

CHAPTER 350

HEALTH

HOUSE BILL 93-1318

BY REPRESENTATIVES Fleming, Anderson, Dyer, Grampas, June, Pierson, Reeser, Reeves, Schauer, Taylor, Tucker, Adkins, Armstrong, Blue, Chlouber, DeGette, Eisenach, Friednash, George, Gordon, Hagedorn, Kaufman, Kerns, Knox, Lawrence, Lyle, Moellenberg, Nichol, Owen, Ratterree, Salaz, Shoemaker, Strom, and Wright;
also SENATORS Bishop, Johnson, Schroeder, Wattenberg, Casey, Cassidy, L. Powers, Ruddick, and Tebedo.

AN ACT

CONCERNING ENVIRONMENTAL PROTECTION THROUGH THE PROMOTION OF DISPOSAL ALTERNATIVES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 8-19.7-101, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

8-19.7-101. Legislative declaration. (1) The general assembly hereby finds and declares that in light of the need for more effective and efficient management of ~~solid~~ waste for the protection of the environment and the public health and safety, state government programs should be developed to address the use of recycled products. To that end, it is the purpose of this article to encourage the use of recycled products by establishing a preference for the use of recycled paper in state government contracts.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT THE RECYCLED PRODUCTS AND MATERIALS PROCUREMENT PROGRAM DEVELOPED FOR STATE GOVERNMENT PURCHASES UNDER THE PROCUREMENT CODE SHOULD BE EXTENDED TO LOCAL GOVERNMENTAL ENTITIES ON A VOLUNTARY BASIS IF ECONOMICALLY FEASIBLE AND IF THE PRODUCTS OR MATERIALS ARE EQUIVALENT IN QUALITY. IN FURTHERANCE OF THIS GOAL, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO MODIFY EXISTING STATUTORY PROVISIONS THAT WOULD INHIBIT THE PARTICIPATION OF COUNTIES IN PRICE AGREEMENTS BETWEEN THE STATE PURCHASING AGENT AND A RECYCLED PAPER SUPPLIER.

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

SECTION 2. 8-19.7-102 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

8-19.7-102. Definitions. (2) "Public project" means:

(a) Any publicly funded contract entered into by a governmental body of the executive branch of this state which is subject to the "Procurement Code", articles 101 to 112 of title 24, C.R.S.; AND

(b) ANY PUBLICLY FUNDED CONTRACT ENTERED INTO BY ANY CITY OR COUNTY OR CITY AND COUNTY, INCLUDING ANY HOME RULE COUNTY OR CITY AND COUNTY.

SECTION 3. 8-19.7-103, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

8-19.7-103. Bid preference - recycled paper products - repeal of article.

(1.5) PREFERENCE MAY BE GIVEN BY CITIES OR COUNTIES OR CITIES AND COUNTIES TO BIDDERS WHO PROPOSE TO USE RECYCLED PAPER PRODUCTS IN A PUBLIC PROJECTS CONTRACT. SUCH PREFERENCE SHALL BE BASED ON THE ESTIMATED VALUE OF THAT PORTION OF THE CONTRACT WHICH PERTAINS TO THE COST OF PAPER PRODUCTS.

SECTION 4. 24-48.5-101 (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-48.5-101. Colorado office of business development - creation. (2) The Colorado office of business development shall:

(h) IN ITS BUSINESS RECRUITMENT, RETENTION, AND EXPANSION ASSISTANCE ACTIVITIES, PROVIDE INFORMATION ON THE STATE'S PROGRAM OF TAX INCENTIVES, STATE AND LOCAL GOVERNMENT PROCUREMENT POLICIES, AND ECONOMIC DEVELOPMENT INCENTIVES THAT ARE AVAILABLE TO BUSINESS ENTERPRISES ENGAGED IN RECYCLING AND WASTE DIVERSION ACTIVITIES, INCLUDING RESEARCH AND DEVELOPMENT EFFORTS AND THE DEVELOPMENT OF MARKETS FOR REUSABLE, SOURCE-REDUCED, RECYCLED, AND COMPOSTED PRODUCTS AND MATERIALS IN ALL FORMS.

SECTION 5. 24-103-207, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

24-103-207. State purchases of recycled paper and recycled products.

(5) WHEN PURCHASING ANY PRODUCT WITH PUBLIC FUNDS, THE STATE PURCHASING DIRECTOR OR ANY PURCHASING AGENT SHALL BE AUTHORIZED TO PURCHASE PRODUCTS OR MATERIALS WITH RECYCLED CONTENT, THAT HAVE BEEN SOURCE-REDUCED, THAT ARE REUSABLE, OR THAT HAVE BEEN COMPOSTED, UNLESS ONE OR MORE OF THE FOLLOWING CONDITIONS EXIST:

(a) THE PRODUCT IS NOT AVAILABLE WITHIN A REASONABLE PERIOD OF TIME;

(b) THE PRODUCT FAILS TO MEET EXISTING PURCHASING RULES, INCLUDING

SPECIFICATIONS; OR

(c) THE PRODUCT FAILS TO MEET FEDERAL OR STATE HEALTH OR SAFETY STANDARDS, AS SET FORTH IN THE CODE OF FEDERAL REGULATIONS OR THE COLORADO CODE OF REGULATIONS.

(6) IN ADDITION TO THE REQUIREMENTS SET FORTH IN SUBSECTIONS (1), (2), AND (5) OF THIS SECTION, THE PURCHASING AGENT SHALL BE AUTHORIZED TO PURCHASE, WHEN COST-EFFICIENT AND ECONOMICALLY FEASIBLE, EQUIPMENT THAT RESULTS IN THE REDUCTION OF PAPER USAGE.

SECTION 6. 25-17-101, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-17-101. Legislative declaration. (1) The general assembly hereby finds and declares that the recycling of plastic materials AND PRODUCTS is a matter of statewide concern and that such recycling should be promoted in cooperation with units of local government in light of its economic and environmental benefits. The general assembly further finds that the recycling of plastic MATERIALS AND products will decrease the amount of plastic MATERIALS AND PRODUCTS which is ARE disposed of in landfills and will also spur economic development in the recycling industry in Colorado. It is the intent of the general assembly in adopting this act to encourage the development of the recycling industry and the development of markets for recycled plastic materials AND PRODUCTS.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(a) PROPER MANAGEMENT OF WASTE IN ALL FORMS IS NECESSARY TO PROTECT THE PUBLIC HEALTH AND ENVIRONMENT FOR THE CITIZENS OF THIS STATE;

(b) THE DIVERSION OF WASTE FROM THE WASTE STREAM BY ENCOURAGING AVAILABLE, AFFORDABLE, AND INNOVATIVE ALTERNATIVES TO DISPOSAL IS A KEY STRATEGY IN ANY STATE-LOCAL WASTE MANAGEMENT POLICY;

(c) A COMPREHENSIVE, COOPERATIVE, AND INTEGRATED APPROACH TO WASTE MANAGEMENT IS NECESSARY TO ACHIEVE THE GOAL OF DIVERTING WASTE FROM THE MUNICIPAL WASTE STREAM;

(d) SUCH AN APPROACH SHOULD FOSTER PUBLIC AND PRIVATE INITIATIVES TO REDUCE AND DIVERT WASTE THROUGH SOURCE REDUCTIONS, RECYCLING, INCLUDING THE SECONDARY USE OF WASTE MATERIAL OR PRODUCTS IN ALL FORMS, COMPOSTING AS A RECYCLING OPTION FOR MATERIALS SUCH AS YARD DEBRIS, FOOD SCRAPS, AND SOILED OR OTHERWISE UNRECYCLABLE PAPER WHICH ARE NOT RECOVERED USING TRADITIONAL RECYCLING METHODS, AND OTHER WASTE MANAGEMENT STRATEGIES AND DISPOSAL ALTERNATIVES; AND

(e) THE STATE'S WASTE MANAGEMENT POLICIES SHOULD INCLUDE A COMBINATION OF TAX INCENTIVES, PROCUREMENT POLICIES, AND ECONOMIC DEVELOPMENT INCENTIVES TO ENCOURAGE GOVERNMENT ENTITIES AND BUSINESSES AND INDIVIDUALS TO REDUCE SOURCES OF WASTE, RECYCLE, AND COMPOST, TO ENCOURAGE THE DEVELOPMENT OF THE RECYCLING INDUSTRY, AND TO ENCOURAGE

THE DEVELOPMENT OF MARKETS FOR REUSABLE, RECYCLED, AND COMPOSTED PRODUCTS AND MATERIALS.

