

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 19-0867.01 Thomas Morris x4218

**SENATE BILL 19-192**

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**SENATE SPONSORSHIP**

**Winter and Priola,** Court, Foote, Moreno, Williams A.

**HOUSE SPONSORSHIP**

**Jackson and Cutter,**

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**Senate Committees**

Local Government  
Finance  
Appropriations

**House Committees**

Finance  
Appropriations

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**A BILL FOR AN ACT**

101      **CONCERNING THE CREATION OF AN ENTERPRISE THAT IS EXEMPT FROM**  
102                    **THE REQUIREMENTS OF SECTION 20 OF ARTICLE X OF THE STATE**  
103                    **CONSTITUTION TO ADMINISTER A FEE-BASED WASTE DIVERSION**  
104                    **GRANT PROGRAM.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

**Section 1** of the bill creates the front range waste diversion enterprise. The enterprise will collect a user fee on each load of waste disposed of at a landfill in the front range and credit it to the new front

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

HOUSE  
Amended 2nd Reading  
April 27, 2019

SENATE  
3rd Reading Unamended  
April 15, 2019

SENATE  
Amended 2nd Reading  
April 12, 2019

range waste diversion cash fund to finance the front range waste diversion grant program.

**Section 2** sets the user fee at 15 cents per cubic yard per load from January 1, 2020, through December 31, 2020. The fee increases 15 cents per year so that on and after January 1, 2023, the fee is 60 cents per cubic yard per load; except that this amount is adjusted annually by inflation after January 1, 2024.

**Section 3** increases the fine for littering on public or private property by inflation and credits the increased fine to the fund.

The front range is defined as the counties of Adams, Arapahoe, Boulder, Douglas, Elbert, El Paso, Jefferson, Larimer, Pueblo, Teller, and Weld and the cities and counties of Broomfield and Denver. The following entities that are located or provide services in the front range are eligible to apply for grants: Municipalities, counties, and cities and counties; nonprofit and for-profit businesses involved in waste disposal or diversion; and institutions of higher education and public or private schools.

The enterprise shall administer the grant program and provide technical assistance to eligible entities to achieve the following municipal waste diversion goals within the front range:

- ! 32% diversion by 2021;
- ! 39% diversion by 2026; and
- ! 51% diversion by 2036.

The board of directors of the enterprise shall submit a report by July 1 of each year to the committees of reference of the general assembly with jurisdiction over the environment regarding the grant program. The enterprise, increased user fee, and increased littering fine are repealed, effective September 1, 2029.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 25-16.5-111** as  
3 follows:

4 **25-16.5-111. Front range waste diversion enterprise -**  
5 **legislative declaration - fund - goals - grant program - gifts, grants,**  
6 **or donations - definitions - repeal. (1) Legislative declaration. THE**  
7 GENERAL ASSEMBLY HEREBY:

8 (a) FINDS THAT:

9 (I) COLORADO HAS ONE OF THE LOWEST RATES OF WASTE

1 DIVERSION IN THE UNITED STATES, RECYCLING ONLY ABOUT TWELVE  
2 PERCENT OF OUR WASTE COMPARED TO THIRTY-FIVE PERCENT  
3 NATIONWIDE;

4 (II) COLORADO DISPOSED OF A RECORD AMOUNT OF TRASH IN  
5 LANDFILLS IN 2017, OVER NINE MILLION TONS, WHILE THERE WAS  
6 ESSENTIALLY NO INCREASE IN THE MUNICIPAL WASTE DIVERSION RATE;

7 (III) RECYCLING, REUSE, AND REMANUFACTURING CONTRIBUTE  
8 ALMOST NINE BILLION DOLLARS TO THE COLORADO ECONOMY ANNUALLY,  
9 YET WE ARE THROWING AWAY MORE THAN ONE-QUARTER BILLION  
10 DOLLARS WORTH OF RECYCLABLE MATERIAL SUCH AS ALUMINUM,  
11 CARDBOARD, PAPER, GLASS, AND PLASTICS ANNUALLY IN OUR LANDFILLS,  
12 WHICH MATERIAL COULD HAVE BEEN RECYCLED HERE IN COLORADO,  
13 THEREBY CREATING LOCAL JOBS AND STRENGTHENING LOCAL ECONOMIES;

14 (IV) RECYCLING CREATES AN AVERAGE OF NINE TIMES MORE JOBS  
15 PER TON OF WASTE THAN DOES DISPOSAL IN A LANDFILL, AND IT IS ONE OF  
16 THE FASTEST, EASIEST, AND MOST COST-EFFECTIVE WAYS TO REDUCE  
17 GREENHOUSE GAS EMISSIONS;

18 (V) THE FRONT RANGE:

19 (A) GENERATES ABOUT EIGHTY-FIVE PERCENT OF THE WASTE  
20 STATEWIDE AND HAS MOST OF THE INFRASTRUCTURE IN PLACE TO DIVERT  
21 WASTE FROM LANDFILLS; AND

22 (B) HAS HIGHER DENSITIES OF WASTE GENERATORS AND  
23 RECYCLING FACILITIES THAN THE REST OF THE STATE AND THUS FEWER  
24 CHALLENGES REGARDING LONG DISTANCES TO RECYCLING FACILITIES AND  
25 MARKETS; AND

26 (VI) TO SUPPORT WASTE DIVERSION EFFORTS, THE AVERAGE  
27 FAMILY LIVING ALONG THE FRONT RANGE PAYS ABOUT EIGHTY-SIX CENTS

1 PER YEAR IN THE FORM OF USER FEES ASSESSED AT FOURTEEN CENTS PER  
2 CUBIC YARD OF WASTE DISPOSED OF AT ATTENDED LANDFILLS, WHICH FEES  
3 ARE USED TO SUPPORT WASTE DIVERSION EFFORTS;

4 (b) DETERMINES THAT:

5 (I) WASTE DIVERSION HAS SUBSTANTIAL ECONOMIC AND  
6 ENVIRONMENTAL BENEFITS FOR THE STATE;

7 (II) THE OPPORTUNITY FOR IMPROVEMENT IS GREAT, YET THE  
8 FRONT RANGE LACKS:

9 (A) A SUFFICIENT FUNDING SOURCE TO MAKE THESE  
10 IMPROVEMENTS; AND

11 (B) COHERENT WASTE DIVERSION POLICY AT THE LOCAL LEVEL;  
12 AND

13 (III) IT IS IN THE STATE'S INTEREST TO PROVIDE FINANCIAL AND  
14 TECHNICAL ASSISTANCE TO COMMUNITIES TO REACH THEIR WASTE  
15 DIVERSION GOALS THROUGH A COMPETITIVE GRANT PROGRAM FINANCED  
16 BY AN INCREASE IN USER FEES; AND

17 (c) DECLARES THAT:

18 (I) PROVIDING A WASTE DIVERSION GRANT PROGRAM CONSTITUTES  
19 A VALUABLE SERVICE AND BENEFIT, AND THE FRONT RANGE WASTE  
20 DIVERSION ENTERPRISE PROVIDES USEFUL BUSINESS SERVICES TO WASTE  
21 GENERATORS, WHEN, IN EXCHANGE FOR PAYMENT OF INCREASED USER  
22 FEES, IT ISSUES GRANTS FINANCED BY THE FEES TO ENTITIES THAT  
23 PROMOTE WASTE DIVERSION;

24 (II) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF  
25 THE STATE TO ACKNOWLEDGE THAT BY PROVIDING THE BUSINESS  
26 SERVICES SPECIFIED IN SUBSECTIONS (1)(b)(III) AND (1)(c)(I) OF THIS  
27 SECTION, THE ENTERPRISE ENGAGES IN AN ACTIVITY CONDUCTED IN THE

1 PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD AND THEREFORE OPERATES  
2 AS A BUSINESS;

3 (III) CONSISTENT WITH THE DETERMINATION OF THE COLORADO  
4 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896  
5 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS  
6 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE  
7 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL  
8 ASSEMBLY THAT THE USER FEE COLLECTED BY THE ENTERPRISE IS A FEE,  
9 NOT A TAX, BECAUSE THE FEE IS IMPOSED FOR THE SPECIFIC PURPOSE OF  
10 ALLOWING THE ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE  
11 BUSINESS SERVICES SPECIFIED IN SUBSECTIONS (1)(b)(III) AND (1)(c)(I) OF  
12 THIS SECTION TO WASTE GENERATORS THAT ULTIMATELY PAY THE FEE  
13 AND IS COLLECTED AT RATES THAT ARE REASONABLY CALCULATED BASED  
14 ON THE BENEFITS RECEIVED BY THOSE WASTE GENERATORS;

15 (IV) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE  
16 FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION,  
17 THE REVENUE FROM THE USER FEES COLLECTED BY THE ENTERPRISE IS NOT  
18 STATE FISCAL YEAR SPENDING, AS DEFINED IN SECTION 24-77-102 (17), OR  
19 STATE REVENUES, AS DEFINED IN SECTION 24-77-103.6 (6)(c), AND DOES  
20 NOT COUNT AGAINST EITHER THE STATE FISCAL YEAR SPENDING LIMIT  
21 IMPOSED BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR  
22 THE EXCESS STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6  
23 (6)(b)(I)(B); AND

24 (V) THIS SECTION IS NECESSARY TO PROVIDE INCENTIVES TO  
25 LOCAL GOVERNMENTS, FOR-PROFIT WASTE MANAGEMENT AND WASTE  
26 DIVERSION COMPANIES, INSTITUTIONS OF HIGHER EDUCATION, AND  
27 NONPROFIT WASTE DIVERSION ORGANIZATIONS.

1           (2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT  
2 OTHERWISE REQUIRES:

3           (a) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE  
4 ENTERPRISE.

5           (b) "DIVERSION" MEANS WASTE REDUCTION AND THE ACTIVITIES  
6 SPECIFIED IN SECTION 25-16.5-106.7 (4).

7           (c) "ELIGIBLE ENTITY" MEANS THE FOLLOWING ENTITIES LOCATED  
8 OR PROVIDING SERVICES IN THE FRONT RANGE:

9           (I) MUNICIPALITIES, COUNTIES, AND CITIES AND COUNTIES;

10           (II) NONPROFIT AND FOR-PROFIT BUSINESSES INVOLVED IN WASTE  
11 DISPOSAL OR DIVERSION; AND

12           (III) INSTITUTIONS OF HIGHER EDUCATION AND PUBLIC OR PRIVATE  
13 SCHOOLS.

14           (d) "ENTERPRISE" MEANS THE FRONT RANGE WASTE DIVERSION  
15 ENTERPRISE CREATED IN SUBSECTION (3) OF THIS SECTION.

16           (e) "FEE" OR "FEES" MEANS MONEY COLLECTED BY MEANS OF THE  
17 USER FEE AUTHORIZED BY SECTION 25-16-104.5 (3.9)(c).

18           (f) "FRONT RANGE" MEANS THE COUNTIES OF ADAMS, ARAPAHOE,  
19 BOULDER, DOUGLAS, ELBERT, EL PASO, JEFFERSON, LARIMER, PUEBLO,  
20 TELLER, AND WELD AND THE CITIES AND COUNTIES OF BROOMFIELD AND  
21 DENVER.

22           (g) "FUND" MEANS THE FRONT RANGE WASTE DIVERSION CASH  
23 FUND CREATED IN SUBSECTION (4) OF THIS SECTION.

24           (h) "GRANT PROGRAM" MEANS THE FRONT RANGE WASTE  
25 DIVERSION GRANT PROGRAM CREATED IN SUBSECTION (6) OF THIS  
26 SECTION.

27           (3) **Enterprise.** (a) THERE IS HEREBY CREATED IN THE

1 DEPARTMENT THE FRONT RANGE WASTE DIVERSION ENTERPRISE. THE  
2 ENTERPRISE IS AND OPERATES AS A GOVERNMENT-OWNED BUSINESS  
3 WITHIN THE DEPARTMENT FOR THE PURPOSE OF COLLECTING THE FEE  
4 CHARGED TO WASTE GENERATORS AND USING THE FEE TO PROVIDE  
5 GRANTS AND TECHNICAL ASSISTANCE TO PROMOTE WASTE DIVERSION. THE  
6 ENTERPRISE EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND  
7 FUNCTIONS UNDER THE DEPARTMENT AS IF TRANSFERRED TO THE  
8 DEPARTMENT BY A **TYPE 1** TRANSFER, AS DEFINED IN THE  
9 "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24.

10 (b) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES  
11 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT  
12 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS  
13 THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS FROM ALL  
14 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT  
15 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (3)(b), THE  
16 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE  
17 CONSTITUTION.

18 (c) THE ENTERPRISE'S PRIMARY POWERS AND DUTIES ARE TO:

19 (I) COLLECT THE FEE;

20 (II) PROMOTE WASTE DIVERSION BY PROVIDING TECHNICAL  
21 ASSISTANCE AND ISSUING GRANTS AS SPECIFIED IN SUBSECTION (6) OF THIS  
22 SECTION;

23 (III) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUES OF THE  
24 ENTERPRISE TO PROMOTE THE WASTE DIVERSION PURPOSES SPECIFIED IN  
25 THIS SECTION;

26 (IV) PUBLISH EACH YEAR, ON THE DEPARTMENT'S WEBSITE AND AS  
27 OTHERWISE DEEMED APPROPRIATE BY THE BOARD, THE WASTE DIVERSION

1 STRATEGIES THAT THE BOARD HAS PRIORITIZED FOR FUNDING THROUGH  
2 THE GRANT PROGRAM;

3 (V) ADOPT, AMEND, OR REPEAL POLICIES FOR THE REGULATION OF  
4 ITS AFFAIRS AND THE CONDUCT OF ITS BUSINESS CONSISTENT WITH THIS  
5 SECTION, INCLUDING ESTABLISHING APPLICATION, REVIEW, APPROVAL,  
6 REPORTING, AND OTHER REQUIREMENTS FOR GRANTS; AND

7 (VI) ENGAGE THE SERVICES OF CONTRACTORS, CONSULTANTS,  
8 AND LEGAL COUNSEL, INCLUDING THE DEPARTMENT AND THE ATTORNEY  
9 GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE AND  
10 ADVICE AND TO SUPPLY OTHER SERVICES RELATED TO THE CONDUCT OF  
11 THE AFFAIRS OF THE ENTERPRISE, WITHOUT REGARD TO THE  
12 "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24. THE BOARD  
13 SHALL ENCOURAGE DIVERSITY IN APPLICANTS FOR CONTRACTS AND SHALL  
14 GENERALLY AVOID USING SINGLE-SOURCE BIDS. THE DEPARTMENT SHALL  
15 PROVIDE OFFICE SPACE AND ADMINISTRATIVE STAFF TO THE ENTERPRISE  
16 PURSUANT TO A CONTRACT ENTERED INTO PURSUANT TO THIS SUBSECTION  
17 (3)(c)(VI).

18 (d) THE ENTERPRISE IS GOVERNED BY A BOARD OF DIRECTORS. THE  
19 BOARD CONSISTS OF THE FOLLOWING THIRTEEN MEMBERS APPOINTED BY  
20 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT:

21 (I) ONE MEMBER REPRESENTING THE COLORADO OFFICE OF  
22 ECONOMIC DEVELOPMENT;

23 (II) TWO MEMBERS REPRESENTING THE DEPARTMENT, ONE WITH  
24 EXPERTISE IN SUSTAINABILITY AND ONE WITH EXPERTISE IN COMPLIANCE;

25 (III) TWO MEMBERS REPRESENTING FRONT RANGE MUNICIPALITIES;

26 (IV) TWO MEMBERS REPRESENTING FRONT RANGE COUNTIES; AND

27 (V) SIX MEMBERS, BALANCED EQUALLY, TO THE EXTENT

1 PRACTICABLE, AMONG REPRESENTATIVES OF FRONT RANGE NONPROFIT  
2 AND FOR-PROFIT ENTITIES ENGAGED IN RECYCLING, REUSE, OR  
3 COMPOSTING ACTIVITIES, INCLUDING A LARGE WASTE HAULER OR  
4 LANDFILL OPERATOR, A SMALL WASTE HAULER OR LANDFILL OPERATOR,  
5 A PUBLICLY OWNED LANDFILL OPERATOR, A COMPOSTER, A CONSTRUCTION  
6 AND DEMOLITION RECYCLER, A MATERIALS RECOVERY FACILITY  
7 OPERATOR, AND ANY OTHER ENTITY THAT HAS KNOWLEDGE IN PROMOTING  
8 REUSE, RECYCLING, OR COMPOSTING.

9 (e) THE MEMBER APPOINTED PURSUANT TO SUBSECTION (3)(d)(II)  
10 OF THIS SECTION WITH EXPERTISE IN SUSTAINABILITY SHALL CALL THE  
11 FIRST MEETING OF THE BOARD. THE BOARD SHALL ELECT A CHAIR FROM  
12 AMONG ITS MEMBERS TO SERVE FOR A TERM NOT TO EXCEED TWO YEARS,  
13 AS DETERMINED BY THE BOARD. THE BOARD SHALL MEET AT LEAST  
14 QUARTERLY AND THE CHAIR MAY CALL ADDITIONAL MEETINGS AS  
15 NECESSARY FOR THE BOARD TO COMPLETE ITS DUTIES. EACH MEMBER OF  
16 THE BOARD IS ENTITLED TO RECEIVE FROM MONEY IN THE FUND A PER DIEM  
17 ALLOWANCE OF FIFTY DOLLARS FOR EACH DAY SPENT ATTENDING OFFICIAL  
18 BOARD MEETINGS.

19 (f) THE TERM OF OFFICE OF BOARD MEMBERS IS THREE YEARS;  
20 EXCEPT THAT THE INITIAL TERMS OF MEMBERS APPOINTED PURSUANT TO  
21 SUBSECTION (3)(d)(V) OF THIS SECTION ARE TWO YEARS.

22 (4) **Fund.** (a) THERE IS HEREBY CREATED IN THE STATE TREASURY  
23 THE FRONT RANGE WASTE DIVERSION CASH FUND. THE FUND CONSISTS OF  
24 MONEY CREDITED TO THE FUND PURSUANT TO SECTIONS 25-16-104.5  
25 (3.9)(c) AND 18-4-511 (4)(b) AND ANY OTHER MONEY THAT THE GENERAL  
26 ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE  
27 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE

1 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

2 (b) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE  
3 ENTERPRISE TO:

4 (I) ADMINISTER THE GRANT PROGRAM;

5 (II) AWARD GRANTS IN ACCORDANCE WITH THIS SECTION; AND

6 (III) PROVIDE TECHNICAL ASSISTANCE TO ELIGIBLE ENTITIES TO  
7 PROMOTE DIVERSION, INCLUDING THROUGH THE DEVELOPMENT AND  
8 IMPLEMENTATION OF POLICY.

9 (c) THE BOARD MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,  
10 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF  
11 THIS SECTION.

