



# 2023 END OF SESSION REPORT

May 2023

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The 2023 Legislative Session in Colorado was characterized by a near super majority of democrats, about a third of all legislators being brand new, an ever-present moderate democrat Governor, in-fighting within and between caucuses, and new leadership in the House and most Committees.

Below is a review of issues of importance for Alliance Colorado, as well as a general overview of key policies and politics from the 74<sup>th</sup> General Assembly.

## ALLIANCE COLORADO 2023 SESSION SUMMARY

Alliance had interest in several bills in the 2023 Legislative Session and, as always, worked hard to ensure individuals with IDD, IDD providers, and case management agencies were carefully considered in the development of the Colorado State Budget.

### 2023-2024 State Budget

Alliance Position: Support the Governor's proposed budget, including the extensive funding going to HCBS & IDD targeted rates. Alliance also sought to educate JBC members about the need for increased targeted rates for professional services and behavioral health therapies for individuals with IDD, particularly in pediatric rates.

Status: State budget has been signed by the Governor and Alliance was successful in achieving high-impact budget goals.

Sponsors: Joint Budget Committee Members

- **Summary:** As always, Alliance did a lot of work with the Department of Health Care Policy & Financing (HCPF) prior to the release of the Governor's Nov 1<sup>st</sup> budget to ensure IDD-related issues were addressed as much as possible in the proposed budget. Happily, the Governor's budget included about \$80 million in increased spending for critical HCBS and IDD-related services. For any rates that did not receive a targeted rates increase (which did include professional services and PBT rates, etc), we were successful in getting a 3% common policy rate increase applied. This is the largest common policy rate increase in over a decade. We recognize it's not enough to mitigate the access and sustainability issues we're seeing in those services, but we're excited that some investment was ensured this year as we continue to work on those rates moving forward. Early Intervention services was another place with a lot of activity in the state budget. Ultimately, we were able to preserve \$3.5 million in EI reversion funds to put toward EI workforce development. Lastly, proposed rates for CMAs to operate were initially proposed by the Department. While Alliance's GRACE committee had concerns that the proposed funds will not be sufficient, it was determined by Alliance leadership that we would educate JBC members and staff about the likely inadequacy of the funding but that we would wait to introduce a specific

‘ask’ for these rates until more information is available so that the ask can be more carefully constructed based on true need. Several CCB members pursued this further and were successful in increasing the base allocation for CMA rates, though it’s still expected more will be needed.

The chart below details current and future IDD-related rates based on the 2023-2024 state budget. This was researched and constructed by Ellen Jensby, Alliance’s Senior Director of Public Policy & Operations.

HCBS Rate Increases					“COMMON POLICY” RATE INCREASE	
SERVICE CATEGORY	BASE WAGE INCR.: Outside Denver (\$15.75) (% is weighted average)	BASE WAGE INCR.: Denver (\$17.29) (% is weighted average)	COMMON POLICY INCR.	TARGETED RATE INCREASE	All other Medicaid services Pediatric Behavior Therapies, HCBS Behavioral Services, Massage, Movement, Music Therapies, all other HCBS, etc. State SLS, Family Support Services Program	
Adult Day Services	5.2%	15.7%	+3%	-	3%	
CDASS	3.5%	N/A	+3%	-		
Day Habilitation	3.9%	11%	+3%	-		
Group Residential Services	3.6%	10.1%	+3%	+18.6% avg		
Homemaker	3.1%	5.2%	+3%	-		
Mentorship	1.8%	4.7%	+3%	-		
Non-Med. Transp. (DD/SLS)	8.4%	19.4%	+3%	+48.9% avg		
Personal Care	3.1%	5.4%	+3%	-		
Prevocational Services	4.8%	13.9%	+3%	-		
Individual Residential Services	3.6%	10.1%	+3%	-		
Respite	3.3%	14.7%	+3%	-		
Supported Empl.	2.4%	5.4%	+3%	-		

  

TARGETED CASE MANAGEMENT	
New TCM Rate	Common Policy Incr.
\$149.17 PMPM Effective upon execution of CMA contract	+3% Effective 7/1/23
<i>Note that the current 2.11% temporary enhanced rate for TCM will expire on 6/30/23.</i>	

  

EARLY INTERVENTION
3% common policy funds will be applied to the EI appropriation + \$3.5 million in workforce investments over two years

  

SOURCES
HCPF Budget Requests <a href="#">R-07</a> (provider rates) & <a href="#">R-13</a> (TCM)
Dept. of Early Childhood Request <a href="#">R-10</a>
<a href="#">HCPF Staff Figure Setting Document</a> : Provider rates, etc.
<a href="#">HCPF OCL Staff Figure Setting Document</a> : TCM, etc.
<a href="#">HCPF Base Wage Chart</a>

**HB23-1197, Stakeholder Process For Oversight Of Host Home Providers**

Alliance Position: Monitor

Status: Passed, Awaiting Governor Signature

Sponsors: Reps Young & Weinberg, Sen Danielson

Summary: The bill requires HCPF to engage in a stakeholder process to address concerns and identify viable solutions related to individuals who receive long-term services and supports. No later than January 2025, the bill requires HCPF to report on the stakeholder process, including identifying any administrative resources needed to address any concerns identified during the stakeholder process.

### **HB23-1295, Audits Of Department Of Health Care Policy And Financing Payments To Providers**

Alliance Position: Monitor

Status: Signed by Governor

Sponsors: Joint Budget Committee

Summary: The bill requires the Office of the State Auditor (OSA) to conduct an independent review of the Department of Health Care Policy and Financing's (HCPF) Recovery Audit Contractor Program during FY 2023-24, the entity responsible for clawing back provider payments based on post-payment reviews. Additionally, the OSA must hire a contractor to help pursue policy recommendations available under federal law. On a quarterly basis, the bill requires HCPF to report audit information on its website, conduct trainings for providers, and hold stakeholder meetings regarding audits and reviews. HCPF must also publish contracts with auditors online. Finally, HCPF is required to create a Provider Advisory Group for recovery audits, consisting of membership outlined in the bill, that meets at least quarterly.

### **HB23-1296, Create Task Force Study Rights Persons Disabilities**

Alliance Position: Monitor

Status: Passed, Awaiting Governor Signature

Sponsors: Rep Ortiz and Rep Herod, Sen Winter

Summary: The bill creates the Task Force on the Rights of Coloradans with Disabilities in the Colorado Civil Rights Division (CCRD) in the Department of Regulatory Agencies (DORA). The task force is comprised of at least 15 members, including the Lieutenant Governor, representatives from disability rights advocacy organizations, legal experts, DORA, CCRD, the Department of Local Affairs (DOLA), the Office of Economic Development and International Trade (OEDIT), and the Office of State Planning and Budgeting (OSPB). The bill creates the following issue subcommittees:

- The Subcommittee on the Rewrite and Modernization of the Colorado Revised Statutes Concerning the Civil Rights of Persons with Disabilities (rewrite committee);
- The Subcommittee on Basic Access to the Colorado Outdoors for Persons with Disabilities (outdoors committee);
- The Subcommittee on the Affordability, Accessibility, and Attainability of Housing for Persons with Disabilities (housing subcommittee); and,
- The Subcommittee on Physical and Programmatic Basic Access within State and Local Government for Persons with Disabilities (government subcommittee).

### **SB23-172, Protecting Opportunities And Workers' Rights Act (POWR Act)**

Alliance Position: Monitor

Status: Signed by Governor

Sponsors: Sen Winter and Sen Gonzales, Rep Weissman and Rep Bacon

Summary: The bill redefines harassment in Colorado's anti-discrimination laws as unwelcome conduct or communication related to an individual's membership in a protected class where



submission to the conduct is a condition of the individual's employment, is used as a basis for employment decisions or interferes with the individual's work, or would objectively be offensive to a reasonable person in the same protected class. The bill specifies the following:

- That harassment does not need to be severe or pervasive to constitute a discriminatory or unfair practice;
- That petty slights or annoyances or lack of good manners do not constitute harassment unless it meets the totality of the circumstances and the standards in the bill; and
- Various factors to be considered under the totality of the circumstances.

In addition, the bill makes the following changes to anti-discrimination laws:

- Requires the Civil Rights Division (CCRD) in the Department of Regulatory Agencies (DORA) to include harassment as a type of discrimination or unfair practice on its complaint intake forms;
- Adds protections for individuals based on their marital status;
- Eliminates the ability of an employer to assert that an individual's disability has a significant impact on the job as a rationale for being unable to accommodate an individual who is otherwise qualified for the job;
- Requires employers to preserve records of complaints related to discriminatory or unfair labor practices for at least five years and include certain information in the complaint repository; § specifies that complaint records are not public records and are considered personnel records, with limited exceptions; and
- Establishes an affirmative defense for an employer if the employer meets certain requirements, including a harassment prevention program. A harassment prevention program satisfies the affirmative defense if the employer promptly investigates complaints and takes reasonable remedial actions when warranted.

The bill prohibits a non-disclosure agreement between an employer and an employee from limiting the ability of the employee to discuss or disclose any alleged discriminatory or unfair employment practice, unless certain requirements are met.

