

SENATE COMMITTEE OF REFERENCE REPORT

February 29, 2024

Chair of Committee

Date

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

SB24-123 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 4, after line 1 insert:
2 "(f) THE WASTE TIRE MANAGEMENT ENTERPRISE WILL AID IN THE
3 PROPER MANAGEMENT OF WASTE TIRES BY PROVIDING FINANCIAL
4 INCENTIVES AND REBATES FOR THE RECYCLING OF WASTE TIRES INTO
5 END-USE TIRE-DERIVED PRODUCTS, WHICH FINANCIAL INCENTIVES AND
6 REBATES DIRECTLY COMPENSATE PEOPLE WHO PROPERLY DISPOSE OF OR
7 RECYCLE WASTE TIRES, PROVIDE FEE PAYERS MORE CONVENIENT WASTE
8 TIRE AND DISPOSAL OPTIONS, INCREASE THE PRODUCTION OF TIRE-DERIVED
9 PRODUCTS, AND POSITIVELY IMPACT HUMAN HEALTH AND SAFETY AND
10 THE ENVIRONMENT;".
- 11 Reletter succeeding paragraphs accordingly.
- 12 Page 4, line strike lines 15 through 18 and substitute "PROVIDING THE
13 BUSINESS SERVICES SPECIFIED IN SECTIONS 30-20-1404 AND 30-20-1405
14 TO CONSUMERS WHO ULTIMATELY PAY THE ENTERPRISE FEE, WHICH
15 ENTERPRISE FEE IS IMPOSED AT RATES THAT ARE REASONABLY
16 CALCULATED BASED ON THE BENEFITS RECEIVED BY THOSE CONSUMERS;".
- 17 Page 5, line 5, strike "RECYCLING" and substitute "RECYCLING,
18 BENEFICIAL REUSE,".
- 19 Page 5, line 7, after "(2)" insert "(a)".
- 20 Page 5, line 9, strike "this part 14." and substitute "this part 14.".
- 21 Page 5, line 12, strike "14." and substitute "14 SECTIONS 30-20-1403,
22 30-20-1404, AND 30-20-1405, AS APPLICABLE.".

1 Page 5, before line 13 insert:

2 "(b) THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT,
3 SHALL PROMULGATE RULES FOR THE IMPLEMENTATION AND ENFORCEMENT
4 OF SECTIONS 30-20-1403 AND 30-20-1405.5 AND OTHER SECTIONS OF THIS
5 PART 14, AS APPLICABLE.".

6 Page 5, line 14, after "(4.5)," insert "(12.5),".

7 Page 5, strike lines 21 and 22 and substitute:

8 "(12.5) "WASTE TIRE ADMINISTRATION FEE" OR "ADMINISTRATION
9 FEE" MEANS MONEY COLLECTED PURSUANT TO SECTION 30-20-1403 (2)(b).
10 (14.5) "WASTE TIRE ENTERPRISE FEE" OR "ENTERPRISE FEE" MEANS
11 MONEY COLLECTED PURSUANT TO SECTION 30-20-1403 (2)(a).".

12 Page 5, strike line 26 and substitute "**directors - waste tire enterprise**
13 **fee - waste tire administration fee - distribution - rules.**
14 **(1) Enterprise.**".

15 Page 6, strike line 5 and substitute, "PROMOTE WASTE TIRE RECYCLING,
16 BENEFICIAL REUSE, AND MANAGEMENT STRATEGIES IN".

17 Page 6, after line 20 insert:

18 "(IV) THE REPEAL OF THE WASTE TIRE FEE, AS IT EXISTED
19 PURSUANT TO SECTION 30-20-1403, BEFORE ITS REPEAL BY THIS SENATE
20 BILL 24-123, ENACTED IN 2024, AND THE CREATION OF THE WASTE TIRE
21 MANAGEMENT ENTERPRISE AS A NEW ENTERPRISE TO CHARGE AND
22 COLLECT A NEW WASTE TIRE ENTERPRISE FEE AS AUTHORIZED BY
23 SUBSECTION (2) OF THIS SECTION AND TO PROVIDE AND PROMOTE WASTE
24 TIRE RECYCLING, BENEFICIAL USE, AND MANAGEMENT STRATEGIES AND
25 SERVICES FUNDED BY THE WASTE TIRE ENTERPRISE FEE AS A NEW
26 GOVERNMENT-OWNED BUSINESS THAT PROVIDES BUSINESS SERVICES AS A
27 NEW ENTERPRISE FOR THE PURPOSE OF SECTION 20 OF ARTICLE X OF THE
28 STATE CONSTITUTION, DOES NOT CONSTITUTE THE QUALIFICATION OF AN
29 EXISTING GOVERNMENT-OWNED BUSINESS AS AN ENTERPRISE FOR THE
30 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR
31 SECTION 24-77-103.6 (6)(b)(II), AND, THEREFORE, DOES NOT REQUIRE OR
32 AUTHORIZE ADJUSTMENT OF THE STATE FISCAL YEAR SPENDING LIMIT
33 CALCULATED PURSUANT TO SECTION 20 OF ARTICLE X OF THE STATE
34 CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS DEFINED IN
35 SECTION 24-77-103.6 (6)(b)(I).

