

## SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Hansen

1 Amend the Agriculture and Natural Resources Committee Report, dated  
2 April 13, 2023, page 6, strike lines 6 through 38.

3 Page 7, strike lines 1 to 6 and substitute:

4 **""SECTION 7. In Colorado Revised Statutes, 39-27-102.5, add**  
5 **(11) as follows:**

6 **39-27-102.5. Exemptions on tax imposed - ex-tax purchases -**  
7 **definitions - repeal.** (11) (a) AS USED IN THIS SUBSECTION (11), UNLESS  
8 THE CONTEXT OTHERWISE REQUIRES:

9 (I) "BIODIESEL" MEANS A FUEL COMPRISED OF MONO-ALKYL  
10 ESTERS OF LONG-CHAIN FATTY ACIDS GENERALLY DERIVED FROM  
11 VEGETABLE OILS OR ANIMAL FATS, DESIGNATED AS B100, AND MEETS THE  
12 REQUIREMENTS OF ASTM D6751, WHICH IS THE "STANDARD  
13 SPECIFICATION FOR BIODIESEL FUEL BLEND STOCK (B100) FOR MIDDLE  
14 DISTILLATE FUELS".

15 (II) "RENEWABLE DIESEL" MEANS A HYDROCARBON DIESEL  
16 VEHICLE FUEL PRODUCED FROM NONPETROLEUM RENEWABLE RESOURCES  
17 SUCH AS VEGETABLE OILS, INCLUDING SOY, CORN, AND CANOLA, ANIMAL  
18 OR POULTRY FAT, USED COOKING OIL, MUNICIPAL SOLID WASTE, AND  
19 WASTEWATER SLUDGE AND OILS. "RENEWABLE DIESEL" MEETS OR  
20 EXCEEDS ALL MINIMUM STANDARDS SET FORTH IN ASTM D975, WHICH IS  
21 THE "STANDARD SPECIFICATION FOR DIESEL FUEL". "RENEWABLE DIESEL"  
22 IS NOT BIODIESEL.

23 (b) (I) ON AND AFTER JANUARY 1, 2024, THROUGH DECEMBER 31,  
24 2029, BIODIESEL AND RENEWABLE DIESEL BLENDS IN AMOUNTS OF FIVE  
25 PERCENT (B5) BIODIESEL OR RENEWABLE DIESEL OR GREATER ARE EXEMPT  
26 FROM THE EXCISE TAX IMPOSED PURSUANT TO THIS PART 1. IN THE CASE  
27 OF A BLENDED SPECIAL FUEL THAT CONTAINS BIODIESEL OR RENEWABLE  
28 DIESEL, THE TAX IMPOSED UNDER SECTION 39-27-102 (1)(a)(II)(B) IS  
29 REDUCED BY THE PROPORTION THAT THE GALLONS OF BIODIESEL OR  
30 RENEWABLE DIESEL BEAR TO THE TOTAL GALLONS OF BLENDED SPECIAL  
31 FUEL."

32 Page 7, line 7, strike "(b)" and substitute "(II)".

33 Page 7, strike line 10 and substitute "(11)(b)".

34 Page 7, line 11, strike "(3) (a)" and substitute "(c) (I)".

35 Page 7, strike lines 16 and 17 and substitute:

1           "(II) A SALES INVOICE MUST:  
2           (A) IDENTIFY A BIODIESEL, RENEWABLE DIESEL, BIODIESEL  
3 BLEND,".

4 Page 7, strike lines 23 through 31 and substitute:

5           "(B) LIST THE VOLUME IN GALLONS, ROUNDED TO THE NEAREST  
6 WHOLE GALLON, OR THE PERCENTAGE, ROUNDED TO THE NEAREST WHOLE  
7 PERCENTAGE, OF THE BIODIESEL OR RENEWABLE DIESEL OR TAXABLE  
8 PETROLEUM-BASED DIESEL FUEL CONTAINED IN THE BLENDED SPECIAL  
9 FUEL PRODUCT.

10          (C) INCLUDE THE AMOUNT OF TAX PER GALLON THAT APPLIES TO  
11 THE BIODIESEL BLEND OR RENEWABLE DIESEL BLEND.

12          (d) (I) A BLENDER MUST PROVIDE TO A PURCHASER OF BIODIESEL,"

13 Page 7, line 35, strike "(3)(b)" and substitute "(11)(c)(II)".

14 Page 7, strike lines 37 through 42 and substitute:

15          "(A) THE NAME OF THE SELLER;

16          (B) THE NAME OF THE PURCHASER; AND

17          (C) THE DATE OF TRANSFER OF THE BLENDED SPECIAL FUEL  
18 PRODUCT.

19          (II) ANY PERSON CLAIMING THE TAX EXEMPTION PURSUANT TO  
20 SUBSECTION (11)(b) OF THIS SECTION MUST MAINTAINS THE  
21 CERTIFICATION".

22 Page 8, strike line 2 and substitute:

23          "FOUR YEARS.

24          (e) ON OR BEFORE SEPTEMBER 15, 2024, AND ON OR BEFORE  
25 SEPTEMBER 15 FOR EACH YEAR THEREAFTER THROUGH 2029, THE  
26 DEPARTMENT SHALL REPORT TO THE STATE TREASURER ON THE AMOUNT  
27 OF SPECIAL FUEL TAX REVENUE LOST DUE TO THE TAX EXEMPTION SET  
28 FORTH IN THIS SUBSECTION (11) IN THE PREVIOUS STATE FISCAL YEAR.

29          (f) THIS SUBSECTION (11) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
30 2030.

31          **SECTION 8.** In Colorado Revised Statutes, 24-75-219, **add** (7)(i)  
32 as follows:

33          **24-75-219. Transfers - transportation - capital construction -**  
34 **definitions - repeal.** (7) In addition to any other transfers required by  
35 this section:

1           (i) (I) ON OCTOBER 1, 2024, AND ON OCTOBER 1 OF EACH YEAR  
2 THEREAFTER THROUGH 2029, THE STATE TREASURER SHALL TRANSFER  
3 FROM THE GENERAL FUND TO THE HIGHWAY USERS TAX FUND, CREATED IN  
4 SECTION 43-4-201, THE AMOUNT OF MONEY THAT THE DEPARTMENT OF  
5 REVENUE REPORTS TO THE STATE TREASURER PURSUANT TO SECTION  
6 39-27-102.5 (11)(e).

7           (II) THIS SUBSECTION (7)(i) IS REPEALED, EFFECTIVE SEPTEMBER  
8 1, 2030.

9           **SECTION 9.** In Colorado Revised Statutes, 43-4-205, **amend**  
10 (6.7) as follows:

11           **43-4-205. Allocation of fund.** (6.7) Money transferred from the  
12 general fund to the highway users tax fund pursuant to section 24-75-219  
13 (5)(b.5) AND (7)(i) must be allocated and expended in accordance with the  
14 formula specified in subsection (6)(b) of this section."

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