

CHAPTER 81

HEALTH AND ENVIRONMENT

SENATE BILL 07-110

BY SENATOR(S) Tapia, Keller, and Johnson;
also REPRESENTATIVE(S) Buescher, Pommer, White, Carroll M., Curry, Frangas, Green, King, Labuda, and Liston.

AN ACT

CONCERNING THE RETURN OF CERTAIN COSTS ASSOCIATED WITH NATURAL RESOURCE DAMAGE THAT ARE RECOVERED BY THE STATE TO THE STATE FUND FROM WHICH SUCH COSTS WERE ORIGINALLY PAID.

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

SECTION 1. 25-16-104.7 (1), Colorado Revised Statutes, is amended, and the said 25-16-104.7 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

25-16-104.7. Natural resource damage recoveries - fund created. (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 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 for purposes authorized by the federal act, including the restoration, replacement, or acquisition of the equivalent of natural resources ~~which~~ THAT have been injured, destroyed, or lost as a result of a release of a hazardous substance. In addition, the appropriation and use of moneys in the natural resource damage recovery fund shall be consistent with any judicial order, decree, or judgment governing the use of any particular recovery credited to the fund.

(3) ANY RECOVERY OF NATURAL RESOURCE DAMAGE ASSESSMENT OR OTHER COSTS SHALL BE CREDITED TO THE FUND FROM WHICH SUCH COSTS WERE ORIGINALLY PAID.

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. 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: April 2, 2007