



Joint Budget Committee Staff

Memorandum

To: Joint Budget Committee Members
From: Kelly Shen, JBC Staff (303-866-5434)
Date: March 13, 2025
Subject: Potential Legislation Packet 9

This packet includes memos and bill drafts for the Committee’s consideration.

Each individual item has page numbers, but also a packet page number (P-XX) to help navigate the whole document. The page numbers below refer to the packet page number that begins with a “P”.

Potential Legislation

Labor and Employment

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Education

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First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

DRAFT
3/11/25

DRAFT

LLS NO. 25-0933.01 Renee Leone x2695

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Revert Appropriated General Fund Money from CDLE

A BILL FOR AN ACT

101 **CONCERNING REVERTING MONEY BACK TO THE GENERAL FUND THAT**
102 **WAS ORIGINALLY APPROPRIATED FROM THE GENERAL FUND TO**
103 **THE DEPARTMENT OF LABOR AND EMPLOYMENT TO BE USED FOR**
104 **THE CONSTRUCTION REGISTERED APPRENTICESHIP GRANT**
105 **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. In state fiscal year 2023-24, the general assembly appropriated \$1,400,000 from the general fund to the

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Dashes through the words indicate deletions from existing law.*

department of labor and employment to be used for the construction registered apprenticeship grant program. The bill reverts \$222,701 of that appropriation back to the general fund on or before June 30, 2025.

DRAFT
3/11/25

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-83-701, **amend**
3 (4)(a) as follows:

4 **8-83-701. Construction registered apprenticeship grant**
5 **program - created - reports - appropriation - definitions.** (4) For the
6 2023-24 state fiscal year, the general assembly shall appropriate to the
7 department of labor and employment for allocation by the office one
8 million four hundred thousand dollars from the general fund for purposes
9 of this section. Any unexpended money remaining at the end of the
10 2023-24 state fiscal year from the appropriation listed in this subsection
11 (4):

12 (a) Does not revert to the general fund or any other fund; EXCEPT
13 THAT, ON OR BEFORE JUNE 30, 2025, TWO HUNDRED TWENTY-TWO
14 THOUSAND SEVEN HUNDRED ONE DOLLARS REVERTS TO THE GENERAL
15 FUND;

16 **SECTION 2. Safety clause.** The general assembly finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, or safety or for appropriations for
19 the support and maintenance of the departments of the state and state
20 institutions.

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Dashes through the words indicate deletions from existing law.*

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

DRAFT
3/10/25

DRAFT

LLS NO. 25-0936.01 Anna Petrini x5497

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Eliminate Reprinting of Education Laws

A BILL FOR AN ACT

101 CONCERNING ELIMINATING THE REQUIREMENT FOR ANNUAL
102 REPRINTING OF LAWS CONCERNING EDUCATION.

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 eliminates the requirement that the commissioner of education annually reprint and distribute laws enacted by the general assembly that concern education.

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, 22-2-112, **repeal**
2 (1)(i) as follows:

3 **22-2-112. Commissioner - duties - report - legislative**
4 **declaration.** (1) Subject to the supervision of the state board, the
5 commissioner has the following duties:

6 (i) ~~To cause to be reprinted annually laws enacted by the general~~
7 ~~assembly concerning education, in accordance with the provisions of~~
8 ~~section 24-1-136, C.R.S., and to furnish copies thereof to interested~~
9 ~~persons. All publishing costs therefor shall be paid out of the state public~~
10 ~~school fund pursuant to section 22-54-114 (5).~~

11 **SECTION 2.** In Colorado Revised Statutes, 22-54-114, **repeal** (5)
12 as follows:

13 **22-54-114. State public school fund.** (5) ~~All publishing costs~~
14 ~~associated with the annual printing of the laws enacted by the general~~
15 ~~assembly concerning education shall be paid out of the state public school~~
16 ~~fund.~~

17 **SECTION 3. Effective date.** This act takes effect July 1, 2025.

18 **SECTION 4. Safety clause.** The general assembly finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety or for appropriations for
21 the support and maintenance of the departments of the state and state
22 institutions.



Joint Budget Committee Staff

Memorandum

To: Joint Budget Committee Members
From: Kelly Shen, JBC Staff (303-866-5434)
Date: Thursday, March 13, 2025
Subject: [Repeal of EMS Peer Assistance Fund – updated recommendation](#)

This memo contains an updated recommendation for the repeal of the Emergency Medical Services (EMS) Peer Assistance Fund – which is to *not* repeal the fund at this time.

In the figure setting presentation for the Department of Public Health and Environment on February 18, 2025, the JBC approved a staff-initiated change to repeal the EMS Peer Assistance Fund that is no longer being utilized and to transfer any remaining funds (estimated \$2,729) to the General Fund. This would require legislation.

Updated Recommendation

Working with the Office of Legislative Legal Services, staff has determined that the repeal of the fund would require larger changes to the program's fee structure. **As such, staff no longer recommends the repeal of this fund in order to allow for discussion of the fee structure to occur alongside bigger picture EMS financial sustainability conversations across the state.**

Analysis

Starting in August 2019, EMS providers that applied for licensure paid an additional \$2.55 fee to support the EMS Peer Assistance Program, pursuant to Section 25-3.5-208, C.R.S. This additional fee revenue was then deposited into the EMS Peer Assistance Fund.

In July 2022, the Department indicates that it stopped collecting these fees because the administrative burden of processing the fees cost more than the fee generated. At the time, the \$2.55 fee generated approximately \$17,000 per year for the Peer Assistance Program – which is a small portion of the approximately \$300,000 that the program costs today. The Department is currently utilizing other division funds to cover program costs.

Senate Bill 22-225 “Ambulance Service Sustainability and State Licensing” created an EMS System Sustainability Task Force to make recommendations on how to preserve, promote, and expand access to EMS services. This includes the creation of a financial sustainability plan for the statewide EMS system by September 2026 – and may be a more appropriate setting for the discussion of various fees and regulations pertaining to EMS providers.

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

DRAFT
3/11/25

DRAFT

LLS NO. 25-0949.01 Clare Haffner x6137

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Repeal Radiation Advisory Committee

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF THE RADIATION ADVISORY COMMITTEE.**

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 radiation advisory committee provides the department of public health and environment (department) with technical advice related to the radiation control program implemented by the department. The bill repeals the radiation advisory committee.

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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, **repeal** 25-11-105 as
3 follows:

4 **25-11-105. Radiation advisory committee.** ~~(1) The governor~~
5 ~~shall appoint a radiation advisory committee of nine members, no more~~
6 ~~than four of whom represent any one political party and three of whom~~
7 ~~represent industry, three the healing arts, and three the public and private~~
8 ~~institutions of higher education. Members of the committee serve at the~~
9 ~~discretion of the governor and are reimbursed for necessary and actual~~
10 ~~expenses incurred in attendance at meetings or for authorized business of~~
11 ~~the committee. The committee shall furnish to the department such~~
12 ~~technical advice as may be desirable or required on matters relating to the~~
13 ~~radiation control program.~~

14 ~~(2) Repealed.~~

15 **SECTION 2. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly; except
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V
19 of the state constitution against this act or an item, section, or part of this
20 act within such period, then the act, item, section, or part will not take
21 effect unless approved by the people at the general election to be held in
22 November 2026 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

DRAFT
3/12/25

DRAFT

LLS NO. 25-0950.01 Richard Sweetman x4333

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Remove Fee Reversion Animal Feeding Operations

A BILL FOR AN ACT

101 **CONCERNING THE ELIMINATION OF CERTAIN REPEAL DATES**
102 **ASSOCIATED WITH THE PAYMENT BY PERSONS IN THE ANIMAL**
103 **AGRICULTURE SECTOR OF FEES REGARDING REGULATED**
104 **ACTIVITIES ASSOCIATED WITH ANIMAL FEEDING OPERATIONS.**

