

CHAPTER 171

CORRECTIONS

HOUSE BILL 96-1205

BY REPRESENTATIVES Congrove, Epps, Paschall, Agler, Chlouber, Grampas, Lamborn, May, Morrison, Musgrave, Owen, Pankey, Prinzler, Schwarz, Sullivant, Swenson, Tool, Tucker, Allen, Anderson, Berry, Saliman, and Snyder; also SENATORS Bishop, Norton, R. Powers, Schaffer, Schroeder, and Tebedo.

AN ACT

CONCERNING CLEANUP OF WASTE TIRES.

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

SECTION 1. Article 24 of title 17, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

17-24-123. Cleanup of illegally disposed and abandoned waste tires - services to counties. (1) THE GENERAL ASSEMBLY FINDS THAT THE CLEANUP, REMOVAL, AND TRANSPORTATION OF ILLEGALLY DUMPED, STORED, OR ABANDONED WASTE TIRES IS NECESSARY AND THAT INMATE LABOR IS ONE SOURCE OF LABOR THAT SHOULD BE USED TO CORRECT THESE PROBLEMS.

(2) THE DIVISION IS AUTHORIZED TO:

(a) PROVIDE LABOR USING SUPERVISED INMATE CREWS TO COUNTIES OR PRIVATE ENTITIES FOR THE CLEANUP, LOADING, AND ANY ON-SITE PROCESSING OF ILLEGALLY DUMPED, STORED, OR ABANDONED WASTE TIRES PRIOR TO TRANSPORTING SUCH WASTE TIRES TO A COUNTY- OR STATE-APPROVED RECYCLING OR DISPOSAL FACILITY AND TO PAY THE PERSONNEL AND OPERATING COSTS NECESSARY TO DO SO;

(b) CONTRACT WITH COUNTY AND CITY AND COUNTY SHERIFFS FOR THE PROVISION OF SUPERVISED INMATE CREWS TO CLEAN UP ILLEGALLY DUMPED, STORED, OR ABANDONED WASTE TIRES;

(c) CONTRACT WITH PRIVATE HAULERS FOR THE MOVING OF ILLEGALLY DUMPED, STORED, OR ABANDONED WASTE TIRES TO A COUNTY- OR STATE-APPROVED

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

RECYCLING OR DISPOSAL FACILITY AND SHALL DO SO WHENEVER FEASIBLE AND COST-EFFECTIVE; AND

(d) PAY ANY FEES NECESSARY FOR A COUNTY- OR STATE-APPROVED RECYCLING OR DISPOSAL FACILITY TO ACCEPT ILLEGALLY DUMPED, STORED, OR ABANDONED WASTE TIRES.

(3) ANY MONEYS RECEIVED FROM CONTRACTS ENTERED INTO PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE CORRECTIONAL INDUSTRIES ACCOUNT DESCRIBED IN SECTION 17-24-113 (3).

SECTION 2. 24-32-114 (3) (b), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-32-114. Cleanup of illegally disposed of waste tires - waste tire cleanup fund - assistance to counties - legislative declaration - repeal. (3) (b) Counties receiving grants pursuant to this section may use such grants to fund the removal and disposal or recycling of waste tires with county personnel or may contract with private entities, ~~or~~ other local governments, OR OTHER GOVERNMENTAL AGENCIES for such activities, if such contracts are otherwise in accordance with law. THE USE OF INMATE LABOR SHALL BE PURSUED WHENEVER FEASIBLE, AT THE SOLE DISCRETION OF THE BOARD OF COUNTY COMMISSIONERS.

SECTION 3. 29-4-719.1 (2) (f) (I) (G), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

29-4-719.1. Economic development fund - repeal. (2) Moneys held in the economic development fund shall be expended by the authority for the following purposes:

(f) (I) (G) Moneys in the fund may be used for the direct and indirect costs of the Colorado housing and finance authority in implementing this ~~subparagraph (F) and subparagraph (H) of this paragraph (f)~~, BUT THE AMOUNT EXPENDED IN ANY FISCAL YEAR FOR SUCH DIRECT AND INDIRECT COSTS SHALL NOT EXCEED THREE AND ONE-THIRD PERCENT OF THE TOTAL AMOUNT APPROPRIATED BY THE GENERAL ASSEMBLY IN THAT FISCAL YEAR TO THE AUTHORITY FROM THE WASTE TIRE RECYCLING DEVELOPMENT CASH FUND CREATED IN SECTION 25-17-202 (3), C.R.S.

SECTION 4. 25-17-202 (3), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-17-202. Waste tire recycling development fee - cash fund created - repeal. (3) 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 ~~five~~ THREE AND ONE-THIRD percent of the total amount of fees transmitted to the treasurer. 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. In accordance with section 24-36-114, C.R.S., all interest derived from the deposit and investment of moneys in the fund shall be credited to the general fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund.

SECTION 5. 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: May 23, 1996