

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

REVISED

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

LLS NO. 23-0419.01 Jed Franklin x5484

SENATE BILL 23-220

SENATE SPONSORSHIP

Zenzinger and Kirkmeyer, Buckner, Cutter, Fields, Ginal, Moreno, Priola, Simpson

HOUSE SPONSORSHIP

Bird and Sirota,

Senate Committees
Appropriations

House Committees
Appropriations

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.**

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.*

HOUSE
Amended 2nd Reading
April 5, 2023

SENATE
3rd Reading Unamended
March 30, 2023

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.

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); and **add (2)(i)** 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 (i) ON JUNE 1, 2023, THE STATE TREASURER SHALL TRANSFER ONE

1 MILLION DOLLARS FROM THE GENERAL FUND TO THE PUBLIC SCHOOL
2 CAPITAL CONSTRUCTION ASSISTANCE FUND.

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

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