

SB047 L.001

## SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Agriculture, Natural Resources, & Energy.SB17-047 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 30-20-1402, amend  
4 (4)(b); and add (4.5) as follows:

5 **30-20-1402. Definitions - repeal.** As used in this part 14, unless  
6 the context otherwise requires:

7 (4) "End user" means a person who:

8 (b) Uses a whole waste tire:

9 (I) To generate energy or fuel; or

10 (II) WHEN BALED WITH OTHER WHOLE WASTE TIRES FOR AN  
11 AGRICULTURAL PURPOSE OR OTHER MARKET APPLICATION; OR

12 (4.5) (a) "ENTERPRISE" MEANS THE WASTE TIRE ENTERPRISE  
13 CREATED IN SECTION 30-20-1418.

14 (b) THIS SUBSECTION (4.5) IS REPEALED, EFFECTIVE JANUARY 1,  
15 2025.

16 **SECTION 2.** In Colorado Revised Statutes, 30-20-1403, amend  
17 (1)(a) and (2) as follows:

18 **30-20-1403. Waste tire fee - distribution - rules - repeal.**

19 (1) (a) (I) (A) EXCEPT AS SPECIFIED IN SUBSECTION (1)(a)(I)(B) OF THIS  
20 SECTION, retailers of new motor vehicle tires and new trailer tires shall  
21 collect a waste tire fee ON THE SALE OF EACH NEW TIRE in an amount to be  
22 set by the commission, by rule, not to exceed one dollar and fifty cents on  
23 the sale of each new tire; except that, effective on and after January 1,  
24 2018, the waste tire fee is fifty-five cents on the sale of each new tire  
25 ESTABLISHED PURSUANT TO SUBSECTION (1)(a)(II) OF THIS SECTION. The  
26 receipt from the retailer to the customer for every new tire must contain  
27 the following statement in the largest bold-faced type capable based on  
28 point-of-sale software and on existing invoice printers, not to exceed  
29 fifteen points: "Section 30-20-1403, Colorado Revised Statutes, requires  
30 retailers to collect a waste tire fee set by the solid and hazardous waste  
31 commission on the sale of each new motor vehicle tire and each new  
32 trailer tire."

33 (B) A RETAILER SHALL NOT COLLECT THE FEE ON THE SALE OF A  
34 NEW MOTOR VEHICLE TIRE TO A PRINCIPAL DEPARTMENT LISTED IN  
35 SECTION 24-1-110.

36 (II) (A) TO AND INCLUDING JUNE 30, 2024, THE FEE IS ONE DOLLAR  
37 AND FIFTY CENTS; EXCEPT THAT THE COMMISSION, BY RULE, MAY REDUCE



1 ITS PORTION OF THE FEE ESTABLISHED PURSUANT TO SUBSECTION  
2 (2)(a)(I)(A) OF THIS SECTION. THIS SUBSECTION (1)(a)(II)(A) IS REPEALED,  
3 EFFECTIVE JANUARY 1, 2025.

4 (B) ON AND AFTER JULY 1, 2024, THE FEE IS FIFTY CENTS; EXCEPT  
5 THAT THE COMMISSION, BY RULE, MAY REDUCE THE FEE.

6 (2) (a) (I) Until ~~December 31, 2017~~ JULY 1, 2024, the state  
7 treasurer shall distribute the revenue from the fee assessed in subsection  
8 (1) of this section as follows:

9 ~~(F)~~ (A) ~~Thirty percent~~ FIFTY CENTS to the waste tire  
10 administration, enforcement, and cleanup fund created in section  
11 30-20-1404;

12 ~~(H)~~ (B) ~~Sixty-five percent~~ NINETY CENTS PER TIRE to the end users  
13 fund created in section 30-20-1405; and

14 ~~(HH)~~ (C) ~~Five percent~~ TEN CENTS PER TIRE to the waste tire market  
15 development fund created in section 30-20-1406.

16 (II) THIS SUBSECTION (2)(a) IS REPEALED, EFFECTIVE JULY 1, 2024.

17 (b) Effective ~~January 1, 2018~~ JULY 1, 2024, the state treasurer  
18 shall distribute all of the revenue from the fee assessed in subsection (1)  
19 of this section to the waste tire administration, enforcement, and cleanup  
20 fund created in section 30-20-1404.

