

## CHAPTER 248

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**EDUCATION - PUBLIC SCHOOLS**


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## SENATE BILL 21-202

BY SENATOR(S) Moreno and Lundeen, Bridges, Buckner, Cooke, Danielson, Donovan, Fenberg, Ginal, Gonzales, Hansen, Hisey, Jaquez Lewis, Kirkmeyer, Kolker, Lee, Pettersen, Priola, Rankin, Scott, Simpson, Sonnenberg, Story, Winter, Garcia; also REPRESENTATIVE(S) Sirota and Larson, Amabile, Burnett, Bird, Boesenecker, Caraveo, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Herod, Holtorf, Hooton, Jackson, Jodeh, Kipp, McCluskie, McCormick, McLachlan, Michaelson Jenet, Mullica, Ortiz, Ricks, Snyder, Valdez A., Woodrow, Young, Garnett.

## AN ACT

**CONCERNING A GENERAL FUND TRANSFER TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND FOR THE PURPOSE OF PROVIDING GRANTS FOR PUBLIC SCHOOL AIR QUALITY IMPROVEMENT PROJECTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, 22-43.7-104, **add** (2)(h) as follows:

**22-43.7-104. Public school capital construction assistance fund - creation - crediting of money to fund - use of fund - emergency reserve - creation - reserve account - creation and use.** (2) (h) ON THE EFFECTIVE DATE OF THIS SUBSECTION (2)(h), IF POSSIBLE, OR AS SOON AS POSSIBLE THEREAFTER, THE STATE TREASURER SHALL TRANSFER TEN MILLION DOLLARS FROM THE GENERAL FUND TO THE ASSISTANCE FUND. NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION, THE MONEY TRANSFERRED PURSUANT TO THIS SUBSECTION (2)(h) SHALL BE USED ONLY TO PROVIDE FINANCIAL ASSISTANCE IN THE FORM OF GRANTS AS AUTHORIZED IN SECTION 22-43.7-109 (15).

**SECTION 2.** In Colorado Revised Statutes, 22-43.7-109, **amend** (9) introductory portion; and **add** (15) as follows:

**22-43.7-109. Financial assistance for public school capital construction - application requirements - evaluation criteria - local match requirements - technology grants - career and technical education capital construction grants - rules - definitions - repeal.** (9) Except as otherwise provided in ~~subsection (10)~~ SUBSECTIONS (10) AND (15) of this section, the board may recommend, and the state

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

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:

(15) (a) (I) THE BOARD SHALL USE MONEY TRANSFERRED FROM THE GENERAL FUND TO THE ASSISTANCE FUND PURSUANT TO SECTION 22-43.7-104 (2)(h) ONLY TO PROVIDE FINANCIAL ASSISTANCE IN THE FORM OF GRANTS FOR PUBLIC SCHOOL AIR QUALITY IMPROVEMENT PROJECTS. THE BOARD SHALL PRIORITIZE GRANT AWARDS BASED ON GRANT APPLICANTS' MATCHING MONEYS PERCENTAGES CALCULATED PURSUANT TO SUBSECTION (9) OF THIS SECTION, WITH APPLICANTS WITH THE LOWEST MATCHING MONEYS PERCENTAGES HAVING THE HIGHEST PRIORITY AND APPLICANTS WITH THE HIGHEST MATCHING MONEYS PERCENTAGES HAVING THE LOWEST PRIORITY, AND SHALL NOT ISSUE GRANTS AS REIMBURSEMENT FOR PUBLIC SCHOOL AIR QUALITY IMPROVEMENT PROJECTS FUNDED OR COMPLETED BEFORE APRIL 1, 2021. NOTWITHSTANDING THE MATCHING MONEYS REQUIREMENT SPECIFIED IN SUBSECTION (9) OF THIS SECTION, MATCHING MONEYS ARE NOT REQUIRED FOR GRANTS ISSUED PURSUANT TO THIS SUBSECTION (15).

(II) AS USED IN THIS SUBSECTION (15), "PUBLIC SCHOOL FACILITY AIR QUALITY IMPROVEMENT PROJECT" MEANS A PROJECT THAT INVOLVES THE ACQUISITION, REPAIR, MAINTENANCE, OR UPGRADING OF PORTABLE HIGH-EFFICIENCY PARTICULATE AIR FANS OR FILTRATION SYSTEMS. FOR PURPOSES OF THIS PART 1, AND NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION, A PUBLIC SCHOOL AIR QUALITY IMPROVEMENT PROJECT IS DEEMED TO BE PUBLIC SCHOOL FACILITY CAPITAL CONSTRUCTION THAT IS ELIGIBLE FOR FINANCIAL ASSISTANCE.

(b) NOTWITHSTANDING SUBSECTION (7)(a) OF THIS SECTION OR ANY OTHER PROVISION OF THIS PART 1, THE BOARD HAS THE SOLE POWER TO MAKE GRANTS PURSUANT TO THIS SUBSECTION (15) AND IS NOT REQUIRED TO OBTAIN THE APPROVAL OF THE STATE BOARD OR ANY OTHER ENTITY BEFORE MAKING SUCH GRANTS.

(c) THE BOARD SHALL REPORT TO THE GENERAL ASSEMBLY REGARDING THE GRANTS MADE PURSUANT TO THIS SUBSECTION (15) DURING THE DEPARTMENT'S 2022 DEPARTMENTAL PRESENTATION TO LEGISLATIVE COMMITTEES OF REFERENCE REQUIRED BY SECTION 2-7-203. THE REPORT MUST INCLUDE:

(I) A LIST THAT IDENTIFIES AND BRIEFLY DESCRIBES EACH GRANT AND SETS FORTH THE AMOUNT OF EACH GRANT;

(II) AN ESTIMATE OF THE TOTAL NUMBER OF STUDENTS LIKELY TO BENEFIT FROM THE GRANTS; AND

(III) ANY OTHER INFORMATION REGARDING THE GRANTS THAT THE BOARD BELIEVES WILL BE INFORMATIVE FOR THE COMMITTEES.

(d) THIS SUBSECTION (15) IS REPEALED, EFFECTIVE JULY 1, 2023.

**SECTION 3. Appropriation.** For the 2020-21 state fiscal year, \$10,000,000 is appropriated to the department of education for use by the public school capital construction assistance board. This appropriation is from the public school capital construction assistance fund created in section 22-43.7-104 (1), C.R.S. To implement this act, the public school capital construction assistance board may use this appropriation for grants of financial assistance as specified in section 22-43.7-109(15), C.R.S. Any money appropriated in this section not expended prior to July 1, 2021, is further appropriated to the public school capital construction assistance board for the 2021-22 state fiscal year for the same purpose.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 16, 2021