

# MEMORANDUM



JOINT  
BUDGET  
COMMITTEE

TO Joint Budget Committee Members  
FROM JBC Staff  
DATE March 14, 2024  
SUBJECT Potential Legislation Packet 12

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This packet includes bill drafts and related memos for the Committee’s consideration. Each individual item has page numbers but also a packet page number to help navigate the whole document. The page numbers below refer to the packet page number.

## POTENTIAL LEGISLATION

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Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

DRAFT  
3/13/24

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LLS NO. 24-1077.01 Rebecca Bayetti x4348

COMMITTEE BILL

Joint Budget Committee

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**BILL TOPIC:** Evidence-Based Designations for Budget

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**A BILL FOR AN ACT**

101     **CONCERNING EVIDENCE-BASED DESIGNATIONS TO ASSIST THE**  
102             **GENERAL ASSEMBLY IN DETERMINING THE APPROPRIATE LEVEL**  
103             **OF FUNDING FOR A PROGRAM OR PRACTICE.**

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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 modifies the established set of definitions to be used when analyzing available evidence regarding a program or practice in relation to a budget request, request for a supplemental appropriation, or budget request amendment (collectively, budget request). The bill also modifies accordingly the process for

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

incorporating evidence-based decision-making into budgetary decisions.

If a state agency or the office of state planning and budgeting (office) includes information regarding the best available evidence on the effectiveness of a program or practice in a budget request, the state agency or office is required to give the program or practice an evidence designation based on the statutory definitions. In such case, the state agency or office is also required to provide a summary of the best available evidence about the program or practice, information concerning how the best available evidence is connected to the budget request, and any plans to evaluate the program or practice to build evidence regarding its effectiveness (collectively, the evidence designation justification).

Joint budget committee staff is required to review the evidence designation justification and to include an evidence designation or state that an evidence designation is not applicable as part of any recommendation it makes regarding a budget request. The staff director is required to appoint additional staff as necessary to review and evaluate the evidence designation and its justification. The joint budget committee is required to consider, as one of many factors, the evidence designation when determining the appropriate level of funding for a program or practice.

The bill also makes conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, 2-3-203, **amend** (4)  
3 as follows:

4 **2-3-203. Powers and duties of the joint budget committee.**

5 (4) The joint budget committee shall consider, as one of many factors,  
6 ~~any available evidence-based information specified~~ THE EVIDENCE  
7 DESIGNATION AS PROVIDED in ~~section 2-3-210~~ SECTION 2-3-210 (3)(a)  
8 when determining the appropriate level of funding ~~of~~ FOR a program or  
9 practice.

10 **SECTION 2.** In Colorado Revised Statutes, 2-3-204, **amend** (3)  
11 as follows:

12 **2-3-204. Staff director, assistants, and consultants.** (3) The  
13 staff director shall appoint additional staff as necessary to ~~provide~~ REVIEW

1     ~~ANDEVALUATE the evidence-based analysis~~ EVIDENCE DESIGNATION AND  
2     JUSTIFICATION required by ~~section 2-3-210 (3)(c). Upon request, joint~~  
3     ~~budget committee staff shall also assist legislators in incorporating~~  
4     ~~evidence-based assessments into legislation~~ SECTION 2-3-210 (3).

5             **SECTION 3.** In Colorado Revised Statutes, 2-3-210, **amend** (1),  
6     (2) introductory portion, (2)(a), (2)(c), (2)(d), and (3); **repeal** (2)(b),  
7     (2)(f), (4), and (5); and **add** (6) as follows:

8             **2-3-210. Evidence-based decision-making - budget requests -**  
9     **legislative declaration - definitions.** (1) The general assembly hereby  
10    finds and declares that:

11            (a) ~~When appropriate~~ The use of ~~data and outcome-related~~ THE  
12    BEST AVAILABLE RESEARCH evidence in the analysis of programs AND  
13    PRACTICES implemented and delivered by state agencies is an effective  
14    means through which funding decisions concerning ~~program~~ THE  
15    improvement, ~~and~~ expansion, DISCONTINUATION, or redirection of funds  
16    can be achieved; ~~and~~

17            (b) The integration of ~~evidence-based evaluation with~~ THE BEST  
18    AVAILABLE RESEARCH EVIDENCE REGARDING THE EFFECTIVENESS OF  
19    PROGRAMS, PRACTICES, OR INCREMENTAL CHANGES TO PROGRAMS AND  
20    PRACTICES WITHIN the budget process will provide members of the  
21    general assembly ~~additional~~ information that ~~will be useful~~ CAN BE USED  
22    in the prioritization of requests for funding for new or existing programs  
23    and ~~services~~ PRACTICES in the state; AND

24            (c) EVIDENCE-BASED DECISION-MAKING IS THE INTERSECTION OF  
25    THE BEST AVAILABLE RESEARCH EVIDENCE, DECISION-MAKERS' EXPERTISE,  
26    CONSTITUENT NEEDS, AND IMPLEMENTATION CONTEXT. EVIDENCE-BASED  
27    DECISION-MAKING RECOGNIZES THAT RESEARCH EVIDENCE ALONE IS NOT

1 THE ONLY CONTRIBUTING FACTOR TO POLICY AND BUDGET DECISIONS.

2 (2) As used in this ~~article 3~~ PART 2, unless the context otherwise  
3 requires:

4 (a) ~~"Evidence-informed program or practice" means a program or~~  
5 ~~practice that reflects a moderate, supported, or promising level of~~  
6 ~~confidence of effectiveness, ineffectiveness, or harmfulness as~~  
7 ~~determined by an evaluation with a comparison group, multiple pre- and~~  
8 ~~post-evaluations, or an equivalent measure. "BEST AVAILABLE RESEARCH~~  
9 ~~EVIDENCE" MEANS THE WEIGHT OF THE RESEARCH EVIDENCE FROM THE~~  
10 ~~MOST RIGOROUS AND RELEVANT STUDIES AVAILABLE REGARDING A~~  
11 ~~PROGRAM OR PRACTICE, WHICH STUDIES ARE IDENTIFIED USING A~~  
12 ~~SYSTEMATIC PROCESS.~~

13 (b) ~~"Not applicable" means the definitions identified in~~  
14 ~~subsections (2)(a), (2)(c), (2)(d), and (2)(f) of this section are not~~  
15 ~~applicable.~~

16 (c) ~~"Opinion-based program or practice" means a program or~~  
17 ~~practice that reflects a low level of confidence of effectiveness,~~  
18 ~~ineffectiveness, or harmfulness, as based on satisfaction surveys, personal~~  
19 ~~experience, or for which there is no existing evidence about the~~  
20 ~~effectiveness, ineffectiveness, or harmfulness of the program or practice.~~  
21 "OUTCOMES" MEANS MEASURES OF WHAT A PROGRAM OR PRACTICE IS  
22 MEANT TO IMPROVE FOR ITS TARGET POPULATION.

23 (d) ~~"Proven "Program or practice" means a program,~~  
24 ~~INTERVENTION, APPROACH, or practice that reflects a high or~~  
25 ~~well-supported level of confidence of effectiveness, ineffectiveness, or~~  
26 ~~harmfulness as determined by one or more high-quality randomized~~  
27 ~~control trials, multiple evaluations with strong comparison groups, or an~~

1 ~~equivalent measure~~ THAT HAS EXPLICITLY DEFINED AND REPLICABLE  
2 ELEMENTS AND THAT IS HYPOTHESIZED TO IMPROVE SPECIFIC OUTCOMES  
3 FOR A DEFINED TARGET POPULATION.

4 (f) ~~"Theory-informed program or practice" means a program or~~  
5 ~~practice that reflects a moderate to low or promising level of confidence~~  
6 ~~of effectiveness, ineffectiveness, or harmfulness as determined by~~  
7 ~~tracking and evaluating performance measures including pre- and~~  
8 ~~post-intervention evaluation of program outcomes, evaluation of program~~  
9 ~~outputs, identification and implementation of a theory of change, or~~  
10 ~~equivalent measures.~~

11 (3) (a) If a state agency or the office of state planning and  
12 budgeting includes ~~an evidence-based evaluation~~ INFORMATION ON THE  
13 BEST AVAILABLE RESEARCH EVIDENCE REGARDING THE EFFECTIVENESS OF  
14 a program or practice in a budget request, REQUEST FOR A SUPPLEMENTAL  
15 APPROPRIATION, or budget ~~amendment~~ request AMENDMENT submitted in  
16 accordance with section 2-3-208, ~~then~~ the state agency or office shall  
17 describe the program or practice using ONE OF the ~~definitions set forth in~~  
18 ~~this section.~~ FOLLOWING EVIDENCE DESIGNATIONS:

19 (I) "EVIDENCE-INFORMED" MEANS THAT THE BEST AVAILABLE  
20 RESEARCH EVIDENCE SUPPORTS THE EFFECTIVENESS OF THE PROGRAM OR  
21 PRACTICE, AS DEMONSTRATED BY AT LEAST ONE QUALITY EVALUATION  
22 THAT SHOWS IMPROVEMENT OVER TIME;

23 (II) "HARMFUL" MEANS THAT THE BEST AVAILABLE RESEARCH  
24 EVIDENCE SHOWS THE PROGRAM OR PRACTICE CAUSES HARM, AS  
25 DEMONSTRATED BY AT LEAST ONE QUALITY EVALUATION WITH OR  
26 WITHOUT A STRONG COMPARISON GROUP;

27 (III) "INELIGIBLE" MEANS THAT THE BEST AVAILABLE RESEARCH

1 EVIDENCE DOES NOT INCLUDE AN EVALUATION MEASURING RELEVANT  
2 OUTCOMES THAT MEETS THE METHODOLOGICAL REQUIREMENTS FOR AN  
3 EVIDENCE DESIGNATION SET FORTH IN SUBSECTION (3)(a)(I), (3)(a)(II),  
4 (3)(a)(V), OR (3)(a)(VI) OF THIS SECTION;

