

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

BILL A

LLS NO. 17-0129.01 Jason Gelender x4330

HOUSE BILL

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HOUSE SPONSORSHIP

Pabon,

SENATE SPONSORSHIP

Baumgardner,

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House Committees

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE EVALUATION OF APPLICATIONS FOR FINANCIAL  
102 ASSISTANCE UNDER THE "BUILDING EXCELLENT SCHOOLS  
103 TODAY ACT".

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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://www.leg.state.co.us/bills summaries>.)*

**Committee on Cost-benefit Analysis of Legalized Marijuana in Colorado.** 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). Effective July 1, 2018, **sections 2, 5, and 6** of the bill replace an existing annual diversion

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.*

of 12.5% of the \$40 million to a charter school facilities assistance account of the assistance fund for formula-based distribution to charter schools with a diversion of that revenue to a new 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.

**Section 3** of the bill defines the term "technology" for purposes of the existing statute that gives high priority to BEST applications for projects that are designed to incorporate technology into the educational environment 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** of the bill amends the definition of "capital construction" used for purposes of BEST to include "technology", as defined in the bill.

**Section 4** of the bill 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.

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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 (6) as follows:

4 **22-43.7-103. Definitions.** As used in this article, unless the  
5 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 moneys to fund - use of fund - emergency**  
13 **reserve - creation - reserve account - creation and use - repeal.**

14 (2) (d) Beginning January 1, 2014, the state treasurer, as provided in

1 section 39-28.8-305 (1) (a), ~~C.R.S.~~, shall annually credit to the assistance  
2 fund the first forty million dollars received and collected from the excise  
3 tax on retail marijuana imposed pursuant to part 3 of article 28.8 of title  
4 39. ~~C.R.S.~~ BEFORE JULY 1, 2018, the state treasurer shall credit twelve  
5 and ~~five-tenths~~ ONE-HALF percent of the amount annually credited  
6 pursuant to this ~~paragraph (d)~~ SUBSECTION (2)(d) to the charter school  
7 facilities assistance account, which account is created within the  
8 assistance fund. ON AND AFTER JULY 1, 2018, THE STATE TREASURER  
9 SHALL CREDIT TWELVE AND ONE-HALF PERCENT OF THE AMOUNT  
10 ANNUALLY CREDITED PURSUANT TO THIS SUBSECTION (2)(d) TO THE  
11 TECHNOLOGY GRANT ACCOUNT, WHICH IS CREATED WITHIN THE  
12 ASSISTANCE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEY IN  
13 THE CHARTER SCHOOL FACILITIES ASSISTANCE ACCOUNT ON JUNE 30,  
14 2018, IS TRANSFERRED TO THE TECHNOLOGY GRANT ACCOUNT ON JULY 1,  
15 2018, AND THE CHARTER SCHOOL FACILITIES ASSISTANCE ACCOUNT IS  
16 ABOLISHED, EFFECTIVE JULY 1, 2018.

17 (3.5) In determining the amount of financial assistance that it  
18 provides and in so doing managing the balance of the assistance fund, the  
19 board shall ensure ~~that, effective~~ THAT:

20 (a) (I) EFFECTIVE June 30, 2013, and effective each June 30  
21 thereafter THROUGH JUNE 30, 2018, the balance of the assistance fund, not  
22 including the amounts credited to the charter school facilities assistance  
23 account pursuant to ~~paragraph (d) of subsection (2)~~ SUBSECTION (2)(d) of  
24 this section, is at least equal to the total amount of payments to be made  
25 by the state during the next fiscal year under the terms of any  
26 lease-purchase agreements entered into pursuant to section 22-43.7-110  
27 (2) less the amount of any school district matching moneys and any

1 federal moneys to be received for the purpose of making the payments.

2 (II) THIS SUBSECTION (3.5)(a) IS REPEALED, EFFECTIVE JULY 1,  
3 2018.

4 (b) THE BALANCE OF THE ASSISTANCE FUND NOT INCLUDING THE  
5 AMOUNTS CREDITED TO THE TECHNOLOGY GRANT ACCOUNT PURSUANT TO  
6 SUBSECTION (2)(d) OF THIS SECTION IS AT LEAST EQUAL TO THE TOTAL  
7 AMOUNT OF PAYMENTS TO BE MADE BY THE STATE DURING THE NEXT  
8 FISCAL YEAR UNDER THE TERMS OF ANY LEASE-PURCHASE AGREEMENTS  
9 ENTERED INTO PURSUANT TO SECTION 22-43.7-110 (2) LESS THE AMOUNT  
10 OF ANY SCHOOL DISTRICT MATCHING MONEYS AND ANY FEDERAL MONEYS  
11 TO BE RECEIVED FOR THE PURPOSE OF MAKING THE PAYMENTS.

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

14 **22-43.7-107. Public school facility construction guidelines -**  
15 **establishment by board - use.** (2) The public school facility  
16 construction guidelines shall identify and describe the capital  
17 construction, renovation, and equipment needs in public school facilities  
18 and means of addressing those needs that will provide educational and  
19 safety benefits at a reasonable cost. In preparing the guidelines, the board  
20 shall address the following considerations:

21 (b) Technology, including but not limited to telecommunications  
22 and internet connectivity technology, ~~and~~ 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 4.** In Colorado Revised Statutes, 22-43.7-109, **amend**  
26 (5) introductory portion and (5)(a)(I) as follows:

27 **22-43.7-109. Financial assistance for public school capital**

1 **construction - application requirements - evaluation criteria - local**  
2 **match requirements - rules - definition.** (5) The board, taking into  
3 consideration the financial assistance priority assessment conducted  
4 pursuant to section 22-43.7-108 AND THE EXTENT TO WHICH RETAIL  
5 MARIJUANA EXCISE TAX REVENUE CREDITED TO THE ASSISTANCE FUND  
6 PURSUANT TO SECTION 22-43.7-104 (2)(d) IS DERIVED FROM EACH COUNTY  
7 OF THE STATE, shall prioritize applications that describe public school  
8 facility capital construction projects deemed eligible for financial  
9 assistance based on the following criteria, in descending order of  
10 importance:

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

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

20 **SECTION 5.** In Colorado Revised Statutes, 22-43.7-109, **add**  
21 (13) as follows:

22 **22-43.7-109. Financial assistance for public school capital**  
23 **construction - application requirements - evaluation criteria - local**  
24 **match requirements - technology grants - rules.** (13) SUBJECT TO  
25 ANNUAL APPROPRIATION, AND IN ADDITION TO ALL OTHER FINANCIAL  
26 ASSISTANCE AWARDED PURSUANT TO THIS ARTICLE 43.7, FOR FISCAL YEAR  
27 2018-19 AND FOR EACH SUCCEEDING FISCAL YEAR, THE BOARD, WITH THE

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

17 **SECTION 6.** In Colorado Revised Statutes, 22-43.7-110.3, **add**  
18 (3) as follows:

19 **22-43.7-110.3. Department - charter school facilities assistance**  
20 **account - distribution - definitions - repeal.** (3) THIS SECTION IS  
21 REPEALED, EFFECTIVE JULY 1, 2018.

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

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