

CHAPTER 321

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 00-1430

BY REPRESENTATIVES Stengel, Fairbank, George, Gottlieb, Hagedorn, Hefley, Hoppe, Kester, King, Larson, Lee, Mace, May, McPherson, Nuñez, Sinclair, Smith, Swenson, Webster, Zimmerman, Alexander, Bacon, Coleman, Lawrence, Mitchell, Paschall, Tapia, Tupa, Vigil, S. Williams, and Young;
also SENATORS Teck, Chlouber, Hernandez, Perlmutter, Reeves, and Weddig.

AN ACT

CONCERNING THE CREATION OF THE ADVANCED TECHNOLOGY FUND FOR USE BY THE COLORADO COMMISSION ON HIGHER EDUCATION.

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

SECTION 1. 23-1-106.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

23-1-106.5. Duties and powers of the commission with regard to advanced technology - fund created. (9) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE ADVANCED TECHNOLOGY FUND. THE FUND SHALL CONSIST OF MONEYS TRANSFERRED THERETO PURSUANT TO SECTION 25-17-202 (3), C.R.S., ANY MONEYS AVAILABLE TO THE COMMISSION PURSUANT TO SUBSECTION (4) OF THIS SECTION THAT THE COMMISSION TRANSMITS TO THE STATE TREASURER TO BE CREDITED TO THE FUND, AND ANY MONEYS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. THE MONEYS IN THE FUND ARE HEREBY CONTINUOUSLY APPROPRIATED TO THE COMMISSION FOR THE PURPOSES SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (9).

(b) THE COMMISSION SHALL EXPEND MONEYS IN THE ADVANCED TECHNOLOGY FUND TO 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 MATERIAL OR PRODUCTS OF ANY KIND OR FOR ENVIRONMENTAL, RESEARCH, DEVELOPMENT, AND TECHNOLOGY

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

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 (8), ANY MONEYS DEPOSITED 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.

(d) THE COMMISSION SHALL BIENNIALLY REPORT TO THE GENERAL ASSEMBLY ABOUT THE STATUS OF FINANCING THE EFFORTS DESCRIBED IN PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (9), INCLUDING AN ASSESSMENT OF THE ACTIVITIES OF INDIVIDUALS OR ENTITIES RECEIVING GRANTS FROM THE FUND.

SECTION 2. 25-17-202 (1) (a) and (3), Colorado Revised Statutes, are amended to read:

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

(1) (a) (I) On and after January 1, 1994, AND PRIOR TO JULY 1, 2000, a recycling development fee of one dollar shall be collected on any waste motor vehicle tire for any passenger vehicle, including any truck, weighing less than fifteen thousand pounds. In addition, such fee shall be collected on truck tires, including truck tractor, trailer, and semitrailer, weighing more than fifteen thousand pounds; except that no fee shall be collected for tires that are recapped or otherwise reprocessed for use. The fee authorized by this section shall be collected only at such time as the owner of the tire delivers or transfers the waste tire to a retailer of new tires for disposal.

(II) ON AND AFTER JULY 1, 2000, THE RECYCLING DEVELOPMENT FEE DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) SHALL BE SEVENTY-FIVE CENTS.

(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., and in subsection (3.2) of this section.

(b) ON AND AFTER JULY 1, 2000, THE REMAINING MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY AS FOLLOWS:

(I) 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

(II) THE REMAINING FUNDS SHALL BE APPROPRIATED TO THE COMMISSION ON HIGHER EDUCATION FOR THE PURPOSES DESCRIBED IN SECTION 23-1-106.5 (9), C.R.S.

(c) 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 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, 2000