

CHAPTER 31

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 97-1200

BY REPRESENTATIVES Miller, Dean, Udall, and S. Williams;
also SENATOR Dennis.

AN ACT

CONCERNING EXPANSION OF THE PURPOSES FOR WHICH MONEYS RECORDED IN THE SCHOOL DISTRICT
SPECIAL BUILDING FUND MAY BE USED.

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

SECTION 1. 22-45-103 (1) (a) (I), (1) (d) (I), and (1) (d) (II), Colorado Revised Statutes, 1995 Repl. Vol., are amended to read:

22-45-103. Funds. (1) The following funds are created for each school district for purposes specified in this article:

(a) **General fund.** (I) All revenues, except those revenues attributable to the bond redemption fund, the capital reserve fund, the special building AND TECHNOLOGY fund, the insurance reserve fund, and any other fund authorized by the state board of education, as provided in subsection (2) of this section, shall be accounted for in the general fund. Any lawful expenditure of the school district, including any expenditure of a nature which could be made from any fund, may be made from the general fund. All expenditures from the general fund shall be recorded therein.

(d) **Special building and technology fund.** (I) The revenues from a tax levy for the purpose of ~~construction of~~ ACQUIRING OR CONSTRUCTING schools OR FOR THE PURCHASE AND INSTALLATION OF INSTRUCTIONAL AND INFORMATIONAL TECHNOLOGY shall be recorded in the special building AND TECHNOLOGY fund to remain in the custody of the treasurer of any district ~~which~~ THAT has elected under law to withdraw its funds from the custody of the county treasurer or, in any other case, to the treasurer of the county in which the district is located and may be invested or

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

deposited by such district or county treasurer pursuant to the provisions of sections 24-75-601.1, 24-75-602, and 24-75-603, C.R.S. Expenditures from the fund shall be limited to ~~acquisition of~~ ACQUIRING land, ~~and construction of~~ ACQUIRING OR CONSTRUCTING structures, ~~thereon~~ AND PURCHASING AND INSTALLING INSTRUCTIONAL AND INFORMATIONAL TECHNOLOGY, INCLUDING EXPENDITURES FOR SOFTWARE AND STAFF TRAINING RELATED TO THE NEW TECHNOLOGY.

(II) Expenditures from the fund shall be authorized by a resolution adopted by the board of education of a school district at any regular or special meeting of the board. The resolution shall specifically set forth the purpose of the expenditure, the estimated total cost of the project, and the location of the land to be acquired, ~~or~~ the structure to be ACQUIRED OR constructed, OR THE NATURE OF THE INSTRUCTIONAL AND INFORMATIONAL TECHNOLOGY TO BE ACQUIRED. Such resolution shall constitute authorization to the treasurer of any district ~~which~~ THAT has elected under law to withdraw its funds from the custody of the county treasurer or, in any other case, to the treasurer of the county in which the district is located for application of the funds under his OR HER control to the specified expenditure.

SECTION 2. 22-40-102 (1) (b) (I), (1.5) (a), and (1.5) (d), Colorado Revised Statutes, 1995 Repl. Vol., are amended to read:

22-40-102. Certification - tax revenues. (1) (b) (I) In accordance with the schedule prescribed by section 39-5-128, C.R.S., the board of education of each school district shall certify to the board of county commissioners of the county wherein said school district is located the separate amounts necessary, in the judgment of said board of education, to be raised from levies against the valuation for assessment of all taxable property located within the boundaries of said school district for its general, bond redemption, transportation, and special building AND TECHNOLOGY funds to defray its expenditures therefrom during its then current fiscal year.

(1.5) (a) The board of education of any school district, at a special election called for the purpose, shall submit to the eligible electors of the district the question of whether to impose a mill levy of a stated amount for the special building AND TECHNOLOGY fund or to increase the mill levy for the special building AND TECHNOLOGY fund by a stated amount, which levy shall not exceed ten mills in any year or exceed three years in duration. When a mill levy for more than one year has been approved, the board of education of any school district may, without calling an election, decrease the amount or duration of the mill levy in the second or third year.

(d) If a majority of the votes cast at the election are in favor of the question, the mill levy of the district for the special building AND TECHNOLOGY fund shall be as so approved by the eligible electors of the district, and taxes may be levied for the special building AND TECHNOLOGY fund of the district as so approved.

SECTION 3. 22-44-112 (2) (a), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

22-44-112. Transfer of moneys. (2) (a) A board of education may transfer by resolution any unencumbered moneys from one fund to another, except the capital reserve fund, the insurance reserve fund, the transportation fund, the special building

AND TECHNOLOGY fund, the bond redemption fund, or the instructional supplies and materials account or the instructional capital outlay account in the general fund; except that unencumbered moneys may be transferred by resolution of the board between the capital reserve fund and insurance reserve fund and between the instructional supplies and materials account and the instructional capital outlay account in the general fund.

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

Approved: March 24, 1997