

## CHAPTER 95

---

**HEALTH AND ENVIRONMENT**

---

**HOUSE BILL 97-1248**

BY REPRESENTATIVES George, K. Alexander, G. Berry, Dyer, Sullivant, Taylor;  
also SENATOR Bishop.

**AN ACT**

CONCERNING REMEDIAL ACTIONS TAKEN IN CONNECTION WITH THE FEDERAL "URANIUM MILL TAILINGS RADIATION CONTROL ACT OF 1978".

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

**SECTION 1.** 39-29-116 (2), Colorado Revised Statutes, 1994 Repl. Vol., is amended to read:

**39-29-116. Uranium mill tailings remedial action program fund - creation - repeal.** (2) There is hereby created in the office of the state treasurer the uranium mill tailings remedial action program fund for the sole purpose of providing a state match to federal funds available for the cleanup of uranium mill tailing sites as designated for cleanup under the federal "Uranium Mill Tailings Radiation Control Act of 1978", 42 U.S.C. 7901 et seq. The fund shall consist of moneys transferred to the fund from the severance tax trust fund in accordance with section 39-29-109 (5) as it existed prior to its repeal and any other moneys made available or appropriated into the uranium mill tailings remedial action program fund pursuant to subsection (3) of this section. The moneys in the uranium mill tailings remedial action program fund available for remedial costs only shall not exceed fifty-seven million dollars. Moneys in the fund shall be subject to annual appropriation. All interest derived from the deposit and investment of moneys in the uranium mill tailings remedial action program fund shall be credited to such fund. Any unexpended and unencumbered moneys in the uranium mill tailings remedial action program fund at the end of the 1998-99 fiscal year shall be credited and transferred to the ~~severance tax trust fund~~ LOCAL GOVERNMENT SEVERANCE TAX FUND ESTABLISHED PURSUANT TO SECTION 39-29-110.

---

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 2.** 25-11-301, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**25-11-301. Legislative declaration.** (1) The general assembly hereby finds and declares that the existence of uranium mill tailings at active and inactive mill operations poses a potential and significant radiation health hazard. This part 3 is therefore enacted to protect the public health, safety, and welfare by cooperating with the federal government in providing for the stabilization, disposal, and control of such tailings in a safe and environmentally sound manner to prevent or minimize other environmental impacts from such tailings.

(2) THE GENERAL ASSEMBLY RECOGNIZES THE NEED FOR THE STATE TO EXPEND SUCH FUNDS AS ARE NECESSARY TO PROVIDE LAND ANNOTATION AND SITE INFORMATION FOR PURPOSES OF PROTECTING PROSPECTIVE PURCHASERS OR USERS OF MILL SITES DESIGNATED FOR CLEANUP PURSUANT TO PUBLIC LAW 95-604. THE GENERAL ASSEMBLY THEREFORE DECLARES ITS INTENT TO ASSIST LOCAL GOVERNMENTS WITH THE IDENTIFICATION, REMOVAL, STORAGE, AND DISPOSAL OF TAILING DEPOSITS ASSOCIATED WITH SUCH DESIGNATED MILL SITES FOR WHICH REMEDIAL ACTION IS NOT TAKEN PURSUANT TO THE FEDERAL "URANIUM MILL TAILINGS RADIATION CONTROL ACT OF 1978".

**SECTION 3.** 25-11-303 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**25-11-303. Authorization to participate - implementation.** (1) The general assembly hereby authorizes the department of public health and environment to participate in federal implementation of the "Uranium Mill Tailings Radiation Control Act of 1978", and for such purpose the department has the authority to:

(f) PARTICIPATE IN THE FOLLOWING ACTIVITIES FOR WHICH THE STATE MAY PAY ANY PORTION OR ALL OF THE COSTS:

(I) LAND ANNOTATION AND INFORMATION GATHERING, IDENTIFICATION, REMOVAL, AND DISPOSAL OF TAILING DEPOSITS ASSOCIATED WITH MILL SITES DESIGNATED FOR CLEANUP PURSUANT TO PUBLIC LAW 95-604 THAT REMAIN OUTSIDE OF THE DISPOSAL CELLS CONSTRUCTED FOR REMEDIAL PURPOSES PURSUANT TO THE FEDERAL "URANIUM MILL TAILINGS RADIATION CONTROL ACT OF 1978"; AND

(II) THE GROUNDWATER RESTORATION PHASE OF THE FEDERAL "URANIUM MILL TAILINGS RADIATION CONTROL ACT OF 1978".

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 16, 1997