

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 09-0320.01 Christy Chase

SENATE BILL 09-022

SENATE SPONSORSHIP

Bacon,

HOUSE SPONSORSHIP

Solano,

Senate Committees
Local Government and Energy
Finance

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.*

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 AND EACH STATE FISCAL
17 YEAR THEREAFTER, UP TO FIVE MILLION DOLLARS OF ROYALTIES AND
18 OTHER PAYMENTS FOR THE DEPLETION OR EXTRACTION OF A NATURAL
19 RESOURCE ON SAID LANDS, OTHER THAN ROYALTIES AND OTHER

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

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

10 **36-1-122. Land use planning.** (1) FOR PURPOSES OF LAND USE
11 PLANNING OR LAND ENTITLEMENT PURPOSES, the state board of land
12 commissioners may cause any portion of the state or school lands to be
13 INCORPORATED, ANNEXED, OR OTHERWISE INCLUDED WITHIN A COUNTY,
14 MUNICIPALITY, OR OTHER LOCAL GOVERNMENT ENTITY AND laid out in
15 lots and blocks or other tracts by a recorded plat. ~~to be sold at public~~
16 auction or exchanged.

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

27 **SECTION 3.** 36-1-124 (1), Colorado Revised Statutes, is

1 amended to read:

2 **36-1-124. Sale of state lands.** (1) The state board of land
3 commissioners may at any time direct the sale of any state lands, except
4 as provided in this article, in such parcels as the board ~~shall deem~~ DEEMS
5 proper. All sales under this article, except those to the United States,
6 shall be advertised in four consecutive issues of ~~some~~ A weekly paper
7 of the county in which ~~such~~ THE land is situated, if there is ~~such~~ A
8 WEEKLY paper IN THE COUNTY, and, if not, then in ~~some~~ A paper
9 published in an adjoining county and in ~~such~~ other papers as the board
10 may direct.

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

13 **36-1-153. Investment and development fund.** (5) ~~Upon the~~
14 ~~repeal of this section, any unencumbered moneys remaining in the fund~~
15 ~~shall be credited to the permanent school fund for distribution as provided~~
16 ~~by law.~~

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

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

20 **24-30-1403. Professional services - listings - preliminary**
21 **selections.** (2) (a) For each proposed project for which professional
22 services are required, the principal representative of the state agency for
23 which the project is to be done shall evaluate current statements of
24 qualifications and performance data on file with the department and shall
25 conduct discussions with no less than three persons regarding their
26 qualifications, approaches to the project, abilities to furnish the required
27 professional services, anticipated design concepts, and use of alternative

1 methods of approach for furnishing the required professional services.
2 The principal representative shall then select, in order of preference, no
3 less than three persons ranked in order and deemed to be most highly
4 qualified to perform the required professional services after considering,
5 and based upon, such factors as the ability of professional personnel, past
6 performance, willingness to meet time and budget requirements, location,
7 current and projected work loads, the volume of work previously awarded
8 to the person by the state agency, and the extent to which said persons
9 have and will involve minority subcontractors, with the object of
10 effecting an equitable distribution of contracts among qualified persons
11 as long as such distribution does not violate the principle of selection of
12 the most highly qualified person. In selection ~~as mentioned in~~ PURSUANT
13 TO this section, Colorado firms shall be given preference when
14 qualifications appear to be equal. All selections are subject to approval
15 by the principal representative, and all contracts between the principal
16 representative and such selected professionals shall be consistent with
17 appropriation and legislative intent.

18 (b) THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION
19 (2) SHALL NOT APPLY TO THE STATE BOARD OF LAND COMMISSIONERS,
20 ESTABLISHED IN ARTICLE 1 OF TITLE 36, C.R.S., IN CONNECTION WITH
21 CONTRACT EXPENDITURES FROM THE STATE BOARD OF LAND
22 COMMISSIONERS INVESTMENT AND DEVELOPMENT FUND CREATED IN
23 SECTION 36-1-153, C.R.S.

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

26 **24-30-1404. Contracts.** (7) (g) This subsection (7) shall not
27 apply to:

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

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

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