

## CHAPTER 246

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**NATURAL RESOURCES**

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**SENATE BILL 09-022**

BY SENATOR(S) Bacon, Hudak, Newell, Sandoval, Schwartz;  
also REPRESENTATIVE(S) Solano, Benefield, Fischer, Merrifield, Todd.

**AN ACT****CONCERNING THE STATE BOARD OF LAND COMMISSIONERS.**

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

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

**36-1-116. Disposition of rentals, royalties, and timber sale proceeds - repeal.**

(1) (b) (II) (A) For the 2005-06 state fiscal year through the ~~2009-10~~ 2008-09 state fiscal year, the first one million dollars of royalties and other payments for the depletion or extraction of a natural resource on said lands, other than 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., shall be credited to the state board of land commissioners investment and development fund created in section 36-1-153. THIS SUB-SUBPARAGRAPH (A) IS REPEALED, EFFECTIVE JULY 1, 2009.

(B) FOR THE 2009-10 STATE FISCAL YEAR, UP TO THREE MILLION DOLLARS OF ROYALTIES AND OTHER PAYMENTS FOR THE DEPLETION OR EXTRACTION OF A NATURAL RESOURCE ON SAID LANDS, OTHER THAN 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., SHALL BE CREDITED TO THE STATE BOARD OF LAND COMMISSIONERS INVESTMENT AND DEVELOPMENT FUND CREATED IN SECTION 36-1-153.

(C) FOR THE 2010-11 STATE FISCAL YEAR, UP TO FOUR MILLION DOLLARS OF

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

ROYALTIES AND OTHER PAYMENTS FOR THE DEPLETION OR EXTRACTION OF A NATURAL RESOURCE ON SAID LANDS, OTHER THAN 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., SHALL BE CREDITED TO THE STATE BOARD OF LAND COMMISSIONERS INVESTMENT AND DEVELOPMENT FUND CREATED IN SECTION 36-1-153.

(D) FOR THE 2011-12 STATE FISCAL YEAR AND EACH STATE FISCAL YEAR THEREAFTER, UP TO FIVE MILLION DOLLARS OF ROYALTIES AND OTHER PAYMENTS FOR THE DEPLETION OR EXTRACTION OF A NATURAL RESOURCE ON SAID LANDS, OTHER THAN 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., SHALL BE CREDITED TO THE STATE BOARD OF LAND COMMISSIONERS INVESTMENT AND DEVELOPMENT FUND CREATED IN SECTION 36-1-153.

(E) SUBJECT TO THE LIMITS SPECIFIED IN SUB-SUBPARAGRAPHS (B), (C), AND (D) OF THIS SUBPARAGRAPH (II), THE STATE BOARD OF LAND COMMISSIONERS SHALL DETERMINE THE EXACT AMOUNT OF ROYALTIES AND OTHER PAYMENTS FOR THE DEPLETION OR EXTRACTION OF A NATURAL RESOURCE ON PUBLIC SCHOOL LANDS THAT IS TO BE CREDITED TO THE STATE BOARD OF LAND COMMISSIONERS INVESTMENT AND DEVELOPMENT FUND PURSUANT TO THIS SUBPARAGRAPH (II).

**SECTION 2.** 36-1-124 (1), Colorado Revised Statutes, is amended to read:

**36-1-124. Sale of state lands.** (1) The state board of land commissioners may at any time direct the sale of any state lands, except as provided in this article, in such parcels as the board ~~shall deem~~ DEEMS proper. All sales under this article, except those to the United States, shall be advertised in four consecutive issues of ~~some~~ A weekly paper of the county in which ~~such~~ THE land is situated, if there is ~~such~~ A WEEKLY paper IN THE COUNTY, and, if not, then in ~~some~~ A paper published in an adjoining county and in ~~such~~ other papers as the board may direct.

**SECTION 3.** 36-1-152, Colorado Revised Statutes, is amended to read:

**36-1-152. Public school districts - charter schools - lease, purchase, or other use of state lands.** (1) The state board of land commissioners shall provide opportunities for public school districts within which school trust lands are located to lease, purchase, or otherwise use such lands or portions thereof as are necessary for school building sites, at an amount to be determined by the board, which shall not exceed the appraised fair market value, which amount may be paid over time.

