

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Joint Budget Committee Members
FROM JBC Staff
DATE March 17, 2023
SUBJECT Potential Legislation Packet 5

This packet includes bill drafts and related memos for the Committee’s consideration. Each individual item has page numbers but also a packet page number to help navigate the whole document. The page numbers below refer to the packet page number.

POTENTIAL LEGISLATION

County Assistance for 23rd Judicial District LLS 0938 (Kemm) 1

Transfer to Revenue Loss Restoration Cash Fund LLS 0818 (Bickel) 3

Infrastructure Investment & Jobs Act Cash Fund LLS 0920 (Bickel)..... 5

Public School Capital Construction Assistance Grants LLS 0419 (Bickel)..... 8

Medicaid Provider Rate Review Process LLS 0952 (Kurtz)..... 11

Medicaid Pharmacy & Outpatient Services Copayment LLS 0933 (Kurtz)..... 14

Colorado Universal Preschool Program Funding LLS 0868 (Kurtz)..... 17

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/16/23

DRAFT

LLS NO. 23-0938.01 Jerry Barry x4341

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: County Assistance For 23rd Judicial District

A BILL FOR AN ACT

101 **CONCERNING STATE ASSISTANCE TO COUNTIES AFFECTED BY THE**
102 **TWENTY-THIRD JUDICIAL DISTRICT.**

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/>.)

Joint Budget Committee. The bill directs the state court administrator's office to reimburse counties located in the eighteenth judicial district for expenses related to establishing a district attorney's office in the new twenty-third judicial district.

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 13-3-118 as
3 follows:

4 **13-3-118. State court administrator - twenty-third judicial**
5 **district county assistance - definition - repeal.** (1) AS USED IN THIS
6 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "ELIGIBLE
7 EXPENSES" MEANS COSTS ASSOCIATED WITH ESTABLISHING A DISTRICT
8 ATTORNEY'S OFFICE IN THE TWENTY-THIRD JUDICIAL DISTRICT, INCLUDING:

9 (a) FOR THE 2023-24 STATE FISCAL YEAR, CONSULTING FEES AND
10 TRANSITION CONTRACTOR PROJECT MANAGEMENT FEES; AND

11 (b) FOR THE 2024-25 STATE FISCAL YEAR:

12 (I) COSTS RELATED TO ANNUAL AND SICK LEAVE PAYOUTS FOR
13 STAFF TO TRANSITION FROM THE EIGHTEENTH TO THE TWENTY-THIRD
14 JUDICIAL DISTRICT; AND

15 (II) TRANSITION AND IMPLEMENTATION OF INFORMATION
16 TECHNOLOGY INFRASTRUCTURE, EQUIPMENT, AND SOFTWARE; DATA
17 PRESERVATION, SEPARATION, AND MIGRATION; AND INFORMATION
18 TECHNOLOGY STAFF TRANSITION.

19 (2) FROM MONEY APPROPRIATED BY THE GENERAL ASSEMBLY, THE
20 STATE COURT ADMINISTRATOR'S OFFICE SHALL REIMBURSE COUNTIES OF
21 THE CURRENT EIGHTEENTH JUDICIAL DISTRICT FOR ELIGIBLE EXPENSES
22 RELATED TO THE CREATION OF THE TWENTY-THIRD JUDICIAL DISTRICT.

23 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026.

24 **SECTION 2. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety.

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/14/23

DRAFT

LLS NO. 23-0818.02 Jessica Herrera x4218

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Transfer To Revenue Loss Restoration Cash Fund

A BILL FOR AN ACT

101 **CONCERNING A TRANSFER TO THE REVENUE LOSS RESTORATION CASH**
102 **FUND.**

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/>.)

Joint Budget Committee. The bill requires the state treasurer to transfer \$8 million from the digital inclusion grant program fund to the revenue loss restoration cash fund on June 1, 2023.

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

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

1 **SECTION 1.** In Colorado Revised Statutes, 24-37.5-904, **amend**
2 (2) as follows:

3 **24-37.5-904. Digital inclusion grant program - income -**
4 **eligible household reimbursement program - creation - award**
5 **criteria - digital inclusion grant program fund - definition - reporting**
6 **- repeal.** (2) (a) The digital inclusion grant program fund is hereby
7 created in the state treasury and consists of money the state received from
8 the federal coronavirus state fiscal recovery fund created in the federal
9 "American Rescue Plan Act of 2021", Pub.L. 117-2, and any money that
10 the general assembly may appropriate. Within three days after June 28,
11 2021, the state treasurer shall transfer thirty-five million dollars from the
12 economic recovery and relief cash fund created in section 24-75-228
13 (2)(a) to the fund for use by the broadband office for the purpose of
14 reviewing and awarding grants under the grant program. The money in
15 the fund is subject to appropriation by the general assembly.

16 (b) ON JUNE 1, 2023, THE STATE TREASURER SHALL TRANSFER
17 EIGHT MILLION DOLLARS FROM THE DIGITAL INCLUSION GRANT PROGRAM
18 FUND TO THE REVENUE LOSS RESTORATION CASH FUND CREATED IN
19 SECTION 24-75-227.

20 **SECTION 2. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety.

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/16/23

DRAFT

LLS NO. 23-0920.01 Megan McCall x4215

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Infra Inv & Jobs Act Cash Fund

A BILL FOR AN ACT

101 CONCERNING THE "INFRASTRUCTURE INVESTMENT AND JOBS ACT"
102 CASH FUND.

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/>.)

Joint Budget Committee. Existing law provides that money expended from the "Infrastructure Investment and Jobs Act" (act) cash fund may be used as matching nonfederal money for infrastructure projects pursuant to requirements of the act as well as for grant writing support, project planning support, and administrative needs. The bill clarifies that, with respect to the project planning support for which

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money from the fund is already authorized to be expended, the Governor's office may specifically expend money from the fund for project planning support for federal funding opportunities in connection with the act and related federal funding opportunities including funding opportunities from the "Inflation Reduction Act".

The bill also requires that on July 1, 2023, the state treasurer is to transfer \$_____ from the general fund to the "Infrastructure Investment and Jobs Act" cash fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-232, **amend**
3 (3), (4)(a), and (5)(b)(II); and **add** (2)(b.5) as follows:

4 **24-75-232. "Infrastructure Investment and Jobs Act" cash**
5 **fund - creation - allowable uses - report - legislative declaration -**
6 **definitions - repeal.** (2) As used in this section, unless the context
7 otherwise requires:

8 (b.5) "INFLATION REDUCTION ACT" MEANS THE FEDERAL
9 "INFLATION REDUCTION ACT OF 2022", PUB.L. 117-169, AS THE ACT MAY
10 BE SUBSEQUENTLY AMENDED.

11 (3) The "Infrastructure Investment and Jobs Act" cash fund is
12 hereby created in the state treasury. The fund consists of money credited
13 OR TRANSFERRED to the fund pursuant to subsection (4) of this section
14 and any other money that the general assembly may appropriate or
15 transfer to the fund.

16 (4) (a) (I) No later than three days after June 7, 2022, the state
17 treasurer shall transfer eighty million two hundred fifty thousand dollars
18 from the general fund to the fund.

19 (II) ON JULY 1, 2023, THE STATE TREASURER SHALL TRANSFER
20 _____ DOLLARS FROM THE GENERAL FUND TO THE FUND.

21 (5) (b) In addition to the uses set forth in subsection (5)(a) of this

1 section:

2 (II) The office may expend money from the fund to provide grant
3 writing support, project planning support FOR FEDERAL FUNDING
4 OPPORTUNITIES IN CONNECTION WITH THE "INFRASTRUCTURE INVESTMENT
5 AND JOBS ACT" AND RELATED FEDERAL FUNDING OPPORTUNITIES
6 INCLUDING FUNDING OPPORTUNITIES FROM THE "INFLATION REDUCTION
7 ACT", and for administrative needs in processing applications for money
8 from the fund and disbursing money awarded from the fund in
9 accordance with this section.

10 **SECTION 2. Appropriation.** For the 2023-24 state fiscal year,
11 \$____ is appropriated to a department as defined by section 24-75-232
12 (2)(a), C.R.S., and to the office of the governor for use by a department
13 or the office of the governor. This appropriation is from the
14 "Infrastructure Investment and Jobs Act" cash fund created in section
15 24-75-232 (3), C.R.S. To implement this act, a department or the office
16 of the governor may use this appropriation for the purposes specified in
17 section 24-75-232 (5), C.R.S. Any money appropriated in this section not
18 expended prior to July 1, 2024, is further appropriated to a department or
19 the office of the governor through the 2026-27 state fiscal year for the
20 same purpose.

21 **SECTION 3. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/16/23

DRAFT

LLS NO. 23-0419.01 Jed Franklin x5484

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Public School Capital Constr Assistance Grants

A BILL FOR AN ACT

101 **CONCERNING THE USE OF UNSPENT MONEY PREVIOUSLY ALLOCATED**
102 **FOR PUBLIC SCHOOL AIR QUALITY IMPROVEMENT GRANTS, TO**
103 **BE USED ONLY FOR MATCHING GRANTS OTHERWISE AUTHORIZED**
104 **UNDER THE BUILDING EXCELLENT SCHOOLS TODAY ACT.**

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/>.)

During the 2021 legislative session, the general assembly transferred \$10,000,000 from the general fund to the public school capital construction assistance fund (fund) and appropriated this money for air

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quality improvement grants for schools. Approximately \$4,700,000 of the money transferred and appropriated for air quality improvement grants remains in the fund and has not been distributed. The appropriation for fiscal year 2021-22 has expired. The bill specifies that the unspent money transferred and appropriated for air quality improvement grants must not be used for air quality improvement grants and instead must be used for financial assistance as provided in the Building Excellent Schools Today Act.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-43.7-109, **amend**
3 (15)(a)(I) as follows:

4 **22-43.7-109. Financial assistance for public school capital**
5 **construction - application requirements - evaluation criteria - local**
6 **match requirements - technology grants - career and technical**
7 **education capital construction grants - rules - definitions - repeal.**

8 (15) (a) (I) The board shall use money transferred from the general fund
9 to the assistance fund pursuant to section 22-43.7-104 (2)(h) only to
10 provide financial assistance in the form of grants for public school air
11 quality improvement projects; EXCEPT THAT, ON AND AFTER THE
12 EFFECTIVE DATE OF THIS SUBSECTION (15)(a)(I), AS AMENDED BY HOUSE
13 BILL 23-_____, ENACTED IN 2023, THE MONEY SHALL NOT BE USED FOR
14 GRANTS FOR PUBLIC SCHOOL AIR QUALITY IMPROVEMENT PROJECTS AND
15 MUST BE USED ONLY FOR FINANCIAL ASSISTANCE IN THE FORM OF
16 MATCHING GRANTS FOR APPLICANTS AS OTHERWISE PROVIDED IN THIS
17 PART 1. The board shall prioritize grant awards based on grant applicants'
18 matching moneys percentages calculated pursuant to subsection (9) of this
19 section, with applicants with the lowest matching moneys percentages
20 having the highest priority and applicants with the highest matching
21 moneys percentages having the lowest priority, and shall not issue grants

1 as reimbursement for public school air quality improvement projects
2 funded or completed before April 1, 2021, OR ON OR AFTER THE
3 EFFECTIVE DATE OF THIS SUBSECTION (15)(a)(I), AS AMENDED BY HOUSE
4 BILL 23-_____, ENACTED IN 2023. ~~Notwithstanding the matching moneys~~
5 ~~requirement specified in subsection (9) of this section, matching moneys~~
6 ~~are not required for grants issued pursuant to this subsection (15).~~

7 **SECTION 2. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety.

