

CHAPTER 240

GOVERNMENT - COUNTY

HOUSE BILL 09-1250

BY REPRESENTATIVE(S) Merrifield, Benefield, Fischer, Gagliardi, Green, Kerr A., Labuda, Middleton, Miklosi, Pommer, Ryden, Schafer S., Solano, Todd;
also SENATOR(S) Penry, Bacon, Boyd, King K., Newell, Spence, Williams.

AN ACT

CONCERNING INCREASING THE ALLOCATION TO PUBLIC SCHOOLS OF FEDERAL MONEYS RECEIVED BY THE STATE ON BEHALF OF CERTAIN COUNTIES PURSUANT TO THE ACT OF CONGRESS OF MAY 23, 1908, AS AMENDED, RELATING TO RECEIPTS FROM NATIONAL FORESTS.

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

SECTION 1. 30-29-101, Colorado Revised Statutes, is amended to read:

30-29-101. Receipts from national forests. (1) All moneys received by the state treasurer from THE federal government under provisions of the act of congress of May 23, 1908, as amended, 16 U.S.C. 500, relating to receipts from national forests, REFERRED TO IN THIS SECTION AS "NATIONAL FOREST PAYMENTS", shall be credited to a clearing account.

(2) ~~During the month of September of each year,~~ The state treasurer shall pay over the ~~moneys specified in subsection (1) of this section~~ NATIONAL FOREST PAYMENTS WITHIN THIRTY DAYS AFTER RECEIPT OF THE PAYMENTS to the treasurers of the several counties of the state in which national forests are located, on the basis of the acreage of national forest land located in each county and in accordance with information provided by the appropriate agency of the federal government as to source and amount.

(3) (a) The boards of county commissioners of the counties receiving the payments specified in subsection (2) of this section shall allocate ~~the amount thereof~~ ~~between~~ A MINIMUM OF TWENTY-FIVE PERCENT TO the county road and bridge fund and A MINIMUM OF TWENTY-FIVE PERCENT TO the public schools in the county; ~~but not less than five percent of the amount received annually shall ever be allocated for either purpose~~ EXCEPT THAT THE COUNTY MAY ALLOCATE LESS THAN TWENTY-FIVE

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

PERCENT OF THE NATIONAL FOREST PAYMENTS TO THE COUNTY ROAD AND BRIDGE FUND IN ORDER TO MAXIMIZE THE RECEIPT BY THE COUNTY OF FEDERAL PAYMENTS IN LIEU OF TAXES PURSUANT TO 31 U.S.C. 6901 ET SEQ. THE ALLOCATION OF THE REMAINING FIFTY PERCENT OF THE NATIONAL FOREST PAYMENTS SHALL BE DETERMINED PURSUANT TO THE PROVISIONS OF PARAGRAPH (b) OF THIS SUBSECTION (3).

(b) (I) A TOTAL OF THREE REPRESENTATIVES FROM THE SCHOOL DISTRICTS IN THE COUNTY AND THREE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS, OR THEIR DESIGNEES, SHALL MEET AND SHALL NEGOTIATE THE REMAINING PERCENTAGE ALLOCATION OF THE NATIONAL FOREST PAYMENTS TO EITHER THE PUBLIC SCHOOLS IN THE COUNTY OR THE COUNTY ROAD AND BRIDGE FUND. IN DETERMINING THE ALLOCATION OF THE NATIONAL FOREST PAYMENTS, THE PARTIES SHALL SEEK TO MAXIMIZE THE TOTAL AMOUNT OF FEDERAL FUNDS THAT MAY BE RECEIVED BY THE COUNTY AND THE PUBLIC SCHOOLS IN THE COUNTY.

(II) UNALLOCATED NATIONAL FOREST PAYMENTS SHALL REMAIN UNSPENT UNTIL SUCH TIME AS THE PARTIES AGREE UPON THE ALLOCATION OF THE NATIONAL FOREST PAYMENTS BETWEEN THE COUNTY ROAD AND BRIDGE FUND AND THE PUBLIC SCHOOLS IN THE COUNTY.

(c) If there is more than one school district in the county, the amount allocated to each district shall be in the proportion ~~which~~ THAT its pupil enrollment during the preceding school year bears to the aggregate pupil enrollment in all districts in the county during said preceding school year.

(4) NOTWITHSTANDING THE MINIMUM PERCENTAGE ALLOCATIONS TO THE PUBLIC SCHOOLS IN THE COUNTY AND THE COUNTY ROAD AND BRIDGE FUND SET FORTH IN PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION, IN ANY FEDERAL FISCAL YEAR IN WHICH THE NATIONAL FOREST PAYMENTS RECEIVED BY THE STATE FROM THE FEDERAL GOVERNMENT ARE LESS THAN SIX MILLION DOLLARS, THE PARTIES SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION SHALL ALLOCATE ONE HUNDRED PERCENT OF THE NATIONAL FOREST PAYMENTS TO EITHER THE PUBLIC SCHOOLS IN THE COUNTY OR THE COUNTY ROAD AND BRIDGE FUND PURSUANT TO THE PROVISIONS OF PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION.

SECTION 2. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 11, 2009