

CHAPTER 172

GOVERNMENT - STATE

HOUSE BILL 93-1146

BY REPRESENTATIVES Gordon, Armstrong, Blue, Dyer, Eisenach, Fleming, Foster, R. Hernandez, Keller, Knox, Lyle, Morrison, Pierson, Reeser, Reeves, Rupert, Strom, Tanner, Thiebaut, Williams, and Wright;
also SENATORS Wham, Casey, Gallagher, Mares, Mendez, Peterson, and Weissmann.

AN ACT**CONCERNING THE MANDATORY USE OF RECYCLED PAPER.**

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

SECTION 1. 8-19.7-102 (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

8-19.7-102. Definitions. As used in this article, unless the context otherwise requires:

(3) "Recycled paper" means paper ~~which meets the recommended minimum context standards of selected paper and paper products established by the U.S. environmental protection agency in its final guideline dated June 22, 1988, 53 C.F.R. 23546, as amended, with not less than fifty percent of its total weight consisting of secondary and postconsumer waste.~~ WITH NOT LESS THAN FIFTY PERCENT OF ITS TOTAL WEIGHT CONSISTING OF SECONDARY AND POSTCONSUMER WASTE AND WITH NOT LESS THAN TEN PERCENT OF SUCH TOTAL WEIGHT CONSISTING OF POSTCONSUMER WASTE.

SECTION 2. Article 1 of title 13, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

13-1-133. Use of recycled paper. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THERE IS A NEED TO EXPAND UPON EXISTING LAWS WHICH FOSTER THE EFFECTIVE AND EFFICIENT MANAGEMENT OF SOLID WASTE BY REQUIRING THAT CERTAIN DOCUMENTS SUBMITTED BY ATTORNEYS-AT-LAW TO STATE COURTS OF

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

RECORD BE SUBMITTED ON RECYCLED PAPER. THE GENERAL ASSEMBLY FURTHER FINDS THAT SUCH EXPANSION WILL PROTECT AND ENHANCE THE ENVIRONMENT AND THE HEALTH AND SAFETY OF THE CITIZENS OF COLORADO.

(2) (a) (I) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), NO DOCUMENT SHALL BE SUBMITTED BY AN ATTORNEY TO A COURT OF RECORD AFTER JANUARY 1, 1994, UNLESS SUCH DOCUMENT IS SUBMITTED ON RECYCLED PAPER. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL PAPERS APPENDED TO EACH SUCH DOCUMENT.

(II) (A) PROCEDURES ADOPTED TO IMPLEMENT THE PROVISIONS OF THIS SECTION SHALL NOT IMPEDE THE CONDUCT OF COURT BUSINESS NOR CREATE GROUNDS FOR AN ADDITIONAL CAUSE OF ACTION OR SANCTION.

(B) NO DOCUMENT SHALL BE REFUSED BY A COURT OF RECORD SOLELY BECAUSE IT WAS NOT SUBMITTED ON RECYCLED PAPER.

(b) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO APPLY TO:

(I) PHOTOGRAPHS;

(II) AN ORIGINAL DOCUMENT THAT WAS PREPARED OR PRINTED PRIOR TO JANUARY 1, 1994;

(III) A DOCUMENT THAT WAS NOT CREATED AT THE DIRECTION OR UNDER THE CONTROL OF THE SUBMITTING ATTORNEY;

(IV) FACSIMILE COPIES OTHERWISE PERMITTED TO BE FILED WITH A COURT OF RECORD IN LIEU OF THE ORIGINAL DOCUMENT; HOWEVER, IF THE ORIGINAL IS ALSO REQUIRED TO BE FILED, SUCH ORIGINAL SHALL BE SUBMITTED IN COMPLIANCE WITH THIS SECTION.

(V) EXISTING STOCKS OF NON-RECYCLED PAPER AND PREPRINTED FORMS ACQUIRED OR PRINTED PRIOR TO JANUARY 1, 1994.

(3) THE PROVISIONS OF THIS SECTION SHALL NOT BE APPLICABLE IF RECYCLED PAPER IS NOT READILY AVAILABLE.

(4) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT REQUIRES OTHERWISE:

(a) "ATTORNEY" MEANS AN ATTORNEY-AT-LAW ADMITTED TO PRACTICE LAW BEFORE ANY COURT OF RECORD IN THIS STATE.

(b) "COURTS OF RECORD" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 13-1-111.

(c) "DOCUMENT" MEANS ANY PLEADING OR ANY OTHER PAPER SUBMITTED AS AN APPENDIX TO SUCH PLEADING BY AN ATTORNEY, WHICH DOCUMENT IS REQUIRED OR PERMITTED TO BE FILED WITH A CLERK OF COURT CONCERNING ANY ACTION TO BE COMMENCED OR WHICH IS PENDING BEFORE A COURT OF RECORD.

