

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

REVISED

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

LLS NO. 13-0233.01 Kate Meyer x4348

SENATE BILL 13-050

SENATE SPONSORSHIP

Todd, Jones, Newell, Schwartz

HOUSE SPONSORSHIP

Coram, Fischer, Melton

Senate Committees

Finance
Appropriations

House Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE RECYCLING RESOURCES ECONOMIC OPPORTUNITY**
102 **FUND, AND, IN CONNECTION THEREWITH, INCREMENTALLY**
103 **INCREASING CERTAIN FEES COLLECTED FOR THE FUND,**
104 **EXTENDING REPEAL DATES OF LAWS ASSOCIATED WITH THE**
105 **FUND, _____ MAKING REBATES PAID FROM THE FUND**
106 **DISCRETIONARY, REMOVING OBSOLETE PROVISIONS, AND**
107 **MAKING AN APPROPRIATION.**

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

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
Amended 2nd Reading
April 19, 2013

SENATE
3rd Reading Unamended
February 27, 2013

SENATE
Amended 2nd Reading
February 26, 2013

[http://www.leg.state.co.us/bills/summaries.](http://www.leg.state.co.us/bills/summaries/))

House Bill 07-1288 created the "Recycling Resources Economic Opportunity Act" (act) for the stated purpose of increasing recycling in the state. The act established the recycling resources economic opportunity fund (fund) to finance certain activities consistent with that purpose.

The principal source of moneys in the fund is user fees imposed on commercial vehicles disposing of waste at attended solid waste disposal facilities. **Section 1** of the bill incrementally increases the amount of this fee from the current rate of \$.07 per cubic yard per load to, ultimately, \$.14 per cubic yard per load.

Sections 1, 4, and 5 extend from July 1, 2017, to July 1, 2026, the future repeal dates of statutes associated with the fund.

Presently, the pollution prevention advisory board (advisory board), in consultation with the pollution prevention advisory board assistance committee (committee), must use 25% of the fund moneys collected in the previous fiscal year to provide rebates to local governmental, nonprofit, or for-profit entities that recycle any commodity. **Sections 2 and 3** make the payment of such rebates within the committee's discretion, and caps the fund moneys that may be so provided at 25% per year.

Sections 2 and 4 authorize the use of moneys in the fund to finance studies deemed necessary by the advisory board, in consultation with the committee.

Under current law, the advisory board is empowered to make loans from the fund. However, this provision has never been utilized. **Sections 2, 3, and 5** therefore repeal the authority of the advisory board to make loans from the fund.

Reducing waste tire stockpiles is a permissible reason for grants from the fund under existing law. **Section 5** limits grants for this purpose to moneys transferred to the fund from the waste tire cleanup fund, and specifies that such grants must be made to businesses developing alternative uses for waste tires.

Section 5 withdraws an irrelevant provision from the list of permissible activities for which fund moneys may be granted.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-16-104.5, **amend**
3 (3.9) (a) introductory portion, (3.9) (a) (III), and (6) as follows:

4 **25-16-104.5. Solid waste user fee - imposed - rate - direction**

1 **- legislative declaration - repeal.** (3.9) (a) Subject to ~~the provisions of~~
2 subsection (1.5) of this section, in addition to any other user fee imposed
3 by this section, on or after July 1, 2007, there is hereby imposed a user fee
4 to fund the recycling resources economic opportunity program created in
5 section 25-16.5-106.7. Such fee shall be collected by the operator of an
6 attended solid waste disposal site at the time of disposal and shall be
7 imposed and passed through to waste producers and other persons
8 disposing of waste at the following rate or at an equivalent rate
9 established by the department:

10 (III) ~~Seven cents~~ AN AMOUNT, per cubic yard per load transported
11 by any commercial vehicle or other vehicle not included in the vehicles
12 described in subparagraph (I) or (II) of this paragraph (a), IN
13 ACCORDANCE WITH THE FOLLOWING SCHEDULE:

14 (A) THROUGH DECEMBER 31, 2013, SEVEN CENTS PER CUBIC YARD
15 PER LOAD;

16 (B) FROM JANUARY 1, 2014, THROUGH DECEMBER 31, 2014, NINE
17 CENTS PER CUBIC YARD PER LOAD;

18 (C) FROM JANUARY 1, 2015, THROUGH DECEMBER 31, 2015,
19 ELEVEN CENTS PER CUBIC YARD PER LOAD; AND

20 (D) ON AND AFTER JANUARY 1, 2016, FOURTEEN CENTS PER CUBIC
21 YARD PER LOAD.

22 (6) This section is repealed, effective ~~July 1, 2017~~ JULY 1, 2026.

23 **SECTION 2.** In Colorado Revised Statutes, 25-16.5-105, **amend**
24 (1) introductory portion, (1) (i), and (1) (k) (I) introductory portion as
25 follows:

26 **25-16.5-105. Powers and duties of advisory board.** (1) The
27 advisory board ~~shall have~~ HAS the following powers and duties:

1 (i) ~~To make loans from the fund in accordance with the provisions~~
2 ~~of section 25-16.5-106.7 (5)~~ TO COMMISSION SUCH STUDIES, USING
3 MONEYS IN THE FUND, AS THE BOARD, IN CONSULTATION WITH THE
4 COMMITTEE, DEEMS NECESSARY AND APPROPRIATE;

5 (k) (I) In consultation with the committee, to develop a formula
6 for paying a rebate to any local government or to any nonprofit or
7 for-profit entity that recycles any commodity. The rebate authorized by
8 this paragraph (k) shall be paid on commodities recycled on a per-ton
9 basis with differential rates for different commodities. For any one state
10 fiscal year, the BOARD, IN CONSULTATION WITH THE COMMITTEE, HAS THE
11 DISCRETION TO DETERMINE THE amount rebated pursuant to this paragraph
12 (k); ~~shall equal~~ EXCEPT THAT THE AMOUNT SHALL NOT EXCEED one-fourth
13 of the amount of moneys PROJECTED TO BE collected in the fund in the
14 ~~immediately previous~~ NEXT state fiscal year. ANY MONEYS OF THE
15 AMOUNT SO DETERMINED THAT ARE NOT SPENT ON REBATES REMAIN IN
16 THE FUND TO BE EXPENDED FOR THE SAME PURPOSES AND IN THE SAME
17 MANNER AS OTHER MONEYS IN THE FUND. Any rebate shall be paid out of
18 moneys collected:

19 **SECTION 3.** In Colorado Revised Statutes, 25-16.5-105.5,
20 **amend** (3) introductory portion and (3) (e); and **repeal** (3) (b) as follows:

21 **25-16.5-105.5. Pollution prevention advisory board assistance**
22 **committee - appointments - membership - definitions.** (3) The
23 committee ~~shall have~~ HAS the following powers and duties:

24 (b) ~~To make recommendations to the advisory board in connection~~
25 ~~with the making of loans by the board from the fund pursuant to section~~
26 ~~25-16.5-105 (1) (i);~~

27 (e) TO DETERMINE WHETHER AND TO WHAT EXTENT TO PAY

1 REBATES TO ENTITIES RECYCLING COMMODITIES, AND TO make
2 recommendations to the advisory board on the formula created for paying
3 THE rebates, ~~to entities recycling commodities~~ pursuant to section
4 25-16.5-105 (1) (k); and

5 **SECTION 4.** In Colorado Revised Statutes, 25-16.5-106.5,
6 **amend** (2) and (5) as follows:

7 **25-16.5-106.5. Recycling resources economic opportunity fund**
8 **- creation - repeal.** (2) Any moneys generated pursuant to subsection (1)
9 of this section shall be annually appropriated to the department for
10 allocation to the advisory board for the purpose of funding the recycling
11 resources economic opportunity activities authorized by section
12 25-16.5-106.7, as well as any administrative costs associated therewith,
13 including without limitation the grants authorized to be made under
14 section 25-16.5-106.7 (3) and grant program oversight authorized by
15 section 25-16.5-105.5 (3). SUCH MONEYS MAY ALSO BE USED TO FUND
16 STUDIES PURSUANT TO SECTION 25-16.5-105 (1) (i).

