

**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,

HOUSE SPONSORSHIP

Mauro and Froelich,

Senate Committees

Finance
Appropriations

House Committees

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.**

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 the consumer a waste tire fee (fee) that is then collected by the department

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.*

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**

3 (1) and (2) as follows:

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

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

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

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

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

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

1 RESIDENTS OF COLORADO;

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

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

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

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

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

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

23 (b) THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT,
24 SHALL PROMULGATE RULES FOR THE IMPLEMENTATION AND ENFORCEMENT
25 OF SECTIONS 30-20-1403 AND 30-20-1405.5 AND OTHER SECTIONS OF THIS
26 PART 14, AS APPLICABLE.

27 **SECTION 2.** In Colorado Revised Statutes, 30-20-1402, **add**

1 (1.7), (4.5), (12.5), and (14.5) as follows:

2 **30-20-1402. Definitions.** As used in this part 14, unless the
3 context otherwise requires:

4 (1.7) "BOARD OF DIRECTORS" OR "BOARD" MEANS THE BOARD OF
5 DIRECTORS OF THE ENTERPRISE.

6 (4.5) "ENTERPRISE" MEANS THE WASTE TIRE MANAGEMENT
7 ENTERPRISE CREATED IN SECTION 30-20-1403.

8 (12.5) "WASTE TIRE ADMINISTRATION FEE" OR "ADMINISTRATION
9 FEE" MEANS MONEY COLLECTED PURSUANT TO SECTION 30-20-1403 (2)(b).

10 (14.5) "WASTE TIRE ENTERPRISE FEE" OR "ENTERPRISE FEE" MEANS
11 MONEY COLLECTED PURSUANT TO SECTION 30-20-1403 (2)(a).

12 **SECTION 3.** In Colorado Revised Statutes, **repeal and reenact,**
13 **with amendments,** 30-20-1403 as follows:

14 **30-20-1403. Waste tire management enterprise - board of**
15 **directors - waste tire enterprise fee - waste tire administration fee -**
16 **distribution - rules.** (1) **Enterprise.** (a) (I) THERE IS CREATED IN THE
17 DEPARTMENT THE WASTE TIRE MANAGEMENT ENTERPRISE. THE
18 ENTERPRISE IS AND OPERATES AS A GOVERNMENT-OWNED BUSINESS
19 WITHIN THE DEPARTMENT TO COLLECT THE WASTE TIRE ENTERPRISE FEE
20 CHARGED BY RETAILERS OF NEW TIRES PURSUANT TO SUBSECTION (2) OF
21 THIS SECTION AND TO USE THE WASTE TIRE ENTERPRISE FEE TO PROMOTE
22 WASTE TIRE RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT
23 STRATEGIES IN COLORADO.

24 (II) THE ENTERPRISE IS AND OPERATES AS A GOVERNMENT-OWNED
25 BUSINESS WITHIN THE DEPARTMENT FOR THE PURPOSE OF CONDUCTING
26 THE BUSINESS ACTIVITIES SPECIFIED IN THIS SECTION. THE ENTERPRISE IS
27 A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND EXERCISES ITS

1 POWERS AND PERFORMS ITS DUTIES AND FUNCTIONS UNDER THE
2 DEPARTMENT.

3 (III) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
4 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT
5 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
6 THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS FROM ALL
7 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT
8 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (1)(a), THE
9 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE
10 CONSTITUTION.

11 (IV) THE REPEAL OF THE WASTE TIRE FEE, AS IT EXISTED
12 PURSUANT TO SECTION 30-20-1403, BEFORE ITS REPEAL BY THIS SENATE
13 BILL 24-123, ENACTED IN 2024, AND THE CREATION OF THE WASTE TIRE
14 MANAGEMENT ENTERPRISE AS A NEW ENTERPRISE TO CHARGE AND
15 COLLECT A NEW WASTE TIRE ENTERPRISE FEE AS AUTHORIZED BY
16 SUBSECTION (2) OF THIS SECTION AND TO PROVIDE AND PROMOTE WASTE
17 TIRE RECYCLING, BENEFICIAL USE, AND MANAGEMENT STRATEGIES AND
18 SERVICES FUNDED BY THE WASTE TIRE ENTERPRISE FEE AS A NEW
19 GOVERNMENT-OWNED BUSINESS THAT PROVIDES BUSINESS SERVICES AS A
20 NEW ENTERPRISE FOR THE PURPOSE OF SECTION 20 OF ARTICLE X OF THE
21 STATE CONSTITUTION, DOES NOT CONSTITUTE THE QUALIFICATION OF AN
22 EXISTING GOVERNMENT-OWNED BUSINESS AS AN ENTERPRISE FOR THE
23 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR
24 SECTION 24-77-103.6 (6)(b)(II), AND, THEREFORE, DOES NOT REQUIRE OR
25 AUTHORIZE ADJUSTMENT OF THE STATE FISCAL YEAR SPENDING LIMIT
26 CALCULATED PURSUANT TO SECTION 20 OF ARTICLE X OF THE STATE
27 CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS DEFINED IN

1 SECTION 24-77-103.6 (6)(b)(I).

2 (V) THE ENTERPRISE IS NECESSARY FOR THE PRESERVATION OF THE
3 PUBLIC PEACE, HEALTH, AND SAFETY AND IS THEREFORE NOT SUBJECT TO
4 THE REQUIREMENTS OF SECTION 24-77-108.

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

6 (I) COLLECT THE WASTE TIRE ENTERPRISE FEE;

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

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

12 (IV) PUBLISH EACH YEAR, ON THE DEPARTMENT'S WEBSITE AND AS
13 OTHERWISE DEEMED APPROPRIATE BY THE BOARD, THE WASTE TIRE
14 RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT STRATEGIES THAT THE
15 BOARD HAS PRIORITIZED THROUGH THE COLLECTION OF THE WASTE TIRE
16 ENTERPRISE FEE;

17 (V) ADOPT, AMEND, OR REPEAL POLICIES FOR THE REGULATION OF
18 THE ENTERPRISE'S AFFAIRS AND THE CONDUCT OF THE ENTERPRISE'S
19 BUSINESS CONSISTENT WITH THIS PART 14; AND

20 (VI) (A) CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY,
21 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY
22 GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,
23 OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER
24 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE.
25 THE BOARD SHALL ENCOURAGE DIVERSITY IN APPLICANTS FOR CONTRACTS
26 AND SHALL GENERALLY AVOID USING SINGLE-SOURCE BIDS.

27 (B) THE ENTERPRISE SHALL PAY A FAIR MARKET RATE TO ANY

1 PUBLIC ENTITY, PRIVATE ENTITY, CONTRACTOR, OR CONSULTANT, WHICH
2 MAY INCLUDE A STATE AGENCY, THE ATTORNEY GENERAL'S OFFICE, OR
3 THE DEPARTMENT, THAT IS HIRED BY THE ENTERPRISE TO PERFORM DUTIES
4 PURSUANT TO THIS SUBSECTION (1)(b).

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

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

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

13 (III) SIX MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF
14 THE DEPARTMENT WHO ARE REPRESENTATIVES OF NONPROFIT AND
15 FOR-PROFIT ENTITIES ENGAGED IN THE RECOVERY, RECYCLING, REUSE,
16 AND MANAGEMENT OF WASTE TIRES, INCLUDING A TIRE RETAILER, A
17 WASTE TIRE COLLECTION FACILITY, A WASTE TIRE PROCESSOR, AND A
18 WASTE TIRE HAULER. TO THE EXTENT PRACTICABLE, THE REPRESENTATION
19 OF NONPROFIT AND FOR-PROFIT ENTITIES MUST BE BALANCED EQUALLY.

20 (d) OF THE MEMBERS APPOINTED TO THE BOARD OF DIRECTORS
21 PURSUANT TO SUBSECTION (1)(c)(III) OF THIS SECTION, AT LEAST ONE
22 MEMBER MUST DO BUSINESS IN A RURAL COUNTY IN THE STATE.

23 (e) (I) THE MEMBER REPRESENTING THE DEPARTMENT WHO HAS
24 EXPERTISE IN SUSTAINABILITY AND IS APPOINTED PURSUANT TO
25 SUBSECTION (1)(c)(I) OF THIS SECTION SHALL CALL THE FIRST MEETING OF
26 THE BOARD.

27 (II) THE BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS

1 TO SERVE FOR A TERM NOT TO EXCEED TWO YEARS.

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

5 (IV) THE TERM OF OFFICE FOR A BOARD MEMBER IS THREE YEARS;
6 EXCEPT THAT FOUR OF THE SIX MEMBERS APPOINTED PURSUANT TO
7 SUBSECTION (1)(c)(III) OF THIS SECTION SERVE INITIAL TERMS OF TWO
8 YEARS. A BOARD MEMBER MAY SERVE UNLIMITED TERMS.

9 (f) (I) A MEMBER OF THE BOARD OF DIRECTORS, EXCEPT FOR
10 MEMBERS APPOINTED PURSUANT TO SUBSECTIONS (1)(c)(I) AND (1)(c)(II)
11 OF THIS SECTION, MAY RECEIVE A PER DIEM STIPEND WHILE ON OFFICIAL
12 ENTERPRISE BUSINESS.

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

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

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

24 (g) THE DEPARTMENT SHALL PROVIDE OFFICE SPACE AND
25 ADMINISTRATIVE STAFF TO THE ENTERPRISE, IF REQUESTED BY THE BOARD.
26 IN ACCORDANCE WITH SUBSECTION (1)(b)(VI)(B) OF THIS SECTION, THE
27 ENTERPRISE SHALL PAY THE DEPARTMENT A FAIR MARKET RATE FOR ANY

1 OFFICE SPACE OR ADMINISTRATIVE STAFF USED BY THE BOARD IN
2 PERFORMANCE OF THE ENTERPRISE'S DUTIES.

3 **(2) Waste tire enterprise fee and waste tire administration fee.**

4 **(a) (I) EFFECTIVE JULY 1, 2025, AND CONTINUING THROUGH DECEMBER**
5 **31, 2040, RETAILERS OF NEW MOTOR VEHICLE TIRES AND NEW TRAILER**
6 **TIRES SHALL COLLECT A WASTE TIRE ENTERPRISE FEE IN AN AMOUNT TO BE**
7 **SET BY THE ENTERPRISE, IN COORDINATION WITH THE COMMISSION. THE**
8 **WASTE TIRE ENTERPRISE FEE AMOUNT MUST NOT EXCEED TWO DOLLARS**
9 **AND FIFTY CENTS ON THE SALE OF EACH NEW TIRE. THE MAXIMUM PER**
10 **TIRE ENTERPRISE FEE AMOUNT MAY BE ADJUSTED BY THE ENTERPRISE**
11 **EVERY TWO YEARS IN ACCORDANCE WITH ANY ANNUAL PERCENTAGE**
12 **CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF**
13 **LABOR STATISTICS CONSUMER PRICE INDEX FOR THE**
14 **DENVER-AURORA-LAKEWOOD METROPOLITAN AREA FOR ALL ITEMS PAID**
15 **BY ALL URBAN CONSUMERS, OR ITS APPLICABLE SUCCESSOR INDEX.**

16 (II) EFFECTIVE JULY 1, 2025, THE BOARD OF DIRECTORS MAY
17 REVIEW THE WASTE TIRE ENTERPRISE FEE ON AN ANNUAL BASIS AND, IN
18 ACCORDANCE WITH THE FEE AMOUNT LIMIT SET FORTH IN SUBSECTION
19 (2)(a)(I) OF THIS SECTION, ADJUST THE WASTE TIRE FEE AMOUNT SO THAT
20 THE WASTE TIRE ENTERPRISE FEE IS IMPOSED IN AN AMOUNT THAT IS:

21 **(A) REASONABLY RELATED TO THE DIRECT AND INDIRECT COSTS**
22 **OF OPERATING THE ENTERPRISE IN ACCORDANCE WITH THIS PART 14 AND**
23 **THE SERVICES PROVIDED BY THE ENTERPRISE, WHICH COSTS MUST NOT**
24 **EXCEED THE EQUIVALENT OF ONE-HALF OF THE WASTE TIRE ENTERPRISE**
25 **FEE COLLECTED FOR EACH NEW TIRE SOLD PURSUANT TO THIS SUBSECTION**
26 **(2);**

27 **(B) SUFFICIENT TO PAY COSTS ASSOCIATED WITH PROVIDING**

1 REBATES AS DESCRIBED IN SECTION 30-20-1405; AND

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

5 (b) (I) EFFECTIVE JULY 1, 2025, AND CONTINUING THROUGH
6 DECEMBER 31, 2040, RETAILERS OF NEW MOTOR VEHICLE TIRES AND NEW
7 TRAILER TIRES SHALL COLLECT A WASTE TIRE ADMINISTRATION FEE IN AN
8 AMOUNT TO BE SET BY THE COMMISSION, IN COORDINATION WITH THE
9 DEPARTMENT.

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

15 (III) THE WASTE TIRE ADMINISTRATION FEE AMOUNT MUST NOT
16 EXCEED HALF OF THE AMOUNT OF THE WASTE TIRE ENTERPRISE FEE;
17 EXCEPT THAT THE MINIMUM AMOUNT OF THE WASTE TIRE
18 ADMINISTRATION FEE ON THE SALE OF EACH NEW TIRE MUST BE FIFTY
19 CENTS OR MORE.

20 (c) (I) ON AND AFTER JULY 1, 2025, RETAILERS OF NEW MOTOR
21 VEHICLE TIRES AND NEW TRAILER TIRES SHALL COLLECT BOTH THE
22 ENTERPRISE FEE AND THE ADMINISTRATION FEE FROM THE CONSUMER AT
23 THE POINT OF SALE.

24 (II) THE RECEIPT FROM THE RETAILER TO THE CONSUMER FOR
25 EVERY NEW MOTOR VEHICLE OR NEW TRAILER TIRE PURCHASED MUST
26 CONTAIN THE FOLLOWING STATEMENT IN THE LARGEST BOLD-FACED TYPE
27 CAPABLE BASED ON POINT-OF-SALE SOFTWARE AND ON EXISTING INVOICE

1 PRINTERS, NOT TO EXCEED FIFTEEN POINTS: "SECTION 30-20-1403,
2 COLORADO REVISED STATUTES, REQUIRES RETAILERS TO COLLECT A
3 WASTE TIRE ENTERPRISE FEE SET BY THE WASTE TIRE MANAGEMENT
4 ENTERPRISE, WHICH IS A GOVERNMENT-OWNED BUSINESS WITHIN THE
5 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AND A WASTE
6 TIRE ADMINISTRATION FEE SET BY THE SOLID AND HAZARDOUS WASTE
7 COMMISSION ON THE SALE OF EACH NEW MOTOR VEHICLE TIRE AND
8 EACH NEW TRAILER TIRE."

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

17 (IV) THE RETAILER SHALL SUBMIT TO THE DEPARTMENT BY THE
18 TWENTIETH DAY OF EACH QUARTER OF EACH CALENDAR YEAR THE
19 ADMINISTRATION FEE COLLECTED PURSUANT TO THIS SECTION IN THE
20 PRECEDING QUARTER OF THE CALENDAR YEAR, TOGETHER WITH ANY
21 REPORT REQUIRED BY THE DEPARTMENT. THE DEPARTMENT SHALL
22 TRANSMIT THE ADMINISTRATION FEES TO THE STATE TREASURER, WHO
23 SHALL CREDIT THEM IN ACCORDANCE WITH SUBSECTION (3)(b) OF THIS
24 SECTION OR AS SPECIFIED IN RULES PROMULGATED BY THE COMMISSION.

25 (3) (a) FROM JULY 1, 2025, THROUGH JANUARY 31, 2041, THE
26 STATE TREASURER SHALL DISTRIBUTE THE REVENUE FROM THE WASTE
27 TIRE ENTERPRISE FEE ASSESSED IN SUBSECTION (2)(a) OF THIS SECTION AS

1 FOLLOWS:

2 (I) THE PORTION OF THE ENTERPRISE FEE COLLECTED TO COVER
3 THE COSTS DESCRIBED IN SUBSECTION (2)(a)(II)(A) OF THIS SECTION TO
4 THE WASTE TIRE MANAGEMENT ENTERPRISE FUND CREATED IN SECTION
5 30-20-1404;

6 (II) THE PORTION OF THE ENTERPRISE FEE COLLECTED TO COVER
7 THE COSTS DESCRIBED IN SUBSECTION (2)(a)(II)(B) OF THIS SECTION TO
8 THE END USERS FUND CREATED IN SECTION 30-20-1405;

9 (III) ALL INTEREST EARNED ON THE INVESTMENT OF MONEY IN THE
10 WASTE TIRE MANAGEMENT ENTERPRISE FUND TO THE WASTE TIRE
11 MANAGEMENT ENTERPRISE FUND. ANY UNEXPENDED AND UNENCUMBERED
12 MONEY IN THE WASTE TIRE MANAGEMENT ENTERPRISE FUND AT THE END
13 OF ANY FISCAL YEAR SHALL REMAIN IN THE WASTE TIRE MANAGEMENT
14 ENTERPRISE FUND; AND

15 (IV) ALL INTEREST EARNED ON THE INVESTMENT OF MONEY IN THE
16 END USERS FUND TO THE END USERS FUND. ANY UNEXPENDED AND
17 UNENCUMBERED MONEY IN THE END USERS FUND AT THE END OF ANY
18 FISCAL YEAR SHALL REMAIN IN THE END USERS FUND.

19 (b) (I) FROM JULY 1, 2025, THROUGH JANUARY 31, 2041, THE
20 STATE TREASURER SHALL DISTRIBUTE THE REVENUE FROM THE WASTE
21 TIRE ADMINISTRATION FEE ASSESSED IN SUBSECTION (2)(b) OF THIS
22 SECTION TO THE WASTE TIRE ADMINISTRATION FUND CREATED IN SECTION
23 30-20-1405.5.

24 (II) ALL INTEREST EARNED ON THE INVESTMENT OF MONEY IN THE
25 WASTE TIRE ADMINISTRATION FUND TO THE WASTE TIRE ADMINISTRATION
26 FUND. ANY UNEXPENDED AND UNENCUMBERED MONEY IN THE WASTE TIRE
27 ADMINISTRATION FUND IN EXCESS OF SIXTEEN AND ONE-HALF PERCENT OF

1 THE PREVIOUS STATE FISCAL YEAR'S EXPENDITURES AT THE END OF ANY
2 FISCAL YEAR SHALL REMAIN IN THE WASTE TIRE ADMINISTRATION FUND.

3

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

8 **30-20-1404. Waste tire management enterprise fund - creation**
9 **- rules.** (1) (a) There is ~~hereby~~ created in the state treasury the waste tire
10 ~~administration, enforcement, market development, and cleanup~~
11 MANAGEMENT ENTERPRISE fund, referred to in this section as the "fund",
12 consisting of the fee revenue credited pursuant to section 30-20-1403
13 (2)(a) and any other money appropriated OR TRANSFERRED to it. ~~The~~
14 ~~general assembly shall annually appropriate the money in the fund to the~~
15 ~~department for its direct and indirect administrative and enforcement~~
16 ~~costs in administering and enforcing this part 14~~ MONEY CREDITED TO
17 THE FUND IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE
18 PURPOSES SET FORTH IN THIS SECTION AND TO PAY THE ENTERPRISE'S
19 REASONABLE AND NECESSARY OPERATING EXPENSES.

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

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

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

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

3 (a) Collecting the WASTE TIRE ENTERPRISE fee assessed in section
4 30-20-1403 (1) (2)(a);

5 (b) Inspecting retailers to determine whether all fees are being
6 collected;

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

9 (d) Developing a system to address the receipt by registered
10 persons of unmanifested waste tires from unregistered haulers;

11 (i) Providing grants to law enforcement, fire departments, local
12 health departments, state agencies, and any other applicable entities for
13 purchasing equipment and supplies to implement this part 14;

14 (j) Training of and enforcement by entities that enforce this part
15 14;

16 (k) Awarding grants and developing educational programs for
17 enforcement, fire prevention and suppression, proper waste tire
18 management and disposal, training, and customer technical assistance;

19 (l) Maintaining an online complaint form and processes for law
20 enforcement, fire departments, and citizens to report potential waste tire
21 violations;

22 (o) Encouraging waste tire market development; and

23 (p) Reimbursing the division of fire prevention and control in the
24 department of public safety for;

25 (f) Inspections of facilities where waste tires are present
26 conducted by the division to determine whether the waste tire collection
27 facilities, waste tire processors, and waste tire monofills are in

1 compliance with the rules promulgated by the director of the division
2 pursuant to section 24-33.5-1203.5 (2); and

3 (H) Technical and other assistance the division provides to the
4 department or the public related to waste tires, including assistance
5 related to:

6 (A) The development of fire prevention education materials; and

7 (B) Review of fire prevention plans.

8 (q) THE PAYMENT OF ANY BONDS ISSUED PURSUANT TO SECTION
9 30-20-1403 (1)(b);

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

13 (s) THE PAYMENT OF PER DIEM AND THE REIMBURSEMENT OF
14 ACTUAL AND NECESSARY EXPENSES FOR BOARD MEMBERS WHILE ON
15 OFFICIAL ENTERPRISE BUSINESS;

16 (t) FUNDING GRANTS IN ACCORDANCE WITH THE WASTE TIRE
17 MANAGEMENT GRANT PROGRAM ESTABLISHED IN SECTION 30-20-1418;

18 AND

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

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

26 (4) (a) In addition to any penalties assessed, the department may
27 issue an order requiring the owner or operator to compensate the

1 department for the cost of remediation of the site, and the department may
2 request the attorney general to bring suit for compensation from the
3 owner or operator for money expended remediating the site. The
4 department shall use the recovered moneys to reimburse the fund for
5 actual costs of remediating the site and of seeking compensation pursuant
6 to this section. The state treasurer shall credit all additional moneys to the
7 general fund.

8 (b) The department may place a lien on a property on which the
9 department funds the remediation of waste tires pursuant to this section
10 until the costs of remediation have been repaid to the department. If
11 complete repayment has not been made before a sale of the property, the
12 department shall be repaid in full, to the extent possible, from proceeds
13 of the sale.

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

17 (b) In awarding contracts for services pursuant to this section, the
18 department ENTERPRISE may give preferential bidding treatment to
19 individuals or entities that will recycle, pursuant to rules of the
20 department concerning recycling, and reuse, rather than dispose of, the
21 waste tires.

22 (6) The department ENTERPRISE shall, either itself or through a
23 contractor, create a priority abatement list of illegal waste tire disposal
24 sites.

25 (7) The ENTERPRISE, IN COORDINATION WITH THE department and
26 the department of transportation, shall ~~coordinate with one another to~~
27 systematically investigate and research the use of tire-derived aggregates

1 in technically feasible and economically viable civil applications
2 associated with the department of transportation's roadway mission. The
3 department shall include any findings regarding tire-derived aggregates,
4 as appropriate, in the department's annual report to the general assembly.

5 (8) ~~Notwithstanding any other provision of this section, on June~~
6 ~~30, 2020, the state treasurer shall transfer five million three hundred~~
7 ~~seventy-two thousand four hundred fifteen dollars from the fund to the~~
8 ~~general fund.~~

9 **SECTION 5.** In Colorado Revised Statutes, 30-20-1405, **amend**
10 (1), (2)(a) introductory portion, (3), (4)(a), (4)(b) introductory portion, (5)
11 introductory portion, (5)(c) introductory portion, (5)(d), (5)(e)
12 introductory portion, (5)(e)(I), (6) introductory portion, (6)(b)(II), (7), (8)
13 introductory portion, (9), and (10); and **repeal** (1.5) as follows:

14 **30-20-1405. End users fund - creation - quarterly rebates -**
15 **rules - repeal.** (1) (a) There is hereby created in the state treasury the end
16 users fund, referred to in this section as the "fund", consisting of the fee
17 revenue credited pursuant to section ~~30-20-1403 (2)(a)(H)~~ 30-20-1403
18 (3)(a)(II).

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

25 (1.5) ~~Notwithstanding any other provision of this section, on June~~
26 ~~30, 2020, the state treasurer shall transfer one million four hundred~~
27 ~~thousand dollars from the fund to the general fund.~~

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

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

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

7 (b) Once the ~~department~~ ENTERPRISE has paid a rebate on a
8 particular quantity of tire-derived product, every part of that particular
9 quantity of tire-derived product is no longer eligible for payment of the
10 rebate.

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

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

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

26 (c) If the balance of the fund is anticipated to be insufficient to
27 pay out all of the rebates applied for, a requirement that the ~~department~~

1 ENTERPRISE:

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

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

8 (II) Tire-derived aggregate must verify with the ~~department~~
9 ENTERPRISE that the tire-derived aggregate meets all specification
10 standards for all type-A ANDTYPE-B tire-derived aggregate, as established
11 by the ASTM standard D6270; and

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

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

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

20 (b) May deny:

21 ==

22 (II) All future rebates pursuant to this section and grants of money
23 from the waste tire ~~administration, enforcement, market development, and~~
24 ~~cleanup~~ MANAGEMENT ENTERPRISE fund created in section 30-20-1404 to
25 an applicant that knowingly or intentionally provides false information to
26 the ~~department~~ ENTERPRISE when applying for a rebate or for a grant of
27 money from the waste tire ~~administration, enforcement, market~~

1 ~~development, and cleanup~~ MANAGEMENT ENTERPRISE fund.

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

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

13 (9) (a) ON OR AFTER JANUARY 1, 2026, AND UNTIL DECEMBER 31,
14 2041, the ~~department~~ ENTERPRISE may issue rebates ~~after January 1, 2026,~~
15 ~~only for end uses occurring and rebates applied for on or before~~
16 ~~December 31, 2025~~ PURSUANT TO THIS SECTION.

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

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

23 (10) This section is repealed, effective ~~July 1, 2026~~ DECEMBER 31,
24 2042.

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

27 **30-20-1405.5. Waste tire administration fund - creation - clean**

1 up - reimbursement - penalties - rules. (1) (a) THERE IS CREATED IN
2 THE STATE TREASURY THE WASTE TIRE ADMINISTRATION FUND, REFERRED
3 TO IN THIS SECTION AS THE "FUND".

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

7 (c) MONEY CREDITED TO THE FUND IS CONTINUOUSLY
8 APPROPRIATED TO THE DEPARTMENT FOR THE PURPOSES SET FORTH IN
9 SUBSECTION (2) OF THIS SECTION.

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

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

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

18 (c) DEVELOPING A SYSTEM TO ADDRESS THE RECEIPT BY
19 REGISTERED PERSONS OF UNMANIFESTED WASTE TIRES FROM
20 UNREGISTERED WASTE TIRE HAULERS;

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

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

26 (I) INSPECTIONS OF FACILITIES WHERE WASTE TIRES ARE PRESENT
27 CONDUCTED BY THE DIVISION OF FIRE PREVENTION AND CONTROL TO

1 DETERMINE WHETHER THE WASTE TIRE COLLECTION FACILITIES, WASTE
2 TIRE PROCESSORS, AND WASTE TIRE MONOFILLS ARE IN COMPLIANCE WITH
3 THE RULES PROMULGATED BY THE DIRECTOR OF THE DIVISION PURSUANT
4 TO SECTION 24-33.5-1203.5 (2); AND

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

8 (A) THE DEVELOPMENT OF FIRE PREVENTION EDUCATION
9 MATERIALS; AND

10 (B) REVIEW OF FIRE PREVENTION PLANS;

11 (f) REGISTERING AND REGULATING WASTE TIRE HAULERS, WASTE
12 TIRE GENERATORS, USED TIRE MANAGERS, WASTE TIRE COLLECTION
13 FACILITIES, WASTE TIRE PROCESSORS, MOBILE PROCESSORS, WASTE TIRE
14 MONOFILLS, AND END USERS IN ACCORDANCE WITH SECTIONS 30-20-1408
15 TO 30-20-1417;

16 (g) PROVIDING GRANTS TO LAW ENFORCEMENT, FIRE
17 DEPARTMENTS, LOCAL HEALTH DEPARTMENTS, STATE AGENCIES, AND ANY
18 OTHER APPLICABLE ENTITIES FOR PURCHASING EQUIPMENT AND SUPPLIES
19 TO IMPLEMENT THIS PART 14;

20 (h) TRAINING OF AND ENFORCEMENT BY ENTITIES THAT ENFORCE
21 THIS PART 14;

22 (i) AWARDING GRANTS AND DEVELOPING EDUCATIONAL
23 PROGRAMS FOR ENFORCEMENT, FIRE PREVENTION AND SUPPRESSION,
24 PROPER WASTE TIRE MANAGEMENT AND DISPOSAL, TRAINING, AND
25 CUSTOMER TECHNICAL ASSISTANCE; AND

26 (j) ANY OTHER REGULATORY OR ADMINISTRATIVE COSTS RELATED
27 TO THE DEPARTMENT'S AUTHORITY AND DUTIES IN IMPLEMENTING THIS

1 PART 14.

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

8 (4) (a) IN ADDITION TO ANY PENALTIES ASSESSED, THE
9 DEPARTMENT MAY ISSUE AN ORDER REQUIRING THE OWNER OR OPERATOR
10 TO COMPENSATE THE DEPARTMENT FOR THE COST OF REMEDIATION OF THE
11 SITE, AND THE DEPARTMENT MAY REQUEST THE ATTORNEY GENERAL TO
12 BRING SUIT FOR COMPENSATION FROM THE OWNER OR OPERATOR FOR
13 MONEY EXPENDED REMEDIATING THE SITE. THE DEPARTMENT SHALL USE
14 THE RECOVERED MONEY TO REIMBURSE THE FUND FOR ACTUAL COSTS OF
15 REMEDIATING THE SITE AND OF SEEKING COMPENSATION PURSUANT TO
16 THIS SECTION. THE STATE TREASURER SHALL CREDIT ALL ADDITIONAL
17 MONEY TO THE GENERAL FUND.

18 (b) THE DEPARTMENT MAY PLACE A LIEN ON A PROPERTY ON
19 WHICH THE DEPARTMENT FUNDS THE REMEDIATION OF WASTE TIRES
20 PURSUANT TO THIS SECTION UNTIL THE COSTS OF REMEDIATION HAVE BEEN
21 REPAID TO THE DEPARTMENT. IF COMPLETE REPAYMENT HAS NOT BEEN
22 MADE BEFORE A SALE OF THE PROPERTY, THE DEPARTMENT SHALL BE
23 REPAID IN FULL, TO THE EXTENT POSSIBLE, FROM PROCEEDS OF THE SALE.

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

26 **30-20-1415. Waste tire monofills - requirements. (1) An owner**
27 **or operator of a waste tire monofill shall, as specified by the commission**

1 by rule:

2 (k) Not place any waste tires into monofill storage after January
3 1, 2018, and SHALL close, or cause to be closed, the waste tire monofill
4 by July 1, 2024 2034.

