

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

REREVISED

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

LLS NO. 21-0876.01 Jason Gelender x4330

SENATE BILL 21-202

SENATE SPONSORSHIP

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Senate Committees

Education
Appropriations

House Committees

Education
Appropriations

A BILL FOR AN ACT

101 **CONCERNING A GENERAL FUND TRANSFER TO THE PUBLIC SCHOOL**
102 **CAPITAL CONSTRUCTION ASSISTANCE FUND FOR THE PURPOSE**
103 **OF PROVIDING GRANTS FOR PUBLIC SCHOOL AIR QUALITY**
104 **IMPROVEMENT PROJECTS, AND, IN CONNECTION THEREWITH,**
105 **MAKING AN APPROPRIATION.**

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>.)

The bill transfers \$10 million from the general fund to the public school capital construction assistance fund (assistance fund) for the

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.*

HOUSE
3rd Reading Unamended
June 1, 2021

HOUSE
Amended 2nd Reading
May 28, 2021

SENATE
3rd Reading Unamended
May 3, 2021

SENATE
2nd Reading Unamended
April 30, 2021

purpose of providing "Building Excellent Schools Today Act" (BEST) grants to fund public school air quality improvement projects. The public school capital construction assistance board (board) is authorized to make the grants and is required to prioritize grant awards based on grant applicants' existing calculated local match requirements for BEST grants, with applicants with the lowest matching money requirements having the highest priority and applicants with the highest matching money requirements having the lowest priority. The board is also required to submit a report about the grants to the general assembly during the department of education's 2022 "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" presentation to legislative committees of reference. Notwithstanding the use of existing calculated local match requirements for grant prioritization purposes, the grants are exempted from existing matching money requirements for BEST grants. The bill makes an appropriation of \$10 million from the assistance fund to the board.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-43.7-104, **add**
3 (2)(g) as follows:

4 **22-43.7-104. Public school capital construction assistance fund**
5 **- creation - crediting of money to fund - use of fund - emergency**
6 **reserve - creation - reserve account - creation and use.** (2) (g) ON THE
7 EFFECTIVE DATE OF THIS SUBSECTION (2)(g), IF POSSIBLE, OR AS SOON AS
8 POSSIBLE THEREAFTER, THE STATE TREASURER SHALL TRANSFER TEN
9 MILLION DOLLARS FROM THE GENERAL FUND TO THE ASSISTANCE FUND.
10 NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION, THE MONEY
11 TRANSFERRED PURSUANT TO THIS SUBSECTION (2)(g) SHALL BE USED ONLY
12 TO PROVIDE FINANCIAL ASSISTANCE IN THE FORM OF GRANTS AS
13 AUTHORIZED IN SECTION 22-43.7-109 (15).

14 **SECTION 2.** In Colorado Revised Statutes, 22-43.7-109, **amend**
15 (9) introductory portion; and **add** (15) as follows:

16 **22-43.7-109. Financial assistance for public school capital**

1 **construction - application requirements - evaluation criteria - local**
2 **match requirements - technology grants - career and technical**
3 **education capital construction grants - rules - definitions - repeal.**

4 (9) Except as otherwise provided in ~~subsection (10)~~ SUBSECTIONS (10)
5 AND (15) of this section, the board may recommend, and the state board
6 may approve financial assistance that does not involve a lease-purchase
7 agreement for or recommend to the capital development committee the
8 approval of financial assistance that involves a lease-purchase agreement
9 for a public school facility capital construction project only if the
10 applicant provides matching moneys in an amount equal to a percentage
11 of the total financing for the project determined by the board after
12 consideration of the applicant's financial capacity, as determined by the
13 following factors:

14 (15) (a) (I) THE BOARD SHALL USE MONEY TRANSFERRED FROM
15 THE GENERAL FUND TO THE ASSISTANCE FUND PURSUANT TO SECTION
16 22-43.7-104 (2)(g) ONLY TO PROVIDE FINANCIAL ASSISTANCE IN THE FORM
17 OF GRANTS FOR PUBLIC SCHOOL AIR QUALITY IMPROVEMENT PROJECTS.
18 THE BOARD SHALL PRIORITIZE GRANT AWARDS BASED ON GRANT
19 APPLICANTS' MATCHING MONEYS PERCENTAGES CALCULATED PURSUANT
20 TO SUBSECTION (9) OF THIS SECTION, WITH APPLICANTS WITH THE LOWEST
21 MATCHING MONEYS PERCENTAGES HAVING THE HIGHEST PRIORITY AND
22 APPLICANTS WITH THE HIGHEST MATCHING MONEYS PERCENTAGES HAVING
23 THE LOWEST PRIORITY, AND SHALL NOT ISSUE GRANTS AS REIMBURSEMENT
24 FOR PUBLIC SCHOOL AIR QUALITY IMPROVEMENT PROJECTS FUNDED OR
25 COMPLETED BEFORE APRIL 1, 2021. NOTWITHSTANDING THE MATCHING
26 MONEYS REQUIREMENT SPECIFIED IN SUBSECTION (9) OF THIS SECTION,
27 MATCHING MONEYS ARE NOT REQUIRED FOR GRANTS ISSUED PURSUANT TO

1 THIS SUBSECTION (15).

2 (II) AS USED IN THIS SUBSECTION (15), "PUBLIC SCHOOL FACILITY
3 AIR QUALITY IMPROVEMENT PROJECT" MEANS A PROJECT THAT INVOLVES
4 THE ACQUISITION, REPAIR, MAINTENANCE, OR UPGRADING OF PORTABLE
5 HIGH-EFFICIENCY PARTICULATE AIR FANS OR FILTRATION SYSTEMS. FOR
6 PURPOSES OF THIS PART 1, AND NOTWITHSTANDING SUBSECTION (1)(a) OF
7 THIS SECTION, A PUBLIC SCHOOL AIR QUALITY IMPROVEMENT PROJECT IS
8 DEEMED TO BE PUBLIC SCHOOL FACILITY CAPITAL CONSTRUCTION THAT IS
9 ELIGIBLE FOR FINANCIAL ASSISTANCE.

10 (b) NOTWITHSTANDING SUBSECTION (7)(a) OF THIS SECTION OR
11 ANY OTHER PROVISION OF THIS PART 1, THE BOARD HAS THE SOLE POWER
12 TO MAKE GRANTS PURSUANT TO THIS SUBSECTION (15) AND IS NOT
13 REQUIRED TO OBTAIN THE APPROVAL OF THE STATE BOARD OR ANY OTHER
14 ENTITY BEFORE MAKING SUCH GRANTS.

15 (c) THE BOARD SHALL REPORT TO THE GENERAL ASSEMBLY
16 REGARDING THE GRANTS MADE PURSUANT TO THIS SUBSECTION (15)
17 DURING THE DEPARTMENT'S 2022 DEPARTMENTAL PRESENTATION TO
18 LEGISLATIVE COMMITTEES OF REFERENCE REQUIRED BY SECTION 2-7-203.
19 THE REPORT MUST INCLUDE:

20 (I) A LIST THAT IDENTIFIES AND BRIEFLY DESCRIBES EACH GRANT
21 AND SETS FORTH THE AMOUNT OF EACH GRANT;

22 (II) AN ESTIMATE OF THE TOTAL NUMBER OF STUDENTS LIKELY TO
23 BENEFIT FROM THE GRANTS; AND

24 (III) ANY OTHER INFORMATION REGARDING THE GRANTS THAT THE
25 BOARD BELIEVES WILL BE INFORMATIVE FOR THE COMMITTEES.

26 (d) THIS SUBSECTION (15) IS REPEALED, EFFECTIVE JULY 1, 2023.

27 **SECTION 3. Appropriation.** For the 2020-21 state fiscal year,

1 \$10,000,000 is appropriated to the department of education for use by the
2 public school capital construction assistance board. This appropriation is
3 from the public school capital construction assistance fund created in
4 section 22-43.7-104 (1), C.R.S. To implement this act, the public school
5 capital construction assistance board may use this appropriation for grants
6 of financial assistance as specified in section 22-43.7-109 (15), C.R.S.
7 Any money appropriated in this section not expended prior to July 1,
8 2021, is further appropriated to the public school capital construction
9 assistance board for the 2021-22 state fiscal year for the same purpose.

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