

CHAPTER 338

**GOVERNMENT - COUNTY**

**SENATE BILL 94-016**

BY SENATORS Ament, Johnson, Wham, Bishop, Cassidy, Gallagher Mutzebaugh, Norton, Peterson, and R. Powers;  
also REPRESENTATIVES Tucker, Chlouber, Reeves, and Acquafresca.

**AN ACT**

**CONCERNING IMPACT ASSISTANCE GRANTS TO POLITICAL SUBDIVISIONS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** 30-25-302 (1) (a), (3), and (4), Colorado Revised Statutes, 1986 Repl. Vol., are amended, and the said 30-25-302 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**30-25-302. Eligibility - determination of impact - procedures - legislative declaration.** (1) (a) In any county in which the division of wildlife or the division of parks and outdoor recreation or both divisions own ~~a total of at least one-tenth of one percent of the total acreage of such county~~ PROPERTY, the board of county commissioners of such county ~~may~~ SHALL certify once a year during the regular tax assessment period, to the wildlife commission, to the board of parks and outdoor recreation, or to both said commission and said board if both own land in such county, the current dollar amount representing the negative financial impact which such ownership has on such county's finances AND THE FINANCES OF ANY POLITICAL SUBDIVISION WHICH LIES WITHIN SUCH COUNTY. The calculation of such dollar amount shall take into consideration the following factors:

(I) The estimated assessment of ad valorem taxes on such land if such land was zoned for agriculture and was privately owned; ~~and~~

(II) The cost incurred by the county for services required or provided on such land which would not be required or provided if the land was not owned by said divisions; AND

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

(III) THE COSTS INCURRED BY OTHER POLITICAL SUBDIVISIONS WHICH PROVIDE SERVICES ON OR TO SUCH LAND.

(3) The wildlife commission and the board of parks and outdoor recreation shall review the dollar amounts certified to them pursuant to subsection (1) of this section and shall certify to the general assembly these dollar amounts. In making their determinations, the wildlife commission and the board of parks and outdoor recreation shall consider the factors set forth in subsection (1) of this section and may consider any additional relevant factors. All certifications to the general assembly shall include an explanation of the grounds upon which the determinations of the certified amounts are based. THE WILDLIFE COMMISSION AND THE BOARD OF PARKS AND OUTDOOR RECREATION SHALL INCLUDE AN ESTIMATE OF THE AMOUNT TO BE CERTIFIED FOR IMPACT ASSISTANCE GRANTS IN THEIR BUDGET REQUESTS FOR EACH FISCAL YEAR.

(4) (a) The general assembly may make an appropriation in the form of an impact assistance grant to any county qualifying for such grant upon certification by the wildlife commission or the board of parks and outdoor recreation of the amount for such grant. Appropriations concerning lands owned by the division of wildlife shall be made from the wildlife cash fund. Appropriations concerning lands owned by the division of parks and outdoor recreation shall be made from the general fund or the parks and outdoor recreation cash fund.

(b) AS SOON AS POSSIBLE AFTER RECEIVING AN IMPACT ASSISTANCE GRANT, THE BOARD OF COUNTY COMMISSIONERS SHALL PAY TO EACH SCHOOL DISTRICT, SPECIAL DISTRICT, OR OTHER POLITICAL SUBDIVISION LOCATED WITHIN THE COUNTY THAT PORTION OF THE IMPACT ASSISTANCE GRANT ATTRIBUTABLE TO THE AMOUNT CERTIFIED BY THE COUNTY ON BEHALF OF THE SCHOOL DISTRICT, SPECIAL DISTRICT, OR POLITICAL SUBDIVISION. PRIOR TO MAKING SUCH PAYMENT, THE TOTAL AMOUNT OF THE IMPACT ASSISTANCE GRANT SHALL BE REDUCED BY AN AMOUNT EQUAL TO THE COSTS INCURRED BY THE TREASURER IN ADMINISTERING THE GRANTS.

(c) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ALTER THE REQUIREMENT SET FORTH IN SECTION 10 OF ARTICLE XXVII OF THE STATE CONSTITUTION THAT, FOR PROPERTY ACQUIRED BY A STATE AGENCY PURSUANT TO ARTICLE XXVII OF THE STATE CONSTITUTION, PAYMENTS IN LIEU OF TAXES SHALL BE MADE WITH MONEYS MADE AVAILABLE FROM THE GREAT OUTDOORS COLORADO TRUST FUND.

(5) (a) THE WILDLIFE COMMISSION AND THE BOARD OF PARKS AND OUTDOOR RECREATION SHALL REPORT THE AMOUNT CERTIFIED FOR EACH SCHOOL DISTRICT PURSUANT TO THIS SECTION TO THE STATE BOARD OF EDUCATION.

(b) ANY SCHOOL DISTRICT WHICH RECEIVES AN IMPACT ASSISTANCE GRANT PURSUANT TO THIS SECTION SHALL CERTIFY THE AMOUNT OF SAID GRANT TO THE STATE BOARD OF EDUCATION.

(6) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE ACQUISITION OF LARGE AMOUNTS OF PROPERTY BY THE DIVISION OF WILDLIFE OR THE DIVISION OF PARKS AND OUTDOOR RECREATION, THROUGH THE GREAT OUTDOORS COLORADO PROGRAM OR OTHERWISE, CAN HAVE SERIOUS FINANCIAL CONSEQUENCES FOR THE COUNTIES AND POLITICAL SUBDIVISIONS IN WHICH SUCH PROPERTY IS LOCATED. IT IS

THEREFORE THE INTENT OF THE GENERAL ASSEMBLY THAT ANY PLANS FOR ACQUISITION OF PROPERTY BY THE DIVISION OF WILDLIFE OR THE DIVISION OF PARKS AND OUTDOOR RECREATION INCLUDE PROVISIONS FOR THE PAYMENT OF IMPACT ASSISTANCE GRANTS PURSUANT TO THIS SECTION.

**SECTION 2.** 22-53-122 (1) (c), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**22-53-122. Distributions from state public school fund.** (1) (c) No later than June 30 of each year, the state board shall determine the amount of the state's share of the equalization program funding for each district for the budget year beginning on July 1 and the total thereof for all districts which amount shall be payable in twelve approximately equal monthly payments during such budget year; except that such payments shall be adjusted following the certification of valuations for assessment to the state board pursuant to section 22-53-119 (1) AND FOLLOWING THE CERTIFICATION OF THE AMOUNT OF ANY IMPACT ASSISTANCE GRANTS ON BEHALF OF SCHOOL DISTRICTS PURSUANT TO SECTION 30-25-302, C.R.S.

**SECTION 3.** 22-54-115 (1), Colorado Revised Statutes, as enacted by House Bill 94-1001, enacted at the Second Regular Session of the Fifty-ninth General Assembly, is amended to read:

**22-54-115. [Formerly 22-53-122.] Distribution from state public school fund.** (1) No later than June 30 of each year, the state board shall determine the amount of the state's share of the district's total program for the budget year beginning on July 1, and the total thereof for all districts, which amount shall be payable in twelve approximately equal monthly payments during such budget year; except that such payments shall be adjusted following the certification of pupil enrollments, ~~and~~ the certification of valuations for assessment to the state board pursuant to section 22-54-112 (1) and (2), AND THE CERTIFICATION OF THE AMOUNT OF ANY IMPACT ASSISTANCE GRANTS ON BEHALF OF SCHOOL DISTRICTS PURSUANT TO SECTION 30-25-302, C.R.S.

**SECTION 4. Appropriation - adjustment to 1994 long bill.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the wildlife cash fund not otherwise appropriated, to the department of natural resources, for allocation to the division of wildlife, for the fiscal year beginning July 1, 1994, the sum of twenty-eight thousand one hundred two dollars (\$28,102), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 1994, shall be adjusted as follows: The appropriation to the department of education, public school finance, equalization program is decreased by eighty-two thousand four hundred seventy-seven dollars (\$82,477), all of which sum shall be from the general fund.

**SECTION 5. 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: June 3, 1994