

CHAPTER 435

GOVERNMENT - STATE

SENATE BILL 09-232

BY SENATOR(S) Schwartz, Heath, Mitchell, Bacon, Boyd, Gibbs, Isgar, Newell, Penry, Williams, White;
also REPRESENTATIVE(S) McFadyen, Rice, Solano, Todd, Vigil.

AN ACT**CONCERNING STATE FINANCIAL ASSISTANCE TO FINANCE LOCAL GOVERNMENT CAPITAL
CONSTRUCTION PROJECTS.**

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

SECTION 1. 34-63-102 (5) (a) (I) and (5.3) (a) (I), Colorado Revised Statutes, are amended, and the said 34-63-102 (5) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

34-63-102. Creation of mineral leasing fund - distribution - advisory committee - definitions. (5) (a) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH (a), before July 1, 2008, the remaining fifteen percent of all moneys described in paragraph (a) of subsection (1) of this section, any moneys received pursuant to subparagraph (II) of paragraph (b) of subsection (3) of this section, and any moneys received pursuant to subparagraph (II) of paragraph (c) of subsection (3) of this section shall, upon receipt, be paid into the local government mineral impact fund, which is hereby created. Before July 1, 2008, the executive director of the department of local affairs shall distribute said moneys from the fund pursuant to subsection (3) of this section; except that the remainder provided for in this paragraph (a) shall be distributed in accordance with the purposes and priorities described in subsection (1) of this section. On and after July 1, 2008, moneys shall be paid into the fund as specified in paragraph (b) of subsection (5.4) of this section and distributed as specified in paragraphs (b) and (c) of said subsection. Notwithstanding any other provision of this paragraph (a) or subsection (5.5) of this section, in the fiscal years commencing July 1, 2006, July 1, 2007, July 1, 2008, July 1, 2009, and July 1, 2010, the executive director of the department of local affairs shall transfer three million two hundred fifty thousand dollars of the moneys in the fund to the state treasurer, who shall credit the moneys to the wildfire preparedness fund created in section 23-31-309 (4), C.R.S.

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

(IV) ONE HUNDRED PERCENT OF THE MONEYS CREDITED TO THE LOCAL GOVERNMENT MINERAL IMPACT FUND CREATED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) BY OPERATION OF SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (5.3) OF THIS SECTION SHALL BE DISTRIBUTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS IN ACCORDANCE WITH THE PURPOSES AND PRIORITIES DESCRIBED IN SUBSECTION (1) OF THIS SECTION, AND IN DISTRIBUTING SUCH MONEYS THE EXECUTIVE DIRECTOR SHALL GIVE PRIORITY TO THOSE COMMUNITIES MOST DIRECTLY AND SUBSTANTIALLY IMPACTED BY PRODUCTION OF ENERGY RESOURCES ON FEDERAL MINERAL LANDS AND TO GRANT APPLICATIONS THAT:

(A) ARE SUBMITTED JOINTLY BY MULTIPLE LOCAL GOVERNMENTS; OR

(B) SEEK FUNDING FOR A PROJECT THAT IS A MULTI-JURISDICTIONAL PROJECT OR THAT REQUIRES A SUBSTANTIAL AMOUNT OF FUNDING.

(5.3) (a) Bonus payments credited to the mineral leasing fund created in subparagraph (I) of paragraph (a) of subsection (1) of this section shall be distributed on a quarterly basis for each quarter commencing on July 1, October 1, January 1, or April 1 of any state fiscal year as follows:

(I) (A) Fifty percent of the bonus payments shall be transferred to the local government permanent fund, which is hereby created in the state treasury. Interest and income derived from the deposit and investment of moneys in the local government permanent fund shall be credited to the permanent fund and shall not be transferred to the general fund or any other fund at the end of any fiscal year. Except as otherwise provided in ~~sub-subparagraph (B)~~ SUB-SUBPARAGRAPHS (B) AND (C) of this subparagraph (I), moneys in the permanent fund shall not be expended for any purpose. The state treasurer may invest moneys in the local government permanent fund in any investment in which the board of trustees of the public employees' retirement association may invest the funds of the association pursuant to section 24-51-206, C.R.S.

(B) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (C), if, based on the revenue estimate prepared by the staff of the legislative council in March of any fiscal year, it is anticipated that the total amount of moneys that will be deposited into the mineral leasing fund pursuant to subparagraph (II) of paragraph (a) of subsection (1) of this section during the fiscal year will be at least ten percent less than the amount of moneys so deposited during the immediately preceding fiscal year, the general assembly may appropriate moneys from the local government permanent fund to the department of local affairs for the current fiscal year. The maximum amount that the general assembly may appropriate for the current fiscal year pursuant to this sub-subparagraph (B) is an amount equal to the difference between the total amount of moneys credited to the local government mineral impact fund and directly distributed by the executive director of the department pursuant to paragraph (c) of subsection (5.4) of this section during the immediately preceding fiscal year and the estimated total amount of moneys to be so credited and distributed for the current fiscal year. The executive director of the department shall distribute all moneys appropriated pursuant to this sub-subparagraph (B) directly to counties and municipalities in combination with and using the methodology set forth

in subparagraphs (I) to (IV) of paragraph (c) of subsection (5.4) of this section.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SEVENTEEN MILLION DOLLARS SHALL BE TRANSFERRED FROM THE LOCAL GOVERNMENT PERMANENT FUND TO THE LOCAL GOVERNMENT MINERAL IMPACT FUND CREATED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION TO BE DISTRIBUTED AS SPECIFIED IN SUBPARAGRAPH (IV) OF PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION.

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: June 4, 2009