5 (IV) "INSUFFICIENT EVIDENCE" MEANS THAT:

6 (A) THE STATE AGENCY OR THE OFFICE OF STATE PLANNING AND  
7 BUDGETING IS NOT ABLE TO OR DID NOT CLEARLY SUMMARIZE THE BEST  
8 AVAILABLE RESEARCH EVIDENCE ABOUT THE PROGRAM OR PRACTICE; OR

9 (B) THE STATE AGENCY OR THE OFFICE OF STATE PLANNING AND  
10 BUDGETING IS NOT ABLE TO OR DID NOT DEMONSTRATE A CLEAR  
11 CONNECTION BETWEEN THE BEST AVAILABLE RESEARCH EVIDENCE ABOUT  
12 THE PROGRAM OR PRACTICE AND THE BUDGET REQUEST, REQUEST FOR A  
13 SUPPLEMENTAL APPROPRIATION, OR BUDGET REQUEST AMENDMENT;

14 (V) "PROMISING" MEANS THAT THE BEST AVAILABLE RESEARCH  
15 EVIDENCE SUPPORTS THE EFFECTIVENESS OF THE PROGRAM OR PRACTICE,  
16 AS DEMONSTRATED BY AT LEAST ONE QUALITY EVALUATION WITH A  
17 STRONG COMPARISON GROUP; OR

18 (VI) "PROVEN" MEANS THAT THE BEST AVAILABLE RESEARCH  
19 EVIDENCE SUPPORTS THE EFFECTIVENESS OF A PROGRAM OR PRACTICE, AS  
20 DEMONSTRATED BY AT LEAST ONE QUALITY RANDOMIZED CONTROLLED  
21 TRIAL OR AT LEAST TWO QUALITY EVALUATIONS WITH STRONG  
22 COMPARISON GROUPS.

23 (a.5) IF A BUDGET REQUEST, REQUEST FOR A SUPPLEMENTAL  
24 APPROPRIATION, OR BUDGET REQUEST AMENDMENT DOES NOT MEET THE  
25 DEFINITION OF A "PROGRAM OR PRACTICE" AS DEFINED IN SUBSECTION  
26 (2)(d) OF THIS SECTION, THE STATE AGENCY OR THE OFFICE OF STATE  
27 PLANNING AND BUDGETING MAY INCLUDE WITH ITS REQUEST THAT AN

1 EVIDENCE DESIGNATION IS NOT APPLICABLE.

2 (b) If subsection (3)(a) of this section applies, ~~then~~ the state  
3 agency or the office of state planning and budgeting shall also provide the  
4 following information TO JUSTIFY ITS SELECTED EVIDENCE DESIGNATION:

5 (I) ~~Any~~ A SUMMARY OF THE BEST AVAILABLE research EVIDENCE  
6 ~~that supports the implementation, continuation, or expansion of the~~  
7 ~~program or practice, including any research demonstrating improved or~~  
8 ~~consistent outcomes achieved by those who benefit from~~ ABOUT the  
9 program or practice;

10 (II) ~~Any research that supports a decrease in funding for a~~ PLANS  
11 TO EVALUATE THE program or practice ~~that may be shown to be~~  
12 ~~ineffective or harmful to those receiving services~~ TO BUILD EVIDENCE  
13 REGARDING ITS EFFECTIVENESS; and

14 (III) Information concerning how the BEST AVAILABLE RESEARCH  
15 evidence ~~referenced was used in the development of~~ IS CONNECTED TO the  
16 budget request, REQUEST FOR A SUPPLEMENTAL APPROPRIATION, or budget  
17 ~~amendment~~ request AMENDMENT.

18 (c) ~~If a state agency provides an evidence-based evaluation of a~~  
19 ~~program or practice in a budget request or budget request amendment~~  
20 SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION APPLY, joint budget  
21 committee staff, AS PART OF THE RESPONSIBILITIES DESCRIBED IN SECTION  
22 2-3-204, ~~shall independently analyze and describe the program or practice~~  
23 ~~using the definitions set forth in this section~~ REVIEW THE INFORMATION  
24 PROVIDED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION AND OTHER  
25 RELEVANT EVIDENCE, AS NECESSARY. JOINT BUDGET COMMITTEE STAFF  
26 SHALL INCLUDE AN EVIDENCE DESIGNATION PURSUANT TO SUBSECTION  
27 (3)(a) OF THIS SECTION OR STATE THAT SUCH DESIGNATION IS NOT



1 APPLICABLE PURSUANT TO SUBSECTION (3)(a.5) OF THIS SECTION AS PART  
2 OF ANY RECOMMENDATION IT MAKES REGARDING A BUDGET REQUEST,  
3 REQUEST FOR A SUPPLEMENTAL APPROPRIATION, OR BUDGET REQUEST  
4 AMENDMENT.

5 (4) ~~Joint budget committee staff shall include any information~~  
6 ~~specified in subsection (3) of this section as part of any recommendation~~  
7 ~~it makes regarding a budget request or budget amendment request.~~

8 (5) ~~Whenever a state agency is required to undertake an~~  
9 ~~evidence-based analysis of a program or practice, the state agency shall~~  
10 ~~use the definitions set forth in this section, unless other definitions are~~  
11 ~~provided by law.~~

12 (6) STATE AGENCIES SHALL PARTICIPATE IN THE EVIDENCE-BASED  
13 DECISION-MAKING PROCESS, INCLUDING INVESTING IN BUILDING EVIDENCE  
14 TO WORK TOWARD THE HARMFUL, EVIDENCE-INFORMED, PROMISING, AND  
15 PROVEN EVIDENCE DESIGNATIONS OUTLINED IN THIS SECTION.

16 **SECTION 4.** In Colorado Revised Statutes, 24-48.5-403, **amend**  
17 (5) as follows:

18 **24-48.5-403. Definitions.** As used in this part 4, unless the  
19 context otherwise requires:

20 (5) "Evidence-based" means that an initiative is: ~~either~~

21 (a) ~~A Proven, program or practice, as defined SPECIFIED in section~~  
22 ~~2-3-210 (2)(d) SECTION 2-3-210 (3)(a)(VI); or~~

23 (b) ~~An Evidence-informed, program or practice, as defined~~  
24 ~~SPECIFIED in section 2-3-210 (2)(a) SECTION 2-3-210 (3)(a)(I); OR~~

25 (c) PROMISING, AS SPECIFIED IN SECTION 2-3-210 (3)(a)(V).

26 **SECTION 5.** In Colorado Revised Statutes, 24-48.5-405, **amend**  
27 (4)(d) as follows:

1           **24-48.5-405. Regional talent development initiative grant**  
 2           **program - creation - administration - eligibility - application review**  
 3           **- report.** (4) In developing the grant application selection criteria

4 pursuant to section 24-48.5-404 (2)(c), the steering committee shall:

5           (d) Provide for consideration of initiatives that are evidence-based  
 6 and can be scaled to meet additional demands. ~~and~~, For an initiative that  
 7 is classified as evidence-based pursuant to section 24-48.5-403 (5)(b),  
 8 ~~that~~ THIS includes a plan to evaluate the initiative's effect on earnings and  
 9 other outcomes using one of the methodologies described in ~~section~~  
 10 ~~2-3-210 (2)(d)~~ SECTION 2-3-210 (3)(a)(I), (3)(a)(II), (3)(a)(V), OR  
 11 (3)(a)(VI), OR OTHER SIMILAR MEASURES.

12           **SECTION 6. Act subject to petition - effective date -**  
 13 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
 14 the expiration of the ninety-day period after final adjournment of the  
 15 general assembly; except that, if a referendum petition is filed pursuant  
 16 to section 1 (3) of article V of the state constitution against this act or an  
 17 item, section, or part of this act within such period, then the act, item,  
 18 section, or part will not take effect unless approved by the people at the  
 19 general election to be held in November 2024 and, in such case, will take  
 20 effect on the date of the official declaration of the vote thereon by the  
 21 governor.

22           (2) This act applies to budget requests, requests for supplemental  
 23 appropriations, and budget request amendments made on or after the  
 24 applicable effective date of this act.

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

DRAFT  
3/8/24

DRAFT

LLS NO. 24-1076.01 Nicole Myers x4326

COMMITTEE BILL

Joint Budget Committee

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**BILL TOPIC:** PERA Studies Conducted by an Actuarial Firm

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**A BILL FOR AN ACT**

101      **CONCERNING A REQUIREMENT THAT THE STATE AUDITOR RETAIN AN**  
102              **ACTUARIAL FIRM WITH EXPERIENCE IN PUBLIC SECTOR PENSION**  
103              **PLANS TO CONDUCT TWO STUDIES REGARDING THE PUBLIC**  
104              **EMPLOYEES' RETIREMENT ASSOCIATION.**

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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 state auditor, in cooperation with the public employees' retirement association (PERA), is required to contract with a nationally recognized and enrolled actuarial firm to

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

conduct the following analyses of PERA:

- A comprehensive study (comprehensive study) comparing the cost and effectiveness of the current hybrid defined benefit plan design currently administered by PERA to alternative plan designs in both the public and private sector;
- As part of the comprehensive study, an analysis regarding specified aspects of the defined benefit plan and the defined contribution plan currently administered by PERA; and
- A sensitivity analysis to determine when, from an actuarial perspective, model assumptions meet targets and achieve sustainability.

PERA and the state auditor are required to confer with the office of state planning and budgeting regarding the scope of the analyses and are required to provide 2 reports detailing the findings of the studies to the governor, the joint budget committee, the legislative audit committee, and the finance committees of the senate and the house of representatives, or any successor committees. PERA is required to provide access to official member information and data under a confidentiality agreement with the retained firms for both studies.

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

**SECTION 1.** In Colorado Revised Statutes, **recreate and reenact, with amendments**, 24-51-614 as follows:

**24-51-614. Employee retirement benefit study.** (1) (a) THE STATE AUDITOR, WITH THE CONCURRENCE OF THE ASSOCIATION, SHALL RETAIN A NATIONALLY RECOGNIZED AND ENROLLED ACTUARIAL FIRM WITH EXPERIENCE IN PUBLIC SECTOR PENSION PLANS TO CONDUCT THE STUDIES DESCRIBED IN SUBSECTIONS (2) AND (3) OF THIS SECTION. THE STATE AUDITOR SHALL ADMINISTER A COMPETITIVE SOURCE SELECTION PROCESS PURSUANT TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF THIS TITLE 24, TO SOLICIT INDEPENDENT THIRD-PARTY FIRMS WITH THE NECESSARY CREDENTIALS TO BID FOR PERFORMANCE OF THE STUDIES. THE STATE AUDITOR SHALL SELECT A FIRM THAT HAS A HISTORY OF UNBIASED,

1 PEER-REVIEWED RESULTS AND SHALL NOT SELECT A FIRM THAT HAS A  
2 KNOWN CONFLICT OF INTEREST THAT MAY INTERFERE WITH ITS ABILITY TO  
3 PRODUCE AN OBJECTIVE REPORT. A FIRM THAT RESPONDS TO THE  
4 SOLICITATION SHALL DISCLOSE ANY ASSOCIATION THAT IT HAD OR  
5 CURRENTLY HAS WITH A BIASED GROUP. THE STATE AUDITOR AND THE  
6 ASSOCIATION MAY RETAIN ONE FIRM TO CONDUCT BOTH STUDIES  
7 REQUIRED PURSUANT TO SUBSECTIONS (2) AND (3) OF THIS SECTION OR  
8 MAY RETAIN A SEPARATE FIRM TO CONDUCT EACH STUDY. IF, FOLLOWING  
9 GOOD FAITH EFFORTS, THE STATE AUDITOR AND THE ASSOCIATION DO NOT  
10 CONCUR REGARDING THE SELECTION OF THE FIRM OR FIRMS BY OCTOBER  
11 1, 2024, THE STATE AUDITOR SHALL RETAIN THE FIRM OR FIRMS  
12 PREFERRED BY THE STATE AUDITOR. THE STATE AUDITOR SHALL ENTER  
13 INTO A CONTRACT WITH THE SELECTED FIRM OR FIRMS BY OCTOBER 31,  
14 2024. <{*Does the Committee want to define "biased group"?*}>

15 (b) THE STATE AUDITOR AND THE ASSOCIATION SHALL CONFER  
16 WITH THE OFFICE OF STATE PLANNING AND BUDGETING TO DETERMINE THE  
17 SCOPES OF BOTH THE STUDY REQUIRED BY SUBSECTION (2) OF THIS  
18 SECTION AND THE ANALYSIS REQUIRED BY SUBSECTION (3) OF THIS  
19 SECTION.

20 (2) (a) THE FIRM SELECTED PURSUANT TO SUBSECTION (1) OF THIS  
21 SECTION TO PERFORM THE STUDY REQUIRED BY THIS SUBSECTION (2)  
22 SHALL PERFORM A COMPREHENSIVE STUDY COMPARING THE COST AND  
23 EFFECTIVENESS OF THE CURRENT HYBRID DEFINED BENEFIT PLAN DESIGN  
24 ESTABLISHED IN THIS ARTICLE 51 TO ALTERNATIVE PLAN DESIGNS IN THE  
25 PUBLIC AND PRIVATE SECTOR. THE STUDY MUST INCLUDE THE FOLLOWING:

26 (I) A COMPARISON OF THE BENEFITS, COST, AND PORTABILITY OF  
27 BENEFITS PROVIDED BY THE ASSOCIATION IN ITS CURRENT PLAN DESIGN

1 WITH THE BENEFITS, COST, AND PORTABILITY OF BENEFITS PROVIDED BY  
2 ALTERNATIVE PLAN DESIGNS;

3 (II) A COMPARISON OF THE CURRENT PLAN DESIGN TO OTHER  
4 STATEWIDE PLANS, PRIVATE SECTOR RETIREMENT PLANS, AND ANY OTHER  
5 APPROPRIATE PLANS AS DETERMINED BY THE ASSOCIATION AND THE  
6 OFFICE OF THE STATE AUDITOR;

7 (III) AN ANALYSIS OF THE COST TO EMPLOYEES AND EMPLOYERS  
8 THAT WOULD BE INCURRED BY TRANSITIONING FROM THE CURRENT PLAN  
9 DESIGN ADMINISTERED BY THE ASSOCIATION TO ALTERNATIVE PLAN  
10 DESIGNS;

11 (IV) THE IMPACT THAT A CHANGE FROM THE CURRENT PLAN  
12 DESIGN TO ALTERNATIVE PLAN DESIGNS WOULD HAVE ON EXPECTED  
13 RETIREMENT BENEFITS FOR CURRENT AND FUTURE RETIREES OF THE  
14 ASSOCIATION;

