

Be It Enacted by the People of the State of Colorado:

SECTION 1. Title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 51.5
PUBLIC SCHOOL IMPROVEMENT FUND

22 - 51.5 - 101. Creation of the public school improvement fund-composition.

(1) THERE IS HEREBY CREATED IN THE OFFICE OF THE STATE TREASURER A FUND, SEPARATE FROM THE GENERAL FUND, TO BE KNOWN AS THE PUBLIC SCHOOL IMPROVEMENT FUND. THERE SHALL BE CREDITED TO SAID FUND MONEYS RECEIVED FROM THE FEDERAL GOVERNMENT THAT ARE CREDITED TO THE PUBLIC SCHOOL IMPROVEMENT FUND PURSUANT TO THE PROVISIONS OF SECTION 34-63-102, C.R.S., AND SUCH ADDITIONAL MONEYS AS MAY BE APPROPRIATED BY THE GENERAL ASSEMBLY.

22 - 51.5 - 102. Distribution of moneys in the fund.

(1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IN STATE FISCAL YEAR 2008-09 AND IN EACH OR ANY STATE FISCAL YEAR THROUGH STATE FISCAL YEAR 2010-11, THE GENERAL ASSEMBLY MAY EXPEND SOME PORTION OF MONEYS FROM THE FEDERAL GOVERNMENT THAT ARE CREDITED TO THE PUBLIC SCHOOL IMPROVEMENT FUND PURSUANT TO THE PROVISIONS OF SECTION 34-63-102, C.R.S., IN THE IMMEDIATELY PRECEDING STATE FISCAL YEAR, FOR ANY PRESCHOOL THROUGH TWELFTH GRADE EDUCATION PURPOSE.

(2) EACH STATE FISCAL YEAR, AFTER THE OPERATION OF SECTION 22-51.5-102 (1), THE TOTAL AMOUNT OF MONEYS DEPOSITED IN THE PUBLIC SCHOOL IMPROVEMENT FUND IN THAT STATE FISCAL YEAR, LESS ANY MONEYS ENCUMBERED PURSUANT TO SECTION 22-51.5-102 (1), NOT TO EXCEED THIRTY MILLION DOLLARS IN STATE FISCAL YEAR 2007-2008, ADJUSTED EACH SUBSEQUENT STATE FISCAL YEAR FOR INFLATION, SHALL BE USED TO PROVIDE OPPORTUNITIES FOR LOW INCOME CHILDREN, INCLUDING THE OPPORTUNITY TO ATTEND VOLUNTARY QUALITY PRESCHOOL PROGRAMS SO THEY ARE ABLE TO BEGIN SCHOOL READY TO LEARN.

(3) EACH STATE FISCAL YEAR, AFTER THE OPERATION OF SECTION 22-51.5-102 (1) AND SECTION 22-51.5-102 (2), THE STATE TREASURER SHALL TRANSFER TO THE CAPITAL CONSTRUCTION EXPENDITURES RESERVE CREATED BY SECTION 22-54-117 (1.5), C.R.S., THE TOTAL AMOUNT OF MONEYS DEPOSITED IN THE PUBLIC SCHOOL IMPROVEMENT FUND IN THE IMMEDIATELY PRECEDING STATE FISCAL YEAR, LESS ANY MONEYS ENCUMBERED PURSUANT TO SECTION 22-51.5-102 (1) AND SECTION 22-51.5-102 (2), TO PROVIDE FUNDING FOR PRESCHOOL THROUGH TWELFTH GRADE PUBLIC SCHOOL BUILDINGS TO REPAIR, MAINTAIN, MAKE SAFE AND REPLACE DETERIORATING BUILDINGS, TO PROVIDE ADDITIONAL CLASSROOM SPACE FOR CHILDREN IN TEMPORARY

STRUCTURES, TO PROVIDE ADEQUATE TECHNOLOGY, TO CONSTRUCT NEW BUILDINGS OR TO PROVIDE FOR THE ADMINISTRATION OF THESE PROGRAMS; EXCEPT THAT PRIORITY SHALL BE GIVEN TO RURAL SCHOOLS AND DISTRICTS AND TO SCHOOLS AND DISTRICTS THAT ARE NOT ABLE TO RAISE SUFFICIENT REVENUE LOCALLY TO ADDRESS THEIR SCHOOL BUILDING NEEDS; AND PRIORITY SHALL BE PLACED ON THE USE OF THESE CAPITAL CONSTRUCTION FUNDS TO ADDRESS IMMEDIATE STUDENT HEALTH AND SAFETY NEEDS IN SCHOOL BUILDINGS, TO ENSURE COMPLIANCE WITH ALL RELEVANT FEDERAL, STATE, AND LOCAL LAWS, CODES, AND STANDARDS FOR SCHOOL BUILDINGS, AND TO RENOVATE OR REPLACE BUILDINGS THAT ARE FORTY YEARS OR OLDER.

(a) AS USED IN THIS SECTION, "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR DENVER-BOULDER, ALL ITEMS, ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX.

(3) NO MORE THAN ONE PERCENT OF MONEYS RECEIVED BY THE SCHOOL IMPROVEMENT FUND IN THE IMMEDIATELY PRECEDING FISCAL YEAR MAY BE SPENT TO DEFRAY THE COSTS RELATED TO THE ADMINISTRATION AND IMPLEMENTATION OF THIS ARTICLE 51.5.

SECTION 2. 34-63-102 (2), (3) (a), (3) (b) (I), (3) (b) (II), (3) (b) (III), (3) (c) (I), (3) (c) (II) (A), (3) (c) (II) (B), (3) (c) (II) (C) and (5) (a) (1), Colorado Revised Statutes, are amended to read:

(2) (a) ~~Except as otherwise provided in paragraph (b) of this subsection (2), twenty-five~~ FORTY-EIGHT percent of all moneys described in paragraph (a) of subsection (1) of this section ~~together with any funds for public schools derived from the application of paragraph (b) of subsection (3) of this section~~ shall, upon receipt, be paid into the state public school IMPROVEMENT fund to be used for the support of the public schools of this state.

(3) (a) ~~Fifty~~ TWENTY-SEVEN percent of all moneys described in paragraph (a) of subsection (1) of this section shall be distributed ten working days after receipt of the last monthly payment in each quarter among those respective counties of this state from which the federal leasing money is derived in proportion to the amount of said federal leasing money derived from each of the respective counties for use by said counties for the purposes described in subsection (1) of this section and for use by municipalities and school districts within said counties as provided in paragraph (eb) of this subsection (3); ~~except that no distribution under this paragraph (a) to any single county, including the amounts distributed under paragraph (c) of this subsection (3) to municipalities and school districts located therein, shall exceed one million two hundred thousand dollars in any calendar year. Unless the balance paid to the state public school fund pursuant to subparagraph (l) of paragraph (b) of this subsection (3) exceeds ten million seven hundred thousand dollars in a calendar year, distribution above two hundred thousand dollars to any single county pursuant to this paragraph (a) shall not take effect during that calendar year.~~

~~(b) (I) Any balance of said fifty percent remaining after payment to the several counties as provided in paragraph (a) of this subsection (3) shall be paid by the state treasurer, on or before the last day of December of each year, into the state public school fund and used for the support of the public schools.~~

~~(II) Commencing January 1, 1983, one-half of any balance of said fifty percent in excess of ten million one hundred thousand dollars shall be paid by the state treasurer, on or before the last day of December of each year, into the local government mineral impact fund and used in accordance with the purposes described in subsection (1) of this section.~~

~~(III) An amount equal to twenty-five percent of the balance paid to the local government mineral impact fund pursuant to subparagraph (II) of this paragraph (b) shall be distributed annually to each county, in whose unincorporated area employees of a mine or related facility from which such money is derived reside, in the same proportion that the number of such employees bears to the total number of employees of such mines and related facilities who reside in the state and to each municipality, in which employees of such facilities reside, in the same proportion that the number thereof bears to the total number of employees of such mines and related facilities who reside in the state.~~

~~(c) (I) Except as provided in subparagraph (II) of this paragraph (c), in each calendar year, each county shall notify the state treasurer to have at least twenty-five THIRTY-THREE AND ONE-THIRD percent of the moneys described in paragraph (a) of this subsection (3) distributed to any school district within the county specified by the board of county commissioners for use in accordance with the purposes described in subsection (1) of this section. Except as provided in subparagraph (II) of this paragraph (c), in each calendar year, each county shall also notify the state treasurer to have at least thirty-seven and one-half THIRTY-THREE AND ONE-HALF percent of that part of the moneys described in paragraph (a) of this subsection (3) that exceeds two hundred fifty thousand dollars distributed among the municipalities within the county according to the percentage that the population within each municipality bears to the total population of all municipalities located within the county. The state treasurer shall not disburse funds to a county under this subsection (3) until such notification is received. For the purposes of this paragraph (c), "population" means the most recent population estimate at the time of the distribution of the mineral leasing fund as prepared by the demographic section of the division of local government.~~

~~(II) (A) Any county may elect to have its distributions from the mineral leasing fund made pursuant to this subparagraph (II) by notifying the state treasurer, in writing, of such election. Any election for distribution pursuant to this subparagraph (II) shall be effective until withdrawn by the county but shall be for a minimum of two full calendar years following receipt by the state treasurer of the notice of election from the county. After two full calendar years, a county may withdraw the election for distribution pursuant to this subparagraph (II) and return to distribution pursuant to subparagraph (I) of this paragraph (c) by giving the~~

~~state treasurer written notice of such withdrawal in addition to any notice required to be given under subparagraph (I) of this paragraph (c). However, during the first calendar year after receiving such notice of withdrawal, the state treasurer shall distribute twenty five percent of the moneys the county would otherwise receive to the cities within the county, twenty five percent to the school districts within the county, and transfer the remaining fifty percent to the local government mineral impact fund.~~

~~(B) For the first full calendar year following receipt by the state treasurer of notification of the county's election pursuant to sub-subparagraph (A) of this subparagraph (II), the state treasurer shall transfer the moneys each county would otherwise receive pursuant to subparagraph (I) of this paragraph (c) to the local government mineral impact fund created in subsection (5) of this section.~~

~~(C) For the second full calendar year following receipt by the state treasurer of notification of the county's election pursuant to sub-subparagraph (A) of this subparagraph (II) and for each calendar year thereafter, unless a county has withdrawn its election for distribution pursuant to this subparagraph (II), the state treasurer shall distribute to each county making such election the moneys attributable to such county as described in paragraph (a) of this subsection (3) as follows: Fifty percent to school districts within the county and fifty percent to municipalities within the county. Where more than one school district exists within a county, the distribution to each school district shall be the percentage that the most recent funded pupil count, as determined pursuant to the "Public School Finance Act of 1994", article 54 of title 22, C.R.S., for pupils enrolled in the county attributable to that school district bears to the most recent total funded pupil count for all pupils attributable to the county. Where more than one municipality exists within a county, the distribution to each municipality shall be based on population as set forth in subparagraph (I) of this paragraph (c).~~

(5) (a) (I) The remaining fifteen percent of all moneys described in paragraph (a) of subsection (1) of this section, ~~any moneys received pursuant to subparagraph (II) of paragraph (b) of subsection (3) of this section, and any moneys received pursuant to subparagraph (II) of paragraph (c) of subsection (3) of this section~~ shall, upon receipt, be paid into the local government mineral impact fund, which is hereby created. The executive director of the department of local affairs shall distribute moneys from such fund pursuant to subsection (3) of this section; except that the remainder provided for in this paragraph (a) shall be distributed in accordance with the purposes and priorities described in subsection (1) of this section. Notwithstanding any other provision of this paragraph (a) to the contrary, the executive director shall distribute moneys from such fund to the uranium mill tailings remedial action program fund in accordance with the provisions of section 39-29-116 (3), C.R.S.