

CHAPTER 454

APPROPRIATIONS

SENATE BILL 09-195

BY SENATOR(S) Keller, Tapia, White;
also REPRESENTATIVE(S) Pommer, Ferrandino, Marostica.**AN ACT****CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES.***Be it enacted by the General Assembly of the State of Colorado:*

SECTION 1. Part XIV of section 2 of chapter 474, as Part XIV (1), (6) (A), and (9) (A) (2) are amended by section 27 of chapter 284, Session Laws of Colorado 2008, is amended to read:

Section 2. **Appropriation.**

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

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
PART XIV						
DEPARTMENT OF NATURAL RESOURCES						
(1) EXECUTIVE DIRECTOR'S OFFICE						
Personal Services	5,096,415	240,588			4,855,827	
	4,999,832	146,650			4,853,182 ^a	
	(59.4 FTE)					
Health, Life, and Dental	8,142,015	1,878,076		5,315,461^a	292,835 ^a	655,643
	7,951,532	1,797,593		5,205,461 ^b		
Short-term Disability	131,569	28,010		87,750^a	5,607 ^a	10,202
	129,179	26,620		86,750 ^b		
S.B. 04-257 Amortization Equalization Disbursement	1,612,132	337,559		1,080,000 ^b	69,014 ^a	125,559
	1,601,656	327,083				
S.B. 06-235 Supplemental Amortization Equalization Disbursement	750,077	152,620		506,250 ^b	32,351 ^a	58,856
	744,849	147,392				
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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Salary Survey and Senior Executive Service	3,378,225		624,902		2,495,362 ^b	182,791 ^a	75,170
Performance-based Pay Awards	1,431,138		324,273		999,940 ^b	66,259 ^a	40,666
Shift Differential	19,373		5,812		13,561 ^b		
Workers' Compensation	1,193,258		152,872		1,039,018 ^b		1,368
Operating Expenses	1,261,883 1,259,600				1,060,977 ^b	195,569^a 193,286 ^a	5,337
Legal Services for 43,952 hours	3,300,795		876,300 826,300		2,338,720^b 2,388,720 ^b	37,600 ^a	48,175
Purchase of Services from Computer Center	686,562		9,533		519,710 ^b	157,319 ^a	
Multiuse Network Payments	1,058,888		257,730		731,043 ^b	62,113 ^a	8,002
MANAGEMENT AND ADMINISTRATION OF OIT	226,424		47,835		165,212 ^b	8,417 ^a	4,960
Payment to Risk Management and Property Funds	1,168,937		209,005		924,260 ^b	27,698 ^a	7,974
Vehicle Lease Payments	2,561,870 2,551,870		365,018		2,126,719^b 2,116,719 ^b		70,133

Information Technology					
Asset Maintenance	282,477	53,746	125,957 ^b	90,538 ^a	12,236
Leased Space	1,232,822	492,842	716,692^a		23,288
	1,252,418	509,640	719,490 ^b		
Capitol Complex Leased Space	866,705	243,501	348,807 ^b	169,706 ^a	104,691
Communications Services Payments	<u>988,238</u>	117,207	871,031 ^b		
		35,163,379			
		35,091,956			

^a These amounts shall be from statewide and departmental indirect cost recoveries.

^b These amounts shall be from various sources of cash funds.

(2) DIVISION OF RECLAMATION, MINING, AND SAFETY

(A) Coal Land Reclamation

Program Costs	2,116,618		444,490^a		1,672,128^b
	2,087,395		438,355 ^a		1,649,040 ^b
	(23.0 FTE)				
Indirect Cost Assessment	<u>121,427</u>		53,777 ^a		67,650 ^b
	2,238,045				
	2,208,822				

^a These amounts shall be from the Operational Account of the Severance Tax Trust Fund established pursuant to Section 39-29-109 (1) (a) (II), C.R.S.

