

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 11-0882.02 Thomas Morris

SENATE BILL 11-269

SENATE SPONSORSHIP

Schwartz,

HOUSE SPONSORSHIP

Kerr A. and Miklosi,

Senate Committees

Agriculture, Natural Resources, and Energy
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE RECYCLING OF ELECTRONIC DEVICES, AND, IN**
102 **CONNECTION THEREWITH, REQUIRING THE PROCESSING**
103 **FACILITIES OF PROCESSORS OF ELECTRONIC DEVICES TO BE**
104 **CERTIFIED, REQUIRING PROCESSORS OF ELECTRONIC DEVICES**
105 **TO BE REGISTERED, AND 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 <http://www.leg.state.co.us/billsummaries>.)

The bill creates the "Electronics Recycling Act". Processors of

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
3rd Reading Unamended
May 10, 2011

SENATE
Amended 2nd Reading
May 9, 2011

eligible electronic devices must be certified, pay the department of public health and environment an annual fee, file annual reports, and comply with processing standards established by the solid and hazardous waste commission.

Collectors of eligible electronic devices must be registered and comply with processing standards established by the commission.

The commission will adopt rules. The department has enforcement authority.

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

2 **SECTION 1.** Article 17 of title 25, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PART to read:

4 **PART 3**

5 **ELECTRONIC DEVICE RECYCLING**

6 **25-17-301. Short title.** THIS PART 3 SHALL BE KNOWN AND MAY
7 BE CITED AS THE "ELECTRONICS RECYCLING ACT".

8 **25-17-302. Legislative declaration.** (1) THE GENERAL
9 ASSEMBLY HEREBY FINDS THAT CONSUMER ELECTRONIC DEVICES AND
10 OTHER CONSUMER PRODUCTS MAY CONTAIN HAZARDOUS MATERIALS AS
11 WELL AS COMPONENTS AND MATERIALS THAT ARE VALUED AS
12 COMMODITIES. IT IS IMPORTANT TO CREATE A VIABLE MEANS OF
13 RECYCLING THESE MATERIALS FOR ALL COLORADO CITIZENS. THIS ACT
14 WILL HELP COLORADO MAXIMIZE THE EXTRACTION OF VALUABLE
15 RESOURCES FROM THE ELECTRONIC WASTE STREAM, THUS CREATING JOBS
16 IN COLORADO; REDUCE THE THREAT TO OUR ENVIRONMENT POSED BY
17 BURYING OR INCINERATING HARMFUL MATERIALS; AND HELP PREVENT THE
18 EXPORT OF TOXIC MATERIALS TO COUNTRIES WITH INSUFFICIENT
19 ENVIRONMENTAL CONTROLS IN PLACE TO RECYCLE THEM SAFELY.

20 (2) FURTHER, THE GENERAL ASSEMBLY'S INTENT IN ENACTING THIS
21 PART 3 IS TO FOSTER ECONOMIC GROWTH WITHIN THIS STATE BY CREATING

1 OPPORTUNITIES FOR LOCAL COMPANIES TO COLLECT AND PROCESS
2 MATERIALS COVERED BY THIS PART 3. RECYCLING, REUSE, AND
3 RECONDITIONING OF OLD ELECTRONIC DEVICES CAPTURES VALUE PRESENT
4 IN THE DEVICES TO THE BENEFIT OF COLORADO'S CITIZENS AND
5 ENVIRONMENT BY KEEPING BOTH TOXIC AND VALUABLE MATERIALS OUT
6 OF LANDFILLS, THUS CREATING JOBS AND STRENGTHENING LOCAL
7 ECONOMIES.

8 (3) THE GENERAL ASSEMBLY FINDS THAT ENGAGING ALL
9 STAKEHOLDERS AS PART OF THE SOLUTION RESULTS IN A SYSTEM OF
10 RECYCLING ELECTRONIC DEVICES THAT SUPPORTS THE CREATION OF
11 LOCAL JOBS AND REDUCES TOXIC MATERIALS IN OUR WASTE STREAM.

12 (4) THE GENERAL ASSEMBLY DECLARES THAT THE PURPOSE OF
13 THIS PART 3 IS TO:

14 (a) ENSURE THAT CONSUMER ELECTRONICS PRODUCTS ARE
15 RESPONSIBLY REUSED, RECONDITIONED, OR RECYCLED TO PROMOTE
16 RESOURCE CONSERVATION THROUGH THE DEVELOPMENT OF AN EFFECTIVE
17 AND EFFICIENT SYSTEM FOR COLLECTING AND RECYCLING SUCH
18 PRODUCTS;

19 (b) REQUIRE PROCESSORS TO BECOME REGISTERED, TO SUBMIT
20 DATA, AND TO COMPLY WITH MINIMUM STANDARDS; AND

21 (c) PROVIDE INFORMATION TO CONSUMERS FOR MAKING INFORMED
22 DECISIONS AS WELL AS ASSURING CONSUMERS THAT THEIR RECYCLED
23 ELECTRONIC DEVICES ARE RECYCLED RESPONSIBLY.

24 **25-17-303. Definitions.** AS USED IN THIS PART 3, UNLESS THE
25 CONTEXT OTHERWISE REQUIRES:

26 (1) "COLLECT" OR "COLLECTION" MEANS THE RECOVERY, AFTER
27 MANUFACTURE AND DISTRIBUTION OR INITIAL SALE, OF AN ELIGIBLE

1 ELECTRONIC DEVICE. THE TERMS INCLUDE COLLECTION THROUGH A
2 MAIL-BACK PROGRAM, COLLECTION SITE, COLLECTION FACILITY,
3 COLLECTION EVENT, OR CURBSIDE OR HOME COLLECTION.

4 (2) "COLLECTOR" MEANS A PERSON THAT RECEIVES, COLLECTS,
5 HANDLES, BROKERS, OR RESELLS AN ELIGIBLE ELECTRONIC DEVICE AND
6 ARRANGES FOR DELIVERY OF THE DEVICE TO A PROCESSOR OR OTHER
7 ENTITY FOR RECYCLING, REUSE, OR RESALE.

8 (3) "COMMISSION" MEANS THE SOLID AND HAZARDOUS WASTE
9 COMMISSION CREATED IN SECTION 25-15-302.

10 (4) "CONSUMER" MEANS A NATURAL PERSON WHO HAS PURCHASED
11 AN ELIGIBLE ELECTRONIC DEVICE PRIMARILY FOR PERSONAL OR HOME
12 BUSINESS USE.

13 (5) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
14 AND ENVIRONMENT.

15 (6) (a) "ELIGIBLE ELECTRONIC DEVICE" MEANS A DEVICE THAT IS
16 MARKETED BY A MANUFACTURER FOR USE BY A CONSUMER AND THAT IS:

17 (I) A COMPUTER, PERIPHERAL, PRINTER, FACSIMILE MACHINE,
18 DIGITAL VIDEO DISC PLAYER, VIDEO CASSETTE RECORDER, OR OTHER
19 ELECTRONIC DEVICE SPECIFIED BY RULE PROMULGATED BY THE
20 COMMISSION; OR

21 (II) A VIDEO DISPLAY DEVICE OR COMPUTER MONITOR, INCLUDING
22 A LAPTOP COMPUTER, TELEVISION, TELEPHONE, TABLET COMPUTER,
23 ELECTRONIC BOOK, NOTEBOOK COMPUTER, OR OTHER DEVICE DETERMINED
24 BY THE COMMISSION BY RULE, THAT CONTAINS A CATHODE RAY TUBE OR
25 FLAT PANEL SCREEN WITH A SCREEN SIZE THAT IS GREATER THAN FOUR
26 INCHES, MEASURED DIAGONALLY.

27 (b) "ELIGIBLE ELECTRONIC DEVICE" DOES NOT INCLUDE:

1 (I) A DEVICE THAT IS PART OF A MOTOR VEHICLE OR ANY
2 COMPONENT PART OF A MOTOR VEHICLE ASSEMBLED BY, OR FOR, A
3 VEHICLE MANUFACTURER OR FRANCHISED MOTOR VEHICLE DEALER,
4 INCLUDING REPLACEMENT PARTS FOR USE IN A MOTOR VEHICLE;

5 (II) A DEVICE, INCLUDING A TOUCH-SCREEN DISPLAY, THAT IS
6 FUNCTIONALLY OR PHYSICALLY PART OF OR CONNECTED TO A SYSTEM OR
7 EQUIPMENT DESIGNED AND INTENDED FOR USE IN ANY OF THE FOLLOWING
8 SETTINGS, INCLUDING DIAGNOSTIC, MONITORING, OR CONTROL
9 EQUIPMENT:

- 10 (A) INDUSTRIAL;
- 11 (B) COMMERCIAL, INCLUDING RETAIL;
- 12 (C) LIBRARY CHECKOUT;
- 13 (D) TRAFFIC CONTROL;
- 14 (E) SECURITY, SENSING, MONITORING, OR COUNTERTERRORISM;
- 15 (F) BORDER CONTROL;
- 16 (G) MEDICAL; OR
- 17 (H) GOVERNMENTAL OR RESEARCH AND DEVELOPMENT;

18 (III) A DEVICE THAT IS CONTAINED WITHIN ANY OF THE
19 FOLLOWING:

- 20 (A) A CLOTHES WASHER OR DRYER;
- 21 (B) A REFRIGERATOR OR REFRIGERATOR AND FREEZER;
- 22 (C) A MICROWAVE OVEN OR CONVENTIONAL OVEN OR RANGE;
- 23 (D) A DISHWASHER; OR
- 24 (E) A ROOM AIR CONDITIONER, DEHUMIDIFIER, OR AIR PURIFIER; OR

25 (IV) EITHER OF THE FOLLOWING THAT DOES NOT CONTAIN A VIDEO
26 DISPLAY AREA GREATER THAN FOUR INCHES, MEASURED DIAGONALLY:

- 27 (A) A TELEPHONE; OR

1 (B) A DEVICE CAPABLE OF USING COMMERCIAL MOBILE RADIO
2 SERVICE AS DEFINED IN 47 CFR 20.3.

3 (7) "MATERIALS OF CONCERN" MEANS ANY OF THE FOLLOWING:

4 (a) ANY DEVICE, INCLUDING A FLUORESCENT LIGHT OR TUBE, THAT
5 CONTAINS MERCURY OR POLYCHLORINATED BIPHENYLS;

6 (b) A BATTERY;

7 (c) A CATHODE RAY TUBE OR LEADED GLASS; AND

8 (d) A WHOLE OR SHREDED CIRCUIT BOARD.

9 (8) "PERIPHERAL" MEANS A KEYBOARD, MOUSE, OR ANY OTHER
10 DEVICE THAT IS SOLD EXCLUSIVELY FOR EXTERNAL USE WITH A COMPUTER
11 AND PROVIDES INPUT OR OUTPUT INTO OR FROM A COMPUTER.

12 (9) "PERSON" MEANS AN INDIVIDUAL, BUSINESS ENTITY,
13 PARTNERSHIP, LIMITED LIABILITY COMPANY, CORPORATION,
14 NOT-FOR-PROFIT CORPORATION, ASSOCIATION, GOVERNMENTAL ENTITY,
15 PUBLIC BENEFIT CORPORATION, OR PUBLIC AUTHORITY.

16 (10) "PROCESSING FOR REUSE" MEANS ANY METHOD, TECHNIQUE,
17 OR PROCESS BY WHICH ELIGIBLE ELECTRONIC DEVICES THAT WOULD
18 OTHERWISE BE DISPOSED OF OR DISCARDED ARE INSTEAD SEPARATED,
19 PROCESSED, AND RETURNED TO THEIR ORIGINAL INTENDED PURPOSES OR
20 TO OTHER USEFUL PURPOSES AS ELIGIBLE ELECTRONIC DEVICES.

21 (11) "PROCESSOR" MEANS A PERSON WHO PROCESSES MORE THAN
22 ONE HUNDRED ELIGIBLE ELECTRONIC DEVICES IN COLORADO FOR
23 RECYCLING, REUSE, OR RESALE, BUT DOES NOT INCLUDE A PERSON WHO
24 PROCESSES FOR REUSE IF NO MATERIALS OF CONCERN ARE GENERATED FOR
25 DISPOSAL OR TELECOMMUNICATIONS CARRIERS, TELECOMMUNICATIONS
26 MANUFACTURERS, OR COMMERCIAL MOBILE SERVICE PROVIDERS WITH AN
27 EXISTING RECYCLING PROGRAM.

