

CHAPTER 38

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 04-1055

BY REPRESENTATIVE(S) Rhodes, Coleman, Williams T., Hodge, Jahn, King, Madden, McFadyen, Paccione, Plant, Spence, Stafford, and Vigil;
also SENATOR(S) Tupa, Anderson, Takis, and Taylor.

AN ACT

CONCERNING THE MODIFICATION OF THE PROCESS USED TO MAKE MATCHING GRANTS FOR SCHOOL DISTRICT CAPITAL CONSTRUCTION FROM THE SCHOOL CONSTRUCTION AND RENOVATION FUND.

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

SECTION 1. 22-43.7-103 (4), Colorado Revised Statutes, is amended to read:

22-43.7-103. School construction and renovation fund - created - purpose - transfer of excess state revenues. (4) All interest derived from the deposit and investment of moneys in the construction and renovation fund shall be credited to the fund. Any moneys not ~~appropriated~~ EXPENDED FROM THE FUND BY THE STATE BOARD shall remain in the construction and renovation fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

SECTION 2. 22-43.7-105 (6) and (6.5), Colorado Revised Statutes, are amended to read:

22-43.7-105. Financial assistance application requirements - evaluation criteria - oversight board - duties. (6) From the applications submitted for financial assistance for the fiscal year commencing on the deadline for submitting such applications, the state board shall prepare a prioritized list of eligible capital construction projects. The state board shall then determine the type and amount of financial assistance to be provided for each eligible capital construction project based upon information provided by the school district in the application. SUBJECT TO THE APPROVAL OF THE CAPITAL DEVELOPMENT COMMITTEE OF THE GENERAL ASSEMBLY AS PROVIDED FOR IN THIS SUBSECTION (6), THE STATE BOARD SHALL PROVIDE FINANCIAL ASSISTANCE IN ACCORDANCE WITH THE DETERMINATION, BUT MAY MAKE ANY MATCHING GRANT FROM THE CONSTRUCTION AND RENOVATION FUND

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

CONTINGENT UPON THE APPROVAL OF A BONDED INDEBTEDNESS QUESTION TO BE SUBMITTED TO THE VOTERS OF A DISTRICT DURING THE FISCAL YEAR FOR WHICH THE GRANT IS TO BE AWARDED. The state board shall submit a list of school districts and charter schools recommended to receive matching grants for capital construction projects, along with the amount of each grant and the amount of the school district or charter school match, to the capital development committee of the general assembly no later than ~~October 1~~ AUGUST 16 of the fiscal year for which financial assistance is being sought. THE CAPITAL DEVELOPMENT COMMITTEE SHALL DETERMINE THE NUMBER OF CAPITAL CONSTRUCTION PROJECTS ON THE LIST THAT MAY RECEIVE MATCHING GRANTS FROM MONEYS AVAILABLE IN THE CONSTRUCTION AND RENOVATION FUND BEFORE SEPTEMBER 15 OF THE SAME FISCAL YEAR. ONLY CAPITAL CONSTRUCTION PROJECTS ON THE PRIORITIZED LIST MAY RECEIVE MATCHING GRANTS FROM THE CONSTRUCTION AND RENOVATION FUND, AND THE CAPITAL CONSTRUCTION PROJECTS SHALL BE FUNDED IN THE PRIORITY DETERMINED BY THE STATE BOARD. IF THE CAPITAL DEVELOPMENT COMMITTEE DOES NOT MAKE A DETERMINATION ON THE LIST BEFORE SEPTEMBER 15, THE LIST SHALL BE DEEMED APPROVED AS SUBMITTED AND THE STATE BOARD MAY ORDER PAYMENT OF ALL MATCHING GRANTS ON THE LIST. THE STATE BOARD SHALL SUBMIT A LIST OF SCHOOL DISTRICTS AND CHARTER SCHOOLS FOR WHICH THE CAPITAL DEVELOPMENT COMMITTEE HAS APPROVED MATCHING GRANTS, ALONG WITH THE AMOUNT OF EACH GRANT AND THE AMOUNT OF THE SCHOOL DISTRICT OR CHARTER SCHOOL MATCH TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY NO LATER THAN DECEMBER 1 OF THE FISCAL YEAR FOR WHICH FINANCIAL ASSISTANCE IS BEING PROVIDED. Said list shall also be submitted to the education committees of the senate and the house of representatives, the governor, the president of the senate, and the speaker of the house of representatives. ~~The capital development committee shall determine the number of capital construction projects on the list that may receive matching grants from moneys available in the construction and renovation fund. Only capital construction projects on the prioritized list may receive matching grants from the construction and renovation fund, and the capital construction projects shall be funded in the priority determined by the state board. The capital development committee shall submit the list of projects to receive matching funds to the joint budget committee no later than January 1 of the fiscal year for which financial assistance is being sought for the purpose of amending the general appropriation bill to make appropriations for the capital construction projects that will receive matching grants from the construction and renovation fund for that fiscal year. The joint budget committee may increase the appropriation, and the number of projects to be funded, if additional moneys are made available from moneys transferred from the school capital construction expenditures reserve in accordance with section 22-54-117 (6) (b).~~ A prioritized list showing school districts that will be loaned money from the permanent school fund, along with the amount of each loan, shall be provided to the governor, the president of the senate, the speaker of the house of representatives, and the joint budget committee.

~~(6.5) Notwithstanding any provision in subsection (6) of this section to the contrary, appropriations for the capital construction projects that will receive matching grants from the construction and renovation fund for the 2002-03 fiscal year may be made to the department of education in House Bill 02-1349, enacted at the second regular session of the sixty-third general assembly.~~

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the

general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 17, 2004