

CHAPTER 154

EDUCATION - UNIVERSITIES AND COLLEGES

SENATE BILL 05-066

BY SENATOR(S) Tapia, Keller, Fitz-Gerald, Windels, Bacon, Entz, Isgar, Taylor, and Teck;
also REPRESENTATIVE(S) White, Benefield, Boyd, Hall, Jahn, Witwer, Berens, Buescher, Hoppe, Knoedler, McFadyen, and Todd.

AN ACT

CONCERNING CERTAIN PROJECTS TO BE CONDUCTED BY THE COLORADO ENERGY RESEARCH INSTITUTE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. 23-41-114, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

23-41-114. Colorado energy research institute - creation. (4) THE INSTITUTE SHALL CONDUCT:

(a) REGULAR, MUTUAL CONSULTATIONS ABOUT ITS PROGRESS IN MEETING THE GOALS SET FORTH IN THIS SECTION WITH THE DEPARTMENT OF NATURAL RESOURCES; AND

(b) THE FOLLOWING SPECIFIC RESEARCH AND EDUCATIONAL PROGRAMS DESIGNED TO MEET THE INFORMATION NEEDS OF THE DEPARTMENT OF NATURAL RESOURCES, OTHER AGENCIES OF THE STATE'S EXECUTIVE BRANCH, THE LEGISLATURE, AND THE PUBLIC:

(I) (A) THE COLLECTION OF PRIMARY DATA ON THE ECONOMIC IMPACT OF ENERGY INDUSTRIES, EMPHASIZING OIL AND GAS, ON MUNICIPALITIES AND COUNTIES; THE ESTABLISHMENT OF AN ENERGY ECONOMICS DATABASE TO BE HOUSED AND MAINTAINED IN THE COLORADO SCHOOL OF MINES DIVISION OF ECONOMICS AND BUSINESS AND THE ESTABLISHMENT OF INTERNET ACCESS TO SUCH DATABASE; THE DEVELOPMENT OF RELIABLE MEANS OF FORECASTING BY THE INSTITUTE'S PROGRAM IN ENERGY ECONOMICS; AND SUPPORT FOR THE ANALYSIS, INTERPRETATION, AND PERIODIC PUBLICATION OF THE FINDINGS OF THE ECONOMIC ANALYSIS.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(B) FOR THE PURPOSES AUTHORIZED BY THIS SUBPARAGRAPH (I), UP TO FIVE HUNDRED THOUSAND DOLLARS OF THE UNENCUMBERED BALANCE AVAILABLE IN THE OIL AND GAS ENVIRONMENTAL RESPONSE FUND CREATED IN SECTION 34-60-124, C.R.S., MAY BE EXPENDED.

(II) (A) THE DEVELOPMENT OF RESEARCH IN THOSE SECTORS OF GEOSCIENCE AND ENGINEERING THAT ARE MOST CRITICAL TO THE FORMATION OF RENEWABLE ENERGY AND CONTINUED ENHANCED PRODUCTION OF NATURAL GAS AND OIL FROM ROCKY MOUNTAIN RESERVOIRS, INCLUDING PRODUCTION OPTIMIZATION AND RESOURCE DISTRIBUTION AND SYNERGIES WITH RENEWABLE RESOURCES.

(B) FOR THE PURPOSE AUTHORIZED BY THIS SUBPARAGRAPH (II), UP TO ONE MILLION DOLLARS OF THE UNENCUMBERED BALANCE AVAILABLE IN THE OIL AND GAS ENVIRONMENTAL RESPONSE FUND CREATED IN SECTION 34-60-124, C.R.S., MAY BE EXPENDED.

(C) OF THE AMOUNT SPECIFIED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II): FIVE HUNDRED THOUSAND DOLLARS MAY BE EXPENDED IN THE STATE FISCAL YEAR BEGINNING JULY 1, 2005; AND FIVE HUNDRED THOUSAND DOLLARS MAY BE EXPENDED IN THE STATE FISCAL YEAR BEGINNING JULY 1, 2006, IF AN ESTIMATE MADE ON OR ABOUT MAY 1, 2006, OF THE PROJECTED UNENCUMBERED BALANCE THAT WILL BE AVAILABLE IN THE OIL AND GAS ENVIRONMENTAL RESPONSE FUND ON JULY 1, 2006, EXCEEDS TWO AND ONE-HALF MILLION DOLLARS.