36 (V) THE ENTERPRISE IS NECESSARY FOR THE PRESERVATION OF THE
37 PUBLIC PEACE, HEALTH, AND SAFETY AND IS THEREFORE NOT SUBJECT TO
38 THE REQUIREMENTS OF SECTION 24-77-108.".

1 Page 6, line 23, strike "RECYCLING" and substitute "RECYCLING,
2 BENEFICIAL REUSE,

3 Page 6, line 26, strike "RECYCLING" and substitute "RECYCLING,
4 BENEFICIAL REUSE,".

5 Page 7, line 3, strike "RECYCLING" and substitute "RECYCLING,
6 BENEFICIAL REUSE,".

7 Page 7, strike lines 8 through 15 and substitute:

8 "(VI) (A) CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY,
9 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY
10 GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,
11 OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER
12 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE.
13 THE BOARD SHALL ENCOURAGE DIVERSITY IN APPLICANTS FOR CONTRACTS
14 AND SHALL GENERALLY AVOID USING SINGLE-SOURCE BIDS.

15 (B) THE ENTERPRISE SHALL PAY A FAIR MARKET RATE TO ANY
16 PUBLIC ENTITY, PRIVATE ENTITY, CONTRACTOR, OR CONSULTANT, WHICH
17 MAY INCLUDE A STATE AGENCY, THE ATTORNEY GENERAL'S OFFICE, OR
18 THE DEPARTMENT, THAT IS HIRED BY THE ENTERPRISE TO PERFORM DUTIES
19 PURSUANT TO THIS SUBSECTION (1)(b).".

20 Page 7, strike lines 22 and 23 and substitute, "DEPARTMENT WHO
21 REPRESENTS A COUNTY THAT HAS EXPERIENCE WITH THE MANAGEMENT OF
22 WASTE".

23 Page 8, line 2, after "PROCESSOR," insert "AND".

24 Page 8, strike line 3 and substitute, "TIRE HAULER. TO THE EXTENT
25 PRACTICABLE,".

26 Page 9, line 11, after "BOARD." add "IN ACCORDANCE WITH SUBSECTION
27 (1)(b)(VI)(B) OF THIS SECTION, THE ENTERPRISE SHALL PAY THE
28 DEPARTMENT A FAIR MARKET RATE FOR ANY OFFICE SPACE OR
29 ADMINISTRATIVE STAFF USED BY THE BOARD IN PERFORMANCE OF THE
30 ENTERPRISE'S DUTIES.".

31 Page 9, strike line 12 and substitute:

32 **"(2) Waste tire enterprise fee and waste tire administration
33 fee. (a) (I) EFFECTIVE JULY 1, 2025, AND".**

1 Page 9, line 16, strike "FOUR" and substitute "TWO DOLLARS AND FIFTY
2 CENTS".

3 Page 9, strike line 17 and substitute, "ON THE SALE OF EACH NEW TIRE.
4 THE MAXIMUM PER TIRE ENTERPRISE FEE AMOUNT MAY BE ADJUSTED BY
5 THE ENTERPRISE EVERY TWO YEARS IN ACCORDANCE WITH ANY ANNUAL
6 PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S
7 BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR THE
8 DENVER-AURORA-LAKEWOOD METROPOLITAN AREA FOR ALL ITEMS PAID
9 BY ALL URBAN CONSUMERS, OR ITS APPLICABLE SUCCESSOR INDEX.".

10 Page 9, line 18, strike "JANUARY" and substitute "JULY".

11 Page 9, line 21, after the second "TIRE" insert "ENTERPRISE".

12 Page 9, strike lines 22 through 27 and substitute, "FEE IS IMPOSED IN AN
13 AMOUNT THAT IS:

14 (A) REASONABLY RELATED TO THE DIRECT AND INDIRECT COSTS
15 OF OPERATING THE ENTERPRISE IN ACCORDANCE WITH THIS PART 14 AND
16 THE SERVICES PROVIDED BY THE ENTERPRISE, WHICH COSTS MUST NOT
17 EXCEED THE EQUIVALENT OF ONE-HALF OF THE WASTE TIRE ENTERPRISE
18 FEE COLLECTED FOR EACH NEW TIRE SOLD PURSUANT TO THIS SUBSECTION
19 (2);".

20 Strike page 10 and substitute:

21 (B) SUFFICIENT TO PAY COSTS ASSOCIATED WITH PROVIDING
22 REBATES AS DESCRIBED IN SECTION 30-20-1405; AND

23 (C) SUFFICIENT TO PROVIDE GRANTS TO ELIGIBLE ENTITIES
24 PURSUANT TO THE WASTE TIRE MANAGEMENT GRANT PROGRAM
25 ESTABLISHED IN SECTION 30-20-1418.

