

**75-5672. Natural resources damages trust fund.** (a) As used in this section:

- (1) "Department" means the department of health and environment.
- (2) "Secretary" means the secretary of health and environment.
- (3) "Fund" means the natural resources damages trust fund.

(b) There is hereby created in the state treasury the natural resources damages trust fund. All moneys received pursuant to subsections (d), (e) and (f) shall be remitted to the state treasurer. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the natural resources damages trust fund.

(c) All moneys credited to the fund shall be used to pay the cost of:

- (1) The design, review, implementation or oversight of the implementation of natural resources and environmental restoration plans;
  - (2) contracting for services needed to supplement the department's staff expertise in natural resource restoration activities;
  - (3) mitigation of adverse environment impacts;
  - (4) emergency or long-term remedial activities;
  - (5) legal costs, including expert witness fees, incurred in the recovery of fund expenditures;
  - (6) state cost share for restoration activities undertaken in conjunction with the federal government or others;
- and
- (7) administrative costs necessary to administer the fund.

(d) There is hereby created the natural resources restoration activities federal account in the natural resources damages trust fund. All moneys received from the federal government that are designated for natural resource restoration activities shall be credited to such account.

(e) There is hereby created the natural resources restoration activities general account in the natural resources damages trust fund. All moneys received solely by the state as cost recoveries, settlements, grants and donations from other sources that are designated for natural resource restoration activities shall be credited to such account. All moneys credited to such account shall be used for the purposes as designated in the granting or collection document.

(f) There is hereby created the emergency response activities account in the natural resources damages trust fund. All moneys received by the secretary in the form of gifts, grants, reimbursements, appropriations, cost recoveries or funds collected from other sources that are designated for emergency response activities in accordance with this act shall be credited to such account.

(g) All expenditures from the natural resources damages trust fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary.

(h) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the natural resources damages trust fund interest earnings based on:

- (1) The average daily balance of moneys in the natural resources damages trust fund for the preceding month;
- and
- (2) the net earnings of the pooled money investment portfolio for the preceding month.

**History:** L. 2001, ch. 98, § 1; Apr. 19.