A
2 REPORT TO THE DIVISION. AT A MINIMUM, THE REPORT MUST INCLUDE THE
3 FOLLOWING INFORMATION:

4 (A) THE GRANT APPLICANT'S ORGANIZATIONAL AND CONTACT
5 INFORMATION;

6 (B) THE MAKE, MODEL, MODEL YEAR, AND MILEAGE OF THE
7 REPLACEMENT VEHICLES;

8 (C) THE PURCHASE DATES OF THE REPLACEMENT VEHICLES;

9 (D) THE FUEL TYPE OF THE REPLACEMENT VEHICLES;

10 (E) THE MONTHLY MILEAGE PER REPLACEMENT VEHICLE;

11 (F) THE MONTHLY FUEL USAGE PER REPLACEMENT VEHICLE;

12 (G) CERTIFICATION THAT THE AWARDED VEHICLES ARE STILL
13 ROADWORTHY, OPERATIONAL, AND OWNED BY THE ORIGINAL AWARDEE;

14 (H) THE MAKE, MODEL, MODEL YEAR, AND MILEAGE OF THE DIESEL
15 TRUCKS DECOMMISSIONED;

16 (I) THE LOCATION OF DIESEL TRUCKS DECOMMISSIONED;

17 (J) THE OPERATING AREA OF THE DIESEL TRUCKS
18 DECOMMISSIONED; AND

19 (K) ANY ADDITIONAL INFORMATION REQUIRED BY THE DIVISION.

20 (II) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR
21 BEFORE DECEMBER 1, 2025, AND ON OR BEFORE DECEMBER 1 OF EACH
22 YEAR THEREAFTER THROUGH 2032, THE DIVISION SHALL PREPARE A
23 REPORT SUMMARIZING THE PROGRESS OF THE DIESEL TRUCK EMISSIONS
24 REDUCTION GRANT PROGRAM AND SUBMIT THE REPORT TO THE
25 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE AND THE
26 ENERGY AND ENVIRONMENT COMMITTEE OF THE HOUSE OF
27 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE DIVISION SHALL

1 POST A COPY OF EACH REPORT ON ITS WEBSITE. AT A MINIMUM, THE
2 REPORT MUST INCLUDE:

3 (A) THE AMOUNT OF MONEY EXPENDED ON GRANTS DURING THE
4 IMMEDIATELY PRECEDING STATE FISCAL YEAR;

5 (B) THE NUMBER OF DIESEL TRUCKS DECOMMISSIONED AND
6 REPLACED DURING THE IMMEDIATELY PRECEDING STATE FISCAL YEAR;

7 (C) THE ESTIMATED REDUCTION OF ANNUAL EMISSIONS OF
8 PARTICULATE MATTER, NITROGEN OXIDES, AND GREENHOUSE GASES, AS
9 A RESULT OF DIESEL TRUCK REPLACEMENTS FUNDED DURING THE
10 PRECEDING FISCAL YEAR; AND

11 (D) A BREAKDOWN OF THE DIESEL TRUCK CLASSES
12 DECOMMISSIONED AND REPLACED DURING THE IMMEDIATELY PRECEDING
13 STATE FISCAL YEAR.

14 (e) AS USED IN THIS SUBSECTION (9.5), UNLESS THE CONTEXT
15 OTHERWISE REQUIRES:

16 (I) "DECOMMISSION" MEANS RENDERING BOTH THE ENGINE AND
17 THE CHASSIS OF A DIESEL TRUCK INOPERABLE BY CUTTING A THREE INCH
18 HOLE THROUGH THE WALL OF THE ENGINE BLOCK AND CUTTING THE
19 CHASSIS RAILS IN HALF OR BY SIMILARLY EFFECTIVE MEANS, AS
20 DETERMINED BY THE DIVISION.

21 (II) "DIESEL-POWERED MOTOR VEHICLE" MEANS A MOTOR VEHICLE
22 POWERED BY AN INTERNAL COMBUSTION, COMPRESSION IGNITION,
23 DIESEL-FUELED ENGINE. THIS DOES NOT INCLUDE HYBRID DIESEL FUEL
24 TYPES.

25 (III) "DIESEL TRUCK" MEANS A TRUCK POWERED BY AN INTERNAL
26 COMBUSTION, COMPRESSION IGNITION, DIESEL-FUELED ENGINE, OVER A
27 GROSS VEHICLE WEIGHT RATING OF MORE THAN SIXTEEN THOUSAND

1 POUNDS. THIS DOES NOT INCLUDE HYBRID DIESEL FUEL TYPES.

2 (IV) NOTWITHSTANDING SECTION 25-7.5-102 (7),
3 "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE SAME MEANING
4 AS SET FORTH IN SECTION 24-4-109 (2)(b)(II).

5 (V) "DIVISION" MEANS THE DIVISION OF ADMINISTRATION IN THE
6 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

7 (VI) "ELIGIBLE ENTITY" MEANS ANY PUBLIC ENTITY OR PRIVATE
8 COMPANY THAT OWNS OR LEASES AND USES A QUALIFIED DIESEL TRUCK AS
9 SPECIFIED BY THE DIVISION.

10 (VII) "FUEL PRODUCT" MEANS GASOLINE, BLENDED GASOLINE,
11 GASOLINE SOLD FOR GASOHOL PRODUCTION, GASOHOL, DIESEL, BIODIESEL
12 BLENDS, NATURAL GAS, SPECIAL FUELS, AND SPECIAL FUEL MIXES WITH
13 ALCOHOL.

14 (VIII) "HEAVY-DUTY DIESEL VEHICLE" MEANS A DIESEL-POWERED
15 MOTOR VEHICLE WITH A GROSS VEHICLE WEIGHT RATING OF MORE THAN
16 SIXTEEN THOUSAND POUNDS.

17 (IX) "REPLACEMENT" OR "REPLACE" MEANS THE REPLACEMENT OF
18 AN EXISTING IN-USE MODEL YEAR 2015 OR OLDER DIESEL TRUCK THAT HAS
19 BEEN REGISTERED IN COLORADO FOR AT LEAST TWO YEARS, WITH A
20 MODEL YEAR 2016 OR NEWER TRUCK REGISTERED IN COLORADO TO BE
21 USED FOR THE SAME OR SIMILAR PURPOSE.

22 **SECTION 7.** In Colorado Revised Statutes, 29-5-402, **amend (2)**
23 **and (3); and add (4.5) as follows:**

24 **29-5-402. Definitions.** As used in this part 4, unless the context
25 **otherwise requires:**

26 (2) **"Covered individual" means a firefighter, HAZARDOUS**
27 **MATERIALS TROOPER, part-time firefighter, or volunteer firefighter who**

1 meets the coverage requirements in section 29-5-403 (12).

2 (3) "Employer" means a municipality, special district, fire
3 authority, or county improvement district that employs one or more
4 firefighters, part-time firefighters, or volunteer firefighters. Beginning
5 July 1, 2020, "employer" also means the division of fire prevention and
6 control created in section 24-33.5-1201 AND THE DEPARTMENT OF PUBLIC
7 SAFETY CREATED IN SECTION 24-33.5-1603. "Employer" does not include
8 a power authority created pursuant to section 29-1-204 or a municipally
9 owned utility.

10 (4.5) "HAZARDOUS MATERIALS TROOPER" MEANS A PERSON
11 EMPLOYED BY THE COLORADO STATE PATROL TO SUPPORT THE
12 REGULATION OF HAZARDOUS MATERIALS ON HIGHWAYS IN THE STATE.

13 **SECTION 8.** In Colorado Revised Statutes, 29-5-403, amend
14 (12)(a); and add (12)(b)(I.5) as follows:

15 **29-5-403. Required benefits - conditions of receiving benefits.**
16 (12) (a) In order for a covered individual to be eligible for the benefits in
17 this section, prior to the diagnosis of cancer and no more than five years
18 for a firefighter or HAZARDOUS MATERIALS TROOPER AND no more than
19 ten years for a volunteer firefighter or part-time firefighter after the
20 firefighter, volunteer firefighter, or part-time firefighter became employed
21 by an employer, the firefighter, HAZARDOUS MATERIALS TROOPER,
22 volunteer firefighter, or part-time firefighter must have had a medical
23 examination that would reasonably have found an illness or injury that
24 could have caused the cancer and no illness or injury was found.

25 (b) In addition to subsection (12)(a) of this section, in order for a
26 covered individual to be eligible for the benefits in this section, the
27 following conditions must be met:

- 1 (I.5) THE HAZARDOUS MATERIALS TROOPER:
- 2 (A) HAS AT LEAST FIVE YEARS OF CONTINUOUS, FULL-TIME
- 3 EMPLOYMENT AS A HAZARDOUS MATERIALS TROOPER; AND
- 4 (B) IS DIAGNOSED WITH CANCER WITHIN TEN YEARS AFTER
- 5 CEASING EMPLOYMENT AS A HAZARDOUS MATERIALS TROOPER; OR

6 **SECTION 9.** In Colorado Revised Statutes, 39-30-104, **amend**
7 (1)(b)(II); and **add** (1)(b)(VIII) and (7) as follows:

8 **39-30-104. Credit against tax - investment in certain property**
9 **- definitions - repeal.** (1) (b) (II) FOR INCOME TAX YEARS BEGINNING ON
10 OR BEFORE JANUARY 1, 2023, the income tax credit for a qualified
11 investment in a commercial truck, truck tractor, tractor, or semitrailer
12 with a gross vehicle weight rating of fifty-four thousand pounds or greater
13 that is model year 2010 or newer and is designated as Class A personal
14 property as specified in section 42-3-106 (2)(a), ~~C.R.S.~~; as well as any
15 parts associated with the vehicle at the time of purchase, shall be allowed
16 in an amount equal to one and one-half of one percent of the total
17 qualified investment if the model year of the commercial truck, truck
18 tractor, tractor, or semitrailer was sold as new during such income tax
19 year;

20 (VIII) THIS SUBSECTION (1)(b) IS REPEALED, EFFECTIVE JULY 1,
21 2030.

22 (7) (a) IN ACCORDANCE WITH SECTION 39-21-304 (1), WHICH
23 REQUIRES EACH BILL THAT CREATES A NEW TAX EXPENDITURE TO INCLUDE
24 A TAX PREFERENCE PERFORMANCE STATEMENT AS PART OF A STATUTORY
25 LEGISLATIVE DECLARATION, THE GENERAL ASSEMBLY HEREBY FINDS AND
26 DECLARES THAT:

27 (I) THE GENERAL LEGISLATIVE PURPOSES OF THE TAX CREDIT

1 ALLOWED BY THIS SUBSECTION (7) ARE:

2 (A) TO INDUCE CERTAIN DESIGNATED BEHAVIOR BY TAXPAYERS,
3 SPECIFICALLY THE CONVERSION, LEASE, OR PURCHASE OF CLEAN
4 COMMERCIAL TRUCKS; AND

5 (B) TO PROVIDE TAX RELIEF FOR CERTAIN BUSINESSES THAT
6 CONVERT, LEASE, OR PURCHASE CLEAN COMMERCIAL TRUCKS;

7 (II) THE SPECIFIC LEGISLATIVE PURPOSE OF THE TAX CREDIT
8 ALLOWED BY THIS SUBSECTION (7) IS TO INCREASE THE USE OF CLEAN
9 COMMERCIAL TRUCKS BY PROVIDING AN INCENTIVE FOR THE CONVERSION,
10 LEASE, OR PURCHASE OF THESE VEHICLES. IN ORDER TO ALLOW THE
11 GENERAL ASSEMBLY AND THE STATE AUDITOR TO MEASURE THE
12 EFFECTIVENESS OF THE CREDIT, THE DEPARTMENT OF REVENUE, WHEN
13 ADMINISTERING THE CREDIT, SHALL COLLECT THE INFORMATION REQUIRED
14 BY SUBSECTION (7)(h) OF THIS SECTION AND SHALL REQUIRE EACH
15 EMPLOYER THAT CLAIMS THE CREDIT TO CERTIFY, AT A MINIMUM, THAT IN
16 THE CASE OF A RENEWABLE FUEL TRUCK, THE TRUCK WILL OPERATE ON
17 RENEWABLE FUEL FOR AT LEAST EIGHTY PERCENT OF THE TIME AND, IN
18 THE CASE OF A PLUG-IN ELECTRIC TRUCK OR BI-FUEL RENEWABLE FUEL
19 TRUCK, THE TRUCK WILL OPERATE ON ELECTRICITY OR RENEWABLE FUEL
20 AT LEAST FIFTY PERCENT OF THE TIME.

21 (b) AS USED IN THIS SUBSECTION (7), UNLESS THE CONTEXT
22 OTHERWISE REQUIRES:

23 (I) "ACTUAL COST INCURRED" MEANS THE ACTUAL COST PAID BY
24 THE ELIGIBLE TAXPAYER FOR A COMMERCIAL CLEAN VEHICLE.

25 (II) "BATTERY ELECTRIC TRUCK" MEANS A TRUCK THAT IS
26 POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY PACK THAT CAN
27 BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL SOURCE OF

1 ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF PROPULSION.

2 (III) "BI-FUEL RENEWABLE FUEL TRUCK" MEANS A RENEWABLE
3 FUEL TRUCK THAT IS ALSO CAPABLE OF OPERATING ON TRADITIONAL FUEL.

4 (IV) "CLEAN COMMERCIAL TRUCK" MEANS AN ELECTRIC TRUCK,
5 LOW NITROGEN OXIDES TRUCK, PLUG-IN HYBRID ELECTRIC TRUCK, BI-FUEL
6 RENEWABLE FUEL TRUCK, OR RENEWABLE FUEL TRUCK PURCHASED BY AN
7 ELIGIBLE TAXPAYER THAT IS:

8 (A) EITHER TITLED AND REGISTERED IN THE STATE OR REGISTERED
9 UNDER THE INTERNATIONAL REGISTRATION PLAN AND BASE PLATED IN THE
10 STATE;

11 (B) PREDOMINANTLY HOUSED AND BASED AT THE ELIGIBLE
12 TAXPAYER'S BUSINESS FACILITY WITHIN AN ENTERPRISE ZONE FOR THE
13 TWELVE-MONTH PERIOD FOLLOWING ITS PURCHASE; AND

14 (C) IS CLASSIFIED AS CLASS A, CLASS B, OR CLASS C PROPERTY
15 UNDER SECTION 42-3-106 (2).

16 (V) "CONVERSION" MEANS ADDING EQUIPMENT TO A TRADITIONAL
17 FUEL TRUCK AFTER IT IS MANUFACTURED TO ENABLE IT TO OPERATE AS A
18 BI-FUEL RENEWABLE FUEL TRUCK, ELECTRIC TRUCK, HYBRID TRUCK,
19 PLUG-IN HYBRID ELECTRIC TRUCK, OR RENEWABLE FUEL TRUCK.

20 (VI) "ELECTRIC TRUCK" MEANS A BATTERY ELECTRIC TRUCK OR
21 A HYDROGEN FUEL CELL TRUCK.

22 (VII) "ELIGIBLE TAXPAYER" MEANS A BUYER OR LESSEE OF A
23 CLEAN COMMERCIAL TRUCK FOR A USE OTHER THAN PERSONAL USE THAT
24 HAS NOT CLAIMED THE TAX CREDIT FOR INNOVATIVE TRUCKS CREATED IN
25 SECTION 39-22-516.8 FOR THE CONVERSION, LEASE, OR PURCHASE OF AN
26 ELECTRIC TRUCK OR PLUG-IN ELECTRIC TRUCK IN THAT SAME TAX YEAR.
27 A LESSEE SEEKING TO CLAIM A CREDIT ALLOWED BY THIS SUBSECTION (7)

1 MUST ENTER INTO A LEASE WITH A TERM OF NOT LESS THAN TWO YEARS.

2 (VIII) "FINANCING ENTITY" MEANS THE ENTITY THAT FINANCES
3 THE PURCHASE OR LEASE OF A CLEAN COMMERCIAL TRUCK.

4 (IX) "GROSS VEHICLE WEIGHT RATING" HAS THE SAME MEANING
5 AS SET FORTH IN SECTION 42-2-402 (6).

6 (X) "HEAVY-DUTY TRUCK" MEANS A TRUCK WITH A GROSS
7 VEHICLE WEIGHT RATING GREATER THAN TWENTY-SIX THOUSAND POUNDS.

8 (XI) "HYBRID TRUCK" MEANS A TRUCK THAT IS BOTH A PLUG-IN
9 ELECTRIC TRUCK AND CAPABLE OF OPERATING ON RENEWABLE FUELS OR
10 HYDROGEN.

11 (XII) "HYDROGEN FUEL CELL TRUCK" MEANS A TRUCK THAT IS
12 POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL THAT USES
13 HYDROGEN GAS AS FUEL.

14 (XIII) "LEASE" MEANS THE LEASE OF EITHER THE CONVERSION OR
15 PURCHASE OF A CLEAN COMMERCIAL TRUCK.

16 (XIV) "LIGHT-DUTY TRUCK" MEANS A TRUCK WITH A GROSS
17 VEHICLE WEIGHT GREATER THAN OR EQUAL TO TEN THOUSAND POUNDS
18 AND LESS THAN SIXTEEN THOUSAND ONE POUNDS.

19 (XV) "LOW NITROGEN OXIDES TRADITIONAL FUEL TRUCK" MEANS
20 A TRUCK THAT IS POWERED BY FUEL THAT SATISFIES THE UNITED STATES
21 ENVIRONMENTAL PROTECTION AGENCY'S RULE "CONTROL OF AIR
22 POLLUTION FROM NEW MOTOR VEHICLES: HEAVY-DUTY ENGINE AND
23 VEHICLE STANDARDS AND HIGHWAY DIESEL FUEL SULFUR CONTROL
24 REQUIREMENTS" 40 CFR, 69, 80, AND 86.

25 (XVI) "MEDIUM-DUTY TRUCK" MEANS A TRUCK WITH A GROSS
26 VEHICLE WEIGHT OF SIXTEEN THOUSAND ONE POUNDS OR MORE AND NO
27 MORE THAN TWENTY-SIX THOUSAND POUNDS.

1 (XVII) "MOTOR VEHICLE DEALER" HAS THE SAME MEANING AS SET
2 FORTH IN SECTION 44-20-102 (18).

3 (XVIII) "PLUG-IN HYBRID ELECTRIC TRUCK" MEANS A TRUCK THAT
4 HAS BOTH A RECHARGEABLE BATTERY PACK THAT CAN BE RECHARGED BY
5 BEING PLUGGED INTO AN EXTERNAL SOURCE OF ELECTRICITY AND AN
6 INTERNAL COMBUSTION ENGINE USING TRADITIONAL FUEL AND IS CAPABLE
7 OF BEING POWERED BY THE BATTERY PACK, THE INTERNAL COMBUSTION
8 ENGINE, OR BOTH.

9 (XIX) "PURCHASE" MEANS THE PURCHASE OF AN ORIGINAL
10 EQUIPMENT MANUFACTURER TRUCK THAT IS A BI-FUEL RENEWABLE FUEL
11 TRUCK, ELECTRIC TRUCK, HYBRID TRUCK, LOW NITROGEN OXIDES TRUCK,
12 PLUG-IN HYBRID ELECTRIC TRUCK, OR RENEWABLE FUEL TRUCK.

13 (XX) "RENEWABLE FUEL TRUCK" MEANS A TRUCK THAT IS
14 POWERED BY FUEL THAT IS EITHER:

15 (A) COMPRESSED NATURAL GAS, LIQUEFIED NATURAL GAS, OR
16 LIQUEFIED PETROLEUM GAS FROM A PRODUCTION SOURCE THAT IS ELIGIBLE
17 FOR A RENEWABLE IDENTIFICATION NUMBER PURSUANT TO THE UNITED
18 STATES ENVIRONMENTAL PROTECTION AGENCY'S RENEWAL FUEL
19 STANDARD PROGRAM ESTABLISHED IN 40 CFR 80; OR

20 (B) RECOVERED METHANE, AS DEFINED IN SECTION 25-7.5-102
21 (20).

22 (XXI) "TRADITIONAL FUEL" MEANS A PETROLEUM-BASED MOTOR
23 FUEL COMMONLY USED ON THE HIGHWAYS OF THE STATE IN THE YEAR
24 2008.

25 (XXII) "TRUCK" HAS THE SAME MEANING AS THE TERM IS DEFINED
26 IN SECTION 42-1-102 (108).

27 (c) FOR INCOME TAX YEARS BEGINNING ON OR AFTER JULY 1, 2023,

1 BUT BEFORE JANUARY 1, 2029, THERE IS ALLOWED A CREDIT TO EACH
2 ELIGIBLE TAXPAYER IN THE FOLLOWING AMOUNTS:

3 (I) FOR THE CONVERSION, LEASE, OR PURCHASE OF A TRUCK
4 DURING THE 2023, 2024, AND 2025 TAX YEARS:

5 (A) THREE THOUSAND FIVE HUNDRED DOLLARS FOR THE PURCHASE
6 OF A LIGHT-DUTY TRUCK THAT IS AN ELECTRIC TRUCK, HYBRID TRUCK, OR
7 RENEWABLE FUEL TRUCK;

8 (B) ONE THOUSAND SEVEN HUNDRED FIFTY DOLLARS FOR THE
9 PURCHASE OF A LIGHT-DUTY TRUCK THAT IS A BI-FUEL RENEWABLE FUELS
10 TRUCK, LOW NITROGEN OXIDES TRUCK, OR PLUG-IN HYBRID ELECTRIC
11 TRUCK;

12 (C) FIVE THOUSAND DOLLARS FOR THE PURCHASE OF A
13 MEDIUM-DUTY TRUCK THAT IS AN ELECTRIC TRUCK, HYBRID TRUCK, OR
14 RENEWABLE FUEL TRUCK;

15 (D) TWO THOUSAND FIVE HUNDRED DOLLARS FOR THE PURCHASE
16 OF A MEDIUM-DUTY TRUCK THAT IS A BI-FUEL RENEWABLE FUELS TRUCK,
17 LOW NITROGEN OXIDES TRUCK, OR PLUG-IN HYBRID ELECTRIC TRUCK;

18 (E) TEN THOUSAND DOLLARS FOR THE PURCHASE OF A
19 HEAVY-DUTY TRUCK THAT IS AN ELECTRIC TRUCK, HYBRID TRUCK, OR
20 RENEWABLE FUEL TRUCK; OR

21 (F) FIVE THOUSAND DOLLARS FOR THE PURCHASE OF A
22 HEAVY-DUTY TRUCK THAT IS A BI-FUEL RENEWABLE FUELS TRUCK, LOW
23 NITROGEN OXIDES TRUCK, OR PLUG-IN HYBRID ELECTRIC TRUCK;

24 (II) FOR THE CONVERSION, LEASE, OR PURCHASE OF AN ELIGIBLE
25 TRUCK DURING THE 2026, 2027, 2028, AND 2029 TAX YEARS:

26 (A) ONE THOUSAND FIVE HUNDRED DOLLARS FOR THE PURCHASE
27 OF A LIGHT-DUTY TRUCK THAT IS AN ELECTRIC TRUCK, HYBRID TRUCK, OR