5 SECTION 8. In Colorado Revised Statutes, add 30-20-1418 as
6 follows:

7 30-20-1418. Waste tire management grant program -
8 definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
9 OTHERWISE REQUIRES:

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

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

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

16 (III) INSTITUTIONS OF HIGHER EDUCATION AND PUBLIC OR PRIVATE
17 SCHOOLS.

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

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

22 (b) THE ENTERPRISE SHALL, SUBJECT TO AVAILABLE
23 APPROPRIATIONS AND REVENUES, AWARD GRANTS FROM THE WASTE TIRE
24 MANAGEMENT ENTERPRISE FUND, CREATED IN SECTION 30-20-1404, IN
25 ACCORDANCE WITH THIS SECTION.

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

27 (I) PROMOTE THE DEVELOPMENT OF WASTE TIRE RECYCLING,

1 BENEFICIAL REUSE, AND MANAGEMENT STRATEGIES IN ACCORDANCE WITH
2 THIS PART 14;

3 (II) DEVELOP WASTE TIRE RECYCLING, BENEFICIAL REUSE, AND
4 MANAGEMENT FACILITIES AND INFRASTRUCTURE; AND

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

7 (b) THE GRANT PROGRAM IS INTENDED TO PROVIDE ECONOMIC AND
8 TECHNICAL ASSISTANCE TO ELIGIBLE ENTITIES IN THEIR EFFORTS RELATED
9 TO THE RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT OF WASTE
10 TIRES.

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

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

16 (I) AN APPLICATION NARRATIVE THAT DESCRIBES HOW THE
17 ELIGIBLE ENTITY WILL USE THE GRANT, INCLUDING HOW THE GRANT WILL
18 PROMOTE THE RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT OF
19 WASTE TIRES;

20 (II) AN ESTIMATE OF THE COST OF THE EQUIPMENT,
21 INFRASTRUCTURE, OR PROJECT THE ELIGIBLE ENTITY IS INTENDING TO
22 FUND WITH THE GRANT AND WHETHER THE EQUIPMENT, INFRASTRUCTURE,
23 OR PROJECT MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (5) OF
24 THIS SECTION;

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

1 (IV) WHETHER THERE IS LOCAL COMMUNITY SUPPORT FOR THE
2 GRANT APPLICATION.

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

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

7 (II) STAFFING OF WASTE TIRE RECYCLING, BENEFICIAL REUSE, AND
8 MANAGEMENT FACILITIES;

9 (III) MARKETING AND COMMUNICATIONS FOR WASTE TIRE
10 RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT SERVICES;

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

13 (V) COMMUNITY ENGAGEMENT REGARDING WASTE TIRE
14 RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT; AND

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

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

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

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

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

27 (II) IF THE BOARD AWARDS A GRANT TO AN ELIGIBLE ENTITY FOR

1 THE PURCHASE OF INFRASTRUCTURE OR EQUIPMENT, THE ELIGIBLE ENTITY
2 IS INELIGIBLE TO RECEIVE A GRANT FOR THE FOLLOWING FIVE YEARS.

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

6 (II) THE BOARD SHALL GIVE PRIORITY TO PROJECTS THAT ADVANCE
7 SUSTAINABLE DESIGN, PRODUCTION, RECOVERABILITY, REUSE, REPAIR, OR
8 RECYCLING OF WASTE TIRES, WITH THE HIGHEST PRIORITY GIVEN TO
9 PROJECTS THAT WOULD KEEP WASTE TIRE MATERIAL AVAILABLE FOR
10 REMANUFACTURING.

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

13 (I) AN APPLICATION FORM AND APPLICATION PROCEDURES;

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

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

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

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

23 AND

24 (VI) A POLICY REGARDING A GRANT RECIPIENT'S NONCOMPLIANCE
25 WITH THE GRANT AGREEMENT ENTERED INTO BY THE GRANT RECIPIENT'S
26 AND THE BOARD, WHICH POLICY MAY INCLUDE A MECHANISM FOR THE
27 BOARD TO CONVERT THE GRANT RECIPIENT'S GRANT TO A LOAN WITH

1 INTEREST.

2 (7) (a) THE GRANT PROGRAM IS FUNDED BY THE WASTE TIRE
3 ENTERPRISE FEE. THE BOARD MAY DESIGNATE UP TO TEN PERCENT OF THE
4 REVENUE GENERATED FROM THE ENTERPRISE FEE TO THE GRANT PROGRAM
5 IN ANY GIVEN YEAR.

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

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

9 **SECTION 9. Safety clause.** The general assembly finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety or for appropriations for
12 the support and maintenance of the departments of the state and state
13 institutions.