

CHAPTER 128

**HEALTH AND ENVIRONMENT**

**HOUSE BILL 16-1141**

BY REPRESENTATIVE(S) Becker K. and Coram, Arndt, Court, Duran, Esgar, Garnett, Ginal, Hamner, Kraft-Tharp, Lontine, Mitsch Bush, Moreno, Winter, Hullinghorst;  
also SENATOR(S) Jahn and Roberts, Guzman, Heath, Jones, Kefalas, Kerr, Martinez Humenik, Merrifield, Newell, Todd.

**AN ACT**

**CONCERNING THE PROTECTION OF COLORADO RESIDENTS FROM THE HAZARDS ASSOCIATED WITH NATURALLY OCCURRING RADIOACTIVE MATERIALS IN BUILDINGS, 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** 25-11-114 as follows:

**25-11-114. Legislative declaration - public education regarding radon gas - assistance to low-income individuals for radon mitigation in their homes.**

(1) THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT:

(a) RADON, AN ODORLESS, COLORLESS, RADIOACTIVE GAS, IS THE LEADING CAUSE OF LUNG CANCER DEATHS AMONG NONSMOKERS IN THE NATION AND IS THE SECOND LEADING CAUSE OF LUNG CANCER DEATHS OVERALL;

(b) RADON ORIGINATES FROM THE DECAY OF NATURALLY OCCURRING URANIUM IN COLORADO GRANITE, SOIL, AND BEDROCK AND CAN ACCUMULATE IN STRUCTURES AT DANGEROUS RISK LEVELS TO HUMANS;

(c) INDOOR RADON RANKS AMONG THE MOST SERIOUS ENVIRONMENTAL HEALTH PROBLEMS;

(d) COLORADO RANKS SEVENTH IN THE NATION FOR HIGHEST POTENTIAL RADON RISK;

(e) ALL OF COLORADO'S COUNTIES ARE AT HIGH RISK FOR RADON AND FIFTY PERCENT OF COLORADO HOMES HAVE RADON LEVELS THAT SHOULD BE MITIGATED;

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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.*

(f) AN ESTIMATED FIVE HUNDRED COLORADANS DIE FROM RADON-INDUCED LUNG CANCER ANNUALLY, CAUSING MORE DEATHS THAN DRUNK DRIVING, HOUSE FIRES, CARBON MONOXIDE, AND DROWNING COMBINED; AND

(g) INCREASED EDUCATION AND AWARENESS OF THE HARMFUL EFFECTS OF RADON EXPOSURE WILL HELP SAVE THE LIVES OF COLORADANS AND REDUCE THE BURDEN OF HEALTH CARE COSTS FROM RADON-INDUCED LUNG CANCER.

(2) THE DEPARTMENT SHALL ESTABLISH A RADON EDUCATION AND AWARENESS PROGRAM. AS A PART OF THE PROGRAM, THE DEPARTMENT SHALL:

(a) PROVIDE RADON INFORMATION AND EDUCATION STATEWIDE TO CITIZENS, BUSINESSES, AND OTHERS IN NEED OF INFORMATION;

(b) WORK COLLABORATIVELY WITH RADON CONTRACTORS AND CITIZENS TO RESOLVE QUESTIONS AND CONCERNS REGARDING THE INSTALLATION OF SAFE, HEALTHY, AND EFFICIENT RADON MITIGATION SYSTEMS; AND

(c) COLLABORATE WITH LOCAL GOVERNMENTS TO PROVIDE INFORMATION ON BEST PRACTICES FOR RADON MITIGATION STRATEGIES.

(3) EFFECTIVE JANUARY 1, 2017, THE DEPARTMENT SHALL ESTABLISH A RADON MITIGATION ASSISTANCE PROGRAM TO PROVIDE FINANCIAL ASSISTANCE TO LOW-INCOME INDIVIDUALS FOR RADON MITIGATION IN THEIR HOMES. THE STATE BOARD OF HEALTH SHALL SET THE PROGRAM REQUIREMENTS, INCLUDING ELIGIBILITY REQUIREMENTS FOR FINANCIAL ASSISTANCE.

(4) THE DEPARTMENT SHALL USE MONEY IN THE HAZARDOUS SUBSTANCE RESPONSE FUND, ESTABLISHED IN SECTION 25-16-104.6, TO FINANCE THE RADON EDUCATION AND AWARENESS PROGRAM AND THE RADON MITIGATION ASSISTANCE PROGRAM.

**SECTION 2.** In Colorado Revised Statutes, 25-16-104.5, **amend** (1.7) (b) (II) as follows:

**25-16-104.5. Solid waste user fee - imposed - rate - direction - legislative declaration - repeal.** (1.7) (b) (II) The portions of the fee imposed under this subsection (1.7) that are collected for the costs described in subparagraphs (II) and (III) of paragraph (a) of this subsection (1.7) shall be transmitted to the department for deposit into the hazardous substance response fund created in section 25-16-104.6. The department may expend ~~moneys~~ MONEY from the portion of the fee collected under subparagraph (III) of paragraph (a) of this subsection (1.7) to compensate the department of law for all or a portion of the expenses incurred for services rendered under the federal act, as billed to the department by the department of law. THE DEPARTMENT MAY EXPEND MONEY FROM THE FEES COLLECTED UNDER THIS SUBSECTION (1.7) TO FINANCE THE RADON EDUCATION AND AWARENESS PROGRAM, ESTABLISHED IN SECTION 25-11-114 (2), AND THE RADON MITIGATION ASSISTANCE PROGRAM, ESTABLISHED IN SECTION 25-11-114 (3).

**SECTION 3.** In Colorado Revised Statutes, 39-29-116, **amend** (3) (a) and (6);

and **repeal** (4) as follows:

**39-29-116. Uranium mill tailings remedial action program fund - creation - oversight committee - repeal.** (3) (a) The state treasurer may accept and credit to the uranium mill tailings remedial action program fund any donations received by the state for the express purpose of projects for the cleanup of uranium mill tailings. The donations may include any amounts made available from the local government severance tax fund and the local government mineral impact fund as directed by the executive director of the department of local affairs pursuant to section 39-29-110 and section 34-63-102, C.R.S. ~~and with the approval of the oversight committee as created in subsection (4) of this section.~~ It is the intent of the general assembly that a minimum of six million dollars be retained in the local government severance tax fund and the local government mineral impact fund for grants and loans to local communities.

~~(4) (a) There is hereby created a uranium mill tailings remedial action oversight committee, referred to in this subsection (4) as the "oversight committee". The oversight committee shall consist of five members as set forth in paragraph (a.5) of this subsection (4). The department of public health and environment shall annually report on or before September 15 of each year to the oversight committee at a meeting called by the chairperson of the oversight committee on the progress of the cleanup of uranium mill tailing sites pursuant to the uranium mill tailings remedial action program, the proposed and final transfers or disposition of the land of any of the sites, the proposed program activities, any direct and indirect costs associated with the monitoring, notification, and handling of designated uranium mill tailings that are authorized in section 25-11-303, C.R.S., and financing requested for the next fiscal year. The oversight committee shall review such report and obtain any additional information it needs in order to prepare a recommendation to the joint budget committee on the proposed funding amounts and sources for the next fiscal year. The recommendation shall be made within forty-five days of the oversight committee meeting at which the department of public health and environment presents its annual report.~~

~~(a.5) (f) Repealed.~~

~~(H) On and after July 1, 2007, the oversight committee shall consist of the executive director of the department of local affairs and one member appointed by the speaker of the house of representatives, by the minority leader of the house of representatives, by the president of the senate, and by the minority leader of the senate. All of the legislative members shall be from districts that include uranium mill tailing sites designated for cleanup under the federal "Uranium Mill Tailings Radiation Control Act of 1978", 42 U.S.C. sec. 7901 et seq., as amended. During odd-numbered years, the member appointed by the president of the senate shall be the chairperson of the oversight committee and the member appointed by the speaker of the house of representatives shall be the vice-chairperson of the oversight committee, and, during even-numbered years, the member appointed by the speaker of the house of representatives shall be the chairperson of the oversight committee and the member appointed by the president of the senate shall be the vice-chairperson of the oversight committee.~~

~~(b) The terms of the members appointed by the speaker of the house of~~

representatives, the president of the senate, the minority leader of the house, and the minority leader of the senate and who are appointed pursuant to subparagraph (H) of paragraph (a.5) of this subsection (4) shall be extended to and expire on or shall terminate on the convening date of the first regular session of the sixty-seventh general assembly. As soon as practicable after such convening date, the speaker, the president, the minority leader of the house, and the minority leader of the senate shall appoint or reappoint members in the same manner as provided in paragraph (a.5) of this subsection (4). Thereafter, the terms of the members appointed or reappointed by the speaker, the president, the minority leader of the house, and the minority leader of the senate shall expire on the convening date of the first regular session of each general assembly, and all subsequent appointments and reappointments by the speaker, the president, the minority leader of the house, and the minority leader of the senate shall be made as soon as practicable after such convening date. The person making the original appointment or reappointment shall fill any vacancy by appointment for the remainder of an unexpired term. Oversight committee members appointed or reappointed by the speaker, the president, the minority leader of the house, and the minority leader of the senate shall serve at the pleasure of the appointing authority and shall continue in office until the member's successor is appointed.

(c) ~~The legislative members of the oversight committee shall be reimbursed for necessary expenses in connection with the performance of their duties, including attendance at a meeting of the joint budget committee to present the oversight committee's recommendations, and shall be paid the same per diem as other members of interim committees in attendance at meetings.~~

(6) This section is repealed, effective July 1, 2017 2027.

**SECTION 4.** In Colorado Revised Statutes, 25-16-104.6, **amend** (2) introductory portion; and **add** (2) (h) as follows:

**25-16-104.6. Fund established - administration - revenue sources - use.**

(2) The general assembly may appropriate up to two and one-half percent of the ~~moneys~~ MONEY in the hazardous substance response fund for the department's costs of administration and its costs of collection of fees or civil penalties pursuant to section 25-16-104.5. In addition, the department is authorized, subject to appropriation by the general assembly, to use the ~~moneys~~ MONEY in the fund for the following purposes:

(h) TO FINANCE THE RADON EDUCATION AND AWARENESS PROGRAM, ESTABLISHED IN SECTION 25-11-114 (2), AND THE RADON MITIGATION ASSISTANCE PROGRAM, ESTABLISHED IN SECTION 25-11-114 (3).

**SECTION 5. Appropriation.** (1) For the 2016-17 state fiscal year, \$199,456 is appropriated to the department of public health and environment for use by the hazardous materials and waste management division. This appropriation is from the hazardous substance response fund created in section 25-16-104.6 (1) (a), C.R.S. To implement this act, the division may use this appropriation as follows:

(a) \$48,803 for personal services related to radiation management, which amount is based on an assumption that the division will require an additional 0.8 FTE; and

(b) \$150,653 for operating expenses related to radiation management.

**SECTION 6. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 21, 2016