1 RENEWABLE FUEL TRUCK;

2 (B) SEVEN HUNDRED FIFTY DOLLARS FOR THE PURCHASE OF A
3 LIGHT-DUTY TRUCK THAT IS A BI-FUEL RENEWABLE FUELS TRUCK, LOW
4 NITROGEN OXIDES TRUCK, OR PLUG-IN HYBRID ELECTRIC TRUCK;

5 (C) THREE THOUSAND FIVE HUNDRED DOLLARS FOR THE PURCHASE
6 OF A MEDIUM-DUTY TRUCK THAT IS AN ELECTRIC TRUCK, HYBRID TRUCK,
7 OR RENEWABLE FUEL TRUCK;

8 (D) ONE THOUSAND SEVEN HUNDRED FIFTY DOLLARS FOR THE
9 PURCHASE OF A MEDIUM-DUTY TRUCK THAT IS A BI-FUEL RENEWABLE
10 FUELS TRUCK, LOW NITROGEN OXIDES TRUCK, OR PLUG-IN HYBRID
11 ELECTRIC TRUCK;

12 (E) SEVEN THOUSAND FIVE HUNDRED DOLLARS FOR THE PURCHASE
13 OF A HEAVY-DUTY TRUCK THAT IS AN ELECTRIC TRUCK, HYBRID TRUCK, OR
14 RENEWABLE FUEL TRUCK; OR

15 (F) THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS FOR THE
16 PURCHASE OF A HEAVY-DUTY TRUCK THAT IS A BI-FUEL RENEWABLE FUELS
17 TRUCK, LOW NITROGEN OXIDES TRUCK, OR PLUG-IN HYBRID ELECTRIC
18 TRUCK.

19 (d) A TAXPAYER CLAIMING THE CREDIT AUTHORIZED BY THIS
20 SUBSECTION (7) SHALL NOT CLAIM THE CREDIT IN AN AMOUNT THAT
21 EXCEEDS THE DIFFERENCE BETWEEN THE MANUFACTURER'S SUGGESTED
22 RETAIL PRICE FOR THE CLEAN COMMERCIAL TRUCK AND A COMPARABLE
23 TRADITIONAL FUEL TRUCK; EXCEPT THAT, FOR A CONVERSION, THE PRICE
24 OF THE CONVERSION SERVES AS THE AMOUNT THAT THE CREDIT MAY NOT
25 EXCEED.

26 (e) (I) AN ELIGIBLE TAXPAYER MAY ASSIGN THE TAX CREDIT
27 ALLOWED IN THIS SUBSECTION (7) FOR THE PURCHASE OR LEASE OF A

1 CLEAN COMMERCIAL TRUCK COMPLETED ON OR AFTER JULY 1, 2023, TO A
2 FINANCING ENTITY OR MOTOR VEHICLE DEALER AS FOLLOWS:

3 (A) THE ASSIGNMENT TO THE FINANCING ENTITY OR MOTOR
4 VEHICLE DEALER MUST BE COMPLETED AT THE TIME OF PURCHASE OR
5 LEASE BY ENTERING INTO AN ELECTION STATEMENT AS SET FORTH IN
6 SUBSECTION (7)(e)(III) OF THIS SECTION;

7 (B) THE ELIGIBLE TAXPAYER MUST TITLE AND REGISTER THE
8 VEHICLE IN THE STATE OR REGISTER THE VEHICLE UNDER THE
9 INTERNATIONAL REGISTRATION PLAN AND BASE PLATE THE VEHICLE IN THE
10 STATE AS REQUIRED BY STATE LAW;

11 (C) THE ELIGIBLE TAXPAYER MUST ASSIGN THE TAX CREDIT TO THE
12 FINANCING ENTITY OR MOTOR VEHICLE DEALER AND FORFEIT THE RIGHT
13 TO CLAIM THE TAX CREDIT ON THE ELIGIBLE TAXPAYER'S TAX RETURN IN
14 EXCHANGE FOR GOOD AND VALUABLE CONSIDERATION AS DESCRIBED IN
15 SUBSECTION (7)(e)(I)(D) OF THIS SECTION; AND

16 (D) THE FINANCING ENTITY OR MOTOR VEHICLE DEALER SHALL
17 COMPENSATE THE ELIGIBLE TAXPAYER FOR THE FULL NOMINAL VALUE OF
18 THE TAX CREDIT; EXCEPT THAT THE FINANCING ENTITY OR MOTOR VEHICLE
19 DEALER MAY COLLECT AN ADMINISTRATIVE FEE NOT TO EXCEED ONE
20 HUNDRED FIFTY DOLLARS FOR PROCESSING THE ASSIGNMENT. THE
21 COMPENSATION PAID TO THE ELIGIBLE TAXPAYER IS CONSIDERED A
22 REFUND OF STATE TAXES AND IS NOT INCOME.

23 (II) NOTWITHSTANDING SECTION 39-21-108 (3), IF AN ELIGIBLE
24 TAXPAYER ASSIGNS THE TAX CREDIT TO A FINANCING ENTITY OR MOTOR
25 VEHICLE DEALER PURSUANT TO THIS SUBSECTION (7)(e), THE FINANCING
26 ENTITY OR MOTOR VEHICLE DEALER RECEIVES THE FULL AMOUNT OF THE
27 TAX CREDIT THAT THE ELIGIBLE TAXPAYER IS ALLOWED IN THIS

1 SUBSECTION (7). ANY UNPAID BALANCE OR UNPAID DEBT OF THE ELIGIBLE
2 TAXPAYER MAY NOT BE CREDITED FROM THE AMOUNT OF THE TAX CREDIT
3 ALLOWED IN THIS SUBSECTION (7).

4 (III) TO COMPLETE THE TAX CREDIT ASSIGNMENT, THE ELIGIBLE
5 TAXPAYER AND THE FINANCING ENTITY OR MOTOR VEHICLE DEALER SHALL
6 ENTER INTO AN ELECTION STATEMENT THAT:

7 (A) IDENTIFIES THE VEHICLE IDENTIFICATION NUMBER OF THE
8 VEHICLE FOR WHICH A CREDIT IS ALLOWED IN THIS SUBSECTION (7);

9 (B) IDENTIFIES THE MANUFACTURER'S SUGGESTED RETAIL PRICE
10 FOR THE CLEAN COMMERCIAL TRUCK FOR WHICH A CREDIT IS ALLOWED IN
11 THIS SECTION;

12 (C) IDENTIFIES THE MANUFACTURER'S SUGGESTED RETAIL PRICE
13 FOR A TRADITIONAL FUEL TRUCK COMPARABLE TO THE RELEVANT CLEAN
14 COMMERCIAL TRUCK; AND

15 (D) AFFIRMS THAT THE REQUIREMENTS SPECIFIED IN SUBSECTION
16 (7)(e)(I) OF THIS SECTION WERE MET.

17 (IV) THE FINANCING ENTITY OR MOTOR VEHICLE DEALER MAY
18 AUTHORIZE AN AGENT OR A DESIGNEE TO SIGN THE ELECTION STATEMENT
19 ON ITS BEHALF.

20 (V) FOR THE PURCHASE OR LEASE OF A CLEAN COMMERCIAL TRUCK
21 ON OR AFTER JULY 1, 2023, THE FINANCING ENTITY OR MOTOR VEHICLE
22 DEALER SHALL ELECTRONICALLY SUBMIT A REPORT CONTAINING THE
23 INFORMATION CONTAINED IN THE ELECTION STATEMENT DESCRIBED IN
24 SUBSECTION (7)(e)(III) OF THIS SECTION TO THE DEPARTMENT OF REVENUE
25 IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT AND WITHIN
26 THIRTY DAYS OF THE ELIGIBLE TAXPAYER PURCHASING OR LEASING A
27 CLEAN COMMERCIAL TRUCK.

