

## Summary of 2014 Flood and Disaster Bills (Final)

Bills Approved by the Flood Disaster Study Committee	
<p>Bill Number:     <b>Senate Bill 14-007</b></p> <p>Sponsors:       <i>Sens. Lundberg and Jones</i>                       <i>Reps. Foote and Delgrosso</i></p> <p>The act allows a Board of County Commissioners to transfer moneys from the county General Fund to the County Road and Bridge Fund if the Governor declares a disaster emergency in its county. The transfers are allowed for four years following the date of the Governor's disaster declaration. Moneys transferred into the County Road and Bridge Fund may only be used only for disaster response and recovery in connection with roads and bridges.</p>	<p>Short Title:     <b>County General Fund for Road and Bridge Flood Damage</b></p> <p>Status:         Signed into law</p> <p><b>Appropriations:</b>                     This act does not affect state or local revenue or expenditures in FY 2014-15.</p>
<p>Bill Number:     <b>Senate Bill 14-138</b></p> <p>Sponsors:       <i>Sens. Kefalas and Lundberg</i>                       <i>Reps. Foote and Sonnenberg</i></p> <p>Under current law, volunteer firefighters participating in firefighting efforts or providing emergency care, rescue, or assistance at an emergency have limited immunity from potential civil damages. The act extends the same limited immunity granted to volunteer firefighters to other volunteers from the community. The immunity applies to all good faith efforts to respond to an emergency, and the exemption does not apply to grossly negligent or reckless acts or omissions.</p>	<p>Short Title:     <b>Civil Immunity for Volunteers At Emergencies</b></p> <p>Status:         Signed into law</p> <p><b>Appropriations:</b>                     This act does not affect state or local revenue or expenditures in FY 2014-15.</p>
<p>Bill Number:     <b>Senate Bill 14-179</b></p> <p>Sponsors:       <i>Sens. Renfroe and Nicholson</i>                       <i>Reps. Foote and Sonnenberg</i></p> <p>The act creates a Flood Debris Cleanup Grant Account in the Flood and Drought Response Fund for the purpose of allowing the Colorado Water Conservation Board to make grants to help pay for watershed cleanup in areas affected by the 2013 flood.</p>	<p>Short Title:     <b>Flood Debris Cleanup Grants</b></p> <p>Status:         Signed into law</p> <p><b>Appropriations:</b>                     This act transfers \$2.5 million from the Disaster Emergency Fund to the Stream Restoration Account. It also authorizes the Colorado Water Conservation Board to accept gifts, grants, and donations to help pay for watershed cleanup in areas affected by the 2013 flood</p>

## Summary of 2014 Flood and Disaster Bills (Final) (Cont.)

Bills Approved by the Flood Disaster Study Committee (Cont.)	
<p>Bill Number:       <b>Senate 14-195</b></p> <p>Sponsors:         <i>Rep. Singer and Sonnenberg</i>                           <i>Sen. Renfroe and Nicholson</i></p> <p>The act directs the Colorado Water Conservation Board (CWCB) to evaluate the growth of phreatophytes along the South Platte River in the aftermath of the September 2013 flood. Phreatophytes are deep-rooted plants that can consume significant amounts of water in and along stream beds, such as tamarisk. The objectives of the study are to determine the relationship between high groundwater and nonbeneficial consumptive use by the phreatophytes, and to develop a cost analysis for the removal of unwanted phreatophytes. The CWCB is required to report its findings to the General Assembly during the 2016 regular legislative session.</p>	<p>Short Title:       <b>South Platte River Post-flood Phreatophyte Study</b></p> <p>Status:            Signed into law</p> <p><b>Appropriations:</b></p> <p style="padding-left: 20px;">The act allows the CWCB to use a prior appropriation of \$1 million for phreatophyte control cost-sharing in the CWCB Construction Fund to pay for the study and authorizes it to accept gifts, grants, and donations.</p>
<p>Bill Number:       <b>House Bill 14-1001</b></p> <p>Sponsors:         <i>Rep. Singer</i>                           <i>Sen. Nicholson</i></p> <p>The act establishes a state reimbursement for certain property taxes owed or paid for real property and business personal property that has been destroyed in a natural disaster or by other cause beyond the control of the property owner. After county assessors and county treasurers compile a list of destroyed property and its tax liability, the State Treasurer distributes to counties payments from the state General Fund for the tax liability of destroyed property, for the tax year in which it was destroyed. County treasurers, in turn, are required to pay the tax owed or reimburse each affected taxpayer. The act applies to tax years starting on or after January 1, 2013.</p>	<p>Short Title:       <b>Tax Credit For Property Destroyed By A Natural Cause</b></p> <p>Status:            Signed into law</p> <p><b>Appropriations:</b></p> <p style="padding-left: 20px;">For FY 2014-15, the act appropriates \$2,221,828 from the General Fund for reimbursement to county treasurers.</p>

## Summary of 2014 Flood and Disaster Bills (Final) (Cont.)

<p>Bill Number:     <b>House Bill 14-1002</b></p> <p>Sponsors:       <i>Rep. Young</i>                       <i>Sen. Jones</i></p> <p>This act creates the continuously appropriated Natural Disaster Grant Fund to be administered by the Department of Public Health and Environment (DPHE). The fund will be used to award grants to local governments, including local governments accepting grants on behalf of not-for-profit public water systems, to recover from the September 2013 floods. When determining eligibility, priority must be given to applicants that have the lowest financial ability to pay for the necessary planning, design, construction, improvements, renovation, or reconstruction of water infrastructure. Grant funds are available for two fiscal years. Any funds remaining after August 31, 2015, must be transferred to the Nutrients Grant Fund also administered by DPHE.</p>	<p>Short Title:     <b>Water Infrastructure Natural Disaster Grant Fund</b></p> <p>Status:         Signed into law</p> <p><b>Appropriations:</b></p> <p style="padding-left: 40px;">This act appropriates \$17.0 million from the General Fund and 1.0 FTE to the DPHE between FY 2014-15 and FY 2015-16.</p>
<p>Bill Number:     <b>House Bill 14-1003</b></p> <p>Sponsors:       <i>Reps. Nordberg and Saine</i>                       <i>Sens. Kefalas and Lundberg</i></p> <p>The act allows a state withholding tax exemption for nonresident taxpayers who performed disaster-related work during a disaster period in the state. The withholding exemption is available beginning in tax year 2015. The exemption applies to the period when the Governor declares a disaster emergency until 60 days after it expires. Disaster-related work includes repairing, renovating, installing, building, or rendering services that relate to infrastructure that has been damaged, impaired, or destroyed by a declared state emergency or providing emergency medical, firefighting, law enforcement, hazardous material, search and rescue, or other emergency service related to a declared state disaster emergency. Modifying the state income tax return form to allow the exemption will cost an estimated \$30,900 in FY 2014-15 only.</p>	<p>Short Title:     <b>Nonresident Disaster Relief Worker Tax Exemption</b></p> <p>Status:         Signed into law</p> <p><b>Appropriations:</b></p> <p style="padding-left: 40px;">This act appropriates \$30,900 from the General Fund to the Department of Revenue. It will also reduce state revenue for tax years in which the Governor declares a disaster emergency. However, because the timing of any future disaster declaration and the scope of any disaster-related work is unknown, the impact has not been estimated.</p>

## Summary of 2014 Flood and Disaster Bills (Final) (Cont.)

<p>Bill Number:       <b>House Bill 14-1004</b></p> <p>Sponsors:         <i>Reps. Foote and Humphrey</i>                           <i>Sens. Nicholson and Lambert</i></p> <p>This act reorganizes certain functions within the Department of Public Safety (DPS) related to emergency management. It also eliminates the Governor's Disaster Emergency Council and authorizes the Governor to provide financial assistance to individuals and families upon a gubernatorial declaration rather than requiring a presidential declaration of a disaster emergency. The act eliminates the Colorado Emergency Planning Commission within DPS and transfers the portion of its functions that relate to training personnel and local emergency planning to the Emergency Planning Subcommittee, which is established as a permanent body under the existing Homeland Security and All-Hazards Senior Advisory Committee. The membership, terms, and responsibilities of the subcommittee are defined by the act, including the requirement that members serve without compensation except for reimbursement of certain travel expenses. The subcommittee is scheduled for sunset review and repeal on September 1, 2019.</p>	<p>Short Title:       <b>CDPS Emergency Management Entities &amp; Disaster Assistance</b></p> <p>Status:            Signed into law</p> <p><b>Appropriations:</b></p> <p style="padding-left: 40px;">This act does not affect state or local revenue or expenditures in FY 2014-15.</p>
<p>Bill Number:       <b>House Bill 14-1005</b></p> <p>Sponsors:         <i>Reps. Sonnenberg and Young</i>                           <i>Sens. Lundberg and Kefalas</i></p> <p>Under current law, when the channel of a natural stream changes so that the ditch headgate no longer receives a sufficient flow of water, the ditch owner is authorized to move the headgate upstream without filing a change of water right application. This act clarifies that a ditch owner who relocates a headgate to a new surface point of diversion does not need to file a change of water right application, provided such relocation does not physically interfere with the complete use of other water rights.</p>	<p>Short Title:       <b>Relocate Ditch Headgate Without Change Case</b></p> <p>Status:            Signed into law</p> <p><b>Appropriations:</b></p> <p style="padding-left: 40px;">This act does not affect state or local revenue or expenditures in FY 2014-15.</p>

## Summary of 2014 Flood and Disaster Bills (Final) (Cont.)

Bills Approved by the Flood Disaster Study Committee (Cont.)	
<p>Bill Number:       <b>House Bill 14-1006</b></p> <p>Sponsors:         <i>Rep. Singer</i>                           <i>Sen. Lundberg</i></p> <p>This act changes the filing and remittance deadlines for lodging taxes levied by a local marketing district. Under current law, lodging taxes are remitted to the Department of Revenue quarterly, and then the department remits the lodging taxes to the local marketing district. This act requires lodging taxes to be remitted monthly, which would allow the distribution of lodging taxes to local marketing districts monthly starting July 1, 2014. To implement this change, the Department of Revenue will need to reprogram the state's tax administration and accounting software to accept lodging tax returns and distribute lodging tax revenues monthly. The department is expected to process an additional 12,000 lodging tax returns per year.</p>	<p>Short Title:       <b>Tax Remittance for Local Marketing Districts</b></p> <p>Status:            Signed into law</p> <p><b>Appropriations:</b></p> <p style="padding-left: 20px;">The act appropriates \$14,811 from the General Fund to the Department of Revenue in FY 2014-15.</p>
<p>Bill Number:       <b>House Bill 14-1287</b></p> <p>Sponsors:         <i>Rep. Young</i>                           <i>Sens. Lambert and Nicholson</i></p> <p>The act directs the State Treasurer to credit to the Public School Capital Construction Assistance Fund (fund) the first \$40 million collected from the excise tax on retail marijuana beginning January 1, 2014, and each fiscal year thereafter. If the Governor declares a disaster emergency in the state, the act requires the Division of Public School Capital Construction Assistance (division) created in the Department of Education to contact school facilities in the affected area to assess facility needs resulting from the disaster emergency. The division must report its findings to the Capital Construction Assistance Board (board) as soon as possible following the outreach. Public school facilities that experience a facility emergency as a result of the disaster emergency may apply to the board for emergency financial assistance from the fund in the manner currently specified in law. In determining whether to recommend to the State Board of Education that emergency financial assistance be provided, the board must consider the outreach assessment prepared by the division. The board may waive or reduce the matching moneys requirement for any recipient of emergency financial assistance in an area of a declared disaster emergency. The board may prioritize up to a certain percentage of the moneys in the fund that have been transferred to the fund from the excise tax on retail marijuana for the then-current fiscal year to provide emergency financial assistance to public schools damaged by a declared disaster emergency.</p>	<p>Short Title:       <b>BEST Moneys for Flood Damaged Public Schools</b></p> <p>Status:            Signed into law</p> <p><b>Appropriations:</b></p> <p style="padding-left: 20px;">Waiving the funding match requirement is expected to increase funding assistance for an individual recipient, but will not change overall capital construction expenditures.</p>

## Summary of 2014 Flood and Disaster Bills (Final) (Cont.)

Resolutions Approved by the Flood Disaster Study Committee	
<p>Bill Number:     <b>HJR 14-1010</b></p> <p>Sponsors:       <i>Reps. Singer and Buck</i>                       <i>Sens. Nicholson and Renfroe</i></p> <p>The resolution identifies the major impacts of the September 2013 flood and commends neighbors for helping neighbors; local, state, and federal governments for saving both human and animal lives and for flood recovery efforts; and faith-based and other nonprofit relief organizations for helping to rebuild communities and shelter families.</p>	<p>Short Title:     <b>Flood Recovery Recognition</b></p> <p>Status:         Enacted</p> <p><b>Appropriations:</b></p> <p style="padding-left: 20px;">This resolution does not affect state or local revenue or expenditures in FY 2014-15.</p>
Other Flood and Disaster Bills	
<p>Bill Number:     <b>Senate Bill 14-121</b></p> <p>Sponsors:       <i>Rep. Young</i>                       <i>Sen. Lambert</i></p> <p>Under current law, if a disaster emergency is declared by the federal government, federal aid is provided by the Federal Emergency Management Agency and other federal agencies. In order to receive moneys from federal agencies, the federal government typically requires that the affected unit of local government provide a certain percentage of matching funds. This act allows the Governor to determine a percentage of state aid that can be made available to a local government to assist it in meeting the federal match requirement. As soon as practical, the Governor is required to notify the Joint Budget Committee of the source and amount of state moneys that will be contributed for this purpose.</p>	<p>Short Title:     <b>Assistance to Local Government After A Disaster Emergency</b></p> <p>Status:         Signed into law</p> <p><b>Appropriations:</b></p> <p style="padding-left: 20px;">This act may increase state expenditures in the future. Such increases are conditional upon a federal declaration of a disaster emergency and whether any moneys expended to assist local governments cause other state programs to require General Fund backfill.</p>

## Summary of 2014 Flood and Disaster Bills (Final) (Cont.)

Other Flood and Disaster Bills (Cont.)			
Bill Number: <b>House Bill 14-1250</b>		Short Title: <b>School District Payments for Floods and Total Program</b>	
Sponsors: <i>Rep. May</i> <i>Sen. Steadman</i>		Status:           Signed into law	
For FY 2013-14, this act, recommended by the Joint Budget Committee, appropriates money from the General Fund to the Contingency Reserve Fund and directs the State Board of Education to provide supplemental assistance to school districts based on: <ul style="list-style-type: none"> <li>• enrollment reductions caused by pupil displacement from the September 2013 floods;</li> <li>• flood-related transportation costs;</li> <li>• significant decreases in total program funding due to unexpected decreases in assessed valuation and a decrease of more than \$500 in per pupil revenue; or</li> <li>• significant decreases in per pupil revenue resulting from unexpected increases in funded pupil count.</li> </ul>	<b>Appropriations:</b>  For FY 2013-14, the act contains an appropriation of \$1,733,884 from the General Fund to the Contingency Reserve Fund and reappropriates that amount to the Department of Education to implement the act.		
Draft Flood and Disaster Bills and Resolutions			
Bill Number: <b>OLLS No. R14-0920</b>		Short Title: <b>Quick and Safe Rebuilding Flood-Damaged Communities</b>	
Sponsors: <i>Rep. Sonnenberg</i>		Status:           Withdrawn at the request of the sponsor.	
The draft House resolution declares the Federal Emergency Management Agency's directive to preserve the Preble's Meadow Jumping Mouse's habitat will require lengthy environmental and legal reviews of proposed recovery projects for compliance with the Endangered Species Act that could significantly delay the rebuilding of Colorado's infrastructure, communities, and economy and unnecessarily restrict displaced families' ability to return promptly to their homes. It urges the members of Colorado's congressional delegation to seek a waiver from the Endangered Species Act for flood- affected areas.	<b>Appropriations:</b>  This resolution does not affect state or local revenue or expenditures in FY 2014-15.		
<b>Note:</b> This resolution was considered, but not approved, by the Flood Disaster Study Committee on February 14.			