12 (5) **Waste diversion goals.** THE ENTERPRISE SHALL ADMINISTER  
13 THE GRANT PROGRAM AND PROVIDE TECHNICAL ASSISTANCE TO ACHIEVE  
14 THE FOLLOWING MUNICIPAL WASTE DIVERSION GOALS WITHIN THE FRONT  
15 RANGE:

16 (a) THIRTY-TWO PERCENT DIVERSION BY 2021;

17 (b) THIRTY-NINE PERCENT DIVERSION BY 2026; AND

18 (c) FIFTY-ONE PERCENT DIVERSION BY 2036.

19 (6) **Grant program.** (a) THE ENTERPRISE SHALL ADMINISTER THE  
20 FRONT RANGE WASTE DIVERSION GRANT PROGRAM AND, SUBJECT TO  
21 AVAILABLE APPROPRIATIONS AND REVENUES, SHALL AWARD GRANTS  
22 FROM THE FUND AS PROVIDED IN THIS SUBSECTION (6).

23 (b) THE PURPOSE OF THE GRANT PROGRAM IS TO ACHIEVE THE  
24 GOALS SPECIFIED IN SUBSECTION (5) OF THIS SECTION BY PROVIDING  
25 ECONOMIC AND TECHNICAL ASSISTANCE TO ELIGIBLE ENTITIES IN THEIR  
26 EFFORTS TO REDUCE WASTE, RECOVER VALUABLE RESOURCES, AND  
27 INCREASE THE DIVERSION OF MUNICIPAL AND NONMUNICIPAL SOLID WASTE

1 MATERIALS, INCLUDING MATTRESSES, CONSTRUCTION AND DEMOLITION  
2 WASTE, ELECTRONICS, APPLIANCES, AND ORGANIC WASTE. THE BOARD  
3 SHALL ESTABLISH CRITERIA USED TO EVALUATE AND PRIORITIZE  
4 APPLICATIONS FOR GRANTS, BASED ON THE CURRENT MOST EFFECTIVE AND  
5 RELEVANT WASTE DIVERSION STRATEGIES OR POLICIES, INCLUDING:

6 (I) IMPLEMENTING PAY-AS-YOU-THROW RATE STRUCTURES FOR  
7 RESIDENTIAL SINGLE-FAMILY RECYCLING;

8 (II) INCREASED RECYCLING SERVICE FOR COMMERCIAL-SECTOR  
9 BUSINESSES;

10 (III) CURBSIDE RECYCLING FOR RESIDENTS, WITH THE RECYCLING  
11 FEE EMBEDDED IN THE RESIDENTS' BILLS;

12 (IV) COLLECTION OF ORGANICS SUCH AS YARD WASTE AND FOOD  
13 WASTE FROM RESIDENTS AND FOOD-SERVICE BUSINESSES;

14 (V) POLICIES AND PROGRAMS TO EXPAND CONSTRUCTION AND  
15 DEMOLITION RECYCLING;

16 (VI) THE STANDARDIZATION OF DIVERSION POLICIES AND  
17 PRACTICES, TO THE EXTENT PRACTICABLE, INCLUDING THROUGH THE USE  
18 OF SIMILAR SIGNAGE, COLORS, AND BINS AND HOLDING PERIODIC  
19 DIVERSION EVENTS AT PREDICTABLE TIMES AND PLACES;

20 (VII) THE REMEDIATION OF ILLEGAL WASTE DISPOSAL SITES; AND

21 (VIII) SYSTEMS TO TRACK DIVERSION RATES, BASED ON BEST  
22 PRACTICES DEVELOPED BY THE BOARD AND THE DEPARTMENT, AND  
23 STRATEGIC MATERIALS MANAGEMENT PLANS ON THE LOCAL AND  
24 REGIONAL LEVELS.

25 (c) (I) AN ELIGIBLE ENTITY MAY SUBMIT AN APPLICATION TO THE  
26 ENTERPRISE FOR A GRANT PURSUANT TO THE POLICIES AND PROCEDURES  
27 SPECIFIED BY THE BOARD. AN ELIGIBLE ENTITY MAY APPLY EVEN IF THE

1 ENTITY HAS ALREADY REACHED THE DIVERSION GOALS SET OUT BY THE  
2 INTEGRATED SOLID WASTE AND MATERIALS MANAGEMENT PLAN, AS  
3 AMENDED, ADOPTED BY THE SOLID AND HAZARDOUS WASTE COMMISSION  
4 CREATED IN SECTION 25-15-302 IF APPROVING THE APPLICATION WILL  
5 FURTHER REDUCE WASTE, RECOVER VALUABLE RESOURCES, AND INCREASE  
6 DIVERSION. AT A MINIMUM, AN APPLICATION MUST INCLUDE THE  
7 FOLLOWING INFORMATION:

8 (A) AN APPLICATION NARRATIVE THAT DESCRIBES THE PROJECT TO  
9 BE FINANCED BY THE GRANT, INCLUDING A DEMONSTRATION OF HOW THE  
10 PROJECT PROMOTES ACHIEVEMENT OF THE DIVERSION GOALS SPECIFIED IN  
11 SUBSECTION (5) OF THIS SECTION AND THE CRITERIA ESTABLISHED BY THE  
12 BOARD;

13 (B) THE AMOUNT OF IN-KIND CONTRIBUTIONS OR MATCHING  
14 FUNDS, IF ANY, TO THE PROJECT BUDGET FROM THE APPLICANT OR OTHER  
15 SOURCES OUTSIDE OF THE GRANT; AND

16 (C) WHETHER THERE IS LOCAL COMMUNITY SUPPORT FOR THE  
17 GRANT APPLICATION.

