

## CHAPTER 223

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**HEALTH AND ENVIRONMENT**


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**HOUSE BILL 14-1002**

BY REPRESENTATIVE(S) Young, Becker, Exum, Fischer, Ginal, Hamner, Hullinghorst, Labuda, Lebsack, Lee, McLachlan, Melton, Mitsch Bush, Moreno, Pettersen, Rosenthal, Ryden, Salazar, Singer, Tyler, Williams, Ferrandino, Foote, Kagan, Schafer, Vigil;  
also SENATOR(S) Jones, Kefalas, Nicholson, Aguilar, Guzman, Heath, Herpin, Hodge, King, Newell, Rivera, Roberts, Schwartz, Steadman, Todd, Ulibarri, Zenzinger, Carroll.

**AN ACT**

**CONCERNING THE ESTABLISHMENT OF A GRANT PROGRAM UNDER THE "COLORADO WATER QUALITY CONTROL ACT" TO REPAIR WATER INFRASTRUCTURE IMPACTED BY A NATURAL DISASTER, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, **add** 25-8-608.7 as follows:

**25-8-608.7. Natural disaster grant fund - creation - rules.** (1) THE NATURAL DISASTER GRANT FUND IS HEREBY CREATED IN THE STATE TREASURY. MONEYS IN THE FUND, INCLUDING INTEREST EARNED ON THE INVESTMENT OF MONEYS IN THE FUND, ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR THE PURPOSE SPECIFIED IN SUBSECTION (2) OF THIS SECTION.

(2) (a) THE DIVISION SHALL EXPEND MONEYS IN THE FUND TO AWARD GRANTS TO LOCAL GOVERNMENTS, INCLUDING LOCAL GOVERNMENTS ACCEPTING GRANTS ON BEHALF OF AND IN COORDINATION WITH NOT-FOR-PROFIT PUBLIC WATER SYSTEMS, FOR THE PLANNING, DESIGN, CONSTRUCTION, IMPROVEMENT, RENOVATION, OR RECONSTRUCTION OF DOMESTIC WASTEWATER TREATMENT WORKS OR PUBLIC DRINKING WATER SYSTEMS THAT HAVE BEEN IMPACTED, DAMAGED, OR DESTROYED IN CONNECTION WITH A NATURAL DISASTER, AS DEFINED IN SECTION 24-33.5-703 (3), C.R.S. THE DIVISION MAY ALSO AWARD GRANTS TO LOCAL GOVERNMENTS TO ASSIST WITH THE REPAIR AND RESTORATION OF ON-SITE WASTEWATER TREATMENT SYSTEMS, AS DEFINED IN SECTION 25-10-103 (12), THAT HAVE BEEN IMPACTED, DAMAGED, OR DESTROYED IN CONNECTION WITH A NATURAL DISASTER. THE DIVISION MAY ONLY AWARD GRANTS TO BE USED IN COUNTIES FOR WHICH THE

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

GOVERNOR HAS DECLARED A DISASTER EMERGENCY BY EXECUTIVE ORDER OR PROCLAMATION UNDER SECTION 24-33.5-704, C.R.S.

(b) GRANT RECIPIENTS MAY USE THE GRANT MONEYS TO PROVIDE A PORTION OF ANY MATCHING FUNDS REQUIRED TO SECURE FEDERAL OR STATE FUNDING FOR THE PLANNING, DESIGN, CONSTRUCTION, IMPROVEMENT, RENOVATION, OR RECONSTRUCTION OF DRINKING WATER AND WASTEWATER INFRASTRUCTURE.

(c) FOR THE 2014-15 FISCAL YEAR AND, AS NEEDED, THE 2015-16 FISCAL YEAR, THE DIVISION SHALL AWARD GRANTS TO LOCAL GOVERNMENTS THAT ARE ELIGIBLE UNDER PARAGRAPH (a) OF THIS SUBSECTION (2) AND HAVE DOMESTIC WASTEWATER TREATMENT WORKS, PUBLIC DRINKING WATER SYSTEMS, OR ON-SITE WASTEWATER TREATMENT SYSTEMS THAT HAVE BEEN IMPACTED, DAMAGED, OR DESTROYED IN CONNECTION WITH THE FLOOD OF SEPTEMBER 2013 TO RESTORE THE FACILITIES' COMPLIANCE WITH THIS ARTICLE OR THE COLORADO PRIMARY DRINKING WATER REGULATIONS.

(d) THE DIVISION MAY RETAIN UP TO ONE HUNDRED THOUSAND DOLLARS PER FISCAL YEAR OF THE MONEYS IN THE FUND TO COVER THE COST OF ADMINISTERING PROJECTS OR GRANTS UNDER THIS SECTION.

(e) ON SEPTEMBER 1, 2015, THE STATE TREASURER SHALL TRANSFER ANY UNENCUMBERED MONEYS REMAINING IN THE FUND TO THE NUTRIENTS GRANT FUND CREATED IN SECTION 25-8-608.5.

(3) THE COMMISSION SHALL PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AS NECESSARY TO ADMINISTER THIS SECTION, INCLUDING RULES DEFINING WHO IS ELIGIBLE TO APPLY FOR GRANTS AND THE CRITERIA TO BE USED IN AWARDING GRANTS. THE CRITERIA MUST GIVE PRIORITY TO APPLICANTS THAT HAVE THE LOWEST FINANCIAL ABILITY TO PAY FOR THE NECESSARY CONSTRUCTION, IMPROVEMENTS, RENOVATION, OR RECONSTRUCTION.

**SECTION 2. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2014, the sum of \$17,000,000 and 1.0 FTE, or so much thereof as may be necessary, for allocation to the natural disaster grant fund created in section 25-8-608.7, Colorado Revised Statutes, related to 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.

Approved: May 17, 2014