15 (V) THE INCREMENTAL IMPACTS THAT A CHANGE FROM THE  
16 CURRENT PLAN DESIGN TO ALTERNATIVE PLAN DESIGNS WOULD HAVE ON  
17 THE ASSOCIATION'S ABILITY TO FULLY AMORTIZE THE UNFUNDED  
18 ACTUARIAL ACCRUED LIABILITY OF EACH DIVISION OF THE ASSOCIATION;  
19 AND

20 (VI) THE IMPACT THAT A CHANGE FROM THE CURRENT PLAN  
21 DESIGN TO ALTERNATIVE PLAN DESIGNS WOULD HAVE ON EMPLOYERS,  
22 MEMBERS, AND TAXPAYERS RELATIVE TO THE PLAN DESIGN CURRENTLY  
23 SPECIFIED IN LAW.

24 (b) THE FIRM SELECTED PURSUANT TO SUBSECTION (1) OF THIS  
25 SECTION SHALL INCLUDE IN THE STUDY CONDUCTED PURSUANT TO  
26 SUBSECTION (2)(a) OF THIS SECTION AN ANALYSIS OF THE FOLLOWING  
27 ASPECTS OF THE DEFINED BENEFIT PLAN AND THE DEFINED CONTRIBUTION

1 PLAN ESTABLISHED BY THIS ARTICLE 51 AND ADMINISTERED BY THE  
2 ASSOCIATION:

3 (I) A DETERMINATION OF THE WAYS IN WHICH MEMBERS WITH  
4 DIFFERENT JOB CLASSIFICATIONS AND VARYING SALARIES BENEFIT  
5 DIFFERENTLY FROM THE DEFINED BENEFIT PLAN VERSUS THE DEFINED  
6 CONTRIBUTION PLAN;

7 (II) A DETERMINATION OF WHETHER THE DEFINED BENEFIT PLAN  
8 OR THE DEFINED CONTRIBUTION PLAN IS MORE ADVANTAGEOUS FOR STATE  
9 EMPLOYEES AND RETIREES; AND

10 (III) A DETERMINATION OF THE EXTENT TO WHICH THE DEFINED  
11 BENEFIT PLAN, AS OPPOSED TO THE DEFINED CONTRIBUTION PLAN, ENTICES  
12 INDIVIDUALS TO WORK FOR STATE GOVERNMENT INSTEAD OF WORKING IN  
13 THE PRIVATE SECTOR OR FOR ANOTHER GOVERNMENTAL ENTITY.

14 (c) ON OR BEFORE JULY 15, 2025, THE ASSOCIATION AND THE  
15 OFFICE OF THE STATE AUDITOR SHALL DELIVER A REPORT DETAILING THE  
16 FINDINGS OF THE STUDY CONDUCTED PURSUANT TO THIS SUBSECTION (2)  
17 TO THE OFFICE OF THE GOVERNOR, THE JOINT BUDGET COMMITTEE, THE  
18 LEGISLATIVE AUDIT COMMITTEE, AND THE FINANCE COMMITTEES OF THE  
19 SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR  
20 COMMITTEES.

21 (3) (a) THE FIRM SELECTED PURSUANT TO SUBSECTION (1) OF THIS  
22 SECTION TO PERFORM THE SENSITIVITY ANALYSIS REQUIRED BY THIS  
23 SUBSECTION (3) SHALL PERFORM A SENSITIVITY ANALYSIS TO DETERMINE  
24 WHEN, FROM AN ACTUARIAL PERSPECTIVE, THE ASSOCIATION'S MODEL  
25 ASSUMPTIONS MEET TARGETS AND ACHIEVE SUSTAINABILITY. IN  
26 FURTHERANCE OF MAKING THIS DETERMINATION, THE FIRM SHALL  
27 EXAMINE THE DATA THAT THE ASSOCIATION CURRENTLY COLLECTS.

1 (b) ON OR BEFORE DECEMBER 1, 2025, THE ASSOCIATION AND THE  
2 OFFICE OF THE STATE AUDITOR SHALL DELIVER A REPORT DETAILING THE  
3 FINDINGS OF THE STUDY CONDUCTED PURSUANT TO THIS SUBSECTION (3)  
4 TO THE OFFICE OF THE GOVERNOR, THE JOINT BUDGET COMMITTEE, THE  
5 LEGISLATIVE AUDIT COMMITTEE, AND THE FINANCE COMMITTEES OF THE  
6 SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR  
7 COMMITTEES.

8 (4) FOR PURPOSES OF THE STUDIES REQUIRED BY SUBSECTIONS (2)  
9 AND (3) OF THIS SECTION, THE ASSOCIATION SHALL PROVIDE ACCESS TO  
10 ANONYMIZED MEMBER INFORMATION AND DATA UNDER A  
11 CONFIDENTIALITY AGREEMENT WITH THE RETAINED ACTUARIAL FIRM OR  
12 FIRMS.

13 (5) THE STATE AUDITOR SHALL NOTIFY THE JOINT BUDGET  
14 COMMITTEE OF THE GENERAL ASSEMBLY IF THE STATE AUDITOR  
15 DETERMINES THAT THE AMOUNT APPROPRIATED BY THE GENERAL  
16 ASSEMBLY FOR THE PURPOSE OF THE STUDIES REQUIRED BY SUBSECTIONS  
17 (2) AND (3) OF THIS SECTION IS INSUFFICIENT TO PROCURE A VENDOR TO  
18 COMPLETE THE SCOPE OF THE WORK REQUIRED.

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



Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

REDRAFT

3/13/24

Double underlining  
denotes changes from  
prior draft

DRAFT

LLS NO. 24-1091.01 Caroline Martin x5902

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC:** Transfers to Procurement Technical Assistance Fund

**A BILL FOR AN ACT**

101 **CONCERNING A TRANSFER TO THE PROCUREMENT TECHNICAL**  
102 **ASSISTANCE CASH FUND.**

**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 provides that \$220,000 must be transferred from the general fund to the procurement technical assistance cash fund starting on July 1, 2015, and continuing on July 1 of every year for the next 9 years thereafter. This bill extends the transfers so that they must be made on July 1 of every year for the next 19 years after July 1, 2015.

*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, 24-48.5-121, **amend**  
3 (8)(a)(I)(A) as follows:

4 **24-48.5-121. Procurement technical assistance program - fund**  
5 **- legislative declaration - definitions. (8) Fund.** (a) The procurement  
6 technical assistance cash fund is created in the state treasury. The fund  
7 consists of:

8 (I) (A) Except as otherwise provided in subsection (8)(a)(I)(B) of  
9 this section, two hundred twenty thousand dollars that the state treasurer  
10 is required to transfer from the general fund to the fund on July 1, 2015,  
11 and July 1 of the next ~~nine~~ NINETEEN years thereafter, plus any additional  
12 amount the general assembly provides pursuant to subsection (4)(b) of  
13 this section.

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.

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

DRAFT  
3/12/24

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LLS NO. 24-1047.01 Jane Ritter x4342

COMMITTEE BILL

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Joint Budget Committee

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**BILL TOPIC:** Expenditures for Care Assistance Programs

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**A BILL FOR AN ACT**

101 **CONCERNING EXPENDITURES FOR CARE ASSISTANCE 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 clarifies that the relative guardianship assistance program for children and youth and the adoption assistance program (programs) are entitlement programs. The state controller is authorized to allow overexpenditures for the programs. The bill requires the department of human services to make an annual report to the joint budget committee regarding actual and projected caseloads and expenditures for the programs.

*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, 24-75-109, **amend**  
3 (1)(b) as follows:

4 **24-75-109. Controller may allow expenditures in excess of**  
5 **appropriations - limitations - appropriations for subsequent fiscal**  
6 **year restricted - repeal.** (1) For the purpose of closing the state's books,  
7 and subject to the provisions of this section, the controller may, on or  
8 after May 1 of any fiscal year and before the forty-fifth day after the close  
9 thereof, upon approval of the governor, allow any department, institution,  
10 or agency of the state, including any institution of higher education, to  
11 make an expenditure in excess of the amount authorized by an item of  
12 appropriation for such fiscal year if:

13 (b) (I) The overexpenditure is by the department of human  
14 services for any purpose other than medicaid programs, but the total of all  
15 overexpenditures allowed pursuant to this paragraph (b) shall ~~not~~ **SUBSECTION**  
16 (1)(b) **MUST** not exceed one million dollars in any fiscal year; or

17 (II) **THE OVEREXPENDITURE IS BY THE DEPARTMENT OF HUMAN**  
18 **SERVICES FOR THE RELATIVE GUARDIANSHIP ASSISTANCE PROGRAM**  
19 **ESTABLISHED IN SECTION 26-5-110 OR THE ADOPTION ASSISTANCE**  
20 **PROGRAM CREATED IN SECTION 26-7-103; OR**

21 **SECTION 2.** In Colorado Revised Statutes, 26-5-104, **amend**  
22 (1)(b), (3)(a.2)(I), and (3)(a.2)(II) as follows:

23 **26-5-104. Funding of child welfare services provider contracts**  
24 **- funding mechanism review - fund - report - rules - definitions -**  
25 **repeal.** (1) **Reimbursement.** (b) The state department shall reimburse  
26 the county departments ninety percent of the amounts expended by county

1 departments for adoption and relative guardianship assistance AND IS  
2 AUTHORIZED TO MAKE AN EXPENDITURE IN EXCESS OF APPROPRIATIONS  
3 PURSUANT TO SECTION 24-75-109 (1)(b). The adoption and relative  
4 guardianship assistance ~~is~~ PROGRAMS ARE exempt from the close-out  
5 process described in subsection (7) of this section and the capped  
6 allocation described in subsection (3) of this section.