18 (II) THE POLICES AND PROCEDURES SPECIFIED BY THE BOARD MUST  
19 INCLUDE THE FOLLOWING LIMITATIONS FOR GRANT APPLICANTS THAT ARE  
20 EITHER A WASTE HAULER OR A LANDFILL OWNER OR OPERATOR, WHICH  
21 THE BOARD SHALL APPLY ONLY TO THE PORTIONS OF AN APPLICATION  
22 THAT RELATE TO INFRASTRUCTURE OR EQUIPMENT:

23 (A) ONLY FIFTY PERCENT OF INFRASTRUCTURE OR EQUIPMENT CAN  
24 BE FUNDED THROUGH THE GRANT PROGRAM;

25 (B) IF THE BOARD AWARDS A GRANT TO A WASTE HAULER OR  
26 LANDFILL OWNER OR OPERATOR FOR INFRASTRUCTURE OR EQUIPMENT,  
27 THE GRANTEE IS INELIGIBLE TO RECEIVE A GRANT FOR THE FOLLOWING

1 FIVE YEARS.

2 (d) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH  
3 THE GRANT PROGRAM FOR STAFFING, SUPPLIES, EQUIPMENT, MARKETING  
4 AND COMMUNICATIONS, POLICY RESEARCH AND DEVELOPMENT,  
5 COMMUNITY ENGAGEMENT, AND PROGRAMMING AND SERVICES RELATED  
6 TO THE CRITERIA ESTABLISHED BY THE BOARD.

7 (e) THE BOARD SHALL:

8 (I) USE ITS BEST EFFORTS TO AWARD GRANTS WITHIN NINETY DAYS  
9 AFTER RECEIPT OF APPLICATIONS;

10 (II) NOT ALLOCATE MORE THAN TWENTY PERCENT OF THE ANNUAL  
11 FUND REVENUE IN ANY SINGLE GRANT AWARD;

12 (III) INCLUDE A SCOPE OF WORK, INCLUDING MILEPOSTS AND  
13 DEADLINES FOR ACHIEVEMENT OF SPECIFIED GOALS, IN GRANT AWARD  
14 AGREEMENTS; AND

15 (IV) DETERMINE THE CRITERIA FOR MEASURING PROGRESS, WHICH  
16 MAY INCLUDE DIVERSION RATES, PARTICIPATION RATES, AND OTHER  
17 QUALITATIVE AND QUANTITATIVE METHODS. THE BOARD SHALL CONSIDER  
18 A GRANTEE'S PROGRESS IN ISSUING FURTHER GRANTS TO THE GRANTEE.

19 (f) (I) A GRANTEE SHALL REPORT ANNUALLY TO THE BOARD ON  
20 THE PROGRESS OF THE PROJECT FINANCED BY THE GRANT PURSUANT TO  
21 TERMS SPECIFIED IN THE GRANT AWARD AGREEMENT.

22 (II) THE BOARD SHALL DEVELOP A POLICY REGARDING A  
23 GRANTEE'S NONCOMPLIANCE WITH THE GRANT AGREEMENT ENTERED INTO  
24 BY THE GRANTEE AND THE BOARD, WHICH POLICY MAY INCLUDE A  
25 MECHANISM FOR THE BOARD TO CONVERT THE GRANTEE'S GRANT TO A  
26 LOAN WITH INTEREST.

27 (7) **Reporting.** NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I),

1 THE BOARD SHALL SUBMIT A REPORT BY JULY 1 OF EACH YEAR TO THE  
2 COMMITTEES OF REFERENCE OF THE GENERAL ASSEMBLY WITH  
3 JURISDICTION OVER THE ENVIRONMENT REGARDING:

4 (a) THE UNOBLIGATED BALANCE OF THE FUND, THE NUMBER OF  
5 GRANT APPLICATIONS, AND THE NUMBER OF GRANTS AWARDED;

6 (b) THE ELIGIBLE ENTITIES THAT HAVE APPLIED FOR A GRANT, THE  
7 ACTIONS TAKEN BY EACH GRANTEE, THEIR DIVERSION RATES AND OTHER  
8 MEASUREMENTS OF SUCCESS, AND THE AMOUNT OF GRANT MONEY  
9 DISTRIBUTED TO EACH GRANTEE;

10 (c) THE PROGRESS TOWARD ACHIEVEMENT OF THE DIVERSION  
11 GOALS SPECIFIED IN SUBSECTION (5) OF THIS SECTION AND THE PRIMARY  
12 FACTORS FACILITATING AND INHIBITING THAT PROGRESS; AND

13 (d) ANY SUGGESTED LEGISLATION OR POLICY CHANGES.

14 (8) (a) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER  
15 1, 2029.

16 (b) THE STATE TREASURER SHALL TRANSFER ANY MONEY  
17 REMAINING IN THE FUND ON SEPTEMBER 1, 2029, TO THE GENERAL FUND.

18 **SECTION 2.** In Colorado Revised Statutes, 25-16-104.5, **add**  
19 (3.9)(c) as follows:

20 **25-16-104.5. Solid waste user fee - imposed - rate - legislative**  
21 **declaration - repeal.** (3.9) (c) (I) SUBJECT TO SUBSECTIONS (1.5) AND  
22 (3.9)(c)(VI) OF THIS SECTION, IN ADDITION TO ANY OTHER USER FEE  
23 IMPOSED BY THIS SECTION, ON OR AFTER SEPTEMBER 1, 2019, THERE IS  
24 HEREBY IMPOSED A USER FEE TO FINANCE THE FRONT RANGE WASTE  
25 DIVERSION GRANT PROGRAM CREATED IN SECTION 25-16.5-111. AT THE  
26 TIME OF DISPOSAL, THE OPERATOR OF AN ATTENDED SOLID WASTE  
27 DISPOSAL SITE LOCATED IN THE FRONT RANGE, AS THAT TERM IS DEFINED

1 IN SECTION 25-16.5-111 (2)(F), SHALL COLLECT THE FEE, WHICH MAY BE  
2 PASSED THROUGH TO WASTE PRODUCERS AND OTHER PERSONS DISPOSING  
3 OF WASTE, IN AN AMOUNT PER CUBIC YARD PER LOAD TRANSPORTED BY  
4 ANY COMMERCIAL VEHICLE, OR BY OTHER VEHICLE NOT INCLUDED IN THE  
5 VEHICLES DESCRIBED IN SUBSECTION (3.9)(a)(I) OR (3.9)(a)(II) OF THIS  
6 SECTION, AS SET FORTH IN THE FOLLOWING SCHEDULE EXCEPT AS  
7 MODIFIED BY SUBSECTION (3.9)(c)(II) OF THIS SECTION:

8 (A) FROM JANUARY 1, 2020, THROUGH DECEMBER 31, 2020,  
9 FIFTEEN CENTS PER CUBIC YARD PER LOAD;

10 (B) FROM JANUARY 1, 2021, THROUGH DECEMBER 31, 2021,  
11 THIRTY CENTS PER CUBIC YARD PER LOAD;

12 (C) FROM JANUARY 1, 2022, THROUGH DECEMBER 31, 2022,  
13 FORTY-FIVE CENTS PER CUBIC YARD PER LOAD; AND

14 (D) ON AND AFTER JANUARY 1, 2023, SIXTY CENTS PER CUBIC  
15 YARD PER LOAD.

16 (II) EFFECTIVE JANUARY 1, 2024, AND ON EACH SUCCEEDING  
17 JANUARY 1, THE AMOUNT OF THE FEE SPECIFIED IN SUBSECTION  
18 (3.9)(c)(I)(D) OF THIS SECTION IS ADJUSTED BY THE ANNUAL PERCENTAGE  
19 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF  
20 LABOR STATISTICS CONSUMER PRICE INDEX FOR  
21 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN  
22 CONSUMERS, OR ITS APPLICABLE SUCCESSOR INDEX.

23 (III) SUBSECTIONS (3.9)(c)(I)(A), (3.9)(c)(I)(B), AND  
24 (3.9)(c)(I)(C) OF THIS SECTION AND THIS SUBSECTION (3.9)(c)(III) ARE  
25 REPEALED, EFFECTIVE SEPTEMBER 1, 2023.

26 (IV) SOLID WASTE DISPOSAL SITES OR FACILITIES LOCATED IN THE  
27 COUNTY OF CUSTER, FREMONT, MORGAN, OR OTERO SHALL COLLECT THE

1 FEE SPECIFIED IN THIS SUBSECTION (3.9)(c) ON LOADS THAT ORIGINATE  
2 FROM THE FRONT RANGE, AS THAT TERM IS DEFINED IN SECTION  
3 25-16.5-111 (2)(f).

