

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 24-0517.01 Christopher McMichael x4775

SENATE BILL 24-123

SENATE SPONSORSHIP

Priola and Hansen, Jaquez Lewis, Winter F.

HOUSE SPONSORSHIP

Mauro and Froelich,

Senate Committees

Finance
Appropriations

House Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF AN ENTERPRISE THAT IS EXEMPT FROM**
102 **THE REQUIREMENTS OF SECTION 20 OF ARTICLE X OF THE STATE**
103 **CONSTITUTION TO ADMINISTER A FEE-BASED WASTE TIRE**
104 **MANAGEMENT PROGRAM, AND, IN CONNECTION THEREWITH,**
105 **MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the waste tire management enterprise (enterprise). Under current law, when a consumer buys new tires, the retailer charges

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
3rd Reading Unamended
April 17, 2024

SENATE
Amended 2nd Reading
April 16, 2024

the consumer a waste tire fee (fee) that is then collected by the department of public health and environment (department) and distributed into 2 separate cash funds:

- The waste tire administration, enforcement, market development, and cleanup fund; and
- The end users fund.

The department uses the money in the waste tire administration, enforcement, market development, and cleanup fund for various purposes related to waste tire recycling and management. The department uses the money in the end users fund to issue rebates to end users of waste tires.

The bill shifts the following responsibilities from the department to the enterprise:

- Collecting the fee;
- Managing the waste tire administration, enforcement, market development, and cleanup fund and the end users fund;
- Issuing rebates to end users; and
- In conjunction with the solid and hazardous waste commission, overseeing the activities of waste tire haulers, waste tire generators, waste tire collection facilities, waste tire processors, mobile processors, waste tire monofills, end users, and used tire management.

The bill extends the amount of time that the fee may be collected, from December 31, 2025, until December 31, 2040.

The enterprise is operated by a board of directors appointed by the executive director of the department. The enterprise's primary duties and functions are to:

- Collect the fee;
- Promote waste tire recycling and management strategies for Colorado;
- Issue revenue bonds;
- Publish waste tire recycling and management strategies online; and
- Engage the services of contractors, consultants, or legal counsel to provide professional and technical assistance related to the conduct of the enterprise.

Because the enterprise is a government-owned business, the revenue generated by the enterprise is not subject to section 20 of article X of the state constitution.

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

2 **SECTION 1.** In Colorado Revised Statutes, 30-20-1401, **amend**

1 (1) and (2) as follows:

2 **30-20-1401. Legislative declaration - rules - enforcement -**
3 **recyclable material.** (1) The general assembly hereby finds and declares
4 that:

5 (a) In order to protect the environment and the public health, there
6 is a special need to address problems created by the disposal of waste tires
7 and the lack of recycling and beneficial use REUSE of waste tires; ~~It is the~~
8 ~~policy of this state to pursue proposals for recycling and other beneficial~~
9 ~~use of waste tires in lieu of storage or landfill disposal, and, in addition,~~
10 ~~it is the intent of the general assembly~~

11 (b) In adopting this part 14, ~~to encourage~~ THE GENERAL ASSEMBLY
12 HAS ENCOURAGED the development of techniques for resource recovery,
13 recycling, and reuse of waste tires; ~~and to provide for the management of~~
14 ~~waste tires.~~ HOWEVER, THERE IS STILL ROOM FOR IMPROVEMENT
15 REGARDING THE MANAGEMENT OF WASTE TIRES IN COLORADO;

16 (c) THE MANAGEMENT OF WASTE TIRES AT THE STATE LEVEL
17 PROMOTES ECONOMIC DEVELOPMENT AND PROVIDES SUBSTANTIAL
18 ENVIRONMENTAL IMPACTS ACROSS THE STATE;

19 (d) IT IS IN THE STATE'S INTEREST TO PROVIDE FOR THE RECOVERY,
20 RECYCLING, REUSE, AND MANAGEMENT OF WASTE TIRES THROUGH A
21 GOVERNMENT-RUN ENTERPRISE;

22 (e) PROVIDING STATEWIDE WASTE TIRE RECYCLING, BENEFICIAL
23 REUSE, AND MANAGEMENT CONSTITUTES A VALUABLE SERVICE AND
24 BENEFIT, AND A WASTE TIRE MANAGEMENT ENTERPRISE WOULD PROVIDE
25 USEFUL BUSINESS SERVICES TO TIRE RETAILERS, AUTOMOBILE DEALERS,
26 AUTOMOBILE REPAIR SHOPS, SERVICE STATIONS, AUTOMOTIVE FLEET
27 CENTERS, WASTE TIRE HAULERS, WASTE TIRE COLLECTION FACILITIES,

1 WASTE TIRE PROCESSORS, RECYCLING AND WASTE FACILITIES, LANDFILLS,
2 CONSUMERS, AND ALL RESIDENTS OF COLORADO;

3 (f) THE WASTE TIRE MANAGEMENT ENTERPRISE WILL AID IN THE
4 PROPER MANAGEMENT OF WASTE TIRES BY PROVIDING FINANCIAL
5 INCENTIVES AND REBATES FOR THE RECYCLING OF WASTE TIRES INTO
6 END-USE TIRE-DERIVED PRODUCTS, WHICH FINANCIAL INCENTIVES AND
7 REBATES DIRECTLY COMPENSATE PEOPLE WHO PROPERLY DISPOSE OF OR
8 RECYCLE WASTE TIRES, PROVIDE FEE PAYERS MORE CONVENIENT WASTE
9 TIRE AND DISPOSAL OPTIONS, INCREASE THE PRODUCTION OF TIRE-DERIVED
10 PRODUCTS, AND POSITIVELY IMPACT HUMAN HEALTH AND SAFETY AND
11 THE ENVIRONMENT;

12 (g) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
13 THE STATE TO ACKNOWLEDGE THAT, BY PROVIDING THE BUSINESS
14 SERVICES SPECIFIED IN THIS PART 14, THE ENTERPRISE ENGAGES IN AN
15 ACTIVITY CONDUCTED IN THE PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD
16 AND THEREFORE OPERATES AS A BUSINESS;

17 (h) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
18 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
19 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
20 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
21 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
22 ASSEMBLY THAT THE WASTE TIRE ENTERPRISE FEE COLLECTED BY THE
23 ENTERPRISE IS A FEE, NOT A TAX, BECAUSE THE FEE IS IMPOSED FOR THE
24 SPECIFIC PURPOSE OF ALLOWING THE ENTERPRISE TO DEFRAY THE COSTS
25 OF PROVIDING THE BUSINESS SERVICES SPECIFIED IN SECTIONS 30-20-1404
26 AND 30-20-1405 TO CONSUMERS WHO ULTIMATELY PAY THE ENTERPRISE
27 FEE, WHICH ENTERPRISE FEE IS IMPOSED AT RATES THAT ARE REASONABLY

1 CALCULATED BASED ON THE COST OF PROVIDING THE SERVICES NEEDED BY
2 THOSE CONSUMERS;

3 (i) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR
4 THE PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION,
5 THE REVENUE FROM THE WASTE TIRE ENTERPRISE FEE COLLECTED BY THE
6 ENTERPRISE IS NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN SECTION
7 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION 24-77-103.6
8 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE STATE FISCAL YEAR
9 SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF THE STATE
10 CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS DEFINED IN
11 SECTION 24-77-103.6 (6)(b)(I); AND

12 (j) THE ENTERPRISE CREATED IN THIS PART 14 IS NECESSARY TO
13 CONTINUE COLORADO'S MANAGEMENT OF WASTE TIRES AND PROVIDE
14 INCENTIVES TO LOCAL GOVERNMENTS; FOR-PROFIT WASTE TIRE
15 MANAGEMENT, RECYCLING, AND REUSE COMPANIES; AND OTHER
16 ORGANIZATIONS THAT ARE INVOLVED IN WASTE TIRE RECYCLING,
17 BENEFICIAL REUSE, AND MANAGEMENT.

18 (2) (a) ~~By May 31, 2015,~~ The commission, IN CONSULTATION
19 WITH THE ENTERPRISE, shall promulgate rules for the implementation and
20 enforcement of this part 14. ~~Until the commission promulgates rules to~~
21 ~~implement and enforce this part 14,~~ the commission's rules in effect on
22 July 1, 2014, governing waste tires continue to apply to the extent that
23 they do not conflict with this part 14 SECTIONS 30-20-1403, 30-20-1404,
24 AND 30-20-1405, AS APPLICABLE.

25 (b) THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT,
26 SHALL PROMULGATE RULES FOR THE IMPLEMENTATION AND ENFORCEMENT
27 OF SECTIONS 30-20-1403 AND 30-20-1405.5 AND OTHER SECTIONS OF THIS

1 PART 14, AS APPLICABLE.

2 **SECTION 2.** In Colorado Revised Statutes, 30-20-1402, **add**
3 (1.7), (4.5), (12.5), and (14.5) as follows:

4 **30-20-1402. Definitions.** As used in this part 14, unless the
5 context otherwise requires:

6 (1.7) "BOARD OF DIRECTORS" OR "BOARD" MEANS THE BOARD OF
7 DIRECTORS OF THE ENTERPRISE.

8 (4.5) "ENTERPRISE" MEANS THE WASTE TIRE MANAGEMENT
9 ENTERPRISE CREATED IN SECTION 30-20-1403.

10 (12.5) "WASTE TIRE ADMINISTRATION FEE" OR "ADMINISTRATION
11 FEE" MEANS MONEY COLLECTED PURSUANT TO SECTION 30-20-1403
12 (2.5)(b).

13 (14.5) "WASTE TIRE ENTERPRISE FEE" OR "ENTERPRISE FEE" MEANS
14 MONEY COLLECTED PURSUANT TO SECTION 30-20-1403 (2.5)(a).

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

17 **30-20-1403. Waste tire recycling, beneficial reuse, and**
18 **management - waste tire fees - distribution - rules. (1) (c) THIS**
19 **SUBSECTION (1) IS REPEALED, EFFECTIVE JULY 1, 2025.**

20 (1.5) Enterprise. (a) (I) THERE IS CREATED IN THE DEPARTMENT
21 THE WASTE TIRE MANAGEMENT ENTERPRISE. THE ENTERPRISE IS AND
22 OPERATES AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT
23 TO COLLECT THE WASTE TIRE ENTERPRISE FEE CHARGED BY RETAILERS OF
24 NEW TIRES PURSUANT TO SUBSECTION (2.5) OF THIS SECTION AND TO USE
25 THE WASTE TIRE ENTERPRISE FEE TO PROMOTE WASTE TIRE RECYCLING,
26 BENEFICIAL REUSE, AND MANAGEMENT STRATEGIES IN COLORADO.

27 (II) THE ENTERPRISE IS AND OPERATES AS A GOVERNMENT-OWNED

1 BUSINESS WITHIN THE DEPARTMENT FOR THE PURPOSE OF CONDUCTING
2 THE BUSINESS ACTIVITIES SPECIFIED IN THIS SECTION. THE ENTERPRISE IS
3 A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND EXERCISES ITS
4 POWERS AND PERFORMS ITS DUTIES AND FUNCTIONS UNDER THE
5 DEPARTMENT.

6 (III) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
7 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT
8 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
9 THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS FROM ALL
10 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT
11 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (1.5)(a),
12 THE ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE
13 STATE CONSTITUTION.

14



15 (b) THE ENTERPRISE'S PRIMARY POWERS AND DUTIES ARE TO:

16 (I) COLLECT THE WASTE TIRE ENTERPRISE FEE;

17 (II) PROMOTE WASTE TIRE RECYCLING, BENEFICIAL REUSE, AND
18 MANAGEMENT STRATEGIES THROUGHOUT COLORADO;

19 (III) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUES OF THE
20 ENTERPRISE TO PROMOTE THE WASTE TIRE RECYCLING, BENEFICIAL REUSE,
21 AND MANAGEMENT STRATEGIES SPECIFIED IN THIS SECTION;

22 (IV) PUBLISH EACH YEAR, ON THE DEPARTMENT'S WEBSITE AND AS
23 OTHERWISE DEEMED APPROPRIATE BY THE BOARD, THE WASTE TIRE
24 RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT STRATEGIES THAT THE
25 BOARD HAS PRIORITIZED THROUGH THE COLLECTION OF THE WASTE TIRE
26 ENTERPRISE FEE;

27 (V) ADOPT, AMEND, OR REPEAL POLICIES FOR THE REGULATION OF

1 THE ENTERPRISE'S AFFAIRS AND THE CONDUCT OF THE ENTERPRISE'S
2 BUSINESS CONSISTENT WITH THIS PART 14;

3 (VI) (A) CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY,
4 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY
5 GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,
6 OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER
7 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE.
8 THE BOARD SHALL ENCOURAGE DIVERSITY IN APPLICANTS FOR CONTRACTS
9 AND SHALL GENERALLY AVOID USING SINGLE-SOURCE BIDS.

10 (B) THE ENTERPRISE SHALL PAY A FAIR MARKET RATE TO ANY
11 PUBLIC ENTITY, PRIVATE ENTITY, CONTRACTOR, OR CONSULTANT, WHICH
12 MAY INCLUDE A STATE AGENCY, THE ATTORNEY GENERAL'S OFFICE, OR
13 THE DEPARTMENT, THAT IS HIRED BY THE ENTERPRISE TO PERFORM DUTIES
14 PURSUANT TO THIS SUBSECTION (1.5)(b); AND

15 (VII) PREPARE AND SUBMIT AN ANNUAL FINANCIAL REPORT
16 PURSUANT TO SUBSECTION (1.5)(i) OF THIS SECTION.

17 (c) THE ENTERPRISE IS GOVERNED BY A BOARD OF DIRECTORS. THE
18 BOARD CONSISTS OF THE FOLLOWING NINE MEMBERS:

19 (I) TWO MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF
20 THE DEPARTMENT TO REPRESENT THE DEPARTMENT, INCLUDING ONE WITH
21 EXPERTISE IN SUSTAINABILITY AND ONE WITH EXPERTISE IN COMPLIANCE;

22 (II) ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
23 DEPARTMENT WHO REPRESENTS A COUNTY THAT HAS EXPERIENCE WITH
24 THE MANAGEMENT OF WASTE TIRES; AND

25 (III) SIX MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF
26 THE DEPARTMENT WHO ARE REPRESENTATIVES OF NONPROFIT AND
27 FOR-PROFIT ENTITIES ENGAGED IN THE RECOVERY, RECYCLING, REUSE,

1 AND MANAGEMENT OF WASTE TIRES, INCLUDING A TIRE RETAILER, A
2 WASTE TIRE COLLECTION FACILITY, A WASTE TIRE PROCESSOR, AND A
3 WASTE TIRE HAULER. TO THE EXTENT PRACTICABLE, THE REPRESENTATION
4 OF NONPROFIT AND FOR-PROFIT ENTITIES MUST BE BALANCED EQUALLY.

5 (d) OF THE MEMBERS APPOINTED TO THE BOARD OF DIRECTORS
6 PURSUANT TO SUBSECTION (1.5)(c)(III) OF THIS SECTION, AT LEAST ONE
7 MEMBER MUST DO BUSINESS IN A RURAL COUNTY IN THE STATE.

8 (e) (I) THE MEMBER REPRESENTING THE DEPARTMENT WHO HAS
9 EXPERTISE IN SUSTAINABILITY AND IS APPOINTED PURSUANT TO
10 SUBSECTION (1.5)(c)(I) OF THIS SECTION SHALL CALL THE FIRST MEETING
11 OF THE BOARD.

12 (II) THE BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS
13 TO SERVE FOR A TERM NOT TO EXCEED TWO YEARS.

14 (III) THE BOARD SHALL MEET QUARTERLY, AND THE CHAIR OF THE
15 BOARD MAY CALL ADDITIONAL MEETINGS AS NECESSARY FOR THE BOARD
16 TO COMPLETE ITS DUTIES.

17 (IV) THE TERM OF OFFICE FOR A BOARD MEMBER IS THREE YEARS;
18 EXCEPT THAT FOUR OF THE SIX MEMBERS APPOINTED PURSUANT TO
19 SUBSECTION (1.5)(c)(III) OF THIS SECTION SERVE INITIAL TERMS OF TWO
20 YEARS. A BOARD MEMBER MAY SERVE UNLIMITED TERMS.

21 (f) (I) A MEMBER OF THE BOARD OF DIRECTORS, EXCEPT FOR
22 MEMBERS APPOINTED PURSUANT TO SUBSECTIONS (1.5)(c)(I) AND
23 (1.5)(c)(II) OF THIS SECTION, MAY RECEIVE A PER DIEM STIPEND WHILE ON
24 OFFICIAL ENTERPRISE BUSINESS.

25 (II) THE PER DIEM STIPEND SHALL BE AT LEAST EQUAL TO THE
26 COLORADO STATE EMPLOYEE PER DIEM FOR INTRA-STATE TRAVEL AS
27 ESTABLISHED BY THE DEPARTMENT OF PERSONNEL.

1 (III) ALL MEMBERS OF THE BOARD OF DIRECTORS MAY RECEIVE
2 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED
3 WHILE ON OFFICIAL ENTERPRISE BUSINESS.

4 (IV) THE ENTERPRISE MAY USE MONEY IN THE WASTE TIRE
5 MANAGEMENT ENTERPRISE FUND, CREATED IN SECTION 30-20-1404, TO
6 PAY THE PER DIEM STIPEND TO A BOARD MEMBER AND TO REIMBURSE A
7 BOARD MEMBER FOR ACTUAL AND NECESSARY EXPENSES INCURRED AS
8 PART OF THE ENTERPRISE'S OPERATING EXPENSES.

9 (g) THE DEPARTMENT SHALL PROVIDE OFFICE SPACE AND
10 ADMINISTRATIVE STAFF TO THE ENTERPRISE, IF REQUESTED BY THE BOARD.
11 IN ACCORDANCE WITH SUBSECTION (1.5)(b)(VI)(B) OF THIS SECTION, THE
12 ENTERPRISE SHALL PAY THE DEPARTMENT A FAIR MARKET RATE FOR ANY
13 OFFICE SPACE OR ADMINISTRATIVE STAFF USED BY THE BOARD IN
14 PERFORMANCE OF THE ENTERPRISE'S DUTIES.

15 (h) (I) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY
16 LEGALLY AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF
17 DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES
18 FEE REVENUE. THE ENTERPRISE MAY ACCEPT AND EXPEND ANY MONEY SO
19 TRANSFERRED, AND, NOTWITHSTANDING ANY STATE FISCAL RULE OR
20 GENERALLY ACCEPTED ACCOUNTING PRINCIPLE THAT COULD OTHERWISE
21 BE INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, SUCH A
22 TRANSFER IS A LOAN FROM THE DEPARTMENT TO THE ENTERPRISE THAT IS
23 REQUIRED TO BE REPAID AND IS NOT A GRANT FOR PURPOSES OF SECTION
24 20 (2)(d) OF ARTICLE X OF THE STATE CONSTITUTION OR AS DEFINED IN
25 SECTION 24-77-102 (7).

26 (II) ALL MONEY TRANSFERRED AS A LOAN TO THE ENTERPRISE
27 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 (i) (I) ON OR BEFORE JUNE 30, 2026, AND EVERY JUNE 30 OF EACH
13 YEAR THEREAFTER, THE ENTERPRISE SHALL PREPARE AND SUBMIT AN
14 ANNUAL FINANCIAL REPORT TO LEGISLATIVE COUNCIL STAFF AND THE
15 JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY.

16 (II) THE FINANCIAL REPORT PREPARED BY THE ENTERPRISE
17 PURSUANT TO SUBSECTION (1.5)(i)(I) OF THIS SECTION MUST INCLUDE THE
18 ENTERPRISE'S PROJECTED REVENUE AND EXPENDITURES AND PROPOSED
19 BUDGET FOR THE FOLLOWING FISCAL YEAR.

20 (III) THE ENTERPRISE SHALL POST A COPY OF THE ENTERPRISE'S
21 FINANCIAL REPORT ON THE ENTERPRISE'S PUBLIC WEBSITE.

22 (2)(c) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2025.

23 (2.5) Waste tire enterprise fee and waste tire administration
24 fee. (a) (I) EFFECTIVE JULY 1, 2025, RETAILERS OF NEW MOTOR VEHICLE
25 TIRES AND NEW TRAILER TIRES SHALL COLLECT A WASTE TIRE ENTERPRISE
26 FEE IN AN AMOUNT TO BE SET BY THE ENTERPRISE, IN COORDINATION WITH
27 THE COMMISSION. THE WASTE TIRE ENTERPRISE FEE AMOUNT MUST NOT

1 EXCEED TWO DOLLARS AND FIFTY CENTS ON THE SALE OF EACH NEW TIRE.
2 THE MAXIMUM PER TIRE ENTERPRISE FEE AMOUNT MAY BE ADJUSTED BY
3 THE ENTERPRISE EVERY TWO YEARS IN ACCORDANCE WITH ANY ANNUAL
4 PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S
5 BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR THE
6 DENVER-AURORA-LAKEWOOD METROPOLITAN AREA FOR ALL ITEMS PAID
7 BY ALL URBAN CONSUMERS, OR ITS APPLICABLE SUCCESSOR INDEX.

8 (II) EFFECTIVE JULY 1, 2025, THE BOARD OF DIRECTORS MAY
9 REVIEW THE WASTE TIRE ENTERPRISE FEE ON AN ANNUAL BASIS AND, IN
10 ACCORDANCE WITH THE FEE AMOUNT LIMIT SET FORTH IN SUBSECTION
11 (2.5)(a)(I) OF THIS SECTION, ADJUST THE WASTE TIRE FEE AMOUNT SO
12 THAT THE WASTE TIRE ENTERPRISE FEE IS IMPOSED IN AN AMOUNT THAT
13 IS:

14 (A) REASONABLY RELATED TO THE DIRECT AND INDIRECT COSTS
15 OF OPERATING THE ENTERPRISE IN ACCORDANCE WITH THIS PART 14 AND
16 THE SERVICES PROVIDED BY THE ENTERPRISE, WHICH COSTS MUST NOT
17 EXCEED THE EQUIVALENT OF ONE-HALF OF THE WASTE TIRE ENTERPRISE
18 FEE COLLECTED FOR EACH NEW TIRE SOLD PURSUANT TO THIS SUBSECTION
19 (2.5);

20 (B) SUFFICIENT TO PAY COSTS ASSOCIATED WITH PROVIDING
21 REBATES AS DESCRIBED IN SECTION 30-20-1405; AND

22 (C) SUFFICIENT TO PROVIDE GRANTS TO ELIGIBLE ENTITIES
23 PURSUANT TO THE WASTE TIRE MANAGEMENT GRANT PROGRAM
24 ESTABLISHED IN SECTION 30-20-1418.

25 (b) (I) EFFECTIVE JULY 1, 2025, RETAILERS OF NEW MOTOR
26 VEHICLE TIRES AND NEW TRAILER TIRES SHALL COLLECT A WASTE TIRE
27 ADMINISTRATION FEE IN AN AMOUNT TO BE SET BY THE COMMISSION, IN

1 COORDINATION WITH THE DEPARTMENT.

2 (II) THE COMMISSION MAY REVIEW THE WASTE TIRE
3 ADMINISTRATION FEE ON AN ANNUAL BASIS AND ADJUST THE
4 ADMINISTRATION FEE AMOUNT SO THAT IT COVERS THE DIRECT AND
5 INDIRECT COSTS OF CONDUCTING THE REGULATORY AND ADMINISTRATIVE
6 FUNCTIONS OF THE DEPARTMENT IN IMPLEMENTING THIS PART 14.

7 (III) THE WASTE TIRE ADMINISTRATION FEE AMOUNT MUST NOT
8 EXCEED HALF OF THE AMOUNT OF THE WASTE TIRE ENTERPRISE FEE;
9 EXCEPT THAT THE MINIMUM AMOUNT OF THE WASTE TIRE
10 ADMINISTRATION FEE ON THE SALE OF EACH NEW TIRE MUST BE FIFTY
11 CENTS OR MORE.

12 (c) (I) ON AND AFTER JULY 1, 2025, RETAILERS OF NEW MOTOR
13 VEHICLE TIRES AND NEW TRAILER TIRES SHALL COLLECT BOTH THE
14 ENTERPRISE FEE AND THE ADMINISTRATION FEE FROM THE CONSUMER AT
15 THE POINT OF SALE.

16 (II) THE RECEIPT FROM THE RETAILER TO THE CONSUMER FOR
17 EVERY NEW MOTOR VEHICLE OR NEW TRAILER TIRE PURCHASED MUST
18 CONTAIN THE FOLLOWING STATEMENT IN THE LARGEST BOLD-FACED TYPE
19 CAPABLE BASED ON POINT-OF-SALE SOFTWARE AND ON EXISTING INVOICE
20 PRINTERS, NOT TO EXCEED FIFTEEN POINTS: "SECTION 30-20-1403,
21 COLORADO REVISED STATUTES, REQUIRES RETAILERS TO COLLECT A
22 WASTE TIRE ENTERPRISE FEE SET BY THE WASTE TIRE MANAGEMENT
23 ENTERPRISE, WHICH IS A GOVERNMENT-OWNED BUSINESS WITHIN THE
24 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AND A WASTE
25 TIRE ADMINISTRATION FEE SET BY THE SOLID AND HAZARDOUS WASTE
26 COMMISSION ON THE SALE OF EACH NEW MOTOR VEHICLE TIRE AND
27 EACH NEW TRAILER TIRE."

1 (III) THE RETAILER SHALL SUBMIT TO THE ENTERPRISE BY THE
2 TWENTIETH DAY OF EACH QUARTER OF EACH CALENDAR YEAR THE
3 ENTERPRISE FEE COLLECTED PURSUANT TO THIS SECTION IN THE
4 PRECEDING QUARTER OF THE CALENDAR YEAR, TOGETHER WITH ANY
5 REPORT REQUIRED BY THE ENTERPRISE. THE ENTERPRISE SHALL TRANSMIT
6 THE ENTERPRISE FEES TO THE STATE TREASURER, WHO SHALL CREDIT
7 THEM IN ACCORDANCE WITH SUBSECTION (3)(a) OF THIS SECTION OR AS
8 SPECIFIED IN RULES PROMULGATED BY THE COMMISSION.

9 (IV) THE RETAILER SHALL SUBMIT TO THE DEPARTMENT BY THE
10 TWENTIETH DAY OF EACH QUARTER OF EACH CALENDAR YEAR THE
11 ADMINISTRATION FEE COLLECTED PURSUANT TO THIS SECTION IN THE
12 PRECEDING QUARTER OF THE CALENDAR YEAR, TOGETHER WITH ANY
13 REPORT REQUIRED BY THE DEPARTMENT. THE DEPARTMENT SHALL
14 TRANSMIT THE ADMINISTRATION FEES TO THE STATE TREASURER, WHO
15 SHALL CREDIT THEM IN ACCORDANCE WITH SUBSECTION (3)(b) OF THIS
16 SECTION OR AS SPECIFIED IN RULES PROMULGATED BY THE COMMISSION.

17 (3)(a) BEGINNING ON JULY 1, 2025, THE STATE TREASURER SHALL
18 DISTRIBUTE THE REVENUE FROM THE WASTE TIRE ENTERPRISE FEE
19 ASSESSED IN SUBSECTION (2.5)(a) OF THIS SECTION AS FOLLOWS:

20 (I) THE PORTION OF THE ENTERPRISE FEE COLLECTED TO COVER
21 THE COSTS DESCRIBED IN SUBSECTION (2.5)(a)(II)(A) OF THIS SECTION TO
22 THE WASTE TIRE MANAGEMENT ENTERPRISE FUND CREATED IN SECTION
23 30-20-1404;

24 (II) THE PORTION OF THE ENTERPRISE FEE COLLECTED TO COVER
25 THE COSTS DESCRIBED IN SUBSECTION (2.5)(a)(II)(B) OF THIS SECTION TO
26 THE END USERS FUND CREATED IN SECTION 30-20-1405;

27 (III) ALL INTEREST EARNED ON THE INVESTMENT OF MONEY IN THE

1 WASTE TIRE MANAGEMENT ENTERPRISE FUND TO THE WASTE TIRE
2 MANAGEMENT ENTERPRISE FUND. ANY UNEXPENDED AND UNENCUMBERED
3 MONEY IN THE WASTE TIRE MANAGEMENT ENTERPRISE FUND AT THE END
4 OF ANY FISCAL YEAR SHALL REMAIN IN THE WASTE TIRE MANAGEMENT
5 ENTERPRISE FUND.

6 (IV) ALL INTEREST EARNED ON THE INVESTMENT OF MONEY IN THE
7 END USERS FUND TO THE END USERS FUND. ANY UNEXPENDED AND
8 UNENCUMBERED MONEY IN THE END USERS FUND AT THE END OF ANY
9 FISCAL YEAR SHALL REMAIN IN THE END USERS FUND.

10 (b) (I) BEGINNING ON JULY 1, 2025, THE STATE TREASURER SHALL
11 DISTRIBUTE THE REVENUE FROM THE WASTE TIRE ADMINISTRATION FEE
12 ASSESSED IN SUBSECTION (2.5)(b) OF THIS SECTION TO THE WASTE TIRE
13 ADMINISTRATION FUND CREATED IN SECTION 30-20-1405.5.

14 (II) ALL INTEREST EARNED ON THE INVESTMENT OF MONEY IN THE
15 WASTE TIRE ADMINISTRATION FUND SHALL BE CREDITED TO THE WASTE
16 TIRE ADMINISTRATION FUND. ANY UNEXPENDED AND UNENCUMBERED
17 MONEY IN THE WASTE TIRE ADMINISTRATION FUND IN EXCESS OF SIXTEEN
18 AND ONE-HALF PERCENT OF THE PREVIOUS STATE FISCAL YEAR'S
19 EXPENDITURES AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE
20 WASTE TIRE ADMINISTRATION FUND.

21

22 **SECTION 4.** In Colorado Revised Statutes, 30-20-1404, **amend**
23 (1), (2) introductory portion, (2)(a), (2)(o), (5), (6), and (7); **repeal**
24 (2)(b), (2)(c), (2)(d), (2)(i), (2)(j), (2)(k), (2)(l), (2)(p), (3), (4), and (8);
25 and **add** (2)(q), (2)(r), (2)(s), (2)(t), and (2)(u) as follows:

26 **30-20-1404. Waste tire management enterprise fund - creation**
27 **- rules.** (1) (a) There is ~~hereby~~ created in the state treasury the waste tire

1 ~~administration, enforcement, market development, and cleanup~~
2 MANAGEMENT ENTERPRISE fund, referred to in this section as the "fund",
3 consisting of the fee revenue credited pursuant to section 30-20-1403
4 (2.5)(a) and any other money appropriated OR TRANSFERRED to it. ~~The~~
5 ~~general assembly shall annually appropriate the money in the fund to the~~
6 ~~department for its direct and indirect administrative and enforcement~~
7 ~~costs in administering and enforcing this part 14~~ MONEY CREDITED TO
8 THE FUND IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE
9 PURPOSES SET FORTH IN THIS SECTION AND TO PAY THE ENTERPRISE'S
10 REASONABLE AND NECESSARY OPERATING EXPENSES.

11 (b) The state treasurer shall credit all interest earned on the
12 investment of money in the fund to the fund. Any unexpended and
13 unencumbered money in the fund ~~in excess of sixteen and one-half~~
14 ~~percent of the previous fiscal year's expenditures~~ at the end of any fiscal
15 year shall ~~be credited:~~ REMAIN IN THE FUND.

16 (a) ~~Through December 31, 2025, to the end users fund created in~~
17 ~~section 30-20-1405; and~~

18 (b) ~~On and after January 1, 2026, to the general fund.~~

19 (2) ~~The department shall~~ ENTERPRISE MAY, IN CONSULTATION
20 WITH THE DEPARTMENT, use the money in the fund for:

21 (a) Collecting the WASTE TIRE ENTERPRISE fee assessed in section
22 30-20-1403 (1) (2.5)(a);

23 (b) Inspecting retailers to determine whether all fees are being
24 collected;

25 (c) Enforcing the requirements of this part 14 pursuant to existing
26 authority, including sections 30-20-113 and 30-20-114;

27 (d) Developing a system to address the receipt by registered

- 1 persons of unmanifested waste tires from unregistered haulers;
- 2 (i) Providing grants to law enforcement, fire departments, local
3 health departments, state agencies, and any other applicable entities for
4 purchasing equipment and supplies to implement this part 14;
- 5 (j) Training of and enforcement by entities that enforce this part
6 14;
- 7 (k) Awarding grants and developing educational programs for
8 enforcement, fire prevention and suppression, proper waste tire
9 management and disposal, training, and customer technical assistance;
- 10 (l) Maintaining an online complaint form and processes for law
11 enforcement, fire departments, and citizens to report potential waste tire
12 violations;
- 13 (o) Encouraging waste tire market development; and
- 14 (p) Reimbursing the division of fire prevention and control in the
15 department of public safety for:
- 16 (I) Inspections of facilities where waste tires are present
17 conducted by the division to determine whether the waste tire collection
18 facilities, waste tire processors, and waste tire monofills are in
19 compliance with the rules promulgated by the director of the division
20 pursuant to section 24-33.5-1203.5 (2); and
- 21 (II) Technical and other assistance the division provides to the
22 department or the public related to waste tires, including assistance
23 related to:
- 24 (A) The development of fire prevention education materials; and
25 (B) Review of fire prevention plans.
- 26 (q) THE PAYMENT OF ANY BONDS ISSUED PURSUANT TO SECTION
27 30-20-1403 (1.5)(b);

1 (r) REIMBURSEMENT OF ANY CONTRACTORS USED FOR CLEANUP
2 AND REMEDIATION ACTIVITIES ENGAGED IN PURSUANT TO SUBSECTIONS
3 (2)(f) AND (2)(g) OF THIS SECTION;

4 (s) THE PAYMENT OF PER DIEM AND THE REIMBURSEMENT OF
5 ACTUAL AND NECESSARY EXPENSES FOR BOARD MEMBERS WHILE ON
6 OFFICIAL ENTERPRISE BUSINESS;

7 (t) FUNDING GRANTS IN ACCORDANCE WITH THE WASTE TIRE
8 MANAGEMENT GRANT PROGRAM ESTABLISHED IN SECTION 30-20-1418;
9 AND

10 (u) ANY OTHER ACTIVITY NECESSARY TO IMPLEMENT SECTION
11 30-20-1403, AS DETERMINED BY THE BOARD OF DIRECTORS.

12 ~~(3) If the department is denied access or if consent to access has~~
13 ~~not been given to clean up a site where the department reasonably~~
14 ~~believes waste tires exist illegally, the department may obtain from the~~
15 ~~district court for the judicial district in which the property is located a~~
16 ~~warrant to enter the property and remove the waste tires.~~

17 ~~(4) (a) In addition to any penalties assessed, the department may~~
18 ~~issue an order requiring the owner or operator to compensate the~~
19 ~~department for the cost of remediation of the site, and the department may~~
20 ~~request the attorney general to bring suit for compensation from the~~
21 ~~owner or operator for money expended remediating the site. The~~
22 ~~department shall use the recovered moneys to reimburse the fund for~~
23 ~~actual costs of remediating the site and of seeking compensation pursuant~~
24 ~~to this section. The state treasurer shall credit all additional moneys to the~~
25 ~~general fund.~~

26 ~~(b) The department may place a lien on a property on which the~~
27 ~~department funds the remediation of waste tires pursuant to this section~~

1 until the costs of remediation have been repaid to the department. If
2 complete repayment has not been made before a sale of the property, the
3 department shall be repaid in full, to the extent possible, from proceeds
4 of the sale.

5 (5) (a) In providing assistance pursuant to this section, the
6 ~~department~~ ENTERPRISE shall give primary consideration to protection of
7 public health and the environment.

8 (b) In awarding contracts for services pursuant to this section, the
9 ~~department~~ ENTERPRISE may give preferential bidding treatment to
10 individuals or entities that will recycle, pursuant to rules of the
11 department concerning recycling, and reuse, rather than dispose of, the
12 waste tires.

13 (6) The ~~department~~ ENTERPRISE shall, either itself or through a
14 contractor, create a priority abatement list of illegal waste tire disposal
15 sites.

16 (7) The ENTERPRISE, IN COORDINATION WITH THE department and
17 the department of transportation, shall ~~coordinate with one another to~~
18 systematically investigate and research the use of tire-derived aggregates
19 in technically feasible and economically viable civil applications
20 associated with the department of transportation's roadway mission. The
21 department shall include any findings regarding tire-derived aggregates,
22 as appropriate, in the department's annual report to the general assembly.

23 ~~(8) Notwithstanding any other provision of this section, on June~~
24 ~~30, 2020, the state treasurer shall transfer five million three hundred~~
25 ~~seventy-two thousand four hundred fifteen dollars from the fund to the~~
26 ~~general fund.~~

27 **SECTION 5.** In Colorado Revised Statutes, 30-20-1405, **amend**

1 (1), (2)(a) introductory portion, (3), (4)(a), (4)(b) introductory portion, (5)
2 introductory portion, (5)(c) introductory portion, (5)(d), (5)(e)
3 introductory portion, (5)(e)(I), (6) introductory portion, (6)(b)(II), (7), (8)
4 introductory portion, (9), and (10); and **repeal** (1.5) as follows:

5 **30-20-1405. End users fund - creation - quarterly rebates -**
6 **rules - repeal.** (1) (a) There is ~~hereby~~ created in the state treasury the end
7 users fund, referred to in this section as the "fund", consisting of the fee
8 revenue credited pursuant to section ~~30-20-1403 (2)(a)(H)~~ 30-20-1403
9 (3)(a)(II).

10 (b) The state treasurer shall credit all interest and any other return
11 on the investment of money in the fund to the fund. ~~The fund is subject~~
12 ~~to annual appropriation by the general assembly to the department for the~~
13 ~~purposes specified in this section~~ MONEY CREDITED TO THE FUND IS
14 CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES SET
15 FORTH IN THIS SECTION.

16 (1.5) ~~Notwithstanding any other provision of this section, on June~~
17 ~~30, 2020, the state treasurer shall transfer one million four hundred~~
18 ~~thousand dollars from the fund to the general fund.~~

19 (2) (a) The ~~department~~ ENTERPRISE, IN CONSULTATION WITH THE
20 DEPARTMENT, shall use the money in the fund to provide quarterly rebates
21 to in-state:

22 (3) The rebate is subject to the following conditions:

23 (a) The ~~department~~ ENTERPRISE shall pay the rebate amount
24 quarterly, on a per-ton basis; and

25 (b) Once the ~~department~~ ENTERPRISE has paid a rebate on a
26 particular quantity of tire-derived product, every part of that particular
27 quantity of tire-derived product is no longer eligible for payment of the

1 rebate.

2 (4) (a) The ~~commission~~ ENTERPRISE, IN CONSULTATION WITH THE
3 COMMISSION, shall annually set the amount of the rebate, ~~by rule~~, on a
4 per-ton basis, and the ~~department~~ ENTERPRISE shall pay the set rebate
5 amount for each ton of qualified tire-derived product. The ~~commission~~
6 ENTERPRISE shall calculate the rebate to equal, but not exceed, the amount
7 of the anticipated income transferred into the fund during each
8 succeeding twelve-month period.

9 (b) Each year, the ~~department~~ ENTERPRISE shall continue to
10 provide the rebate in accordance with the tiered structure set forth in
11 subsection (5)(e) of this section until:

12 (5) The commission shall promulgate rules governing
13 administration of the rebate. ~~which~~ ON AND AFTER THE EFFECTIVE DATE
14 OF THIS SECTION, AS AMENDED, THE COMMISSION SHALL CONSULT WITH
15 THE ENTERPRISE IN ADOPTING RULES GOVERNING ADMINISTRATION OF THE
16 REBATE. THE COMMISSION'S rules must include the following:

17 (c) If the balance of the fund is anticipated to be insufficient to
18 pay out all of the rebates applied for, a requirement that the ~~department~~
19 ENTERPRISE:

20 (d) A requirement that an end user that qualifies for a rebate by
21 utilizing waste tires for:

22 (I) Alternative daily cover must verify with the ~~department~~
23 ENTERPRISE that the alternative daily cover meets all specification
24 standards for all type-B tire-derived aggregate, as established by the
25 ASTM standard D6270; and

26 (II) Tire-derived aggregate must verify with the ~~department~~
27 ENTERPRISE that the tire-derived aggregate meets all specification

1 standards for all type-A ~~ANDTYPE-B~~ tire-derived aggregate, as established
2 by the ASTM standard D6270; and

3 (e) Three tiers of rebate amounts that the ~~department~~ ENTERPRISE
4 may pay out based on the amount of the waste tire that was used and
5 destroyed as follows:

6 (I) Tier 1: Full rebates going to crumbed rubber end uses and end
7 uses that completely destroy the waste tire for the purpose of energy
8 recovery or other clean technologies as defined and approved ~~by the~~
9 ~~commission~~ by rule;

10 (6) The ~~department~~ ENTERPRISE:

11 (b) May deny:

12 ==

13 (II) All future rebates pursuant to this section and grants of money
14 from the waste tire ~~administration, enforcement, market development, and~~
15 ~~cleanup~~ MANAGEMENT ENTERPRISE fund created in section 30-20-1404 to
16 an applicant that knowingly or intentionally provides false information to
17 the ~~department~~ ENTERPRISE when applying for a rebate or for a grant of
18 money from the waste tire ~~administration, enforcement, market~~
19 ~~development, and cleanup~~ MANAGEMENT ENTERPRISE fund.

20 (7) Waste tires obtained from rural counties are eligible for an
21 additional rebate amount of twenty-five dollars per ton; however, the
22 additional rebate amount must not exceed the rebate amount for tier 3
23 rebates as determined by ~~the commission~~ by rule pursuant to subsection
24 (5)(e)(III) of this section. To qualify for the additional rebate amount set
25 forth in this subsection (7), an end user must provide evidence to the
26 ~~department~~ ENTERPRISE documenting the county of origin for each waste
27 tire.

1 (8) The ~~department~~ ENTERPRISE shall require that an end user
2 submit an application for a rebate that contains self-certifications
3 provided by the end user regarding:

4 (9) (a) ON OR AFTER JANUARY 1, 2026, AND UNTIL DECEMBER 31,
5 2041, the ~~department~~ ENTERPRISE may issue rebates ~~after January 1, 2026,~~
6 ~~only for end uses occurring and rebates applied for on or before~~
7 ~~December 31, 2025~~ PURSUANT TO THIS SECTION.

8 (b) The commission, IN CONSULTATION WITH THE ENTERPRISE,
9 shall repeal any rules concerning the fund and implementation of this
10 section once the ~~department~~ ENTERPRISE has issued the final rebates
11 pursuant to subsection (9)(a) of this section.

12 (c) On ~~July 1, 2026~~ JULY 1, 2042, the state treasurer shall transfer
13 any money left in the fund to the general fund.

14 (10) This section is repealed, effective ~~July 1, 2026~~ DECEMBER 31,
15 2042.

16 **SECTION 6. In Colorado Revised Statutes, add 30-20-1405.5 as**
17 **follows:**

18 **30-20-1405.5. Waste tire administration fund - creation - clean**
19 **up - reimbursement - penalties - rules. (1) (a) THERE IS CREATED IN**
20 **THE STATE TREASURY THE WASTE TIRE ADMINISTRATION FUND, REFERRED**
21 **TO IN THIS SECTION AS THE "FUND".**

22 **(b) THE FUND CONSISTS OF THE WASTE TIRE ADMINISTRATION FEE**
23 **REVENUE CREDITED TO THE FUND PURSUANT TO SECTION 30-20-1403**
24 **(3)(b) AND ANY OTHER MONEY APPROPRIATED OR TRANSFERRED TO IT.**

25 **(c) MONEY CREDITED TO THE FUND IS CONTINUOUSLY**
26 **APPROPRIATED TO THE DEPARTMENT FOR THE PURPOSES SET FORTH IN**
27 **SUBSECTION (2) OF THIS SECTION.**

1 (2) THE DEPARTMENT MAY USE THE MONEY IN THE FUND FOR THE
2 REASONABLE DIRECT AND INDIRECT COSTS OF CONDUCTING THE
3 REGULATORY AND ADMINISTRATIVE FUNCTIONS OF THE DEPARTMENT IN
4 IMPLEMENTING THIS PART 14, INCLUDING:

5 (a) INSPECTING NEW MOTOR VEHICLE TIRE AND NEW TRAILER TIRE
6 RETAILERS TO DETERMINE WHETHER ALL FEES ARE BEING COLLECTED;

7 (b) ENFORCING THE REQUIREMENTS OF THIS PART 14 PURSUANT TO
8 EXISTING AUTHORITY, INCLUDING SECTIONS 30-20-113 AND 30-20-114;

9 (c) DEVELOPING A SYSTEM TO ADDRESS THE RECEIPT BY
10 REGISTERED PERSONS OF UNMANIFESTED WASTE TIRES FROM
11 UNREGISTERED WASTE TIRE HAULERS;

12 (d) MAINTAINING AN ONLINE COMPLAINT FORM AND PROCESS FOR
13 LAW ENFORCEMENT, FIRE DEPARTMENTS, AND CITIZENS TO REPORT
14 POTENTIAL WASTE TIRE VIOLATIONS;

15 (e) REIMBURSING THE DIVISION OF FIRE PREVENTION AND CONTROL
16 IN THE DEPARTMENT OF PUBLIC SAFETY FOR:

17 (I) INSPECTIONS OF FACILITIES WHERE WASTE TIRES ARE PRESENT
18 CONDUCTED BY THE DIVISION OF FIRE PREVENTION AND CONTROL TO
19 DETERMINE WHETHER THE WASTE TIRE COLLECTION FACILITIES, WASTE
20 TIRE PROCESSORS, AND WASTE TIRE MONOFILLS ARE IN COMPLIANCE WITH
21 THE RULES PROMULGATED BY THE DIRECTOR OF THE DIVISION PURSUANT
22 TO SECTION 24-33.5-1203.5 (2); AND

23 (II) TECHNICAL AND OTHER ASSISTANCE THE DIVISION OF FIRE
24 PREVENTION AND CONTROL PROVIDES TO THE DEPARTMENT OR THE PUBLIC
25 RELATED TO WASTE TIRES, INCLUDING ASSISTANCE RELATED TO:

26 (A) THE DEVELOPMENT OF FIRE PREVENTION EDUCATION
27 MATERIALS; AND

1 (B) REVIEW OF FIRE PREVENTION PLANS;

2 (f) REGISTERING AND REGULATING WASTE TIRE HAULERS, WASTE
3 TIRE GENERATORS, USED TIRE MANAGERS, WASTE TIRE COLLECTION
4 FACILITIES, WASTE TIRE PROCESSORS, MOBILE PROCESSORS, WASTE TIRE
5 MONOFILLS, AND END USERS IN ACCORDANCE WITH SECTIONS 30-20-1408
6 TO 30-20-1417;

7 (g) PROVIDING GRANTS TO LAW ENFORCEMENT, FIRE
8 DEPARTMENTS, LOCAL HEALTH DEPARTMENTS, STATE AGENCIES, AND ANY
9 OTHER APPLICABLE ENTITIES FOR PURCHASING EQUIPMENT AND SUPPLIES
10 TO IMPLEMENT THIS PART 14;

11 (h) TRAINING OF AND ENFORCEMENT BY ENTITIES THAT ENFORCE
12 THIS PART 14;

13 (i) AWARDING GRANTS AND DEVELOPING EDUCATIONAL
14 PROGRAMS FOR ENFORCEMENT, FIRE PREVENTION AND SUPPRESSION,
15 PROPER WASTE TIRE MANAGEMENT AND DISPOSAL, TRAINING, AND
16 CUSTOMER TECHNICAL ASSISTANCE; AND

17 (j) ANY OTHER REGULATORY OR ADMINISTRATIVE COSTS RELATED
18 TO THE DEPARTMENT'S AUTHORITY AND DUTIES IN IMPLEMENTING THIS
19 PART 14.

20 (3) IF THE DEPARTMENT IS DENIED ACCESS OR IF CONSENT TO
21 ACCESS HAS NOT BEEN GIVEN TO CLEAN UP A SITE WHERE THE
22 DEPARTMENT REASONABLY BELIEVES WASTE TIRES EXIST ILLEGALLY, THE
23 DEPARTMENT MAY OBTAIN FROM THE DISTRICT COURT FOR THE JUDICIAL
24 DISTRICT IN WHICH THE PROPERTY IS LOCATED A WARRANT TO ENTER THE
25 PROPERTY AND REMOVE THE WASTE TIRES.

26 (4) (a) IN ADDITION TO ANY PENALTIES ASSESSED, THE
27 DEPARTMENT MAY ISSUE AN ORDER REQUIRING THE OWNER OR OPERATOR

1 TO COMPENSATE THE DEPARTMENT FOR THE COST OF REMEDIATION OF THE
2 SITE, AND THE DEPARTMENT MAY REQUEST THE ATTORNEY GENERAL TO
3 BRING SUIT FOR COMPENSATION FROM THE OWNER OR OPERATOR FOR
4 MONEY EXPENDED REMEDIATING THE SITE. THE DEPARTMENT SHALL USE
5 THE RECOVERED MONEY TO REIMBURSE THE FUND FOR ACTUAL COSTS OF
6 REMEDIATING THE SITE AND OF SEEKING COMPENSATION PURSUANT TO
7 THIS SECTION. THE STATE TREASURER SHALL CREDIT ALL ADDITIONAL
8 MONEY TO THE GENERAL FUND.

9 (b) THE DEPARTMENT MAY PLACE A LIEN ON A PROPERTY ON
10 WHICH THE DEPARTMENT FUNDS THE REMEDIATION OF WASTE TIRES
11 PURSUANT TO THIS SECTION UNTIL THE COSTS OF REMEDIATION HAVE BEEN
12 REPAID TO THE DEPARTMENT. IF COMPLETE REPAYMENT HAS NOT BEEN
13 MADE BEFORE A SALE OF THE PROPERTY, THE DEPARTMENT SHALL BE
14 REPAID IN FULL, TO THE EXTENT POSSIBLE, FROM PROCEEDS OF THE SALE.

15 **SECTION 7.** In Colorado Revised Statutes, 30-20-1415, **amend**
16 (1)(k) as follows:

17 **30-20-1415. Waste tire monofills - requirements.** (1) An owner
18 or operator of a waste tire monofill shall, as specified by the commission
19 by rule:

20 (k) Not place any waste tires into monofill storage after January
21 1, 2018, and SHALL close, or cause to be closed, the waste tire monofill
22 by July 1, 2024 2034.

23 **SECTION 8.** In Colorado Revised Statutes, **add** 30-20-1418 as
24 follows:

25 **30-20-1418. Waste tire management grant program -**
26 **definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
27 OTHERWISE REQUIRES:

1 (a) "ELIGIBLE ENTITY" MEANS THE FOLLOWING ENTITIES THAT
2 PROVIDE SERVICES RELATED TO WASTE TIRE RECYCLING, BENEFICIAL
3 REUSE, AND MANAGEMENT IN COLORADO:

4 (I) MUNICIPALITIES, COUNTIES, AND CITIES AND COUNTIES;

5 (II) NONPROFIT AND FOR-PROFIT BUSINESSES INVOLVED IN WASTE
6 TIRE RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT; AND

7 (III) INSTITUTIONS OF HIGHER EDUCATION AND PUBLIC OR PRIVATE
8 SCHOOLS.

9 (b) "GRANT PROGRAM" MEANS THE WASTE TIRE MANAGEMENT
10 GRANT PROGRAM CREATED IN THIS SECTION.

11 (2) (a) THERE IS CREATED THE WASTE TIME MANAGEMENT GRANT
12 PROGRAM, WHICH SHALL BE ADMINISTERED BY THE ENTERPRISE.

13 (b) THE ENTERPRISE SHALL, SUBJECT TO AVAILABLE
14 APPROPRIATIONS AND REVENUES, AWARD GRANTS FROM THE WASTE TIRE
15 MANAGEMENT ENTERPRISE FUND, CREATED IN SECTION 30-20-1404, IN
16 ACCORDANCE WITH THIS SECTION.

17 (3) (a) THE PURPOSE OF THE GRANT PROGRAM IS TO:

18 (I) PROMOTE THE DEVELOPMENT OF WASTE TIRE RECYCLING,
19 BENEFICIAL REUSE, AND MANAGEMENT STRATEGIES IN ACCORDANCE WITH
20 THIS PART 14;

21 (II) DEVELOP WASTE TIRE RECYCLING, BENEFICIAL REUSE, AND
22 MANAGEMENT FACILITIES AND INFRASTRUCTURE; AND

23 (III) EXPAND WASTE TIRE RECYCLING, BENEFICIAL REUSE, AND
24 MANAGEMENT SERVICES TO FEE PAYERS.

25 (b) THE GRANT PROGRAM IS INTENDED TO PROVIDE ECONOMIC AND
26 TECHNICAL ASSISTANCE TO ELIGIBLE ENTITIES IN THEIR EFFORTS RELATED
27 TO THE RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT OF WASTE

1 TIRES.

2 (4) (a) AN ELIGIBLE ENTITY MAY SUBMIT AN APPLICATION TO THE
3 ENTERPRISE FOR A GRANT PURSUANT TO THE APPLICATION POLICIES AND
4 PROCEDURES ESTABLISHED BY THE BOARD.

5 (b) AT A MINIMUM, AN APPLICATION SUBMITTED TO THE BOARD
6 MUST INCLUDE THE FOLLOWING INFORMATION:

7 (I) AN APPLICATION NARRATIVE THAT DESCRIBES HOW THE
8 ELIGIBLE ENTITY WILL USE THE GRANT, INCLUDING HOW THE GRANT WILL
9 PROMOTE THE RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT OF
10 WASTE TIRES;

11 (II) AN ESTIMATE OF THE COST OF THE EQUIPMENT,
12 INFRASTRUCTURE, OR PROJECT THE ELIGIBLE ENTITY IS INTENDING TO
13 FUND WITH THE GRANT AND WHETHER THE EQUIPMENT, INFRASTRUCTURE,
14 OR PROJECT MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (5) OF
15 THIS SECTION;

16 (III) THE AMOUNT OF IN-KIND CONTRIBUTIONS OR MATCHING
17 FUNDS, IF ANY, TO THE PROJECT BUDGET FROM THE APPLICANT OR OTHER
18 SOURCES OUTSIDE OF THE GRANT; AND

19 (IV) WHETHER THERE IS LOCAL COMMUNITY SUPPORT FOR THE
20 GRANT APPLICATION.

21 (5) (a) THE BOARD MAY AWARD GRANTS TO ELIGIBLE ENTITIES FOR
22 THE FOLLOWING PURPOSES:

23 (I) THE PURCHASE OF WASTE TIRE RECYCLING, BENEFICIAL REUSE,
24 AND MANAGEMENT EQUIPMENT OR INFRASTRUCTURE;

25 (II) STAFFING OF WASTE TIRE RECYCLING, BENEFICIAL REUSE, AND
26 MANAGEMENT FACILITIES;

27 (III) MARKETING AND COMMUNICATIONS FOR WASTE TIRE

1 RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT SERVICES;

2 (IV) POLICY AND RESEARCH DEVELOPMENT RELATED TO WASTE
3 TIRE RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT STRATEGIES;

4 (V) COMMUNITY ENGAGEMENT REGARDING WASTE TIRE
5 RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT; AND

6 (VI) OTHER PROJECTS OR USES AS DETERMINED BY THE BOARD.

7 (b) (I) THE BOARD MAY AWARD GRANTS TO AN ELIGIBLE ENTITY
8 FOR THE PURCHASE OF EQUIPMENT OR INFRASTRUCTURE, BUT NO MORE
9 THAN FIFTY PERCENT OF THE COST OF ANY EQUIPMENT OR
10 INFRASTRUCTURE CAN BE FUNDED THROUGH THE GRANT PROGRAM.

11 (II) THE BOARD MAY AWARD GRANTS TO AN ELIGIBLE ENTITY THAT
12 FUND ONE HUNDRED PERCENT OF THE COST OF A PROJECT THAT DOES NOT
13 INVOLVE THE PURCHASE OF EQUIPMENT OR INFRASTRUCTURE.

14 (c) IN AWARDING GRANTS TO ELIGIBLE ENTITIES, THE BOARD IS
15 SUBJECT TO THE FOLLOWING CONDITIONS:

16 (I) UP TO FORTY PERCENT OF THE ENTERPRISE'S ANNUAL GRANT
17 FUNDING MAY GO TO A SINGLE AWARD; AND

18 (II) IF THE BOARD AWARDS A GRANT TO AN ELIGIBLE ENTITY FOR
19 THE PURCHASE OF INFRASTRUCTURE OR EQUIPMENT, THE ELIGIBLE ENTITY
20 IS INELIGIBLE TO RECEIVE A GRANT FOR THE FOLLOWING FIVE YEARS.

21 (6) (a) (I) THE BOARD SHALL ESTABLISH CRITERIA AND POLICIES TO
22 DETERMINE WHICH GRANTS TO AWARD FROM THE GRANT APPLICATIONS,
23 WHICH CRITERIA AND POLICIES IT SHALL MAKE AVAILABLE TO APPLICANTS.

24 (II) THE BOARD SHALL GIVE PRIORITY TO PROJECTS THAT ADVANCE
25 SUSTAINABLE DESIGN, PRODUCTION, RECOVERABILITY, REUSE, REPAIR, OR
26 RECYCLING OF WASTE TIRES, WITH THE HIGHEST PRIORITY GIVEN TO
27 PROJECTS THAT WOULD KEEP WASTE TIRE MATERIAL AVAILABLE FOR

1 REMANUFACTURING.

2 (b) THE BOARD SHALL ESTABLISH POLICIES FOR THE GRANT
3 PROGRAM, WHICH MUST INCLUDE:

4 (I) AN APPLICATION FORM AND APPLICATION PROCEDURES;

5 (II) A DEADLINE EACH YEAR FOR WHEN GRANT PROGRAM
6 APPLICATIONS MUST BE SUBMITTED;

7 (III) A POLICY THAT REQUIRES A GRANT RECIPIENT TO ENTER INTO
8 A GRANT AGREEMENT WITH THE BOARD THAT INCLUDES A SCOPE OF WORK
9 AND DEADLINES FOR THE ACHIEVEMENT OF THAT WORK;

10 (IV) CRITERIA FOR MEASURING PROGRESS OF THE PROJECTS THAT
11 RECEIVE FUNDING THROUGH THE GRANT PROGRAM;

12 (V) A POLICY THAT REQUIRES ANNUAL REPORTING BY GRANT
13 RECIPIENTS ON THE PROGRESS OF THE PROJECT FINANCED BY THE GRANT;

14 AND

15 (VI) A POLICY REGARDING A GRANT RECIPIENT'S NONCOMPLIANCE
16 WITH THE GRANT AGREEMENT ENTERED INTO BY THE GRANT RECIPIENT'S
17 AND THE BOARD, WHICH POLICY MAY INCLUDE A MECHANISM FOR THE
18 BOARD TO CONVERT THE GRANT RECIPIENT'S GRANT TO A LOAN WITH
19 INTEREST.

20 (7) (a) THE GRANT PROGRAM IS FUNDED BY THE WASTE TIRE
21 ENTERPRISE FEE. THE BOARD MAY DESIGNATE UP TO TEN PERCENT OF THE
22 REVENUE GENERATED FROM THE ENTERPRISE FEE TO THE GRANT PROGRAM
23 IN ANY GIVEN YEAR.

24 (b) THE BOARD SHALL NOT AWARD ANY GRANTS TO ELIGIBLE
25 ENTITIES THROUGH THE GRANT PROGRAM AFTER DECEMBER 31, 2040.

26 (8) THIS SECTION IS REPEALED EFFECTIVE DECEMBER 31, 2042.

27 SECTION 9. Appropriation. (1) For the 2024-25 state fiscal

1 year, \$60,208 is appropriated to the department of public health and
2 environment. This appropriation is from the waste tire administration,
3 enforcement, market development, and cleanup fund created in section
4 30-20-1404 (1), C.R.S. To implement this act, the department may use
5 this appropriation as follows:

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

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

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

16 **SECTION 10. Effective date.** This act takes effect upon passage;
17 except that section 30-20-1403 (2.5), Colorado Revised Statutes, as added
18 in section 3 of this act, takes effect on July 1, 2025; section 30-20-1404,
19 Colorado Revised Statutes, as amended in section 4 of this act, takes
20 effect on July 1, 2025; section 30-20-1405, Colorado Revised Statutes, as
21 amended in section of 5 of this act, takes effect on July 1, 2025; section
22 30-20-1405.5, as added in section 6 of this act, takes effect on July 1,
23 2025; and section 30-20-1418, as added in section 8 of this act, takes
24 effect on July 1, 2025.

25 **SECTION 11. Safety clause.** The general assembly finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.