

# MEMORANDUM

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**TO:** Joint Budget Committee Members

**FROM:** John Ziegler, JBC Staff

**SUBJECT:** Summary of Potential JBC Bills Discussed During the FY 2016-17 Briefing and Hearing Process

**DATE:** January 13, 2016

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Attached for your consideration is a list of potential legislation that was discussed during the FY 2016-17 briefing and hearing process. This potential legislation may have been requested by the department, recommended by the staff, or suggested by a JBC member. Pursuant to the Joint Budget Committee rules, a unanimous vote of the JBC is necessary for a bill to be considered a JBC bill.

Please note that this list only includes items discussed during the briefing and hearing process. There may be other bills requested or recommended during the supplemental and figure setting processes upon which the JBC will take action. I have included the name of the staff analyst that is assigned to the particular issue on the list. I have also included the file document name and page number if the request was a recommendation made during a staff briefing.

# 2016 Session Potential Bills from Briefings, Hearings, and Members

## AGRICULTURE

1. Tom Dermody – 12/18/2015 (page 18, Agr-brf) - Staff recommends that the Committee consider legislation amending statute to allow roll-forward spending authority for the Noxious Weed Management Fund.

## CORRECTIONS

2. Steve Allen – 12/21/2015 (page 28, COR-brf) - Staff recommends that the Committee sponsor legislation to fix the potential problems with Sections 2-2-701 to 703, C.R.S. Staff recommends that the revised Section 2-2-703, C.R.S., require criminal sentencing bills to contain appropriations that are projected to occur within five fiscal years of the date when the criminal sentencing provisions are effective.

## EDUCATION

3. Craig Harper – 12/16/2015 (page 30, EDU-brf) - Staff recommends the Committee sponsor legislation to direct the Department to withhold other sources of state funds from districts refusing to repay categorical buyout amounts until the Department has withheld sufficient funding to compensate for the unpaid amounts, plus interest. Staff recommends that the bill clarify that any such funds withheld be distributed to other school districts through the same mechanism as other categorical buyout funds.
4. Craig Harper – 12/16/2015 (page 35, EDU-brf) - Staff recommends that the Committee sponsor legislation early in the 2016 Session to reinstate the Contingency Reserve Fund (without the one-time provisions enacted in H.B. 14-1250) in statute.
  - a. 12/16/2015 – Sen. Steadman moved the staff recommendation and that the JBC have Legal Services draft the bill. Passed 6-0.

## GOVERNOR'S OFFICE

5. Kevin Neimond – 11/20/2015 (page 39, GOV-brf) - Staff recommends the Committee sponsor legislation requiring the Office of State Planning and Budgeting and the Governor's Office of Information Technology to submit a plan to the Joint Technology Committee and the Joint Budget Committee by July 1, 2017 to reduce operating appropriations in executive branch agencies and increase OIT appropriations in FY 2018-19 such that OIT will centrally manage information technology operating appropriations and expenditures.
6. Kevin Neimond – 11/12/2015 (suggested for discussion by Rep. Hamner) – Create a committee to review evaluations of tax credits and tax exemptions prepared by the Office of the State Auditor. The committee would also be tasked with recommendations regarding improvements to the State's administration of tax credits and tax exemptions.

## HEALTH CARE POLICY AND FINANCING

7. Eric Kurtz – 12/8/2015 (HCPF-brf, pgs. 38-52) - The Governor requested legislation to restrict revenue from the Hospital Provider Fee by \$100 million to reduce the projected General Fund obligation for the TABOR refund by \$100 million. Rep. Rankin requested that the JBC consider a variation on the Governor's request to restrict revenue from the Hospital Provider Fee but fund a provider rate increase to hospitals to offset a portion of the lost financing for hospitals, which is also discussed in the briefing document.
8. Eric Kurtz – 12/8/2015 (HCPF-brf, pgs. 38-52) - Sen. Steadman requested that the JBC consider sponsoring legislation to designate the Hospital Provider Fee as an enterprise.
9. Megan Davisson – 12/14/2015 (HUM-EDO-DD-brf, page 26) - Staff recommends the Committee sponsor legislation requiring the Department of Health Care Policy and Financing (HCPF) to present as part of the annual budget request a summary of the requests for new ICF/IID licensures that will serve individuals with intellectual and developmental disabilities, including an estimated cost of those new ICF/IID beds, the number of clients they will serve, the justification for the new ICF/IID beds, and the Department's recommendation on the application.
10. Carolyn Kampman – (12/9/2015 HCPF-BHS-brf, pgs. 22-26; and 12/16/2015 HCPF-BHS-hrg, pgs. 22-26) – *[Background Information: House Bill 12-1281 created the Medicaid Payment Reform and Innovation Pilot Program. The act authorized pilot projects to be implemented for at least two years, but required that the pilots not extend past June 30, 2016. One pilot program was selected in July 2013 ("RMHP Prime"), but enrollment did not begin until September 2014 so it will only be implemented for 22 months based on current law. HCPF has requested a portion of the existing administrative and actuarial funding (\$527,504 total funds and 3.0 FTE) for FY 2016-17 to complete the evaluation of RMHP Prime by April 1, 2017.]* During the 12/16/2015 HCPF morning hearing, the Committee directed staff to include this topic on this list. Pursuant to a January 5, 2016, e-mail responding to JBC staff questions following the Department's hearing, the Department "recommends a statutory change to extend or repeal the [Pilot Program] sunset date to allow for at least a full two years of program operation and claims run-out for the RMHP Prime pilot and all other pilots in the queue". The Department indicated that it has been discussing another potential pilot program with Colorado Access and Kaiser Permanente that would involve a "partial benefit, full risk, value-based capitation structure". The Department indicates it would require a continuation level of funding in FY 2016-17 (approximately \$592,700 and 1.0 FTE more than requested) to administer the program beyond the existing sunset date.
11. Megan Davisson – (1/5/2016 - 20 Minute Meeting with Cross-Disabilities Coalition and PAD-CO) – Rep. Young requested the Committee sponsor legislation that would require the Department of Health Care Policy and Financing replace the Supports Intensity Scale within 24 months. The new assessment tool should include the work being done by the

Department's assessment tool workgroup, input from families and people with direct interactions with the individual, and include a quick and reasonable reassessment process.

## HIGHER EDUCATION

12. Amanda Bickel – 12/10/2015 (page 81, HED-brf) – Staff recommends the Committee sponsor legislation to address the FY 2015-16 revenue shortfall for the higher education COP payments by either: (1) collapsing the two higher education FML funds into a single fund (specifying that no new COPs may be authorized based on this change); or (2) making up the FY 2015-16 shortfall by a transfer from the higher education FML Reserve Fund to the FML Revenue Fund but then phasing out both funds, directing the associated revenue into the Public School Fund (where it would assist with shortfalls in that fund), and, beginning in FY 2016-17, using General Fund to support the previously authorized higher education COP payments. In hearing responses on 1/5/2016 (p. 56, HED hearing 1 of 3), the executive branch indicated that it does not support a change at this time because the existing legislation reflects legislative intent to provide funding for higher education institution capital construction, even though it appears little FML funding will be available to support the higher education COPs based on current projections.
13. Amanda Bickel – 12/10/2015 (page 88, HED-brf) – Staff recommends the Joint Budget Committee introduce a bill to modify section 24-77-104.5 (1) (b), C.R.S., concerning the allocation of funds in the General Fund Exempt account. Staff recommends striking the specific provision concerning the allocation between types of expenditures (1/3 each health care, higher education, and K-12 education) and replacing it with a general requirement, consistent with the original referred measure, that the funds be used for health care, K-12 education, and higher education. In hearing responses on 1/5/2016 (p. 59, HED hearing 1 of 3), the Governor's Office responded that it does not have a recommendation at this time but that this is an important issue and it will report back on its response at a later date.
14. Amanda Bickel -- Items to be addressed later/Non-JBC bills
  - a. *12/10/2015 (page 63, HED-brf) If the JBC chooses to apply the Department's funding model request for the higher education funding model allocation, staff would recommend a bill to ensure that statute and the model align. This issue probably cannot be adequately addressed until there is further direction from the Committee on any changes it would like to see in the model.*
  - b. *12/10/2015 (p. 43, HED-brf) Staff recommends that the JBC reassert authority related to mandatory fees either by sponsoring a bill authorizing the General Assembly to again appropriate mandatory fees amounts or by ensuring fees are addressed in any bill restricting tuition increases.*
  - c. *12/10/2015 (p. 42, HED-brf) Staff anticipates that the Department will be pursuing statutory changes related to tuition (to eliminate appropriations authority) and possible performance funding (further delay to S.B. 11-052 requirements) but understands that*

*this will not be through the JBC. Staff recommends the JBC oppose any proposed change to current law on tuition policy that eliminates legislative appropriation authority.*

## **HUMAN SERVICES**

15. Robin Smart – 12/7/2015 (HUM-OP/CW\EC-brf, page 16) – Staff recommends the Committee sponsor legislation to change the funding structure for the delivery of child welfare services, including:
  - a. Consolidating the three line items and corresponding block allocations into two line items with corresponding block allocations. Suggested line items:
    - i. County Level Child Welfare Staffing – to provide a county block allocation for all child welfare staff, administrative and support functions, and child welfare related operational expenses; establish a county match rate of 15.0 percent (to more closely correspond with the current effective match rate of 16.0 percent when the staffing allocations are combined); eliminate the January 1, 2015 hire date language in statute.
    - ii. Child Welfare and Family Preservation Services – to provide a county block allocation for all direct services delivered through contract providers; require that a minimum of 13.0 percent of the funds be spent on Family Preservation Services pursuant to Sections 26-5.5-102 through 106, C.R.S.; establish a county match rate of 20.0 percent.
  - b. Require an annual evaluation of each new line item consistent with the currently required Core Services annual report.
16. Megan Davisson - 12/14/2015 (suggested by Sen. Grantham, no objection from Committee members to add to list) - Transfer the direct and indirect costs associated with the Veterans Community Living Centers from the Department of Human Services to the Department of Veterans and Military Affairs.
17. Megan Davisson - 12/14/2015 (suggested by Rep. Young no objection from Committee members to add to list) - Create an Office of Independent Living Centers with the Department of Human Services, use a portion of the funds appropriated in S.B. 15-240 to fund the FY 15-16 cost of the Office. Run as a supplemental orbit bill.
18. Kevin Neimond – (12/11/2015 page 36 and 37, HUM2-brf) – If the Committee determines that a pay for performance model (county reimbursement is, in part, determined by a counties ability to meet federal performance standards) would improve the State’s ability to meet federal standards for administering SNAP, the standards could be added to statute along with a structure for levying financial penalties and awarding financial bonuses based on county performance compared to those standards. Additionally, staff recommends that the State’s rule making process for SNAP be eliminated. This can be accomplished statutorily or internally by the Department through its process of rules review.
19. Megan Davisson – (12/14/15 page 28, HUM1-brf as requested by Sen. Lambert) - Sponsor legislation to sell the Grand Junction Regional Center Campus once sufficient ICF/IID group homes are licensed in the community.

## **HUMAN SERVICES AND JUDICIAL**

20. Carolyn Kampman – (11/18/2015 JUD-brf, pages 16-26; 12/2/2015 JUD-hrg -- Courts: pgs. 23-32; State Public Defender: pgs. 1-3; and Alternate Defense Counsel: pgs. 1-2; 12/9/2015 DHS-BHS-brf, pages 20-29; and 12/16/2015 DHS-BHS-hrg, pgs. 1-7) The Committee has discussed potential legislation to improve the efficiency and effectiveness of competency evaluation and restoration services, including: (a) statutory changes to judicial discretion to specify the location for competency evaluations (*i.e.*, whether it needs to be conducted within a Mental Health Institute); (b) whether and how much the Department of Human Services should charge the Courts for competency evaluations conducted within a Mental Health Institute; and (c) which party should pay for a second competency evaluation. During the 12/16/2015 DHS hearing, the Committee directed staff to include this topic on this list for the Committee's consideration.

## **JUDICIAL**

21. Carolyn Kampman – (11/18/2015 JUD-brf, page 27) - Based on the Department's response to the Committee's request for information, there appears to be some statutory ambiguity about the circumstances under which the prosecution or the defense is required to pay the costs of second competency or sanity evaluations. Staff recommends that the Committee sponsor (or support) legislation to address this ambiguity.

22. Carolyn Kampman – (11/18/2015 JUD-brf, page 33) - Staff recommends that the Committee consider sponsoring legislation to delay the required statewide implementation of the discovery sharing system, as proposed by the Colorado District Attorneys' Council.

23. Carolyn Kampman – 11/19/2015 (e-mail from Judicial Department legislative liaison to Sen. Lambert) – The Department informed Sen. Lambert that there are two statutory provisions that will be outdated once the new Office of the Respondent Parents' Counsel (ORPC) begins operations in January. These provisions should indicate that the ORPC, rather than the Judicial Department, will be paying attorneys appointed to represent respondent parents at state expense. This is essentially a "clean-up" bill related to SB 14-203 (Senators Lambert and Newell; Representatives May and Gardner) and HB 15-1149 (JBC bill). Senator Lambert requested that this item be included on this list for the Committee's consideration.

## **LABOR AND EMPLOYMENT**

None.

## **LAW**

None.

## **LOCAL AFFAIRS**

24. Amanda Bickel - 11/17/2015 (page 31, LOC-brf) - To align statute with current practice, staff recommends that the Committee sponsor legislation to more clearly authorize the use of

moneys from the Local Government Severance Tax Fund to support administration of the Department of Local Affairs.

25. Amanda Bickel - 12/4/2015 (request from Sen. Steadman after LOC hearing on 12/3/2015 and LOC-brf) – Require the Department of Local Affairs to contract for a longitudinal external evaluation of the Fort Lyon Supportive Residential Community.

## **MILITARY AFFAIRS**

None.

## **NATURAL RESOURCES**

26. Carly Jacobs, 12/3/2015 (page 34, NAT-brf) - Staff recommends the General Assembly enact legislation expanding the authority of the Division of Reclamation, Mining, and Safety to use emergency response funding for incidents at legacy mine sites. The Committee may wish to consider sponsoring this legislation or opt to discuss the possibility of a bill with the Committee of Reference.
27. Carly Jacobs, 12/3/2015 (suggested for discussion by Rep. Hamner, Rep. Rankin, and Sen. Steadman) - The Committee indicated it wanted to consider possible legislation with some sort of provision to reduce the volatility in the severance tax revenue stream and/or exempting severance tax revenue from the TABOR limit. The Committee also wanted to consider legislation specific to the Operational Fund including the three-part plan submitted by Department of Natural Resources during the hearing on December 10, 2015, as follows:
- a. Reduce the Tier 1 reserve to 50.0 percent of Tier 1 appropriations (a savings of roughly \$7.4 million in FY 2016-17);
  - b. Either double or triple the Tier 2 reserve to 30.0 percent or 45.0 percent of Tier 2 appropriations (a “cost” of \$5.5 million to double or \$11.0 million to triple the reserve, based on FY 2016-17 authorizations).
  - c. Include provisions to condition Tier 2 reserve spending on the most recent Legislative Council Staff revenue forecast showing that there is sufficient revenue to fund Tier 1 programs in both current and upcoming years.
28. Carly Jacobs, 12/3/2015 (S.B. 15-255 Clean Up Bill requested by the Governor) - The Governor's FY 2016-17 budget submission includes a request for legislation to transfer \$3.8 million in severance tax revenue to the General Fund in FY 2015-16. This would account for the remaining balance of severance tax revenue not transferred to the General Fund in FY 2015-16 under S.B. 15-255 due to technical issues in that bill.

## **PERSONNEL**

29. Alfredo Kemm, 12/9/2015 (page 11, PER-brf) - Staff recommends that the Committee pursue legislation:
- a. To amend Section 24-75-108, C.R.S., to clarify that transfer of appropriations for like purposes does not include: (1) Transfers between line items previously split by the

General Assembly; or (2) Any other transfer which might meet a statutory interpretation of like purposes but which transfer in its effect would be a constitutional violation of legislative intent expressed through appropriations decisions. Such a transfer is a clear violation of legislative intent and of the constitutional authority over appropriations provided to the legislature; but the statute should simply be amended and clarified rather than executive actions challenged through the judicial process.

- b. To amend Section 24-30-1102 (4), C.R.S., to specifically exclude printing, copying, and print-related graphic and production services from the definition of "services" that must be purchased from the Division of Central Services by state agencies. Based on the Department's actions related to the inappropriate transfer of spending authority among intentionally split line items and the appearance of not being forthright about administrative overhead expenses, the IDS program should not continue to be afforded their protected monopoly status for these particular services.
  - c. To eliminate continuous spending authority for all risk management programs appropriations, included in Sections 24-30-1510 (1) (a), 24-30-1510.5 (1) (a), and 24-30-1510.7 (1) (a), C.R.S. Given the Department's pattern of sidestepping appropriations authority generally and not forthrightly communicating anticipated overexpenditures of informational appropriations in risk management programs, staff recommends that continuous spending authority for risk management programs be rescinded.
30. Alfredo Kemm, 12/9/2015 (page 17, PER-brf) - Staff recommends that the Committee pursue legislation to repeal the State Employee Reserve Fund in its entirety and transfer existing balances to the General Fund.
- a. Alternatively, staff recommends that the SERF be amended to:
    - i. Exclude reversions from AED and SAED from being credited to the SERF.
    - ii. Exclude reversions from appropriations in non-budget bills from being credited to the SERF.
    - iii. Repeal the continuous spending authority provided for SERF since all necessary fund sources are identified in letter notes and account for all funding necessary for total merit pay appropriations in the annual budget.
31. Alfredo Kemm, 12/9/2015 (page 38, PER-brf) - Staff recommends that the Committee consider pursuing legislation to alter the state contribution for all current state employees, which more accurately identifies the annual normal cost of employees' PERA benefits. The balance of the state contribution that exceeds the annual normal cost should more accurately and properly be identified as an additional amortization payment. Staff recommends that such an "annual normal cost reflection" system should be adjusted in statute periodically, possibly every five years, to continually reflect the current, actuarially projected, annual normal cost.

## **PUBLIC HEALTH**

32. Megan Davisson, 11/17/2015 (page 25, PHE-brf) - Staff recommends the Committee sponsor legislation that does the following:
- a. Creates a separate cash fund for each Clean Water Sector;



- b. Outlines the statutory funding ratio of General Fund and cash funds for each Clean Water Sector;
  - c. Directs the Water Quality Control Commission to set fees based on the statutory funding ratio, effective July 1, 2017;
  - d. Transfers a portion of the excess uncommitted reserve from the Water Quality Improvement fund to the General Fund to offset the General Fund backfill of revenue deficiencies; and
  - e. Appropriate a yet to be determined amount of General Fund moneys to the Clean Water Sectors to (1) keep the sectors whole and (2) compensate for the delay between the effective date of fees and the generation of revenue.
33. Megan Davisson, 11/17/2015 (requested by the Department as part of budget request) - The Department request a statutory change to Section 25-1.5-111, C.R.S. to require the collection of data on a regional level rather than a county level.
34. Megan Davisson, 11/19,2015 (requested by Attorney General during the Dept. of Law Hearing - since the change will impact CDPHE, Craig Harper and Megan Davisson decided that Megan Davisson would take the lead if a bill is approved) - The Attorney General on behalf of the Natural Resource Trustees (AG, ED of CDPHE, and ED of DNR) requested statutory change to allow money recovered from Oil Pollution Act for natural resource damages be deposited into the Natural Resource Damage Recover Fund which is housed in the Department of Public Health and Environment. This would treat the moneys similar to how moneys are treated that are recovered under the Comprehensive Environmental Response Compensation and Liability Act.

## **REGULATORY AGENCIES**

35. Tom Dermody, 11/13/2015 (page 13, REG-Brf) - Staff recommends that the Committee
- a. Amend statute to specify the date the funds from HCSM are to be transferred to the Broadband Fund (e.g. July 1 of each fiscal year) and that this transfer is continuously appropriated to the Fund.
  - b. Amend statute to clarify that the projected decline in HCSM contributions qualify as part of the required proportional reduction in contributions, pursuant to Section 40-15-208 (2)(III), C.R.S.
  - c. Look at TABOR impact of the fund and a specific date for the transfer.

## **REVENUE**

36. Scott Thompson, 12/8/2015 (page 25, REV-brf) - JBC staff recommends the Joint Budget Committee sponsor legislation directing the Limited Gaming Commission to contract with a third party consultant to prepare an official comparison of administering the Limited Gaming Program in Colorado to other, similarly situated states. Staff further recommends that the study be funded through the 50.0 percent state share of limited gaming proceeds.
37. Scott Thompson, 12/8/2015 (Requested by Department of Revenue, page 18, REV-brf) – The Department requests statutory change to allow it to receive appropriations from the Highway

Users Tax Fund and that its growth be allowed in the six percent annual allowable growth. The request also includes a change to the Licensing Services Cash Fund to remove the end-of-year sweep of the excess reserve to the Highway Users Tax Fund and seeks a waiver to the cash fund excess reserve limit of Section 24-75-402, C.R.S.

38. Scott Thompson, 12/15/2015 (Suggested by Senator Lambert) – Bill to impose an administration fee on income tax returns when a taxpayer claims the Earned Income Tax Credit to pay for the higher-than-average cost of preventing fraud with that specific type of tax credit.

## **STATE**

39. Carly Jacobs, 12/18/2015 (page 12, STA-brf) - Staff recommends the Committee consider sponsoring legislation that disallows the use of fee holidays by the Department of State.

## **TREASURY**

40. Robin Smart, 11/20/2015, (page 12, TRE-brf) - Staff recommends that the Committee consider sponsoring a bill to lower the maximum amount of residence value that is exempt from taxation to 50.0 percent of the first \$100,000 of actual residence value for qualifying senior citizens. Staff recommends maintaining the current exemption of 50.0 percent of the first \$200,000 of actual residence value for qualifying disabled veterans.
41. Robin Smart, 11/20/2015, (page 12, TRE-brf) - Staff also recommends that this sponsored legislation include a provision that requires 5.0 percent of funds identified in the Long Bill in excess of those actually reimbursed to counties be transferred to a program that provides services for disabled veterans (i.e. the Mental Health, Employment, Housing and Other Veterans Services line item in the Department of Military and Veterans Affairs, Division of Veterans Affairs).

## **CAPITAL CONSTRUCTION**

42. Alfredo Kemm, 11/12/2015 (page 10, CAP-brf) - Given the State's optional approach to funding controlled maintenance for its buildings, staff recommends that the Committee pursue legislation to establish a policy and process for incrementally selling the State's buildings equal to 1.0 percent of the insured replacement value of State buildings each year, as recommended by the State Architect and approved by the Capital Development Committee (CDC), and crediting the proceeds to the Controlled Maintenance Trust Fund. If State funding for controlled maintenance, capital renewal, and renovation equals or exceeds 1.0 percent of the insured replacement value of State buildings, that year's sale of buildings may be exempted by the CDC.
43. Alfredo Kemm, 11/12/2015 (page 19, CAP-brf) - Staff recommends that the Committee pursue legislation that requires funding controlled maintenance and capital renewal at an amount at least equal to 1.0 percent of the current insured replacement value of State buildings. Staff also recommends a provision that specifies that state funding may not be

provided for new construction or real property purchases until the 1.0 percent threshold for controlled maintenance is met.

44. Alfredo Kemm, 11/12/2015 (page 19, CAP-brf) – Staff recommends that the Committee pursue legislation that requires repayment in the following year of any funds transferred out of the principal of the Controlled Maintenance Trust Fund for any purpose.
45. Alfredo Kemm, 11/12/2015 (page 19, CAP-brf) – Staff recommends that the Committee consider pursuing legislation that would require any capital construction transfer from S.B. 09-228 in FY 2016-17 and beyond to be credited to the CMTF rather than directly funding capital construction. This approach will help refill the CMTF while more accurately projecting available funds for the capital construction budget.
46. Alfredo Kemm, 11/12/2015 (page 22, CAP-brf) - Staff recommends that the Committee pursue legislation to create a State Asset Management Trust enterprise to manage all Department of Human Services real property assets.
47. Alfredo Kemm, 11/12/2015 (page 36, CAP-brf) - Staff recommends that the Committee pursue legislation and adopt Committee policies that:
  - a. Funds higher education institutions capital construction and controlled maintenance through a per capita method like the College Opportunity Fund (COF), based on a Colorado resident FTE count attending each institution. In recognition of the higher facility costs for science labs, it is recommended that the "Capital COF" include a 0.5 FTE proportional increase for each Colorado FTE in a third year or higher undergraduate or graduate degree program in lab sciences, applied sciences or engineering, or health sciences.
  - b. Places the Capital COF amount in the operating budget as a "base budget" line item to provide a consistent level of funding from year to year.
  - c. Requires each institution to plan and account for all state-funded capital construction and controlled maintenance spending through a capital asset management plan to be approved by institution boards, the Colorado Commission on Higher Education, and the Capital Development Committee.
48. Alfredo Kemm, 11/12/2015 (page 37, CAP-brf) - Staff also recommends that the Committee pursue a concurrent resolution to amend the State Constitution to distribute 40 percent of Net Lottery Proceeds for higher education institutions capital construction to provide a consistent level of funding regardless of the availability of State funds in a given year. Staff recommends that the Committee consider pursuing contingent legislation that would provide a proportional match from the General Fund as a shared commitment to the primary fund stream. Staff recommends an annual, total funding target equal to 50 percent of Net Lottery Proceeds.

## **STATEWIDE ISSUES**

49. John Ziegler, 12/21/2015 (suggested by Sen. Lambert) – Consider changes to the SB 09-228 triggers for budgetary purposes.