

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 09-1282

BY REPRESENTATIVE(S) Fischer, Apuan, Frangas, Gagliardi, Gerou, Kefalas, Kerr J., Marostica, Nikkel, Primavera, Ryden, Schafer S., Solano, Todd, Vigil, Hullinghorst, Labuda, Levy, Pace, Pommer;
also SENATOR(S) Schwartz, Hodge, Boyd, Gibbs, Newell, Hudak, Sandoval, Williams.

CONCERNING THE RECYCLING OF CERTAIN ELECTRONIC DEVICES, AND, IN CONNECTION THEREWITH, ESTABLISHING A TASK FORCE WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO MAKE RECOMMENDATIONS REGARDING THE IMPLEMENTATION OF ELECTRONIC DEVICE RECYCLING PROGRAMS AND MAKING AN APPROPRIATION.

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

SECTION 1. Part 1 of article 17 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-17-107. Electronic device recycling task force - report - cash fund - repeal. (1) THE GENERAL ASSEMBLY HEREBY:

(a) FINDS THAT CONSUMER ELECTRONICS CONTAIN HAZARDOUS MATERIALS AS WELL AS COMPONENTS AND MATERIALS THAT ARE VALUED AS

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

COMMODITIES;

(b) DETERMINES THAT IT IS IMPORTANT TO CREATE A VIABLE MEANS OF RECYCLING ELECTRONIC DEVICES FOR ALL COLORADO CITIZENS, ELIMINATE THE THREAT TO OUR ENVIRONMENT POSED BY BURYING OR INCINERATING ELECTRONIC DEVICES, AND PREVENT THE EXPORT OF TOXIC MATERIALS TO COUNTRIES WITH INSUFFICIENT ENVIRONMENTAL CONTROLS IN PLACE TO RECYCLE THEM SAFELY; AND

(c) DECLARES THAT ITS INTENT IN CREATING AN ELECTRONIC DEVICE RECYCLING TASK FORCE IS TO GATHER INPUT REGARDING THE BENEFITS AND CONSEQUENCES OF ESTABLISHING A LANDFILL DISPOSAL BAN FOR ELECTRONIC DEVICES AND THE BEST WAY TO:

(I) INCREASE DIVERSION RATES FOR ELECTRONIC DEVICES;

(II) PROMOTE NEW NONTOXIC DESIGNS FOR ELECTRONICS;

(III) CREATE JOBS IN COLORADO; AND

(IV) BUILD ON, NOT SUPPLANT OR UNDERMINE, THE EXISTING INFRASTRUCTURE, WHICH IS PRIMARILY IN THE PRIVATE SECTOR, THAT CURRENTLY DIVERTS ELECTRONIC WASTE IN COLORADO.

(2) (a) THERE IS HEREBY CREATED WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT THE ELECTRONIC DEVICE RECYCLING TASK FORCE. THE TASK FORCE CONSISTS OF THE FOLLOWING SIXTEEN REPRESENTATIVES:

(I) ONE EMPLOYEE OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT WHO IS FAMILIAR WITH ELECTRONICS RECYCLING, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT;

(II) ONE REPRESENTATIVE OF A RURAL LOCAL GOVERNMENT THAT IS INVOLVED IN ELECTRONICS RECYCLING, APPOINTED BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS;

(III) ONE REPRESENTATIVE OF AN URBAN LOCAL GOVERNMENT THAT IS INVOLVED IN ELECTRONICS RECYCLING, APPOINTED BY THE COLORADO

MUNICIPAL LEAGUE;

(IV) TWO REPRESENTATIVES OF NONPROFIT ORGANIZATIONS THAT HAVE AN INVOLVEMENT WITH ELECTRONICS RECYCLING AND EDUCATION, OF WHOM ONE SHALL BE STATE-BASED AND HAVE ACCESS TO NATIONAL ELECTRONICS POLICY INFORMATION AND ONE SHALL BE A COMMUNITY NONPROFIT THAT OPERATES AN ELECTRONICS COLLECTION OR RECYCLING PROGRAM, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE COLORADO ASSOCIATION FOR RECYCLING;

(V) TWO REPRESENTATIVES OF COLORADO-BASED RECYCLERS OF ELECTRONIC DEVICES, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE COLORADO ASSOCIATION FOR RECYCLING;

(VI) THREE REPRESENTATIVES OF ELECTRONIC DEVICE MANUFACTURERS, OF WHOM ONE SHALL REPRESENT COMPUTER MANUFACTURERS, ONE SHALL REPRESENT SMALL ELECTRONIC DEVICE MANUFACTURERS, AND ONE SHALL REPRESENT TELEVISION MANUFACTURERS, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT;

(VII) ONE REPRESENTATIVE OF A COUNTY THAT OWNS OR OPERATES A LANDFILL, APPOINTED BY COLORADO COUNTIES, INCORPORATED;

(VIII) ONE REPRESENTATIVE OF RETAILERS OF ELECTRONIC DEVICES, APPOINTED BY THE COLORADO RETAIL COUNCIL; AND

(IX) FOUR MEMBERS OF THE GENERAL ASSEMBLY, OF WHOM TWO SHALL BE SENATORS APPOINTED BY THE PRESIDENT OF THE SENATE, TWO SHALL BE REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND NO MORE THAN THREE SHALL BE MEMBERS OF THE SAME POLITICAL PARTY.

