

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

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.**

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 mill tailings.

The Colorado department of public health and environment

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.

(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
19 POTENTIAL RADON RISK;

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

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

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

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

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

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

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

1 FOR FINANCIAL ASSISTANCE.

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

6 **SECTION 2.** In Colorado Revised Statutes, 39-29-116, **amend**
7 (3) (a) and (6); and **repeal** (4) as follows:

8 **39-29-116. Uranium mill tailings remedial action program**
9 **fund - creation - oversight committee - repeal.** (3) (a) The state
10 treasurer may accept and credit to the uranium mill tailings remedial
11 action program fund any donations received by the state for the express
12 purpose of projects for the cleanup of uranium mill tailings. The
13 donations may include any amounts made available from the local
14 government severance tax fund and the local government mineral impact
15 fund as directed by the executive director of the department of local
16 affairs pursuant to section 39-29-110 and section 34-63-102, C.R.S. **and**
17 **with the approval of the oversight committee as created in subsection (4)**
18 **of this section.** It is the intent of the general assembly that a minimum of
19 six million dollars be retained in the local government severance tax fund
20 and the local government mineral impact fund for grants and loans to
21 local communities.

22 (4) (a) **There is hereby created a uranium mill tailings remedial**
23 **action oversight committee, referred to in this subsection (4) as the**
24 **"oversight committee". The oversight committee shall consist of five**
25 **members as set forth in paragraph (a.5) of this subsection (4). The**
26 **department of public health and environment shall annually report on or**
27 **before September 15 of each year to the oversight committee at a meeting**

1 called by the chairperson of the oversight committee on the progress of
2 the cleanup of uranium mill tailing sites pursuant to the uranium mill
3 tailings remedial action program, the proposed and final transfers or
4 disposition of the land of any of the sites, the proposed program activities,
5 any direct and indirect costs associated with the monitoring, notification,
6 and handling of designated uranium mill tailings that are authorized in
7 section 25-11-303, C.R.S., and financing requested for the next fiscal
8 year. The oversight committee shall review such report and obtain any
9 additional information it needs in order to prepare a recommendation to
10 the joint budget committee on the proposed funding amounts and sources
11 for the next fiscal year. The recommendation shall be made within
12 forty-five days of the oversight committee meeting at which the
13 department of public health and environment presents its annual report.

14 (a.5) (I) Repealed.

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

1 of representatives shall be the chairperson of the oversight committee and
2 the member appointed by the president of the senate shall be the
3 vice-chairperson of the oversight committee.

4 (b) The terms of the members appointed by the speaker of the
5 house of representatives, the president of the senate, the minority leader
6 of the house, and the minority leader of the senate and who are appointed
7 pursuant to subparagraph (II) of paragraph (a.5) of this subsection (4)
8 shall be extended to and expire on or shall terminate on the convening
9 date of the first regular session of the sixty-seventh general assembly. As
10 soon as practicable after such convening date, the speaker, the president,
11 the minority leader of the house, and the minority leader of the senate
12 shall appoint or reappoint members in the same manner as provided in
13 paragraph (a.5) of this subsection (4). Thereafter, the terms of the
14 members appointed or reappointed by the speaker, the president, the
15 minority leader of the house, and the minority leader of the senate shall
16 expire on the convening date of the first regular session of each general
17 assembly, and all subsequent appointments and reappointments by the
18 speaker, the president, the minority leader of the house, and the minority
19 leader of the senate shall be made as soon as practicable after such
20 convening date. The person making the original appointment or
21 reappointment shall fill any vacancy by appointment for the remainder of
22 an unexpired term. Oversight committee members appointed or
23 reappointed by the speaker, the president, the minority leader of the
24 house, and the minority leader of the senate shall serve at the pleasure of
25 the appointing authority and shall continue in office until the member's
26 successor is appointed.

27 (c) The legislative members of the oversight committee shall be

1 reimbursed for necessary expenses in connection with the performance of
2 their duties, including attendance at a meeting of the joint budget
3 committee to present the oversight committee's recommendations, and
4 shall be paid the same per diem as other members of interim committees
5 in attendance at meetings.

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

7 **SECTION 3.** In Colorado Revised Statutes, 25-16-104.6, **amend**

8 (2) introductory portion; and **add** (2) (h) as follows:

9 **25-16-104.6. Fund established - administration - revenue**
10 **sources - use.** (2) The general assembly may appropriate up to two and
11 one-half percent of the ~~moneys~~ MONEY in the hazardous substance
12 response fund for the department's costs of administration and its costs of
13 collection of fees or civil penalties pursuant to section 25-16-104.5. In
14 addition, the department is authorized, subject to appropriation by the
15 general assembly, to use the ~~moneys~~ MONEY in the fund for the following
16 purposes:

17 (h) TO FINANCE THE RADON EDUCATION AND AWARENESS
18 PROGRAM, ESTABLISHED IN SECTION 25-11-114 (2), AND THE RADON
19 MITIGATION ASSISTANCE PROGRAM, ESTABLISHED IN SECTION 25-11-114
20 (3).

21 **SECTION 4. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2016 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.