

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

INTRODUCED

LLS NO. 17-0670.01 Thomas Morris x4218

HOUSE BILL 17-1306

HOUSE SPONSORSHIP

McLachlan and Exum,

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE FINANCING OF TESTING FOR LEAD IN PUBLIC**
102 **SCHOOLS' DRINKING WATER, AND, IN CONNECTION THEREWITH,**
103 **MAKING AN APPROPRIATION.**

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>.)

The bill directs the department of public health and environment (department) to establish a grant program to test for lead in public schools' drinking water. The department will give the highest priority to the oldest public elementary schools, then the oldest public schools that are not elementary schools, and then all other public schools. The

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

department may also consider ability to pay in administering the program. The department is directed to use its best efforts to complete all testing and analysis by June 30, 2020. The public school must provide at least 10% local matching funds and give the test results to its local public health agency, its supplier of water, its school board, and the department. The department may use up to \$300,000 per year for 3 years for grants beginning on or after July 1, 2017, from the water quality improvement fund if there is money available after fully funding existing programs. The department shall provide 4 annual reports to the general assembly regarding implementation of the grant program, including any legislative proposals that may be warranted.

The bill appropriates \$440,000 and 1.0 FTE to the department of public health and environment for the implementation of the act.

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

2 **SECTION 1. Short title.** The short title of this act is the "Safe
3 Water in Schools Act".

4 **SECTION 2.** In Colorado Revised Statutes, 25-1.5-203, **add**
5 (1)(f) as follows:

6 **25-1.5-203. Water - powers and duties of department - rules**
7 **- repeal.** (1) The department has, in addition to all other powers and
8 duties imposed upon it by law, the powers and duties provided in this
9 section as follows:

10 (f) **Public school lead testing grant program.** (I) TO ESTABLISH
11 A GRANT PROGRAM TO PAY FOR TESTING TO DETECT THE PRESENCE AND
12 CONCENTRATION OF LEAD IN DRINKING WATER IN A PUBLIC SCHOOL, AS
13 THAT TERM IS DEFINED IN SECTION 22-1-101 (1), THAT RECEIVES ITS
14 DRINKING WATER FROM A PUBLIC WATER SYSTEM; EXCEPT THAT, FOR
15 PURPOSES OF THIS SECTION, "PUBLIC SCHOOL" INCLUDES: A PUBLIC
16 SCHOOL DISTRICT; A CHARTER SCHOOL, AS THAT TERM IS DEFINED IN
17 SECTION 22-30.5-103 (2), INCLUDING AN INSTITUTE CHARTER SCHOOL, AS
18 THAT TERM IS DEFINED IN SECTION 22-30.5-502 (6); AND A BOARD OF

1 COOPERATIVE SERVICES, AS THAT TERM IS DEFINED IN SECTION 22-5-103
2 (2). THE DEPARTMENT MAY SPECIFY TESTING PROTOCOLS AND
3 GUIDELINES; MAY PROVIDE TECHNICAL ASSISTANCE, AS NECESSARY AND
4 FEASIBLE, TO APPLICANTS AND GRANT RECIPIENTS REGARDING THE GRANT
5 APPLICATION, SAMPLING GUIDANCE, SAMPLING PLAN REVIEW, AND
6 COMMUNICATION GUIDANCE; AND SHALL REQUIRE A GRANT RECIPIENT TO
7 CONTRIBUTE AT LEAST TEN PERCENT OF THE GRANT AMOUNT TOWARD THE
8 COST OF TESTING THE RECIPIENT'S WATER SUPPLY. THE COMMISSION MAY
9 ADOPT RULES TO IMPLEMENT THE GRANT PROGRAM, WHICH RULES MAY
10 INCLUDE CONSIDERATION OF A PUBLIC SCHOOL'S ABILITY TO PAY FOR
11 TESTING IN ADMINISTERING THE PROGRAM.

12 (II) IN ADMINISTERING THE PROGRAM, THE DEPARTMENT SHALL
13 PRIORITIZE GRANT RECIPIENTS IN THE FOLLOWING ORDER: THE OLDEST
14 PUBLIC ELEMENTARY SCHOOLS; THE OLDEST PUBLIC SCHOOLS THAT ARE
15 NOT ELEMENTARY SCHOOLS; AND ALL OTHER PUBLIC SCHOOLS. FOR
16 PURPOSES OF THIS SUBSECTION (1)(f)(II), AN "ELEMENTARY SCHOOL"
17 MEANS A PUBLIC SCHOOL THAT INCLUDES ANY OR ALL OF THE FOLLOWING:
18 PRESCHOOL, KINDERGARTEN, AND GRADES ONE THROUGH FIVE. THE
19 DEPARTMENT MAY ALSO DEVELOP AND APPLY SECONDARY CRITERIA AS
20 ESTABLISHED THROUGH RULES PROMULGATED BY THE COMMISSION. A
21 PUBLIC SCHOOL THAT IS SUBJECT TO THE FEDERAL LEAD AND COPPER
22 RULE, 40 CFR PART 141, SUBPART I, OR HAS ALREADY TESTED OR IS IN THE
23 PROCESS OF TESTING ITS DRINKING WATER FOR LEAD IS NOT ELIGIBLE FOR
24 A GRANT PURSUANT TO THIS SUBSECTION (1)(f).

25 (III) THE DEPARTMENT SHALL APPLY ITS BEST EFFORTS TO
26 COMPLETE ALL TESTING AND ANALYSIS BY JUNE 30, 2020.

27 (IV) A PUBLIC SCHOOL THAT RECEIVES A GRANT PURSUANT TO

1 THIS SUBSECTION (1)(f) SHALL EITHER ENTER INTO A CONTRACT THAT
2 REQUIRES COMPLIANCE WITH THE DEPARTMENT'S TESTING PROTOCOLS TO
3 HAVE THE TESTING CONDUCTED OR FOLLOW THE DEPARTMENT'S TESTING
4 PROTOCOLS AND PROVIDE THE TEST SAMPLES TO THE DEPARTMENT'S
5 LABORATORY OR A LABORATORY CERTIFIED BY THE DEPARTMENT THAT IS
6 EQUIPPED TO PERFORM THE REQUIRED TESTING AND ANALYSIS ON A
7 TIMELY BASIS. THE PUBLIC SCHOOL SHALL PROVIDE THE TEST RESULTS TO
8 ITS LOCAL PUBLIC HEALTH AGENCY, ITS SUPPLIER OF WATER, ITS SCHOOL
9 BOARD, AND THE DEPARTMENT.

10 (V) THE DEPARTMENT SHALL USE MONEY FROM THE WATER
11 QUALITY IMPROVEMENT FUND CREATED IN SECTION 25-8-608 (1.5) AS
12 AUTHORIZED BY SECTION 25-8-608 (1.7)(d) TO IMPLEMENT THIS
13 SUBSECTION (1)(f).

14 (VI) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
15 DEPARTMENT SHALL ANNUALLY REPORT BY FEBRUARY 1 OF EACH YEAR
16 UNTIL FEBRUARY 1, 2021, TO THE GENERAL ASSEMBLY'S COMMITTEES OF
17 REFERENCE WITH JURISDICTION OVER PUBLIC HEALTH REGARDING:

18 (A) THE NUMBER, TYPES, NAMES, AND LOCATIONS OF PUBLIC
19 SCHOOLS THAT HAVE APPLIED FOR GRANTS PURSUANT TO THIS SUBSECTION
20 (1)(f);

21 (B) THE NUMBER OF GRANTS THAT HAVE BEEN ISSUED; THE
22 INDIVIDUAL AMOUNTS AND TOTAL AMOUNT OF GRANT MONEY AWARDED;
23 AND THE NUMBER, TYPES, NAMES, AND LOCATIONS OF PUBLIC SCHOOLS
24 THAT RECEIVED THE GRANTS;

25 (C) A SUMMARY OF THE TEST RESULTS; AND

26 (D) ANY LEGISLATIVE PROPOSALS THAT THE DEPARTMENT
27 BELIEVES TO BE WARRANTED THAT WOULD PROVIDE FINANCIAL

1 ASSISTANCE TO PUBLIC SCHOOLS TO FACILITATE THE TESTING FOR OR
2 REMEDIATION OF HIGH LEAD LEVELS IN DRINKING WATER.

3 (VII) THIS SUBSECTION (1)(f) IS REPEALED, EFFECTIVE SEPTEMBER
4 1, 2021.

5 **SECTION 3.** In Colorado Revised Statutes, 25-8-608, **add**
6 (1.7)(d) as follows:

7 **25-8-608. Civil penalties - rules - fund created - temporary**
8 **moratorium on penalties for minor violations - definitions - repeal.**

9 (1.7) (d) (I) IF THERE IS MONEY STILL AVAILABLE AFTER FULLY FUNDING
10 ALL PURPOSES SPECIFIED IN SUBSECTION (1.7)(a) OF THIS SECTION, THE
11 DEPARTMENT SHALL EXPEND THE FOLLOWING AMOUNTS:

12 (A) UP TO THREE HUNDRED THOUSAND DOLLARS FOR FISCAL YEAR
13 2017-18, THREE HUNDRED THOUSAND DOLLARS FOR FISCAL YEAR 2018-19,
14 AND THREE HUNDRED THOUSAND DOLLARS FOR FISCAL YEAR 2019-20 FOR
15 GRANTS FOR LEAD TESTING AS AUTHORIZED BY THE PUBLIC SCHOOL LEAD
16 TESTING GRANT PROGRAM ESTABLISHED IN SECTION 25-1.5-203 (1)(f);
17 AND

18 (B) ONE HUNDRED FORTY THOUSAND DOLLARS FOR FISCAL YEAR
19 2017-18, ONE HUNDRED THOUSAND DOLLARS FOR FISCAL YEAR 2018-19,
20 AND ONE HUNDRED THOUSAND DOLLARS FOR FISCAL YEAR 2019-20 TO
21 IMPLEMENT THE PUBLIC SCHOOL LEAD TESTING GRANT PROGRAM
22 ESTABLISHED IN SECTION 25-1.5-203 (1)(f), INCLUDING TECHNICAL
23 SUPPORT FOR SCHOOLS, GRANT ADMINISTRATION, AND REPORTING.

24 (II) THIS SUBSECTION (1.7)(d) IS REPEALED, EFFECTIVE
25 SEPTEMBER 1, 2021.

26 **SECTION 4. Appropriation.** For the 2017-18 state fiscal year,
27 \$440,000 is appropriated to the department of public health and

1 environment for use by the division of administration. This appropriation
2 is from the water quality improvement fund created in section 25-8-608,
3 C.R.S., and is based on an assumption that the division will require an
4 additional 1.0 FTE. To implement this act, the division may use this
5 appropriation to implement the public school lead testing grant program
6 established in section 25-1.5-203 (1)(f), C.R.S.

7 **SECTION 5. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.