

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-1156.01 Jennifer Berman x3286

HOUSE BILL 24-1449

HOUSE SPONSORSHIP

Joseph and Lindsay,

SENATE SPONSORSHIP

Cutter and Priola,

House Committees

Energy & Environment
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO IMPROVE SUSTAINABILITY SERVICES**
102 **THROUGH THE DEPARTMENT OF PUBLIC HEALTH AND**
103 **ENVIRONMENT, AND, IN CONNECTION THEREWITH, UPDATING**
104 **THE "POLLUTION PREVENTION ACT OF 1992".**

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 repeals the pollution prevention advisory board and the pollution prevention advisory board assistance committee when the bill takes effect, repeals the recycling resources economic

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

opportunity program on October 1, 2025, and repeals the front range waste diversion enterprise and replaces it with the Colorado circular communities enterprise (enterprise). The enterprise, in merging and modernizing the purposes of the recycling resources economic opportunity program and the front range waste diversion enterprise, awards grants and other funding and provides technical assistance to local governments, nonprofit and for-profit businesses, public and private schools, and institutions of higher education throughout the state that pursue a circular economy for waste management, including waste diversion and aversion. **Section 1** also creates the statewide voluntary sustainability program to support businesses engaging, or looking to engage, in sustainability efforts.

Under current law, user fees are imposed on operators of attended solid waste disposal sites (operators) to finance the recycling resources economic opportunity program and the front range waste diversion enterprise. **Section 2** applies those fees to the enterprise, requiring operators of sites located outside of the front range to pay a fee of either 2 or 4 cents per load transported for disposal and requiring operators of sites located in the front range, between July 1, 2024, and December 31, 2024, to pay a fee of 74 cents per cubic yard per load transported for disposal and, on and after January 1, 2025, to pay a fee of 78 cents per cubic yard per load transported for disposal.

Sections 3 through 10 make conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** article 16.5 of title 25 as follows:

4 **ARTICLE 16.5**

5 **Colorado Sustainability**

6 **25-16.5-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 16.5
7 IS THE "COLORADO SUSTAINABILITY ACT".

8 **25-16.5-102. Legislative declaration.** (1) THE GENERAL
9 ASSEMBLY FINDS THAT:

10 (a) THE "POLLUTION PREVENTION ACT OF 1992", WHICH HAS BEEN
11 INSTRUMENTAL IN ADDRESSING CERTAIN ENVIRONMENTAL CONCERNS
12 OVER THE PREVIOUS THREE DECADES, SHOULD BE UPDATED TO MEET THE

1 STATE'S EVOLVING SUSTAINABILITY AND CIRCULARITY NEEDS;

2 (b) CIRCULARITY, INCLUDING WASTE DIVERSION AND AVERSION,
3 INVOLVES MORE THAN DIVERTING WASTE MATERIALS FROM THE LANDFILL.
4 A CIRCULAR BUSINESS MODEL PREVENTS WASTE, USES RESOURCES
5 EFFICIENTLY, PRIORITIZES RENEWABLE INPUTS, AND INVESTS IN IMPROVED
6 PRODUCT DESIGN AS A MEANS TO MAXIMIZE A PRODUCT'S VALUE BY
7 MAXIMIZING THE PRODUCT'S USAGE AND LIFETIME. AT THE END OF A
8 PRODUCT'S USEFUL LIFE, CIRCULARITY INVOLVES RECOVERING AND
9 REUSING THE PRODUCT AND ANY BYPRODUCTS CREATED IN ITS
10 MANUFACTURING TO MAKE NEW MATERIALS AND PRODUCTS.

11 (c) WASTE DIVERSION AND AVERSION, WHICH ARE IMPORTANT
12 COMPONENTS OF CIRCULARITY AND INCLUDE ORGANICS MANAGEMENT:

- 13 (I) EXTEND THE USEFUL LIFE OF LOCAL LANDFILLS;
- 14 (II) MITIGATE GREENHOUSE GAS EMISSIONS;
- 15 (III) PROTECT THE SOIL RELIED UPON FOR THE STATE'S FARMLAND;
- 16 AND
- 17 (IV) SAVE NATURAL RESOURCES;

18 (d) IT IS CRITICAL TO FOSTER AND RECOGNIZE PARTNERSHIPS
19 BETWEEN GOVERNMENTS, BUSINESSES, AND COMMUNITIES IN ACHIEVING
20 THE STATE'S SUSTAINABILITY AND CIRCULARITY OBJECTIVES. BUSINESSES
21 HAVE THE POTENTIAL TO LEAD IN ENVIRONMENTAL STEWARDSHIP AND TO
22 PLAY A VITAL ROLE IN REACHING THESE OBJECTIVES.

23 (e) EFFORTS TO IMPROVE SUSTAINABILITY SERVICES AND
24 CIRCULARITY IN THE STATE, INCLUDING BY PROVIDING COACHING AND
25 RECOGNITION OF BUSINESSES ENGAGED IN SUSTAINABILITY AND
26 CIRCULARITY, SUPPORT COLORADO'S ENVIRONMENT AND ECONOMY AND
27 THE SOCIAL FABRIC OF OUR STATE.

1 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

2 (a) BY MERGING THE RECYCLING RESOURCES ECONOMIC
3 OPPORTUNITY PROGRAM AND THE FRONT RANGE WASTE DIVERSION
4 ENTERPRISE INTO A NEW COLORADO CIRCULAR COMMUNITIES ENTERPRISE:

5 (I) THE IMPACT OF WASTE DISPOSAL THROUGHOUT THE STATE CAN
6 BE MINIMIZED, AND, AS A RESULT, THE STATE'S NATURAL BEAUTY AND
7 RESOURCES CAN BE BETTER MAINTAINED;

8 (II) INCREASED SERVICES MAY BE PROVIDED TO THE WASTE
9 DISPOSAL SITE OPERATORS THAT PAY FEES, AS WELL AS TO RESIDENTS AND
10 BUSINESSES THROUGHOUT THE STATE; AND

11 (III) MORE DIVERSE, EQUITABLE, EFFICIENT, AND INNOVATIVE
12 SOLUTIONS TO WASTE MANAGEMENT CAN BE IMPLEMENTED THROUGH THE
13 EVOLVING FIELD OF CIRCULARITY, INCLUDING REGIONAL AND STATEWIDE
14 SOLUTIONS THAT BENEFIT COMMUNITIES OUTSIDE OF THE FRONT RANGE;
15 AND

16 (b) THROUGH THE DEVELOPMENT OF REGIONAL SOLUTIONS,
17 PUBLIC-PRIVATE PARTNERSHIPS, AND EXTENDED PROJECT PERIODS, THE
18 COLORADO CIRCULAR COMMUNITIES ENTERPRISE WILL PROVIDE LOCAL
19 GOVERNMENTS, BUSINESSES, NONPROFITS, AND OTHER ELIGIBLE ENTITIES
20 WITH ENHANCED PROJECT DESIGN OPTIONS TO SUPPORT COMMUNITY
21 PROJECTS THAT WILL PROVIDE ENVIRONMENTAL AND ECONOMIC BENEFITS
22 THROUGHOUT THE STATE.

23 (3) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT:

24 (a) THE MODERNIZATION OF THE "POLLUTION PREVENTION ACT OF
25 1992" IS NECESSARY TO BUILD A COMPREHENSIVE FRAMEWORK FOR
26 ADVANCING SUSTAINABILITY AND CIRCULARITY EFFORTS IN THE STATE
27 THROUGH TECHNICAL ASSISTANCE, FINANCIAL ASSISTANCE, AND

1 RECOGNITION OF INNOVATIVE LEADERS IN SUSTAINABLE OPERATIONS; AND

2 (b) THIS ARTICLE 16.5 FOSTERS ENVIRONMENTAL SUSTAINABILITY
3 BY SEEKING TO STRIKE A BALANCE BETWEEN ECONOMIC GROWTH AND
4 ENVIRONMENTAL CARE IN A MANNER THAT MEETS THE NEEDS OF CURRENT
5 GENERATIONS IN THE STATE WITHOUT COMPROMISING THE NEEDS OF
6 FUTURE GENERATIONS.

7 **25-16.5-103. Definitions.** AS USED IN THIS ARTICLE 16.5, UNLESS
8 THE CONTEXT OTHERWISE REQUIRES:

9 (1) "CIRCULAR ECONOMY" HAS THE MEANING SET FORTH IN
10 SECTION 25-17-601 (2).

11 (2) "COLORADO CIRCULAR COMMUNITIES ENTERPRISE" OR
12 "ENTERPRISE" MEANS THE COLORADO CIRCULAR COMMUNITIES
13 ENTERPRISE CREATED IN SECTION 25-16.5-109 (3).

14 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
15 AND ENVIRONMENT.

16 (4) "FEDERAL ACT" MEANS THE FEDERAL "EMERGENCY PLANNING
17 AND COMMUNITY RIGHT-TO-KNOW ACT OF 1986", 42 U.S.C. SEC. 11001
18 ET SEQ., TITLE III OF THE FEDERAL "SUPERFUND AMENDMENTS AND
19 REAUTHORIZATION ACT OF 1986", PUB.L. 99-499.

20 (5) "HAZARDOUS SUBSTANCE" MEANS THOSE CHEMICALS DEFINED
21 AS HAZARDOUS SUBSTANCES UNDER SECTION 313 OF THE FEDERAL
22 "SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT OF 1986"
23 (SARA TITLE III), AS AMENDED, AND SECTIONS 101 (14) AND 102 OF THE
24 FEDERAL "COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION,
25 AND LIABILITY ACT OF 1980" (CERCLA), 42 U.S.C. SEC. 9601 ET SEQ., AS
26 AMENDED.

27 (6) "LOCAL GOVERNMENT" MEANS A STATUTORY OR HOME RULE

1 CITY, COUNTY, OR CITY AND COUNTY.

2 (7) "ORGANIC MATERIALS" HAS THE MEANING SET FORTH IN
3 SECTION 25-17-901 (5).

4 (8) "SCHOOL" MEANS:

5 (a) A SCHOOL OF A SCHOOL DISTRICT;

6 (b) A DISTRICT CHARTER SCHOOL, AS DEFINED IN SECTION
7 22-11-103 (12);

8 (c) AN INSTITUTE CHARTER SCHOOL, AS DEFINED IN SECTION
9 22-30.5-502 (6);

10 (d) AN APPROVED FACILITY SCHOOL, AS DEFINED IN SECTION
11 22-2-402 (1); OR

12 (e) A BOARD OF COOPERATIVE SERVICES, AS DEFINED IN SECTION
13 22-5-103 (2).

14 (9) "STATE INSTITUTION OF HIGHER EDUCATION" HAS THE
15 MEANING SET FORTH IN SECTION 23-18-102 (10).

16 (10) "SUSTAINABILITY" MEANS NONREGULATORY ACTIVITIES
17 THAT, FOR BOTH CURRENT AND FUTURE GENERATIONS, PROTECT THE
18 ENVIRONMENT, SUPPORT LOCAL AND STATE ECONOMICS, AND PROMOTE
19 PUBLIC HEALTH.

20 (11) "WASTE DIVERSION AND AVERSION" OR "WASTE DIVERSION
21 OR AVERSION" MEANS THE SUSTAINABLE DESIGN, PRODUCTION,
22 DISTRIBUTION, CONSUMPTION, RECOVERABILITY, REUSE, WASTE
23 PREVENTION, REPAIR, COLLECTION, AND RECYCLING OF A VARIETY OF
24 MATERIALS, INCLUDING CONSTRUCTION AND DEMOLITION MATERIALS,
25 SINGLE-STREAM MATERIALS, TECHNOLOGY AND ELECTRONIC MATERIALS;
26 FOOD RECOVERY; AND THE COMPOSTING OF RAW AND REUSED MATERIALS,
27 INCLUDING ORGANIC MATERIALS.

1 **25-16.5-104. Recycling resources economic opportunity fund**

2 **- creation - repeal.** (1) (a) THE RECYCLING RESOURCES ECONOMIC
3 OPPORTUNITY FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS
4 CREATED IN THE STATE TREASURY. MONEY IN THE FUND IS ANNUALLY
5 APPROPRIATED TO THE DEPARTMENT FOR USE IN ACCORDANCE WITH
6 SUBSECTION (2) OF THIS SECTION. THE FUND CONSISTS OF ALL MONEY
7 THAT MAY BE AVAILABLE TO THE FUND, INCLUDING MONEY MADE
8 AVAILABLE FROM GIFTS, GRANTS, OR DONATIONS.

9 (b) ALL INTEREST DERIVED FROM THE DEPOSIT OF MONEY IN THE
10 FUND SHALL BE CREDITED TO THE FUND. EXCEPT AS PROVIDED IN
11 SUBSECTION (4) OF THIS SECTION, AT THE END OF ANY FISCAL YEAR, ALL
12 UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND REMAINS IN THE
13 FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL
14 FUND OR ANY OTHER FUND.

15 (2) MONEY IN THE FUND SHALL BE USED TO PAY FOR
16 ADMINISTRATIVE COSTS INCURRED BY THE DEPARTMENT IN IMPLEMENTING
17 HOUSE BILL 07-1288, ENACTED IN 2007.

18 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, MONEY IN
19 THE FUND SHALL NOT BE USED FOR THE ADMINISTRATION,
20 IMPLEMENTATION, OR ENFORCEMENT OF ANY STATE LAW OR RULE.

21 (4) ON SEPTEMBER 30, 2025, THE STATE TREASURER SHALL
22 TRANSFER ANY MONEY REMAINING IN THE FUND TO THE COLORADO
23 CIRCULAR COMMUNITIES FUND CREATED IN SECTION 25-16.5-109 (4).

24 (5) THIS SECTION IS REPEALED, EFFECTIVE OCTOBER 1, 2025.

25 **25-16.5-105. Recycling resources economic opportunity**

26 **program - grants - repeal.** (1) TO ENSURE CONTINUITY OF OPERATIONS,
27 ANY GRANT AGREEMENT OR CONTRACT THAT THE DEPARTMENT ENTERED

1 INTO PURSUANT TO THIS SECTION AS IT EXISTED BEFORE HOUSE BILL
2 24-1449 WAS ENACTED IN 2024 IS TRANSFERRED OR ASSIGNED TO THE
3 COLORADO CIRCULAR COMMUNITIES ENTERPRISE BOARD ESTABLISHED
4 PURSUANT TO SECTION 25-16.5-109 (3). THE DEPARTMENT MAY ASSIGN
5 ANY CONTRACT OR AGREEMENT TO THE COLORADO CIRCULAR
6 COMMUNITIES ENTERPRISE BOARD UNTIL JANUARY 31, 2025. THE
7 DEPARTMENT MAY ADMINISTER THE SERVICES ON THE ENTERPRISE'S
8 BEHALF IN THE INTERIM TO THE EXTENT NECESSARY TO MAINTAIN
9 OPERATIONS. THE ENTERPRISE SHALL COMPENSATE THE DEPARTMENT AT
10 FAIR MARKET VALUE FOR ANY INTERIM SERVICES THAT THE DEPARTMENT
11 PROVIDES.

12 (2) THE COLORADO CIRCULAR COMMUNITIES ENTERPRISE SHALL
13 ADMINISTER ANY GRANTS THAT THE POLLUTION PREVENTION ADVISORY
14 BOARD HAS APPROVED PRIOR TO THE BOARD'S REPEAL PURSUANT TO
15 HOUSE BILL 24-1449, ENACTED IN 2024.

16 (3) THIS SECTION IS REPEALED, EFFECTIVE OCTOBER 1, 2025.

17 **25-16.5-106. Statewide voluntary sustainability program.**

18 (1) THE DEPARTMENT SHALL ESTABLISH A STATEWIDE, VOLUNTARY
19 PROGRAM THAT:

20 (a) ENCOURAGES, SUPPORTS, AND REWARDS BUSINESSES, SUCH AS
21 FOR-PROFIT ENTITIES, NONPROFITS, LOCAL GOVERNMENTS, SCHOOLS, AND
22 STATE INSTITUTIONS OF HIGHER EDUCATION; AND

23 (b) MOVES THE STATE TOWARD EVIDENCED SUSTAINABILITY.

24 (2) IN IMPLEMENTING THE STATEWIDE, VOLUNTARY PROGRAM, THE
25 DEPARTMENT MAY:

26 (a) PROVIDE ASSESSMENTS AND TECHNICAL ASSISTANCE TO
27 BUSINESSES SEEKING TO INCREASE SUSTAINABILITY IN THEIR OPERATIONS;

1 (b) FACILITATE BUSINESS COLLABORATIONS AND PEER-TO-PEER
2 SUPPORT;

3 (c) ESTABLISH REGIONAL PARTNERSHIPS AND PARTNERSHIPS WITH
4 LOCAL GOVERNMENTS, WHERE PARTNERS CONSISTENTLY APPLY THE
5 DEPARTMENT FRAMEWORK FOR ACHIEVING SUSTAINABLE BUSINESS
6 OPERATIONS;

7 (d) SUPPORT BUSINESSES IN MARKETING THEIR SUSTAINABILITY
8 ACHIEVEMENTS AND EFFORTS;

9 (e) RECOGNIZE BUSINESSES' SUSTAINABILITY ACHIEVEMENTS;

10 (f) PROMOTE FUNDING OPPORTUNITIES THAT CAN ASSIST
11 BUSINESSES WITH ACHIEVING THEIR SUSTAINABILITY GOALS;

12 (g) PROVIDE SERVICES AND FUNDING TO ASSIST SMALL
13 BUSINESSES; AND

14 (h) AT THE DISCRETION OF THE DEPARTMENT, DELIVER
15 ADDITIONAL SUSTAINABILITY SERVICES TO MEET BUSINESS NEEDS.

16 **25-16.5-107. Pollution prevention fees.** (1) (a) THE
17 DEPARTMENT SHALL CHARGE AND COLLECT POLLUTION PREVENTION FEES
18 FROM ANY REPORTING FACILITY THAT IS REQUIRED TO FILE A REPORT WITH
19 THE DEPARTMENT PURSUANT TO THE FEDERAL ACT AS FOLLOWS:

20 (I) FACILITIES REQUIRED TO REPORT PURSUANT TO SECTION 11002
21 OF THE FEDERAL ACT SHALL PAY AN ANNUAL FEE NOT TO EXCEED TEN
22 DOLLARS PER REPORTING FACILITY;

23 (II) EACH FACILITY REQUIRED TO REPORT PURSUANT TO SECTION
24 11022 OF THE FEDERAL ACT IS REQUIRED TO PAY AN ANNUAL FEE NOT TO
25 EXCEED TEN DOLLARS FOR EVERY HAZARDOUS SUBSTANCE LOCATED AT
26 THE FACILITY IN EXCESS OF THE THRESHOLDS ADOPTED BY THE UNITED
27 STATES ENVIRONMENTAL PROTECTION AGENCY; AND

1 (III) EACH FACILITY REQUIRED TO REPORT PURSUANT TO SECTION
2 11023 OF THE FEDERAL ACT SHALL PAY AN ANNUAL FEE NOT TO EXCEED
3 TWENTY-FIVE DOLLARS FOR EVERY EXTREMELY HAZARDOUS SUBSTANCE
4 LOCATED AT THE FACILITY IN EXCESS OF THE THRESHOLDS ADOPTED BY
5 THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

6 (b) THE DEPARTMENT SHALL CHARGE AND COLLECT POLLUTION
7 PREVENTION FEES FROM ANY FEDERAL AGENCY FROM WHICH, PURSUANT
8 TO FEDERAL EXECUTIVE ORDER No. 12856, AS PUBLISHED IN 58 FED. REG.
9 41981 (1993), THE DEPARTMENT HAS THE AUTHORITY TO COLLECT
10 POLLUTION PREVENTION FEES.

11 (c) ANY RETAIL MOTOR FUEL OUTLET THAT IS REQUIRED TO
12 REPORT PURSUANT TO THE FEDERAL ACT SHALL PAY ONE-HALF OF THE FEE
13 SET FORTH IN SUBSECTION (1)(a) OF THIS SECTION.

14 (d) ANY SINGLE REPORTING ORGANIZATION THAT OWNS OR
15 OPERATES MULTIPLE REPORTING FACILITIES IS NOT REQUIRED TO PAY
16 MORE THAN A TOTAL OF ONE THOUSAND DOLLARS FOR ALL POLLUTION
17 PREVENTION FEES REQUIRED BY THIS SECTION.

18 (e) AGRICULTURAL BUSINESSES THAT ARE REQUIRED TO REPORT
19 UNDER THE FEDERAL ACT ARE NOT REQUIRED TO PAY THE POLLUTION
20 PREVENTION FEES SET FORTH IN THIS SUBSECTION (1).

21 (f) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
22 DEPARTMENT COLLECT ALL FEES FROM ANY REPORTING FACILITY
23 REQUIRED TO REPORT UNDER THE FEDERAL ACT, INCLUDING THE
24 POLLUTION PREVENTION FEE, IN A SINGLE, CENTRALIZED BILLING
25 PROCEDURE.

26 (2) THE DEPARTMENT SHALL TRANSMIT ANY MONEY COLLECTED
27 PURSUANT TO SUBSECTION (1) OF THIS SECTION TO THE STATE TREASURER

1 AND THE STATE TREASURER SHALL CREDIT THE MONEY TO THE POLLUTION
2 PREVENTION FUND CREATED IN SECTION 25-16.5-108.

3 **25-16.5-108. Pollution prevention fund - created.** (1) THERE IS
4 CREATED IN THE STATE TREASURY THE POLLUTION PREVENTION FUND.
5 ANY MONEY COLLECTED PURSUANT TO SECTION 25-16.5-107 IS CREDITED
6 TO THE FUND. ALL INTEREST DERIVED FROM THE DEPOSIT AND
7 INVESTMENT OF MONEY IN THE FUND IS CREDITED TO THE GENERAL FUND.
8 AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED
9 MONEY IN THE FUND REMAINS IN THE FUND AND IS NOT CREDITED OR
10 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

11 (2) THE MONEY GENERATED FROM THE POLLUTION PREVENTION
12 FEES PURSUANT TO SECTION 25-16.5-107 IS ANNUALLY APPROPRIATED TO
13 THE DEPARTMENT TO COVER THE DIRECT AND INDIRECT COSTS FOR
14 SUSTAINABILITY SERVICES SET FORTH IN SECTION 25-16.5-106. THE
15 MONEY IN THE FUND SHALL NOT BE USED FOR THE ENFORCEMENT OF ANY
16 STATE LAW OR REGULATION GOVERNING ENVIRONMENTAL PROTECTION.

17 **25-16.5-109. Colorado circular communities enterprise -**
18 **legislative declaration - fund - goals - grant program - personal**
19 **property tax reimbursements - gifts, grants, or donations - definitions**
20 **- repeal.** (1) **Legislative declaration.** THE GENERAL ASSEMBLY:

21 (a) FINDS THAT:

22 (I) COLORADO HAS ONE OF THE LOWEST RATES OF WASTE
23 DIVERSION IN THE UNITED STATES, RECYCLING ONLY ABOUT TWELVE
24 PERCENT OF OUR WASTE COMPARED TO THIRTY-FIVE PERCENT
25 NATIONWIDE;

26 (II) COLORADO DISPOSED OF A RECORD AMOUNT OF TRASH IN
27 LANDFILLS IN 2017, OVER NINE MILLION TONS, WHILE THERE WAS

1 ESSENTIALLY NO INCREASE IN THE MUNICIPAL WASTE DIVERSION RATE;

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

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

14 (V) THE FRONT RANGE:

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

18 (B) HAS HIGHER DENSITIES OF WASTE PRODUCERS AND RECYCLING
19 FACILITIES THAN THE REST OF THE STATE AND THUS FEWER CHALLENGES
20 REGARDING LONG DISTANCES TO RECYCLING FACILITIES AND MARKETS;

21 (VI) TO SUPPORT WASTE DIVERSION EFFORTS, THE AVERAGE
22 FAMILY LIVING ALONG THE FRONT RANGE PAYS ABOUT EIGHTY-SIX CENTS
23 PER YEAR IN THE FORM OF USER FEES ASSESSED AT FOURTEEN CENTS PER
24 CUBIC YARD OF WASTE DISPOSED OF AT ATTENDED LANDFILLS, WHICH FEES
25 ARE USED TO SUPPORT WASTE DIVERSION EFFORTS; AND

26 (VII) CIRCULARITY CAN ONLY BE ACHIEVED WHEN WORKING
27 COLLABORATIVELY ACROSS THE STATE TO MAXIMIZE THE USE OF LOCAL

1 MATERIALS AND THE LOCAL USE OF END PRODUCTS;

2 (VIII) CIRCULARITY AND WASTE DIVERSION AND AVERSION
3 INFRASTRUCTURE IS NEEDED STATEWIDE THROUGH A COMBINATION OF
4 LOCAL, REGIONAL, AND STATEWIDE SOLUTIONS; AND

5 (IX) CIRCULARITY SERVICES, INCLUDING WASTE DIVERSION AND
6 AVERSION, SUPPORT OPERATORS OF ATTENDED SOLID WASTE DISPOSAL
7 SITES, WASTE PRODUCERS, AND PERSONS PAYING THE FEE BY EXTENDING
8 THE USEFUL LIFE OF LANDFILLS, SUPPORTING EXPANSION OF FEE SERVICES
9 TO MEET COMMUNITY DEMAND FOR COMPOSTING AND RECYCLING
10 SERVICES, AND ESTABLISHING LOCAL USES FOR COLLECTED MATERIALS
11 THAT REDUCE THE TRANSPORTATION COSTS OF OPERATORS OF ATTENDED
12 SOLID WASTE DISPOSAL SITES, WASTE PRODUCERS, AND PERSONS PAYING
13 THE FEE;

14 (b) DETERMINES THAT:

15 (I) A CIRCULAR ECONOMY, INCLUDING WASTE DIVERSION AND
16 AVERSION, HAS SUBSTANTIAL ECONOMIC AND ENVIRONMENTAL BENEFITS
17 FOR THE STATE;

18 (II) THE OPPORTUNITY FOR IMPROVEMENT IS GREAT, YET THE
19 STATE LACKS:

20 (A) A SUFFICIENT FUNDING SOURCE TO MAKE THESE
21 IMPROVEMENTS; AND

22 (B) A COHERENT CIRCULAR ECONOMY POLICY, INCLUDING WASTE
23 DIVERSION AND AVERSION POLICIES, AT THE LOCAL LEVEL; AND

24 (III) IT IS IN THE STATE'S INTEREST TO PROVIDE FINANCIAL AND
25 TECHNICAL ASSISTANCE TO COMMUNITIES TO DEVELOP A CIRCULAR
26 ECONOMY AND REACH THEIR WASTE DIVERSION AND AVERSION GOALS
27 THROUGH TECHNICAL ASSISTANCE AND A GRANT AND FUNDING

1 OPPORTUNITY PROGRAM FINANCED BY USER FEES; AND

2 (c) DECLARES THAT:

3 (I) PROVIDING TECHNICAL ASSISTANCE, GRANTS, AND FUNDING
4 OPPORTUNITIES TO SUPPORT A CIRCULAR ECONOMY, INCLUDING WASTE
5 DIVERSION AND AVERSION, CONSTITUTES A VALUABLE SERVICE AND
6 BENEFIT, AND THE COLORADO CIRCULAR COMMUNITIES ENTERPRISE
7 PROVIDES USEFUL BUSINESS SERVICES TO WASTE PRODUCERS WHEN, IN
8 EXCHANGE FOR PAYMENT OF USER FEES, IT PROVIDES TECHNICAL
9 ASSISTANCE AND AWARDS GRANTS OR FUNDING FINANCED BY THE FEES TO
10 ENTITIES THAT PROMOTE A CIRCULAR ECONOMY, INCLUDING WASTE
11 DIVERSION AND AVERSION;

12 (II) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
13 THE STATE TO ACKNOWLEDGE THAT BY PROVIDING THE BUSINESS
14 SERVICES SPECIFIED IN SUBSECTIONS (1)(b)(III) AND (1)(c)(I) OF THIS
15 SECTION, THE ENTERPRISE ENGAGES IN AN ACTIVITY CONDUCTED IN THE
16 PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD AND THEREFORE OPERATES
17 AS A BUSINESS;

18 (III) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
19 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
20 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
21 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
22 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
23 ASSEMBLY THAT THE USER FEE COLLECTED BY THE ENTERPRISE IS A FEE,
24 NOT A TAX, BECAUSE THE FEE IS IMPOSED FOR THE SPECIFIC PURPOSE OF
25 ALLOWING THE ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE
26 BUSINESS SERVICES SPECIFIED IN SUBSECTIONS (1)(b)(III) AND (1)(c)(I) OF
27 THIS SECTION TO WASTE PRODUCERS THAT ULTIMATELY PAY THE FEE AND

1 IS COLLECTED AT RATES THAT ARE REASONABLY CALCULATED BASED ON
2 THE BENEFITS RECEIVED BY THOSE WASTE PRODUCERS;

3 (IV) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE
4 FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION,
5 THE REVENUE FROM THE USER FEES COLLECTED BY THE ENTERPRISE IS NOT
6 STATE FISCAL YEAR SPENDING, AS DEFINED IN SECTION 24-77-102 (17), OR
7 STATE REVENUES, AS DEFINED IN SECTION 24-77-103.6 (6)(c), AND DOES
8 NOT COUNT AGAINST EITHER THE STATE FISCAL YEAR SPENDING LIMIT
9 IMPOSED BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR
10 THE EXCESS STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6
11 (6)(b)(I)(G); AND

12 (V) THIS SECTION IS NECESSARY TO PROVIDE INCENTIVES TO
13 LOCAL GOVERNMENTS, FOR-PROFIT WASTE MANAGEMENT AND WASTE
14 DIVERSION COMPANIES, STATE INSTITUTIONS OF HIGHER EDUCATION,
15 NONPROFIT ORGANIZATIONS, OR OTHER ENTITIES THAT THE BOARD
16 IDENTIFIES AS PURSUING A CIRCULAR ECONOMY FOR THE STATE,
17 INCLUDING WASTE DIVERSION AND AVERSION.

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

20 (a) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE
21 ENTERPRISE.

22 (b) "CIRCULAR ECONOMY DEVELOPMENT CENTER" MEANS THE
23 CIRCULAR ECONOMY DEVELOPMENT CENTER CREATED IN SECTION
24 25-17-602 (1).

25 (c) (I) "ELIGIBLE ENTITY" MEANS THE FOLLOWING ENTITIES
26 LOCATED OR PROVIDING SERVICES IN COLORADO:

27 (A) CITIES, COUNTIES, AND CITIES AND COUNTIES;

1 (B) NONPROFIT AND FOR-PROFIT BUSINESSES PROMOTING A
2 CIRCULAR ECONOMY, INCLUDING WASTE DIVERSION OR AVERSION;

3 (C) STATE INSTITUTIONS OF HIGHER EDUCATION AND PUBLIC OR
4 PRIVATE SCHOOLS; AND

5 (D) ANY OTHER ENTITY IDENTIFIED BY THE BOARD AS SUPPORTING
6 OR PURSUING A CIRCULAR ECONOMY FOR COLORADO, INCLUDING WASTE
7 DIVERSION AND AVERSION.

8 (II) "ELIGIBLE ENTITY" INCLUDES AN ENTITY LISTED IN
9 SUBSECTION (2)(c)(I) OF THIS SECTION THAT IS LOCATING TO COLORADO
10 AFTER RECRUITMENT BY THE CIRCULAR ECONOMY DEVELOPMENT CENTER
11 PURSUANT TO SECTION 25-17-602 (1)(d) AND IN ACCORDANCE WITH
12 SUBSECTION (2)(c)(III) OF THIS SECTION.

13 (III) TO QUALIFY AS AN "ELIGIBLE ENTITY" BY LOCATING TO
14 COLORADO AFTER RECRUITMENT PURSUANT TO SUBSECTION (2)(c)(II) OF
15 THIS SECTION, AN ENTITY THAT IS LOCATING TO COLORADO MUST
16 DEMONSTRATE THAT IT HAS:

17 (A) BEEN IN BUSINESS IN ANOTHER JURISDICTION FOR A MINIMUM
18 OF THREE YEARS;

19 (B) IDENTIFIED A COLORADO LOCATION TO RELOCATE OR EXPAND
20 ITS BUSINESS TO;

21 (C) REGISTERED WITH THE COLORADO SECRETARY OF STATE; AND

22 (D) BEEN RECOMMENDED BY THE CIRCULAR ECONOMY
23 DEVELOPMENT CENTER.

24 (d) "ENTERPRISE" MEANS THE COLORADO CIRCULAR COMMUNITIES
25 ENTERPRISE CREATED IN SUBSECTION (3) OF THIS SECTION.

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

1 (f) "FUND" MEANS THE COLORADO CIRCULAR COMMUNITIES CASH
2 FUND CREATED IN SUBSECTION (4) OF THIS SECTION.

3 (g) (I) "GRANT AND FUNDING PROGRAM" MEANS THE COLORADO
4 CIRCULAR COMMUNITIES GRANT AND FUNDING PROGRAM CREATED IN
5 SUBSECTION (6) OF THIS SECTION.

6 (II) "GRANT AND FUNDING PROGRAM" INCLUDES:

7 (A) GRANTS;

8 (B) PURCHASES;

9 (C) LOANS;

10 (D) REBATES;

11 (E) NONCOMPETITIVE FORMULA FUNDING; AND

12 (F) FUNDING THAT MAY RESULT FROM A REQUEST TO THE BOARD
13 FROM ONE OR MORE PUBLIC OR PRIVATE PARTNERS ACROSS MULTIPLE
14 JURISDICTIONS.

15 (h) "PRODUCER RESPONSIBILITY PROGRAM" MEANS THE PRODUCER
16 RESPONSIBILITY PROGRAM FOR STATEWIDE RECYCLING ESTABLISHED
17 PURSUANT TO PART 7 OF ARTICLE 17 OF THIS TITLE 25.

18 (3) **Enterprise.** (a) THERE IS CREATED IN THE DEPARTMENT THE
19 COLORADO CIRCULAR COMMUNITIES ENTERPRISE. THE ENTERPRISE IS AND
20 OPERATES AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT
21 FOR THE PURPOSE OF COLLECTING THE FEE CHARGED TO WASTE
22 PRODUCERS AND USING THE FEE TO PROVIDE GRANTS, FUNDING, AND
23 TECHNICAL ASSISTANCE AND TO PAY FOR STUDIES TO PROMOTE A
24 CIRCULAR ECONOMY, INCLUDING WASTE DIVERSION AND AVERSION. THE
25 ENTERPRISE IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND
26 EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND FUNCTIONS UNDER
27 THE DEPARTMENT.

1 (b) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
2 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT
3 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
4 THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS FROM ALL
5 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT
6 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (3)(b), THE
7 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE
8 CONSTITUTION.

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

10 (I) COLLECT THE FEE;

11 (II) PROMOTE A CIRCULAR ECONOMY, INCLUDING WASTE
12 DIVERSION AND AVERSION, BY PROVIDING TECHNICAL ASSISTANCE AND
13 ISSUING GRANTS AND FUNDING, AS SPECIFIED IN SUBSECTION (6) OF THIS
14 SECTION;

15 (III) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUES OF THE
16 ENTERPRISE TO PROMOTE A CIRCULAR ECONOMY, INCLUDING WASTE
17 DIVERSION AND AVERSION, AS SPECIFIED IN THIS SECTION;

18 (IV) PUBLISH EACH YEAR, ON THE DEPARTMENT'S WEBSITE AND AS
19 OTHERWISE DEEMED APPROPRIATE BY THE BOARD, THE STRATEGIES THAT
20 THE BOARD HAS PRIORITIZED FOR FUNDING THROUGH THE GRANT AND
21 FUNDING PROGRAM;

22 (V) ADOPT, AMEND, OR REPEAL POLICIES FOR THE REGULATION OF
23 THE ENTERPRISE'S AFFAIRS AND THE CONDUCT OF ITS BUSINESS
24 CONSISTENT WITH THIS SECTION, INCLUDING ESTABLISHING APPLICATION,
25 REVIEW, APPROVAL, REPORTING, AND OTHER REQUIREMENTS FOR GRANTS
26 AND FUNDING;

27 (VI) ENGAGE THE SERVICES OF CONTRACTORS, CONSULTANTS,

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

11 (VII) IN COORDINATION WITH THE DEPARTMENT, PAY THE DIRECT
12 AND INDIRECT COSTS ASSOCIATED WITH THE DEPARTMENT'S OVERSIGHT
13 AND THE ADMINISTRATOR'S OPERATION OF THE CIRCULAR ECONOMY
14 DEVELOPMENT CENTER;

15 (VIII) (A) IN COORDINATION WITH THE DEPARTMENT, PAY THE
16 COSTS ASSOCIATED WITH CONDUCTING THE ORGANICS DIVERSION STUDY
17 REQUIRED BY SECTION 25-17-902.

18 (B) THIS SUBSECTION (3)(c)(VIII) IS REPEALED, EFFECTIVE JULY
19 1, 2025.

20 (IX) ENSURE CONTINUITY OF ENTERPRISE OPERATIONS. TO ENSURE
21 CONTINUITY, ANY GRANT AGREEMENT OR CONTRACT ENTERED INTO BY
22 THE FRONT RANGE WASTE DIVERSION ENTERPRISE BOARD PURSUANT TO
23 THIS SECTION AS IT EXISTED BEFORE HOUSE BILL 24-1449 WAS ENACTED
24 IN 2024 IS TRANSFERRED OR ASSIGNED TO THE COLORADO CIRCULAR
25 COMMUNITIES ENTERPRISE BOARD. THE CHAIR OF THE FRONT RANGE
26 WASTE DIVERSION BOARD OR THE CHAIR'S DESIGNEE IS AUTHORIZED TO
27 ASSIGN ANY CONTRACT OR AGREEMENT OF THE FRONT RANGE WASTE

1 DIVERSION ENTERPRISE BOARD ON BEHALF OF THE DISSOLVED FRONT
2 RANGE WASTE DIVERSION ENTERPRISE BOARD TO THE CIRCULAR
3 COMMUNITIES ENTERPRISE BOARD UNTIL JANUARY 31, 2025. THE
4 DEPARTMENT IS AUTHORIZED TO ADMINISTER THE SERVICES ON BEHALF OF
5 THE ENTERPRISE IN THE INTERIM TO THE EXTENT NECESSARY TO MAINTAIN
6 OPERATIONS. THE ENTERPRISE SHALL COMPENSATE THE DEPARTMENT AT
7 FAIR MARKET VALUE FOR ANY INTERIM SERVICES THAT THE DEPARTMENT
8 PROVIDES.

9 (d) (I) THE ENTERPRISE IS GOVERNED BY A BOARD OF DIRECTORS.
10 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL APPOINT THE
11 FOLLOWING THIRTEEN MEMBERS OF THE BOARD:

12 (A) ONE MEMBER REPRESENTING THE DEPARTMENT; AND

13 (B) TWELVE MEMBERS WHO, TO THE EXTENT PRACTICABLE,
14 REPRESENT A BALANCE OF FOR-PROFIT AND NONPROFIT BUSINESSES AND
15 LOCAL GOVERNMENTS AND MEET THE ELIGIBILITY REQUIREMENTS SET
16 FORTH IN SUBSECTIONS (3)(d)(II) AND (3)(d)(III) OF THIS SECTION.

17 (II) MEMBERS APPOINTED PURSUANT TO SUBSECTION (3)(d)(I)(B)
18 OF THIS SECTION MUST HAVE EXPERTISE IN ONE OR MORE OF THE
19 FOLLOWING AREAS:

20 (A) THE CIRCULAR ECONOMY;

21 (B) PRODUCER RESPONSIBILITY;

22 (C) ENVIRONMENTAL HEALTH AND SAFETY;

23 (D) CIRCULAR ECONOMY OR RENEWABLE ENERGY BUSINESS
24 DEVELOPMENT OR INVESTMENT;

25 (E) ECONOMIC DEVELOPMENT;

26 (F) PUBLIC FINANCE; OR

27 (G) EXPERTISE IN STATEWIDE OR COMMUNITY-WIDE WASTE

1 DIVERSION OR AVERSION PLANNING AND IMPLEMENTATION.

2 (III) WHEN APPOINTING MEMBERS OF THE BOARD, THE EXECUTIVE
3 DIRECTOR OF THE DEPARTMENT SHALL ENSURE THAT, TO THE EXTENT
4 PRACTICABLE:

5 (A) AT LEAST THREE MEMBERS REPRESENT A LOCAL
6 GOVERNMENT, AND AT LEAST ONE OF THE THREE MEMBERS LIVES IN OR
7 REPRESENTS A COMMUNITY OUTSIDE OF THE FRONT RANGE, AS DEFINED IN
8 SECTION 25-16-104.5 (3.9)(c.5);

9 (B) AT LEAST THREE MEMBERS REPRESENT WASTE HAULERS OR
10 LANDFILL OPERATORS;

11 (C) AT LEAST THREE MEMBERS LIVE IN OR REPRESENT
12 COMMUNITIES OUTSIDE OF THE FRONT RANGE, AS DEFINED IN SECTION
13 25-16-104.5 (3.9)(c.5); AND

14 (D) AT LEAST ONE MEMBER REPRESENTS AN ORGANIZATION THAT
15 WORKS TO REDUCE BURDENS EXPERIENCED BY DISPROPORTIONATELY
16 IMPACTED COMMUNITIES.

17 (e) THE MEMBER APPOINTED PURSUANT TO SUBSECTION
18 (3)(d)(I)(A) OF THIS SECTION SHALL CALL THE FIRST MEETING OF THE
19 BOARD. THE BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS TO
20 SERVE FOR A TERM NOT TO EXCEED TWO YEARS, AS DETERMINED BY THE
21 BOARD. THE BOARD SHALL MEET AT LEAST QUARTERLY, AND THE CHAIR
22 MAY CALL ADDITIONAL MEETINGS AS NECESSARY FOR THE BOARD TO
23 COMPLETE ITS DUTIES. EACH MEMBER OF THE BOARD IS ENTITLED TO
24 RECEIVE FROM MONEY IN THE FUND A PER DIEM ALLOWANCE OF FIFTY
25 DOLLARS FOR EACH DAY SPENT ATTENDING AN OFFICIAL BOARD MEETING.

26 (f) THE TERM OF OFFICE OF BOARD MEMBERS IS THREE YEARS;
27 EXCEPT THAT THE INITIAL TERM OF FIVE MEMBERS APPOINTED PURSUANT

1 TO SUBSECTION (3)(d)(I)(B) OF THIS SECTION IS TWO YEARS. MEMBERS
2 MAY SERVE FOR MULTIPLE CONSECUTIVE OR NONCONSECUTIVE TERMS.

3 (4) **Fund.** (a) THERE IS CREATED IN THE STATE TREASURY THE
4 COLORADO CIRCULAR COMMUNITIES CASH FUND. THE FUND CONSISTS OF
5 MONEY CREDITED TO THE FUND PURSUANT TO SECTIONS 25-16-104.5(3.9)
6 AND 18-4-511 (4)(b) AND ANY OTHER MONEY THAT THE GENERAL
7 ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE
8 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
9 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. THE
10 ENTERPRISE IS EXEMPT FROM SECTION 24-77-108.

11 (b) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
12 ENTERPRISE TO:

13 (I) COVER THE DIRECT AND INDIRECT COSTS FOR ADMINISTERING
14 THE ENTERPRISE AND ITS SERVICES;

15 (II) AWARD GRANTS AND FUNDING IN ACCORDANCE WITH THIS
16 SECTION;

17 (III) PROVIDE TECHNICAL ASSISTANCE, INCLUDING THROUGH THE
18 DEVELOPMENT AND IMPLEMENTATION OF PUBLIC POLICY, TO ELIGIBLE
19 ENTITIES TO PROMOTE A CIRCULAR ECONOMY, INCLUDING WASTE
20 DIVERSION AND AVERSION;

21 (IV) PAY THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE
22 DEPARTMENT'S OVERSIGHT AND THE ADMINISTRATOR'S OPERATION OF THE
23 CIRCULAR ECONOMY DEVELOPMENT CENTER; AND

24 (V) (A) PAY THE COSTS ASSOCIATED WITH CONDUCTING THE
25 ORGANICS DIVERSION STUDY REQUIRED BY SECTION 25-17-902.

26 (B) THIS SUBSECTION (4)(b)(V) IS REPEALED, EFFECTIVE JULY 1,
27 2025.

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

4 (d) (I) ON JULY 1, 2024, THE STATE TREASURER SHALL TRANSFER
5 ANY MONEY REMAINING IN THE FRONT RANGE WASTE DIVERSION CASH
6 FUND, AS IT EXISTED BEFORE HOUSE BILL 24-1449 WAS ENACTED IN 2024,
7 TO THE COLORADO CIRCULAR COMMUNITIES CASH FUND.

8 (II) THIS SUBSECTION (4)(d) IS REPEALED, EFFECTIVE JULY 1, 2025.

9 (5) **Circular economy promotion.** (a) THE ENTERPRISE SHALL
10 PROMOTE A CIRCULAR ECONOMY IN THE STATE, INCLUDING WASTE
11 DIVERSION AND AVERSION. IN PROMOTING A CIRCULAR ECONOMY, THE
12 ENTERPRISE SHALL CONSIDER:

13 (I) PROMOTING REUSE OF NATURAL RESOURCES AND REDUCTION
14 OF GREENHOUSE GAS EMISSIONS;

15 (II) INCENTIVIZING COLORADO BUSINESSES TO:

16 (A) USE MATERIALS THAT COLORADANS RECYCLE AND COMPOST;

17 (B) PRODUCE NEW PRODUCTS THAT MEET KNOWN HEALTH AND
18 SAFETY STANDARDS;

19 (C) MAXIMIZE THE RECOVERY AND REUSE OF BYPRODUCTS DURING
20 THE MANUFACTURING PROCESS; AND

21 (D) MINIMIZE WASTE WHEN MANUFACTURING, SELLING, OR
22 DISTRIBUTING PRODUCTS;

23 (III) INCENTIVIZING AND SUPPORTING LOCAL, REGIONAL, AND
24 STATEWIDE INFRASTRUCTURE, SYSTEMS, LOGISTICS, STUDIES, AND
25 MARKETING TO HELP CREATE A SUSTAINABLE CIRCULAR ECONOMY;

26 (IV) CREATING LOCAL JOBS, DEVELOPING COLORADO'S
27 WORKFORCE, SUPPORTING REGIONAL BUSINESSES, AND DIVERSIFYING

1 CURRENT AND NEW END MARKETS;
2 (V) SUPPORTING CIRCULAR ECONOMY AND SUSTAINABLE
3 RESOURCE EDUCATION;
4 (VI) EXTENDING THE USEFUL LIFE OF LOCAL LANDFILLS; AND
5 (VII) SUPPORTING STATEWIDE MUNICIPAL WASTE DIVERSION AND
6 AVERSION AND WASTE REDUCTION GOALS.