21 **SECTION 3.** In Colorado Revised Statutes, 30-20-1403, amend  
22 (1)(b) as follows:

23 **30-20-1403. Waste tire fee - distribution - rules - repeal.**

24 (1) (b) (I) (A) TO AND INCLUDING JUNE 30, 2024, the retailer shall submit  
25 to the department ENTERPRISE by the twentieth day of each month all fees  
26 collected pursuant to this section in the preceding month together with  
27 any report required by the department ENTERPRISE. The department  
28 ENTERPRISE shall transmit the fees to the state treasurer, who shall credit  
29 them in accordance with subsection (2) of this section. ~~or as specified in~~  
30 ~~rules promulgated by the commission.~~

31 (B) THIS SUBSECTION (1)(b)(I) IS REPEALED, EFFECTIVE JANUARY  
32 1, 2025.

33 (II) EFFECTIVE JULY 1, 2024, THE RETAILER SHALL SUBMIT TO THE  
34 DEPARTMENT BY THE TWENTIETH DAY OF EACH MONTH ALL FEES  
35 COLLECTED PURSUANT TO THIS SECTION IN THE PRECEDING MONTH  
36 TOGETHER WITH ANY REPORT REQUIRED BY THE DEPARTMENT. THE  
37 DEPARTMENT SHALL TRANSMIT THE FEES TO THE STATE TREASURER, WHO  
38 SHALL CREDIT THEM IN ACCORDANCE WITH SUBSECTION (2) OF THIS  
39 SECTION OR AS SPECIFIED IN RULES PROMULGATED BY THE COMMISSION.

40 **SECTION 4.** In Colorado Revised Statutes, 30-20-1404, amend  
41 (1) as follows:

1           **30-20-1404. Waste tire administration, enforcement, and**  
2 **cleanup fund - creation - rules.** (1) There is hereby created in the state  
3 treasury the waste tire administration, enforcement, and cleanup fund,  
4 referred to in this section as the "fund", consisting of the fee revenue  
5 credited pursuant to section 30-20-1403 ~~(2)(a)(I) or (2)(b)~~ (2) and any  
6 other moneys MONEY appropriated to it. The general assembly shall  
7 annually appropriate the moneys MONEY in the fund to the department for  
8 its direct and indirect administrative and enforcement costs in  
9 administering and enforcing this part 14. The state treasurer shall credit  
10 all interest earned on the investment of moneys MONEY in the fund to the  
11 fund. Any unexpended and unencumbered moneys MONEY in the fund at  
12 the end of any fiscal year remain REMAINS in the fund and ~~do~~ DOES not  
13 revert to the general fund or any other fund.

14           **SECTION 5.** In Colorado Revised Statutes, 30-20-1405, amend  
15 (1) and (5) as follows:

16           **30-20-1405. End users fund - creation - monthly rebates - rules**  
17 **- repeal.** (1) There is hereby created in the state treasury the end users  
18 fund, referred to in this section as the "fund", consisting of the fee  
19 revenue credited pursuant to section 30-20-1403 ~~(2)(a)(H) or (2)(b)~~ (2).  
20 The state treasurer shall credit all interest and any other return on the  
21 investment of moneys MONEY in the fund to the fund. Any unexpended  
22 and unencumbered moneys MONEY remaining in the fund at the end of  
23 any fiscal year remain REMAINS in the fund and ~~do~~ DOES not revert to the  
24 general fund or any other fund. The fund is subject to annual  
25 appropriation by the general assembly to the department for the purposes  
26 specified in this section.

27           (5) This section is repealed, effective January 1, ~~2018~~ JULY 1,  
28 2024.

29           **SECTION 6.** In Colorado Revised Statutes, amend 30-20-1405,  
30 as (1) and (5) are amended in section 5 of this act, as follows:

31           **30-20-1405. End users fund - creation - monthly rebates - rules**  
32 **- repeal.** (1) There is hereby created in the state treasury the end users  
33 fund, referred to in this section as the "fund", consisting of the fee  
34 revenue credited pursuant to section 30-20-1403 (2). The state treasurer  
35 shall credit all interest and any other return on the investment of money  
36 in the fund to the fund. Any unexpended and unencumbered money  
37 remaining in the fund at the end of any fiscal year remains in the fund and  
38 does not revert to the general fund or any other fund. The fund is subject  
39 to annual appropriation by the general assembly to the department  
40 CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE for the purposes  
41 specified in this section.