(III) (A) TO INFORM THE PUBLIC, LEGISLATIVE AND REGULATORY BODIES, AND WORKING PROFESSIONALS ABOUT NEW TECHNOLOGIES AND THEIR RELATIONSHIP TO TRADITIONAL SOURCES OF ENERGY TO PROMOTE THE PUBLIC'S UNDERSTANDING OF HOW ITS EVERYDAY ENERGY NEEDS ARE MET.

(B) FOR THE PURPOSE AUTHORIZED BY THIS SUBPARAGRAPH (III), UP TO THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS OF THE UNENCUMBERED BALANCE AVAILABLE IN THE OIL AND GAS ENVIRONMENTAL RESPONSE FUND CREATED IN SECTION 34-60-124, C.R.S., MAY BE EXPENDED.

(C) OF THE AMOUNT SPECIFIED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III): ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS MAY BE EXPENDED IN THE STATE FISCAL YEAR BEGINNING JULY 1, 2005; AND TWO HUNDRED THOUSAND DOLLARS MAY BE EXPENDED IN THE STATE FISCAL YEAR BEGINNING JULY 1, 2006, IF AN ESTIMATE MADE ON OR ABOUT MAY 1, 2006, OF THE PROJECTED UNENCUMBERED BALANCE THAT WILL BE AVAILABLE IN THE OIL AND GAS ENVIRONMENTAL RESPONSE FUND ON JULY 1, 2006, EXCEEDS TWO AND ONE-HALF MILLION DOLLARS.

(IV) (A) TO FACILITATE ECONOMIC DEVELOPMENT BY FUNDING LOCAL COMMUNITY COLLEGES, COLLEGES, AND VOCATIONAL SCHOOLS IN REGIONS WHERE ENERGY DEVELOPMENT IS OCCURRING AND BY PROVIDING GRANTS FOR JOB TRAINING AND EDUCATION RESOURCES TO ADVANCE KNOWLEDGE AND SKILL DEVELOPMENT THAT GOES BEYOND BASIC RESEARCH AND HELPS ATTRACT, EDUCATE, AND TRAIN PEOPLE FOR EMPLOYMENT.

(B) FOR THE PURPOSE AUTHORIZED BY THIS SUBPARAGRAPH (IV), UP TO ONE

MILLION DOLLARS OF THE UNENCUMBERED BALANCE AVAILABLE IN THE OIL AND GAS ENVIRONMENTAL RESPONSE FUND CREATED IN SECTION 34-60-124, C.R.S., MAY BE EXPENDED.

(C) OF THE AMOUNT SPECIFIED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (IV): FIVE HUNDRED THOUSAND DOLLARS MAY BE EXPENDED IN THE STATE FISCAL YEAR BEGINNING JULY 1, 2005; AND FIVE HUNDRED THOUSAND DOLLARS MAY BE EXPENDED IN THE STATE FISCAL YEAR BEGINNING JULY 1, 2006, IF AN ESTIMATE MADE ON OR ABOUT MAY 1, 2006, OF THE PROJECTED UNENCUMBERED BALANCE THAT WILL BE AVAILABLE IN THE OIL AND GAS ENVIRONMENTAL RESPONSE FUND ON JULY 1, 2006, EXCEEDS TWO AND ONE-HALF MILLION DOLLARS.

(V) (A) TO PAY THE MEMBERSHIP DUES OF THE ENERGY COUNCIL REFERRED TO IN SECTION 2-3-311 (2) (b), C.R.S.

(B) FOR THE PURPOSE AUTHORIZED BY THIS SUBPARAGRAPH (V), UP TO FIFTY SIX THOUSAND DOLLARS OF THE UNENCUMBERED BALANCE AVAILABLE IN THE OIL AND GAS ENVIRONMENTAL RESPONSE FUND CREATED IN SECTION 34-60-124, C.R.S., MAY BE EXPENDED.

(VI) (A) TO PROVIDE GRANTS THROUGH THE GOVERNOR'S OFFICE OF ENERGY MANAGEMENT AND CONSERVATION FOR THE DEVELOPMENT OF A CENTRAL RESOURCE FOR BUILDING TRADE PROFESSIONALS, INCLUDING CONTRACTORS, ENGINEERS, ARCHITECTS, AND DESIGNERS, FOR THE PURPOSE OF INCREASING AVAILABLE TOOLS AND EDUCATION TO ADVANCE ENERGY-EFFICIENT DESIGN AND CONSTRUCTION.

(B) FOR THE PURPOSE AUTHORIZED BY THIS SUBPARAGRAPH (VI), UP TO ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS OF THE UNENCUMBERED BALANCE AVAILABLE IN THE OIL AND GAS ENVIRONMENTAL RESPONSE FUND CREATED IN SECTION 34-60-124, C.R.S., MAY BE EXPENDED.

(C) OF THE AMOUNT SPECIFIED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (VI): SEVENTY-FIVE THOUSAND DOLLARS MAY BE EXPENDED IN THE STATE FISCAL YEAR BEGINNING JULY 1, 2005; AND FIFTY THOUSAND DOLLARS MAY BE EXPENDED IN THE STATE FISCAL YEAR BEGINNING JULY 1, 2006, IF AN ESTIMATE MADE ON OR ABOUT MAY 1, 2006, OF THE PROJECTED UNENCUMBERED BALANCE THAT WILL BE AVAILABLE IN THE OIL AND GAS ENVIRONMENTAL RESPONSE FUND ON JULY 1, 2006, EXCEEDS TWO AND ONE-HALF MILLION DOLLARS.

SECTION 2. 34-60-124 (4), Colorado Revised Statutes, is amended to read:

34-60-124. Oil and gas environmental response fund. (4) The fund may be expended:

(a) By the commission, or by the director at the commission's direction, prior to, during, or after the conduct of oil and gas operations to:

(I) Investigate, prevent, monitor, or mitigate conditions that threaten to cause, or that actually cause, a significant adverse environmental impact on any air, water, soil, or biological resource;

(II) ~~The fund may be expended to~~ Gather background or baseline data on any air, water, soil, or biological resource ~~which~~ THAT the commission determines may be so impacted by the conduct of oil and gas operations; AND

(III) ~~The fund may be expended to~~ Investigate alleged violations of any provision of this article, ~~or of any rule regulation,~~ or order of the commission, or ~~of any permit~~ where the alleged violation threatens to cause or actually causes a significant adverse environmental impact.

(b) FOR PURPOSES AUTHORIZED BY SECTION 23-41-114 (4), C.R.S.

SECTION 3. 34-60-122 (1) (b), Colorado Revised Statutes, is amended to read:

34-60-122. Expenses - fund created. (1) (b) In addition to the charge imposed by paragraph (a) of this subsection (1), the filing and service fee required to be paid under section 34-60-106 (1) (f), and the fees authorized for other services provided by the commission by section 34-60-106 (16), there is imposed on the market value at the well of all oil and natural gas produced, saved, and sold or transported from the field where produced in this state a surcharge not to exceed two-tenths of one mill on the dollar, to be deposited in the oil and gas environmental response fund created pursuant to section 34-60-124. The commission shall, by order, fix the amount of such surcharge in the first instance and may, from time to time, reduce or increase the amount thereof as, in its judgment, the expenses chargeable against the oil and gas environmental response fund may require; except that ON AND AFTER JULY 1, 2007, the commission shall ~~make every reasonable effort to assure~~ ENSURE that the TWO-YEAR AVERAGE OF THE unobligated portion of the fund does not exceed ~~one~~ TWO million dollars ~~at any time~~ AND THAT THERE IS AN ADEQUATE BALANCE TO ADDRESS ENVIRONMENTAL RESPONSE NEEDS.

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the oil and gas environmental response fund not otherwise appropriated, for the fiscal year beginning July 1, 2005, the sum of one million eight hundred six thousand dollars (\$1,806,000), or so much thereof as may be necessary, for the implementation of this act. Of such sum, one million six hundred seventy-five thousand dollars (\$1,675,000), or so much thereof as may be necessary, is appropriated to the department of higher education; seventy-five thousand dollars (\$75,000), or so much thereof as may be necessary, is appropriated to the governor's office for allocation to the office of energy management and conservation; and fifty-six thousand dollars (\$56,000), or so much thereof as may be necessary, is appropriated to the legislative department.

SECTION 5. Effective date. This act shall take effect July 1, 2005.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 25, 2005