

CHAPTER 169

HEALTH AND ENVIRONMENT

HOUSE BILL 12-1034

BY REPRESENTATIVE(S) Looper, Fischer, Hamner, Jones, Ramirez, Tyler, Vaad, Young, Casso, Labuda, Ryden, Solano, Wilson, Hullinghorst, Pace, Priola, Swerdfefer;
also SENATOR(S) Spence, Hudak, King S., Williams S., Aguilar, Heath, Jahn.

AN ACT

CONCERNING CONTINUING THE PROCESSORS AND END USERS FUND THAT ENCOURAGES RECYCLING OF WASTE TIRES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 25-17-202, **amend** (1) (c) as follows:

25-17-202. Waste tire fees - definitions - repeal. (1) As used in this part 2, unless the context otherwise requires:

(c) "End user" means a person who uses ~~processed waste tires~~ A TIRE-DERIVED PRODUCT for a commercial or industrial purpose.

SECTION 2. In Colorado Revised Statutes, **amend** 25-17-202.5 as follows:

25-17-202.5. Processors and end users fund created - rules - repeal.

(1) There is hereby created, in the state treasury, the processors and end users fund. Such fund shall consist of the fee revenue credited pursuant to section 25-17-202 (3) (a) (I) AND year-end surpluses transferred pursuant to sections 25-17-202.6 (1), 25-17-202.8 (1), 25-17-202.9 (1), and 25-17-207 (4). ~~and transfers by the state treasurer on June 10, 2010, of the balances of the unexpended and unencumbered moneys in the waste tire cleanup fund formerly created in section 24-32-117, C.R.S., and the advanced technology fund formerly created in section 25-16.5-105 (2) (a), as such balances existed on June 10, 2010, and as such funds existed prior to their repeal.~~ All interest or any other return on the investment of moneys in the fund shall be deposited in the fund. ~~Any moneys in the fund not expended or encumbered from any appropriation at the end of any fiscal year shall remain~~

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

~~available, without further appropriation, for expenditure in the next fiscal year by the department to be used~~ THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS IN THE FUND for monthly partial reimbursement to processors and end users, up to a maximum of sixty-five dollars for each ton of raw Colorado waste tires that are processed or used. The purpose of ~~such~~ THE partial reimbursements ~~shall be~~ IS to assist new and existing waste tire recycling technologies to become economically feasible and to thereby encourage the use of waste tires and reduce the storage of waste tires in Colorado. THE DEPARTMENT SHALL NOT REIMBURSE A PROCESSOR FOR PROCESSING WASTE TIRES UNLESS THE PROCESSOR HAS END USED THE TIRE-DERIVED PRODUCT OR IF THE TIRE-DERIVED PRODUCT HAS BEEN SOLD FOR AN END USE AND MOVED OFF-SITE.

~~(1.5) Notwithstanding any provision of subsection (1) of this section to the contrary, on April 15, 2010, the state treasurer shall deduct five hundred thousand dollars from the processors and end users of waste tires cash fund and transfer such sum to the general fund.~~ NOTWITHSTANDING SECTION 25-17-202.9, THE DEPARTMENT SHALL IDENTIFY OTHER MARKETS IN THE STATE THAT ARE ABLE, WITHOUT TAXPAYER OR WASTE TIRE CLEAN UP FUNDS, TO ELIMINATE ILLEGAL TIRE DUMPING AND TO RECYCLE OR REUSE WASTE TIRES IN NEWER TECHNOLOGIES.

(2) This section is repealed, effective July 1, ~~2012~~ 2020.

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the processors and end users fund created in section 25-17-202.5, Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2011, the sum of \$700,000, or so much thereof as may be necessary, for allocation to the waste tire program for reimbursement of processors and end users in fiscal year 2011-12.

SECTION 4. 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 9, 2012