

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 09-0320.01 Christy Chase

SENATE BILL 09-022

SENATE SPONSORSHIP

Bacon,

HOUSE SPONSORSHIP

Solano,

Senate Committees

Local Government and Energy
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE STATE BOARD OF LAND COMMISSIONERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

For the 2009-10 fiscal year and each fiscal year thereafter, increases the amount of payments generated from public school lands that is credited to the state board of land commissioners investment and development fund from \$1 million to up to \$5 million. Eliminates the repeal of the investment and development fund.

Authorizes the state board of land commissioners (state land board) to allow a portion of state or school lands to be incorporated, annexed, or included within a county, municipality, or other local government entity and to take any actions necessary to accomplish

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
Amended 2nd Reading
March 3, 2009

incorporation, annexation, or inclusion, including granting rights-of-way or dedications to a local government entity. Exempts the state land board from advertising requirements when selling state lands to a governmental entity.

For purposes of expenditures from the investment and development fund, exempts the state land board from the following requirements pertaining to professional services contracts:

- ! Procedures for preliminary selections of contractors to provide professional services; and
- ! Deadlines pertaining to the execution of and expenditure of funds for a professional services contract.

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

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

4 **36-1-116. Disposition of rentals, royalties, and timber sale**
5 **proceeds - repeal.** (1) (b) (II) (A) For the 2005-06 state fiscal year
6 through the ~~2009-10~~ 2008-09 state fiscal year, the first one million dollars
7 of royalties and other payments for the depletion or extraction of a natural
8 resource on said lands, other than royalties and other payments allocated
9 to the state land board trust administration fund pursuant to section
10 36-1-145 (3) or credited to the public school capital construction
11 assistance fund created in section 22-43.7-104 (1), C.R.S., pursuant to
12 section 22-43.7-104 (2) (b) (I), C.R.S., shall be credited to the state board
13 of land commissioners investment and development fund created in
14 section 36-1-153. THIS SUB-SUBPARAGRAPH (A) IS REPEALED, EFFECTIVE
15 JULY 1, 2009.

16 (B) FOR THE 2009-10 STATE FISCAL YEAR, UP TO THREE _____
17 MILLION DOLLARS OF ROYALTIES AND OTHER PAYMENTS FOR THE
18 DEPLETION OR EXTRACTION OF A NATURAL RESOURCE ON SAID LANDS,
19 OTHER THAN ROYALTIES AND OTHER PAYMENTS ALLOCATED TO THE STATE

1 LAND BOARD TRUST ADMINISTRATION FUND PURSUANT TO SECTION
2 36-1-145 (3) OR CREDITED TO THE PUBLIC SCHOOL CAPITAL
3 CONSTRUCTION ASSISTANCE FUND CREATED IN SECTION 22-43.7-104 (1),
4 C.R.S., PURSUANT TO SECTION 22-43.7-104 (2) (b) (I), C.R.S., SHALL BE
5 CREDITED TO THE STATE BOARD OF LAND COMMISSIONERS INVESTMENT
6 AND DEVELOPMENT FUND CREATED IN SECTION 36-1-153.

7 (C) FOR THE 2010-11 STATE FISCAL YEAR, UP TO FOUR MILLION
8 DOLLARS OF ROYALTIES AND OTHER PAYMENTS FOR THE DEPLETION OR
9 EXTRACTION OF A NATURAL RESOURCE ON SAID LANDS, OTHER THAN
10 ROYALTIES AND OTHER PAYMENTS ALLOCATED TO THE STATE LAND
11 BOARD TRUST ADMINISTRATION FUND PURSUANT TO SECTION 36-1-145 (3)
12 OR CREDITED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE
13 FUND CREATED IN SECTION 22-43.7-104 (1), C.R.S., PURSUANT TO SECTION
14 22-43.7-104 (2) (b) (I), C.R.S., SHALL BE CREDITED TO THE STATE BOARD
15 OFLAND COMMISSIONERS INVESTMENT AND DEVELOPMENT FUND CREATED
16 IN SECTION 36-1-153.

17 (D) FOR THE 2011-12 STATE FISCAL YEAR AND EACH STATE FISCAL
18 YEAR THEREAFTER, UP TO FIVE MILLION DOLLARS OF ROYALTIES AND
19 OTHER PAYMENTS FOR THE DEPLETION OR EXTRACTION OF A NATURAL
20 RESOURCE ON SAID LANDS, OTHER THAN ROYALTIES AND OTHER
21 PAYMENTS ALLOCATED TO THE STATE LAND BOARD TRUST
22 ADMINISTRATION FUND PURSUANT TO SECTION 36-1-145 (3) OR CREDITED
23 TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND
24 CREATED IN SECTION 22-43.7-104 (1), C.R.S., PURSUANT TO SECTION
25 22-43.7-104 (2) (b) (I), C.R.S., SHALL BE CREDITED TO THE STATE BOARD
26 OFLAND COMMISSIONERS INVESTMENT AND DEVELOPMENT FUND CREATED
27 IN SECTION 36-1-153.

1 **SECTION 2.** 36-1-122, Colorado Revised Statutes, is amended
2 to read:

3 **36-1-122. Land use planning.** (1) FOR PURPOSES OF LAND USE
4 PLANNING OR LAND ENTITLEMENT PURPOSES, the state board of land
5 commissioners may cause any portion of the state or school lands to be
6 INCORPORATED, ANNEXED, OR OTHERWISE INCLUDED WITHIN A COUNTY,
7 MUNICIPALITY, OR OTHER LOCAL GOVERNMENT ENTITY AND laid out in
8 lots and blocks or other tracts by a recorded plat. ~~to be sold at public~~
9 au~~ction~~ or exchanged.

