

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0192.01 Thomas Morris

HOUSE BILL 10-1018

HOUSE SPONSORSHIP

Looper and Primavera, Frangas, McFadyen, Solano

SENATE SPONSORSHIP

Gibbs, Romer, Williams

House Committees

Transportation & Energy
Appropriations

Senate Committees

Transportation
Finance

A BILL FOR AN ACT

101 **CONCERNING INCREASED AUTHORITY TO REGULATE WASTE TIRES, AND**
102 **MAKING AN APPROPRIATION THEREFOR.**

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>.)

Transportation Legislation Review Committee. Current law gives several departments authority over fees collected upon the sale of new motor vehicle tires to deal with waste tires. The bill consolidates all such authority in the department of public health and environment (department) and adds requirements for fire prevention planning,

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.*

HOUSE
3rd Reading Unamended
March 23, 2010

HOUSE
Amended 2nd Reading
March 22, 2010

registration, decals, and manifests for certain waste tire haulers and waste tire facilities.

Section 1 of the bill ends the transfer of waste tire fees to the innovative higher education research authority program effective July 1, 2014. **Section 2** repeals the department of local affairs' administration of the waste tire cleanup fund. **Sections 3 and 4** repeal the advanced technology fund and, effective July 1, 2011, end the transfer of waste tire fees to the recycling resources economic opportunity grant program.

Section 5 repeals and reenacts, with amendments, the law that imposes the \$1.50 waste tire fee, repeals the 3.33% vendors' fee, and allocates the fee as follows:

- ! Until July 1, 2014, 30.33% to the processors and end users fund and 6.67% to the innovative higher education research fund; after July 1, 2014, 37% to the processors and end users fund;
- ! 39.66% to the waste tire cleanup fund;
- ! 6.67% to the waste tire fire prevention fund until July 1, 2011, after which the allocation is increased to 8%;
- ! 16.67% to the recycling resources economic opportunity fund until July 1, 2011;
- ! After July 1, 2011, 6.67% to the waste tire market development fund; and
- ! After July 1, 2011, 8.67% to the law enforcement grant fund.

Section 6 updates the law regarding the processors and end users fund. **Section 7** recreates the waste tire cleanup fund, creates the waste tire fire prevention fund, and creates the waste tire market development fund. Sections 6 and 7 also increase the maximum reimbursements to processors and end users from \$50 to \$65 per ton of waste tires.

Sections 8 and 9 update the law regarding waste tire haulers to require decals on hauling vehicles and the completion and retention of manifests. Section 9 also prohibits a person from hauling more than a quantity of waste tires in excess of a limit established by rule by the solid and hazardous waste commission (commission) unless the person is registered.

Section 10 creates several new sections of law that:

- ! Specify requirements for decals and manifests;
- ! Require the registration of waste tire facilities;
- ! Require, as a condition of maintaining their registration, that waste tire monofills submit to the department a waste tire inventory reduction plan and that certain waste tire facilities process 75% of the 3-year rolling annual average amount of waste tires accepted by that facility each year;
- ! Impose requirements relating to financial responsibility for closure and reclamation of waste tire facilities;

- ! Establish fees, give the commission general rule-making authority regarding waste tires, and identify enforcement authorities;
- ! Create a waste tire advisory committee; and
- ! Create a waste tire fund, used for the department's costs in administering the program.

Section 11 directs the department of regulatory agencies to conduct a sunset review of the waste tire advisory committee prior to the committee's repeal on July 1, 2020.

Section 12 conforms the definition of "waste tire" in the solid waste statute to that in the waste tire fee statute. **Section 13** specifies that sales tax is not assessed when the waste tire fee is collected upon the sale of a new tire.

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

2 **SECTION 1.** 23-19.7-104, Colorado Revised Statutes, is
3 amended to read:

4 **23-19.7-104. Innovative higher education research fund -**
5 **funding - repeal.** (1) There is hereby created in the state treasury the
6 innovative higher education research fund, which shall consist of:

7 (a) Moneys transferred to the research fund ~~from the waste tire~~
8 ~~recycling development cash fund created in section 25-17-202 (3) (a);~~
9 ~~C.R.S., pursuant to section 25-17-202 (3) (b) (III), C.R.S., and the~~
10 ~~advanced technology fund created in section 25-16.5-105 (2) (a), C.R.S.,~~
11 ~~pursuant to section 25-16.5-105 (2) (e); 25-17-202 (3) (a) (I) (A), C.R.S.~~
12 THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2014.

13 (b) Any moneys that the general assembly may appropriate to the
14 research fund;

15 (c) Any moneys received pursuant to section 23-19.7-103 (1) (j);
16 and

17 (d) All income and interest derived from the deposit and
18 investment of moneys in the research fund.

1 (2) Moneys in the research fund shall be subject to annual
2 appropriation by the general assembly for the direct and indirect costs
3 associated with the implementation of this article. Unexpended and
4 unencumbered moneys remaining in the research fund at the end of any
5 fiscal year shall remain in the research fund and shall not be credited or
6 transferred to the general fund or any other fund.

7 **SECTION 2. Repeal.** 24-32-114, Colorado Revised Statutes, is
8 repealed.

9 **SECTION 3.** 25-16.5-105 (1) (j.5), (1) (k), and (2), Colorado
10 Revised Statutes, are amended to read:

11 **25-16.5-105. Powers and duties of advisory board - repeal.**

12 (1) The advisory board shall have the following powers and duties:

13 (j.5) ~~To receive and expend gifts, grants, and bequests from any~~
14 ~~source, public or private, specifically including state and federal moneys~~
15 ~~and other available moneys, to provide research funding and technology~~
16 ~~transfer capital from the advanced technology fund pursuant to paragraph~~
17 ~~(b) of subsection (2) of this section;~~

18 (k) (I) In consultation with the committee, to develop a formula
19 for paying a rebate to any local government or to any nonprofit or
20 for-profit entity that recycles any commodity. The rebate authorized by
21 this paragraph (k) shall be paid on commodities recycled on a per-ton
22 basis with differential rates for different commodities. FOR ANY ONE
23 STATE FISCAL YEAR, THE AMOUNT REBATED PURSUANT TO THIS
24 PARAGRAPH (k) SHALL EQUAL ONE-FOURTH OF THE AMOUNT OF MONEYS
25 COLLECTED IN THE FUND IN THE IMMEDIATELY PREVIOUS STATE FISCAL
26 YEAR. Any rebate shall be paid out of moneys collected:

27 (A) From the ~~additional~~ WASTE TIRE fee ~~imposed by~~ CREDITED

1 PURSUANT TO section 25-17-202 ~~(1)(a)(IV) that is allocated~~ (3) (a) (VI)
2 to the recycling resources economic opportunity fund created in section
3 25-16.5-106.5. THIS SUB-SUBPARAGRAPH (A) IS REPEALED, EFFECTIVE
4 JULY 1, 2011; and

5 (B) From the user fee imposed by section 25-16-104.5 (3.9) (a) to
6 fund the recycling resources economic opportunity program created in
7 section 25-16.5-106.7. ~~except that, for any one state fiscal year, the~~
8 ~~amount rebated pursuant to this paragraph (k) shall equal one-fourth of~~
9 ~~the amount of moneys collected in the fund in the immediately previous~~
10 ~~state fiscal year.~~

11 (II) Applications to the advisory board for any rebate may be
12 submitted after the last day of the month following the end of each
13 calendar quarter for recycling activities undertaken in such calendar
14 quarter, beginning with the calendar quarter ending on December 31,
15 2007; except that the period for the first rebate payment shall cover July
16 1, 2007, through December 31, 2007.

17 (2) (a) ~~There is hereby created in the state treasury the advanced~~
18 ~~technology fund. The fund shall consist of moneys transferred thereto~~
19 ~~pursuant to section 25-17-202 (3), any moneys available to the board~~
20 ~~pursuant to paragraph (j.5) of subsection (1) of this section that the board~~
21 ~~transmits to the state treasurer to be credited to the fund, and any moneys~~
22 ~~appropriated to the fund by the general assembly. All interest derived~~
23 ~~from the deposit and investment of moneys in the fund shall be credited~~
24 ~~to the fund. The moneys in the fund are hereby continuously appropriated~~
25 ~~to the board for the purposes specified in paragraph (b) of this subsection~~
26 ~~(2).~~

27 (b) ~~The board shall expend moneys in the advanced technology~~

1 fund to finance research, including research regarding the use of waste
2 tires for noise mitigation along state highways as prioritized by the
3 department of transportation pursuant to section 43-2-402 (5) (b), C.R.S.,
4 that will increase or improve recycling techniques and technology or
5 create marketable uses for discarded materials, including strategies
6 pertaining to waste tires, and address problems caused by inappropriate
7 disposal of solid waste materials, including waste tire stockpiles, making
8 use where possible of the research capacities of Colorado institutions of
9 higher education. Grant awards shall be made, and the criteria for
10 awarding grants shall be developed in consultation with the pollution
11 prevention advisory board assistance committee created in section
12 25-16.5-105.5 (2), enacted by House Bill 07-1288, enacted at the first
13 regular session of the sixty-sixth general assembly. The board, in
14 consultation with the committee shall adopt a policy for the expenditure
15 of such moneys, which shall contain priorities and the criteria for
16 providing research funding and technology transfer.

17 (c) Notwithstanding the provisions of section 24-1-136 (11),
18 C.R.S., the board shall biennially report to the general assembly about the
19 status of financing the efforts described in paragraph (b) of this
20 subsection (2), including an assessment of the activities of individuals or
21 entities receiving grants from the advanced technology fund.

22 (d) Notwithstanding any provision of this subsection (2) to the
23 contrary, on March 5, 2003, the state treasurer shall deduct eight hundred
24 eighty-six thousand one hundred eighty-nine dollars and fifty-one cents
25 from the advanced technology fund and transfer such sum to the general
26 fund.

27 (e) Notwithstanding any other provision of this subsection (2), on

1 ~~May 31, 2007, the state treasurer shall transfer forty percent of the~~
2 ~~unencumbered balance of the advanced technology fund to the innovative~~
3 ~~higher education research fund created in section 23-19.7-104, C.R.S.~~

4 **SECTION 4.** 25-16.5-106.5 (1) and (2), Colorado Revised
5 Statutes, are amended to read:

6 **25-16.5-106.5. Recycling resources economic opportunity fund**

7 **- creation - repeal.** (1) (a) The recycling resources economic
8 opportunity fund is hereby created in the state treasury, referred to in this
9 section as the "fund". The fund shall consist of:

10 (I) (A) Moneys collected for the fund pursuant to sections
11 25-16-104.5 (3.9) ~~(b)~~ (a) and 25-17-202 ~~(1)(a)(IV)~~ (3) (a) (VI) and
12 credited to the fund in accordance with ~~the provisions of~~ section
13 25-16-104.5 (3.9) (b). THIS SUB-SUBPARAGRAPH (A) IS REPEALED,
14 EFFECTIVE JULY 1, 2011.

15 (B) EFFECTIVE JULY 1, 2011, MONEYS COLLECTED FOR THE FUND
16 PURSUANT TO SECTION 25-16-104.5 (3.9) (a) AND CREDITED TO THE FUND
17 IN ACCORDANCE WITH SECTION 25-16-104.5 (3.9) (b).

18 (II) Any moneys appropriated to the fund by the general assembly;
19 and

20 (III) All other moneys that may be available to the fund, including
21 moneys made available from gifts, grants, or bequests.

22 (b) All interest derived from the deposit of moneys in the fund
23 shall be credited to the fund. At the end of any fiscal year, all
24 unexpended and unencumbered moneys in the fund shall remain ~~therein~~
25 IN THE FUND and shall not be credited or transferred to the general fund
26 or any other fund.

27 (2) Any moneys generated ~~from the imposition of solid waste user~~

1 ~~fees pursuant to sections 25-16-104.5 (3.9) and 25-17-202 (1) (a) (IV)~~
2 PURSUANT TO SUBSECTION (1) OF THIS SECTION shall be annually
3 appropriated to the department for allocation to the advisory board for the
4 purpose of funding the recycling resources economic opportunity
5 activities authorized by section 25-16.5-106.7, as well as any
6 administrative costs associated therewith, including without limitation the
7 grants authorized to be made under section 25-16.5-106.7 (3) and grant
8 program oversight authorized by section 25-16.5-105.5 (3).

9 **SECTION 5.** 25-17-202, Colorado Revised Statutes, is
10 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

11 **25-17-202. Waste tire fees - definitions - repeal.** (1) AS USED
12 IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

13 (a) "COMMISSION" MEANS THE SOLID AND HAZARDOUS WASTE
14 COMMISSION CREATED IN SECTION 25-15-302.

15 (b) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
16 AND ENVIRONMENT.

17 (c) "END USER" MEANS A PERSON WHO USES PROCESSED WASTE
18 TIRES FOR A COMMERCIAL OR INDUSTRIAL PURPOSE.

19 (d) "PROCESSOR" MEANS A PERSON WHO PROCESSES WASTE TIRES
20 IN COLORADO FOR RECYCLING OR BENEFICIAL USE.

21 (e) "PUBLIC PROJECT" MEANS:

22 (I) ANY PUBLICLY FUNDED CONTRACT ENTERED INTO BY A
23 GOVERNMENTAL BODY OF THE EXECUTIVE BRANCH OF THIS STATE THAT
24 IS SUBJECT TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE
25 24, C.R.S.; AND

26 (II) ANY PUBLICLY FUNDED CONTRACT ENTERED INTO BY ANY
27 POLITICAL SUBDIVISION OF THE STATE.

1 (f) "TIRE" MEANS A TIRE FOR ANY PASSENGER VEHICLE, INCLUDING
2 ANY TRUCK, WEIGHING LESS THAN FIFTEEN THOUSAND POUNDS, AND FOR
3 ANY TRUCK, INCLUDING ANY TRUCK TRACTOR, TRAILER, OR SEMITRAILER,
4 WEIGHING MORE THAN FIFTEEN THOUSAND POUNDS; EXCEPT THAT "TIRE"
5 DOES NOT INCLUDE:

6 (I) TIRES THAT ARE RECAPPED OR OTHERWISE REPROCESSED FOR
7 USE; OR

8 (II) TIRES THAT ARE USED FOR:

9 (A) FARM EQUIPMENT EXEMPT FROM SALES AND USE TAXES
10 PURSUANT TO SECTION 39-26-716, C.R.S.; OR

11 (B) A FARM TRACTOR OR IMPLEMENT OF HUSBANDRY EXEMPT
12 FROM REGISTRATION PURSUANT TO SECTION 42-3-104, C.R.S.

13 (g) "TIRE-DERIVED PRODUCT" MEANS MATTER THAT:

14 (I) IS DERIVED FROM A PROCESS THAT USES WHOLE TIRES AS A
15 FEEDSTOCK, INCLUDING SHREDDING, CRUMBING, AND CHIPPING; AND

16 (II) HAS BEEN SOLD AND REMOVED FROM THE FACILITY OF A
17 PROCESSOR.

18 (h) (I) "WASTE TIRE" MEANS A TIRE THAT IS NO LONGER MOUNTED
19 ON A MOTOR VEHICLE AND IS NO LONGER SUITABLE FOR USE AS A TIRE DUE
20 TO WEAR, DAMAGE, OR DEVIATION FROM THE MANUFACTURER'S ORIGINAL
21 SPECIFICATIONS.

22 (II) "WASTE TIRE" INCLUDES THE FOLLOWING TYPES OF TIRES THAT
23 ARE NOT ORGANIZED FOR RESALE BY SIZE IN A RACK OR A STACK IN A
24 MANNER THAT ALLOWS THE INSPECTION OF EACH INDIVIDUAL TIRE: A
25 REPAIRABLE TIRE, SCRAP TIRE, ALTERED WASTE TIRE, AND A USED TIRE.

26 (III) "WASTE TIRE" DOES NOT INCLUDE A TIRE-DERIVED PRODUCT
27 OR CRUMB RUBBER.

1 (i) "WASTE TIRE CLEANUP PROGRAM" OR "PROGRAM" MEANS THE
2 PROGRAM CREATED BY THIS PART 2.

3 (j) (I) "WASTE TIRE FACILITY" MEANS:

4 (A) A WASTE TIRE MONOFILL, AS THAT TERM IS DEFINED IN
5 SECTION 30-20-1001, C.R.S.;

6 (B) A FACILITY OF AN END USER OR PROCESSOR;

7 (C) A FACILITY OF A TIRE RETAILER OR TIRE WHOLESALER THAT IS
8 A SOURCE OF WASTE TIRES PURSUANT TO SECTION 30-20-1007 OR
9 30-20-1008, C.R.S.;

10 (D) A COLLECTION FACILITY, AS THAT TERM IS DEFINED BY THE
11 COMMISSION BY RULE; OR

12 (E) ANY OTHER FACILITY AT WHICH A QUANTITY OF WASTE TIRES
13 IN EXCESS OF A LIMIT ESTABLISHED BY RULE BY THE COMMISSION ARE
14 STORED FOR AT LEAST NINETY DAYS, PROCESSED, OR DISPOSED OF.

15 (II) "WASTE TIRE FACILITY" DOES NOT INCLUDE THE FACILITY OF
16 A WASTE TIRE HAULER UNLESS THE HAULER STORES A QUANTITY OF WASTE
17 TIRES IN EXCESS OF A LIMIT ESTABLISHED BY RULE BY THE COMMISSION AT
18 THE FACILITY FOR AT LEAST NINETY DAYS.

19 (k) "WASTE TIRE HAULER" MEANS A PERSON WHO TRANSPORTS
20 WASTE TIRES FOR COMPENSATION.

21 (2) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, AS
22 AMENDED, RETAILERS OF NEW TIRES SHALL COLLECT A WASTE TIRE FEE OF
23 ONE DOLLAR AND FIFTY CENTS ON THE SALE OF EACH NEW TIRE. THE
24 RECEIPT FROM THE RETAILER TO THE CUSTOMER FOR EVERY NEW TIRE
25 SHALL CONTAIN THE FOLLOWING STATEMENT IN THE LARGEST
26 BOLD-FACED PRINT CAPABLE ON EXISTING INVOICE PRINTERS, NOT TO
27 EXCEED FIFTEEN POINTS: "SECTION 25-17-202, COLORADO REVISED

1 STATUTES, REQUIRES RETAILERS TO COLLECT A \$1.50 WASTE TIRE FEE ON
2 THE SALE OF EACH NEW MOTOR VEHICLE TIRE."

3 (b) THE RETAILER SHALL SUBMIT TO THE DEPARTMENT OF
4 REVENUE ALL FEES COLLECTED PURSUANT TO THIS SECTION TOGETHER
5 WITH ANY REPORT REQUIRED BY THE DEPARTMENT OF REVENUE IN
6 CONJUNCTION WITH THE REMITTANCE OF ANY SALES TAX IN ACCORDANCE
7 WITH ARTICLE 26 OF TITLE 39, C.R.S.

8 (c) A PERSON WHO FAILS TO COMPLY WITH THIS SECTION SHALL BE
9 SUBJECT TO SECTION 39-21-118, C.R.S. THE DEPARTMENT OF REVENUE
10 SHALL NOTIFY RETAILERS OF NEW TIRES CONCERNING THE NEW
11 REQUIREMENTS IN THIS SECTION ENACTED BY SENATE BILL 09-289,
12 ENACTED IN 2009.

13 (3) (a) THE DEPARTMENT OF REVENUE SHALL TRANSMIT THE FEES,
14 TOGETHER WITH A REPORT OF ITS DIRECT AND INDIRECT ADMINISTRATIVE
15 COSTS IN COMPLYING WITH THIS SECTION, TO THE STATE TREASURER AT
16 THE END OF EACH CALENDAR QUARTER. THE STATE TREASURER SHALL
17 PAY TO THE DEPARTMENT OF REVENUE AN AMOUNT EQUAL TO THE
18 DEPARTMENT OF REVENUE'S DIRECT AND INDIRECT ADMINISTRATIVE COSTS
19 SPECIFIED IN THIS PARAGRAPH (a); EXCEPT THAT THIS AMOUNT SHALL NOT
20 EXCEED ONE AND TWO-THIRDS PERCENT OF THE TOTAL AMOUNT OF FEES
21 CREDITED PURSUANT TO THIS PARAGRAPH (a). THE STATE TREASURER
22 SHALL, SUBJECT TO PARAGRAPH (b) OF THIS SUBSECTION (3), CREDIT THE
23 REMAINING FEES AS FOLLOWS:

24 (I) (A) THIRTY AND THIRTY-THREE ONE-HUNDREDTHS PERCENT TO
25 THE PROCESSORS AND END USERS FUND CREATED IN SECTION 25-17-202.5
26 AND SIX AND SIXTY-SEVEN ONE-HUNDREDTHS PERCENT TO THE
27 INNOVATIVE HIGHER EDUCATION RESEARCH FUND CREATED IN SECTION

1 23-19.7-104, C.R.S. THIS SUB-SUBPARAGRAPH (A) IS REPEALED,
2 EFFECTIVE JULY 1, 2014.

3 (B) EFFECTIVE JULY 1, 2014, THIRTY-SEVEN PERCENT TO THE
4 PROCESSORS AND END USERS FUND CREATED IN SECTION 25-17-202.5;

5 (II) THIRTY-NINE AND SIXTY-SIX ONE-HUNDREDTHS PERCENT TO
6 THE WASTE TIRE CLEANUP FUND CREATED IN SECTION 25-17-202.6;

7 (III) (A) SIX AND SIXTY-SEVEN ONE-HUNDREDTHS PERCENT TO THE
8 WASTE TIRE FIRE PREVENTION FUND CREATED IN SECTION 25-17-202.8.

9 THIS SUB-SUBPARAGRAPH (A) IS REPEALED, EFFECTIVE JULY 1, 2011.

10 (B) EFFECTIVE JULY 1, 2011, EIGHT PERCENT TO THE WASTE TIRE
11 FIRE PREVENTION FUND CREATED IN SECTION 25-17-202.8;

12 (IV) EFFECTIVE JULY 1, 2011, SIX AND SIXTY-SEVEN
13 ONE-HUNDREDTHS PERCENT TO THE WASTE TIRE MARKET DEVELOPMENT
14 FUND CREATED IN SECTION 25-17-202.9;

15 (V) EFFECTIVE JULY 1, 2011, EIGHT AND SIXTY-SEVEN
16 ONE-HUNDREDTHS PERCENT TO THE LAW ENFORCEMENT GRANT FUND
17 CREATED IN SECTION 25-17-207 (4); AND

18 (VI) SIXTEEN AND SIXTY-SEVEN ONE-HUNDREDTHS PERCENT TO
19 THE RECYCLING RESOURCES ECONOMIC OPPORTUNITY FUND CREATED IN
20 SECTION 25-16.5-106.5. THIS SUBPARAGRAPH (VI) IS REPEALED,
21 EFFECTIVE JULY 1, 2011.

22 (b) THE DEPARTMENT MAY REALLOCATE UNCOMMITTED MONEYS
23 AMONG FUNDING CATEGORIES DESCRIBED IN THIS SUBSECTION (3) AT THE
24 END OF EACH FISCAL QUARTER.

25 (4) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE
26 DEPARTMENT SHALL DISTRIBUTE, WHETHER BY GRANT, REIMBURSEMENT,
27 OR OTHERWISE, FEES COLLECTED PURSUANT TO THIS SECTION ONLY TO A

1 PERSON OR ENTITY THAT IS LOCATED IN AND HAS OPERATIONS IN
2 COLORADO, AND SHALL NOT DISTRIBUTE ANY SUCH FEES TO A PERSON OR
3 ENTITY LOCATED OUTSIDE OF COLORADO.

4 **SECTION 6.** 25-17-202.5 (1), Colorado Revised Statutes, is
5 amended to read:

6 **25-17-202.5. Processors and end users fund created - rules -**
7 **repeal.** (1) There is hereby created, in the state treasury, the processors
8 and end users of waste tires cash fund. Such fund shall consist of the fee
9 revenue ~~collected~~ CREDITED pursuant to section 25-17-202 ~~(1)(a)(HH)~~ (3)
10 (a) **(I)**; YEAR-END SURPLUSES TRANSFERRED PURSUANT TO SECTIONS
11 25-17-202.6 (1), 25-17-202.8 (1), 25-17-202.9 (1), AND 25-17-207 **(4)**;
12 **AND TRANSFERS BY THE STATE TREASURER ON THE EFFECTIVE DATE OF**
13 **THIS SECTION, AS AMENDED, OF THE BALANCES OF THE UNEXPENDED AND**
14 **UNENCUMBERED MONEYS IN THE WASTE TIRE CLEANUP FUND FORMERLY**
15 **CREATED IN SECTION 24-32-117, C.R.S., AND THE ADVANCED**
16 **TECHNOLOGY FUND FORMERLY CREATED IN SECTION 25-16.5-105 (2) (a),**
17 **AS SUCH BALANCES EXISTED ON THE EFFECTIVE DATE OF THIS SECTION, AS**
18 **AMENDED, AND AS SUCH FUNDS EXISTED PRIOR TO THEIR REPEAL. ALL**
19 **INTEREST OR ANY OTHER RETURN ON THE INVESTMENT OF MONEYS IN THE**
20 **FUND SHALL BE DEPOSITED IN THE FUND. Any moneys in the fund not**
21 **expended or encumbered from any appropriation at the end of any fiscal**
22 **year shall remain available, without further appropriation, for expenditure**
23 **in the next fiscal year by the department of local affairs for allocation to**
24 **the division of local government to be used in the following amounts for**
25 **the following purposes** MONTHLY PARTIAL REIMBURSEMENT TO
26 PROCESSORS AND END USERS, UP TO A MAXIMUM OF SIXTY-FIVE DOLLARS
27 FOR EACH TON OF RAW COLORADO WASTE TIRES THAT ARE PROCESSED OR

1 USED. THE PURPOSE OF SUCH PARTIAL REIMBURSEMENTS SHALL BE TO
2 ASSIST NEW AND EXISTING WASTE TIRE RECYCLING TECHNOLOGIES TO
3 BECOME ECONOMICALLY FEASIBLE AND TO THEREBY ENCOURAGE THE USE
4 OF WASTE TIRES AND REDUCE THE STORAGE OF WASTE TIRES IN
5 COLORADO.

6 (a) ~~Seventy-two percent shall be used for the purposes described~~
7 ~~in section 24-32-114 (1) (c), C.R.S.~~

8 (b) ~~Twenty-eight percent shall be used for the purposes described~~
9 ~~in section 24-32-114 (1) (b), C.R.S.~~

10 **SECTION 7.** Part 2 of article 17 of title 25, Colorado Revised
11 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW
12 SECTIONS to read:

13 **25-17-202.6. Waste tire cleanup fund - rules.** (1) THERE IS
14 HEREBY CREATED IN THE STATE TREASURY THE WASTE TIRE CLEANUP
15 FUND, REFERRED TO IN THIS SECTION AS THE "FUND", CONSISTING OF
16 REVENUES CREDITED PURSUANT TO SECTION 25-17-202 (3) (a) (II). ALL
17 INTEREST OR ANY OTHER RETURN ON THE INVESTMENTS SHALL BE
18 DEPOSITED IN THE FUND. AT THE END OF EACH FISCAL YEAR, THE STATE
19 TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED
20 MONEYS IN THE FUND TO THE PROCESSORS AND END USERS FUND CREATED
21 IN SECTION 25-17-202.5, EXCEPT FOR AN AMOUNT EQUAL TO
22 THIRTY-THREE PERCENT OF THE DEPARTMENT'S PRIOR YEAR DIRECT AND
23 INDIRECT COSTS. THE GENERAL ASSEMBLY SHALL MAKE ANNUAL
24 APPROPRIATIONS OUT OF THE FUND TO THE DEPARTMENT IN AN AMOUNT
25 EQUAL TO THE DEPARTMENT'S DIRECT AND INDIRECT ADMINISTRATIVE
26 COSTS INCURRED PURSUANT TO THIS PART 2, NOT TO EXCEED
27 TWENTY PERCENT OF THE ANNUAL INCOME TO THE FUND AND TO THE

1 DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY FOR ITS
2 ADMINISTRATIVE COSTS PURSUANT TO SECTION 25-17-206 (3).

3 (2) THE DEPARTMENT SHALL USE THE REMAINING MONEYS IN THE
4 FUND AS FOLLOWS:

5 (a) UP TO TWO-THIRDS MAY BE EXPENDED TO PROVIDE GRANTS TO
6 COUNTIES AND MUNICIPALITIES FOR THE DISPOSAL, RECYCLING, OR REUSE
7 OF WASTE TIRES THAT HAVE BEEN ILLEGALLY DUMPED OR ABANDONED OR
8 ARE OTHERWISE NOT ELIGIBLE FOR REIMBURSEMENTS FROM A FUND
9 CREATED IN THIS ARTICLE [REDACTED] AND ALLOW FOR PARTIAL
10 REIMBURSEMENT TO PROCESSORS AND END USERS UP TO A MAXIMUM OF
11 SIXTY-FIVE DOLLARS FOR EACH TON OF COLORADO RAW WASTE TIRES
12 THAT ARE PROCESSED OR USED AT A WASTE TIRE FACILITY;

13 (b) (I) UP TO ONE-THIRD MAY BE EXPENDED TO PROVIDE FOR TIRE
14 REUSE OR RECYCLING INCENTIVES IN PUBLIC PROJECTS FOR PRODUCTS
15 THAT CONTAIN OR MAKE USE OF RECYCLED, RECAPPED, AND OTHER
16 PREVIOUSLY USED WASTE TIRES, INCLUDING TIRE-DERIVED PRODUCTS.
17 THE DEPARTMENT SHALL DETERMINE HOW MONEYS FOR SUCH INCENTIVES
18 SHALL BE DISTRIBUTED AMONG PROJECTS. ANY STATE AGENCY IS
19 AUTHORIZED TO EXPEND TIRE REUSE OR RECYCLING INCENTIVE MONEYS
20 DISTRIBUTED PURSUANT TO THIS SECTION.

21 (II) THE GENERAL ASSEMBLY HEREBY FINDS THAT THE PURPOSE OF
22 THE TIRE REUSE OR RECYCLING INCENTIVES UNDER THIS PARAGRAPH (b)
23 IS TO ENCOURAGE THE BENEFICIAL REUSE AND RECYCLING OF COLORADO
24 WASTE TIRES AND IS NOT INTENDED TO USURP FUNCTIONS PROPERLY
25 PERFORMED BY THE PRIVATE SECTOR OR TO COMPETE UNFAIRLY WITH
26 PRIVATE BUSINESSES.

27 (III) FOR THE PURPOSE OF EXPENDING TIRE REUSE OR RECYCLING

1 INCENTIVES UNDER THIS PARAGRAPH (b), THE STATE PURCHASING
2 DIRECTOR AND ANY PURCHASING AGENT HAVE THE AUTHORITY TO
3 PURCHASE TIRE-DERIVED PRODUCTS UNLESS ANY OF THE FOLLOWING
4 CONDITIONS EXIST:

5 (A) THE PRODUCT IS NOT AVAILABLE WITHIN A REASONABLE
6 PERIOD OF TIME;

7 (B) THE PRODUCT FAILS TO MEET EXISTING PURCHASING RULES,
8 INCLUDING ANY APPLICABLE SPECIFICATIONS; OR

9 (C) THE PRODUCT FAILS TO MEET FEDERAL OR STATE HEALTH OR
10 SAFETY STANDARDS AS SET FORTH IN THE CODE OF FEDERAL REGULATIONS
11 OR THE COLORADO CODE OF REGULATIONS.

12 (c) PER DIEM EXPENSES FOR THE ADVISORY COMMITTEE CREATED
13 IN SECTION 25-17-208. FOR EACH MEMBER, PER DIEM PAYMENTS ARE
14 CAPPED AT NINETY-NINE DOLLARS PER DAY.

15 (3) ALL MONEYS ENCUMBERED BY JUNE 30 OF A FISCAL YEAR
16 SHALL ROLL FORWARD FOR EXPENDITURE IN THE FOLLOWING FISCAL YEAR.

17 (4) IN PROVIDING ASSISTANCE TO COUNTIES PURSUANT TO THIS
18 SECTION, THE DEPARTMENT SHALL GIVE PRIMARY CONSIDERATION TO THE
19 NUMBER OF ILLEGAL WASTE TIRE DUMPS OR STORAGE FACILITIES OTHER
20 THAN MONOFILLS IN EACH COUNTY AND WHETHER FACILITIES ARE
21 AVAILABLE TO RECYCLE SUCH WASTE TIRES.

22 (5) (a) COUNTIES AND MUNICIPALITIES RECEIVING GRANTS
23 PURSUANT TO THIS SECTION MAY USE SUCH GRANTS TO FUND THE
24 REMOVAL AND DISPOSAL OR RECYCLING OF WASTE TIRES WITH COUNTY OR
25 MUNICIPAL PERSONNEL OR MAY CONTRACT WITH PRIVATE ENTITIES, OTHER
26 LOCAL GOVERNMENTS, OR OTHER GOVERNMENTAL AGENCIES FOR SUCH
27 ACTIVITIES IF SUCH CONTRACTS ARE OTHERWISE IN ACCORDANCE WITH

1 LAW. THE USE OF INMATE LABOR SHALL BE PURSUED WHENEVER
2 FEASIBLE, AT THE SOLE DISCRETION OF THE BOARD OF COUNTY
3 COMMISSIONERS OR THE GOVERNING BODY OF THE MUNICIPALITY.

4 (b) IN AWARDING CONTRACTS FOR SERVICES PURSUANT TO THIS
5 SECTION, A COUNTY OR MUNICIPALITY MAY GIVE PREFERENTIAL BIDDING
6 TREATMENT TO INDIVIDUALS OR ENTITIES THAT WILL RECYCLE, PURSUANT
7 TO RULES OF THE DEPARTMENT CONCERNING RECYCLING, AND REUSE,
8 RATHER THAN DISPOSE OF, THE WASTE TIRES.

9 (c) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT
10 IT IS THE POLICY OF THIS STATE TO PURSUE PROPOSALS FOR RECYCLING
11 AND MAKING OTHER BENEFICIAL USE OF WASTE TIRES, IN LIEU OF STORAGE
12 OR LANDFILL DISPOSAL, WHENEVER FEASIBLE.

13 (6) (a) NO LATER THAN JANUARY 1, 2011, AND BIENNIALY
14 THEREAFTER, EACH COUNTY AND MUNICIPALITY IN THE STATE THAT HAS
15 RECEIVED FUNDS PURSUANT TO THIS SECTION SHALL SUBMIT A REPORT TO
16 THE DEPARTMENT CONCERNING:

17 (I) THE QUANTITY, EXPRESSED IN WEIGHT OR AS A NUMBER, OF
18 TIRES REMOVED FROM ILLEGAL DUMPS OR STORAGE FACILITIES IN THE
19 COUNTY OR MUNICIPALITY AND DISPOSED OF AT APPROVED FACILITIES OR
20 IN RECYCLING OR REUSE PROJECTS;

21 (II) THE METHOD IN WHICH SUCH DISPOSAL WAS ACCOMPLISHED
22 AND THE METHOD OF RECYCLING OR REUSE, IF ANY; AND

23 (III) THE QUANTITY OF WASTE TIRES IN THE COUNTY OR
24 MUNICIPALITY REMAINING TO BE LEGALLY DISPOSED OF OR RECYCLED IN
25 FUTURE YEARS.

26 (b) (I) THE DEPARTMENT SHALL CREATE A PRIORITY ABATEMENT
27 LIST OF WASTE TIRE STORAGE OR DISPOSAL FACILITIES AND COORDINATE

1 THE LIST WITH THE TEN-YEAR MONOFILL TIRE LANDFILL ELIMINATION PLAN
2 REQUIRED BY SECTION 30-20-121 (4), C.R.S. ABATEMENT PROJECTS
3 SHALL BE RANKED BASED ON THE POTENTIAL ENVIRONMENTAL DAMAGE
4 OF THE INDIVIDUAL WASTE TIRE FACILITIES. THE DEPARTMENT SHALL
5 PROVIDE AN ANNUAL UPDATE TO THE GENERAL ASSEMBLY OF THE
6 ABATEMENT PROJECTS.

7 (II) THE DEPARTMENT, IN CONJUNCTION WITH THE WASTE TIRE
8 ADVISORY COMMITTEE CREATED IN SECTION 25-17-208, EITHER ITSELF OR
9 THROUGH A CONTRACTOR:

10 (A) SHALL PROVIDE EDUCATIONAL PROGRAMS TO COUNTIES AND
11 THE PUBLIC REGARDING METHODS FOR PROPER DISPOSAL OF TIRES AND
12 THE USE AND AVAILABILITY OF TIRE-DERIVED PRODUCTS; AND

13 (B) MAY CONDUCT FEASIBILITY STUDIES, INCLUDING SITE-SPECIFIC
14 FEASIBILITY STUDIES AND LIFE CYCLE ASSESSMENTS, ON POTENTIAL USES
15 OF WASTE TIRES, INCLUDING AS SOIL ABSORPTION MEDIA, LIGHTWEIGHT
16 FILL USED IN ROADBEDS AND OTHER TYPES OF CIVIL ENGINEERING
17 PROJECTS, SUBSTITUTE MATERIAL FOR AGGREGATE OR SOIL MATERIALS,
18 RUBBERIZED ASPHALT FOR ROAD CONSTRUCTION PROJECTS,
19 GEOSYNTHETIC LINED LANDFILLS, AND AS TIRE-DERIVED FUEL AT
20 ELECTRIC UTILITIES IN CONJUNCTION WITH BOTTOM ASH, EXISTING
21 PORTLAND CEMENT PLANTS, AND COAL-FIRED BOILERS.

22 (7) THE COMMISSION MAY PROMULGATE RULES TO IMPLEMENT
23 THIS SECTION.

24 **25-17-202.8. Waste tire fire prevention fund.** (1) THERE IS
25 HEREBY CREATED IN THE STATE TREASURY THE WASTE TIRE FIRE
26 PREVENTION FUND, REFERRED TO IN THIS SECTION AS THE "FUND",
27 CONSISTING OF REVENUES CREDITED PURSUANT TO SECTION 25-17-202 (3)

1 (a) (III). ALL INTEREST OR ANY OTHER RETURN ON THE INVESTMENT OF
2 MONEYS IN THE FUND SHALL BE DEPOSITED IN THE FUND. AT THE END OF
3 EACH FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER ALL
4 UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND TO THE
5 PROCESSORS AND END USERS FUND CREATED IN SECTION 25-17-202.5,
6 EXCEPT FOR AN AMOUNT EQUAL TO THIRTY-THREE PERCENT OF THE
7 DEPARTMENT'S PRIOR YEAR DIRECT AND INDIRECT COSTS.

8 (2) THE DEPARTMENT SHALL USE THE FUND FOR:

9 (a) TRAINING FIRE DEPARTMENTS IN AND PURCHASING EQUIPMENT
10 AND SUPPLIES FOR THE PREVENTION OF, PREPARATION FOR, AND THE
11 RESPONSE TO AND PROPER HANDLING OF WASTE TIRE FIRES; AND

12 (b) TRAINING FOR AND ENFORCEMENT BY THE STATE PATROL,
13 SHERIFFS' OFFICES, POLICE DEPARTMENTS, AND LOCAL DEPARTMENTS
14 OF HEALTH TO ENFORCE WASTE TIRE DISPOSAL, REGISTRATION, DECAL,
15 AND MANIFEST REQUIREMENTS OF SECTIONS 25-17-204 TO 25-17-206,
16 30-20-121 (3), AND 30-20-1006, C.R.S.

17 [REDACTED]
18 **25-17-202.9. Waste tire market development fund.** (1) THERE
19 IS HEREBY CREATED IN THE STATE TREASURY THE WASTE TIRE MARKET
20 DEVELOPMENT FUND, REFERRED TO IN THIS SECTION AS THE "FUND",
21 CONSISTING OF REVENUES CREDITED PURSUANT TO SECTION 25-17-202 (3)

22 (a) (IV). ALL INTEREST OR ANY OTHER RETURN ON THE INVESTMENT OF
23 MONEYS IN THE FUND SHALL BE DEPOSITED IN THE FUND. AT THE END OF
24 EACH FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER ALL
25 UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND TO THE [REDACTED]
26 PROCESSORS AND END USERS FUND CREATED IN SECTION 25-17-202.5.

27 (2) THE DEPARTMENT SHALL USE THE FUND TO ENCOURAGE WASTE

1 TIRE MARKET DEVELOPMENT PURSUANT TO A MARKET DEVELOPMENT
2 PLAN DEVELOPED BY THE WASTE TIRE ADVISORY COMMITTEE CREATED IN
3 SECTION 25-17-208. THE DEPARTMENT MAY USE THE FUND TO HIRE A
4 CONTRACTOR IN CONNECTION WITH IMPLEMENTATION OF THE PLAN.

5 **SECTION 8.** The introductory portion to 25-17-204 (1), Colorado
6 Revised Statutes, is amended, and the said 25-17-204 (1) is further
7 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

8 **25-17-204. Waste tire haulers - registration - rules - violations.**

9 (1) No person shall ~~for commercial purposes~~, transport A QUANTITY OF
10 waste tires IN EXCESS OF A LIMIT ESTABLISHED BY THE COMMISSION BY
11 RULE for storage or disposal to any location in this state:

12 (c) UNLESS THE PERSON:

13 (I) HAS AFFIXED TO THE VEHICLE USED FOR SUCH
14 TRANSPORTATION A DECAL ACQUIRED FROM THE DEPARTMENT PURSUANT
15 TO SECTION 25-17-205; AND

16 (II) COMPLIES WITH THE MANIFEST REQUIREMENTS OF SECTION
17 25-17-205.

18 **SECTION 9.** 25-17-204 (2) and (3) (a), Colorado Revised
19 Statutes, are amended to read:

20 **25-17-204. Waste tire haulers - registration - rules - violations.**

21 (2) Nothing in this section shall prohibit a person from transporting a
22 ~~waste tire~~ A QUANTITY OF WASTE TIRES THAT IS NOT IN EXCESS OF A LIMIT
23 ESTABLISHED BY THE COMMISSION BY RULE DURING ANY ONE TRIP to a
24 beneficial user, a waste tire recycling facility, or a facility that possesses
25 a valid air quality permit if the permit allows for an approved beneficial
26 use of the waste tires and the facility is not used to store waste tires
27 for more than a ninety-day period prior to any beneficial use IN

1 COMPLIANCE WITH SECTION 25-17-206 (4) (b). NO PERSON SHALL
2 TRANSPORT A QUANTITY OF WASTE TIRES IN EXCESS OF THE LIMIT
3 ESTABLISHED BY THE COMMISSION BY RULE DURING ANY ONE TRIP UNLESS
4 THE PERSON IS REGISTERED PURSUANT TO THIS SECTION.

5 (3) The ~~solid and hazardous waste~~ commission shall promulgate
6 rules to implement this section, including:

7 (a) Requirements that persons who transport A CERTAIN NUMBER
8 OR MORE OF waste tires for storage or disposal:

9 (I) Create and maintain records, INCLUDING THE MANIFEST
10 REQUIRED BY SECTION 25-17-205 (2), relating to such transportation and
11 report to the department; ~~of public health and environment;~~

12 (II) Register with the department ~~of public health and environment~~
13 and annually provide a copy of the currently valid registration to each
14 retailer of motor vehicle tires from whom the person accepts ~~for~~
15 ~~commercial purposes~~ a waste tire ~~and~~ FOR HAULING;

16 (III) Post a bond in a form and an amount set by the ~~solid and~~
17 ~~hazardous waste~~ commission, not to exceed ten thousand dollars; AND

18 (IV) AFFIX A DECAL REQUIRED PURSUANT TO SECTION 25-17-205
19 (1) ON EACH VEHICLE USED TO TRANSPORT WASTE TIRES.

20 **SECTION 10.** Part 2 of article 17 of title 25, Colorado Revised
21 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW
22 SECTIONS to read:

23 **25-17-205. Decals - manifests.** (1) **Decals.** (a) ON AND AFTER
24 A DATE SPECIFIED BY RULE PROMULGATED PURSUANT TO SECTION
25 25-17-207 (1), NO PERSON SHALL STORE A QUANTITY OF WASTE TIRES IN
26 EXCESS OF A LIMIT ESTABLISHED BY THE COMMISSION IN COLORADO FOR
27 ANY PURPOSE UNLESS:

1 (I) THE DEPARTMENT HAS ISSUED TO THE PERSON A DECAL
2 PURSUANT TO THIS SECTION; AND

3 (II) THE PERSON HAS, PURSUANT TO RULES PROMULGATED
4 PURSUANT TO SECTION 25-17-207 (1), AFFIXED THE DECAL TO A UNIFORM
5 LOCATION AT THE ADDRESS USED TO STORE THE WASTE TIRES.

6 (b) ON AND AFTER A DATE SPECIFIED BY RULE PROMULGATED
7 PURSUANT TO SECTION 25-17-207 (1), NO PERSON SHALL TRANSPORT A
8 QUANTITY OF WASTE TIRES IN EXCESS OF A LIMIT ESTABLISHED BY THE
9 COMMISSION IN COLORADO UNLESS:

10 (I) THE DEPARTMENT HAS ISSUED TO THE PERSON A DECAL
11 PURSUANT TO THIS SECTION; AND

12 (II) THE PERSON HAS, PURSUANT TO RULES PROMULGATED
13 PURSUANT TO SECTION 25-17-207 (1), AFFIXED THE DECAL TO THE
14 VEHICLE USED TO TRANSPORT WASTE TIRES AT A UNIFORM LOCATION.

15 (c) THE DEPARTMENT SHALL ISSUE A DECAL TO A PERSON IF THE
16 PERSON HAS SUBMITTED AN APPLICATION TO THE DEPARTMENT
17 CONTAINING ALL INFORMATION REQUIRED BY THE COMMISSION BY RULE
18 PROMULGATED PURSUANT TO SECTION 25-17-207 (1).

19 (d) DECALS SHALL BE VALID FOR A PERIOD DETERMINED BY THE
20 COMMISSION BY RULE, NOT TO EXCEED FIVE YEARS. A DECAL ISSUED
21 PURSUANT TO THIS SECTION SHALL CONTAIN THE INFORMATION REQUIRED
22 BY RULE PROMULGATED PURSUANT TO SECTION 25-17-207 (1), INCLUDING
23 AT LEAST AN EXPIRATION DATE AND THE DECAL NUMBER.

24 (2) **Uniform manifests.** (a) ON AND AFTER A DATE SPECIFIED BY
25 RULE PROMULGATED PURSUANT TO SECTION 25-17-207 (1), NO PERSON
26 SHALL ACCEPT FOR TRANSPORTATION A QUANTITY OF WASTE TIRES IN
27 EXCESS OF A LIMIT ESTABLISHED BY THE COMMISSION BY RULE UNLESS

1 THE PERSON HAS COMPLETELY FILLED OUT IN TRIPPLICATE A UNIFORM
2 MANIFEST, AVAILABLE FROM THE DEPARTMENT'S WEB SITE, IN A FORM
3 ESTABLISHED BY THE DEPARTMENT CONTAINING THE INFORMATION
4 SPECIFIED BY RULE PROMULGATED PURSUANT TO SECTION 25-17-207 (1),
5 INCLUDING AT LEAST THE FOLLOWING:

6 (I) THE MANIFEST NUMBER;

7 (II) THE DECAL NUMBER OF THE VEHICLE USED TO TRANSPORT THE
8 TIRES;

9 (III) THE PERSON'S SIGNATURE UNDER PENALTY OF PERJURY,
10 NAME, ADDRESS, AND TELEPHONE NUMBER;

11 (IV) THE CURRENT DATE; THE WASTE TIRE FACILITY REGISTRATION
12 NUMBER, NAME, ADDRESS, AND TELEPHONE NUMBER OF THE SOURCE OF
13 THE TIRES; AND THE WASTE TIRE FACILITY REGISTRATION NUMBER, NAME,
14 ADDRESS, AND TELEPHONE NUMBER OF THE WASTE TIRE FACILITY TO
15 WHICH THE WASTE TIRES WILL BE TRANSPORTED; AND

16 (V) THE NUMBER OR WEIGHT OF TIRES IN THE LOAD.

17 (b) THE PERSON SHALL RETAIN ONE COPY OF THE MANIFEST AND
18 SHALL PROVIDE ONE COPY OF THE MANIFEST TO:

19 (I) THE SOURCE OF THE WASTE TIRE; AND

20 (II) THE WASTE TIRE FACILITY TO WHICH THE WASTE TIRES ARE
21 TRANSPORTED.

22 (c) (I) THE PERSON, THE SOURCE OF THE WASTE TIRE, AND THE
23 WASTE TIRE FACILITY TO WHICH THE WASTE TIRES ARE TRANSPORTED
24 SHALL EACH KEEP A COPY OF THE MANIFEST FOR AT LEAST THREE YEARS
25 AFTER THE DATE STATED ON THE MANIFEST.

26 (II) THE DEPARTMENT MAY ENTER AND INSPECT THE FACILITY OF
27 ANY OF THE ENTITIES NAMED ON THE MANIFEST DURING NORMAL

1 WORKING HOURS AND MAY REQUEST A COPY OF THE MANIFEST. FAILURE
2 TO KEEP THE MANIFEST AS REQUIRED BY THIS PARAGRAPH (c) OR TO
3 PRODUCE THE MANIFEST UPON REQUEST BY THE DEPARTMENT OR THE
4 DEPARTMENT'S AGENT IS A VIOLATION OF THIS SECTION.

5 **25-17-206. Registration of waste tire facilities - definitions.**

6 (1) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES, "LOCAL FIRE AUTHORITY" MEANS EITHER:

8 (a) THE CHIEF OF A FIRE DEPARTMENT, IF THE WASTE TIRE FACILITY
9 IS LOCATED IN A FIRE PROTECTION DISTRICT;

10 (b) THE SHERIFF OF THE COUNTY IN WHICH THE WASTE TIRE
11 FACILITY IS LOCATED, ACTING AS FIRE WARDEN, IF THE FACILITY IS
12 LOCATED IN THE UNINCORPORATED PORTION OF A COUNTY AND IS NOT
13 LOCATED IN A FIRE PROTECTION DISTRICT;

14 (c) THE CHIEF OF A MUNICIPAL FIRE DEPARTMENT, IF THE WASTE
15 TIRE FACILITY IS LOCATED IN THE INCORPORATED PORTION OF A COUNTY
16 THAT IS PROTECTED BY A MUNICIPAL FIRE DEPARTMENT; OR

17 (d) THE GOVERNING BODY OF A MUNICIPALITY, IF THE WASTE TIRE
18 FACILITY IS LOCATED IN THE INCORPORATED PORTION OF A COUNTY AND
19 IS NOT LOCATED IN A FIRE PROTECTION DISTRICT OR PROTECTED BY A
20 MUNICIPAL FIRE DEPARTMENT.

21 (2) ON AND AFTER A DATE SPECIFIED BY RULE PROMULGATED
22 PURSUANT TO SECTION 25-17-207 (1), NO PERSON SHALL CONSTRUCT OR
23 MAINTAIN A WASTE TIRE FACILITY UNLESS THE PERSON HAS REGISTERED
24 WITH THE DEPARTMENT.

25 (3) (a) (I) ON AND AFTER A DATE SPECIFIED BY RULE
26 PROMULGATED PURSUANT TO SECTION 25-17-207 (1), A WASTE TIRE
27 FACILITY SHALL HAVE A FIRE PREVENTION, TRAINING, AND FIREFIGHTING

1 PROGRAM AS DETERMINED BY THE COMMISSION BY RULE; EXCEPT THAT
2 THIS SUBSECTION (3) SHALL NOT APPLY TO:

3 (A) A WASTE TIRE FACILITY THAT IS OPERATING WITH AN EXISTING
4 CERTIFICATE OF DESIGNATION AND THAT IS IN COMPLIANCE WITH ALL
5 LOCAL, STATE, AND FEDERAL REGULATIONS AND LAWS ON THE EFFECTIVE
6 DATE OF THIS SECTION; EXCEPT THAT, UPON THE RENEWAL OF OR
7 RE-APPLICATION FOR A CERTIFICATE OF DESIGNATION BY A WASTE TIRE
8 FACILITY, THE WASTE TIRE FACILITY SHALL BE REQUIRED TO COMPLY WITH
9 THIS SUBSECTION (3); OR

10 (B) A TIRE RETAILER OR TIRE WHOLESALER THAT IS A SOURCE OF
11 WASTE TIRES PURSUANT TO SECTION 30-20-1007 OR 30-20-1008, C.R.S.

12 (II) (A) THE LOCAL FIRE AUTHORITY SHALL REVIEW THE PROGRAM
13 IN ACCORDANCE WITH RULES AND, IF APPROPRIATE, RECOMMEND CHANGES
14 NECESSARY TO APPROVE THE PROGRAM.

15 (B) UPON REQUEST OF THE LOCAL FIRE AUTHORITY, THE DIRECTOR
16 OF THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY
17 SHALL HIRE A CONTRACTOR TO PROVIDE TECHNICAL ASSISTANCE IN THE
18 REVIEW OF THE PROGRAM AND, IF APPROPRIATE, RECOMMEND CHANGES
19 NECESSARY FOR THE LOCAL FIRE AUTHORITY TO APPROVE THE PROGRAM.

20 (b) IF THE LOCAL FIRE AUTHORITY APPROVES THE PROGRAM, IT
21 SHALL CERTIFY THAT FACT TO THE DEPARTMENT. IF THE LOCAL FIRE
22 AUTHORITY RECOMMENDS CHANGES NECESSARY TO APPROVE THE
23 PROGRAM AND THE WASTE TIRE FACILITY FAILS TO IMPLEMENT THE
24 CHANGES, IT SHALL CERTIFY THAT FACT TO THE DEPARTMENT. THE
25 DEPARTMENT SHALL REVOKE THE REGISTRATION OF A WASTE TIRE
26 FACILITY THAT DOES NOT HAVE AN APPROVED FIRE PREVENTION,
27 TRAINING, AND FIREFIGHTING PROGRAM.

1 (4) (a) ON AND AFTER A DATE SPECIFIED BY RULE PROMULGATED
2 PURSUANT TO SECTION 25-17-207 (1), EACH WASTE TIRE MONOFILL SHALL:

3 (I) BY AN ANNUAL DATE ESTABLISHED BY RULE, SUBMIT TO THE
4 DEPARTMENT A WASTE TIRE INVENTORY REDUCTION PLAN THAT COMPLIES
5 WITH RULES ESTABLISHED BY THE COMMISSION. THE DEPARTMENT SHALL
6 HOLD ANY INFORMATION OR DATA SUBMITTED TO IT BY A WASTE TIRE
7 MONOFILL OR FACILITY OF AN END USER OR PROCESSOR PURSUANT TO THIS
8 SUBPARAGRAPH (I) AS CONFIDENTIAL BUSINESS INFORMATION UPON
9 REQUEST OF THE SUBMITTING ENTITY IF THE INFORMATION OR DATA
10 SATISFIES THE DEFINITION OF TRADE SECRET AS SPECIFIED IN SECTIONS
11 7-74-102 AND 18-4-408 (2), C.R.S. THE BURDEN OF PROVING THAT THE
12 INFORMATION OR DATA IS PROTECTED AS A TRADE SECRET SHALL BE UPON
13 THE PARTY ASSERTING THE CLAIM.

14 (II) COMPLY WITH THE INVENTORY REDUCTION PLAN AS APPROVED
15 BY THE DEPARTMENT BY THE END OF THE FOLLOWING YEAR.

16 (b) ON AND AFTER A DATE SPECIFIED BY RULE PROMULGATED
17 PURSUANT TO SECTION 25-17-207 (1), DURING EACH CALENDAR YEAR,
18 AND AS DETERMINED BY RULE:

19 (I) A PROCESSOR SHALL PROCESS INTO TIRE-DERIVED PRODUCT AT
20 LEAST SEVENTY-FIVE PERCENT OF THE THREE-YEAR ROLLING AVERAGE
21 ANNUAL AMOUNT, BY WEIGHT OR NUMBER, OF WASTE TIRES THAT THE
22 PROCESSOR ACCEPTED DURING THE PREVIOUS THREE CALENDAR YEARS;

23 (II) AN END USER SHALL CONVERT INTO AN END PRODUCT AT
24 LEAST SEVENTY-FIVE PERCENT OF THE THREE-YEAR ROLLING AVERAGE
25 ANNUAL AMOUNT BY WEIGHT OF TIRE-DERIVED PRODUCT THAT THE END
26 USER ACCEPTED DURING THE PREVIOUS THREE CALENDAR YEARS;

27 (III) A WASTE TIRE MONOFILL SHALL ARRANGE FOR THE

1 PROCESSING INTO TIRE-DERIVED PRODUCT OF AT LEAST SEVENTY-FIVE
2 PERCENT OF THE THREE-YEAR ROLLING AVERAGE ANNUAL AMOUNT, BY
3 WEIGHT OR NUMBER, OF WASTE TIRES THAT THE WASTE TIRE MONOFILL
4 ACCEPTED DURING THE PREVIOUS THREE CALENDAR YEARS.

5 (c) THE DEPARTMENT SHALL REVOKE THE REGISTRATION OF A
6 WASTE TIRE FACILITY THAT VIOLATES THIS SUBSECTION (4), AND SUCH
7 FACILITY IS INELIGIBLE FOR REIMBURSEMENTS FROM THE PROCESSORS AND
8 END USERS FUND CREATED IN SECTION 25-17-202.5 AND THE WASTE TIRE
9 CLEANUP FUND CREATED IN SECTION 25-17-202.6 UNTIL THE DEPARTMENT
10 REINSTATES THE REGISTRATION.

11 (5) (a) EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF THIS
12 SUBSECTION (5), ON AND AFTER A DATE SPECIFIED BY RULE PROMULGATED
13 PURSUANT TO SECTION 25-17-207 (1), A WASTE TIRE FACILITY SHALL:

14 (I) HAVE AN OPERATIONS PLAN, INCLUDING SITE SECURITY
15 MEASURES THAT INCLUDE LOCKED GATES AND AT LEAST A SIX-FOOT FENCE
16 SURROUNDING THE FACILITY;

17 (II) HAVE AN EMERGENCY RESPONSE PLAN;

18 (III) HAVE A FACILITY CLOSURE PLAN;

19 (IV) POST A BOND IN A FORM AND AMOUNT SET BY THE SOLID AND
20 HAZARDOUS WASTE COMMISSION, USING ONE OR MORE OF THE FOLLOWING
21 FINANCIAL MECHANISMS, TO COVER RECLAMATION OF THE FACILITY, IF
22 APPLICABLE, AND TO FINANCIALLY ASSURE FULL PAYMENT OF ALL
23 CLOSURE, POST-CLOSURE, AND, IF APPLICABLE, CORRECTIVE ACTION
24 ESTIMATED COSTS:

25 (A) TRUST FUND;

26 (B) LETTER OF CREDIT;

27 (C) SURETY BOND;

- 1 (D) INSURANCE;
- 2 (E) CORPORATE FINANCIAL TEST;
- 3 (F) LOCAL GOVERNMENT FINANCIAL TEST;
- 4 (G) CORPORATE GUARANTEE;
- 5 (H) LOCAL GOVERNMENT GUARANTEE; OR
- 6 (I) ONE OF THE FOLLOWING STATE-APPROVED MECHANISMS:
- 7 CERTIFICATE OF DEPOSIT; MULTIPLE FINANCIAL MECHANISMS; OR OTHER
- 8 METHODS AS APPROVED BY THE DEPARTMENT AND THE GOVERNING BODY
- 9 HAVING JURISDICTION;
- 10 (V) HAVE AN ADEQUATE WATER SUPPLY AVAILABLE FOR USE BY
- 11 THE LOCAL FIRE AUTHORITY IN THE EVENT OF A FIRE. OWNERS AND
- 12 OPERATORS OF WASTE TIRE FACILITIES MAY DEMONSTRATE COMPLIANCE
- 13 WITH THIS REQUIREMENT THROUGH ALTERNATIVE METHODS AS APPROVED
- 14 BY THE LOCAL FIRE AUTHORITY.
- 15 (VI) MEET THE STANDARDS AND CONDITIONS FOR THE
- 16 SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AS DETERMINED BY THE
- 17 LOCAL FIRE AUTHORITY. IN MAKING SUCH DETERMINATION, THE FIRE
- 18 CODE ADOPTED PURSUANT TO SECTION 24-33.5-1203.5, C.R.S., BY THE
- 19 DIVISION OF FIRE SAFETY WITHIN THE DEPARTMENT OF PUBLIC SAFETY
- 20 SHALL BE USED AS THE MINIMUM FIRE SAFETY STANDARD FOR WASTE TIRE
- 21 FACILITIES.
- 22 (b) THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION
- 23 (5):
- 24 (I) SHALL BE IMPLEMENTED BY THE DEPARTMENT IN
- 25 CONSULTATION WITH THE LOCAL FIRE OFFICIALS AND IN ACCORDANCE
- 26 WITH THE ADOPTED MINIMUM FIRE SAFETY STANDARDS; AND
- 27 (II) SHALL NOT APPLY TO:

1 (A) A WASTE TIRE FACILITY THAT IS OPERATING WITH AN EXISTING
2 CERTIFICATE OF DESIGNATION AND THAT IS IN COMPLIANCE WITH ALL
3 LOCAL, STATE, AND FEDERAL REGULATIONS AND LAWS ON THE EFFECTIVE
4 DATE OF THIS SECTION; EXCEPT THAT, UPON THE RENEWAL OF OR
5 RE-APPLICATION FOR A CERTIFICATE OF DESIGNATION BY A WASTE TIRE
6 FACILITY, THE WASTE TIRE FACILITY SHALL BE REQUIRED TO COMPLY WITH
7 PARAGRAPH (a) OF THIS SUBSECTION (5); OR

8 (B) A TIRE RETAILER OR TIRE WHOLESALER THAT IS A SOURCE OF
9 WASTE TIRES PURSUANT TO SECTION 30-20-1007 OR 30-20-1008, C.R.S.