SECTION 7. 25-17-104, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-17-104. Local government preemption. No unit of local government shall require or prohibit the use or sale of specific types of plastic materials or products OR RESTRICT OR MANDATE CONTAINERS, PACKAGING, OR LABELING FOR ANY CONSUMER PRODUCTS.

SECTION 8. 25-17-105, Colorado Revised Statutes, 1989 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25-17-105. Pilot program - recycled plastic and products - rules. (4) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS MAY ESTABLISH A PILOT PROGRAM FOR THE PURPOSE OF ENCOURAGING PRIVATE ENTERPRISES AND STATE AND LOCAL GOVERNMENT ENTITIES TO DEVELOP AND IMPLEMENT WASTE DIVERSION STRATEGIES OR PROGRAMS. THE EXECUTIVE DIRECTOR OF SUCH DEPARTMENT IS HEREBY AUTHORIZED TO ACCEPT GRANTS OR LOANS FROM ANY PUBLIC OR PRIVATE SOURCE FOR THE PURPOSE OF IMPLEMENTING THIS SECTION. THE EXECUTIVE DIRECTOR MAY MAKE GRANTS OR LOANS FROM SUCH MONEYS TO SUCH ENTITIES FOR THE DEVELOPMENT OF WASTE DIVERSION STRATEGIES.

SECTION 9. 25-17-106, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-17-106. Repeal of part. This ~~article~~ PART 1 is repealed, effective July 1, ~~1994~~ 1998.

SECTION 10. Article 17 of title 25, Colorado Revised Statutes, 1989 Repl. Vol., is amended BY THE ADDITION OF A NEW PART to read:

PART 2 STRATEGIES FOR MOTOR VEHICLE WASTE TIRES

25-17-201. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THERE IS A SPECIAL NEED TO ADDRESS PROBLEMS CREATED BY THE DISPOSAL OF WASTE TIRES IN ORDER TO PROTECT THE ENVIRONMENT AND THE PUBLIC HEALTH. TO THAT END, IT IS THE INTENT OF THE GENERAL ASSEMBLY IN ADOPTING THIS PART 2 TO ENCOURAGE THE DEVELOPMENT OF TECHNIQUES FOR RESOURCE RECOVERY, RECYCLING, AND REUSE OF WASTE TIRES, AND TO STUDY THE FEASIBILITY AND COST-EFFICIENCY OF CREATING TRANSPORTATION GRANTS FOR THE PURPOSE OF TRANSPORTING WASTE TIRES TO OTHER END USERS.

25-17-202. Waste tire recycling development fee - cash fund created.
(1) (a) ON AND AFTER JANUARY 1, 1994, A RECYCLING DEVELOPMENT FEE OF ONE DOLLAR SHALL BE COLLECTED ON ANY WASTE MOTOR VEHICLE TIRE FOR ANY PASSENGER VEHICLE, INCLUDING ANY TRUCK, WEIGHING LESS THAN FIFTEEN THOUSAND POUNDS. IN ADDITION SUCH FEE SHALL BE COLLECTED ON TRUCK TIRES,

INCLUDING TRUCK TRACTOR, TRAILER, AND SEMITRAILER, WEIGHING MORE THAN FIFTEEN THOUSAND POUNDS; EXCEPT THAT NO FEE SHALL BE COLLECTED FOR TIRES THAT ARE RECAPPED OR OTHERWISE REPROCESSED FOR USE. THE FEE AUTHORIZED BY THIS SECTION SHALL BE COLLECTED ONLY AT SUCH TIME AS THE OWNER OF THE TIRE DELIVERS OR TRANSFERS THE WASTE TIRE TO A RETAILER OF NEW TIRES FOR DISPOSAL.

(b) FOR THE PURPOSES OF THIS PART 2, "MOTOR VEHICLE TIRE" MEANS ANY TIRE USED FOR A MOTOR VEHICLE, AS SUCH TERM IS DEFINED IN SECTION 42-1-102 (46), C.R.S.; EXCEPT THAT MOTOR VEHICLE SHALL NOT INCLUDE MOTORCYCLES.

