

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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

State, Veterans, & Military Affairs
Appropriations

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.*

HOUSE
3rd Reading Unamended
April 23, 2009

HOUSE
Amended 2nd Reading
April 22, 2009

SENATE
3rd Reading Unamended
March 4, 2009

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

8
9 SECTION 2. 36-1-124 (1), Colorado Revised Statutes, is
10 amended to read:

11 **36-1-124. Sale of state lands.** (1) The state board of land
12 commissioners may at any time direct the sale of any state lands, except
13 as provided in this article, in such parcels as the board ~~shall deem~~ DEEMS
14 proper. All sales under this article, except those to the United States,
15 shall be advertised in four consecutive issues of ~~some~~ A weekly paper
16 of the county in which ~~such~~ THE land is situated, if there is ~~such~~ A
17 WEEKLY paper IN THE COUNTY, and, if not, then in ~~some~~ A paper
18 published in an adjoining county and in ~~such~~ other papers as the board
19 may direct.

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

22 36-1-152. Public school districts - charter schools - lease,
23 purchase, or other use of state lands. (1) The state board of land
24 commissioners shall provide opportunities for public school districts
25 within which school trust lands are located to lease, purchase, or
26 otherwise use such lands or portions thereof as are necessary for school
27 building sites, at an amount to be determined by the board, which shall

1 not exceed the appraised fair market value, which amount may be paid
2 over time.

3 (2) THE STATE BOARD OF LAND COMMISSIONERS MAY PROVIDE
4 OPPORTUNITIES FOR CHARTER SCHOOLS THAT ARE AUTHORIZED BY
5 SCHOOL DISTRICTS PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22,
6 C.R.S., OR CHARTER SCHOOLS THAT ARE AUTHORIZED BY THE STATE
7 CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF
8 TITLE 22, C.R.S., TO LEASE, PURCHASE, OR OTHERWISE USE SCHOOL TRUST
9 LANDS, OR PORTIONS THEREOF, FOR SCHOOL BUILDING SITES. PRIOR TO
10 SUCH LEASE, PURCHASE, OR OTHER USE OF SCHOOL TRUST LANDS BY A
11 CHARTER SCHOOL, THE CHARTER SCHOOL SHALL NOTIFY THE SCHOOL
12 DISTRICT IN WHICH THE LAND IS LOCATED THAT THE CHARTER SCHOOL IS
13 SEEKING TO LEASE, PURCHASE, OR OTHERWISE USE STATE TRUST LANDS
14 LOCATED WITHIN THAT SCHOOL DISTRICT FOR SCHOOL BUILDING SITES FOR
15 THE CHARTER SCHOOL. THE STATE BOARD OF LAND COMMISSIONERS
16 SHALL REQUEST WRITTEN COMMENT FROM THE SCHOOL DISTRICT IN WHICH
17 THE SCHOOL TRUST LANDS THAT MAY BE LEASED, PURCHASED, OR
18 OTHERWISE USED BY A CHARTER SCHOOL ARE LOCATED, INDICATING THE
19 IMPACT SUCH LEASE, PURCHASE, OR USE WILL HAVE ON THE SCHOOL
20 DISTRICT. THE BOARD SHALL DETERMINE THE AMOUNT A CHARTER
21 SCHOOL SHALL BE REQUIRED TO PAY TO LEASE, PURCHASE, OR OTHERWISE
22 USE SAID LANDS, WHICH AMOUNT SHALL NOT EXCEED THE APPRAISED FAIR
23 MARKET VALUE AND MAY BE PAID OVER TIME.

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

26 **36-1-153. Investment and development fund.** (5) ~~Upon the~~
27 ~~repeal of this section, any unencumbered moneys remaining in the fund~~

1 shall be credited to the permanent school fund for distribution as provided
2 by law.

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

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

6 **24-30-1403. Professional services - listings - preliminary**
7 **selections.** (2) (a) For each proposed project for which professional
8 services are required, the principal representative of the state agency for
9 which the project is to be done shall evaluate current statements of
10 qualifications and performance data on file with the department and shall
11 conduct discussions with no less than three persons regarding their
12 qualifications, approaches to the project, abilities to furnish the required
13 professional services, anticipated design concepts, and use of alternative
14 methods of approach for furnishing the required professional services.
15 The principal representative shall then select, in order of preference, no
16 less than three persons ranked in order and deemed to be most highly
17 qualified to perform the required professional services after considering,
18 and based upon, such factors as the ability of professional personnel, past
19 performance, willingness to meet time and budget requirements, location,
20 current and projected work loads, the volume of work previously awarded
21 to the person by the state agency, and the extent to which said persons
22 have and will involve minority subcontractors, with the object of
23 effecting an equitable distribution of contracts among qualified persons
24 as long as such distribution does not violate the principle of selection of
25 the most highly qualified person. In selection as mentioned in PURSUANT
26 TO this section, Colorado firms shall be given preference when
27 qualifications appear to be equal. All selections are subject to approval

1 by the principal representative, and all contracts between the principal
2 representative and such selected professionals shall be consistent with
3 appropriation and legislative intent.

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

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

12 **24-30-1404. Contracts.** (7) (g) This subsection (7) shall not
13 apply to:

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

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

22 **SECTION 7. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.