

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 17-0461.01 Jason Gelender x4330

HOUSE BILL 17-1082

HOUSE SPONSORSHIP

Pabon,

SENATE SPONSORSHIP

Tate,

House Committees

Education
Appropriations

Senate Committees

Education

A BILL FOR AN ACT

101 **CONCERNING CLARIFICATION THAT FINANCIAL ASSISTANCE UNDER**
102 **THE "BUILDING EXCELLENT SCHOOLS TODAY ACT" INCLUDES**
103 **TECHNOLOGY GRANTS.**

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://leg.colorado.gov>.)

State law requires the first \$40 million of retail marijuana excise tax revenue annually collected to be credited to the public school capital construction assistance fund (assistance fund). **Sections 2 and 5** of the bill require the next \$5 million of retail marijuana excise tax revenue to be credited to a newly created technology grant account of the assistance

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.

SENATE
3rd Reading Unamended
April 25, 2017

SENATE
Amended 2nd Reading
April 24, 2017

HOUSE
3rd Reading Unamended
April 7, 2017

HOUSE
Amended 2nd Reading
March 31, 2017

fund for the purpose of providing "Building Excellent Schools Today Act" (BEST) financial assistance in the form of technology grants to public schools as specified in **section 4**.

Sections 3 and 4 define the term "technology" for purposes of both the existing statute that gives high priority to BEST applications for projects that are designed to incorporate technology into the educational environment and the new technology grant program to include hardware, devices, or equipment necessary for individual student learning and classroom instruction, including access to electronic instructional materials, or necessary for professional use by a classroom teacher. For additional clarification, **section 1** amends the definition of "capital construction" used for purposes of BEST to include "technology", as defined in the bill.

Section 4 also requires the public school capital construction assistance board, when evaluating applications for BEST financial assistance, to consider the extent to which retail marijuana excise tax revenue credited to the public school capital construction assistance fund is derived from each county of the state.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-43.7-103, **amend**
3 introductory portion and (6) as follows:

4 **22-43.7-103. Definitions.** As used in this ~~article~~ ARTICLE 43.7,
5 unless the context otherwise requires:

6 (6) "Capital construction" has the same meaning as set forth in
7 section 24-30-1301 (2); ~~C.R.S.~~ EXCEPT THAT THE TERM ALSO INCLUDES
8 TECHNOLOGY, AS DEFINED IN SECTION 22-43.7-109 (5)(a)(I)(B).

9

10 **SECTION 2.** In Colorado Revised Statutes, 22-43.7-107, **amend**
11 (2)(b) as follows:

12 **22-43.7-107. Public school facility construction guidelines -**
13 **establishment by board - use.** (2) The public school facility
14 construction guidelines shall identify and describe the capital
15 construction, renovation, and equipment needs in public school facilities

1 and means of addressing those needs that will provide educational and
2 safety benefits at a reasonable cost. In preparing the guidelines, the board
3 shall address the following considerations:

4 (b) Technology, including but not limited to telecommunications
5 and internet connectivity technology, ~~and~~ technology for individual
6 student learning and classroom instruction, AND TECHNOLOGY, AS
7 DEFINED IN SECTION 22-43.7-109 (5)(a)(I)(B), WHICH INCLUDES
8 HARDWARE, DEVICES, OR EQUIPMENT NECESSARY FOR INDIVIDUAL
9 STUDENT LEARNING AND CLASSROOM INSTRUCTION, INCLUDING ACCESS
10 TO ELECTRONIC INSTRUCTIONAL MATERIALS, OR NECESSARY FOR
11 PROFESSIONAL USE BY A CLASSROOM TEACHER;

12 **SECTION 3.** In Colorado Revised Statutes, 22-43.7-108, **amend**
13 **(2)(a)(V) and (2)(a)(VI); and add (2)(a)(VII) as follows:**

14 **22-43.7-108. Statewide financial assistance priority assessment**
15 **- public school facilities. (2) (a) The financial assistance priority**
16 **assessment shall assess public school facility capital construction projects**
17 **based on:**

18 **(V) Site requirements for the public school facility; and**

19 **(VI) Public school facility demographics, including a five-year**
20 **projection concerning anticipated substantial changes in the pupil count**
21 **of individual public school facilities; AND**

