



Joint Budget Committee Staff

Memorandum

To: Joint Budget Committee Members
From: Kelly Shen, JBC Staff (303-866-5434)
Date: Wednesday, March 26, 2025
Subject: [JBC Potential Legislation – Packet 17](#)

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:

- deciding on sponsors,
- allowing JBC staff permission to make technical changes including adding appropriation clauses, and
- indicating if the bill will run with the Long Bill package.

Each individual item has page numbers, but also a packet page number (P-XX) to help navigate the whole document.

Potential Legislation

Department of Agriculture

LLS 25-0981 Repeal Certain Rodent Pest Control Statutes (Canagarajah)P-1

Department of Public Health and Environment

LLS 25-1004 Transfer Stationary Sources Control Fund (McLeer)P-3

Governor

LLS 25-0904 Limited Gaming Fund Distribution (Burmeister)P-5

Corrections

LLS 25-1022 Temporary Inmate Transfer (Brakke)P-7

Statewide

Memo: LLS 25-0833 joint transfer bill – overview (Shen)P-10

LLS 25-0954 Repeal Statutory Appropriation Requirements (impacts DEC, DHS, BHA)P-13

LLS 25-0928 Changes to Money in the Capital Construction Fund (Uhl)P-17

LLS 25-1023 Changes to Money in the Marijuana Tax Cash Fund (Catlett)P-24

MARCH 18, 2025

Military and Veterans Affairs

LLS 25-0932 Tuition Waiver & Colorado National Guard MembersP-29

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

REDRAFT

3/26/25

Double underlining
denotes changes from
prior draft

DRAFT

LLS NO. 25-0981.01 Jason Gelender x4330

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Repeal Certain Rodent Pest Control Statutes

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF CERTAIN STATUTES RELATING TO**
102 **RODENT PEST CONTROL _____.**

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. Effective July 1, 2025, the bill repeals certain statutes relating to rodent pest control. _____

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

=====

2

SECTION 1. In Colorado Revised Statutes, **add** 35-7-118 as

3

follows:

4

35-7-118. Repeal of part. THIS PART 1 IS REPEALED, EFFECTIVE

5

JULY 1, 2025.

6

SECTION 2. Safety clause. The general assembly finds,

7

determines, and declares that this act is necessary for the immediate

8

preservation of the public peace, health, or safety or for appropriations for

9

the support and maintenance of the departments of the state and state

10

institutions.

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

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3/26/25

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LLS NO. 25-1004.01 Pierce Lively x2059

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Transfer Stationary Sources Control Fund

A BILL FOR AN ACT

101 **CONCERNING THE TRANSFER OF FIVE MILLION DOLLARS FROM THE**
102 **GENERAL FUND TO THE STATIONARY SOURCES CONTROL 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. The bill requires the state treasurer to transfer \$5 million from the general fund to the stationary sources control fund on July 1, 2025.

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, 25-7-114.7, add
2 (2)(b)(VI) as follows:

3 **25-7-114.7. Emission fees - fund - rules - definition - repeal.**

4 (2) (b) (V) (A) ON JULY 1, 2025, THE STATE TREASURER SHALL TRANSFER
5 FIVE MILLION DOLLARS FROM THE GENERAL FUND TO THE STATIONARY
6 SOURCES CONTROL FUND.

7 (B) THIS SUBSECTION (2)(b)(V) IS REPEALED, EFFECTIVE JULY 1,
8 2026.

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

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

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2/18/25

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LLS NO. 25-0904.01 Rebecca Bayetti x4348

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Limited Gaming Fund Distribution

A BILL FOR AN ACT

101 **CONCERNING A REDUCTION IN THE TRANSFER FROM THE LIMITED**
102 **GAMING FUND TO THE ADVANCED INDUSTRIES ACCELERATION**
103 **CASH FUND FOR STATE FISCAL YEAR 2025-26.**

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 reduces the transfer from the limited gaming fund to the advanced industries acceleration cash fund for state fiscal year 2025-26 from \$5,500,000 to \$1,840,000.

*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, 44-30-701, **amend**
3 (2)(a)(II); and **add** (2)(d) as follows:

4 **44-30-701. Limited gaming fund - created - repeal.**

5 (2) (a) Except as provided in subsection (2)(b) of this section, at the end
6 of the 2012-13 state fiscal year and at the end of each state fiscal year
7 thereafter, the state treasurer shall transfer the state share as follows:

8 (II) For the 2014-15 state fiscal year and each state fiscal year
9 thereafter, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(d) OF THIS
10 SECTION FOR THE 2025-26 STATE FISCAL YEAR, five million five hundred
11 thousand dollars to the advanced industries acceleration cash fund created
12 in section 24-48.5-117;

13 (d) (I) FOR THE 2025-26 STATE FISCAL YEAR, THE STATE
14 TREASURER SHALL TRANSFER ONE MILLION EIGHT HUNDRED FORTY
15 THOUSAND DOLLARS TO THE ADVANCED INDUSTRIES ACCELERATION CASH
16 FUND CREATED IN SECTION 24-48.5-117.

17 (II) THIS SUBSECTION (2)(d) IS REPEALED, EFFECTIVE JULY 1, 2027.

18 **SECTION 2. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly; except
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V
22 of the state constitution against this act or an item, section, or part of this
23 act within such period, then the act, item, section, or part will not take
24 effect unless approved by the people at the general election to be held in
25 November 2026 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

REDRAFT

3/26/25

Double underlining
denotes changes from
prior draft

DRAFT

LLS NO. 25-1022.01 Michael Dohr x4347

SENATE BILL

SENATE SPONSORSHIP

Kirkmeyer and Bridges, Amabile

HOUSE SPONSORSHIP

Taggart and Bird, Sirota

BILL TOPIC: Temporary Inmate Transfer

A BILL FOR AN ACT

101 CONCERNING THE TEMPORARY USE OF THE CENTENNIAL
102 CORRECTIONAL FACILITY-SOUTH C-TOWER TO HOUSE INMATES
103 DURING THE STERLING CORRECTIONAL FACILITY ACCESS
104 CONTROLS PROJECT, AND, IN CONNECTION THEREWITH, MAKING
105 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 allows the Centennial correctional facility-south c-tower to be used to temporarily house

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protective-, close-, and medium-custody inmates for the duration of the Sterling correctional facility access controls project. The bill limits the use of the Centennial correctional facility-south c-tower to only after the department of corrections determines that there are no suitable beds available to house an inmate in another department facility.

The bill appropriates \$1,829,000 from the general fund to the department of corrections to implement the bill.

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

SECTION 1. Legislative declaration. The general assembly finds that the temporary use of c-tower at Centennial correctional facility-south is necessary to accommodate the impact of the access controls capital renewal project at the Sterling correctional facility. It is the general assembly's intent that major accommodations of this kind be considered by the capital development committee in the future.

SECTION 2. In Colorado Revised Statutes, 17-1-104.3, **add** (1)(b.6) as follows:

17-1-104.3. Correctional facilities - locations - security level - report - repeal. (1) (b.6) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE CENTENNIAL CORRECTIONAL FACILITY-SOUTH C-TOWER MAY BE USED TO TEMPORARILY HOUSE PROTECTIVE-, CLOSE-, AND MEDIUM-CUSTODY INMATES FOR THE STERLING CORRECTIONAL FACILITY ACCESS CONTROLS PROJECT, FOR THE DURATION OF THAT PROJECT, AND FOR THE TIME REQUIRED TO TEMPORARILY RELOCATE THE INMATES AND THEN RETURN THEM TO THE STERLING CORRECTIONAL FACILITY. TO THE EXTENT FEASIBLE, THE DEPARTMENT SHALL HOUSE AN INMATE FROM THE STERLING CORRECTIONAL FACILITY IN THE CENTENNIAL CORRECTIONAL FACILITY-SOUTH C-TOWER ONLY AFTER DETERMINING THAT THERE ARE NO SUITABLE BEDS AVAILABLE THAT WOULD NOT REQUIRE ADDITIONAL APPROPRIATIONS TO HOUSE THAT

1 INMATE IN ANOTHER FACILITY OPERATED BY THE DEPARTMENT OF
2 CORRECTIONS.

3 (II) THIS SUBSECTION (1)(b.6) IS REPEALED, EFFECTIVE JUNE 30,
4 2027.

5 **SECTION 3. Appropriation.** For the 2025-26 state fiscal year,
6 \$1,829,000 is appropriated to the department of corrections for use by
7 institutions. This appropriation is from the general fund. To implement
8 this act, the institutions may use this appropriation for Centennial
9 correctional facility-south c-tower start-up costs related to the
10 superintendents subprogram.

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



Joint Budget Committee Staff

Memorandum

To: Joint Budget Committee Members
 From: Kelly Shen, JBC Staff (303-866-5434)
 Date: Wednesday, March 26, 2025
 Subject: [JBC joint transfer bill \(LLS 25-0833\) – overview](#)

This memo contains a summary of the joint transfer bill (LLS 25-0833) that the Committee sent to draft in January 2025, as it is currently drafted. It contains:

- A total of \$224.2 million in cash fund to General Fund transfers across FY 2024-25 and FY 2025-26;
- \$165.1 million transferred in FY 2024-25 and \$59.1 million transferred in FY 2025-26; and
- Fund repeals for the (1) Colorado Health Care Services Cash Fund, (2) Primary Care Provider Sustainability Fund, (3) Pediatric Hospice Care Cash Fund, (4) Financial Reporting Fund, and (5) State Employee Reserve Fund.

The two tables below summarize the included transfers, separated by fiscal year and arranged largest to smallest.

FY 2024-25 Transfers (largest to smallest) – these transfers will occur on June 30, 2025

Analyst	Department	Cash Fund	Transfer Amount - to General Fund
Michelle Curry	CDOT	Multimodal Transportation and Mitigation Options Fund	\$71,400,000
Mitch Burmeister	Governor	Advanced Industries Transfers	17,677,111
Phoebe Canagarajah	CDLE	Worker's Compensation Cash Fund	15,000,000
Andrew McLeer	CDPHE	Electrifying School Buses Grant Fund	14,000,000
Amanda Bickel	DOLA	Local Government Severance Tax Fund	10,000,000
Amanda Bickel	DOLA	Innovative Housing Incentives Cash Fund	8,500,000
Scott Thompson	Governor	Technology Risk Prevention and Response Fund	7,000,000
Craig Harper	Legislature	Legislative Department Cash Fund	6,338,640
Andrea Uhl	DOLA	Peace Officers Behavioral Health Cash Fund	3,068,634
Kelly Shen	CDPHE	Vital Records Cash Fund	1,800,000
Michelle Curry	DORA	Prescription Drug Monitoring Fund	1,750,000
Michelle Curry	DORA	Division of Professions and Occupations Cash Fund	1,372,843
Phoebe Canagarajah	CDLE	Scale-up Grant and Qualified Apprenticeship Intermediary Grant	1,000,000
Phoebe Canagarajah	CDLE	Petroleum Redevelopment Cash Fund	700,000
Michelle Curry	DORA	Highway-rail crossing signalization fund	700,000

FY 2024-25 Transfers (largest to smallest) – these transfers will occur on June 30, 2025			
Analyst	Department	Cash Fund	Transfer Amount - to General Fund
Eric Kurtz	HCPF	Colorado Health Care Services Cash Fund	674,317
Phoebe Canagarajah	CDA	Agriculture Management Fund	620,000
Louellen Lowe	CDHE	Private Occupational Schools Fund	502,157
Amanda Bickel	DOLA	Private Activity Bond Allocation Cash Fund – transfer unencumbered cash funds over \$100,000 to General Fund at end of year	500,000
Justin Brakke	DPS	SMART Policing Grant Fund	500,000
Phoebe Canagarajah	CDA	Diseased Livestock Indemnity Cash Fund	250,000
Amanda Bickel	DOLA	Board of Assessment Appeals Cash Fund	200,000
Michelle Curry	DORA	Division of Real Estate Cash Fund	200,000
Michelle Curry	DORA	Division of Securities Cash Fund	200,000
Michelle Curry	DORA	Division of Banking Cash Fund	200,000
Michelle Curry	DORA	Disabled Telephone Users' Fund	200,000
Justin Brakke	DPS	Witness Protection Fund	200,000
Amanda Bickel	Legislature	Affordable Housing and Home Ownership Cash Fund	200,000
Amanda Bickel	CDE	Rural Schools Cash Fund	160,414
Amanda Bickel	CDE	High Cost Special Education Fund	59,849
Amanda Bickel	CDE	Financial Reporting Fund	26,689
Phoebe Canagarajah	CDA	Rodent Control Cash Fund	26,511
Eric Kurtz	HCPF	Primary Care Provider Sustainability Fund	24,009
Phoebe Canagarajah	CDA	Cervidae Disease Control Cash Fund	20,000
Amanda Bickel	CDE	Public Education Fund	16,174
Amanda Bickel	CDE	Teacher Residency Expansion Fund	11,630
Amanda Bickel	CDE	Kindergarten Facility Capital Construction Fund	2,989
Eric Kurtz	HCPF	Pediatric Hospice Care Cash Fund	431
Amanda Bickel	CDE	Dropout Prevention Activity Grant Fund	265
Total			\$165,102,663