^b These amounts shall be from the United States Office of Surface Mining, and are shown for informational purposes only.

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				FEDERAL FUNDS
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	
	\$	\$	\$	\$	\$	\$	\$
(B) Inactive Mines							
Program Costs	1,792,842						
	1,790,755						
	(18.4 FTE)						
Mine Site Reclamation ⁴⁹	407,658						
	(1.2 FTE)						
Reclamation of Forfeited Mine Sites ⁵⁰	342,000						
Abandoned Mine Safety	112,113						
	(0.2 FTE)						
Indirect Cost Assessment	78,083						
	<u>2,732,696</u>				1,361,010 ^a	30,000 ^b	1,341,686
	2,730,609						1,339,599

^a Of this amount, \$860,244 shall be from the Operational Account of the Severance Tax Trust Fund established pursuant to Section 39-29-109 (1) (a) (II), C.R.S., and \$500,766 shall be from the Abandoned Mine Reclamation Fund created in Section 34-34-102 (1), C.R.S.

^b This amount shall be transferred from the Department of Public Health and Environment.

(C) Minerals

Program Costs	2,110,110
	1,872,894

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	7,856,431					
	7,586,963					
(3) GEOLOGICAL SURVEY						
Environmental Geology and Geological Hazards Program	2,499,478 2,414,698 (17.2 FTE)			1,443,239 1,358,459 ^a	456,429 ^b	599,810
Mineral Resources and Mapping	1,433,326 1,357,457 (10.5 FTE)			1,112,655 1,036,786 ^c		320,671
Colorado Avalanche Information Center	639,603 (7.7 FTE)			268,421 ^d	346,597 ^e	24,585
Indirect Cost Assessment	<u>179,226</u>			134,901 ^f		44,325
	4,751,633					
	4,590,984					

^a This amount shall be from the Operational Account of the Severance Tax Trust Fund established pursuant to Section 39-29-109 (1) (a) (II), C.R.S.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
S.B. 07-198 Coalbed Methane Seepage Projects	2,003,400			2,003,400 ^b		
Indirect Cost Assessment	<u>325,071</u>			319,294 ^b		5,777
	11,312,474					
	10,627,958					

^a Of this amount, ~~\$3,207,233~~ \$2,896,187 shall be from the Oil and Gas Conservation and Environmental Response Fund established pursuant to Section 34-60-122 (5), C.R.S., and ~~\$3,148,178~~ \$2,774,708 shall be from the Operational Account of the Severance Tax Trust Fund established pursuant to Section 39-29-109 (1) (a) (II), C.R.S.

^b These amounts shall be from the Oil and Gas Conservation and Environmental Response Fund established pursuant to Section 34-60-122 (5), C.R.S.

(5) STATE BOARD OF LAND COMMISSIONERS

Program Costs	3,715,851					
	3,642,177					
	(38.0 FTE)					
Indirect Cost Assessment	<u>221,075</u>					
	3,936,926			3,936,926		
	3,863,252			3,863,252 ^a		

^a Of this amount, ~~\$3,861,926~~ \$3,788,252 shall be from the State Land Board Trust Administration Fund established pursuant to Section 36-1-145 (2) (a), C.R.S., and is derived from mineral royalties, bonus income, lease rental revenue, timber sales, related interest income, and fees, and \$75,000 shall be from the State Board of Land Commissioners Land and Water Management Fund created pursuant to Section 36-1-148 (1), C.R.S.

(6) PARKS AND OUTDOOR RECREATION

(A) State Park

Operations	24,576,532	5,783,168	18,347,975^a	445,389^a
	24,255,433	5,614,271	18,199,314 ^a	441,848 ^b
	(260.7 FTE)			

^a Of this amount, ~~\$17,388,420~~ \$17,239,759 shall be from the Parks and Outdoor Recreation Cash Fund established pursuant to Section 33-10-111 (1), C.R.S., \$505,806 shall be from Lottery proceeds (including reserves from prior years) and is shown for informational purposes only, \$396,254 shall be from various sources of cash funds, \$50,058 shall be from the Snowmobile Recreation Fund established pursuant to Section 33-14-106, C.R.S., and \$7,437 shall be from the Off-highway Vehicle Recreation Fund established pursuant to Section 33-14.5-106 (1), C.R.S.

