

## CHAPTER 322

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**TAXATION**


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**SENATE BILL 07-200**

BY SENATOR(S) Isgar, Kester, Penry, Taylor, Boyd, Brophy, Fitz-Gerald, Gordon, Schwartz, Shaffer, Tapia, Tochtrop, Tupa, Wiens, Williams, and Windels;  
also REPRESENTATIVE(S) Buescher, Curry, McFadyen, Rose, White, Frangas, Merrifield, and Primavera.

**AN ACT****CONCERNING URANIUM MILL TAILING REMEDIAL ACTION.**

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

**SECTION 1.** 39-29-110 (1) (b) (III), Colorado Revised Statutes, is amended to read:

**39-29-110. Local government severance tax fund - creation - administration - energy impact assistance advisory committee created - repeal.** (1) (b) (III) In addition to the distribution of moneys authorized under subparagraphs (I) and (II) of this paragraph (b), the executive director shall distribute:

(A) Moneys to the uranium mill tailings remedial action program fund in accordance with the provisions of section 39-29-116 (3);

(B) MONEYS TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR 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 THE AMOUNT OF THE DISTRIBUTION MADE PURSUANT TO THIS SUB-SUBPARAGRAPH (B) SHALL BE EQUAL TO THE AMOUNT APPROPRIATED TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT BY THE GENERAL ASSEMBLY FOR SUCH DIRECT AND INDIRECT COSTS; AND

(C) UP TO FIFTY THOUSAND DOLLARS EACH STATE FISCAL YEAR TO POLITICAL SUBDIVISIONS THAT INCLUDE MILL SITES DESIGNATED FOR CLEANUP PURSUANT TO FEDERAL PUBLIC LAW 95-604 FOR REIMBURSEMENT OF ACTUAL, DOCUMENTED COSTS RELATED TO THE CLEANUP OF URANIUM MILL TAILINGS.

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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.*

**SECTION 2.** 39-29-116 (3) (d) and (6), Colorado Revised Statutes, and 39-29-116 (4), Colorado Revised Statutes, as amended by Senate Bill 07-076, enacted at the First Regular Session of the Sixty-sixth General Assembly, are amended to read:

**39-29-116. Uranium mill tailings remedial action program fund - creation - repeal.** (3) (d) For fiscal years after 1996-97, the executive director of the department of local affairs may distribute moneys from the local government mineral impact fund and the local government severance tax fund pursuant to ~~section 34-63-102 (5), C.R.S., and section 39-29-110~~ SECTIONS 34-63-102 (5) AND 39-29-110 (1) (b) (III) (A), C.R.S., respectively.

(4) (a) There is hereby created a uranium mill tailings remedial action ~~program fund~~ oversight committee, REFERRED TO IN THIS SUBSECTION (4) AS THE "OVERSIGHT COMMITTEE". The oversight committee shall consist of five members ~~comprised of the executive director of the department of local affairs, two members of the house of representatives appointed by the speaker of the house of representatives, and two members of the senate appointed by the president of the senate. One of the legislative members shall be from the capital development committee, and one of the legislative members shall reside on the western slope~~ 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, ~~and~~ 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) (I) (A) PRIOR TO JULY 1, 2007, THE FIVE MEMBERS OF THE OVERSIGHT COMMITTEE SHALL CONSIST OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS, TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND TWO MEMBERS OF THE SENATE APPOINTED BY THE PRESIDENT OF THE SENATE. ONE OF THE LEGISLATIVE MEMBERS SHALL BE FROM THE CAPITAL DEVELOPMENT COMMITTEE, AND ONE OF THE LEGISLATIVE MEMBERS SHALL RESIDE ON THE WESTERN SLOPE.

(B) THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE JULY 1, 2007.

(II) 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 SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL BE THE VICE-CHAIRPERSON OF THE OVERSIGHT COMMITTEE, AND DURING EVEN-NUMBERED YEARS, THE MEMBER APPOINTED BY 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, ~~and~~ the president of the senate, THE MINORITY LEADER OF THE HOUSE, AND THE MINORITY LEADER OF THE SENATE and who are ~~servicing on the effective date of this paragraph (b)~~ APPOINTED PURSUANT TO SUBPARAGRAPH (II) 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, ~~and~~ 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)~~ PARAGRAPH (a.5) of this subsection (4). Thereafter, the terms of the members appointed or reappointed by the speaker, ~~and~~ 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, ~~and~~ 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, ~~and~~ 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, 2007~~ JULY 1, 2017.

**SECTION 3. 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: May 29, 2007