

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

March 13, 2020

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:

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

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

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

14 Page 14, strike lines 7 and 8 and substitute "CONTRIBUTION. IN THE
15 SECOND AND SUBSEQUENT YEARS OF PROGRAM PARTICIPATION, A
16 PROGRAM PARTICIPANT MAY CONTINUE TO RECEIVE ONE HUNDRED
17 PERCENT OF THE AMOUNT REQUIRED TO INCREASE TEACHER SALARIES TO
18 THE DISTRICT REQUIRED MINIMUM TEACHER SALARY AMOUNT AND THE
19 AMOUNT REQUIRED TO INCREASE EMPLOYEE WAGES TO THE DISTRICT
20 REQUIRED MINIMUM HOURLY WAGE AMOUNT, AS APPLICABLE, IF THE
21 DEPARTMENT FINDS THAT LEVEL OF FINANCIAL ASSISTANCE IS NECESSARY.

1 IT IS ANTICIPATED THAT THE AMOUNT OF EACH PROGRAM PARTICIPANT'S
2 CONTRIBUTION INCREASES GRADUALLY OVER TIME AND".

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

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

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

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

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

16 **36-1-116. Disposition of rentals, royalties, and timber sale**
17 **proceeds.** (1) (a) (II) (A) Except as provided in ~~sub-subparagraph (B) of~~
18 ~~this subparagraph (H)~~ SUBSECTION (1)(a)(II)(B) OF THIS SECTION, for the
19 2010-11 state fiscal year and each state fiscal year thereafter THROUGH
20 THE 2019-20 STATE FISCAL YEAR, the proceeds received by the state for
21 the sale of timber on public school lands, lease payments and rental
22 payments for said lands, rental payments for the use and occupation of the
23 surface of said lands, and rentals or lease payments for sand, gravel, clay,
24 stone, coal, oil, gas, geothermal resources, gold, silver, or other minerals
25 on said lands other than proceeds, rentals, and payments allocated to the
26 state land board trust administration fund pursuant to section 36-1-145 (3)
27 or credited to the public school capital construction assistance fund
28 created in section 22-43.7-104 (1) ~~C.R.S.~~, pursuant to section 22-43.7-104
29 (2)(b)(I) ~~C.R.S.~~, ~~shall be~~ ARE credited to the permanent school fund and
30 ~~shall~~ become part of the principal of the permanent school fund.

31 (C) FOR THE 2020-21 STATE FISCAL YEAR AND EACH STATE FISCAL
32 YEAR THEREAFTER, THE PROCEEDS RECEIVED BY THE STATE FOR THE SALE
33 OF TIMBER ON PUBLIC SCHOOL LANDS, LEASE PAYMENTS AND RENTAL
34 PAYMENTS FOR SAID LANDS, RENTAL PAYMENTS FOR THE USE AND
35 OCCUPATION OF THE SURFACE OF SAID LANDS, AND RENTALS OR LEASE
36 PAYMENTS FOR SAND, GRAVEL, CLAY, STONE, COAL, OIL, GAS,

1 GEOTHERMAL RESOURCES, GOLD, SILVER, OR OTHER MINERALS ON SAID
2 LANDS ARE CREDITED FIRST TO THE PUBLIC SCHOOL CAPITAL
3 CONSTRUCTION ASSISTANCE FUND CREATED IN SECTION 22-43.7-104 (1)
4 PURSUANT TO SECTION 22-43.7-104 (2)(b)(I); NEXT TO THE STATE LAND
5 BOARD TRUST ADMINISTRATION FUND PURSUANT TO SECTION 36-1-145 (3);
6 AND NEXT TO THE EDUCATOR PAY RAISE FUND PURSUANT TO SECTION
7 22-55.5-105 (2). THE REMAINDER OF SAID PROCEEDS, RENTALS, AND
8 PAYMENTS IS CREDITED TO THE PERMANENT SCHOOL FUND AND BECOMES
9 PART OF THE PRINCIPAL OF THE PERMANENT SCHOOL FUND.

