

**Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 12-0149.01 Jery Payne x2157

**HOUSE BILL 12-1034**

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**HOUSE SPONSORSHIP**

**Looper, Fischer, Hamner, Jones, Ramirez, Tyler, Vaad, Young**

**SENATE SPONSORSHIP**

**Spence, Hudak, King S., Williams S.**

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**House Committees**

Transportation  
Appropriations

**Senate Committees**

Transportation  
Appropriations

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**A BILL FOR AN ACT**

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

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Transportation Legislation Review Committee.** Currently, the processors and end users fund, which allocates money to encourage recycling, is scheduled to repeal on July 1, 2012. The fund is extended to July 1, 2020.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

SENATE  
3rd Reading Unam ended  
March 14, 2012

SENATE  
Am ended 2nd Reading  
March 13, 2012

HOUSE  
3rd Reading Unam ended  
February 10, 2012

HOUSE  
Am ended 2nd Reading  
February 9, 2012

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

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

4 **25-17-202. Waste tire fees - definitions - repeal.** (1) As used in  
5 this part 2, unless the context otherwise requires:

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

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

10 **25-17-202.5. Processors and end users fund created - rules -**  
11 **repeal.** (1) There is hereby created, in the state treasury, the processors  
12 and end users fund. Such fund shall consist of the fee revenue credited  
13 pursuant to section 25-17-202 (3) (a) (I) AND year-end surpluses  
14 transferred pursuant to sections 25-17-202.6 (1), 25-17-202.8 (1),  
15 25-17-202.9 (1), and 25-17-207 (4). ~~and transfers by the state treasurer on~~  
16 ~~June 10, 2010, of the balances of the unexpended and unencumbered~~  
17 ~~moneys in the waste tire cleanup fund formerly created in section~~  
18 ~~24-32-117, C.R.S., and the advanced technology fund formerly created~~  
19 ~~in section 25-16.5-105 (2) (a), as such balances existed on June 10, 2010,~~  
20 ~~and as such funds existed prior to their repeal.~~ All interest or any other  
21 return on the investment of moneys in the fund shall be deposited in the  
22 fund. ~~Any moneys in the fund not expended or encumbered from any~~  
23 ~~appropriation at the end of any fiscal year shall remain available, without~~  
24 ~~further appropriation, for expenditure in the next fiscal year by the~~  
25 ~~department to be used~~ THE GENERAL ASSEMBLY SHALL APPROPRIATE  
26 ~~MONEYS IN THE FUND~~ for monthly partial reimbursement to processors and

1 end users, up to a maximum of sixty-five dollars for each ton of raw  
2 Colorado waste tires that are processed or used. The purpose of ~~such~~ THE  
3 partial reimbursements ~~shall be~~ IS to assist new and existing waste tire  
4 recycling technologies to become economically feasible and to thereby  
5 encourage the use of waste tires and reduce the storage of waste tires in  
6 Colorado. THE DEPARTMENT SHALL NOT REIMBURSE A PROCESSOR FOR  
7 PROCESSING WASTE TIRES UNLESS THE PROCESSOR HAS END USED THE  
8 TIRE-DERIVED PRODUCT OR IF THE TIRE-DERIVED PRODUCT HAS BEEN SOLD  
9 FOR AN END USE AND MOVED OFF-SITE.

10 (1.5) ~~Notwithstanding any provision of subsection (1) of this~~  
11 ~~section to the contrary, on April 15, 2010, the state treasurer shall deduct~~  
12 ~~five hundred thousand dollars from the processors and end users of waste~~  
13 ~~tires cash fund and transfer such sum to the general fund.~~

14 NOTWITHSTANDING SECTION 25-17-202.9, THE DEPARTMENT SHALL  
15 IDENTIFY OTHER MARKETS IN THE STATE THAT ARE ABLE, WITHOUT  
16 TAXPAYER OR WASTE TIRE CLEAN UP FUNDS, TO ELIMINATE ILLEGAL TIRE  
17 DUMPING AND TO RECYCLE OR REUSE WASTE TIRES IN NEWER  
18 TECHNOLOGIES.

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

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

1           **SECTION 4. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, and safety.