

CHAPTER 84

HEALTH AND ENVIRONMENT

HOUSE BILL 10-1052

BY REPRESENTATIVE(S) Solano, Apuan, Benefield, Court, Fischer, Hullinghorst, Kerr A., Levy, Middleton, Pommer, Scanlan, Schafer S., Todd, Tyler, Vigil;
also SENATOR(S) Newell, Boyd, Heath, Schwartz, Steadman, Williams.

AN ACT

CONCERNING THE RECYCLING RESOURCES ECONOMIC OPPORTUNITY FUND, AND, IN CONNECTION THEREWITH, EXTENDING THE LIFE OF THE FUND.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds, determines, and declares that:

(a) The recycling resources economic opportunity program in the Colorado department of public health and environment, hereinafter cited as "RREOP", has generated both environmental and economic benefits to the state. Specifically, the recycling resources economic opportunity fund, hereinafter referred to as the "fund", has successfully distributed grants of approximately two million six hundred thousand dollars in the prior two years to local governments and businesses throughout the state to assist in the development of recycling infrastructure. Communities that have benefited from the grant program include Aurora, Boulder, Centennial, Commerce City, Creede, Denver, Dillon, Dolores, Durango, Eaton, Fort Collins, Fruita, Grand Junction, Greeley, Holyoke, Julesberg, Kiowa, Lakewood, Milner, Sterling, Telluride, and Westcliffe.

(b) The RREOP helps existing businesses make use of recycled materials generated in the state and provides markets for recycled material and increased recycling in the state. The fund contributes to job growth in recycling and should be continued. As a result of these investments, sixty-three new permanent jobs have been created. Jobs created through recycling efforts require the full spectrum of labor positions, from low to highly skilled. In addition, for state fiscal year 2009, data shows that the one million three hundred seventy-six thousand dollars in grant payments made for that year has been reinvested in the state's economy in the form

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

of payments to contractors, engineers, consultants, and other service providers and has been used to purchase equipment and materials.

(c) The fund should be continued because recycling:

(I) Saves energy and reduces pollution by reducing the need for extracting and transporting natural resources;

(II) Allows for the reuse of materials and limits the use of finite resources, thereby conserving such resources for future generations;

(III) Contributes to the sustainability of the planet's resources; and

(IV) Is shown to reduce the generation of greenhouse gases and contributes to the preservation of natural resources such as forests that are directly related to the control of greenhouse gases through carbon sequestration.

(d) Colorado lags behind other states in state moneys expended on recycling. Only within the past two years has a state agency been charged with any responsibility for tracking or supporting recycling efforts within the state.

(e) Private businesses, local governments, and nonprofit entities currently make recycling collection available to some residents and businesses, thereby contributing to the state's overall waste diversion. However, many rural areas within the state are unable to support recycling programs without assistance because of the costs associated with the collection and transport of the materials. The fund should be continued because it will continue to assist local governments, especially in smaller communities, in establishing recycling programs and related infrastructure.

(f) The provisions of House Bill 10-1052, enacted in 2010, will assist the state in achieving its potential in the recycling of discarded materials, materially advance economic development and job growth, and help to preserve the state's natural beauty.

SECTION 2. 25-16-104.5 (6), Colorado Revised Statutes, is amended to read:

25-16-104.5. Solid waste user fee - imposed - rate - direction - legislative declaration - repeal. (6) This section is repealed, effective ~~July 1, 2010~~ JULY 1, 2017.

SECTION 3. 25-16.5-106.5 (1), (2), and (5), Colorado Revised Statutes, are amended to read:

25-16.5-106.5. Recycling resources economic opportunity fund - creation - repeal. (1) The recycling resources economic opportunity fund is hereby created in the state treasury, referred to in this section as the "fund". The fund shall consist of moneys collected for the fund pursuant to sections 25-16-104.5 (3.9) (b) and, PRIOR TO JULY 1, 2011, 25-17-202 (1) (a) (IV) and credited to the fund in accordance with the provisions of section 25-16-104.5 (3.9) (b), any moneys appropriated to the fund by the general assembly, and all other moneys that may be available to the fund, including moneys made available from gifts, grants, or

bequests. All interest derived from the deposit of moneys in the fund shall be credited to the 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.

(2) Any moneys generated from the imposition of solid waste user fees pursuant to sections 25-16-104.5 (3.9) and, PRIOR TO JULY 1, 2011, 25-17-202 (1) (a) (IV) shall be annually appropriated to the department for allocation to the advisory board for the purpose of funding the recycling resources economic opportunity activities authorized by section 25-16.5-106.7, as well as any administrative costs associated therewith, including without limitation the grants authorized to be made under section 25-16.5-106.7 (3) and grant program oversight authorized by section 25-16.5-105.5 (3).

(5) This section is repealed, effective ~~July 1, 2010~~ JULY 1, 2017.

SECTION 4. 25-16.5-106.7 (8), Colorado Revised Statutes, is amended to read:

25-16.5-106.7. Recycling resources economic opportunity program - grants - loans - definitions. (8) This section is repealed, effective ~~July 1, 2010~~ JULY 1, 2017.

SECTION 5. The introductory portion to 25-17-202 (1) (a) (IV), Colorado Revised Statutes, is amended to read:

25-17-202. Waste tire recycling development fee - cash fund created - definition - repeal. (1) (a) (IV) On and after August 5, 2009, an additional fee of fifty cents shall be collected on the sale of any new tire for any passenger vehicle, including any truck, weighing less than fifteen thousand pounds. In addition, the fee imposed by this subparagraph (IV) shall also be collected on the sale of any new tire for any truck, including any truck tractor, trailer, or semitrailer, weighing more than fifteen thousand pounds; except that no fee shall be collected for tires that are recapped or otherwise reprocessed for use. PRIOR TO JULY 1, 2011, from the moneys collected by the ~~new~~ fee imposed by this subparagraph (IV), fifty percent shall be credited to the recycling resources economic opportunity fund created in section 25-16.5-106.5. ON AND AFTER JULY 1, 2011, FROM THE MONEYS COLLECTED BY THE FEE IMPOSED BY THIS SUBPARAGRAPH (IV), FIFTY PERCENT SHALL BE CREDITED TO THE PROCESSORS AND END USERS OF WASTE TIRES CASH FUND CREATED IN SECTION 25-17-202.5 (1). The remaining fifty percent shall be credited to the waste tire cleanup fund created in section 24-32-114 (1), C.R.S., and shall be distributed as follows:

SECTION 6. The introductory portion to 25-17-202.5 (1), Colorado Revised Statutes, is amended to read:

25-17-202.5. Processors and end users of waste tires cash fund created - repeal. (1) There is hereby created, in the state treasury, the processors and end users of waste tires cash fund. Such fund shall consist of the fee revenue collected pursuant to ~~section 25-17-202 (1) (a) (III)~~ SECTION 25-17-202 (1) (a) (III) AND (1) (a) (IV). Any moneys in the fund not expended or encumbered from any appropriation at the end of any fiscal year shall remain available, without further

appropriation, for expenditure in the next fiscal year by the department of local affairs for allocation to the division of local government to be used in the following amounts for the following purposes:

SECTION 7. Specified effective date. This act shall take effect July 1, 2010.

SECTION 8. 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 13, 2010