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 certain repeal dates and associated language concerning the payment of fees by persons in the animal agriculture sector, which fees concern regulated activities

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associated with animal feeding operations.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-8-502, **amend**
3 (1.1) introductory portion, (1.1)(a)(I), (1.1)(a)(II), (1.1)(a)(III), and
4 (1.1)(a)(IV)(B); and **repeal** (1.1)(a)(IV)(A) as follows:

5 **25-8-502. Application - definitions - fees - funds created -**
6 **public participation - repeal.** (1.1) For each regulated activity listed in
7 this subsection (1.1), the division may assess an annual permit fee and a
8 nonrefundable permit application fee for new permits, ~~that must equal~~
9 WHICH NONREFUNDABLE PERMIT APPLICATION FEE IS IN AN AMOUNT THAT
10 EQUALS fifty percent of the annual permit fee. The full amount of the
11 application fee is credited toward the annual permit fee. All such fees
12 must be in accordance with the following schedules:

13 (a) The animal agriculture sector includes annual fee schedules for
14 regulated activities associated with animal feeding operations as follows:

15 (I) General permit: ~~The division shall assess a CAFO an annual~~
16 ~~permit fee not to exceed two hundred fifty dollars plus four cents per~~
17 ~~animal unit, based on the CAFO's permitted capacity; except that, from~~
18 ~~July 1, 2009, through June 30, 2025,~~ The division shall assess a CAFO an
19 annual permit fee not to exceed seven hundred fifty dollars plus nine
20 cents per animal unit, based on the CAFO's permitted capacity.

21 (II) Individual permit: ~~The division shall assess a CAFO an annual~~
22 ~~permit fee not to exceed five hundred dollars plus eight cents per animal~~
23 ~~unit, based on the CAFO's permitted capacity; except that, from July 1,~~
24 ~~2009, through June 30, 2025,~~ The division shall assess a CAFO an annual
25 permit fee not to exceed one thousand five hundred dollars plus nine

1 cents per animal unit, based on the CAFO's permitted capacity.

2 (III) ~~(A) Effective July 1, 2009, through June 30, 2025,~~ The
3 division shall assess an unpermitted CAFO an annual administrative fee,
4 not to exceed six cents per animal unit, based upon the CAFO's registered
5 capacity, to cover the direct and indirect costs associated with the
6 environmental agriculture program, including inspections, compliance
7 assurance, compliance assistance, and associated regulatory interpretation
8 and review.

9 ~~(B) This subsection (1.1)(a)(III) is repealed, effective July 1,~~
10 ~~2025.~~

11 (IV) (A) ~~Except as otherwise provided in this subsection~~
12 ~~(1.1)(a)(IV), the division shall assess on each housed commercial swine~~
13 ~~feeding operation an annual permit fee, not to exceed twenty cents per~~
14 ~~animal, based on the operation's working capacity, to offset the direct and~~
15 ~~indirect costs of the program created in section 25-8-501.1.~~

16 (B) ~~From July 1, 2009, through June 30, 2025,~~ The division shall
17 assess on each housed commercial swine feeding operation an annual
18 permit fee, not to exceed twenty-six cents per animal, based on the
19 operation's working capacity, to offset the direct and indirect costs of the
20 program created in section 25-8-501.1. ~~This subsection (1.1)(a)(IV)(B)~~
21 ~~is repealed, effective July 1, 2025.~~

22 **SECTION 2. Safety clause.** The general assembly finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety or for appropriations for
25 the support and maintenance of the departments of the state and state
26 institutions.

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

DRAFT
3/11/25

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LLS NO. 25-0720.01 Owen Hatch x2698

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Extending Spinal & Related Med Prog

A BILL FOR AN ACT

101 **CONCERNING AN EXTENSION OF THE RENAMED COMPLEMENTARY AND**
102 **INTEGRATIVE MEDICINE PROGRAM FOR A PERSON WITH A**
103 **PRIMARY CONDITION RESULTING IN A TOTAL INABILITY FOR**
104 **INDEPENDENT AMBULATION, AND, IN CONNECTION THEREWITH,**
105 **MAKING AN APPROPRIATION.**

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. There is a pilot program for complementary and alternative medicine for disabled people. The bill

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changes the name of the program to the "complementary and integrative medicine program". The bill extends the program and clarifies that the program covers persons with a primary condition of multiple sclerosis, a brain injury, spina bifida, muscular dystrophy, or cerebral palsy, when one of these diagnoses directly results in a total inability for independent ambulation.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-6-1201, **amend**
3 (1) as follows:

4 **25.5-6-1201. Legislative declaration - repeal.** (1) The general
5 assembly finds that there may be a more effective way to deliver home-
6 and community-based services to the elderly, blind, and disabled; to
7 disabled children; and to persons with spinal cord injuries that allows for
8 more self-direction in their care and a cost savings to the state. The
9 general assembly also finds that every person who is currently receiving
10 home- and community-based services does not need the same level of
11 supervision and care from a licensed health-care professional in order to
12 meet the person's care needs and remain living in the community. The
13 general assembly, therefore, declares that it is beneficial to the elderly,
14 blind, and disabled members of home- and community-based services, to
15 members of the disabled children care program, and to members enrolled
16 in the ~~spinal cord injury waiver pilot~~ COMPLEMENTARY AND INTEGRATIVE
17 MEDICINE program for the state department to develop a service that
18 would allow the members to receive in-home support.

19 **SECTION 2.** In Colorado Revised Statutes, **amend** 25.5-6-1301
20 as follows:

21 **25.5-6-1301. Legislative declaration.** (1) The general assembly
22 finds that:

1 (a) A person LIVING with a spinal cord injury, MULTIPLE
2 SCLEROSIS, A BRAIN INJURY, SPINA BIFIDA, MUSCULAR DYSTROPHY, OR
3 CEREBRAL PALSY could benefit from complementary and ~~alternative~~
4 INTEGRATIVE medicine such as chiropractic care, massage therapy, or
5 acupuncture; and

6 (b) Complementary and ~~alternative~~ INTEGRATIVE medicine could
7 improve the quality of life and help reduce the need for continuous or
8 more expensive procedures, medications, and hospitalizations for a AN
9 ELIGIBLE person ~~with a spinal cord injury~~ and could allow a AN ELIGIBLE
10 person ~~with a spinal cord injury~~ to be employed.

11 **SECTION 3.** In Colorado Revised Statutes, 25.5-6-1302, **amend**
12 (1) and (3) as follows:

13 **25.5-6-1302. Definitions.** As used in this part 13, unless the
14 context otherwise requires:

15 (1) "Complementary or ~~alternative~~ INTEGRATIVE medicine" means
16 a form of diverse health-care services not provided for under this ~~article~~
17 ARTICLE 6 or article 4 or 5 of this title prior to August 5, 2009, but
18 authorized by the rules of the state board adopted pursuant to section
19 25.5-6-1303 (4). The medicine is limited to chiropractic care, massage
20 therapy, and acupuncture performed by licensed ~~or certified~~ providers.

21 (3) ~~"Pilot program"~~ "PROGRAM" means the ~~pilot~~ program
22 authorized pursuant to section 25.5-6-1303 to allow an eligible person
23 with a disability to receive complementary and ~~alternative~~ INTEGRATIVE
24 medicine.

25 **SECTION 4.** In Colorado Revised Statutes, 25.5-6-1303, **amend**
26 (1)(a), (2)(a), (2)(b) introductory portion, (2)(b)(II), (2)(b)(III), (2)(d), (3),
27 (4), and (7); and **repeal** (2)(c) and (5) as follows:

1 **25.5-6-1303. Complementary or integrative medicine - rules.**

2 (1) (a) The general assembly authorizes the state department to
3 implement a ~~pilot~~ program that would allow an eligible person with a
4 disability to receive complementary or ~~alternative~~ INTEGRATIVE medicine
5 to the extent authorized by federal waiver. ~~The pilot program may begin~~
6 ~~no later than January 1, 2012. The state department shall design and~~
7 ~~implement the pilot program with input from an advisory committee that~~
8 ~~must include, but need not be limited to, persons with spinal cord injuries~~
9 ~~who are receiving complementary or alternative medicine.~~ The state
10 department may seek any federal waivers that may be necessary to
11 implement this part 13.

12 (2) (a) The purpose of the ~~pilot~~ program is to expand the choice
13 of therapies available to eligible persons with disabilities ~~to study the~~
14 ~~success of complementary and alternative medicine,~~ and to produce an
15 overall cost savings for the state compared to the estimated expenditures
16 that would have otherwise been spent for the same persons ~~with spinal~~
17 ~~cord injuries~~ absent the ~~pilot~~ program.

18 (b) In order to qualify and to remain eligible for the ~~pilot~~ program
19 authorized by this section, a person ~~shall~~ MUST:

20 (II) Be willing to participate in the ~~pilot~~ program;

21 (III) Demonstrate a current need, as further defined in rule by the
22 state board, for complementary or ~~alternative~~ INTEGRATIVE medicine; and

23 (c) ~~The state department shall implement subsection (2)(b) of this~~
24 ~~section no later than July 1, 2022.~~

25 (d) The ~~pilot~~ program is available to all eligible individuals in
26 Colorado.

27 (3) The state department shall develop the accountability

1 requirements for the ~~pilot~~ program necessary to safeguard the use of
2 public ~~moneys~~ MONEY and to promote effective and efficient service
3 delivery.

4 (4) The state board shall adopt rules as necessary for the
5 implementation and administration of the ~~pilot~~ program.

6 (5) ~~The state department shall cause to be conducted an~~
7 ~~independent evaluation of the pilot program to be completed no later than~~
8 ~~January 1, 2025. The state department shall provide a report of the~~
9 ~~evaluation to the health and human services committee of the senate and~~
10 ~~the public health care and human services committee of the house of~~
11 ~~representatives, or any successor committees. The report on the~~
12 ~~evaluation must include the following:~~

13 (a) ~~The number of eligible persons with disabilities participating~~
14 ~~in the pilot program;~~

15 (b) ~~The cost-effectiveness of the pilot program;~~

16 (c) ~~Feedback from members and the state department concerning~~
17 ~~the progress and success of the pilot program;~~

18 (d) ~~Any changes to the health status or health outcomes of the~~
19 ~~persons participating in the pilot program;~~

20 (e) ~~Other information relevant to the success and problems of the~~
21 ~~pilot program; and~~

22 (f) ~~Recommendations concerning the feasibility of continuing the~~
23 ~~pilot program beyond the pilot stage and changes, if any, that are needed.~~

24 (7) Unless the state department receives sufficient appropriations,
25 the state department is not required to seek federal approval ~~or implement~~
26 ~~FOR~~ the ~~pilot~~ program.

27 **SECTION 5.** In Colorado Revised Statutes, **amend** 25.5-6-1304

1 as follows:

2 **25.5-6-1304. Repeal of part.** This part 13 is repealed, effective
3 ~~September 1, 2025~~ SEPTEMBER 1, 2030.

