

CHAPTER 226

EDUCATION

HOUSE BILL 14-1287

BY REPRESENTATIVE(S) Young, Foote, Singer, Sonnenberg, DelGrosso, Buckner, Court, Exum, Fields, Fischer, Garcia, Ginal, Hamner, Holbert, Hullinghorst, Kagan, Kraft-Tharp, Lawrence, Lebsack, Lee, McLachlan, Melton, Mitsch Bush, Moreno, Pettersen, Primavera, Rosenthal, Ryden, Saine, Salazar, Schafer, Scott, Stephens, Tyler, Vigil, Williams, Ferrandino; also SENATOR(S) Nicholson and Lambert, Renfroe, Aguilar, Heath, Herpin, Jahn, Jones, Kefalas, Kerr, King, Newell, Rivera, Roberts, Steadman, Todd, Ulibarri, Zenzinger.

AN ACT

CONCERNING THE USE OF MONEYS IN THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND TO PROVIDE EMERGENCY FINANCIAL ASSISTANCE TO PUBLIC SCHOOL FACILITIES THAT ARE DAMAGED IN A DECLARED DISASTER EMERGENCY.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby determines and declares that:

(a) Any school district, board of cooperative services, charter school, or any other entity that may submit an application for financial assistance through the "Building Excellent Schools Today Act" and that sustains damage due to a declared disaster emergency, is encouraged to submit an application to the public school capital construction assistance board for emergency financial assistance to help repair damage from the disaster emergency; and

(b) Any school district, board of cooperative services, charter school, or other entity that receives emergency financial assistance through the "Building Excellent Schools Today Act" may, consistent with current law, use the moneys from such assistance to satisfy any local matching requirement for the receipt of federal moneys to repair damage to a public school facility as a result of the disaster emergency.

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

22-43.7-104. Public school capital construction assistance fund - creation -

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

crediting of moneys to fund - use of fund - emergency reserve - creation - reserve account - creation and use. (2) (d) BEGINNING JANUARY 1, 2014, THE STATE TREASURER, AS PROVIDED IN SECTION 39-28.8-305 (1) (a), C.R.S., SHALL ANNUALLY CREDIT TO THE ASSISTANCE FUND THE FIRST FORTY MILLION DOLLARS RECEIVED AND COLLECTED FROM THE EXCISE TAX ON RETAIL MARIJUANA IMPOSED PURSUANT TO PART 3 OF ARTICLE 28.8 OF TITLE 39, C.R.S.

SECTION 3. In Colorado Revised Statutes, 22-43.7-105, **add** (3) as follows:

22-43.7-105. Division of public school capital construction assistance - creation - director - function - powers and duties. (3) IN ADDITION TO THE FUNCTIONS OF THE DIVISION SPECIFIED IN SUBSECTION (2) OF THIS SECTION, IF THE GOVERNOR DECLARES, BY EXECUTIVE ORDER OR PROCLAMATION, A DISASTER EMERGENCY IN ANY AREA OF THE STATE PURSUANT TO SECTION 24-33.5-704 (4), C.R.S., THE DIVISION SHALL, AS SOON AS POSSIBLE FOLLOWING THE DECLARATION OF THE DISASTER EMERGENCY, CONTACT EACH AFFECTED SCHOOL FACILITY IN ANY AREA OF THE STATE IN WHICH THE GOVERNOR DECLARED THE DISASTER EMERGENCY TO ASSESS ANY FACILITY NEEDS RESULTING FROM THE DECLARED DISASTER EMERGENCY. THE DIVISION MUST REPORT ITS FINDINGS TO THE BOARD AS SOON AS POSSIBLE FOLLOWING ITS OUTREACH.

SECTION 4. In Colorado Revised Statutes, 22-43.7-109, **amend** (8) as follows:

22-43.7-109. Financial assistance for public school capital construction - application requirements - evaluation criteria - local match requirements. (8) (a) Notwithstanding any other provision of this section, in the event of a public school facility emergency, an entity that may be an applicant and that is operating in the affected public school facility may submit an application to the board for emergency financial assistance to address the emergency. The application shall disclose any insurance proceeds, cash reserves, or capital construction reserves available to pay the costs of addressing the emergency, and insurance proceeds that become available only after an applicant has received emergency financial assistance shall be used first to reimburse the assistance fund for the emergency financial assistance. The board shall meet within fifteen days of receiving the application to determine whether to recommend to the state board that emergency financial assistance be provided, the amount of any assistance recommended to be provided, and any recommended conditions that the applicant must meet to receive the assistance. The state board shall meet within five days of receiving the board's recommendations to determine whether to authorize the board to award emergency financial assistance as recommended by the board, modify the recommended award of assistance, or prohibit the board from awarding assistance. The board may use any unencumbered and unexpended moneys in the assistance fund, including the emergency reserve of the assistance fund, to provide emergency financial assistance. THE BOARD MAY USE UP TO TEN PERCENT OF THE MONEYS IN THE ASSISTANCE FUND THAT HAVE BEEN TRANSFERRED TO THE FUND PURSUANT TO SECTION 22-43.7-104 (2) (d) DURING THE APPLICABLE FISCAL YEAR TO PRIORITIZE FINANCIAL ASSISTANCE TO APPLICANTS PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (8).

(b) As used in this subsection (8), "public school facility emergency" means an unanticipated event that makes all or a significant portion of a public school facility unusable for educational purposes or threatens the health or safety of persons using

the public school facility.

(c) AN ENTITY THAT MAY BE AN APPLICANT, THAT IS OPERATING A PUBLIC SCHOOL FACILITY THAT IS LOCATED IN AN AREA OF THE STATE IN WHICH THE GOVERNOR DECLARED A DISASTER EMERGENCY PURSUANT TO SECTION 24-33.5-704(4), C.R.S., AND THAT EXPERIENCED A PUBLIC SCHOOL FACILITY EMERGENCY AS A RESULT OF THE DISASTER EMERGENCY MAY APPLY TO THE BOARD FOR EMERGENCY FINANCIAL ASSISTANCE TO ADDRESS THE EMERGENCY PURSUANT TO THIS SUBSECTION (8). IN DETERMINING WHETHER TO RECOMMEND TO THE STATE BOARD THAT EMERGENCY FINANCIAL ASSISTANCE BE PROVIDED, THE AMOUNT OF ANY ASSISTANCE RECOMMENDED TO BE PROVIDED, AND ANY RECOMMENDED CONDITIONS THAT THE APPLICANT MUST MEET TO RECEIVE ASSISTANCE, THE BOARD SHALL CONSIDER THE FINDINGS THAT THE DIVISION PROVIDED TO THE BOARD PURSUANT TO SECTION 22-43.7-105 (3). BASED ON THE CRITERIA SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (10) OF THIS SECTION, THE BOARD MAY WAIVE OR REDUCE THE MATCHING MONEYS REQUIREMENT SPECIFIED IN SUBSECTION (9) OF THIS SECTION FOR ANY RECIPIENT OF EMERGENCY FINANCIAL ASSISTANCE PURSUANT TO THIS PARAGRAPH (c).

SECTION 5. 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: May 17, 2014