

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

**REVISED**

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

LLS NO. 21-0837.01 Sarah Lozano x3858

**SENATE BILL 21-198**

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**SENATE SPONSORSHIP**

**Smallwood and Rodriguez,**

**HOUSE SPONSORSHIP**

**Roberts and Bockenfeld, Michaelson Jenet**

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**Senate Committees**

State, Veterans, & Military Affairs

**House Committees**

Education

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**A BILL FOR AN ACT**

101      **CONCERNING THE REPEAL OF A REQUIREMENT THAT THE STATE**  
102              **AUDITOR ANNUALLY REPORT USES OF STATE EDUCATION FUND**  
103              **MONEY FOR SCHOOL CAPITAL CONSTRUCTION TO CERTAIN**  
104              **COMMITTEES OF THE GENERAL ASSEMBLY.**

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**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/>.)*

**Legislative Audit Committee.** The bill repeals a requirement that the state auditor annually report uses of state education fund money for school capital construction to the education committees of the senate and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

HOUSE  
2nd Reading Unamended  
May 3, 2021

SENATE  
3rd Reading Unamended  
April 12, 2021

SENATE  
2nd Reading Unamended  
April 9, 2021

the house of representatives, the legislative audit committee, and the joint budget committee of the general assembly.

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

2           **SECTION 1.** In Colorado Revised Statutes, 2-3-115, **repeal** (2)  
3 as follows:

4           **2-3-115. Use of state education fund money for school capital**  
5 **construction - audits - reports.** (2) ~~No later than February 1 of each~~  
6 ~~school district budget year commencing on or after July 1, 2002, the state~~  
7 ~~auditor shall report to the education committees of the senate and the~~  
8 ~~house of representatives, the legislative audit committee, and the joint~~  
9 ~~budget committee of the general assembly:~~

10           (a) ~~The total amount of state education fund moneys that districts~~  
11 ~~throughout the state expended for capital construction and the amount of~~  
12 ~~state education fund moneys that each district expended for capital~~  
13 ~~construction during the prior budget year;~~

14           (b) ~~The total amount of state education fund moneys that qualified~~  
15 ~~charter schools throughout the state expended for capital construction and~~  
16 ~~the amount of state education fund moneys that each qualified charter~~  
17 ~~school throughout the state expended for capital construction during the~~  
18 ~~prior budget year;~~

19           (c) ~~For budget years 2000-01 through 2006-07, the total amount~~  
20 ~~of state education fund moneys received indirectly from the school capital~~  
21 ~~construction expenditures reserve, as said reserve existed prior to July 1,~~  
22 ~~2008, and for the budget year 2007-08, the total amount of state education~~  
23 ~~fund moneys received indirectly from the school capital construction~~  
24 ~~expenditures reserve fund, as said fund existed prior to July 1, 2008, by~~  
25 ~~districts throughout the state and by each district that were expended for~~

1 ~~capital construction during the prior budget year;~~

2 ~~(d) The schools and projects on which state education fund~~  
3 ~~moneys were expended;~~

4 ~~(e) For budget years 2000-01 through 2006-07, the balances of all~~  
5 ~~moneys and all state education fund moneys in the school capital~~  
6 ~~construction expenditures reserve, as said reserve existed prior to July 1,~~  
7 ~~2008, as of the immediately preceding January 1, and for the budget year~~  
8 ~~2007-08, the balances of all moneys and all state education fund moneys~~  
9 ~~in the school capital construction expenditures reserve fund, as said fund~~  
10 ~~existed prior to July 1, 2008, as of the immediately preceding January 1;~~  
11 ~~and~~

12 ~~(f) The total pupil enrollment of all school districts in the state in~~  
13 ~~which state education fund moneys were expended for capital~~  
14 ~~construction during the prior budget year, the pupil enrollment of each~~  
15 ~~school district in which state education fund moneys were expended for~~  
16 ~~capital construction during the prior budget year, and the pupil enrollment~~  
17 ~~of each school in the state on which state education fund moneys were~~  
18 ~~expended for capital construction during the prior budget year.~~

19 **SECTION 2. Act subject to petition - effective date.** This act  
20 takes effect at 12:01 a.m. on the day following the expiration of the  
21 ninety-day period after final adjournment of the general assembly; except  
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
23 of the state constitution against this act or an item, section, or part of this  
24 act within such period, then the act, item, section, or part will not take  
25 effect unless approved by the people at the general election to be held in  
26 November 2022 and, in such case, will take effect on the date of the  
27 official declaration of the vote thereon by the governor.