

CHAPTER 200

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 09-260

BY SENATOR(S) White, Keller, Tapia;
also REPRESENTATIVE(S) Pommer, Ferrandino, Marostica.

AN ACT

CONCERNING THE TRANSFER IN STATE FISCAL YEARS 2008-09 AND 2009-10 OF ALL MONEYS NOT OTHERWISE ALLOCATED FROM STATE PUBLIC SCHOOL LANDS TO THE STATE PUBLIC SCHOOL FUND INSTEAD OF THE PERMANENT SCHOOL FUND, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 22-41-102 (3), Colorado Revised Statutes, is amended to read:

22-41-102. Fund inviolate. (3) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3), any interest or income earned on the investment of the moneys in the public school fund other than interest and income 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) shall remain in the fund and shall become part of the principal of the fund.

(b) FOR THE 2008-09 AND 2009-10 STATE FISCAL YEARS, ALL INTEREST OR INCOME EARNED ON THE INVESTMENT OF THE MONEYS IN THE PUBLIC SCHOOL FUND NOT 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) SHALL BE TRANSFERRED TO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114.

SECTION 2. 36-1-116 (1) (a) (II), Colorado Revised Statutes, is amended to read:

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), for the 2005-06 state fiscal year and each state fiscal year

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

thereafter, the first eleven million dollars of proceeds received by the state for the sale of timber on public school 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 public school income fund for distribution as provided by law. Any amount of such proceeds, rentals, and payments received by the state during the fiscal year in excess of eleven million dollars shall be credited to the permanent school fund and shall become part of the principal of the permanent school fund.

(B) FOR THE 2008-09 AND 2009-10 STATE FISCAL YEARS, ALL PROCEEDS RECEIVED BY THE STATE FOR THE SALE OF TIMBER ON PUBLIC SCHOOL 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 TRANSFERRED TO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114, C.R.S.

SECTION 3. 36-1-116 (1) (b) (I), Colorado Revised Statutes, is amended, and the said 36-1-116 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

36-1-116. Disposition of rentals, royalties, and timber sale proceeds.
(1) (b) (I) Except for royalties and other 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., ~~and~~ except as provided in subparagraph (II) of this paragraph (b), AND EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (1), royalties and other payments for the depletion or extraction of a natural resource on said lands shall be credited to the permanent school fund.

(c) FOR THE 2008-09 AND 2009-10 STATE FISCAL YEARS, ROYALTIES AND OTHER PAYMENTS FOR THE DEPLETION OR EXTRACTION OF A NATURAL RESOURCE ON PUBLIC SCHOOL LANDS NOT ALLOCATED TO THE STATE LAND BOARD TRUST ADMINISTRATION FUND PURSUANT TO SECTION 36-1-145 (3), NOT 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., AND NOT CREDITED AS SPECIFIED IN SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL BE TRANSFERRED TO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114, C.R.S.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM					FEDERAL FUNDS
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS		
\$	\$	\$	\$	\$	\$	\$	\$

SECTION 4. Part III (2) (A) of section 2 of chapter 474, Session Laws of Colorado 2008, as amended by section 1 of Senate Bill 09-185 and section 5 of Senate Bill 09-215, is amended to read:

Section 2. **Appropriation.**

**PART III
DEPARTMENT OF EDUCATION**

(2) ASSISTANCE TO PUBLIC SCHOOLS

(A) Public School Finance

Administration	1,145,439				1,145,439 ^c
					(13.0 FTE)
State Share of Districts'					
Total Program Funding ^d	<u>3,344,126,475</u>	2,541,074,211	369,000,000 ^a	434,052,264 ^b	
	3,345,271,914				

^a This amount shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S.

^b Of this amount, ~~\$328,533,581~~ \$303,933,581 shall be from the State Education Fund created in Section 17 (4) (a) of Article IX of the State Constitution, and ~~\$105,518,683~~ \$130,118,683 shall be from the State Public School Fund created in Section 22-54-114 (1), C.R.S. Pursuant to Section 17 (3) of Article IX of the Colorado Constitution, appropriations from the State Education Fund are not subject to the limitation on fiscal year spending set forth in Section 20 of Article X of the Colorado Constitution. Of the amount appropriated from the State Public School Fund, \$73,940,900 is estimated to be from federal mineral leasing revenues transferred to the State Public School Fund pursuant to Section 22-54-114 (1), C.R.S.; \$24,600,000 IS ESTIMATED TO BE FROM STATE PUBLIC SCHOOL LANDS MONEYS

TRANSFERRED PURSUANT TO S.B. 09-260; \$19,000,000 is estimated to be from interest earned on moneys in the Public School Fund and transferred to the State Public School Fund pursuant to Sections 22-41-106 and 22-54-114 (1), C.R.S.; \$9,491,876 shall be from rental income earned on public school lands that is credited to the Public School Income Fund pursuant to Section 36-1-116 (1) (a), C.R.S., and transferred to the State Public School Fund pursuant to Section 22-54-114 (1), C.R.S.; \$3,000,000 is estimated to be from audit recoveries credited to the State Public School Fund pursuant to Section 22-54-114 (4), C.R.S., and \$85,907 is estimated to be from reserves in the State Public School Fund.

° This amount shall be from the Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding line item.

SECTION 5. Appropriation - adjustments to the 2009 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2009, shall be adjusted as follows:

(a) The cash funds appropriation to the department of education, assistance to public schools, public school finance, for the state share of districts' total program funding, is increased by thirty-seven million dollars (\$37,000,000). Said sum shall be from the state public school fund created in section 22-54-114 (1), Colorado Revised Statutes.

(b) The cash funds appropriation to the department of education, assistance to public schools, public school finance, for the state share of districts' total program funding, is decreased by thirty-seven million dollars (\$37,000,000). Said sum shall be from the state education fund created in section 17 (4) (a) of Article IX of the State Constitution.

SECTION 6. 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 1, 2009