

NOTE: The governor signed this measure on 3/29/2013.

An Act

SENATE BILL 13-113

BY SENATOR(S) Hodge, Steadman, Lambert;
also REPRESENTATIVE(S) Levy, Duran, Gerou, Fields, Labuda,
Mitsch Bush, Vigil.

CONCERNING THE NATURAL RESOURCE DAMAGE RECOVERY FUND.

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

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

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

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

DEPARTMENT SHALL use of THE moneys in the natural resource damage recovery fund shall be IN A MANNER THAT IS consistent with any judicial order, decree, or judgment governing the use of any particular recovery credited to the fund.

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

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

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

SECTION 2. 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.

John P. Morse
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO