

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Members of the Joint Budget Committee/
Conference Committee on S.B. 23-214 (the Long Bill)

FROM Amanda Bickel, JBC Staff (303-866-4960)

DATE April 8, 2023

SUBJECT Technical Items Related to Amendments to S.B. 23-214 (Long Bill) Adopted on
Second Reading - Departments of Education and Higher Education

The following amendments were adopted in one or both houses. JBC Staff does not know if the Conference Committee will choose to retain these. However, if it does, staff wants the Committee to be aware of technical issues that might drive additional adjustments to the provisions.

House Amendment 38 - J.153: This amendment increases the appropriation to the Department of Higher Education for fee-for-service contracts by \$2,000,000 General Fund and reappropriates this amount to the Regents of the University of Colorado. It also adds a footnote expressing the General Assembly's intent that the additional funds be used for a regional health connector workforce program.

This amendment appears to fund a program which, if H.B. 23-1244 is adopted, would move from CU's School of Medicine to the Department of Public Health and Environment. **If the Committee chooses to retain this amount, it should add an additional \$464,285 for financial aid to comply with the requirement at Section 23-3.3-103(1), C.R.S., that requires financial aid increase "by at least the same percentage as the aggregate percentage increase of all general fund appropriations to the institutions of higher education"**. *[Please note that there are many bills moving through the General Assembly this year that require either additional funding or exemption from this "aligned financial aid" provision. Staff expects to bring a proposal to the Committee next year for legislation that could limit the extent to which such changes are required in individual bills.]*

Senate Amendment 13a retained in House - J.059 and J.152: This amendment adds \$14,000,000 General Fund in the Department of Education, including \$10,000,000 for the Behavioral Health Care Professional Matching Grant Program and \$4,000,000 for the School Counselor Corps Grant Program.

In response to JBC Staff questions, the Department has noted that these programs provide grants to districts in cycles, with three years for the Behavioral Healthcare Professional Matching Grant Program and four years for the School Counselor Corps. Thus, a large one-year increase is difficult to manage. If the Committee chooses to retain this amendment in whole or part, it may wish to consider adding footnotes that would authorize roll-forward of unspent funds. Alternatively, it could consider smaller increases with the intent that such increases would be ongoing.

Senate Amendment 12, modified in House Amendment 2 - J.049 and J.150: These amendments provide \$356,701 General Fund to the Department of Education via a new line item for distributions to school districts for projects to replace prohibited American Indian mascots. The House amendment modified the line item name to "Partial Distributions to School Districts for Projects to Replace Prohibited American Indian Mascots".

JBC Staff notes that there is currently no statute that directs how the Department will allocate the funds shown. The Office of Legislative Legal Services agrees that the line item is feasible under the General Assembly's power of appropriation. However, if the General Assembly wishes to provide any additional guidance on how the Department should allocate these funds, a bill would be required.