

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 10-0091.01 Bob Lackner

HOUSE BILL 10-1052

HOUSE SPONSORSHIP

Solano,

SENATE SPONSORSHIP

Newell,

House Committees

Transportation & Energy

Senate Committees

Local Government and Energy

A BILL FOR AN ACT

101 CONCERNING THE RECYCLING RESOURCES ECONOMIC OPPORTUNITY
102 FUND, AND, IN CONNECTION THEREWITH, EXTENDING THE LIFE
103 OF THE FUND.

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>.)

Section 2 of the bill eliminates the July 1, 2010, repeal date for the existing statutory section creating the solid waste user fee.

Section 3 of the bill eliminates the July 1, 2010, repeal date for the existing statutory section creating the recycling resources economic

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
2nd Reading Unamended
March 23, 2010

HOUSE
3rd Reading Unamended
February 1, 2010

HOUSE
Amended 2nd Reading
January 29, 2010

opportunity fund.

Section 4 of the bill eliminates the July 1, 2010, repeal date for the existing statutory section creating the recycling resources economic opportunity program.

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, determines, and declares that:

4 (a) The recycling resources economic opportunity program in the
5 Colorado department of public health and environment, hereinafter cited
6 as "RREOP", has generated both environmental and economic benefits
7 to the state. Specifically, the recycling resources economic opportunity
8 fund, hereinafter referred to as the "fund", has successfully distributed
9 grants of approximately two million six hundred thousand dollars in the
10 prior two years to local governments and businesses throughout the state
11 to assist in the development of recycling infrastructure. Communities that
12 have benefited from the grant program include Aurora, Boulder,
13 Centennial, Commerce City, Creede, Denver, Dillon, Dolores, Durango,
14 Eaton, Fort Collins, Fruita, Grand Junction, Greeley, Holyoke, Julesberg,
15 Kiowa, Lakewood, Milner, Sterling, Telluride, and Westcliffe.

16 (b) The RREOP helps existing businesses make use of recycled
17 materials generated in the state and provides markets for recycled
18 material and increased recycling in the state. The fund contributes to job
19 growth in recycling and should be continued. As a result of these
20 investments, sixty-three new permanent jobs have been created. Jobs
21 created through recycling efforts require the full spectrum of labor
22 positions, from low to highly skilled. In addition, for state fiscal year
23 2009, data shows that the one million three hundred seventy-six thousand

1 dollars in grant payments made for that year has been reinvested in the
2 state's economy in the form of payments to contractors, engineers,
3 consultants, and other service providers and has been used to purchase
4 equipment and materials.

5 (c) The fund should be continued because recycling:

6 (I) Saves energy and reduces pollution by reducing the need for
7 extracting and transporting natural resources;

8 (II) Allows for the reuse of materials and limits the use of finite
9 resources, thereby conserving such resources for future generations;

10 (III) Contributes to the sustainability of the planet's resources; and

11 (IV) Is shown to reduce the generation of greenhouse gases and
12 contributes to the preservation of natural resources such as forests that are
13 directly related to the control of greenhouse gases through carbon
14 sequestration.

15 (d) Colorado lags behind other states in state moneys expended on
16 recycling. Only within the past two years has a state agency been charged
17 with any responsibility for tracking or supporting recycling efforts within
18 the state.

19 (e) Private businesses, local governments, and nonprofit entities
20 currently make recycling collection available to some residents and
21 businesses, thereby contributing to the state's overall waste diversion.
22 However, many rural areas within the state are unable to support
23 recycling programs without assistance because of the costs associated
24 with the collection and transport of the materials. The fund should be
25 continued because it will continue to assist local governments, especially
26 in smaller communities, in establishing recycling programs and related
27 infrastructure.

1 (f) The provisions of House Bill 10-1052, enacted in 2010, will
2 assist the state in achieving its potential in the recycling of discarded
3 materials, materially advance economic development and job growth, and
4 help to preserve the state's natural beauty.

5 **SECTION 2.** 25-16-104.5 (6), Colorado Revised Statutes, is
6 amended to read:

7 **25-16-104.5. Solid waste user fee - imposed - rate - direction**
8 **- legislative declaration - repeal.** (6) This section is repealed, effective
9 ~~July 1, 2010~~ JULY 1, 2017.