1 (12) "RECYCLE" OR "RECYCLING" MEANS PROCESSING, INCLUDING
2 DISASSEMBLING, DISMANTLING, SHREDDING, AND SMELTING, AN ELIGIBLE
3 ELECTRONIC DEVICE OR ITS COMPONENTS TO RECYCLE A USEABLE
4 COMPONENT, COMMODITY, OR PRODUCT, INCLUDING PROCESSING FOR
5 REUSE. "RECYCLING", WITH RESPECT TO ELIGIBLE ELECTRONIC DEVICES,
6 DOES NOT INCLUDE ANY PROCESS DEFINED AS INCINERATION UNDER
7 APPLICABLE LAWS OR RULES.

8 (13) (a) "VIDEO DISPLAY DEVICE" MEANS:

9 (I) AN ELECTRONIC DEVICE WITH AN OUTPUT SURFACE THAT
10 DISPLAYS OR IS CAPABLE OF DISPLAYING MOVING GRAPHICAL IMAGES OR
11 VISUAL REPRESENTATIONS OF IMAGE SEQUENCES OR PICTURES THAT SHOW
12 A NUMBER OF QUICKLY CHANGING IMAGES ON A SCREEN TO CREATE THE
13 ILLUSION OF MOTION; AND

14 (II) AN ELECTRONIC DEVICE WITH A VIEWABLE SCREEN OF FOUR
15 INCHES OR LARGER, MEASURED DIAGONALLY, THAT CONTAINS A TUNER
16 THAT LOCKS ON TO A SELECTED CARRIER FREQUENCY OR CABLE SIGNAL
17 AND IS CAPABLE OF RECEIVING AND DISPLAYING TELEVISION OR VIDEO
18 PROGRAMMING VIA BROADCAST, CABLE, OR SATELLITE.

19 (b) "VIDEO DISPLAY DEVICE" INCLUDES A DEVICE THAT IS AN
20 INTEGRAL PART OF THE DISPLAY AND CANNOT EASILY BE REMOVED FROM
21 THE DISPLAY BY THE CONSUMER AND THAT PRODUCES THE MOVING IMAGE
22 ON THE SCREEN. A VIDEO DISPLAY DEVICE MAY USE A CATHODE RAY
23 TUBE, LIQUID CRYSTAL DISPLAY, GAS PLASMA, DIGITAL LIGHT PROCESSING,
24 OR OTHER IMAGE-PROJECTION TECHNOLOGY.

25 **25-17-304. Applicability - liability.** (1) THE COLLECTION AND
26 RECYCLING PROVISIONS OF THIS PART 3 APPLY TO ELIGIBLE ELECTRONIC
27 DEVICES USED AND RECYCLED BY COLORADO CONSUMERS AND THE STATE.

1 (2) NOTHING IN THIS PART 3 EXEMPTS ANY PERSON FROM
2 LIABILITY HE OR SHE WOULD OTHERWISE HAVE UNDER APPLICABLE LAW.

3 **25-17-305. Processors - registration - certification - standards**
4 **- fee - reports - immunity.** (1) **Registration.** A PERSON SHALL NOT ACT
5 AS A PROCESSOR ON OR AFTER OCTOBER 1, 2012, UNLESS THE PERSON HAS
6 REGISTERED WITH THE DEPARTMENT AS A PROCESSOR. THE DEPARTMENT
7 SHALL MAINTAIN A PUBLICLY AVAILABLE LIST OF REGISTERED
8 PROCESSORS. THE DEPARTMENT SHALL USE ITS BEST EFFORTS TO
9 ESTABLISH AN ON-LINE REGISTRATION PROCESS.

10 (2) **Certification.** (a) (I) BY JANUARY 1, 2013, EACH FACILITY OF
11 A PROCESSOR THAT EXISTS ON THE EFFECTIVE DATE OF THIS SECTION AND
12 IS USED TO PROCESS ELIGIBLE ELECTRONIC DEVICES MUST BE CERTIFIED
13 PURSUANT TO THIS SUBSECTION (2). A FACILITY OF A PROCESSOR THAT
14 BEGINS PROCESSING AFTER THE EFFECTIVE DATE OF THIS SECTION HAS
15 EIGHTEEN MONTHS AFTER BEGINNING PROCESSING TO COMPLY WITH THIS
16 SUBSECTION (2).