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/15/23

DRAFT

LLS NO. 23-0952.01 Shelby Ross x4510

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Medicaid Provider Rate Review Process
DEADLINES: File by: 3/24/2023

A BILL FOR AN ACT

101 **CONCERNING THE ANNUAL REPORT THE DEPARTMENT OF HEALTH**
102 **CARE POLICY AND FINANCING SUBMITS TO THE JOINT BUDGET**
103 **COMMITTEE CONCERNING THE MEDICAID PROVIDER RATE**
104 **REVIEW PROCESS.**

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/>.)

Joint Budget Committee. Current law requires the department of health care policy and financing (department) to submit a written report to the joint budget committee concerning the review process for medicaid

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Dashes through the words indicate deletions from existing law.*

provider rates on or before November 1, 2025, and each November thereafter. The bill changes the date of the first written report to November 1, 2023.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-4-401.5, **amend**
3 **as it will become effective May 1, 2025,** (2)(d)(I) as follows:

4 **25.5-4-401.5. Review of provider rates - advisory committee**
5 **- recommendations - repeal.** (2) (d) (I) Notwithstanding section
6 24-1-136 (11)(a)(I), on or before November 1, ~~2025~~ 2023, and each
7 November 1 thereafter, the state department shall submit a written report
8 to the joint budget committee and the advisory committee on the analysis
9 required pursuant to subsection (2)(a) of this section, a description of the
10 information discussed during the quarterly public meeting conducted
11 pursuant to subsection (2)(e) of this section, and the state department's
12 recommendations on all of the provider rates reviewed pursuant to this
13 section and all of the data relied upon by the state department in making
14 the recommendations. The joint budget committee shall consider the
15 recommendations in formulating the state department's budget.

16 **SECTION 2.** In Session Laws of Colorado 2022, **amend** section
17 3 of chapter 410, (SB 22-236), as follows:

18 Section 3. **Act subject to petition - effective date.** Section
19 25.5-4-401.5 (3), as enacted in section 1 of this act, takes effect
20 December 1, 2022, ~~section 25.5-4-401.5 (2)(d), as enacted in section 1 of~~
21 ~~this section, takes effect May 1, 2025~~ SECTION 25.5-4-401.5 (2)(a), AS
22 ENACTED IN SECTION 1 OF THIS ACT, TAKES EFFECT APRIL 30, 2023, and
23 the remainder of this act takes effect July 1, 2023; except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within the ninety-day period after final adjournment of the general
3 assembly, then the act, item, section, or part will not take effect unless
4 approved by the people at the general election to be held in November
5 2022 and, in such case, will take effect July 1, 2023, or on the date of the
6 official declaration of the vote thereon by the governor, whichever is
7 later; except that section 25.5-4-401.5 (3), as enacted in section 1 of this
8 act, takes effect December 1, 2022, ~~and section 25.5-4-401.5 (2)(d), as~~
9 ~~enacted in section 1 of this section, takes effect May 1, 2025~~ SECTION
10 25.5-4-401.5 (2)(a), AS ENACTED IN SECTION 1 OF THIS ACT, TAKES EFFECT
11 APRIL 30, 2023.

12 **SECTION 3. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety.

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/15/23

DRAFT

LLS NO. 23-0933.01 Amber Paoloemilio x5497

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Medicaid Pharmacy & Outpatient Services Copayment
DEADLINES: File by:

A BILL FOR AN ACT

101 **CONCERNING REMOVING COPAYMENT REQUIREMENT FOR CERTAIN**
102 **MEDICAID SERVICES.**

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/>.)

Joint Budget Committee. The bill removes the requirement that medicaid recipients pay a copayment for pharmacy and outpatient services.

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

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

1 **SECTION 1.** In Colorado Revised Statutes, 25.5-4-209, **amend**
2 (1)(b); and **repeal** (1)(c) as follows:

3 **25.5-4-209. Payments by third parties - copayments by**
4 **recipients - review - appeal - children's waiting list reduction fund.**

5 (1) (b) Subject to any limitations imposed by Title XIX, ~~and the~~
6 ~~requirements set forth in subsection (1)(c) of this section~~ a recipient must
7 SHALL pay at the time of service a portion of the cost of any medical
8 benefit rendered to the recipient or to the recipient's dependents pursuant
9 to this article 4 or article 5 or 6 of this title 25.5, as determined by rules
10 of the state department.

11 ~~(c) (f) Except as otherwise provided in subsection (1)(c)(H) of this~~
12 ~~section, on and after January 1, 2018, for pharmacy and for hospital~~
13 ~~outpatient services, including urgent care centers and facilities and~~
14 ~~emergency services, the rules of the state department required by~~
15 ~~subsection (1)(b) of this section must require the recipient to pay:~~

16 ~~(A) For pharmacy, at least double the average amount paid by~~
17 ~~recipients in state fiscal year 2015-16; or~~

18 ~~(B) For hospital outpatient services, at least double the amount~~
19 ~~required to be paid as specified in the rules as of January 1, 2017.~~

20 ~~(H) For both pharmacy and hospital outpatient services, the~~
21 ~~amount required to be paid by the recipient shall not exceed any specified~~
22 ~~maximum dollar amount allowed by federal law or regulations as of~~
23 ~~January 1, 2017.~~

24 **SECTION 2. Appropriation.** (1) For the 2023-24 state fiscal
25 year, \$1,886,150 is appropriated to the department of health care policy
26 and financing. This appropriation consists of \$1,439,499 from the general
27 fund, which is subject to the "(M)" notation as defined in the annual

1 general appropriation act for the same fiscal year, and \$446,651 from the
2 healthcare affordability and sustainability fee cash fund created in Section
3 25.5-4-402.4 (5)(a), C.R.S. To implement this act, the department may
4 use this appropriation for medical and long-term care services for
5 Medicaid eligible individuals.

6 (2) For the 2023-24 state fiscal year, the general assembly
7 anticipates that the department of health care policy and financing will
8 receive \$5,459,357 in federal funds for medical and long-term care
9 services for Medicaid eligible individuals to implement this act. The
10 appropriation in subsection (1) of this section is based on the assumption
11 that the department will receive this amount of federal funds.

12 **SECTION 3. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety.

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/16/23

DRAFT

LLS NO. 23-0868.03 Alana Rosen x2606

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Colorado Universal Preschool Program Funding

A BILL FOR AN ACT

101 **CONCERNING FUNDING TO THE DEPARTMENT OF EARLY CHILDHOOD**
102 **FOR THE COLORADO UNIVERSAL PRESCHOOL PROGRAM.**

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/>.)

Joint Budget Committee. Current law requires the general assembly to transfer money to the preschool programs cash fund from the general fund or the state education fund in the 2023-24 and 2024-25 fiscal years. Beginning in the 2024-25 fiscal year, the amount transferred is required to increase by the rate of inflation.

The bill repeals those requirements and instead requires the

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general assembly to appropriate money to the department of early childhood from the general fund for the 2023-24 fiscal year for purposes of the Colorado universal preschool program. Beginning in the 2024-25 fiscal year, and each year thereafter, the amount appropriated must increase annually by the rate of inflation.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26.5-4-204, **add** (6)
3 as follows:

4 **26.5-4-204. Colorado universal preschool program - created**
5 **- eligibility - workforce development plan - program funding - rules.**

6 (6) TO PRESERVE THE GENERAL ASSEMBLY'S HISTORIC COMMITMENT TO
7 THE COLORADO UNIVERSAL PRESCHOOL PROGRAM, THE GENERAL
8 ASSEMBLY SHALL APPROPRIATE TO THE DEPARTMENT:

9 (a) FOR THE 2023-24 FISCAL YEAR, AN AMOUNT AT LEAST EQUAL
10 TO THE DIFFERENCE BETWEEN THE AMOUNT OF THE STATE SHARE OF
11 TOTAL PROGRAM CALCULATED PURSUANT TO ARTICLE 54 OF TITLE 22 FOR
12 THE 2022-23 BUDGET YEAR, AFTER APPLICATION OF THE BUDGET
13 STABILIZATION FACTOR AND AFTER ANY MID-YEAR ADJUSTMENT, AND THE
14 AMOUNT THAT THE STATE SHARE OF TOTAL PROGRAM, AFTER APPLICATION
15 OF THE BUDGET STABILIZATION FACTOR AND AFTER ANY MID-YEAR
16 ADJUSTMENT, WOULD BE FOR THE 2022-23 BUDGET YEAR IF CALCULATED
17 WITHOUT INCLUDING THE STATEWIDE PRESCHOOL PROGRAM ENROLLMENT,
18 AS DEFINED IN SECTION 22-54-103, FOR THE 2022-23 BUDGET YEAR AND
19 THE NUMBER OF THREE- AND FOUR-YEAR-OLD PUPILS WITH DISABILITIES
20 RECEIVING AN EDUCATIONAL PROGRAM UNDER THE "EXCEPTIONAL
21 CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF TITLE 22, FOR THE
22 2022-23 BUDGET YEAR.

23 (b) FOR THE 2024-25 FISCAL YEAR, AND EACH FISCAL YEAR

1 THEREAFTER, AN AMOUNT AT LEAST EQUAL TO THE AMOUNT DESCRIBED
2 IN SUBSECTION (6)(a) OF THIS SECTION INCREASED ANNUALLY BY THE
3 RATE OF INFLATION.

4 **SECTION 2.** In Colorado Revised Statutes, 26.5-4-209, **amend**
5 (1) as follows:

6 **26.5-4-209. Preschool programs cash fund - created - use.**

7 (1) (a) The preschool programs cash fund is hereby created in the state
8 treasury. The fund consists of money credited to the fund pursuant to
9 section 24-22-118 (2), money transferred to the fund pursuant to section
10 39-28-116 (6), ~~money annually transferred to the fund as provided in~~
11 ~~subsection (1)(b) of this section,~~ and any additional money the general
12 assembly may appropriate or transfer to the fund. The state treasurer shall
13 credit all interest and income derived from the deposit and investment of
14 money in the preschool programs cash fund to the fund. The general
15 assembly shall annually appropriate money in the preschool programs
16 cash fund to the department to implement the preschool program.

17 ~~(b) (F) For the 2023-24 fiscal year, the general assembly shall~~
18 ~~transfer to the preschool programs cash fund from the general fund or the~~
19 ~~state education fund created in section 17 of article IX of the state~~
20 ~~constitution an amount equal to the difference between the amount of the~~
21 ~~state share of total program calculated pursuant to article 54 of title 22 for~~
22 ~~the 2022-23 budget year, after application of the budget stabilization~~
23 ~~factor and after any mid-year adjustment, and the amount that the state~~
24 ~~share of total program, after application of the budget stabilization factor~~
25 ~~and after any mid-year adjustment, would be for the 2022-23 budget year~~
26 ~~if calculated without including the statewide preschool program~~
27 ~~enrollment, as defined in section 22-54-103, for the 2022-23 budget year~~

1 ~~and the number of three- and four-year-old pupils with disabilities~~
2 ~~receiving an educational program under the "Exceptional Children's~~
3 ~~Educational Act", article 20 of title 22, for the 2022-23 budget year.~~

4 ~~(H) For the 2024-25 fiscal year and for each fiscal year thereafter,~~
5 ~~the general assembly shall annually transfer to the preschool programs~~
6 ~~cash fund from the general fund or the state education fund created in~~
7 ~~section 17 of article IX of the state constitution an amount equal to the~~
8 ~~amount described in subsection (1)(b)(1) of this section increased~~
9 ~~annually, beginning in the 2024-25 fiscal year, by the rate of inflation.~~

10 **SECTION 3. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly; except
13 that, if a referendum petition is filed pursuant to section 1 (3) of article V
14 of the state constitution against this act or an item, section, or part of this
15 act within such period, then the act, item, section, or part will not take
16 effect unless approved by the people at the general election to be held in
17 November 2024 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.