



Joint Budget Committee Staff

# Memorandum

To: Joint Budget Committee Members  
From: Kelly Shen, JBC Staff (303-866-5434)  
Date: Monday, April 14, 2025  
Subject: [JBC Potential Legislation – Packet 18](#)

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This packet includes bill drafts and a memo for the Committee’s consideration. Unless otherwise indicated by the JBC analyst, **these bills are seeking approval for introduction**. This includes:

- making a motion to approval the bill for introduction;
- allowing JBC staff permission to make technical changes including adding appropriation clauses; and
- assigning sponsors.

## Potential Legislation

### *Corrections*

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### *Public Health and Environment*

LLS 25-1008 Repeal Natural Disaster Grant Fund (McLeer) .....P-4

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First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

DRAFT  
3/25/25

DRAFT

LLS NO. 25-1026.01 Rebecca Bayetti x4348

COMMITTEE BILL

Joint Budget Committee

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**BILL TOPIC:** Div Crim Jus Spending Authority Community Corrs

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**A BILL FOR AN ACT**

101 CONCERNING THE SPENDING AUTHORITY OF THE DIVISION OF  
102 CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY FOR  
103 COMMUNITY CORRECTIONS PROGRAMS.

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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.** The bill makes 2 changes to the spending authority of the division of criminal justice (division) in the department of public safety in relation to community corrections programs:

- Repeals the division's authority to transfer up to 10% of

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

- annual appropriations among or between line items for community corrections program services; and
- Allows the division to overexpend up to \$2 million in any one fiscal year for felony placements in community corrections programs.

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

2           **SECTION 1.** In Colorado Revised Statutes, 17-27-108, **repeal** (5)  
3 as follows:

4           **17-27-108. Division of criminal justice in the department of**  
5 **public safety - duties - community corrections contracts - audit.**

6 ~~(5) The division of criminal justice is authorized to transfer up to ten~~  
7 ~~percent of annual appropriations among or between line items for~~  
8 ~~community corrections program services. Advance notice of such~~  
9 ~~transfers shall be provided to the general assembly, the governor, the~~  
10 ~~executive director of the department of corrections, and the chief justice~~  
11 ~~of the supreme court.~~

12           **SECTION 2.** In Colorado Revised Statutes, 24-75-109, **add**  
13 (1)(e.5) as follows:

14           **24-75-109. Controller may allow expenditures in excess of**  
15 **appropriations - limitations - appropriations for subsequent fiscal**  
16 **year restricted - repeal.** (1) For the purpose of closing the state's books,  
17 and subject to the provisions of this section, the controller may, on or  
18 after May 1 of any fiscal year and before the forty-fifth day after the close  
19 thereof, upon approval of the governor, allow any department, institution,  
20 or agency of the state, including any institution of higher education, to  
21 make an expenditure in excess of the amount authorized by an item of  
22 appropriation for such fiscal year if:

23           (e.5) THE OVEREXPENDITURE IS BY THE DIVISION OF CRIMINAL

1 JUSTICE WITHIN THE DEPARTMENT OF PUBLIC SAFETY FOR FELONY  
2 PLACEMENTS IN COMMUNITY CORRECTIONS PROGRAMS PURSUANT TO  
3 ARTICLE 27 OF TITLE 17, BUT THE TOTAL OF ALL EXPENDITURES ALLOWED  
4 PURSUANT TO THIS SUBSECTION (1)(e.5) MUST NOT EXCEED TWO MILLION  
5 DOLLARS IN ANY FISCAL YEAR; OR

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

7 **SECTION 4. Safety clause.** The general assembly finds,  
8 determines, and declares that this act is necessary for the immediate  
9 preservation of the public peace, health, or safety or for appropriations for  
10 the support and maintenance of the departments of the state and state  
11 institutions.

First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

DRAFT  
4/3/25

DRAFT

LLS NO. 25-1008.01 Nicole Myers x4326

COMMITTEE BILL

Joint Budget Committee

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**BILL TOPIC:** Repeal Natural Disaster Grant Fund

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**A BILL FOR AN ACT**

101 **CONCERNING THE REPEAL OF THE NATURAL DISASTER GRANT FUND.**

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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.** The bill repeals the natural disaster grant fund, which is currently used to award grants to local governments for improvements to domestic wastewater treatment works or public drinking water systems that were impacted by a natural disaster.

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

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

1           **SECTION 1.** In Colorado Revised Statutes, 25-8-608.7, **add** (4)  
2 as follows:

3           **25-8-608.7. Natural disaster grant fund - creation - rules -**  
4 **repeal.** (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

5           **SECTION 2. Safety clause.** The general assembly finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, or safety or for appropriations for  
8 the support and maintenance of the departments of the state and state  
9 institutions.



Joint Budget Committee Staff

# Memorandum

To: Members of the Joint Budget Committee  
From: Andrew McLeer, JBC Staff (303-866-4959)  
Date: Friday, April 11, 2025  
Subject: [Appropriations to the Water Quality Division in CDPHE to Address Water Permitting Backlog](#)

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On March 26, 2025, the Committee voted to draft legislation to address the water permitting backlog in the Water Quality Control Division within the Department of Public Health and Environment. As part of this motion, the Committee requested that fiscal assumptions of the Department's R2 request be included as part of budget balancing, which included a reduction of \$314,000 General Fund. JBC staff's interpreted this action to mean that the General Fund reduction would be included as a placeholder in budget balancing assumptions for the Long Bill package, but that all appropriations would be addressed through an appropriations clause within the water quality bill. However, the Office of State Planning and Budgeting and Department have interpreted this action differently, believing that the Committee had intended to include the appropriations in the Long Bill. Staff seeks clarification regarding the Committee's intent with respect to the appropriation for department's R2 request (Protecting Water Quality). JBC staff has identified three options for the Committee's consideration:

- Including the entirety of the requested appropriation, including the General Fund reduction, in the Long Bill through a conference committee amendment;
- Including the entirety of the requested appropriation, including the General Fund reduction, in the forthcoming water quality legislation; or
- Including the annualized General Fund reduction in the Long Bill, while including the cash fund appropriations in the water quality bill.

**Staff recommends including the appropriation for water quality permitting in the JBC bill, rather than the Long Bill.** This recommendation is due to the expenditures for water permitting being contingent on intradivision cash fund transfers contained in the bill currently being drafted. The Drinking Water Cash Fund and the Clean Water Cash Fund do not have sufficient balances to cover these expenditures without these transfers, and so appropriating through the JBC bill eliminates the risk of granting the appropriation without sufficient money to expend.



First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

DRAFT  
3/24/25

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LLS NO. 25-1027.01 Rebecca Bayetti x4348

COMMITTEE BILL

Joint Budget Committee

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**BILL TOPIC:** Transfers from License Plate Cash Fund

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**A BILL FOR AN ACT**

101 **CONCERNING TRANSFERS OF MONEY FROM THE LICENSE PLATE CASH**  
102 **FUND.**

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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.** The bill requires the state treasurer to transfer the following amounts from the license plate cash fund (fund) on June 30, 2025:

- 40% of the unexpended and unencumbered balance of the fund to the general fund; and
- 40% of the unexpended and unencumbered balance of the

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fund to the Colorado DRIVES vehicle services account in the highway users tax fund.

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

2           **SECTION 1.** In Colorado Revised Statutes, 42-3-301, **add** (1)(c)  
3 as follows:

4           **42-3-301. License plate cash fund - license plate fees - repeal.**

5 (1) (c) (I) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
6 CONTRARY, ON JUNE 30, 2025, THE STATE TREASURER SHALL TRANSFER:

7           (A) FORTY PERCENT OF THE UNEXPENDED AND UNENCUMBERED  
8 BALANCE OF THE LICENSE PLATE CASH FUND TO THE GENERAL FUND; AND

9           (B) FORTY PERCENT OF THE UNEXPENDED AND UNENCUMBERED  
10 BALANCE OF THE LICENSE PLATE CASH FUND TO THE COLORADO DRIVES  
11 VEHICLE SERVICES ACCOUNT IN THE HIGHWAY USERS TAX FUND, CREATED  
12 IN SECTION 42-1-211 (2).

13           (II) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE JULY 1, 2026.

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



Joint Budget Committee Staff

# Memorandum

To: Members of the Joint Budget Committee  
From: Michelle Curry, JBC Staff (303-866-2026)  
Date: April 10, 2025  
Department: Department of Regulatory Agencies  
Subject: Bill Draft to Reduce Revenue in DORA

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This memo includes a bill draft which would require the Department of Regulatory Agencies to reduce fee revenue as approved for drafting during the Department's figure setting presentation. The bill requires a \$10.0 million reduction by FY 2027-28 based on total revenue subject to TABOR collected in 2024-25.

## Staff Recommendation

Staff does **not** recommend moving forward with this legislation. Rather, staff recommends an annual RFI from the Department for a list of recommended program sunsets that would provide expenditure relief in the following fiscal year.

## Analysis

### Considerations Against Sponsoring Legislation

Both the Department and OSPB do not support this legislation, arguing that implementation could be challenging due to the large number of fees assessed by the Department and what they consider to be difficulties in terms of defining the revenue being adjusted. Additionally, the Department notes that fee revenue is a function of anticipated expenditures minus existing fund balances. Based on recent and historic actuals, expenditures from each fund within the Department are typically well below their annual appropriation. This allowed for a reduced appropriation in FY 2025-26 without adjustments to programming. Furthermore, the reduced appropriations in Operating Expenses lines throughout the Department are likely to force some moderate reductions in expenditures, which will decrease fee revenue.

Reductions to revenue coupled with cash fund sweeps that have already been approved as part of SB 25-264 (Cash Fund Transfers to the General Fund) could create gaps in available funding for already existing programming, which would force the Department to request supplemental General Fund appropriations or to not meet statutory requirements. Staff agrees that requiring this level of revenue reduction could result in programming difficulties for the Department, however it is unclear which specific programs and efforts would be impacted. Because of the Department's *many* regulatory programs required in statute (over 50 in the Division of

MARCH 14, 2025

Professions and Occupations alone), specific impacts are hard to identify. Similarly, DORA is in many ways a self-funded entity and is focused on upholding only that regulatory programming that is currently in statute. Staff agrees that the proposed revenue reduction could present difficulties in fully upholding current programming and staffing levels.

## Considerations in Favor of Sponsoring Legislation

While staff acknowledges that the Department has demonstrated fiscal responsibility in their fee setting, it is also true that requiring revenue reduction is the only way to reduce the Department's impact on the availability of General Fund without removing programming that is required by statute. Considering the budget shortfalls and the ongoing requests for other departments to reduce spending, it is not unreasonable to ask for similar reductions in DORA. Additionally, while the Department has consistently demonstrated their commitment to match revenue to expenditures, creating a statutory requirement to reduce revenue by a certain date could provide confidence for future budget planning. Similarly, reducing the amount of revenue to the Department would force them to reduce expenditures.

However, by spreading the reductions in revenue out over three fiscal years, the Department has time to make renewed recommendations about sun setting programs that the General Assembly has voted to extend in recent years and to realize other cost saving measures, including statewide common policy reductions. Already, these reductions total over \$1.0 million. Additionally, HB 25-1154 is currently progressing through the legislature and would move an estimated \$4.9 million in revenue out from under the TABOR cap. Assuming the success of these measures, these reductions alone represent over half of staff's recommended reduction. Staff believes that there is time before FY 2027-28 for the Department to find \$3.6 million in reductions to expenditures, as required by the drafted legislation.

## Request for Information

As an alternative to bill introduction, staff recommends including the following RFI for the Department:

Department of Regulatory Agencies, Totals – The Department is requested to provide, by September 1, an Excel file report which summarizes:

- 1 Sunset reviews being conducted in the current fiscal year by department; and
- 2 A comprehensive list of sunset reviews completed in the previous three fiscal years including the Department's recommendation for continuation of the program, any legislation that was passed regarding its continuation, and the current fiscal year impact of the legislation.

First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

DRAFT  
3/11/25

DRAFT

LLS NO. 25-0916.01 Clare Haffner x6137

COMMITTEE BILL

Joint Budget Committee

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**BILL TOPIC:** Department of Regulatory Agencies Fee Adjustments  
**DEADLINES:** File by: 3/24/2025

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**A BILL FOR AN ACT**

101 **CONCERNING REQUIRING THE ADJUSTMENT OF FEES IMPOSED BY THE**  
102 **DEPARTMENT OF REGULATORY AGENCIES.**

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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.** The department of regulatory agencies (department) consists of several divisions, which divisions charge certain fees to cover the direct and indirect costs of each division's respective functions.

The bill requires each division that imposes fees to adjust the fees for the 2025-26 state fiscal year through the 2027-28 state fiscal year so

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Dashes through the words indicate deletions from existing law.*

that the department's total revenue amount for the 2027-28 state fiscal year is at least \$10 million less than the sum of the department's total revenue amount for the 2025-26 state fiscal year, plus inflation costs and any new revenue that results from legislation passed through the 2027-28 state fiscal year.

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

7           **SECTION 1.** In Colorado Revised Statutes, **add** 24-34-113 as  
8 follows:

9           **24-34-113. Fee adjustments - revenue reduction - repeal.**

10 (1) FOR THE 2025-26 STATE FISCAL YEAR THROUGH THE 2027-28 STATE  
11 FISCAL YEAR, A DIVISION IN THE DEPARTMENT THAT IMPOSES AND  
12 COLLECTS FEES AND ASSESSMENTS PURSUANT TO TITLE 10, 11, 12, OR 40  
13 SHALL ADJUST THE FEE AND ASSESSMENT AMOUNTS SO THAT THE  
14 DEPARTMENT'S TOTAL REVENUE FOR THE 2027-28 STATE FISCAL YEAR IS  
15 AT LEAST TEN MILLION DOLLARS LESS THAN THE SUM OF THE  
16 DEPARTMENT'S TOTAL REVENUE THAT IS SUBJECT TO SECTION 20 OF  
17 ARTICLE X OF THE STATE CONSTITUTION FROM THE 2025-26 STATE FISCAL  
18 YEAR, PLUS COSTS ASSOCIATED WITH INFLATION AND ANY NEW REVENUE  
19 THAT RESULTS FROM LEGISLATION PASSED THROUGH THE 2027-28 STATE  
20 FISCAL YEAR.

21 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2029.

22           **SECTION 2.** In Colorado Revised Statutes, 10-1-108, **add** (14)  
23 as follows:

24           **10-1-108. Duties of commissioner - reports - publications - fees**  
25 **- disposition of funds - adoption of rules - examinations and**  
26 **investigations - repeal.** (14) (a) FOR THE 2025-26 STATE FISCAL YEAR  
27 THROUGH THE 2027-28 STATE FISCAL YEAR, THE COMMISSIONER SHALL  
28 ESTABLISH THE AMOUNT OF EACH FEE COLLECTED BY THE DIVISION

1 PURSUANT TO THIS TITLE 10 IN ACCORDANCE WITH SECTION 24-34-113 (1).

2 (b) THIS SUBSECTION (14) IS REPEALED, EFFECTIVE JULY 1, 2029.

3 **SECTION 3.** In Colorado Revised Statutes, 11-44-101.7, **add** (9)  
4 as follows:

5 **11-44-101.7. Powers of the financial services board - repeal.**

6 (9) (a) FOR THE 2025-26 STATE FISCAL YEAR THROUGH THE 2027-28  
7 STATE FISCAL YEAR, THE BOARD SHALL ESTABLISH FEES AND  
8 ASSESSMENTS PURSUANT TO SUBSECTION (3)(f) OF THIS SECTION IN  
9 ACCORDANCE WITH SECTION 24-34-113 (1).

10 (b) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE JULY 1, 2029.

11 **SECTION 4.** In Colorado Revised Statutes, 11-51-707, **add**  
12 (3)(d) as follows:

13 **11-51-707. Collection of fees - division of securities cash fund**

14 **created - repeal.** (3) (d) (I) FOR THE 2025-26 STATE FISCAL YEAR  
15 THROUGH THE 2027-28 STATE FISCAL YEAR, THE DIVISION SHALL SET THE  
16 AMOUNT OF EACH FEE THAT IT IS AUTHORIZED BY LAW TO COLLECT IN  
17 ACCORDANCE WITH SECTION 24-34-113 (1).

18 (II) THIS SUBSECTION (3)(d) IS REPEALED, EFFECTIVE JULY 1, 2029.

19 **SECTION 5.** In Colorado Revised Statutes, 11-102-401, **add** (3)  
20 as follows:

21 **11-102-401. Assessments - repeal.** (3) (a) FOR THE 2025-26  
22 STATE FISCAL YEAR THROUGH THE 2027-28 STATE FISCAL YEAR, THE  
23 BANKING BOARD SHALL ESTABLISH FEES AND ASSESSMENTS IN  
24 ACCORDANCE WITH SECTION 24-34-113 (1).

25 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2029.

26 **SECTION 6.** In Colorado Revised Statutes, 12-10-215, **add**  
27 (2)(d) as follows:

1           **12-10-215. Fee adjustments - cash fund created - repeal.**

2           (2) (d) (I) FOR THE 2025-26 STATE FISCAL YEAR THROUGH THE 2027-28  
3           STATE FISCAL YEAR, THE DIVISION SHALL PROPOSE AN ADJUSTMENT IN THE  
4           AMOUNT OF EACH FEE THAT IT IS AUTHORIZED BY LAW TO COLLECT IN  
5           ACCORDANCE WITH SECTION 24-34-113 (1).

