

## CHAPTER 271

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**HEALTH AND ENVIRONMENT**

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**SENATE BILL 98-198**

BY SENATOR Powers;  
also REPRESENTATIVES Epps, Bacon, Clarke, Dean, Mace, Musgrave, Paschall, Swenson, Tucker, Udall, S. Williams.

**AN ACT**

CONCERNING RECYCLING PROGRAMS, AND, IN CONNECTION THEREWITH, MODIFYING THE DISTRIBUTION AND USAGE OF MONEYS APPROPRIATED FROM THE WASTE TIRE RECYCLING DEVELOPMENT CASH FUND, EXTENDING THE REPEAL DATES FOR THE PLASTICS RECYCLING PROGRAM AND THE WASTE TIRE RECYCLING AND DISPOSAL PROGRAM, AND MAKING AN APPROPRIATION.

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

**SECTION 1.** 24-32-114 (1) (a), (1) (b), (3) (a), (3) (d), (4), (6), and (7), Colorado Revised Statutes, are amended, and the said 24-32-114 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**24-32-114. Cleanup of illegally disposed of waste tires - waste tire cleanup fund - assistance to counties - legislative declaration - repeal.**

(1) (a) COMMENCING JULY 1, 1998, the director, in consultation with the executive director of the department of local affairs, shall expend moneys allocated to the division pursuant to section 25-17-202 (3), C.R.S., in the manner set forth in this section AS FOLLOWS:

(I) AN AMOUNT OF UP TO FORTY PERCENT OF THE MONEYS APPROPRIATED TO THE DEPARTMENT OF LOCAL AFFAIRS FROM THE WASTE TIRE RECYCLING DEVELOPMENT CASH FUND MAY BE EXPENDED FOR THE FOLLOWING:

(A) To provide GRANTS TO COUNTIES for the disposal, ~~or~~ 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 regulations of the department of public health and environment concerning recycling, OR, AS AN ALTERNATIVE TO DISPOSAL, TO ENCOURAGE THE RECYCLING OF SUCH WASTE TIRES BY CONTRACT WITH PRIVATE ENTERPRISES; OR

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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.*

(B) TO PROVIDE FOR TIRE REUSE OR RECYCLING INCENTIVES IN STATE PUBLIC PROJECTS AND LOCAL GOVERNMENT PUBLIC PROJECTS FOR PRODUCTS THAT CONTAIN OR MAKE USE OF RECYCLED WASTE TIRES. THE DIRECTOR SHALL DETERMINE HOW MONEYS FOR TIRE REUSE OR RECYCLING INCENTIVES SHALL BE DISTRIBUTED AMONG PROJECTS. ANY STATE AGENCY IS AUTHORIZED TO EXPEND DISTRIBUTED TIRE REUSE OR RECYCLING INCENTIVE MONEYS PURSUANT TO THE REQUIREMENTS OF THIS SECTION. A MAXIMUM OF TEN PERCENT OF THE MONEYS APPROPRIATED TO THE DEPARTMENT OF LOCAL AFFAIRS FROM THE WASTE TIRE RECYCLING DEVELOPMENT CASH FUND MAY BE EXPENDED FOR THE PURPOSES AUTHORIZED UNDER THIS SUB-SUBPARAGRAPH (B).

(II) (A) 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 MAY BE ALLOCATED TO THE COLORADO ADVANCED TECHNOLOGY INSTITUTE CREATED IN SECTION 23-11-102, C.R.S., FOR THE PURPOSE OF EVALUATING POTENTIAL USES FOR RECYCLED MATERIAL FROM MOTOR VEHICLE WASTE TIRES. THE INSTITUTE SHALL, IF POSSIBLE, UTILIZE SUCH MONEYS TO OBTAIN MATCHING FUNDS FROM FEDERAL OR PRIVATE SOURCES.

(B) THE COLORADO ADVANCED TECHNOLOGY INSTITUTE SHALL ANNUALLY INFORM THE DIVISION REGARDING THE PROGRESS THAT THE INSTITUTE HAS MADE IN THE EVALUATION OF WASTE TIRE USES.

(III) FOR THE PURPOSE OF EXPENDING TIRE REUSE OR RECYCLING INCENTIVES UNDER THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), THE STATE PURCHASING DIRECTOR OR A PURCHASING AGENT SHALL BE AUTHORIZED TO PURCHASE PRODUCTS WITH RECYCLED WASTE TIRE CONTENT UNLESS ANY OF THE FOLLOWING CONDITIONS EXIST:

(A) THE PRODUCT IS NOT AVAILABLE WITHIN A REASONABLE PERIOD OF TIME;

(B) THE PRODUCT FAILS TO MEET EXISTING PURCHASING RULES, INCLUDING ANY APPLICABLE SPECIFICATIONS; OR

(C) THE PRODUCT FAILS TO MEET FEDERAL OR STATE HEALTH OR SAFETY STANDARDS AS SET FORTH IN THE CODE OF FEDERAL REGULATIONS OR THE COLORADO CODE OF REGULATIONS.

