

**First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 09-0927.01 Esther van Mourik

**HOUSE BILL 09-1308**

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**HOUSE SPONSORSHIP**

**Curry,**

**SENATE SPONSORSHIP**

**Isgar,**

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**House Committees**

Agriculture, Livestock, & Natural Resources

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE ADDITION OF THE DIVISION OF WATER RESOURCES**  
102             **IN THE DEPARTMENT OF NATURAL RESOURCES TO THE LIST OF**  
103             **ENTITIES ELIGIBLE TO RECEIVE FIRST TIER FUNDING FROM THE**  
104             **OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND,**  
105             **AND, IN CONNECTION THEREWITH, MODIFYING APPROPRIATIONS**  
106             **MADE TO THE DIVISION OF WATER RESOURCES IN THE GENERAL**  
107             **APPROPRIATION ACTS FOR THE 2008-09 AND 2009-10 FISCAL**  
108             **YEARS.**

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**Bill Summary**

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

Adds the division of water resources in the department of natural resources to the list of entities eligible to receive first tier funding from the operational account of the severance tax trust fund by reducing the maximum percentage that may be allocated to the division of reclamation, mining, and safety.

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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

1 and gas conservation commission for plugging and abandonment projects,  
2 for well-site location reclamation projects, or for regulatory and  
3 environmental programs or projects as specifically appropriated by the  
4 general assembly for use on such programs or projects; except that, if the  
5 commission determines that an emergency exists, the commission may  
6 expend any moneys received for the emergency without any further  
7 appropriation. In determining the uses of these moneys, the commission  
8 shall give priority to uses that reduce industry fees and mill levies.

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

11 (c) For programs within the division of reclamation, mining, and  
12 safety, ~~up to thirty percent of the moneys in the operational account for~~  
13 ~~fiscal years commencing before July 1, 2008, and up to twenty-five~~  
14 TWENTY percent of the moneys in the operational account. ~~for fiscal years~~  
15 ~~commencing on or after July 1, 2008.~~ As part of any appropriation made,  
16 five hundred thousand dollars, or so much as may be available, shall be  
17 transferred to the abandoned mine reclamation fund created in section  
18 34-34-102 (1), C.R.S.

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

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

1 moneys that would otherwise be made available for such programs;  
2 (f) ~~For fiscal years commencing on or after July 1, 2008, only,~~ For  
3 programs within the division of parks and outdoor recreation that operate,  
4 maintain, or improve state parks in any region of the state in which  
5 production activity is occurring, up to five percent of the moneys in the  
6 operational account, which moneys shall not supplant moneys that would  
7 otherwise be made available for such programs;

8 (g) FOR PROGRAMS WITHIN THE DIVISION OF WATER RESOURCES,  
9 UP TO FIVE PERCENT OF THE MONEYS IN THE OPERATIONAL ACCOUNT.

10 **SECTION 2.** Part XIV (8) and the affected totals of section 2 of  
11 chapter 474, Session Laws of Colorado 2008, are amended to read:

12 Section 2. **Appropriation.**

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<b>PART XIV</b>						
2	<b>DEPARTMENT OF NATURAL RESOURCES</b>						
3							
4	<b>(8) WATER RESOURCES DIVISION</b>						
5	Personal Services	<del>18,765,529</del>	<del>18,250,306</del>		<del>515,223<sup>a</sup></del>		
6		18,803,286	17,815,306		987,980 <sup>a</sup>		
7		(263.6 FTE)					
8	Operating Expenses	1,540,479	<del>1,045,971</del>		<del>494,508<sup>a</sup></del>		
9			980,971		559,508 <sup>a</sup>		
10	Interstate Compacts	76,002	76,002				
11	Republican River Compact						
12	Compliance	316,744	316,744				
13		(4.7 FTE)					
14	Satellite Monitoring System	369,049	254,160		114,889 <sup>b</sup>		
15		(2.0 FTE)					

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1 Augmentation of Water for							
2 Sand and Gravel Extraction	44,400				44,400 <sup>c</sup>		
3 Dam Emergency Repair	50,000				50,000 <sup>d</sup>		
4 Federal Grant	84,000						84,000 <sup>e</sup>
5 River Decision Support							
6 Systems	379,255				379,255 <sup>d</sup>		
7					(4.0 FTE)		
8 H.B. 03-1334 Temporary							
9 Interruptible Water Supply							
10 Agreements	61,589				61,589 <sup>f</sup>		
11 S.B. 04-225 Well							
12 Enforcement	1,489				1,489 <sup>g</sup>		
13 Indirect Cost Assessment	56,670				56,062 <sup>h</sup>		608
14		21,745,206					
15		21,782,963					

APPROPRIATION FROM

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ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1

2 <sup>a</sup> Of these amounts, \$586,206 shall be from the Division of Water Resources Ground Water Management Cash Fund established pursuant to Section 37-80-111.5 (1) (d), C.R.S.,  
3 \$363,483 shall be from the Well Inspection Cash Fund established pursuant to Section 37-80-111.5 (1) (d), C.R.S., and \$60,042 shall be from other various sources of cash funds,  
4 including indirect cost recoveries, AND \$537,757 SHALL BE FROM THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND ESTABLISHED PURSUANT TO SECTION 39-29-109  
5 (2) (b), C.R.S.

6 <sup>b</sup> This amount shall be from the Satellite Monitoring System Cash Fund established pursuant to Section 37-80-111.5 (1) (c), C.R.S.

7 <sup>c</sup> This amount shall be from the Gravel Pit Lakes Augmentation Fund established pursuant to Section 37-90-137 (11) (f), C.R.S.

8 <sup>d</sup> These amounts shall be from the Colorado Water Conservation Board Construction Fund established pursuant to Section 37-60-121 (1) (a), C.R.S.

9 <sup>e</sup> This amount reflects funds anticipated to be received from the United States Bureau of Reclamation and from the Federal Emergency Management Agency, and is shown for  
10 informational purposes only.

11 <sup>f</sup> This amount shall be from the Division of Water Resources Ground Water Management Cash Fund established pursuant to Section 37-80-111.5 (1) (d), C.R.S.

12 <sup>g</sup> This amount shall be from the Well Enforcement Cash Fund created pursuant to Section 37-90-111.5 (5) (b), C.R.S.

13 <sup>h</sup> Of this amount, \$37,150 shall be from various sources of cash funds, and \$18,912 shall be from reserves in the Colorado Water Conservation Board Construction Fund established  
14 pursuant to Section 37-60-121 (1) (a), C.R.S.

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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1 <b>TOTALS PART XIV</b>							
2 <b>(NATURAL</b>							
3 <b>RESOURCES)</b>		\$209,672,063	\$32,095,945		\$152,844,574*	\$7,374,280	\$17,357,264
4		\$209,709,820	\$31,595,945		\$153,382,331 <sup>a</sup>		
5							

6 <sup>a</sup> This amount includes ~~\$12,112,079~~ \$12,649,836 from the Operational Account of the Severance Tax Trust Fund established pursuant to Section ~~39-29-102 (1) (a) (H)~~ 39-29-109  
7 (2) (b), C.R.S., including \$1,370,295 in the Executive Director's Office which is shown as being from various sources of cash funds.

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1                   **SECTION 3. Appropriation - adjustments in 2009 long bill.**

2           (1) (a) In addition to any other appropriation, there is hereby  
3 appropriated, to the department of natural resources, executive director's  
4 office, for personal services, for the fiscal year beginning July 1, 2009,  
5 one hundred twenty-six thousand five hundred sixty-six dollars  
6 (\$126,566) reappropriated funds. Said sum shall be from statewide and  
7 departmental indirect cost recoveries.

8           (b) In addition to any other appropriation, there is hereby  
9 appropriated, to the department of natural resources, water resources  
10 division, for personal services, for the fiscal year beginning July 1, 2009,  
11 two million seventy-four thousand eight hundred forty-five dollars  
12 (\$2,074,845) cash funds. Said sum shall be from the operational account  
13 of the severance tax trust fund established pursuant to section 39-29-109  
14 (2) (b), Colorado Revised Statutes.

15           (c) In addition to any other appropriation, there is hereby  
16 appropriated, to the department of natural resources, water resources  
17 division, for operating expenses, for the fiscal year beginning July 1,  
18 2009, two hundred ninety-two thousand three hundred nineteen dollars  
19 (\$292,319) cash funds. Said sum shall be from the operational account  
20 of the severance tax trust fund established pursuant to section 39-29-109  
21 (2) (b), Colorado Revised Statutes.

22           (d) In addition to any other appropriation, there is hereby  
23 appropriated, to the department of natural resources, water resources  
24 division, for indirect cost assessment, for the fiscal year beginning July  
25 1, 2009, one hundred twenty-six thousand five hundred sixty-six dollars  
26 (\$126,566) cash funds. Said sum shall be from the operational account

1 of the severance tax trust fund established pursuant to section 39-29-109  
2 (2) (b), Colorado Revised Statutes.

3 (2) For the implementation of this act, appropriations made in the  
4 annual general appropriation act for the fiscal year beginning July 1,  
5 2009, shall be adjusted as follows:

6 (a) The appropriation to the department of natural resources,  
7 executive director's office, for personal services, is decreased by one  
8 hundred twenty-six thousand five hundred sixty-six dollars (\$126,566).  
9 Said sum shall be from the general fund.

10 (b) The appropriation to the department of natural resources,  
11 water resources division, for personal services, is decreased by one  
12 million nine hundred fifty-six thousand two hundred ninety dollars  
13 (\$1,956,290). Said sum shall be from the general fund.

14 (c) The appropriation to the department of natural resources, water  
15 resources division, for operating expenses, is decreased by two hundred  
16 ninety-two thousand three hundred nineteen dollars (\$292,319). Said sum  
17 shall be from the general fund.

18 **SECTION 4. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, and safety.