

CHAPTER 350

HEALTH AND ENVIRONMENT

HOUSE BILL 07-1357

BY REPRESENTATIVE(S) Buescher, Pommer, White, Curry, Frangas, Gibbs, Green, Labuda, and Rose;
also SENATOR(S) Johnson, Tapia, and Keller.

AN ACT

**CONCERNING LITIGATION COSTS ASSOCIATED WITH THE CLEANUP OF HAZARDOUS WASTE SITES, AND
MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

SECTION 1. The introductory portion to 25-16-104.6 (2.5) and 25-16-104.6 (2.5) (a) and (2.7), Colorado Revised Statutes, are amended to read:

25-16-104.6. Fund established - administration - revenue sources - use.
(2.5) Moneys in the hazardous substance response fund created pursuant to this section may be appropriated as provided in ~~section 25-16-104.5 (3.5)~~ and as follows:

(a) To finance any litigation arising under this part 1 or the federal act on behalf of the state. ~~up to the level of revenue generated by the fee established by section 25-16-104.5 (3.5) (a). Litigation expenses under this paragraph (a) that exceed such level of revenue and the addition of new sites applicable under the federal act or this part 1 shall require appropriations from the general fund.~~

(2.7) ~~Unless otherwise specified by judicial order and decree, moneys awarded to reimburse state general fund costs associated with litigating any case under the federal act shall be credited to the natural resource damage recovery fund created pursuant to section 25-16-104.7, until such time as an amount equal to three million three hundred sixty-one thousand four hundred fifty-one dollars, plus interest accrued since July 1, 1990, has been credited to the fund. After moneys have been credited to the natural resource damage recovery fund as set forth in this subsection (2.7), any additional or future moneys awarded to reimburse state general fund costs associated with litigating any case under the federal act shall be returned to the general fund.~~

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. 25-16-104.7 (3), Colorado Revised Statutes, as enacted by Senate Bill 07-110, enacted at the First Regular Session of the Sixty-sixth General Assembly, is amended to read:

25-16-104.7. Natural resource damage recoveries - fund created. (3) TO THE EXTENT AUTHORIZED BY LAW, AND CONSISTENT WITH A FINAL JUDICIAL ORDER OR DECREE IN ANY LITIGATION BY THE STATE ACTING AS TRUSTEE OF NATURAL RESOURCES PURSUANT TO THE FEDERAL ACT, any recovery of natural resource damage assessment or other costs, INCLUDING LITIGATION COSTS AND FEES, shall be credited to the fund from which such costs were originally paid.

SECTION 3. Adjustments to the 2007 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2007, to the department of law, water and natural resources section, for natural resource damage claims at rocky mountain arsenal, shall be adjusted as follows:

(a) The general fund appropriation is decreased by two million six hundred sixty-one thousand six hundred sixty-seven (\$2,661,667) dollars.

(b) The cash funds appropriation from the hazardous substance response fund created in section 25-16-104.6 (1) (a), Colorado Revised Statutes, is increased by two million six hundred sixty-one thousand six hundred sixty-seven (\$2,661,667) dollars.

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: May 31, 2007