

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 12, 2024
Date

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

SB24-123 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 3, line 6, strike "use" and substitute "use
2 REUSE".

3 Page 3, line 21, strike "RECYCLING" and substitute "RECYCLING,
4 BENEFICIAL REUSE,".

5 Amend the Finance Committee Report, dated February 29, 2024, page 1,
6 line 12, strike "line".

7 Page 1 of the report, line 16, strike "BENEFITS RECEIVED" and substitute
8 "COST OF PROVIDING THE SERVICES NEEDED".

9 Page 2 of the report, strike lines 7 through 14 and substitute:

10 "Page 5 of the bill, strike lines 21 through 27 and substitute:

11 "(12.5) "WASTE TIRE ADMINISTRATION FEE" OR "ADMINISTRATION
12 FEE" MEANS MONEY COLLECTED PURSUANT TO SECTION 30-20-1403
13 (2.5)(b).

14 (14.5) "WASTE TIRE ENTERPRISE FEE" OR "ENTERPRISE FEE" MEANS
15 MONEY COLLECTED PURSUANT TO SECTION 30-20-1403 (2.5)(a).

16 **SECTION 3.** In Colorado Revised Statutes, 30-20-1403, **add**
17 (1)(c), (1.5), (2)(c), (2.5), and (3) as follows:

18 **30-20-1403. Waste tire recycling, beneficial reuse, and**
19 **management - waste tire fees - distribution - rules.** (1) (c) THIS
20 SUBSECTION (1) IS REPEALED, EFFECTIVE JULY 1, 2025.

21 (1.5) **Enterprise.** (a) (I) THERE IS CREATED IN THE DEPARTMENT
22 THE WASTE TIRE".

- 1 Page 6 of the bill, line 4, strike "(2)" and substitute "(2.5)".
- 2 Page 6 of the bill, line 18, strike "(1)(a)," and substitute "(1.5)(a),".
- 3 Page 2 of the report, strike lines 19 and 20 and substitute "PURSUANT TO
4 SUBSECTION (1) OF THIS SECTION, PRIOR TO ITS REPEAL IN 2025, AND THE
5 CREATION OF THE WASTE TIRE".
- 6 Page 2 of the report, line 23, strike "(2)" and substitute "(2.5)".
- 7 Page 2 of the report, line 24, strike "USE," and substitute "REUSE,".
- 8 Page 3 of the report, line 19, strike "(1)(b).". and substitute "(1.5)(b).".
- 9 Page 8 of the bill, line 7, strike "(1)(c)(III)" and substitute "(1.5)(c)(III)".
- 10 Page 8 of the bill, line 11, strike "(1)(c)(I)" and substitute "(1.5)(c)(I)".
- 11 Page 8 of the bill, line 20, strike "(1)(c)(III)" and substitute "(1.5)(c)(III)".
- 12 Page 8 of the bill, line 23, strike "(1)(c)(I) AND (1)(c)(II)" and substitute
13 "(1.5)(c)(I) AND (1.5)(c)(II)".
- 14 Page 3 of the report, line 27, strike "(1)(b)(VI)(B)" and substitute
15 "(1.5)(b)(VI)(B)".
- 16 Page 3 of the report, after line 30 insert:
- 17 "Page 9 of the printed bill, after line 11 insert:
- 18 "(h) (I) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY
19 LEGALLY AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF
20 DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES
21 FEE REVENUE. THE ENTERPRISE MAY ACCEPT AND EXPEND ANY MONEY SO
22 TRANSFERRED, AND, NOTWITHSTANDING ANY STATE FISCAL RULE OR
23 GENERALLY ACCEPTED ACCOUNTING PRINCIPLE THAT COULD OTHERWISE
24 BE INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, SUCH A
25 TRANSFER IS A LOAN FROM THE DEPARTMENT TO THE ENTERPRISE THAT IS
26 REQUIRED TO BE REPAID AND IS NOT A GRANT FOR PURPOSES OF SECTION
27 20 (2)(d) OF ARTICLE X OF THE STATE CONSTITUTION OR AS DEFINED IN
28 SECTION 24-77-102 (7).
- 29 (II) ALL MONEY TRANSFERRED AS A LOAN TO THE ENTERPRISE
30 MUST BE CREDITED TO THE WASTE TIRE ADMINISTRATION, ENFORCEMENT,

1 MARKET DEVELOPMENT, AND CLEANUP FUND, CREATED IN SECTION
2 30-20-1404 (1)(a). LOAN LIABILITIES THAT ARE RECORDED IN THE WASTE
3 TIRE ADMINISTRATION, ENFORCEMENT, MARKET DEVELOPMENT, AND
4 CLEANUP FUND BUT THAT ARE NOT REQUIRED TO BE PAID IN THE CURRENT
5 STATE FISCAL YEAR SHALL NOT BE CONSIDERED WHEN CALCULATING
6 SUFFICIENT STATUTORY FUND BALANCE FOR PURPOSES OF SECTION
7 24-75-109.

8 (III) AS THE ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS
9 OF EXPENSES, IT SHALL REIMBURSE THE DEPARTMENT FOR THE PRINCIPAL
10 AMOUNT OF ANY LOAN MADE BY THE DEPARTMENT, PLUS INTEREST AT A
11 RATE AGREED UPON BY THE DEPARTMENT AND THE ENTERPRISE."."

12 Page 3 of the report, strike lines 31 through 33 and substitute:

13 "Page 9 of the bill, strike lines 12 and 13 and substitute:

14 "(2) (c) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1,
15 2025.

16 (2.5) **Waste tire enterprise fee and waste tire administration**
17 **fee.** (a) (I) EFFECTIVE JULY 1, 2025, RETAILERS OF NEW MOTOR"."

18 Page 9 of the bill, line 20, strike "(2)(a)(I)" and substitute "(2.5)(a)(I)".

19 Page 4 of the report, line 19, strike "(2);"." and substitute "(2.5);"."

20 Page 4 of the report, lines 26 and 27, strike "AND CONTINUING THROUGH
21 DECEMBER 31, 2040,".

22 Page 5 of the report, line 35, strike "FROM JULY 1, 2025, THROUGH
23 JANUARY 31, 2041," and substitute "BEGINNING ON JULY 1, 2025,".

24 Page 5 of the report, line 37, strike "(2)(a)" and substitute "(2.5)(a)".

25 Page 5 of the report, line 40, strike "(2)(a)(II)(A)" and substitute
26 "(2.5)(a)(II)(A)".

27 Page 6 of the report, line 1, strike "(2)(a)(II)(B)" and substitute
28 "(2.5)(a)(II)(B)".

29 Page 6 of the report, line 8, strike "FUND; AND" and substitute "FUND".

30 Page 6 of the report, line 13, strike "FROM JULY 1, 2025, THROUGH
31 JANUARY 31, 2041," and substitute "BEGINNING ON JULY 1, 2025,".

- 1 Page 6 of the report, line 15, strike "(2)(b)" and substitute "(2.5)(b)".
- 2 Page 6 of the report, line 19, after "FUND" insert "SHALL BE CREDITED".
- 3 Page 6 of the report, line 29, strike ""(2)(a)"" and substitute ""(2.5)(a)"".
- 4 Page 6 of the report, line 33, strike "(2)(a);" and substitute "(2.5)(a);".
- 5 Page 12 of the bill, line 21, strike "(1)(b);" and substitute "(1.5)(b);".
- 6 Page 8 of the report, line 27, strike ""(3)(a)(II)."" and substitute
7 ""(3)(a)(II).".
- 8 Page 13 of the report, strike line 27.
- 9 Page 17 of the bill, strike lines 12 through 16 and substitute:

10 **SECTION 8. Appropriation.** (1) For the 2024-25 state fiscal
11 year, \$60,208 is appropriated to the department of public health and
12 environment. This appropriation is from the waste tire administration,
13 enforcement, market development, and cleanup fund created in section
14 30-20-1404 (1), C.R.S. To implement this act, the department may use
15 this appropriation as follows:

16 (a) \$9,000 for use by the hazardous materials and waste
17 management division for the solid waste control program; and

18 (b) \$51,208 for the purchase of legal services.

19 (2) For the 2024-25 state fiscal year, \$51,208 is appropriated to
20 the department of law. This appropriation is from reappropriated funds
21 received from the department of public health and environment under
22 subsection (1)(b) of this section and is based on an assumption that the
23 department of law will require an additional 0.2 FTE. To implement this
24 act, the department of law may use this appropriation to provide legal
25 services for the department of public health and environment.

26 **SECTION 9. Effective date.** This act takes effect upon passage;
27 except that section 30-20-1403 (2.5), Colorado Revised Statutes, as added
28 in section 3 of this act, takes effect on July 1, 2025; section 30-20-1404,
29 Colorado Revised Statutes, as amended in section 4 of this act, takes
30 effect on July 1, 2025; section 30-20-1405, Colorado Revised Statutes, as
31 amended in section of 5 of this act, takes effect on July 1, 2025; section
32 30-20-1405.5, as added in section 6 of this act, takes effect on July 1,
33 2025; and section 30-20-1418, as added in section 8 of this act, takes
34 effect on July 1, 2025.

35 **SECTION 10. Safety clause.** The general assembly finds,

1 determines, and declares that this act is necessary for the immediate
2 preservation of the public peace, health, or safety or for appropriations for
3 the support and maintenance of the departments of the state and state
4 institutions."

5 Page 1 of the bill, line 104, strike "PROGRAM." and substitute
6 "PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AN
7 APPROPRIATION."

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