

SENATE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chair of Committee

February 29, 2024  
Date

Committee on Finance.

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

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

- 1 Amend printed bill, page 4, after line 1 insert:
  - 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 Reletter succeeding paragraphs accordingly.
- 12 Page 4, line strike lines 15 through 18 and substitute "PROVIDING THE  
13 BUSINESS SERVICES SPECIFIED IN SECTIONS 30-20-1404 AND 30-20-1405  
14 TO CONSUMERS WHO ULTIMATELY PAY THE ENTERPRISE FEE, WHICH  
15 ENTERPRISE FEE IS IMPOSED AT RATES THAT ARE REASONABLY  
16 CALCULATED BASED ON THE BENEFITS RECEIVED BY THOSE CONSUMERS;"
- 17 Page 5, line 5, strike "RECYCLING" and substitute "RECYCLING,  
18 BENEFICIAL REUSE,"
- 19 Page 5, line 7, after "(2)" insert "(a)".
- 20 Page 5, line 9, strike "this part 14." and substitute "~~this part 14.~~".
- 21 Page 5, line 12, strike "14." and substitute "14 SECTIONS 30-20-1403,  
22 30-20-1404, AND 30-20-1405, AS APPLICABLE."

1 Page 5, before line 13 insert:

2 "(b) THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT,  
3 SHALL PROMULGATE RULES FOR THE IMPLEMENTATION AND ENFORCEMENT  
4 OF SECTIONS 30-20-1403 AND 30-20-1405.5 AND OTHER SECTIONS OF THIS  
5 PART 14, AS APPLICABLE."

6 Page 5, line 14, after "(4.5)," insert "(12.5),".

7 Page 5, strike lines 21 and 22 and substitute:

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 Page 5, strike line 26 and substitute "**directors - waste tire enterprise**  
13 **fee - waste tire administration fee - distribution - rules.**  
14 (1) **Enterprise.**"

15 Page 6, strike line 5 and substitute, "PROMOTE WASTE TIRE RECYCLING,  
16 BENEFICIAL REUSE, AND MANAGEMENT STRATEGIES IN".

17 Page 6, after line 20 insert:

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

36 (V) THE ENTERPRISE IS NECESSARY FOR THE PRESERVATION OF THE  
37 PUBLIC PEACE, HEALTH, AND SAFETY AND IS THEREFORE NOT SUBJECT TO  
38 THE REQUIREMENTS OF SECTION 24-77-108."

1 Page 6, line 23, strike "RECYCLING" and substitute "RECYCLING,  
2 BENEFICIAL REUSE,

3 Page 6, line 26, strike "RECYCLING" and substitute "RECYCLING,  
4 BENEFICIAL REUSE,".

5 Page 7, line 3, strike "RECYCLING" and substitute "RECYCLING,  
6 BENEFICIAL REUSE,".

7 Page 7, strike lines 8 through 15 and substitute:

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

15 (B) THE ENTERPRISE SHALL PAY A FAIR MARKET RATE TO ANY  
16 PUBLIC ENTITY, PRIVATE ENTITY, CONTRACTOR, OR CONSULTANT, WHICH  
17 MAY INCLUDE A STATE AGENCY, THE ATTORNEY GENERAL'S OFFICE, OR  
18 THE DEPARTMENT, THAT IS HIRED BY THE ENTERPRISE TO PERFORM DUTIES  
19 PURSUANT TO THIS SUBSECTION (1)(b).".

20 Page 7, strike lines 22 and 23 and substitute, "DEPARTMENT WHO  
21 REPRESENTS A COUNTY THAT HAS EXPERIENCE WITH THE MANAGEMENT OF  
22 WASTE".

23 Page 8, line 2, after "PROCESSOR," insert "AND".

24 Page 8, strike line 3 and substitute, "TIRE HAULER. TO THE EXTENT  
25 PRACTICABLE,".

26 Page 9, line 11, after "BOARD." add "IN ACCORDANCE WITH SUBSECTION  
27 (1)(b)(VI)(B) OF THIS SECTION, THE ENTERPRISE SHALL PAY THE  
28 DEPARTMENT A FAIR MARKET RATE FOR ANY OFFICE SPACE OR  
29 ADMINISTRATIVE STAFF USED BY THE BOARD IN PERFORMANCE OF THE  
30 ENTERPRISE'S DUTIES.".

31 Page 9, strike line 12 and substitute:

32 "(2) **Waste tire enterprise fee and waste tire administration**  
33 **fee.** (a) (I) EFFECTIVE JULY 1, 2025, AND".

