

**JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING THE PROTECTION OF COLORADO RESIDENTS FROM THE HAZARDS ASSOCIATED WITH NATURALLY OCCURRING RADIOACTIVE MATERIALS IN BUILDINGS.

Prime Sponsors: Reps. Becker K. and Coram
Sens. Jahn and Roberts

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Fiscal Impact of Bill as Amended to Date

The most recent Legislative Council Staff Fiscal Note (attached) reflects the fiscal impact of the bill as of 02/04/16.

	No Change: Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
XXX	Update: Fiscal impact has changed due to <i>new information or technical issues</i>
	Update: Fiscal impact has changed due to <i>amendment adopted</i> after LCS Fiscal Note was prepared
	Non-Concurrence: JBC Staff and Legislative Council Staff disagree about the fiscal impact of the bill

The House Health, Insurance, and Environment Committee Report (02/09/16) includes amendments to the bill, however, Legislative Council Staff and JBC Staff agree that the committee amendments do not change the fiscal impact of the bill.

The Hazardous Substance Response Fund receives money from four sources pursuant to Section 25-16-104.6 (1) (a), C.R.S., including General Fund appropriations, solid waste user fees, moneys recovered through enforcement of federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), and other moneys from public or private sources. There has not been a General Fund appropriation to the Hazardous Substance Response Fund in recent years, and moneys recovered through enforcement of CERCLA are designated for future response costs. The solid waste user fee is charged to each person disposing of solid waste at a solid waste disposal site¹. The solid waste user fees can be used for the cost of the Solid Waste Management Program and costs associated with CERCLA². While H.B. 16-1141 does not change the allowable uses of solid waste user fees, it does allow the Hazardous Substance Response Fund to be used for the Radon Education and Awareness Program. Absent the authority to use solid waste user fees for the Radon Education and Awareness Program, the Department will require a General Fund appropriation. Legislative Council Staff agrees with this updated fiscal impact.

¹ Pursuant to Section 25-16-104.5 (1.5), C.R.S.

² Pursuant to Section 28-16-1045 (1.7) (a), C.R.S.

Amendments in This Packet for Consideration by Appropriations Committee

Amendment	Description
J.001	Staff-prepared appropriation amendment
L.005/J.002	Bill Sponsor amendment - changes fiscal impact <i>and</i> appropriation

Current Appropriations Clause in Bill

The bill requires but does not contain an appropriation clause.

Description of Amendments in This Packet

J.001 Staff has prepared amendment **J.001** (attached) to add a provision appropriating a total of \$199,456 General Fund to the Department of Public Health and Environment for FY 2016-17. This provision also states that the appropriation is based on the assumption that the Department will require an additional 0.8 FTE to implement the act.

L.005 and J.002

Bill Sponsor amendment **L.005** (attached) adds the Radon Education and Awareness Program to the allowable uses of the solid waste user fees, thus allowing this program to be implemented with an appropriation from the Hazardous Substance Response Fund. Staff has prepared amendment **J.002** (attached) to add a provision appropriating a total of \$199,456 cash funds from the Hazardous Substance Response Fund to the Department of Public Health and Environment for FY 2016-17. This provision also states that the appropriation is based on the assumption that the Department will require an additional 0.8 FTE to implement the act.

Points to Consider

Future Fiscal Impact

- House Bill 16-1141 increases expenditures from the Hazardous Substance Response Fund but does not increase revenue generated by the solid waste user fee that is credited to the Hazardous Substance Response Fund. There is currently a projected fund balance of \$14,119,085 to start FY 2016-17. There is a large fund balance because one of the purposes of the Hazardous Substance Response Fund is provide the state match for CERCLA costs. If a new CERCLA site is added in Colorado, the expenditures from the Fund would increase. This bill would reduce the amount available in the Hazardous Substance Response Fund for future CERCLA response expenses.