A BILL FOR AN ACT

CONCERNING LEGISLATIVE ENGAGEMENT IN THE MANAGEMENT OF STATE OPERATIONS.

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.)

Section 1 of the bill establishes a standing meeting on the first Monday in March, July, and November whereby members of the executive committee of the legislative council and the joint budget committee (committees) are able to receive information from the executive branch related to a disaster if the governor has declared a disaster emergency in the last 120 days. During the meeting, the governor
or his or her designee is to appear before the committees to provide information of a comprehensive nature and respond to questions from the committees with respect to the disaster emergency. There is no meeting if there was no disaster emergency declaration since the last meeting date or if a majority of the members of the committees waive the meeting in writing.

The bill requires the governor and any state agency to promptly give notice to the general assembly of the promulgation of any executive order or other order by the governor or the agency, as applicable, issued in connection with the disaster emergency.

Section 2 requires the office of state planning and budgeting to provide quarterly reports to the joint budget committee about the expenditures from the disaster emergency fund (fund) and to post the reports on the office's website. The state auditor is required to conduct or cause to be conducted a performance audit of the fund that is completed on December 1, 2022. Thereafter, the state auditor is required to conduct a biennial financial audit of the fund for the 2 most recently completed fiscal years.

Sections 3 and 11 require the office of state planning and budgeting to prepare quarterly reports of federal funds that the state receives and spends. Section 3 relates to money the state receives related to a disaster emergency and section 11 relates to all other federal funds. Sections 4, 5, 6, 7, 8, and 10 extend the repeal date for the authority to transfer spending authority between line items in specified circumstances from September 1, 2020, to September 1, 2025. Section 9 similarly extends the repeal date for the provision permitting overexpenditures in excess of the amount authorized by an item of appropriation in limited circumstances, including for medicaid programs.

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

SECTION 1. In Colorado Revised Statutes, add part 18 to article 3 of title 2 as follows:

PART 18

RECEIPT OF INFORMATION FROM THE EXECUTIVE BRANCH DURING A DECLARED DISASTER EMERGENCY

2-3-1801. Legislative committees to receive information from the executive branch during a declared disaster emergency - definition. (1) As used in this section, "committees" means the
EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL CREATED IN SECTION 2-3-301 (1) AND THE JOINT BUDGET COMMITTEE CREATED IN SECTION 2-3-201, OR ANY SUCCESSOR COMMITTEES.

(2) Each year, the committees shall hold a joint meeting during the months of March, August, and December if there has been a declaration of a disaster emergency by the governor under Section 24-33.5-704 (4), or any successor section, since the first day of the month for the last required meeting. With respect to any joint meeting of the committees, the requirement to meet may be waived if such waiver is submitted in writing by not less than a majority of the membership of the committees.

(3) During any joint meeting of the committees held in accordance with this part 18, the governor or his or her designee shall appear to provide information of a comprehensive nature and respond to questions from the committees with respect to a current disaster emergency.

(4) The governor and any state agency shall promptly give notice to the general assembly of the promulgation of any executive order or other order by the governor or the agency, as applicable, issued in connection with the disaster emergency.

SECTION 2. In Colorado Revised Statutes, 24-33.5-706, add (7) and (8) as follows:

24-33.5-706. Disaster emergency fund - established - financing - legislative intent - repeal. (7) (a) No later than September 20, 2020, the office of state planning and budgeting shall submit a report to the joint budget committee of the expenditures from the fund during the last twelve months. Notwithstanding
SECTION 24-1-136 (11)(a), NO LATER THAN THE TWENTIETH DAY OF EVERY
THIRD MONTH THEREAFTER, THE OFFICE SHALL SUBMIT A REPORT TO THE
JOINT BUDGET COMMITTEE OF THE EXPENDITURES FROM THE FUND SINCE
THE LAST REPORT. THE OFFICE SHALL SEPARATELY IDENTIFY
EXPENDITURES BY DISASTER, IF THERE IS MORE THAN ONE TO BE INCLUDED
IN THE REPORT, AND, FOR EACH DISASTER, THE OFFICE SHALL IDENTIFY:

(I) AMOUNTS AND SOURCES OF ANY MONEY TRANSFERRED TO THE
FUND RELATED TO THE DISASTER;

(II) TOTAL ENCUMBRANCES FOR DISASTERS AT THE TIME OF THE
DISASTER EMERGENCY DECLARATION;

(III) STATE AGENCIES THAT RECEIVED FUNDS AND AMOUNTS
RECEIVED;

(IV) TOTAL EXPENDITURES BY STATE AGENCY; AND

(V) A BREAKDOWN OF EXPENDITURES.

(b) THE OFFICE OF STATE PLANNING AND BUDGETING SHALL POST
THE REPORTS REQUIRED BY SUBSECTION (7)(a) OF THIS SECTION ON THE
OFFICE’S WEBSITE.

(8) THE STATE AUDITOR SHALL CONDUCT OR CAUSE TO BE
CONDUCTED A PERFORMANCE AUDIT OF THE FUND THAT IS COMPLETED ON
DECEMBER 1, 2022. ON OR BEFORE DECEMBER 1, 2024, AND DECEMBER
1 OF EVERY SECOND YEAR THEREAFTER, THE STATE AUDITOR SHALL
CONDUCT A FINANCIAL AUDIT OF THE FUND FOR THE TWO MOST RECENTLY
COMPLETED FISCAL YEARS AS OF THE DATE OF THE AUDIT REPORT.

SECTION 3. In Colorado Revised Statutes, add 24-33.5-717 as
follows:

24-33.5-717. Reporting of federal funds. (1) NO LATER THAN
SEPTEMBER 20, 2020, THE OFFICE OF STATE PLANNING AND BUDGETING
SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE OF ALL EXPENDITURES OF FEDERAL FUNDS RECEIVED BY THE STATE THAT ARE USED FOR COSTS ASSOCIATED WITH A DISASTER DURING THE LAST TWELVE MONTHS, EXCLUDING ANY FEDERAL FUNDS INCLUDED IN THE REPORT REQUIRED BY SECTION 24-33.5-706 (7). NOTWITHSTANDING SECTION 24-1-136 (11)(a), NO LATER THAN THE TWENTIETH DAY OF EVERY THIRD MONTH THEREAFTER, THE OFFICE SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE OF ALL EXPENDITURES OF FEDERAL FUNDS RECEIVED BY THE STATE THAT ARE USED FOR COSTS ASSOCIATED WITH A DISASTER SINCE THE LAST REPORT, EXCLUDING ANY FEDERAL FUNDS INCLUDED IN THE REPORT REQUIRED BY SECTION 24-33.5-706 (7). THE OFFICE SHALL SEPARATELY IDENTIFY EXPENDITURES BY DISASTER, IF THERE IS MORE THAN ONE IN THE PRIOR FISCAL YEAR, AND, FOR EACH DISASTER, THE OFFICE SHALL IDENTIFY:

(a) STATE AGENCIES THAT RECEIVED FUNDS AND AMOUNTS RECEIVED;
(b) TOTAL EXPENDITURES BY STATE AGENCY; AND
(c) A BREAKDOWN OF EXPENDITURES.

(2) THE OFFICE OF STATE PLANNING AND BUDGETING MAY COMBINE THE REPORT REQUIRED BY THIS SECTION WITH THE REPORT REQUIRED BY SECTION 24-33.5-706 (7).

(3) THE OFFICE OF STATE PLANNING AND BUDGETING SHALL POST THE REPORTS REQUIRED BY THIS SECTION ON THE OFFICE’S WEBSITE.

SECTION 4. In Colorado Revised Statutes, 24-75-105, amend (2) as follows:

24-75-105. Transfers required to implement conditional and centralized appropriations - repeal. (2) This section is repealed,
SECTION 5. In Colorado Revised Statutes, 24-75-106, amend (2) as follows:

24-75-106. Transfers between departments of health care policy and financing and human services for materially similar items of appropriation for medicaid programs - limitation - repeal. (2) This section is repealed, effective September 1, 2020 SEPTEMBER 1, 2025.

SECTION 6. In Colorado Revised Statutes, 24-75-106.5, amend (5) as follows:

24-75-106.5. Transfers between departments of health care policy and financing and human services for corresponding items of appropriation - limitations - repeal. (5) This section is repealed, effective September 1, 2020 SEPTEMBER 1, 2025.

SECTION 7. In Colorado Revised Statutes, 24-75-107, amend (2) as follows:

24-75-107. Cash fund transfers pursuant to sections 24-75-105 and 24-75-106 - repeal. (2) This section is repealed, effective September 1, 2020 SEPTEMBER 1, 2025.

SECTION 8. In Colorado Revised Statutes, 24-75-108, amend (11) as follows:

24-75-108. Intra-departmental transfers between appropriations - repeal. (11) This section is repealed, effective September 1, 2020 SEPTEMBER 1, 2025.

SECTION 9. In Colorado Revised Statutes, 24-75-109, amend (6) as follows:

24-75-109. Controller may allow expenditures in excess of appropriations - limitations - appropriations for subsequent fiscal
year restricted - repeal. (6) The controller may allow overexpenditures pursuant to this section only for the fiscal years beginning on or after July 1, 1998, but prior to July 1, 2020. This section is repealed, effective September 1, 2020.

SECTION 10. In Colorado Revised Statutes, 24-75-110, amend (2) as follows:

24-75-110. Limitation on judicial department - repeal. (2) This section is repealed, effective September 1, 2020.

SECTION 11. In Colorado Revised Statutes, add 24-76-104 as follows:

24-76-104. Reporting of one-time federal funds. (1) No later than September 20, 2020, the Office of State Planning and Budgeting shall submit a report to the Joint Budget Committee of all expenditures of federal funds received by the state during the last twelve months, excluding any federal funds included in the report required by Section 24-33.5-706 (7) or 24-33.5-717. Notwithstanding Section 24-1-136 (11)(a), no later than the twentieth day of every third month thereafter, the Office shall submit a report to the Joint Budget Committee of all expenditures of federal funds received by the state since the last report, excluding any federal funds included in the report required by Section 24-33.5-706 (7) or 24-33.5-717.

(2) The Office of State Planning and Budgeting shall post the reports required by subsection (1) of this section on the Office's website.

(3) The report required by this section is in addition to the reporting requirement set forth in Section 24-76-102.
SECTION 12. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.