^b This amount is anticipated to be received from the United States Bureau of Reclamation through a cost-sharing agreement to address the net operating deficit of Paonia, Vega, Rifle Gap, Crawford, and Navajo State parks, and is shown for informational purposes only.

(B) Great Outdoors Colorado Board Grants

Land and Water Protection	709,000			
	(2.0 FTE)			
Operations and Maintenance	1,969,000			
	(14.5 FTE)			
Statewide Programs	1,657,000			
	<u>(6.0 FTE)</u>			
	4,335,000		4,335,000 ^a	

^a This amount shall be from the Great Outdoors Colorado Board and is shown for informational purposes only.

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
(C) Special Purpose							
Snowmobile Program	1,003,878				1,003,878^e		
	988,671				988,671 ^a		
	(1.3 FTE)						
River Outfitters Regulation	74,466				74,466 ^b		
Off-highway Vehicle Program	379,124				379,124 ^c		
					(3.0 FTE)		
Federal Grants	518,516						518,516 ^d
S.B. 03-290 Enterprise Fund	200,000				200,000 ^e		
System Operations and Support	735,000				735,000 ^f		
Connectivity at State Parks	370,000				370,000 ^f		
Asset Management	300,000				300,000 ^f		
Law Enforcement Equipment	126,780				126,780 ^f		
Indirect Cost Assessment	1,346,673				1,283,850 ^g		62,823 ^h
	5,054,437						
	5,039,230						

^a This amount shall be from the Snowmobile Recreation Fund established pursuant to Section 33-14-106, C.R.S.

^b This amount shall be from the River Outfitters Cash Fund established pursuant to Section 33-32-111, C.R.S.

^c This amount shall be from the Off-highway Vehicle Recreation Fund established pursuant to Section 33-14.5-106 (1), C.R.S.

^d This amount reflects funds anticipated to be received from the United States Coast Guard and is shown for informational purposes only.

^e This amount shall be from the Parks and Outdoor Recreation Cash Fund established pursuant to Section 33-10-111 (1), C.R.S.

^f These amounts shall be from lottery proceeds (including reserves from prior years) and are shown for informational purposes.

^g This amount shall be from the Parks and Outdoor Recreation Cash Fund established pursuant to Section 33-10-111 (1), C.R.S.

^h This amount reflects anticipated funds from the United States Coast Guard and the Bureau of Reclamation and is shown for informational purposes only.

~~33,965,969~~

33,629,663

(7) COLORADO WATER CONSERVATION BOARD

(A) Administration

Personal Services	2,939,094		
	2,880,293		
	(31.0 FTE)		
Operating Expenses	100,027		
	99,849		
Interstate Compacts	350,337		
	350,182		
Western States Water Council Dues	27,500		
River Decision Support Systems	534,728		
	(5.0 FTE)		
	<u>3,951,686</u>	3,655,659 ^f	296,027 ^b
	3,892,552	3,596,525 ^a	

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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Intrastate Water Management and Development	470,980 470,679			470,980 470,679 ^a		
Federal Emergency Management Assistance (2.0 FTE)	146,120			13,941 ^a		132,179
Weather Modification Water Conservation Program	270,548 246,439			270,548 246,439 ^a (4.0 FTE)		
H.B. 05-1254 Water Efficiency Grant Program	600,029 560,369			600,029 560,369 ^c		

^a Of this amount, ~~\$3,611,909~~ \$3,552,775 shall be from reserves in the Colorado Water Conservation Board Construction Fund established pursuant to Section 37-60-121 (1) (a), C.R.S., and from indirect cost recoveries, and \$43,750 shall be from the Operational Account of the Severance Tax Trust Fund established pursuant to Section 39-29-109 (1) (a) (II), C.R.S.

