

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL A

LLS NO. 20-0309.02 Thomas Morris x4218

SENATE BILL

SENATE SPONSORSHIP

Priola and Story,

HOUSE SPONSORSHIP

Cutter and Arndt,

Senate Committees

House Committees

A BILL FOR AN ACT

101 CONCERNING THE EXPANSION OF MARKET MECHANISMS FOR THE
102 FURTHER DEVELOPMENT OF RECYCLING.

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://leg.colorado.gov/>.)

Zero Waste and Recycling Interim Study Committee. Section 1 of the bill directs the pollution prevention advisory board (board) within the department of public health and environment (department) to recommend to the department a structure and governing guidance for a recycling market development center to support the development of end-market businesses within the state. Section 1 also directs the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

department to conduct a literature review of what industry and other states are doing around the country regarding producer responsibility and to create policy and legislative recommendations regarding the feasibility of requiring producers to design, manage, and finance programs for end-of-life management of their products and packaging as a condition of sale.

Sections 3, 4, and 5 allow the board to use the recycling resources economic opportunity fund and the front range waste diversion cash fund to reimburse eligible recycling businesses for locally assessed personal property taxes paid in the current tax year in this state on personal property. **Section 2** directs the board to establish a formula that it would use in awarding personal property tax reimbursements.

Section 6 requires the department, on and after October 1, 2020, to administer a statewide campaign to educate Colorado residents concerning recycling. The department shall ensure the campaign includes:

- Communications delivered via social media;
- Television and radio public service announcements; and
- The placement of written materials in public locations, such as community centers, recreation centers, and shopping centers.

In administering the campaign, the department shall consult with municipal governments, county governments, and private agencies that operate recycling programs. The department may contract with one or more public or private entities for the preparation of materials to be used in the campaign. The requirement is repealed, effective September 1, 2021.

1 *Be it enacted by the General Assembly of the State of Colorado:*
2 **SECTION 1.** In Colorado Revised Statutes, **add 25-16.5-112** and
3 25-16.5-113 as follows:
4 **25-16.5-112. Recycling market development center -**
5 **definitions - repeal.** (1) THE ADVISORY BOARD SHALL RECOMMEND TO
6 THE DEPARTMENT A STRUCTURE AND GOVERNING GUIDANCE FOR A
7 RECYCLING MARKET DEVELOPMENT CENTER, REFERRED TO IN THIS
8 SECTION AS THE "CENTER", TO SUPPORT THE DEVELOPMENT OF
9 END-MARKET BUSINESSES WITHIN THE STATE BY ACHIEVING THE GOALS OF
10 THE CENTER AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION. IN

1 DEVELOPING ITS RECOMMENDATION, THE ADVISORY BOARD SHALL WORK
2 WITH A BROAD RANGE OF STAKEHOLDERS, INCLUDING:

- 3 (a) INSTITUTIONS OF HIGHER EDUCATION;
- 4 (b) EXPERTS IN RECYCLING VARIOUS TYPES OF MATERIALS
5 INCLUDING CONSTRUCTION AND DEMOLITION WASTE, ORGANICS, TEXTILES,
6 ELECTRONICS, PLASTICS, FIBER, GLASS, ALUMINUM, AND METALS;
- 7 (c) WASTE HAULERS;
- 8 (d) MATERIAL RECOVERY FACILITY OPERATORS;
- 9 (e) BROKERS; AND
- 10 (f) OTHERS.

11 (2) THE ADVISORY BOARD, IN COLLABORATION WITH THE
12 STAKEHOLDERS, SHALL:

- 13 (a) REVIEW WHAT OTHER STATES HAVE DONE TO CREATE
14 RECYCLING MARKET DEVELOPMENT CENTERS;
- 15 (b) EXPLORE FUNDING OPPORTUNITIES FOR THE CENTER, BOTH
16 PRIVATE AND PUBLIC; AND
- 17 (c) REPORT TO THE GENERAL ASSEMBLY'S COMMITTEES WITH
18 JURISDICTION OVER SOLID WASTE AND RECYCLING ON THE RECOMMENDED
19 STRUCTURE, STAKEHOLDER ENGAGEMENT POLICIES, AND CENTER
20 GOVERNING GUIDANCE BY JULY 1, 2021.

21 (3) THE GOALS OF THE CENTER ARE TO ASSIST EXISTING AND NEW
22 END-MARKET RECYCLING BUSINESSES THAT PROCESS OR REUSE
23 RECYCLABLE MATERIALS INTO NEW PRODUCTS SOLD OR OTHERWISE
24 FURNISHED TO END USERS BY:

- 25 (a) EVALUATING THE SHORT- AND LONG-TERM CAPACITY OF
26 EXISTING MARKETS TO USE THE CURRENT AND FUTURE QUANTITIES OF
27 RECYCLABLE MATERIALS AND OPPORTUNITIES TO EXPAND EXISTING

1 MARKETS;

2 (b) IDENTIFYING POTENTIAL END-MARKET BUSINESS TARGETS AND
3 FEASIBLE INCENTIVES THAT THE STATE MAY OFFER TO BRING THESE
4 BUSINESSES TO COLORADO;

5 (c) DEVELOPING A RECYCLABLE MATERIAL DATABASE TO IDENTIFY
6 HOW MUCH RECYCLABLE MATERIAL IS AVAILABLE AND FROM WHAT
7 SOURCES AND REGIONS;

8 (d) RECOMMENDING STATE AND LOCAL POLICIES TO INCREASE THE
9 SUPPLY OF RECYCLABLE MATERIALS TO SUPPORT END-MARKET
10 BUSINESSES;

11 (e) CONNECTING END-MARKET BUSINESSES WITH FUNDING
12 ASSISTANCE INCLUDING GRANTS, LOANS, AND TAX BREAKS AVAILABLE
13 THROUGH THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT CREATED
14 IN SECTION 24-48.5-101, THE DEPARTMENT, AND OTHER SOURCES AND
15 EXPANDING AND DIVERSIFYING THESE FUNDING SOURCES;

16 (f) PROVIDING MATERIAL-SPECIFIC RESEARCH AND BUSINESS
17 DEVELOPMENT ASSISTANCE FOR NEW AND EXPANDED END-MARKET
18 BUSINESSES TO CREATE AND EXPAND RECYCLING PROCESSING
19 INFRASTRUCTURE;

20 (g) RECOMMENDING PUBLIC OUTREACH CAMPAIGNS, WHICH MAY
21 BE MATERIAL-SPECIFIC, TO INCREASE THE SUPPLY AND QUALITY OF
22 RECYCLABLE MATERIALS; AND

23 (h) INTEGRATING THE CENTER'S EFFORTS WITH THE STATE SOLID
24 WASTE PLAN DEVELOPED PURSUANT TO SECTION 30-20-100.5 (1)(d)(II)
25 AND THE CLIMATE ACTION PLAN DEVELOPED PURSUANT TO SECTION
26 24-20-111 (2)(a).

27 (4) AS USED IN THIS SECTION:

1 (a) "END-MARKET BUSINESS" MEANS A BUSINESS, OR A PORTION OF
2 A BUSINESS, THAT PROCESSES RECYCLABLE MATERIALS OR REUSES
3 RECYCLABLE MATERIALS IN NEW PRODUCTS SOLD OR OTHERWISE
4 FURNISHED TO END USERS.

5 (b) "RECYCLABLE MATERIALS":

6 (I) MEANS ANY TYPE OF DISCARDED OR WASTE MATERIAL THAT IS
7 NOT REGULATED UNDER SECTION 25-8-205 (1)(e) AND CAN BE REUSED,
8 REMANUFACTURED, RECLAIMED, OR RECYCLED, INCLUDING COMPOSTABLE
9 ORGANIC MATERIAL AND CONSTRUCTION AND DEMOLITION MATERIALS;
10 AND

11 (II) DOES NOT INCLUDE INDUSTRIAL MATERIALS, PAINT, OR A
12 WASTE TIRE AS DEFINED IN SECTION 30-20-1402 (12).