1 Page 9, line 16, strike "FOUR" and substitute "TWO DOLLARS AND FIFTY  
2 CENTS".

3 Page 9, strike line 17 and substitute, "ON THE SALE OF EACH NEW TIRE.  
4 THE MAXIMUM PER TIRE ENTERPRISE FEE AMOUNT MAY BE ADJUSTED BY  
5 THE ENTERPRISE EVERY TWO YEARS IN ACCORDANCE WITH ANY ANNUAL  
6 PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S  
7 BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR THE  
8 DENVER-AURORA-LAKEWOOD METROPOLITAN AREA FOR ALL ITEMS PAID  
9 BY ALL URBAN CONSUMERS, OR ITS APPLICABLE SUCCESSOR INDEX."

10 Page 9, line 18, strike "JANUARY" and substitute "JULY".

11 Page 9, line 21, after the second "TIRE" insert "ENTERPRISE".

12 Page 9, strike lines 22 through 27 and substitute, "FEE IS IMPOSED IN AN  
13 AMOUNT THAT 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);".

20 Strike page 10 and substitute:

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

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

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

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

36 (III) THE WASTE TIRE ADMINISTRATION FEE AMOUNT MUST NOT  
37 EXCEED HALF OF THE AMOUNT OF THE WASTE TIRE ENTERPRISE FEE;  
38 EXCEPT THAT THE MINIMUM AMOUNT OF THE WASTE TIRE

1 ADMINISTRATION FEE ON THE SALE OF EACH NEW TIRE MUST BE FIFTY  
2 CENTS OR MORE.

3 (c) (I) ON AND AFTER JULY 1, 2025, RETAILERS OF NEW MOTOR  
4 VEHICLE TIRES AND NEW TRAILER TIRES SHALL COLLECT BOTH THE  
5 ENTERPRISE FEE AND THE ADMINISTRATION FEE FROM THE CONSUMER AT  
6 THE POINT OF SALE.

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

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

27 (IV) THE RETAILER SHALL SUBMIT TO THE DEPARTMENT BY THE  
28 TWENTIETH DAY OF EACH QUARTER OF EACH CALENDAR YEAR THE  
29 ADMINISTRATION FEE COLLECTED PURSUANT TO THIS SECTION IN THE  
30 PRECEDING QUARTER OF THE CALENDAR YEAR, TOGETHER WITH ANY  
31 REPORT REQUIRED BY THE DEPARTMENT. THE DEPARTMENT SHALL  
32 TRANSMIT THE ADMINISTRATION FEES TO THE STATE TREASURER, WHO  
33 SHALL CREDIT THEM IN ACCORDANCE WITH SUBSECTION (3)(b) OF THIS  
34 SECTION OR AS SPECIFIED IN RULES PROMULGATED BY THE COMMISSION.

35 (3) (a) FROM JULY 1, 2025, THROUGH JANUARY 31, 2041, THE  
36 STATE TREASURER SHALL DISTRIBUTE THE REVENUE FROM THE WASTE  
37 TIRE ENTERPRISE FEE ASSESSED IN SUBSECTION (2)(a) OF THIS SECTION AS  
38 FOLLOWS:

39 (I) THE PORTION OF THE ENTERPRISE FEE COLLECTED TO COVER  
40 THE COSTS DESCRIBED IN SUBSECTION (2)(a)(II)(A) OF THIS SECTION TO  
41 THE WASTE TIRE MANAGEMENT ENTERPRISE FUND CREATED IN SECTION  
42 30-20-1404;

43 (II) THE PORTION OF THE ENTERPRISE FEE COLLECTED TO COVER

1 THE COSTS DESCRIBED IN SUBSECTION (2)(a)(II)(B) OF THIS SECTION TO  
2 THE END USERS FUND CREATED IN SECTION 30-20-1405;

3 (III) ALL INTEREST EARNED ON THE INVESTMENT OF MONEY IN THE  
4 WASTE TIRE MANAGEMENT ENTERPRISE FUND TO THE WASTE TIRE  
5 MANAGEMENT ENTERPRISE FUND. ANY UNEXPENDED AND UNENCUMBERED  
6 MONEY IN THE WASTE TIRE MANAGEMENT ENTERPRISE FUND AT THE END  
7 OF ANY FISCAL YEAR SHALL REMAIN IN THE WASTE TIRE MANAGEMENT  
8 ENTERPRISE FUND; AND

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

13 (b) (I) FROM JULY 1, 2025, THROUGH JANUARY 31, 2041, THE  
14 STATE TREASURER SHALL DISTRIBUTE THE REVENUE FROM THE WASTE  
15 TIRE ADMINISTRATION FEE ASSESSED IN SUBSECTION (2)(b) OF THIS  
16 SECTION TO THE WASTE TIRE ADMINISTRATION FUND CREATED IN SECTION  
17 30-20-1405.5.

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

24 Page 11, strike lines 1 through 6.

25 Page 11, line 8, strike "(2)(b), (2)(c), (2)(f)," and after "(5)," insert "(6),".

26 Page 11, line 9, after "**repeal**" insert "(2)(b), (2)(c), (2)(d), (2)(i), (2)(j),  
27 (2)(k), (2)(l), (2)(p), (3), (4), and" and strike "and (2)(t)" and substitute  
28 "(2)(t), and (2)(u)".

29 Page 11, line 14, after "30-20-1403" insert "(2)(a)".

30 Page 11, line 20, strike "PART 14" and substitute "SECTION".

31 Page 12, strike lines 5 through 19 and substitute:

32 "(a) Collecting the WASTE TIRE ENTERPRISE fee assessed in section  
33 30-20-1403 ~~(t)~~ (2)(a);

34 ~~(b) Inspecting retailers to determine whether all fees are being~~  
35 ~~collected;~~

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

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

27 Page 12, line 22, strike "THE DEPARTMENT" and substitute "ANY  
28 CONTRACTORS USED".

29 Page 12, lines 23 and 24, strike "(3) AND (4)" and substitute "(2)(f) AND  
30 (2)(g)".

31 Page 12, strike line 27 and substitute, "OFFICIAL ENTERPRISE BUSINESS;  
32 (t) FUNDING GRANTS IN ACCORDANCE WITH THE WASTE TIRE  
33 MANAGEMENT GRANT PROGRAM ESTABLISHED IN SECTION 30-20-1418;  
34 AND".

35 Reletter succeeding paragraph accordingly.

36 Page 13, line 1, strike "THIS PART 14," and substitute "SECTION  
37 30-20-1403,".

1 Page 13, after line 2 insert:

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

7 ~~(4) (a) In addition to any penalties assessed, the department may~~  
8 ~~issue an order requiring the owner or operator to compensate the~~  
9 ~~department for the cost of remediation of the site, and the department may~~  
10 ~~request the attorney general to bring suit for compensation from the~~  
11 ~~owner or operator for money expended remediating the site. The~~  
12 ~~department shall use the recovered moneys to reimburse the fund for~~  
13 ~~actual costs of remediating the site and of seeking compensation pursuant~~  
14 ~~to this section. The state treasurer shall credit all additional moneys to the~~  
15 ~~general fund.~~

16 ~~(b) The department may place a lien on a property on which the~~  
17 ~~department funds the remediation of waste tires pursuant to this section~~  
18 ~~until the costs of remediation have been repaid to the department. If~~  
19 ~~complete repayment has not been made before a sale of the property, the~~  
20 ~~department shall be repaid in full, to the extent possible, from proceeds~~  
21 ~~of the sale."~~

22 Page 13, after line 10 insert:

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

26 Page 13, line 25, strike "(6)(b)," and substitute "(6)(b)(II),".

27 Page 14, line 4, strike "(3)(b)." and substitute "(3)(a)(II)."

28 Page 15, line 23, after "type-A" insert "AND TYPE-B".

29 Page 16, strike lines 7 through 9.

30 Page 17, line 2, strike "2040," and substitute "2041,".

31 Page 17, line 9, strike "2041," and substitute "2042,".

32 Page 17, line 11, strike "JULY 1, 2042." and substitute, "DECEMBER 31,  
33 2042.

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



1           **30-20-1405.5. Waste tire administration fund - creation - clean**  
2 **up - reimbursement - penalties - rules.** (1) (a) THERE IS CREATED IN  
3 THE STATE TREASURY THE WASTE TIRE ADMINISTRATION FUND, REFERRED  
4 TO IN THIS SECTION AS THE "FUND".  
5           (b) THE FUND CONSISTS OF THE WASTE TIRE ADMINISTRATION FEE  
6 REVENUE CREDITED TO THE FUND PURSUANT TO SECTION 30-20-1403  
7 (3)(b) AND ANY OTHER MONEY APPROPRIATED OR TRANSFERRED TO IT.  
8           (c) MONEY CREDITED TO THE FUND IS CONTINUOUSLY  
9 APPROPRIATED TO THE DEPARTMENT FOR THE PURPOSES SET FORTH IN  
10 SUBSECTION (2) OF THIS SECTION.  
11           (2) THE DEPARTMENT MAY USE THE MONEY IN THE FUND FOR THE  
12 REASONABLE DIRECT AND INDIRECT COSTS OF CONDUCTING THE  
13 REGULATORY AND ADMINISTRATIVE FUNCTIONS OF THE DEPARTMENT IN  
14 IMPLEMENTING THIS PART 14, INCLUDING:  
15           (a) INSPECTING NEW MOTOR VEHICLE TIRE AND NEW TRAILER TIRE  
16 RETAILERS TO DETERMINE WHETHER ALL FEES ARE BEING COLLECTED;  
17           (b) ENFORCING THE REQUIREMENTS OF THIS PART 14 PURSUANT TO  
18 EXISTING AUTHORITY, INCLUDING SECTIONS 30-20-113 AND 30-20-114;  
19           (c) DEVELOPING A SYSTEM TO ADDRESS THE RECEIPT BY  
20 REGISTERED PERSONS OF UNMANIFESTED WASTE TIRES FROM  
21 UNREGISTERED WASTE TIRE HAULERS;  
22           (d) MAINTAINING AN ONLINE COMPLAINT FORM AND PROCESS FOR  
23 LAW ENFORCEMENT, FIRE DEPARTMENTS, AND CITIZENS TO REPORT  
24 POTENTIAL WASTE TIRE VIOLATIONS;  
25           (e) REIMBURSING THE DIVISION OF FIRE PREVENTION AND CONTROL  
26 IN THE DEPARTMENT OF PUBLIC SAFETY FOR:  
27           (I) INSPECTIONS OF FACILITIES WHERE WASTE TIRES ARE PRESENT  
28 CONDUCTED BY THE DIVISION OF FIRE PREVENTION AND CONTROL TO  
29 DETERMINE WHETHER THE WASTE TIRE COLLECTION FACILITIES, WASTE  
30 TIRE PROCESSORS, AND WASTE TIRE MONOFILLS ARE IN COMPLIANCE WITH  
31 THE RULES PROMULGATED BY THE DIRECTOR OF THE DIVISION PURSUANT  
32 TO SECTION 24-33.5-1203.5 (2); AND  
33           (II) TECHNICAL AND OTHER ASSISTANCE THE DIVISION OF FIRE  
34 PREVENTION AND CONTROL PROVIDES TO THE DEPARTMENT OR THE PUBLIC  
35 RELATED TO WASTE TIRES, INCLUDING ASSISTANCE RELATED TO:  
36           (A) THE DEVELOPMENT OF FIRE PREVENTION EDUCATION  
37 MATERIALS; AND  
38           (B) REVIEW OF FIRE PREVENTION PLANS;  
39           (f) REGISTERING AND REGULATING WASTE TIRE HAULERS, WASTE  
40 TIRE GENERATORS, USED TIRE MANAGERS, WASTE TIRE COLLECTION  
41 FACILITIES, WASTE TIRE PROCESSORS, MOBILE PROCESSORS, WASTE TIRE  
42 MONOFILLS, AND END USERS IN ACCORDANCE WITH SECTIONS 30-20-1408  
43 TO 30-20-1417;

1 (g) PROVIDING GRANTS TO LAW ENFORCEMENT, FIRE  
2 DEPARTMENTS, LOCAL HEALTH DEPARTMENTS, STATE AGENCIES, AND ANY  
3 OTHER APPLICABLE ENTITIES FOR PURCHASING EQUIPMENT AND SUPPLIES  
4 TO IMPLEMENT THIS PART 14;

5 (h) TRAINING OF AND ENFORCEMENT BY ENTITIES THAT ENFORCE  
6 THIS PART 14;

7 (i) AWARDING GRANTS AND DEVELOPING EDUCATIONAL  
8 PROGRAMS FOR ENFORCEMENT, FIRE PREVENTION AND SUPPRESSION,  
9 PROPER WASTE TIRE MANAGEMENT AND DISPOSAL, TRAINING, AND  
10 CUSTOMER TECHNICAL ASSISTANCE; AND

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

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

20 (4) (a) IN ADDITION TO ANY PENALTIES ASSESSED, THE  
21 DEPARTMENT MAY ISSUE AN ORDER REQUIRING THE OWNER OR OPERATOR  
22 TO COMPENSATE THE DEPARTMENT FOR THE COST OF REMEDIATION OF THE  
23 SITE, AND THE DEPARTMENT MAY REQUEST THE ATTORNEY GENERAL TO  
24 BRING SUIT FOR COMPENSATION FROM THE OWNER OR OPERATOR FOR  
25 MONEY EXPENDED REMEDIATING THE SITE. THE DEPARTMENT SHALL USE  
26 THE RECOVERED MONEY TO REIMBURSE THE FUND FOR ACTUAL COSTS OF  
27 REMEDIATING THE SITE AND OF SEEKING COMPENSATION PURSUANT TO  
28 THIS SECTION. THE STATE TREASURER SHALL CREDIT ALL ADDITIONAL  
29 MONEY TO THE GENERAL FUND.