^b This amount shall be from the Wildlife Cash Fund established pursuant to Section 33-1-112 (1), C.R.S.

(B) Special Purpose

			(1.0 FTE)	
Severance Tax Fund	1,275,500		1,275,500 ^d	
Interbasin Compacts	1,113,995		1,113,995 ^d	
			(3.7 FTE)	
Platte River Basin				
Cooperative Agreement	238,598		238,598^e	
	238,166		238,166 ^e	
			(1.0 FTE)	
S.B. 02-87 Colorado				
Watershed Protection Fund	119,942		119,942 ^f	
Indirect Cost Assessment	461,627		455,380 ^a	6,247
	<u>4,722,339</u>			
	4,657,837			

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

^b This amount shall be from weather modification permit fees pursuant to Section 36-20-113, C.R.S.

^c This amount shall be from the Water Efficiency Grant Program Cash Fund created in Section 37-60-126 (12) (a), C.R.S.

^d These amounts shall be from the Operational Account of the Severance Tax Trust Fund established pursuant to Section 39-29-109 (1) (a) (II), C.R.S.

^e This amount shall be from the Fish and Wildlife Resources Fund established pursuant to Section 37-60-121 (6), C.R.S.

^f This amount shall be from the Colorado Watershed Protection Fund, established pursuant to Section 39-22-2403 (1) C.R.S.

8,674,025
8,550,389

(8) WATER RESOURCES DIVISION

Personal Services	18,765,529	18,250,306	515,223 ^a
	18,348,072	17,832,849	

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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
	(263.6 FTE)						
Operating Expenses	1,540,479		1,045,971		494,508^a		
	1,456,384		932,876		523,508 ^a		
Interstate Compacts	76,002		76,002				
Republican River Compact Compliance	316,744		316,744				
	297,736		203,736		94,000 ^b		
	(4.7 FTE)						
Satellite Monitoring System	369,049		254,160		114,889^a		
	367,942		205,053		162,889 ^b		
	(2.0 FTE)						
Augmentation of Water for Sand and Gravel Extraction	44,400				44,400 ^c		
Dam Emergency Repair	50,000				50,000 ^d		
Federal Grant	84,000					84,000 ^e	
River Decision Support Systems	379,255				379,255^a		
	346,286				346,286 ^d		
					(4.0 FTE)		

H.B. 03-1334 Temporary Interruptible Water Supply Agreements	61,589	61,589 ^f	
S.B. 04-225 Well Enforcement	1,489	1,489 ^g	
Indirect Cost Assessment	<u>56,670</u>	56,062 ^h	608
	21,745,206		
	21,190,570		

^a Of these amounts, ~~\$586,206~~ \$615,206 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., \$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, including indirect cost recoveries.

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

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

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

^e 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 informational purposes only.

^f 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.

^g ~~This amount~~ THESE AMOUNTS shall be from the Well Enforcement Cash Fund created pursuant to Section 37-90-111.5 (5) (b), C.R.S.

^h 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 pursuant to Section 37-60-121 (1) (a), C.R.S.

(9) DIVISION OF WILDLIFE

(A) Division Operations

(1) Director's Office	2,048,629
	1,953,750
	(18.0 FTE)

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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
(2) Wildlife Management	63,387,101 62,138,016 (554.4 FTE)						
(3) Technical Services	6,516,885 6,515,543 (61.0 FTE)						
(4) Information Technology	2,893,500 2,885,190 (18.0 FTE)						
	<u>74,846,115</u> 73,492,499				64,446,583 ^a 63,092,967 ^a		10,399,532

