

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 11-0538.01 Gregg Fraser

HOUSE BILL 11-1116

HOUSE SPONSORSHIP

Szabo, Beezley, Bradford, Brown, Liston, Ramirez, Stephens, Swerdfeger

SENATE SPONSORSHIP

Brophy,

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROVISION OF WASTE SERVICES WITHIN THE**
102 **BOUNDARIES OF LOCAL GOVERNMENT ENTITIES.**

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>.)

Garbage, trash, and other waste collection services (waste services) can be provided by local governments, private persons, or a combination of the two within the boundaries of a local government. In addition, some cities require residents to pay for municipal waste services.

The bill requires local governments to receive voter approval

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.*

HOUSE
3rd Reading Unamended
March 30, 2011

HOUSE
Amended 2nd Reading
March 28, 2011

before providing, contracting to provide, or requiring residents of a local government to pay fees for waste services. The ballot is required to contain a description of the service to be provided and the cost of the service and must be submitted at an election at which other matters are being voted upon.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Requiring citizens to pay for waste services provided by a
5 local government or a single provider can result in a decrease in service
6 level and a substantial increase in costs to citizens;

7 (b) Citizens should be allowed to vote on any changes mandated
8 by a local government that affect the availability, cost, or service level of
9 waste services where they live;

10 (c) Statewide uniformity in the regulation of waste services
11 provided at all levels of local government is necessary to protect citizens
12 from being unfairly compelled to use or pay for waste services and to
13 promote competition and efficiency in the provision of waste services;

14 (d) The state traditionally regulates matters involving local
15 government competition with private businesses in order to ensure that
16 local governments do not subsidize their services with general revenue
17 streams or otherwise compete unfairly with the private sector;

18 (e) Private businesses that provide waste services within
19 municipal limits also commonly provide services to residents of
20 unincorporated areas. If a municipality can adopt an ordinance requiring
21 its residents to use municipal services in preference to private services, it
22 may no longer be economically feasible for private businesses to provide
23 services to residents in unincorporated areas, who then may be left

1 without access to waste services.

2 (f) Article XX of the state constitution does not specifically
3 commit the provision of waste services to local regulation; and

4 (g) The provision of waste services within the limits of
5 municipalities is a matter of statewide concern.

6 **SECTION 2.** 30-15-401 (7.5) (a), Colorado Revised Statutes, is
7 amended, and the said 30-15-401 (7.5) is further amended BY THE
8 ADDITION OF A NEW PARAGRAPH, to read:

9 **30-15-401. General regulations.** (7.5) (a) ~~Any requirement that~~
10 ~~municipal residents use or pay user charges for residential waste services~~
11 ~~pursuant to paragraph (a) of subsection (7) of this section may be affected~~
12 ~~by utilization of the initiative and referendum power reserved to the~~
13 ~~municipal electors in section 1 (9) of article V of the Colorado~~
14 ~~constitution.~~

15 (c.5) NOTWITHSTANDING ANY OTHER PROVISION TO THE
16 CONTRARY AND IN ADDITION TO ANY OTHER REQUIREMENT PROVIDED BY
17 LAW, THE GOVERNING BODY OF A LOCAL GOVERNMENT THAT CHOOSES ON
18 OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (c.5) TO PROVIDE
19 RESIDENTIAL WASTE SERVICES, CONTRACT WITH A WASTE HAULER TO
20 PROVIDE RESIDENTIAL WASTE SERVICES, OR REQUIRE THE USE OF OR THE
21 IMPOSITION OF A FEE FOR RESIDENTIAL WASTE SERVICES IN ALL OR ANY
22 PORTION OF THE BOUNDARIES OF THE LOCAL GOVERNMENT, MAY DO SO
23 ONLY IF ANY RESIDENT IS ALLOWED THE OPTION OF NOT USING SUCH
24 SERVICES AT ANY TIME WITHOUT PENALTY OR AFTER CALLING AN
25 ELECTION IN WHICH THE PROPOSITION BEFORE THE ELECTORATE SHALL BE
26 WHETHER THE LOCAL GOVERNMENT SHALL BE ALLOWED TO TAKE SUCH
27 ACTION. THE BALLOT AT AN ELECTION CONDUCTED PURSUANT TO THIS

1 PARAGRAPH (c.5) SHALL INCLUDE A DESCRIPTION OF THE PROPOSED
2 SERVICE AND THE COST THEREOF. THE BALLOT PROPOSITION SHALL BE
3 SUBMITTED AT A GENERAL, COORDINATED, OR SPECIAL ELECTION AT
4 WHICH OTHER BALLOT ISSUES OR MATTERS ARE ALSO SUBMITTED TO THE
5 VOTERS OF THE LOCAL GOVERNMENT FOR CONSIDERATION. THE BALLOT
6 PROPOSITION SHALL NOT TAKE EFFECT UNTIL IT IS SUBMITTED TO THE
7 REGISTERED ELECTORS RESIDING IN THE AREA TO BE COVERED BY THE
8 SERVICE AND APPROVED BY A MAJORITY OF THOSE VOTING ON THE
9 BALLOT. FOR PURPOSES OF THIS PARAGRAPH (c.5), "LOCAL GOVERNMENT"
10 MEANS A TOWN, CITY, COUNTY, HOME RULE CITY, HOME RULE COUNTY,
11 CITY AND COUNTY, HOME RULE CITY AND COUNTY, SPECIAL DISTRICT, OR
12 OTHER LOCAL GOVERNMENTAL ENTITY WITH THE AUTHORITY TO TAKE THE
13 ACTION FOR WHICH VOTER APPROVAL IS SOUGHT PURSUANT TO THIS
14 PARAGRAPH (c.5). NOTHING IN THIS PARAGRAPH (c.5) SHALL BE
15 CONSTRUED:

16 (I) TO REQUIRE A LOCAL GOVERNMENT TO OBTAIN VOTER
17 APPROVAL IN ACCORDANCE WITH THE PROVISIONS OF THIS PARAGRAPH
18 (c.5) IF, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (c.5), THE LOCAL
19 GOVERNMENT PROVIDES RESIDENTIAL WASTE SERVICES, CONTRACTS WITH
20 A WASTE HAULER TO PROVIDE RESIDENTIAL WASTE SERVICES, OR
21 REQUIRES THE USE OF OR THE IMPOSITION OF A FEE FOR RESIDENTIAL
22 WASTE SERVICES IN ALL OR ANY PORTION OF THE BOUNDARIES OF THE
23 LOCAL GOVERNMENT; OR

24 (II) TO AFFECT THE ENFORCEMENT, RENEWAL, EXTENSION, OR
25 MODIFICATION OF ANY CONTRACT RELATING TO THE PROVISION OF WASTE
26 SERVICES IN EFFECT ON THE EFFECTIVE DATE OF THIS PARAGRAPH (c.5).

27 **SECTION 3. Act subject to petition - effective date.** This act

1 shall take effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part shall not take effect
7 unless approved by the people at the general election to be held in
8 November 2012 and shall take effect on the date of the official
9 declaration of the vote thereon by the governor.