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

28 Strike page 17.

29 Page 18, strike lines 1 through 11.

30 Page 18, before line 12, insert:

31 "SECTION 3. **Appropriation.** For the 2020-21 state fiscal year,
32 \$15,000,000 is appropriated to the department of education. This
33 appropriation is from the educator pay raise fund created in section 22-
34 55.5-105 (1), C.R.S., and is based on an assumption that the department
35 will require an additional 1.9 FTE. To implement this act, the department
36 may use this appropriation for the educator pay raise program."

1 Renumber succeeding section accordingly.

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

4 Amend the Education Committee Report, dated January 29, 2020, page
5 1, after line 8 insert:

6 "Page 7 of the printed bill, after line 12 insert:
7 "(12) "TOTAL PROGRAM FUNDING" MEANS:
8 (a) FOR A SCHOOL DISTRICT, THE AMOUNT OF TOTAL PROGRAM
9 FUNDING CALCULATED ANNUALLY PURSUANT TO SECTION 22-54-104 (2)
10 FOR THE SCHOOL DISTRICT;
11 (b) FOR A CHARTER SCHOOL THAT IS AUTHORIZED BY A SCHOOL
12 DISTRICT, THE AMOUNT OF TOTAL PROGRAM FUNDING CALCULATED
13 ANNUALLY PURSUANT TO SECTION 22-54-104 (2) FOR THE AUTHORIZING
14 SCHOOL DISTRICT; AND
15 (c) FOR AN INSTITUTE CHARTER SCHOOL OR A SCHOOL OPERATED
16 BY A BOARD OF COOPERATIVE SERVICES, THE AMOUNT OF TOTAL PROGRAM
17 FUNDING CALCULATED ANNUALLY PURSUANT TO SECTION 22-54-104 (2)
18 FOR THE SCHOOL DISTRICT IN WHICH THE SCHOOL IS LOCATED."

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

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

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

22 Page 10 of the printed bill, strike lines 25 through 26 and substitute:
23 "SELECT FIRST THOSE APPLICANTS THAT ARE IN EXTREME FINANCIAL NEED.
24 AN APPLICANT IS DEEMED TO BE IN EXTREME FINANCIAL NEED IF:
25 (I) THE APPLICANT REALIZES THE FULL AMOUNT OF REDUCTION IN
26 ITS TOTAL PROGRAM FUNDING AS A RESULT OF THE BUDGET STABILIZATION
27 FACTOR CALCULATED PURSUANT TO SECTION 22-54-104 (5)(g) FOR THE
28 BUDGET YEAR OF APPLICATION AND EACH OF THE THREE PRECEDING
29 BUDGET YEARS;
30 (II) THE APPLICANT IS A SCHOOL DISTRICT, OR A CHARTER SCHOOL
31 OF A SCHOOL DISTRICT, AND THE TOTAL AMOUNT OF ADDITIONAL LOCAL
32 REVENUE THAT THE SCHOOL DISTRICT ANNUALLY RECEIVES FROM THE
33 PROPERTY TAX MILL LEVIES APPROVED PURSUANT TO SECTION 22-40-102
34 (1.5) OR (1.7), 22-54-107.5, 22-54-108, 22-54-108.5, OR 22-54-108.7 AS

1 OF THE BUDGET YEAR OF APPLICATION IS LESS THAN FIVE PERCENT OF THE
2 SCHOOL DISTRICT'S TOTAL PROGRAM FUNDING FOR THE BUDGET YEAR OF
3 APPLICATION OR THE AMOUNT OF ADDITIONAL REVENUE THAT THE
4 CHARTER SCHOOL RECEIVES FROM THE SCHOOL DISTRICT IS LESS THAN
5 FIVE PERCENT OF THE CHARTER SCHOOL'S TOTAL PROGRAM FUNDING;

6 (III) THE APPLICANT IS AN INSTITUTE CHARTER SCHOOL AND THE
7 AMOUNT THAT THE APPLICANT RECEIVES FROM THE MILL LEVY
8 EQUALIZATION FUND PURSUANT TO SECTION 22-30.5-513.1 IS LESS THAN
9 FIVE PERCENT OF THE APPLICANT'S TOTAL PROGRAM FUNDING FOR THE
10 BUDGET YEAR OF APPLICATION; AND

11 (IV) FOR THE BUDGET YEAR OF APPLICATION AND EACH OF THE
12 THREE PRECEDING BUDGET YEARS, THE APPLICANT RECEIVES AN AMOUNT
13 OF REVENUE FROM PRIVATE GIFTS, GRANTS, OR DONATIONS THAT IS LESS
14 THAN TEN PERCENT OF THE APPLICANT'S TOTAL PROGRAM FUNDING. IF THE
15 APPLICANT IS A MEMBER OF A CHARTER SCHOOL NETWORK, ANY REVENUE
16 THAT THE APPLICANT RECEIVES FROM THE CHARTER SCHOOL NETWORK IS
17 INCLUDED AS REVENUE FROM PRIVATE GIFTS, GRANTS, OR DONATIONS.

18 (b) IF THE AMOUNT APPROPRIATED FOR THE PROGRAM IS
19 INSUFFICIENT TO FULLY FUND ALL OF THE APPLICANTS WHO ARE DEEMED
20 TO BE IN EXTREME FINANCIAL NEED AS DESCRIBED IN SUBSECTION (3)(a)
21 OF THIS SECTION, THE DEPARTMENT AND THE STATE BOARD SHALL
22 PRIORITIZE THOSE APPLICANTS BASED ON THE CRITERIA SPECIFIED IN
23 SUBSECTION (4) OF THIS SECTION.

24 (4) IF ALL OF THE APPLICANTS THAT ARE DEEMED TO BE IN
25 EXTREME FINANCIAL NEED AS DESCRIBED IN SUBSECTION (3)(a) OF THIS
26 SECTION ARE PARTICIPATING IN THE PROGRAM, THE DEPARTMENT AND THE
27 STATE BOARD SHALL PRIORITIZE AMONG THE REMAINING APPLICANTS
28 THOSE APPLICANTS THAT DEMONSTRATE THE GREATEST FINANCIAL NEED,
29 WHICH THE DEPARTMENT AND THE STATE BOARD SHALL DETERMINE BY
30 APPLYING THE FOLLOWING MINIMUM CRITERIA:".

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

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

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

37 Page 11 of the printed bill, line 7, strike "AMOUNT;" and substitute

- 1 "AMOUNT IS HIGH RELATIVE TO OTHER APPLICANTS;".
- 2 Page 11 of the printed bill, line 10, strike "APPLICANT'S" and substitute
3 "APPLICANT HAS LIMITED".
- 4 Page 11 of the printed bill, line 16, strike "YEARS;" and substitute "YEARS
5 IS LOW RELATIVE TO OTHER APPLICANTS;".
- 6 Page 2 of the committee report, strike line 1 and substitute:
- 7 "Page 11 of the printed bill, strike line 17 and substitute:
8 "(e) RELATIVE TO OTHER APPLICANTS, THE APPLICANT RECEIVES
9 A LOW AMOUNT ANNUALLY FROM".
- 10 Page 11 of the printed bill, lines 18 and 19, strike "WHETHER THE
11 APPLICANT IS" and substitute "THE APPLICANT IS NOT".
- 12 Page 2 of the committee report, after line 2 insert:
- 13 "Page 11 of the printed bill, strike lines 21 through 25 and substitute:
14 "(f) RELATIVE TO OTHER APPLICANTS, THE APPLICANT MAINTAINS
15 A LARGE AMOUNT OF RESERVES THAT ARE NOT COMMITTED TO A SPECIFIC
16 USE OR PROJECT, NOT INCLUDING THE RESERVE REQUIRED BY SECTION 20
17 (5) OF ARTICLE X OF THE STATE CONSTITUTION, OR THE APPLICANT
18 CARRIES OVER A LARGE AMOUNT OF UNEXPENDED AND UNCOMMITTED
19 MONEY FROM ONE BUDGET YEAR TO THE NEXT BUDGET YEAR.".
- 20 Page 2 of the committee report, line 13, strike "(2)(g)." and substitute
21 "(2)(h).".

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