

MEMORANDUM



TO Joint Budget Committee Members
FROM JBC Staff
DATE March 19, 2024
SUBJECT Potential Legislation Packet 15

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

Modifying Public Safety Program Funding LLS 24-1111 (Brakke)	1
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Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

REDRAFT

3/18/24

Double underlining
denotes changes from
prior draft

DRAFT

LLS NO. 24-1111.01 Pierce Lively x2059

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Modifying Public Safety Program Funding

A BILL FOR AN ACT

101 CONCERNING MODIFYING FUNDING FOR GRANT PROGRAMS
102 ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE IN THE
103 DEPARTMENT OF PUBLIC SAFETY, AND, IN CONNECTION
104 THEREWITH, MAKING AN APPROPRIATION.

Bill Summary

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

Joint Budget Committee. The bill makes 3 changes to the funding and administration of the multidisciplinary crime prevention and crisis intervention grant program. The bill:

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

- ! Requires the state treasurer to transfer \$3 million from the general fund to the multidisciplinary crime prevention and crisis intervention grant fund on July 1, 2024;
- ! Modifies the multidisciplinary crime prevention and crisis intervention grant fund so that money in the fund is annually, rather than continuously, appropriated; and
- ! Extends the repeal date of the multidisciplinary crime prevention and crisis intervention grant program, grant fund, and advisory committee from January 1, 2025, to July 1, 2027.

The bill also modifies both the law enforcement workforce recruitment, retention, and tuition grant fund and the SMART policing grant fund so that money in both funds is annually, rather than continuously, appropriated.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-527, **amend**
3 (4)(a) and (6); and **add** (4)(c.5) as follows:

4 **24-33.5-527. Multidisciplinary crime prevention and crisis**
5 **intervention grant program - committee - fund - reports - repeal.**

6 (4) (a) There is created in the state treasury the multidisciplinary crime
7 prevention and crisis intervention grant fund, referred to in this section as
8 the "fund", consisting of any money appropriated to the fund by the
9 general assembly and any money received by the division from gifts,
10 grants, or donations for the grant program. ~~The money in the fund is~~
11 ~~continuously appropriated to the division~~ SUBJECT TO ANNUAL
12 APPROPRIATION BY THE GENERAL ASSEMBLY, THE DIVISION MAY EXPEND
13 MONEY FROM THE FUND for the direct and indirect costs associated with
14 implementing the grant program.

15 (c.5) (I) ON JULY 1, 2024, THE STATE TREASURER SHALL TRANSFER
16 THREE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

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

1 (6) This section is repealed, effective ~~January 1, 2025~~ JULY 1,
2 2027.

3 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-528, **amend**
4 (4)(a) as follows:

5 **24-33.5-528. Law enforcement workforce recruitment,**
6 **retention, and tuition grant program - committee - fund - reports -**
7 **repeal.** (4) (a) There is created in the state treasury the law enforcement
8 workforce recruitment, retention, and tuition grant fund, referred to in this
9 section as the "fund", consisting of any money appropriated to the fund
10 by the general assembly and any money received by the division from
11 gifts, grants, or donations for the grant program. ~~The money in the fund~~
12 ~~is continuously appropriated to the division~~ SUBJECT TO ANNUAL
13 APPROPRIATION BY THE GENERAL ASSEMBLY, THE DIVISION MAY EXPEND
14 MONEY FROM THE FUND for the direct and indirect costs associated with
15 implementing the grant program.

16 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-529, **amend**
17 (4)(a) as follows:

18 **24-33.5-529. State's mission for assistance in recruiting and**
19 **training (SMART) grant program - committee - fund - reports -**
20 **definitions - repeal.** (4) (a) There is created in the state treasury the
21 SMART policing grant fund, referred to in this section as the "fund",
22 consisting of any money appropriated to the fund by the general assembly
23 and any money received by the division from gifts, grants, or donations
24 for the SMART policing program. ~~The money in the fund is continuously~~
25 ~~appropriated to the division~~ SUBJECT TO ANNUAL APPROPRIATION BY THE
26 GENERAL ASSEMBLY, THE DIVISION MAY EXPEND MONEY FROM THE FUND
27 for the direct and indirect costs associated with implementing the

1 SMART policing program.

2 **SECTION 4. Appropriation.** (1) For the 2024-25 state fiscal
3 year, \$14,493,178 is appropriated to the department of public safety for
4 use by the division of criminal justice. This appropriation consists of
5 \$7,031,919 from the SMART policing grant fund created in section
6 24-33.5-529 (4)(a), C.R.S., \$3,868,229 from the multidisciplinary crime
7 prevention and crisis intervention grant fund created in section
8 24-33.5-527 (4)(a), C.R.S., and \$3,593,030 from the law enforcement
9 workforce recruitment, retention, and tuition grant fund created in section
10 24-33.5-528 (4)(a), C.R.S. To implement this act, the division may use
11 this appropriation as follows:

12 (a) \$7,031,919 from the SMART policing grant fund for the direct
13 and indirect costs associated with implementing the SMART policing
14 grant program;

15 (b) \$3,868,229 from the multidisciplinary crime prevention and
16 crisis intervention grant fund for the direct and indirect costs associated
17 with implementing the multidisciplinary crime prevention and crisis
18 intervention grant program; and

19 (c) \$3,593,030 from the law enforcement workforce recruitment,
20 retention, and tuition grant fund for the direct and indirect costs
21 associated with implementing the law enforcement workforce
22 recruitment, retention, and tuition grant program.

23 **SECTION 4. Safety clause.** The general assembly finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety or for appropriations for
26 the support and maintenance of the departments of the state and state
27 institutions.

Second Regular Session
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STATE OF COLORADO

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3/12/24

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LLS NO. 24-1061.01 Rebecca Bayetti x4348

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Capital Renewal Project Cost Threshold

A BILL FOR AN ACT

101 **CONCERNING THE COST THRESHOLD OF CONTROLLED MAINTENANCE**
102 **PROJECTS FOR CAPITAL RENEWAL.**

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/>.)

<{***Option #1***}>

Joint Budget Committee. The bill increases the cost threshold at or above which a controlled maintenance project of real property is deemed to be "capital renewal" (cost threshold). The cost threshold is increased from \$2 million to \$5 million. The bill also requires the department of personnel to adjust the cost threshold for inflation every 5

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years beginning on January 1, 2029, and to publish the cost threshold on its website. <{*These two bill summaries reflect the two options for the cost threshold: \$5 million (above bill summary) or \$4.1 million (below bill summary).*}>

<{*Option #2*}>

Joint Budget Committee. The bill increases the cost threshold at or above which a controlled maintenance project of real property is deemed to be "capital renewal" (cost threshold). The cost threshold is increased from \$2 million to \$4.1 million. The bill also requires the department of personnel to adjust the cost threshold for inflation every 5 years beginning on January 1, 2029, and to publish the cost threshold on its website.

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

SECTION 1. In Colorado Revised Statutes, 24-30-1301, **amend** (3) as follows:

24-30-1301. Definitions. As used in this part 13, unless the context otherwise requires:

<{*Subsection (3)(a) - Option #1*}>

(3) (a) "Capital renewal" means a controlled maintenance project of real property or more than one integrated controlled maintenance ~~projects~~ PROJECT of real property with costs exceeding ~~two~~ FIVE million dollars in a fiscal year and that is more cost effective or better addressed by corrective repairs or replacement to the real property rather than by limited fixed equipment repair, replacement, or smaller individual controlled maintenance projects. <{*The two subsections (3)(a) represent two options for the proposed bill language. The above subsection (3)(a) includes a \$5 million cost threshold and the below subsection (3)(a) includes a \$4.1 million cost threshold.*}>

<{*Subsection (3)(a) - Option #2*}>

(3) (a) "Capital renewal" means a controlled maintenance project of real property or more than one integrated controlled maintenance

1 ~~projects~~ PROJECT of real property with costs exceeding ~~two~~ FOUR million
2 ONE HUNDRED THOUSAND dollars in a fiscal year and that is more cost
3 effective or better addressed by corrective repairs or replacement to the
4 real property rather than by limited fixed equipment repair, replacement,
5 or smaller individual controlled maintenance projects.

6 (b) BEGINNING ON JANUARY 1, 2029, AND ON JANUARY 1 OF
7 EVERY FIVE-YEAR PERIOD THEREAFTER, THE DEPARTMENT SHALL ADJUST
8 THE CAPITAL RENEWAL COST THRESHOLD FOR INFLATION IN ACCORDANCE
9 WITH THE PERCENTAGE CHANGE OVER THE PRECEDING FIVE-YEAR PERIOD
10 IN THE UNITED STATES DEPARTMENT OF LABOR BUREAU OF LABOR
11 STATISTICS PRODUCER PRICE INDEX FOR THE BUILDING MATERIALS AND
12 SUPPLIES DEALERS INDUSTRY, OR ITS SUCCESSOR INDEX. THE DEPARTMENT
13 SHALL PUBLISH THE ADJUSTED CAPITAL RENEWAL COST THRESHOLD ON ITS
14 WEBSITE.

15 **SECTION 2. Act subject to petition - effective date -**
16 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
17 the expiration of the ninety-day period after final adjournment of the
18 general assembly; except that, if a referendum petition is filed pursuant
19 to section 1 (3) of article V of the state constitution against this act or an
20 item, section, or part of this act within such period, then the act, item,
21 section, or part will not take effect unless approved by the people at the
22 general election to be held in November 2024 and, in such case, will take
23 effect on the date of the official declaration of the vote thereon by the
24 governor.

25 (2) This act applies to controlled maintenance projects of real
26 property commencing on or after the applicable effective date of this act.

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

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3/18/24

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LLS NO. 24-1090.01 Jed Franklin x5484

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Creative Industries Cash Fund Transfer

A BILL FOR AN ACT

101 **CONCERNING CASH FUNDS THAT PROVIDE FUNDING FOR THE CREATIVE**
102 **INDUSTRIES DIVISION IN THE OFFICE OF ECONOMIC**
103 **DEVELOPMENT.**

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 transfers \$500,000 from the general fund to the creative industries cash fund on July 1, 2024.

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Dashes through the words indicate deletions from existing law.*

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-48.5-301, **add**
3 (2)(a)(IX) and (4) as follows:

4 **24-48.5-301. Creative industries division - creative industries**
5 **cash fund - creation - definition.** (2) (a) There is hereby created in the
6 state treasury the creative industries cash fund, referred to in this section
7 as the "fund". The fund consists of:

8 (IX) ANY MONEY TRANSFERRED TO THE FUND PURSUANT TO
9 SUBSECTION (4) OF THIS SECTION.

10 (4) ON JULY 1, 2024, THE STATE TREASURER SHALL TRANSFER FIVE
11 HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE FUND.

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

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Members of the Joint Budget Committee
FROM Abby Magnus, JBC Staff (303-866-2149)
DATE March 19, 2024
SUBJECT CDPHE: Health Facility Licensure Audit

→ HEALTH FACILITY LICENSURE AUDIT

The Committee has approved a bill be drafted to increase health facility licensure fees which fund survey and complaint investigation activities in the Department of Public Health and Environment. With that bill, the Committee had discussed pursuing an audit of the program.

The State Auditor's Office has responded to this, stating the topic of auditing the Department of Public Health and Environment related to this area sounds reasonable and appropriate for them to do. The Office would request the ability to complete the audit through at least December 2025. The cost of completing this audit would be \$425,000 General Fund. This would cover the cost of a standard sized audit team over 11 months, which is the average time taken to complete an audit of this kind.

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/19/24

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LLS NO. 24-1074.02 Kristen Forrestal x4217

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Fee Changes Health-Care Cash Funds
DEADLINES: File by: 3/22/2024

A BILL FOR AN ACT

101 **CONCERNING LICENSE FEES PAYABLE TO HEALTH-CARE CASH FUNDS.**

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/>.)

The bill establishes the amounts by which the state board of health in the department of public health and environment may increase the fees payable to the general licensure cash fund, the assisted living residence cash fund, and the home care agency cash fund. The fees are increased up to 8% in state fiscal year 2025-26; 6% in state fiscal years 2026-27, 2027-28, and 2028-29; and, in each fiscal year thereafter, an amount based on the percentage change reflected in the prior year's consumer price index.

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

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

SECTION 1. In Colorado Revised Statutes, 25-3-105, **amend** (1)(a)(I)(A) and (1)(a)(I)(B); and **add** (1)(a)(I)(B.5) as follows:

25-3-105. License - fee - rules - performance incentive system - penalty. (1) (a) (I) (A) Subject to the limitations in ~~sub-subparagraph (B) of this subparagraph (I)~~ SUBSECTIONS (1)(a)(I)(B) AND (1)(a)(I)(B.5) OF THIS SECTION, the state board of health shall establish a schedule of fees, which must be set at a level sufficient to meet the direct and indirect costs of administration and enforcement of this ~~article~~ ARTICLE 3, as appropriated by the general assembly for each fiscal year, less any ~~moneys~~ MONEY appropriated for the same fiscal year by the general assembly from any other source to meet such costs. The fee schedule must also ensure that the reserve balance in the health facilities general licensure cash fund, created in section 25-3-103.1 (1), is consistent with the limits specified in section 24-75-402 (3) ~~C.R.S.~~, and must be modified, as necessary, to comply with ~~said~~ THE limits. The state board shall establish and modify, as necessary, the fee schedule by rules adopted in accordance with article 4 of title 24. ~~C.R.S.~~ Except as specified in ~~subparagraph (H) of this paragraph (a)~~ SUBSECTION (1)(a)(II) OF THIS SECTION, the department of public health and environment may assess fees in accordance with the fee schedule established by the state board against health facilities licensed by the department. All fees collected pursuant to the fee schedule must be deposited in the health facilities general licensure cash fund created in section 25-3-103.1 (1) and are subject to appropriation by the general assembly in accordance with section 25-3-103.1 (2).

1 (B) On or after June 4, 2012, AND UNTIL JUNE 30, 2025, the state
2 board of health may increase the amount of any fee on the schedule of
3 fees established pursuant to subsection (1)(a)(I)(A) of this section that is
4 in effect on June 4, 2012, by an amount not to exceed the annual
5 percentage change in the United States department of labor, bureau of
6 labor statistics, consumer price index for Denver-Aurora-Lakewood for
7 all urban consumers and all goods, or its applicable predecessor or
8 successor index. Nothing in this subsection (1)(a)(I)(B) limits the ability
9 of the state board of health to reduce the amount of any fee on the
10 schedule of fees in effect on such date or to modify fees as necessary to
11 comply with section 24-75-402. Notwithstanding the requirements of this
12 subsection (1)(a)(I)(B), the state board of health may assess fees
13 necessary to cover the costs associated with the surveys conducted
14 pursuant to section 25-3-128.

15 (B.5) FOR STATE FISCAL YEAR 2025-26, THE FEES ON THE
16 SCHEDULE OF FEES ESTABLISHED PURSUANT TO SUBSECTION (1)(a)(I)(A)
17 OF THIS SECTION MUST INCREASE EIGHT PERCENT FOR STATE FISCAL YEAR
18 2025-26; SIX PERCENT FOR EACH OF THE STATE FISCAL YEARS 2026-27,
19 2027-28, AND 2028-29; AND, FOR STATE FISCAL YEAR 2029-30, THE
20 INCREASE MUST BE EQUAL TO THE ANNUAL PERCENTAGE CHANGE IN THE
21 UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS
22 CONSUMER PRICE INDEX, OR A SUCCESSOR INDEX, FOR
23 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY URBAN
24 CONSUMERS.

25 **SECTION 2.** In Colorado Revised Statutes, 25-27-107, **amend**
26 (1.5)(a); and **add** (1.7) as follows:

27 **25-27-107. License fees - rules.** (1.5) (a) No later than January

1 1, 2009, the state board shall promulgate rules establishing a schedule of
2 fees sufficient to meet the direct and indirect costs of administration and
3 enforcement of this article 27. The rules shall set a lower fee for facilities
4 with a high medicaid utilization rate as defined by the state board. The
5 rules shall be adopted in accordance with article 4 of title 24. On or after
6 August 1, 2019, BUT BEFORE JULY 1, 2025, fees established pursuant to
7 this section are subject to the limitations specified in section 25-3-105
8 (1)(a)(I)(B). The state board may increase a fee on the schedule
9 established pursuant to this section that is in effect on August 1, 2019,
10 only in accordance with ~~section 25-3-105 (1)(a)(I)(B)~~ SECTION 25-3-105
11 (1)(a)(I).

12 (1.7) THE FEES MUST INCREASE:

13 (a) FOR STATE FISCAL YEAR 2025-26, EIGHT PERCENT FROM THE
14 FEES ON THE SCHEDULE OF FEES ESTABLISHED PURSUANT TO SUBSECTION
15 (1.5)(a) OF THIS SECTION;

16 (b) FOR EACH OF STATE FISCAL YEARS 2026-27, 2027-28, AND
17 2028-29, SIX PERCENT; AND

18 (c) FOR STATE FISCAL YEAR 2029-30 AND FOR EACH STATE FISCAL
19 YEAR THEREAFTER, AN AMOUNT THAT IS EQUAL TO THE ANNUAL
20 PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S
21 BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX, OR A SUCCESSOR
22 INDEX, FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY URBAN
23 CONSUMERS.

24 **SECTION 3.** In Colorado Revised Statutes, 25-27.5-104, **amend**
25 **as it will become effective July 1, 2024,** (1)(g) as follows:

26 **25-27.5-104. Minimum standards for home care agencies and**
27 **home care placement agencies - rules - advisory committee.** (1) The

1 state board shall promulgate rules pursuant to section 24-4-103 providing
2 minimum standards for the operation of home care agencies and home
3 care placement agencies within the state of Colorado that apply regardless
4 of the source of payment for the home care services or the diagnosis of
5 the home care consumer. In promulgating these rules, the state board shall
6 establish different requirements appropriate to the various types of skilled
7 home health and personal care services, including differentiating
8 requirements for providers that are substantially funded through medicare
9 and medicaid reimbursement, providers for the program of all-inclusive
10 care for the elderly established in section 25.5-5-412, providers that are
11 already licensed under this title 25, and providers that are solely or
12 substantially privately funded. This differentiation must include
13 consideration of the requirements already imposed by other federal and
14 state regulatory agencies and must require the department of health care
15 policy and financing and the department to work jointly to resolve
16 differing requirements. The rules must include the following:

17 (g) (I) **Fees for home care agency licensure.** Home care agency
18 fees are payable to the home care agency cash fund. The annual fee must
19 include a component that reflects whether a survey is planned for the year
20 based on the agency's compliance history. FOR STATE FISCAL YEAR
21 2024-25, the state board shall develop a methodology for establishing
22 differentiating fees for licensure of home care agencies to reflect the
23 differences in type, scope, and volume of services provided by the various
24 types of home care agencies, including their volume of medicaid and
25 medicare services, and that allows for reduced fees for home care
26 agencies that are certified prior to initial license application. The
27 department shall not charge a duplicate fee for survey work conducted

1 pursuant to its role as state survey agency for the federal centers for
2 medicare and medicaid services or the Colorado department of health care
3 policy and financing.

4 (II) ~~Notwithstanding section 25-3-105 (1)(a)(I)(B), The state~~
5 ~~board may set and adjust~~ licensure fees for home care agencies MUST BE
6 INCREASED as ~~appropriate based on the differentiating fee methodology~~
7 ~~developed by the state board pursuant to this paragraph (g).~~ FOLLOWS:
8 <{*Could we make this active by requiring the state board to increase the*
9 *fees?*>

10 (A) FOR STATE FISCAL YEAR 2025-26, EIGHT PERCENT FROM THE
11 FEES ON THE SCHEDULE OF FEES ESTABLISHED PURSUANT TO SUBSECTION
12 (1)(g)(I) OF THIS SECTION;

13 (B) FOR EACH OF STATE FISCAL YEARS 2026-27, 2027-28, AND
14 2028-29, SIX PERCENT; AND

15 (C) FOR STATE FISCAL YEAR 2029-30 AND FOR EACH STATE FISCAL
16 YEAR THEREAFTER, THE AN AMOUNT EQUAL TO THE ANNUAL PERCENTAGE
17 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF
18 LABOR STATISTICS CONSUMER PRICE INDEX, OR A SUCCESSOR INDEX, FOR
19 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY URBAN
20 CONSUMERS.

21 **SECTION 4. Effective date.** This act takes effect July 1, 2024.

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.