

LLS NO. 20-0309/BILL 1_AMENDMENT # 1
INTERIM COMMITTEE AMENDMENT
Zero Waste and Recycling Interim Study Committee.
BY SENATOR Priola
LLS No. 20-0309/BILL 1 be amended as follows:

1 Amend LLS No. 20-0309/BILL 1, strike everything below the enacting
2 clause and substitute:

3 "SECTION 1. In Colorado Revised Statutes, add 25-16.5-112
4 and 25-16.5-113 as follows:

5 **25-16.5-112. Recycling market development center -**
6 **definitions - repeal.** (1) THE ADVISORY BOARD SHALL RECOMMEND TO
7 THE DEPARTMENT A STRUCTURE AND GOVERNING GUIDANCE FOR A
8 RECYCLING MARKET DEVELOPMENT CENTER, REFERRED TO IN THIS
9 SECTION AS THE "CENTER", TO SUPPORT THE DEVELOPMENT OF
10 END-MARKET BUSINESSES WITHIN THE STATE BY ACHIEVING THE GOALS OF
11 THE CENTER AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION. IN
12 DEVELOPING ITS RECOMMENDATION, THE ADVISORY BOARD SHALL WORK
13 WITH A BROAD RANGE OF STAKEHOLDERS, INCLUDING:

- 14 (a) INSTITUTIONS OF HIGHER EDUCATION;
15 (b) EXPERTS IN RECYCLING VARIOUS TYPES OF MATERIALS
16 INCLUDING CONSTRUCTION AND DEMOLITION WASTE, ORGANICS, TEXTILES,
17 ELECTRONICS, PLASTICS, FIBER, GLASS, ALUMINUM, AND METALS;
18 (c) WASTE HAULERS;
19 (d) MATERIAL RECOVERY FACILITY OPERATORS;
20 (e) BROKERS; AND
21 (f) OTHERS.

22 (2) THE ADVISORY BOARD, IN COLLABORATION WITH THE
23 STAKEHOLDERS, SHALL:

24 (a) REVIEW WHAT OTHER STATES HAVE DONE TO CREATE
25 RECYCLING MARKET DEVELOPMENT CENTERS;

26 (b) EXPLORE FUNDING OPPORTUNITIES FOR THE CENTER, BOTH
27 PRIVATE AND PUBLIC; AND

28 (c) REPORT TO THE GENERAL ASSEMBLY'S COMMITTEES WITH
29 JURISDICTION OVER SOLID WASTE AND RECYCLING ON THE RECOMMENDED
30 STRUCTURE, STAKEHOLDER ENGAGEMENT POLICIES, AND CENTER
31 GOVERNING GUIDANCE BY JULY 1, 2021.

32 (3) THE GOALS OF THE CENTER ARE TO ASSIST EXISTING AND NEW
33 END-MARKET RECYCLING BUSINESSES THAT PROCESS OR REUSE
34 RECYCLABLE MATERIALS INTO NEW PRODUCTS SOLD OR OTHERWISE
35 FURNISHED TO END USERS BY:

36 (a) EVALUATING THE SHORT- AND LONG-TERM CAPACITY OF
37 EXISTING MARKETS TO USE THE CURRENT AND FUTURE QUANTITIES OF
38 RECYCLABLE MATERIALS AND OPPORTUNITIES TO EXPAND EXISTING
39 MARKETS;

40 (b) IDENTIFYING POTENTIAL END-MARKET BUSINESS TARGETS AND

1 FEASIBLE INCENTIVES THAT THE STATE MAY OFFER TO BRING THESE
2 BUSINESSES TO COLORADO;

3 (c) DEVELOPING A RECYCLABLE MATERIAL DATABASE TO IDENTIFY
4 HOW MUCH RECYCLABLE MATERIAL IS AVAILABLE AND FROM WHAT
5 SOURCES AND REGIONS;

6 (d) RECOMMENDING STATE AND LOCAL POLICIES TO INCREASE THE
7 SUPPLY OF RECYCLABLE MATERIALS TO SUPPORT END-MARKET
8 BUSINESSES;

9 (e) CONNECTING END-MARKET BUSINESSES WITH FUNDING
10 ASSISTANCE INCLUDING GRANTS, LOANS, AND TAX BREAKS AVAILABLE
11 THROUGH THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT CREATED
12 IN SECTION 24-48.5-101, THE DEPARTMENT, AND OTHER SOURCES AND
13 EXPANDING AND DIVERSIFYING THESE FUNDING SOURCES;

14 (f) PROVIDING MATERIAL-SPECIFIC RESEARCH AND BUSINESS
15 DEVELOPMENT ASSISTANCE FOR NEW AND EXPANDED END-MARKET
16 BUSINESSES TO CREATE AND EXPAND RECYCLING PROCESSING
17 INFRASTRUCTURE;

18 (g) RECOMMENDING PUBLIC OUTREACH CAMPAIGNS, WHICH MAY
19 BE MATERIAL-SPECIFIC, TO INCREASE THE SUPPLY AND QUALITY OF
20 RECYCLABLE MATERIALS; AND

21 (h) INTEGRATING THE CENTER'S EFFORTS WITH THE STATE SOLID
22 WASTE PLAN DEVELOPED PURSUANT TO SECTION 30-20-100.5 (1)(d)(II)
23 AND THE CLIMATE ACTION PLAN DEVELOPED PURSUANT TO SECTION
24 24-20-111 (2)(a).

25 (4) AS USED IN THIS SECTION:

26 (a) "END-MARKET BUSINESS" MEANS A BUSINESS, OR A PORTION OF
27 A BUSINESS, THAT PROCESSES RECYCLABLE MATERIALS OR REUSES
28 RECYCLABLE MATERIALS IN NEW PRODUCTS SOLD OR OTHERWISE
29 FURNISHED TO END USERS.

30 (b) "RECYCLABLE MATERIALS":

31 (I) MEANS ANY TYPE OF DISCARDED OR WASTE MATERIAL THAT IS
32 NOT REGULATED UNDER SECTION 25-8-205 (1)(e) AND CAN BE REUSED,
33 REMANUFACTURED, RECLAIMED, OR RECYCLED, INCLUDING COMPOSTABLE
34 ORGANIC MATERIAL AND CONSTRUCTION AND DEMOLITION MATERIALS;
35 AND

36 (II) DOES NOT INCLUDE INDUSTRIAL MATERIALS, PAINT, OR A
37 WASTE TIRE AS DEFINED IN SECTION 30-20-1402 (12).

38 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2022.

39 **25-16.5-113. Producer responsibility literature review- report**
40 **- repeal.** (1) THE DEPARTMENT SHALL CONDUCT A LITERATURE REVIEW
41 OF WHAT INDUSTRY AND OTHER STATES ARE DOING AROUND THE COUNTRY
42 REGARDING PRODUCER RESPONSIBILITY AND CREATE POLICY AND
43 LEGISLATIVE RECOMMENDATIONS REGARDING THE FEASIBILITY OF

1 REQUIRING PRODUCERS TO DESIGN, MANAGE, AND FINANCE PROGRAMS FOR
2 END-OF-LIFE MANAGEMENT OF THEIR PRODUCTS AND PACKAGING AS A
3 CONDITION OF SALE.

4 (2) BY JULY 1, 2021, THE DEPARTMENT SHALL REPORT TO THE
5 GENERAL ASSEMBLY'S COMMITTEES WITH JURISDICTION OVER SOLID
6 WASTE REGARDING ITS POLICY AND LEGISLATIVE RECOMMENDATIONS
7 BASED ON THE LITERATURE REVIEW.

8 (3) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2022.

9 **SECTION 2.** In Colorado Revised Statutes, 25-16.5-105, add
10 (1)(n) as follows:

11 **25-16.5-105. Powers and duties of advisory board - definitions.**

12 (1) The advisory board has the following powers and duties:

13 (n) (I) IN CONSULTATION WITH THE POLLUTION PREVENTION
14 ADVISORY BOARD ASSISTANCE COMMITTEE CREATED IN SECTION
15 25-16.5-105.5 (2), TO DEVELOP A FORMULA FOR REIMBURSING A NEW OR
16 EXISTING BUSINESS, OR A PORTION OF A BUSINESS, THAT RECLAIMS OR
17 RECYCLES RECYCLABLE MATERIALS FOR LOCALLY ASSESSED PERSONAL
18 PROPERTY TAXES THE BUSINESS PAID ON PERSONAL PROPERTY ASSOCIATED
19 WITH NEW OR EXISTING WASTE DIVERSION OPERATIONS. THE ADVISORY
20 BOARD MAY SET CRITERIA OR LIMITS FOR REIMBURSEMENT BUT NEED NOT
21 ACTUALLY MAKE A REIMBURSEMENT. REIMBURSEMENTS ARE PAYABLE
22 ONLY FROM THE FOLLOWING SOURCES:

23 (A) FOR AN ELIGIBLE RECYCLING BUSINESS THAT PAID LOCALLY
24 ASSESSED PERSONAL PROPERTY TAX ON PERSONAL PROPERTY LOCATED
25 OUTSIDE THE FRONT RANGE, FROM MONEY APPROPRIATED TO THE
26 RECYCLING RESOURCES ECONOMIC OPPORTUNITY FUND PURSUANT TO
27 SECTION 25-16.5-106.5 (1)(a)(II); AND

28 (B) FOR AN ELIGIBLE RECYCLING BUSINESS THAT PAID LOCALLY
29 ASSESSED PERSONAL PROPERTY TAX ON PERSONAL PROPERTY LOCATED IN
30 THE FRONT RANGE, FROM MONEY IN THE FRONT RANGE WASTE DIVERSION
31 CASH FUND PURSUANT TO SECTION 25-16.5-111 (4)(b)(IV).

32 (II) AS USED IN THIS SUBSECTION (1)(n):

33 (A) "FRONT RANGE" HAS THE MEANING SET FORTH IN SECTION
34 25-16.5-111 (2)(f).

35 (B) "RECYCLABLE MATERIALS" MEANS ANY TYPE OF DISCARDED
36 OR WASTE MATERIAL THAT IS NOT REGULATED UNDER SECTION 25-8-205
37 (1)(e) AND CAN BE REUSED, REMANUFACTURED, RECLAIMED, OR
38 RECYCLED, INCLUDING COMPOSTABLE ORGANIC MATERIAL AND
39 CONSTRUCTION AND DEMOLITION MATERIALS. "RECYCLABLE MATERIALS"
40 DOES NOT INCLUDE INDUSTRIAL MATERIALS, PAINT, OR A WASTE TIRE AS
41 DEFINED IN SECTION 30-20-1402 (12).

42 **SECTION 3.** In Colorado Revised Statutes, 25-16.5-106.5,
43 **amend** (1)(a) introductory portion and (1)(a)(II) as follows:

1 **25-16.5-106.5. Recycling resources economic opportunity fund**
2 **- creation - repeal.** (1)(a) The recycling resources economic opportunity
3 fund, ~~is hereby created in the state treasury~~, referred to in this section as
4 the "fund", IS HEREBY CREATED IN THE STATE TREASURY. The fund ~~shall~~
5 ~~consist~~ CONSISTS of:

6 (II) Any ~~moneys~~ MONEY appropriated to the fund by the general
7 assembly, INCLUDING MONEY APPROPRIATED FOR PERSONAL PROPERTY
8 TAX REIMBURSEMENTS FOR ELIGIBLE RECYCLING BUSINESSES PURSUANT
9 TO SECTION 26-16.5-105 (1)(n); and

10 **SECTION 4.** In Colorado Revised Statutes, 25-16.5-106.7, **add**
11 (6.5) as follows:

12 **25-16.5-106.7. Recycling resources economic opportunity**
13 **program - grants - definitions - repeal.** (6.5) IN ADDITION TO
14 AWARDING GRANTS PURSUANT TO SUBSECTION (4) OF THIS SECTION, THE
15 ADVISORY BOARD MAY USE MONEY IN THE FUND TO REIMBURSE, IN
16 ACCORDANCE WITH SECTION 25-16.5-105 (1)(n), ELIGIBLE RECYCLING
17 BUSINESSES FOR LOCALLY ASSESSED PERSONAL PROPERTY TAXES PAID IN
18 THE CURRENT TAX YEAR IN THIS STATE ON PERSONAL PROPERTY THAT IS
19 LOCATED OUTSIDE THE FRONT RANGE, AS DEFINED IN SECTION 25-16.5-111
20 (2)(f).

21 **SECTION 5.** In Colorado Revised Statutes, 25-16.5-111, **amend**
22 (4)(b)(II) and (4)(b)(III); and **add** (4)(b)(IV) as follows:

23 **25-16.5-111. Front range waste diversion enterprise -**
24 **legislative declaration - fund - goals - grant program - personal**
25 **property tax reimbursements - gifts, grants, or donations - definitions**
26 **- repeal.** (4) **Fund.** (b) Money in the fund is continuously appropriated
27 to the enterprise to:

28 (II) Award grants in accordance with this section; and

29 (III) Provide technical assistance to eligible entities to promote
30 diversion, including through the development and implementation of
31 policy; AND

32 (IV) REIMBURSE, AT THE BOARD'S DISCRETION, ELIGIBLE
33 RECYCLING BUSINESSES FOR LOCALLY ASSESSED PERSONAL PROPERTY
34 TAXES PAID IN THE CURRENT TAX YEAR IN THIS STATE ON PERSONAL
35 PROPERTY THAT IS LOCATED IN THE FRONT RANGE.

36 **SECTION 6.** In Colorado Revised Statutes, **add** 25-17-108 as
37 follows:

38 **25-17-108. Statewide education campaign concerning**
39 **recycling - repeal.** (1) ON AND AFTER OCTOBER 1, 2020, THE
40 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, REFERRED TO IN THIS
41 SECTION AS THE "DEPARTMENT", SHALL ADMINISTER A STATEWIDE
42 CAMPAIGN TO EDUCATE COLORADO RESIDENTS CONCERNING RECYCLING.
43 THE OBJECTIVES OF THE STATEWIDE CAMPAIGN ARE TO:

1 (a) INCREASE RECYCLING AMONG RESIDENTS; AND
2 (b) EDUCATE RESIDENTS ABOUT SPECIFIC RECYCLABLE MATERIALS
3 AND SPECIFIC RECYCLING HABITS THAT CAN INCREASE THE EFFICIENCY OF
4 RECYCLING EFFORTS IN COLORADO.
5 (2) THE DEPARTMENT SHALL ENSURE THE STATEWIDE CAMPAIGN
6 INCLUDES:
7 (a) COMMUNICATIONS DELIVERED VIA SOCIAL MEDIA;
8 (b) TELEVISION AND RADIO PUBLIC SERVICE ANNOUNCEMENTS;
9 AND
10 (c) THE PLACEMENT OF WRITTEN MATERIALS IN PUBLIC
11 LOCATIONS, SUCH AS COMMUNITY CENTERS, RECREATION CENTERS, AND
12 SHOPPING CENTERS.
13 (3) IN ADMINISTERING THE STATEWIDE CAMPAIGN DESCRIBED IN
14 SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT SHALL CONSULT WITH
15 MUNICIPAL GOVERNMENTS, COUNTY GOVERNMENTS, AND PRIVATE
16 AGENCIES THAT OPERATE RECYCLING PROGRAMS.
17 (4) THE DEPARTMENT MAY CONTRACT WITH ONE OR MORE PUBLIC
18 OR PRIVATE ENTITIES FOR THE PREPARATION OF MATERIALS TO BE USED IN
19 THE STATEWIDE CAMPAIGN DESCRIBED IN SUBSECTION (1) OF THIS
20 SECTION.
21 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.
22 **SECTION 7. Act subject to petition - effective date -**
23 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
24 the expiration of the ninety-day period after final adjournment of the
25 general assembly (August 5, 2020, if adjournment sine die is on May 6,
26 2020); except that, if a referendum petition is filed pursuant to section 1
27 (3) of article V of the state constitution against this act or an item, section,
28 or part of this act within such period, then the act, item, section, or part
29 will not take effect unless approved by the people at the general election
30 to be held in November 2020 and, in such case, will take effect on the
31 date of the official declaration of the vote thereon by the governor.
32 (2) This act applies to conduct occurring on or after the applicable
33 effective date of this act.

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