SENATE COMMITTEE OF REFERENCE REPORT

_______________________________ March 13, 2020
Chair of Committee       Date

Committee on Appropriations.

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

**SB20-089** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 8, line 7, strike "AGREEMENT," and substitute "AGREEMENT OR A MEET AND CONFER AGREEMENT,".

Page 13, line 2, after the period add "UNDER THE SCHEDULE, A PROGRAM PARTICIPANT MAY CONTINUE TO RECEIVE ONE HUNDRED PERCENT OF THE AMOUNT REQUIRED TO INCREASE TEACHER SALARIES TO THE DISTRICT REQUIRED MINIMUM TEACHER SALARY AMOUNT AND THE AMOUNT REQUIRED TO INCREASE EMPLOYEE WAGES TO THE DISTRICT REQUIRED MINIMUM HOURLY WAGE AMOUNT, AS APPLICABLE, BASED ON THE FINANCIAL SITUATION OF THE PROGRAM PARTICIPANT AS DETERMINED BY THE DEPARTMENT.".

Page 13, strike lines 6 and 7 and substitute "AND SO LONG AS THE PROGRAM PARTICIPANT CONTINUES TO REQUIRE FINANCIAL ASSISTANCE AS PROVIDED IN SUBSECTION (2)(b) OF THIS".

Page 14, strike lines 7 and 8 and substitute "CONTRIBUTION. IN THE SECOND AND SUBSEQUENT YEARS OF PROGRAM PARTICIPATION, A PROGRAM PARTICIPANT MAY CONTINUE TO RECEIVE ONE HUNDRED PERCENT OF THE AMOUNT REQUIRED TO INCREASE TEACHER SALARIES TO THE DISTRICT REQUIRED MINIMUM TEACHER SALARY AMOUNT AND THE AMOUNT REQUIRED TO INCREASE EMPLOYEE WAGES TO THE DISTRICT REQUIRED MINIMUM HOURLY WAGE AMOUNT, AS APPLICABLE, IF THE DEPARTMENT FINDS THAT LEVEL OF FINANCIAL ASSISTANCE IS NECESSARY."
IT IS ANTICIPATED THAT THE AMOUNT OF EACH PROGRAM PARTICIPANT'S CONTRIBUTION INCREASES GRADUALLY OVER TIME AND".

Page 14, line 13, strike "NO LONGER".

Page 14, line 14, strike "WHEN" and substitute "SO LONG AS".

Page 14, lines 15 and 16, strike "HAS SUFFICIENT REVENUE" and substitute "CONTINUES TO REQUIRE FINANCIAL ASSISTANCE".

Page 15, line 6, strike "TREASURER SHALL CREDIT TO THE FUND" and substitute "TREASURER, AFTER CREDITING PUBLIC SCHOOL LANDS INCOME TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND, THE STATE LAND BOARD TRUST ADMINISTRATION FUND, AND THE STATE BOARD OF LAND COMMISSIONERS INVESTMENT AND DEVELOPMENT FUND AS PROVIDED IN SECTION 36-1-116 (1)(a)(II)(C) AND (1)(c)(III), SHALL CREDIT TO THE FUND FROM THE REMAINING INCOME".

Page 16, strike line 13 through 27 and substitute "(1)(a)(II)(A); and add (1)(a)(II)(C) and (1)(c)(III) as follows:

36-1-116. Disposition of rentals, royalties, and timber sale proceeds. (1) (a) (II) (A) Except as provided in sub-subparagraph (B) of this subparagraph (II) SUBSECTION (1)(a)(II)(B) OF THIS SECTION, for the 2010-11 state fiscal year and each state fiscal year thereafter THROUGH THE 2019-20 STATE FISCAL YEAR, the proceeds received by the state for the sale of timber on public school lands, lease payments and rental payments for said lands, rental payments for the use and occupation of the surface of said lands, and rentals or lease payments for sand, gravel, clay, stone, coal, oil, gas, geothermal resources, gold, silver, or other minerals on said lands other than proceeds, rentals, and payments allocated to the state land board trust administration fund pursuant to section 36-1-145 (3) or credited to the public school capital construction assistance fund created in section 22-43.7-104 (1) C.R.S., pursuant to section 22-43.7-104 (2)(b)(I) C.R.S., shall be credited to the permanent school fund and shall become part of the principal of the permanent school fund.

(C) FOR THE 2020-21 STATE FISCAL YEAR AND EACH STATE FISCAL YEAR THEREAFTER, THE PROCEEDS RECEIVED BY THE STATE FOR THE SALE OF TIMBER ON PUBLIC SCHOOL LANDS, LEASE PAYMENTS AND RENTAL PAYMENTS FOR SAID LANDS, RENTAL PAYMENTS FOR THE USE AND OCCUPATION OF THE SURFACE OF SAID LANDS, AND RENTALS OR LEASE PAYMENTS FOR SAND, GRAVEL, CLAY, STONE, COAL, OIL, GAS,
GEOTHERMAL RESOURCES, GOLD, SILVER, OR OTHER MINERALS ON SAID LANDS ARE CREDITED FIRST TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED IN SECTION 22-43.7-104 (1) PURSUANT TO SECTION 22-43.7-104 (2)(b)(I); NEXT TO THE STATE LAND BOARD TRUST ADMINISTRATION FUND PURSUANT TO SECTION 36-1-145 (3); AND NEXT TO THE EDUCATOR PAY RAISE FUND PURSUANT TO SECTION 22-55.5-105 (2). THE REMAINDER OF SAID PROCEEDS, RENTALS, AND PAYMENTS IS CREDITED TO THE PERMANENT SCHOOL FUND AND BECOMES PART OF THE PRINCIPAL OF THE PERMANENT SCHOOL FUND.

(c) (III) FOR THE 2020-21 STATE FISCAL YEAR AND EACH STATE FISCAL YEAR THEREAFTER, OF THE ROYALTIES AND OTHER PAYMENTS FOR THE DEPLETION OR EXTRACTION OF A NATURAL RESOURCE ON PUBLIC SCHOOL LANDS IN EXCESS OF THE TOTAL AMOUNT OF SAID ROYALTIES AND OTHER PAYMENTS CREDITED TO THE STATE LAND BOARD TRUST ADMINISTRATION FUND PURSUANT TO SECTION 36-1-145 (3), CREDITED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED IN SECTION 22-43.7-104(1) PURSUANT TO SECTION 22-43.7-104 (2)(b)(I), AND CREDITED AS SPECIFIED IN SUBSECTION (1)(b)(II) OF THIS SECTION, TEN PERCENT OF THE GROSS AMOUNT OF ROYALTIES AND OTHER PAYMENTS RECEIVED, OR FIFTEEN MILLION DOLLARS, WHICHEVER IS GREATER, IS CREDITED TO THE EDUCATOR PAY RAISE FUND PURSUANT TO SECTION 22-55.5-105 (2). ANY AMOUNT OF ROYALTIES AND OTHER PAYMENTS FOR THE DEPLETION OR EXTRACTION OF A NATURAL RESOURCE ON PUBLIC SCHOOL LANDS IN EXCESS OF THE AMOUNTS DESCRIBED IN THIS SUBSECTION (1)(c)(III) IS CREDITED TO THE PERMANENT SCHOOL FUND AND BECOMES PART OF THE PRINCIPAL OF THE PERMANENT SCHOOL FUND."

31 Strike page 17.

32 Page 18, strike lines 1 through 11.

30 Page 18, before line 12, insert:

"SECTION 3. Appropriation. For the 2020-21 state fiscal year, $15,000,000 is appropriated to the department of education. This appropriation is from the educator pay raise fund created in section 22-55.5-105 (1), C.R.S., and is based on an assumption that the department will require an additional 1.9 FTE. To implement this act, the department may use this appropriation for the educator pay raise program.".
Renumber succeeding section accordingly.