### **SB23-261, Direct Care Workforce Stabilization Board**

Alliance Position: Monitor

Status: Signed by Governor

Sponsors: Sen Danielson and Sen Exum, Rep Duran and Rep Willford

Summary: The bill creates the Direct Care Workforce Stabilization Board in the Department of Labor and Employment (CDLE). Board members include representatives from state agencies, direct care suppliers, and direct care consumers. The board must meet by November 15, 2023, and at least quarterly thereafter. The bill requires HCPF to provide data and analysis to the board. By September 1, 2024, and every two years thereafter, the board will make recommendations for direct care working standards. The board is subject to a sunset review effective September 1, 2029. Additionally, the bill places disclosure requirements on direct care employers and prohibits certain retaliatory actions. Alliance submitted comments to the sponsors based on the introduced version of the bill in hopes of seeing amendments to the bill



to ensure discussions by the Board were transparent and included the realities of Medicaid reimbursement challenges and other agency-related barriers to increased DSP payments. Many, though not all, of the requested changes were adopted.

### **SB23-289, Community First Choice Medicaid Benefit**

Alliance Position: Monitor

Status: Signed by Governor

Sponsors: Joint Budget Committee

Summary: The bill creates the Community First Choice (CFC) option under the state Medicaid program and moves several services currently provided under the Home- and Community-Based Services (HCBS) waiver programs to the new CFC option. As a result, the Department of Health Care Policy and Financing (HCPF) can expand access to the services and receive an additional federal match of 6.0 percent for these services, which include, among other things:

- personal care;
- homemaker services;
- health maintenance activities;
- electronic monitoring services; and
- training on selecting, managing, and dismissing an attendant.

The bill specifies that the delivery of these services must be provided through in-home support services, consumer-directed services and supports, and licensed home care services, as applicable. The bill outlines eligibility for the CFC option and requires that Medicaid ensure continuity of support for eligible individuals previously receiving services. HCPF must seek federal approval for approval of the CFC option by July 1, 2025.

## **2023 LEGISLATIVE SESSION IN REVIEW**

Colorado's 74<sup>th</sup> General Assembly came to an acrimonious conclusion on Monday, May 8<sup>th</sup>, after a tumultuous last few weeks, marked by controversial debates, late night committees, and weekend floor work for both chambers.

In the 65-member House 30 representatives were new to the Capitol, many of them young Democratic progressives with limited sense of how the legislature works. In November, Republicans, contrary to some pre-election prognostications, lost seats in both chambers. The remaining 19 GOP House members warned early on that they would make things difficult for the majority. House GOP first-timers included some hard-right representatives, most from El Paso County, who became major players in GOP delaying tactics.

Their warnings came to fruition starting as early as Day One when republican Rep Scott Bottoms nominated himself for House Speaker, despite an overwhelming majority of Democrats occupying the chamber. Typically, the full chamber unanimously backs the nominee from the majority party in a sign of cooperation to start the year. With tradition and decorum set aside so early, it's no surprise that the rest of the session was mired by contrarian behavior in the House. Republicans in the House used the limited tools at the disposal of the Minority party to slow down movement as often as possible, including having bills read at length and threatening hours of debate. House leadership dusted off rarely used rules to limit debate, including using rule 14 for the first time in a decade, and keep the calendar on track as much as possible, much to the frustration of minority members.

House Republicans weren't the only ones creating difficulties for House Democrats. Tension amongst progressives and moderates in the Democrat caucus were evident throughout session and really came to a head the final evening of Session. During recesses Monday evening, a meeting of House Democrats degenerated into a rhetorical assault on Speaker Julie McCluskie, D-Dillon, led by Democratic progressive Rep. Elisabeth Epps of Denver. Democratic women of color accused McCluskie of not defending them enough against floor innuendos from conservative Republicans and hostile social media posts, and of not corralling GOP members more tightly.

Earlier in the session, Democrats pushed through GOP speech making and passed significant bill packages on gun control and protection of reproductive rights. But House progressives had a mixed scorecard, losing bills to ban assault weapons, create "fairer" scheduling for workers and allow cities to permit safe drug injection sites.

The Senate had been largely free of the House Democratic-Republican procedural conflicts this session. But when Republicans threatened to slow things down in the final days of Session, Democratic leaders lowered the hammer and limited debate. That ensured the passage of HB 23-1311, the TABOR refund bill.

Out of the 617 bills introduced in the 2023 Legislative Session, 311 from the House and 306 from the Senate, here are some of the key policies that rose to the top, many of which lawmakers were faced with trying to resolve in just the last few days of session:

**Land use defeat** - The ambitious and much amended land-use bill championed by Gov. Jared Polis died on the last day of the session. The Senate had stripped the top-down, state-control provisions of the original SB23-213. House Democratic progressives restored some of those when they got their hands on the bill. The Senate, anchored by a group of local-control suburban Democrats, refused to give in to the House changes, and the bill died. It was a major defeat for Polis, who typically has had his way with the legislature over the last four years. The governor blamed loss of the bill on “special interests.” A companion bill, HB23-1255, actually passed without controversy. It bans cities from enacting growth limits.

