

# MEMORANDUM



## JOINT BUDGET COMMITTEE

TO Joint Budget Committee Members  
FROM JBC Staff  
DATE February 7, 2018  
SUBJECT JBC Bill Drafts

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This memo includes the following bill draft for the Committees consideration.

- LLS 18-976 “Concerning the Requirement that the State Treasure Distribute any Federal Funds Related to the Naval Oil Shale Reserve Land to Specified Counties or their Federal Mineral Lease Districts.” (Carolyn Kampman)

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

DRAFT  
2.5.18

DRAFT

LLS NO. 18-0976.01 Ed DeCecco x4216

COMMITTEE BILL

Joint Budget Committee

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**BILL TOPIC: "Anvil Points Fed Mineral Lease Distribution"**

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**A BILL FOR AN ACT**

101 **CONCERNING THE REQUIREMENT THAT THE STATE TREASURER**  
102 **DISTRIBUTE ANY FEDERAL FUNDS RELATED TO THE NAVAL OIL**  
103 **SHALE RESERVE LAND TO SPECIFIED COUNTIES OR THEIR**  
104 **FEDERAL MINERAL LEASE DISTRICTS.**

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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/>.)*

**Joint Budget Committee.** If the state receives any federal mineral lease revenue from oil and gas production on naval oil shale reserve land that was previously set aside and withheld by the federal government,

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

then instead of depositing the money in the mineral leasing fund the state treasurer is required to distribute the money to the following counties or a related federal mineral lease district, if applicable:

- 40% to Garfield county;
- 40% to Rio Blanco county;
- 10% to Mesa county; and
- 10% to Moffat county.

The "Federal Mineral Lease District Act" is amended to permit these distributions to be made to a federal mineral lease district, if one exists, on behalf of a county.

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

2           **SECTION 1.** In Colorado Revised Statutes, 30-20-1303, **amend**  
3 (3) as follows:

4           **30-20-1303. Definitions.** As used in this part 13, unless the  
5 context otherwise requires:

6           (3) "Funding" means the direct distribution of ~~moneys~~ MONEY  
7 from the local government mineral impact fund to counties as described  
8 in section 34-63-102 (5.4)(c) ~~C.R.S.~~, OR A DISTRIBUTION TO THE COUNTY  
9 IN ACCORDANCE WITH SECTION 34-63-104 (3).

10           **SECTION 2.** In Colorado Revised Statutes, 30-20-1304, **amend**  
11 (4) as follows:

12           **30-20-1304. Power to create federal mineral lease districts.**

13 (4) No later than the first business day after the adoption of a resolution,  
14 the county clerk and recorder shall transmit a certified copy of the  
15 resolution to the executive director of the department of local affairs, who  
16 shall, upon receipt of the certified copy of the resolution, allocate all  
17 future funding directly to the district. THE STATE TREASURER SHALL  
18 ALLOCATE ALL FUNDING IN ACCORDANCE WITH SECTION 34-63-104 (3)  
19 DIRECTLY TO THE DISTRICT.

1           **SECTION 3.** In Colorado Revised Statutes, 34-63-104, **add** (3)  
2 as follows:

3           **34-63-104. Special funds relating to oil shale lands - naval oil**  
4 **shale reserves - distribution to local governments - legislative**  
5 **declaration.** (3) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND  
6 DECLARES THAT:

7           (I) COLORADO IS THE LOCATION OF TWO FEDERAL NAVAL OIL  
8 SHALE RESERVES (NOSR), NUMBERS 1 AND 3;

9           (II) CONGRESS PASSED THE FEDERAL "TRANSFER ACT", CODIFIED  
10 AT 10 U.S.C. SEC. 7439, AS AMENDED, WHICH TRANSFERRED  
11 ADMINISTRATIVE JURISDICTION OVER NOSR 1 AND 3 FROM THE UNITED  
12 STATES SECRETARY OF ENERGY TO THE UNITED STATES SECRETARY OF  
13 THE INTERIOR AND REQUIRES THE SECRETARY OF THE INTERIOR TO  
14 MANAGE THE TRANSFERRED LANDS THROUGH THE FEDERAL BUREAU OF  
15 LAND MANAGEMENT;

16           (III) THE FEDERAL "TRANSFER ACT" FURTHER SPECIFIED THAT  
17 ROYALTIES COLLECTED FROM NOSR 1 AND 3 WOULD BE PLACED IN THE  
18 UNITED STATES TREASURY AND NOT DISTRIBUTED TO THE STATE UNTIL  
19 THERE WAS ENOUGH MONEY IN THE TREASURY TO REIMBURSE THE UNITED  
20 STATES FOR PREVIOUS COSTS INCURRED RELATING TO THE TRANSFERRED  
21 LANDS AND TO PROVIDE FOR CLEANUP OF THE ANVIL POINTS SITE AT  
22 NOSR 3;

23           (IV) AS A RESULT, MORE THAN ONE HUNDRED THIRTEEN MILLION  
24 DOLLARS WAS WITHHELD FROM DISTRIBUTION TO THE STATE FROM 1997  
25 TO 2008, AND THIS AMOUNT FAR EXCEEDED THE AMOUNT NEEDED FOR THE  
26 REIMBURSEMENT AND THE CLEANUP;

27           (V) APPROXIMATELY EIGHTY MILLION DOLLARS OF THESE FUNDS

1 HAS BEEN SPENT;

2 (VI) IT IS ANTICIPATED THAT A PORTION OF THE WITHHELD MONEY  
3 MAY SOON BE DISBURSED TO THE STATE;

4 (VII) GARFIELD, RIO BLANCO, MESA, AND MOFFAT COUNTIES  
5 MADE SIGNIFICANT EXPENDITURES TO ADDRESS THE IMPACTS OF THE  
6 OPERATION OF THE ANVIL POINTS SITE AND THE MINERAL EXTRACTION  
7 FROM WHICH THE WITHHELD MONEY WAS DERIVED, BUT HAVE NOT  
8 RECEIVED ANY STATE OR FEDERAL MONEY AS REIMBURSEMENT; AND

9 (VIII) THE COUNTIES HAVE BEEN INSTRUMENTAL IN THE RELEASE  
10 OF THE WITHHELD MONEY.

11 (b) IF THE STATE RECEIVES ANY MONEY IN ACCORDANCE WITH THE  
12 FEDERAL "MINERAL LANDS LEASING ACT" OF FEBRUARY 25, 1920, AS  
13 AMENDED, THAT WAS PREVIOUSLY SET ASIDE AND WITHHELD BY THE  
14 FEDERAL GOVERNMENT IN ACCORDANCE WITH 10 U.S.C. SEC. 7439, AS  
15 AMENDED, THEN THE STATE TREASURER SHALL DISTRIBUTE THE MONEY TO  
16 THE FOLLOWING COUNTIES OR RELATED FEDERAL MINERAL LEASE  
17 DISTRICTS, IF APPLICABLE:

18 (I) FORTY PERCENT TO GARFIELD COUNTY;

19 (II) FORTY PERCENT TO RIO BLANCO COUNTY;

20 (III) TEN PERCENT TO MESA COUNTY; AND

21 (IV) TEN PERCENT TO MOFFAT COUNTY.

22 (c) THE STATE TREASURER SHALL CONSULT WITH THE  
23 DEPARTMENT OF LOCAL AFFAIRS TO DETERMINE WHETHER A COUNTY  
24 IDENTIFIED IN SUBSECTION (3)(b) OF THIS SECTION HAS CREATED A  
25 FEDERAL MINERAL LEASE DISTRICT IN ACCORDANCE WITH THE "FEDERAL  
26 MINERAL LEASE DISTRICT ACT", PART 13 OF ARTICLE 20 OF TITLE 30. IF  
27 A COUNTY HAS CREATED A DISTRICT, THE STATE TREASURER SHALL

