

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

INTRODUCED

LLS NO. 17-0461.01 Jason Gelender x4330

HOUSE BILL 17-1082

HOUSE SPONSORSHIP

Pabon,

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING FINANCIAL ASSISTANCE UNDER THE "BUILDING**
102 **EXCELLENT SCHOOLS TODAY ACT", AND, IN CONNECTION**
103 **THEREWITH, REQUIRING A SPECIFIED AMOUNT OF RETAIL**
104 **MARIJUANA EXCISE TAX REVENUE TO BE USED TO PROVIDE SUCH**
105 **FINANCIAL ASSISTANCE IN THE FORM OF TECHNOLOGY GRANTS**
106 **TO PUBLIC SCHOOLS.**

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

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.

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 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 **SECTION 2.** In Colorado Revised Statutes, 22-43.7-104, **amend**
10 (2)(d) and (3.5) as follows:

11 **22-43.7-104. Public school capital construction assistance fund**
12 **- creation - crediting of money to fund - use of fund - accounts of fund**
13 **- emergency reserve - restricted account - repeal.** (2) (d) Beginning

1 January 1, 2014, the state treasurer, as provided in section 39-28.8-305 (1)
2 (a), ~~C.R.S.~~, shall annually credit to the assistance fund the first forty
3 million dollars received and collected from the excise tax on retail
4 marijuana imposed pursuant to part 3 of article 28.8 of title 39. ~~C.R.S.~~
5 The state treasurer shall credit twelve and ~~five-tenths~~ ONE-HALF percent
6 of the amount annually credited pursuant to this ~~paragraph (d)~~
7 SUBSECTION (2)(d) to the charter school facilities assistance account,
8 which ~~account~~ is created within the assistance fund. ON AND AFTER JULY
9 1, 2018, THE STATE TREASURER SHALL CREDIT ANY MONEY TRANSFERRED
10 TO THE ASSISTANCE FUND PURSUANT TO SECTION 39-28.8-305 (1)(b)(I) TO
11 THE TECHNOLOGY GRANT ACCOUNT, WHICH IS CREATED WITHIN THE
12 ASSISTANCE FUND.

13 (3.5) In determining the amount of financial assistance that it
14 provides and in so doing managing the balance of the assistance fund, the
15 board shall ensure that, effective June 30, 2013, and effective each June
16 30 thereafter, the balance of the assistance fund, not including the
17 amounts credited to the charter school facilities assistance account AND
18 THE TECHNOLOGY GRANT ACCOUNT pursuant to ~~paragraph (d) of~~
19 ~~subsection (2)~~ SUBSECTION (2)(d) of this section, is at least equal to the
20 total amount of payments to be made by the state during the next fiscal
21 year under the terms of any lease-purchase agreements entered into
22 pursuant to section 22-43.7-110 (2) less the amount of any school district
23 matching ~~moneys~~ MONEY and any federal ~~moneys~~ MONEY to be received
24 for the purpose of making the payments.

25 **SECTION 3.** In Colorado Revised Statutes, 22-43.7-107, **amend**
26 (2)(b) as follows:

27 **22-43.7-107. Public school facility construction guidelines -**

1 **establishment by board - use.** (2) The public school facility
2 construction guidelines shall identify and describe the capital
3 construction, renovation, and equipment needs in public school facilities
4 and means of addressing those needs that will provide educational and
5 safety benefits at a reasonable cost. In preparing the guidelines, the board
6 shall address the following considerations:

7 (b) Technology, including but not limited to telecommunications
8 and internet connectivity technology, ~~and~~ technology for individual
9 student learning and classroom instruction, AND TECHNOLOGY, AS
10 DEFINED IN SECTION 22-43.7-109 (5)(a)(I)(B);

11 **SECTION 4.** In Colorado Revised Statutes, 22-43.7-109, **amend**
12 (5) introductory portion and (5)(a)(I); and **add** (13) as follows:

13 **22-43.7-109. Financial assistance for public school capital**
14 **construction - application requirements - evaluation criteria - local**
15 **match requirements - technology grants - rules - definition.** (5) The
16 board, taking into consideration the financial assistance priority
17 assessment conducted pursuant to section 22-43.7-108 AND THE EXTENT
18 TO WHICH RETAIL MARIJUANA EXCISE TAX REVENUE CREDITED TO THE
19 ASSISTANCE FUND PURSUANT TO SECTION 22-43.7-104 (2)(d) IS DERIVED
20 FROM EACH COUNTY OF THE STATE, shall prioritize applications that
21 describe public school facility capital construction projects deemed
22 eligible for financial assistance based on the following criteria, in
23 descending order of importance:

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

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

6 (13) SUBJECT TO ANNUAL APPROPRIATION, AND IN ADDITION TO
7 ALL OTHER FINANCIAL ASSISTANCE AWARDED PURSUANT TO THIS ARTICLE
8 43.7, FOR FISCAL YEAR 2018-19 AND FOR EACH SUCCEEDING FISCAL YEAR,
9 THE BOARD, WITH THE SUPPORT OF THE DIVISION AND SUBJECT TO THE
10 APPROVAL OF THE STATE BOARD REGARDING FINANCIAL ASSISTANCE
11 AWARDS AS SPECIFIED IN THIS SECTION, SHALL PROVIDE FINANCIAL
12 ASSISTANCE IN THE FORM OF TECHNOLOGY GRANTS FROM THE
13 TECHNOLOGY GRANT ACCOUNT OF THE ASSISTANCE FUND CREATED IN
14 SECTION 22-43.7-104 (2)(d). TO BE ELIGIBLE FOR A TECHNOLOGY GRANT,
15 AN APPLICANT FOR FINANCIAL ASSISTANCE MUST APPLY SPECIFICALLY FOR
16 SUCH A GRANT IN ACCORDANCE WITH THE FINANCIAL ASSISTANCE
17 TIMELINE ESTABLISHED BY THE BOARD PURSUANT TO SUBSECTION (2)(a)
18 OF THIS SECTION AND MUST SUBMIT AN APPLICATION IN THE FORM
19 PRESCRIBED BY THE BOARD PURSUANT TO SUBSECTION (4) OF THIS
20 SECTION. THE BOARD MAY AWARD A TECHNOLOGY GRANT TO FUND
21 TECHNOLOGY, INCLUDING BUT NOT LIMITED TO COMMUNICATIONS AND
22 INTERNET CONNECTIVITY TECHNOLOGY, TECHNOLOGY FOR INDIVIDUAL
23 STUDENT LEARNING AND CLASSROOM INSTRUCTION, AND TECHNOLOGY AS
24 DEFINED IN SECTION 22-43.7-109 (5)(a)(I)(B).

25 **SECTION 5.** In Colorado Revised Statutes, 39-28.8-305, **amend**
26 (1) introductory portion and (1)(b) as follows:

27 **39-28.8-305. Distribution of tax collected.** (1) All moneys

1 MONEY received and collected in payment of the tax imposed by the
2 provisions of this part 3 shall be transmitted to the state treasurer, who
3 shall distribute the money as follows:

4 (b) Any amount remaining after the transfer pursuant to ~~paragraph~~
5 ~~(a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION shall be
6 transferred to AS FOLLOWS:

7 (I) THE FIRST FIVE MILLION DOLLARS SHALL BE TRANSFERRED TO
8 THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED
9 IN SECTION 22-43.7-104 (1) AND CREDITED TO THE TECHNOLOGY GRANT
10 ACCOUNT OF THE ASSISTANCE FUND CREATED IN SECTION 22-43.7-104
11 (2)(d); AND

12 (II) ANY REMAINING AMOUNT SHALL BE TRANSFERRED TO the
13 public school fund created in section 3 of article IX of the state
14 constitution, which is the same as the public school fund described in
15 section 22-41-102. ~~C.R.S.~~

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

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