

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 21-178

BY SENATOR(S) Moreno, Bridges, Buckner, Fenberg, Ginal, Gonzales, Hansen, Winter;
also REPRESENTATIVE(S) McCluskie, Bacon, Bernett, Bird, Boesenecker, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jodeh, Kipp, Lontine, Michaelson Jenet, Ricks, Sullivan, Valdez D., Young, Garnett.

CONCERNING THE EXTENSION OF THE DEADLINE FOR THE EXPENDITURE OF MONEY FROM THE CARE SUBFUND IN THE GENERAL FUND THAT CORRESPONDS TO THE EXTENSION FOR ALLOWABLE STATE EXPENDITURES FROM THE FEDERAL CORONAVIRUS RELIEF FUND.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) In response to the COVID-19 pandemic Congress enacted the "Coronavirus Aid, Relief, and Economic Security Act", Pub.L. 116-136, also referred to as the "CARES Act", to provide emergency assistance to state, local, and tribal governments;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(b) The CARES Act established the coronavirus relief fund (CRF) and appropriated \$150 billion to the CRF for distribution, in part, to the states to cover costs that:

(I) Are necessary expenditures incurred due to the public health emergency with respect to the COVID-19 pandemic;

(II) Were not accounted for in the budget most recently approved as of March 27, 2020, for the state; and

(III) Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020;

(c) Approximately \$1.674 billion was transferred from the CRF to Colorado's state government and, in his executive order D 2020 070, dated May 18, 2020, the governor directed the state treasurer to transfer \$70 million of that money to the general fund for disbursement by the general assembly;

(d) The \$70 million was set aside in the care subfund in the general fund, in order to keep it segregated from other money in the general fund;

(e) During the 2020 regular legislative session, the general assembly appropriated money from the care subfund for a number of vital programs to address the effects of the COVID-19 pandemic in several bills;

(f) The programs and appropriations in these bills all complied with the requirements in the CARES Act, including the requirement that the money cover costs that were incurred on or before December 30, 2020;

(g) The federal "Consolidated Appropriations Act, 2021", extends the time period during which states can incur expenses from the CRF from December 30, 2020, to December 31, 2021;

(h) In executive order D 2020 294, dated December 30, 2020, the governor extended the December 30, 2020, deadline to allow the continuation of the bills that appropriated money from the care subfund, and he subsequently extended the deadlines through additional executive orders; and

(i) While some departments have been able to expend all of the money appropriated from the care subfund, others have not, and, therefore, those programs should be extended to conform to the new federal deadline for the state to use this money.

SECTION 2. In Colorado Revised Statutes, 13-40-127, **amend** (7)(a) and (7)(c) as follows:

13-40-127. Eviction legal assistance - fund - rules - report - definitions - repeal. (7) (a) The state treasurer shall transfer three hundred fifty thousand dollars from the care subfund in the general fund to the eviction legal defense fund for the purpose of providing legal representation to indigent tenants to resolve civil legal matters arising on and after March 1, 2020, for an eviction or impending eviction related to the public health emergency caused by the COVID-19 pandemic. The money transferred to the fund pursuant to this subsection (7)(a) shall be maintained in a separate account and used only for the purposes specified in this subsection (7)(a). The general assembly shall appropriate the money transferred to the fund pursuant to this subsection (7)(a) to the administrator for use in accordance with this subsection (7)(a). The administrator must use the money by ~~December 30, 2020~~ DECEMBER 31, 2021, for the purposes specified in this subsection (7).

(c) This subsection (7) is repealed, effective ~~September 1, 2021~~ SEPTEMBER 1, 2022.

SECTION 3. In Colorado Revised Statutes, 24-75-201.1, **amend** (2)(d) as follows:

24-75-201.1. Restriction on state appropriations - legislative declaration - definitions - repeal. (2) The basis for the calculation of the reserve as specified in this section includes all appropriations for expenditure from the general fund for such fiscal year, except for any appropriations for:

(d) (I) Expenditures from the care subfund created in section 24-75-225 (1).

(II) This subsection (2)(d) is repealed, effective ~~July 1, 2021~~ JULY 1, 2022.

SECTION 4. In Colorado Revised Statutes, 24-75-225, **amend** (3) and (4)(a) as follows:

24-75-225. Care subfund - creation - administration - transfer - legislative declaration. (3) Any money transferred from the care subfund to another cash fund is subject to the reporting and record-keeping requirements set forth in subsection (2) of this section. If as of ~~December 30, 2020~~ DECEMBER 31, 2021, there is any unexpended money that originated from the care subfund in another cash fund, then the state treasurer shall transfer the unexpended amount from the cash fund to the subfund prior to the transfer required in subsection (4)(a) of this section.

(4) (a) Just prior to the close of business on ~~December 30, 2020~~ DECEMBER 31, 2021, any unexpended appropriations from the care subfund revert to the subfund, and the state treasurer shall transfer the final balance in the subfund to the unemployment compensation fund, created in section 8-77-101 (1).

SECTION 5. In Colorado Revised Statutes, 29-11-203, **amend** (3) as follows:

29-11-203. Human services referral service - immunity - grant - repeal. (3) (a) The Colorado 2-1-1 collaborative shall provide necessary human services referral services in the state through ~~December 30, 2020~~ DECEMBER 31, 2021, relating to the COVID-19 public health emergency, including information on COVID-19 test site locations and referrals regarding equity, access, or discrimination concerning employment and health access, as well as other necessary referrals and intake services due to the presence of COVID-19 in the state.

(b) The general assembly shall appropriate from the cares subfund in the general fund to the department five hundred thousand dollars for a grant to the Colorado 2-1-1 collaborative to provide necessary referral and intake services due to the COVID-19 public health emergency, as described in subsection (3)(a) of this section, incurred through ~~December 30, 2020~~ DECEMBER 31, 2021.

(c) This subsection (3) is repealed, effective ~~July 1, 2021~~ JULY 1, 2022.

SECTION 6. In Colorado Revised Statutes, 40-8.7-112, **amend** (2)(f)(VI) and (2)(f)(VII) as follows:

40-8.7-112. Department of human services low-income energy assistance fund - creation - energy outreach Colorado low-income energy assistance fund - creation - Colorado energy office low-income energy assistance fund - creation - definitions - repeal. (2) (f) (VI) The organization must spend all of the money it receives from the Colorado energy office pursuant to this subsection (2)(f) before ~~December 11, 2020~~ DECEMBER 11, 2021. The organization shall return to the state any unexpended money received pursuant to this subsection (2)(f) under terms dictated by the state controller for the purpose of transmitting the unexpended money to the unemployment compensation fund, created in section 8-77-101 (1)(a), on or before ~~December 30, 2020~~ DECEMBER 31, 2021.

(VII) This subsection (2)(f) is repealed, effective ~~September 1, 2021~~ SEPTEMBER 1, 2022.

SECTION 7. In Session Laws of Colorado 2020, **amend** section 4 of chapter 112 as follows:

Section 4. **Appropriation.** For the 2019-20 state fiscal year, \$350,000 is appropriated to the judicial department for use by the eviction legal defense grant program. This appropriation is from the pandemic subaccount of the eviction legal defense fund created by section 13-40-127 (2) and (7)(a), C.R.S. To implement this act, the department may use this appropriation for the purpose of providing legal representation to indigent tenants as specified in section 13-40-127 (7)(a), C.R.S. Any money appropriated in this section not expended prior to July 1, 2020, is further appropriated to the department for the period from July 1, 2020, through ~~December 30, 2020~~ DECEMBER 31, 2021, for the same purpose.

SECTION 8. In Session Laws of Colorado 2020, **amend** section 3 of chapter 114 as follows:

Section 3. **Appropriation.** For the 2019-20 state fiscal year, \$500,000 is appropriated to the department of human services. This appropriation is from the care subfund in the general fund. To implement this act, the department may use this appropriation for a grant to the

Colorado 2-1-1 collaborative for eligible services. Any money appropriated in this section not expended prior to July 1, 2020, is further appropriated to the department for the period from July 1, 2020, through ~~December 30, 2020~~ DECEMBER 30, 2021.

SECTION 9. In Session Laws of Colorado 2020, **amend** section 2 of chapter 115 as follows:

Section 2. **Appropriation.** (1) (a) For the 2019-20 state fiscal year, the following amounts are appropriated to the department of human services for use by the office of behavioral health. The appropriations are from the care subfund in the general fund. The office may use the appropriations for the following purposes:

(I) \$3,530,000 directed to the managed service organizations for substance use disorder treatment and recovery providers for unanticipated expenses related to COVID-19;

(II) \$3,250,000 for community mental health centers for unanticipated expenses related to COVID-19;

(III) \$500,000 directed to the managed service organizations for substance use screening, brief intervention services, referral to treatment, training, and supports;

(IV) \$2,000,000 for services provided to school-aged children and parents by community mental health center school-based clinicians and prevention specialists; and

(V) \$3,800,000 for co-responder programs; Colorado crisis system services; housing assistance, including recovery residences and momentum and transition specialist programs; and treatment for rural communities.

(b) Any money appropriated in this subsection (1) not expended prior to July 1, 2020, is further appropriated to the department of human services for use by the office of behavioral health for the period from July 1, 2020, through ~~December 30, 2020~~ DECEMBER 31, 2021, for the same purpose.

(2) For the 2019-20 state fiscal year, \$250,000 is appropriated to the

department of public health and environment. This appropriation is from the care subfund in the general fund. The office may use this appropriation for allocation to mental health first aid for in-person and virtual trainings. Any money appropriated in this subsection (2) not expended prior to July 1, 2020, is further appropriated to the department of public health and environment for the period from July 1, 2020, through ~~December 30, 2020~~ DECEMBER 31, 2021, for the same purpose.

(3) For the 2019-20 state fiscal year, \$1,150,000 is appropriated to the department of public health and environment. The appropriation is from the care subfund in the general fund. The department may use this appropriation for the opiate antagonist bulk purchase fund, created in section 25-1.5-115, C.R.S., and school-based health centers, as defined in section 25-20.5-502 (1), C.R.S. Any money appropriated in this subsection (3) not expended prior to July 1, 2020, is further appropriated to the department of public health and environment for the period from July 1, 2020, through ~~December 30, 2020~~ DECEMBER 31, 2021, for the same purpose.

(4) For the 2019-20 state fiscal year, \$600,000 is appropriated to the department of higher education for use by the regents of the university of Colorado. The appropriation is from the care subfund in the general fund. The regents may use this appropriation for allocation to the center for research into substance use disorder prevention, treatment, and recovery support strategies for education for health care professionals, grant writing assistance, and personal protective equipment and telehealth supplies for the medication-assisted treatment expansion pilot program created in section 23-21-804, C.R.S. Any money appropriated in this subsection (4) not expended prior to July 1, 2020, is further appropriated to the department of higher education for use by the regents of the university of Colorado for the period from July 1, 2020, through ~~December 30, 2020~~ DECEMBER 31, 2021, for the same purpose.

(5) For the 2019-20 state fiscal year, \$120,000 is appropriated to the department of law. The appropriation is from the care subfund in the general fund. The department may use this appropriation for the safe2tell program created in section 24-31-606, C.R.S. Any money appropriated in this subsection (5) not expended prior to July 1, 2020, is further appropriated to the department of law for the period from July 1, 2020, through December 30, 2020, for the same purpose.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

SECTION 10. Appropriation to the department of public health and environment for the fiscal year beginning July 1, 2020. In Session Laws of Colorado 2020, section 2 of chapter 326, (HB 20-1360), amend Part XVI (1)(C), footnote 100a, and (8)(A), footnote 103a, as follows:

Section 2. **Appropriation.**

**PART XVI
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

(1) ADMINISTRATION AND SUPPORT

(C) Office of Planning, Partnerships, and Improvement

Assessment, Planning, and Support Program	1,309,806 (8.4 FTE)	346,433				963,373(I)
Distributions to Local Public Health Agencies	9,370,432	6,832,223		1,810,105 ^a	728,104 ^b	
Distribution to Local Public Health Agencies - Coronavirus Relief Funds ^{100a}	1,500,000	1,500,000 ^c				
	12,180,238					

^a This amount shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S.

^b This amount shall be Medicaid funds appropriated to the Transfer to the Department of Public Health and Environment for Local Public Health Agencies line item in the Department of Health Care Policy and Financing.

^c This amount shall be from the CARE subfund in the General Fund, which includes federal funds received under Title VI of the federal Social Security Act and transferred to the General Fund by the Governor in Executive Order D 2020 070.

(8) DISEASE CONTROL AND ENVIRONMENTAL EPIDEMIOLOGY DIVISION

(A) Administration, General Disease Control, and Surveillance

Program Costs	2,966,287 (35.8 FTE)	1,401,536				1,564,751(I)
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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM					
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	
	\$	\$	\$	\$	\$	\$	\$	
Immunization Personal Services	4,105,789 (25.3 FTE)		1,319,789					2,786,000(I)
Immunization Operating Expenses ¹⁰³	53,400,573		2,437,468	387,756 ^a	2,525,349 ^b			48,050,000(I)
Immunization Operating Expenses - Coronavirus Relief Funds ^{103a}	2,000,000		2,000,000 ^c					
Appropriation from the Tobacco Tax Cash Fund to the General Fund	387,756				387,756 ^c			
Federal Grants	1,333,092							1,333,092(I) (9.2 FTE)
Indirect Cost Assessment	3,595,125				862,215 ^d			2,732,910(I)
	<u>67,788,622</u>							

^a This amount shall be from revenues from the imposition of additional state cigarette and tobacco taxes which are appropriated to the General Fund pursuant to Section 21 (5)(e) of Article X of the State Constitution. This amount is not subject to the limitation on state fiscal year spending imposed by Section 20 of Article X of the State Constitution. This amount is also not subject to the statutory limitation on General Fund appropriations growth or any other spending limitation existing in law pursuant to Section 21 (8) of Article X of the State Constitution.

^b This amount shall be from the Supplemental Tobacco Litigation Settlement Moneys Account of the Colorado Immunization Fund created in Section 25-4-2301, C.R.S., which is received as a damage award and, as such, does not constitute fiscal year spending for the purposes of Section 20 of Article X of the State Constitution.

^c This amount shall be from the Tobacco Tax Cash Fund created in Section 24-22-117 (1)(a), C.R.S., which is received under the provisions of Section 21 (4) of Article X of the State Constitution, and, as such, does not constitute fiscal year spending for the purposes of Section 20 of Article X of the State Constitution.

^d Of this amount, \$229,465 shall be from the Drug Assistance Program Fund created in Section 25-4-1411 (7)(a), C.R.S., \$284,532 shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S., \$174,705 shall be from the AIDS and HIV Prevention Fund created in Section 25-4-1415 (1), C.R.S., \$112,130 shall be from the Oil and Gas Conservation and Environmental Response Fund created in Section 34-60-122 (5), C.R.S., and \$61,383 shall be from the Supplemental Tobacco Litigation Settlement Moneys Account of the Colorado Immunization Fund created in Section 25-4-2301, C.R.S. The amounts from the Drug Assistance Program Fund, AIDS and HIV Prevention Fund, and the Supplemental Tobacco Litigation Settlement Moneys Account of the Colorado Immunization Fund are received as damage awards and, as such, do not constitute fiscal year spending for the purposes of Section 20 of Article X of the State Constitution.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

^c This amount shall be from the CARE subfund in the General Fund, which includes federal funds received under Title VI of the federal Social Security Act and transferred to the General Fund by the Governor in Executive Order D 2020 070.

**TOTALS PART XVI
(PUBLIC HEALTH AND
ENVIRONMENT)**

<u>\$599,973,495</u>	<u>\$61,200,822^d</u>	<u>\$387,756^a</u>	<u>\$188,092,900^b</u>	<u>\$49,324,190</u>	<u>\$300,967,827^c</u>
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^a This amount is not subject to the limitation on General Fund appropriations set forth in Section 24-75-201.1, C.R.S., and shall be General Fund Exempt pursuant to Section 24-22-117 (1)(c)(I)(B.5), C.R.S.

^b Of this amount, \$600,000 contains an (I) notation.

^c Of this amount, \$294,462,527 contains an (I) notation.

^d Of this amount, \$3,500,000 shall be from the CARE subfund in the General Fund, which includes federal funds received under Title VI of the federal Social Security Act and transferred to the General Fund by the Governor in Executive Order D 2020 070.

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

100a Department of Public Health and Environment, Administration and Support, Office of Planning, Partnerships, and Improvement, Distributions to Local Public Health Agencies - Coronavirus Relief Funds -- This appropriation only remains available for expenditure through ~~December 30, 2020~~ DECEMBER 31, 2021. It is the General Assembly's intent that these dollars be distributed to local public health agencies in rural areas, which face additional and unique challenges in responding to the public health emergency due to a smaller workforce and public health infrastructure. The General Assembly further finds and declares that the amount appropriated is for costs that are necessary expenditures incurred due to the COVID-19 public health emergency and that were not accounted for in the budget most recently approved as of March 27, 2020.

103a Department of Public Health and Environment, Disease Control and Environmental Epidemiology Division, Administration, General Disease Control, and Surveillance, Immunization Operating Expenses - Coronavirus Relief Funds -- The appropriation only remains available for expenditure through ~~December 30, 2020~~ DECEMBER 31, 2021. The General Assembly finds and declares that as a direct result of the COVID-19 pandemic, vaccination rates among Colorado children and adolescents dramatically decreased and that expenditures to recover the vaccination rates will likewise be incurred due to the pandemic. The General Assembly further finds and declares that the amount appropriated is for costs that are necessary expenditures incurred due to the COVID-19 public health emergency and that were not accounted for in the budget most recently approved as of March 27, 2020.

SECTION 11. 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.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO