

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

May 9, 2017
Date

Committee on Health, Insurance, & Environment.

After consideration on the merits, the Committee recommends the following:

SJR17-043 be amended as follows, and as so amended, be referred out to the House for final action:

- 1 Amend engrossed joint resolution, page 2, strike lines 32 through 35.
- 2 Strike page 3.
- 3 Page 4, strike lines 1 and 2 and substitute:
 - 4 "WHEREAS, The state of Colorado and the citizens, businesses,
 - 5 and environment of Southwestern Colorado have been harmed by the
 - 6 Gold King mine spill; and
 - 7 WHEREAS, The General Assembly recognizes the separation of
 - 8 powers inherent between the legislative branch and the executive branch,
 - 9 and acknowledges that the Attorney General, under section 24-31-101,
 - 10 Colorado Revised Statutes, is legal counsel for the executive branch, a
 - 11 position that empowers the Attorney General to explore legal avenues for
 - 12 redress of grievances and to pursue all such channels to their fullest
 - 13 extent; and
 - 14 WHEREAS, Lawsuits are a costly, time-consuming, and
 - 15 potentially ineffective and counterproductive remedy, and should be
 - 16 pursued as a last resort once all other legal remedies have been exhausted;
 - 17 and
 - 18 WHEREAS, The federal Environmental Protection Agency has
 - 19 declared the Gold King mine a Superfund site in accordance with the
 - 20 provisions of the federal "Comprehensive Environmental Response,
 - 21 Compensation, and Liability Act" (CERCLA), 42 U.S.C. sec. 9601,
 - 22 which allows states and Native American tribes to recover natural

1 resources damages caused by hazardous substances; now, therefore,".

2 Page 4, strike lines 5 through 18 and substitute:

3 "(1) That the state of Colorado recognizes that the federal
4 Environmental Protection Agency was involved in the Gold King mine
5 spill and that various conditions may have contributed to the event,
6 including actions or failures to act by the federal government and private
7 mine owners involved at the Gold King mine site;

8 (2) That the federal Environmental Protection Agency and the
9 federal government should, to the fullest extent possible, act to make
10 whole the people and businesses harmed as a direct result of the Gold
11 King mine spill;

12 (3) That the Governor of Colorado, the Natural Resources
13 Trustees, and the Colorado Department of Public Health and
14 Environment, in consultation with the Attorney General, should
15 investigate the availability of natural resources damages under CERCLA
16 as a mechanism to obtain payment for injuries related to the Gold King
17 mine spill;

18 (4) That the state of Colorado and the communities affected
19 should cooperate in and support the ongoing Superfund process to remedy
20 the water pollution problems and secure funds going forward to help
21 downstream communities; and

22 (5) That the Governor of Colorado, the Natural Resources
23 Trustees, the Colorado Department of Health and Environment, and the
24 Attorney General should vigorously pursue all other legal options
25 available for making whole the people and businesses harmed by the spill,
26 and should pursue a lawsuit as the last option."

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