**Property tax relief passes, bitterly** – The second major end-of-session issue was property tax relief. A complicated measure, SB23-303, proposed a reduction of property tax rates with losses of local government revenues to be backfilled with diversion of some Taxpayer’s Bill of Rights surpluses. All of this will have to be approved by voters in November because it requires a change in TABOR refunds. Democrats tweaked amendments to the bill to attract the support of some local governments (i.e. fire districts), drawing rich Republican rhetorical scorn during debate on the final evening of the session. The bill passed the House Monday evening without the no votes of the House’s 19 Republicans, who walked out of the chamber. That’s a first in collective memory of Capitol events. The future of this measure could be a nail-biter, given the difficulties of presenting a very complicated measure to voters. If approved by voters in November, it would retool the property valuation and tax formula for the next decade to blunt the increase in what owners owe; equalize the tax rebates owed to Coloradans next year so lower-income residents receive more money; allow qualified Coloradans to keep their homestead property tax exemption if they move in the state; add money to a rental assistance program; and create a new funding stream for education. It would also up the amount of money the state can keep under the Taxpayer’s Bill of Rights to inflation plus 1%.

**Criminal justice** - The third major debate during the closing days was over HB23-1249. Originally the bipartisan measure proposed raising the minimum age of prosecution from age 10 to age 13. Instead of going into the juvenile justice system youth would be supervised and treated by local organizations called collaborative management programs. The bill was considered over multiple days in the Senate and drew strong opposition from some Republicans. It finally passed Monday morning in a highly amended version that requires data collection about young children and funds collaborative management programs to do more work with youth. A few hours later the House agreed to the amended bill, but not until after sponsor Rep. Serena Gonzales-Gutierrez, D-Denver, passionately excoriated Senate opponents of the bill and co-sponsor Rep. Ryan Armagost, R-Larimer/Weld, gave an emotional speech about needing to continue the work of keeping young children out of the justice system.

Criminal Justice was an active area of legislation throughout the rest of Session as well. Bills of interest that passed include limits on use of restraints in state prisons (HB23-1013), admissibility of juvenile statements when police lie to suspects (HB23-1042), toughening of auto theft laws (SB 23-097), and restrictions on no-knock raids (SB23-254). An effort to create a drug-induced homicide law (SB23-109) failed and house Democrats killed a bill (SB23-158) that would have renewed the Colorado Commission on Criminal And Juvenile Justice.

**Budget** – The full budget package, which includes more than just the long appropriations bill (SB23-214), added up to \$41.4 billion from all fund sources, a 4.2 percent increase. The grand total for General Fund is \$15.42 billion, a 14 percent increase. Projected higher Medicaid costs, 5 percent raises for state employees, a 3 percent increase in provider rates and inflationary costs drove most of the increased spending.

**Education** – Bills of note that passed included a \$41 million increase in special education funding (SB23-099), creation of a task force to study the state accountability system (HB23-1241), a \$27.3 million program to improve math teaching and student performance (HB23-1231), provision of mental health screening in secondary schools (HB23-1003), and banning of corporal punishment in schools and childcare centers. There also were several bills passed that seek to improve adult education and workforce training.

**Elections** – A bill pushed by Senate President Steve Fenberg of Boulder alters the system of state reimbursement for county election costs and makes changes in campaign spending disclosure rules, contribution limits, requirements for polling centers and drop boxes and other changes (SB23-276).

**Environment & energy** – This was another high-interest area this session. Bills that passed dealt with air-quality permits (HB23-1294, much amended), tighter utility regulation of utilities and limits on which rate-case expenses can be passed on to customers (SB23-291), reduction of greenhouse gas emissions (SB23-016), energy standards for appliances (HB23-1161), expanding the role and changing the name of the oil and gas conservation commission (SB23-285), and creation of a task force to study Colorado River issues (SB23-295). Lawmakers also passed a number of wildfire mitigation and suppression bills and approved purchase of a second Fire Hawk helicopter.

**Firearms** – This was the first hot issue of the session. Measures that passed included creation of a waiting period for delivery of firearms purchases (HB23-1219), strengthening the red flag law (SB23-170), increasing the minimum age to buy firearms (SB23-169), making it easier to sue gun manufacturers (SB23-168), and cracking down on “ghost guns (SB23-279). However, a proposed ban on assault weapons failed in committee with bipartisan opposition (HB23-1230).

**Health care costs** – Hospital costs were a major focus in this area and included measures to establish corrective action procedures for hospitals that fail to meet the minimum community investment thresholds (HB23-1243), create some restrictions on hospital outpatient facility fees (HB 23-1215),



increase hospital and medical cost transparency (HB23-1226 and SB23-252), regulation of psychedelic mushrooms (SB 23-290), and cap the interest rate of medical debt to 3 percent (SB23-093).

**Housing** – Beyond the late-breaking land use bill, the legislative calendar was full of other housing measures. A ban on municipal growth limits passed without much controversy (HB23-1255), but a proposal to allow local governments to impose rent controls failed (HB23-1115). There were a variety of renters’ rights bills, including some restrictions on landlords (HB23-1095 and SB23-184), eviction protections (HB23-1120 and HB23-1171), and habitability requirements (HB23-1171).