(2) THE STATE BOARD OF LAND COMMISSIONERS MAY PROVIDE OPPORTUNITIES FOR CHARTER SCHOOLS THAT ARE AUTHORIZED BY SCHOOL DISTRICTS PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22, C.R.S., OR CHARTER SCHOOLS THAT ARE AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22, C.R.S., TO LEASE, PURCHASE, OR OTHERWISE USE SCHOOL

TRUST LANDS, OR PORTIONS THEREOF, FOR SCHOOL BUILDING SITES. PRIOR TO SUCH LEASE, PURCHASE, OR OTHER USE OF SCHOOL TRUST LANDS BY A CHARTER SCHOOL, THE CHARTER SCHOOL SHALL NOTIFY THE SCHOOL DISTRICT IN WHICH THE LAND IS LOCATED THAT THE CHARTER SCHOOL IS SEEKING TO LEASE, PURCHASE, OR OTHERWISE USE STATE TRUST LANDS LOCATED WITHIN THAT SCHOOL DISTRICT FOR SCHOOL BUILDING SITES FOR THE CHARTER SCHOOL. THE STATE BOARD OF LAND COMMISSIONERS SHALL REQUEST WRITTEN COMMENT FROM THE SCHOOL DISTRICT IN WHICH THE SCHOOL TRUST LANDS THAT MAY BE LEASED, PURCHASED, OR OTHERWISE USED BY A CHARTER SCHOOL ARE LOCATED, INDICATING THE IMPACT SUCH LEASE, PURCHASE, OR USE WILL HAVE ON THE SCHOOL DISTRICT. THE BOARD SHALL DETERMINE THE AMOUNT A CHARTER SCHOOL SHALL BE REQUIRED TO PAY TO LEASE, PURCHASE, OR OTHERWISE USE SAID LANDS, WHICH AMOUNT SHALL NOT EXCEED THE APPRAISED FAIR MARKET VALUE AND MAY BE PAID OVER TIME.

**SECTION 4. Repeal.** 36-1-153 (5) and (6), Colorado Revised Statutes, are repealed as follows:

~~**36-1-153. Investment and development fund.** (5) Upon the repeal of this section, any unencumbered moneys remaining in the fund shall be credited to the permanent school fund for distribution as provided by law.~~

~~(6) This section is repealed, effective July 1, 2010.~~

**SECTION 5.** 24-30-1403 (2), Colorado Revised Statutes, is amended to read:

**24-30-1403. Professional services - listings - preliminary selections.**

(2) (a) For each proposed project for which professional services are required, the principal representative of the state agency for which the project is to be done shall evaluate current statements of qualifications and performance data on file with the department and shall conduct discussions with no less than three persons regarding their qualifications, approaches to the project, abilities to furnish the required professional services, anticipated design concepts, and use of alternative methods of approach for furnishing the required professional services. The principal representative shall then select, in order of preference, no less than three persons ranked in order and deemed to be most highly qualified to perform the required professional services after considering, and based upon, such factors as the ability of professional personnel, past performance, willingness to meet time and budget requirements, location, current and projected work loads, the volume of work previously awarded to the person by the state agency, and the extent to which said persons have and will involve minority subcontractors, with the object of effecting an equitable distribution of contracts among qualified persons as long as such distribution does not violate the principle of selection of the most highly qualified person. In selection as mentioned in PURSUANT TO this section, Colorado firms shall be given preference when qualifications appear to be equal. All selections are subject to approval by the principal representative, and all contracts between the principal representative and such selected professionals shall be consistent with appropriation and legislative intent.

(b) THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL NOT APPLY TO THE STATE BOARD OF LAND COMMISSIONERS, ESTABLISHED IN ARTICLE 1 OF TITLE 36, C.R.S., IN CONNECTION WITH CONTRACT EXPENDITURES FROM THE

STATE BOARD OF LAND COMMISSIONERS INVESTMENT AND DEVELOPMENT FUND  
CREATED IN SECTION 36-1-153, C.R.S.

**SECTION 6.** 24-30-1404 (7) (g), Colorado Revised Statutes, is amended to read:

**24-30-1404. Contracts.** (7) (g) This subsection (7) shall not apply to:

(I) A capital construction project at an institution of higher education that is to be constructed solely from cash funds held by the institution; OR

(II) THE STATE BOARD OF LAND COMMISSIONERS, ESTABLISHED IN ARTICLE 1 OF TITLE 36, C.R.S., IN CONNECTION WITH CONTRACT EXPENDITURES FROM THE STATE BOARD OF LAND COMMISSIONERS INVESTMENT AND DEVELOPMENT FUND CREATED IN SECTION 36-1-153, C.R.S.

**SECTION 7. 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 14, 2009