(d) "RECYCLED PAPER" MEANS PAPER WITH NOT LESS THAN FIFTY PERCENT OF ITS TOTAL WEIGHT CONSISTING OF SECONDARY AND POSTCONSUMER WASTE AND WITH NOT LESS THAN TEN PERCENT OF SUCH TOTAL WEIGHT CONSISTING OF POSTCONSUMER WASTE.

SECTION 3. 24-4-105 (9), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-4-105. Hearings and determinations. (9) (a) Any party, or the agent, servant, or employee of any party, permitted or compelled to testify or to submit data or evidence shall be entitled to the benefit of legal counsel of his OR HER own choosing and at his OR HER own expense, but a person may appear ~~for himself~~ ON THEIR OWN BEHALF. An attorney who is a witness may not act as counsel for the party calling ~~him~~ THE ATTORNEY as a witness. Any party, upon payment of a reasonable charge therefor, shall be entitled to procure a copy of the transcript of the record or any part thereof. Any person permitted or compelled to testify or to submit data or evidence shall be entitled to the benefit of legal counsel of ~~his~~ SUCH PERSON'S own choosing and, upon payment of a reasonable charge therefor, to procure a copy of the transcript of ~~his~~ SUCH PERSON'S testimony if it is recorded.

(b) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (b), NO ATTORNEY SHALL SUBMIT A DOCUMENT CONCERNING AN ADJUDICATORY PROCEEDING AFTER JANUARY 1, 1994, UNLESS SUCH DOCUMENT IS SUBMITTED ON RECYCLED PAPER. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL PAPERS APPENDED TO EACH SUCH DOCUMENT.

(II) (A) ANY STATE AGENCY THAT ADOPTS POLICIES, PROCEDURES, RULES, OR REGULATIONS FOR THE PURPOSE OF IMPLEMENTING THE PROVISIONS OF THIS SECTION SHALL ENSURE THAT THE CONDUCT OF STATE BUSINESS IS NOT IMPEDED AND THAT NO PERSON IS DENIED ACCESS TO THE SERVICES OR PROGRAMS OF A STATE AGENCY AS A RESULT OF SUCH IMPLEMENTATION.

(B) NO DOCUMENT SHALL BE REFUSED BY A STATE AGENCY SOLELY BECAUSE IT WAS NOT SUBMITTED ON RECYCLED PAPER.

(III) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO APPLY TO:

(A) PHOTOGRAPHS;

(B) AN ORIGINAL DOCUMENT THAT WAS PREPARED OR PRINTED PRIOR TO JANUARY 1, 1994;

(C) A DOCUMENT THAT WAS NOT CREATED AT THE DIRECTION OR UNDER THE CONTROL OF THE SUBMITTING ATTORNEY;

(D) FACSIMILE COPIES CONCERNING AN ADJUDICATORY PROCEEDING OTHERWISE PERMITTED TO BE FILED IN LIEU OF THE ORIGINAL DOCUMENT; HOWEVER, IF THE ORIGINAL IS ALSO REQUIRED TO BE FILED, SUCH ORIGINAL SHALL BE SUBMITTED IN COMPLIANCE WITH THIS SECTION.

(E) EXISTING STOCKS OF NON-RECYCLED PAPER AND PREPRINTED FORMS

ACQUIRED OR PRINTED PRIOR TO JANUARY 1, 1994.

(IV) THE PROVISIONS OF THIS SECTION SHALL NOT BE APPLICABLE IF RECYCLED PAPER IS NOT READILY AVAILABLE.

(V) FOR PURPOSES OF THIS PARAGRAPH (b), UNLESS THE CONTEXT REQUIRES OTHERWISE:

(A) "ATTORNEY" MEANS AN ATTORNEY-AT-LAW ADMITTED TO PRACTICE LAW BEFORE ANY COURT OF RECORD IN THIS STATE.

(B) "DOCUMENT" MEANS ANY PLEADING OR ANY OTHER PAPER SUBMITTED AS AN APPENDIX TO SUCH PLEADING BY AN ATTORNEY, WHICH DOCUMENT IS REQUIRED OR PERMITTED TO BE FILED WITH A CLERK OF COURT CONCERNING ANY ACTION TO BE COMMENCED OR WHICH IS PENDING BEFORE A COURT OF RECORD.

(C) "RECYCLED PAPER" MEANS PAPER WITH NOT LESS THAN FIFTY PERCENT OF ITS TOTAL WEIGHT CONSISTING OF SECONDARY AND POSTCONSUMER WASTE AND WITH NOT LESS THAN TEN PERCENT OF SUCH TOTAL WEIGHT CONSISTING OF POSTCONSUMER WASTE.

SECTION 4. Effective date. This act shall take effect July 1, 1993.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 30, 1993