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SENATE BILL 24-123

BY SENATOR(S) Priola and Hansen, Jaquez Lewis, Winter F.;
also REPRESENTATIVE(S) Mauro and Froelich, Amabile, Bird,
Boesenecker, Brown, Duran, Garcia, Hamrick, Jodeh, Joseph, Kipp,
Lindsay, Marshall, McCormick, McLachlan, Rutinel, Snyder, Story,
Valdez, Vigil.

CONCERNING THE CREATION OF AN ENTERPRISE THAT IS EXEMPT FROM THE
REQUIREMENTS OF SECTION 20 OF ARTICLE X OF THE STATE
CONSTITUTION TO ADMINISTER A FEE-BASED WASTE TIRE
MANAGEMENT PROGRAM, 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, 30-20-1401, **amend** (1)
and (2) as follows:

**30-20-1401. Legislative declaration - rules - enforcement -
recyclable material.** (1) The general assembly ~~hereby~~ finds and declares
that:

(a) In order to protect the environment and the public health, there

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes
through words or numbers indicate deletions from existing law and such material is not part of
the act.*

is a special need to address problems created by the disposal of waste tires and the lack of recycling and beneficial ~~use~~ REUSE of waste tires; ~~It is the policy of this state to pursue proposals for recycling and other beneficial use of waste tires in lieu of storage or landfill disposal, and, in addition, it is the intent of the general assembly~~

(b) In adopting this part 14, ~~to encourage~~ THE GENERAL ASSEMBLY HAS ENCOURAGED the development of techniques for resource recovery, recycling, and reuse of waste tires; ~~and to provide for the management of waste tires.~~ HOWEVER, THERE IS STILL ROOM FOR IMPROVEMENT REGARDING THE MANAGEMENT OF WASTE TIRES IN COLORADO;

(c) THE MANAGEMENT OF WASTE TIRES AT THE STATE LEVEL PROMOTES ECONOMIC DEVELOPMENT AND PROVIDES SUBSTANTIAL ENVIRONMENTAL IMPACTS ACROSS THE STATE;

(d) IT IS IN THE STATE'S INTEREST TO PROVIDE FOR THE RECOVERY, RECYCLING, REUSE, AND MANAGEMENT OF WASTE TIRES THROUGH A GOVERNMENT-RUN ENTERPRISE;

(e) PROVIDING STATEWIDE WASTE TIRE RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT CONSTITUTES A VALUABLE SERVICE AND BENEFIT, AND A WASTE TIRE MANAGEMENT ENTERPRISE WOULD PROVIDE USEFUL BUSINESS SERVICES TO TIRE RETAILERS, AUTOMOBILE DEALERS, AUTOMOBILE REPAIR SHOPS, SERVICE STATIONS, AUTOMOTIVE FLEET CENTERS, WASTE TIRE HAULERS, WASTE TIRE COLLECTION FACILITIES, WASTE TIRE PROCESSORS, RECYCLING AND WASTE FACILITIES, LANDFILLS, CONSUMERS, AND ALL RESIDENTS OF COLORADO;

(f) THE WASTE TIRE MANAGEMENT ENTERPRISE WILL AID IN THE PROPER MANAGEMENT OF WASTE TIRES BY PROVIDING FINANCIAL INCENTIVES AND REBATES FOR THE RECYCLING OF WASTE TIRES INTO END-USE TIRE-DERIVED PRODUCTS, WHICH FINANCIAL INCENTIVES AND REBATES DIRECTLY COMPENSATE PEOPLE WHO PROPERLY DISPOSE OF OR RECYCLE WASTE TIRES, PROVIDE FEE PAYERS MORE CONVENIENT WASTE TIRE AND DISPOSAL OPTIONS, INCREASE THE PRODUCTION OF TIRE-DERIVED PRODUCTS, AND POSITIVELY IMPACT HUMAN HEALTH AND SAFETY AND THE ENVIRONMENT;

(g) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF

THE STATE TO ACKNOWLEDGE THAT, BY PROVIDING THE BUSINESS SERVICES SPECIFIED IN THIS PART 14, THE ENTERPRISE ENGAGES IN AN ACTIVITY CONDUCTED IN THE PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD AND THEREFORE OPERATES AS A BUSINESS;