**Reproductive rights** – The session’s second big controversy after gun control was abortion. Majority Democrats efficiently pushed through bills to expand access to reproductive health services (SB23-189), strengthen legal protections for reproductive health care providers (SB 23-188), and provide stronger regulation of agencies that counsel against abortions. That latter measure is already facing a court challenge.

**School funding** – The annual school finance act (SB23-287) set Total Program Funding (TPF) for school districts at \$9.1 billion, an increase of about \$670 million, funded almost entirely by dramatic increases in local property tax revenues. Base per pupil funding increases by \$598.25, to \$8,076.41, an 8 percent inflation increase. Average per-pupil funding is estimated at \$10,579. On top of TPF, rural districts will receive an additional \$30 million.

## **2023-2024 STATE BUDGET OVERVIEW**

To use a common sports metaphor, this budget cycle may be best described as a “building year.” Five out of the six Joint Budget Committee (JBC) members were new to the Committee by the time they started figure setting. This led to a slower start than usual due to a lot of clarifying questions from JBC members and new, competing priorities during figure setting.

Once they closed the Long Bill in late March, members talked about how well the team worked together and how the leadership style of the Chair, Senator Rachel Zenzinger, helped foster a cohesive team that was able to get up to speed quickly and accomplish what was required in the prescribed timeframes.

On the floor, JBC members called this year’s budget “an implementation budget,” a “get ‘er done budget,” and a “meat and potatoes budget.” They remarked that it may not be a “sexy” one, but emphasized that the budget maintains a 15% reserve, invests in controlled maintenance “over shiny new projects,” and ensures the state emergency reserve is comprised of cash assets with no obligations of state capital assets.

The Committee repeatedly highlighted their desire not to “balance the budget on the backs of students” and a shared goal to eliminate the Budget Stabilization Factor in K-12 as soon as sustainably possible. The Long Bill budgets to current law, and most of the K-12 funding adjustments will happen in the School Finance Act which followed the Long Bill. Members made it clear that they intend to use the State Education Fund to reduce the Budget Stabilization Factor as much as sustainably possible this year.

With respect to Higher Education, the Committee made the decision to allow Institutions of Higher Education to increase their tuition by 5% because they could not find the money to meet the Institution’s full funding request. Members made clear that education will be a strong continued priority for the Committee.

Members creatively adjusted a number of funding requests or came up with alternative funding strategies to refinance priorities like the Building Excellent Schools Today program or the Emergency Rental Assistance Program this session. They also prioritized spending the remaining ARPA funds in an effort to ensure that all federal funding is encumbered within the required timeframes. Various refinances are woven throughout the final budget.

The \$38.5B budget proposed in [SB23-214](#) was ultimately balanced with a 15% reserve.

## **2023-2024 STATE BUDGET HIGHLIGHTS**

- 5% across the board salary increase for state employees, with an additional 3.5% increase for 24/7 staff
- 3% increase for community providers



- \$900 additional dollars per pupil in K-12, while holding the Budget Stabilization Factor flat (note: Committee members have made it clear that they intend to seek a significant buy down of the Budget Stabilization Factor in the School Finance Act using State Education Funds)
- \$137M, or 10.1%, increase for Institutions of Higher Education
- \$322M total funds, including \$165.7M General Fund for preschool services
- \$7,334,441 increase to adjust for the forecasted male prison population
- \$45.6M for State Departments to develop IT Accessibility Adoption Plans
- \$574.2M for Capital projects and IT Capital projects, including funding for Level One and Level Two Controlled Maintenance projects
- Reserves
  - 15% General Fund reserve
  - \$543M in cash assets for the State Emergency Reserve
  - \$111M in the controlled maintenance trust fund
- \$642M in placeholders for 2023 legislation, including the following set asides:
  - \$103M for workforce related legislation
  - \$221M for housing related legislation, including property tax relief
  - \$16M for legislation related to topics other than workforce or housing (see page 4 of the [budget narrative](#) for more details)
  - \$30M for legislator priorities proposed by the General Assembly

### **Successful Amendments to the Long Bill After Conference Committee Consideration**

- \$500K GF to Tony Grampsas Youth Services
- \$2M for SNAP outreach to CDHS
- \$11,727 GF for Civil Air Patrol Operations in the Dept of Military and Veterans Affairs
- \$75K to CDPHE for suicide prevention
- \$4M GF to the Community Crime Victims Grant Program in CDPHE
- \$8M GF to the Crime Victim Services Fund in DPS
- Adds \$500K to CDOT for the CO Wildlife Safe Passages Fund
- \$500K for family planning services
- \$1M for Denver Health and Hospital Authority
- \$2M General Fund to Criminal Justice Diversion Programs in CDHS Behavioral Health Administration to support the expansion of co-responder programs
- \$425K for courthouse furnishings, but for underfunded facilities grant program
- \$500K to the Veterans Assistance Grant Program in the Department of Military and Veterans Affairs
- \$100K to the Wildfire Capacity Mitigation Development Fund in the Dept of Natural Resources, with a footnote that this is for Larimer County
- \$1M General Fund for the Rural Provider Access and Affordability Grant Fund
- \$2M for Victim Assistance and Law Enforcement Fund



