

CHAPTER 225

NATURAL RESOURCES

HOUSE BILL 97-1123

BY REPRESENTATIVES George, K. Alexander, Bacon, G. Berry, Entz, Sullivant, Taylor, and Tucker;
also SENATORS Wattenberg, Bishop, and Chlouber.

AN ACT

CONCERNING THE METHOD OF DISTRIBUTING MINERAL REVENUES TO LOCAL GOVERNMENTS.

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

SECTION 1. 34-63-102 (3) (a), (3) (c), and (5) (a), Colorado Revised Statutes, 1995 Repl. Vol., are amended to read:

34-63-102. Creation of mineral leasing fund - distribution - advisory committee. (3) (a) Fifty percent of all moneys described in paragraph (a) of subsection (1) of this section shall be distributed ten working days after receipt of the last monthly payment in each quarter among those respective counties of this state from which the federal leasing money is derived in proportion to the amount of said federal leasing money derived from each of the respective counties for use by said counties for the purposes described in subsection (1) of this section and for use by municipalities and school districts within said counties as provided in paragraph (c) of this subsection (3); except that no distribution under this paragraph (a) to any single county, including the amounts distributed under paragraph (c) of this subsection (3) to municipalities and school districts located therein, shall exceed ~~eight hundred thousand~~ ONE MILLION TWO HUNDRED THOUSAND dollars in any calendar year. Unless the balance paid to the state public school fund pursuant to subparagraph (I) of paragraph (b) of this subsection (3) exceeds ~~ten million one hundred thousand dollars~~ TEN MILLION SEVEN HUNDRED THOUSAND DOLLARS in a calendar year, distribution above two hundred thousand dollars to any single county pursuant to this paragraph (a) shall not take effect during that calendar year.

(c) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), in each calendar year, each county shall notify the state treasurer to have at least twenty-five percent of the moneys described in paragraph (a) of this subsection (3) distributed to any school district within the county specified by the board of county

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

commissioners for use in accordance with the purposes described in subsection (1) of this section. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), in each calendar year, each county shall also notify the state treasurer to have at least thirty-seven and one-half percent of that part of the moneys ~~which are~~ described in paragraph (a) of this subsection (3) ~~which~~ THAT exceeds two hundred fifty thousand dollars distributed among the municipalities within the county according to ~~that~~ THE percentage ~~which~~ THAT the population within each municipality bears to the total population of all municipalities located within the county. The state treasurer shall not disburse funds to a county under this subsection (3) until such notification is received. For the purposes of this paragraph (c), "population" means the most recent population estimate at the time of the distribution of the mineral leasing fund as prepared by the demographic section of the division of local government.

(II) (A) ANY COUNTY MAY ELECT TO HAVE ITS DISTRIBUTIONS FROM THE MINERAL LEASING FUND MADE PURSUANT TO THIS SUBPARAGRAPH (II) BY NOTIFYING THE STATE TREASURER, IN WRITING, OF SUCH ELECTION. ANY ELECTION FOR DISTRIBUTION PURSUANT TO THIS SUBPARAGRAPH (II) SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE COUNTY BUT SHALL BE FOR A MINIMUM OF TWO FULL CALENDAR YEARS FOLLOWING RECEIPT BY THE STATE TREASURER OF THE NOTICE OF ELECTION FROM THE COUNTY. AFTER TWO FULL CALENDAR YEARS, A COUNTY MAY WITHDRAW THE ELECTION FOR DISTRIBUTION PURSUANT TO THIS SUBPARAGRAPH (II) AND RETURN TO DISTRIBUTION PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) BY GIVING THE STATE TREASURER WRITTEN NOTICE OF SUCH WITHDRAWAL IN ADDITION TO ANY NOTICE REQUIRED TO BE GIVEN UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (c). HOWEVER, DURING THE FIRST CALENDAR YEAR AFTER RECEIVING SUCH NOTICE OF WITHDRAWAL, THE STATE TREASURER SHALL DISTRIBUTE TWENTY-FIVE PERCENT OF THE MONEYS THE COUNTY WOULD OTHERWISE RECEIVE TO THE CITIES WITHIN THE COUNTY, TWENTY-FIVE PERCENT TO THE SCHOOL DISTRICTS WITHIN THE COUNTY, AND TRANSFER THE REMAINING FIFTY PERCENT TO THE LOCAL GOVERNMENT MINERAL IMPACT FUND.