(h) CONSISTENT WITH THE DETERMINATION OF THE COLORADO SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL ASSEMBLY THAT THE WASTE TIRE ENTERPRISE FEE COLLECTED BY THE ENTERPRISE IS A FEE, NOT A TAX, BECAUSE THE FEE IS IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE BUSINESS SERVICES SPECIFIED IN SECTIONS 30-20-1404 AND 30-20-1405 TO CONSUMERS WHO ULTIMATELY PAY THE ENTERPRISE FEE, WHICH ENTERPRISE FEE IS IMPOSED AT RATES THAT ARE REASONABLY CALCULATED BASED ON THE COST OF PROVIDING THE SERVICES NEEDED BY THOSE CONSUMERS;

(i) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR THE PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE REVENUE FROM THE WASTE TIRE ENTERPRISE FEE COLLECTED BY THE ENTERPRISE IS NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION 24-77-103.6 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE STATE FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I); AND

(j) THE ENTERPRISE CREATED IN THIS PART 14 IS NECESSARY TO CONTINUE COLORADO'S MANAGEMENT OF WASTE TIRES AND PROVIDE INCENTIVES TO LOCAL GOVERNMENTS; FOR-PROFIT WASTE TIRE MANAGEMENT, RECYCLING, AND REUSE COMPANIES; AND OTHER ORGANIZATIONS THAT ARE INVOLVED IN WASTE TIRE RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT.

(2) (a) ~~By May 31, 2015, The commission, IN CONSULTATION WITH THE ENTERPRISE, shall promulgate rules for the implementation and enforcement of this part 14. Until the commission promulgates rules to implement and enforce this part 14, the commission's rules in effect on July 1, 2014, governing waste tires continue to apply to the extent that they do~~

~~not conflict with this part 14~~ SECTIONS 30-20-1403, 30-20-1404, AND 30-20-1405, AS APPLICABLE.

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

SECTION 2. In Colorado Revised Statutes, 30-20-1402, **add** (1.7), (4.5), (12.5), and (14.5) as follows:

30-20-1402. Definitions. As used in this part 14, unless the context otherwise requires:

(1.7) "BOARD OF DIRECTORS" OR "BOARD" MEANS THE BOARD OF DIRECTORS OF THE ENTERPRISE.

(4.5) "ENTERPRISE" MEANS THE WASTE TIRE MANAGEMENT ENTERPRISE CREATED IN SECTION 30-20-1403.

(12.5) "WASTE TIRE ADMINISTRATION FEE" OR "ADMINISTRATION FEE" MEANS MONEY COLLECTED PURSUANT TO SECTION 30-20-1403 (2.5)(b).

(14.5) "WASTE TIRE ENTERPRISE FEE" OR "ENTERPRISE FEE" MEANS MONEY COLLECTED PURSUANT TO SECTION 30-20-1403 (2.5)(a).

SECTION 3. In Colorado Revised Statutes, 30-20-1403, **add** (1)(c), (1.5), (2)(c), (2.5), and (3) as follows:

30-20-1403. Waste tire recycling, beneficial reuse, and management - waste tire fees - distribution - rules - repeal. (1) (c) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JULY 1, 2025.

(1.5) **Enterprise.** (a) (I) THERE IS CREATED IN THE DEPARTMENT THE WASTE TIRE MANAGEMENT ENTERPRISE. THE ENTERPRISE IS AND OPERATES AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT TO COLLECT THE WASTE TIRE ENTERPRISE FEE CHARGED BY RETAILERS OF NEW TIRES PURSUANT TO SUBSECTION (2.5) OF THIS SECTION AND TO USE THE WASTE TIRE ENTERPRISE FEE TO PROMOTE WASTE TIRE RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT STRATEGIES IN COLORADO.

(II) THE ENTERPRISE IS AND OPERATES AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT FOR THE PURPOSE OF CONDUCTING THE BUSINESS ACTIVITIES SPECIFIED IN THIS SECTION. THE ENTERPRISE IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT.

