

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 13-0699.01 Ed DeCecco x4216

SENATE BILL 13-113

SENATE SPONSORSHIP

Hodge, Steadman, Lambert

HOUSE SPONSORSHIP

Levy, Duran, Gerou

Senate Committees
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE NATURAL RESOURCE DAMAGE RECOVERY FUND.**

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>.)

Joint Budget Committee. The natural resource damage recovery fund (fund) consists of moneys recovered through litigation by the state acting as the trustee of natural resources pursuant to the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980". Moneys in the fund must be used for purposes authorized by the federal act and in a manner that is consistent with a judicial order, decree, or judgment governing the use of a particular recovery. The

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
February 21, 2013

moneys in the fund are subject to annual appropriation. Annual interest earned on the moneys in the fund related to a specific litigation settlement is used to repay loans from the hazardous substance response fund and the general fund related to the litigation. This repayment system is repealed on July 1, 2017.

The bill authorizes the department of public health and environment to expend the custodial moneys in the fund without further appropriation for the existing purposes. It also permits the department to accept moneys from public or private sources for the purpose of repaying the loans to the natural resource damage recovery fund or the general fund. These payments will reduce the amount of interest from the fund that is required to be transferred to the hazardous substance response fund and the general fund. In addition, the repeal of the repayment system is delayed until July 1, 2020.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-16-104.7, **amend**
3 (1), (4) (b), and (4) (c); and **add** (4) (b.5) as follows:

4 **25-16-104.7. Natural resource damage recoveries - fund**
5 **created - repeal.** (1) Except as provided in subsection (3) of this section,
6 any moneys recovered through litigation by the state acting as trustee of
7 natural resources pursuant to the federal act, and any interest derived
8 therefrom, ~~shall be~~ ARE credited to the natural resource damage recovery
9 fund, which fund is hereby created. ~~Moneys in the fund shall be subject~~
10 ~~to annual appropriation by the general assembly and shall be used only~~
11 THE DEPARTMENT MAY EXPEND THE CUSTODIAL MONEYS IN THE FUND
12 WITHOUT FURTHER APPROPRIATION for purposes authorized by the federal
13 act, including the restoration, replacement, or acquisition of the
14 equivalent of natural resources that have been injured, destroyed, or lost
15 as a result of a release of a hazardous substance. In addition, the
16 ~~appropriation and~~ DEPARTMENT SHALL use ~~of~~ THE moneys in the natural
17 resource damage recovery fund ~~shall be~~ IN A MANNER THAT IS consistent

1 with any judicial order, decree, or judgment governing the use of any
2 particular recovery credited to the fund.

3 (4) (b) The state treasurer shall continue to make the transfer
4 specified in subparagraph (I) of paragraph (a) of this subsection (4) until
5 the total amount transferred to the hazardous substance response fund
6 AND CREDITED TO THE FUND PURSUANT TO PARAGRAPH (b.5) OF THIS
7 SUBSECTION (4) equals one million six hundred fifty-seven thousand five
8 hundred seventy-seven dollars, at which time the state treasurer shall
9 cease the transfers. The state treasurer shall continue to make the transfer
10 specified in subparagraph (II) of paragraph (a) of this subsection (4) until
11 the total amount transferred to the general fund AND CREDITED TO THE
12 GENERAL FUND PURSUANT TO PARAGRAPH (b.5) OF THIS SUBSECTION (4)
13 reaches one million four thousand eight hundred seventy-three dollars, at
14 which time the state treasurer shall cease the transfers.

15 (b.5) THE DEPARTMENT MAY ACCEPT MONEYS FROM PUBLIC OR
16 PRIVATE SOURCES FOR THE PURPOSE OF REPAYING THE LOANS TO THE
17 NATURAL RESOURCE DAMAGE RECOVERY FUND FROM THE HAZARDOUS
18 SUBSTANCE RESPONSE FUND CREATED IN SECTION 25-16-104.6 OR THE
19 GENERAL FUND. THE DEPARTMENT SHALL TRANSMIT THESE MONEYS TO
20 THE STATE TREASURER, WHO SHALL CREDIT THE MONEYS TO THE
21 APPROPRIATE FUND. THIS PARAGRAPH (b.5) IS EXEMPT FROM THE
22 PROVISIONS OF PART 13 OF ARTICLE 75 OF TITLE 24, C.R.S.

23 (c) This subsection (4) is repealed, effective ~~July 1, 2017~~ JULY 1,
24 2020.

25 **SECTION 2. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.