10 **25-17-207. Rules - penalties - enforcement - fund.** (1) (a) THE
11 COMMISSION SHALL ADOPT RULES AS NECESSARY AND CONVENIENT FOR
12 THE ADMINISTRATION OF THIS PART 2.

13 (b) ONCE THE RULES HAVE BEEN PROMULGATED, THE DEPARTMENT
14 SHALL REPORT TO THE TRANSPORTATION LEGISLATION REVIEW
15 COMMITTEE CREATED IN SECTION 43-2-145, C.R.S., ON THE
16 PROMULGATION OF THE RULES.

17 (c) THE DEPARTMENT SHALL ANNUALLY REPORT TO THE HOUSE
18 TRANSPORTATION & ENERGY COMMITTEE AND THE SENATE
19 TRANSPORTATION COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, ON
20 THE STATUS OF THE WASTE TIRE CLEANUP PROGRAM.

21 (2) A PEACE OFFICER AND THE DEPARTMENT SHALL ENFORCE THE
22 REQUIREMENTS OF THIS PART 2 IN CONNECTION WITH SECTIONS 30-20-113
23 AND 30-20-114.

24 (3) THE DEPARTMENT SHALL DEVELOP AN ON-LINE COMPLAINT
25 FORM AND PROCESSES FOR LAW ENFORCEMENT, FIRE DEPARTMENTS, AND
26 CITIZENS TO REPORT POTENTIAL WASTE TIRE VIOLATIONS.

27 (4) THERE IS HEREBY CREATED IN THE STATE TREASURY THE LAW

1 ENFORCEMENT GRANT FUND, CONSISTING OF THE FEE REVENUE CREDITED
2 PURSUANT TO SECTION 25-17-202 (3) (a) (V) AND ALL PENALTIES
3 ASSESSED PURSUANT TO THIS PART 2. ALL INTEREST OR ANY OTHER
4 RETURN ON THE INVESTMENTS SHALL BE PAID INTO THE FUND. AT THE
5 END OF EACH FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER ALL
6 UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND TO THE
7 PROCESSORS AND END USERS FUND CREATED IN SECTION 25-17-202.5.
8 THE DEPARTMENT SHALL USE THE FUND FOR GRANTS TO AND
9 EDUCATIONAL PROGRAMS FOR COUNTY SHERIFFS, THE STATE PATROL,
10 POLICE DEPARTMENTS, FIRE DEPARTMENTS, AND LOCAL HEALTH
11 DEPARTMENTS FOR ENFORCEMENT, FIRE PREVENTION AND SUPPRESSION,
12 TRAINING, AND OVERSIGHT OF WASTE TIRE FACILITIES.

13 **25-17-208. Waste tire advisory committee - repeal.** (1) THERE
14 IS HEREBY CREATED, UNDER THE COMMISSION, A WASTE TIRE ADVISORY
15 COMMITTEE CONSISTING OF THE FOLLOWING NINE MEMBERS:

16 (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE
17 EXECUTIVE DIRECTOR'S DESIGNEE; AND

18 (b) THE FOLLOWING EIGHT MEMBERS APPOINTED BY THE
19 GOVERNOR WITH THE CONSENT OF THE SENATE:

20 (I) ONE MEMBER REPRESENTING LAW ENFORCEMENT FROM
21 JURISDICTIONS THAT HAVE A WASTE TIRE FACILITY;

22 (II) ONE MEMBER REPRESENTING TIRE RETAILERS;

23 (III) ONE MEMBER REPRESENTING END USERS;

24 (IV) ONE MEMBER REPRESENTING TIRE MANUFACTURERS;

25 (V) ONE MEMBER REPRESENTING WASTE TIRE HAULERS;

26 (VI) ONE MEMBER REPRESENTING WASTE TIRE PROCESSORS;

27 (VII) ONE MEMBER REPRESENTING WASTE TIRE MONOFILLS THAT

1 ARE OPERATING IN COMPLIANCE WITH THEIR CERTIFICATES OF
2 DESIGNATION; AND

3 (VIII) ONE MEMBER REPRESENTING LOCAL FIRE AUTHORITIES
4 THAT HAVE A WASTE TIRE FACILITY WITHIN THEIR JURISDICTION.

5 (2) THE ADVISORY COMMITTEE SHALL MEET ONCE PER QUARTER
6 FOR THE FIRST FOUR YEARS AFTER JULY 1, 2010, TO PROVIDE INPUT AND
7 ASSESSMENT OF THE WASTE TIRE CLEANUP PROGRAM, PROPOSE NEW
8 RULES, AND RECOMMEND TO THE DEPARTMENT AND COMMISSION
9 POTENTIAL RULES TO EFFECTIVELY MANAGE THE WASTE TIRE CLEANUP
10 PROGRAM. THE ADVISORY COMMITTEE SHALL ADVISE THE COMMISSION
11 AND THE DEPARTMENT ON CRITERIA AND PRIORITIES FOR WASTE
12 TIRE-RELATED FUNDING; REPORT TO THE TRANSPORTATION AND ENERGY
13 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
14 TRANSPORTATION COMMITTEE OF THE SENATE, OR THEIR SUCCESSOR
15 COMMITTEES, WITH RECOMMENDATIONS REGARDING PENALTIES FOR
16 WASTE TIRE DISPOSAL, STORAGE, AND TRANSPORTATION VIOLATIONS BY
17 JANUARY 1, 2011, AND REGARDING ALLOCATION OF THE WASTE TIRE FEE
18 BY JANUARY 1, 2013, AND AS APPROPRIATE THEREAFTER; MAKE
19 RECOMMENDATIONS TO THE DEPARTMENT CONCERNING EDUCATIONAL
20 PROGRAMS AND FEASIBILITY STUDIES AS CONTEMPLATED BY SECTION
21 25-17-202.6 (6) (b) (II); AND ASSIST THE DEPARTMENT AS NEEDED WITH
22 MAKING GRANTS RELATED TO WASTE TIRE CLEAN UP. THE COMMITTEE
23 SHALL DETERMINE THE FREQUENCY OF ITS MEETINGS AFTER JULY 1, 2014.

24 THE FOCUS FOR THE COMMITTEE IS TO:

25 (a) PROTECT THE SAFETY AND WELFARE OF THE CITIZENS,
26 WILDLIFE, AND ENVIRONMENT ADJACENT TO WASTE TIRE FACILITIES;

27 (b) DEVELOP SOUND ENFORCEMENT PRACTICES AND RISK

1 MITIGATION PRACTICES TO PREVENT THE LOSS OF LIFE, PROPERTY, AND
2 THE ENVIRONMENT CAUSED BY WASTE TIRES;

3 (c) PREVENT THE ILLEGAL TRANSPORTATION AND DISPOSAL OF
4 WASTE TIRES;

5 (d) DEVELOP MARKETS FOR TIRE-DERIVED PRODUCTS; AND

6 (e) PROVIDE A LONG-TERM PLAN TO REDUCE WASTE TIRE
7 STOCKPILES AND A WASTE TIRE MARKET DEVELOPMENT PLAN.

8 (3) THE ADVISORY COMMITTEE SHALL HAVE A CHAIR AND
9 VICE-CHAIR AND SHALL REPORT TO THE COMMISSION, ON AN ANNUAL
10 BASIS, CONCERNING THE PROGRESS OF THE WASTE TIRE CLEANUP
11 PROGRAM. THE ADVISORY COMMITTEE SHALL TRACK THE VIOLATIONS
12 ALLEGED PURSUANT TO THIS PART 2 AND REPORT A SUMMARY OF THE
13 COMPLAINTS IN THE ANNUAL REPORT TO THE COMMISSION. THE
14 DEPARTMENT SHALL PROVIDE STAFF SUPPORT, AS APPROPRIATE, TO THE
15 ADVISORY COMMITTEE.

16 (4) APPOINTED MEMBERS OF THE ADVISORY COMMITTEE SHALL
17 SERVE THREE-YEAR TERMS; EXCEPT THAT, OF THE INITIAL APPOINTEES,
18 TWO SHALL BE APPOINTED FOR ONE-YEAR TERMS; THREE SHALL BE
19 APPOINTED FOR TWO-YEAR TERMS; AND THREE SHALL BE APPOINTED FOR
20 THREE-YEAR TERMS. THE GOVERNOR SHALL DESIGNATE THE LENGTH OF
21 TERMS FOR EACH OF THE MEMBERS FIRST APPOINTED IN ACCORDANCE
22 WITH THIS SUBSECTION (4). VACANCIES SHALL BE FILLED BY
23 APPOINTMENT FOR THE DURATION OF THE UNEXPIRED TERM.

24 (5) MEMBERS OF THE ADVISORY COMMITTEE SHALL HOLD THEIR
25 FIRST MEETING NO LATER THAN OCTOBER 10, 2010.

26 (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020. PRIOR TO
27 SUCH REPEAL, THE ADVISORY COMMITTEE SHALL BE REVIEWED AS

1 PROVIDED FOR IN SECTION 2-3-1203, C.R.S.

2

3 **SECTION 11.** 2-3-1203 (3), Colorado Revised Statutes, is
4 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

5 **2-3-1203. Sunset review of advisory committees.** (3) The
6 following dates are the dates for which the statutory authorization for the
7 designated advisory committees is scheduled for repeal:

8 (gg) JULY 1, 2020: THE WASTE TIRE ADVISORY COMMITTEE
9 CREATED IN SECTION 25-17-208, C.R.S.

10 **SECTION 12.** The introductory portion to 24-33.5-1203.5 (2) and
11 24-33.5-1203.5 (2) (b), Colorado Revised Statutes, are amended to read:

12 **24-33.5-1203.5. Powers and duties of director.** (2) In order to
13 carry out the purposes and provisions of this part 12 AND SECTION
14 25-17-206, C.R.S., the director of the division shall promulgate rules in
15 accordance with article 4 of this title:

16 (b) Adopting nationally recognized standards that the director of
17 the division reasonably finds necessary to carry out the purposes and
18 provisions of this part 12 AND SECTION 25-17-206, C.R.S.

19 **SECTION 13.** 30-20-1001 (17), Colorado Revised Statutes, is
20 amended to read:

21 **30-20-1001. Definitions.** As used in this part 10, unless the
22 context otherwise requires:

23 (17) (a) ~~"Waste tire" means a light-duty whole tire used on a~~
24 ~~passenger-type vehicle or truck that is no longer suitable for its original~~
25 ~~intended purpose because of wear, damage, or defect.~~ HAS THE MEANING
26 ESTABLISHED IN SECTION 25-17-202 (1), C.R.S.

27 (b) ~~"Waste tire" does not include waste tires from any device~~

1 moved exclusively by human power.

2 **SECTION 14.** 39-26-706, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **39-26-706. Miscellaneous sales and use tax exemptions -**
5 **cigarettes - internet access - refractory materials - precious metal**
6 **bullion and coins - waste tires.** (5) ON AND AFTER JULY 1, 2010, THE
7 COLLECTION OF THE WASTE TIRE FEE PURSUANT TO SECTION 25-17-202,
8 C.R.S., IS EXEMPT FROM TAXATION UNDER PART 1 OF THIS ARTICLE.

9 **SECTION 15.** 43-2-402 (5), Colorado Revised Statutes, is
10 amended to read:

11 **43-2-402. Noise mitigation measures.** (5) (a) The department
12 shall construct noise mitigation measures on the list of approved measures
13 for which a local government has agreed to provide no less than fifty
14 percent of the necessary moneys in the order of priority established
15 pursuant to subsection (4) of this section, using moneys provided by local
16 governments and any moneys distributed to the department by the director
17 of the division of local government in the department of local affairs
18 PUBLIC HEALTH AND ENVIRONMENT pursuant to ~~section 24-32-114 (1) (b),~~
19 ~~C.R.S.~~ PART 2 OF ARTICLE 17 OF TITLE 25, C.R.S.

20 (b) After the construction of noise mitigation measures in
21 accordance with paragraph (a) of this subsection (5), the department shall
22 use any moneys provided by local governments or distributed to the
23 department pursuant to ~~section 24-32-114 (1) (b), C.R.S.,~~ PART 2 OF
24 ARTICLE 17 OF TITLE 25, C.R.S., to construct other noise mitigation
25 measures on the list of approved measures in the order of priority
26 established pursuant to subsection (4) of this section.

27 (c) If a noise mitigation measure on the list of approved measures

1 is not constructed in a state fiscal year, the applicant may submit an
2 application for the noise mitigation measure for the next state fiscal year.

3 SECTION 16. 25-16.5-106.5 (1) and (2), Colorado Revised
4 Statutes, as amended by House Bill 10-1052, are amended to read:

5 25-16.5-106.5. Recycling resources economic opportunity fund
6 - creation - repeal. (1) (a) The recycling resources economic
7 opportunity fund is hereby created in the state treasury, referred to in this
8 section as the "fund". The fund shall consist of:

9 (I) (A) Moneys collected for the fund pursuant to sections
10 25-16-104.5 (3.9) (b) (a) and prior to July 1, 2011, 25-17-202 (1) (a) (IV)
11 (3) (a) (VI) and credited to the fund in accordance with the provisions of
12 section 25-16-104.5 (3.9) (b). THIS SUB-SUBPARAGRAPH (A) IS REPEALED,
13 EFFECTIVE JULY 1, 2011.

14 (B) EFFECTIVE JULY 1, 2011, MONEYS COLLECTED FOR THE FUND
15 PURSUANT TO SECTION 25-16-104.5 (3.9) (a) AND CREDITED TO THE FUND
16 IN ACCORDANCE WITH SECTION 25-16-104.5 (3.9) (b).

17 (II) Any moneys appropriated to the fund by the general assembly;
18 and

19 (III) All other moneys that may be available to the fund, including
20 moneys made available from gifts, grants, or bequests.

21 (b) All interest derived from the deposit of moneys in the fund
22 shall be credited to the fund. At the end of any fiscal year, all
23 unexpended and unencumbered moneys in the fund shall remain therein
24 IN THE FUND and shall not be credited or transferred to the general fund
25 or any other fund.

26 (2) Any moneys generated from the imposition of solid waste user
27 fees pursuant to sections 25-16-104.5 (3.9) and, prior to July 1, 2011,

1 25-17-202 (1) (a) (IV) PURSUANT TO SUBSECTION (1) OF THIS SECTION
2 shall be annually appropriated to the department for allocation to the
3 advisory board for the purpose of funding the recycling resources
4 economic opportunity activities authorized by section 25-16.5-106.7, as
5 well as any administrative costs associated therewith, including without
6 limitation the grants authorized to be made under section 25-16.5-106.7
7 (3) and grant program oversight authorized by section 25-16.5-105.5 (3).

8 **SECTION 17. Repeal.** Sections 5 and 6 of House Bill 10-1052,
9 are repealed.

10 **SECTION 18. Appropriation.** (1) In addition to any other
11 appropriation, there is hereby appropriated, out of any moneys in the
12 waste tire cleanup fund created in section 25-17-202.6 (1), Colorado
13 Revised Statutes, not otherwise appropriated, to the department of public
14 health and environment, for the fiscal year beginning July 1, 2010, the
15 sum of one million eight hundred seventy-one thousand two hundred
16 sixty-five dollars (\$1,871,265) and 0.4 FTE, or so much thereof as may
17 be necessary, for the implementation of this act.

18 (2) In addition to any other appropriation, there is hereby
19 appropriated to the department of law, for the fiscal year beginning July
20 1, 2010 , the sum of fifteen thousand seventy-six dollars (\$15,076) and
21 0.2 FTE, or so much thereof as may be necessary, for the provision of
22 legal services to the department of public health and environment related
23 to the implementation of this act. Said sum shall be from reappropriated
24 funds received from the department of public health and environment out
25 of the appropriation made in subsection (1) of this section.

26 (3) In addition to any other appropriation, there is hereby
27 appropriated, out of any moneys in the processors and end users fund

1 created in section 25-17-202.5 (1), Colorado Revised Statutes, not
2 otherwise appropriated, to the department of public health and
3 environment, for the fiscal year beginning July 1, 2010, the sum of one
4 million four hundred thirty-one thousand five hundred twenty-seven
5 dollars (\$1,431,527) and 0.4 FTE, or so much thereof as may be
6 necessary, for the implementation of this act.

7 (4) In addition to any other appropriation, there is hereby
8 appropriated, out of any moneys in the recycling resources economic
9 opportunity fund created in section 25-16.5-106.5 (1), Colorado Revised
10 Statutes, not otherwise appropriated, to the department of public health
11 and environment, for the fiscal year beginning July 1, 2010, the sum of
12 thirteen thousand four hundred thirty-seven dollars (\$13,437), or so much
13 thereof as may be necessary, for the implementation of this act.

14 (5) In addition to any other appropriation, there is hereby
15 appropriated, out of any moneys in the innovative higher education
16 research fund created in section 23-19.7-104 (1), Colorado Revised
17 Statutes, not otherwise appropriated, to the department of public health
18 and environment, for the fiscal year beginning July 1, 2010, the sum of
19 three hundred fourteen thousand eight hundred thirteen dollars
20 (\$314,813), or so much thereof as may be necessary, for the
21 implementation of this act.

22 (6) In addition to any other appropriation, there is hereby
23 appropriated, out of any moneys in the waste tire fire prevention fund
24 created in section 25-17-202.8 (1), Colorado Revised Statutes, not
25 otherwise appropriated, to the department of public health and
26 environment, for the fiscal year beginning July 1, 2010, the sum of three
27 hundred fourteen thousand eight hundred thirteen dollars (\$314,813) and

1 2.1 FTE, or so much thereof as may be necessary, for the implementation
2 of this act.

3 (7) In addition to any other appropriation, there is hereby
4 appropriated, out of any moneys in the waste tire fire prevention fund
5 created in section 25-17-202.8 (1), Colorado Revised Statutes, not
6 otherwise appropriated, to the department of public safety, for the fiscal
7 year beginning July 1, 2010, the sum of seventy-one thousand nine
8 hundred seventy dollars (\$71,970), or so much thereof as may be
9 necessary, for the implementation of this act.

10 (8) For the implementation of this act, appropriations made in the
11 annual general appropriation act for the fiscal year beginning July 1,
12 2010, shall be adjusted as follows:

13 (a) The appropriation to the department of local affairs, division
14 of local government, for waste tire recycling, reuse and removal grants,
15 is decreased by four million two hundred thousand dollars (\$4,200,000)
16 cash funds and 0.7 FTE. Of said sum, two million six hundred thousand
17 dollars (\$2,600,000) shall be from the waste tire recycling development
18 cash fund created in section 25-17-202 (3) (a), Colorado Revised Statutes,
19 eight hundred thousand dollars (\$800,000) shall be from the processors
20 and end users of waste tires cash fund created in section 25-17-202.5 (1),
21 Colorado Revised Statutes, and eight hundred thousand dollars
22 (\$800,000) shall be from the waste tire cleanup fund created in section
23 24-32-114 (1), Colorado Revised Statutes.

24 (b) The informational appropriation to the department of public
25 health and environment, division of administration and support, for
26 advanced technology research grants, is decreased by four hundred
27 ninety-five thousand dollars (\$495,000) cash funds. Said sum shall be

1 cash funds from the advanced technology fund created in section
2 25-16.5-105 (2), Colorado Revised Statutes.

3

4 **SECTION 19. Specified effective date - applicability.** This act
5 shall take effect upon passage and shall apply to conduct occurring on or
6 after said date; except that sections 16 and 17 of this act shall take effect
7 July 1, 2010, but only if House Bill 10-1052 is enacted and becomes law.

8 **SECTION 20. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.