6           (II) THIS SUBSECTION (2)(d) IS REPEALED, EFFECTIVE JULY 1, 2029.

7           **SECTION 7.** In Colorado Revised Statutes, **add** 12-15-108 as  
8           follows:

9           **12-15-108. Fee adjustments - repeal.** (1) FOR THE 2025-26  
10          STATE FISCAL YEAR THROUGH THE 2027-28 STATE FISCAL YEAR, THE  
11          DIVISION SHALL PRESCRIBE THE FEES DESCRIBED IN SECTIONS 12-15-104  
12          (3) AND 12-15-106 (6) IN ACCORDANCE WITH SECTION 24-34-113 (1).

13          (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2029.

14          **SECTION 8.** In Colorado Revised Statutes, 12-20-105, **add**  
15          (2)(c) as follows:

16          **12-20-105. Fee adjustments - division of professions and**  
17          **occupations cash fund created - legal defense account created -**  
18          **general fund transfer - definition - repeal.** (2) (c) (I) FOR THE 2025-26  
19          STATE FISCAL YEAR THROUGH THE 2027-28 STATE FISCAL YEAR, THE  
20          DIRECTOR SHALL PROPOSE AN ADJUSTMENT IN THE AMOUNT OF EACH FEE  
21          THAT EACH REGULATOR IS AUTHORIZED BY LAW TO COLLECT IN  
22          ACCORDANCE WITH SECTION 24-34-113 (1).

23          (II) THIS SUBSECTION (2)(c) IS REPEALED, EFFECTIVE JULY 1, 2029.

24          **SECTION 9.** In Colorado Revised Statutes, 40-2-112, **add** (3) as  
25          follows:

26          **40-2-112. Computation of fees - repeal.**

27          (3) (a) NOTWITHSTANDING ANY OTHER PROVISION IN THIS SECTION, FOR



1 THE 2025-26 STATE FISCAL YEAR THROUGH THE 2027-28 STATE FISCAL  
2 YEAR, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY  
3 AGENCIES SHALL FIX THE AMOUNT OF EACH FEE THAT IT IS AUTHORIZED BY  
4 LAW TO COLLECT PURSUANT TO THIS TITLE 40 IN ACCORDANCE WITH  
5 SECTION 24-34-113 (1).

6 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2029.

7 **SECTION 10.** In Colorado Revised Statutes, 40-10.1-111, **add**  
8 (5) as follows:

9 **40-10.1-111. Filing, issuance, and annual fees - fee setting by**  
10 **the commission - repeal.** (5) (a) FOR THE 2025-26 STATE FISCAL YEAR  
11 THROUGH THE 2027-28 STATE FISCAL YEAR, THE COMMISSION SHALL  
12 ESTABLISH THE AMOUNT OF FEES COLLECTED PURSUANT TO THIS SECTION  
13 IN ACCORDANCE WITH SECTION 24-34-113 (1).

14 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2029.

15 **SECTION 11. Safety clause.** The general assembly finds,  
16 determines, and declares that this act is necessary for the immediate  
17 preservation of the public peace, health, or safety or for appropriations for  
18 the support and maintenance of the departments of the state and state  
19 institutions.

First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

DRAFT  
4/9/25

DRAFT

LLS NO. 25-0986.01 Shelby Ross x4510

COMMITTEE BILL

Joint Budget Committee

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**BILL TOPIC:** Transfer Proposition KK Money ARPA Cash Fund  
**DEADLINES:** File by: 4/18/2025

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**A BILL FOR AN ACT**

101      **CONCERNING TRANSFERRING MONEY RECEIVED THROUGH THE**  
102                      **FIREARMS AND AMMUNITION EXCISE TAX INTO THE MENTAL AND**  
103                      **BEHAVIORAL HEALTH EXCISE TAX CASH FUND.**

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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.** The bill creates the behavioral and mental health excise tax cash fund to hold money received from the firearm and ammunition excise tax (Proposition KK) that is designated for certain behavioral health-related purposes.

Current law requires \$8 million that is received from Proposition

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

KK to be transferred to the behavioral and mental health cash fund. The bill requires this money to instead be transferred to the behavioral and mental health excise tax cash fund.

The bill requires the state treasurer to transfer the Proposition KK money in the behavioral and mental health cash fund to the behavioral and mental health excise tax cash fund.

Current law repeals the behavioral and mental health cash fund on July 1, 2032. The bill changes the repeal date to July 1, 2027.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-230, **amend**  
3 (2)(a) and (5); **repeal** (3)(b), (3.5), and (3.7); and **add** (3.8) as follows:

4 **24-75-230. Behavioral and mental health cash fund - creation**  
5 **- allowable uses - task force - definitions - repeal.** (2) (a) The  
6 behavioral and mental health cash fund is created in the state treasury.  
7 The fund consists of money credited to the fund in accordance with  
8 subsection (2)(b) of this section ~~money transferred to the fund pursuant~~  
9 ~~to section 39-37-301 (2)(a)(H)~~ and any other money that the general  
10 assembly may appropriate or transfer to the fund. The general assembly  
11 may appropriate money from the fund to a department for behavioral  
12 health care.

13 (3) (b) ~~The limitations and requirements set forth in subsection~~  
14 ~~(3)(a)(H) of this section do not apply to money transferred to the fund~~  
15 ~~pursuant to section 39-37-301 (2)(a)(H).~~

16 (3.5) ~~The first five million dollars of the money transferred to the~~  
17 ~~fund pursuant to section 39-37-301 (2)(a)(H), must be used by the~~  
18 ~~behavioral health administration, established pursuant to section~~  
19 ~~27-50-102, in coordination with the division of veterans affairs, created~~  
20 ~~in section 28-5-701 (1), for the purpose of continuing and expanding the~~  
21 ~~veterans mental health services program in accordance with section~~

1 ~~28-5-714.~~

2 (3.7) ~~After the requirement in subsection (3.5) of this section is~~  
3 ~~met, the next three million dollars of the money transferred to the fund~~  
4 ~~pursuant to section 39-37-301 (2)(a)(II), must be used by the behavioral~~  
5 ~~health administration for the purpose of continuing and expanding access~~  
6 ~~to behavioral health crisis response system services for children and youth~~  
7 ~~in accordance with article 60 of title 27.~~

8 (3.8) (a) ON JUNE 30, 2025, THE STATE TREASURER SHALL  
9 TRANSFER ANY MONEY RECEIVED PURSUANT TO SECTION 39-37-301  
10 (2)(a)(II) TO THE BEHAVIORAL AND MENTAL HEALTH EXCISE TAX CASH  
11 FUND CREATED IN SECTION 39-37-302.

12 (b) THIS SUBSECTION (3.8) IS REPEALED, EFFECTIVE JULY 1, 2026.

13 (5) This section is repealed, effective ~~July 1, 2032~~ JULY 1, 2027.

14 **SECTION 2.** In Colorado Revised Statutes, 39-37-301, **amend**  
15 (2)(a)(II) as follows:

16 **39-37-301. Firearms and ammunition excise tax cash fund -**  
17 **creation - distribution.** (2) (a) Except for any money in the fund that is  
18 annually appropriated by the general assembly pursuant to subsection  
19 (2)(b) of this section, money paid into the fund pursuant to section  
20 39-37-110 (2), or credited to the fund pursuant to subsection (1)(b) of this  
21 section must be distributed from the fund as follows:

22 (II) After the requirement in subsection (2)(a)(I) of this section is  
23 met, the next eight million dollars paid into the fund in each fiscal year  
24 must be transferred to the ~~behavioral and mental health cash fund created~~  
25 ~~in section 24-75-230 (2)(a)~~ BEHAVIORAL AND MENTAL HEALTH EXCISE  
26 TAX CASH FUND CREATED IN SECTION 39-37-302; and

27 **SECTION 3.** In Colorado Revised Statutes, **add** 39-37-302 as

1 follows:

2 **39-37-302. Behavioral and mental health excise tax cash fund**

3 **- creation - distribution.** (1) (a) THE BEHAVIORAL AND MENTAL HEALTH  
4 EXCISE TAX CASH FUND IS CREATED IN THE STATE TREASURY, REFERRED  
5 TO IN THIS SECTION AS THE "FUND". THE FUND CONSISTS OF MONEY  
6 TRANSFERRED TO THE FUND PURSUANT TO SECTION 39-37-301 (2)(a)(II)  
7 AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE  
8 OR TRANSFER TO THE FUND. THE GENERAL ASSEMBLY MAY APPROPRIATE  
9 MONEY FROM THE FUND TO A DEPARTMENT FOR BEHAVIORAL HEALTH  
10 CARE.

11 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
12 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
13 FUND TO THE FUND.

14 (2) THE FIRST FIVE MILLION DOLLARS OF THE MONEY  
15 TRANSFERRED TO THE FUND PURSUANT TO SECTION 39-37-301 (2)(a)(II)  
16 AND SECTION 24-75-230(3.8) MUST BE USED BY THE BEHAVIORAL HEALTH  
17 ADMINISTRATION, ESTABLISHED PURSUANT TO SECTION 27-50-102, IN  
18 COORDINATION WITH THE DIVISION OF VETERANS AFFAIRS, CREATED IN  
19 SECTION 28-5-701 (1), FOR THE PURPOSE OF CONTINUING AND EXPANDING  
20 THE VETERANS MENTAL HEALTH SERVICES PROGRAM IN ACCORDANCE  
21 WITH SECTION 28-5-714. IF THE MONEY DESCRIBED IN THIS SUBSECTION (2)  
22 IS IN THE FUND, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE  
23 THE MONEY FROM THE FUND IN ACCORDANCE WITH THIS SUBSECTION (2)  
24 UNTIL THE GENERAL ASSEMBLY HAS APPROPRIATED THE FULL AMOUNT OF  
25 MONEY.

26 (3) AFTER THE REQUIREMENT IN SUBSECTION (2) OF THIS SECTION  
27 IS MET, THE NEXT THREE MILLION DOLLARS OF THE MONEY TRANSFERRED

1 TO THE FUND PURSUANT TO SECTION 39-37-301 (2)(a)(II) AND SECTION  
2 24-75-230 (3.8) MUST BE USED BY THE BEHAVIORAL HEALTH  
3 ADMINISTRATION FOR THE PURPOSE OF CONTINUING AND EXPANDING  
4 ACCESS TO BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM SERVICES FOR  
5 CHILDREN AND YOUTH IN ACCORDANCE WITH ARTICLE 60 OF TITLE 27. IF  
6 THE MONEY DESCRIBED IN THIS SUBSECTION (3) IS IN THE FUND, THE  
7 GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE THE MONEY FROM  
8 THE FUND IN ACCORDANCE WITH THIS SUBSECTION (3) UNTIL THE GENERAL  
9 ASSEMBLY HAS APPROPRIATED THE FULL AMOUNT OF MONEY.

10 (4) THE GENERAL ASSEMBLY MAY APPROPRIATE ANY MONEY  
11 OTHER THAN THE MONEY DESCRIBED IN SUBSECTIONS (2) AND (3) OF THIS  
12 SECTION THAT IS IN THE FUND TO A DEPARTMENT FOR BEHAVIORAL  
13 HEALTH CARE.

14 **SECTION 4.** In Colorado Revised Statutes, 27-60-103, **amend**  
15 (1.7) as follows:

16 **27-60-103. Behavioral health crisis response system - services**  
17 **- request for proposals - criteria - reporting - rules - definitions -**  
18 **repeal.** (1.7) Beginning January 1, 2025, the BHA shall use the money  
19 transferred to the ~~behavioral and mental health cash fund~~ BEHAVIORAL  
20 AND MENTAL HEALTH EXCISE TAX CASH FUND pursuant to ~~sections~~  
21 ~~24-75-230 (2)(a) and~~ SECTION 39-37-301 (2)(a)(II) to continue and  
22 expand access to behavioral health crisis response system services for  
23 children and youth in accordance with this article 60.

24 **SECTION 5.** In Colorado Revised Statutes, 28-5-714, **amend**  
25 (2)(d) as follows:

26 **28-5-714. Veterans mental health services program - report -**  
27 **rules - definitions.** (2) (d) The behavioral health administration

1 established in section 27-50-102 shall coordinate with the division to  
2 continue and expand the program using the money transferred pursuant  
3 to section 39-37-301 (2)(a)(II) to the ~~behavioral and mental health cash~~  
4 ~~fund, created in section 24-75-230 (2)(a), in accordance with section~~  
5 ~~24-75-230 (3.5)~~ BEHAVIORAL AND MENTAL HEALTH EXCISE TAX CASH  
6 FUND CREATED IN SECTION 39-37-302 and shall post on its website a list  
7 of providers who participate in the program.

8           **SECTION 6.** In Colorado Revised Statutes, 28-5-714, **amend as**  
9 **repealed and reenacted with amendments by House Bill 25-1132**  
10 (4)(a) as follows:

11           **28-5-714. Veterans mental health services program -**  
12 **community behavioral health program grants - rules - definitions.**

13 (4) (a) The BHA shall coordinate with the division to continue and  
14 expand the veterans mental health services program using the money  
15 transferred pursuant to section 39-37-301 (2)(a)(II) to the ~~behavioral and~~  
16 ~~mental health cash fund, created in section 24-75-230 (2)(a), in~~  
17 ~~accordance with section 24-75-230 (3.5)~~ BEHAVIORAL AND MENTAL  
18 HEALTH EXCISE TAX CASH FUND CREATED IN SECTION 39-37-302.

19           **SECTION 7. Effective date.** (1) Except as otherwise provided  
20 in this section, this act takes effect upon passage.

21           (2) Section 5 of this act takes effect only if House Bill 25-1132  
22 does not become law.

23           (3) Section 6 of this act takes effect only if House Bill 25-1132  
24 becomes law.

25           **SECTION 8. Safety clause.** The general assembly finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.





Joint Budget Committee Staff

# Memorandum

To: Joint Budget Committee  
From: Emily Pope, JBC Staff (303-866-4961)  
Date: Friday, April 11, 2025  
Subject: [LLS 25-0996 Child Welfare Medicaid Carve Out](#)

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The Committee requested legislation related to the child welfare Medicaid carve out during the staff figure setting presentation for Behavioral Health Programs in the Department of Health Care Policy and Financing (HCPF). The “child welfare carve out” refers to the historic exemption of child welfare youth from behavioral health capitation for residential treatment.

Residential treatment for child welfare youth was anticipated to transition to behavioral health capitation at the start of FY 2025-26 in alignment with ACC Phase III. The attached bill draft, LLS 25-0996, requires that child welfare residential treatment be exempted from capitation until FY 2026-27.

HCPF has proposed the transition to capitation because there is concern that the length of stay in residential treatment may currently exceed medical necessity. Providers and counties have raised significant concerns about a lack of placement alternatives and the potential for insufficient funding for residential treatment and the overall child welfare system with the transition to capitation.

## Reporting requirements

The bill is intended to provide more time for the transition in an effort to address outstanding concerns, but eventually transition to a system focused on medical necessity. Staff recommends that reporting requirements be added as part of an RFI rather than the draft legislation for two reasons:

- 1 RFI responses are typically directly emailed to the assigned analyst while statutory reports can be difficult to locate.
- 2 The language in RFIs can be changed more easily than statutory reports if additional or different information is needed.

The staff recommendation for reporting requirements is provided below and included in the RFI packet for the Committee’s final consideration.

The Department is requested to provide, by November 1, a description of efforts to implement Section 25.5-5.202, C.R.S., related to the transition of residential treatment for child welfare

youth to behavioral health capitation. The Department is requested to collaborate with other state departments and stakeholders as necessary to develop responses.

- 1 Information regarding the current utilization of youth residential treatment, including:
  - a The total number of child welfare and non-child welfare youth in QRTP and PRTF placements in the prior fiscal year;
  - b The average length of stay for child welfare and non-child welfare youth in QRTP and PRTF placements in the prior fiscal year;
  - c The number of youth who were determined to not meet medical necessity, but no step-down service was available in the prior fiscal year;
  - d The number of youth who re-entered the hospital or emergency services within 3 months of discharge from a QRTP or PRTF in the prior fiscal year;
  - e A description of the availability of step-down services across the state.
- 2 The process for determining medical necessity, including but not limited to:
  - a A description of the factors considered for determining medical necessity;
  - b How the availability of appropriate step-down services factors into medical necessity determinations;
  - c The anticipated length of time from medical necessity determination to discharge;
  - d The Department's efforts to collaborate with QRTP and PRTF providers, hospitals, county departments of human services, and families to determine medical necessity procedures.
- 3 The anticipated process for discharge, transition, and aftercare planning, including but not limited to:
  - a How and when discharge, transition, and aftercare plans will be developed; and
  - b Efforts to include families, providers, hospitals, and counties in collaborative treatment teams, transition, discharge, and aftercare planning.
- 4 The anticipated financing structure, including but not limited to:
  - a The anticipated timing of payments and authorizations from RAEs to residential providers;
  - b Efforts to assist providers, counties, and families in connecting with RAEs to ensure access to benefits;
  - c Efforts to ensure sustainable, long-term funding for child welfare youth in need of residential treatment.

First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

DRAFT  
4/10/25

DRAFT

LLS NO. 25-0996.01 Shelby Ross x4510

COMMITTEE BILL

Joint Budget Committee

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**BILL TOPIC:** Behavioral Hlth Services for Medicaid Members  
**DEADLINES:** File by: 4/18/2025

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**A BILL FOR AN ACT**

101 CONCERNING RESIDENTIAL BEHAVIORAL HEALTH SERVICES FOR  
102 MEDICAID MEMBERS WHO ARE IN THE CUSTODY OF A COUNTY  
103 DEPARTMENT OF HUMAN OR SOCIAL SERVICES.

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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.** The bill excludes from the statewide managed care program the services delivered to medicaid members who are in a qualified residential treatment program or a psychiatric residential treatment facility and in the care and custody of a county department of human or social services until July 1, 2026.

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

No later than June 30, 2027, the bill requires the department of health care policy and financing, in collaboration with the department of human services, the behavioral health administration, and relevant stakeholders, to develop and implement policies to transition qualified residential treatment programs and psychiatric residential treatment facilities to the statewide managed care system for medicaid members who are in the care and custody of a county department of human or social services.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-5-402, **amend**  
3 (2)(a); and **add** (2)(c) as follows:

4 **25.5-5-402. Statewide managed care system - rules -**  
5 **definitions - repeal.** (2) The statewide managed care system  
6 implemented pursuant to this article 5 does not include:

7 (a) The services delivered ~~under~~ PURSUANT TO the residential  
8 child health-care program described in section 25.5-6-903; ~~except in those~~  
9 ~~counties in which there is a written agreement between the county~~  
10 ~~department of human or social services, the designated and contracted~~  
11 ~~MCE responsible for community behavioral health care, and the state~~  
12 ~~department;~~

13 (c) (I) THE SERVICES DELIVERED IN A QUALIFIED RESIDENTIAL  
14 TREATMENT PROGRAM, AS DEFINED IN SECTION 26-5.4-102, OR IN A  
15 PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY, AS DEFINED IN SECTION  
16 25.5-4-103, TO MEMBERS WHO ARE IN THE CARE AND CUSTODY OF A  
17 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES.

18 (II) THIS SUBSECTION (2)(c) IS REPEALED, EFFECTIVE JULY 1, 2026.

19 **SECTION 2.** In Colorado Revised Statutes, 25.5-5-202, **add** (5)  
20 as follows:

21 **25.5-5-202. Basic services for the categorically needy - optional**

1 **services - repeal.** (5) (a) NO LATER THAN JUNE 30, 2027, THE STATE  
2 DEPARTMENT SHALL, IN COLLABORATION WITH THE DEPARTMENT OF  
3 HUMAN SERVICES, THE BEHAVIORAL HEALTH ADMINISTRATION, AND  
4 RELEVANT STAKEHOLDERS, DEVELOP AND IMPLEMENT POLICIES TO  
5 TRANSITION QUALIFIED RESIDENTIAL TREATMENT PROGRAMS, AS DEFINED  
6 IN SECTION 26-5.4-102, AND PSYCHIATRIC RESIDENTIAL TREATMENT  
7 FACILITIES, AS DEFINED IN SECTION 25.5-4-103, TO THE STATEWIDE  
8 MANAGED CARE SYSTEM, PART 4 OF THIS ARTICLE 5, FOR MEMBERS WHO  
9 ARE IN THE CARE AND CUSTODY OF A COUNTY DEPARTMENT OF HUMAN OR  
10 SOCIAL SERVICES. THE POLICIES MAY INCLUDE IMPROVING DISCHARGE  
11 PLANNING, CONNECTION ACROSS SYSTEMS, STANDARD UTILIZATION  
12 MANAGEMENT POLICIES, AND STEP-DOWN SERVICE PLANS.

13 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2027.

14 **SECTION 3. Safety clause.** The general assembly finds,  
15 determines, and declares that this act is necessary for the immediate  
16 preservation of the public peace, health, or safety or for appropriations for  
17 the support and maintenance of the departments of the state and state  
18 institutions.

First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

DRAFT  
4/11/25

DRAFT

LLS NO. 25-0997.01 Chelsea Princell x4335

COMMITTEE BILL

Joint Budget Committee

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**BILL TOPIC:** Workforce Capacity Center

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**A BILL FOR AN ACT**

101 **CONCERNING THE CREATION OF THE WORKFORCE CAPACITY CENTER.**

**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 department of health care policy and financing, in collaboration with the behavioral health administration, to establish the workforce capacity center to train providers in evidence-based or supported models as part of the system of care for children and youth.

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

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-6-2001, **add**  
3 (7.5) as follows:

4 **25.5-6-2001. System of care for children and youth - federal**  
5 **authorization - leadership and implementation team - workforce**  
6 **capacity center - report - rules - definition - repeal.** (7.5) (a) THE  
7 STATE DEPARTMENT, IN COLLABORATION WITH THE BEHAVIORAL HEALTH  
8 ADMINISTRATION ESTABLISHED IN SECTION 27-50-102, SHALL ESTABLISH  
9 THE WORKFORCE CAPACITY CENTER TO TRAIN PROVIDERS IN  
10 EVIDENCE-BASED OR SUPPORTED MODELS AS PART OF THE SYSTEM OF  
11 CARE FOR CHILDREN AND YOUTH DESCRIBED IN SUBSECTION (1) OF THIS  
12 SECTION, INCLUDING TRAINING ON HIGH-FIDELITY WRAPAROUND FOR  
13 CHILDREN AND YOUTH PURSUANT TO PART 1 OF ARTICLE 62 OF TITLE 27,  
14 INTENSIVE IN-HOME TREATMENT MODELS, AND OTHER INTERVENTIONS.

15 (b) THE WORKFORCE CAPACITY CENTER MUST ASSIST PROVIDERS  
16 IN MAINTAINING ONGOING TRAINING TO ENSURE INTERVENTIONS ARE  
17 APPLIED ACCURATELY.

18 (c) THE WORKFORCE CAPACITY CENTER IS RESPONSIBLE FOR:

19 (I) DEVELOPING THE TRAININGS FOR PROVIDERS;

20 (II) CONDUCTING THE TRAININGS;

21 (III) COVERING THE COSTS INCURRED BY PROVIDERS COMPLETING  
22 THE TRAININGS; AND

23 (IV) PROVIDING ONGOING TECHNICAL ASSISTANCE FOR PROVIDERS  
24 ACROSS THE STATE OF COLORADO WHILE PARTICIPATING IN TRAINING.

25 (d) (I) IN THE QUARTERLY REPORT TO THE JOINT BUDGET  
26 COMMITTEE REQUIRED PURSUANT TO SUBSECTION (7)(b) OF THIS SECTION,  
27 THE STATE DEPARTMENT SHALL INCLUDE UPDATES ON THE WORK OF THE

1 WORKFORCE CAPACITY CENTER. THE REPORT MUST INCLUDE KEY  
2 MILESTONES FOR STARTUP ACTIVITIES, WHAT TRAININGS ARE OFFERED,  
3 THE NUMBER OF TRAININGS BEING PROVIDED EACH MONTH, THE NUMBER  
4 AND TYPE OF CERTIFICATIONS EARNED BY PROVIDERS AS A RESULT OF THE  
5 TRAININGS, THE NUMBER OF CERTIFIED PROVIDERS ENROLLED AS  
6 MEDICAID PROVIDERS, AND THE LOCATIONS WHERE THOSE CERTIFIED  
7 PROVIDERS PRACTICE.

8 (II) IN THE QUARTERLY REPORT SUBMITTED TO THE JOINT BUDGET  
9 COMMITTEE IN JANUARY 2027, THE STATE DEPARTMENT SHALL INCLUDE  
10 AN ANALYSIS OF THE WORKFORCE CAPACITY CENTER'S WORK THAT  
11 INCLUDES AN OVERVIEW OF THE IMPACT OF THE WORKFORCE CAPACITY  
12 CENTER AND A RECOMMENDATION ON THE CONTINUATION, REDUCTION, OR  
13 CLOSURE OF THE CENTER.

14 (e) THIS SUBSECTION (7.5) IS REPEALED, EFFECTIVE JULY 1, 2027.

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





Joint Budget Committee Staff

# Memorandum

To: Joint Budget Committee  
From: Emily Pope, JBC Staff (303-866-4961)  
Date: Friday, April 11, 2025  
Subject: [H.B. 22-1302 \(Integrated Health\) ARPA Reduction](#)

---

Staff recommended and the Committee approved an ARPA reduction related to H.B. 22-1302 (Integrated Health) during the staff figure setting for Behavioral Health Programs in the Department of Health Care Policy and Financing (HCPF). The bill provided grants to providers related to integrating behavioral health into primary care settings.

Staff recommended a reduction of \$1.8 million ARPA funds based on current unencumbrances and was not expected to impact services. After further discussion with the Department and OSPB, it is staff's understanding that no amount is available for reduction without impacting current grant awards.

Staff therefore recommends that the Committee not reduce the appropriation as part of existing legislation to amend ARPA programs. Staff removed the reduction from General Fund balancing calculations during Long Bill closing based on the Department's feedback. The staff recommendation therefore does not impact the amount of General Fund available for other purposes.

First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

DRAFT  
4/9/25

DRAFT

LLS NO. 25-0973.01 Shelby Ross x4510

COMMITTEE BILL

Joint Budget Committee

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**BILL TOPIC:** Repeal the Adult Dental Fund

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**A BILL FOR AN ACT**

101 CONCERNING REPEALING THE ADULT DENTAL FUND, AND, IN  
102 CONNECTION THEREWITH, REDUCING AN APPROPRIATION AND  
103 MAKING AN APPROPRIATION.

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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.** The bill repeals the adult dental fund (fund), which consists of money transferred to the fund from the unclaimed property trust fund. On June 30, 2025, the bill requires the state treasurer to transfer the unexpended and unencumbered balance of the fund to the unclaimed property trust fund. The bill reduces the annual

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

general appropriation to the department of health care policy and financing (state department) from the adult dental fund by \$73,962,452 and appropriates \$73,962,452 to the state department from the general fund.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-5-207, **add**  
3 (4)(d) as follows:

4 **25.5-5-207. Adult dental benefit - adult dental fund - creation**  
5 **- legislative declaration - repeal.** (4) (d) (I) ON JUNE 30, 2025, THE  
6 STATE TREASURER SHALL TRANSFER THE UNEXPENDED AND  
7 UNENCUMBERED BALANCE OF THE ADULT DENTAL FUND TO THE  
8 UNCLAIMED PROPERTY TRUST FUND CREATED IN SECTION 38-13-801.

9 (II) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2025.

10 **SECTION 2.** In Colorado Revised Statutes, 38-13-801, **amend**  
11 (1)(b); and **repeal** (2)(d)(II) and (3)(a) as follows:

12 **38-13-801. Unclaimed property trust fund - creation -**  
13 **payments - interest - appropriations - records - rules.** (1) (b) Except  
14 as provided in subsections ~~(2), (3)~~, (2) and (3.5) of this section, the  
15 principal of the trust fund shall not be expended except to pay claims  
16 made pursuant to this article 13. Money constituting the principal of the  
17 trust fund is not fiscal year spending of the state for purposes of section  
18 20 of article X of the state constitution and is not subject to appropriation  
19 by the general assembly.

20 (2) (d) The following amounts constitute fiscal year spending for  
21 purposes of section 20 of article X of the state constitution:

22 (II) ~~Any money that is credited to the adult dental fund created in~~  
23 ~~section 25.5-5-207 (4) as required by subsection (3) of this section;~~

1           (3) (a) ~~After reserving the amounts described in subsection (3)(b)~~  
2 ~~of this section, the state treasurer shall transmit to the adult dental fund~~  
3 ~~created in section 25.5-5-207 (4) an amount of principal and interest in~~  
4 ~~the trust fund sufficient to implement the adult dental benefit pursuant to~~  
5 ~~section 25.5-5-202 (1)(w).~~

6           **SECTION 3. Appropriation - adjustments to 2025 long bill.**

7           (1) To implement this act, appropriations made in the annual general  
8 appropriation act for the 2025-26 state fiscal year to the department of  
9 health care policy and financing from the adult dental fund created in  
10 section 25.5-5-207 (4)(a), C.R.S., are decreased by \$73,962,452 as  
11 follows:

12	<b>Executive director's office, general administration</b>	
13	Personal services	\$172,886
14	Health, life, and dental	\$21,042
15	Short-term disability	\$57
16	Paid family and medical leave insurance	\$810
17	Unfunded liability amortization equalization	
18	disbursement payments	\$10,957
19	Salary survey	\$5,059
20	Step pay	\$323
21	PERA direct distribution	\$3,528
22	Workers' compensation	\$552
23	Operating expenses	\$9,245
24	Payment to risk management and property funds	\$541
25	Leased space	\$12,153
26	Payments to OIT	\$41,698
27	CORE operations	\$86

1	<b>Executive director's office, utilization and quality review</b>	
2	<b>contracts</b>	
3	Professional services contracts	\$88,750
4	<b>Executive director's office, indirect cost recoveries</b>	
5	Indirect cost assessment	\$8,504
6	<b>Medical services premiums</b>	
7	Medical and long-term care services for Medicaid	
8	eligible individuals	\$73,586,261
9	(2) For the 2025-26 state fiscal year, \$73,962,452 is appropriated	
10	to the department of health care policy and financing. This appropriation	
11	is from the general fund. To implement this act, the department may use	
12	this appropriation as follows:	
13	<b>Executive director's office, general administration</b>	
14	Personal services	\$172,886
15	Health, life, and dental	\$21,042
16	Short-term disability	\$57
17	Paid family and medical leave insurance	\$810
18	Unfunded liability amortization equalization	
19	disbursement payments	\$10,957
20	Salary survey	\$5,059
21	Step pay	\$323
22	PERA direct distribution	\$3,528
23	Workers' compensation	\$552
24	Operating expenses	\$9,245
25	Payment to risk management and property funds	\$541
26	Leased space	\$12,153
27	Payments to OIT	\$41,698

1 CORE operations \$86

2 **Executive director's office, utilization and quality review**

3 **contracts**

4 Professional services contracts \$88,750

5 **Executive director's office, indirect cost recoveries**

6 Indirect cost assessment \$8,504

7 **Medical services premiums**

8 Medical and long-term care services for Medicaid

9 eligible individuals \$73,586,261

10 **SECTION 4. Effective date.** Section 2 of this act takes effect  
11 July 1, 2025, and the remainder of this act takes effect on passage.

12 **SECTION 5. 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.



Joint Budget Committee Staff

# Memorandum

To: Joint Budget Committee  
From: Amanda Bickel, JBC Staff (303-866-4960)  
Date: Friday, April 11, 2025  
Subject: [Potential Bill on Inactive Cash Funds](#)

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In the process of identifying funds that the Committee might wish to “sweep” to the General Fund, departments and staff discovered that there were some funds that the General Assembly had repealed but which, for one reason or another, still had a small amount of money in them. Staff also determined that there were some funds that still existed in statute but which were inactive (not being used), though money still remained in them and they were accruing interest.

The Controller’s Office has indicated that it needs additional statutory authority if the General Assembly wishes to address these issues on an ongoing basis. In light of this, staff recommends that the Committee authorize drafting for a bill with the following components.

- Beginning June 30, 2025, the Office of the State Controller shall transfer the balance of any repealed fund to the General Fund, unless otherwise provided by law. The Controller will provide a report to the JBC on the amounts transferred under this authority.

*Explanation:* In general, when a fund is repealed, the statute also specifies what happens to any remaining money in the fund. However, as was discovered this year, sometimes repealed funds have lingering contents, e.g., from a refund received after the fund was repealed. This statutory change would allow for an additional round of transfers to catch such lingering amounts.

- Beginning November 1, 2025, and annually thereafter, the State Controller shall submit a report to the JBC identifying any cash fund that has been inactive, other than the crediting of interest earnings on the fund, for the immediately preceding two state fiscal years.

*Explanation:* Staff anticipates that based on this annual report, the JBC will sponsor legislation to repeal inactive funds and transfer the content to the General Fund, but this process will enable the JBC and General Assembly to consider each fund on a case-by-case basis. The Controller’s Office has indicated that it needs until November 1, 2025 for the first report, as it would be instituting a new process.



Joint Budget Committee Staff

# Memorandum

To: Joint Budget Committee  
From: Amanda Bickel, JBC Staff (303-866-4960)  
Date: Friday, April 11, 2025  
Subject: [Two lingering bills on JBC List – Should these be removed?](#)

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This packet includes two bill drafts previously reviewed and considered by the Committee on which the Committee has not taken action. Staff's understanding is that the content of these bills either has been or is anticipated to be included in other legislation. If this is accurate, it would assist staff if the Committee would indicate that these bills are removed from consideration.

LLS 25-0638 Statewide Fiscal Impact of a Proposed Tax Increase

LLS 26-941 Public School Capital Construction Assistance Fund Revenue Cap



First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

DRAFT  
1/28/25

DRAFT

LLS NO. 25-0638.02 Pierce Lively x2059

COMMITTEE BILL

Joint Budget Committee

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BILL TOPIC: Proposed Tax Increase Fiscal Estimate

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**A BILL FOR AN ACT**

101 **CONCERNING THE ESTIMATE OF THE FISCAL IMPACT OF A PROPOSED**  
102 **TAX INCREASE.**

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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. Section 2** of the bill requires the director of research of the legislative council of the general assembly (director), when preparing an estimate of an initiated proposed tax increase's fiscal impact if enacted, to include an estimate of the maximum dollar amount of the change in state and local government revenue and fiscal year spending, as defined in section 20 (2)(e) of article X of the

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state constitution, for the first, and if phased in, final full fiscal year of the proposed tax increase. **Section 3** requires the director to prepare for the ballot information booklet for a proposed tax increase estimates of both the maximum dollar amount of the change in state and local government revenue and fiscal year spending, as defined in section 20 (2)(e) of article X of the state constitution, for the first full fiscal year of the proposed tax increase and state and local government fiscal year spending, as defined in section 20 (2)(e) of article X of the state constitution, without the proposed tax increase. **Section 4** requires the fiscal note for any legislative measure that includes a proposed tax increase to include the maximum dollar amount of the change in state and local government revenue for the first, and if phased in, final full fiscal year of the proposed tax increase.

**Section 2** also requires the title board to use the estimate of the maximum dollar amount of the change in state and local government revenue and fiscal year spending for the first, or if phased in, final full fiscal year of the proposed tax increase in designating and fixing the title of a proposed tax increase. Similarly, **section 4** requires relevant ballot questions for any legislative measure that includes a proposed tax increase to include the estimate of the maximum dollar amount of the change in state and local government revenue for the first, or if phased in, final full fiscal year of the proposed tax increase.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) Section 20 (4)(a) of article X of the state constitution,  
5 commonly known as TABOR, requires voter approval for any new tax,  
6 tax rate increase, extension of an expiring tax, or a tax policy change  
7 directly causing a net tax revenue gain to any district;

8 (b) Section 20 (3)(b)(iii) of article X of the state constitution  
9 requires that an election for seeking such required voter approval be  
10 preceded by a notice with estimates, for the first full fiscal year of each  
11 proposed district tax increase, of the amount of the proposed tax increase  
12 and of district fiscal year spending without the proposed tax increase;

13 (c) Section 20 (3)(c) of article X of the state constitution requires

1 that, unless there is later voter approval, if either of these estimates are  
2 exceeded, the amount of that excess is refunded and the proposed tax  
3 increase is reduced for future fiscal years;

4 (d) On 2 recent occasions, the general assembly has submitted  
5 ballot issues to the electors of the state seeking to retain revenue in excess  
6 of the estimates provided in the notices for elections during which the  
7 state electors approved a proposed tax increase;

8 (e) During the 2015 general election, the general assembly  
9 submitted a ballot issue seeking to retain marijuana excise tax revenue  
10 because state fiscal year spending had exceeded the estimate of state  
11 fiscal year spending in the notice for the election in which the state  
12 electors approved a marijuana excise tax;

13 (f) During the 2023 statewide election, the general assembly  
14 submitted a ballot issue seeking to retain nicotine, cigarette, and tobacco  
15 product excise tax revenue because the amount of the excise tax revenue  
16 had exceeded the estimate of the excise tax revenue in the notice for the  
17 election in which the state electors approved a new nicotine excise tax  
18 and increased an existing cigarette and tobacco excise tax;

19 (g) The general assembly recently became aware that state  
20 revenue from the income tax deductions in Proposition FF, approved by  
21 the voters in the 2022 general election, exceeded the estimate of that  
22 revenue in the notice for the 2022 general election;

23 (h) If the notice for an election to approve a proposed tax increase  
24 includes maximum dollar estimates for base state fiscal year spending and  
25 new tax revenue, it is less likely that the first full year base state fiscal  
26 year spending and new tax revenue will exceed these estimates;

27 (i) If the notice for the election to approve a proposed tax increase

1 and the ballot title for that proposed tax increase includes the maximum  
2 dollar amounts of the relevant estimates, electors will be better informed  
3 of the potential maximum impact and scope of the proposed tax increase;  
4 and

5 (j) Submitting ballot issues to the voters is a costly process that  
6 requires the drafting and approval of legislation along with the  
7 distribution of ballots and information to state electors;

8 (2) Therefore, the general assembly finds and declares that it is in  
9 the interest of the people of Colorado to require that the estimates of  
10 proposed tax increase revenue and state fiscal year spending included in  
11 the notice for the election to approve a proposed tax increase are the  
12 maximum dollar amounts of such estimates.

13 **SECTION 2.** In Colorado Revised Statutes, 1-40-105.5, **add** (7)  
14 as follows:

15 **1-40-105.5. Initial fiscal impact statement - definition.** (7) (a)  
16 WHEN PREPARING AN ESTIMATE OF A PROPOSED TAX INCREASE'S FISCAL  
17 IMPACT IF IMPLEMENTED, THE DIRECTOR SHALL INCLUDE A PRELIMINARY  
18 ESTIMATE OF THE MAXIMUM DOLLAR AMOUNT OF THE CHANGE IN STATE  
19 AND LOCAL GOVERNMENT REVENUE AND FISCAL YEAR SPENDING, AS  
20 DEFINED IN SECTION 20 (2)(e) OF ARTICLE X OF THE STATE CONSTITUTION,  
21 FOR THE FIRST, AND IF PHASED IN, FINAL FULL FISCAL YEAR OF THE  
22 PROPOSED TAX INCREASE.

23 (b) IN DESIGNATING AND FIXING A TITLE FOR A PROPOSED TAX  
24 INCREASE PURSUANT TO SECTION 1-40-106 WHILE COMPLYING WITH  
25 SECTION 20 (3)(c) OF ARTICLE X OF THE STATE CONSTITUTION, THE TITLE  
26 BOARD SHALL RELY ON THE PRELIMINARY ESTIMATE OF THE MAXIMUM  
27 DOLLAR AMOUNT OF THE CHANGE IN STATE AND LOCAL GOVERNMENT

1 REVENUE FOR THE FIRST, OR IF PHASED IN, FINAL FULL FISCAL YEAR OF THE  
2 PROPOSED TAX INCREASE DETERMINED PURSUANT TO SUBSECTION (7)(a)  
3 OF THIS SECTION. <{ TABOR (3)(c) does not consider the phased in full  
4 final fiscal year revenue of a tax increase, in determining whether a tax  
5 increase resulted in excess revenue. TABOR (3)(c) does require that the  
6 phased in full final fiscal year revenue of a proposed tax increase be  
7 included in the ballot title for that proposed tax increase. So, in an  
8 effort to have uniformity across the estimated fiscal impact prepared by  
9 LCS and the number used in the ballot title, I have required that a  
10 maximum dollar amount be used in both cases and not just the  
11 estimated fiscal impact prepared by LCS.>

12 SECTION 3. In Colorado Revised Statutes, 1-40-124.5, **amend**  
13 (1.5); and **add** (1)(e) as follows:

14 **1-40-124.5. Ballot information booklet.** (1) (e) WHEN  
15 PREPARING THE FISCAL IMPACT STATEMENT REQUIRED BY THIS  
16 SUBSECTION (1) FOR ANY PROPOSED TAX INCREASE, THE DIRECTOR OF  
17 RESEARCH OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY  
18 SHALL, PURSUANT TO SECTION 20 (3)(b)(III) OF ARTICLE X OF THE STATE  
19 CONSTITUTION, INCLUDE AN ESTIMATE OF THE MAXIMUM DOLLAR AMOUNT  
20 OF BOTH:

21 (I) THE CHANGE IN STATE AND LOCAL GOVERNMENT REVENUE AND  
22 FISCAL YEAR SPENDING, AS DEFINED IN SECTION 20 (2)(e) OF ARTICLE X OF  
23 THE STATE CONSTITUTION, FOR THE FIRST FULL FISCAL YEAR OF THE  
24 PROPOSED TAX INCREASE; AND

25 (II) STATE AND LOCAL GOVERNMENT FISCAL YEAR SPENDING, AS  
26 DEFINED IN SECTION 20 (2)(e) OF ARTICLE X OF THE STATE CONSTITUTION,  
27 WITHOUT THE PROPOSED TAX INCREASE.

1 (1.5) The executive committee of the legislative council of the  
2 general assembly ~~shall be~~ IS responsible for providing the fiscal  
3 information on any ballot issue that must be included in the ballot  
4 information booklet pursuant to section 1 (7.5)(c) of article V of the state  
5 constitution AND SHALL CONSIDER THE FISCAL IMPACT STATEMENT  
6 REQUIRED BY SUBSECTION (1) OF THIS SECTION IN DOING SO.

7 **SECTION 4.** In Colorado Revised Statutes, 2-2-322, **add** (6) as  
8 follows:

9 **2-2-322. Fiscal notes - repeal.** (6) (a) THE FISCAL NOTE FOR ANY  
10 LEGISLATIVE MEASURE THAT INCLUDES A PROPOSED TAX INCREASE SHALL  
11 INCLUDE, IN ADDITION TO THE OTHER INFORMATION REQUIRED PURSUANT  
12 TO THIS SECTION, AN ESTIMATE OF THE MAXIMUM DOLLAR AMOUNT OF THE  
13 CHANGE IN STATE AND LOCAL GOVERNMENT REVENUE FOR THE FIRST, AND  
14 IF PHASED IN, FINAL FULL FISCAL YEAR OF THE PROPOSED TAX INCREASE.

15 (b) THE BALLOT QUESTION SUBMITTED TO THE REGISTERED  
16 ELECTORS OF THE STATE IN CONNECTION WITH A PROPOSED TAX INCREASE  
17 IN A LEGISLATIVE MEASURE SHALL INCLUDE THE MAXIMUM DOLLAR  
18 AMOUNT OF THE CHANGE IN STATE AND LOCAL GOVERNMENT REVENUE  
19 FOR THE FIRST, OR IF PHASED IN, FINAL FULL FISCAL YEAR OF THE  
20 PROPOSED TAX INCREASE AS DETERMINED PURSUANT TO SUBSECTION  
21 (6)(a) OF THIS SECTION.

22 **SECTION 5. 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  
3/14/25

DRAFT

LLS NO. 25-0941.01 Megan McCall x4215

COMMITTEE BILL

Joint Budget Committee

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BILL TOPIC: Public Sch Cap Constr Assistance Fund Revenue Cap

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**A BILL FOR AN ACT**

101      **CONCERNING AN ANNUAL LIMITATION ON THE AMOUNT OF REVENUE**  
102           **THAT THE STATE TREASURER CREDITS TO THE PUBLIC SCHOOL**  
103           **CAPITAL CONSTRUCTION ASSISTANCE FUND, AND, IN**  
104           **CONNECTION THEREWITH, REQUIRING MONEY ABOVE THE LIMIT**  
105           **TO BE CREDITED TO THE STATE PUBLIC SCHOOL FUND.**

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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.** The bill limits, beginning in state fiscal year 2025-26, the amount of revenue in a state fiscal year that the state

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treasurer credits to the public school capital construction assistance fund (assistance fund) to \$150 million, adjusted annually for inflation, which amount must include either the first \$40 million or the entire amount of money that is attributable to revenue from the marijuana excise tax, whichever is less. The bill requires the state treasurer to credit to the state public school fund revenue that is in excess of the \$150 million cap that otherwise would be credited to the assistance fund.

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

2           **SECTION 1.** In Colorado Revised Statutes, 22-43.7-104, **amend**  
3 (1) as follows:

4           **22-43.7-104. Public school capital construction assistance fund**  
5 **- creation - crediting of money to fund - use of fund - emergency**  
6 **reserve - creation - reserve account - creation and use - definition.**

7 (1) (a) The public school capital construction assistance fund is hereby  
8 created in the state treasury. SUBJECT TO THE LIMITATION SET FORTH IN  
9 SUBSECTION (1)(b)(I) OF THIS SECTION, the principal of the assistance fund  
10 ~~shall consist~~ CONSISTS of all ~~moneys~~ MONEY transferred or credited to the  
11 assistance fund pursuant to subsection (2) of this section. EXCEPT AS  
12 OTHERWISE PROVIDED IN SUBSECTION (1)(b)(I) OF THIS SECTION, all  
13 interest and income earned on the deposit and investment of ~~moneys~~  
14 MONEY in the assistance fund shall be credited to the assistance fund and  
15 shall not be transferred to the general fund or any other fund at the end of  
16 any fiscal year.

17           (b) (I) BEGINNING IN STATE FISCAL YEAR 2025-26, THE TOTAL  
18 AMOUNT OF REVENUE CREDITED IN THE STATE FISCAL YEAR TO THE  
19 ASSISTANCE FUND PURSUANT TO THIS SECTION SHALL NOT EXCEED ONE  
20 HUNDRED FIFTY MILLION DOLLARS, WHICH AMOUNT MUST BE ANNUALLY  
21 ADJUSTED FOR INFLATION FOR EACH STATE FISCAL YEAR THEREAFTER AND  
22 MUST INCLUDE THE LESSER OF THE FIRST FORTY MILLION DOLLARS OR ALL



1 THE MONEY RECEIVED FROM THE EXCISE TAX ON RETAIL MARIJUANA THAT  
2 IS REQUIRED TO BE CREDITED TO THE ASSISTANCE FUND PURSUANT TO  
3 SECTION 16 (5)(d) OF ARTICLE XVIII OF THE STATE CONSTITUTION. FOR  
4 ANY STATE FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2025, THE  
5 STATE TREASURER SHALL CREDIT TO THE STATE PUBLIC SCHOOL FUND  
6 CREATED IN SECTION 22-54-114 (1) ANY AMOUNT OF REVENUE THAT  
7 EXCEEDS IN THE STATE FISCAL YEAR ONE HUNDRED FIFTY MILLION  
8 DOLLARS, AS ADJUSTED ANNUALLY FOR INFLATION FOR STATE FISCAL  
9 YEARS COMMENCING ON OR AFTER JULY 1, 2026, THAT OTHERWISE WOULD  
10 BE CREDITED TO THE ASSISTANCE FUND PURSUANT TO THIS SECTION. <{**For**  
11 **the JBC's consideration, the cap on the amount of revenue that can be**  
12 **credited to the assistance fund has been drafted to annually adjust for**  
13 **inflation with inflation calculated (as defined in the next paragraph)**  
14 **using the CPI for all items. Depending on the direction from the JBC,**  
15 **adjusting the cap for inflation can be removed entirely or the timing for**  
16 **the adjustment or the calculation for the adjustment can be modified.**>

17 (II) AS USED IN THIS SUBSECTION (1)(b), "INFLATION" MEANS THE  
18 ANNUAL PERCENTAGE INCREASE IN THE UNITED STATES DEPARTMENT OF  
19 LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX, OR A  
20 SUCCESSOR INDEX, FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS  
21 PAID FOR BY URBAN CONSUMERS.

22 <{**All the following language, is existing law and no changes are**  
23 **drafted but it's being included for the JBC's review if the JBC would**  
24 **like to make changes to any allocated amounts that are diverted from**  
25 **the assistance fund to the charter school facilities assistance account.**  
26 **(Note: making changes in the bill to this diversion will require a**  
27 **modified bill title.)**>

1 (d) (I) For the state fiscal year commencing July 1, 2018, the state  
2 treasurer, as provided in section 39-28.8-305 (1)(a), shall credit to the  
3 assistance fund the greater of the first forty million dollars received and  
4 collected from the excise tax on retail marijuana imposed pursuant to part  
5 3 of article 28.8 of title 39 or ninety percent of the money received and  
6 collected from the tax. For the state fiscal year commencing July 1, 2019,  
7 and for each state fiscal year thereafter except for the state fiscal year  
8 commencing July 1, 2020, the state treasurer, as provided in section  
9 39-28.8-305 (1)(a), shall annually credit to the assistance fund all of the  
10 money received and collected from the excise tax on retail marijuana  
11 imposed pursuant to part 3 of article 28.8 of title 39. For the state fiscal  
12 year commencing July 1, 2020, the state treasurer, as provided in section  
13 39-28.8-305 (1)(a), shall credit to the assistance fund the lesser of the first  
14 forty million dollars received and collected from the excise tax on retail  
15 marijuana imposed pursuant to part 3 of article 28.8 of title 39 or all of  
16 the money received and collected from the tax. For state fiscal years  
17 commencing before July 1, 2019, the state treasurer shall credit twelve  
18 and five-tenths percent of the amount annually credited pursuant to this  
19 subsection (2)(d) to the charter school facilities assistance account, which  
20 account is created within the assistance fund. For each state fiscal year  
21 commencing on or after July 1, 2019, the state treasurer shall credit to the  
22 charter school facilities assistance account a percentage of the amount  
23 credited pursuant to this subsection (2)(d) that is equal to the percentage  
24 of pupil enrollment, as defined in section 22-54-103 (10), statewide  
25 represented by pupils who were enrolled in charter schools for the prior  
26 school year. The department of education shall notify the state treasurer  
27 of the applicable percentage no later than June 1 of the immediately

1 preceding fiscal year. <{Since state fiscal year 2019-20, this is the  
2 diversion of a portion of money from the assistance fund attributable  
3 to marijuana excise tax revenue to the charter school facilities  
4 assistance account. (Prior to that it was in an amount of 12.5% of the  
5 amount credited to the assistance fund that is attributable to marijuana  
6 excise tax revenue.)>

7 (II) In addition to the credit made to the charter school facilities  
8 assistance account pursuant to subsection (2)(d)(I) of this section, the  
9 state treasurer shall credit the following amounts to the charter school  
10 facilities assistance account from the public school capital construction  
11 assistance fund: <{The following amounts are in addition to the  
12 allocated diversion provided in the previous paragraph and were put in  
13 place by HB24-1448 and are not tied to money credited to the assistance  
14 fund attributable to marijuana excise tax revenue.>

15 (A) For the state fiscal year commencing on July 1, 2024, eleven  
16 million five hundred thousand dollars;

17 (B) For the state fiscal year commencing on July 1, 2025, twelve  
18 million dollars;

19 (C) For the state fiscal year commencing on July 1, 2026, thirteen  
20 million dollars;

21 (D) For the state fiscal year commencing on July 1, 2027, fourteen  
22 million dollars; and

23 (E) For the state fiscal year commencing on July 1, 2028, fifteen  
24 million dollars.

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

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.