(III) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (1.5)(a), THE ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(b) THE ENTERPRISE'S PRIMARY POWERS AND DUTIES ARE TO:

(I) COLLECT THE WASTE TIRE ENTERPRISE FEE;

(II) PROMOTE WASTE TIRE RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT STRATEGIES THROUGHOUT COLORADO;

(III) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUES OF THE ENTERPRISE TO PROMOTE THE WASTE TIRE RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT STRATEGIES SPECIFIED IN THIS SECTION;

(IV) PUBLISH EACH YEAR, ON THE DEPARTMENT'S WEBSITE AND AS OTHERWISE DEEMED APPROPRIATE BY THE BOARD, THE WASTE TIRE RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT STRATEGIES THAT THE BOARD HAS PRIORITIZED THROUGH THE COLLECTION OF THE WASTE TIRE ENTERPRISE FEE;

(V) ADOPT, AMEND, OR REPEAL POLICIES FOR THE REGULATION OF THE ENTERPRISE'S AFFAIRS AND THE CONDUCT OF THE ENTERPRISE'S BUSINESS CONSISTENT WITH THIS PART 14;

(VI) (A) CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY, INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE, OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER SERVICES RELATED TO THE

CONDUCT OF THE AFFAIRS OF THE ENTERPRISE. THE BOARD SHALL ENCOURAGE DIVERSITY IN APPLICANTS FOR CONTRACTS AND SHALL GENERALLY AVOID USING SINGLE-SOURCE BIDS.

(B) THE ENTERPRISE SHALL PAY A FAIR MARKET RATE TO ANY PUBLIC ENTITY, PRIVATE ENTITY, CONTRACTOR, OR CONSULTANT, WHICH MAY INCLUDE A STATE AGENCY, THE ATTORNEY GENERAL'S OFFICE, OR THE DEPARTMENT, THAT IS HIRED BY THE ENTERPRISE TO PERFORM DUTIES PURSUANT TO THIS SUBSECTION (1.5)(b).

(VII) PREPARE AND SUBMIT AN ANNUAL FINANCIAL REPORT PURSUANT TO SUBSECTION (1.5)(i) OF THIS SECTION.

(c) THE ENTERPRISE IS GOVERNED BY A BOARD OF DIRECTORS. THE BOARD CONSISTS OF THE FOLLOWING NINE MEMBERS:

(I) TWO MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT TO REPRESENT THE DEPARTMENT, INCLUDING ONE WITH EXPERTISE IN SUSTAINABILITY AND ONE WITH EXPERTISE IN COMPLIANCE;

(II) ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT WHO REPRESENTS A COUNTY THAT HAS EXPERIENCE WITH THE MANAGEMENT OF WASTE TIRES; AND

(III) SIX MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT WHO ARE REPRESENTATIVES OF NONPROFIT AND FOR-PROFIT ENTITIES ENGAGED IN THE RECOVERY, RECYCLING, REUSE, AND MANAGEMENT OF WASTE TIRES, INCLUDING A TIRE RETAILER, A WASTE TIRE COLLECTION FACILITY, A WASTE TIRE PROCESSOR, AND A WASTE TIRE HAULER. TO THE EXTENT PRACTICABLE, THE REPRESENTATION OF NONPROFIT AND FOR-PROFIT ENTITIES MUST BE BALANCED EQUALLY.

(d) OF THE MEMBERS APPOINTED TO THE BOARD OF DIRECTORS PURSUANT TO SUBSECTION (1.5)(c)(III) OF THIS SECTION, AT LEAST ONE MEMBER MUST DO BUSINESS IN A RURAL COUNTY IN THE STATE.

(e) (I) THE MEMBER REPRESENTING THE DEPARTMENT WHO HAS EXPERTISE IN SUSTAINABILITY AND IS APPOINTED PURSUANT TO SUBSECTION (1.5)(c)(I) OF THIS SECTION SHALL CALL THE FIRST MEETING OF THE BOARD.

(II) THE BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS TO SERVE FOR A TERM NOT TO EXCEED TWO YEARS.

(III) THE BOARD SHALL MEET QUARTERLY, AND THE CHAIR OF THE BOARD MAY CALL ADDITIONAL MEETINGS AS NECESSARY FOR THE BOARD TO COMPLETE ITS DUTIES.

(IV) THE TERM OF OFFICE FOR A BOARD MEMBER IS THREE YEARS; EXCEPT THAT FOUR OF THE SIX MEMBERS APPOINTED PURSUANT TO SUBSECTION (1.5)(c)(III) OF THIS SECTION SERVE INITIAL TERMS OF TWO YEARS. A BOARD MEMBER MAY SERVE UNLIMITED TERMS.

(f) (I) A MEMBER OF THE BOARD OF DIRECTORS, EXCEPT FOR MEMBERS APPOINTED PURSUANT TO SUBSECTIONS (1.5)(c)(I) AND (1.5)(c)(II) OF THIS SECTION, MAY RECEIVE A PER DIEM STIPEND WHILE ON OFFICIAL ENTERPRISE BUSINESS.

(II) THE PER DIEM STIPEND SHALL BE AT LEAST EQUAL TO THE COLORADO STATE EMPLOYEE PER DIEM FOR INTRA-STATE TRAVEL AS ESTABLISHED BY THE DEPARTMENT OF PERSONNEL.

(III) ALL MEMBERS OF THE BOARD OF DIRECTORS MAY RECEIVE REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED WHILE ON OFFICIAL ENTERPRISE BUSINESS.

(IV) THE ENTERPRISE MAY USE MONEY IN THE WASTE TIRE MANAGEMENT ENTERPRISE FUND, CREATED IN SECTION 30-20-1404, TO PAY THE PER DIEM STIPEND TO A BOARD MEMBER AND TO REIMBURSE A BOARD MEMBER FOR ACTUAL AND NECESSARY EXPENSES INCURRED AS PART OF THE ENTERPRISE'S OPERATING EXPENSES.

(g) THE DEPARTMENT SHALL PROVIDE OFFICE SPACE AND ADMINISTRATIVE STAFF TO THE ENTERPRISE, IF REQUESTED BY THE BOARD. IN ACCORDANCE WITH SUBSECTION (1.5)(b)(VI)(B) OF THIS SECTION, THE ENTERPRISE SHALL PAY THE DEPARTMENT A FAIR MARKET RATE FOR ANY OFFICE SPACE OR ADMINISTRATIVE STAFF USED BY THE BOARD IN PERFORMANCE OF THE ENTERPRISE'S DUTIES.

(h) (I) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY LEGALLY AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING

EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE REVENUE. THE ENTERPRISE MAY ACCEPT AND EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE DEPARTMENT TO THE ENTERPRISE THAT IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7).

(II) ALL MONEY TRANSFERRED AS A LOAN TO THE ENTERPRISE MUST BE CREDITED TO THE WASTE TIRE ADMINISTRATION, ENFORCEMENT, MARKET DEVELOPMENT, AND CLEANUP FUND, CREATED IN SECTION 30-20-1404 (1)(a). LOAN LIABILITIES THAT ARE RECORDED IN THE WASTE TIRE ADMINISTRATION, ENFORCEMENT, MARKET DEVELOPMENT, AND CLEANUP FUND BUT THAT ARE NOT REQUIRED TO BE PAID IN THE CURRENT STATE FISCAL YEAR SHALL NOT BE CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY FUND BALANCE FOR PURPOSES OF SECTION 24-75-109.

(III) AS THE ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS OF EXPENSES, IT SHALL REIMBURSE THE DEPARTMENT FOR THE PRINCIPAL AMOUNT OF ANY LOAN MADE BY THE DEPARTMENT, PLUS INTEREST AT A RATE AGREED UPON BY THE DEPARTMENT AND THE ENTERPRISE.

(i) (I) ON OR BEFORE JUNE 30, 2026, AND EVERY JUNE 30 OF EACH YEAR THEREAFTER, THE ENTERPRISE SHALL PREPARE AND SUBMIT AN ANNUAL FINANCIAL REPORT TO LEGISLATIVE COUNCIL STAFF AND THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY.

(II) THE FINANCIAL REPORT PREPARED BY THE ENTERPRISE PURSUANT TO SUBSECTION (1.5)(i)(I) OF THIS SECTION MUST INCLUDE THE ENTERPRISE'S PROJECTED REVENUE AND EXPENDITURES AND PROPOSED BUDGET FOR THE FOLLOWING FISCAL YEAR.

(III) THE ENTERPRISE SHALL POST A COPY OF THE ENTERPRISE'S FINANCIAL REPORT ON THE ENTERPRISE'S PUBLIC WEBSITE.

(2) (c) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2025.

(2.5) Waste tire enterprise fee and waste tire administration fee.

(a) (I) EFFECTIVE JULY 1, 2025, RETAILERS OF NEW MOTOR VEHICLE TIRES

AND NEW TRAILER TIRES SHALL COLLECT A WASTE TIRE ENTERPRISE FEE IN AN AMOUNT TO BE SET BY THE ENTERPRISE, IN COORDINATION WITH THE COMMISSION. THE WASTE TIRE ENTERPRISE FEE AMOUNT MUST NOT EXCEED TWO DOLLARS AND FIFTY CENTS ON THE SALE OF EACH NEW TIRE. THE MAXIMUM PER TIRE ENTERPRISE FEE AMOUNT MAY BE ADJUSTED BY THE ENTERPRISE EVERY TWO YEARS IN ACCORDANCE WITH ANY ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR THE DENVER-AURORA-LAKEWOOD METROPOLITAN AREA FOR ALL ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS APPLICABLE SUCCESSOR INDEX.

