

CHAPTER 146

**HEALTH AND ENVIRONMENT**

**HOUSE BILL 98-1176**

BY REPRESENTATIVES Swenson and Dean;  
also SENATORS Powers and Chlouber.

**AN ACT**

CONCERNING WASTE TIRE RECYCLING, AND, IN CONNECTION THEREWITH, DIRECTING THE DEPARTMENT OF LOCAL AFFAIRS TO USE MONEYS FROM THE WASTE TIRE RECYCLING DEVELOPMENT CASH FUND TO PROVIDE PARTIAL REIMBURSEMENT TO WASTE TIRE PROCESSORS AND END USERS.

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

**SECTION 1. Legislative declaration.** The general assembly hereby finds that the proliferation of waste tires in Colorado continues to be a hazard to the public in Colorado and that prior efforts to address this problem have been inadequate. The general assembly further finds that private industry can reduce the number of waste tires through recycling efforts, but this will require the application of new technologies. The general assembly declares that the issuance of partial reimbursements to waste tire processors and end users will assist new tire recycling technologies in becoming economically feasible and will benefit all of the citizens of the state.

**SECTION 2.** 25-17-202 (1) (b), (3), and (3.5) (a), Colorado Revised Statutes, are amended, and the said 25-17-202 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**25-17-202. Waste tire recycling development fee - cash fund created - repeal.**  
(1) (b) For the purposes of this part 2:

(I) "END USER" MEANS A PERSON WHO USES PROCESSED WASTE TIRES FOR A COMMERCIAL OR INDUSTRIAL PURPOSE.

(II) "Motor vehicle tire" means any tire used for a motor vehicle, as such term is defined in section 42-1-102 (58), C.R.S.; except that motor vehicle shall not include motorcycles.

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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.*

(III) "PROCESSED WASTE TIRES" MEANS WASTE TIRES THAT HAVE BEEN PROCESSED FOR RECYCLING IN COLORADO.

(IV) "PROCESSOR" MEANS A PERSON WHO PROCESSES WASTE TIRES FOR RECYCLING IN COLORADO.

(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 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., AND IN SUBSECTION (3.2) OF THIS SECTION. 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.

(3.2) (a) THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS SHALL PROVIDE PARTIAL REIMBURSEMENT TO PERSONS FOR WASTE TIRE PROCESSING AND USAGE. 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 SUCH TIRES IN COLORADO. AN AMOUNT OF UP TO FIVE PERCENT OF THE MONEYS APPROPRIATED TO THE DEPARTMENT OF LOCAL AFFAIRS FROM THE WASTE TIRE RECYCLING DEVELOPMENT CASH FUND SHALL BE USED FOR SUCH PARTIAL REIMBURSEMENTS.

(b) A PARTIAL REIMBURSEMENT TO A PROCESSOR OR TO AN END USER UNDER THIS SUBSECTION (3.2) SHALL BE IN AN AMOUNT OF UP TO TWENTY DOLLARS FOR EACH TON OF RAW WASTE TIRES THAT ARE PROCESSED OR USED.

(c) THE DIVISION OF LOCAL GOVERNMENT SHALL PROMULGATE RULES TO ESTABLISH APPLICATION PROCEDURES AND ELIGIBILITY CRITERIA FOR PARTIAL REIMBURSEMENTS TO PROCESSORS AND END USERS UNDER THIS SUBSECTION (3.2).

(d) THIS SUBSECTION (3.2) IS REPEALED, EFFECTIVE JULY 1, 2003.

(3.5) (a) For the fiscal years commencing on and after July 1, ~~1996~~ 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 ~~thirty~~ THIRTY-FIVE percent of the moneys appropriated to the department of local affairs from the waste tire recycling development cash fund.

**SECTION 3. Effective date - applicability.** (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to moneys collected for waste tire recycling development fees on or after the applicable effective date of this act.

Approved: April 21, 1998