13 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2022.

14 **25-16.5-113. Producer responsibility literature review- report**
15 **- repeal.** (1) THE DEPARTMENT SHALL CONDUCT A LITERATURE REVIEW
16 OF WHAT INDUSTRY AND OTHER STATES ARE DOING AROUND THE COUNTRY
17 REGARDING PRODUCER RESPONSIBILITY AND CREATE POLICY AND
18 LEGISLATIVE RECOMMENDATIONS REGARDING THE FEASIBILITY OF
19 REQUIRING PRODUCERS TO DESIGN, MANAGE, AND FINANCE PROGRAMS FOR
20 END-OF-LIFE MANAGEMENT OF THEIR PRODUCTS AND PACKAGING AS A
21 CONDITION OF SALE.

22 (2) BY JULY 1, 2021, THE DEPARTMENT SHALL REPORT TO THE
23 GENERAL ASSEMBLY'S COMMITTEES WITH JURISDICTION OVER SOLID
24 WASTE REGARDING ITS POLICY AND LEGISLATIVE RECOMMENDATIONS
25 BASED ON THE LITERATURE REVIEW.

26 (3) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2022.

27 **SECTION 2.** In Colorado Revised Statutes, 25-16.5-105, **add**

1 (1)(n) as follows:

2 **25-16.5-105. Powers and duties of advisory board - definitions.**

3 (1) The advisory board has the following powers and duties:

4 (n) (I) IN CONSULTATION WITH THE POLLUTION PREVENTION
5 ADVISORY BOARD ASSISTANCE COMMITTEE CREATED IN SECTION
6 25-16.5-105.5 (2), TO DEVELOP A FORMULA FOR REIMBURSING A NEW OR
7 EXISTING BUSINESS, OR A PORTION OF A BUSINESS, THAT RECLAIMS OR
8 RECYCLES RECYCLABLE MATERIALS FOR LOCALLY ASSESSED PERSONAL
9 PROPERTY TAXES THE BUSINESS PAID ON PERSONAL PROPERTY ASSOCIATED
10 WITH NEW OR EXISTING WASTE DIVERSION OPERATIONS. THE ADVISORY
11 BOARD MAY SET CRITERIA OR LIMITS FOR REIMBURSEMENT BUT NEED NOT
12 ACTUALLY MAKE A REIMBURSEMENT. REIMBURSEMENTS ARE PAYABLE
13 ONLY FROM THE FOLLOWING SOURCES:

14 (A) FOR AN ELIGIBLE RECYCLING BUSINESS THAT PAID LOCALLY
15 ASSESSED PERSONAL PROPERTY TAX ON PERSONAL PROPERTY LOCATED
16 OUTSIDE THE FRONT RANGE, FROM MONEY APPROPRIATED TO THE
17 RECYCLING RESOURCES ECONOMIC OPPORTUNITY FUND PURSUANT TO
18 SECTION 25-16.5-106.5 (1)(a)(II); AND

19 (B) FOR AN ELIGIBLE RECYCLING BUSINESS THAT PAID LOCALLY
20 ASSESSED PERSONAL PROPERTY TAX ON PERSONAL PROPERTY LOCATED IN
21 THE FRONT RANGE, FROM MONEY IN THE FRONT RANGE WASTE DIVERSION
22 CASH FUND PURSUANT TO SECTION 25-16.5-111 (4)(b)(IV).

23 (II) AS USED IN THIS SUBSECTION (1)(n):

24 (A) "FRONT RANGE" HAS THE MEANING SET FORTH IN SECTION
25 25-16.5-111 (2)(f).

26 (B) "RECYCLABLE MATERIALS" MEANS ANY TYPE OF DISCARDED
27 OR WASTE MATERIAL THAT IS NOT REGULATED UNDER SECTION 25-8-205

1 (1)(e) AND CAN BE REUSED, REMANUFACTURED, RECLAIMED, OR
2 RECYCLED, INCLUDING COMPOSTABLE ORGANIC MATERIAL AND
3 CONSTRUCTION AND DEMOLITION MATERIALS. "RECYCLABLE MATERIALS"
4 DOES NOT INCLUDE INDUSTRIAL MATERIALS, PAINT, OR A WASTE TIRE AS
5 DEFINED IN SECTION 30-20-1402 (12).

6 **SECTION 3.** In Colorado Revised Statutes, 25-16.5-106.5,
7 **amend** (1)(a) introductory portion and (1)(a)(II) as follows:

8 **25-16.5-106.5. Recycling resources economic opportunity fund**
9 **- creation - repeal.** (1) (a) The recycling resources economic opportunity
10 fund, ~~is hereby created in the state treasury,~~ referred to in this section as
11 the "fund", IS HEREBY CREATED IN THE STATE TREASURY. The fund ~~shall~~
12 ~~consist~~ CONSISTS of:

13 (II) Any ~~moneys~~ MONEY appropriated to the fund by the general
14 assembly, INCLUDING MONEY APPROPRIATED FOR PERSONAL PROPERTY
15 TAX REIMBURSEMENTS FOR ELIGIBLE RECYCLING BUSINESSES PURSUANT
16 TO SECTION 26-16.5-105 (1)(n); and

17 **SECTION 4.** In Colorado Revised Statutes, 25-16.5-106.7, **add**
18 (6.5) as follows:

19 **25-16.5-106.7. Recycling resources economic opportunity**
20 **program - grants - definitions - repeal.** (6.5) IN ADDITION TO
21 AWARDED GRANTS PURSUANT TO SUBSECTION (4) OF THIS SECTION, THE
22 ADVISORY BOARD MAY USE MONEY IN THE FUND TO REIMBURSE, IN
23 ACCORDANCE WITH SECTION 25-16.5-105 (1)(n), ELIGIBLE RECYCLING
24 BUSINESSES FOR LOCALLY ASSESSED PERSONAL PROPERTY TAXES PAID IN
25 THE CURRENT TAX YEAR IN THIS STATE ON PERSONAL PROPERTY THAT IS
26 LOCATED OUTSIDE THE FRONT RANGE, AS DEFINED IN SECTION 25-16.5-111
27 (2)(f).

1 (2) THE DEPARTMENT SHALL ENSURE THE STATEWIDE CAMPAIGN
2 INCLUDES:

- 3 (a) COMMUNICATIONS DELIVERED VIA SOCIAL MEDIA;
- 4 (b) TELEVISION AND RADIO PUBLIC SERVICE ANNOUNCEMENTS;
- 5 AND
- 6 (c) THE PLACEMENT OF WRITTEN MATERIALS IN PUBLIC
7 LOCATIONS, SUCH AS COMMUNITY CENTERS, RECREATION CENTERS, AND
8 SHOPPING CENTERS.

9 (3) IN ADMINISTERING THE STATEWIDE CAMPAIGN DESCRIBED IN
10 SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT SHALL CONSULT WITH
11 MUNICIPAL GOVERNMENTS, COUNTY GOVERNMENTS, AND PRIVATE
12 AGENCIES THAT OPERATE RECYCLING PROGRAMS.

13 (4) THE DEPARTMENT MAY CONTRACT WITH ONE OR MORE PUBLIC
14 OR PRIVATE ENTITIES FOR THE PREPARATION OF MATERIALS TO BE USED IN
15 THE STATEWIDE CAMPAIGN DESCRIBED IN SUBSECTION (1) OF THIS
16 SECTION.

17 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.

18 **SECTION 7. Act subject to petition - effective date -**
19 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
20 the expiration of the ninety-day period after final adjournment of the
21 general assembly (August 5, 2020, if adjournment sine die is on May 6,
22 2020); except that, if a referendum petition is filed pursuant to section 1
23 (3) of article V of the state constitution against this act or an item, section,
24 or part of this act within such period, then the act, item, section, or part
25 will not take effect unless approved by the people at the general election
26 to be held in November 2020 and, in such case, will take effect on the
27 date of the official declaration of the vote thereon by the governor.

- 1 (2) This act applies to conduct occurring on or after the applicable
- 2 effective date of this act.