7 (b) TO THE EXTENT PRACTICABLE, IN PRIORITIZING AND DESIGNING
8 ITS SERVICES, THE ENTERPRISE SHALL COORDINATE WITH:

9 (I) THE CIRCULAR ECONOMY DEVELOPMENT CENTER;

10 (II) THE PRODUCER RESPONSIBILITY PROGRAM AND NONPROFIT
11 ORGANIZATION THAT THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
12 DESIGNATES PURSUANT TO SECTION 25-17-705 (1)(b)(II) AS THE
13 PRODUCER RESPONSIBILITY ORGANIZATION TO IMPLEMENT AND
14 ADMINISTER THE PRODUCER RESPONSIBILITY PROGRAM;

15 (III) THE OFFICE OF ECONOMIC DEVELOPMENT CREATED IN
16 SECTION 24-48.5-101 (1); AND

17 (IV) ANY SIMILAR PUBLIC AND PRIVATE INITIATIVES IDENTIFIED BY
18 THE BOARD AS SUPPORTING A CIRCULAR ECONOMY.

19 (6) **Grant and funding program.** (a) (I) THE ENTERPRISE SHALL
20 ADMINISTER THE GRANT AND FUNDING PROGRAM AND, SUBJECT TO
21 AVAILABLE REVENUE, SHALL AWARD GRANTS AND FUNDING FROM THE
22 FUND AS PROVIDED IN THIS SUBSECTION (6).

23 (II) BEFORE DISTRIBUTING MONEY, THE BOARD SHALL ASSESS AND
24 DETERMINE AN EQUITABLE DISTRIBUTION OF MONEY FROM THE FUND FOR
25 RURAL COUNTIES. THIS ASSESSMENT MAY OCCUR WITHIN EACH GRANT OR
26 FUNDING OPPORTUNITY OR WITHIN THE OVERALL DISTRIBUTION OF MONEY,
27 AS DETERMINED BY THE BOARD.

1 (III) IF THE GRANT APPLICATIONS OR FUNDING REQUESTS ARE
2 INSUFFICIENT TO ACHIEVE THE DESIRED DISTRIBUTION, THE BOARD MAY
3 DISTRIBUTE MONEY IN A MANNER THAT DEVIATES FROM THE EQUITABLE
4 DISTRIBUTION DETERMINED BY THE BOARD, BUT THE BOARD SHALL THEN
5 EVALUATE AND IDENTIFY STRATEGIES TO WORK TOWARD AN EQUITABLE
6 DISTRIBUTION OF MONEY FROM THE FUND FOR FUTURE GRANT AND
7 FUNDING OPPORTUNITIES.

8 (b) (I) THE PURPOSE OF THE GRANT AND FUNDING PROGRAM IS TO
9 PROVIDE ECONOMIC AND TECHNICAL ASSISTANCE TO ELIGIBLE ENTITIES IN
10 THEIR EFFORTS TO PROMOTE A CIRCULAR ECONOMY, INCLUDING WASTE
11 DIVERSION AND AVERSION, AS DESCRIBED IN THIS SECTION.

12 (II) THE BOARD SHALL ESTABLISH CRITERIA TO EVALUATE AND
13 PRIORITIZE APPLICATIONS OR REQUESTS FOR GRANTS OR AWARDS OF
14 FUNDING. AS PART OF THE SERVICES THAT THE BOARD MAY CONTRACT FOR
15 THE ENTERPRISE PURSUANT TO SUBSECTION (3)(c)(VI) OF THIS SECTION,
16 THE DEPARTMENT SHALL REVIEW APPLICATIONS AND REQUESTS FOR
17 FUNDING UTILIZING CRITERIA THAT THE BOARD ESTABLISHES.

18 (III) (A) SUBJECT TO SUBSECTION (6)(b)(III)(B) OF THIS SECTION,
19 IN REVIEWING APPLICATIONS AND REQUESTS FOR FUNDING, THE
20 DEPARTMENT MAY ENGAGE STAKEHOLDERS TO INFORM THE DESIGN OF,
21 IDENTIFY GAPS IN, OR ASSIST IN THE REVIEW PROCESS OR TO GAIN
22 INCREASED UNDERSTANDING OF TOPICS THAT MAY MERIT INCLUSION IN
23 THE APPROVED PROJECT ACTIVITIES AND DELIVERABLES, SUCH AS
24 INDUSTRY STANDARDS, ENVIRONMENTAL HEALTH AND SAFETY
25 STANDARDS, BUSINESS REQUIREMENTS, ECONOMIC OR INVESTMENT
26 CONSIDERATIONS, OR SIMILAR TOPICS THAT WILL SUPPORT THE
27 SUCCESSFUL IMPLEMENTATION OF AN APPROVED PROJECT.

1 (B) IN ENGAGING A STAKEHOLDER, THE DEPARTMENT SHALL
2 DETERMINE THAT THE STAKEHOLDER DOES NOT HAVE A CONFLICT OF
3 INTEREST REGARDING THE GRANT APPLICATION OR FUNDING REQUEST
4 BEING DESIGNED OR REVIEWED OR, IF THE STAKEHOLDER HAS A CONFLICT
5 OF INTEREST, THAT THE CONFLICT CAN BE MANAGED THROUGH BUSINESS
6 PRACTICES, INCLUDING DISCLOSURES AND RECUSALS, TO MAXIMIZE
7 FAIRNESS ACROSS ALL APPLICANTS AND ENTITIES REQUESTING FUNDING.
8 A BOARD MEMBER MAY SERVE AS A STAKEHOLDER FOR THE PURPOSE OF
9 THIS SUBSECTION (6)(b)(III) IF THE BOARD MEMBER DOES NOT HAVE A
10 CONFLICT OF INTEREST OR THE CONFLICT OF INTEREST CAN BE MANAGED
11 IN THE SAME MANNER AS OTHER STAKEHOLDERS.

12 (IV) THE DEPARTMENT SHALL DEVELOP GRANT AND FUNDING
13 RECOMMENDATIONS FOR THE BOARD THAT INCLUDE THE RECOMMENDED
14 GRANT OR FUNDING RECIPIENT, THE PROJECT AND ITS CONTRIBUTION TO
15 A CIRCULAR ECONOMY, THE GRANT OR FUNDING AWARD AMOUNT, THE
16 DURATION OF THE GRANT, AND WHETHER THE GRANT BENEFITS RURAL
17 AREAS OF THE STATE. THE BOARD SHALL REVIEW THE DEPARTMENT'S
18 RECOMMENDATIONS IN AWARDING GRANTS OR FUNDING.

19 (c) AT A MINIMUM, AT THE TIME OF APPLICATION OR REQUEST FOR
20 FUNDING OR, IF APPROPRIATE AS DETERMINED BY THE BOARD, AT THE TIME
21 OF AWARDING A GRANT OR FUNDING, AN AWARD OF A GRANT OR OF
22 FUNDING MUST INCLUDE THE FOLLOWING INFORMATION:

23 (I) A NARRATIVE DESCRIPTION OF THE PROJECT;

24 (II) A DESCRIPTION OF HOW THE PROJECT PROMOTES A CIRCULAR
25 ECONOMY, INCLUDING WASTE DIVERSION AND AVERSION;

26 (III) THE AMOUNT OF IN-KIND CONTRIBUTIONS OR MATCHING
27 FUNDS, IF ANY, THAT THE APPLICANT OR OUTSIDE SOURCES WILL PROVIDE

1 FOR THE PROJECT BUDGET; AND

2 (IV) FOR NONPROFIT AND FOR-PROFIT GRANT PROJECT
3 APPLICATIONS, WHETHER THERE IS LOCAL GOVERNMENT SUPPORT FOR THE
4 GRANT APPLICATION.

5 (d) GRANT AND FUNDING RECIPIENTS MAY USE THE MONEY
6 RECEIVED THROUGH THE GRANT AND FUNDING PROGRAM FOR STAFFING,
7 SUPPLIES, EQUIPMENT, MARKETING AND COMMUNICATIONS, PLANNING,
8 POLICY RESEARCH AND DEVELOPMENT, COMMUNITY ENGAGEMENT, AND
9 PROGRAMMING AND SERVICES REQUIRED BY THE BOARD.

10 (e) THE BOARD SHALL:

11 (I) USE ITS BEST EFFORTS TO AWARD GRANTS WITHIN NINETY DAYS
12 AFTER RECEIPT OF APPLICATIONS AND TO AWARD OTHER FUNDING AS SOON
13 AS PRACTICABLE;

14 (II) NOT ALLOCATE MORE THAN FIFTY PERCENT OF THE ANNUAL
15 FEE REVENUE IN ANY SINGLE GRANT AWARD;

16 (III) INCLUDE A SCOPE OF WORK OR CONDITIONS OF FUNDING,
17 INCLUDING MILEPOSTS AND DEADLINES FOR ACHIEVEMENT OF SPECIFIED
18 GOALS, IN GRANT AWARD AND FUNDING AGREEMENTS; AND

19 (IV) DETERMINE THE CRITERIA FOR MEASURING PROGRESS. THE
20 BOARD SHALL CONSIDER A GRANTEE'S OR FUNDING RECIPIENT'S PROGRESS
21 IN AWARDING FURTHER GRANTS TO THE GRANTEE OR FUNDING TO THE
22 FUNDING RECIPIENT.