1           (2) The ~~department~~ ENTERPRISE:  
2           (a) Shall use ~~moneys~~ MONEY in the fund to provide monthly  
3 rebates to in-state:  
4           (a) (I) End users;  
5           (b) (II) Retailers who sell tire-derived product; and  
6           (c) (III) Processors of Colorado waste tires who sell their  
7 tire-derived product to out-of-state end users; AND  
8           (b) MAY USE MONEY IN AN ACCOUNT IN THE FUND TO PAY THE  
9 ENTERPRISE'S REVENUE BOND OBLIGATIONS AND AS OTHERWISE  
10 AUTHORIZED PURSUANT TO SECTION 30-20-1418.  
11           (3) The rebate is subject to the following rules:  
12           (a) The ~~department~~ ENTERPRISE shall pay the rebate amount on a  
13 per-ton basis;  
14           (b) Once the ~~department~~ ENTERPRISE has paid a rebate on a  
15 particular quantity of tire-derived product, every part of that particular  
16 quantity of tire-derived product is no longer eligible for payment of the  
17 rebate;  
18           (c) The ~~commission~~ ENTERPRISE shall annually set the amount of  
19 the monthly rebate, not to exceed eighty dollars per ton, in an amount that  
20 is:  
21           (I) The same each month for each successive twelve-month  
22 period;  
23           (II) Calculated considering, among other factors, the monthly  
24 rolling weighted average weight of waste tires submitted for a rebate  
25 during the previous thirty-six-month period pursuant to which the average  
26 weight from the last twelve months affects the rolling average more than  
27 the average weight from the first twelve months; and  
28           (III) Calculated to equalize, but not exceed, the amount of rebates  
29 paid with the anticipated income to the end users fund during each  
30 succeeding twelve-month period;  
31           (d) The ~~commission shall promulgate rules~~ ENTERPRISE SHALL  
32 ADOPT GUIDELINES governing administration of the rebate, which ~~rules~~  
33 GUIDELINES must include the following:  
34           (I) If the weight of waste tires submitted for a rebate in any one  
35 month multiplied by the amount of the rebate exceeds the balance of the  
36 end users fund, the ~~department~~ ENTERPRISE shall reduce the per-ton  
37 amount of the rebate that month pro rata; and  
38           (II) The ~~department~~ ENTERPRISE shall quarterly notify end users  
39 who have submitted an application for a rebate during the preceding year  
40 of the date on which the balance of the end users fund is anticipated to be  
41 insufficient to pay all of the rebates applied for;



1 (e) The department ENTERPRISE shall pay the rebate only for waste  
2 tires that are generated and processed in Colorado;

3 (f) The department ENTERPRISE shall pay the rebate to an end user  
4 only if the end user end uses tire-derived product in Colorado or if the end  
5 user uses whole waste tires to generate energy or fuel in Colorado; and

6 (g) The department ENTERPRISE may deny the rebate to any person  
7 who is out of compliance with any state or federal environmental laws,  
8 rules, or regulations OR THE GUIDELINES ESTABLISHED PURSUANT TO  
9 SUBSECTION (3)(d) OF THIS SECTION.

10 (4) Until the commission promulgates rules ENTERPRISE ADOPTS  
11 GUIDELINES pursuant to subsection (3) of this section, the rebate amount  
12 is forty dollars per ton of waste tires, subject to modification as follows:

13 (a) The department ENTERPRISE shall increase or decrease the  
14 amount of the rebate after consideration of all of the requirements and  
15 limitations specified in subsection (3) of this section; and

16 (b) The maximum amount of the rebate is eighty dollars per ton  
17 of waste tires.

18 (5) This section is repealed, effective July 1, 2024.

19 **SECTION 7.** In Colorado Revised Statutes, 30-20-1406, amend  
20 (1) and (5) as follows:

21 **30-20-1406. Waste tire market development fund - creation -**  
22 **incentive programs - legislative declaration - repeal.** (1) There is  
23 hereby created in the state treasury the waste tire market development  
24 fund, referred to in this section as the "fund", consisting of revenues  
25 credited pursuant to section 30-20-1403 ~~(2)(a)(III) or (2)(b)~~ (2). The state  
26 treasurer shall credit all interest and any other return on the investment of  
27 moneys MONEY in the fund to the fund. Any unexpended and  
28 unencumbered moneys MONEY in the fund at the end of any fiscal year  
29 remain REMAINS in the fund and ~~do~~ DOES not revert to the general fund or  
30 any other fund. The fund is subject to annual appropriation by the general  
31 assembly to the department for the purposes specified in this section.

32 (5) This section is repealed, effective ~~January 1, 2018~~ JULY 1,  
33 2024.

34 **SECTION 8.** In Colorado Revised Statutes, 30-20-1406, amend  
35 (1) as amended in section 7 of this act, (2) introductory portion, (2)(a),  
36 (2)(d), (2)(f)(I), (2)(g), and (4); and add (2.5) as follows:

37 **30-20-1406. Waste tire market development fund - creation -**  
38 **incentive programs - legislative declaration - repeal.** (1) There is  
39 hereby created in the state treasury the waste tire market development  
40 fund, referred to in this section as the "fund", consisting of revenues  
41 credited pursuant to section 30-20-1403 (2). The state treasurer shall



1 credit all interest and any other return on the investment of money in the  
2 fund to the fund. Any unexpended and unencumbered money in the fund  
3 at the end of any fiscal year remains in the fund and does not revert to the  
4 general fund or any other fund. The fund is subject to annual  
5 appropriation by the general assembly to the department CONTINUOUSLY  
6 APPROPRIATED TO THE ENTERPRISE for the purposes specified in this  
7 section.

8 (2) The department ENTERPRISE shall use the fund:  
9 (a) To encourage waste tire market development. The department  
10 shall ENTERPRISE MAY hire a contractor to assist with the implementation  
11 of a waste tire marketing plan, development and implementation of future  
12 market development plans, and development of the program. The  
13 department and contractor shall base the marketing plan on the Colorado  
14 waste tire market development plan published on behalf of the department  
15 on May 19, 2013.

16 (d) To assist the department ENTERPRISE, the department of  
17 transportation, and other state agencies in the development and  
18 implementation of a public education campaign that promotes the benefits  
19 of the use of tire-derived products;

20 (f) (I) To fund recycling incentive programs for public projects  
21 that contain or make use of tire-derived products. The department  
22 ENTERPRISE shall determine how to distribute tire reuse or recycling  
23 incentive moneys among approved projects. Any state agency is  
24 authorized to expend moneys distributed pursuant to this section.

25 (g) To establish a waste tire innovative technology business  
26 development grant, loan, LOAN-TO-GRANT, and incentive funding program  
27 that will assist in the creation of waste tire business opportunities and  
28 market development activities and the creation of waste tire recycling  
29 jobs. THE ENTERPRISE SHALL ESTABLISH A MINIMUM PERCENTAGE OF THE  
30 MONEY CREDITED TO THE FUND THAT MUST BE ALLOCATED TO THE  
31 PROGRAM. IF THE RECIPIENT OF A LOAN COMPLIES WITH ALL APPLICABLE  
32 REQUIREMENTS OF THE LOAN DURING A PRELIMINARY PERIOD  
33 ESTABLISHED BY THE ENTERPRISE AFTER RECEIPT OF THE LOAN PROCEEDS,  
34 THE LOAN IS CONVERTED TO A GRANT. THE ENTERPRISE SHALL DESIGN THE  
35 LOAN-TO-GRANT PROGRAM TO ASSIST EXISTING PROCESSORS THAT HAVE  
36 OPERATED WITHIN COLORADO FOR AT LEAST THREE YEARS TO PURCHASE  
37 ASSETS THAT OPTIMIZE THE PROCESSOR'S PRODUCTION CAPACITY OR COST  
38 OF PRODUCTION.

39 (2.5) THE ENTERPRISE MAY USE MONEY IN AN ACCOUNT IN THE  
40 FUND TO PAY THE ENTERPRISE'S REVENUE BOND OBLIGATIONS AND AS  
41 OTHERWISE AUTHORIZED PURSUANT TO SECTION 30-20-1418.

1 (4) NOTWITHSTANDING SECTION 24-1-136 (1)(a)(I), the  
2 department ENTERPRISE shall submit a report to the committees of  
3 reference in each house of the general assembly with jurisdiction over  
4 transportation and public health annually beginning ~~July 1, 2015~~  
5 JANUARY 1, 2019, including a description of the status of the program, a  
6 summary of the grants awarded to end users, the number and type of  
7 markets developed or targeted for development, and recommendations for  
8 continued use of the fund.

9 SECTION 9. In Colorado Revised Statutes, add 30-20-1418 as  
10 follows:

11 30-20-1418. Waste tire enterprise - creation - bonding  
12 authority - repeal. (1) (a) THERE IS HEREBY CREATED IN THE  
13 DEPARTMENT THE WASTE TIRE ENTERPRISE. THE ENTERPRISE SHALL  
14 EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER  
15 THE DEPARTMENT AS IF THE ENTERPRISE WERE TRANSFERRED TO THE  
16 DEPARTMENT BY A TYPE 1 TRANSFER AS DEFINED IN SECTION 24-1-105.

17 (b) THE BUSINESS PURPOSES OF THE ENTERPRISE ARE TO:

18 (I) CREATE VIABLE AND COMMERCIALY SUSTAINABLE MARKETS  
19 FOR WASTE TIRES THAT ARE CAPABLE OF:

20 (A) USING ALL OF THE WASTE TIRES NEWLY GENERATED IN  
21 COLORADO ANNUALLY; AND

22 (B) ELIMINATING ALL OF THE EXISTING WASTE TIRES HELD IN  
23 STORAGE WITHIN THE STATE'S THREE WASTE TIRE MONOFILLS BY JULY 1,  
24 2024;

25 (II) COLLECT THE FEE ESTABLISHED PURSUANT TO SECTION  
26 30-20-1403 AND USE ITS PORTION OF THE FEE TO:

27 (A) REIMBURSE END USERS, RETAILERS WHO SELL TIRE-DERIVED  
28 PRODUCTS, AND PROCESSORS OF WASTE TIRES;

29 (B) FACILITATE THE DEVELOPMENT OF MARKETS FOR WASTE TIRE  
30 PRODUCTS; AND

31 (C) ISSUE REVENUE BONDS, IN ITS DISCRETION, WHEN IT DEEMS  
32 THAT DOING SO IS HELPFUL FOR THE ACCOMPLISHMENT OF THESE  
33 PURPOSES.

34 (c) THE CREATION OF THE ENTERPRISE IS IN THE PUBLIC INTEREST  
35 AND THE BUSINESS ACTIVITIES OF THE ENTERPRISE PROVIDE A PUBLIC  
36 BENEFIT BECAUSE THE ACTIVITIES WILL PROMOTE THE HEALTH, SAFETY,  
37 AND WELFARE OF ALL COLORADANS AND VISITORS TO THE STATE BY  
38 MAXIMIZING THE DIVERSION OF WASTE TIRES FROM LANDFILLS,  
39 FACILITATING THE DEVELOPMENT OF MARKETS FOR PRODUCTS THAT USE  
40 WASTE TIRES, AND STIMULATING THE ECONOMY.

41 (2) (a) THE WASTE TIRE ENTERPRISE CONSTITUTES AN ENTERPRISE



1 FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION  
2 AS LONG AS THE ENTERPRISE RETAINS AUTHORITY TO ISSUE REVENUE  
3 BONDS AND THE ENTERPRISE RECEIVES LESS THAN TEN PERCENT OF ITS  
4 TOTAL ANNUAL REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102  
5 (7), FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED.  
6 FOR AS LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO THIS  
7 SECTION, THE ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF  
8 THE STATE CONSTITUTION.

9 (b) THE ENTERPRISE HAS ALL THE POWERS AND DUTIES THAT THIS  
10 PART 14 ASSIGNS TO THE ENTERPRISE. ON AND AFTER JANUARY 1, 2018,  
11 THE END USERS FUND CREATED IN SECTION 30-20-1405 AND THE WASTE  
12 TIRE MARKET DEVELOPMENT FUND CREATED IN SECTION 30-20-1406  
13 CONSTITUTE PART OF THE ENTERPRISE ESTABLISHED PURSUANT TO  
14 SUBSECTION (1) OF THIS SECTION.

15 (c) NOTHING IN THIS SUBSECTION (2) LIMITS OR RESTRICTS THE  
16 AUTHORITY OF THE ENTERPRISE TO EXPEND ITS REVENUES CONSISTENT  
17 WITH THIS PART 14.

18 (3) (a) (I) THE ENTERPRISE IS GOVERNED BY A BOARD OF  
19 DIRECTORS CONSISTING OF FIVE DIRECTORS APPOINTED AS FOLLOWS:

20 (A) THE PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE  
21 SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE  
22 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL EACH  
23 APPOINT ONE DIRECTOR; AND

24 (B) THE GOVERNOR SHALL APPOINT ONE DIRECTOR.

25 (II) A DIRECTOR:

26 (A) MUST HAVE EXPERIENCE IN MARKET DEVELOPMENT OR  
27 RECYCLING; AND

28 (B) MUST NOT BE A RECIPIENT OF ANY MONEY DISTRIBUTED BY  
29 THE ENTERPRISE.

30 (b) THE APPOINTING AUTHORITIES SHALL MAKE THEIR INITIAL  
31 APPOINTMENTS TO THE BOARD NO LATER THAN AUGUST 1, 2017.

32 (c) THE TERM OF APPOINTMENT OF A DIRECTOR IS FOUR YEARS;  
33 EXCEPT THAT THE TERM OF THE DIRECTORS INITIALLY APPOINTED BY THE  
34 MINORITY LEADERS OF THE SENATE AND HOUSE OF REPRESENTATIVES IS  
35 THREE YEARS. AN APPOINTING OFFICIAL MAY REMOVE A DIRECTOR WHOM  
36 THE OFFICIAL APPOINTED WITH OR WITHOUT CAUSE AT ANY TIME. BOARD  
37 VACANCIES ARE FILLED FOR THE REMAINDER OF THE UNEXPIRED TERM IN  
38 THE SAME MANNER AS APPOINTMENTS.

39 (d) EACH DIRECTOR SERVES WITHOUT COMPENSATION BUT IS  
40 ENTITLED TO RECEIVE REIMBURSEMENT FROM MONEY IN THE GENERAL  
41 FUND FOR ACTUAL AND NECESSARY EXPENSES THAT THE DIRECTOR INCURS





1 IN THE PERFORMANCE OF HIS OR HER DUTIES AS A DIRECTOR.

2 (e) (I) THE DIRECTOR APPOINTED BY THE GOVERNOR SHALL  
3 ORGANIZE AND CALL THE FIRST MEETING OF THE BOARD, WHICH MUST  
4 HOLD ITS INITIAL MEETING NO LATER THAN OCTOBER 15, 2017.

5 (II) THE BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS  
6 TO SERVE FOR A TERM NOT TO EXCEED TWO YEARS, AS DETERMINED BY  
7 THE BOARD.

8 (III) THE BOARD SHALL MEET AT LEAST QUARTERLY. THE CHAIR  
9 MAY CALL SUCH ADDITIONAL MEETINGS AS ARE NECESSARY FOR THE  
10 BOARD TO COMPLETE ITS DUTIES.

11 (f) THE DEPARTMENT SHALL PROVIDE STAFF SERVICES AS MAY BE  
12 NECESSARY FOR THE BOARD TO IMPLEMENT ITS DUTIES PURSUANT TO THIS  
13 PART 14, AS DETERMINED BY THE BOARD IN CONSULTATION WITH THE  
14 DEPARTMENT.

15 (4) (a) SUBJECT TO ANY APPLICABLE REQUIREMENTS OF SECTION  
16 24-36-121, THE ENTERPRISE IS HEREBY AUTHORIZED TO ISSUE REVENUE  
17 BONDS FOR THE EXPENSES OF THE ENTERPRISE, WHICH BONDS MAY BE  
18 SECURED BY ANY REVENUES OF THE ENTERPRISE.

19 (b) THE BOARD MAY ESTABLISH SEPARATE ACCOUNTS WITHIN THE  
20 END USERS FUND OR THE WASTE TIRE MARKET DEVELOPMENT FUND AS  
21 NEEDED IN CONNECTION WITH THE ISSUANCE OF REVENUE BONDS.

22 (c) THE ENTERPRISE MAY EXPEND MONEY IN A SEPARATE ACCOUNT  
23 CREATED PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION IN THE END  
24 USERS FUND OR THE WASTE TIRE MARKET DEVELOPMENT FUND TO PAY ITS  
25 REVENUE BOND OBLIGATIONS. THE ENTERPRISE MAY ALSO EXPEND MONEY  
26 IN THE END USERS FUND OR THE WASTE TIRE MARKET DEVELOPMENT FUND  
27 TO PAY ITS OPERATING COSTS AND EXPENSES. THE BOARD HAS EXCLUSIVE  
28 AUTHORITY TO BUDGET AND APPROVE THE EXPENDITURE OF MONEY IN THE  
29 END USERS FUND AND THE WASTE TIRE MARKET DEVELOPMENT FUND.

30 (5) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN  
31 THIS SECTION, THE BOARD HAS THE FOLLOWING POWERS AND DUTIES:

32 (a) TO ADOPT BYLAWS FOR THE REGULATION OF THE ENTERPRISE'S  
33 AFFAIRS AND THE CONDUCT OF ITS BUSINESS;

34 (b) TO SET AND ADOPT, ON AN ANNUAL BASIS, A BUDGET FOR THE  
35 ENTERPRISE;

36 (c) TO CONTRACT FOR THE SERVICES OF EXPERTS AS ARE  
37 NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS POWERS AND DUTIES;

38 (d) TO MAKE AND TO ENTER INTO ALL OTHER CONTRACTS OR  
39 AGREEMENTS THAT ARE NECESSARY OR INCIDENTAL TO THE EXERCISE OF  
40 ITS POWERS AND PERFORMANCE OF ITS DUTIES;

41 (e) TO ENTER INTO INTEREST RATE EXCHANGE AGREEMENTS FOR



1 BONDS THAT HAVE BEEN ISSUED IN ACCORDANCE WITH ARTICLE 59.3 OF  
2 TITLE 11; AND

3 (f) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
4 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES  
5 GRANTED IN THIS SECTION.

6 (6) (a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE  
7 ENTERPRISE IS NOT SUBJECT TO THE "PROCUREMENT CODE", ARTICLES 101  
8 TO 112 OF TITLE 24.

9 (b) THE ENTERPRISE IS SUBJECT TO:

10 (I) THE OPEN MEETINGS PROVISIONS OF THE COLORADO SUNSHINE  
11 LAW CONTAINED IN PART 4 OF ARTICLE 6 OF TITLE 24; AND

12 (II) THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72  
13 OF TITLE 24. FOR PURPOSES OF THAT PART 2, THE RECORDS OF THE  
14 ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION 24-72-202 (6),  
15 REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS THAN TEN  
16 PERCENT OF ITS TOTAL ANNUAL REVENUES IN GRANTS, AS DEFINED IN  
17 SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND LOCAL  
18 GOVERNMENTS COMBINED.

19 (c) THE ENTERPRISE IS A PUBLIC ENTITY FOR PURPOSES OF THE  
20 "SUPPLEMENTAL PUBLIC SECURITIES ACT", PART 2 OF ARTICLE 57 OF  
21 TITLE 11.

22 (d) LABOR STANDARDS SPECIFIED IN LAW THAT APPLY TO THE  
23 DEPARTMENT APPLY WITH EQUAL FORCE TO THE ENTERPRISE.

24 (7) (a) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

25 (b) ON JULY 1, 2024, THE STATE TREASURER SHALL TRANSFER THE  
26 UNOBLIGATED BALANCE OF THE END USERS FUND CREATED IN SECTION  
27 30-20-1405 AND THE WASTE TIRE MARKET DEVELOPMENT FUND CREATED  
28 IN SECTION 30-20-1406 TO THE WASTE TIRE ADMINISTRATION,  
29 ENFORCEMENT, AND CLEANUP FUND CREATED IN SECTION 30-20-1404.

30 **SECTION 10.** In Colorado Revised Statutes, 24-1-119, add (13)  
31 as follows:

32 **24-1-119. Department of public health and environment -**  
33 **creation - repeal.** (13) (a) THE WASTE TIRE ENTERPRISE, CREATED BY  
34 SECTION 30-20-1418, SHALL EXERCISE ITS POWERS AND PERFORM ITS  
35 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AS IF THE ENTERPRISE  
36 WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1** TRANSFER.

37 (b) THIS SUBSECTION (13) IS REPEALED, EFFECTIVE JULY 1, 2024.

38 **SECTION 11. Effective date - applicability.** This act takes  
39 effect upon passage; except that sections 6 and 8 of this act take effect  
40 January 1, 2018, and section 3 of this act takes effect July 1, 2018. This  
41 act applies to conduct occurring on or after the applicable effective dates.



1           **SECTION 12. 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."

4 Page 1, line 102, strike "TIRES." and substitute "TIRES, AND, IN  
5 CONNECTION THEREWITH, CREATING THE WASTE TIRE ENTERPRISE."

\*\* \*\*\* \*\* \*\*\* \*\*