26 (b) (I) EFFECTIVE JULY 1, 2025, AND CONTINUING THROUGH
27 DECEMBER 31, 2040, RETAILERS OF NEW MOTOR VEHICLE TIRES AND NEW
28 TRAILER TIRES SHALL COLLECT A WASTE TIRE ADMINISTRATION FEE IN AN
29 AMOUNT TO BE SET BY THE COMMISSION, IN COORDINATION WITH THE
30 DEPARTMENT.

31 (II) THE COMMISSION MAY REVIEW THE WASTE TIRE
32 ADMINISTRATION FEE ON AN ANNUAL BASIS AND ADJUST THE
33 ADMINISTRATION FEE AMOUNT SO THAT IT COVERS THE DIRECT AND
34 INDIRECT COSTS OF CONDUCTING THE REGULATORY AND ADMINISTRATIVE
35 FUNCTIONS OF THE DEPARTMENT IN IMPLEMENTING THIS PART 14.

36 (III) THE WASTE TIRE ADMINISTRATION FEE AMOUNT MUST NOT
37 EXCEED HALF OF THE AMOUNT OF THE WASTE TIRE ENTERPRISE FEE;
38 EXCEPT THAT THE MINIMUM AMOUNT OF THE WASTE TIRE

1 ADMINISTRATION FEE ON THE SALE OF EACH NEW TIRE MUST BE FIFTY
2 CENTS OR MORE.

3 (c) (I) ON AND AFTER JULY 1, 2025, RETAILERS OF NEW MOTOR
4 VEHICLE TIRES AND NEW TRAILER TIRES SHALL COLLECT BOTH THE
5 ENTERPRISE FEE AND THE ADMINISTRATION FEE FROM THE CONSUMER AT
6 THE POINT OF SALE.

7 (II) THE RECEIPT FROM THE RETAILER TO THE CONSUMER FOR
8 EVERY NEW MOTOR VEHICLE OR NEW TRAILER TIRE PURCHASED MUST
9 CONTAIN THE FOLLOWING STATEMENT IN THE LARGEST BOLD-FACED TYPE
10 CAPABLE BASED ON POINT-OF-SALE SOFTWARE AND ON EXISTING INVOICE
11 PRINTERS, NOT TO EXCEED FIFTEEN POINTS: "**SECTION 30-20-1403,**
COLORADO REVISED STATUTES, REQUIRES RETAILERS TO COLLECT A
WASTE TIRE ENTERPRISE FEE SET BY THE WASTE TIRE MANAGEMENT
ENTERPRISE, WHICH IS A GOVERNMENT-OWNED BUSINESS WITHIN THE
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AND A WASTE
TIRE ADMINISTRATION FEE SET BY THE SOLID AND HAZARDOUS WASTE
COMMISSION ON THE SALE OF EACH NEW MOTOR VEHICLE TIRE AND
EACH NEW TRAILER TIRE."

19 (III) THE RETAILER SHALL SUBMIT TO THE ENTERPRISE BY THE
20 TWENTIETH DAY OF EACH QUARTER OF EACH CALENDAR YEAR THE
21 ENTERPRISE FEE COLLECTED PURSUANT TO THIS SECTION IN THE
22 PRECEDING QUARTER OF THE CALENDAR YEAR, TOGETHER WITH ANY
23 REPORT REQUIRED BY THE ENTERPRISE. THE ENTERPRISE SHALL TRANSMIT
24 THE ENTERPRISE FEES TO THE STATE TREASURER, WHO SHALL CREDIT
25 THEM IN ACCORDANCE WITH SUBSECTION (3)(a) OF THIS SECTION OR AS
26 SPECIFIED IN RULES PROMULGATED BY THE COMMISSION.

27 (IV) THE RETAILER SHALL SUBMIT TO THE DEPARTMENT BY THE
28 TWENTIETH DAY OF EACH QUARTER OF EACH CALENDAR YEAR THE
29 ADMINISTRATION FEE COLLECTED PURSUANT TO THIS SECTION IN THE
30 PRECEDING QUARTER OF THE CALENDAR YEAR, TOGETHER WITH ANY
31 REPORT REQUIRED BY THE DEPARTMENT. THE DEPARTMENT SHALL
32 TRANSMIT THE ADMINISTRATION FEES TO THE STATE TREASURER, WHO
33 SHALL CREDIT THEM IN ACCORDANCE WITH SUBSECTION (3)(b) OF THIS
34 SECTION OR AS SPECIFIED IN RULES PROMULGATED BY THE COMMISSION.

35 (3) (a) FROM JULY 1, 2025, THROUGH JANUARY 31, 2041, THE
36 STATE TREASURER SHALL DISTRIBUTE THE REVENUE FROM THE WASTE
37 TIRE ENTERPRISE FEE ASSESSED IN SUBSECTION (2)(a) OF THIS SECTION AS
38 FOLLOWS:

39 (I) THE PORTION OF THE ENTERPRISE FEE COLLECTED TO COVER
40 THE COSTS DESCRIBED IN SUBSECTION (2)(a)(II)(A) OF THIS SECTION TO
41 THE WASTE TIRE MANAGEMENT ENTERPRISE FUND CREATED IN SECTION
42 30-20-1404;

43 (II) THE PORTION OF THE ENTERPRISE FEE COLLECTED TO COVER

1 THE COSTS DESCRIBED IN SUBSECTION (2)(a)(II)(B) OF THIS SECTION TO
2 THE END USERS FUND CREATED IN SECTION 30-20-1405;

3 (III) ALL INTEREST EARNED ON THE INVESTMENT OF MONEY IN THE
4 WASTE TIRE MANAGEMENT ENTERPRISE FUND TO THE WASTE TIRE
5 MANAGEMENT ENTERPRISE FUND. ANY UNEXPENDED AND UNENCUMBERED
6 MONEY IN THE WASTE TIRE MANAGEMENT ENTERPRISE FUND AT THE END
7 OF ANY FISCAL YEAR SHALL REMAIN IN THE WASTE TIRE MANAGEMENT
8 ENTERPRISE FUND; AND

9 (IV) ALL INTEREST EARNED ON THE INVESTMENT OF MONEY IN THE
10 END USERS FUND TO THE END USERS FUND. ANY UNEXPENDED AND
11 UNENCUMBERED MONEY IN THE END USERS FUND AT THE END OF ANY
12 FISCAL YEAR SHALL REMAIN IN THE END USERS FUND.

13 (b) (I) FROM JULY 1, 2025, THROUGH JANUARY 31, 2041, THE
14 STATE TREASURER SHALL DISTRIBUTE THE REVENUE FROM THE WASTE
15 TIRE ADMINISTRATION FEE ASSESSED IN SUBSECTION (2)(b) OF THIS
16 SECTION TO THE WASTE TIRE ADMINISTRATION FUND CREATED IN SECTION
17 30-20-1405.5.

18 (II) ALL INTEREST EARNED ON THE INVESTMENT OF MONEY IN THE
19 WASTE TIRE ADMINISTRATION FUND TO THE WASTE TIRE ADMINISTRATION
20 FUND. ANY UNEXPENDED AND UNENCUMBERED MONEY IN THE WASTE TIRE
21 ADMINISTRATION FUND IN EXCESS OF SIXTEEN AND ONE-HALF PERCENT OF
22 THE PREVIOUS STATE FISCAL YEAR'S EXPENDITURES AT THE END OF ANY
23 FISCAL YEAR SHALL REMAIN IN THE WASTE TIRE ADMINISTRATION FUND.".

24 Page 11, strike lines 1 through 6.

25 Page 11, line 8, strike "(2)(b), (2)(c), (2)(f)," and after "(5)," insert "(6),".

26 Page 11, line 9, after "**repeal**" insert "(2)(b), (2)(c), (2)(d), (2)(i), (2)(j),
27 (2)(k), (2)(l), (2)(p), (3), (4), and" and strike "and (2)(t)" and substitute
28 "(2)(t), and (2)(u)".

29 Page 11, line 14, after "30-20-1403" insert "(2)(a)".

30 Page 11, line 20, strike "PART 14" and substitute "SECTION".

31 Page 12, strike lines 5 through 19 and substitute:

32 (a) Collecting the WASTE TIRE ENTERPRISE fee assessed in section
33 30-20-1403 (1) (2)(a);

34 (b) ~~Inspecting retailers to determine whether all fees are being~~
35 ~~collected;~~

36 (c) ~~Enforcing the requirements of this part 14 pursuant to existing~~
37 ~~authority, including sections 30-20-113 and 30-20-114;~~

(d) Developing a system to address the receipt by registered persons of unmanifested waste tires from unregistered haulers;

(i) Providing grants to law enforcement, fire departments, local health departments, state agencies, and any other applicable entities for purchasing equipment and supplies to implement this part 14;

(j) Training of and enforcement by entities that enforce this part
14;

(k) Awarding grants and developing educational programs for enforcement, fire prevention and suppression, proper waste tire management and disposal, training, and customer technical assistance;

(l) Maintaining an online complaint form and processes for law enforcement, fire departments, and citizens to report potential waste tire violations;

(o) Encouraging waste tire market development; and

(p) Reimbursing the division of fire prevention and control in the department of public safety for:

(f) Inspections of facilities where waste tires are present conducted by the division to determine whether the waste tire collection facilities, waste tire processors, and waste tire monofills are in compliance with the rules promulgated by the director of the division pursuant to section 24-33.5-1203.5 (2); and

(H) Technical and other assistance the division provides to the department or the public related to waste tires, including assistance related to:

(A) The development of fire prevention education materials; and
(B) Review of fire prevention plans.".

Page 12, line 22, strike "THE DEPARTMENT" and substitute "ANY CONTRACTORS USED".

Page 12, lines 23 and 24, strike "(3) AND (4)" and substitute "(2)(f) AND (2)(g)".

Page 12, strike line 27 and substitute, "OFFICIAL ENTERPRISE BUSINESS;
(t) FUNDING GRANTS IN ACCORDANCE WITH THE WASTE TIRE
MANAGEMENT GRANT PROGRAM ESTABLISHED IN SECTION 30-20-1418;
AND".

Reletter succeeding paragraph accordingly.

Page 13, line 1, strike "THIS PART 14," and substitute "SECTION 30-20-1403."

1 Page 13, after line 2 insert:

2 "(3) If the department is denied access or if consent to access has
3 not been given to clean up a site where the department reasonably
4 believes waste tires exist illegally, the department may obtain from the
5 district court for the judicial district in which the property is located a
6 warrant to enter the property and remove the waste tires.

7 (4) (a) In addition to any penalties assessed, the department may
8 issue an order requiring the owner or operator to compensate the
9 department for the cost of remediation of the site, and the department may
10 request the attorney general to bring suit for compensation from the
11 owner or operator for money expended remediating the site. The
12 department shall use the recovered moneys to reimburse the fund for
13 actual costs of remediating the site and of seeking compensation pursuant
14 to this section. The state treasurer shall credit all additional moneys to the
15 general fund.

16 (b) The department may place a lien on a property on which the
17 department funds the remediation of waste tires pursuant to this section
18 until the costs of remediation have been repaid to the department. If
19 complete repayment has not been made before a sale of the property, the
20 department shall be repaid in full, to the extent possible, from proceeds
21 of the sale.".

22 Page 13, after line 10 insert:

23 "(6) The ~~department~~ ENTERPRISE shall, either itself or through a
24 contractor, create a priority abatement list of illegal waste tire disposal
25 sites.".

26 Page 13, line 25, strike "(6)(b)," and substitute "(6)(b)(II),".

27 Page 14, line 4, strike "(3)(b)." and substitute "(3)(a)(II)."

28 Page 15, line 23, after "type-A" insert "AND TYPE-B".

29 Page 16, strike lines 7 through 9.

30 Page 17, line 2, strike "2040," and substitute "2041,".

31 Page 17, line 9, strike "2041," and substitute "2042,".

32 Page 17, line 11, strike "JULY 1, 2042." and substitute, "DECEMBER 31,
33 2042.

34 **SECTION 6.** In Colorado Revised Statutes, **add** 30-20-1405.5 as
35 follows:

1 **30-20-1405.5. Waste tire administration fund - creation - clean**
2 **up - reimbursement - penalties - rules.** (1) (a) THERE IS CREATED IN
3 THE STATE TREASURY THE WASTE TIRE ADMINISTRATION FUND, REFERRED
4 TO IN THIS SECTION AS THE "FUND".

5 (b) THE FUND CONSISTS OF THE WASTE TIRE ADMINISTRATION FEE
6 REVENUE CREDITED TO THE FUND PURSUANT TO SECTION 30-20-1403
7 (3)(b) AND ANY OTHER MONEY APPROPRIATED OR TRANSFERRED TO IT.

8 (c) MONEY CREDITED TO THE FUND IS CONTINUOUSLY
9 APPROPRIATED TO THE DEPARTMENT FOR THE PURPOSES SET FORTH IN
10 SUBSECTION (2) OF THIS SECTION.

11 (2) THE DEPARTMENT MAY USE THE MONEY IN THE FUND FOR THE
12 REASONABLE DIRECT AND INDIRECT COSTS OF CONDUCTING THE
13 REGULATORY AND ADMINISTRATIVE FUNCTIONS OF THE DEPARTMENT IN
14 IMPLEMENTING THIS PART 14, INCLUDING:

15 (a) INSPECTING NEW MOTOR VEHICLE TIRE AND NEW TRAILER TIRE
16 RETAILERS TO DETERMINE WHETHER ALL FEES ARE BEING COLLECTED;

17 (b) ENFORCING THE REQUIREMENTS OF THIS PART 14 PURSUANT TO
18 EXISTING AUTHORITY, INCLUDING SECTIONS 30-20-113 AND 30-20-114;

19 (c) DEVELOPING A SYSTEM TO ADDRESS THE RECEIPT BY
20 REGISTERED PERSONS OF UNMANIFESTED WASTE TIRES FROM
21 UNREGISTERED WASTE TIRE HAULERS;

22 (d) MAINTAINING AN ONLINE COMPLAINT FORM AND PROCESS FOR
23 LAW ENFORCEMENT, FIRE DEPARTMENTS, AND CITIZENS TO REPORT
24 POTENTIAL WASTE TIRE VIOLATIONS;