(II) EFFECTIVE JULY 1, 2025, THE BOARD OF DIRECTORS MAY REVIEW THE WASTE TIRE ENTERPRISE FEE ON AN ANNUAL BASIS AND, IN ACCORDANCE WITH THE FEE AMOUNT LIMIT SET FORTH IN SUBSECTION (2.5)(a)(I) OF THIS SECTION, ADJUST THE WASTE TIRE FEE AMOUNT SO THAT THE WASTE TIRE ENTERPRISE FEE IS IMPOSED IN AN AMOUNT THAT IS:

(A) REASONABLY RELATED TO THE DIRECT AND INDIRECT COSTS OF OPERATING THE ENTERPRISE IN ACCORDANCE WITH THIS PART 14 AND THE SERVICES PROVIDED BY THE ENTERPRISE, WHICH COSTS MUST NOT EXCEED THE EQUIVALENT OF ONE-HALF OF THE WASTE TIRE ENTERPRISE FEE COLLECTED FOR EACH NEW TIRE SOLD PURSUANT TO THIS SUBSECTION (2.5);

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

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

(b) (I) EFFECTIVE JULY 1, 2025, RETAILERS OF NEW MOTOR VEHICLE TIRES AND NEW TRAILER TIRES SHALL COLLECT A WASTE TIRE ADMINISTRATION FEE IN AN AMOUNT TO BE SET BY THE COMMISSION, IN COORDINATION WITH THE DEPARTMENT.

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

(III) THE WASTE TIRE ADMINISTRATION FEE AMOUNT MUST NOT EXCEED HALF OF THE AMOUNT OF THE WASTE TIRE ENTERPRISE FEE; EXCEPT THAT THE MINIMUM AMOUNT OF THE WASTE TIRE ADMINISTRATION FEE ON THE SALE OF EACH NEW TIRE MUST BE FIFTY CENTS OR MORE.

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

(II) THE RECEIPT FROM THE RETAILER TO THE CONSUMER FOR EVERY NEW MOTOR VEHICLE TIRE OR NEW TRAILER TIRE PURCHASED MUST CONTAIN THE FOLLOWING STATEMENT IN THE LARGEST BOLD-FACED TYPE CAPABLE BASED ON POINT-OF-SALE SOFTWARE AND ON EXISTING INVOICE 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."**

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

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

(3) (a) BEGINNING ON JULY 1, 2025, THE STATE TREASURER SHALL DISTRIBUTE THE REVENUE FROM THE WASTE TIRE ENTERPRISE FEE ASSESSED IN SUBSECTION (2.5)(a) OF THIS SECTION AS FOLLOWS:

(I) THE PORTION OF THE ENTERPRISE FEE COLLECTED TO COVER THE COSTS DESCRIBED IN SUBSECTION (2.5)(a)(II)(A) OF THIS SECTION TO THE WASTE TIRE MANAGEMENT ENTERPRISE FUND CREATED IN SECTION 30-20-1404;

(II) THE PORTION OF THE ENTERPRISE FEE COLLECTED TO COVER THE COSTS DESCRIBED IN SUBSECTION (2.5)(a)(II)(B) OF THIS SECTION TO THE END USERS FUND CREATED IN SECTION 30-20-1405;

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

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

(b) (I) BEGINNING ON JULY 1, 2025, THE STATE TREASURER SHALL DISTRIBUTE THE REVENUE FROM THE WASTE TIRE ADMINISTRATION FEE ASSESSED IN SUBSECTION (2.5)(b) OF THIS SECTION TO THE WASTE TIRE ADMINISTRATION FUND CREATED IN SECTION 30-20-1405.5.

