

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 13-0188.01 Jery Payne x2157

HOUSE BILL 13-1096

HOUSE SPONSORSHIP

Coram,

SENATE SPONSORSHIP

Todd,

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REIMBURSEMENT PROGRAM FOR THE BENEFICIAL**
102 **USE OF WASTE TIRES.**

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>.)

Current law provides for a subsidy that encourages the recycling of waste tires. The bill clarifies that a mobile processor is eligible for the subsidy. The bill also defines "beneficial use" of waste tires in order to include the use of a waste tire or tire-derived product for an agricultural purpose.

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.

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) (a), (1) (j) (I) (D), and (1) (j) (I) (E); and **add** (1) (a.5), (1) (c.5), and
4 (1) (j) (I) (F) as follows:

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

7 (a) ~~"Commission" means the solid and hazardous waste~~
8 ~~commission created in section 25-15-302~~ "BENEFICIAL USE" MEANS THE
9 USE OF A WASTE TIRE OR TIRE-DERIVED PRODUCT FOR AN AGRICULTURAL
10 PURPOSE, THE USE OF A TIRE-DERIVED PRODUCT FOR A COMMERCIAL OR
11 INDUSTRIAL PURPOSE, THE USE OF A TIRE-DERIVED PRODUCT TO MAKE
12 IMPROVEMENTS TO LAND, OR THE SALE OF A TIRE-DERIVED PRODUCT TO
13 AN END USER.

14 (a.5) "COMMISSION" MEANS THE SOLID AND HAZARDOUS WASTE
15 COMMISSION CREATED IN SECTION 25-15-302.

16 (c.5) "MOBILE PROCESSOR" MEANS A PROCESSOR THAT USES
17 MOBILE MACHINERY TO PROCESS WASTE TIRES.

18 (j) (I) "Waste tire facility" means:

19 (D) A collection facility, as that term is defined by the
20 commission by rule; ~~or~~

21 (E) Any other facility at which a quantity of waste tires in excess
22 of a limit established by rule by the commission are stored for at least
23 ninety days, processed, or disposed of; OR

24 (F) A MOBILE PROCESSOR.

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

1 **25-17-202.5. Processors and end users fund created - rules -**
2 **repeal.** (1) There is hereby created, in the state treasury, the processors
3 and end users fund. ~~Such~~ THE fund ~~shall consist~~ CONSISTS of the fee
4 revenue credited pursuant to section 25-17-202 (3) (a) (I) and year-end
5 surpluses transferred pursuant to sections 25-17-202.6 (1), 25-17-202.8
6 (1), 25-17-202.9 (1), and 25-17-207 (4). THE STATE TREASURER SHALL
7 DEPOSIT all interest or any other return on the investment of moneys in the
8 fund. ~~shall be deposited in the fund.~~ The general assembly shall
9 appropriate moneys in the fund for monthly partial reimbursement to
10 processors and end users, up to a maximum of sixty-five dollars for each
11 ton of raw Colorado waste tires that are processed or END used. The
12 purpose of the partial ~~reimbursements~~ REIMBURSEMENT FUND is TO
13 ENCOURAGE THE BENEFICIAL USE OF WASTE TIRES AND TIRE-DERIVED
14 PRODUCTS AND to assist new and existing waste tire recycling
15 technologies to become economically feasible and to thereby ~~encourage~~
16 ~~the use of waste tires and~~ reduce the storage of waste tires in Colorado.
17 The department shall not reimburse a processor for processing waste tires
18 unless the processor has end used the tire-derived product or if the
19 tire-derived product has been sold for an end use and moved off-site.

20 **SECTION 3.** In Colorado Revised Statutes, 25-17-202.6, **amend**
21 (2) (a) as follows:

22 **25-17-202.6. Waste tire cleanup fund - rules.** (2) The
23 department shall use the remaining moneys in the fund as follows:

24 (a) Up to two-thirds may be expended to provide grants to
25 counties and municipalities for the disposal, recycling, or reuse of waste
26 tires that have been illegally dumped or abandoned or are otherwise not
27 eligible for reimbursements from a fund created in this article and allow

1 for partial reimbursement to processors, INCLUDING MOBILE PROCESSORS,
2 and end users up to a maximum of sixty-five dollars for each ton of
3 Colorado raw waste tires that are processed or used at a waste tire facility;

4 **SECTION 4. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2014 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.