(b) THE APPOINTING AUTHORITIES SHALL MAKE THEIR APPOINTMENTS WITHIN ONE MONTH AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (b). A QUORUM SHALL BE A MAJORITY OF THE MEMBERS ACTUALLY APPOINTED TO THE TASK FORCE. THE TASK FORCE SHALL MEET AND SELECT A CHAIR FROM AMONG ITS MEMBERS BY JULY 1, 2009, AND MAY ADOPT SUCH POLICIES FOR ITS PROCEEDINGS AS IT DEEMS NECESSARY.

(c) (I) THE TASK FORCE SHALL PUBLICIZE AND HOLD AT LEAST THREE PUBLIC MEETINGS, AT LEAST ONE OF WHICH SHALL BE HELD OUTSIDE OF THE DENVER METROPOLITAN AREA, TO GATHER WRITTEN AND ORAL INPUT FROM INTERESTED PARTIES REGARDING THE BENEFITS AND CONSEQUENCES OF ESTABLISHING A LANDFILL DISPOSAL BAN FOR ELECTRONIC DEVICES AND THE BEST WAY TO:

(A) INCREASE DIVERSION RATES FOR ELECTRONIC DEVICES;

(B) PROMOTE NEW NONTOXIC DESIGNS FOR ELECTRONICS;

(C) CREATE JOBS IN COLORADO IN CONNECTION WITH THE RECYCLING OF ELECTRONIC WASTE; AND

(D) BUILD ON, NOT SUPPLANT OR UNDERMINE, THE EXISTING INFRASTRUCTURE THAT CURRENTLY DIVERTS ELECTRONIC WASTE IN COLORADO.

(II) THE TASK FORCE MAY HOLD, AND SHALL PUBLICIZE IF SO HELD, ONE OR MORE MEETINGS AT WHICH PUBLIC INPUT IS NOT TAKEN FOR THE PURPOSE OF DELIBERATING CONCERNING ITS RECOMMENDATIONS AND MAY HOLD, AND SHALL PUBLICIZE IF SO HELD, ONE OR MORE MEETINGS AT WHICH PUBLIC INPUT IS TAKEN FOR THE PURPOSE OF COMMENTING ON A DRAFT REPORT.

(d) THE TASK FORCE SHALL APPOINT A SUBCOMMITTEE TO CREATE A DRAFT FINAL REPORT CONCERNING RECOMMENDATIONS FOR THE RECYCLING OF ELECTRONIC DEVICES. A MAJORITY VOTE OF THE TASK FORCE IS REQUIRED FOR ADOPTION OF THE FINAL REPORT, WHICH SHALL INCLUDE BOTH THE MAJORITY AND MINORITY OPINIONS, IF ANY, CONCERNING THE RECOMMENDATIONS PRESENTED IN THE REPORT. THE TASK FORCE SHALL SUBMIT THE REPORT CONTAINING ITS RECOMMENDATIONS, INCLUDING PROPOSED LEGISLATION, TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE GENERAL ASSEMBLY, OR THEIR SUCCESSOR COMMITTEES, BY DECEMBER 15, 2009.

(3) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL PROVIDE DEPARTMENT OR CONTRACT STAFF FOR THE TASK FORCE. PAYMENTS FROM THE ELECTRONIC DEVICE RECYCLING CASH FUND FOR STAFF SHALL BE MADE PRIOR TO TASK FORCE MEMBER REIMBURSEMENTS.

NOTWITHSTANDING SECTION 2-2-307, C.R.S., LEGISLATIVE AND NONLEGISLATIVE MEMBERS OF THE TASK FORCE SHALL BE ENTITLED TO REIMBURSEMENT FROM THE ELECTRONIC DEVICE RECYCLING CASH FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY, FOR NECESSARY TRAVEL EXPENSES FOR EACH DAY ACTUALLY SPENT AT A TASK FORCE MEETING THAT WAS PUBLICLY NOTICED. WITH OR WITHOUT STAFF, THE TASK FORCE MAY MEET, EXERCISE ITS POWERS, AND PERFORM ITS OBLIGATIONS NOTWITHSTANDING THE FACT THAT THE DEPARTMENT HAS NOT RECEIVED SUFFICIENT GIFTS, GRANTS, OR DONATIONS TO CARRY OUT THE PURPOSES OF THIS SECTION. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE DEPARTMENT HAS NO OBLIGATIONS PURSUANT TO THIS SECTION AND REIMBURSEMENT SHALL NOT BE MADE TO TASK FORCE MEMBERS UNLESS THE DEPARTMENT HAS RECEIVED SUFFICIENT GIFTS, GRANTS, AND DONATIONS TO CARRY OUT THE PURPOSES OF THIS SECTION. THE DEPARTMENT SHALL TRANSFER SUCH GIFTS, GRANTS, AND DONATIONS TO THE STATE TREASURER, WHO SHALL DEPOSIT THEM IN THE ELECTRONIC DEVICE RECYCLING CASH FUND. INTEREST EARNED ON THE INVESTMENT AND DEPOSIT OF REVENUES IN THE FUND SHALL BE DEPOSITED IN THE FUND. THE FUND SHALL BE EXPENDED ONLY FOR PURPOSES SPECIFIED IN THIS SECTION.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2010.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the electronic device recycling cash fund created in section 25-17-107 (3), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for allocation to the hazardous materials and waste management division, for the fiscal year beginning July 1, 2009, the sum of twenty-eight thousand six hundred forty-three dollars (\$28,643) cash funds and 0.4 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO