

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 19-1107.01 Jason Gelender x4330

SENATE BILL 19-262

SENATE SPONSORSHIP

Rankin and Zenzinger, Moreno, Bridges, Cooke, Coram, Court, Crowder, Fenberg, Fields, Garcia, Gardner, Ginal, Gonzales, Hill, Hisey, Holbert, Lundeen, Marble, Pettersen, Priola, Scott, Sonnenberg, Story, Tate, Todd, Williams A., Winter, Woodward

HOUSE SPONSORSHIP

Esgar and Ransom, Hansen

Senate Committees
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING A ONE-TIME TRANSFER OF ONE HUNDRED MILLION**
102 **DOLLARS FROM THE GENERAL FUND TO THE HIGHWAY USERS**
103 **TAX FUND.**

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/>.)

Joint Budget Committee. The bill requires the state treasurer to transfer \$100 million from the general fund to the highway users tax fund on July 1, 2019, for allocation to the state highway fund, counties, and municipalities in accordance with the existing "second stream" allocation formula, which allocates the money as follows:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
May 1, 2019

SENATE
Amended 2nd Reading
April 30, 2019

- ! 60% to the state highway fund;
- ! 22% to counties; and
- ! 18% to municipalities.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-219, **add**
3 (5)(b.5) as follows:

4 **24-75-219. Transfers - transportation - capital construction -**
5 **definitions - repeal.** (5) (b.5) ON JULY 1, 2019, THE STATE TREASURER
6 SHALL TRANSFER ONE HUNDRED MILLION DOLLARS FROM THE GENERAL
7 FUND TO THE HIGHWAY USERS TAX FUND.

8 **SECTION 2.** In Colorado Revised Statutes, 43-4-205, **amend**
9 (6.5)(a); and **add** (6.7) as follows:

10 **43-4-205. Allocation of fund.** (6.5) (a) EXCEPT AS OTHERWISE
11 PROVIDED IN SUBSECTIONS (6.4) AND (6.7) OF THIS SECTION, the ~~revenues~~
12 REVENUE accrued to and transferred to the highway users tax fund
13 pursuant to section 39-26-123 (4)(a) or 24-75-219 ~~C.R.S.~~, or appropriated
14 to the highway users tax fund pursuant to House Bill 02-1389, enacted
15 ~~during the second regular session of the sixty-third general assembly;~~
16 ~~shall~~ IN 2002, MUST be paid to the state highway fund for allocation to the
17 department of transportation and ~~shall be~~ expended as provided in section
18 43-4-206 (2).

19 (6.7) MONEY TRANSFERRED FROM THE GENERAL FUND TO THE
20 HIGHWAY USERS TAX FUND PURSUANT TO SECTION 24-75-219 (5)(b.5)
21 MUST BE ALLOCATED AND EXPENDED IN ACCORDANCE WITH THE FORMULA
22 SPECIFIED IN SUBSECTION (6)(b) OF THIS SECTION.

23 **SECTION 3.** In Colorado Revised Statutes, **add** part 23 to article
24 33.5 of title 24 as follows:

1 PART 23

2 SMART SCHOOL BUS SAFETY PILOT PROGRAM

3 24-33.5-2301. Short title. THE SHORT TITLE OF THIS PART 23 IS
4 THE "SMART SCHOOL BUS SAFETY PILOT PROGRAM ACT".

5 24-33.5-2302. Definitions. AS USED IN THIS PART 23, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (1) "FIRSTNET" MEANS THE NATIONWIDE PUBLIC SAFETY
8 BROADBAND NETWORK DEPLOYED AND OPERATED BY THE FIRST
9 RESPONDER NETWORK AUTHORITY PURSUANT TO SECTION 6206 OF THE
10 FEDERAL "MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012".
11 47 U.S.C. SEC. 1426.

12 (2) "PILOT PROGRAM" MEANS THE SMART SCHOOL BUS SAFETY
13 PILOT PROGRAM CREATED IN SECTION 24-33.5-2303.

14 (3) "PROGRAM ADMINISTRATOR" MEANS A PUBLIC BENEFIT
15 CORPORATION ORGANIZED IN ANY STATE WITH EXPERIENCE IN SCHOOL BUS
16 SAFETY, SURFACE TRANSPORTATION SECURITY, CHILD SAFETY CAMPAIGN
17 MANAGEMENT, AND CONDUCTING FUNDRAISING CAMPAIGNS THAT
18 SUPPORT SAFETY-RELATED INITIATIVES THAT HAS ENTERED INTO AN
19 AGREEMENT WITH THE DEPARTMENT TO ADMINISTER THE PILOT PROGRAM
20 PURSUANT TO SECTION 24-33.5-2303 (2).

21 (4) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN
22 COLORADO THAT THE DEPARTMENT OF EDUCATION DETERMINES IS RURAL,
23 BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE
24 DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST LARGE,
25 URBANIZED AREA.

26 24-33.5-2303. Smart school bus safety pilot program - creation
27 - use of funds - department duties - rules. (1) THERE IS CREATED IN THE

1 DEPARTMENT THE SMART SCHOOL BUS SAFETY PILOT PROGRAM TO
2 PROVIDE SCHOOL DISTRICTS WITH GRANTS, PURSUANT TO SECTION
3 24-33.5-2304, TO INCREASE THE SAFETY OF STUDENTS AND THE
4 EFFICIENCY OF THE SCHOOL BUSES, PROVIDE INFORMATION TO PARENTS
5 ABOUT SCHOOL BUSES AND STUDENT SAFETY, AND INFORM AND EDUCATE
6 THE PUBLIC ABOUT SCHOOL TRANSPORTATION SAFETY.

7 (2) (a) THE DEPARTMENT SHALL ENTER INTO AN AGREEMENT WITH
8 A PROGRAM ADMINISTRATOR TO ADMINISTER THE PILOT PROGRAM IN
9 ACCORDANCE WITH DEPARTMENT RULES.

10 (b) THE PROGRAM ADMINISTRATOR MAY USE PILOT PROGRAM
11 FUNDS FOR THE FOLLOWING:

12 (I) ASSISTING RURAL SCHOOL DISTRICTS WITH COMPLETING AN
13 APPLICATION FOR A GRANT AWARDED PURSUANT TO SECTION
14 24-33.5-2304;

15 (II) SUPPORTING SCHOOL DISTRICTS AWARDED GRANTS PURSUANT
16 TO SECTION 24-33.5-2304;

17 (III) DEVELOPING OR MAINTAINING AN INTERNET WEBSITE, ONLINE
18 SERVICE, ONLINE APPLICATION, OR MOBILE APPLICATION TO PROVIDE
19 PARENTAL NOTIFICATION AT NO COST TO PARENTS;

20 (IV) RECRUITING SCHOOL BUS DRIVERS;

21 (V) DEVELOPING FOR THE PUBLIC SCHOOL BUS TRANSPORTATION
22 SAFETY INFORMATION AND EDUCATION; AND

23 (VI) DEVELOPING PRIVATE-PUBLIC PARTNERSHIP FUNDING AND
24 STUDYING THE AVAILABILITY OF NEW FUNDING SOURCES.

25 (3) (a) PURSUANT TO ARTICLE 4 OF THIS TITLE 24, THE EXECUTIVE
26 DIRECTOR SHALL PROMULGATE RULES NECESSARY FOR THE
27 ADMINISTRATION OF THIS PART 23.

1 (b) THE DEPARTMENT SHALL NOTIFY SCHOOL DISTRICTS OF THE
2 PILOT PROGRAM, INCLUDING ANY GRANT PROGRAM APPLICATION
3 DEADLINES. THE DEPARTMENT MAY COORDINATE WITH THE DEPARTMENT
4 OF EDUCATION CONCERNING SCHOOL DISTRICT NOTIFICATION.

5 (c) THE DEPARTMENT SHALL DISTRIBUTE FUNDS TO THE PROGRAM
6 ADMINISTRATOR NECESSARY TO IMPLEMENT THIS PART 23.

7 (d) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,
8 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
9 PURPOSES OF THIS PART 23.

10 **24-33.5-2304. Grant program - report - rules.** (1) SUBJECT TO
11 AVAILABLE FUNDING, THE DEPARTMENT SHALL PROVIDE GRANTS TO
12 SCHOOL DISTRICTS TO ACHIEVE THE GOALS OF THE PILOT PROGRAM BY
13 PROVIDING THOSE DISTRICTS WITH FUNDING NECESSARY TO EQUIP SCHOOL
14 BUSSES WITH HARDWARE AND SOFTWARE, FOR EQUIPMENT MAINTENANCE,
15 AND FOR ANY RELEVANT TRAINING TO INCREASE THE SAFETY OF STUDENTS
16 AND THE EFFICIENCY OF SCHOOL BUSSES.

17 (2) A GRANT AWARDED PURSUANT TO THE PROGRAM MUST
18 PROVIDE FUNDING FOR THREE YEARS.

19 (3) A SCHOOL DISTRICT THAT RECEIVES A GRANT SHALL CONSULT
20 WITH AND RECEIVE SUPPORT FROM THE PROGRAM ADMINISTRATOR AND
21 SHALL USE A GRANT AWARD FOR THE FOLLOWING:

22 (a) THE ACQUISITION OF EQUIPMENT NECESSARY TO JOIN AND
23 OPERATE ON FIRSTNET, INCLUDING ANY TRAINING, INSTALLATION,
24 MAINTENANCE, AND DATA-RELATED COSTS;

25 (b) THE OPERATION AND USE OF AN INTERNET WEBSITE, ONLINE
26 SERVICE, ONLINE APPLICATION, OR MOBILE APPLICATION TO PROVIDE
27 PARENTAL NOTIFICATION, AT NO COST TO PARENTS, RELATING TO SCHOOL

1 BUS AND STUDENT STATUS:

2 (c) SCHOOL BUS DRIVER TRAINING AND THE PROVISION OF
3 BACKGROUND CHECKS NECESSARY FOR SCHOOL BUS DRIVERS TO
4 PARTICIPATE IN FIRSTNET; AND

5 (d) THE TRAINING NECESSARY TO USE ANY EQUIPMENT ACQUIRED
6 WITH GRANT MONEY TO IMPROVE SCHOOL BUS MAINTENANCE.

7 (4) ON OR BEFORE JUNE 30, 2020, AND ON OR BEFORE EACH JUNE
8 30 THEREAFTER, A SCHOOL DISTRICT THAT RECEIVES A GRANT PURSUANT
9 TO THIS SECTION SHALL SUBMIT A REPORT TO THE PROGRAM
10 ADMINISTRATOR. AT A MINIMUM, THE REPORT MUST INCLUDE THE
11 FOLLOWING:

12 (a) THE NUMBER OF BUSES EQUIPPED WITH EQUIPMENT
13 NECESSARY TO JOIN AND OPERATE ON FIRSTNET;

14 (b) WHETHER ANY SUCH EQUIPMENT WAS USED IN AN EMERGENCY
15 SITUATION;

16 (c) ANY SCHOOL BUS MAINTENANCE OR OPERATION DECISIONS
17 MADE BASED ON INFORMATION LEARNED FROM EQUIPMENT ACQUIRED
18 WITH GRANT MONEY; AND

19 (d) ANY OTHER USE OF GRANT MONEY.

20 (5) (a) PURSUANT TO ARTICLE 4 OF THIS TITLE 24, THE EXECUTIVE
21 DIRECTOR SHALL PROMULGATE RULES TO IMPLEMENT THE GRANT
22 PROGRAM, INCLUDING RULES RELATING TO:

23 (I) THE APPLICATION PROCESS, INCLUDING DEADLINES; AND

24 (II) THE CRITERIA FOR AWARDING A GRANT TO A SCHOOL DISTRICT
25 AND DETERMINING THE AMOUNT OF THE AWARD, INCLUDING A PROCESS
26 FOR ACHIEVING A BALANCED DISTRIBUTION OF GRANT MONEY TO RURAL,
27 URBAN, AND SUBURBAN SCHOOL DISTRICTS.

1 (b) IN PROMULGATING RULES PURSUANT TO THIS SECTION, THE
2 EXECUTIVE DIRECTOR SHALL ENSURE THAT A RURAL SCHOOL DISTRICT
3 MAY SUBMIT A SIMPLIFIED GRANT APPLICATION.

4 **24-33.5-2305. Reporting.** (1) ON OR BEFORE SEPTEMBER 30,
5 2020, AND ON OR BEFORE EACH SEPTEMBER 30 THEREAFTER, THE
6 PROGRAM ADMINISTRATOR SHALL SUBMIT A REPORT TO THE DEPARTMENT
7 CONCERNING THE OPERATION OF THE PILOT PROGRAM. THE REPORT MUST
8 INCLUDE, BUT IS NOT LIMITED TO, THE USE OF PILOT PROGRAM FUNDS, A
9 DESCRIPTION OF THE PERFORMANCE OF THE PROGRAM ADMINISTRATOR'S
10 DUTIES DESCRIBED IN SECTION 24-33.5-2303 (2)(b), AND THE
11 INFORMATION REPORTED TO THE PROGRAM ADMINISTRATOR BY A SCHOOL
12 DISTRICT PURSUANT TO SECTION 24-33.5-2304.

13 (2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
14 DEPARTMENT SHALL INCLUDE INFORMATION ABOUT THE PILOT PROGRAM
15 IN ITS ANNUAL PRESENTATION TO ITS LEGISLATIVE COMMITTEE OF
16 REFERENCE PURSUANT TO SECTION 2-7-203.

17 **24-33.5-2306. Repeal.** THIS PART 23 IS REPEALED, EFFECTIVE
18 JULY 31, 2023.

19 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-1807, **add**
20 (8) as follows:

21 **24-33.5-1807. School safety resource center cash fund - repeal.**
22 (8) (a) IN ADDITION TO ANY OTHER PURPOSE AUTHORIZED BY THIS
23 SECTION, SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
24 ASSEMBLY, THE DEPARTMENT IS AUTHORIZED TO EXPEND MONEY FROM
25 THE FUND FOR THE SMART SCHOOL BUS SAFETY PILOT PROGRAM CREATED
26 IN PART 23 OF THIS ARTICLE 33.5.

27 (b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 31, 2023.

1 **SECTION 5. Appropriation.** (1) For the 2019-20 state fiscal
2 year, \$4,962,722 is appropriated to the department of public safety for use
3 by the office of preparedness. This appropriation consists of \$1,112,722
4 from the general fund and \$3,850,000 from the school safety resource
5 center cash fund created in section 24-33.5-1807 (1), C.R.S. To
6 implement this act, the office may use this appropriation for the program
7 administration. Any money appropriated in this section not expended
8 prior to July 1, 2020, is further appropriated to the office for the 2020-21
9 and 2021-22 state fiscal years for the same purpose.

10 (2) For the 2019-20 state fiscal year, \$37,278 is appropriated to
11 the department of public safety for use by the office of preparedness. This
12 appropriation is from the general fund, and is based on an assumption that
13 the division will require an additional 0.5 FTE. To implement this act, the
14 division may use this appropriation for program administration.

15 **SECTION 6. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.