

**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**

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**HOUSE SPONSORSHIP**

**Looper and Primavera,** Frangas, McFadyen, Solano

**SENATE SPONSORSHIP**

**Gibbs,** Romer, Williams

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**House Committees**

Transportation & Energy  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING INCREASED AUTHORITY TO REGULATE WASTE TIRES.**

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

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.*

**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.

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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.

19 (2) Moneys in the research fund shall be subject to annual

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

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7 repealed.

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

10 **25-16.5-105. Powers and duties of advisory board - repeal.**

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

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

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

26 (A) From the ~~additional~~ WASTE TIRE fee ~~imposed by~~ CREDITED  
27 PURSUANT TO section 25-17-202 ~~(1)(a)(IV) that is allocated~~ (3) (a) (VI)

1 to the recycling resources economic opportunity fund created in section  
2 25-16.5-106.5. THIS SUB-SUBPARAGRAPH (A) IS REPEALED, EFFECTIVE  
3 JULY 1, 2011; and

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

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

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

26 (b) ~~The board shall expend moneys in the advanced technology~~  
27 ~~fund to finance research, including research regarding the use of waste~~

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

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

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

26           ~~(e) Notwithstanding any other provision of this subsection (2), on~~  
27    ~~May 31, 2007, the state treasurer shall transfer forty percent of the~~

1 unencumbered balance of the advanced technology fund to the innovative  
2 higher education research fund created in section 23-19.7-104, C.R.S.

3 **SECTION 4.** 25-16.5-106.5 (1) and (2), Colorado Revised  
4 Statutes, 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 25-17-202 ~~(1)(a)(IV)~~ (3) (a) (VI) and  
11 credited to the fund in accordance with ~~the provisions of~~ section  
12 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 25-17-202 (1)(a)(IV)~~

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

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

10 **25-17-202. Waste tire fees - definitions - repeal.** (1) AS USED  
11 IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

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

20 (e) "PUBLIC PROJECT" MEANS:

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

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

27 (f) "TIRE" MEANS A TIRE FOR ANY PASSENGER VEHICLE, INCLUDING

1 ANY TRUCK, WEIGHING LESS THAN FIFTEEN THOUSAND POUNDS, AND FOR  
2 ANY TRUCK, INCLUDING ANY TRUCK TRACTOR, TRAILER, OR SEMITRAILER,  
3 WEIGHING MORE THAN FIFTEEN THOUSAND POUNDS; EXCEPT THAT "TIRE"  
4 DOES NOT INCLUDE:

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

7 (II) TIRES THAT ARE USED FOR:

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

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

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

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

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

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

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

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

27 (i) "WASTE TIRE CLEANUP PROGRAM" OR "PROGRAM" MEANS THE

1 PROGRAM CREATED BY THIS PART 2.

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

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

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

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

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

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

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

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

20 (2) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, AS  
21 AMENDED, RETAILERS OF NEW TIRES SHALL COLLECT A WASTE TIRE FEE OF  
22 ONE DOLLAR AND FIFTY CENTS ON THE SALE OF EACH NEW TIRE. THE  
23 RECEIPT FROM THE RETAILER TO THE CUSTOMER FOR EVERY NEW TIRE  
24 SHALL CONTAIN THE FOLLOWING STATEMENT IN THE LARGEST  
25 BOLD-FACED PRINT CAPABLE ON EXISTING INVOICE PRINTERS, NOT TO  
26 EXCEED FIFTEEN POINTS: "SECTION 25-17-202, COLORADO REVISED  
27 STATUTES, REQUIRES RETAILERS TO COLLECT A \$1.50 WASTE TIRE FEE ON

1 THE SALE OF EACH NEW MOTOR VEHICLE TIRE."

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

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

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

23 (I) (A) THIRTY AND THIRTY-THREE ONE-HUNDREDTHS PERCENT TO  
24 THE PROCESSORS AND END USERS FUND CREATED IN SECTION 25-17-202.5  
25 AND SIX AND SIXTY-SEVEN ONE-HUNDREDTHS PERCENT TO THE  
26 INNOVATIVE HIGHER EDUCATION RESEARCH FUND CREATED IN SECTION  
27 23-19.7-104, C.R.S. THIS SUB-SUBPARAGRAPH (A) IS REPEALED,