17 (5) This section is repealed, effective ~~July 1, 2017~~ JULY 1, 2026.

18 **SECTION 5.** In Colorado Revised Statutes, 25-16.5-106.7,
19 **amend** (4) introductory portion, (4) (h), (6), and (8); and **repeal** (4)
20 (i), (5), and (7) as follows:

21 **25-16.5-106.7. Recycling resources economic opportunity**
22 **program - grants - definitions - repeal.** (4) THE ADVISORY BOARD MAY
23 AWARD moneys ~~may be awarded~~ from the fund to finance grants made
24 available pursuant to subsection (2) of this section for the following
25 purposes:

26 (h) Providing assistance in connection with the development or
27 improvement of integrated waste management plans by local

1 governments; AND

2 (i) ~~Cleaning up illegal waste dumping; and~~

3 ~~=====~~

4 (5) ~~In addition to the purposes specified in subsection (4) of this~~
5 ~~section, the advisory board may also loan moneys from the fund to public~~
6 ~~and private entities, both nonprofit and for-profit, including without~~
7 ~~limitation the department and solid waste disposal sites and facilities and~~
8 ~~their local affiliates that collect the solid waste user fee pursuant to~~
9 ~~section 25-16-104.5 (3.9). Moneys may be loaned by the board under this~~
10 ~~subsection (5) to fund any of the purposes for which the board may award~~
11 ~~moneys in grants as specified in subsection (4) of this section.~~
12 ~~Notwithstanding any other provision of this section, for any given state~~
13 ~~fiscal year, the amount of moneys to be made available in loans pursuant~~
14 ~~to this subsection (5) shall not be more than ten percent of the amount of~~
15 ~~moneys allocated to the fund during the immediately previous state fiscal~~
16 ~~year.~~

17 (6) Any grant award ~~or loan~~ made pursuant to this section ~~shall be~~
18 ~~IS~~ made complete by means of a contract entered into between the
19 department and the grant ~~or loan~~ recipient that ~~shall specify~~ SPECIFIES the
20 conditions for the grant ~~or loan~~ and the requirements and responsibilities
21 of the grant ~~or loan~~ recipient, as applicable.

22 (7) ~~No grant or loan may be made pursuant to this section until on~~
23 ~~or after July 1, 2008.~~

24 (8) This section is repealed, effective ~~July 1, 2017~~ JULY 1, 2026.

25 **SECTION 6.** In Colorado Revised Statutes, 30-20-121, **amend**
26 **(4)** as follows:

27 **30-20-121. Moratorium on monofill for tires - whole tire**

1 **disposal ban - reports - plan - definition - repeal.** (4) Each county that
2 has a monofill tire landfill shall annually report to the department
3 regarding the status of the landfill. The department shall adopt a plan to
4 eliminate, BY JULY 1, 2024, all monofill tire landfills. ~~within ten years~~
5 ~~after August 5, 2009.~~

6 **SECTION 7. Appropriation.** In addition to any other
7 appropriation, there is hereby appropriated, out of any moneys in the
8 recycling resources economic opportunity fund created in section
9 25-16.5-106.5 (1), Colorado Revised Statutes, not otherwise appropriated,
10 to the department of public health and environment, for the fiscal year
11 beginning July 1, 2013, the sum of \$204,593, or so much thereof as may
12 be necessary, for allocation to the recycling resources economic
13 opportunity program related to the implementation of this act.

14 **SECTION 8. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2014 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.