- Amendment to shift cash funds approps in the Secretary of State from the business intelligence center line item to the personal services line items and the administration elections and business licensing divisions
- \$10M to the Reinsurance Program Cash Fund
- Addition of the following capital construction projects:
  - 13/9 DOC Sterling Correctional Facilities access controls
  - 16/15 Insectary Greenhouse Repair and Replacement in Dept of Ag
  - 30/12 CDHS Youth Services Safety and Security Risk Mitigation
  - 38/18 DPS/CBI Arvada Toxicology Lab
- Addition of the following IT Capital Projects
  - JTC priority #18 Revenue Licensing and Case Management Software
  - JTC priority #21 Dept of Corrections Human Resources Software

## **OTHER DEPARTMENT HIGHLIGHTS**

### **Agriculture**

- \$238,505 increase for a Western Slope Investigator and Mental Health Contractor for the Bureau of Animal Protection
- \$232,544 increase for a Marketing and Communications Specialist related to Climate and Drought-Smart Commodities
- An \$187,445 increase and 0.9 FTE for an Agricultural Water Advisor

### **Corrections**

- An increase of \$9,064,000 for housing stipends of up to \$1,000 per month for 1,133 staff through February 2024
- A 3.2% non-base-building increase in compensation for key personnel in 24/7 facilities
- An increase of \$7,334,441 General Fund and 0.9 FTE to adjust for the forecasted male prison population
- \$748,278 General Fund and 3.7 FTE for virtual reality career training in career fields like manufacturing, electrical and other trade skills to prepare inmates for job opportunities after prison

### **Early Childhood**

- \$322M total funds, including \$165.7M General Fund for preschool services
- A \$5M increase for Early Intervention services, including \$3.5M for expanding the EI workforce
- \$3,970,154 total funds, including \$3M General Fund and 5 FTE for the Emerging and Expanding Child Care Grant Program

### **Education**

- Increase of \$50M cash grants for the B.E.S.T. Program
- A \$7.5M increase for mill levy equalization for Charter School Institute charter schools



- \$14.8M Cash Funds from the State Education Fund for categorical programs, with a set-aside of an additional \$41.3M from the State Education Fund for increases included in other legislation
- A \$1M General Fund increase for the School Transformation Grant Program for schools which are early “on the clock”
- A reduction for facility schools due to declining enrollment, but a bill in the budget package changes the structure of these schools and provides additional appropriations

## **Governor**

- \$20.3M spending authority for OSPB for distribution of the Infrastructure Investment and Jobs Act Cash Fund
- A net increase of \$17.4M reappropriated funds to OIT related to the implementation of real-time billing
- \$6.3M Reappropriated Funds to continue the work of Secure Colorado
- \$4.5M and 18 FTE to support the growing adoption and expansion of the myColorado app
- \$45.6M for IT accessibility
- \$2.5M for increase in reappropriated funds and 9.2 FTE for a statewide data governance framework
- \$384,519 and 3.3 FTE for OSPB staff to report on emergency funds spending

## **Health Care Policy and Financing**

- 3% community provider rate increase, \$128.8M total funds, including \$42.4M General Funds, for targeted rate adjustments, including for EMT and wage increases for HCBS providers
- An increase of \$14M total funds, including \$7M General Fund, for primary care grants for Federally Qualified Health Centers and other primary care providers where 50% of the patients served are uninsured or medically indigent
- An increase of \$8.7M Total Funds, including \$2.8M General Fund for training and incentives for primary care providers to transition to an Alternative Payment Model
- An increase of \$2.8M total funds, including \$735,028 General Fund to cover a reduced estimate of the savings associated with the APM prescriber tool
- \$12.9M total funds, including \$3.2M General Fund for eligibility redeterminations associated with the ending of the federal continuous eligibility requirement
- \$1.2M total funds, including \$1.5M General Fund to provide one-time costs for Community Centered Board and Single Entry Point Closeout Reviews; increase rates and expand reimbursable activities for case management; provide case management training and learning management system licenses; and provide resources for the new Care/Case management tool
- \$7.3M total funds, including \$976,856 for General Fund for collecting and sharing health care data and to continue development of cost and quality indicators
- \$2.9M total funds, including \$407,886 General Fund and 4.5 FTE for upgrades to the Colorado Benefits Management System
- A \$2.8M increase for IT eligibility systems, including those provided by the Behavioral Health Administration



- \$879,576 total funds, including \$307,595 General Fund for staffing and programs for children with complex and co-occurring needs