10 **SECTION 3.** 25-16.5-106.5 (1), (2), and (5), Colorado Revised
11 Statutes, are amended to read:

12 **25-16.5-106.5. Recycling resources economic opportunity fund**
13 **- creation - repeal.** (1) The recycling resources economic opportunity
14 fund is hereby created in the state treasury, referred to in this section as
15 the "fund". The fund shall consist of moneys collected for the fund
16 pursuant to sections 25-16-104.5 (3.9) (b) and, ~~PRIOR TO JULY 1, 2011,~~
17 25-17-202 (1) (a) (IV) and credited to the fund in accordance with the
18 provisions of section 25-16-104.5 (3.9) (b), any moneys appropriated to
19 the fund by the general assembly, and all other moneys that may be
20 available to the fund, including moneys made available from gifts, grants,
21 or bequests. All interest derived from the deposit of moneys in the fund
22 shall be credited to the fund. At the end of any fiscal year, all
23 unexpended and unencumbered moneys in the fund shall remain therein
24 and shall not be credited or transferred to the general fund or any other
25 fund.

26 (2) Any moneys generated from the imposition of solid waste user
27 fees pursuant to sections 25-16-104.5 (3.9) and, ~~PRIOR TO JULY 1, 2011,~~

1 25-17-202 (1) (a) (IV) shall be annually appropriated to the department
2 for allocation to the advisory board for the purpose of funding the
3 recycling resources economic opportunity activities authorized by section
4 25-16.5-106.7, as well as any administrative costs associated therewith,
5 including without limitation the grants authorized to be made under
6 section 25-16.5-106.7 (3) and grant program oversight authorized by
7 section 25-16.5-105.5 (3).

8 (5) This section is repealed, effective ~~July 1, 2010~~ JULY 1, 2017.

9 **SECTION 4.** 25-16.5-106.7 (8), Colorado Revised Statutes, is
10 amended to read:

11 **25-16.5-106.7. Recycling resources economic opportunity**
12 **program - grants - loans - definitions.** (8) This section is repealed,
13 effective ~~July 1, 2010~~ JULY 1, 2017.

14 **SECTION 5.** The introductory portion to 25-17-202 (1) (a) (IV),
15 Colorado Revised Statutes, is amended to read:

16 **25-17-202. Waste tire recycling development fee - cash fund**
17 **created - definition - repeal.** (1) (a) (IV) On and after August 5, 2009,
18 an additional fee of fifty cents shall be collected on the sale of any new
19 tire for any passenger vehicle, including any truck, weighing less than
20 fifteen thousand pounds. In addition, the fee imposed by this
21 subparagraph (IV) shall also be collected on the sale of any new tire for
22 any truck, including any truck tractor, trailer, or semitrailer, weighing
23 more than fifteen thousand pounds; except that no fee shall be collected
24 for tires that are recapped or otherwise reprocessed for use. PRIOR TO
25 JULY 1, 2011, from the moneys collected by the ~~new~~ fee imposed by this
26 subparagraph (IV), fifty percent shall be credited to the recycling
27 resources economic opportunity fund created in section 25-16.5-106.5.

1 ON AND AFTER JULY 1, 2011, FROM THE MONEYS COLLECTED BY THE FEE
2 IMPOSED BY THIS SUBPARAGRAPH (IV), FIFTY PERCENT SHALL BE
3 CREDITED TO THE PROCESSORS AND END USERS OF WASTE TIRES CASH
4 FUND CREATED IN SECTION 25-17-202.5 (1). The remaining fifty percent
5 shall be credited to the waste tire cleanup fund created in section
6 24-32-114 (1), C.R.S., and shall be distributed as follows:

7 **SECTION 6.** The introductory portion to 25-17-202.5 (1),
8 Colorado Revised Statutes, is amended to read:

9 **25-17-202.5. Processors and end users of waste tires cash fund**
10 **created - repeal.** (1) There is hereby created, in the state treasury, the
11 processors and end users of waste tires cash fund. Such fund shall consist
12 of the fee revenue collected pursuant to ~~section 25-17-202 (1) (a) (II)~~
13 SECTION 25-17-202 (1) (a) (III) AND (1) (a) (IV). Any moneys in the fund
14 not expended or encumbered from any appropriation at the end of any
15 fiscal year shall remain available, without further appropriation, for
16 expenditure in the next fiscal year by the department of local affairs for
17 allocation to the division of local government to be used in the following
18 amounts for the following purposes:

19 **SECTION 7. Specified effective date.** This act shall take effect
20 July 1, 2010.

21 **SECTION 8. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.