

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Gonzales

1 Amend reengrossed bill, page 21, line 2, after "TRAVEL" insert "WITHIN
2 THE STATE".

3 Page 22, line 25, after the period add "THE ORGANIZATION SHALL PROVIDE
4 PUBLIC NOTICE OF ANY BOARD MEETINGS AT LEAST SEVENTY-TWO HOURS
5 BEFORE THE BOARD MEETING."

6 Page 23, line 14, after the period insert "THE ORGANIZATION SHALL ISSUE
7 A REQUEST FOR PROPOSALS IN ACCORDANCE WITH THE PROVISIONS OF THE
8 "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, AND ANY
9 RULES, FOR THE SELECTION OF THE INDEPENDENT THIRD PARTY."

10 Page 25, strike line 18 and substitute "SCENARIO, INCLUDING:

11 (A) A REVIEW AND ASSESSMENT OF THE IMPACT OF THE
12 EXEMPTIONS DESCRIBED IN SECTIONS 25-17-603 (13)(b), 25-17-603
13 (25)(b), AND 25-17-613 ON THE FEASIBILITY AND SHORT-TERM AND
14 LONG-TERM SUCCESS OF THE PROGRAM;

15 (B) A REVIEW AND ASSESSMENT OF THE IMPACT OF PRODUCER
16 EXEMPTIONS IN OTHER INTERNATIONAL AND DOMESTIC EXTENDED
17 PRODUCER RESPONSIBILITY PROGRAMS IMPLEMENTED BY A PRODUCER
18 RESPONSIBILITY ORGANIZATION; AND

19 (C) A DETERMINATION OF WHETHER ANY INDUSTRY SECTOR
20 WOULD BE DISPROPORTIONATELY IMPACTED AS A RESULT OF THE
21 EXEMPTIONS DESCRIBED IN SUBSECTION (3)(a)(XIII)(A) OF THIS SECTION;
22 AND".

23 Page 25, line 26, strike "APRIL 1, 2024," and substitute "JANUARY 30,
24 2024,".

25 Page 26, line 4, after the period add "IN FINALIZING THE NEEDS
26 ASSESSMENT, THE EXECUTIVE DIRECTOR SHALL INCLUDE IN THE NEEDS
27 ASSESSMENT A SUMMARY OF ANY COMMENTS RECEIVED PURSUANT TO
28 THIS SUBSECTION (3)(c) AND IDENTIFY ANY SIGNIFICANT CHANGES MADE
29 TO THE NEEDS ASSESSMENT BASED ON SUCH COMMENTS."

30 Page 26, strike lines 5 through 10 and substitute:

31 "(d) ON OR BEFORE MARCH 15, 2024, THE EXECUTIVE DIRECTOR
32 SHALL SUBMIT AND PRESENT THE NEEDS ASSESSMENT TO THE JOINT
33 BUDGET COMMITTEE OR ANY SUCCESSOR COMMITTEE. IN THE SUBMITTAL
34 AND PRESENTATION, THE EXECUTIVE DIRECTOR SHALL IDENTIFY THE
35 PROJECTED SCENARIOS IDENTIFIED PURSUANT TO SUBSECTION (3)(a)(XIII)

1 OF THIS SECTION AND MAKE A RECOMMENDATION AS TO WHICH PROJECTED
2 SCENARIO THE PLAN PROPOSAL SHOULD INCORPORATE. IF THE JOINT
3 BUDGET COMMITTEE APPROVES THE EXECUTIVE DIRECTOR'S
4 RECOMMENDATION, THE ORGANIZATION SHALL IMPLEMENT THAT
5 PROJECTED SCENARIO IN THE PLAN PROPOSAL. IF THE JOINT BUDGET
6 COMMITTEE DOES NOT APPROVE THE EXECUTIVE DIRECTOR'S
7 RECOMMENDATION, THE COMMITTEE MAY PROPOSE LEGISLATION TO
8 DIRECT THE ORGANIZATION TO IMPLEMENT A PROJECTED SCENARIO
9 IDENTIFIED PURSUANT TO SUBSECTION (3)(a)(XIII) OF THIS SECTION. IF
10 THE JOINT BUDGET COMMITTEE DOES NOT APPROVE THE EXECUTIVE
11 DIRECTOR'S RECOMMENDATION, THE ORGANIZATION SHALL NOT
12 IMPLEMENT A SCENARIO OR PLAN WITHOUT APPROVAL OF THE GENERAL
13 ASSEMBLY ACTING BY BILL."

14 Page 29, line 18, after the period add "THE ORGANIZATION MAY USE UP TO
15 FIVE PERCENT OF THE PRODUCER RESPONSIBILITY DUES COLLECTED FROM
16 PRODUCERS FOR ADMINISTRATION OF THE PROGRAM, OVER THE TERMS OF
17 THE PROGRAM, IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING
18 PRINCIPLES, BUT THE ORGANIZATION SHALL NOT USE ANY PRODUCER
19 RESPONSIBILITY DUES COLLECTED FROM PRODUCERS TO PAY EMPLOYEE
20 BONUSES."

21 Page 29, line 22, strike "AND".

22 Page 29, line 25, after "MANNER;" insert "AND
23 (C) ANNUAL UPDATES TO THE PRODUCER RESPONSIBILITY DUES
24 SCHEDULE TO REFLECT CHANGES IN PROGRAM COSTS AND RELEVANT PLAN
25 REVISIONS AND HOW THE ORGANIZATION WILL SOLICIT AND INCORPORATE
26 INPUT FROM ALL PRODUCERS IN SETTING AND REVISING THE ANNUAL
27 PRODUCER RESPONSIBILITY DUES SCHEDULE;"

28 Page 32, line 12, strike "PROGRAM;" and substitute "PROGRAM OR WILL BE
29 TRANSFERRED TO THE FUND TO BE MANAGED BY THE DEPARTMENT UNTIL
30 TRANSFERRED TO ANOTHER DESIGNATED ORGANIZATION;"

31 Page 35, line 26, after the period add "WITHIN EIGHT DAYS AFTER
32 RECEIVING THE PLAN PROPOSAL, THE EXECUTIVE DIRECTOR SHALL POST
33 THE PLAN PROPOSAL ON THE DEPARTMENT'S WEBSITE AND PROVIDE PUBLIC
34 NOTICE AND AN OPPORTUNITY TO COMMENT ON THE PLAN PROPOSAL."

35 Page 46, after line 7 insert:

36 "(7) THE ORGANIZATION, ANY ADDITIONAL PRODUCER
37 RESPONSIBILITY ORGANIZATION, AND ANY PERSON ADMINISTERING A PLAN

1 APPROVED BY THE EXECUTIVE DIRECTOR PURSUANT TO THIS PART 6 SHALL
2 PRESERVE ALL BOOKS AND RECORDS IN ACCORDANCE WITH STATE AND
3 FEDERAL LAWS AND BE OPEN TO INSPECTION BY THE DEPARTMENT AT ANY
4 TIME."

5 Page 47, line 21, after the period insert "WITHIN TWO YEARS AFTER THE
6 IMPLEMENTATION OF THE FINAL PLAN OR ANY UPDATED PLAN PROPOSALS
7 SUBMITTED TO THE ADVISORY BOARD PURSUANT TO SECTION 25-17-605
8 (4), THE REPORT MUST ALSO INCLUDE AN EVALUATION OF THE IMPACTS OF
9 THE EXEMPTIONS DESCRIBED IN SECTION 25-17-613 (1) ON THE
10 PERFORMANCE OF THE PROGRAM AND THE PRODUCER RESPONSIBILITY
11 DUES SCHEDULE."

** ** ** *