

NOTE: The governor signed this measure on 6/5/2013.

An Act

SENATE BILL 13-050

BY SENATOR(S) Todd, Jones, Newell, Schwartz, Aguilar, Guzman, Heath, Steadman;
also REPRESENTATIVE(S) Coram, Fischer, Melton, Hullinghorst, Labuda, Mitsch Bush, Pabon, Pettersen, Rosenthal, Ryden, Salazar, Singer.

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

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

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

25-16-104.5. Solid waste user fee - imposed - rate - direction - legislative declaration - repeal. (3.9) (a) Subject to ~~the provisions of~~ subsection (1.5) of this section, in addition to any other user fee imposed by this section, on or after July 1, 2007, there is hereby imposed a user fee to fund the recycling resources economic opportunity program created in section 25-16.5-106.7. Such fee shall be collected by the operator of an

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

attended solid waste disposal site at the time of disposal and shall be imposed and passed through to waste producers and other persons disposing of waste at the following rate or at an equivalent rate established by the department:

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

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

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

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

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

(6) This section is repealed, effective ~~July 1, 2017~~ JULY 1, 2026.

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

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

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

(k) (I) In consultation with the committee, to develop a formula for paying a rebate to any local government or to any nonprofit or for-profit entity that recycles any commodity. The rebate authorized by this paragraph (k) shall be paid on commodities recycled on a per-ton basis with

differential rates for different commodities. For any one state fiscal year, the BOARD, IN CONSULTATION WITH THE COMMITTEE, HAS THE DISCRETION TO DETERMINE THE amount rebated pursuant to this paragraph (k); ~~shall equal~~ EXCEPT THAT THE AMOUNT SHALL NOT EXCEED one-fourth of the amount of moneys PROJECTED TO BE collected in the fund in the ~~immediately previous~~ NEXT state fiscal year. ANY MONEYS OF THE AMOUNT SO DETERMINED THAT ARE NOT SPENT ON REBATES REMAIN IN THE FUND TO BE EXPENDED FOR THE SAME PURPOSES AND IN THE SAME MANNER AS OTHER MONEYS IN THE FUND. Any rebate shall be paid out of moneys collected:

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

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

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

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

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

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

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

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

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

(h) Providing assistance in connection with the development or improvement of integrated waste management plans by local governments;
AND

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

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

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

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

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

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

30-20-121. Moratorium on monofill for tires - whole tire disposal ban - reports - plan - definition - repeal. (4) Each county that has a monofill tire landfill shall annually report to the department regarding the status of the landfill. The department shall adopt a plan to eliminate, BY JULY 1, 2024, all monofill tire landfills. ~~within ten years after August 5, 2009.~~

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

SECTION 8. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

John P. Morse
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO