

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0868.03 Alana Rosen x2606

SENATE BILL 23-216

SENATE SPONSORSHIP

Bridges and Zenzinger, Kirkmeyer

HOUSE SPONSORSHIP

Sirota and Bockenfeld, Bird

Senate Committees
Appropriations

House Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

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

The bill repeals those requirements and instead requires the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
2nd Reading Unamended
March 29, 2023

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

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

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

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

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

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

1 (b) FOR THE 2024-25 FISCAL YEAR, AND EACH FISCAL YEAR
2 THEREAFTER, AN AMOUNT AT LEAST EQUAL TO THE AMOUNT DESCRIBED
3 IN SUBSECTION (6)(a) OF THIS SECTION INCREASED ANNUALLY BY THE
4 RATE OF INFLATION.

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

7 **26.5-4-209. Preschool programs cash fund - created - use.**

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

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

1 enrollment, as defined in section 22-54-103, for the 2022-23 budget year
2 and the number of three- and four-year-old pupils with disabilities
3 receiving an educational program under the "Exceptional Children's
4 Educational Act", article 20 of title 22, for the 2022-23 budget year.

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

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