

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

Attachment B

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 conduct a disaster emergency financial assistance priority assessment of public school facilities in any area of the state in which the governor declared the disaster emergency. The division must conduct the assessment as soon as possible after the governor's declaration of a disaster emergency and must provide the public school capital construction assistance board (board) with the assessment as soon as possible following its completion.

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 disaster emergency financial assistance priority 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 _____% 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.

An applicant that receives emergency financial assistance may use the moneys from such assistance to satisfy a local matching requirement for receipt of federal moneys to repair damage to a public school facility as a result of the disaster emergency.

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

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

3 (d) as follows:

4 **22-43.7-104. Public school capital construction assistance fund**
5 **- creation - crediting of moneys to fund - use of fund - emergency**
6 **reserve - creation - reserve account - creation and use. (2) (d) FOR**
7 **EACH FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2014, THE STATE**

1 TREASURER, AS PROVIDED IN SECTION 39-28.8-305 (1) (a), C.R.S., SHALL
2 CREDIT TO THE ASSISTANCE FUND THE FIRST FORTY MILLION DOLLARS
3 RECEIVED AND COLLECTED FROM THE EXCISE TAX ON RETAIL MARIJUANA
4 IMPOSED PURSUANT TO PART 3 OF ARTICLE 28.8 OF TITLE 39, C.R.S.

5 **SECTION 2.** In Colorado Revised Statutes, 22-43.7-105, **add** (3)
6 as follows:

7 **22-43.7-105. Division of public school capital construction**
8 **assistance - creation - director - function - powers and duties.** (3) IN
9 ADDITION TO THE FUNCTIONS OF THE DIVISION SPECIFIED IN SUBSECTION
10 (2) OF THIS SECTION, IF THE GOVERNOR DECLARES, BY EXECUTIVE ORDER
11 OR PROCLAMATION, A DISASTER EMERGENCY IN ANY AREA OF THE STATE
12 PURSUANT TO SECTION 24-33.5-704 (4), C.R.S., THE DIVISION SHALL, AS
13 SOON AS POSSIBLE FOLLOWING THE DECLARATION OF THE DISASTER
14 EMERGENCY, CONDUCT A DISASTER EMERGENCY FINANCIAL ASSISTANCE
15 PRIORITY ASSESSMENT OF PUBLIC SCHOOL FACILITIES IN THE AREA OR
16 AREAS OF THE STATE IN WHICH THE GOVERNOR DECLARED THE DISASTER
17 EMERGENCY. THE DISASTER EMERGENCY FINANCIAL ASSISTANCE PRIORITY
18 ASSESSMENT MUST ASSESS PUBLIC SCHOOL FACILITY CAPITAL
19 CONSTRUCTION PROJECTS THAT ARE NECESSARY AS A RESULT OF THE
20 DISASTER BASED ON THE CRITERIA SPECIFIED IN SECTION 22-43.7-108 (2)
21 (a). THE DIVISION SHALL PROVIDE THE BOARD WITH THE DISASTER
22 EMERGENCY FINANCIAL ASSISTANCE PRIORITY ASSESSMENT AS SOON AS
23 POSSIBLE FOLLOWING THE COMPLETION OF THE ASSESSMENT.

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

26 **22-43.7-109. Financial assistance for public school capital**
27 **construction - application requirements - evaluation criteria - local**

1 **match requirements.** (8) (a) Notwithstanding any other provision of this
2 section, in the event of a public school facility emergency, an entity that
3 may be an applicant and that is operating in the affected public school
4 facility may submit an application to the board for emergency financial
5 assistance to address the emergency. The application shall disclose any
6 insurance proceeds, cash reserves, or capital construction reserves
7 available to pay the costs of addressing the emergency, and insurance
8 proceeds that become available only after an applicant has received
9 emergency financial assistance shall be used first to reimburse the
10 assistance fund for the emergency financial assistance. The board shall
11 meet within fifteen days of receiving the application to determine whether
12 to recommend to the state board that emergency financial assistance be
13 provided, the amount of any assistance recommended to be provided, and
14 any recommended conditions that the applicant must meet to receive the
15 assistance. The state board shall meet within five days of receiving the
16 board's recommendations to determine whether to authorize the board to
17 award emergency financial assistance as recommended by the board,
18 modify the recommended award of assistance, or prohibit the board from
19 awarding assistance. The board may use any unencumbered and
20 unexpended moneys in the assistance fund, including the emergency
21 reserve of the assistance fund, to provide emergency financial assistance.
22 THE BOARD MAY USE UP TO 5 PERCENT OF THE MONEYS IN THE
23 ASSISTANCE FUND THAT HAVE BEEN TRANSFERRED TO THE FUND
24 PURSUANT TO SECTION 22-43.7-104 (2) (d) DURING THE APPLICABLE
25 FISCAL YEAR TO PRIORITIZE FINANCIAL ASSISTANCE TO APPLICANTS
26 PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (8).

27 (b) As used in this subsection (8), "public school facility

1 emergency" means an unanticipated event that makes all or a significant
2 portion of a public school facility unusable for educational purposes or
3 threatens the health or safety of persons using the public school facility.

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

23 (II) AN ENTITY THAT OPERATES A PUBLIC SCHOOL FACILITY MUST
24 SUBMIT ITS APPLICATION FOR EMERGENCY FINANCIAL ASSISTANCE
25 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) TO THE BOARD
26 WITHIN DAYS AFTER THE GOVERNOR'S DECLARATION OF THE
27 DISASTER EMERGENCY. IF AN ENTITY HAS NOT APPLIED TO THE BOARD

1 WITHIN THAT TIME BUT STILL WANTS TO APPLY FOR FINANCIAL
2 ASSISTANCE, THE ENTITY MAY APPLY TO THE BOARD FOR EMERGENCY
3 FINANCIAL ASSISTANCE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION
4 (8) OR APPLY FOR FINANCIAL ASSISTANCE IN ACCORDANCE WITH THE
5 ANNUAL TIMELINE ESTABLISHED BY THE BOARD PURSUANT TO SUBSECTION
6 (2) OF THIS SECTION.

7 (III) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN
8 APPLICANT THAT RECEIVES EMERGENCY FINANCIAL ASSISTANCE
9 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) MAY USE THE
10 MONEYS FROM SUCH ASSISTANCE TO SATISFY ANY LOCAL MATCHING
11 REQUIREMENT FOR THE RECEIPT OF FEDERAL MONEYS TO REPAIR DAMAGE
12 TO A PUBLIC SCHOOL FACILITY AS A RESULT OF THE DISASTER EMERGENCY.

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