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

SECTION 4. In Colorado Revised Statutes, 30-20-1404, **amend** (1), (2) introductory portion, (2)(a), (2)(o), (5), (6), and (7); **repeal** (2)(b),

(2)(c), (2)(d), (2)(i), (2)(j), (2)(k), (2)(l), (2)(p), (3), (4), and (8); and **add** (2)(q), (2)(r), (2)(s), (2)(t), and (2)(u) as follows:

30-20-1404. Waste tire management enterprise fund - creation - rules. (1) (a) There is ~~hereby~~ created in the state treasury the waste tire ~~administration, enforcement, market development, and cleanup~~ MANAGEMENT ENTERPRISE fund, referred to in this section as the "fund", consisting of the fee revenue credited pursuant to section 30-20-1403 (2.5)(a) and any other money appropriated OR TRANSFERRED to it. ~~The general assembly shall annually appropriate the money in the fund to the department for its direct and indirect administrative and enforcement costs in administering and enforcing this part 14~~ MONEY CREDITED TO THE FUND IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS SECTION AND TO PAY THE ENTERPRISE'S REASONABLE AND NECESSARY OPERATING EXPENSES.

(b) The state treasurer shall credit all interest earned on the investment of money in the fund to the fund. Any unexpended and unencumbered money in the fund ~~in excess of sixteen and one-half percent of the previous fiscal year's expenditures at the end of any fiscal year shall be credited:~~ REMAIN IN THE FUND.

~~(a) Through December 31, 2025, to the end users fund created in section 30-20-1405; and~~

~~(b) On and after January 1, 2026, to the general fund.~~

(2) ~~The department shall~~ ENTERPRISE MAY, IN CONSULTATION WITH THE DEPARTMENT, use the money in the fund for:

(a) Collecting the WASTE TIRE ENTERPRISE fee assessed in section 30-20-1403 ~~(t)~~ (2.5)(a);

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

~~(c) Enforcing the requirements of this part 14 pursuant to existing 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:~~

~~(i) 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~~

~~(ii) 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.~~

~~(q) THE PAYMENT OF ANY BONDS ISSUED PURSUANT TO SECTION 30-20-1403 (1.5)(b);~~

~~(r) REIMBURSEMENT OF ANY CONTRACTORS USED FOR CLEANUP AND REMEDIATION ACTIVITIES ENGAGED IN PURSUANT TO SUBSECTIONS (2)(f)~~

AND (2)(g) OF THIS SECTION;

(s) THE PAYMENT OF PER DIEM AND THE REIMBURSEMENT OF ACTUAL AND NECESSARY EXPENSES FOR BOARD MEMBERS WHILE ON OFFICIAL ENTERPRISE BUSINESS;

(t) FUNDING GRANTS IN ACCORDANCE WITH THE WASTE TIRE MANAGEMENT GRANT PROGRAM ESTABLISHED IN SECTION 30-20-1418; AND

(u) ANY OTHER ACTIVITY NECESSARY TO IMPLEMENT SECTION 30-20-1403, AS DETERMINED BY THE BOARD OF DIRECTORS.

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

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

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

(5) (a) In providing assistance pursuant to this section, the ~~department~~ ENTERPRISE shall give primary consideration to protection of public health and the environment.

(b) In awarding contracts for services pursuant to this section, the ~~department~~ ENTERPRISE may give preferential bidding treatment to

individuals or entities that will recycle, pursuant to rules of the department concerning recycling, and reuse, rather than dispose of, the waste tires.

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

(7) The ENTERPRISE, IN COORDINATION WITH THE department and the department of transportation, shall ~~coordinate with one another to~~ systematically investigate and research the use of tire-derived aggregates in technically feasible and economically viable civil applications associated with the department of transportation's roadway mission. The department shall include any findings regarding tire-derived aggregates, as appropriate, in the department's annual report to the general assembly.

~~(8) Notwithstanding any other provision of this section, on June 30, 2020, the state treasurer shall transfer five million three hundred seventy-two thousand four hundred fifteen dollars from the fund to the general fund.~~

SECTION 5. In Colorado Revised Statutes, 30-20-1405, **amend** (1), (2)(a) introductory portion, (3), (4)(a), (4)(b) introductory portion, (5) introductory portion, (5)(c) introductory portion, (5)(d), (5)(e) introductory portion, (5)(e)(I), (6) introductory portion, (6)(b)(II), (7), (8) introductory portion, (9), and (10); and **repeal** (1.5) as follows:

30-20-1405. End users fund - creation - quarterly rebates - rules - repeal. (1) (a) There is ~~hereby~~ created in the state treasury the end users fund, referred to in this section as the "fund", consisting of the fee revenue credited pursuant to section ~~30-20-1403 (2)(a)(H)~~ 30-20-1403 (3)(a)(II).

(b) The state treasurer shall credit all interest and any other return on the investment of money in the fund to the fund. ~~The fund is subject to annual appropriation by the general assembly to the department for the purposes specified in this section~~ MONEY CREDITED TO THE FUND IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS SECTION.

~~(1.5) Notwithstanding any other provision of this section, on June 30, 2020, the state treasurer shall transfer one million four hundred thousand dollars from the fund to the general fund.~~

(2) (a) The ~~department~~ ENTERPRISE, IN CONSULTATION WITH THE DEPARTMENT, shall use the money in the fund to provide quarterly rebates to in-state:

(3) The rebate is subject to the following conditions:

(a) The ~~department~~ ENTERPRISE shall pay the rebate amount quarterly, on a per-ton basis; and

(b) Once the ~~department~~ ENTERPRISE has paid a rebate on a particular quantity of tire-derived product, every part of that particular quantity of tire-derived product is no longer eligible for payment of the rebate.

(4) (a) The ~~commission~~ ENTERPRISE, IN CONSULTATION WITH THE COMMISSION, shall annually set the amount of the rebate, ~~by rule~~, on a per-ton basis, and the ~~department~~ ENTERPRISE shall pay the set rebate amount for each ton of qualified tire-derived product. The ~~commission~~ ENTERPRISE shall calculate the rebate to equal, but not exceed, the amount of the anticipated income transferred into the fund during each succeeding twelve-month period.

(b) Each year, the ~~department~~ ENTERPRISE shall continue to provide the rebate in accordance with the tiered structure set forth in subsection (5)(e) of this section until:

(5) The commission shall promulgate rules governing administration of the rebate. ~~which~~ ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, AS AMENDED, THE COMMISSION SHALL CONSULT WITH THE ENTERPRISE IN ADOPTING RULES GOVERNING ADMINISTRATION OF THE REBATE. THE COMMISSION'S rules must include the following:

(c) If the balance of the fund is anticipated to be insufficient to pay out all of the rebates applied for, a requirement that the ~~department~~ ENTERPRISE:

(d) A requirement that an end user that qualifies for a rebate by utilizing waste tires for:

(I) Alternative daily cover must verify with the ~~department~~

ENTERPRISE that the alternative daily cover meets all specification standards for all type-B tire-derived aggregate, as established by the ASTM standard D6270; and

(II) Tire-derived aggregate must verify with the ~~department~~ ENTERPRISE that the tire-derived aggregate meets all specification standards for all type-A AND TYPE-B tire-derived aggregate, as established by the ASTM standard D6270; and

(e) Three tiers of rebate amounts that the ~~department~~ ENTERPRISE may pay out based on the amount of the waste tire that was used and destroyed as follows:

(I) Tier 1: Full rebates going to crumbed rubber end uses and end uses that completely destroy the waste tire for the purpose of energy recovery or other clean technologies as defined and approved ~~by the commission~~ by rule;

(6) The ~~department~~ ENTERPRISE:

(b) May deny:

(II) All future rebates pursuant to this section and grants of money from the waste tire ~~administration, enforcement, market development, and cleanup~~ MANAGEMENT ENTERPRISE fund created in section 30-20-1404 to an applicant that knowingly or intentionally provides false information to the ~~department~~ ENTERPRISE when applying for a rebate or for a grant of money from the waste tire ~~administration, enforcement, market development, and cleanup~~ MANAGEMENT ENTERPRISE fund.

(7) Waste tires obtained from rural counties are eligible for an additional rebate amount of twenty-five dollars per ton; however, the additional rebate amount must not exceed the rebate amount for tier 3 rebates as determined by ~~the commission~~ by rule pursuant to subsection (5)(e)(III) of this section. To qualify for the additional rebate amount set forth in this subsection (7), an end user must provide evidence to the ~~department~~ ENTERPRISE documenting the county of origin for each waste tire.

(8) The ~~department~~ ENTERPRISE shall require that an end user submit

an application for a rebate that contains self-certifications provided by the end user regarding:

(9) (a) ON OR AFTER JANUARY 1, 2026, AND UNTIL DECEMBER 31, 2041, the ~~department~~ ENTERPRISE may issue rebates ~~after January 1, 2026, only for end uses occurring and rebates applied for on or before December 31, 2025~~ PURSUANT TO THIS SECTION.