## **Higher Education**

- An increase of \$147,584,910 General Fund for public higher education institutions and financial aid - including an increase of \$119,928,082 General Fund for public higher education institutions and financial aid; an increase of \$119,928,082 General Fund contracts reappropriated to the ten state governing boards, with the balance for grants to local district colleges and area technical colleges; and a total of \$27,465,736 for financial aid provided for several programs, as well as \$191,092 to increase stipends for students attending private institutions An increase of \$2,270,583 reappropriated funds for State Assistance for Career and Technical Education
- Increases the College Opportunity Fund (COF) stipend from \$104 per credit hour to \$116 per credit hour via fee-for-service contracts with the institutions
- An increase of \$1M Marijuana Tax Cash Funds for the Institute of Cannabis Research

## **Human Services**

- \$4.7M for non-base building compensation for 24/7 facility staff, including an 8.0 percent adjustment for nurses and a 3.17 percent adjustment for non-nurses
- A \$4.3 million increase for contracted medical staff salaries to improve recruitment and retention of qualified psychiatrists, internal medicine physicians, nurse practitioners, and physician assistants to serve the state hospitals in Pueblo and Fort Logan
- A \$3.7M increase and 1.8 FTE for CBMS upgrades to modernize Public Eligibility and Application Kit (PEAK) and integrate the work number income verification
- A \$2.8M increase and 22.7 FTE to expand staff and capacity in the Forensic Services Division
- A \$2.3M increase and 19.7 FTE to continue implementation of the Behavioral Health Administration
- A \$2.2M increase and 5 FTE to increase housing resources for foster youth and youth committed to the Division of Youth Services (DYS)
- A \$1.6M increase for career education at five Division of Youth Services centers
- A \$1.6M increase for Adult Protective Services
- \$1.1M to provide employment services to at least 300 low-income, non-custodial parents through the Improved Payments and Child Success Program (IMPACS)
- A \$673,898 increase for quality assurance Teams at state hospitals in Pueblo and Fort Logan

## **Judicial**

- A \$17.7M increase for contractor rate increases
- \$3.7M for 35 additional FTE in Courts and Probation
- \$2.4M and 19.3 FTE for 48 hour bond hearings

## **Labor and Employment**

- \$2.2M increase to continue funding for anti-fraud technology and 12 staff in the Unemployment Division
- \$270,508 General Fund to expand disability employment first philosophy, policy and practice across relevant state government agencies
- \$151,359 for 1.0 FTE for an additional compliance investigator as well as resources for translation and interpretation services
- \$159,187 for an additional 2.0 FTE for oversight of critical safety components within the Amusement Rides and Devices Program

## **Department of Law**

- \$507,556 to increase staff capacity for prosecuting organized criminal activity
- \$459,969 to support CDPHE legal needs in Title V Air Permit litigation, oil and gas permitting, general response to complaints, investigations, and systems improvements, and environmental justice
- \$181,839 for staff associated with the Colorado River negotiations
- \$107,268 to increase staff capacity to investigate patterns and practices violations

## **Department of Local Affairs**

- \$1.6M to fund and administer an additional 400 Community Access Team – Transition Services vouchers, which support persons with disabilities that require long-term services and support to transition out of institutions or prevent institutionalization
- \$750K to continue operating the Fort Lyon Supportive Residential Community
- \$422,871 increase for the Manufactured Buildings Program
- \$143,968 for additional staff related to resiliency and disaster recovery

## **Department of Military and Veterans Affairs**

- \$416,356 for resources to address the Sept 2022 Division of Veteran Affairs performance audit
- \$250K increased spending authority for capital improvements in the veterans' community living centers

## **Department of Natural Resources**

- \$5M from the Severance Tax Operational Fund to support the Colorado Strategic Wildfire Action Program
- \$2,560,085 increase to add capacity in response to changes to the Oil & Gas Conservation Commission's (COGCC) mission, including rule changes related to [SB19-181](#)
- \$1,817,864 cash funds to support staff and vehicles at State Parks
- \$1,593,951 increase, including 13.9 FTE, to help navigate the state's negotiating position and implementation of its interstate commitments related to the Colorado River
- \$1,075,419 from the Severance Tax Operational Fund for the Avalanche Information Center
- \$129,750 increase for a GIS Specialist to work on the Colorado Water Plan

## **Department of Personnel and Administration**

- \$8M one-time for state employees to receive professional training outside the State's training services
- \$4.2M and 48.3 FTE for implementation of Article 31.6 of the Colorado WINS Partnership Agreement, including implementation of a pay step plan
- \$900K and 9.9 FTE for additional support with negotiations and implementation of the Colorado WINS Partnership agreement
- \$1.3M increase for capital complex facilities management
- \$467,347 continuation appropriation for the Center for Organizational Effectiveness

## **Department of Public Health and Environment**

- \$3.8M to increase routine immunization rates
- \$2.4M to address the Clean Water Program permitting and Drinking Water Program inspection backlogs
- \$1.2M for the expansion of the Low-Income Radon Mitigation Assistance Program
- \$843,309 to continue the Congenital Syphilis Prevention Pilot Project in Pueblo County and to expand the program into El Paso and Jefferson Counties
- \$412,000 one-time increase for the Dairy Program for inspection fee relief while changes to the fee structure are considered
- \$253,215 for 10,000 annual interviews conducted for the Behavioral Risk Factor Surveillance System
- \$120K increase for Local Public Health Agencies for inspections for retail food establishments, schools and childcare centers

## **Department of Public Safety**

- \$26M in the 2022-23 budget for purchase of a second Firehawk
- \$1.7M cash fund increase for for the personnel and operating expenses related to acquiring a second Firehawk helicopter
- \$1.7M increase for special investigations agents at the Colorado Bureau of Investigation
- \$1.6M increase for Fire Safe Colorado to help identify risk factors and provide education for emergency preparedness
- \$300K increase for the Child Abuse Investigation Hotline
- \$182,288 to implement a domestic violence extremism prevention program in the Department of Homeland Security and Emergency Management
- \$110,638 to develop an inventory of alert systems, assist local governments with alert implementation, and provide assistance with training and public education
- A \$6.7M decrease to reflect the appropriations needs related to SB23-241, which creates the Office of School Safety, the full appropriations for the office will be included in that legislation



## Department of Regulatory Agencies

- \$315,496 for the Colorado Commission for the Deaf, Hard of Hearing and Deafblind Cash Fund
- \$260K for the Prescription Drug Affordability Review Board to analyze prescription-related data

## Department of Revenue

- \$5M increase for self-service lottery vending kiosks and self-updating digital jackpot signs
- \$526,477 increase to implement the federal Horseracing and Safety Act of 2020 and to provide a full time auditor to the Division of Racing Events
- \$360,211 to establish an appointment based call center in the Taxation Services Division
- \$168,305 for Proposition FF (Healthy School Meals for All) implementation

## Department of State

- \$12.6M increase to reimburse counties for election costs related to the 2024 Presidential Primary
- \$609K increase to give the Department additional time to contract with a vendor to update the risk limiting audit software it uses to accommodate instant runoff voting to comply with [HB21-1071](#), Ranked Choice Voting in Nonpartisan Elections

## Department of Treasury

- \$341,892 increase for the Unclaimed Property Division to respond to increasing property claims and returns
- \$50K for continuation of a cybersecurity penetration audit

## Capital Construction

- \$223,361,360 for for capital construction projects, including:
  - \$133.6 million total funds, including \$41.1 million Revenue Loss Restoration Cash Fund for 104 controlled maintenance projects
    - 40 projects for state agencies totaling \$51.6 million; and
    - 64 projects for institutions of higher education totaling \$82.0 million
- \$60,308,481 for IT Capital Projects
- \$500K for capital construction transportation projects

## **FUTURE EXPECTATIONS**

Senate Majority Leader, Dominick Moreno, was quoted saying: “This was a session where we started a lot of conversations. We maybe didn’t quite get around to finishing all of them, but we started the conversation.” As the 2023 Legislative Session came to a close, Democrats were quick to claim victory over wins in reproductive health, gun control, healthcare costs, and more. This quote, however, alludes to the sentiment experienced by many observers of the political process this Session – that a group of democrats with a near super majority did not deliver on the depth of progressive priorities expected of them by voters.

Democrats do get another shot at it prior to the next election, however. This interim will allow legislators and stakeholders more time to develop policy and ramp up efforts moving into the new year. By January when the 2024 Session begins, the thirty or so legislators who were brand new stepping into 2023 will be significantly more practiced in the art of Colorado politics. This could cut several ways - it could mean an increase in thoughtful stakeholder work to streamline policy-making OR it could mean an emphasis on ‘messaging bills’ in order for Democrats to prove themselves going into the 2024 election year. If the end of the 2023 legislative session is any indicator, we may see some changes in how progressives navigate issues with House leadership moving forward. We have yet to see if Democrats will push bold policy ideas in an election year, or if they’ll play it safe in 2024. Conventional wisdom would suggest the latter is more likely, but next year is the first we’ll see of this progressive caucus with more experience under their belt.

Assuming no Lawmakers change parties before next Session (as Senator Kevin Priola did last year), Democrats will continue to lead in the state House, 41 seats to 24, as well as hold the state Senate majority, at 20 seats to 15. Polis will remain in office for several more years, unless he steps aside to pursue his often-prophesied plan of running for President of the United States.

The next revenue forecast is coming up on June 20th which will inform some of the state budget work over the summer; but, as usual, the September revenue forecast will be our most illuminating marker and will be used as the baseline for the Governor’s budget to come out in November.