

CHAPTER 82

HEALTH AND ENVIRONMENT

SENATE BILL 23-239

BY SENATOR(S) Zenzinger and Kirkmeyer, Bridges, Cutter, Ginal, Hansen, Jaquez Lewis, Marchman, Priola;
also REPRESENTATIVE(S) Bird and Bockenfeld, Sirota, Joseph, Marshall, Snyder.

AN ACT

**CONCERNING THE TRANSFER OF MONEY FROM THE HAZARDOUS SUBSTANCE SITE RESPONSE FUND
TO THE HAZARDOUS SUBSTANCE RESPONSE FUND.**

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

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

25-16-104.6. Fund established - administration - revenue sources - use.

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

25-16-104.9. Hazardous substance site response fund - creation - transfer - use - definition. (2) (a) The hazardous substance site response fund is created in the state treasury. The fund consists of any ~~moneys~~ MONEY transferred pursuant to section 24-75-220 (4)(a)(III.5). ~~C.R.S.~~ The general assembly may appropriate ~~moneys~~ MONEY in the fund to the department for the purposes specified in section 25-16-104.

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

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

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

Approved: April 17, 2023