7 (3) **Allocation formula.** (a.2) (I) For state fiscal year 2024-25,  
8 and for each state fiscal year thereafter, the state department, after input  
9 from the child welfare allocations committee, shall use the funding model  
10 described in section 26-5-103.7 to ~~determine~~ INFORM the funding required  
11 for each county for adoption and relative guardianship subsidies and the  
12 independent living program, and to ~~determine~~ INFORM the capped and  
13 targeted allocations to each county, or group of counties, for child welfare  
14 services, additional county child welfare staff, and family and children's  
15 programs.

16 (II) The state department, after input from the child welfare  
17 allocations committee, shall make the capped and targeted allocations  
18 described in subsection (3)(a.2)(I) of this section ~~based on~~ INFORMED BY  
19 the total amount identified in the funding model as the appropriate level  
20 of funding required for each county to fully meet all state and federal  
21 requirements concerning the comprehensive delivery of child welfare  
22 services, as defined in section 26-5-101 (3), and prevention programs, as  
23 defined in section 19-1-103, less the amount appropriated by the general  
24 assembly in the annual long appropriations bill for adoption and relative  
25 guardianship subsidies and the independent living program. The  
26 allocations must be equitable and reflective of the cost of delivering  
27 services and must identify the specific caseload estimate attributable to

1 each capped or targeted allocation.

2 **SECTION 3.** In Colorado Revised Statutes, 26-5-110, **amend** (2)  
3 introductory portion; and **add** (4), (5), and (6) as follows:

4 **26-5-110. Guardianship assistance program - legislative intent**  
5 **- eligibility - reporting - rules - definition.** (2) ~~There~~ THE  
6 GUARDIANSHIP ASSISTANCE PROGRAM is established ~~a guardianship~~  
7 ~~assistance program~~ in the state department. ~~referred to in this section as~~  
8 ~~the "program"~~. Assistance from the program is available when a court has  
9 determined that adoption and reunification with ~~the~~ A child's or children's  
10 parent or legal guardian are not appropriate permanency options for the  
11 child or children. Program assistance is available in the following  
12 situations:

13 (4) ON OR BEFORE JANUARY 2, 2025, AND EVERY JANUARY 2  
14 THEREAFTER, THE STATE DEPARTMENT SHALL REPORT TO THE JOINT  
15 BUDGET COMMITTEE DATA ON ACTUAL PROGRAM CASELOAD AND  
16 EXPENDITURES FOR THE PRIOR YEAR AS WELL AS PROJECTED PROGRAM  
17 CASELOAD AND EXPENDITURES FOR THE CURRENT YEAR.  
18 NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I),  
19 THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS SUBSECTION  
20 (4) CONTINUES INDEFINITELY.

21 (5) IT IS THE GENERAL ASSEMBLY'S INTENT THAT THE PROGRAM  
22 OPERATE AS AN ENTITLEMENT PROGRAM AND, PURSUANT TO SECTION  
23 24-75-109 (1)(b), THE STATE DEPARTMENT IS AUTHORIZED TO  
24 OVEREXPEND ITS APPROPRIATION TO ALLOW FOR REIMBURSEMENT OF  
25 NINETY PERCENT OF COUNTIES' COSTS.

26 (6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
27 REQUIRES, "PROGRAM" MEANS THE GUARDIANSHIP ASSISTANCE PROGRAM

1 ESTABLISHED IN SUBSECTION (1) OF THIS SECTION.

2 **SECTION 4.** In Colorado Revised Statutes, 26-7-103, **add** (4),  
3 (5), and (6) as follows:

4 **26-7-103. Adoption assistance program - created -**  
5 **administration - funding - reporting - legislative intent - rules -**  
6 **definition.** (4) ON OR BEFORE JANUARY 2, 2025, AND EVERY JANUARY 2  
7 THEREAFTER, THE STATE DEPARTMENT SHALL REPORT TO THE JOINT  
8 BUDGET COMMITTEE DATA ON ACTUAL PROGRAM CASELOAD AND  
9 EXPENDITURES FOR THE PRIOR YEAR AS WELL AS PROJECTED PROGRAM  
10 CASELOAD AND EXPENDITURES FOR THE CURRENT YEAR.  
11 NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I),  
12 THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS SUBSECTION  
13 (4) CONTINUES INDEFINITELY.

14 (5) IT IS THE GENERAL ASSEMBLY'S INTENT THAT THE PROGRAM  
15 OPERATE AS AN ENTITLEMENT PROGRAM AND, PURSUANT TO SECTION  
16 24-75-109 (1)(b), THE STATE DEPARTMENT IS AUTHORIZED TO  
17 OVEREXPEND ITS APPROPRIATION TO ALLOW FOR REIMBURSEMENT OF  
18 NINETY PERCENT OF COUNTIES' COSTS.

19 (6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
20 REQUIRES, "PROGRAM" MEANS THE ADOPTION ASSISTANCE PROGRAM  
21 CREATED IN SUBSECTION (1) 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.