FY 2025-26 Transfers (largest to smallest) – these transfers will occur on July 1, 2025, except the Private Activity Bond Allocation Cash Fund transfer on June 30, 2026

Analyst	Department	Cash Fund	Transfer Amount - to General Fund
Andrew McLeer	CDPHE	Remaining balance for Electrifying School Buses Grant Fund (estimate)	\$28,800,000
Mitch Burmeister	Statewide	State Employee Reserve Fund	12,912,688
Andrew McLeer	CDPHE	Community Impact Cash Fund	6,000,000
Tom Dermody	DPA	Supplemental State Contribution Fund	5,000,000
Mitch Burmeister	Governor	Opportunity Next Transfer	3,304,500
Mitch Burmeister	Governor	Cannabis Resource Optimization Program Cash Fund	900,000
Tom Dermody	DHS	State Funding for Senior Services Contingency Reserve Fund	680,000
Mitch Burmeister	Governor	Community Access to Electric Bicycles Cash Fund	512,570
Amanda Bickel	DOLA	Private Activity Bond Allocation Cash Fund -- transfer any unencumbered cash funds over \$100,000 to General Fund at end of year	200,000
Andrew McLeer	CDPHE	Remaining balance from the Natural Disaster Cash Fund (estimate)	196,290
Andrew McLeer	CDPHE	Remaining balance from the Nutrients Grant Fund (estimate)	192,500
Mitch Burmeister	Governor	Innovative Energy Fund	154,862
Mitch Burmeister	Governor	Energy Fund	125,000
Alfredo Kemm	DPS	Nuclear Materials Transportation Fund	100,000
Total			\$59,078,410

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

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3/17/25

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LLS NO. 25-0954.01 Jed Franklin x5484

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Repeal Statutory Appropriation Requirements

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF CERTAIN REQUIREMENTS THAT THE**
102 **GENERAL ASSEMBLY ANNUALLY APPROPRIATE MONEY.**

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 statutory requirements for the following annual appropriations by the general assembly:

- The appropriation to the performance-based collaborative management incentive cash fund to serve children who would benefit from integrated multi-agency services;

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

- The appropriation to the Colorado child abuse prevention trust fund for programs to reduce the occurrence of prenatal substance exposure;
- The appropriation to the behavioral health administration for the purpose of selecting a recovery residence certifying body;
- The appropriation to the behavioral health administration for the purpose of establishing a program to provide temporary financial housing assistance to certain individuals with a substance use disorder who have no supportive housing options; and
- The appropriation to the behavioral health administration for the administration and implementation of the recovery support services grant program.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-1.9-104, **repeal**
3 (1.5) as follows:

4 **24-1.9-104. Cash fund - creation - grants, gifts, and donations.**

5 ~~(1.5) On July 1, 2023, and annually thereafter, the general assembly shall~~
6 ~~appropriate money to the fund to serve children who would benefit from~~
7 ~~integrated multi-agency services, including children who have had contact~~
8 ~~with law enforcement or who are at risk of involvement with the juvenile~~
9 ~~justice system.~~

10 **SECTION 2.** In Colorado Revised Statutes, 26.5-3-206, **repeal**
11 (4)(a) as follows:

12 **26.5-3-206. Colorado child abuse prevention trust fund -**
13 **creation - source of funds - appropriation - repeal.** (4) (a) ~~For the~~
14 ~~2024-25 state fiscal year and each state fiscal year thereafter, the general~~
15 ~~assembly shall appropriate one hundred fifty thousand dollars to the trust~~
16 ~~fund. The board shall distribute the money appropriated pursuant to this~~
17 ~~subsection (4)(a) for programs to reduce the occurrence of prenatal~~

1 ~~substance exposure in accordance with section 26.5-3-205 (1)(h)(III).~~

2 **SECTION 3.** In Colorado Revised Statutes, 27-80-122, **repeal** (2)
3 as follows:

4 **27-80-122. Recovery residence certifying body - competitive**
5 **selection process - appropriation.** (2) ~~For the 2021-22 state fiscal year~~
6 ~~and each state fiscal year thereafter, the general assembly shall~~
7 ~~appropriate two hundred thousand dollars to the BHA for the purpose of~~
8 ~~implementing this section.~~

9 **SECTION 4.** In Colorado Revised Statutes, 27-80-125, **repeal** (5)
10 as follows:

11 **27-80-125. Housing assistance for individuals with a substance**
12 **use disorder - report - rules - appropriation.** (5) ~~For the 2021-22 state~~
13 ~~fiscal year and each state fiscal year thereafter, the general assembly shall~~
14 ~~appropriate four million dollars to the BHA for the purpose of the~~
15 ~~housing program described in this section.~~

16 **SECTION 5.** In Colorado Revised Statutes, 27-80-126, **amend**
17 (4); and **repeal** (8) as follows:

18 **27-80-126. Recovery support services grant program -**
19 **creation - eligibility - reporting requirements - appropriation - rules**
20 **- definitions.** (4) The BHA shall administer the grant program. Subject
21 to available appropriations, the BHA shall disburse grant money
22 ~~appropriated pursuant to subsection (8) of this section~~ to each managed
23 service organization designated pursuant to section 27-80-107.

24 (8) ~~For the 2021-22 state fiscal year and each state fiscal year~~
25 ~~thereafter, the general assembly shall appropriate one million six hundred~~
26 ~~thousand dollars from the general fund to the BHA to implement the grant~~
27 ~~program. The BHA may use a portion of the money appropriated for the~~

1 ~~grant program to pay the direct and indirect costs of administering the~~
2 ~~grant program.~~

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

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

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

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3/26/25

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LLS NO. 25-0928.01 Megan McCall x4215

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Changes to Money in the Capital Construction Fund

A BILL FOR AN ACT

101 **CONCERNING CHANGES TO THE AMOUNT OF MONEY IN THE CAPITAL**
102 **CONSTRUCTION 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. Under current law, all unappropriated balances in the capital construction fund (fund) and in the information technology capital account, a special account within the fund, (IT subaccount) at the close of any fiscal year must remain in the fund or the IT subaccount, respectively, and do not revert to the general fund. Additionally, all unexpended or unencumbered money from an

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Dashes through the words indicate deletions from existing law.*

appropriation from the fund or the IT subaccount to a state agency or state institution of higher education reverts to the fund or the IT subaccount, as applicable, at the end of the period for which the money is appropriated.