(b) The commission, IN CONSULTATION WITH THE ENTERPRISE, shall repeal any rules concerning the fund and implementation of this section once the ~~department~~ ENTERPRISE has issued the final rebates pursuant to subsection (9)(a) of this section.

(c) On ~~July 1, 2026~~ JULY 1, 2042, the state treasurer shall transfer any money left in the fund to the general fund.

(10) This section is repealed, effective ~~July 1, 2026~~ DECEMBER 31, 2042.

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

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

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

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

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

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

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

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

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

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

(I) INSPECTIONS OF FACILITIES WHERE WASTE TIRES ARE PRESENT CONDUCTED BY THE DIVISION OF FIRE PREVENTION AND CONTROL 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

(II) TECHNICAL AND OTHER ASSISTANCE THE DIVISION OF FIRE PREVENTION AND CONTROL 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;

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

(g) 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;

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

(i) AWARDING GRANTS AND DEVELOPING EDUCATIONAL PROGRAMS FOR ENFORCEMENT, FIRE PREVENTION AND SUPPRESSION, PROPER WASTE TIRE MANAGEMENT AND DISPOSAL, TRAINING, AND CUSTOMER TECHNICAL ASSISTANCE; AND

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

(3) IF THE DEPARTMENT IS DENIED ACCESS OR IF CONSENT TO ACCESS HAS NOT BEEN GIVEN TO CLEAN UP A SITE WHERE THE DEPARTMENT REASONABLY BELIEVES WASTE TIRES EXIST ILLEGALLY, THE DEPARTMENT MAY OBTAIN FROM THE DISTRICT COURT FOR THE JUDICIAL DISTRICT IN WHICH THE PROPERTY IS LOCATED A WARRANT TO ENTER THE PROPERTY AND REMOVE THE WASTE TIRES.

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

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

SECTION 7. In Colorado Revised Statutes, 30-20-1415, **amend** (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:

(k) Not place any waste tires into monofill storage after January 1, 2018, and SHALL close, or cause to be closed, the waste tire monofill by July 1, ~~2024~~ 2034.

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

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

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

(I) MUNICIPALITIES, COUNTIES, AND CITIES AND COUNTIES;

(II) NONPROFIT AND FOR-PROFIT BUSINESSES INVOLVED IN WASTE TIRE RECYCLING, BENEFICIAL REUSE, AND MANAGEMENT; AND

(III) INSTITUTIONS OF HIGHER EDUCATION AND PUBLIC OR PRIVATE SCHOOLS.

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

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

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

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

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

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

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

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

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

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

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

(II) AN ESTIMATE OF THE COST OF THE EQUIPMENT, INFRASTRUCTURE, OR PROJECT THE ELIGIBLE ENTITY IS INTENDING TO FUND WITH THE GRANT AND WHETHER THE EQUIPMENT, INFRASTRUCTURE, OR PROJECT MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (5) OF THIS SECTION;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) (a) (I) THE BOARD SHALL ESTABLISH CRITERIA AND POLICIES TO

DETERMINE WHICH GRANTS TO AWARD FROM THE GRANT APPLICATIONS, WHICH CRITERIA AND POLICIES IT SHALL MAKE AVAILABLE TO APPLICANTS.

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

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

(I) AN APPLICATION FORM AND APPLICATION PROCEDURES;

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

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

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

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

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

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

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

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

SECTION 9. Appropriation. (1) For the 2024-25 state fiscal year, \$60,208 is appropriated to the department of public health and environment. This appropriation is from the waste tire administration, enforcement, market development, and cleanup fund created in section 30-20-1404 (1), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$9,000 for use by the hazardous materials and waste management division for the solid waste control program; and

(b) \$51,208 for the purchase of legal services.

(2) For the 2024-25 state fiscal year, \$51,208 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of public health and environment under subsection (1)(b) of this section and is based on an assumption that the department of law will require an additional 0.2 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of public health and environment.

SECTION 10. Effective date. This act takes effect upon passage; except that section 30-20-1403 (2.5), Colorado Revised Statutes, as added in section 3 of this act, takes effect on July 1, 2025; section 30-20-1404, Colorado Revised Statutes, as amended in section 4 of this act, takes effect on July 1, 2025; section 30-20-1405, Colorado Revised Statutes, as amended in section 5 of this act, takes effect on July 1, 2025; section 30-20-1405.5, as added in section 6 of this act, takes effect on July 1, 2025; and section 30-20-1418, as added in section 8 of this act, takes effect on July 1, 2025.

SECTION 11. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO