

## CHAPTER 231

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**HEALTH AND ENVIRONMENT**


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**HOUSE BILL 01-1018**

BY REPRESENTATIVE(S) Swenson, Crane, Kester, Lawrence, Plant, Rippy, Smith, Spradley, and Young;  
also SENATOR(S) Phillips.

**AN ACT**

CONCERNING MONEYS AVAILABLE TO THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF  
LOCAL AFFAIRS FROM THE WASTE TIRE RECYCLING DEVELOPMENT CASH FUND.

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

**SECTION 1.** 25-17-202 (3) (a), (3) (b), and (3.5), Colorado Revised Statutes, are amended to read:

**25-17-202. Waste tire recycling development fee - cash fund created - repeal.**

(3) (a) The department of revenue shall transmit the fee with a report of its direct and indirect administrative costs in complying with this section to the state treasurer, who shall credit the same to the waste tire recycling development cash fund, which fund is hereby created. The general assembly shall make annual appropriations out of the fund to the department of revenue in an amount equal to the department of revenue's direct and indirect administrative costs, but which amount shall not exceed three and one-third percent of the total amount of fees transmitted to the treasurer. ~~Prior to July 1, 2000, the remaining moneys in the fund shall be subject to annual appropriation by the general assembly to the department of local affairs for allocation to the Colorado housing and finance authority for the purposes described in section 29-4-719.1 (2) (f), C.R.S., and to the division of local government for the purposes described in section 24-32-114, C.R.S.~~

(b) On and after July 1, 2000, the remaining moneys in the fund shall be subject to annual appropriation OR TRANSFER by the general assembly as follows:

(I) OF THE NEW REVENUES DEPOSITED IN THE FUND EACH FISCAL YEAR, no more than two-thirds shall be appropriated to the department of local affairs for allocation to the division of local government for the purposes described in section 24-32-114, C.R.S.; ~~and in subsection (3.2) of this section;~~ and

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(II) The remaining funds shall be ~~appropriated~~ TRANSFERRED to the ~~commission on higher education~~ ADVANCED TECHNOLOGY FUND ON A QUARTERLY BASIS, for the purposes described in section 23-1-106.5 (9), C.R.S. THE TRANSFER OF FUNDS SHALL BE MADE ON THE EFFECTIVE DATE OF THIS ACT AND AT THE END OF EACH QUARTER OF EACH SUCCESSIVE FISCAL YEAR. SUCH ADDITIONAL TRANSFERS AS MAY BE NECESSARY TO BRING THE WASTE TIRE RECYCLING DEVELOPMENT CASH FUND INTO COMPLIANCE WITH THE LIMIT ON UNCOMMITTED CASH FUND RESERVES, AS SPECIFIED IN SECTION 24-75-402, C.R.S., MAY ALSO BE MADE DURING THE FISCAL YEAR.

(3.5) (a) ~~For the fiscal years commencing on and after July 1, 1998, moneys allocated to the division of local government pursuant to subsection (3) of this section, less a proportionate share of the administrative costs of the department of local affairs in administering the funds, shall constitute not more than fifty percent of the moneys appropriated to the department of local affairs from the waste tire recycling development cash fund.~~

(b) This subsection (3.5) is repealed, effective upon receipt by the general assembly of a certification by the executive director of the department of local affairs to the general assembly ~~and the Colorado housing and finance authority~~ that all illegal waste tire dumps or storage facilities in the state have been closed and the tires held by such facilities have been disposed of or recycled at a state or county approved storage, disposal, or recycling facility. Such certification shall be filed with the speaker of the house of representatives and the president of the senate on behalf of the general assembly and with the director of the office of legislative legal services. Any funds remaining in the waste tire ~~clean-up~~ CLEANUP fund created pursuant to section 24-32-114, C.R.S., upon the repeal of this subsection (3.5) shall revert to the waste tire recycling development cash fund created pursuant to subsection (3) of this section.

**SECTION 2.** The introductory portion to 24-32-114 (1) and 24-32-114 (1) (a), (1) (b) (I), (1) (c), (1) (d), and (6), Colorado Revised Statutes, are amended, and the said 24-32-114 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**24-32-114. Cleanup of illegally disposed of waste tires - waste tire cleanup fund - assistance to counties - legislative declaration - repeal.** (1) Moneys appropriated from the waste tire recycling development cash fund, created in section 25-17-202 (3), C.R.S., to the division of local government in accordance with said section, shall be deposited in the waste tire cleanup fund, which fund is hereby created in the state treasury, for use in accordance with this section. In addition to moneys otherwise provided as funds are available and within appropriated amounts, moneys in the waste tire cleanup fund, LESS A PROPORTIONATE SHARE OF THE ADMINISTRATIVE COSTS OF THE DEPARTMENT OF LOCAL AFFAIRS IN ADMINISTERING THE FUND, INCLUDING 0.5 FULL-TIME EQUIVALENT EMPLOYEES (FTE), shall be expended for the following purposes:

(a) Up to ~~thirty~~ FIFTY percent of the moneys appropriated to the department of local affairs from the waste tire recycling development cash fund may be expended to provide grants to counties and municipalities for the disposal, recycling, or reuse of illegally dumped or stored waste tires at a state- or county-approved storage or

disposal facility or at a recycling facility operated pursuant to rules of the department of public health and environment concerning recycling, or, as an alternative to disposal, to encourage the recycling OR REUSE of such waste tires by contract with private enterprises AND ALLOW FOR PARTIAL REIMBURSEMENT TO PROCESSORS AND END USERS UP TO A MAXIMUM OF FIFTY DOLLARS FOR EACH TON OF RAW WASTE TIRES THAT ARE PROCESSED OR USED AND THAT ARE LOCATED AT EITHER A STATE, COUNTY, OR MUNICIPAL OWNED AND OPERATED OR APPROVED STORAGE OR DISPOSAL FACILITY;

(b) (I) Up to ~~ten~~ TWENTY percent of the moneys appropriated to the department of local affairs from the waste tire recycling development cash fund may be expended to provide for tire reuse or recycling incentives in public projects for products that contain or make use of recycled waste tires. The director shall determine how moneys for such incentives shall be distributed among projects. Any state agency is authorized to expend tire reuse or recycling incentive moneys distributed pursuant to this section.

(c) Up to ~~five~~ TWENTY percent of the moneys appropriated to the department of local affairs from the waste tire recycling development cash fund may be expended to provide for partial reimbursement to processors and end users, up to a maximum of ~~twenty~~ FIFTY dollars for each ton of raw Colorado waste tires that are processed or used. The purpose of such partial reimbursements shall be to assist new waste tire recycling technologies to become economically feasible and to thereby encourage the use of waste tires and reduce the storage of waste tires in Colorado.

(d) Up to ~~five~~ TEN percent of the moneys appropriated to the department of local affairs from the waste tire recycling development cash fund may be allocated to the Colorado commission on higher education created in section 23-1-102, C.R.S., for the purpose of evaluating potential uses for recycled material made from waste tires. The commission shall, if possible, utilize such moneys to obtain matching funds from federal or private sources. The commission shall annually inform the division regarding the progress that the commission has made in such evaluations. Moneys allocated pursuant to this paragraph (d), if unexpended in the year in which allocated, shall roll forward into the following fiscal year and shall be available to the commission for the uses specified by this paragraph (d) in such following fiscal year.

(f) ALL MONEYS ENCUMBERED BY JUNE 30 OF A FISCAL YEAR SHALL ROLL FORWARD FOR EXPENDITURE IN THE FOLLOWING FISCAL YEAR.

(6) When the executive director of the department of local affairs determines that all illegal waste tire dumps and storage facilities in the state have been closed and the tires held by such facilities have been disposed of or recycled at a state or county approved storage, disposal, or recycling facility, or in recycling or reuse projects, the director shall certify that fact to the general assembly, ~~and the Colorado housing and finance authority.~~ Certification shall be as prescribed in section 25-17-202 (3.5) (b), C.R.S.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 2001