

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 23, 2008
Date

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

SB08-013 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 5, after line 2, insert the following:

2 "SECTION 2. 39-29-109.3 (1) and (3), Colorado Revised
3 Statutes, as enacted by House Bill 08-1398, enacted at the Second
4 Regular Session of the Sixty-sixth General Assembly, are amended to
5 read:

6 **39-29-109.3. Operational account of the severance tax trust**
7 **fund - repeal.** (1) For fiscal years commencing on and after July 1,
8 1997, the executive director of the department of natural resources shall
9 submit with the department's budget request for each fiscal year a list and
10 description of the programs the executive director recommends to be
11 funded from the operational account of the severance tax trust fund
12 created in section 39-29-109 (2) (b), referred to in this section as the
13 "operational account". The minerals, energy, and geology policy advisory
14 board established pursuant to section 34-20-104, C.R.S., shall review the
15 executive director's recommendation before submittal. The general
16 assembly may appropriate moneys from the total moneys available in the
17 operational account to fund recommended programs as follows:

18 (a) (I) For programs or projects within the Colorado oil and gas
19 conservation commission, up to forty-five percent of the moneys in the
20 operational account FOR FISCAL YEARS COMMENCING BEFORE JULY 1,
21 2008, AND UP TO FORTY PERCENT OF THE MONEYS IN THE OPERATIONAL

1 ACCOUNT FOR FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2008.

2 (II) Moneys appropriated for programs or projects pursuant to
3 subparagraph (I) of this paragraph (a) shall be used by the Colorado oil
4 and gas conservation commission for plugging and abandonment projects,
5 for well-site location reclamation projects, or for regulatory and
6 environmental programs or projects as specifically appropriated by the
7 general assembly for use on such programs or projects; except that, if the
8 commission determines that an emergency exists, the commission may
9 expend any moneys received for the emergency without any further
10 appropriation. In determining the uses of these moneys, the commission
11 shall give priority to uses that reduce industry fees and mill levies.

12 (b) For programs within the Colorado geological survey, up to
13 twenty percent of the moneys in the operational account;

14 (c) For programs within the division of reclamation, mining, and
15 safety, up to thirty percent of the moneys in the operational account FOR
16 FISCAL YEARS COMMENCING BEFORE JULY 1, 2008, AND UP TO
17 TWENTY-FIVE PERCENT OF THE MONEYS IN THE OPERATIONAL ACCOUNT
18 FOR FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2008. As part of
19 ~~such thirty percent~~ ANY APPROPRIATION MADE, five hundred thousand
20 dollars, or so much as may be available, shall be transferred to the
21 abandoned mine reclamation fund created in section 34-34-102 (1),
22 C.R.S.

23 (d) For programs within the Colorado water conservation board
24 and for purposes authorized by article 75 of title 37, C.R.S., up to five
25 percent of the moneys in the operational account.

26 (e) FOR FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2008,
27 ONLY, FOR PROGRAMS WITHIN THE DIVISION OF WILDLIFE THAT MONITOR,
28 MANAGE, OR MITIGATE THE IMPACTS OF MINERAL OR MINERAL FUEL
29 PRODUCTION ACTIVITIES ON WILDLIFE IN ANY REGION OF THE STATE IN
30 WHICH PRODUCTION ACTIVITY IS OCCURRING OR, FROM ANY LOCATION IN
31 THE STATE, RESEARCH SUCH IMPACTS, UP TO FIVE PERCENT OF THE
32 MONEYS IN THE OPERATIONAL ACCOUNT, WHICH MONEYS SHALL NOT
33 SUPPLANT MONEYS THAT WOULD OTHERWISE BE MADE AVAILABLE FOR
34 SUCH PROGRAMS.

35 (f) FOR FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2008,

1 ONLY, FOR PROGRAMS WITHIN THE DIVISION OF PARKS AND OUTDOOR
2 RECREATION THAT OPERATE, MAINTAIN, OR IMPROVE STATE PARKS IN ANY
3 REGION OF THE STATE IN WHICH PRODUCTION ACTIVITY IS OCCURRING, UP
4 TO FIVE PERCENT OF THE MONEYS IN THE OPERATIONAL ACCOUNT, WHICH
5 MONEYS SHALL NOT SUPPLANT MONEYS THAT WOULD OTHERWISE BE
6 MADE AVAILABLE FOR SUCH PROGRAMS.

7 (3) It is the intent of the general assembly that the operational
8 account maintain a reserve equal to the current state fiscal year's
9 operating appropriations for the programs specified in subsection (1) of
10 this section plus fifteen percent of the current fiscal year's transfers
11 specified in subsection (2) of this section; except that moneys
12 appropriated for purposes authorized by article 75 of title 37, C.R.S., AND
13 MONEYS APPROPRIATED PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1)
14 OF THIS SECTION shall not be considered in establishing the reserve.
15 Moneys may be transferred from the reserve to offset temporary revenue
16 reductions in the programs specified in subsection (1) of this section and
17 to offset reductions for programs specified in subsection (2) of this
18 section, up to any proportional reduction in funding that occurred by
19 operation of subsection (4) of this section; except that, if the general
20 assembly determines that transfers of moneys from the reserve are needed
21 during a state revenue crisis, the transfers shall be a loan from the reserve
22 to be repaid as soon as moneys are available. This provision is intended
23 to mitigate the impact of fluctuations in the amount of revenue credited
24 to the fund from year to year so as to maintain current levels of service for
25 the programs specified in subsection (1) of this section."

26 Renumber succeeding sections accordingly.

27 Page 5, line 3, after "**Appropriation.**", insert "(1)";

28 line 9, strike "(1)" and substitute "(a)";

29 line 14, strike "(2)" and substitute "(b)";

30 line 22, strike "(3)" and substitute "(c)";

31 after line 26, insert the following:

32 "**SECTION 4. Appropriation.** (1) In addition to any other
33 appropriation, there is hereby appropriated, out of any moneys in the

1 operational account of the severance tax trust fund, established pursuant
2 to section 39-29-109 (2) (b), Colorado Revised Statutes, not otherwise
3 appropriated, to the department of natural resources, for the fiscal year
4 beginning July 1, 2008, the following:

5 (a) For allocation to the division of parks and outdoor recreation,
6 the sum of one million two hundred thirty-four thousand fifty-eight
7 dollars (\$1,234,058) cash funds, or so much thereof as may be necessary,
8 to operate, maintain, and improve state parks located in areas impacted by
9 energy development.

10 (b) For allocation to the division of parks and outdoor recreation,
11 the sum of seven hundred fifty thousand dollars (\$750,000) cash funds,
12 or so much thereof as may be necessary, for the construction of a boat
13 ramp at nighthorse reservoir. Said sum is for a capital construction
14 project, shall not require the division to manage the boat ramp, and shall
15 remain available until completion of the project or for a period of three
16 years, whichever comes first, at which time any unencumbered balance
17 shall revert to the operational account of the severance tax trust fund.

18 (c) For allocation to the division of wildlife, the sum of one
19 million five hundred nineteen thousand nine hundred twenty-seven
20 dollars (\$1,519,927) cash funds, or so much thereof as may be necessary,
21 to monitor, manage, mitigate, and research the impacts of mineral or
22 mineral fuel production activities on wildlife.

23 **SECTION 5. Effective date.** (1) Sections 1 and 3 of this act
24 shall not take effect if House Bill 08-1398 is enacted at the Second
25 Regular Session of the Sixty-sixth General Assembly and becomes law.

26 (2) Sections 2 and 4 of this act shall take effect only if House Bill
27 08-1398 is enacted at the Second Regular Session of the Sixty-sixth
28 General Assembly and becomes law."

29 Renumber succeeding section accordingly.

** *** ** *** **