

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

Attachment F

1.7.14

DRAFT

LLS NO. 14-0747.01 Jennifer Berman x3286

HOUSE BILL

HOUSE SPONSORSHIP

Young,

SENATE SPONSORSHIP

(None),

SHORT TITLE: "Water Infrastructure Natural Disaster Grant Fund"

DEADLINES: Finalize by: 27 JAN 2014 File by: 29 JAN 2014

A BILL FOR AN ACT

101 CONCERNING THE ESTABLISHMENT OF A GRANT PROGRAM UNDER THE
102 "COLORADO WATER QUALITY CONTROL ACT" TO REPAIR
103 WATER INFRASTRUCTURE IMPACTED BY A NATURAL DISASTER,
104 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://www.leg.state.co.us/billsummaries>.)

The bill creates a natural disaster grant fund and directs the division of administration in the department of public health and

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

environment (division) to award grants from the fund to local governments, including local governments accepting grants on behalf of and in coordination with not-for-profit public water systems, under rules promulgated by the water quality control commission for the planning, design, construction, improvement, renovation, or reconstruction of domestic wastewater treatment works and public drinking water systems 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 governor has declared a disaster emergency by executive order or proclamation under section 24-33.5-704, C.R.S.

The division is required to award grants for the 2014-15 fiscal year and, as needed, for the 2015-16 fiscal year, to eligible local governments that have domestic wastewater treatment works, public drinking water systems, or on-site wastewater treatment systems impacted, damaged, or destroyed in connection with the flood of September 2013.

The bill appropriates \$12,000,000 to the fund. On September 1, 2015, the state treasurer is directed to transfer any unencumbered moneys remaining in the fund to the nutrients grant fund.

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

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

4 **25-8-608.7. Natural disaster grant fund - creation - rules.**

5 (1) THE NATURAL DISASTER GRANT FUND IS HEREBY CREATED IN THE
6 STATE TREASURY. MONEYS IN THE FUND, INCLUDING INTEREST EARNED ON
7 THE INVESTMENT OF MONEYS IN THE FUND, ARE CONTINUOUSLY
8 APPROPRIATED TO THE DEPARTMENT OF PUBLIC HEALTH AND
9 ENVIRONMENT FOR THE PURPOSE SPECIFIED IN SUBSECTION (2) OF THIS
10 SECTION.

11 (2) (a) THE DIVISION SHALL EXPEND MONEYS IN THE FUND TO
12 AWARD GRANTS TO LOCAL GOVERNMENTS, INCLUDING LOCAL
13 GOVERNMENTS ACCEPTING GRANTS ON BEHALF OF AND IN COORDINATION
14 WITH NOT-FOR-PROFIT PUBLIC WATER SYSTEMS, FOR THE PLANNING,
15 DESIGN, CONSTRUCTION, IMPROVEMENT, RENOVATION, OR

1 RECONSTRUCTION OF DOMESTIC WASTEWATER TREATMENT WORKS OR
2 PUBLIC DRINKING WATER SYSTEMS THAT HAVE BEEN IMPACTED,
3 DAMAGED, OR DESTROYED IN CONNECTION WITH A NATURAL DISASTER.
4 THE DIVISION MAY ALSO AWARD GRANTS TO LOCAL GOVERNMENTS TO
5 ASSIST WITH THE REPAIR AND RESTORATION OF ON-SITE WASTEWATER
6 TREATMENT SYSTEMS, AS DEFINED IN SECTION 25-10-103 (12). THE
7 DIVISION MAY ONLY AWARD GRANTS TO BE USED IN COUNTIES FOR WHICH
8 THE GOVERNOR HAS DECLARED A DISASTER EMERGENCY BY EXECUTIVE
9 ORDER OR PROCLAMATION UNDER SECTION 24-33.5-704, C.R.S.

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

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

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

27 (e) ON SEPTEMBER 1, 2015, THE STATE TREASURER SHALL

1 TRANSFER ANY UNENCUMBERED MONEYS REMAINING IN THE FUND TO THE
2 NUTRIENTS GRANT FUND CREATED IN SECTION 25-8-608.5.

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

10 **SECTION 2. Appropriation.** In addition to any other
11 appropriation, there is hereby appropriated, out of any moneys in the
12 general fund not otherwise appropriated, to the department of public
13 health and environment, for the fiscal year beginning July 1, 2014, the
14 sum of \$12,000,000, or so much thereof as may be necessary, for
15 allocation to the natural disaster grant fund created in section 25-8-608.7,
16 Colorado Revised Statutes, related to the implementation of this act.

17 **SECTION 3. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.