

CHAPTER 48

GOVERNMENT - SPECIAL DISTRICTS

HOUSE BILL 20-1074

BY REPRESENTATIVE(S) Ransom and Titone, Duran, Gray, Will;
also SENATOR(S) Smallwood, Moreno.

AN ACT

CONCERNING THE AUTHORIZATION FOR SPECIAL DISTRICTS TO PROVIDE FOR THE COLLECTION AND TRANSPORTATION OF SOLID WASTE.

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

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

32-1-1006. Sanitation, water and sanitation, or water districts - additional powers - special provisions. (6) The board of a sanitation district or water and sanitation district ~~with a resident elector population of two thousand five hundred or less that is located in whole or in part within a county with a population of twenty-five thousand or less, as determined by the 1996 population estimates prepared by the division,~~ may provide collection and transportation of solid waste, INCLUDING RESIDENTIAL WASTE SERVICES AS DEFINED IN SECTION 30-15-401 (7.5)(d), for and on behalf of the district, including but not limited to the financing thereof, ~~If the board decides to provide collection and transportation of solid waste~~ BY EITHER CONTRACTING WITH A THIRD-PARTY SERVICE PROVIDER PURSUANT TO THIS SECTION OR PROVIDING SUCH WASTE SERVICES PURSUANT TO SECTION 30-15-401 (7.5) AND (7.7). THE BOARD MAY IMPOSE FEES, RATES, PENALTIES, OR CHARGES FOR SUCH SERVICE PURSUANT TO SECTION 32-1-1001 (1)(j)(I), AND THE BOARD MAY REQUIRE THAT THE DISTRICT RESIDENTS USE OR PAY USER CHARGES FOR RESIDENTIAL WASTE SERVICES. IF THE BOARD CONTRACTS WITH A THIRD-PARTY SERVICE PROVIDER, THE BOARD SHALL PUBLISH A NOTICE FOR BIDS OR A REQUEST FOR PROPOSALS NO LESS THAN THIRTY DAYS PRIOR TO AWARDING THE CONTRACT. IF THE BOARD DECIDES TO PROCEED WITH ITS OWN PROPOSAL TO DIRECTLY PROVIDE RESIDENTIAL WASTE SERVICES RATHER THAN ENTER INTO A CONTRACT WITH A THIRD-PARTY SERVICE PROVIDER, ~~the board shall request proposals to provide such services within a designated area of the district by publishing notice and awarding a contract in accordance with the procedures specified in section 30-15-401 (7.5)(c)~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

and (7.7). ~~C.R.S.~~ The board shall not award a contract that exceeds three years in duration. ~~THE BOARD~~ MAY NOT PROVIDE COLLECTION AND TRANSPORTATION OF SOLID WASTE SERVICES WITHIN THE BOUNDARIES OF ANY MUNICIPALITY, CITY AND COUNTY, OR COUNTY THAT IS PROVIDING SOLID WASTE SERVICES, WITHOUT THE CONSENT OF THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY.

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

30-15-401. General regulations - definitions. (7) (a) Notwithstanding any other provision of law, nothing in this section shall prohibit the providing of waste services by a private person, if that person is in compliance with applicable rules and regulations, within the limits of any municipality, ~~or~~ city and county, OR SPECIAL DISTRICT OPERATING PURSUANT TO ARTICLE I OF TITLE 32, if those services also are provided by a governmental body within the limits of that governmental unit. The governmental body may not compel industrial or commercial establishments or multifamily residences of eight or more units to use or pay user charges for waste services provided by the governmental body in preference to those services provided by a private person.

SECTION 3. 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 5, 2020, if adjournment sine die is on May 6, 2020); 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 20, 2020