

SB089_L.006

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Education.SB20-089 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, add article 55.5 to
4 title 22 as follows:

ARTICLE 55.5**Educator Pay Raise Grant Program**

7 **22-55.5-101. Definitions.** AS USED IN THIS ARTICLE 55.5, UNLESS
8 THE CONTEXT OTHERWISE REQUIRES:

9 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
10 CREATED IN SECTION 24-1-115.

11 (2) "FUND" MEANS THE EDUCATOR PAY RAISE GRANT PROGRAM
12 FUND CREATED IN SECTION 22-55.5-103.

13 (3) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT,
14 BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF
15 THIS TITLE 22 THAT OPERATES A SCHOOL, A CHARTER SCHOOL
16 AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5
17 OF THIS TITLE 22, OR AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE
18 STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5
19 OF THIS TITLE 22.

20 (4) "PROGRAM" MEANS THE EDUCATOR PAY RAISE GRANT
21 PROGRAM CREATED IN SECTION 22-55.5-102.

22 (5) "PROGRAM PARTICIPANT" MEANS A SCHOOL DISTRICT OR
23 CHARTER SCHOOL THAT THE STATE BOARD SELECTS TO PARTICIPATE IN
24 THE EDUCATOR PAY RAISE PROGRAM.

25 (6) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
26 CREATED IN SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

27 (7) "TEACHER" MEANS THE EDUCATOR WHO IS THE MAIN
28 INSTRUCTOR FOR A CLASS OF STUDENTS OR AN EDUCATOR WHO PROVIDES
29 SPECIFIC LITERACY INSTRUCTION TO SELECTED STUDENTS.

30 **22-55.5-102. Educator pay raise grant program - created -**
31 **applications - rules.** (1) THERE IS CREATED IN THE DEPARTMENT THE
32 EDUCATOR PAY RAISE GRANT PROGRAM TO PROVIDE MONEY FOR LOCAL
33 EDUCATION PROVIDERS TO RAISE TEACHER SALARIES. THE DEPARTMENT
34 SHALL ADMINISTER THE PROGRAM BY REVIEWING APPLICATIONS AND
35 RECOMMENDING PROGRAM PARTICIPANTS TO THE STATE BOARD, WHICH
36 SHALL SELECT THE PROGRAM PARTICIPANTS, TAKING INTO CONSIDERATION
37 THE DEPARTMENT'S RECOMMENDATIONS. SUBJECT TO AVAILABLE
38 APPROPRIATIONS, STARTING IN THE 2020-21 BUDGET YEAR, THE STATE
39 BOARD SHALL ANNUALLY AWARD GRANTS TO THE SELECTED PROGRAM
40 PARTICIPANTS AS PROVIDED IN SECTION 22-55.5-103. THE STATE BOARD

1 SHALL ADOPT RULES BY WHICH A LOCAL EDUCATION PROVIDER MAY APPLY
2 TO PARTICIPATE IN THE PROGRAM, WHICH MUST AT A MINIMUM INCLUDE
3 THE TIME FRAMES FOR SUBMITTING APPLICATIONS, SELECTING
4 APPLICANTS, AND PAYING GRANTS.

5 (2) A LOCAL EDUCATION PROVIDER THAT SEEKS TO PARTICIPATE
6 IN THE PROGRAM MUST ANNUALLY APPLY TO THE DEPARTMENT IN
7 ACCORDANCE WITH RULES ADOPTED BY THE STATE BOARD. AT A
8 MINIMUM, THE APPLICATION MUST SPECIFY:

9 (a) THE NUMBER OF TEACHERS THAT THE APPLICANT EMPLOYS
10 WHO RECEIVE AN ANNUAL SALARY OF LESS THAN FORTY-FIVE THOUSAND
11 DOLLARS; AND

12 (b) THE AMOUNT OF THE ANNUAL SALARY THAT THE APPLICANT
13 PAYS AT THE TIME OF APPLICATION TO EACH TEACHER WHO RECEIVES AN
14 ANNUAL SALARY OF LESS THAN FORTY-FIVE THOUSAND DOLLARS.

15 (3) IF THE AMOUNT APPROPRIATED TO THE FUND FOR A BUDGET
16 YEAR IS INSUFFICIENT TO FULLY FUND GRANTS FOR ALL OF THE LOCAL
17 EDUCATION PROVIDERS THAT APPLY FOR THAT BUDGET YEAR, THE
18 DEPARTMENT IN RECOMMENDING AND THE STATE BOARD IN SELECTING
19 PROGRAM PARTICIPANTS SHALL PRIORITIZE FIRST THE APPLICANTS THAT
20 PAY THE LOWEST ANNUAL SALARIES TO TEACHERS AT THE TIME OF
21 APPLICATION.

22 **22-55.5-103. Educator pay raise grant program fund - created.**

23 (1) THE EDUCATOR PAY RAISE GRANT PROGRAM FUND IS HEREBY
24 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY
25 CREDITED TO THE FUND PURSUANT TO SUBSECTION (2) OF THIS SECTION
26 AND ANY OTHER MONEY THE GENERAL ASSEMBLY MAY APPROPRIATE OR
27 TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL
28 INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF
29 MONEY IN THE FUND TO THE FUND. SUBJECT TO ANNUAL APPROPRIATION
30 BY THE GENERAL ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY
31 FROM THE FUND TO PAY ANNUAL GRANTS TO PROGRAM PARTICIPANTS AS
32 PROVIDED IN SUBSECTION (3) OF THIS SECTION AND TO PAY THE DIRECT
33 AND INDIRECT COSTS INCURRED IN ADMINISTERING THE PROGRAM.

34 (2) FOR THE 2020-21 FISCAL YEAR AND EACH BUDGET YEAR
35 THEREAFTER, THE STATE TREASURER SHALL CREDIT TO THE FUND THE
36 GREATER OF TEN PERCENT OF THE GROSS AMOUNT OF PUBLIC SCHOOL
37 LANDS INCOME RECEIVED DURING THE BUDGET YEAR OR FIFTEEN MILLION
38 DOLLARS. THE MONEY REQUIRED TO BE CREDITED TO THE FUND PURSUANT
39 TO THIS SECTION MAY BE TAKEN FROM ANY SINGLE SOURCE OR
40 COMBINATION OF SOURCES OF PUBLIC SCHOOL LANDS INCOME.

41 (3) THE DEPARTMENT SHALL ANNUALLY CALCULATE THE AMOUNT
42 OF THE GRANT AWARDED TO EACH PROGRAM PARTICIPANT AS THE
43 AMOUNT REQUIRED TO INCREASE TO FORTY-FIVE THOUSAND DOLLARS THE

1 ANNUAL SALARY PAID TO EACH TEACHER EMPLOYED BY THE PROGRAM
2 PARTICIPANT FOR THE BUDGET YEAR IN WHICH THE PROGRAM PARTICIPANT
3 RECEIVES THE GRANT. THE DEPARTMENT SHALL DISTRIBUTE THE GRANT
4 TO EACH PROGRAM PARTICIPANT AS A ONE-TIME LUMP SUM AS EARLY AS
5 PRACTICABLE IN THE BUDGET YEAR.

6 **22-55.5-104. Report.** (1) BEGINNING WITH THE REPORT
7 PRESENTED PURSUANT TO SECTION 2-7-203 IN THE 2022 REGULAR
8 LEGISLATIVE SESSION, AND FOR THE REPORT PRESENTED EACH YEAR
9 THEREAFTER, THE DEPARTMENT SHALL INCLUDE IN THE REPORT THE
10 FOLLOWING INFORMATION FOR THE IMMEDIATELY PRECEDING BUDGET
11 YEAR:

- 12 (a) THE AMOUNT APPROPRIATED FROM THE FUND;
- 13 (b) THE NUMBER OF APPLICANTS AND THE AMOUNT REQUIRED TO
- 14 FULLY FUND ALL OF THE APPLICANTS;
- 15 (c) THE NUMBER AND NAMES OF THE PROGRAM PARTICIPANTS;
- 16 (d) THE NUMBER OF TEACHERS THAT EACH PROGRAM PARTICIPANT
- 17 EMPLOYS WHO RECEIVE AN ANNUAL SALARY OF LESS THAN FORTY-FIVE
- 18 THOUSAND DOLLARS; AND
- 19 (e) THE AMOUNT OF THE GRANT RECEIVED BY EACH PROGRAM
- 20 PARTICIPANT.

21 **SECTION 2.** In Colorado Revised Statutes, 36-1-116, amend
22 (1)(a)(I), (1)(a)(II)(A), (1)(b)(I), and (1)(b)(II)(D) as follows:

23 **36-1-116. Disposition of rentals, royalties, and timber sale**
24 **proceeds.** (1) (a) (I) Except for proceeds and payments allocated to the
25 state land board trust administration fund pursuant to section 36-1-145 (3)
26 or credited to the public school capital construction assistance fund,
27 created in section 22-43.7-104 (1), ~~C.R.S.~~, pursuant to section
28 22-43.7-104 (2)(b)(I), ~~C.R.S.~~, OR CREDITED TO THE EDUCATOR PAY RAISE
29 GRANT PROGRAM FUND PURSUANT TO SECTION 22-55.5-103 (2), and
30 except as provided in subparagraph ~~(II)~~ of this paragraph (a) SUBSECTION
31 (1)(a)(II) OF THIS SECTION, proceeds received by the state for the sale of
32 timber on public school lands, lease payments and rental payments for
33 said lands, rental payments for the use and occupation of the surface of
34 said lands, and rentals or lease payments for sand, gravel, clay, stone,
35 coal, oil, gas, geothermal resources, gold, silver, or other minerals on said
36 lands shall be credited to the public school income fund for distribution
37 as provided by law.

38 (II) (A) Except as provided in sub-subparagraph ~~(B)~~ of this
39 subparagraph ~~(II)~~ SUBSECTION (1)(a)(II)(B) OF THIS SECTION, for the
40 2010-11 state fiscal year and each state fiscal year thereafter, the proceeds
41 received by the state for the sale of timber on public school lands, lease
42 payments and rental payments for said lands, rental payments for the use
43 and occupation of the surface of said lands, and rentals or lease payments

1 for sand, gravel, clay, stone, coal, oil, gas, geothermal resources, gold,
2 silver, or other minerals on said lands other than proceeds, rentals, and
3 payments allocated to the state land board trust administration fund
4 pursuant to section 36-1-145 (3) or credited to the public school capital
5 construction assistance fund, created in section 22-43.7-104 (1), ~~C.R.S.~~,
6 pursuant to section 22-43.7-104 (2)(b)(I), ~~C.R.S.~~, OR CREDITED TO THE
7 EDUCATOR PAY RAISE GRANT PROGRAM FUND PURSUANT TO SECTION
8 22-55.5-103 (2), shall be credited to the permanent school fund and shall
9 become part of the principal of the permanent school fund.

10 (b) (I) Except for royalties and other payments allocated to the
11 state land board trust administration fund pursuant to section 36-1-145 (3)
12 or credited to the public school capital construction assistance fund,
13 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.~~, except as provided in subparagraph (II) of
15 this paragraph (b) SUBSECTION (1)(b)(II) OF THIS SECTION, OR CREDITED
16 TO THE EDUCATOR PAY RAISE GRANT PROGRAM FUND PURSUANT TO
17 SECTION 22-55.5-103 (2), and except as provided in paragraph (c) of this
18 subsection (1) SUBSECTION (1)(c) OF THIS SECTION, royalties and other
19 payments for the depletion or extraction of a natural resource on said
20 lands shall be credited to the permanent school fund.

21 (II) (D) For the 2011-12 state fiscal year and each state fiscal year
22 thereafter, up to five million dollars of royalties and other payments for
23 the depletion or extraction of a natural resource on said lands, other than
24 royalties and other payments allocated to the state land board trust
25 administration fund pursuant to section 36-1-145 (3) or credited to the
26 public school capital construction assistance fund, created in section
27 22-43.7-104 (1), ~~C.R.S.~~, pursuant to section 22-43.7-104 (2)(b)(I), ~~C.R.S.~~,
28 OR CREDITED TO THE EDUCATOR PAY RAISE GRANT PROGRAM FUND
29 PURSUANT TO SECTION 22-55.5-103 (2), shall be credited to the state board
30 of land commissioners investment and development fund created in
31 section 36-1-153.

32 **SECTION 3. Act subject to petition - effective date.** This act
33 takes effect at 12:01 a.m. on the day following the expiration of the
34 ninety-day period after final adjournment of the general assembly (August
35 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
36 referendum petition is filed pursuant to section 1 (3) of article V of the
37 state constitution against this act or an item, section, or part of this act
38 within such period, then the act, item, section, or part will not take effect
39 unless approved by the people at the general election to be held in
40 November 2020 and, in such case, will take effect on the date of the
41 official declaration of the vote thereon by the governor."

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