

**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, 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.*

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 (IV) THE REPEAL OF THE WASTE TIRE FEE, AS IT EXISTED
15 PURSUANT TO SUBSECTION (1) OF THIS SECTION, PRIOR TO ITS REPEAL IN
16 2025, AND THE CREATION OF THE WASTE TIRE MANAGEMENT ENTERPRISE
17 AS A NEW ENTERPRISE TO CHARGE AND COLLECT A NEW WASTE TIRE
18 ENTERPRISE FEE AS AUTHORIZED BY SUBSECTION (2.5) OF THIS SECTION
19 AND TO PROVIDE AND PROMOTE WASTE TIRE RECYCLING, BENEFICIAL
20 REUSE, AND MANAGEMENT STRATEGIES AND SERVICES FUNDED BY THE
21 WASTE TIRE ENTERPRISE FEE AS A NEW GOVERNMENT-OWNED BUSINESS
22 THAT PROVIDES BUSINESS SERVICES AS A NEW ENTERPRISE FOR THE
23 PURPOSE OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, DOES
24 NOT CONSTITUTE THE QUALIFICATION OF AN EXISTING
25 GOVERNMENT-OWNED BUSINESS AS AN ENTERPRISE FOR THE PURPOSES OF
26 SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR SECTION
27 24-77-103.6 (6)(b)(II), AND, THEREFORE, DOES NOT REQUIRE OR

1 AUTHORIZE ADJUSTMENT OF THE STATE FISCAL YEAR SPENDING LIMIT
2 CALCULATED PURSUANT TO SECTION 20 OF ARTICLE X OF THE STATE
3 CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS DEFINED IN
4 SECTION 24-77-103.6 (6)(b)(I).

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

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

9 (I) COLLECT THE WASTE TIRE ENTERPRISE FEE;

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

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

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

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

23 (VI) (A) CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY,
24 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY
25 GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,
26 OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER
27 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE.

1 THE BOARD SHALL ENCOURAGE DIVERSITY IN APPLICANTS FOR CONTRACTS
2 AND SHALL GENERALLY AVOID USING SINGLE-SOURCE BIDS.

3 (B) THE ENTERPRISE SHALL PAY A FAIR MARKET RATE TO ANY
4 PUBLIC ENTITY, PRIVATE ENTITY, CONTRACTOR, OR CONSULTANT, WHICH
5 MAY INCLUDE A STATE AGENCY, THE ATTORNEY GENERAL'S OFFICE, OR
6 THE DEPARTMENT, THAT IS HIRED BY THE ENTERPRISE TO PERFORM DUTIES
7 PURSUANT TO THIS SUBSECTION (1.5)(b).

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

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

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

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

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

26 (e) (I) THE MEMBER REPRESENTING THE DEPARTMENT WHO HAS
27 EXPERTISE IN SUSTAINABILITY AND IS APPOINTED PURSUANT TO

1 SUBSECTION (1.5)(c)(I) OF THIS SECTION SHALL CALL THE FIRST MEETING
2 OF THE BOARD.

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

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

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

12 (f) (I) A MEMBER OF THE BOARD OF DIRECTORS, EXCEPT FOR
13 MEMBERS APPOINTED PURSUANT TO SUBSECTIONS (1.5)(c)(I) AND
14 (1.5)(c)(II) OF THIS SECTION, MAY RECEIVE A PER DIEM STIPEND WHILE ON
15 OFFICIAL ENTERPRISE BUSINESS.

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

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

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

27 (g) THE DEPARTMENT SHALL PROVIDE OFFICE SPACE AND

1 ADMINISTRATIVE STAFF TO THE ENTERPRISE, IF REQUESTED BY THE BOARD.
2 IN ACCORDANCE WITH SUBSECTION (1.5)(b)(VI)(B) OF THIS SECTION, THE
3 ENTERPRISE SHALL PAY THE DEPARTMENT A FAIR MARKET RATE FOR ANY
4 OFFICE SPACE OR ADMINISTRATIVE STAFF USED BY THE BOARD IN
5 PERFORMANCE OF THE ENTERPRISE'S DUTIES.

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

17 (II) ALL MONEY TRANSFERRED AS A LOAN TO THE ENTERPRISE
18 MUST BE CREDITED TO THE WASTE TIRE ADMINISTRATION, ENFORCEMENT,
19 MARKET DEVELOPMENT, AND CLEANUP FUND, CREATED IN SECTION
20 30-20-1404 (1)(a). LOAN LIABILITIES THAT ARE RECORDED IN THE WASTE
21 TIRE ADMINISTRATION, ENFORCEMENT, MARKET DEVELOPMENT, AND
22 CLEANUP FUND BUT THAT ARE NOT REQUIRED TO BE PAID IN THE CURRENT
23 STATE FISCAL YEAR SHALL NOT BE CONSIDERED WHEN CALCULATING
24 SUFFICIENT STATUTORY FUND BALANCE FOR PURPOSES OF SECTION
25 24-75-109.

26 (III) AS THE ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS
27 OF EXPENSES, IT SHALL REIMBURSE THE DEPARTMENT FOR THE PRINCIPAL

1 AMOUNT OF ANY LOAN MADE BY THE DEPARTMENT, PLUS INTEREST AT A
2 RATE AGREED UPON BY THE DEPARTMENT AND THE ENTERPRISE.

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

4 (2.5) Waste tire enterprise fee and waste tire administration
5 fee. (a) (I) EFFECTIVE JULY 1, 2025, RETAILERS OF NEW MOTOR VEHICLE
6 TIRES AND NEW TRAILER TIRES SHALL COLLECT A WASTE TIRE ENTERPRISE
7 FEE IN AN AMOUNT TO BE SET BY THE ENTERPRISE, IN COORDINATION WITH
8 THE COMMISSION. THE WASTE TIRE ENTERPRISE FEE AMOUNT MUST NOT
9 EXCEED TWO DOLLARS AND FIFTY CENTS ON THE SALE OF EACH NEW TIRE.
10 THE MAXIMUM PER TIRE ENTERPRISE FEE AMOUNT MAY BE ADJUSTED BY
11 THE ENTERPRISE EVERY TWO YEARS IN ACCORDANCE WITH ANY ANNUAL
12 PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S
13 BUREAU OF 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 (2.5)(a)(I) OF THIS SECTION, ADJUST THE WASTE TIRE FEE AMOUNT SO
20 THAT THE WASTE TIRE ENTERPRISE FEE IS IMPOSED IN AN AMOUNT THAT
21 IS:

22 (A) REASONABLY RELATED TO THE DIRECT AND INDIRECT COSTS
23 OF OPERATING THE ENTERPRISE IN ACCORDANCE WITH THIS PART 14 AND
24 THE SERVICES PROVIDED BY THE ENTERPRISE, WHICH COSTS MUST NOT
25 EXCEED THE EQUIVALENT OF ONE-HALF OF THE WASTE TIRE ENTERPRISE
26 FEE COLLECTED FOR EACH NEW TIRE SOLD PURSUANT TO THIS SUBSECTION
27 (2.5);

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

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

6 (b) (I) EFFECTIVE JULY 1, 2025, RETAILERS OF NEW MOTOR
7 VEHICLE TIRES AND NEW TRAILER TIRES SHALL COLLECT A WASTE TIRE
8 ADMINISTRATION FEE IN AN AMOUNT TO BE SET BY THE COMMISSION, IN
9 COORDINATION WITH THE 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) BEGINNING ON JULY 1, 2025, THE STATE TREASURER SHALL
26 DISTRIBUTE THE REVENUE FROM THE WASTE TIRE ENTERPRISE FEE
27 ASSESSED IN SUBSECTION (2.5)(a) OF THIS SECTION AS FOLLOWS:

1 (I) THE PORTION OF THE ENTERPRISE FEE COLLECTED TO COVER
2 THE COSTS DESCRIBED IN SUBSECTION (2.5)(a)(II)(A) OF THIS SECTION TO
3 THE WASTE TIRE MANAGEMENT ENTERPRISE FUND CREATED IN SECTION
4 30-20-1404;

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

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

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

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

22 (II) ALL INTEREST EARNED ON THE INVESTMENT OF MONEY IN THE
23 WASTE TIRE ADMINISTRATION FUND SHALL BE CREDITED TO THE WASTE
24 TIRE ADMINISTRATION FUND. ANY UNEXPENDED AND UNENCUMBERED
25 MONEY IN THE WASTE TIRE ADMINISTRATION FUND IN EXCESS OF SIXTEEN
26 AND ONE-HALF PERCENT OF THE PREVIOUS STATE FISCAL YEAR'S
27 EXPENDITURES AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE

1 WASTE TIRE ADMINISTRATION FUND.

2

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

7 **30-20-1404. Waste tire management enterprise fund - creation**
8 **- rules.** (1) (a) There is ~~hereby~~ created in the state treasury the waste tire
9 ~~administration, enforcement, market development, and cleanup~~
10 MANAGEMENT ENTERPRISE fund, referred to in this section as the "fund",
11 consisting of the fee revenue credited pursuant to section 30-20-1403
12 (2.5)(a) and any other money appropriated OR TRANSFERRED to it. ~~The~~
13 ~~general assembly shall annually appropriate the money in the fund to the~~
14 ~~department for its direct and indirect administrative and enforcement~~
15 ~~costs in administering and enforcing this part 14~~ MONEY CREDITED TO
16 THE FUND IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE
17 PURPOSES SET FORTH IN THIS SECTION AND TO PAY THE ENTERPRISE'S
18 REASONABLE AND NECESSARY OPERATING EXPENSES.

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

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

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

27 (2) The ~~department shall~~ ENTERPRISE MAY, IN CONSULTATION

- 1 WITH THE DEPARTMENT, use the money in the fund for:
- 2 (a) Collecting the WASTE TIRE ENTERPRISE fee assessed in section
3 30-20-1403 (1) (2.5)(a);
- 4 (b) Inspecting retailers to determine whether all fees are being
5 collected;
- 6 (c) Enforcing the requirements of this part 14 pursuant to existing
7 authority, including sections 30-20-113 and 30-20-114;
- 8 (d) Developing a system to address the receipt by registered
9 persons of unmanifested waste tires from unregistered haulers;
- 10 (i) Providing grants to law enforcement, fire departments, local
11 health departments, state agencies, and any other applicable entities for
12 purchasing equipment and supplies to implement this part 14;
- 13 (j) Training of and enforcement by entities that enforce this part
14 14;
- 15 (k) Awarding grants and developing educational programs for
16 enforcement, fire prevention and suppression, proper waste tire
17 management and disposal, training, and customer technical assistance;
- 18 (l) Maintaining an online complaint form and processes for law
19 enforcement, fire departments, and citizens to report potential waste tire
20 violations;
- 21 (o) Encouraging waste tire market development; and
- 22 (p) Reimbursing the division of fire prevention and control in the
23 department of public safety for;
- 24 (f) Inspections of facilities where waste tires are present
25 conducted by the division to determine whether the waste tire collection
26 facilities, waste tire processors, and waste tire monofills are in
27 compliance with the rules promulgated by the director of the division

1 pursuant to section 24-33.5-1203.5 (2); and
2 (H) Technical and other assistance the division provides to the
3 department or the public related to waste tires, including assistance
4 related to:
5 (A) The development of fire prevention education materials; and
6 (B) Review of fire prevention plans.
7 (q) THE PAYMENT OF ANY BONDS ISSUED PURSUANT TO SECTION
8 30-20-1403 (1.5)(b);
9 (r) REIMBURSEMENT OF ANY CONTRACTORS USED FOR CLEANUP
10 AND REMEDIATION ACTIVITIES ENGAGED IN PURSUANT TO SUBSECTIONS
11 (2)(f) AND (2)(g) OF THIS SECTION;
12 (s) THE PAYMENT OF PER DIEM AND THE REIMBURSEMENT OF
13 ACTUAL AND NECESSARY EXPENSES FOR BOARD MEMBERS WHILE ON
14 OFFICIAL ENTERPRISE BUSINESS;
15 (t) FUNDING GRANTS IN ACCORDANCE WITH THE WASTE TIRE
16 MANAGEMENT GRANT PROGRAM ESTABLISHED IN SECTION 30-20-1418;
17 AND
18 (u) ANY OTHER ACTIVITY NECESSARY TO IMPLEMENT SECTION
19 30-20-1403, AS DETERMINED BY THE BOARD OF DIRECTORS.
20 (3) If the department is denied access or if consent to access has
21 not been given to clean up a site where the department reasonably
22 believes waste tires exist illegally, the department may obtain from the
23 district court for the judicial district in which the property is located a
24 warrant to enter the property and remove the waste tires.
25 (4) (a) In addition to any penalties assessed, the department may
26 issue an order requiring the owner or operator to compensate the
27 department for the cost of remediation of the site, and the department may

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

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

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

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

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

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

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

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

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

13 **30-20-1405. End users fund - creation - quarterly rebates -**
14 **rules - repeal.** (1) (a) There is ~~hereby~~ created in the state treasury the end
15 users fund, referred to in this section as the "fund", consisting of the fee
16 revenue credited pursuant to section ~~30-20-1403 (2)(a)(H)~~ 30-20-1403
17 (3)(a)(II).