23 (f) (I) A GRANTEE OR FUNDING RECIPIENT SHALL REPORT TO THE
24 BOARD ON THE PROGRESS OF THE PROJECT FINANCED BY THE GRANT OR
25 AWARD OF FUNDING PURSUANT TO TERMS SPECIFIED BY THE BOARD BUT
26 NO LESS THAN ON AN ANNUAL BASIS.

27 (II) THE BOARD MAY DEVELOP A POLICY REGARDING A GRANTEE'S

1 NONCOMPLIANCE WITH THE GRANT OR FUNDING AGREEMENT ENTERED
2 INTO BY THE GRANTEE OR FUNDING RECIPIENT AND THE BOARD, WHICH
3 POLICY MAY INCLUDE A MECHANISM FOR THE BOARD TO CONVERT THE
4 GRANTEE'S GRANT OR FUNDING AWARD TO A LOAN WITH INTEREST.
5 NOTHING IN THIS SUBSECTION (6)(f) LIMITS THE BOARD'S AUTHORITY TO
6 ADDRESS NONCOMPLIANCE WITH ACTION UP TO AND INCLUDING
7 TERMINATION OF THE GRANT OR FUNDING AGREEMENT.

8 (7) **Reporting.** NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I),
9 THE BOARD SHALL SUBMIT A REPORT BY JULY 1 OF EACH YEAR TO THE
10 COMMITTEES OF REFERENCE OF THE GENERAL ASSEMBLY WITH
11 JURISDICTION OVER ENVIRONMENT MATTERS REGARDING:

12 (a) THE UNOBLIGATED BALANCE OF THE FUND;

13 (b) AN OVERVIEW OF THE GRANTS AND FUNDING AWARDED AND
14 OF ANY TECHNICAL ASSISTANCE PROVIDED;

15 (c) THE PROGRESS TOWARD ACHIEVEMENT OF A CIRCULAR
16 ECONOMY, INCLUDING WASTE DIVERSION AND AVERSION, AND THE
17 PRIMARY FACTORS FACILITATING AND INHIBITING THAT PROGRESS; AND

18 (d) ANY SUGGESTED LEGISLATION OR POLICY CHANGES.

19 (8) **Repeal.** (a) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER
20 1, 2032.

21 (b) THE STATE TREASURER SHALL TRANSFER ANY MONEY
22 REMAINING IN THE FUND ON SEPTEMBER 1, 2032, TO THE GENERAL FUND.

23 **25-16.5-110. Stakeholder feedback - report.**

24 (1) STAKEHOLDERS MAY PROVIDE THE DEPARTMENT WITH FEEDBACK
25 ABOUT THE EFFECTIVENESS OF THE ENTERPRISE, INCLUDING ANY FACTORS
26 THAT FACILITATE OR INHIBIT PROGRESS, WHICH FACTORS MAY RELATE TO
27 THE ENTERPRISE ITSELF OR TO OTHER AREAS SUCH AS THE CIRCULAR

1 ECONOMY DEVELOPMENT CENTER OR PRODUCER RESPONSIBILITY
2 PROGRAM. AT ANY TIME THE DEPARTMENT CHOOSES, THE DEPARTMENT
3 SHALL SHARE THE FEEDBACK WITH THE BOARD TO INFORM THE BOARD'S
4 STRATEGIES AND DECISIONS.

5 (2) BY JANUARY 1, 2030, THE DEPARTMENT, AFTER ENGAGING
6 STAKEHOLDERS, SHALL SUBMIT A REPORT TO THE COMMITTEES OF
7 REFERENCE OF THE GENERAL ASSEMBLY WITH JURISDICTION OVER
8 ENVIRONMENTAL MATTERS REGARDING THE ENTERPRISE AND ANY
9 RECOMMENDATIONS. THE DEPARTMENT'S RECOMMENDATIONS IN THE
10 REPORT MAY INCLUDE:

- 11 (a) THE STATUTORY REPEAL DATE OF THE ENTERPRISE, IF ANY;
- 12 (b) ENTERPRISE FEE AMOUNTS, INCLUDING A PROPOSED SCHEDULE
13 FOR FEE INCREASES OR A RECOMMENDATION TO MOVE TO A SINGLE,
14 STATEWIDE FEE; AND
- 15 (c) PROGRESS TOWARD DELIVERING STATEWIDE SERVICES.

16 **SECTION 2.** In Colorado Revised Statutes, 25-16-104.5, **amend**
17 (3.9) as follows:

18 **25-16-104.5. Solid waste user fee - imposed - rate - legislative**
19 **declaration - definition - repeal.** (3.9) (a) BEGINNING JULY 1, 2024, AND
20 subject to subsection (1.5) of this section, in addition to any other user fee
21 imposed by this section, on or after July 1, 2007, there is hereby imposed
22 a user fee to fund the ~~recycling resources economic opportunity program~~
23 COLORADO CIRCULAR COMMUNITIES ENTERPRISE created in section
24 ~~25-16.5-106.7. Such fee shall be collected by 25-16.5-109 (3)(a).~~ The
25 operator of an attended solid waste disposal site LOCATED OUTSIDE OF THE
26 FRONT RANGE, INCLUDING SITES LOCATED IN THE COUNTIES OF CUSTER,
27 FREMONT, MORGAN, AND OTERO, UNLESS MODIFIED PURSUANT TO

1 SUBSECTION (3.9)(c)(II) OF THIS SECTION, SHALL COLLECT THE FEE at the
2 time of disposal. ~~and~~ THE FEE shall be imposed and passed through to
3 waste producers and other persons disposing of waste at the following
4 rate or at an equivalent rate established by the ~~department~~ COMMISSION:

5 (I) Two cents per load transported by a motor vehicle that is
6 commonly used for the noncommercial transport of persons over public
7 highways;

8 (II) Four cents per load transported by a truck, as defined in
9 section 42-1-102 (108), ~~C.R.S.~~, that is commonly used for the
10 noncommercial transport of persons and property over the public
11 highways; and

12 (III) An amount, per cubic yard per load transported by any
13 commercial vehicle or other vehicle not included in the vehicles described
14 in subparagraph (I) or (II) of this paragraph (a), ~~in accordance with the~~
15 ~~following schedule:~~ SUBSECTIONS (3.9)(a)(I) AND (3.9)(a)(II) OF THIS
16 SECTION,

17 ~~(A) Through December 31, 2013, seven cents per cubic yard per~~
18 ~~load;~~

19 ~~(B) From January 1, 2014, through December 31, 2014, nine cents~~
20 ~~per cubic yard per load;~~

21 ~~(C) From January 1, 2015, through December 31, 2015, eleven~~
22 ~~cents per cubic yard per load; and~~

23 ~~(D)~~ on and after January 1, 2016, OF fourteen cents per cubic yard
24 per load, WHICH AMOUNT IS EQUIVALENT TO FORTY-SEVEN CENTS PER
25 TON.

26 (b) BEGINNING JULY 1, 2024, any user fee collected by the
27 operator of a solid waste disposal site or facility pursuant to ~~paragraph (a)~~

1 of this subsection ~~(3.9)~~ SUBSECTION (3.9)(a) OF THIS SECTION shall be
2 transmitted by the last day of the month following the end of each
3 calendar quarter to the state treasurer, who shall credit one hundred
4 percent of ~~such moneys~~ THE MONEY to the ~~recycling resources economic~~
5 ~~opportunity~~ COLORADO CIRCULAR COMMUNITIES CASH fund created in
6 section ~~25-16.5-106.5~~ 25-16.5-109 (4), to fund the ~~recycling resources~~
7 ~~economic opportunity program~~ COLORADO CIRCULAR COMMUNITIES
8 ENTERPRISE pursuant to section ~~25-16.5-106.7~~ 25-16.5-109.

