

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 23-0885.01 Zach Blaes x4348

SENATE BILL 23-239

SENATE SPONSORSHIP

Zenzinger and Kirkmeyer, Bridges, Cutter, Ginal, Hansen, Jaquez Lewis, Marchman, Priola

HOUSE SPONSORSHIP

Bird and Bockenfeld, Sirota

Senate Committees
Appropriations

House Committees
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE TRANSFER OF MONEY FROM THE HAZARDOUS**
102 **SUBSTANCE SITE RESPONSE FUND TO THE HAZARDOUS**
103 **SUBSTANCE RESPONSE 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://leg.colorado.gov/>.)

Joint Budget Committee. The bill requires the state treasurer to transfer \$1.8 million from the hazardous substance site response fund to the hazardous substance response fund.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
2nd Reading Unamended
April 3, 2023

SENATE
3rd Reading Unamended
March 30, 2023

SENATE
2nd Reading Unamended
March 29, 2023

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-16-104.6, **amend**
3 (1)(a) as follows:

4 **25-16-104.6. Fund established - administration - revenue**
5 **sources - use.** (1) (a) There is hereby established in the state treasury the
6 hazardous substance response fund. The fund is composed of money that
7 the general assembly may choose to appropriate from the general fund,
8 money derived from the fee imposed pursuant to section 25-16-104.5, and
9 any interest derived therefrom; money recovered from responsible parties
10 pursuant to the federal act or the OPA that is not generated by the state
11 litigating as trustee for natural resources pursuant to section 25-16-104.7;
12 money recovered through litigation by the state pursuant to the federal act
13 or the OPA that is designated for future response cost; ANY MONEY
14 TRANSFERRED TO THE FUND PURSUANT TO SECTION 25-16-104.9 (2)(b);
15 and any other money derived from public or private sources that may be
16 credited to the fund. Money in the fund shall be annually appropriated by
17 the general assembly, subject to section 25-16-104, remains available for
18 the purposes of this article, and does not revert to the general fund of the
19 state at the end of any fiscal year. If the fund balance exceeds ten million
20 dollars in any state fiscal year and the fund balance is not projected to fall
21 below ten million dollars within twenty-four months, the department shall
22 evaluate the need to reduce fees to bring the balance of the fund below
23 ten million dollars, and shall present the evaluation to the commission.

24 **SECTION 2.** In Colorado Revised Statutes, 25-16-104.9, **amend**
25 (2) as follows:

26 **25-16-104.9. Hazardous substance site response fund -**
27 **creation - transfer - use - definition.** (2) (a) The hazardous substance

1 site response fund is created in the state treasury. The fund consists of any
2 ~~moneys~~ MONEY transferred pursuant to section 24-75-220 (4)(a)(III.5).
3 ~~C.R.S.~~ The general assembly may appropriate ~~moneys~~ MONEY in the fund
4 to the department for the purposes specified in section 25-16-104.

5 (b) (I) ON MAY 1, 2023, THE STATE TREASURER SHALL TRANSFER
6 ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS FROM THE FUND TO
7 THE HAZARDOUS SUBSTANCE RESPONSE FUND CREATED IN SECTION
8 25-16-104.6 (1)(a).

9 (II) THIS SUBSECTION (2)(b) IS REPEALED, EFFECTIVE JULY 1, 2024.

10 **SECTION 3. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety.