

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

SECTION 1. 39-29-105, Colorado Revised Statutes, is amended to read:

39 – 29 - 105. Tax on severance of oil and gas.

~~(2) (b) With respect to oil and gas, there shall be allowed, as a credit against the tax computed in accordance with the provisions of paragraph (b) of subsection (1) of this section for each taxable year commencing on or after January 1, 2000, an amount equal to eighty-seven and one-half percent of all ad valorem taxes assessed during the taxable year in the case of accrual basis taxpayers or paid during the taxable year in the case of cash basis taxpayers upon oil and gas leaseholds and leasehold interests and oil and gas royalties and royalty interests for state, county, municipal, school district, and special district purposes, except such ad valorem taxes assessed or paid for such purposes upon equipment and facilities used in the drilling for, production of, storage of, and pipeline transportation of oil and gas. However, no credit shall be allowed for ad valorem taxes paid or assessed on oil and gas production that is exempt from the state severance tax pursuant to subsection (1) of this section.~~

(3) THE PROCEEDS OF THIS TAX AND INVESTMENT INCOME THEREON SHALL BE COLLECTED AND SPENT BY THE STATE AS A VOTER-APPROVED REVENUE CHANGE WITHOUT REGARD TO ANY SPENDING LIMITATION CONTAINED WITHIN SECTION 20 OF ARTICLE X OF THIS CONSTITUTION, OR ANY OTHER LAW, AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUE THAT MAY BE COLLECTED AND SPENT BY THE STATE OR ANY DISTRICT; EXCEPT THAT REVENUE COLLECTED FROM THIS TAX SHALL NOT BE INCLUDED IN THE EXCESS STATE REVENUES CAP PURSUANT TO 24-77-103.6, C.R.S.

SECTION 2. 39-29-108 (2), Colorado Revised Statutes, is amended to read:

39 - 29 - 108. Allocation of severance tax revenues.

(2) Of the total gross receipts realized from the severance taxes imposed on minerals and mineral fuels under the provisions of this article after June 30, 1981, ~~fifty~~ TWENTY-FIVE percent shall be credited to the state severance tax trust fund created by section 39-29-109, THIRTY PERCENT SHALL BE CREDITED TO THE PUBLIC SCHOOL IMPROVEMENT FUND, and ~~fifty~~ FORTY-FIVE percent shall be credited to the local government severance tax fund created by section 39-29-110.; EXCEPT THAT THE DISTRIBUTION OF MONEYS FROM THE LOCAL GOVERNMENT SEVERANCE TAX FUND SHALL GIVE PRIORITY TO DIRECT DISTRIBUTION TO IMPACTED COUNTIES AND MUNICIPALITIES.

SECTION 3. Title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

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

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 ALL REVENUE RECEIVED PURSUANT TO SECTION 39-29-108, 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) EACH STATE FISCAL YEAR THE TOTAL AMOUNT OF MONEYS DEPOSITED IN THE PUBLIC SCHOOL IMPROVEMENT FUND IN THAT STATE FISCAL YEAR, 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.

(2) EACH STATE FISCAL YEAR, AFTER THE OPERATION OF SECTION 22-51.5-102 (1), THE STATE TREASURER SHALL TRANSFER TO THE CAPITAL CONSTRUCTION EXPENDITURES RESERVE CREATED BY SECTION 22-54-117 (1.5), ALL MONEYS ENCUMBERED PURSUANT TO SECTION 22-51.5-102 (1), NOT TO EXCEED ONE HUNDRED TWENTY MILLION DOLLARS IN STATE FISCAL YEAR 2007-08, ADJUSTED EACH SUBSEQUENT STATE FISCAL YEAR FOR INFLATION, 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 STATE FISCAL YEAR MAY BE SPENT TO DEFRAY THE COSTS RELATED TO THE ADMINISTRATION AND IMPLEMENTATION OF THIS ARTICLE 51.5.

(4) EACH STATE FISCAL YEAR ALL MONEYS DEPOSITED IN THE PUBLIC SCHOOL IMPROVEMENT FUND IN THAT STATE FISCAL YEAR THAT ARE UNENCUMBERED AFTER THE OPERATION OF SECTIONS 22-51.5-102 (1) AND 22-51.5-102 (2) SHALL BE TRANSFERRED TO THE PUBLIC SCHOOL FUND CREATED BY SECTION 3 OF ARTICLE IX OF THE COLORADO CONSTITUTION.

22 - 51.5 - 104. Public report.

BY AUGUST 15 EACH YEAR, LEGISLATIVE COUNCIL STAFF SHALL PREPARE AND MAKE AVAILABLE TO THE PUBLIC A REPORT ON THE USE OF ALL MONEYS DEPOSITED IN AND EXPENDED FROM THE PUBLIC SCHOOL IMPROVEMENT FUND IN THE IMMEDIATELY PRECEDING STATE FISCAL YEAR.

22 - 51.5 - 105. Directive to the general assembly.

THE GENERAL ASSEMBLY IS HEREBY DIRECTED TO MAKE ANY CONFORMING AMENDMENTS REQUIRED BY THE PASSAGE OF THIS AMENDMENT.

SECTION 3. 22-41-106, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

22 - 41 - 106. Disposition of income.

(1) EACH STATE FISCAL YEAR ALL INTEREST DERIVED FROM THE INVESTMENT AND REINVESTMENT OF THE PUBLIC SCHOOL FUND SHALL BE USED TO FUND PRESCHOOL THROUGH TWELFTH GRADE EDUCATIONAL PROGRAMS, WHICH MAY INCLUDE BUT ARE NOT LIMITED TO PROGRAMS TO LOWER THE DROP OUT RATE, PURCHASE TEXTBOOKS, OR HELP SCHOOL DISTRICTS ATTRACT AND RETAIN QUALITY TEACHERS. A PRIORITY SHALL BE GIVEN TO IMPROVING THE ACHIEVEMENT OF LOW INCOME STUDENTS.

(2) EXPENDITURE OF INTEREST FROM THE PUBLIC SCHOOL FUND SHALL BE CONSTRUED AS SUPPLEMENTARY AND ADDITIONAL TO EDUCATION SPENDING REQUIRED BY ANY OTHER ENACTED ON OR BEFORE JULY 1, 2006, AND SHALL NOT BE USED IN SATISFACTION OF ANY OTHER LAW ENACTED ON OR BEFORE JULY 1, 2006 INCLUDING THE PUBLIC SCHOOL FINANCE ACT OF 1994, AS AMENDED, OR ITS SUCCESSOR ACT AND SECTION 17 OF ARTICLE IX OF THE COLORADO CONSTITUTION; EXCEPT THE GENERAL ASSEMBLY MAY APPROPRIATE SOME PORTION OF INTEREST FROM THE PUBLIC SCHOOL FUND FOR ANY PRESCHOOL THROUGH TWELFTH GRADE EDUCATION PURPOSE, INCLUDING THE PUBLIC SCHOOL FINANCE ACT OF 1994, AS AMENDED, OR ITS SUCCESSOR ACT AND SECTION 17 OF ARTICLE IX OF THE COLORADO CONSTITUTION, IN EACH OR ANY STATE FISCAL YEAR THROUGH STATE FISCAL YEAR 2010-11.