

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

Attachment E

2.10.14

DRAFT

LLS NO. 14-0536.01 Nicole Myers x4326

HOUSE BILL

HOUSE SPONSORSHIP

Young,

SENATE SPONSORSHIP

(None),

SHORT TITLE: "BEST Moneys For Flood Damaged Public Schools"

A BILL FOR AN ACT

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

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://www.leg.state.co.us/billsummaries>.)

The bill directs the state treasurer, for each fiscal year beginning on or after July 1, 2014, to credit to the public school capital construction

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

assistance fund (fund) the first \$40 million collected from the excise tax on retail marijuana.

If the governor declares a disaster emergency in any area of the state, the bill requires the division of public school capital construction assistance (division) created in the department of education to 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 capital construction assistance board (board) as soon as possible following the outreach.

An entity that operates a public school facility that is located in an area of the state in which the governor declared a disaster emergency and that experienced a public school facility emergency as a result of the disaster emergency may apply to the board for emergency financial assistance from the fund in the manner currently specified in law. In determining whether to recommend to the state board of education that emergency financial assistance be provided, the board must consider the outreach assessment prepared by the division. The board must waive the matching moneys requirement for any recipient of emergency financial assistance in an area of a declared disaster emergency.

The board may prioritize up to a certain percentage of the moneys in the fund that have been transferred to the fund from the excise tax on retail marijuana for the then-current fiscal year to provide emergency financial assistance to public school facilities that have been damaged as a result of a declared disaster emergency.

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

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

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

11 (b) Any school district, board of cooperative services, charter

1 school, or other entity that receives emergency financial assistance
2 through the "Building Excellent Schools Today Act" may, consistent with
3 current law, use the moneys from such assistance to satisfy any local
4 matching requirement for the receipt of federal moneys to repair damage
5 to a public school facility as a result of the disaster emergency.

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

8 **22-43.7-104. Public school capital construction assistance fund**
9 **- creation - crediting of moneys to fund - use of fund - emergency**
10 **reserve - creation - reserve account - creation and use.** (2) (d) FOR
11 EACH FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2014, THE STATE
12 TREASURER, AS PROVIDED IN SECTION 39-28.8-305 (1) (a), C.R.S., SHALL
13 CREDIT TO THE ASSISTANCE FUND THE FIRST FORTY MILLION DOLLARS
14 RECEIVED AND COLLECTED FROM THE EXCISE TAX ON RETAIL MARIJUANA
15 IMPOSED PURSUANT TO PART 3 OF ARTICLE 28.8 OF TITLE 39, C.R.S.

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

18 **22-43.7-105. Division of public school capital construction**
19 **assistance - creation - director - function - powers and duties.** (3) IN
20 ADDITION TO THE FUNCTIONS OF THE DIVISION SPECIFIED IN SUBSECTION
21 (2) OF THIS SECTION, IF THE GOVERNOR DECLARES, BY EXECUTIVE ORDER
22 OR PROCLAMATION, A DISASTER EMERGENCY IN ANY AREA OF THE STATE
23 PURSUANT TO SECTION 24-33.5-704 (4), C.R.S., THE DIVISION SHALL, AS
24 SOON AS POSSIBLE FOLLOWING THE DECLARATION OF THE DISASTER
25 EMERGENCY, CONTACT EACH AFFECTED SCHOOL FACILITY IN ANY AREA OF
26 THE STATE IN WHICH THE GOVERNOR DECLARED THE DISASTER
27 EMERGENCY TO ASSESS ANY FACILITY NEEDS RESULTING FROM THE

1 DECLARED DISASTER EMERGENCY. THE DIVISION MUST REPORT ITS
2 FINDINGS TO THE BOARD AS SOON AS POSSIBLE FOLLOWING ITS OUTREACH.

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

5 **22-43.7-109. Financial assistance for public school capital**
6 **construction - application requirements - evaluation criteria - local**
7 **match requirements.** (8)(a) Notwithstanding any other provision of this
8 section, in the event of a public school facility emergency, an entity that
9 may be an applicant and that is operating in the affected public school
10 facility may submit an application to the board for emergency financial
11 assistance to address the emergency. The application shall disclose any
12 insurance proceeds, cash reserves, or capital construction reserves
13 available to pay the costs of addressing the emergency, and insurance
14 proceeds that become available only after an applicant has received
15 emergency financial assistance shall be used first to reimburse the
16 assistance fund for the emergency financial assistance. The board shall
17 meet within fifteen days of receiving the application to determine whether
18 to recommend to the state board that emergency financial assistance be
19 provided, the amount of any assistance recommended to be provided, and
20 any recommended conditions that the applicant must meet to receive the
21 assistance. The state board shall meet within five days of receiving the
22 board's recommendations to determine whether to authorize the board to
23 award emergency financial assistance as recommended by the board,
24 modify the recommended award of assistance, or prohibit the board from
25 awarding assistance. The board may use any unencumbered and
26 unexpended moneys in the assistance fund, including the emergency
27 reserve of the assistance fund, to provide emergency financial assistance.

1 THE BOARD MAY USE UP TO TEN PERCENT OF THE MONEYS IN THE
2 ASSISTANCE FUND THAT HAVE BEEN TRANSFERRED TO THE FUND
3 PURSUANT TO SECTION 22-43.7-104 (2) (d) DURING THE APPLICABLE
4 FISCAL YEAR TO PRIORITIZE FINANCIAL ASSISTANCE TO APPLICANTS
5 PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (8).

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

10 (c) AN ENTITY THAT MAY BE AN APPLICANT, THAT IS OPERATING
11 A PUBLIC SCHOOL FACILITY THAT IS LOCATED IN AN AREA OF THE STATE IN
12 WHICH THE GOVERNOR DECLARED A DISASTER EMERGENCY PURSUANT TO
13 SECTION 24-33.5-704 (4), C.R.S., AND THAT EXPERIENCED A PUBLIC
14 SCHOOL FACILITY EMERGENCY AS A RESULT OF THE DISASTER EMERGENCY
15 MAY APPLY TO THE BOARD FOR EMERGENCY FINANCIAL ASSISTANCE TO
16 ADDRESS THE EMERGENCY PURSUANT TO THIS SUBSECTION (8). IN
17 DETERMINING WHETHER TO RECOMMEND TO THE STATE BOARD THAT
18 EMERGENCY FINANCIAL ASSISTANCE BE PROVIDED, THE AMOUNT OF ANY
19 ASSISTANCE RECOMMENDED TO BE PROVIDED, AND ANY RECOMMENDED
20 CONDITIONS THAT THE APPLICANT MUST MEET TO RECEIVE ASSISTANCE,
21 THE BOARD SHALL CONSIDER THE FINDINGS THAT THE DIVISION PROVIDED
22 TO THE BOARD PURSUANT TO SECTION 22-43.7-105 (3).
23 NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (10) OF THIS
24 SECTION, THE BOARD SHALL WAIVE THE MATCHING MONEYS REQUIREMENT
25 SPECIFIED IN SUBSECTION (9) OF THIS SECTION FOR ANY RECIPIENT OF
26 EMERGENCY FINANCIAL ASSISTANCE PURSUANT TO THIS PARAGRAPH (c).

27 **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.