(IV) THE GENERAL ASSEMBLY HEREBY FINDS THAT THE PURPOSE OF THE TIRE REUSE OR RECYCLING INCENTIVES UNDER THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) IS TO ENCOURAGE THE BENEFICIAL REUSE AND RECYCLING OF WASTE TIRES IN COLORADO AND IS NOT INTENDED TO USURP FUNCTIONS PROPERLY PERFORMED BY THE PRIVATE SECTOR OR TO COMPETE UNFAIRLY WITH PRIVATE BUSINESSES.

(V) FOR THE PURPOSES OF THIS PARAGRAPH (a), "PUBLIC PROJECT" MEANS:

(A) ANY PUBLICLY FUNDED CONTRACT ENTERED INTO BY A GOVERNMENTAL BODY OF THE EXECUTIVE BRANCH OF THIS STATE THAT IS SUBJECT TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF THIS TITLE; OR

(B) ANY PUBLICLY FUNDED CONTRACT ENTERED INTO BY A MUNICIPALITY, COUNTY, OR CITY AND COUNTY, INCLUDING ANY HOME RULE GOVERNMENT.

~~(b) Expenditures authorized by this section may be made in the form of grants to counties.~~

~~(3) (a) Grants made to counties pursuant to this section shall be used solely for the removal of waste tires from illegal dumps and storage facilities within the counties and for disposal or recycling of the removed tires at a state or county approved storage, disposal, or recycling facility;~~

(d) The general assembly hereby finds and declares that it is the policy of this state to pursue proposals for recycling AND MAKING OTHER BENEFICIAL USES OUT OF waste tires, in lieu of storage or landfill disposal, whenever feasible.

(4) No later than January 1, 1997, and biennially thereafter, each county in the state that has received funds pursuant to this section shall submit a report to the director and to the general assembly concerning the quantity, expressed in weight or as a number, of tires removed from illegal dumps or storage facilities in the county and disposed of at approved facilities OR IN RECYCLING OR REUSE PROJECTS; the method in which such disposal was accomplished and the method of recycling OR REUSE, if any; and, the quantity of tires in the county remaining to be disposed of or recycled in future years.

(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.

(6.5) THE DIVISION MAY PROMULGATE RULES TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

(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, WHICHEVER OCCURS FIRST.

**SECTION 2.** 25-17-106, Colorado Revised Statutes, is amended to read:

**25-17-106. Repeal of part.** This part 1 is repealed, effective July 1, ~~1998~~ 2008.

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

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

(3.5) (a) For the fiscal years commencing on and after July 1, 1996, 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~~ FIFTY percent of the moneys appropriated to the department of local affairs from the waste

tire recycling development cash fund.

**SECTION 4.** 25-17-202 (3.5) (a), Colorado Revised Statutes, as amended by House Bill 98-1176, enacted at the Second Regular Session of the Sixty-first General Assembly, is amended to read:

**25-17-202. Waste tire recycling development fee - cash fund created - repeal.** (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 ~~thirty-five~~ FIFTY percent of the moneys appropriated to the department of local affairs from the waste tire recycling development cash fund.

**SECTION 5.** 25-17-203, Colorado Revised Statutes, is amended to read:

**25-17-203. Repeal of part.** This part 2 is repealed, effective July 1, ~~2000~~ 2008.

**SECTION 6.** 29-4-719.1 (2) (f) (IV) and (2) (f) (V), Colorado Revised Statutes, are amended to read:

**29-4-719.1. Economic development fund - repeal.** (2) (f) (IV) Any moneys deposited in the economic development fund that have been appropriated from the waste tire recycling development cash fund and that are not used for the purposes described in subparagraph (I) of this paragraph (f) shall remain in the economic development fund and shall not be transferred to the general fund of the state at the end of any fiscal year. ~~until July 1, 2005, at which time this subparagraph (IV) shall be repealed, and any moneys remaining in the fund shall be subject to appropriation by the general assembly for purposes that are consistent with subparagraph (I) of this paragraph (f) and section 25-17-101, C.R.S.~~

~~(V) This subparagraph (V) and subparagraphs (II) and (IV) of this paragraph (f) are IS repealed, effective July 1, 2005 2008.~~

**SECTION 7. Appropriation and transfer of appropriation.** (1) From the cash funds appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 1998, to the department of local affairs, economic development, local affairs programs, waste tire fund, Colorado housing and finance authority recycling loans, for program costs, the sum of three hundred twenty-one thousand six hundred dollars (\$321,600) is hereby transferred to the department of local affairs, economic development, local affairs programs, waste tire fund, waste tire removal grants, for implementation of this act. Such sum shall be from the waste tire recycling development cash fund.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of higher education, Colorado advanced technology institute, for the fiscal year beginning July 1, 1998, the sum of one hundred seven thousand two hundred dollars (\$107,200), or so much thereof as may be necessary, for the implementation of this act. Such sum shall be from cash funds exempt received from the department of local affairs out of the appropriation transferred for waste tire removal grants in subsection (1) of this section.

**SECTION 8. Effective date.** Section 4 of this act shall take effect on the date that House Bill 98-1176 becomes effective and the remainder of this act shall take effect upon passage.

**SECTION 9. 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, 1998