

CHAPTER 279

GOVERNMENT - LOCAL

SENATE BILL 99-020

BY SENATORS Phillips, Arnold, Hernandez, Rupert, and Weddig;
also REPRESENTATIVES Zimmerman, Gagliardi, Larson, Miller, Plant, and Scott.

AN ACT

CONCERNING THE PROVISION OF ADDITIONAL MONEYS TO GOVERNMENTAL ENTITIES IN THE STATE FOR THE PURPOSE OF ADDRESSING HAZARDOUS SUBSTANCE INCIDENTS, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Article 22 of title 29, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

29-22-106.5. Hazardous substances planning and response assistance fund - creation - acceptance of gifts, grants, and donations - grants to local government - repeal. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY A FUND TO BE KNOWN AS THE HAZARDOUS SUBSTANCES PLANNING AND RESPONSE ASSISTANCE FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL BE ADMINISTERED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY.

(2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY IS HEREBY DIRECTED TO ACTIVELY SOLICIT AND TO ACCEPT ALL MONEYS RECEIVED FROM THE FEDERAL GOVERNMENT AND FROM PUBLIC OR PRIVATE GRANTS, GIFTS, BEQUESTS, DONATIONS, AND OTHER CONTRIBUTIONS FOR ANY PURPOSE CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE. SUCH MONEYS, TOGETHER WITH ANY OTHER MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY, SHALL BE CREDITED TO THE FUND.

(3) ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY MONEYS NOT APPROPRIATED SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL YEAR. ANY MONEYS REMAINING IN THE FUND UPON THE REPEAL OF THIS SECTION SHALL BE TRANSFERRED TO THE GENERAL FUND.

(4) MONEYS IN THE FUND SHALL BE USED TO PROVIDE GRANTS TO PUBLIC ENTITIES AND AGENCIES IN THE STATE TO ASSIST WITH EMERGENCY PLANNING AND EMERGENCY RESPONSE TO HAZARDOUS SUBSTANCE INCIDENTS. THE DEPARTMENT OF PUBLIC SAFETY SHALL ADMINISTER ALL GRANTS FROM THE FUND AND SHALL ACCEPT APPLICATIONS FROM

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

LOCALEMERCENCY PLANNING COMMITTEES AND FROM FIRST RESPONDER ORGANIZATIONS WHO HAVE COORDINATED THEIR REQUEST WITH THEIR LOCAL OR REGIONAL EMERGENCY PLANNING COMMITTEE. PRIOR TO JUNE 1, 2000, THE COLORADO EMERGENCY PLANNING COMMISSION SHALL ASSESS THE EMERGENCY PLANNING AND RESPONSE NEEDS OF THE STATE AND REPORT ITS FINDINGS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY SHALL EVALUATE THE GRANT APPLICATIONS, TAKING INTO ACCOUNT THE NEEDS ASSESSMENT FINDINGS AND ANY OTHER INPUT OF THE COLORADO EMERGENCY PLANNING COMMISSION, AND SHALL DETERMINE WHICH APPLICATIONS SHALL BE APPROVED AS WELL AS THE AMOUNT OF EACH GRANT. GRANTS SHALL BE MADE FOR THE PURPOSES OF EMERGENCY PLANNING AND EMERGENCY RESPONSE INCLUDING, BUT NOT LIMITED TO, RESPONSE EQUIPMENT, TRAINING AND PLANNING PROGRAMS, AND TRAINING AND PLANNING EQUIPMENT, AS NEEDED TO CARRY OUT THE PURPOSES OF THIS ARTICLE. A GRANT SHALL ONLY BE MADE TO A GRANT APPLICANT WHO HAS OBTAINED LOCAL FUNDING OR ENTERED INTO AN AGREEMENT TO OBTAIN LOCAL FUNDING IN AN AMOUNT OF TWENTY-FIVE PERCENT OR GREATER THAN THE AMOUNT OF THE GRANT.

(5) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY MAY PROMULGATE RULES PRESCRIBING THE PROCEDURES TO BE FOLLOWED IN THE MAKING, FILING, AND EVALUATION OF GRANT APPLICATIONS AND ANY OTHER RULES NECESSARY FOR ADMINISTERING THE FUND. SUCH RULES SHALL BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

(6) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY SHALL REPORT BY NOVEMBER 1 OF EACH YEAR TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY ON ALL GRANTS OF MONEYS FROM THE FUND MADE IN THE PRECEDING FISCAL YEAR. SUCH REPORT SHALL INCLUDE THE CRITERIA USED TO AWARD GRANTS, THE NUMBER OF GRANT APPLICATIONS RECEIVED, THE NUMBER OF GRANTS MADE, THE AMOUNT OF EACH GRANT, THE SPECIFIC PURPOSE FOR THE GRANT, AND THE AMOUNT OF LOCAL FUNDING CONTRIBUTED FOR EACH GRANT.

(7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2005.

SECTION 2. Adjustment in 1999 long bill. Appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 1999, to the department of public safety, hazardous materials equipment, shall be adjusted as follows: The cash funds exempt appropriation from the highway users tax fund shall be increased by sixty thousand dollars (\$60,000), or so much thereof as may be necessary, for the purchase of a hazardous material training vehicle that can be used to train local hazardous materials responders.

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.

Approved: June 1, 1999

Editor's note: The Governor signed one other bill on June 1. It is located out of signing sequence. See chapter 292.