1 (VI) THE FINANCING ENTITY OR MOTOR VEHICLE DEALER SHALL
2 ALSO FILE THE ELECTION STATEMENT DESCRIBED IN SUBSECTION (7)(e)(III)
3 OF THIS SECTION WITH THE ORIGINAL TAX RETURN FOR THE TAXABLE YEAR
4 IN WHICH THE ELIGIBLE TAXPAYER LEASES OR PURCHASES THE CLEAN
5 COMMERCIAL TRUCK.

6 (VII) THE DEPARTMENT OF REVENUE, IN CONSULTATION WITH THE
7 COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101, SHALL
8 DEVELOP A MODEL REPORT AND ELECTION STATEMENT NO LATER THAN
9 DECEMBER 1, 2023.

10 (f) IF A CREDIT AUTHORIZED IN THIS SUBSECTION (7) EXCEEDS THE
11 INCOME TAX DUE ON THE INCOME OF THE TAXPAYER FOR THE TAXABLE
12 YEAR, THE EXCESS CREDIT MAY NOT BE CARRIED FORWARD AND MUST BE
13 REFUNDED TO THE TAXPAYER.

14 (g) (I) NO MORE THAN ONE TAX CREDIT SHALL BE GRANTED
15 PURSUANT TO THIS SUBSECTION (7) FOR ANY INDIVIDUAL CLEAN
16 COMMERCIAL TRUCK.

17 (II) AN ELIGIBLE TAXPAYER THAT CLAIMS A CREDIT ALLOWED IN
18 THIS SUBSECTION (7) SHALL NOT CLAIM ANY OTHER CREDIT OTHERWISE
19 ALLOWED IN THIS SECTION FOR THE SAME CLEAN COMMERCIAL TRUCK.

20 (h) WITH RESPECT TO TAX YEARS COMMENCING ON OR AFTER
21 JANUARY 1, 2023, THE TAXPAYER CLAIMING A CREDIT ALLOWED IN THIS
22 SUBSECTION (7) SHALL PROVIDE THE DEPARTMENT OF REVENUE WITH, AND
23 THE DEPARTMENT SHALL COMMENCE TRACKING OF, THE VEHICLE
24 IDENTIFICATION NUMBER OF THE CLEAN COMMERCIAL TRUCK FOR WHICH
25 A CREDIT IS CLAIMED AS ALLOWED IN THIS SUBSECTION (7).

26 (i) MAKING THE ELIGIBLE TAXPAYER AWARE OF THE INCOME TAX
27 CREDIT ALLOWED IN THIS SUBSECTION (7) OR HELPING THE ELIGIBLE

1 TAXPAYER ASSIGN THE INCOME TAX CREDIT TO A FINANCING ENTITY OR
2 MOTOR VEHICLE DEALER AS ALLOWED IN THIS SUBSECTION (7) DOES NOT
3 RISE TO THE LEVEL OF PROVIDING THE ELIGIBLE TAXPAYER WITH
4 UNAUTHORIZED TAX ADVICE.

5 (j) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE DECEMBER 31,
6 2034.

7 **SECTION 10.** In Colorado Revised Statutes, 42-3-304, **add**
8 (20.5) as follows:

9 **42-3-304. Registration fees - passenger-mile taxes - pilot**
10 **program - report - rules - definitions.** (20.5) (a) BEGINNING JANUARY
11 1, 2024, AND THROUGH DECEMBER 31, 2032, IN ADDITION TO ANY OTHER
12 FEE IMPOSED BY THIS SECTION, THE CLEAN FLEET ENTERPRISE SHALL
13 IMPOSE, AND THE DEPARTMENT SHALL COLLECT, AT THE TIME OF
14 REGISTRATION, A HEAVY-DUTY DIESEL VEHICLE REGISTRATION FEE THAT
15 IS NO MORE THAN THIRTY DOLLARS FOR HEAVY-DUTY DIESEL VEHICLES
16 THAT ARE MODEL YEAR 2010 THROUGH 2014, AND NO MORE THAN FIFTY
17 DOLLARS FOR HEAVY-DUTY DIESEL VEHICLES THAT ARE MODEL YEAR 2009
18 OR OLDER. THIS FEE APPLIES TO BOTH INTRASTATE AND INTERSTATE
19 HEAVY-DUTY DIESEL VEHICLES. FOR INTERSTATE HEAVY-DUTY DIESEL
20 VEHICLES, THE FEE IS PRORATED BASED ON THE FLEET OWNER'S
21 PERCENTAGE OF MILEAGE IN COLORADO.

22 (b) THE DEPARTMENT SHALL TRANSMIT THE HEAVY-DUTY DIESEL
23 VEHICLE REGISTRATION FEE REVENUE IT COLLECTS ON BEHALF OF THE
24 CLEAN FLEET ENTERPRISE PURSUANT TO THIS SUBSECTION (20.5) TO THE
25 STATE TREASURER, WHO SHALL TRANSFER THE FEE REVENUE TO THE
26 CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION GRANT
27 PROGRAM CASH FUND CREATED IN SECTION 25-7.5-103 (5.5).

1 (c) AS USED IN THIS SUBSECTION (20.5), UNLESS THE CONTEXT
2 OTHERWISE REQUIRES:

3 (I) "DIESEL-POWERED MOTOR VEHICLE" MEANS A MOTOR VEHICLE
4 POWERED BY AN INTERNAL COMBUSTION, COMPRESSION IGNITION,
5 DIESEL-FUELED ENGINE. THIS DOES NOT INCLUDE HYBRID DIESEL FUEL
6 TYPES.

7 (II) "HEAVY-DUTY DIESEL VEHICLE" MEANS A DIESEL-POWERED
8 MOTOR VEHICLE WITH A GROSS VEHICLE WEIGHT RATING OF MORE THAN
9 SIXTEEN THOUSAND POUNDS.

10 **SECTION 11.** In Colorado Revised Statutes, **add** 42-4-318 as
11 follows:

12 **42-4-318. Restrictions on types of trucks used in state projects**
13 **- fine - legislative declaration - definition.** (1) THE GENERAL ASSEMBLY
14 HEREBY FINDS AND DECLARES THAT:

15 (a) COLORADO'S STATE GOVERNMENT IS COMMITTED TO
16 IMPROVING COLORADO'S AIR QUALITY AND REDUCING OVERALL EMISSIONS
17 AND GREENHOUSE GASES WITHIN COLORADO;

18 (b) COLORADO'S STATE GOVERNMENT HAS POLICIES AND
19 PROGRAMS TO REDUCE EMISSIONS AND THE GREENHOUSE GAS FOOTPRINT
20 OF STATE AGENCIES;

21 (c) COLORADO'S STATE GOVERNMENT SHOULD BE A LEADER IN
22 PROMOTING AND IMPLEMENTING MEASURES TO IMPROVE AIR QUALITY;

23 (d) ALTHOUGH COLORADO'S STATE GOVERNMENT IS PURSUING
24 ACTIONS TO REDUCE EMISSIONS AND GREENHOUSE GASES IN ITS VEHICLE
25 FLEETS, MANY OLDER HIGH-EMITTING TRUCKS TRAVEL TO AND FROM
26 STATE PROJECT SITES AS CONTRACTORS AND SUBCONTRACTORS; AND

27 (e) THEREFORE, IT IS IN THE BEST INTEREST OF BOTH COLORADO'S

1 STATE GOVERNMENT AND COLORADO'S CITIZENS THAT THE STATE TAKE
2 ACTION AND CREATE POLICIES THAT PRECLUDE HIGH EMITTING DIESEL
3 TRUCKS FROM OPERATING ON STATE AWARDED PROJECTS.

4 (2) STATE AGENCIES SHALL BEGIN TO PHASE OUT OLDER HIGH
5 EMITTING DIESEL TRUCKS FROM OPERATING ON STATE AWARDED PROJECTS
6 IN A NONATTAINMENT AREA OF THE STATE, AS DESIGNATED BY THE
7 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY PURSUANT TO
8 SECTION 24-38.5-116 (2)(h), ON THE FOLLOWING SCHEDULE:

9 (a) ON AND AFTER JANUARY 1, 2025, DIESEL TRUCKS WITH A
10 GROSS VEHICLE WEIGHT OF SIXTEEN THOUSAND ONE POUNDS OR GREATER
11 THAT ARE OLDER THAN MODEL YEAR 2002 SHALL NOT BE PERMITTED ON
12 ANY STATE PROJECT SITE IN A NONATTAINMENT AREA OF THE STATE, AS
13 DESIGNATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION
14 AGENCY PURSUANT TO SECTION 24-38.5-116 (2)(h);

15 (b) ON AND AFTER JANUARY 1, 2027, DIESEL TRUCKS WITH A
16 GROSS VEHICLE WEIGHT OF SIXTEEN THOUSAND ONE POUNDS OR GREATER
17 THAT ARE OLDER THAN MODEL YEAR 2007 SHALL NOT BE PERMITTED ON
18 ANY STATE PROJECT SITE IN A NONATTAINMENT AREA OF THE STATE, AS
19 DESIGNATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION
20 AGENCY PURSUANT TO SECTION 24-38.5-116 (2)(h); AND

21 (c) ON AND AFTER JANUARY 1, 2029, DIESEL TRUCKS WITH A
22 GROSS VEHICLE WEIGHT OF SIXTEEN THOUSAND ONE POUND OR GREATER
23 THAT ARE OLDER THAN MODEL YEAR 2010 SHALL NOT BE PERMITTED ON
24 ANY STATE PROJECT SITE IN A NONATTAINMENT AREA OF THE STATE, AS
25 DESIGNATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION
26 AGENCY PURSUANT TO SECTION 24-38.5-116 (2)(h).

27 (3) ON AND AFTER JANUARY 1, 2024, ALL STATE PROJECT BID

1 REQUESTS AND PROJECT AWARDS MUST INCLUDE LANGUAGE SPECIFYING
2 THE MODEL YEAR OF DIESEL TRUCKS PERMITTED TO OPERATE ON THE
3 STATE PROJECT SITE. THE DEPARTMENT OF TRANSPORTATION SHALL BOTH
4 DEVELOP A PROCEDURE FOR ENSURING COMPLIANCE WITH THIS SECTION
5 AND OUTLINE PENALTIES FOR FAILING TO COMPLY WITH THIS SECTION.

6 (4) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
7 CONTRARY, THIS SECTION SHALL NOT APPLY TO DIESEL TRUCKS USED BY
8 THE DEPARTMENT OF TRANSPORTATION, OTHER STATE AGENCIES, OR
9 LOCAL GOVERNMENTS TO PERFORM ROUTINE MAINTENANCE ON OR
10 INCIDENTAL TRAVEL TO STATE PROJECTS.

11 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
12 REQUIRES, "DIESEL TRUCK" MEANS A TRUCK POWERED BY AN INTERNAL,
13 COMBUSTION, COMPRESSION IGNITION, DIESEL-FUELED ENGINE. THIS DOES
14 NOT INCLUDE HYBRID DIESEL FUEL TYPES.

15 **SECTION 12.** In Colorado Revised Statutes, 42-20-301, **amend**
16 (3) as follows:

17 **42-20-301. Route designation.** (3) (a) Notwithstanding any other
18 provision of this part 3 or part 1 or 2 of this ~~article~~ ARTICLE 20 to the
19 contrary, the transportation commission may regulate hours of operation
20 of the Eisenhower-Johnson tunnels, structure numbers F13Y and F13X,
21 respectively, on interstate 70.

22 (b) THE PATROL MAY CONFORM HAZARDOUS MATERIALS ROUTING
23 REGULATIONS MADE PURSUANT TO THIS SECTION TO TRANSPORTATION
24 COMMISSION REGULATIONS MADE PURSUANT TO SUBSECTION (3)(a) OF
25 THIS SECTION.

26 **SECTION 13.** In Colorado Revised Statutes, **add** part 15 to
27 article 4 of title 43 as follows:

1 PART 15

2 FUELS IMPACT ENTERPRISE

3 **43-4-1501. Legislative declaration.** (1) (a) (I) THE GENERAL
4 ASSEMBLY FINDS AND DECLARES THAT:

5 (A) CERTAIN COMMUNITIES IN THE STATE SERVE AS THE
6 DISTRIBUTION POINTS FOR ALMOST ALL OF THE FUEL TRANSPORTED IN THE
7 STATE;

8 (B) LICENSED FUEL DISTRIBUTORS RELY ON THE HAZARDOUS
9 MITIGATION CORRIDOR INFRASTRUCTURE IN THESE COMMUNITIES TO
10 SUPPORT THE ECONOMIC FUNCTIONS OF THE STATE; AND

11 (C) INCREASING REQUIREMENTS ON FUEL COMPOSITION AND
12 BLENDS WILL CAUSE THE INFRASTRUCTURE IN THESE COMMUNITIES TO BE
13 RELIED UPON EVEN MORE.

14 (II) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS
15 APPROPRIATE TO ESTABLISH THE FUELS IMPACT REDUCTION GRANT
16 PROGRAM TO PROVIDE GRANTS TO THOSE COMMUNITIES FOR THE
17 IMPROVEMENT OF THEIR HAZARDOUS MITIGATION CORRIDOR
18 INFRASTRUCTURE AND FOR PROJECTS RELATED TO THE TRANSPORTATION
19 OF FUEL WITHIN THE STATE.

20 (b) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS
21 REASONABLE TO ESTABLISH THE FUELS IMPACT ENTERPRISE TO ASSIST IN
22 THE ADMINISTRATION OF THE PROGRAMS DESCRIBED IN THIS SUBSECTION
23 (1) AND TO COLLECT THE FEES NECESSARY TO IMPLEMENT THESE
24 PROGRAMS.

25 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

26 (a) THE FUELS IMPACT ENTERPRISE PROVIDES IMPACT REDUCTION
27 SERVICES WHEN, IN EXCHANGE FOR THE PAYMENT OF THE FUELS IMPACT

1 REDUCTION FEE BY LICENSED FUEL EXCISE TAX DISTRIBUTORS AND
2 LICENSED FUEL DISTRIBUTORS, IT ACTS AS AUTHORIZED BY THIS SECTION
3 TO PROVIDE ASSISTANCE IN IMPROVING HAZARDOUS MITIGATION
4 CORRIDORS AND PROJECTS RELATED TO THE TRANSPORTATION OF FUEL
5 WITHIN THE STATE;

6 (b) BY PROVIDING IMPACT REDUCTION SERVICES AS AUTHORIZED
7 BY THIS SECTION, THE FUELS IMPACT ENTERPRISE PROVIDES A BENEFIT TO
8 FEE PAYERS BY IMPROVING THE TRANSPORTATION OF FUEL IN THE STATE,
9 AND MONITORING VEHICLE EMISSIONS, AND, THEREFORE OPERATES AS A
10 BUSINESS IN ACCORDANCE WITH THE DETERMINATION OF THE COLORADO
11 SUPREME COURT IN *COLORADO UNION OF TAXPAYERS FOUNDATION V. CITY*
12 *OF ASPEN*, 2018 CO 36;

13 (c) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
14 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
15 P.2D 859 (COLO. 1995), THE POWER TO IMPOSE TAXES IS INCONSISTENT
16 WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE X OF THE STATE
17 CONSTITUTION, AND, THEREFORE, IT IS THE CONCLUSION OF THE GENERAL
18 ASSEMBLY THAT THE REVENUE COLLECTED BY THE FUELS IMPACT
19 ENTERPRISE IS GENERATED BY FEES, NOT TAXES, BECAUSE THE FUELS
20 IMPACT REDUCTION FEE IMPOSED BY THE ENTERPRISE IS:

21 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
22 ENTERPRISE TO DEFRAID THE COSTS OF PROVIDING THE SERVICES SPECIFIED
23 IN THIS SECTION; AND

24 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED
25 BASED ON THE COSTS OF THE SERVICES PROVIDED BY THE ENTERPRISE;
26 AND

27 (d) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR

1 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
2 REVENUE FROM THE FUELS IMPACT REDUCTION FEE IS NOT STATE FISCAL
3 YEAR SPENDING, AS DEFINED IN SECTION 24-77-102 (17), OR STATE
4 REVENUES, AS DEFINED IN SECTION 24-77-103.6 (6)(c), AND DOES NOT
5 COUNT AGAINST EITHER THE STATE FISCAL YEAR SPENDING LIMIT IMPOSED
6 BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR THE EXCESS
7 STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(G).

8 **43-4-1502. Definitions.** AS USED IN THIS PART 15, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "ENTERPRISE" MEANS THE FUELS IMPACT ENTERPRISE CREATED
11 IN SECTION 43-4-1503.

12 (2) "FUEL PRODUCT" MEANS GASOLINE, BLENDED GASOLINE,
13 GASOLINE SOLD FOR GASOHOL PRODUCTION, GASOHOL, DIESEL, BIODIESEL
14 BLENDS, NATURAL GAS, AND SPECIAL FUELS, AND SPECIAL FUEL MIXES
15 WITH ALCOHOL.

16 (3) "FUELS IMPACT REDUCTION FEE" MEANS THE FEE IMPOSED BY
17 THE ENTERPRISE PURSUANT TO SECTION 43-4-1505 (1).

18 (4) "FUND" MEANS THE FUELS IMPACT ENTERPRISE FUND CREATED
19 IN SECTION 43-4-1504.

20 (5) "GRANT PROGRAM" MEANS THE FUELS IMPACT REDUCTION
21 GRANT PROGRAM CREATED IN SECTION 43-4-1506.

22 **43-4-1503. Fuels impact enterprise - creation - powers and**
23 **duties.** (1) (a) THE FUELS IMPACT ENTERPRISE IS CREATED IN THE
24 DEPARTMENT. THE ENTERPRISE IS AND OPERATES AS A
25 GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT IN ORDER TO
26 EXECUTE ITS BUSINESS PURPOSES AS SPECIFIED IN SUBSECTION (2) OF THIS
27 SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES AND

1 FUNCTIONS SET FORTH IN THIS SECTION.

2 (b) THE ENTERPRISE IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
3 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND
4 FUNCTIONS UNDER THE DEPARTMENT. THE GOVERNING BOARD OF THE
5 ENTERPRISE IS MADE UP OF THE TRANSPORTATION COMMISSION CREATED
6 IN SECTION 43-1-106 (1).

7 (2) THE BUSINESS PURPOSES OF THE ENTERPRISE ARE TO IMPROVE
8 THE TRANSPORTATION OF FUEL IN THE STATE AND MONITOR VEHICLE
9 EMISSIONS. TO ALLOW THE ENTERPRISE TO ACCOMPLISH THESE BUSINESS
10 PURPOSES AND FULLY EXERCISE ITS POWERS AND DUTIES, THE ENTERPRISE
11 MAY:

12 (a) IMPOSE A FUELS IMPACT REDUCTION FEE AS AUTHORIZED BY
13 SECTION 43-4-1505 (1);

14 (b) ISSUE GRANTS AS AUTHORIZED BY THE FUELS IMPACT
15 REDUCTION GRANT PROGRAM CREATED IN SECTION 43-4-1506; AND

16 (c) ISSUE REVENUE BONDS PAYABLE FROM FUELS IMPACT
17 REDUCTION FEE REVENUE AND OTHER AVAILABLE MONEY OF THE
18 ENTERPRISE.

19 (3) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
20 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT
21 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
22 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS FROM ALL
23 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT
24 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (3), THE
25 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE
26 CONSTITUTION.

27 (4) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN

1 THIS SECTION, THE ENTERPRISE HAS THE FOLLOWING GENERAL POWERS
2 AND DUTIES:

3 (a) TO PROVIDE SERVICES AS SET FORTH IN SECTION 43-4-1506;
4 AND

5 (b) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
6 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
7 GRANTED BY THIS SECTION.

8 **43-4-1504. Fuels impact enterprise cash fund - definition.**

9 (1) (a) (I) THE FUELS IMPACT ENTERPRISE CASH FUND IS CREATED IN THE
10 STATE TREASURY. THE FUND CONSISTS OF FUELS IMPACT REDUCTION FEE
11 REVENUE CREDITED TO THE FUND PURSUANT TO SECTION 43-4-1505 (1),
12 ANY MONEY THAT THE GENERAL ASSEMBLY MAY TRANSFER OR
13 APPROPRIATE TO THE FUND FOR THE IMPLEMENTATION OF THE GRANT
14 PROGRAM, AND ANY FEDERAL MONEY OR GIFTS, GRANTS, OR DONATIONS
15 RECEIVED. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
16 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
17 FUND TO THE FUND.

18 (II) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
19 ENTERPRISE FOR THE DIRECT AND INDIRECT COSTS OF IMPLEMENTING THE
20 GRANT PROGRAM.

21 (III) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
22 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
23 FUND TO THE FUND.

24 (b) (I) NOTWITHSTANDING SECTION 8-20-206.5 (8)(b), IF THE
25 AVAILABLE FUND BALANCE IN THE FUND IS GREATER THAN FIFTEEN
26 MILLION DOLLARS, THE ENTERPRISE SHALL NOT IMPOSE, AND THE
27 DEPARTMENT OF REVENUE SHALL NOT COLLECT, THE FUELS IMPACT

1 REDUCTION FEE DESCRIBED IN SECTION 8-20-206.5 (8), BUT IF THE
2 AVAILABLE BALANCE IN THE FUND IS LESS THAN FIFTEEN MILLION
3 DOLLARS WITHIN A FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE, AND THE
4 DEPARTMENT OF REVENUE SHALL COLLECT, THE FUELS IMPACT REDUCTION
5 FEE IN ACCORDANCE WITH SECTION 8-20-206.5 (8)(b).

6 (II) FOR THE PURPOSES OF THIS SUBSECTION (1)(b), "AVAILABLE
7 FUND BALANCE" MEANS THE SUM OF THE CURRENT YEAR REVENUES AND
8 THE PREVIOUS FUND BALANCE MINUS THE SUM OF THE OBLIGATIONS
9 APPROVED BY THE ENTERPRISE AND THE COSTS INCURRED BY THE
10 DEPARTMENT OF REVENUE IN COLLECTING THE FUELS IMPACT REDUCTION
11 FEE REVENUE.

12 (c) FOR PURPOSES OF THIS PART 15, THE ENTERPRISE MAY SEEK,
13 ACCEPT, AND EXPEND MONEY FROM FEDERAL SOURCES.

14 (2) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY LEGALLY
15 AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING
16 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE
17 REVENUE OR REVENUE BOND PROCEEDS. THE ENTERPRISE MAY ACCEPT
18 AND EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY
19 STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE
20 THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY
21 CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE DEPARTMENT TO THE
22 ENTERPRISE THAT IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR
23 PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE
24 CONSTITUTION, OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY
25 TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED TO THE
26 FUND. LOAN LIABILITIES THAT ARE RECORDED IN THE FUELS IMPACT FUND
27 BUT THAT ARE NOT REQUIRED TO BE PAID IN THE CURRENT FISCAL YEAR

1 SHALL NOT BE CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY
2 FUND BALANCE FOR PURPOSES OF SECTION 24-75-109. AS THE ENTERPRISE
3 RECEIVES SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE ENTERPRISE
4 SHALL REIMBURSE THE DEPARTMENT FOR THE PRINCIPAL AMOUNT OF ANY
5 LOAN MADE BY THE DEPARTMENT PLUS INTEREST AT A RATE SET BY THE
6 DEPARTMENT.

7 **43-4-1505. Fuels impact reduction fee.** (1) (a) IN FURTHERANCE
8 OF ITS BUSINESS PURPOSE, BEGINNING SEPTEMBER 1, 2023, THE
9 ENTERPRISE SHALL IMPOSE A FUELS IMPACT REDUCTION FEE PER GALLON
10 TO BE PAID BY A LICENSED FUEL EXCISE TAX DISTRIBUTOR WITHIN
11 COLORADO AND A LICENSED FUEL DISTRIBUTOR WHO SHIPS PRODUCTS
12 FROM OUTSIDE OF COLORADO TO A POINT WITHIN COLORADO. FOR THE
13 PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR DISTRIBUTORS AND
14 ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE
15 SHALL COLLECT THE FUELS IMPACT REDUCTION FEE ON BEHALF OF THE
16 ENTERPRISE, AND A FUEL DISTRIBUTOR SHALL PAY THE FEE TO THE
17 DEPARTMENT OF REVENUE AS REQUIRED BY SECTION 8-20-206.5 (8)(a).

18 (b) FOR A LICENSED FUEL EXCISE TAX DISTRIBUTOR WITHIN
19 COLORADO AND A LICENSED FUEL DISTRIBUTOR WHO SHIPS PRODUCTS
20 FROM OUTSIDE OF COLORADO TO A POINT WITHIN COLORADO, BEGINNING
21 SEPTEMBER 1, 2023, THE ENTERPRISE SHALL IMPOSE THE FUELS IMPACT
22 REDUCTION FEE IN A REASONABLE AMOUNT THAT IS NO MORE THAN SIX
23 THOUSAND ONE HUNDRED TWENTY-FIVE MILLIONTHS OF A DOLLAR PER
24 GALLON OF FUEL PRODUCTS DELIVERED FOR SALE OR USE IN COLORADO.

25 (c) AS REQUIRED BY SECTION 8-20-206.5 (8)(c), THE EXECUTIVE
26 DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL TRANSMIT ANY FUELS
27 IMPACT REDUCTION FEE REVENUE IT COLLECTS TO THE STATE TREASURER

1 WHO SHALL CREDIT THE REVENUE, MINUS THE COSTS TO THE DEPARTMENT
2 OF REVENUE FOR COLLECTING THE FEE, TO THE FUND.

3 **43-4-1506. Fuels impact reduction grant program.** (1) THERE
4 IS HEREBY CREATED THE FUELS IMPACT REDUCTION GRANT PROGRAM TO
5 PROVIDE GRANTS TO CERTAIN CRITICALLY IMPACTED COMMUNITIES,
6 GOVERNMENTS, AND TRANSPORTATION CORRIDORS FOR THE
7 IMPROVEMENT OF HAZARDOUS MITIGATION CORRIDORS AND TO SUPPORT
8 LOCAL AND STATE GOVERNMENT PROJECTS RELATED TO EMERGENCY
9 RESPONSES, ENVIRONMENTAL MITIGATION, OR PROJECTS RELATED TO THE
10 TRANSPORTATION OF FUEL WITHIN THE STATE.

11 (2) (a) AS PART OF THE FUELS IMPACT REDUCTION GRANT
12 PROGRAM, THE ENTERPRISE SHALL ANNUALLY DISTRIBUTE TEN MILLION
13 DOLLARS FROM THE FUND TO THE FOLLOWING POLITICAL SUBDIVISIONS
14 FOR THE IMPROVEMENT OF HAZARDOUS MITIGATION CORRIDORS IN THE
15 STATE PRIORITIZING USES RELATED TO SAFETY AND ENVIRONMENTAL
16 IMPACTS:

17 (I) SIX MILLION FOUR HUNDRED THOUSAND DOLLARS TO ADAMS
18 COUNTY;

19 (II) TWO MILLION DOLLARS TO THE CITY OF AURORA;

20 (III) ONE MILLION THREE HUNDRED THOUSAND DOLLARS TO EL
21 PASO COUNTY;

22 (IV) TWO HUNDRED FORTY THOUSAND DOLLARS TO MESA
23 COUNTY; AND

24 (V) SIXTY THOUSAND DOLLARS TO OTERO COUNTY.

25 (b) IF THE ENTERPRISE IS UNABLE TO DISTRIBUTE TEN MILLION
26 DOLLARS PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, THE
27 ENTERPRISE SHALL DISTRIBUTE THE DOLLARS IT CAN DISTRIBUTE IN THE

1 SAME PROPORTION AS DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION.

2 (c) IF A POLITICAL SUBDIVISION IS UNABLE TO ACCEPT THE ANNUAL
3 DISTRIBUTION MADE PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION,
4 THE ENTERPRISE SHALL DISTRIBUTE THE UNACCEPTED AMOUNTS TO THE
5 OTHER POLITICAL SUBDIVISIONS ON A PROPORTIONATE BASIS.

6 (3) THE ENTERPRISE SHALL ANNUALLY DISTRIBUTE UP TO FIVE
7 MILLION DOLLARS FROM THE FUND, AFTER MAKING THE TRANSFERS
8 REQUIRED BY SUBSECTION (2) OF THIS SECTION AND AFTER PROVIDING FOR
9 THE ADMINISTRATIVE EXPENSES OF THE ENTERPRISE, TO KEY COMMERCIAL
10 FREIGHT CORRIDORS, TO SUPPORT STATE GOVERNMENT PROJECTS RELATED
11 TO EMERGENCY RESPONSES, ENVIRONMENTAL MITIGATION, OR TO SUPPORT
12 PROJECTS RELATED TO THE TRANSPORTATION OF FUEL WITHIN THE STATE
13 ON ROUTES NECESSARY FOR THE TRANSPORTATION OF HAZARDOUS
14 MATERIALS.

15 **43-4-1507. Repeal of part.** THIS PART IS REPEALED, EFFECTIVE
16 JANUARY 1, 2030.

17 **SECTION 14. Appropriation.** (1) For the 2023-24 state fiscal
18 year, \$576,346 is appropriated to the department of revenue. This
19 appropriation is from General Fund. To implement this act, the
20 department may use this appropriation as follows:

21 (a) \$166,239 for personal services related to taxation services,
22 which amount is based on an assumption that the division will require an
23 additional 2.5 FTE;

24 (b) \$22,845 for operating expenses related to taxation services;

25 (c) \$333,303 for tax administration IT system (GenTax) support;

26 (d) \$29,912 for DRIVES maintenance and support; and

27 (e) \$24,047 for the purchase of document management services.

1 (2) For the 2023-24 state fiscal year, \$24,047 is appropriated to
2 the department of personnel. This appropriation is from reappropriated
3 funds received from the department of revenue under subsection (1)(e) of
4 this section. To implement this act, the department of personnel may use
5 this appropriation to provide document management services for the
6 department of revenue.

7 (3) For the 2023-24 state fiscal year, \$224,592 is appropriated to
8 the department of law. This appropriation is from the legal services cash
9 fund created in section 24-31-108 (4), C.R.S., from revenue received
10 from the department of public health and environment that is
11 continuously appropriated to the department from the clean fleet
12 enterprise diesel truck emissions reduction grant program cash fund
13 created in section 25-7.5-103 (5)(a), C.R.S. The appropriation to the
14 department of law is based on an assumption that the department of law
15 will require an additional 1.0 FTE. To implement this act, the department
16 of law may use this appropriation to provide legal services for the
17 department of public health and environment.

18 **SECTION 15. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly; except
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V
22 of the state constitution against this act or an item, section, or part of this
23 act within such period, then the act, item, section, or part will not take
24 effect unless approved by the people at the general election to be held in
25 November 2024 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.