

CHAPTER 57

HEALTH AND ENVIRONMENT

HOUSE BILL 06-1074

BY REPRESENTATIVE(S) Solano, Madden, Benefield, Berens, Boyd, Cerbo, Coleman, Frangas, Garcia, McGihon, Merrifield, Paccione, Plant, Ragsdale, Riesberg, Todd, and Vigil;
also SENATOR(S) Johnson, Bacon, Entz, Hanna, Kester, Shaffer, Tochtrop, Tupa, Veiga, and Williams.

AN ACT**CONCERNING THE WASTE TIRE RECYCLING DEVELOPMENT FEE.**

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

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

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

(1) (a) (III) (A) The recycling development fee in subparagraph (I) of this paragraph (a) shall include, in addition to the seventy-five cent fee, a surcharge of twenty-five cents, which shall be credited to the processors and end users of waste tires cash fund created in section 25-17-202.5.

(B) This subparagraph (III) is repealed, effective July 1, ~~2007~~ 2012.

(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:

(II) The department of public health and environment in an amount equal to the department of public health and environment's direct and indirect administrative costs incurred pursuant to section 25-17-204, but which amount shall not exceed twenty-five thousand dollars in fiscal year 2005-06 or fifteen thousand dollars in fiscal ~~year 2006-07~~ YEARS 2006-07, 2007-08, 2008-09, 2009-10, 2010-11, AND 2011-12.

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

SECTION 2. 25-17-202 (3) (b), Colorado Revised Statutes, is amended to read:

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

(3) (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) (A) 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~~

(B) ANY MONEYS IN THE FUND NOT EXPENDED OR ENCUMBERED FROM ANY APPROPRIATION AT THE END OF ANY FISCAL YEAR SHALL REMAIN AVAILABLE FOR EXPENDITURE IN THE NEXT FISCAL YEAR WITHOUT FURTHER APPROPRIATION.

(II) (A) The remaining funds shall be transferred to the 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 June 1, 2001, 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.

~~(B) Notwithstanding any provision of this section to the contrary, on June 1, 2003, and at the end of each quarter for fiscal year 2003-04, the state treasurer shall transfer the balance of moneys in the advanced technology fund to the general fund.~~

SECTION 3. 25-17-202.5 (2), Colorado Revised Statutes, is amended to read:

25-17-202.5. Processors and end users of waste tires cash fund created - repeal. (2) This section is repealed, effective July 1, ~~2007~~ 2012.

SECTION 4. 24-32-114 (7), Colorado Revised Statutes, is amended to read:

24-32-114. Cleanup of illegally disposed of waste tires - waste tire cleanup fund - legislative declaration - repeal. (7) This section is repealed, effective upon receipt by the general assembly of the certification described in subsection (6) of this section or effective July 1, ~~2008~~ 2013, whichever occurs first.

SECTION 5. 23-1-106.5 (9) (b) and (9) (c), Colorado Revised Statutes, are amended to read:

23-1-106.5. Duties and powers of the commission with regard to advanced technology - fund created. (9) (b) The commission shall expend moneys in the advanced technology fund to ~~provide research funding and technology transfer capital to individuals or public or private entities seeking to develop or implement projects for biotechnology and other advanced technology or for environmental research, research and development, and technology transfer programs in the state.~~ FINANCE RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER WITH REGARD TO WASTE DIVERSION AND RECYCLING STRATEGIES OR ENVIRONMENTAL ALTERNATIVES

BY PROVIDING RESEARCH FUNDING AND TECHNOLOGY TRANSFER CAPITAL TO INDIVIDUALS OR PUBLIC OR PRIVATE ENTITIES SEEKING TO DEVELOP OR IMPLEMENT WASTE DIVERSION OR RECYCLING PROJECTS FOR MATERIALS OR PRODUCTS OF ANY KIND, INCLUDING, WITHOUT LIMITATION, STRATEGIES PERTAINING TO WASTE TIRES, OR FOR ENVIRONMENTAL, RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER PROGRAMS IN THE STATE FOR MATERIALS AND PRODUCTS OF ANY KIND. The commission shall adopt a policy for the expenditure of such moneys, which shall contain priorities and the criteria for providing research funding and technology transfer.

~~(c) Notwithstanding any other provision of this subsection (9), on and after July 1, 2003, no less than twenty percent of any moneys available in the advanced technology fund pursuant to section 25-17-202 (3), C.R.S., shall be used solely to finance research, development, and technology transfer with regard to waste diversion and recycling strategies, and shall include research, development, and technology transfer regarding waste tires.~~

SECTION 6. Effective date. This act shall take effect July 1, 2006.

SECTION 7. 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: March 31, 2006