

## CHAPTER 38

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**EDUCATION - PUBLIC SCHOOLS**


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**HOUSE BILL 14-1190**

BY REPRESENTATIVE(S) Ryden, Fields, Ginal, Hamner, Kagan, Labuda, Melton, Mitsch Bush, Pettersen, Rosenthal, Schafer, Singer, Young;  
also SENATOR(S) King, Guzman, Crowder, Jones, Kerr, Newell, Rivera, Tochtrop, Todd, Ulibarri, Zenzinger.

**AN ACT**

**CONCERNING THE FACTORS THAT ARE USED TO DETERMINE THE FINANCIAL CAPACITY TO PROVIDE MATCHING MONEYS OF A SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES THAT HAS APPLIED FOR FINANCIAL ASSISTANCE UNDER THE "BUILDING EXCELLENT SCHOOLS TODAY ACT".**

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

**SECTION 1.** In Colorado Revised Statutes, 22-43.7-109, **amend** (9) (a) (IV), (9) (a) (V), (9) (b) (IV), and (9) (b) (V); and **add** (9) (a) (VI), (9) (a) (VII), (9) (b) (VI), and (9) (b) (VII) as follows:

**22-43.7-109. Financial assistance for public school capital construction - application requirements - evaluation criteria - local match requirements.**

(9) Except as otherwise provided in subsection (10) of this section, the board may recommend, and the state board may approve financial assistance that does not involve a lease-purchase agreement for or recommend to the capital development committee the approval of financial assistance that involves a lease-purchase agreement for a public school facility capital construction project only if the applicant provides matching moneys in an amount equal to a percentage of the total financing for the project determined by the board after consideration of the applicant's financial capacity, as determined by the following factors:

(a) With respect to a school district's application for financial assistance:

(IV) The percentage of pupils enrolled in the school district who are eligible for free or reduced-cost lunch; ~~and~~

(V) ~~The amount of effort put forth by the school district to obtain voter approval for a ballot question for bonded indebtedness, including but not limited to a ballot~~

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

~~question for entry by the district into a sublease-purchase agreement of the type that constitutes an indebtedness of the district pursuant to section 22-32-127, during the ten years preceding the year in which the district submitted the application, which factor may be used only to reduce the percentage of matching moneys required from a district that has put forth such effort and not to increase the amount of matching moneys required from any district~~ THE SCHOOL DISTRICT'S CURRENT AVAILABLE BOND CAPACITY REMAINING;

(VI) THE SCHOOL DISTRICT'S UNRESERVED FUND BALANCE AS A PERCENTAGE OF ITS ANNUAL BUDGET; AND

(VII) THE AMOUNT OF EFFORT PUT FORTH BY THE SCHOOL DISTRICT TO OBTAIN VOTER APPROVAL FOR A BALLOT QUESTION FOR BONDED INDEBTEDNESS, INCLUDING BUT NOT LIMITED TO A BALLOT QUESTION FOR ENTRY BY THE DISTRICT INTO A SUBLEASE-PURCHASE AGREEMENT OF THE TYPE THAT CONSTITUTES AN INDEBTEDNESS OF THE DISTRICT PURSUANT TO SECTION 22-32-127, DURING THE TEN YEARS PRECEDING THE YEAR IN WHICH THE DISTRICT SUBMITTED THE APPLICATION, WHICH FACTOR MAY BE USED ONLY TO REDUCE THE PERCENTAGE OF MATCHING MONEYS REQUIRED FROM A DISTRICT THAT HAS PUT FORTH SUCH EFFORT AND NOT TO INCREASE THE AMOUNT OF MATCHING MONEYS REQUIRED FROM ANY DISTRICT;

(b) With respect to a board of cooperative services' application for financial assistance:

(IV) The percentage of pupils enrolled in the member schools within the board of cooperative services that are participating in the capital construction project who are eligible for free or reduced-cost lunch; ~~and~~

~~(V) The amount of effort put forth by the members of the board of cooperative services to obtain voter approval for a ballot question for bonded indebtedness, including but not limited to a ballot question for entry by any member into a sublease-purchase agreement of the type that constitutes an indebtedness of the member pursuant to section 22-32-127, during the ten years preceding the year in which the board of cooperative services submitted the application, which factor may be used only to reduce the percentage of matching moneys required from a board of cooperative services whose members, or any of them, have put forth such effort and not to increase the amount of matching moneys required from any board of cooperative services~~ THE AVERAGE AVAILABLE BOND CAPACITY REMAINING OF ALL MEMBERS OF THE BOARD OF COOPERATIVE SERVICES PARTICIPATING IN THE CAPITAL CONSTRUCTION PROJECT;

(VI) THE AVERAGE UNRESERVED FUND BALANCE AS A PERCENTAGE OF THE ANNUAL BUDGET OF ALL MEMBERS OF THE BOARD OF COOPERATIVE SERVICES PARTICIPATING IN THE CAPITAL CONSTRUCTION PROJECT; AND

(VII) THE AMOUNT OF EFFORT PUT FORTH BY THE MEMBERS OF THE BOARD OF COOPERATIVE SERVICES TO OBTAIN VOTER APPROVAL FOR A BALLOT QUESTION FOR BONDED INDEBTEDNESS, INCLUDING BUT NOT LIMITED TO A BALLOT QUESTION FOR ENTRY BY ANY MEMBER INTO A SUBLEASE-PURCHASE AGREEMENT OF THE TYPE THAT CONSTITUTES AN INDEBTEDNESS OF THE MEMBER PURSUANT TO SECTION 22-32-127, DURING THE TEN YEARS PRECEDING THE YEAR IN WHICH THE BOARD OF

COOPERATIVE SERVICES SUBMITTED THE APPLICATION. THIS FACTOR MAY BE USED ONLY TO REDUCE THE PERCENTAGE OF MATCHING MONEYS REQUIRED FROM A BOARD OF COOPERATIVE SERVICES IF ONE OR MORE OF ITS MEMBERS HAVE PUT FORTH SUCH EFFORT AND MAY NOT BE USED TO INCREASE THE AMOUNT OF MATCHING MONEYS REQUIRED FROM ANY BOARD OF COOPERATIVE SERVICES.

**SECTION 2. 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 14, 2014