

**First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 23-0419.01 Jed Franklin x5484

**SENATE BILL 23-220**

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**SENATE SPONSORSHIP**

**Zenzinger and Kirkmeyer,**

**HOUSE SPONSORSHIP**

**Bird and Sirota,**

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**Senate Committees**  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE USE OF MONEY PREVIOUSLY ALLOCATED FOR PUBLIC**  
102                **SCHOOLS, AND, IN CONNECTION THEREWITH, REDUCING AN**  
103                **APPROPRIATION.**

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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://leg.colorado.gov/>.)*

**Joint Budget Committee.** During the 2021 legislative session, the general assembly transferred \$10,000,000 from the general fund to the public school capital construction assistance fund (fund) and appropriated this money for air quality improvement grants for schools. Of the money transferred and appropriated for air quality improvement grants,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

SENATE  
Amended 2nd Reading  
March 29, 2023

\$4,705,220 remains in the fund and has not been distributed. The appropriation for fiscal year 2021-22 has expired. The bill specifies that the unspent money transferred and appropriated for air quality improvement grants must not be used for air quality improvement grants and instead must be used for financial assistance as provided in the "Building Excellent Schools Today Act".

Also during the 2022 legislative session, the general assembly scheduled a transfer of \$30,000,000 from the marijuana tax cash fund to the fund for June 1, 2023. The bill repeals this scheduled transfer before it occurs.

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

2           **SECTION 1.** In Colorado Revised Statutes, 22-43.7-109, **amend**  
3 (15)(a)(I) as follows:

4           **22-43.7-109. Financial assistance for public school capital**  
5 **construction - application requirements - evaluation criteria - local**  
6 **match requirements - technology grants - career and technical**  
7 **education capital construction grants - rules - definitions - repeal.**

8 (15) (a) (I) The board shall use money transferred from the general fund  
9 to the assistance fund pursuant to section 22-43.7-104 (2)(h) only to  
10 provide financial assistance in the form of grants for public school air  
11 quality improvement projects; EXCEPT THAT, ON AND AFTER THE  
12 EFFECTIVE DATE OF THIS SUBSECTION (15)(a)(I), AS AMENDED BY THIS  
13 SENATE BILL 23-220, ENACTED IN 2023, THE MONEY SHALL NOT BE USED  
14 FOR GRANTS FOR PUBLIC SCHOOL AIR QUALITY IMPROVEMENT PROJECTS  
15 AND MUST BE USED ONLY FOR FINANCIAL ASSISTANCE IN THE FORM OF  
16 MATCHING GRANTS FOR APPLICANTS AS OTHERWISE PROVIDED IN THIS  
17 PART 1. The board shall prioritize grant awards based on grant applicants'  
18 matching moneys percentages calculated pursuant to subsection (9) of this  
19 section, with applicants with the lowest matching moneys percentages  
20 having the highest priority and applicants with the highest matching

1 moneys percentages having the lowest priority, and shall not issue grants  
2 as reimbursement for public school air quality improvement projects  
3 funded or completed before April 1, 2021, ~~Notwithstanding the matching~~  
4 ~~moneys requirement specified in subsection (9) of this section, matching~~  
5 ~~moneys are not required for grants issued pursuant to this subsection (15)~~  
6 OR ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (15)(a)(I), AS  
7 AMENDED BY THIS SENATE BILL 23-220, ENACTED IN 2023.

8 **SECTION 2.** In Colorado Revised Statutes, 39-28.8-501, **amend**  
9 (4.8) as follows:

10 **39-28.8-501. Marijuana tax cash fund - creation - distribution**  
11 **- legislative declaration - repeal.** (4.8) The state treasurer shall transfer  
12 from the fund to the public school capital construction assistance fund  
13 created in section 22-43.7-104:

- 14 (a) Fifty million dollars on June 1, 2022; AND
- 15 (b) ~~Thirty million dollars on June 1, 2023; and~~
- 16 (c) Twenty million dollars on June 1, 2024.

17 **SECTION 3.** In Colorado Revised Statutes, 22-43.7-104, **amend**  
18 (2)(g) as follows:

19 **22-43.7-104. Public school capital construction assistance fund**  
20 **- creation - crediting of money to fund - use of fund - emergency**  
21 **reserve - creation - reserve account - creation and use.** (2) (g) The  
22 assistance fund includes ~~one hundred~~ SEVENTY million dollars, which the  
23 state treasurer is required to transfer from the marijuana tax cash fund  
24 created in section 39-28.8-501 (1) ~~over three fiscal years beginning~~ IN  
25 TWO INSTALLMENTS, WITH THE FIRST on June 1, 2022, AND THE SECOND  
26 ON JUNE 1, 2024, pursuant to section 39-28.8-501 (4.8).

27 **SECTION 4. Appropriation - adjustments to 2023 long bill.** To

1     implement this act, the cash fund appropriation from the public school  
2     capital construction assistance fund created in section 22-43.7-104 (1),  
3     C.R.S., made in the annual general appropriation act for the 2023-24 state  
4     fiscal year to the department of education for public school capital  
5     construction assistance board cash grants, is decreased by \$25,294,780.

6             **SECTION 5. Safety clause.** The general assembly hereby finds,  
7     determines, and declares that this act is necessary for the immediate  
8     preservation of the public peace, health, or safety.