10 (2) THE STATE BOARD OF LAND COMMISSIONERS MAY TAKE
11 ACTIONS NECESSARY TO ACCOMPLISH LAND USE PLANNING OR LAND
12 ENTITLEMENT PURPOSES ___ AS AUTHORIZED IN SUBSECTION (1) OF THIS
13 SECTION, INCLUDING, BUT NOT LIMITED TO, GRANTING RIGHTS-OF-WAY OR
14 DEDICATIONS TO A COUNTY, MUNICIPALITY, OR OTHER LOCAL
15 GOVERNMENT ENTITY, FOR STREETS, ROADS, ALLEYS, UTILITIES, PARKS
16 AND RECREATION, OPEN SPACE, SCHOOL SITES, OR OTHER PUBLIC
17 PURPOSES. THE _____ DIRECTOR OF THE STATE BOARD OF LAND
18 COMMISSIONERS, AT THE DIRECTION OF THE BOARD, MAY SIGN ALL PAPERS
19 NECESSARY TO ACCOMPLISH THEIR PURPOSES.

20 **SECTION 3.** 36-1-124 (1), Colorado Revised Statutes, is
21 amended to read:

22 **36-1-124. Sale of state lands.** (1) The state board of land
23 commissioners may at any time direct the sale of any state lands, except
24 as provided in this article, in such parcels as the board ~~shall deem~~ DEEMS
25 proper. All sales under this article, except those to the United States, ___
26 ___ shall be advertised in four consecutive issues of ~~some~~ A weekly paper
27 of the county in which ~~such~~ THE land is situated, if there is ~~such~~ A

1 WEEKLY paper IN THE COUNTY, and, if not, then in ~~some~~ A paper
2 published in an adjoining county and in ~~such~~ other papers as the board
3 may direct.

4 SECTION 4. 36-1-152, Colorado Revised Statutes, is amended
5 to read:

6 36-1-152. Public school districts - charter schools - lease,
7 purchase, or other use of state lands. (1) The state board of land
8 commissioners shall provide opportunities for public school districts
9 within which school trust lands are located to lease, purchase, or
10 otherwise use such lands or portions thereof as are necessary for school
11 building sites, at an amount to be determined by the board, which shall
12 not exceed the appraised fair market value, which amount may be paid
13 over time.

14 (2) THE STATE BOARD OF LAND COMMISSIONERS MAY PROVIDE
15 OPPORTUNITIES FOR CHARTER SCHOOLS THAT ARE AUTHORIZED BY
16 SCHOOL DISTRICTS PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22,
17 C.R.S., OR CHARTER SCHOOLS THAT ARE AUTHORIZED BY THE STATE
18 CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF
19 TITLE 22, C.R.S., TO LEASE, PURCHASE, OR OTHERWISE USE SCHOOL TRUST
20 LANDS, OR PORTIONS THEREOF, FOR SCHOOL BUILDING SITES. THE BOARD
21 SHALL DETERMINE THE AMOUNT A CHARTER SCHOOL SHALL BE REQUIRED
22 TO PAY TO LEASE, PURCHASE, OR OTHERWISE USE SAID LANDS, WHICH
23 AMOUNT SHALL NOT EXCEED THE APPRAISED FAIR MARKET VALUE AND
24 MAY BE PAID OVER TIME.

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

27 **36-1-153. Investment and development fund.** (5) Upon the

1 ~~repeal of this section, any unencumbered moneys remaining in the fund~~
2 ~~shall be credited to the permanent school fund for distribution as provided~~
3 ~~by law.~~

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

5 **SECTION 6.** 24-30-1403 (2), Colorado Revised Statutes, is
6 amended to read:

7 **24-30-1403. Professional services - listings - preliminary**
8 **selections.** (2) (a) For each proposed project for which professional
9 services are required, the principal representative of the state agency for
10 which the project is to be done shall evaluate current statements of
11 qualifications and performance data on file with the department and shall
12 conduct discussions with no less than three persons regarding their
13 qualifications, approaches to the project, abilities to furnish the required
14 professional services, anticipated design concepts, and use of alternative
15 methods of approach for furnishing the required professional services.
16 The principal representative shall then select, in order of preference, no
17 less than three persons ranked in order and deemed to be most highly
18 qualified to perform the required professional services after considering,
19 and based upon, such factors as the ability of professional personnel, past
20 performance, willingness to meet time and budget requirements, location,
21 current and projected work loads, the volume of work previously awarded
22 to the person by the state agency, and the extent to which said persons
23 have and will involve minority subcontractors, with the object of
24 effecting an equitable distribution of contracts among qualified persons
25 as long as such distribution does not violate the principle of selection of
26 the most highly qualified person. In selection ~~as mentioned in~~ PURSUANT
27 TO this section, Colorado firms shall be given preference when

1 qualifications appear to be equal. All selections are subject to approval
2 by the principal representative, and all contracts between the principal
3 representative and such selected professionals shall be consistent with
4 appropriation and legislative intent.

5 (b) THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION
6 (2) SHALL NOT APPLY TO THE STATE BOARD OF LAND COMMISSIONERS,
7 ESTABLISHED IN ARTICLE 1 OF TITLE 36, C.R.S., IN CONNECTION WITH
8 CONTRACT EXPENDITURES FROM THE STATE BOARD OF LAND
9 COMMISSIONERS INVESTMENT AND DEVELOPMENT FUND CREATED IN
10 SECTION 36-1-153, C.R.S.

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

13 **24-30-1404. Contracts.** (7) (g) This subsection (7) shall not
14 apply to:

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

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

23 **SECTION 8. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.