17 (II) IF A PROCESSOR PROCESSES MATERIALS OF CONCERN, THE
18 PROCESSOR'S FACILITY AT WHICH THE MATERIALS ARE PROCESSED MUST
19 EITHER BE CERTIFIED TO PROCESS THE MATERIALS OR THE PROCESSOR
20 SHALL CONTRACT ___ FOR THE PROCESSING WITH A PROCESSOR WHOSE
21 FACILITY IS SO CERTIFIED.

22 (b) A PROCESSOR THAT HANDLES MORE THAN ONE HUNDRED
23 THOUSAND POUNDS OF ELIGIBLE ELECTRONIC DEVICES ANNUALLY SHALL
24 SUBMIT TO THE DEPARTMENT PROOF OF CERTIFICATION TO R2 OR
25 E-STEWARDS RECYCLING STANDARDS BY AN INDEPENDENT THIRD-PARTY
26 CERTIFICATION ENTITY. IF A PROCESSOR SUBMITS SUCH PROOF TO THE
27 DEPARTMENT'S SATISFACTION, THE DEPARTMENT SHALL TREAT THE

1 PROCESSOR AS BEING CERTIFIED PURSUANT TO THIS SECTION AND THE
2 DEPARTMENT SHALL NOT PERFORM ADDITIONAL INSPECTIONS OF THE
3 PROCESSOR'S FACILITIES PERTAINING TO THIS SECTION.

4 (c) A PROCESSOR THAT HANDLES ONE HUNDRED THOUSAND
5 POUNDS OR LESS OF ELIGIBLE ELECTRONIC DEVICES ANNUALLY SHALL
6 SUBMIT TO THE DEPARTMENT PROOF OF CERTIFICATION AS REQUIRED BY
7 THIS PARAGRAPH (c). THE COMMISSION SHALL DETERMINE, IN
8 ACCORDANCE WITH RULES PROMULGATED PURSUANT TO SECTION
9 25-17-307 (2), WHETHER PROCESSORS THAT HANDLE ONE HUNDRED
10 THOUSAND POUNDS OR LESS OF ELIGIBLE ELECTRONIC DEVICES ANNUALLY
11 MUST SUBMIT TO THE DEPARTMENT PROOF OF CERTIFICATION TO R2 OR
12 E-STEWARDS RECYCLING STANDARDS BY AN INDEPENDENT THIRD-PARTY
13 CERTIFICATION ENTITY THROUGH A PROCESS THAT IS LISTED IN RULES
14 PROMULGATED PURSUANT TO SECTION 25-17-307 (2) OR PROOF OF
15 CERTIFICATION BY THE DEPARTMENT. IF THE COMMISSION ELECTS TO
16 REQUIRE PROOF OF CERTIFICATION BY THE DEPARTMENT, THE RULES MUST
17 ESTABLISH A CERTIFICATION PROGRAM THAT INCLUDES, AT A MINIMUM:

18 (I) STANDARDS THAT REQUIRE THAT ANY EXPORTS OF ELIGIBLE
19 ELECTRONIC DEVICES WITH MATERIALS OF CONCERN DO NOT VIOLATE
20 LAWS IN IMPORTING, EXPORTING, AND TRANSIT COUNTRIES THROUGH
21 FINAL DISPOSITION;

22 (II) A PROHIBITION ON THE USE OF PRISON LABOR;

23 (III) ON-SITE HAZARD AND WORKER PROTECTIONS AND SAFETY
24 TRAINING;

25 (IV) POLLUTION INSURANCE COVERAGE; AND

26 (V) SPECIFIC REQUIREMENTS FOR DOCUMENTING THE CHAIN OF
27 CUSTODY FOR MATERIALS OF CONCERN.

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(3) Fee. BY OCTOBER 1, 2012, EACH PROCESSOR SHALL PAY TO THE DEPARTMENT AN ANNUAL CERTIFICATION FEE DETERMINED BY RULES PROMULGATED PURSUANT TO SECTION 25-17-307 (2), IN AN AMOUNT THAT IS SUFFICIENT TO COVER THE DEPARTMENT'S DIRECT ADMINISTRATIVE COSTS ASSOCIATED WITH IMPLEMENTING THIS PART 3 WITH REGARD TO PROCESSORS. THE DEPARTMENT SHALL TRANSMIT THE FEES TO THE STATE TREASURER, WHO SHALL DEPOSIT THEM IN THE ELECTRONICS RECYCLING CASH FUND CREATED IN SECTION 25-17-307 (3).