25 (e) REIMBURSING THE DIVISION OF FIRE PREVENTION AND CONTROL
26 IN THE DEPARTMENT OF PUBLIC SAFETY FOR:

27 (I) INSPECTIONS OF FACILITIES WHERE WASTE TIRES ARE PRESENT
28 CONDUCTED BY THE DIVISION OF FIRE PREVENTION AND CONTROL TO
29 DETERMINE WHETHER THE WASTE TIRE COLLECTION FACILITIES, WASTE
30 TIRE PROCESSORS, AND WASTE TIRE MONOFILLS ARE IN COMPLIANCE WITH
31 THE RULES PROMULGATED BY THE DIRECTOR OF THE DIVISION PURSUANT
32 TO SECTION 24-33.5-1203.5 (2); AND

33 (II) TECHNICAL AND OTHER ASSISTANCE THE DIVISION OF FIRE
34 PREVENTION AND CONTROL PROVIDES TO THE DEPARTMENT OR THE PUBLIC
35 RELATED TO WASTE TIRES, INCLUDING ASSISTANCE RELATED TO:

36 (A) THE DEVELOPMENT OF FIRE PREVENTION EDUCATION
37 MATERIALS; AND

38 (B) REVIEW OF FIRE PREVENTION PLANS;

39 (f) REGISTERING AND REGULATING WASTE TIRE HAULERS, WASTE
40 TIRE GENERATORS, USED TIRE MANAGERS, WASTE TIRE COLLECTION
41 FACILITIES, WASTE TIRE PROCESSORS, MOBILE PROCESSORS, WASTE TIRE
42 MONOFILLS, AND END USERS IN ACCORDANCE WITH SECTIONS 30-20-1408
43 TO 30-20-1417;

1 (g) PROVIDING GRANTS TO LAW ENFORCEMENT, FIRE
2 DEPARTMENTS, LOCAL HEALTH DEPARTMENTS, STATE AGENCIES, AND ANY
3 OTHER APPLICABLE ENTITIES FOR PURCHASING EQUIPMENT AND SUPPLIES
4 TO IMPLEMENT THIS PART 14;

5 (h) TRAINING OF AND ENFORCEMENT BY ENTITIES THAT ENFORCE
6 THIS PART 14;

11 (j) ANY OTHER REGULATORY OR ADMINISTRATIVE COSTS RELATED
12 TO THE DEPARTMENT'S AUTHORITY AND DUTIES IN IMPLEMENTING THIS
13 PART 14.

20 (4) (a) IN ADDITION TO ANY PENALTIES ASSESSED, THE
21 DEPARTMENT MAY ISSUE AN ORDER REQUIRING THE OWNER OR OPERATOR
22 TO COMPENSATE THE DEPARTMENT FOR THE COST OF REMEDIATION OF THE
23 SITE, AND THE DEPARTMENT MAY REQUEST THE ATTORNEY GENERAL TO
24 BRING SUIT FOR COMPENSATION FROM THE OWNER OR OPERATOR FOR
25 MONEY EXPENDED REMEDIATING THE SITE. THE DEPARTMENT SHALL USE
26 THE RECOVERED MONEY TO REIMBURSE THE FUND FOR ACTUAL COSTS OF
27 REMEDIATING THE SITE AND OF SEEKING COMPENSATION PURSUANT TO
28 THIS SECTION. THE STATE TREASURER SHALL CREDIT ALL ADDITIONAL
29 MONEY TO THE GENERAL FUND.

30 (b) THE DEPARTMENT MAY PLACE A LIEN ON A PROPERTY ON
31 WHICH THE DEPARTMENT FUNDS THE REMEDIATION OF WASTE TIRES
32 PURSUANT TO THIS SECTION UNTIL THE COSTS OF REMEDIATION HAVE BEEN
33 REPAYED TO THE DEPARTMENT. IF COMPLETE REPAYMENT HAS NOT BEEN
34 MADE BEFORE A SALE OF THE PROPERTY, THE DEPARTMENT SHALL BE
35 REPAYED IN FULL, TO THE EXTENT POSSIBLE, FROM PROCEEDS OF THE SALE.

36 **SECTION 7.** In Colorado Revised Statutes, 30-20-1415, amend
37 (1)(k) as follows:

30-20-1415. Waste tire monofills - requirements. (1) An owner or operator of a waste tire monofill shall, as specified by the commission by rule:

41 (k) Not place any waste tires into monofill storage after January
42 1, 2018, and SHALL close, or cause to be closed, the waste tire monofill
43 by July 1, 2034.

1 **SECTION 8.** In Colorado Revised Statutes, **add** 30-20-1418 as
2 follows:

3 **30-20-1418. Waste tire management grant program -**
4 **definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
5 OTHERWISE REQUIRES:

6 (a) "ELIGIBLE ENTITY" MEANS THE FOLLOWING ENTITIES THAT
7 PROVIDE SERVICES RELATED TO WASTE TIRE RECYCLING, BENEFICIAL
8 REUSE, AND MANAGEMENT IN COLORADO:

9 (I) MUNICIPALITIES, COUNTIES, AND CITIES AND COUNTIES;
10 (II) NONPROFIT AND FOR-PROFIT BUSINESSES INVOLVED IN WASTE
11 TIRE RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT; AND
12 (III) INSTITUTIONS OF HIGHER EDUCATION AND PUBLIC OR PRIVATE
13 SCHOOLS.

14 (b) "GRANT PROGRAM" MEANS THE WASTE TIRE MANAGEMENT
15 GRANT PROGRAM CREATED IN THIS SECTION.

16 (2) (a) THERE IS CREATED THE WASTE TIME MANAGEMENT GRANT
17 PROGRAM, WHICH SHALL BE ADMINISTERED BY THE ENTERPRISE.

18 (b) THE ENTERPRISE SHALL, SUBJECT TO AVAILABLE
19 APPROPRIATIONS AND REVENUES, AWARD GRANTS FROM THE WASTE TIRE
20 MANAGEMENT ENTERPRISE FUND, CREATED IN SECTION 30-20-1404, IN
21 ACCORDANCE WITH THIS SECTION.

22 (3) (a) THE PURPOSE OF THE GRANT PROGRAM IS TO:

23 (I) PROMOTE THE DEVELOPMENT OF WASTE TIRE RECYCLING,
24 BENEFICIAL REUSE, AND MANAGEMENT STRATEGIES IN ACCORDANCE WITH
25 THIS PART 14;

26 (II) DEVELOP WASTE TIRE RECYCLING, BENEFICIAL REUSE, AND
27 MANAGEMENT FACILITIES AND INFRASTRUCTURE; AND

28 (III) EXPAND WASTE TIRE RECYCLING, BENEFICIAL REUSE, AND
29 MANAGEMENT SERVICES TO FEE PAYERS.

30 (b) THE GRANT PROGRAM IS INTENDED TO PROVIDE ECONOMIC AND
31 TECHNICAL ASSISTANCE TO ELIGIBLE ENTITIES IN THEIR EFFORTS RELATED
32 TO THE RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT OF WASTE
33 TIRES.

34 (4) (a) AN ELIGIBLE ENTITY MAY SUBMIT AN APPLICATION TO THE
35 ENTERPRISE FOR A GRANT PURSUANT TO THE APPLICATION POLICIES AND
36 PROCEDURES ESTABLISHED BY THE BOARD.

37 (b) AT A MINIMUM, AN APPLICATION SUBMITTED TO THE BOARD
38 MUST INCLUDE THE FOLLOWING INFORMATION:

39 (I) AN APPLICATION NARRATIVE THAT DESCRIBES HOW THE
40 ELIGIBLE ENTITY WILL USE THE GRANT, INCLUDING HOW THE GRANT WILL
41 PROMOTE THE RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT OF
42 WASTE TIRES;

43 (II) AN ESTIMATE OF THE COST OF THE EQUIPMENT,

1 INFRASTRUCTURE, OR PROJECT THE ELIGIBLE ENTITY IS INTENDING TO
2 FUND WITH THE GRANT AND WHETHER THE EQUIPMENT, INFRASTRUCTURE,
3 OR PROJECT MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (5) OF
4 THIS SECTION;

5 (III) THE AMOUNT OF IN-KIND CONTRIBUTIONS OR MATCHING
6 FUNDS, IF ANY, TO THE PROJECT BUDGET FROM THE APPLICANT OR OTHER
7 SOURCES OUTSIDE OF THE GRANT; AND

8 (IV) WHETHER THERE IS LOCAL COMMUNITY SUPPORT FOR THE
9 GRANT APPLICATION.

10 (5)(a) THE BOARD MAY AWARD GRANTS TO ELIGIBLE ENTITIES FOR
11 THE FOLLOWING PURPOSES:

12 (I) THE PURCHASE OF WASTE TIRE RECYCLING, BENEFICIAL REUSE,
13 AND MANAGEMENT EQUIPMENT OR INFRASTRUCTURE;

14 (II) STAFFING OF WASTE TIRE RECYCLING, BENEFICIAL REUSE, AND
15 MANAGEMENT FACILITIES;

16 (III) MARKETING AND COMMUNICATIONS FOR WASTE TIRE
17 RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT SERVICES;

18 (IV) POLICY AND RESEARCH DEVELOPMENT RELATED TO WASTE
19 TIRE RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT STRATEGIES;

20 (V) COMMUNITY ENGAGEMENT REGARDING WASTE TIRE
21 RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT; AND

22 (VI) OTHER PROJECTS OR USES AS DETERMINED BY THE BOARD.