9 (c) (I) Subject to subsections (1.5) and ~~(3.9)(c)(VI)~~ (3.9)(c)(II) of
10 this section, in addition to any other user fee imposed by this section, on
11 or after September 1, 2019, there is ~~hereby~~ imposed a user fee to finance
12 the ~~front range waste diversion grant program~~ COLORADO CIRCULAR
13 COMMUNITIES ENTERPRISE created in section ~~25-16.5-111~~ 25-16.5-109.
14 At the time of disposal, the operator of an attended solid waste disposal
15 site located in the front range ~~as that term is defined in section~~
16 ~~25-16.5-111(2)(f)~~, shall collect the fee, which may be passed through to
17 waste producers and other persons disposing of waste, in an amount per
18 cubic yard per load transported by any commercial vehicle, or by other
19 vehicle not included in the vehicles described in subsection (3.9)(a)(I) or
20 (3.9)(a)(II) of this section, as set forth in the following schedule: ~~except~~
21 ~~as modified by subsection (3.9)(c)(II) of this section:~~

22 ~~(A) to (C) Repealed.~~

23 ~~(D)~~ (A) On ~~and after January 1, 2023,~~ ~~sixty~~ AND AFTER JULY 1,
24 2024, BUT BEFORE JANUARY 1, 2025, SEVENTY-FOUR cents per cubic yard
25 per load, WHICH IS EQUIVALENT TO TWO DOLLARS AND FORTY-SEVEN
26 CENTS PER TON; AND

27 (B) ON AND AFTER JANUARY 1, 2025, SEVENTY-EIGHT CENTS PER

1 CUBIC YARD PER LOAD, WHICH IS EQUIVALENT TO TWO DOLLARS AND
2 SIXTY CENTS PER TON.

3 ~~(H) Effective January 1, 2024, and on each succeeding January 1,~~
4 ~~the amount of the fee specified in subsection (3.9)(c)(I)(D) of this section~~
5 ~~is adjusted by the annual percentage change in the United States~~
6 ~~department of labor's bureau of labor statistics consumer price index for~~
7 ~~Denver-Aurora-Lakewood for all items paid by all urban consumers, or~~
8 ~~its applicable successor index.~~

9 ~~(H) Repealed.~~

10 ~~(IV) (II) Solid waste disposal sites or facilities located in the~~
11 ~~county of Custer, Fremont, Morgan, or Otero shall collect the fee~~
12 ~~specified in this subsection (3.9)(c) on loads that originate from the front~~
13 ~~range. as that term is defined in section 25-16.5-111 (2)(f).~~

14 ~~(V) (III) BEGINNING JULY 1, 2024, an operator of a solid waste~~
15 ~~disposal site or facility subject to this subsection (3.9) (3.9)(c) shall~~
16 ~~transmit the user fee collected pursuant to this subsection (3.9)(c) by the~~
17 ~~last day of the month following the end of each calendar quarter to the~~
18 ~~state treasurer, who shall credit it to the front range waste diversion~~
19 ~~COLORADO CIRCULAR COMMUNITIES cash fund created in section~~
20 ~~25-16.5-111 (4) 25-16.5-109 (4) to finance the front range waste~~
21 ~~diversion grant program COLORADO CIRCULAR COMMUNITIES ENTERPRISE~~
22 ~~pursuant to section 25-16.5-111 (6) 25-16.5-109.~~

23 ~~(VI) (IV) An operator of an attended solid waste disposal site~~
24 ~~located in the front range need not collect the fee specified in this~~
25 ~~subsection (3.9)(c) on a load that contains any of the following materials~~
26 ~~that are separated out from the rest of the load: Asbestos-containing~~
27 ~~material, asbestos waste, friable asbestos-containing material as that term~~

1 is defined in section 25-7-502 (6), friable asbestos, nonfriable asbestos
2 waste, regulated asbestos-contaminated soil, nonregulated
3 asbestos-contaminated soil, pathological waste, pharmaceutical waste,
4 ash, biohazardous waste, infectious waste as that term is defined in
5 section 25-15-402 (1)(a), medical waste, exploration and production
6 waste as that term is defined in section 30-20-109 (1.5)(a)(I),
7 technologically enhanced naturally occurring radioactive material as that
8 term is defined in section 25-11-201 (1)(f), grit and sludge, automobile
9 shredder residue, dead animals, special waste liquids, or contaminated
10 soils.

11 ~~(VII) Repealed.~~

12 (c.5) AS USED IN THIS SUBSECTION (3.9), "FRONT RANGE" MEANS
13 THE COUNTIES OF ADAMS, ARAPAHOE, BOULDER, DOUGLAS, ELBERT, EL
14 PASO, JEFFERSON, LARIMER, PUEBLO, TELLER, AND WELD AND THE CITIES
15 AND COUNTIES OF BROOMFIELD AND DENVER.

16 (d) This subsection (3.9) is repealed, effective September 1, ~~2030~~
17 2032.

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

20 **18-4-511. Littering of public or private property - repeal.**

21 (4) (b) (I) On and after January 1, 2020, the mandatory fines specified in
22 subsection (4)(a) of this section are adjusted annually by the annual
23 percentage change in the United States department of labor's bureau of
24 labor statistics consumer price index for Denver-Aurora-Lakewood for
25 all items paid by all urban consumers, or its applicable successor index.
26 Notwithstanding any other provision of law, the clerk of the court shall
27 transmit the amount of the fine attributable to the adjustment specified in

1 this subsection (4)(b)(I) to the state treasurer, who shall credit ~~it~~ THE
2 MONEY to the ~~front range waste diversion~~ COLORADO CIRCULAR
3 COMMUNITIES cash fund created in section ~~25-16.5-111(4)~~ 25-16.5-109
4 (4).

5 (II) This subsection (4)(b) is repealed, effective September 1,
6 ~~2029~~ 2032.

7 **SECTION 4.** In Colorado Revised Statutes, 24-1-119, **amend**
8 (18) as follows:

9 **24-1-119. Department of public health and environment -**
10 **creation.** (18) The ~~front range waste diversion~~ COLORADO CIRCULAR
11 COMMUNITIES enterprise, created in section ~~25-16.5-111(3)~~ 25-16.5-109
12 (3), is a **type 1** entity, as defined in section 24-1-105, and exercises its
13 powers and performs its duties and functions under the department of
14 public health and environment.

15 **SECTION 5.** In Colorado Revised Statutes, 25-17-602, **amend**
16 (5) as follows:

17 **25-17-602. Circular economy development center - creation -**
18 **administration - reports - repeal.** (5) **Costs.** The direct and indirect
19 costs associated with the department's oversight and the administrator's
20 operation of the center shall be paid by money appropriated to the
21 department from:

22 (a) The ~~front range waste diversion~~ COLORADO CIRCULAR
23 COMMUNITIES cash fund, pursuant to section ~~25-16.5-111(4)(b)(V)~~
24 25-16.5-109 (4); and

25 (b) (I) THROUGH SEPTEMBER 30, 2025, the recycling resources
26 economic opportunity fund, pursuant to section ~~25-16.5-106.5(2)(c)~~
27 25-16.5-104 (2).

1 (II) THIS SUBSECTION (5)(b) IS REPEALED, EFFECTIVE OCTOBER 1,
2 2025.

3 **SECTION 6.** In Colorado Revised Statutes, 25-17-702, **amend**
4 (1) introductory portion and (1)(d) as follows:

5 **25-17-702. Legislative declaration.** (1) The general assembly
6 ~~hereby~~ finds and declares that:

7 (d) Colorado is not on track to meet the statewide recycling and
8 waste diversion goals that the pollution prevention advisory board
9 assistance committee ~~created in section 25-16.5-105.5 (2)~~, adopted in
10 2016 and set forth in an integrated solid waste and materials management
11 plan;

12 **SECTION 7.** In Colorado Revised Statutes, 25-17-703, **amend**
13 (20) as follows:

14 **25-17-703. Definitions.** As used in this part 7, unless the context
15 otherwise requires:

16 (20) "Materials recovery facility" means a facility for processing
17 covered materials that are collected for recycling before they are
18 conveyed to end-market businesses. ~~as defined in section 25-16.5-112~~
19 ~~(4)(a)~~.

20 **SECTION 8.** In Colorado Revised Statutes, 25-17-710, **amend**
21 (4) as follows:

22 **25-17-710. Violations - enforcement - administrative penalty**
23 **- injunction.** (4) The executive director shall transfer any money
24 collected under this section to the state treasurer, who shall credit the
25 money to the ~~recycling resources economic opportunity~~ COLORADO
26 CIRCULAR COMMUNITIES CASH fund created in section ~~25-16.5-106.5 (1)~~
27 25-16.5-109 (4).

1 **SECTION 9.** In Colorado Revised Statutes, 25-17-902, **amend**
2 (3)(j)(I) as follows:

3 **25-17-902. Organics diversion study - report - funding.**

4 (3) The study must, at a minimum:

5 (j) Regarding funding sources to enable diversion of organic
6 materials from landfills:

7 (I) Review and identify potential funding sources to support
8 development of collection, contamination reduction, and processing
9 infrastructure. Potential funding sources may include existing state funds,
10 including the ~~front range waste diversion~~ COLORADO CIRCULAR
11 COMMUNITIES cash fund created in section ~~25-16.5-111 (4)~~, the ~~recycling~~
12 ~~resources economic opportunity fund created in section 25-16.5-106.5,~~
13 25-16.5-109 (4) and the Colorado economic development fund created in
14 section 24-46-105; grants from other state agencies, including the
15 department of local affairs created in section 24-1-125; federal funds; and
16 generator- or producer-funded programs.

17 **SECTION 10.** In Colorado Revised Statutes, 30-20-122, **amend**
18 (1)(a) introductory portion and (1)(a)(VI) as follows:

19 **30-20-122. Additional duties of the department - data**
20 **collection on recycling, solid waste, and solid waste diversion - report.**

21 (1) (a) The department shall collect information and data on recycling,
22 solid waste, and solid waste diversion. Data required to be collected by
23 the department on recycling, solid waste, and solid waste diversion as
24 required by this subsection (1) ~~shall include without limitation~~ INCLUDES:

25 (VI) The number of jobs created and any other economic impacts
26 resulting from the awarding of ~~recycling resources economic opportunity~~
27 COLORADO CIRCULAR COMMUNITY ENTERPRISE grants AND FUNDING made

1 available pursuant to section ~~25-16.5-106.7, C.R.S.~~ 25-16.5-109 (6); and

2 **SECTION 11. Effective date.** This act takes effect July 1, 2024.

3 **SECTION 12. Safety clause.** The general assembly finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety or for appropriations for
6 the support and maintenance of the departments of the state and state
7 institutions.