1 EFFECTIVE JULY 1, 2014.

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

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

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

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

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

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

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

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

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

24 (4) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE  
25 DEPARTMENT SHALL DISTRIBUTE, WHETHER BY GRANT, REIMBURSEMENT,  
26 OR OTHERWISE, FEES COLLECTED PURSUANT TO THIS SECTION ONLY TO A  
27 PERSON OR ENTITY THAT IS LOCATED IN AND HAS OPERATIONS IN

1 COLORADO, AND SHALL NOT DISTRIBUTE ANY SUCH FEES TO A PERSON OR  
2 ENTITY LOCATED OUTSIDE OF COLORADO.

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

5 **25-17-202.5. Processors and end users fund created - rules -**  
6 **repeal.** (1) There is hereby created, in the state treasury, the processors  
7 and end users of waste tires cash fund. Such fund shall consist of the fee  
8 revenue ~~collected~~ CREDITED pursuant to section 25-17-202 ~~(1)(a)(HH)~~ (3)  
9 (a) **(I)**; YEAR-END SURPLUSES TRANSFERRED PURSUANT TO SECTIONS  
10 25-17-202.6 (1), 25-17-202.8 (1), 25-17-202.9 (1), AND 25-17-207 **(4)**;  
11 **AND TRANSFERS BY THE STATE TREASURER ON THE EFFECTIVE DATE OF**  
12 **THIS SECTION, AS AMENDED, OF THE BALANCES OF THE UNEXPENDED AND**  
13 **UNENCUMBERED MONEYS IN THE WASTE TIRE CLEANUP FUND FORMERLY**  
14 **CREATED IN SECTION 24-32-117, C.R.S., AND THE ADVANCED**  
15 **TECHNOLOGY FUND FORMERLY CREATED IN SECTION 25-16.5-105 (2) (a),**  
16 **AS SUCH BALANCES EXISTED ON THE EFFECTIVE DATE OF THIS SECTION, AS**  
17 **AMENDED, AND AS SUCH FUNDS EXISTED PRIOR TO THEIR REPEAL. ALL**  
18 **INTEREST OR ANY OTHER RETURN ON THE INVESTMENT OF MONEYS IN THE**  
19 **FUND SHALL BE DEPOSITED IN THE FUND. Any moneys in the fund not**  
20 **expended or encumbered from any appropriation at the end of any fiscal**  
21 **year shall remain available, without further appropriation, for expenditure**  
22 **in the next fiscal year by the department of local affairs for allocation to**  
23 **the division of local government to be used in the following amounts for**  
24 **the following purposes** MONTHLY PARTIAL REIMBURSEMENT TO  
25 PROCESSORS AND END USERS, UP TO A MAXIMUM OF SIXTY-FIVE DOLLARS  
26 FOR EACH TON OF RAW COLORADO WASTE TIRES THAT ARE PROCESSED OR  
27 USED. THE PURPOSE OF SUCH PARTIAL REIMBURSEMENTS SHALL BE TO

1 ASSIST NEW WASTE TIRE RECYCLING TECHNOLOGIES TO BECOME  
2 ECONOMICALLY FEASIBLE AND TO THEREBY ENCOURAGE THE USE OF  
3 WASTE TIRES AND REDUCE THE STORAGE OF WASTE TIRES IN COLORADO.

