

Colorado Legislative Council Staff Fiscal Note

**STATE
FISCAL IMPACT**

Drafting Number: LLS 15-0701	Date: February 17, 2015
Prime Sponsor(s): Rep. Rankin Sen. Hodge	Bill Status: House Health, Insurance, and Environment
	Fiscal Analyst: Lauren Schreier (303-866-3523)

BILL TOPIC: IMPLEMENT FEDERAL RADIOACTIVE MATERIALS AUDIT

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue		
State Expenditures	Minimal workload increase.	
FTE Position Change		
Appropriation Required: None.		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

The bill outlines numerous updates to Colorado's radiation control statute as required by the federal Nuclear Regulatory Commission (NRC) to maintain Colorado's delegated authority through the State Radiation Control Act. The bill implements several recommendations from the 2014 NRC audit report, including, but not limited to:

- modifying, adding, and repealing certain definitions;
- requiring the NRC to approve any state groundwater remediation standards differing from federal standards;
- increasing financial warranty requirements;
- repealing the State Board of Health's ability to issue provisional licenses;
- clarifying that an administrative law judge in the Department of Personnel and Administration (DPA) may approve a radioactive material license; and
- repealing outdated provisions related to the federal Uranium Mill Tailings Radiation Control Act of 1978.

The bill also repeals the statutory authority of the Department of Public Health and Environment (DPHE) to acquire former uranium processing sites through eminent domain.

Background

Created in 1975, the federal NRC is an independent federal agency charged with establishing standards and recommendations concerning nuclear security and emergency preparedness, nuclear materials and waste, nuclear reactors, and other issues related to public health and safety. The NRC has primary jurisdiction over radioactive materials in the United States but has delegated certain administrative authority for Colorado to the DPHE.

State Expenditures

The bill may increase workload by a minimal amount, as discussed below.

Department of Public Health and Environment. Since Colorado's Radiation Control Act is administered by the DPHE, the bill will increase workload in the DPHE by a minimal amount. The DPHE will be required to conduct rulemaking, communicate changes, and update program policies to reflect changes under the bill. Any workload increase is anticipated to be minimal and no new appropriations are required. The bill may also reduce workload by a minimal amount where applicants for a license seek relief from an administrative law judge (ALJ) in the DPA instead of a hearing officer, as previously required in Colorado statute.

Department of Personnel and Administration. To the extent that final draft decisions of the State Board of Health are subject to objections and a hearing, the bill will increase the workload of the ALJs in the DPA. The number of license applicants or other parties that seek such review is relatively small, and no new appropriations are necessary to accommodate this workload in the DPA.

Effective Date

The bill takes effect August 5, 2015, if the General Assembly adjourns on May 6, 2015, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Public Health and Environment
Natural Resources

Personnel and Administration
Judicial Department