

CHAPTER 17

HEALTH AND ENVIRONMENT

HOUSE BILL 19-1071

BY REPRESENTATIVE(S) McKean, Arndt, Hooton, Bockenfeld, Buentello, Duran, Galindo, Gray, Snyder, Titone, Valdez D.;
also SENATOR(S) Zenzinger, Moreno, Court, Marble, Tate.

AN ACT

CONCERNING THE REPEAL OF OBSOLETE PROVISIONS REGARDING WATER QUALITY CONTROL, AND, IN CONNECTION THEREWITH, ELIMINATING THE REQUIREMENT THAT THE STATE BOARD OF HEALTH APPROVE A MUNICIPALITY'S ENTRANCE INTO A JOINT OPERATING AGREEMENT WITH AN INDUSTRIAL ENTERPRISE FOR WORK RELATING TO SEWERAGE FACILITIES AND CLARIFYING THAT THE BOARD OF DIRECTORS OF A WATER CONSERVANCY DISTRICT MUST COMPLY WITH THE RULES OF THE WATER QUALITY CONTROL COMMISSION CONCERNING THE MANNER IN WHICH WATERCOURSES OF THE DISTRICT ARE USED FOR WASTE DISPOSAL.

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

SECTION 1. Legislative declaration. The general assembly declares that the purpose of this act is to repeal obsolete statutory provisions relating to the Colorado department of public health and environment. The general assembly further declares that repealing these statutory provisions does not alter the scope or applicability of the remaining statutes.

SECTION 2. In Colorado Revised Statutes, 31-15-710, **amend** (1)(a)(VI) as follows:

31-15-710. Water pollution control. (1) The governing body of each municipality has the power:

(a) To provide for the cleansing and purification of water, watercourses, and canals and the draining or filling of ponds on private property when necessary to prevent or abate nuisances; and for the purpose of aiding in the prevention and abatement of water pollution all municipalities are authorized:

(VI) To enter into joint operating agreements with industrial enterprises and to accept gifts or contributions from such industrial enterprises for the construction,

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

reconstruction, improvement, betterment, and extension of sewerage facilities and sewage treatment works. When determined by its governing body to be in the public interest and necessary for the protection of public health, ~~any~~ A municipality is authorized to enter into and perform contracts, whether long-term or short-term, with ~~any~~ AN industrial establishment for the provision and operation by the municipality of sewerage facilities to abate or reduce the pollution of waters caused by discharges of industrial wastes by the industrial establishment and the payment periodically by the industrial establishment to the municipality of amounts at least sufficient, in the determination of such governing body, to compensate the municipality for the cost of providing, including payment of principal and interest charges, if any, and of operating and maintaining the sewerage facilities serving such industrial establishment. ~~The powers set forth in this subparagraph (VI) may only be exercised after approval of the state board of health.~~

SECTION 3. In Colorado Revised Statutes, 37-3-106, **amend** (1) as follows:

37-3-106. Regulations to protect works. (1) Where necessary, in order to secure the best results from the execution and operation of the plans of the district or to prevent damage to the district by the deterioration or misuse or by the pollution of the waters of any watercourse therein, the board of directors may make regulations for and may prescribe the manner of building bridges, roads, fences, or other works in, into, along, or across any channel, reservoir, or other construction; and may prescribe the manner in which ditches or other works shall be adjusted to or connected with the works of the district or any watercourse therein; and, when not in conflict with the ~~regulations~~ RULES of the ~~state board of health~~ WATER QUALITY CONTROL COMMISSION, may prescribe the manner in which the watercourses of the district may be used for sewer outlets or for disposal of waste.

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

Approved: March 7, 2019