1 DISTRIBUTE ANY MONEY IN ACCORDANCE WITH SUBSECTION (3)(b) OF THIS  
2 SECTION DIRECTLY TO THE DISTRICT.

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

**JBC Potential Legislation & Anytime Bills**  
**February 6, 2018 - 4:00 p.m.**

LLS No.	# on Memo	Dept.	Subject	JBC Staff	Status
	3	EDU	<p>Staff recommends the General Assembly act to address the current inequities in the school finance property tax system. Specifically, staff recommends that the General Assembly refer a statewide measure to the voters that would:</p> <ul style="list-style-type: none"> <li>• Return the state to a uniform (statewide) mill levy for school finance property taxes such that each school district's total program mill levy would be the lesser of the statewide mill levy or the mill levy necessary to fully fund the district's total program with local revenues.</li> <li>• Allow mill levies in districts that are fully locally funded (at less than the statewide mill levy) to "float" on an annual basis below the uniform mill levy to continue to fully fund the district without requiring state funds.</li> </ul>	CH	Review on 2/28/18
	5	EDU	Staff recommends the Committee consider legislative sideboards for the early college program to maximize the use of non-state revenues (such as Pell grants and local funds) where possible. For example, the General Assembly could require early colleges to officially graduate their students in four years to make them eligible for Pell Grant funds for years 5 and beyond, reducing pressure on the State budget.	CH	Review on 2/28/18
	12	HCPF	Staff recommends the JBC consider legislation to make the revenue from the Health Care Affordability and Sustainability Fee subject to annual appropriation.	EK	Review on 2/7/18
	15	HED	Staff recommends a bill to eliminate the current restriction that not more than ten percent of the money in the Colorado Opportunity Scholarship Initiative (COSI) fund in any fiscal year may be awarded for student success programs and that no more than 3.0 percent of the money in the fund may be used for administration. This change will allow the program to spend down its corpus while maintaining grants for student success programs and administration at the current level. If the General Assembly also authorizes a \$2.0 million General Fund increase (instead of the \$4.0 million requested), the program could continue to commit funds at the current level for an additional four years (through FY 2021-22). At that point, the General Assembly could either increase funding by an additional \$4.0 million or scale back the program.	AB	Review on 2/7/18

**JBC Potential Legislation & Anytime Bills**  
**February 6, 2018 - 4:00 p.m.**

LLS No.	# on Memo	Dept.	Subject	JBC Staff	Status
	16	HED	<p>Staff recommends the Committee adopt the recommendations of the Open Educational Resources (OER) Council concerning promoting the use of free and very low cost textbooks and instructional materials at public institutions of higher education. Staff recommends the Committee sponsor a bill to:</p> <ul style="list-style-type: none"> <li>• Provide a statewide grant program costing \$660,000 General Fund in FY 2018-19, annualizing to annualizing to \$1,079,350 for FY 2019-20 and \$1,080,720 in FY 2020-21.</li> <li>• Continue the statewide OER Council for the length of the program and add 1.0 FTE in the Department of Higher Education for the length of the initiative. The grant program would end in June 2021, unless extended by the General Assembly during the 2021 legislative session. Staff recommends that the Committee also consider including a statutory requirement that by fall 2021, institutional course catalogs identify which courses use free and very low cost OER materials.</li> </ul>	AB	Review on 2/7/18
	27	LAB	<p>Staff recommends that the General Assembly consider legislation to improve solvency of the Unemployment Insurance Trust Fund, such as raising the chargeable wage base. If no action is taken now, employers will face steep surcharges during a recession, when they can least afford it.</p>	AB	Review on 2/7/18
	30	CDPHE	<p>Staff recommends the Committee sponsor legislation to amend the hourly rate dictated in Section 25-7-114.7 (2)(a)(III), C.R.S., for FY 2018-19. This section concerns the Department of Public Health and Environment's processing fee for air pollution emission permits and related work. This recommendation is in accordance with Section 25-7-114.7 (2)(c), C.R.S., which authorizes the General Assembly to "annually adjust the fees established in this section...as necessary to cover the reasonable costs, both direct and indirect, of the stationary source program and...to administer the permit program." If the Committee decides to proceed with this recommendation, staff will recommend a specific rate during the drafting of the bill.</p>	TD	Review on 2/14/18
	45	HCPF	<p>Rep. Young suggests the Committee consider legislation to use the CDE Part B list to assist in determining the extent of the individuals with developmental disabilities (IDD) waitlist.</p>	RS	Review on 2/14/18



**JBC Potential Legislation & Anytime Bills**  
**February 6, 2018 - 4:00 p.m.**

LLS No.	# on Memo	Dept.	Subject	JBC Staff	Status
	46	HCPF	Rep. Young proposes legislation to address provision of services to those on the Home and Community-Based Services Developmental Disabilities (HCBS-DD) waiver waiting list who have a custodial caregiver aged 75 or above; An increase in reimbursement rates paid through line items that fund waiver and targeted case management in the Office of Community Living in HCPF in order to stabilize the workforce to adequately serve these individuals and those already enrolled into HCBS-DD, HCBS-Supported Living Services, and HCBS-Children's Extensive Supports services; specifically to increase compensation for direct support professionals, case managers, and other non-administrative program workers; Require that 100% of this rate increase must be used by providers to increase compensation Require providers to use a tracking and reporting tool developed in collaboration with the Department of Health Care Policy and Financing; if a provider fails to use the increase as intended, HCPF will recoup the amount of the increase received by the provider that was not used to increase compensation.	RS	Review on 2/14/18
	48	NAT	Staff recommends funding severance tax programs in arears and potentially exempting severance tax revenues from TABOR (to be discussed in supplemental presentation, January 22nd).	ST	Review on 2/28/2018
	50	TRE	The Unclaimed Property Trust Fund has an unfunded liability of \$560 million. Staff recommends legislation to eliminate the liability, address Adult Dental Program funding, and makes statutory changes that remove the ability to claim property after a set number of years.	VR	Review on 2/21/18
	51	NAT	Rep. Rankin proposes a bill to accelerate the plugging and reclamation of orphan wells through increased fees on oil and gas production.	ST	Review on 2/14/18
	52	PS	Rep. Young has expressed interest in a bill to address planning for the emergency relocation of people with disabilities during a disaster.	CB	Review on 2/7/18
	53	PS	Rep. Hamner and Sen. Lambert propose exempting the Colorado Firefighting Air Corps Fund (CFAC) from the 16.5% uncommitted reserve limit.	CB	Review on 2/21/18
	58		Rep. Rankin requested a bill to be added regarding definition of evidence based.	VR	Review on 2/21/18
	59		Rep. Rankin requested a bill regarding "Certain Clarification of the SMART Act."	RS	Review on 2/28/18
	60	DHS	Tony Grampsas Allowable Grantees	RS	Review on 2/21/2018

**JBC Potential Legislation & Figure Setting Companion**  
**February 6, 2018 - 4:00 p.m.**

LLS No.	Mem o#	Dept.	Subject	JBC Staff	Status
	1	COR	Staff recommends the Committee sponsor legislation to remove the statutory prohibition on using Centennial South (Section 17-1-104.3 (1)(b.5), C.R.S) to house inmates. Staff also recommends the Committee fund the capital construction costs associated with the recommendations of the February 2016 Prison Utilization Study Update.	MD	
	2	COR	Eliminate the Department of Corrections personal services reversion transfers to the SERF and allow these funds to revert to the General Fund. This change would enable personal services reversions to pay for step increases in the following fiscal year.	MD	
	8	GOV	Staff recommends that the Committee sponsor legislation allowing General Fund transferred into the Public Safety Communications Trust Fund to be used for new zone controller infrastructure on the western slope. Additionally, staff recommends that the Committee include a provision in this legislation that transfers \$2.0 million General Fund to the Public Safety Communications Trust Fund on an annual basis for two years for OIT to work in partnership with local and regional government entities to add additional radio tower sites in areas of the state that are experiencing critical coverage gaps.	KN	
	9	HCPF	Department proposes legislation to expand Medicaid benefits to include services designed to help people transition from an institutional long-term care setting to a community setting. The legislation would provide state authorization for services currently provided under a federal demonstration that is ending.	EK	
	10	HCPF	In R9 Provider rates, the Department proposes that the JBC introduce legislation to reduce the projected increase in expenditures under current law by \$12.5 million total funds, including \$6.3 million General Fund, through limiting the allowable growth of nursing home rates for one year to 1.0 percent, instead of 3.0 percent. The Department proposes establishing the resulting rates as the new base that can grow by up to 3 percent in future years.	EK	
	11	HCPF	In the issue brief "All-Payer Claims Database", the JBC staff explains that if the JBC wants to implement R13 All-Payer Claims Database, then Legislative Legal Services recommends legislation. The Department anticipated the legal concerns with funding the request through the Long Bill and made a counter argument, but LLS does not agree with the counter argument and still indicates legislation is a better solution.	EK	
	13	HCPF	Staff recommends the Committee consider sponsoring legislation as requested by the Department of Health Care Policy and Financing (HCPF) to modify Section 25.5-5- 306, C.R.S., and to remove the statutory requirement that children be placed in foster care prior to receiving services through the CHRP waiver. Such legislation will include the transfer of the program from the Department of Human Services to HCPF.	RS	

## JBC Potential Legislation & Figure Setting Companion

February 6, 2018 - 4:00 p.m.

LLS No.	Mem o#	Dept.	Subject	JBC Staff	Status
	14	HED	Staff recommends the Committee sponsor a bill to direct \$6.0 million General Fund of the Department's request for need-based financial aid to a program for first-time freshmen with need who proceed directly to full-time enrollment in a Colorado public higher education institution and follow a clear pathway toward a degree or certificate. [A bill with a broader title could potentially also include clean-up of financial aid statutes and authorize DHE's Request R4.	AB	
	17	HED	The Department requests legislation to implement its Request R4 (\$1,500,000 General Fund for Emergency Retention Grants).	AB	
	18	HED	The Department requests legislation to implement its request R5 (\$5,000,000 General Fund for Occupational Credential Capacity grant program).	AB	
	19	HED	The Department indicates that its BA1 (\$2,000,000 Marijuana Tax Cash Funds for Strategies for Educator Preparation Programs) will require new legislation and requests that the JBC sponsor this.	AB	
	20	DHS	Staff recommends the Committee sponsor legislation that: <ul style="list-style-type: none"> <li>• Removes language in statute allowing counties that participate in the collaborative management program (CMP) for youth involved in multiple systems and integrated case management (ICM) to elect to keep their savings at the end of a fiscal year.</li> <li>• Allows every county to keep up to 30.0 percent of its under-expenditures as determined by the county close out process and use the savings specifically to fund state approved prevention and intervention programs and services, including Title IV-E waiver interventions; the remaining 70.0 percent of any under-expenditures will be available for surplus distribution.</li> <li>• Allows for the transfer of any remaining under-expenditures in the Child Welfare Block and Core Services allocations after county close out into a prevention and intervention services cash fund to be allocated by the department to counties for the purpose of sustaining Title IV-E waiver interventions; allow the department to add new evidence-based interventions and prevention initiatives to the list of approved interventions that can be funded from the cash funds. Authorizes spending authority through a separate line item in the Long Bill.</li> <li>• Allows for the transfer of any unspent Medicaid General Fund appropriated to the Department of Health Care Policy and Financing for child welfare services, that remains after county close out, to the cash fund for Title IV-E waiver intervention sustainability.</li> <li>• Requires reporting of intervention and prevention activities in Trails and requires an annual evaluation of outcomes and cost savings resulting from existing and newly added interventions and prevention initiatives.</li> <li>• For counties that are unable to increase local capacity through the above opportunities, provide each Board of County Commissioners with the choice of asking the State of Colorado to administer the child welfare system in its county if it is determined in the best interest of the county and its children and families; allows the Department of Human Services to submit a supplemental budget request for funding to fulfill the county's request.</li> </ul>	RS	

## JBC Potential Legislation & Figure Setting Companion

February 6, 2018 - 4:00 p.m.

LLS No.	Mem o#	Dept.	Subject	JBC Staff	Status
	21	DHS	<p>The Department's FY 2018-19 budget request includes a total of \$13.1 million General Fund to address the increasing number of court orders for inpatient competency restoration. Staff identified a number of potential statutory changes to reduce the need to expand the State's inpatient psychiatric bed capacity, including the following:</p> <ul style="list-style-type: none"> <li>• If the Court orders that a competency evaluation occur in an inpatient setting, require the Court to make findings identifying the relevant statutory criteria (pursuant to H.B. 16-1410);</li> <li>• Expand the minimum information a competency evaluator must include in a written report to the Court;</li> <li>• Limit the Court's discretion to order that a defendant receive competency restoration services in an inpatient setting; and</li> <li>• Reduce the maximum allowable term of confinement for a defendant to receive competency restoration services.</li> </ul> <p>Staff also recommended allowing county sheriffs to use funding available through the Jail-based Behavioral Health Services appropriation to the Office of Behavioral Health to provide services for adult inmates who have a mental health disorder, whether or not they have a substance use disorder. [While a statutory change may not be required, it may be helpful to clarify the General Assembly intent.] Increase the appropriation to cover these additional services and prioritize this funding for rural and frontier jurisdictions.</p>	CK	
	23	DHS	Staff recommends that the Joint Budget Committee sponsor legislation to move responsibilities for Part C Child Find from the Department of Education to the Department of Human Services, Office of Early Childhood. This will result in a net savings of General Fund for the state, improved compliance with federal and state regulations, and better outcomes for families.	VR	
	24	DHS	Dept. request legislation to eliminate the end date for the Department's transitional jobs program, known as ReHire Colorado, and provide an increase of \$1.3 million General Fund and 1.0 FTE for FY 2018-19 to continue the program through the final six months of the fiscal year. ReHire Colorado is statutorily required (Section 26-2-1103, C.R.S.) to stop offering new transitional jobs after December 31, 2018 and is slated to end on June 30, 2019. The Department's proposal puts forth a plan to continue subsidizing wages of 237 program participants through the back half of FY 2018-19 and eliminate the end date for program operation.	KN	
	25	DHS	Staff recommends that the Joint Budget Committee work with its colleagues from the relevant committees of reference to determine if it is preferable for the Department to unilaterally adjust eligibility standards for the Supplemental Nutrition Assistance Program (SNAP) or if the General Assembly wishes to provide statutory guidance to the Department in defining eligibility standards for SNAP that comport with federal requirements.	KN	
	26	JUD	Staff recommends that the JBC sponsor a bill to create a dedicated controlled maintenance cash fund for the Carr Center.	SA	

## JBC Potential Legislation & Figure Setting Companion

February 6, 2018 - 4:00 p.m.

LLS No.	Mem o#	Dept.	Subject	JBC Staff	Status
	28	LOC	The Department of Local Affairs' FY 2018-19 budget request includes a proposal to eliminate funding for the Local Government Marijuana Impact Grant Program, resulting in a \$1.1 million reduction in appropriations from the Marijuana Tax Cash Fund. Staff recommends that the Committee consider introducing legislation to repeal this grant program, effective June 30, 2018.	CK	
	29	MIL	Staff recommends the Committee sponsor legislation providing more explicit statutory authorization for the Department to operate a one-stop veterans center in Grand Junction that is being renovated with capital construction funds. Such legislation should: enable the DMVA to either staff such facility directly or contract for management of such a facility; require input from a local board including entities currently housed in the building; require the Department to develop outcome measures in consultation with the local board; establish a sunset review process so that the efficacy of the model is reviewed periodically; and create a cash fund specifically for one-stop center lease payment receipts to help support the facility's operating costs.	AB	
	34	STA	Staff recommended the Committee sponsor legislation to allow the Local Election Reimbursement line item to be continuously appropriated to the Department for the purpose of making statutory required reimbursements and include an informational appropriation in the Long Bill, to guide the Department's annual fee-setting. Staff is revising the previous recommendation and will present the revised recommendation during figure setting.	ST	
	36	CAP	Staff recommends that the Committee pursue legislation to eliminate depreciation-lease equivalent payment transfers to the Controlled Maintenance Trust Fund to preserve the purpose of this funding mechanism intended for capital replacement and controlled maintenance. Specifically, staff recommends that the legislation: Eliminate the depreciation-lease equivalent payment transfer included in Sections 24-30-1310 (2)(b), C.R.S., to the Controlled Maintenance Trust Fund; and Redirect the financing arrangement annual payment for controlled maintenance included in Section 24-30-1310 (2)(c)(II) to the Capital Construction Fund.	AK	
	37	CAP	Staff recommends that the Committee pursue legislation to repeal the exemptions from the calculation of the General Fund reserve included in Sections 24-75-201.1 (2)(b) and (2)(c), C.R.S., for lease-purchase agreements and depreciation-lease equivalent payments, respectively.	AK	
	38	CAP	Staff requests that the Committee give staff guidance on its preferred level of participation in development and its preferred timing of Committee consideration and decision making for recommendations to meet this requirement over the next year; or pursue legislation to repeal the requirement.	AK	
	39	CAP	Staff recommends that the Committee propose legislation to create a capital asset management and finance authority for state agency buildings.	AK	

## JBC Potential Legislation & Figure Setting Companion

February 6, 2018 - 4:00 p.m.

LLS No.	Mem o#	Dept.	Subject	JBC Staff	Status
	40	CAP	Propose legislation and adopt Committee policies to fund institution of higher education capital construction and controlled maintenance through a funding formula distribution in fee-for-service contract payment appropriations. Staff also recommends that the Committee propose a concurrent resolution to amend the State Constitution to distribute 50 percent of net lottery proceeds for institution of higher education capital construction to provide a consistent level of funding regardless of the availability of General Fund in a given year. Staff recommends that the Committee consider companion legislation or Committee policy to establish a proportional funding match of half of the lottery proceeds total from the General Fund as a shared commitment to the primary fund stream from lottery proceeds.	AK	
	41		OSPB requested that the Committee sponsor legislation that would: <ul style="list-style-type: none"> <li>• Increase the FY 2018-19 statutory reserve requirement to 8.0 percent, an estimated increase of \$108.3 million General Fund (this was originally requested as an increase to 7.0 percent in the November 1, 2017 budget submission) and</li> <li>• Transfer \$148.2 million from the General Fund to the State Highway Fund for high priority state transportation projects in FY 2018-19.</li> </ul> The source of the funds for this would be anticipated General Fund revenue increases from the Tax Cuts and Jobs Act (TCJA).		
	42		OSPB requested the Committee sponsor legislation to allocate anticipated increases in General Fund from the TCJA in future years based on a formula established in statute. The framework suggested; <ul style="list-style-type: none"> <li>• After any existing certificate of participation payments are made from the General Fund to support transportation projects, grow the required reserve requirement in the General Fund to 10.0 percent by FY 2022-23 in 0.5 percentage point increments starting in FY 2019-20</li> <li>• In years when the reserve requirement is met and the Budget Stabilization Factor in the School Finance Act is unchanged, allocate two-thirds of the remaining new funds to State high-priority infrastructure needs, and one-third to the State Education Fund</li> <li>• 75 percent of the two-thirds allocation for state infrastructure spending should focus on transportation needs via the State Highway Fund, and the remainder to the following priorities: statewide water projects that support the state water plan (9 percent); State and Higher Education building controlled maintenance (6 percent), statewide affordable housing tax credit enhancements (6 percent), rural broadband projects (4 percent).</li> </ul>		
	43	EDU	The Department of Education proposes statutory changes (removing caps on per pupil expenditures) to allow for the full expenditure of funds provided through the English Language Proficiency Act categorical program.	CH	
	44	EDU	Staff recommends additional oversight for the Colorado School of the Deaf and Blind.	CH	
	49	REV	The Department requests that the Committee sponsor legislation to require finger printing for individuals who access federal tax information to ensure that the State complies with federal law.	AK	

## JBC Potential Legislation Moved to be Drafted/In Drafting

February 6, 2018 - 4:00 p.m.

LLS No.	Memo #	Dept.	Subject	JBC Staff	Status
18-0857	32+33	REG	Staff recommends the JBC sponsor legislation to modify the High Cost Support Mechanism to include data components as part of the fee structure and to have those fees directed to broadband in underserved areas.	VR	1/10/18 Rankin requested bill draft.
18-0976	47	LOC	Anvil Points Disbursement	CK	1/31/18 Rankin motioned to begin drafting the bill.
18-0987	55	LEG	Statutory Reserve Framework Changes	JZ	1/31/18 Lambert requested bill draft added
18-0988	56	COM	Bi-Weekly State Employee Pay	ST/AK	1/31/18 during OSPB comeback. Moreno requested bill to be drafted.
18-0975	57	CAP	Capital Construction Transfer	KN	1/31/18 Moreno moved to introduce Legislation. Rankin/Lambert

**JBC Voted No to Potential Legislation**  
**February 6, 2018 - 4:00 p.m.**

LLS No.	Me mo#	Dept.	Subject	JBC Staff	Status
	6	EDU	Staff recommends that the Committee review the list of unfunded programs and that the General Assembly enact legislation repealing any programs that it does not intend to fund going forward. The Committee could sponsor such a “cleanup” bill as a JBC bill or (probably preferably) refer the issue to another committee. The General Assembly may also wish to consider including standard language in future grant program legislation that would either: (1) automatically repeal programs after five years of implementation (with the possibility of renewal at that time); or (2) repeal programs that are unfunded for a specific period of time (e.g., five years).	CH	1/10/18 Referred to the Statutory Review Committee
	35	TRAN	Staff recommends the Committee carry a bill to repeal Section 43-1-112.5, C.R.S., and related provisions in Title 43. Section 43-1-112.5, C.R.S., directs the General Assembly, in the Long Bill or in a special bill, to limit the total amount of revenues that may be collected and expended by the Department of Transportation for the fiscal year.	CH	1/10/18 Referred to the Statutory Review Committee