

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

DRAFT  
8.27.09

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LLS NO. 10-0115.01 Thomas Morris

INTERIM COMMITTEE BILL

Water Resources Review Committee

**SHORT TITLE: "Fund Water Resources Tier 1 Operational"**

**A BILL FOR AN ACT**

101 **CONCERNING INCREASED FUNDING FOR THE DIVISION OF WATER**  
102 **RESOURCES FROM THE OPERATIONAL ACCOUNT OF THE**  
103 **SEVERANCE TAX TRUST FUND.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Water Resources Review Committee.** Authorizes the expenditure of up to 5% of the moneys in tier 1 of the operational account of the severance tax trust fund for the division of water resources, and allows this increase to supplant moneys that would otherwise be made available to the division from the general fund. Reduces the tier 1 authorization for the \_\_\_ to account for the increase.

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

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

2           **SECTION 1.** 39-29-109.3 (1), Colorado Revised Statutes, is  
3 amended to read:

4           **39-29-109.3. Operational account of the severance tax trust**  
5 **fund - repeal.** (1) For fiscal years commencing on and after July 1,  
6 1997, the executive director of the department of natural resources shall  
7 submit with the department's budget request for each fiscal year a list and  
8 description of the programs the executive director recommends to be  
9 funded from the operational account of the severance tax trust fund  
10 created in section 39-29-109 (2) (b), referred to in this section as the  
11 "operational account". The minerals, energy, and geology policy advisory  
12 board established pursuant to section 34-20-104, C.R.S., shall review the  
13 executive director's recommendation before submittal. The general  
14 assembly may appropriate moneys from the total moneys available in the  
15 operational account to fund recommended programs as follows:

16           (a) (I) For programs or projects within the Colorado oil and gas  
17 conservation commission, ~~up to forty-five percent of the moneys in the~~  
18 ~~operational account for fiscal years commencing before July 1, 2008, and~~  
19 ~~up to forty percent of the moneys in the operational account for fiscal~~  
20 ~~years commencing on or after July 1, 2008.~~

21           (II) Moneys appropriated for programs or projects pursuant to  
22 subparagraph (I) of this paragraph (a) shall be used by the Colorado oil  
23 and gas conservation commission for plugging and abandonment projects,  
24 for well-site location reclamation projects, or for regulatory and  
25 environmental programs or projects as specifically appropriated by the  
26 general assembly for use on such programs or projects; except that, if the

1 commission determines that an emergency exists, the commission may  
2 expend any moneys received for the emergency without any further  
3 appropriation. In determining the uses of these moneys, the commission  
4 shall give priority to uses that reduce industry fees and mill levies.

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

7 (c) For programs within the division of reclamation, mining, and  
8 safety, ~~up to thirty percent of the moneys in the operational account for~~  
9 ~~fiscal years commencing before July 1, 2008, and up to twenty-five~~  
10 percent of the moneys in the operational account for fiscal years  
11 commencing on or after July 1, 2008. As part of any appropriation made,  
12 five hundred thousand dollars, or so much as may be available, shall be  
13 transferred to the abandoned mine reclamation fund created in section  
14 34-34-102 (1), C.R.S.

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

18 (e) For fiscal years commencing on or after July 1, 2008, ~~only~~, for  
19 programs within the division of wildlife that monitor, manage, or mitigate  
20 the impacts of mineral or mineral fuel production activities on wildlife in  
21 any region of the state in which production activity is occurring or, from  
22 any location in the state, research such impacts, up to five percent of the  
23 moneys in the operational account, which moneys shall not supplant  
24 moneys that would otherwise be made available for such programs;

25 (f) For fiscal years commencing on or after July 1, 2008, ~~only~~, for  
26 programs within the division of parks and outdoor recreation that operate,  
27 maintain, or improve state parks in any region of the state in which

1 production activity is occurring, up to five percent of the moneys in the  
2 operational account, which moneys shall not supplant moneys that would  
3 otherwise be made available for such programs;

4 (g) FOR FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2010,  
5 FOR PROGRAMS WITHIN THE DIVISION OF WATER RESOURCES, UP TO FIVE  
6 PERCENT OF THE MONEYS IN THE OPERATIONAL ACCOUNT.

7 **SECTION 2. Safety clause.** The general assembly hereby finds,  
8 determines, and declares that this act is necessary for the immediate  
9 preservation of the public peace, health, and safety.