

SENATE COMMITTEE OF REFERENCE REPORT

	February 1, 2007
Chairman of Committee	Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB07-041 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, after line 1, insert the following:

2 "SECTION 1. Legislative declaration. (1) The general
3 assembly hereby finds that:

4 (a) Creation of an advisory committee within the department of
5 education to consider and recommend statewide minimum facility and
6 safety standards for school district facilities and adoption of the standards
7 by the state board of education will help to ensure that, in providing
8 capital construction moneys to school districts, the moneys will be used
9 in completing high-quality, beneficial construction projects; and

10 (b) A statewide needs assessment of the school buildings in
11 Colorado will have the beneficial effect of assisting school districts and
12 the state in appropriately and efficiently allocating funds for the
13 improvement of school buildings.

14 (2) It is therefore the intent of the general assembly that the
15 statewide minimum facility and safety standards adopted pursuant to this
16 act and the statewide needs assessment conducted in implementing this
17 act shall be used by the department of education in efficiently allocating
18 moneys to school districts from the school construction and renovation
19 fund created in section 22-43.7-103, Colorado Revised Statutes, and from
20 the school capital construction expenditures reserve pursuant to section

1 22-54-117, Colorado Revised Statutes. The statewide minimum facility
2 and safety standards and the statewide needs assessment shall not
3 constitute evidence of a lack of funding or support for school district
4 capitol construction projects and shall not constitute or be construed as
5 any admission by the state with regard to capital construction funding or
6 needs within school districts of the state. Further, in enacting this act, the
7 General Assembly makes no admissions or representations as to the
8 responsibility of the state with regard to school district capital
9 construction issues."

10 Renumber succeeding sections accordingly.

11 Page 4, line 16, after the period, add "THE RULES PROPOSED BY THE
12 ADVISORY COMMITTEE SHALL BE IN CONFORMANCE WITH THE BUILDING
13 AND FIRE CODES AND STANDARDS ADOPTED PURSUANT TO SECTION
14 22-32-124 BY THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY
15 IN THE DEPARTMENT OF LABOR AND EMPLOYMENT.";

16 line 17, after "CONSIDER", insert "AND ADDRESS".

17 Page 5, line 22, strike "JULY 1, 2008," and substitute "JANUARY 1, 2009,".

18 Page 6, line 3, after "FACILITIES.", insert "THE RULES ADOPTED BY THE
19 STATE BOARD SHALL BE IN CONFORMANCE WITH THE BUILDING AND FIRE
20 CODES AND STANDARDS ADOPTED PURSUANT TO SECTION 22-32-124 BY
21 THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY IN THE
22 DEPARTMENT OF LABOR AND EMPLOYMENT.";

23 line 16, strike "APPLIES" and substitute "APPLIES, ON OR AFTER JANUARY
24 1, 2009,";

25 line 20, strike "ADVISORY COMMITTEE" and substitute "DEPARTMENT OF
26 EDUCATION".

27 Page 7, strike lines 10 and 11 and substitute the following:

28 "(6) UPON COMPLETION OF THE FIRST STATEWIDE NEEDS
29 ASSESSMENT AND CREATION OF THE STATEWIDE DATABASE PURSUANT TO
30 SECTION 22-43.7-203, THE DEPARTMENT OF EDUCATION SHALL PROVIDE
31 SUFFICIENT STAFF TO ASSIST THE ADVISORY COMMITTEE IN THE";

1 strike lines 16 through 18.

2 Reletter succeeding paragraphs accordingly.

3 Page 8, line 1, strike "SAVINGS;" and substitute "SAVINGS; AND";

4 line 4, strike "STAFF; AND" and substitute "STAFF.";

5 strike lines 5 through 8;

6 strike lines 13 and 14 and substitute the following:

7 **"22-43.7-203. Statewide needs assessment. (1) THE**
8 **DEPARTMENT OF EDUCATION,";**

9 line 15, strike "JULY 1, 2008," and substitute "JANUARY 1, 2009,".

10 line 17, after the period, add "THE STATE BOARD SHALL ORDER PAYMENT
11 OF THE COSTS INCURRED IN CONDUCTING OR CONTRACTING FOR THE
12 ASSESSMENT AS PROVIDED IN SECTION 22-54-117 (1.6) (a) (II).".

13 Page 9, strike lines 15 through 17 and substitute the following:

14 "OF THIS SUBSECTION (2).";

15 line 18, strike "ADVISORY COMMITTEE" and substitute "DEPARTMENT OF
16 EDUCATION".

17 Page 10, line 14, strike "22-43.7-106;" and substitute "22-43.7-106; AND";

18 line 18, strike "22-43.7-202 (6); AND" and substitute "22-43.7-202 (6).";

19 strike lines 19 through 21.

20 Page 12, after line 22, insert the following:

21 **"SECTION 10. 22-43.7-103 (2), Colorado Revised Statutes, is**
22 **amended to read:**

23 **22-43.7-103. School construction and renovation fund -**
24 **created - purpose - transfer of excess state revenues. (2) Subject to**

1 ~~appropriation by the general assembly,~~ THE STATE BOARD IS AUTHORIZED
2 TO APPROVE AND ORDER PAYMENTS FROM THE moneys in the construction
3 and renovation fund ~~shall be used~~ to provide matching grants to school
4 districts that are undertaking qualified capital construction projects and
5 for the expenses incurred by the state board in administering this article.
6 The state board shall determine the proportion of the state and local funds
7 to be used to finance the qualified capital construction project and the
8 amount of each grant using the criteria established pursuant to section
9 22-43.7-106.

10 **SECTION 11.** 22-54-117 (1.6) (a), Colorado Revised Statutes, is
11 amended to read:

12 **22-54-117. Contingency reserve - capital construction**
13 **expenditures reserve.** (1.6) (a) (I) For each quarter including and after
14 the first quarter of the state's fiscal year 2001-02, all moneys that would
15 otherwise be transferred to the general fund pursuant to section 3 (1) (b)
16 (III) of article XXVII of the state constitution shall be transferred to the
17 state public school fund as a contingency reserve exempt from any
18 restriction on spending, revenues, or appropriations, including, without
19 limitation, the restrictions of section 20 of article X of the state
20 constitution. EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF
21 THIS PARAGRAPH (a), the state board is authorized to approve and order
22 payments from the moneys transferred pursuant to this subsection (1.6)
23 only for supplemental assistance to districts for capital expenditures to
24 address immediate safety hazards or health concerns within existing
25 school facilities either by repairing, remodeling, or refurbishing the
26 existing school facilities or by constructing new school facilities to
27 replace the existing school facilities.

28 (II) FOR BUDGET YEARS BEGINNING ON OR AFTER JULY 1, 2007,
29 AND ENDING ON JULY 1, 2011, THE STATE BOARD, FROM THE MONEYS
30 TRANSFERRED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a),
31 SHALL APPROVE AND ORDER PAYMENT OF THE COSTS INCURRED IN
32 CONDUCTING OR CONTRACTING FOR THE STATEWIDE NEEDS ASSESSMENT
33 OF SCHOOL BUILDINGS REQUIRED PURSUANT TO SECTION 22-43.7-203.
34 THE STATE BOARD SHALL NOT ORDER PAYMENT PURSUANT TO THIS
35 SUBPARAGRAPH (II) OF MORE THAN THREE MILLION DOLLARS IN ANY
36 BUDGET YEAR AND SHALL NOT ORDER PAYMENT OF MORE THAN A TOTAL
37 OF TWELVE MILLION DOLLARS FOR THE FOUR BUDGET YEARS DESCRIBED
38 IN THIS SUBPARAGRAPH (II).".

1 Renumber succeeding sections accordingly.

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