30 (b) THE DEPARTMENT MAY PLACE A LIEN ON A PROPERTY ON  
31 WHICH THE DEPARTMENT FUNDS THE REMEDIATION OF WASTE TIRES  
32 PURSUANT TO THIS SECTION UNTIL THE COSTS OF REMEDIATION HAVE BEEN  
33 REPAYED TO THE DEPARTMENT. IF COMPLETE REPAYMENT HAS NOT BEEN  
34 MADE BEFORE A SALE OF THE PROPERTY, THE DEPARTMENT SHALL BE  
35 REPAYED IN FULL, TO THE EXTENT POSSIBLE, FROM PROCEEDS OF THE SALE.

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

38 **30-20-1415. Waste tire monofills - requirements.** (1) An owner  
39 or operator of a waste tire monofill shall, as specified by the commission  
40 by rule:

41 (k) Not place any waste tires into monofill storage after January  
42 1, 2018, and SHALL close, or cause to be closed, the waste tire monofill  
43 by July 1, ~~2024~~ 2034.

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

3           **30-20-1418. Waste tire management grant program -**  
4 **definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT  
5 OTHERWISE REQUIRES:

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

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

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

12           (III) INSTITUTIONS OF HIGHER EDUCATION AND PUBLIC OR PRIVATE  
13 SCHOOLS.

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

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

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

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

23           (I) PROMOTE THE DEVELOPMENT OF WASTE TIRE RECYCLING,  
24 BENEFICIAL REUSE, AND MANAGEMENT STRATEGIES IN ACCORDANCE WITH  
25 THIS PART 14;

26           (II) DEVELOP WASTE TIRE RECYCLING, BENEFICIAL REUSE, AND  
27 MANAGEMENT FACILITIES AND INFRASTRUCTURE; AND

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

30           (b) THE GRANT PROGRAM IS INTENDED TO PROVIDE ECONOMIC AND  
31 TECHNICAL ASSISTANCE TO ELIGIBLE ENTITIES IN THEIR EFFORTS RELATED  
32 TO THE RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT OF WASTE  
33 TIRES.

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

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

39           (I) AN APPLICATION NARRATIVE THAT DESCRIBES HOW THE  
40 ELIGIBLE ENTITY WILL USE THE GRANT, INCLUDING HOW THE GRANT WILL  
41 PROMOTE THE RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT OF  
42 WASTE TIRES;

43           (II) AN ESTIMATE OF THE COST OF THE EQUIPMENT,

1 INFRASTRUCTURE, OR PROJECT THE ELIGIBLE ENTITY IS INTENDING TO  
2 FUND WITH THE GRANT AND WHETHER THE EQUIPMENT, INFRASTRUCTURE,  
3 OR PROJECT MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (5) OF  
4 THIS SECTION;

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

8 (IV) WHETHER THERE IS LOCAL COMMUNITY SUPPORT FOR THE  
9 GRANT APPLICATION.

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

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

14 (II) STAFFING OF WASTE TIRE RECYCLING, BENEFICIAL REUSE, AND  
15 MANAGEMENT FACILITIES;

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

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

20 (V) COMMUNITY ENGAGEMENT REGARDING WASTE TIRE  
21 RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT; AND

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

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

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

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

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

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

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

40 (II) THE BOARD SHALL GIVE PRIORITY TO PROJECTS THAT ADVANCE  
41 SUSTAINABLE DESIGN, PRODUCTION, RECOVERABILITY, REUSE, REPAIR, OR  
42 RECYCLING OF WASTE TIRES, WITH THE HIGHEST PRIORITY GIVEN TO  
43 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 Renumber succeeding section accordingly.

28 Strike "WASTE TIRE FEE" and substitute "WASTE TIRE ENTERPRISE FEE" on:  
29 **Page 4**, lines 12 and 21; **Page 6**, lines 3, 4, and 22; **Page 7**, line 4; and  
30 **Page 9**, lines 14, 16, and 19.

\*\* \*\* \*\* \*\* \*\*