23 (b) (I) THE BOARD MAY AWARD GRANTS TO AN ELIGIBLE ENTITY
24 FOR THE PURCHASE OF EQUIPMENT OR INFRASTRUCTURE, BUT NO MORE
25 THAN FIFTY PERCENT OF THE COST OF ANY EQUIPMENT OR
26 INFRASTRUCTURE CAN BE FUNDED THROUGH THE GRANT PROGRAM.

27 (II) THE BOARD MAY AWARD GRANTS TO AN ELIGIBLE ENTITY THAT
28 FUND ONE HUNDRED PERCENT OF THE COST OF A PROJECT THAT DOES NOT
29 INVOLVE THE PURCHASE OF EQUIPMENT OR INFRASTRUCTURE.

30 (c) IN AWARDING GRANTS TO ELIGIBLE ENTITIES, THE BOARD IS
31 SUBJECT TO THE FOLLOWING CONDITIONS:

32 (I) UP TO FORTY PERCENT OF THE ENTERPRISE'S ANNUAL GRANT
33 FUNDING MAY GO TO A SINGLE AWARD; AND

34 (II) IF THE BOARD AWARDS A GRANT TO AN ELIGIBLE ENTITY FOR
35 THE PURCHASE OF INFRASTRUCTURE OR EQUIPMENT, THE ELIGIBLE ENTITY
36 IS INELIGIBLE TO RECEIVE A GRANT FOR THE FOLLOWING FIVE YEARS.

37 (6)(a)(I) THE BOARD SHALL ESTABLISH CRITERIA AND POLICIES TO
38 DETERMINE WHICH GRANTS TO AWARD FROM THE GRANT APPLICATIONS,
39 WHICH CRITERIA AND POLICIES IT SHALL MAKE AVAILABLE TO APPLICANTS.

40 (II) THE BOARD SHALL GIVE PRIORITY TO PROJECTS THAT ADVANCE
41 SUSTAINABLE DESIGN, PRODUCTION, RECOVERABILITY, REUSE, REPAIR, OR
42 RECYCLING OF WASTE TIRES, WITH THE HIGHEST PRIORITY GIVEN TO
43 PROJECTS THAT WOULD KEEP WASTE TIRE MATERIAL AVAILABLE FOR

1 REMANUFACTURING.

2 (b) THE BOARD SHALL ESTABLISH POLICIES FOR THE GRANT
3 PROGRAM, WHICH MUST INCLUDE:

4 (I) AN APPLICATION FORM AND APPLICATION PROCEDURES;

5 (II) A DEADLINE EACH YEAR FOR WHEN GRANT PROGRAM
6 APPLICATIONS MUST BE SUBMITTED;

7 (III) A POLICY THAT REQUIRES A GRANT RECIPIENT TO ENTER INTO
8 A GRANT AGREEMENT WITH THE BOARD THAT INCLUDES A SCOPE OF WORK
9 AND DEADLINES FOR THE ACHIEVEMENT OF THAT WORK;

10 (IV) CRITERIA FOR MEASURING PROGRESS OF THE PROJECTS THAT
11 RECEIVE FUNDING THROUGH THE GRANT PROGRAM;

12 (V) A POLICY THAT REQUIRES ANNUAL REPORTING BY GRANT
13 RECIPIENTS ON THE PROGRESS OF THE PROJECT FINANCED BY THE GRANT;
14 AND

15 (VI) A POLICY REGARDING A GRANT RECIPIENT'S NONCOMPLIANCE
16 WITH THE GRANT AGREEMENT ENTERED INTO BY THE GRANT RECIPIENT'S
17 AND THE BOARD, WHICH POLICY MAY INCLUDE A MECHANISM FOR THE
18 BOARD TO CONVERT THE GRANT RECIPIENT'S GRANT TO A LOAN WITH
19 INTEREST.

20 (7) (a) THE GRANT PROGRAM IS FUNDED BY THE WASTE TIRE
21 ENTERPRISE FEE. THE BOARD MAY DESIGNATE UP TO TEN PERCENT OF THE
22 REVENUE GENERATED FROM THE ENTERPRISE FEE TO THE GRANT PROGRAM
23 IN ANY GIVEN YEAR.

24 (b) THE BOARD SHALL NOT AWARD ANY GRANTS TO ELIGIBLE
25 ENTITIES THROUGH THE GRANT PROGRAM AFTER DECEMBER 31, 2040.

26 (8) THIS SECTION IS REPEALED EFFECTIVE DECEMBER 31, 2042.".

27 Renumber succeeding section accordingly.

28 Strike "WASTE TIRE FEE" and substitute "WASTE TIRE ENTERPRISE FEE" on:
29 **Page 4**, lines 12 and 21; **Page 6**, lines 3, 4, and 22; **Page 7**, line 4; and
30 **Page 9**, lines 14, 16, and 19.

*** * * * *