^a Of this amount, ~~\$55,926,583~~ \$54,572,967 shall be from the Wildlife Cash Fund established pursuant to Section 33-1-112 (1), C.R.S., \$6,200,000 shall be from the Great Outdoors Colorado Board and is shown for information purposes only, \$1,100,000 shall be from the Wildlife Management Public Education Fund established pursuant to Section 33-1-112 (3.5) (a), C.R.S., \$555,000 shall be from subscription revenues from Colorado Outdoors Magazine, \$500,000 shall be from voluntary contributions to the Nongame and Endangered Wildlife Cash Fund pursuant to Sections 39-22-702 and 703, C.R.S., \$150,000 shall be from cash grants and donations, and \$15,000 shall be from the Federal Aid Projects Income Fund.

(B) Special Purpose

Wildlife Commission
Discretionary Fund 160,000

Game Damage Claims and Prevention	1,050,000	
Instream Flow Program	296,027	
Habitat Partnership Program	2,500,000	
Indirect Cost Assessment	<u>3,413,878</u>	
	7,419,905	7,419,905 ^a

^a Of this amount, \$4,919,905 shall be from the Wildlife Cash Fund established pursuant to Section 33-1-112 (1), C.R.S., and \$2,500,000 shall be from the Habitat Partnership Cash Fund created pursuant to Section 33-1-112 (8) (a), C.R.S.

~~82,266,020~~
80,912,404

TOTALS PART XIV

(NATURAL RESOURCES)

\$209,672,063	\$32,095,945	\$152,844,574^a	\$7,374,280	\$17,357,264
<u>\$206,044,139</u>	<u>\$31,057,499</u>	<u>\$150,275,579^a</u>	<u>\$7,377,769</u>	<u>\$17,333,292</u>

^a This amount includes ~~\$12,112,079~~ \$11,506,244 from the Operational Account of the Severance Tax Trust Fund established pursuant to Section 39-29-102 (1) (a) (II), C.R.S., including ~~\$1,370,295~~ \$1,389,861 in the Executive Director's Office which is shown as being from various sources of cash funds.

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

- 49 Department of Natural Resources, Division of Reclamation, Mining, and Safety, Inactive Mines, Mine Site Reclamation -- It is the intent of the General Assembly that these funds shall remain available until completion of the project or the close of FY 2010-11, whichever comes first. At project completion or the end of the three-year period, any unexpended balances shall revert to the Operation Account of the Severance Tax Trust Fund from which they were appropriated.
- 50 Department of Natural Resources, Division of Reclamation, Mining, and Safety, Inactive Mines, Reclamation of Forfeited Mine Sites -- It is the intent of the General Assembly that the appropriation to this line item remain available until the completion of the project or the close of FY 2010-11, whichever comes first. At project completion or the end of the three-year period, any unexpended amount shall revert to the Operational Account of the Severance Tax Trust Fund, from which this appropriation was made.
- 51 Department of Natural Resources, Oil and Gas Conservation Commission, Emergency Response -- It is the intent of the General Assembly that funding for this line item be expended in the event that there is an oil and gas related emergency under the jurisdiction of the Oil and Gas Conservation Commission. The purpose of this funding is for investigation, prevention, monitoring, and mitigation of circumstances which are caused by or are alleged to be associated with oil and gas activities and which call for immediate action by the Oil and Gas Conservation Commission. An emergency creates a threat to public health, safety, or welfare or to the environment as proclaimed by the Oil and Gas Conservation Commission Director and approved by order of the Oil and Gas Conservation Commission.
- 52 Department of Natural Resources, Oil and Gas Conservation Commission, Special Environmental Protection and Mitigation Studies -- It is the intent of the General Assembly that funding for this line item be used for special environmental protection and mitigation studies including, but not limited to gas seepage mitigation studies, outcrop monitoring studies, soil gas surveys in the vicinity of plugged orphaned wells, and baseline water quality and subsequent follow-up studies.

SECTION 2. 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: March 12, 2009