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### Amending the "Colorado Water Quality Control Act" Concerning State Contributions of Financial Assistance to Local Government for Water Quality Control Construction and Wastewater Treatment Programs

Colorado General Assembly

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## CHAPTER 63

## HEALTH

## WATER QUALITY CONTROL — SEWER GRANTS

SENATE BILL NO. 91. BY SENATORS L. Fowler, Noble, H. Brown, Darby, DeBerard, Garnsey, Jackson, Kinnic, Locke, MacManus, Parker, Schieffelin, Stockton, Strickland, and Wunsch; also REPRESENTATIVES Buschauer, Baer, Bryant, Dittmore, Farley, Fentress, Fuhr, Gallagher, Gunn, Hamlin, Herzberger, Hinman, Koster, Kramer, Lloyd, Lucero, Massari, Miller, Munson, O'Brian, Pettie, Quinlan, Sears, Showalter, Spano, Strahl, Strang, and Wells.

## AN ACT

AMENDING THE "COLORADO WATER QUALITY CONTROL ACT" CONCERNING STATE CONTRIBUTIONS OF FINANCIAL ASSISTANCE TO LOCAL GOVERNMENT FOR WATER QUALITY CONTROL CONSTRUCTION AND WASTEWATER TREATMENT PROGRAMS.

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

Section 1. 66-28-701 (1) (b), Colorado Revised Statutes 1963, as amended by section 1 of chapter 210, Session Laws of Colorado 1973, is amended to read:

**66-28-701. Definitions.** (1) (b) "Eligible project" means a project for the construction of public sewage treatment works OR CONSTRUCTION OF FACILITIES FOR THE DISCHARGE OF WASTEWATER OR BACKWASH WATER FROM PUBLIC WATER TREATMENT PLANTS which is, in the judgment of the commission, necessary for the accomplishment of the state water quality control program, which conforms with applicable rules and regulations of the commission, and which is eligible for federal assistance under provisions of the federal act.

Section 2. 66-28-702 (1) (b), Colorado Revised Statutes 1963, as amended by section 1 of chapter 210, Session Laws of Colorado 1973, is amended to read:

**66-28-702. Contracts for construction of water, sewer, and sewage treatment works.** (1) (b) (1) The commission shall be the agency for administration of such funds as are granted by the state for the program and shall contract for projects only to the extent state general funds have been appropriated. Such funds shall be administered in coordination with administration of federal funds granted for water quality control programs under the provisions of the federal act. The state contribution shall, EXCEPT WHEN SUCH PERCENTAGES ARE ALTERED PURSUANT TO SUBPARAGRAPHS (III) AND (IV) OF THIS PARAGRAPH (b), not exceed twenty-five percent of the eligible project cost, as determined by the commission, except that AND any state contribution shall be limited to those eligible projects funded

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

with a minimum local tax contribution of twenty percent of eligible project costs.

(II) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (I), IN THE ADMINISTRATION OF FEDERAL AND STATE FUNDS, THE COMMISSION SHALL NOT ESTABLISH PRIORITIES WHICH PRECLUDE DISTRIBUTION OF FEDERAL OR STATE FUNDS FOR INTERCEPTOR OR COLLECTION LINES, AND MAY CONTRACT AND MAKE GRANTS UNDER THIS SUBSECTION (I) FOR CONSTRUCTION OR REPLACEMENT PROJECTS WHICH INCLUDE INTERCEPTOR AND COLLECTION LINES AND PUMPS AND APPURTENANCES ASSOCIATED WITH SUCH LINES. THE TOTAL OF FEDERAL AND STATE GRANTS TO MUNICIPALITIES, AS DEFINED IN SECTION 66-28-103 (I) (g), WITH A POPULATION OF FIVE THOUSAND PERSONS OR LESS, ACCORDING TO THE LATEST FEDERAL CENSUS, SHALL BE AT LEAST FIVE PERCENT OF THE TOTAL ANNUAL STATE AND FEDERAL FUNDS GRANTED. GRANTS TO MUNICIPALITIES WITH A POPULATION OF LESS THAN FIVE THOUSAND PERSONS SHALL BE CONSIDERED BASED UPON THE PRIORITY OF FINANCIAL NEED FIRST.

(III) ANY MUNICIPALITY HAVING A POPULATION OF FIVE THOUSAND OR LESS MAY APPLY TO THE DIVISION OF LOCAL GOVERNMENT FOR FINANCIAL ASSISTANCE IN THE CONSTRUCTION, EXPANSION, OR MODERNIZATION OF THE MUNICIPALITY'S FACILITIES AND THE DIVISION SHALL CONDUCT A FISCAL ANALYSIS OF THE MUNICIPALITY'S APPLICATION, IN ACCORDANCE WITH FISCAL CRITERIA ESTABLISHED BY SAID DIVISION.

(IV) THE DIVISION OF LOCAL GOVERNMENT SHALL, BASED UPON ITS FISCAL ANALYSIS, ISSUE OR DENY A CERTIFICATE OF FINANCIAL NEED. IF A CERTIFICATE OF NEED IS ISSUED, THE COMMISSION SHALL AUTHORIZE A GREATER STATE PERCENTAGE OF CONTRIBUTION AND A LESSER MUNICIPAL PERCENTAGE OF CONTRIBUTION IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE DIVISION OF LOCAL GOVERNMENT. THE MUNICIPALITY'S CONTRIBUTION MAY INCLUDE ANY FUNDS MADE AVAILABLE TO IT FROM ANY OTHER SOURCE AVAILABLE FOR EMERGENCY SITUATIONS.

(V) ANY PROVISION OF THIS SUBSECTION (I) SHALL NOT APPLY TO THE EXTENT THAT ITS APPLICATION WOULD CONTRAVENE ANY FEDERAL LAW OR REGULATION.

**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, 1974