

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 20-0418.01 Gregg Fraser x4325

HOUSE BILL 20-1074

HOUSE SPONSORSHIP

Ransom and Titone,

SENATE SPONSORSHIP

Smallwood,

House Committees
Rural Affairs & Agriculture

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORIZATION FOR SPECIAL DISTRICTS TO**
102 **PROVIDE FOR THE COLLECTION AND TRANSPORTATION OF SOLID**
103 **WASTE.**

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>.)

The "Special District Act" (act) allows a sanitation district, a water and sanitation district, or a metropolitan district with a population of 2,500 or less that is located in a county with a population of 25,000 or less to provide for the collection and transportation of solid waste. The bill amends the act to remove the population restriction, allowing a

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.

HOUSE
Amended 2nd Reading
February 5, 2020

sanitation district, water and sanitation district, or metropolitan district to provide for the collection and transportation of solid waste regardless of the population in the district or the county.

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

2 **SECTION 1.** In Colorado Revised Statutes, 32-1-1006, **amend**
3 (6) as follows:

4 **32-1-1006. Sanitation, water and sanitation, or water districts**
5 **- additional powers - special provisions.** (6) The board of a sanitation
6 district or water and sanitation district ~~with a resident elector population~~
7 ~~of two thousand five hundred or less that is located in whole or in part~~
8 ~~within a county with a population of twenty-five thousand or less, as~~
9 ~~determined by the 1996 population estimates prepared by the division,~~
10 ~~may provide collection and transportation of solid waste, INCLUDING~~
11 ~~RESIDENTIAL WASTE SERVICES AS DEFINED IN SECTION 30-15-401 (7.5)(d),~~
12 ~~for and on behalf of the district, including but not limited to the financing~~
13 ~~thereof, If the board decides to provide collection and transportation of~~
14 ~~solid waste~~ BY EITHER CONTRACTING WITH A THIRD-PARTY SERVICE
15 PROVIDER PURSUANT TO THIS SECTION OR PROVIDING SUCH WASTE
16 SERVICES PURSUANT TO SECTION 30-15-401 (7.5)(d) AND (7.7). THE
17 BOARD MAY IMPOSE FEES, RATES, PENALTIES, OR CHARGES FOR SUCH
18 SERVICE PURSUANT TO SECTION 32-1-1001 (1)(j)(I), AND THE BOARD MAY
19 REQUIRE THAT THE DISTRICT RESIDENTS USE OR PAY USER CHARGES FOR
20 RESIDENTIAL WASTE SERVICES. IF THE BOARD CONTRACTS WITH A
21 THIRD-PARTY SERVICE PROVIDER, THE BOARD SHALL PUBLISH A NOTICE
22 FOR BIDS OR A REQUEST FOR PROPOSALS NO LESS THAN THIRTY DAYS PRIOR
23 TO AWARDING THE CONTRACT. IF THE BOARD DECIDES TO PROCEED WITH
24 ITS OWN PROPOSAL TO DIRECTLY PROVIDE RESIDENTIAL WASTE SERVICES

1 RATHER THAN ENTER INTO A CONTRACT WITH A THIRD-PARTY SERVICE
2 PROVIDER, the board shall request proposals to provide such services
3 within a designated area of the district by publishing notice and awarding
4 a contract in accordance with the procedures specified in section
5 30-15-401 (7.5)(c) and (7.7). ~~C.R.S.~~ The board shall not award a contract
6 that exceeds three years in duration. THE BOARD MAY NOT PROVIDE
7 COLLECTION AND TRANSPORTATION OF SOLID WASTE SERVICES WITHIN THE
8 BOUNDARIES OF ANY MUNICIPALITY, CITY AND COUNTY, OR COUNTY THAT
9 IS PROVIDING SOLID WASTE SERVICES, WITHOUT THE CONSENT OF THE
10 MUNICIPALITY, CITY AND COUNTY, OR COUNTY.

11 **SECTION 2.** In Colorado Revised Statutes, 30-15-401, **amend**
12 (7)(a) as follows:

13 **30-15-401. General regulations - definitions.**

14 (7) (a) Notwithstanding any other provision of law, nothing in this
15 section shall prohibit the providing of waste services by a private person,
16 if that person is in compliance with applicable rules and regulations,
17 within the limits of any municipality, ~~or~~ city and county, OR SPECIAL
18 DISTRICT OPERATING PURSUANT TO ARTICLE 1 OF TITLE 32, if those
19 services also are provided by a governmental body within the limits of
20 that governmental unit. The governmental body may not compel
21 industrial or commercial establishments or multifamily residences of eight
22 or more units to use or pay user charges for waste services provided by
23 the governmental body in preference to those services provided by a
24 private person.

25 **SECTION 3. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2020 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.