22 **(VII) ANNUALIZED UTILITY COSTS, INCLUDING ELECTRICITY,**
23 **NATURAL GAS, PROPANE, WATER, SEWER, WASTE REMOVAL,**
24 **TELECOMMUNICATIONS, INTERNET, OR OTHER MONTHLY BILLED UTILITY**
25 **SERVICES.**

26 **SECTION 4.** In Colorado Revised Statutes, 22-43.7-109, **amend**
27 **(4)(f), (4)(g), and (5)(a)(I); and add (4)(g.5) and (13) as follows:**

1 **22-43.7-109. Financial assistance for public school capital**
2 **construction - application requirements - evaluation criteria - local**
3 **match requirements - technology grants - rules - definition.**

4 (4) Applications for financial assistance submitted to the board shall be
5 in a form prescribed by the board and shall include:

6 (f) A statement regarding the means by which the applicant
7 intends to provide matching moneys MONEY required for the projects,
8 including but not limited to means such as voter-approved multiple-fiscal
9 year debt or other financial obligations, UTILITY COST SAVINGS
10 ASSOCIATED WITH ANY UTILITY COSTS-SAVINGS CONTRACT, AS DEFINED
11 IN SECTION 24-30-2001 (6), gifts, grants, donations, a loan obtained
12 pursuant to section 22-43.7-110.5, or any other means of financing
13 permitted by law, or the intent of the applicant to seek a waiver of the
14 matching moneys MONEY requirement pursuant to subsection (10) of this
15 section. If an applicant that is a school district or a board of cooperative
16 services with a participating school district intends to raise matching
17 moneys MONEY by obtaining voter approval to enter into a
18 sublease-purchase agreement that constitutes an indebtedness of the
19 district as authorized by section 22-32-127, it shall indicate whether it has
20 received the required voter approval or, if the election has not already
21 been held, the anticipated date of the election.

22 (g) A description of any efforts by the applicant to coordinate
23 capital construction projects with local governmental entities or
24 community-based or other organizations that provide facilities or services
25 that benefit the community in order to more efficiently or effectively
26 provide such facilities or services, including but not limited to a
27 description of any financial commitment received from any such entity or

1 organization that will allow better leveraging of any financial assistance
2 awarded; and

3 (g.5) IF DEEMED RELEVANT BY THE APPLICANT, A STATEMENT OF
4 THE APPLICANT'S ANNUALIZED UTILITY COSTS, INCLUDING ELECTRICITY,
5 NATURAL GAS, PROPANE, WATER, SEWER, WASTE REMOVAL,
6 TELECOMMUNICATIONS, INTERNET, OR OTHER MONTHLY BILLED UTILITY
7 SERVICES, AND THE AMOUNT OF ANY REDUCTION IN SUCH COSTS EXPECTED
8 TO RESULT IF THE APPLICANT RECEIVES FINANCIAL ASSISTANCE; AND

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

14 (a) (I) (A) Projects that will address safety hazards or health
15 concerns at existing public school facilities, including concerns relating
16 to public school facility security, and projects that are designed to
17 incorporate technology into the educational environment.

18 (B) AS USED IN THIS SUBSECTION (5)(a)(I), "TECHNOLOGY" MEANS
19 HARDWARE, DEVICES, OR EQUIPMENT NECESSARY FOR INDIVIDUAL
20 STUDENT LEARNING AND CLASSROOM INSTRUCTION, INCLUDING ACCESS
21 TO ELECTRONIC INSTRUCTIONAL MATERIALS, OR NECESSARY FOR
22 PROFESSIONAL USE BY A CLASSROOM TEACHER.

23
24 (13) FOR FISCAL YEAR 2018-19 AND FOR EACH SUCCEEDING FISCAL
25 YEAR, THE BOARD, WITH THE SUPPORT OF THE DIVISION AND SUBJECT TO
26 THE APPROVAL OF THE STATE BOARD REGARDING FINANCIAL ASSISTANCE
27 AWARDS AS SPECIFIED IN THIS SECTION, MAY PROVIDE FINANCIAL

1 ASSISTANCE IN THE FORM OF TECHNOLOGY GRANTS. IN
2 CONJUNCTION WITH ITS ESTABLISHMENT OF AN ANNUAL FINANCIAL
3 ASSISTANCE TIMELINE AS REQUIRED BY SUBSECTION (2)(a) OF THIS
4 SECTION, THE BOARD SHALL ANNUALLY NOTIFY ALL POTENTIAL
5 APPLICANTS, BY SUCH MEANS AS THE BOARD DEEMS APPROPRIATE, THAT
6 IT WILL ACCEPT AND CONSIDER APPLICATIONS FOR FINANCIAL ASSISTANCE
7 IN THE FORM OF TECHNOLOGY GRANTS. TO BE ELIGIBLE FOR A
8 TECHNOLOGY GRANT, AN APPLICANT FOR FINANCIAL ASSISTANCE MUST
9 APPLY SPECIFICALLY FOR SUCH A GRANT IN ACCORDANCE WITH THE
10 FINANCIAL ASSISTANCE TIMELINE ESTABLISHED BY THE BOARD PURSUANT
11 TO SUBSECTION (2)(a) OF THIS SECTION AND MUST SUBMIT AN APPLICATION
12 IN THE FORM PRESCRIBED BY THE BOARD PURSUANT TO SUBSECTION (4) OF
13 THIS SECTION. THE BOARD MAY AWARD A TECHNOLOGY GRANT TO FUND
14 TECHNOLOGY, INCLUDING BUT NOT LIMITED TO COMMUNICATIONS AND
15 INTERNET CONNECTIVITY TECHNOLOGY, TECHNOLOGY FOR INDIVIDUAL
16 STUDENT LEARNING AND CLASSROOM INSTRUCTION, AND TECHNOLOGY AS
17 DEFINED IN SUBSECTION (5)(a)(I)(B) OF THIS SECTION.

18
19 **SECTION 5.** In Colorado Revised Statutes, 22-43.7-111, amend
20 (1) introductory portion, (1)(a)(III), (1)(a)(IV), and (1)(d) introductory
21 portion as follows:

22 **22-43.7-111. Reporting requirements - auditing by state**
23 **auditor.** (1) No later than February 15, 2010, and no later than each
24 February 15 thereafter, the board shall present a written report to the
25 education and finance committees of the house of representatives and the
26 senate and the capital development committee, or any successor
27 committees, regarding the provision of financial assistance to applicants

1 pursuant to this ~~article~~ ARTICLE 43.7. The report must include, at a
2 minimum:

3 (a) An accounting of the financial assistance provided through the
4 prior fiscal year that includes:

5 (III) A list of the public school facility capital construction
6 projects for which financial assistance has been provided, ~~including~~
7 WHICH MUST INCLUDE A SUBLIST OF PROJECTS FOR WHICH FINANCIAL
8 ASSISTANCE HAS BEEN PROVIDED IN THE FORM OF TECHNOLOGY GRANTS
9 PURSUANT TO SECTION 22-43.7-109 (13), a brief description of each
10 project, a statement of the amount and type of financial assistance
11 provided for each project and, where applicable, the amount of financial
12 assistance committed to be provided for but not yet provided for each
13 project, a statement of the amount of matching moneys provided by the
14 applicant for each project and, where applicable, the amount of matching
15 moneys committed to be provided by the applicant but not yet provided
16 for each project, and a summary of the reasons of the board and the state
17 board for providing financial assistance for the project; and

18 (IV) A list of the public school facility capital construction
19 projects for which financial assistance has been provided during the prior
20 fiscal year, ~~including~~ WHICH MUST INCLUDE A SUBLIST OF PROJECTS FOR
21 WHICH FINANCIAL ASSISTANCE HAS BEEN PROVIDED IN THE FORM OF
22 TECHNOLOGY GRANTS PURSUANT TO SECTION 22-43.7-109 (13), a brief
23 description of each project, a statement of the amount and type of
24 financial assistance provided for each project, and a statement of the
25 amount of matching moneys provided by the applicant for each project.

26 (d) A list of the financial assistance applications for public school
27 facility capital construction that were denied financial assistance during

1 the prior fiscal year, WHICH MUST INCLUDE A SUBLIST OF DENIED
2 APPLICATIONS FOR PROJECTS FOR WHICH FINANCIAL ASSISTANCE IN THE
3 FORM OF TECHNOLOGY GRANTS WAS REQUESTED PURSUANT TO SECTION
4 22-43.7-109 (13), that includes for each project:

5 **SECTION 6. Applicability.** This act applies to applications for
6 financial assistance considered by the public school capital construction
7 assistance board on or after the effective date of this act.

8 **SECTION 7. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.