4 **SECTION 6.** In Colorado Revised Statutes, 25.5-6-1403, **amend**
5 (4) as follows:

6 **25.5-6-1403. Waivers and amendments.** (4) The state
7 department shall seek federal authorization to implement a medicaid
8 buy-in program for adults who are eligible to receive home- and
9 community-based services pursuant to the supported living services
10 waiver; the developmental disabilities waiver or its successor, part 4 of
11 this article 6; the persons with brain injury waiver, part 7 of this article 6;
12 and the ~~spinal cord injury waiver pilot~~ COMPLEMENTARY AND
13 INTEGRATIVE MEDICINE program, part 13 of this article 6. The state
14 department shall prepare and submit any requests necessary for federal
15 approval not later than January 1, 2023, and shall implement the medicaid
16 buy-in program pursuant to this subsection (4) not later than three months
17 after receiving federal approval.

18 **SECTION 7. Appropriation.** (1) For the 2025-26 state fiscal
19 year, \$1,280,656 is appropriated to the department of health care policy
20 and financing for use by the executive director's office. This appropriation
21 is from the general fund. To implement this act, the office may use this
22 appropriation as follows:

23 (a) \$65,487 for personal services, which amount is based on an
24 assumption that the office will require an additional 2.0 FTE; and

25 (b) \$1,150 for operating expenses.

26 (2) For the 2025-26 state fiscal year, the general assembly
27 anticipates that the department of health care policy and financing will

1 receive \$1,280,656 in federal funds to implement this act, which amount
2 is subject to the "(I)" notation as defined in the annual general
3 appropriation act for the same fiscal year. The appropriation in subsection
4 (1) of this section is based on the assumption that the department will
5 receive this amount of federal funds to be used as follows:

6 (a) \$65,487 for personal services; and

7 (b) \$1,150 for operating.

8 (3) For the 2025-26 state fiscal year, \$1,214,019 is appropriated
9 to the department of health care policy and financing. This appropriation
10 is from the general fund. To implement this act, the department may use
11 this appropriation for medical and long-term care services for medicaid
12 eligible individuals.

13 (4) For the 2024-25 state fiscal year, the general assembly
14 anticipates that the department of health care policy and financing will
15 receive \$1,214,019 in federal funds for medical and long-term care
16 services for medicaid eligible individuals to implement this act. The
17 appropriation in subsection (3) of this section is based on the assumption
18 that the department will receive this amount of federal funds.

19 **SECTION 8. 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 2026 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.



Joint Budget Committee Staff

Memorandum

To: Joint Budget Committee
From: Justin Brakke, JBC Staff (303-866-4958)
Date: Wednesday, March 12, 2025
Subject: [Concerning draft legislation DOC Reporting Requirements \(LLS 25-0958.01\)](#)

Additional JBC staff recommendation: Judiciary SMART Act hearing

JBC staff recommends adding language to the bill draft that requires the DOC to tell the Joint Judiciary Committee about its supplemental request and budget amendments during its SMART Act hearing, including details about requested changes to prison capacity and caseload. In so doing, the Judiciary Committees would:

- Be informed about potentially more controversial supplemental budget requests and amendments; and
- Be able to ask questions about those requests during the SMART Act hearing.

Recommended language

With deference to OLLS for the specific wording, JBC staff recommends adding language to statute that says, “The department of corrections shall describe supplemental requests and budget amendments submitted pursuant to section 2-3-208 (3), including details about requested changes to prison capacity and caseload.”

Reasons for the recommendation

In the past three years, the DOC’s SMART Act presentation to the Joint Judiciary Committee only addressed the November budget request package.¹ It did not address supplemental requests or budget amendments submitted in January.

JBC staff has also observed another trend over the past three years: (1) the November budget request is relatively straightforward and perhaps less controversial, and (2) the January request a couple of months later is far more difficult to deal with and is perhaps more controversial. This is particularly applicable to prison caseload and capacity issues. Given the tight timeline for supplemental decisions, it could be helpful for the Judiciary Committees to be informed about

¹ The dates of those presentations were: January 14, 2025; January 10, 2024; and January 18, 2023.

March 12, 2025

supplemental budget requests **before** supplemental decisions are made and supplemental bills are introduced.

Examples

- The November 2022 request did not include a prison caseload request. The January 2023 prison caseload request changed the methodology, did not show the change, and consequently sought an increase of about 1,500 prison beds and \$27.0 million General Fund. This was many more prison beds than the standard methodology called for.
- The November 2023 prison caseload request was relatively straightforward. The January 2024 caseload request was not straightforward. It changed the methodology again to provide more funded prison beds than the standard methodology.
- The request for legislation and funding to open the Centennial South C-tower was not submitted until January 2025. The Department's presentation document mentions that opening the C-tower is one of its legislative priorities but does not mention that it was a supplemental budget request submitted to the JBC.

Point to consider: Workload

This legislation will increase workload for the Department but JBC staff thinks that it is and should be absorbed within the existing budget. During last year's budget process, JBC staff initiated a recommendation to fund 1.0 additional FTE for the DOC's Office of Planning and Analysis (OPA). This included \$85,115 General Fund for a Statistical Analyst IV. The recommendation stemmed from conversations with the DOC concerning the OPA's workload. It also stemmed from observations about the number of reports that the Department was required to produce. The JBC approved JBC staff's recommendation.

The 1.0 FTE approved last year should help the Department absorb some of the workload associated with this bill. In staff's view, some of the bill's requirements are things the department should already be doing (e.g. capacity and vacancy rate by facility and security level). Other reports required by the bill are not regular reports. Rather, they are contingent on the Department's actions. If the volume of these contingent reports ends up being very high, the JBC may consider adjustments to statute in the next legislative session.

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

DRAFT
3/12/25

DRAFT

LLS NO. 25-0958.01 Jerry Barry x4341

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Dept of Corrections Budgeting Reports

A BILL FOR AN ACT

101 CONCERNING BUDGETING REPORTS FROM THE DEPARTMENT OF
102 CORRECTIONS.

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 executive director (director) of the department of corrections (department) to report specified information on inmate population, bed capacity, and vacancy rates on a monthly basis. The bill also requires the director to report to the joint budget committee and the office of state planning and budgeting:

- When opening or closing a facility or relocating more than

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

- 20 inmates;
- By August 1, 2025, information on FTEs by facility, location, and subprogram.

The bill requires future budget requests to include worksheets identifying calculations for FTE and operating expenses. If the director or department fails to provide the information required, the bill authorizes the joint budget committee to reduce appropriations for salaries of unclassified department employees.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 17-1-103.3 as
3 follows:

4 **17-1-103.3. Reports for budgeting - definition - repeal.**

5 (1) (a) NO LATER THAN THE FIFTH DAY OF EACH MONTH, THE EXECUTIVE
6 DIRECTOR SHALL REPORT THE DEPARTMENT'S PREVIOUS MONTH'S:

7 (I) BED CAPACITY AND AVERAGE DAILY INMATE POPULATION BY
8 PRISON FACILITY, SECURITY LEVEL, AND CUSTODY CLASSIFICATION; AND

9 (II) VACANCY RATE FOR EACH SECURITY LEVEL ON A
10 FACILITY-BY-FACILITY BASIS AND ON A DEPARTMENT-WIDE BASIS. THE
11 REPORT MUST SHOW THE CALCULATIONS USED TO PRODUCE THE VACANCY
12 RATE. ANY CHANGES IN THE METHODOLOGY USED TO CALCULATE THE
13 VACANCY RATE MUST BE ACCOMPANIED BY AN EXPLANATION FOR THE
14 CHANGE AND HOW IT MATERIALLY CHANGED THE VACANCY RATE.

15 (b) WHENEVER A FACILITY'S POPULATION INCREASES OR
16 DECREASES BY MORE THAN TEN PERCENT IN LESS THAN TWO MONTHS, THE
17 EXECUTIVE DIRECTOR SHALL INCLUDE IN THE NEXT MONTHLY REPORT
18 REQUIRED BY SUBSECTION (1)(a) OF THIS SECTION AN EXPLANATION FOR
19 THE INCREASE OR DECREASE.

20 (2) (a) EXCEPT FOR CHANGES THAT WERE DEVELOPED THROUGH
21 THE BUDGET PROCESS OR BY CHANGES TO STATUTE, WHENEVER THE

1 DEPARTMENT OPENS OR CLOSSES LIVING UNITS OR FACILITIES, THE
2 EXECUTIVE DIRECTOR SHALL REPORT THE CHANGE AND THE EXPLANATION
3 FOR THE CHANGE TO THE JOINT BUDGET COMMITTEE AND THE OFFICE OF
4 STATE PLANNING AND BUDGETING WITHIN TEN DAYS AFTER THE OPENING
5 OR CLOSING.

6 (b) WHENEVER THE DEPARTMENT RELOCATES MORE THAN TWENTY
7 INMATES FROM ONE FACILITY TO ANOTHER FACILITY OR FACILITIES AS A
8 PART OF A COORDINATED MOVE TO RELOCATE INMATES FOR OPERATIONAL
9 REASONS, INCLUDING CHANGES IN CAPACITY AT ONE OR MORE FACILITIES,
10 THE EXECUTIVE DIRECTOR SHALL REPORT THE CHANGE AND EXPLAIN ANY
11 REASON FOR THE CHANGE TO THE JOINT BUDGET COMMITTEE AND THE
12 OFFICE OF STATE PLANNING AND BUDGETING WITHIN TEN DAYS AFTER THE
13 RELOCATION.

14 (3) (a) (I) ON OR BEFORE AUGUST 1, 2025, THE EXECUTIVE
15 DIRECTOR SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE AND
16 THE OFFICE OF STATE PLANNING AND BUDGETING THAT INCLUDES THE
17 FOLLOWING:

18 (A) FTE ALLOCATIONS BY FACILITY, LOCATION, AND
19 SUBPROGRAM, INCLUDING THE NUMBER OF FTEs IN EACH JOB
20 CLASSIFICATION AND THE ACTUAL SALARIES ASSOCIATED WITH EACH FTE,
21 SUBPROGRAM, AND FACILITY; AND

22 (B) ESTIMATED OPERATING EXPENSE ALLOCATIONS BY FACILITY,
23 LOCATION, AND SUBPROGRAM.

24 (II) THIS SUBSECTION (3)(a)(I) IS REPEALED, EFFECTIVE JULY 1,
25 2026.

26 (b) AFTER THE EFFECTIVE DATE OF THIS SECTION, ALL BUDGET
27 REQUESTS MUST INCLUDE WORKSHEETS SHOWING THE UNDERLYING

1 CALCULATIONS FOR ALL FTEs AND OPERATING EXPENSES THAT ARE
2 RELEVANT TO THE REQUEST.

3 (c) AS USED IN THIS SUBSECTION (3), UNLESS THE CONTEXT
4 OTHERWISE REQUIRES, "FTE" HAS THE SAME MEANING AS DEFINED IN
5 SECTION 24-75-112.

6 (4) IF THE EXECUTIVE DIRECTOR FAILS TO MEET THE
7 REQUIREMENTS OF THIS SECTION, THE JOINT BUDGET COMMITTEE MAY
8 REDUCE THE DEPARTMENT'S BUDGET BY AN AMOUNT NOT TO EXCEED
9 THREE HUNDRED THOUSAND DOLLARS, BASED ON AN ASSUMPTION THAT
10 THE DEPARTMENT WILL REDUCE SALARIES FOR UNCLASSIFIED
11 DEPARTMENT EMPLOYEES.

12 **SECTION 2. Safety clause.** The general assembly finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety or for appropriations for
15 the support and maintenance of the departments of the state and state
16 institutions. <*Since the report in (3)(a)(I) is due by August 1, the bill*
17 *requires a safety clause or that date needs to be changed.*>