

SB180_L.003

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

SB21-180 be amended as follows:

1 Strike the Business, Labor, and Technology Committee Report, dated
2 March 22, 2021.

3 Amend printed bill, strike everything below the enacting clause and
4 substitute:

5 "SECTION 1. In Colorado Revised Statutes, **add** 25-17-109 as
6 follows:

7 **25-17-109. Stakeholder advisory committee on recycling -**
8 **created - definitions - report - repeal.** (1) AS USED IN THIS SECTION,
9 UNLESS THE CONTEXT OTHERWISE REQUIRES:

10 (a) "COMMITTEE" MEANS THE STAKEHOLDER ADVISORY
11 COMMITTEE ON RECYCLING CREATED IN SUBSECTION (2) OF THIS SECTION.

12 (b) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
13 AND ENVIRONMENT.

14 (c) "RECYCLABLE MATERIALS":

15 (I) MEANS ANY TYPE OF DISCARDED OR WASTE MATERIAL THAT IS
16 NOT REGULATED UNDER SECTION 25-8-205 (1)(e) AND CAN BE REUSED,
17 REMANUFACTURED, RECLAIMED, OR RECYCLED, INCLUDING COMPOSTABLE
18 ORGANIC MATERIAL AND CONSTRUCTION AND DEMOLITION MATERIALS;
19 AND

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

22 (2) THE STAKEHOLDER ADVISORY COMMITTEE ON RECYCLING IS
23 CREATED IN THE DEPARTMENT FOR THE FOLLOWING PURPOSES:

24 (a) TO CONDUCT A LITERATURE REVIEW OF VARIOUS POLICY
25 CONCEPTS, INCLUDING POLICIES ENACTED OR BEING CONSIDERED IN
26 OTHER STATES AND OTHER NATIONS RELATIVE TO POST-CONSUMER
27 RECYCLED CONTENT REQUIREMENTS FOR PACKAGING;

28 (b) TO REVIEW RATES AND TIME FRAMES IN WHICH
29 POST-CONSUMER RECYCLED CONTENT, INCLUDING RECYCLED PLASTIC,
30 GLASS, STEEL, AND PAPER, MAY BE FEASIBLY REQUIRED FOR ALL
31 PACKAGING APPLICATIONS AND MATERIALS; AND

32 (c) TO SUBMIT A REPORT ON OR BEFORE MARCH 1, 2022, TO THE
33 ENERGY AND ENVIRONMENT COMMITTEE OF THE HOUSE OF
34 REPRESENTATIVES AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF
35 THE SENATE, OR TO ANY SUCCESSOR COMMITTEE, WHICH REPORT
36 INCLUDES POLICY AND LEGISLATIVE RECOMMENDATIONS REGARDING THE
37 FEASIBILITY OF IMPLEMENTING POST-CONSUMER RECYCLED CONTENT
38 REQUIREMENTS FOR PACKAGING. THE REPORT MUST INCLUDE
39 RECOMMENDATIONS IN SUBJECT MATTER AREAS WHERE THE COMMITTEE

1 ACHIEVED CONSENSUS AND NOTE DISSENTING OPINIONS IN SUBJECT
2 MATTER AREAS WHERE THE COMMITTEE FAILED TO ACHIEVE CONSENSUS.

3 (3) ON OR BEFORE AUGUST 1, 2021, THE PRESIDENT OF THE
4 SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
5 JOINTLY APPOINT AT LEAST ONE MEMBER TO THE COMMITTEE TO
6 REPRESENT EACH OF THE FOLLOWING STAKEHOLDER GROUPS:

- 7 (a) THE DEPARTMENT;
- 8 (b) CITIES, INCLUDING SMALL AND LARGE CITIES AND CITIES
9 LOCATED IN URBAN AND RURAL COUNTIES;
- 10 (c) COUNTIES, INCLUDING SMALL AND LARGE COUNTIES AND
11 URBAN AND RURAL COUNTIES;
- 12 (d) MUNICIPAL COLLECTORS;
- 13 (e) AN ENTITY IN THE PRIVATE SECTOR WASTE AND RECYCLING
14 INDUSTRY THAT OWNS OR OPERATES A CURBSIDE RECYCLING PROGRAM
15 AND A MATERIAL RECOVERY FACILITY;
- 16 (f) A MATERIAL RECOVERY FACILITY OPERATOR THAT PROCESSES
17 MUNICIPAL SOLID WASTE FROM CURBSIDE RECYCLING PROGRAMS;
- 18 (g) A COMPANY THAT PROVIDES CURBSIDE REYCLING SERVICE
19 PURSUANT TO A MUNICIPAL CONTRACT;
- 20 (h) RECYCLED PLASTIC FEEDSTOCK USERS;
- 21 (i) A TRADE ASSOCIATION REPRESENTING THE PLASTICS
22 RECYCLING INDUSTRY;
- 23 (j) A RECYCLED CONTENT CERTIFICATION ORGANIZATION;
- 24 (k) A NONPROFIT ENVIRONMENTAL ORGANIZATION THAT
25 SPECIALIZES IN WASTE AND RECYCLING ISSUES;
- 26 (l) PLASTIC CONVERTERS AND MANUFACTURERS OF RESINS;
- 27 (m) A MANUFACTURER OF PLASTIC PACKAGING;
- 28 (n) A STATEWIDE BUSINESS TRADE ASSOCIATION;
- 29 (o) AN ASSOCIATION THAT REPRESENTS CONSUMER BRAND
30 COMPANIES;
- 31 (p) CONSUMER BRANDS;
- 32 (q) A CONSUMER-ORIENTED ORGANIZATION;
- 33 (r) A STATEWIDE ASSOCIATION OF RETAILERS; AND
- 34 (s) AN ADVANCED RECYCLING TECHNOLOGY PROVIDER THAT
35 PROCESSES PLASTIC MATERIAL.

36 (4) THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE
37 HOUSE OF REPRESENTATIVES SHALL JOINTLY APPOINT A MEMBER OF THE
38 COMMITTEE TO CHAIR THE COMMITTEE, AND ON OR BEFORE SEPTEMBER 1,
39 2021, THE CHAIR SHALL CONVENE THE COMMITTEE.

40 (5) IN FULFILLING ITS DUTIES UNDER THIS SECTION, THE
41 COMMITTEE SHALL CONSIDER INFORMATION AND FINDINGS BY A VARIETY
42 OF AUTHORITATIVE ENTITIES RELATED TO RECYCLABLE MATERIALS,
43 INCLUDING ENTITIES WITH EXPERTISE CONCERNING ADVANCED RECYCLING

1 TECHNOLOGIES. THE COMMITTEE SHALL USE CONSENSUS-BASED DECISION
2 MAKING TO MAKE RECOMMENDATIONS TO THE GENERAL
3 ASSEMBLY CONCERNING THE FOLLOWING:

- 4 (a) DEFINITIONS OF TERMS;
- 5 (b) METHODS FOR DETERMINING RESPONSIBLE PARTIES;
- 6 (c) METHODS FOR DETERMINING, REPORTING, AND CERTIFYING
7 COMPLIANCE WITH REQUIREMENTS CONCERNING THE RECYCLING OF
8 RECYCLABLE MATERIALS;
- 9 (d) METHODS FOR ESTABLISHING MANDATORY RECYCLING RATES,
10 INCLUDING CONSIDERATION OF MATERIAL TYPES AND TARGET
11 IMPLEMENTATION DATES;
- 12 (e) METHODS FOR VERIFYING CLAIMS REGARDING RECYCLED
13 CONTENT;
- 14 (f) REGISTRATION OF MANUFACTURERS AND DISTRIBUTORS;
- 15 (g) ENFORCEMENT; AND
- 16 (h) EXEMPTIONS AND EXCEPTIONS.
- 17 (6) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2022.

18 **SECTION 2. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety."

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