A BILL FOR AN ACT

CONCERNING THE FINANCING OF TESTING FOR LEAD IN PUBLIC SCHOOLS' DRINKING WATER, AND, IN CONNECTION THEREWITH, 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
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.

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

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

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

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

(f) Public school lead testing grant program. (I) To establish

A GRANT PROGRAM TO PAY FOR TESTING TO DETECT THE PRESENCE AND
CONCENTRATION OF LEAD IN DRINKING WATER IN A PUBLIC SCHOOL, AS
THAT TERM IS DEFINED IN SECTION 22-1-101 (1), THAT RECEIVES ITS
DRINKING WATER FROM A PUBLIC WATER SYSTEM; EXCEPT THAT, FOR
PURPOSES OF THIS SECTION, "PUBLIC SCHOOL" INCLUDES: A PUBLIC
SCHOOL DISTRICT; A CHARTER SCHOOL, AS THAT TERM IS DEFINED IN
SECTION 22-30.5-103 (2), INCLUDING AN INSTITUTE CHARTER SCHOOL, AS
THAT TERM IS DEFINED IN SECTION 22-30.5-502 (6); AND A BOARD OF
COOPERATIVE SERVICES, AS THAT TERM IS DEFINED IN SECTION 22-5-103 (2). THE DEPARTMENT MAY SPECIFY TESTING PROTOCOLS AND GUIDELINES; MAY PROVIDE TECHNICAL ASSISTANCE, AS NECESSARY AND FEASIBLE, TO APPLICANTS AND GRANT RECIPIENTS REGARDING THE GRANT APPLICATION, SAMPLING GUIDANCE, SAMPLING PLAN REVIEW, AND COMMUNICATION GUIDANCE; AND SHALL REQUIRE A GRANT RECIPIENT TO CONTRIBUTE AT LEAST TEN PERCENT OF THE GRANT AMOUNT TOWARD THE COST OF TESTING THE RECIPIENT'S WATER SUPPLY. THE COMMISSION MAY ADOPT RULES TO IMPLEMENT THE GRANT PROGRAM, WHICH RULES MAY INCLUDE CONSIDERATION OF A PUBLIC SCHOOL'S ABILITY TO PAY FOR TESTING IN ADMINISTERING THE PROGRAM.

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

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

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

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

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

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

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

(C) A SUMMARY OF THE TEST RESULTS; AND

(D) ANY LEGISLATIVE PROPOSALS THAT THE DEPARTMENT
BELIEVES TO BE WARRANTED THAT WOULD PROVIDE FINANCIAL
ASSISTANCE TO PUBLIC SCHOOLS TO FACILITATE THE TESTING FOR OR REMEDIATION OF HIGH LEAD LEVELS IN DRINKING WATER.

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

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


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

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

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

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

SECTION 4. Appropriation. For the 2017-18 state fiscal year, $440,000 is appropriated to the department of public health and
environment for use by the division of administration. This appropriation
is from the water quality improvement fund created in section 25-8-608,
C.R.S., and is based on an assumption that the division will require an
additional 1.0 FTE. To implement this act, the division may use this
appropriation to implement the public school lead testing grant program
established in section 25-1.5-203 (1)(f), C.R.S.

SECTION 5. 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.