



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](#)

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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

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### *Department of Public Health and Environment*

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MARCH 18, 2025

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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 Repeal of part.** THIS PART 1 IS REPEALED, EFFECTIVE  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  
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STATE OF COLORADO

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3/26/25

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LLS NO. 25-1004.01 Pierce Lively x2059

COMMITTEE BILL

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Joint Budget Committee

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**BILL TOPIC:** Transfer Stationary Sources Control Fund

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**A BILL FOR AN ACT**

101 **CONCERNING THE TRANSFER OF FIVE MILLION DOLLARS FROM THE**  
102 **GENERAL FUND TO THE STATIONARY SOURCES CONTROL FUND.**

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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 requires the state treasurer to transfer \$5 million from the general fund to the stationary sources control fund on July 1, 2025.

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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  
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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

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**BILL TOPIC:** Limited Gaming Fund Distribution

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**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.**

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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 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.

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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, 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.

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*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

<b>FY 2024-25 Transfers (largest to smallest) – these transfers will occur on June 30, 2025</b>			
<b>Analyst</b>	<b>Department</b>	<b>Cash Fund</b>	<b>Transfer Amount - to General Fund</b>
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
<b>Total</b>			<b>\$165,102,663</b>

<b>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</b>			
<b>Analyst</b>	<b>Department</b>	<b>Cash Fund</b>	<b>Transfer Amount - to General Fund</b>
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
<b>Total</b>			<b>\$59,078,410</b>

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

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**BILL TOPIC:** Repeal Statutory Appropriation Requirements

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**A BILL FOR AN ACT**

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

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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 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.

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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)(HH).~~

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

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**BILL TOPIC:** Changes to Money in the Capital Construction Fund

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**A BILL FOR AN ACT**

101 **CONCERNING CHANGES TO THE AMOUNT OF MONEY IN THE CAPITAL**  
102 **CONSTRUCTION FUND.**

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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.** 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.

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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

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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.

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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

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SENATE SPONSORSHIP

Bridges and Kirkmeyer, Amabile

HOUSE SPONSORSHIP

Bird and Taggart, Sirota

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**BILL TOPIC:** Tuition Waiver & Colorado National Guard Members

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A BILL FOR AN ACT

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

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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 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.

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

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

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