(4) Reports. EFFECTIVE JANUARY 1, 2014, EACH PROCESSOR SHALL ANNUALLY REPORT TO THE DEPARTMENT BY A DATE DETERMINED BY RULE PROMULGATED PURSUANT TO SECTION 25-17-307 (2):

- (a) THE TOTAL WEIGHT OF ELIGIBLE ELECTRONIC DEVICES THAT THE PROCESSOR PROCESSED OR CONTRACTED FOR PROCESSING;
- (b) WHERE ALL MATERIALS OF CONCERN WERE SHIPPED OR OTHERWISE DISPOSED OF; AND
- (c) THE NAME AND ADDRESS OF EACH COLLECTOR THAT DELIVERED AN ELIGIBLE ELECTRONIC DEVICE TO THE PROCESSOR.

(5) Immunity. A PROCESSOR IS NOT LIABLE IN ANY WAY FOR PERSONAL OR FINANCIAL DATA OR OTHER INFORMATION THAT A CONSUMER MAY LEAVE ON AN ELIGIBLE ELECTRONIC DEVICE THAT IS COLLECTED, PROCESSED, OR RECYCLED.

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25-17-306. Collectors - delivery - immunity. (1) A COLLECTOR SHALL DELIVER ELIGIBLE ELECTRONIC DEVICES COLLECTED UNDER THIS PART 3 ONLY TO A PROCESSOR WHOSE FACILITY IS:

- (a) CERTIFIED UNDER SECTION 25-17-305; OR**

1 (b) LOCATED OUTSIDE OF COLORADO AND CERTIFIED TO R2 OR
2 E-STEWARD RECYCLING STANDARDS AND THE PROCESSOR IS REGISTERED
3 WITH THE DEPARTMENT.

4 (2) A COLLECTOR IS NOT LIABLE IN ANY WAY FOR PERSONAL OR
5 FINANCIAL DATA OR OTHER INFORMATION THAT A CONSUMER MAY LEAVE
6 ON AN ELIGIBLE ELECTRONIC DEVICE THAT IS COLLECTED, PROCESSED, OR
7 RECYCLED.

8 **25-17-307. Department's and commission's duties - rules -**
9 **fund - repeal.** (1) **Recycling rate.** THE DEPARTMENT SHALL USE THE
10 DATA SUBMITTED IN THE REPORTS REQUIRED PURSUANT TO THIS PART 3,
11 AND MAY INCLUDE ANY OTHER NECESSARY AND RELIABLE DATA, TO
12 CALCULATE AN ANNUAL COLORADO ELIGIBLE ELECTRONIC DEVICE
13 PROCESSING RATE. IF THE RATE DOES NOT EQUAL OR EXCEED TWO POUNDS
14 OF ELIGIBLE ELECTRONIC DEVICES PROCESSED PER COLORADO RESIDENT
15 PER YEAR BY JULY 1, 2014, THE COMMISSION SHALL REPORT TO THE
16 GENERAL ASSEMBLY ON STRATEGIES TO RAISE THE RATE TO AT LEAST
17 THAT LEVEL.

18 (2) **Rules.** BY JULY 1, 2012, THE COMMISSION SHALL ADOPT SUCH
19 RULES AS ARE NECESSARY TO IMPLEMENT THIS PART 3.

20 (3) **Cash fund.** THE DEPARTMENT SHALL TRANSMIT ALL FEES
21 COLLECTED PURSUANT TO THIS PART 3 TO THE STATE TREASURER, WHO
22 SHALL CREDIT THEM TO THE ELECTRONICS RECYCLING CASH FUND, WHICH
23 FUND IS HEREBY CREATED IN THE STATE TREASURY. THE STATE
24 TREASURER SHALL CREDIT ALL INTEREST DERIVED FROM THE INVESTMENT
25 OF REVENUES IN THE FUND TO THE FUND. THE DEPARTMENT SHALL USE
26 THE REVENUES CREDITED TO THE FUND TO IMPLEMENT THIS PART 3.

27 (4) **Enforcement.** THE DEPARTMENT MAY ADOPT PROCEDURES

1 FOR THE ONGOING EVALUATION OF, AND ENFORCEMENT REGARDING,
2 COLLECTORS' AND PROCESSORS' COMPLIANCE WITH THIS PART 3. THE
3 DEPARTMENT MAY SUSPEND OR TERMINATE THE REGISTRATION OR
4 CERTIFICATION OF A _____ PROCESSOR THAT VIOLATES THIS PART 3. THE
5 RULES PROMULGATED PURSUANT TO SUBSECTION (2) OF THIS SECTION MAY
6 PROVIDE GRADUATED FINES FOR A PROCESSOR _____ THAT VIOLATES THE
7 CERTIFICATION OR REGISTRATION REQUIREMENTS OF THIS PART 3, WITH
8 SECOND AND SUBSEQUENT VIOLATIONS BEING SUBJECT TO A GREATER FINE
9 THAN AN INITIAL VIOLATION. THE DEPARTMENT SHALL TRANSMIT THE
10 FINES TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO THE
11 GENERAL FUND.

12 (5) **Reports.** THE DEPARTMENT SHALL POST ON ITS WEB SITE AND
13 MAKE AVAILABLE TO THE GENERAL PUBLIC DATA REPORTED BY
14 PROCESSORS, INCLUDING THE RECYCLING RATE AS CALCULATED IN
15 SUBSECTION (1) OF THIS SECTION. THE DEPARTMENT SHALL MAINTAIN
16 SEARCHABLE LISTS ON ITS WEB SITE OF REGISTERED _____ PROCESSORS AND
17 CERTIFIED PROCESSING FACILITIES, AND MAY COORDINATE WITH THE
18 GOVERNOR'S ENERGY OFFICE CREATED IN SECTION 24-38.5-101, C.R.S., IN
19 CONNECTION WITH THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S
20 ENERGY STAR PROGRAM. THE DEPARTMENT SHALL REPORT ANNUALLY TO
21 THE GENERAL ASSEMBLY'S COMMITTEES THAT HAVE JURISDICTION OVER
22 HEALTH.

23 _____

24 **25-17-308. State government compliance.** _____ EFFECTIVE
25 OCTOBER 1, 2012, A STATE GOVERNMENTAL AGENCY SHALL USE ONLY A
26 PROCESSOR WHOSE FACILITY IS CERTIFIED AND THAT IS REGISTERED WITH
27 THE DEPARTMENT FOR THE RECYCLING OF ITS ELIGIBLE ELECTRONIC

1 DEVICES.

2 SECTION 2. 25-16.5-106.5 (4), Colorado Revised Statutes, is
3 amended to read:

4 25-16.5-106.5. Recycling resources economic opportunity fund
5 - creation - repeal. (4) (a) Except as otherwise provided in this section,
6 no moneys in the fund shall be used for the administration,
7 implementation, or enforcement of any state law or rule.

8 (b) THE MONEYS IN THE FUND SHALL BE USED FOR THE START-UP
9 COSTS OF THE DEPARTMENT AND THE SOLID AND HAZARDOUS WASTE
10 COMMISSION FOR THE IMPLEMENTATION OF PART 3 OF ARTICLE 17 OF THIS
11 TITLE. THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JANUARY 1, 2013.

12 SECTION 3. Appropriation. (1) In addition to any other
13 appropriation, there is hereby appropriated, out of any moneys in the
14 recycling resources economic opportunity fund created in section
15 25-16.5-106.5, Colorado Revised Statutes, not otherwise appropriated, to
16 the department of public health and environment, for allocation to the
17 hazardous materials and waste management division, for the fiscal year
18 beginning July 1, 2011, the sum of thirty-four thousand four hundred
19 twelve dollars (\$34,412) cash funds and 0.3 FTE, or so much thereof as
20 may be necessary, for the implementation of this act.

21 (2) In addition to any other appropriation, there is hereby
22 appropriated to the department of law, for the fiscal year beginning July
23 1, 2011, the sum of fourteen thousand six hundred seventy-four dollars
24 (\$14,674) and 0.1 FTE, or so much thereof as may be necessary, for the
25 provision of legal services to the department of public health and
26 environment related to the implementation of this act. Said sum shall be
27 from reappropriated funds received from the department of public health

1 and environment out of the appropriation made in subsection (1) of this
2 section.

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