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

24 (1.5) ~~Notwithstanding any other provision of this section, on June~~
25 ~~30, 2020, the state treasurer shall transfer one million four hundred~~
26 ~~thousand dollars from the fund to the general fund.~~

27 (2) (a) The ~~department~~ ENTERPRISE, IN CONSULTATION WITH THE

1 DEPARTMENT, shall use the money in the fund to provide quarterly rebates
2 to in-state:

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (b) May deny:

20 ==

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

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

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

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

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

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

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

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

26 **30-20-1405.5. Waste tire administration fund - creation - clean**
27 **up - reimbursement - penalties - rules. (1) (a) THERE IS CREATED IN**

1 THE STATE TREASURY THE WASTE TIRE ADMINISTRATION FUND, REFERRED
2 TO IN THIS SECTION AS THE "FUND".

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

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

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

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

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

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

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

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

25 (I) INSPECTIONS OF FACILITIES WHERE WASTE TIRES ARE PRESENT
26 CONDUCTED BY THE DIVISION OF FIRE PREVENTION AND CONTROL TO
27 DETERMINE WHETHER THE WASTE TIRE COLLECTION FACILITIES, WASTE

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

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

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

9 (B) REVIEW OF FIRE PREVENTION PLANS;

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

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

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

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

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

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

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

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

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

25 **30-20-1415. Waste tire monofills - requirements. (1) An owner**
26 **or operator of a waste tire monofill shall, as specified by the commission**
27 **by rule:**

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

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

6 30-20-1418. Waste tire management grant program -
7 definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
8 OTHERWISE REQUIRES:

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

- 12 (I) MUNICIPALITIES, COUNTIES, AND CITIES AND COUNTIES;
- 13 (II) NONPROFIT AND FOR-PROFIT BUSINESSES INVOLVED IN WASTE
14 TIRE RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT; AND
- 15 (III) INSTITUTIONS OF HIGHER EDUCATION AND PUBLIC OR PRIVATE
16 SCHOOLS.

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

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

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

25 (3) (a) THE PURPOSE OF THE GRANT PROGRAM IS TO:
26 (I) PROMOTE THE DEVELOPMENT OF WASTE TIRE RECYCLING,
27 BENEFICIAL REUSE, AND MANAGEMENT STRATEGIES IN ACCORDANCE WITH

1 THIS PART 14;

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

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

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

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

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

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

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

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

27 (IV) WHETHER THERE IS LOCAL COMMUNITY SUPPORT FOR THE

1 GRANT APPLICATION.

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

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

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

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

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

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

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

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

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

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

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

26 (II) IF THE BOARD AWARDS A GRANT TO AN ELIGIBLE ENTITY FOR
27 THE PURCHASE OF INFRASTRUCTURE OR EQUIPMENT, THE ELIGIBLE ENTITY

1 IS INELIGIBLE TO RECEIVE A GRANT FOR THE FOLLOWING FIVE YEARS.

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

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

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

12 (I) AN APPLICATION FORM AND APPLICATION PROCEDURES;

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

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

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

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

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

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

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

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

8 **SECTION 9. Appropriation.** (1) For the 2024-25 state fiscal
9 year, \$60,208 is appropriated to the department of public health and
10 environment. This appropriation is from the waste tire administration,
11 enforcement, market development, and cleanup fund created in section
12 30-20-1404 (1), C.R.S. To implement this act, the department may use
13 this appropriation as follows:

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

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

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

24 **SECTION 10. Effective date.** This act takes effect upon passage;
25 except that section 30-20-1403 (2.5), Colorado Revised Statutes, as added
26 in section 3 of this act, takes effect on July 1, 2025; section 30-20-1404,
27 Colorado Revised Statutes, as amended in section 4 of this act, takes

1 effect on July 1, 2025; section 30-20-1405, Colorado Revised Statutes, as
2 amended in section of 5 of this act, takes effect on July 1, 2025; section
3 30-20-1405.5, as added in section 6 of this act, takes effect on July 1,
4 2025; and section 30-20-1418, as added in section 8 of this act, takes
5 effect on July 1, 2025.

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