(2) THE RETAILERS OF NEW TIRES OR OF NEW OR USED MOTOR VEHICLES, WHEN AVAILABLE, SHALL COLLECT THE EXCHANGE FEE AND SHALL SUBMIT TO THE DEPARTMENT OF REVENUE ANY FEES COLLECTED WITH ANY REPORT REQUIRED BY THE DEPARTMENT IN CONJUNCTION WITH THE REMITTANCE OF ANY SALES TAX REMITTED IN ACCORDANCE WITH ARTICLE 26 OF TITLE 39, C.R.S. THE RETAILER MAY RETAIN FROM FEES COLLECTED AN AMOUNT EQUAL TO THE RETAILER'S DIRECT COST IN COMPLYING WITH THE PROVISIONS OF THIS SECTION, WHICH AMOUNT SHALL NOT EXCEED THREE AND ONE-THIRD PERCENT OF THE FEE COLLECTED.

(3) THE DEPARTMENT OF REVENUE SHALL TRANSMIT THE FEE WITH A REPORT OF ITS DIRECT AND INDIRECT ADMINISTRATIVE COSTS IN COMPLYING WITH THIS SECTION TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE WASTE TIRE RECYCLING DEVELOPMENT CASH FUND, WHICH FUND IS HEREBY CREATED. THE GENERAL ASSEMBLY SHALL MAKE ANNUAL APPROPRIATIONS OUT OF THE FUND TO THE DEPARTMENT OF REVENUE IN AN AMOUNT EQUAL TO THE DEPARTMENT OF REVENUE'S DIRECT AND INDIRECT ADMINISTRATIVE COSTS, BUT WHICH AMOUNT SHALL NOT EXCEED FIVE PERCENT OF THE TOTAL AMOUNT OF FEES TRANSMITTED TO THE TREASURER. THE REMAINING MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF LOCAL AFFAIRS FOR ALLOCATION TO THE COLORADO HOUSING AND FINANCE AUTHORITY FOR THE PURPOSES DESCRIBED IN SECTION 29-4-719.1 (2) (f), C.R.S. IN ACCORDANCE WITH SECTION 24-36-114, C.R.S., ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE GENERAL FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN THEREIN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(4) ANY PERSON WHO FAILS TO COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 39-21-118, C.R.S.

25-17-203. Repeal of part. THIS PART 2 IS REPEALED, EFFECTIVE JULY 1, 1998.

SECTION 11. 29-4-719.1 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

29-4-719.1. Economic development fund - repeal. (2) Moneys held in the economic development fund shall be expended by the authority for the following purposes:

(f) (I) (A) TO FINANCE THE DEVELOPMENT OR IMPLEMENTATION OF WASTE DIVERSION AND RECYCLING STRATEGIES AND ALTERNATIVES BY PROVIDING CAPITAL

TO INDIVIDUALS OR PUBLIC OR PRIVATE ENTITIES SEEKING TO DEVELOP OR IMPLEMENT WASTE DIVERSION OR RECYCLING PROJECTS OR PROGRAMS IN THE STATE FOR MATERIALS AND PRODUCTS OF ANY KIND, WHICH SHALL INCLUDE RESEARCH AND EXPERIMENTAL ACTIVITIES, AND FOR THE PURPOSE OF CONDUCTING A FEASIBILITY STUDY OF TRANSPORTATION GRANTS FOR TRANSPORTING WASTE TIRES TO OTHER END USERS.

(B) MONEYS PROVIDED PURSUANT TO THIS PARAGRAPH (f) SHALL CONSIST OF MONEYS APPROPRIATED FROM THE WASTE TIRE RECYCLING DEVELOPMENT CASH FUND IN ACCORDANCE WITH SECTION 25-17-202 (3), C.R.S., AND SHALL BE DEPOSITED IN THE ECONOMIC DEVELOPMENT FUND.

(C) MONEYS MAY BE LOANED TO LOCAL GOVERNMENTAL ENTITIES ONLY IF THE BOARD DETERMINES THAT NO PRIVATE INDIVIDUAL OR ENTITY IN THE GEOGRAPHIC AREA SERVED BY SUCH GOVERNMENT ENTITY IS ENGAGED IN THE WASTE DIVERSION ACTIVITIES OR RECYCLING PROJECTS INVOLVING MATERIALS OR PRODUCTS WHICH ARE THE SUBJECT OF THE SPECIFIC GOVERNMENT REQUEST.

(D) THE AUTHORITY MAY ESTABLISH ADDITIONAL CRITERIA FOR PROVIDING MONEYS PURSUANT TO THIS PARAGRAPH (f).

(E) OF THE MONEYS MADE AVAILABLE PURSUANT TO THIS PARAGRAPH (f), AT LEAST FIFTEEN PERCENT SHALL BE MADE AVAILABLE TO INDIVIDUALS OR ENTITIES ENGAGED IN WASTE DIVERSION OR RECYCLING PROGRAMS IN RURAL AREAS OF THE STATE, NO LESS THAN THIRTY PERCENT SHALL BE MADE AVAILABLE FOR NEW BUSINESSES TO BE USED FOR START-UP COSTS, AND NO MORE THAN THIRTY-FOUR PERCENT MAY BE AWARDED TO A SINGLE INDIVIDUAL OR ENTITY.

(F) MONEYS PROVIDED PURSUANT TO THIS PARAGRAPH (f) SHALL NOT BE THE SOLE SOURCE OF FUNDING FOR ANY INDIVIDUAL OR ENTITY TO WHOM AN AWARD IS MADE.

(G) MONEYS IN THE FUND MAY BE USED FOR THE DIRECT AND INDIRECT COSTS OF THE COLORADO HOUSING AND FINANCE AUTHORITY IN IMPLEMENTING THIS SUBPARAGRAPH (I) AND SUBPARAGRAPH (II) OF THIS PARAGRAPH (f).

(II) NO LATER THAN JANUARY 1, 1995, AND THEREAFTER, BIANNUALLY BUT NO LATER THAN JANUARY 1 OF SUCH YEAR, THE AUTHORITY SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY CONCERNING THE FOLLOWING:

(A) EXPENDITURES MADE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (f);

(B) THE STATUS OF STATE, LOCAL, AND PRIVATE WASTE DIVERSION AND RECYCLING ACTIVITIES IN THE STATE, SPECIFICALLY ADDRESSING THE FOLLOWING: A DESCRIPTION OF WASTE DIVERSION ACTIVITIES AND ALTERNATIVES IN PLACE, INCLUDING A DESCRIPTION OF THE TYPES OF MATERIALS AND PRODUCTS DIVERTED AND HOW SUCH MATERIALS AND PRODUCTS HAVE BEEN OR ARE BEING REUSED, RECYCLED, AND COMPOSTED; AN ASSESSMENT OF THE MARKET FOR RECYCLED, SOURCE-REDUCED, AND COMPOSTED PRODUCTS AND MATERIALS AND THE NEED FOR THE CONTINUATION OF THE PROCUREMENT PROGRAM FOR SUCH PRODUCTS; AND, IN COOPERATION WITH THE DEPARTMENT OF REVENUE, AN ASSESSMENT OF THE USE BY INDIVIDUAL AND CORPORATE TAX PAYERS OF THE TAX CREDITS PURSUANT TO

SECTIONS 39-22-114.5, 39-22-309, AND 39-22-515, C.R.S.; AND

(C) THE FEASIBILITY AND COST-EFFECTIVENESS OF ADOPTING TRANSPORTATION GRANTS FOR THE PURPOSE OF TRANSPORTING WASTE TIRES TO OTHER END USERS, INCLUDING, BUT NOT LIMITED TO, INDIVIDUALS OR ENTITIES THAT ENGAGE IN RESOURCE RECOVERY, RECYCLING, AND REUSE OF WASTE MATERIALS.

(III) MONEYS IN THE ECONOMIC DEVELOPMENT FUND MAY BE USED FOR COSTS ASSOCIATED WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH (f). HOWEVER, NO MORE THAN FIVE PERCENT OF THE MONEYS IN THE ECONOMIC DEVELOPMENT FUND APPROPRIATED FROM THE WASTE TIRE RECYCLING DEVELOPMENT CASH FUND OR TWO HUNDRED FIFTY THOUSAND DOLLARS, WHICHEVER IS GREATER, SHALL BE USED FOR SUCH PURPOSES.

(IV) ANY MONEYS DEPOSITED IN THE ECONOMIC DEVELOPMENT FUND WHICH HAVE BEEN APPROPRIATED FROM THE WASTE TIRE RECYCLING DEVELOPMENT CASH FUND AND WHICH ARE NOT USED FOR THE PURPOSES DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) SHALL REMAIN IN THE ECONOMIC DEVELOPMENT FUND AND SHALL NOT BE TRANSFERRED TO THE GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL YEAR UNTIL JULY 1, 1998, AT WHICH TIME THIS SUBPARAGRAPH (IV) SHALL BE REPEALED, AND ANY MONEYS REMAINING IN THE FUND SHALL BE SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY FOR PURPOSES THAT ARE CONSISTENT WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) AND SECTION 25-17-101, C.R.S.

(V) THIS SUBPARAGRAPH AND SUBPARAGRAPHS (II), (III), AND (IV) OF THIS PARAGRAPH (f) ARE REPEALED, EFFECTIVE JULY 1, 1998.

SECTION 12. 30-11-109, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

30-11-109. Advertisement for bids on supplies. (1) It is the duty of the board of county commissioners in each county in this state to cause at least one advertisement to be inserted in the official newspaper of its respective county, under the heading of "stationery proposals", asking for bids for the supplying, for one year, of all books, stationery, records, printing, lithographing, and such other supplies, specifically mentioning and describing them, as are furnished to the several officers of the county, such advertisement to be published not less than twenty nor more than forty days prior to the opening of such bids. Such advertisement may be published any time during the year as the board deems most advisable. The publication of the advertisement may be made in conjunction with any other county or the state, when bids are asked on the supplies specified in this section.

(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, A BOARD OF COUNTY COMMISSIONERS MAY PURCHASE RECYCLED PAPER UNDER AN EXISTING PRICE AGREEMENT BETWEEN THE STATE PURCHASING DIVISION AND A RECYCLED PAPER SUPPLIER WHEN SUCH BOARD HAS DETERMINED THAT THE RECYCLED PAPER AVAILABLE THROUGH SUCH AGREEMENT IS COMPARABLE IN COST AND QUALITY TO THE PAPER WHICH THE COUNTY PROPOSES TO PURCHASE.

SECTION 13. Part 1 of article 11 of title 30, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION

to read:

30-11-109.5. Purchases of recycled paper and recycled products. (1) WHEN PURCHASING ANY PRODUCT WITH PUBLIC FUNDS, THE PURCHASING AGENT FOR THE COUNTY SHALL BE AUTHORIZED TO PURCHASE PRODUCTS OR MATERIALS WITH RECYCLED CONTENT, THAT HAVE BEEN SOURCE-REDUCED, THAT ARE REUSABLE, OR THAT HAVE BEEN COMPOSTED, UNLESS ONE OR MORE OF THE FOLLOWING CONDITIONS EXIST:

(a) THE PRODUCT IS NOT AVAILABLE WITHIN A REASONABLE PERIOD OF TIME;

(b) THE PRODUCT FAILS TO MEET APPLICABLE PURCHASING RULES, INCLUDING SPECIFICATIONS; OR

(c) THE PRODUCT FAILS TO MEET FEDERAL OR STATE HEALTH OR SAFETY STANDARDS, AS SET FORTH IN FEDERAL OR STATE REGULATIONS.

SECTION 14. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the waste tire recycling development cash fund created in section 25-17-202 (3), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 1993, the sum of fifteen thousand nine hundred sixty-seven dollars (\$15,967) and 0.3 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the waste tire recycling development cash fund not otherwise appropriated, to the department of local affairs for allocation to the Colorado housing and finance authority, for the fiscal year beginning July 1, 1993, the sum of one million three hundred fifty-two thousand three hundred thirty-eight dollars (\$1,352,338), or so much thereof as may be necessary, for the implementation of this act.

(3) The general assembly has determined that this act can be implemented by other executive agencies within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 15. 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.

This act became law without the Governor's signature, June 12, 1993