(B) FOR THE FIRST FULL CALENDAR YEAR FOLLOWING RECEIPT BY THE STATE TREASURER OF NOTIFICATION OF THE COUNTY'S ELECTION PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), THE STATE TREASURER SHALL TRANSFER THE MONEYS EACH COUNTY WOULD OTHERWISE RECEIVE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) TO THE LOCAL GOVERNMENT MINERAL IMPACT FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

(C) FOR THE SECOND FULL CALENDAR YEAR FOLLOWING RECEIPT BY THE STATE TREASURER OF NOTIFICATION OF THE COUNTY'S ELECTION PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II) AND FOR EACH CALENDAR YEAR THEREAFTER, UNLESS A COUNTY HAS WITHDRAWN ITS ELECTION FOR DISTRIBUTION PURSUANT TO THIS SUBPARAGRAPH (II), THE STATE TREASURER SHALL DISTRIBUTE TO EACH COUNTY MAKING SUCH ELECTION THE MONEYS ATTRIBUTABLE TO SUCH COUNTY AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3) AS FOLLOWS: FIFTY PERCENT TO SCHOOL DISTRICTS WITHIN THE COUNTY AND FIFTY PERCENT TO MUNICIPALITIES WITHIN THE COUNTY. WHERE MORE THAN ONE SCHOOL DISTRICT EXISTS WITHIN A COUNTY, THE DISTRIBUTION TO EACH SCHOOL DISTRICT SHALL BE THE PERCENTAGE THAT THE MOST RECENT FUNDED PUPIL COUNT, AS DETERMINED PURSUANT TO THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF TITLE 22, C.R.S., FOR PUPILS ENROLLED IN THE COUNTY ATTRIBUTABLE TO THAT SCHOOL

DISTRICT BEARS TO THE MOST RECENT TOTAL FUNDED PUPIL COUNT FOR ALL PUPILS ATTRIBUTABLE TO THE COUNTY. WHERE MORE THAN ONE MUNICIPALITY EXISTS WITHIN A COUNTY, THE DISTRIBUTION TO EACH MUNICIPALITY SHALL BE BASED ON POPULATION AS SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c).

(5) (a) The remaining fifteen percent of all moneys described in paragraph (a) of subsection (1) of this section, ~~and~~ 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. The executive director of the department of local affairs shall distribute moneys from such 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. Notwithstanding any other provision of this paragraph (a) to the contrary, the executive director shall distribute moneys from such fund to the uranium mill tailings remedial action program fund in accordance with the provisions of section 39-29-116 (3), C.R.S.

SECTION 2. 39-29-110 (1) (a), Colorado Revised Statutes, 1994 Repl. Vol., is amended to read:

39-29-110. Local government severance tax fund - creation - administration - energy impact assistance advisory committee created. (1) (a) (I) There is hereby created in the department of local affairs a local government severance tax fund. In accordance with section 39-29-108, portions of the state severance tax receipts shall be credited to the local government severance tax fund.

(II) ON OR BEFORE DECEMBER 31 IN THE CALENDAR YEAR IN WHICH THE STATE TREASURER RECEIVES NOTIFICATION OF THE ELECTION BY THE COUNTY PURSUANT TO SECTION 34-63-102 (3) (c) (II) (A), C.R.S., THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL DISTRIBUTE TO EACH COUNTY MAKING SUCH ELECTION AN AMOUNT EQUAL TO THE AMOUNT ATTRIBUTABLE TO THAT COUNTY THAT WAS TRANSFERRED TO THE LOCAL GOVERNMENT MINERAL IMPACT FUND PURSUANT TO SECTION 34-63-102 (3) (c) (II) (C), C.R.S.

(III) AFTER MAKING ANY DISTRIBUTIONS PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL DISTRIBUTE ANY REMAINING MONEYS AND MAKE LOANS FROM SUCH FUND IN ACCORDANCE WITH THE PURPOSES AND PRIORITIES PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1). THE EXECUTIVE DIRECTOR SHALL NOT DISTRIBUTE ANY MONEYS OR MAKE ANY LOANS FROM SUCH FUND UNLESS SUFFICIENT MONEYS REMAIN IN THE FUND TO BE DISTRIBUTED TO EACH COUNTY PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (a).

SECTION 3. 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: May 28, 1997