

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0336.01 Kip Kolkmeier x4510

SENATE BILL 18-033

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SENATE SPONSORSHIP

Sonnenberg,

HOUSE SPONSORSHIP

Arndt and Becker J.,

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Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE ANIMAL FEEDING  
102 OPERATION PERMIT PROGRAM UNDER THE DEPARTMENT OF  
103 PUBLIC HEALTH AND ENVIRONMENT.

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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 replaces the July 1, 2018, repeal date for the department of public health and environment's animal feeding operation permit program with a repeal date of July 1, 2025. The bill also extends the fees associated with the program at their current levels.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers 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.** In Colorado Revised Statutes, 25-8-502, **amend**  
3 (1.1)(a) as follows:

4           **25-8-502. Application - definitions - fees - funds created -**  
5 **public participation - repeal.** (1.1) For each regulated activity listed in  
6 this subsection (1.1), the division may assess an annual permit fee and a  
7 nonrefundable permit application fee for new permits that must equal fifty  
8 percent of the annual permit fee. The full amount of the application fee  
9 is credited toward the annual permit fee. All such fees must be in  
10 accordance with the following schedules:

11           (a) The animal agriculture sector includes annual fee schedules for  
12 regulated activities associated with animal feeding operations as follows:

13           (I) General permit: The division shall assess a CAFO an annual  
14 permit fee not to exceed two hundred fifty dollars plus four cents per  
15 animal unit, based on the CAFO's permitted capacity; except that, from  
16 July 1, 2009, through June 30, ~~2018~~ 2025, the division shall assess a  
17 CAFO an annual permit fee not to exceed seven hundred fifty dollars plus  
18 nine cents per animal unit, based on the CAFO's permitted capacity.

19           (II) Individual permit: The division shall assess a CAFO an annual  
20 permit fee not to exceed five hundred dollars plus eight cents per animal  
21 unit, based on the CAFO's permitted capacity; except that, from July 1,  
22 2009, through June 30, ~~2018~~ 2025, the division shall assess a CAFO an  
23 annual permit fee not to exceed one thousand five hundred dollars plus  
24 nine cents per animal unit, based on the CAFO's permitted capacity.

25           (III) (A) Effective July 1, 2009, through June 30, ~~2018~~ 2025, the  
26 division shall assess an unpermitted CAFO an annual administrative fee,

1 not to exceed six cents per animal unit based upon the CAFO's registered  
2 capacity, to cover the direct and indirect costs associated with the  
3 environmental agriculture program, including inspections, compliance  
4 assurance, compliance assistance, and associated regulatory interpretation  
5 and review.

6 (B) This ~~subparagraph (H)~~ SUBSECTION (1.1)(a)(III) is repealed,  
7 effective July 1, ~~2018~~ 2025.

8 (IV) (A) Except as otherwise provided in this ~~subparagraph (IV)~~  
9 SUBSECTION (1.1)(a)(IV), the division shall assess on each housed  
10 commercial swine feeding operation an annual permit fee, not to exceed  
11 twenty cents per animal, based on the operation's working capacity, to  
12 offset the direct and indirect costs of the program created in section  
13 25-8-501.1.

14 (B) From July 1, 2009, through June 30, ~~2018~~ 2025, the division  
15 shall assess on each housed commercial swine feeding operation an  
16 annual permit fee, ~~that shall~~ not TO exceed twenty-six cents per animal,  
17 based on the operation's working capacity, to offset the direct and indirect  
18 costs of the program created in section 25-8-501.1. This  
19 ~~sub-subparagraph (B)~~ SUBSECTION (1.1)(a)(IV)(B) is repealed, effective  
20 July 1, ~~2018~~ 2025.

21 (C) As used in this ~~subparagraph (IV)~~ SUBSECTION (1.1)(a)(IV),  
22 "working capacity" means the number of swine the housed commercial  
23 swine feeding operation is capable of housing at any one time.

24 **SECTION 2. Safety clause.** The general assembly hereby finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, and safety.