4 (V) AN OPERATOR OF A SOLID WASTE DISPOSAL SITE OR FACILITY  
5 SUBJECT TO THIS SUBSECTION (3.9) SHALL TRANSMIT THE USER FEE  
6 COLLECTED PURSUANT TO THIS SUBSECTION (3.9)(c) BY THE LAST DAY OF  
7 THE MONTH FOLLOWING THE END OF EACH CALENDAR QUARTER TO THE  
8 STATE TREASURER, WHO SHALL CREDIT IT TO THE FRONT RANGE WASTE  
9 DIVERSION CASH FUND CREATED IN SECTION 25-16.5-111 (4) TO FINANCE  
10 THE FRONT RANGE WASTE DIVERSION GRANT PROGRAM PURSUANT TO  
11 SECTION 25-16.5-111 (6).

12 (VI) AN OPERATOR OF AN ATTENDED SOLID WASTE DISPOSAL SITE  
13 LOCATED IN THE FRONT RANGE NEED NOT COLLECT THE FEE SPECIFIED IN  
14 THIS SUBSECTION (3.9)(c) ON A LOAD THAT CONTAINS ANY OF THE  
15 FOLLOWING MATERIALS THAT ARE SEPARATED OUT FROM THE REST OF THE  
16 LOAD: ASBESTOS-CONTAINING MATERIAL, ASBESTOS WASTE, FRIABLE  
17 ASBESTOS-CONTAINING MATERIAL AS THAT TERM IS DEFINED IN SECTION  
18 25-7-502 (6), FRIABLE ASBESTOS, NONFRIABLE ASBESTOS WASTE,  
19 REGULATED ASBESTOS-CONTAMINATED SOIL, NONREGULATED  
20 ASBESTOS-CONTAMINATED SOIL, PATHOLOGICAL WASTE,  
21 PHARMACEUTICAL WASTE, ASH, BIOHAZARDOUS WASTE, INFECTIOUS  
22 WASTE AS THAT TERM IS DEFINED IN SECTION 25-15-402 (1)(a), MEDICAL  
23 WASTE, EXPLORATION AND PRODUCTION WASTE AS THAT TERM IS DEFINED  
24 IN SECTION 30-20-109 (1.5)(a)(I), TECHNOLOGICALLY ENHANCED  
25 NATURALLY OCCURRING RADIOACTIVE MATERIAL AS THAT TERM IS  
26 DEFINED IN SECTION 25-11-201 (1)(f), GRIT AND SLUDGE, AUTOMOBILE  
27 SHREDDER RESIDUE, DEAD ANIMALS, SPECIAL WASTE LIQUIDS, OR

1     **CONTAMINATED SOILS.**

2             **(VII)**   THIS SUBSECTION (3.9)(c) IS REPEALED, EFFECTIVE  
3     SEPTEMBER 1, 2029.

4             **SECTION 3.** In Colorado Revised Statutes, 18-4-511, **amend** (4)  
5     as follows:

6             **18-4-511. Littering of public or private property - repeal.**

7     (4) (a) Except as otherwise provided in SUBSECTION (4)(b)(I) OF THIS  
8     SECTION AND sections 33-15-108 (2) and 42-4-1406, ~~C.R.S.~~, littering is  
9     a class 2 petty offense punishable, upon conviction, by a mandatory fine  
10    of not less than twenty dollars nor more than five hundred dollars upon  
11    a first conviction, by a mandatory fine of not less than fifty dollars nor  
12    more than one thousand dollars upon a second conviction, and by a  
13    mandatory fine of not less than one hundred dollars nor more than one  
14    thousand dollars upon a third or subsequent conviction.

15            (b) (I) ON AND AFTER JANUARY 1, 2020, THE MANDATORY FINES  
16    SPECIFIED IN SUBSECTION (4)(a) OF THIS SECTION ARE ADJUSTED  
17    ANNUALLY BY THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES  
18    DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE  
19    INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL  
20    URBAN CONSUMERS, OR ITS APPLICABLE SUCCESSOR INDEX.  
21    NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE CLERK OF THE  
22    COURT SHALL TRANSMIT THE AMOUNT OF THE FINE ATTRIBUTABLE TO THE  
23    ADJUSTMENT SPECIFIED IN THIS SUBSECTION (4)(b)(I) TO THE STATE  
24    TREASURER, WHO SHALL CREDIT IT TO THE FRONT RANGE WASTE  
25    DIVERSION CASH FUND CREATED IN SECTION 25-16.5-111 (4).

26            (II) THIS SUBSECTION (4)(b) IS REPEALED, EFFECTIVE SEPTEMBER  
27    1, 2029.

1           **SECTION 4. Act subject to petition - effective date -**  
2           **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
3           the expiration of the ninety-day period after final adjournment of the  
4           general assembly (August 2, 2019, if adjournment sine die is on May 3,  
5           2019); except that, if a referendum petition is filed pursuant to section 1  
6           (3) of article V of the state constitution against this act or an item, section,  
7           or part of this act within such period, then the act, item, section, or part  
8           will not take effect unless approved by the people at the general election  
9           to be held in November 2020 and, in such case, will take effect on the  
10          date of the official declaration of the vote thereon by the governor.  
11          (2) This act applies to conduct occurring on or after the applicable  
12          effective date of this act.