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

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

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

11 **25-17-202.6. Waste tire cleanup fund - rules.** (1) THERE IS  
12 HEREBY CREATED IN THE STATE TREASURY THE WASTE TIRE CLEANUP  
13 FUND, REFERRED TO IN THIS SECTION AS THE "FUND", CONSISTING OF  
14 REVENUES CREDITED PURSUANT TO SECTION 25-17-202 (3) (a) (II). ALL  
15 INTEREST OR ANY OTHER RETURN ON THE INVESTMENTS SHALL BE  
16 DEPOSITED IN THE FUND. AT THE END OF EACH FISCAL YEAR, THE STATE  
17 TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED  
18 MONEYS IN THE FUND TO THE PROCESSORS AND END USERS FUND CREATED  
19 IN SECTION 25-17-202.5, EXCEPT FOR AN AMOUNT EQUAL TO  
20 THIRTY-THREE PERCENT OF THE DEPARTMENT'S PRIOR YEAR DIRECT AND  
21 INDIRECT COSTS. THE GENERAL ASSEMBLY SHALL MAKE ANNUAL  
22 APPROPRIATIONS OUT OF THE FUND TO THE DEPARTMENT IN AN AMOUNT  
23 EQUAL TO THE DEPARTMENT'S DIRECT AND INDIRECT ADMINISTRATIVE  
24 COSTS INCURRED PURSUANT TO THIS PART 2, NOT TO EXCEED FIFTEEN  
25 PERCENT OF THE ANNUAL INCOME TO THE FUND AND TO THE DIVISION OF  
26 FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY FOR ITS  
27 ADMINISTRATIVE COSTS PURSUANT TO SECTION 25-17-206 (3).

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

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

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

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

25 (III) FOR THE PURPOSE OF EXPENDING TIRE REUSE OR RECYCLING  
26 INCENTIVES UNDER THIS PARAGRAPH (b), THE STATE PURCHASING  
27 DIRECTOR AND ANY PURCHASING AGENT HAVE THE AUTHORITY TO

1 PURCHASE TIRE-DERIVED PRODUCTS UNLESS ANY OF THE FOLLOWING  
2 CONDITIONS EXIST:

3 (A) THE PRODUCT IS NOT AVAILABLE WITHIN A REASONABLE  
4 PERIOD OF TIME;

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

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

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

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

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

20 (5) (a) COUNTIES AND MUNICIPALITIES RECEIVING GRANTS  
21 PURSUANT TO THIS SECTION MAY USE SUCH GRANTS TO FUND THE  
22 REMOVAL AND DISPOSAL OR RECYCLING OF WASTE TIRES WITH COUNTY OR  
23 MUNICIPAL PERSONNEL OR MAY CONTRACT WITH PRIVATE ENTITIES, OTHER  
24 LOCAL GOVERNMENTS, OR OTHER GOVERNMENTAL AGENCIES FOR SUCH  
25 ACTIVITIES IF SUCH CONTRACTS ARE OTHERWISE IN ACCORDANCE WITH  
26 LAW. THE USE OF INMATE LABOR SHALL BE PURSUED WHENEVER  
27 FEASIBLE, AT THE SOLE DISCRETION OF THE BOARD OF COUNTY

1 COMMISSIONERS OR THE GOVERNING BODY OF THE MUNICIPALITY.

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

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

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

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

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

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

24 (b) (I) THE DEPARTMENT SHALL CREATE A PRIORITY ABATEMENT  
25 LIST OF WASTE TIRE STORAGE OR DISPOSAL FACILITIES AND COORDINATE  
26 THE LIST WITH THE TEN-YEAR MONOFILL TIRE LANDFILL ELIMINATION PLAN  
27 REQUIRED BY SECTION 30-20-121 (4), C.R.S. ABATEMENT PROJECTS

1 SHALL BE RANKED BASED ON THE POTENTIAL ENVIRONMENTAL DAMAGE  
2 OF THE INDIVIDUAL WASTE TIRE FACILITIES. THE DEPARTMENT SHALL  
3 PROVIDE AN ANNUAL UPDATE TO THE GENERAL ASSEMBLY OF THE  
4 ABATEMENT PROJECTS.

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

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

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

20 (7) THE COMMISSION MAY PROMULGATE RULES TO IMPLEMENT  
21 THIS SECTION.