Page 1, line 103, strike "PROVIDERS." and substitute "PROVIDERS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.".

Amend the Education Committee Report, dated January 29, 2020, page 1, after line 8 insert:

"Page 7 of the printed bill, after line 12 insert:

"(12) "TOTAL PROGRAM FUNDING" MEANS:
   (a) FOR A SCHOOL DISTRICT, THE AMOUNT OF TOTAL PROGRAM FUNDING CALCULATED ANNUALLY PURSUANT TO SECTION 22-54-104 (2) FOR THE SCHOOL DISTRICT;
   (b) FOR A CHARTER SCHOOL THAT IS AUTHORIZED BY A SCHOOL DISTRICT, THE AMOUNT OF TOTAL PROGRAM FUNDING CALCULATED ANNUALLY PURSUANT TO SECTION 22-54-104 (2) FOR THE AUTHORIZING SCHOOL DISTRICT; AND
   (c) FOR AN INSTITUTE CHARTER SCHOOL OR A SCHOOL OPERATED BY A BOARD OF COOPERATIVE SERVICES, THE AMOUNT OF TOTAL PROGRAM FUNDING CALCULATED ANNUALLY PURSUANT TO SECTION 22-54-104 (2) FOR THE SCHOOL DISTRICT IN WHICH THE SCHOOL IS LOCATED."

Page 8 of the printed bill, line 21, strike "AND".

Page 1 of the committee report, after line 16 insert:

"Page 10 of the printed bill, line 23, after "(3)" insert "(a)".

Page 10 of the printed bill, strike lines 25 through 26 and substitute:

"SELECT FIRST THOSE APPLICANTS THAT ARE IN EXTREME FINANCIAL NEED. AN APPLICANT IS DEEMED TO BE IN EXTREME FINANCIAL NEED IF:
   (I) THE APPLICANT REALIZES THE FULL AMOUNT OF REDUCTION IN ITS TOTAL PROGRAM FUNDING AS A RESULT OF THE BUDGET STABILIZATION FACTOR CALCULATED PURSUANT TO SECTION 22-54-104 (5)(g) FOR THE BUDGET YEAR OF APPLICATION AND EACH OF THE THREE PRECEDING BUDGET YEARS;
   (II) THE APPLICANT IS A SCHOOL DISTRICT, OR A CHARTER SCHOOL OF A SCHOOL DISTRICT, AND THE TOTAL AMOUNT OF ADDITIONAL LOCAL REVENUE THAT THE SCHOOL DISTRICT ANNUALLY RECEIVES FROM THE PROPERTY TAX MILL LEVIES APPROVED PURSUANT TO SECTION 22-40-102 (1.5) OR (1.7), 22-54-107.5, 22-54-108, 22-54-108.5, OR 22-54-108.7 AS..."
OF THE BUDGET YEAR OF APPLICATION IS LESS THAN FIVE PERCENT OF THE
SCHOOL DISTRICT'S TOTAL PROGRAM FUNDING FOR THE BUDGET YEAR OF
APPLICATION OR THE AMOUNT OF ADDITIONAL REVENUE THAT THE
CHARTER SCHOOL RECEIVES FROM THE SCHOOL DISTRICT IS LESS THAN
FIVE PERCENT OF THE CHARTER SCHOOL'S TOTAL PROGRAM FUNDING;
(III) THE APPLICANT IS AN INSTITUTE CHARTER SCHOOL AND THE
AMOUNT THAT THE APPLICANT RECEIVES FROM THE MILL LEVY
EQUALIZATION FUND PURSUANT TO SECTION 22-30.5-513.1 IS LESS THAN
FIVE PERCENT OF THE APPLICANT'S TOTAL PROGRAM FUNDING FOR THE
BUDGET YEAR OF APPLICATION; AND
(IV) FOR THE BUDGET YEAR OF APPLICATION AND EACH OF THE
THREE PRECEDING BUDGET YEARS, THE APPLICANT RECEIVES AN AMOUNT
OF REVENUE FROM PRIVATE GIFTS, GRANTS, OR DONATIONS THAT IS LESS
THAN TEN PERCENT OF THE APPLICANT'S TOTAL PROGRAM FUNDING. IF THE
APPLICANT IS A MEMBER OF A CHARTER SCHOOL NETWORK, ANY REVENUE
THAT THE APPLICANT RECEIVES FROM THE CHARTER SCHOOL NETWORK IS
INCLUDED AS REVENUE FROM PRIVATE GIFTS, GRANTS, OR DONATIONS.
(b) IF THE AMOUNT APPROPRIATED FOR THE PROGRAM IS
INSUFFICIENT TO FULLY FUND ALL OF THE APPLICANTS WHO ARE DEEMED
TO BE IN EXTREME FINANCIAL NEED AS DESCRIBED IN SUBSECTION (3)(a)
OF THIS SECTION, THE DEPARTMENT AND THE STATE BOARD SHALL
PRIORITIZE THOSE APPLICANTS BASED ON THE CRITERIA SPECIFIED IN
SUBSECTION (4) OF THIS SECTION.
(4) IF ALL OF THE APPLICANTS THAT ARE DEEMED TO BE IN
EXTREME FINANCIAL NEED AS DESCRIBED IN SUBSECTION (3)(a) OF THIS
SECTION ARE PARTICIPATING IN THE PROGRAM, THE DEPARTMENT AND THE
STATE BOARD SHALL PRIORITIZE AMONG THE REMAINING APPLICANTS
THOSE APPLICANTS THAT DEMONSTRATE THE GREATEST FINANCIAL NEED,
WHICH THE DEPARTMENT AND THE STATE BOARD SHALL DETERMINE BY
APPLYING THE FOLLOWING MINIMUM CRITERIA:

Page 11 of the printed bill, line 1, strike "NUMBER" and substitute
"PERCENTAGE".

Page 11 of the printed bill, line 3, strike "AMOUNT;" and substitute
"AMOUNT IS HIGH RELATIVE TO OTHER APPLICANTS;"

Page 11 of the printed bill, line 5, strike "NUMBER" and substitute
"PERCENTAGE".

Page 11 of the printed bill, line 7, strike "AMOUNT;" and substitute
"AMOUNT IS HIGH RELATIVE TO OTHER APPLICANTS;".

Page 11 of the printed bill, line 10, strike "APPLICANT'S" and substitute "APPLICANT HAS LIMITED".

Page 11 of the printed bill, line 16, strike "YEARS;" and substitute "YEARS IS LOW RELATIVE TO OTHER APPLICANTS;".".

Page 2 of the committee report, strike line 1 and substitute:

"Page 11 of the printed bill, strike line 17 and substitute:

"(e) RELATIVE TO OTHER APPLICANTS, THE APPLICANT RECEIVES A LOW AMOUNT ANNUALLY FROM".

Page 11 of the printed bill, lines 18 and 19, strike "WHETHER THE APPLICANT IS" and substitute "THE APPLICANT IS NOT".".

Page 2 of the committee report, after line 2 insert:

"Page 11 of the printed bill, strike lines 21 through 25 and substitute:

"(f) RELATIVE TO OTHER APPLICANTS, THE APPLICANT MAINTAINS A LARGE AMOUNT OF RESERVES THAT ARE NOT COMMITTED TO A SPECIFIC USE OR PROJECT, NOT INCLUDING THE RESERVE REQUIRED BY SECTION 20 (5) OF ARTICLE X OF THE STATE CONSTITUTION, OR THE APPLICANT CARRIES OVER A LARGE AMOUNT OF UNEXPENDED AND UNCOMMITTED MONEY FROM ONE BUDGET YEAR TO THE NEXT BUDGET YEAR.".".

Page 2 of the committee report, line 13, strike "(2)(g)." and substitute "(2)(h).".

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