For state fiscal years commencing on or after July 1, 2025, the bill requires that the state treasurer transfer any unappropriated balances in the fund or the IT subaccount or any otherwise unexpended and unencumbered money remaining in the fund or the IT subaccount at the end of a fiscal year to the general fund. Further, the bill requires that, for state fiscal years commencing on or after July 1, 2025, all unexpended or unencumbered money from an appropriation from the fund or the IT subaccount to a state agency or state institution of higher education reverts to the general fund at the end of the period for which the money is appropriated.

The bill also requires that the following transfers be made by the state treasurer on July 1, 2025:

- \$129,498,033 from the general fund to the fund;
- \$500,000 from the general fund exempt account of the general fund to the fund;
- \$20,557,433 from the general fund to the IT subaccount;
- and
- \$3,230,000 from the marijuana tax cash fund to the IT subaccount.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-302, **amend**
3 (1)(a), (2)(tt), (2)(uu), (2.3)(o), (2.3)(p), (2.5)(r), (2.5)(s), (3.7)(a), and
4 (13); and **add** (2)(vv), (2.3)(q), and (2.5)(t) as follows:

5 **24-75-302. Capital construction fund - capital assessment fees**
6 **- calculation - information technology capital account.** (1) (a) There
7 ~~is hereby created~~ The capital construction fund IS CREATED. The fund
8 consists of ~~moneys~~ MONEY transferred to the fund by the general
9 assembly and ~~moneys~~ MONEY credited to the fund pursuant to section
10 24-30-1310. ~~Moneys~~ MONEY in the capital construction fund may be
11 appropriated for capital construction, capital renewal, controlled
12 maintenance, or state highway reconstruction, repair, and maintenance

1 projects as requested pursuant to section 43-1-113 (2.5); ~~C.R.S.~~; except
2 that any ~~moneys~~ MONEY transferred to the capital construction fund for
3 state highway reconstruction, repair, and maintenance projects may only
4 be appropriated for such projects. The appropriation for projects must be
5 set forth in a single line item as a total sum. FOR STATE FISCAL YEARS
6 COMMENCING ON OR BEFORE JULY 1, 2024, all unappropriated balances in
7 the fund at the close of any fiscal year must remain in the fund and may
8 not revert to the general fund. FOR STATE FISCAL YEARS COMMENCING ON
9 OR AFTER JULY 1, 2025, THE STATE TREASURER SHALL TRANSFER ANY
10 UNAPPROPRIATED BALANCES IN THE FUND OR ANY OTHERWISE
11 UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND AT
12 THE END OF A FISCAL YEAR TO THE GENERAL FUND. All unexpended or
13 unencumbered ~~moneys~~ MONEY from a capital construction fund
14 appropriation to a state agency or state institution of higher education for
15 ~~any fiscal year~~ reverts, FOR STATE FISCAL YEARS COMMENCING ON OR
16 BEFORE JULY 1, 2024, to the capital construction fund, AND, FOR STATE
17 FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2025, TO THE GENERAL
18 FUND at the end of the period for which the ~~moneys~~ ~~are~~ MONEY IS
19 appropriated. Except as provided in sections 2-3-1304 (1)(a.5) and
20 24-30-1303.7 (1), ~~C.R.S.~~; no portion of the unexpended balance of a state
21 agency's or state institution of higher education's capital construction fund
22 appropriation may be used by the state agency or the state institution of
23 higher education for any additional projects that are beyond the scope or
24 design of the original project without further approval by the capital
25 development committee of such additional project. Anticipation warrants
26 or checks may be issued against the revenues of the fund as provided by
27 law. Except as provided in subsection (7) of this section, all interest

1 earned from the investment of ~~moneys~~ MONEY in the capital construction
2 fund must remain in the fund and become a part thereof.

3 (2) The controller shall transfer a sum as specified in this
4 subsection (2) from the general fund to the capital construction fund as
5 money becomes available in the general fund during the fiscal year
6 beginning on July 1 of the fiscal year in which the transfer is made or on
7 the date otherwise specified for the transfer. Transfers between funds
8 pursuant to this subsection (2) are not appropriations subject to the
9 limitations of section 24-75-201.1. The amounts transferred pursuant to
10 this subsection (2) are as follows:

11 (tt) On April 1, 2024, eighteen million nine hundred seventy-one
12 thousand one hundred dollars; ~~and~~

13 (uu) On July 1, 2024, one hundred sixty-two million seven
14 hundred seventy-eight thousand two hundred eighty-five dollars; AND

15 (vv) ON JULY 1, 2025, ONE HUNDRED TWENTY-NINE MILLION FOUR
16 HUNDRED NINETY-EIGHT THOUSAND THIRTY-THREE DOLLARS.

17 (2.3) In addition to the sums transferred pursuant to subsections
18 (2) and (2.5) of this section, the state treasurer and the controller shall
19 transfer a sum as specified in this subsection (2.3) from the general fund
20 to the information technology capital account created in subsection (3.7)
21 of this section as money becomes available in the general fund during the
22 fiscal year beginning on July 1 of the fiscal year in which the transfer is
23 made or on April 1 of the fiscal year if otherwise specified. Transfers
24 between funds pursuant to this subsection (2.3) are not appropriations
25 subject to the limitations of section 24-75-201.1. The amounts transferred
26 pursuant to this subsection (2.3) are as follows:

27 (o) On July 1, 2023, sixty-three million nine hundred thirteen

1 thousand nine hundred eighty-eight dollars; ~~and~~

2 (p) On July 1, 2024, seventy million eight hundred eleven
3 thousand three hundred thirty-four dollars; AND

4 (q) ON JULY 1, 2025, TWENTY MILLION FIVE HUNDRED
5 FIFTY-SEVEN THOUSAND FOUR HUNDRED THIRTY-THREE DOLLARS.

6 (2.5) In addition to the sums transferred pursuant to subsections
7 (2) and (2.3) of this section, the state treasurer and the controller shall
8 transfer a sum as specified in this subsection (2.5) from the general fund
9 exempt account of the general fund created pursuant to section
10 24-77-103.6 to the capital construction fund as money becomes available
11 in the general fund exempt account during the fiscal year beginning on
12 July 1 of the fiscal year in which the transfer is made. Transfers between
13 funds pursuant to this subsection (2.5) are not appropriations subject to
14 the limitations of section 24-75-201.1. The amounts transferred pursuant
15 to this subsection (2.5) are as follows:

16 (r) On July 1, 2023, five hundred thousand dollars; ~~and~~

17 (s) On July 1, 2024, five hundred thousand dollars; AND

18 (t) ON JULY 1, 2025, FIVE HUNDRED THOUSAND DOLLARS.

19 (3.7) (a) There is ~~hereby~~ created a special account within the
20 capital construction fund established pursuant to subsection (1) of this
21 section to be known as the information technology capital account. The
22 account consists of any money appropriated or transferred to the account
23 by the general assembly. The general assembly may appropriate money
24 in the account for information technology projects. The appropriation for
25 information technology projects must be set forth in a single line item as
26 a total sum. FOR STATE FISCAL YEARS COMMENCING ON OR BEFORE JULY
27 1, 2024, all unappropriated balances in the account at the close of any

1 fiscal year remain in the account and do not revert to the general fund.
2 FOR STATE FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2025, THE
3 STATE TREASURER SHALL TRANSFER ANY UNAPPROPRIATED BALANCES IN
4 THE ACCOUNT OR ANY OTHERWISE UNEXPENDED AND UNENCUMBERED
5 MONEY REMAINING IN THE ACCOUNT AT THE END OF A FISCAL YEAR TO THE
6 GENERAL FUND. All unexpended or unencumbered money from an
7 information technology capital account appropriation to a state agency or
8 state institution of higher education for any fiscal year reverts, FOR STATE
9 FISCAL YEARS COMMENCING ON OR BEFORE JULY 1, 2024, to the account,
10 AND, FOR STATE FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2025,
11 TO THE GENERAL FUND at the end of the period for which the money is
12 appropriated. No portion of the unexpended balance of a state agency's or
13 state institution of higher education's information technology capital
14 account appropriation may be used by the state agency or the state
15 institution of higher education for any additional projects that are beyond
16 the scope or design of the original project without further approval by the
17 joint technology committee of the additional project. Anticipation
18 warrants or checks may be issued against the revenues of the account as
19 provided by law. All interest earned from the investment of money in the
20 account must remain in and become part of the account.

21 (13) The fund includes money transferred pursuant to sections
22 24-33.5-706 (4.7), **39-28.8-501 (4.7)**, and 39-29-109.3 (10).

23 **SECTION 2.** In Colorado Revised Statutes, 39-28.8-501, **amend**
24 (4.7)(b); and **add** (4.7)(c) as follows:

25 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
26 **- legislative declaration - repeal.** (4.7) (b) This subsection (4.7) is
27 repealed, effective ~~July 1, 2025~~ JULY 1, 2026.

1 (c) ON JULY 1, 2025, THE STATE TREASURER SHALL TRANSFER
2 THREE MILLION TWO HUNDRED THIRTY THOUSAND DOLLARS FROM THE
3 FUND TO THE INFORMATION TECHNOLOGY CAPITAL ACCOUNT OF THE
4 CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302 (3.7)(a).

5 **SECTION 3. 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.

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

DRAFT
3/25/25

DRAFT

LLS NO. 25-1023.01 Megan McCall x4215

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Changes to Money in the Marijuana Tax Cash Fund

A BILL FOR AN ACT

101 CONCERNING CHANGES TO MONEY IN THE MARIJUANA TAX 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. Under current law, the general assembly is required to annually appropriate \$3 million from the marijuana tax cash fund (fund) to the board of regents of the university of Colorado for the implementation of the medication-assisted treatment expansion pilot program (program). For state fiscal years commencing on and after July 1, 2025, the bill ends the requirement to annually appropriate \$3 million but allows the general assembly to choose to appropriate money for the implementation of the program.

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

Additionally, current law requires \$20 million to be transferred from the fund to the public school capital construction assistance fund on June 1, 2026. The bill repeals this required transfer.

Finally, under current law, 10% the proceeds of all money collected from the retail marijuana sales tax (tax revenue) are apportioned to local governments with the state retaining 90%. Of the retained 90%, the tax revenue is further apportioned between the general fund, the fund, and the state public school fund. The bill changes the apportionment between the state and local governments so that local governments receive 5% of the tax revenue and the state retains 95% of the tax revenue. The 5% increase of the tax revenue that the state retains is apportioned only to the fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, 23-21-808, **amend**
3 (1)(a) as follows:

4 **23-21-808. Funding for pilot program.** (1) (a) (I) For state fiscal
5 year 2021-22, and each state fiscal year thereafter BEFORE STATE FISCAL
6 YEAR 2025-26, the general assembly shall annually appropriate three
7 million dollars per fiscal year from the marijuana tax cash fund created
8 in section 39-28.8-501 to the board of regents of the university of
9 Colorado, for allocation to the center to implement and administer the
10 MAT expansion pilot program. The center may use a portion of the
11 money annually appropriated for the pilot program to pay the direct and
12 indirect costs that the center incurs to administer the pilot program, as
13 well as to provide consulting services to and oversight of grant recipients,
14 for data collection and analysis, evaluation of the pilot program, and
15 program reporting.

16 (II) FOR STATE FISCAL YEARS COMMENCING ON OR AFTER JULY 1,
17 2025, THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY FOR THE
18 PURPOSES SET FORTH IN SUBSECTION (1)(a)(I) OF THIS SECTION AND IN
19 ACCORDANCE WITH THIS SECTION.

1 **SECTION 2.** In Colorado Revised Statutes, 39-28.8-501, **amend**
2 (4.8)(a); and **repeal** (4.8)(c) as follows:

3 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
4 **- legislative declaration - repeal.** (4.8) The state treasurer shall transfer
5 from the fund to the public school capital construction assistance fund
6 created in section 22-43.7-104:

7 (a) Fifty million dollars on June 1, 2022. ~~and~~

8 (c) ~~Twenty million dollars on June 1, 2026.~~

9 **SECTION 3.** In Colorado Revised Statutes, 39-28.8-203, **amend**
10 (1) introductory portion, (1)(a)(I), and (1)(b)(I.5) introductory portion;
11 and **add** (1)(b)(I.6) as follows:

12 **39-28.8-203. Disposition of collections - definitions.** (1) The
13 proceeds of all money collected from the retail marijuana sales tax are
14 initially credited to the old age pension fund created in section 1 of article
15 XXIV of the state constitution in accordance with ~~paragraphs (a) and (f)~~
16 ~~of section 2~~ SECTIONS (2)(a) AND (2)(f) of article XXIV of the state
17 constitution and thereafter are transferred to the general fund in
18 accordance with section 7 of article XXIV of the state constitution. For
19 each fiscal year in which a tax is collected pursuant to this part 2, an
20 amount shall be appropriated or distributed from the general fund as
21 follows:

22 (a) (I) Before July 1, 2017, an amount equal to fifteen percent of
23 the gross retail marijuana sales tax revenue collected by the department
24 is apportioned to local governments. On and after July 1, 2017, BUT
25 BEFORE JULY 1, 2025, an amount equal to ten percent of the gross retail
26 marijuana sales tax revenue collected by the department is apportioned to
27 local governments. ON AND AFTER JULY 1, 2025, AN AMOUNT EQUAL TO

1 FIVE PERCENT OF THE GROSS RETAIL MARIJUANA SALES TAX REVENUE
2 COLLECTED BY THE DEPARTMENT IS APPORTIONED TO LOCAL
3 GOVERNMENTS. The city or town share is apportioned according to the
4 percentage that retail marijuana sales tax revenue collected by the
5 department within the boundaries of the city or town bear to the total
6 retail marijuana sales tax revenue collected by the department. The county
7 share is apportioned according to the percentage that retail marijuana
8 sales tax revenue collected by the department in the unincorporated area
9 of the county bear to total retail marijuana sales tax revenue collected by
10 the department.

11 (b) (I.5) On and after July 1, 2018, BUT BEFORE JULY 1, 2025, of
12 the ninety percent of the gross retail marijuana sales tax revenue in the
13 general fund remaining after the allocation to local governments required
14 by subsection (1)(a)(I) of this section is made, the state treasurer shall
15 retain fifteen and fifty-six one-hundredths percent in the general fund for
16 use for any lawful purpose and shall transfer from the general fund:

17 (I.6) ON AND AFTER JULY 1, 2025, OF THE NINETY-FIVE PERCENT
18 OF THE GROSS RETAIL MARIJUANA SALES TAX REVENUE IN THE GENERAL
19 FUND REMAINING AFTER THE ALLOCATION TO LOCAL GOVERNMENTS
20 REQUIRED BY SUBSECTION (1)(a)(I) OF THIS SECTION IS MADE, THE STATE
21 TREASURER SHALL RETAIN FOURTEEN AND SEVENTY-FOUR
22 ONE-HUNDREDTHS PERCENT IN THE GENERAL FUND FOR USE FOR ANY
23 LAWFUL PURPOSE AND SHALL TRANSFER FROM THE GENERAL FUND:

24 (A) SEVENTY-THREE AND THIRTY-FOUR ONE-HUNDREDTHS
25 PERCENT TO THE MARIJUANA TAX CASH FUND; AND

26 (B) ELEVEN AND NINETY-TWO ONE-HUNDREDTHS PERCENT TO THE
27 STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114 (1) FOR USE

1 AS SPECIFIED IN SECTION 22-54-139 (3).

2 **SECTION 4.** In Colorado Revised Statutes, 22-43.7-104, **amend**
3 (2)(g) 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.** (2) (g) The
7 assistance fund includes ~~seventy~~ FIFTY million dollars, which the state
8 treasurer is required to transfer from the marijuana tax cash fund created
9 in section 39-28.8-501 (1) ~~in two installments, with the first~~ on June 1,
10 2022, ~~and the second on June 1, 2024~~, pursuant to section 39-28.8-501
11 (4.8).

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.

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

DRAFT
3/26/25

DRAFT

LLS NO. 25-0932.01 Alana Rosen x2606

SENATE BILL

SENATE SPONSORSHIP

Bridges and Kirkmeyer, Amabile

HOUSE SPONSORSHIP

Bird and Taggart, Sirota

BILL TOPIC: Tuition Waiver & Colorado National Guard Members

A BILL FOR AN ACT

101 CONCERNING TUITION WAIVERS FOR MEMBERS OF THE COLORADO
102 NATIONAL GUARD.

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 changes the tuition assistance program for eligible members of the Colorado National Guard (member) to a tuition waiver program (program). The bill allows a member, upon being accepted for enrollment at a designated institution of higher education (institution), to pursue studies that lead to a postgraduate degree, a bachelor's degree, an associate degree, or a certificate 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.*

completion with all tuition waived. For a member, the tuition waiver must not exceed more than 65 credit hours at a designated 2-year institution of higher education and no more than 130 credit hours at a designated 4-year institution of higher education; except that the total credit hours for a member who attends both a 2-year institution and a 4-year institution must not exceed more than 145 credit hours. The department of military and veterans affairs (department) shall administer the program.

In order to qualify for the program, a member must:

- Be accepted by an institution;
- Be in good standing with the Colorado National Guard; and
- Complete a Colorado application for state financial aid or a free application for federal student aid.

Each institution shall determine if a member enrolled with the institution remains in satisfactory academic standing in accordance with the academic policies of the institution and is making progress toward the completion of the requirements of the education program in which the member is enrolled. If the institution finds that the member is not in satisfactory academic standing in accordance with the academic policies of the institution or is not making progress toward the completion of a degree, the member must reimburse the department for the amount of the tuition waived for that academic term.

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

2 **SECTION 1.** In Colorado Revised Statutes, 23-7.4-302, **amend**
3 (1), (6), (7), and (9)(a); **repeal** (5); and **repeal and reenact, with**
4 **amendments**, (2) and (3) as follows:

5 **23-7.4-302. Tuition waiver for members of the National Guard**
6 **- rules - fund - legislative declaration - definitions - repeal.** (1) The
7 general assembly recognizes its responsibility for the establishment and
8 maintenance of a strong, well-trained, and high-spirited National Guard.
9 The encouragement of membership in the guard through the granting of
10 ~~reduced or~~ free tuition at certain institutions of postsecondary education
11 simultaneously expresses a commitment to a part of this responsibility
12 and supports existing institutions, carrying out a policy of maintaining
13 reasonable access to quality education as broadly in this state as possible.

1 The general assembly hereby finds and declares that the establishment of
2 a tuition assistance WAIVER program will encourage enlistments, enhance
3 the knowledge and skills of the National Guard, and retain membership
4 in the National Guard.

5 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 (a) "DESIGNATED INSTITUTION OF HIGHER EDUCATION" MEANS:

8 (I) ADAMS STATE UNIVERSITY;

9 (II) COLORADO STATE UNIVERSITY;

10 (III) COLORADO STATE UNIVERSITY - GLOBAL CAMPUS;

11 (IV) COLORADO STATE UNIVERSITY - PUEBLO;

12 (V) COLORADO MESA UNIVERSITY;

13 (VI) METROPOLITAN STATE UNIVERSITY OF DENVER;

14 (VII) FORT LEWIS COLLEGE;

15 (VIII) WESTERN COLORADO UNIVERSITY;

16 (IX) UNIVERSITY OF NORTHERN COLORADO;

17 (X) UNIVERSITY OF COLORADO AT BOULDER;

18 (XI) UNIVERSITY OF COLORADO AT DENVER;

19 (XII) UNIVERSITY OF COLORADO AT COLORADO SPRINGS;

20 (XIII) UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER;

21 (XIV) COLORADO SCHOOL OF MINES;

22 (XV) COMMUNITY COLLEGES THAT ARE GOVERNED BY THE STATE
23 BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION;

24 (XVI) AN AREA TECHNICAL COLLEGE; AND

25 (XVII) A LOCAL DISTRICT COLLEGE.

26 (b) "MEMBER" MEANS AN ENLISTED MEMBER OR OFFICER OF THE
27 COLORADO NATIONAL GUARD.

1 (3) (a) SUBJECT TO ANNUAL APPROPRIATIONS, A PERSON WHO IS A
2 MEMBER OF THE COLORADO NATIONAL GUARD, UPON BEING ACCEPTED
3 FOR ENROLLMENT AT A DESIGNATED INSTITUTION OF HIGHER EDUCATION,
4 MAY PURSUE STUDIES THAT LEAD TO A POSTGRADUATE DEGREE, A
5 BACHELOR'S DEGREE, AN ASSOCIATE DEGREE, OR A CERTIFICATE OF
6 COMPLETION WITH ALL TUITION WAIVED. FOR A MEMBER, THE TUITION
7 WAIVER MUST NOT EXCEED MORE THAN SIXTY-FIVE CREDIT HOURS AT A
8 DESIGNATED TWO-YEAR INSTITUTION OF HIGHER EDUCATION AND NO
9 MORE THAN ONE HUNDRED THIRTY CREDIT HOURS AT A DESIGNATED
10 FOUR-YEAR INSTITUTION OF HIGHER EDUCATION; EXCEPT THAT THE TOTAL
11 CREDIT HOURS FOR A MEMBER WHO ATTENDS BOTH A DESIGNATED
12 TWO-YEAR AND A DESIGNATED FOUR-YEAR INSTITUTION OF HIGHER
13 EDUCATION MUST NOT EXCEED MORE THAN ONE HUNDRED FORTY-FIVE
14 CREDIT HOURS. THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
15 SHALL ADMINISTER THE TUITION WAIVER PROGRAM.

16 (b) (I) TO PREVENT HARDSHIP TO A DESIGNATED INSTITUTION OF
17 HIGHER EDUCATION, IF THERE IS A SIGNIFICANT INCREASE IN THE MEMBER
18 ENROLLMENT IN THE TUITION WAIVER PROGRAM, THE NUMBER OF
19 MEMBERS ATTENDING WITH A TUITION WAIVER MUST NOT EXCEED THE
20 GREATER OF:

21 (A) A TWENTY-FIVE PERCENT INCREASE IN MEMBER ENROLLMENT
22 IN A DESIGNATED INSTITUTION OF HIGHER EDUCATION COMPARED TO THE
23 MEMBER CALCULATION DESCRIBED IN SUBSECTION (3)(b)(II) OF THIS
24 SECTION; OR

25 (B) MORE THAN FIVE ADDITIONAL MEMBERS ENROLLED IN A
26 DESIGNATED INSTITUTION OF HIGHER EDUCATION COMPARED TO THE
27 MEMBER CALCULATION DESCRIBED IN SUBSECTION (3)(b)(II) OF THIS

1 SECTION.

2 (II) FOR EACH DESIGNATED INSTITUTION OF HIGHER EDUCATION,
3 THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS SHALL DETERMINE
4 THE BASE MEMBER ENROLLMENT DESCRIBED IN SUBSECTION (3)(b)(I)(A)
5 OR (3)(b)(I)(B) OF THIS SECTION BY CALCULATING THE AVERAGE FALL
6 SEMESTER MEMBER ENROLLMENT AT THE DESIGNATED INSTITUTION OF
7 HIGHER EDUCATION FOR THE PREVIOUS THREE FALL SEMESTERS. THE
8 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS, IN CONSULTATION
9 WITH DESIGNATED INSTITUTIONS OF HIGHER EDUCATION, SHALL ADOPT
10 RULES TO DETERMINE HOW TO SELECT MEMBERS TO PARTICIPATE IN THE
11 TUITION WAIVER PROGRAM IF A SIGNIFICANT INCREASE IN MEMBER
12 ENROLLMENT IN THE TUITION WAIVER PROGRAM OCCURS PURSUANT TO
13 SUBSECTION (3)(b)(I) OF THIS SECTION.

14 (III) THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
15 SHALL DETERMINE COMMUNITY COLLEGE MEMBER ENROLLMENT CAPS FOR
16 EACH COMMUNITY COLLEGE. THE DEPARTMENT OF MILITARY AND
17 VETERANS AFFAIRS SHALL PROVIDE FUNDS TO THE STATE BOARD OF
18 COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION FOR TUITION
19 WAIVERS. THE STATE BOARD OF COMMUNITY COLLEGES AND
20 OCCUPATIONAL EDUCATION SHALL DISTRIBUTE THE FUNDS TO EACH
21 COMMUNITY COLLEGE IN WHICH A MEMBER IS ENROLLED.

22 (IV) (A) THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
23 MAY REQUEST ADJUSTMENTS TO THE ANNUAL APPROPRIATION BASED ON
24 CHANGES TO COLORADO NATIONAL GUARD MEMBER ENROLLMENT AND
25 CHANGES TO THE COST OF TUITION.

26 (B) IF THE DIFFERENCE BETWEEN THE CALCULATED TUITION AND
27 THE ANNUAL APPROPRIATION IS LESS THAN TWENTY-FIVE PERCENT, THE

1 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS MAY PRORATE
2 FUNDING AND DISTRIBUTE FUNDS TO EACH DESIGNATED INSTITUTION OF
3 HIGHER EDUCATION PROPORTIONATELY.

4 (C) IF THE DIFFERENCE BETWEEN THE CALCULATED TUITION AND
5 THE ANNUAL APPROPRIATION IS MORE THAN TWENTY-FIVE PERCENT, THE
6 TUITION WAIVER PROGRAM IS SUSPENDED AND THE DESIGNATED
7 INSTITUTIONS OF HIGHER EDUCATION SHALL DISTRIBUTE THE REMAINING
8 TUITION WAIVER FUNDS ON A FIRST-COME, FIRST-SERVE BASIS TO
9 MEMBERS UNTIL THE TUITION WAIVER FUNDS ARE EXHAUSTED.

10 (c) THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS SHALL
11 ESTABLISH CRITERIA FOR MEMBERS WHO ATTEND POSTGRADUATE DEGREE
12 PROGRAMS.

13 (d) IN ORDER TO QUALIFY FOR THE TUITION WAIVER PROGRAM
14 AUTHORIZED BY THIS SECTION, A MEMBER MUST:

15 (I) BE ACCEPTED BY A DESIGNATED INSTITUTION OF HIGHER
16 EDUCATION;

17 (II) BE IN GOOD STANDING WITH THE COLORADO NATIONAL
18 GUARD; AND

19 (III) COMPLETE A COLORADO APPLICATION FOR STATE FINANCIAL
20 AID OR A FREE APPLICATION FOR FEDERAL STUDENT AID.

21 (5) ~~For each individual member of the Colorado National Guard~~
22 ~~who is a continuing student and who is receiving tuition assistance as~~
23 ~~provided in this section, the department of military and veterans affairs~~
24 ~~shall obtain certification from the designated institution of higher~~
25 ~~education prior to the payment to the institution attesting to the member's~~
26 ~~current satisfactory academic standing at the designated institution of~~
27 ~~higher education, as determined by military regulations promulgated~~

1 ~~pursuant to subsection (7) of this section, for each semester or quarter for~~
2 ~~which tuition assistance is requested. Tuition assistance shall not be~~
3 ~~granted without such certification.~~ EACH DESIGNATED INSTITUTION OF
4 HIGHER EDUCATION SHALL DETERMINE IF A MEMBER ENROLLED WITH THE
5 DESIGNATED INSTITUTION OF HIGHER EDUCATION REMAINS IN
6 SATISFACTORY ACADEMIC STANDING IN ACCORDANCE WITH THE
7 ACADEMIC POLICIES OF THE DESIGNATED INSTITUTION OF HIGHER
8 EDUCATION AND IS MAKING PROGRESS TOWARD THE COMPLETION OF THE
9 REQUIREMENTS OF THE EDUCATION PROGRAM IN WHICH THE MEMBER IS
10 ENROLLED. IF THE DESIGNATED INSTITUTION OF HIGHER EDUCATION FINDS
11 THAT THE MEMBER IS NOT IN SATISFACTORY ACADEMIC STANDING IN
12 ACCORDANCE WITH THE ACADEMIC POLICIES OF THE DESIGNATED
13 INSTITUTION OF HIGHER EDUCATION OR IS NOT MAKING PROGRESS TOWARD
14 THE COMPLETION OF THE REQUIREMENTS OF THE EDUCATION PROGRAM IN
15 WHICH THE MEMBER IS ENROLLED, THE MEMBER MUST REIMBURSE THE
16 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS PURSUANT TO
17 SUBSECTION (6) OF THIS SECTION.

18 (6) Any member who leaves the Colorado National Guard in
19 violation of the member's agreement under subsection (2) of this section
20 during an academic term for which the member is receiving tuition
21 assistance is required to repay to the department of military and veterans
22 affairs the amount of tuition ~~assistance~~ WAIVER granted for that academic
23 term and any and all collection fees incurred by the department of military
24 and veterans affairs. The repayment of tuition assistance ~~shall~~ MUST be
25 credited to the Colorado National Guard tuition fund created in
26 subsection (9) of this section.

27 (7) The department of military and veterans affairs shall

1 ~~promulgate military regulations for the administration of tuition~~
2 ~~assistance as provided in this section including, but not limited to, the~~
3 ~~following:~~ ADOPT RULES TO CERTIFY MEMBER ELIGIBILITY AT THE
4 REQUEST OF A DESIGNATED INSTITUTION OF HIGHER EDUCATION, TO
5 COMMUNICATE MEMBER ELIGIBILITY TO THE DESIGNATED INSTITUTION OF
6 HIGHER EDUCATION, AND TO ADMINISTER THE TUITION WAIVER PROGRAM
7 PURSUANT TO THIS SECTION.

8 (a) ~~Criteria for the eligibility of a member of the National Guard~~
9 ~~for tuition assistance. In establishing this criteria, the department of~~
10 ~~military and veterans affairs shall include, but not be limited to,~~
11 ~~consideration of the following:~~

12 (I) ~~The member's past service and record, if any, in the National~~
13 ~~Guard;~~

14 (II) ~~An evaluation of the member's commitment to future service~~
15 ~~in the National Guard;~~

16 (III) ~~The member's military record, if any, including the member's~~
17 ~~achievements and whether the member has been honorably discharged;~~

18 (IV) ~~The benefit to the National Guard by having such an~~
19 ~~individual as a member;~~

20 (V) ~~Financial need, merit, or talent;~~

21 (b) ~~Procedures to be followed by designated institutions of higher~~
22 ~~education in reporting the member's academic standing and in providing~~
23 ~~timely billing to the department of military and veterans affairs;~~

24 (c) ~~A definition of satisfactory academic standing, including, but~~
25 ~~not limited to, consideration of the member's cumulative grade point~~
26 ~~average, credit hours completed, and progress toward a degree.~~

27 (9) (a) ~~There is created in the state treasury The Colorado National~~

1 Guard tuition fund ~~which~~ IS CREATED IN THE STATE TREASURY AND IS
2 administered by the department of military and veterans affairs. ~~and~~
3 ~~which consists of all~~ THE TUITION FUND CONSISTS OF money that ~~may be~~
4 IS appropriated ~~thereto~~ by the general assembly or that is otherwise ~~made~~
5 available to it by the general assembly. Money "otherwise made
6 available" includes any repayment of tuition ~~assistance~~ WAIVERS made
7 pursuant to subsection (6) of this section. The money in the fund is
8 continuously appropriated for the payment of tuition ~~assistance~~ WAIVERS
9 as ~~provided~~ DESCRIBED in this section. Any money not expended at the
10 end of the fiscal year remains in the fund and ~~shall not be~~ IS NOT
11 transferred to or ~~revert~~ REVERTED to the general fund of the state.

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.