22 **25-17-202.8. Waste tire fire prevention fund.** (1) THERE IS  
23 HEREBY CREATED IN THE STATE TREASURY THE WASTE TIRE FIRE  
24 PREVENTION FUND, REFERRED TO IN THIS SECTION AS THE "FUND",  
25 CONSISTING OF REVENUES CREDITED PURSUANT TO SECTION 25-17-202 (3)  
26 (a) (III). ALL INTEREST OR ANY OTHER RETURN ON THE INVESTMENT OF  
27 MONEYS IN THE FUND SHALL BE DEPOSITED IN THE FUND. AT THE END OF

1 EACH FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER ALL  
2 UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND TO THE  
3 PROCESSORS AND END USERS FUND CREATED IN SECTION 25-17-202.5,  
4 EXCEPT FOR AN AMOUNT EQUAL TO THIRTY-THREE PERCENT OF THE  
5 DEPARTMENT'S PRIOR YEAR DIRECT AND INDIRECT COSTS.

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

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

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

15  
16 **25-17-202.9. Waste tire market development fund.** (1) THERE  
17 IS HEREBY CREATED IN THE STATE TREASURY THE WASTE TIRE MARKET  
18 DEVELOPMENT FUND, REFERRED TO IN THIS SECTION AS THE "FUND",  
19 CONSISTING OF REVENUES CREDITED PURSUANT TO SECTION 25-17-202 (3)  
20 (a) (IV). ALL INTEREST OR ANY OTHER RETURN ON THE INVESTMENT OF  
21 MONEYS IN THE FUND SHALL BE DEPOSITED IN THE FUND. AT THE END OF  
22 EACH FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER ALL  
23 UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND TO THE  
24 PROCESSORS AND END USERS FUND CREATED IN SECTION 25-17-202.5.

25 (2) THE DEPARTMENT SHALL USE THE FUND TO ENCOURAGE WASTE  
26 TIRE MARKET DEVELOPMENT PURSUANT TO A MARKET DEVELOPMENT  
27 PLAN DEVELOPED BY THE WASTE TIRE ADVISORY COMMITTEE CREATED IN

1 SECTION 25-17-208. THE DEPARTMENT MAY USE THE FUND TO HIRE A  
2 CONTRACTOR IN CONNECTION WITH IMPLEMENTATION OF THE PLAN.

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

6 **25-17-204. Waste tire haulers - registration - rules - violations.**

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

10 (c) UNLESS THE PERSON:

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

14 (II) COMPLIES WITH THE MANIFEST REQUIREMENTS OF SECTION  
15 25-17-205.

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

18 **25-17-204. Waste tire haulers - registration - rules - violations.**

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

26 NO PERSON SHALL TRANSPORT A QUANTITY OF WASTE TIRES IN EXCESS OF  
27 THE LIMIT ESTABLISHED BY THE COMMISSION BY RULE DURING ANY ONE

1 TRIP UNLESS THE PERSON IS REGISTERED PURSUANT TO THIS SECTION.

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

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

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

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

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

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

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

20 **25-17-205. Decals - manifests.** (1) **Decals.** (a) ON AND AFTER  
21 A DATE SPECIFIED BY RULE PROMULGATED PURSUANT TO SECTION  
22 25-17-207 (1), NO PERSON SHALL STORE A QUANTITY OF WASTE TIRES IN  
23 EXCESS OF A LIMIT ESTABLISHED BY THE COMMISSION IN COLORADO FOR  
24 ANY PURPOSE UNLESS:

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

27 (II) THE PERSON HAS, PURSUANT TO RULES PROMULGATED

1 PURSUANT TO SECTION 25-17-207 (1), AFFIXED THE DECAL TO A UNIFORM  
2 LOCATION AT THE ADDRESS USED TO STORE THE WASTE TIRES.

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

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

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

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

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

21 (2) **Uniform manifests.** (a) ON AND AFTER A DATE SPECIFIED BY  
22 RULE PROMULGATED PURSUANT TO SECTION 25-17-207 (1), NO PERSON  
23 SHALL ACCEPT FOR TRANSPORTATION A QUANTITY OF WASTE TIRES IN  
24 EXCESS OF A LIMIT ESTABLISHED BY THE COMMISSION BY RULE UNLESS  
25 THE PERSON HAS COMPLETELY FILLED OUT IN **TRIPPLICATE** A UNIFORM  
26 **MANIFEST, AVAILABLE FROM THE DEPARTMENT'S WEB SITE,** IN A FORM  
27 ESTABLISHED BY THE DEPARTMENT CONTAINING THE INFORMATION

1 SPECIFIED BY RULE PROMULGATED PURSUANT TO SECTION 25-17-207 (1),  
2 INCLUDING AT LEAST THE FOLLOWING:

- 3 (I) THE MANIFEST NUMBER;
- 4 (II) THE DECAL NUMBER OF THE VEHICLE USED TO TRANSPORT THE  
5 TIRES;
- 6 (III) THE PERSON'S SIGNATURE UNDER PENALTY OF PERJURY,  
7 NAME, ADDRESS, AND TELEPHONE NUMBER;
- 8 (IV) THE CURRENT DATE; THE WASTE TIRE FACILITY REGISTRATION  
9 NUMBER, NAME, ADDRESS, AND TELEPHONE NUMBER OF THE SOURCE OF  
10 THE TIRES; AND THE WASTE TIRE FACILITY REGISTRATION NUMBER, NAME,  
11 ADDRESS, AND TELEPHONE NUMBER OF THE WASTE TIRE FACILITY TO  
12 WHICH THE WASTE TIRES WILL BE TRANSPORTED; AND
- 13 (V) THE NUMBER OR WEIGHT OF TIRES IN THE LOAD.

14 (b) THE PERSON SHALL RETAIN ONE COPY OF THE MANIFEST AND  
15 SHALL PROVIDE ONE COPY OF THE MANIFEST TO:

- 16 (I) THE SOURCE OF THE WASTE TIRE; AND
- 17 (II) THE WASTE TIRE FACILITY TO WHICH THE WASTE TIRES ARE  
18 TRANSPORTED.

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

23 (II) THE DEPARTMENT MAY ENTER AND INSPECT THE FACILITY OF  
24 ANY OF THE ENTITIES NAMED ON THE MANIFEST DURING NORMAL  
25 WORKING HOURS AND MAY REQUEST A COPY OF THE MANIFEST. FAILURE  
26 TO KEEP THE MANIFEST AS REQUIRED BY THIS PARAGRAPH (c) OR TO  
27 PRODUCE THE MANIFEST UPON REQUEST BY THE DEPARTMENT OR THE

1 DEPARTMENT'S AGENT IS A VIOLATION OF THIS SECTION.

2 **25-17-206. Registration of waste tire facilities - definitions.**

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

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

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

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

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

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

22 (3) (a) (I) ON AND AFTER A DATE SPECIFIED BY RULE  
23 PROMULGATED PURSUANT TO SECTION 25-17-207 (1), A WASTE TIRE  
24 FACILITY SHALL HAVE A FIRE PREVENTION, TRAINING, AND FIREFIGHTING  
25 PROGRAM AS DETERMINED BY THE COMMISSION BY RULE; EXCEPT THAT  
26 THIS SUBSECTION (3) SHALL NOT APPLY TO:

27 (A) A WASTE TIRE FACILITY THAT IS OPERATING WITH AN EXISTING

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

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

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

12 (B) UPON REQUEST OF THE LOCAL FIRE AUTHORITY, THE DIRECTOR  
13 OF THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY  
14 SHALL PROVIDE TECHNICAL ASSISTANCE IN THE REVIEW OF THE PROGRAM  
15 AND, IF APPROPRIATE, RECOMMEND CHANGES NECESSARY FOR THE LOCAL  
16 FIRE AUTHORITY TO APPROVE THE PROGRAM.

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

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

27 (I) BY AN ANNUAL DATE ESTABLISHED BY RULE, SUBMIT TO THE

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

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

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

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

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

24 (III) A WASTE TIRE MONOFILL SHALL ARRANGE FOR THE  
25 PROCESSING INTO TIRE-DERIVED PRODUCT OF AT LEAST SEVENTY-FIVE  
26 PERCENT OF THE THREE-YEAR ROLLING AVERAGE ANNUAL AMOUNT, BY  
27 WEIGHT OR NUMBER, OF WASTE TIRES THAT THE WASTE TIRE MONOFILL

1 ACCEPTED DURING THE PREVIOUS THREE CALENDAR YEARS.

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

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

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

14 (II) HAVE AN EMERGENCY RESPONSE PLAN;

15 (III) HAVE A FACILITY CLOSURE PLAN;

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

22 (A) TRUST FUND;

23 (B) LETTER OF CREDIT;

24 (C) SURETY BOND;

25 (D) INSURANCE;

26 (E) CORPORATE FINANCIAL TEST;

27 (F) LOCAL GOVERNMENT FINANCIAL TEST;

1 (G) CORPORATE GUARANTEE;

2 (H) LOCAL GOVERNMENT GUARANTEE; OR

3 (I) ONE OF THE FOLLOWING STATE-APPROVED MECHANISMS:  
4 CERTIFICATE OF DEPOSIT; MULTIPLE FINANCIAL MECHANISMS; OR OTHER  
5 METHODS AS APPROVED BY THE DEPARTMENT AND THE GOVERNING BODY  
6 HAVING JURISDICTION;

7 (V) HAVE AN ADEQUATE WATER SUPPLY AVAILABLE FOR USE BY  
8 THE LOCAL FIRE AUTHORITY IN THE EVENT OF A FIRE. OWNERS AND  
9 OPERATORS OF WASTE TIRE FACILITIES MAY DEMONSTRATE COMPLIANCE  
10 WITH THIS REQUIREMENT THROUGH ALTERNATIVE METHODS AS APPROVED  
11 BY THE LOCAL FIRE AUTHORITY.

12 (VI) MEET THE STANDARDS AND CONDITIONS FOR THE  
13 SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AS DETERMINED BY THE  
14 LOCAL FIRE AUTHORITY. IN MAKING SUCH DETERMINATION, THE FIRE  
15 CODE ADOPTED PURSUANT TO SECTION 24-33.5-1203.5, C.R.S., BY THE  
16 DIVISION OF FIRE SAFETY WITHIN THE DEPARTMENT OF PUBLIC SAFETY  
17 SHALL BE USED AS THE MINIMUM FIRE SAFETY STANDARD FOR WASTE TIRE  
18 FACILITIES.

19 (b) THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION  
20 (5):

21 (I) SHALL BE IMPLEMENTED BY THE DEPARTMENT IN  
22 CONSULTATION WITH THE LOCAL FIRE OFFICIALS AND IN ACCORDANCE  
23 WITH THE ADOPTED MINIMUM FIRE SAFETY STANDARDS; AND

24 (II) SHALL NOT APPLY TO:

25 (A) A WASTE TIRE FACILITY THAT IS OPERATING WITH AN EXISTING  
26 CERTIFICATE OF DESIGNATION AND THAT IS IN COMPLIANCE WITH ALL  
27 LOCAL, STATE, AND FEDERAL REGULATIONS AND LAWS ON THE EFFECTIVE

1 DATE OF THIS SECTION; EXCEPT THAT, UPON THE RENEWAL OF OR  
2 RE-APPLICATION FOR A CERTIFICATE OF DESIGNATION BY A WASTE TIRE  
3 FACILITY, THE WASTE TIRE FACILITY SHALL BE REQUIRED TO COMPLY WITH  
4 PARAGRAPH (a) OF THIS SUBSECTION (5); OR

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

7 **25-17-207. Rules - penalties - enforcement - fund.** (1) THE  
8 COMMISSION SHALL ADOPT RULES AS NECESSARY AND CONVENIENT FOR  
9 THE ADMINISTRATION OF THIS PART 2.

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

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

16 (4) THERE IS HEREBY CREATED IN THE STATE TREASURY THE LAW  
17 ENFORCEMENT GRANT FUND, CONSISTING OF THE FEE REVENUE CREDITED  
18 PURSUANT TO SECTION 25-17-202 (3) (a) (V) AND ALL PENALTIES  
19 ASSESSED PURSUANT TO THIS PART 2. ALL INTEREST OR ANY OTHER  
20 RETURN ON THE INVESTMENTS SHALL BE PAID INTO THE FUND. AT THE  
21 END OF EACH FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER ALL  
22 UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND TO THE  
23 PROCESSORS AND END USERS FUND CREATED IN SECTION 25-17-202.5.  
24 THE DEPARTMENT SHALL USE THE FUND FOR GRANTS TO AND  
25 EDUCATIONAL PROGRAMS FOR COUNTY SHERIFFS, THE STATE PATROL,  
26 POLICE DEPARTMENTS, FIRE DEPARTMENTS, AND LOCAL HEALTH  
27 DEPARTMENTS FOR ENFORCEMENT, FIRE PREVENTION AND SUPPRESSION,

1 TRAINING, AND OVERSIGHT OF WASTE TIRE FACILITIES.

2 **25-17-208. Waste tire advisory committee - repeal.** (1) THERE  
3 IS HEREBY CREATED, UNDER THE COMMISSION, A WASTE TIRE ADVISORY  
4 COMMITTEE CONSISTING OF THE FOLLOWING NINE MEMBERS:

5 (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE  
6 EXECUTIVE DIRECTOR'S DESIGNEE; AND

7 (b) THE FOLLOWING EIGHT MEMBERS APPOINTED BY THE  
8 GOVERNOR WITH THE CONSENT OF THE SENATE:

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

11 (II) ONE MEMBER REPRESENTING TIRE RETAILERS;

12 (III) ONE MEMBER REPRESENTING END USERS;

13 (IV) ONE MEMBER REPRESENTING TIRE MANUFACTURERS;

14 (V) ONE MEMBER REPRESENTING WASTE TIRE HAULERS;

15 (VI) ONE MEMBER REPRESENTING WASTE TIRE PROCESSORS;

16 (VII) ONE MEMBER REPRESENTING WASTE TIRE MONOFILLS THAT  
17 ARE OPERATING IN COMPLIANCE WITH THEIR CERTIFICATES OF  
18 DESIGNATION; AND

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

21 (2) THE ADVISORY COMMITTEE SHALL MEET ONCE PER QUARTER  
22 FOR THE FIRST FOUR YEARS AFTER JULY 1, 2010, TO PROVIDE INPUT AND  
23 ASSESSMENT OF THE WASTE TIRE CLEANUP PROGRAM, PROPOSE NEW  
24 RULES, AND RECOMMEND TO THE DEPARTMENT AND COMMISSION  
25 POTENTIAL RULES TO EFFECTIVELY MANAGE THE WASTE TIRE CLEANUP  
26 PROGRAM. THE ADVISORY COMMITTEE SHALL ADVISE THE COMMISSION  
27 AND THE DEPARTMENT ON CRITERIA AND PRIORITIES FOR WASTE

1 TIRE-RELATED FUNDING; REPORT TO THE TRANSPORTATION AND ENERGY  
2 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE  
3 TRANSPORTATION COMMITTEE OF THE SENATE, OR THEIR SUCCESSOR  
4 COMMITTEES, WITH RECOMMENDATIONS REGARDING PENALTIES FOR  
5 WASTE TIRE DISPOSAL, STORAGE, AND TRANSPORTATION VIOLATIONS BY  
6 JANUARY 1, 2011, AND REGARDING ALLOCATION OF THE WASTE TIRE FEE  
7 BY JANUARY 1, 2013, AND AS APPROPRIATE THEREAFTER; MAKE  
8 RECOMMENDATIONS TO THE DEPARTMENT CONCERNING EDUCATIONAL  
9 PROGRAMS AND FEASIBILITY STUDIES AS CONTEMPLATED BY SECTION  
10 25-17-202.6 (6) (b) (II); AND ASSIST THE DEPARTMENT AS NEEDED WITH  
11 MAKING GRANTS RELATED TO WASTE TIRE CLEAN UP. THE COMMITTEE  
12 SHALL DETERMINE THE FREQUENCY OF ITS MEETINGS AFTER JULY 1, 2014.

13 THE FOCUS FOR THE COMMITTEE IS TO:

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

16 (b) DEVELOP SOUND ENFORCEMENT PRACTICES AND RISK  
17 MITIGATION PRACTICES TO PREVENT THE LOSS OF LIFE, PROPERTY, AND  
18 THE ENVIRONMENT CAUSED BY WASTE TIRES;

19 (c) PREVENT THE ILLEGAL TRANSPORTATION AND DISPOSAL OF  
20 WASTE TIRES;

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

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

24 (3) THE ADVISORY COMMITTEE SHALL HAVE A CHAIR AND  
25 VICE-CHAIR AND SHALL REPORT TO THE COMMISSION, ON AN ANNUAL  
26 BASIS, CONCERNING THE PROGRESS OF THE WASTE TIRE CLEANUP  
27 PROGRAM. THE ADVISORY COMMITTEE SHALL TRACK THE VIOLATIONS

1 ALLEGED PURSUANT TO THIS PART 2 AND REPORT A SUMMARY OF THE  
2 COMPLAINTS IN THE ANNUAL REPORT TO THE COMMISSION. THE  
3 DEPARTMENT SHALL PROVIDE STAFF SUPPORT, AS APPROPRIATE, TO THE  
4 ADVISORY COMMITTEE.

5 (4) APPOINTED MEMBERS OF THE ADVISORY COMMITTEE SHALL  
6 SERVE THREE-YEAR TERMS; EXCEPT THAT, OF THE INITIAL APPOINTEES,  
7 TWO SHALL BE APPOINTED FOR ONE-YEAR TERMS; THREE SHALL BE  
8 APPOINTED FOR TWO-YEAR TERMS; AND THREE SHALL BE APPOINTED FOR  
9 THREE-YEAR TERMS. THE GOVERNOR SHALL DESIGNATE THE LENGTH OF  
10 TERMS FOR EACH OF THE MEMBERS FIRST APPOINTED IN ACCORDANCE  
11 WITH THIS SUBSECTION (4). VACANCIES SHALL BE FILLED BY  
12 APPOINTMENT FOR THE DURATION OF THE UNEXPIRED TERM.

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

15 (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020. PRIOR TO  
16 SUCH REPEAL, THE ADVISORY COMMITTEE SHALL BE REVIEWED AS  
17 PROVIDED FOR IN SECTION 2-3-1203, C.R.S.

18

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

21 **2-3-1203. Sunset review of advisory committees.** (3) The  
22 following dates are the dates for which the statutory authorization for the  
23 designated advisory committees is scheduled for repeal:

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

26 **SECTION 12.** 30-20-1001 (17), Colorado Revised Statutes, is  
27 amended to read:

1           **30-20-1001. Definitions.** As used in this part 10, unless the  
2 context otherwise requires:

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

7           (b) ~~"Waste tire" does not include waste tires from any device~~  
8 ~~moved exclusively by human power.~~

9           **SECTION 13.** 39-26-706, Colorado Revised Statutes, is amended  
10 BY THE ADDITION OF A NEW SUBSECTION to read:

11           **39-26-706. Miscellaneous sales and use tax exemptions -**  
12 **cigarettes - internet access - refractory materials - precious metal**  
13 **bullion and coins - waste tires.** (5) THE COLLECTION OF THE WASTE  
14 TIRE FEE PURSUANT TO SECTION 25-17-202, C.R.S., IS EXEMPT FROM  
15 TAXATION UNDER PART 1 OF THIS ARTICLE.

16           **SECTION 14.** 43-2-402 (5), Colorado Revised Statutes, is  
17 amended to read:

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

27           (b) After the construction of noise mitigation measures in

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

7 (c) If a noise mitigation measure on the list of approved measures  
8 is not constructed in a state fiscal year, the applicant may submit an  
9 application for the noise mitigation measure for the next state fiscal year.

10

11 **SECTION 15. Applicability.** This act shall apply to conduct  
12 occurring on or after the effective date of this act.

13 **SECTION 16. Safety clause.** The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, and safety.