

NOTE: The governor signed this measure on 5/19/2016.

An Act

SENATE BILL 16-072

BY SENATOR(S) Kerr, Kefalas, Newell, Crowder, Garcia, Aguilar, Heath, Hodge, Jahn, Johnston, Merrifield, Todd, Baumgardner, Cooke, Donovan, Guzman, Hill, Holbert, Marble, Martinez Humenik, Neville T., Roberts, Scott, Sonnenberg, Tate, Woods, Cadman;
also REPRESENTATIVE(S) Garnett and Wilson, Arndt, Court, Danielson, Duran, Esgar, Fields, Hamner, Kraft-Tharp, Lontine, Mitsch Bush, Moreno, Pettersen, Priola, Ryden, Vigil, Williams, Young, Lebsock.

CONCERNING AN INCREASE IN THE MAXIMUM TOTAL AMOUNT OF ANNUAL LEASE PAYMENTS AUTHORIZED FOR LEASE-PURCHASE AGREEMENTS ENTERED INTO UNDER THE "BUILDING EXCELLENT SCHOOLS TODAY ACT", AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 22-43.7-103, **amend** (7) as follows:

22-43.7-103. Definitions. As used in this article, unless the context otherwise requires:

(7) "Charter school" means a charter school as described in section

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~22-54-124 (1) (f.6) (I) (A) or (1) (f.6) (I) (B). that has been chartered for at least five years on the date its authorizer forwards an application for financial assistance to the board on the charter school's behalf.~~

SECTION 2. In Colorado Revised Statutes, 22-43.7-109, **amend** (1) (b), (3), (5) (a) (I), and (5) (b); and **repeal** (5) (c) as follows:

22-43.7-109. Financial assistance for public school capital construction - application requirements - evaluation criteria - local match requirements. (1) For fiscal years commencing on or after July 1, 2008, the board, with the support of the division and subject to the approval of the state board and, in the case of financial assistance that involves lease-purchase agreements, subject to both the preliminary approval of the state board and the final approval of the capital development committee, regarding financial assistance awards as specified in this section, shall provide financial assistance as specified in this section subject to the following limitations:

~~(b) The board may provide financial assistance to a charter school that first occupies a public school facility on or after May 22, 2008, only if the public school facility occupied by the charter school complied with all public school facilities construction guidelines addressing health and safety issues established by the board pursuant to section 22-43.7-107 (2) (a) at the time the charter school first occupied the facility. THE BOARD MAY ONLY PROVIDE FINANCIAL ASSISTANCE FOR A CAPITAL CONSTRUCTION PROJECT FOR A PUBLIC SCHOOL IN EXISTENCE FOR AT LEAST THREE YEARS AT ANY TIME BEFORE THE BOARD RECEIVES AN APPLICATION FOR FINANCIAL ASSISTANCE.~~

(3) A CHARTER SCHOOL THAT CHOOSES TO APPLY FOR FINANCIAL ASSISTANCE MUST APPLY DIRECTLY TO THE BOARD. A charter school shall notify its authorizer ~~that it intends to apply~~ IF THE CHARTER SCHOOL APPLIES for financial assistance. ~~at least four months prior to the application submission deadline. The charter school shall forward its application for financial assistance to its authorizer, which shall forward the application to the board together with a letter indicating the authorizer's position on the application.~~ THE AUTHORIZER FOR AN APPLYING CHARTER SCHOOL MAY SUBMIT A LETTER TO THE BOARD STATING ITS POSITION ON THE APPLICATION. The Colorado school for the deaf and blind shall ALSO apply for financial assistance directly. Financial assistance awarded to a charter

school as a matching cash grant shall be provided to the authorizer, which shall distribute all financial assistance received as a grant to the charter school and may not retain any portion of such moneys for any purpose. All other financial assistance shall be provided in the form of lease payments made by the board directly to a lessor or trustee as required by the terms of the applicable lease-purchase agreement.

(5) The board, taking into consideration the financial assistance priority assessment conducted pursuant to section 22-43.7-108, shall prioritize applications that describe public school facility capital construction projects deemed eligible for financial assistance based on the following criteria, in descending order of importance:

(a) (I) Projects that will address safety hazards or health concerns at existing public school facilities, including concerns relating to public school facility security, AND PROJECTS THAT ARE DESIGNED TO INCORPORATE TECHNOLOGY INTO THE EDUCATIONAL ENVIRONMENT.

(b) Projects that will relieve overcrowding in public school facilities, including but not limited to projects that will allow students to move from temporary instructional facilities into permanent facilities; AND

~~(c) Projects that are designed to incorporate technology into the educational environment; and~~

SECTION 3. In Colorado Revised Statutes, 22-43.7-110, **amend** (2) (a) (III) and (2) (a) (IV); and **add** (2) (a) (V) and (2) (a) (VI) as follows:

22-43.7-110. Financial assistance - grants - lease-purchase agreements. (2) Subject to the following requirements and limitations, the board may also instruct the state treasurer to enter into lease-purchase agreements on behalf of the state to provide financial assistance to applicants by financing public school facility capital construction projects for which the state board has recommended and the capital development committee has authorized the provision of financial assistance that involves a lease-purchase agreement pursuant to section 22-43.7-109 (7):

(a) Subject to the limitation specified in paragraph (b) of this subsection (2), the maximum total amount of annual lease payments payable by the state during any fiscal year under the terms of all

outstanding lease-purchase agreements entered into by the state treasurer as instructed by the board pursuant to this subsection (2) is:

(III) Sixty million dollars for the 2010-11 fiscal year; ~~and~~

(IV) Eighty million dollars for the 2011-12 fiscal year and for each fiscal year thereafter THROUGH THE 2015-16 FISCAL YEAR;

(V) NINETY MILLION DOLLARS FOR THE 2016-17 FISCAL YEAR; AND

(VI) ONE HUNDRED MILLION DOLLARS FOR THE 2017-18 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER.

SECTION 4. Appropriation. For the 2016-17 state fiscal year, \$5,000,000 is appropriated to the department of education for use by the division of public school capital construction assistance. This appropriation is from the public school capital construction assistance fund created in section 22-43.7-104 (1), C.R.S. To implement this act, the department may use this appropriation for public school capital construction assistance board - lease payments.

SECTION 5. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Bill L. Cadman
PRESIDENT OF
THE SENATE

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO