

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 16-0593.01 Yelana Love x2295

HOUSE BILL 16-1141

HOUSE SPONSORSHIP

Becker K. and Coram,

SENATE SPONSORSHIP

Jahn and Roberts,

House Committees

Health, Insurance, & Environment
Appropriations

Senate Committees

Health & Human Services
Appropriations

A BILL FOR AN ACT

101 CONCERNING THE PROTECTION OF COLORADO RESIDENTS FROM THE
102 HAZARDS ASSOCIATED WITH NATURALLY OCCURRING
103 RADIOACTIVE MATERIALS IN BUILDINGS, AND IN CONNECTION
104 THEREWITH, MAKING AN APPROPRIATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill provides a number of protections to the citizens of Colorado from the hazards associated with naturally occurring radioactive materials in buildings, specifically the hazards from radon and uranium

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
April 5, 2016

HOUSE
3rd Reading Unamended
March 8, 2016

HOUSE
Amended 2nd Reading
March 7, 2016

mill tailings.

The Colorado department of public health and environment (CDPHE) must develop a statewide educational program to educate the public, real estate brokers, and builders about radon gas, including health risks, testing options, and mitigation techniques. CDPHE must also establish a program to provide financial assistance to low-income individuals for radon mitigation in their homes.

The bill extends by 10 years (from 2017 to 2027) the uranium mill tailings remedial action fund, which pays for a program that provides information to the public on uranium mill tailings contamination in residences and commercial buildings.

Section 2 of the bill abolishes the uranium mill tailings remedial action oversight committee.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25-11-114 as
3 follows:

4 **25-11-114. Legislative declaration - public education**
5 **regarding radon gas - assistance to low-income individuals for radon**
6 **mitigation in their homes.** (1) THE GENERAL ASSEMBLY FINDS,
7 DETERMINES, AND DECLARES THAT:

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

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

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

18 (d) COLORADO RANKS SEVENTH IN THE NATION FOR HIGHEST

1 POTENTIAL RADON RISK;

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

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

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

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

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

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

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

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

1 THE PROGRAM REQUIREMENTS, INCLUDING ELIGIBILITY REQUIREMENTS
2 FOR FINANCIAL ASSISTANCE.

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

7 **SECTION 2.** In Colorado Revised Statutes, 25-16-104.5, **amend**
8 (1.7) (b) (II) as follows:

9 **25-16-104.5. Solid waste user fee - imposed - rate - direction**
10 **- legislative declaration - repeal.** (1.7) (b) (II) The portions of the fee
11 imposed under this subsection (1.7) that are collected for the costs
12 described in subparagraphs (II) and (III) of paragraph (a) of this
13 subsection (1.7) shall be transmitted to the department for deposit into the
14 hazardous substance response fund created in section 25-16-104.6. The
15 department may expend ~~moneys~~ MONEY from the portion of the fee
16 collected under subparagraph (III) of paragraph (a) of this subsection
17 (1.7) to compensate the department of law for all or a portion of the
18 expenses incurred for services rendered under the federal act, as billed to
19 the department by the department of law. THE DEPARTMENT MAY EXPEND
20 MONEY FROM THE FEES COLLECTED UNDER THIS SUBSECTION (1.7) TO
21 FINANCE THE RADON EDUCATION AND AWARENESS PROGRAM,
22 ESTABLISHED IN SECTION 25-11-114 (2), AND THE RADON MITIGATION
23 ASSISTANCE PROGRAM, ESTABLISHED IN SECTION 25-11-114 (3).

24 **SECTION 3.** In Colorado Revised Statutes, 39-29-116, **amend**
25 (3) (a) and (6); and **repeal** (4) as follows:

26 **39-29-116. Uranium mill tailings remedial action program**
27 **fund - creation - oversight committee - repeal.** (3) (a) The state

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

13 (4) (a) ~~There is hereby created a uranium mill tailings remedial~~
14 ~~action oversight committee, referred to in this subsection (4) as the~~
15 ~~"oversight committee". The oversight committee shall consist of five~~
16 ~~members as set forth in paragraph (a.5) of this subsection (4). The~~
17 ~~department of public health and environment shall annually report on or~~
18 ~~before September 15 of each year to the oversight committee at a meeting~~
19 ~~called by the chairperson of the oversight committee on the progress of~~
20 ~~the cleanup of uranium mill tailing sites pursuant to the uranium mill~~
21 ~~tailings remedial action program, the proposed and final transfers or~~
22 ~~disposition of the land of any of the sites, the proposed program activities,~~
23 ~~any direct and indirect costs associated with the monitoring, notification,~~
24 ~~and handling of designated uranium mill tailings that are authorized in~~
25 ~~section 25-11-303, C.R.S., and financing requested for the next fiscal~~
26 ~~year. The oversight committee shall review such report and obtain any~~
27 ~~additional information it needs in order to prepare a recommendation to~~

1 the joint budget committee on the proposed funding amounts and sources
2 for the next fiscal year. The recommendation shall be made within
3 forty-five days of the oversight committee meeting at which the
4 department of public health and environment presents its annual report.

5 (a.5) (I) ~~Repealed.~~

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

22 (b) ~~The terms of the members appointed by the speaker of the~~
23 ~~house of representatives, the president of the senate, the minority leader~~
24 ~~of the house, and the minority leader of the senate and who are appointed~~
25 ~~pursuant to subparagraph (H) of paragraph (a.5) of this subsection (4)~~
26 ~~shall be extended to and expire on or shall terminate on the convening~~
27 ~~date of the first regular session of the sixty-seventh general assembly. As~~

1 soon as practicable after such convening date, the speaker, the president,
2 the minority leader of the house, and the minority leader of the senate
3 shall appoint or reappoint members in the same manner as provided in
4 paragraph (a.5) of this subsection (4). Thereafter, the terms of the
5 members appointed or reappointed by the speaker, the president, the
6 minority leader of the house, and the minority leader of the senate shall
7 expire on the convening date of the first regular session of each general
8 assembly, and all subsequent appointments and reappointments by the
9 speaker, the president, the minority leader of the house, and the minority
10 leader of the senate shall be made as soon as practicable after such
11 convening date. The person making the original appointment or
12 reappointment shall fill any vacancy by appointment for the remainder of
13 an unexpired term. Oversight committee members appointed or
14 reappointed by the speaker, the president, the minority leader of the
15 house, and the minority leader of the senate shall serve at the pleasure of
16 the appointing authority and shall continue in office until the member's
17 successor is appointed.

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

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

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

27 **25-16-104.6. Fund established - administration - revenue**

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

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

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

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

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

23 **SECTION 6. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2016 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.