

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

REVISED

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

LLS NO. 10-1116.01 Brita Darling

SENATE BILL 10-209

SENATE SPONSORSHIP

Schwartz, Gibbs, Hodge, Kester, Penry, Scheffel, Steadman, White, Whitehead

HOUSE SPONSORSHIP

Vigil,

Senate Committees

Local Government and Energy

House Committees

Local Government

A BILL FOR AN ACT

101 **CONCERNING THE ALLOCATION OF 2009 NATIONAL FOREST PAYMENTS**
102 **IN COUNTIES AS SAID PAYMENTS RELATE TO FEDERAL PAYMENTS**
103 **IN LIEU OF TAXES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Under the current law, as amended in 2009, national forest payments are allocated between a county's road and bridge fund and the public schools in the county, with a minimum of 25% of the national forest payments allocated to each. The remaining 50% of the funds are

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
2nd Reading Unamended
May 10, 2010

SENATE
3rd Reading Unamended
May 7, 2010

SENATE
Amended 2nd Reading
May 6, 2010

allocated by county representatives with equal participation from representatives of the public schools in the county.

In the event the federal government determines that, in calculating the 2010 federal payments in lieu of taxes (PILT) moneys, a county will be charged with receipt of federal fiscal year 2008 national forest payments allocated to the public schools in excess of a statutory minimum, the bill removes the minimum 25% statutory allocation for purposes of the allocation of the 2009 national forest payments. The county and school district representatives in a county that is entitled to receive more than the minimum PILT payment shall instead allocate 100% of the 2009 national forest payments between the county's road and bridge fund and the public schools in the county.

For counties that have allocated only 50% of the 2009 national forest payments prior to the effective date of the bill, the entire amount of the national forest payments received by the public schools in those counties shall be deemed to be the amount allocated by the county and school district representatives to the public schools in the county.

The provisions relating to the allocation of the federal fiscal year 2009 national forest payments are repealed on July 1, 2011.

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

2 **SECTION 1.** 30-29-101 (3) (a), Colorado Revised Statutes, is
3 amended, and the said 30-29-101 is further amended BY THE
4 ADDITION OF A NEW SUBSECTION, to read:

5 **30-29-101. Receipts from national forests - legislative intent -**
6 **repeal.** (3) (a) The boards of county commissioners of the counties
7 receiving the payments specified in subsection (2) of this section shall
8 allocate a minimum of twenty-five percent to the county road and bridge
9 fund and a minimum of twenty-five percent to the public schools in the
10 county; except that the county may allocate less than twenty-five percent
11 of the national forest payments to the county road and bridge fund in
12 order to maximize the receipt by the county of federal payments in lieu of
13 taxes pursuant to 31 U.S.C. SEC. 6901 et seq., REFERRED TO IN THIS
14 SECTION AS "PILT". The allocation of the remaining fifty percent of the

1 national forest payments shall be determined pursuant to the provisions
2 of paragraph (b) of this subsection (3).

3 (5) (a) (I) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

4 (A) THE FACT THAT THE GENERAL ASSEMBLY DETERMINED THERE
5 SHOULD BE A STATUTORY MINIMUM ALLOCATION OF NATIONAL FOREST
6 PAYMENTS TO THE SCHOOL DISTRICTS IN A COUNTY DOES NOT CHANGE THE
7 RELATIONSHIP BETWEEN THE COUNTY AND THE POLITICALLY AND
8 FINANCIALLY INDEPENDENT SCHOOL DISTRICT;

9 (B) A LARGE NUMBER OF COLORADO COUNTIES ARE CONCERNED
10 ABOUT A POTENTIAL INTERPRETATION OF THE PILT AUTHORIZING
11 STATUTE THAT WOULD REQUIRE CERTAIN NATIONAL FOREST PAYMENTS
12 THAT A COUNTY DID NOT RETAIN FOR ITS OWN PURPOSES TO BE DEDUCTED
13 FROM THE COUNTY'S PILT ENTITLEMENT; AND

14 (C) THE AMOUNT OF NATIONAL FOREST PAYMENTS ACTUALLY AND
15 DIRECTLY RETAINED BY A COUNTY FOR ITS OWN PURPOSES SHOULD BE THE
16 AMOUNT CONSIDERED IN THE CALCULATION OF THE COUNTY'S PILT
17 MONEYS.

18 (II) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT THE
19 INTENT OF THIS SUBSECTION (5) IS TO ESTABLISH A METHOD FOR
20 ALLOCATING THE FEDERAL FISCAL YEAR 2009 NATIONAL FOREST
21 PAYMENTS, WHICH METHOD BENEFITS THE COUNTIES AS WELL AS THE
22 PUBLIC SCHOOLS IN THE COUNTIES CONSISTENT WITH GUIDANCE FROM THE
23 UNITED STATES DEPARTMENT OF THE INTERIOR CONCERNING THE
24 INTERACTION BETWEEN NATIONAL FOREST PAYMENTS AND THE
25 CALCULATION OF A COUNTY'S PILT MONEYS.

26 (b) (I) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
27 SUBSECTION (3) OF THIS SECTION, THE MINIMUM TWENTY-FIVE PERCENT

1 ALLOCATIONS TO THE COUNTY ROAD AND BRIDGE FUND AND TO THE
2 PUBLIC SCHOOLS IN THE COUNTY SET FORTH IN PARAGRAPH (a) OF
3 SUBSECTION (3) OF THIS SECTION SHALL NOT APPLY TO THE ALLOCATION
4 OF THE FEDERAL FISCAL YEAR 2009 NATIONAL FOREST PAYMENTS IF:

5 (A) THE UNITED STATES DEPARTMENT OF THE INTERIOR TREATS
6 FEDERAL FISCAL YEAR 2008 NATIONAL FOREST PAYMENTS ALLOCATED TO
7 THE PUBLIC SCHOOLS IN THE COUNTY IN EXCESS OF A MINIMUM
8 STATUTORY ALLOCATION AS PRIOR YEAR PAYMENTS TO THE ALLOCATING
9 COUNTY FOR PURPOSES OF COMPUTING THE COUNTY'S 2010 PILT MONEYS;
10 AND

11 (B) THE COUNTY IS ENTITLED TO RECEIVE MORE THAN THE
12 MINIMUM PAYMENT OF 2010 PILT MONEYS, COMMONLY REFERRED TO AS
13 AN "ALTERNATIVE A" COUNTY.

14 (II) FOR THOSE COUNTIES FOR WHICH THE STATUTORY MINIMUM
15 ALLOCATIONS SET FORTH IN PARAGRAPH (a) OF SUBSECTION (3) OF THIS
16 SECTION DO NOT APPLY, THE PARTIES SET FORTH IN PARAGRAPH (b) OF
17 SUBSECTION (3) OF THIS SECTION SHALL ALLOCATE ONE HUNDRED
18 PERCENT OF THE FEDERAL FISCAL YEAR 2009 NATIONAL FOREST
19 PAYMENTS DISTRIBUTED TO THE COUNTY BETWEEN THE COUNTY ROAD
20 AND BRIDGE FUND AND THE PUBLIC SCHOOLS IN THE COUNTY.

21 (III) FOR ANY COUNTY DESCRIBED IN THIS SUBSECTION (5) IN
22 WHICH THE PARTIES SET FORTH IN PARAGRAPH (b) OF SUBSECTION (3) OF
23 THIS SECTION ALLOCATED ONLY FIFTY PERCENT OF THE FEDERAL FISCAL
24 YEAR 2009 NATIONAL FOREST PAYMENTS PRIOR TO THE EFFECTIVE DATE
25 OF THIS SUBSECTION (5), THE ENTIRE AMOUNT OF THE FEDERAL FISCAL
26 YEAR 2009 NATIONAL FOREST PAYMENTS RECEIVED BY THE PUBLIC
27 SCHOOLS IN THE COUNTY SHALL BE DEEMED TO BE THE AMOUNT

1 ALLOCATED BY THE PARTIES TO THE PUBLIC SCHOOLS IN THE COUNTY.

2 (c) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2011.

3 **SECTION 2. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.