

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Joint Budget Committee Members
FROM JBC Staff
DATE March 23, 2021
SUBJECT Potential Legislation

This packet includes bill drafts and related memos for the Committee’s consideration. Each individual item has page numbers but also a packet page number to help navigate the whole document. The page numbers below refer to the packet page number.

POTENTIAL LEGISLATION

Reverse Transfers from Severance Tax Operational Fund LLS 21-0846 (Kemmm)..... 1

Capital-related Transfers of Money LLS 21-0909 (Kemmm)..... 5

Remove Measures that Reduce Adult Dental Benefit LLS21-0868 (Kurtz)..... 8

Use of Increased Medicaid Match LLS 21-0870 (Kurtz)..... 13

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT
3.18.21

DRAFT

LLS NO. 21-0846.01 Ed DeCecco x4216

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: "Reverse Transfers From Sev Tax Operational Fund"

A BILL FOR AN ACT

101 CONCERNING THE STABILIZATION OF REVENUE IN THE SEVERANCE TAX
102 OPERATIONAL FUND BY RETURNING MONEY THAT WAS
103 TRANSFERRED TO NATURAL RESOURCES AND ENERGY GRANT
104 PROGRAMS.

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. Money in the severance tax operational fund (operational fund) is primarily used for 2 purposes. The general assembly annually appropriates money from the operational fund for

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Dashes through the words indicate deletions from existing statute.*

several core departmental programs. If money remains after these appropriations and after a reserve requirement for the core departmental programs is satisfied, then the state treasurer transfers money to several funds that support natural resources and energy grant programs (grant programs). On August 15, 2020, the state treasurer made these transfers to the grant programs based on revenue that was available for the fiscal year 2019-20.

Based on recent forecasts, however, there will be insufficient revenue in the operational fund for the core departmental programs. To avoid a fund deficit in the operational fund, the bill reverses 5 transfers made in the following amounts:

- \$1,998,205 for the species conservation trust fund;
- \$1,600,964 for the parks and wildlife aquatic nuisance species fund;
- \$219,803 for the water efficiency grant program cash fund;
- \$297,759 for the interbasin compact committee operation fund; and
- \$3,996,410 for the water supply reserve fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-33-111, **add**
3 (2)(a)(I)(C) as follows:

4 **24-33-111. Conservation of native species - fund created.**

5 **(2) Species conservation trust fund - creation.**

6 (a) (I) (C) NOTWITHSTANDING SUBSECTION (2)(a)(I)(A) OF THIS SECTION,
7 ON THE EFFECTIVE DATE OF THIS SUBSECTION (2)(a)(I)(C), THE STATE
8 TREASURER SHALL TRANSFER ONE MILLION NINE HUNDRED NINETY-EIGHT
9 THOUSAND TWO HUNDRED FIVE DOLLARS FROM THE SPECIES
10 CONSERVATION TRUST FUND TO THE SEVERANCE TAX OPERATIONAL FUND
11 CREATED IN SECTION 39-29-109 (2)(b)(I).

12 **SECTION 2.** In Colorado Revised Statutes, 33-10.5-108, **add** (3)
13 as follows:

14 **33-10.5-108. Division of parks and wildlife aquatic nuisance**
15 **species fund - creation.** (3) NOTWITHSTANDING SUBSECTION (1) OF THIS

1 SECTION, ON THE EFFECTIVE DATE OF THIS SUBSECTION (3), THE STATE
2 TREASURER SHALL TRANSFER ONE MILLION SIX HUNDRED THOUSAND NINE
3 HUNDRED SIXTY-FOUR DOLLARS FROM THE FUND TO THE SEVERANCE TAX
4 OPERATIONAL FUND CREATED IN SECTION 39-29-109 (2)(b)(I).

5 **SECTION 3.** In Colorado Revised Statutes, 37-60-126, **add**
6 (12)(a)(V) as follows:

7 **37-60-126. Water conservation and drought mitigation**
8 **planning - programs - relationship to state assistance for water**
9 **facilities - guidelines - water efficiency grant program - definitions -**
10 **repeal.** (12) (a) (V) ON THE EFFECTIVE DATE OF THIS SUBSECTION
11 (12)(a)(V), THE STATE TREASURER SHALL TRANSFER TWO HUNDRED
12 NINETEEN THOUSAND EIGHT HUNDRED THREE DOLLARS FROM THE WATER
13 EFFICIENCY GRANT PROGRAM CREATED IN SUBSECTION (12)(a)(I) OF THIS
14 SECTION TO THE SEVERANCE TAX OPERATIONAL FUND CREATED IN
15 SECTION 39-29-109 (2)(b)(I).

16 **SECTION 4.** In Colorado Revised Statutes, 37-75-107, **add** (3)
17 as follows:

18 **37-75-107. Interbasin compact committee operation fund -**
19 **creation.** (3) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, ON
20 THE EFFECTIVE DATE OF THIS SUBSECTION (3), THE STATE TREASURER
21 SHALL TRANSFER TWO HUNDRED NINETY-SEVEN THOUSAND SEVEN
22 HUNDRED FIFTY-NINE DOLLARS FROM THE INTERBASIN COMPACT
23 COMMITTEE OPERATION FUND CREATED IN SUBSECTION (1) OF THIS
24 SECTION TO THE SEVERANCE TAX OPERATIONAL FUND CREATED IN
25 SECTION 39-29-109 (2)(b)(I).

26 **SECTION 5.** In Colorado Revised Statutes, 39-29-109, **add**
27 (2)(b)(III) and (2)(c)(V) as follows:

1 **39-29-109. Severance tax trust fund - created - administration**
2 **- distribution of money - legislative declaration.** (2) State severance
3 tax receipts must be credited to the severance tax trust fund as provided
4 in section 39-29-108. All income derived from the deposit and investment
5 of the money in the fund must be credited to the fund. At the end of any
6 fiscal year, all unexpended and unencumbered money in the fund remains
7 in the fund and must not be credited or transferred to the general fund or
8 any other fund. All money in the fund is subject to appropriation by the
9 general assembly for the following purposes:

10 (b) **The severance tax operational fund.** (III) THE FUND ALSO
11 INCLUDES AMOUNTS THAT WERE TRANSFERRED TO NATURAL RESOURCES
12 AND ENERGY GRANT PROGRAMS UNDER SECTION 39-29-109.3 AND THAT
13 WERE TRANSFERRED BACK TO THE FUND IN ACCORDANCE WITH
14 SUBSECTION (2)(c)(V) OF THIS SECTION AND SECTIONS 24-33-111
15 (2)(a)(I)(C), 33-10.5-108 (3), 37-60-126 (12)(a)(V), AND 37-75-107 (3).

16 (c) **The water supply reserve fund.** (V) ON THE EFFECTIVE DATE
17 OF THIS SUBSECTION (2)(c)(V), THE STATE TREASURER SHALL TRANSFER
18 THREE MILLION NINE HUNDRED NINETY-SIX THOUSAND FOUR HUNDRED
19 TEN DOLLARS FROM THE FUND TO THE SEVERANCE TAX OPERATIONAL
20 FUND CREATED IN SUBSECTION (2)(b)(I) OF THIS SECTION.

21 **SECTION 6. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT
3.17.21

DRAFT

LLS NO. 21-0909.01 Esther van Mourik x4215

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: "Capital-related Transfers Of Money"

A BILL FOR AN ACT

101 **CONCERNING CAPITAL-RELATED TRANSFERS OF MONEY TO THE**
102 **CAPITAL CONSTRUCTION FUND.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Joint Budget Committee. For the 2021-22 state fiscal year, the bill transfers:

- \$63,424,935 from the general fund to the capital construction fund;
- \$27,040,302 from the general fund to the information technology capital account of the capital construction fund;

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Dashes through the words indicate deletions from existing statute.*

- and
- \$500,000 from the general fund exempt account of the general fund to the capital construction fund.

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 (2)(kk), (2)(ll), (2.3)(h), (2.3)(i), (2.5)(n), and (2.5)(o); and **add** (2)(mm),
4 (2.3)(j), and (2.5)(p) as follows:

5 **24-75-302. Capital construction fund - capital assessment fees**
6 **- calculation - information technology capital account.** (2) The
7 controller shall transfer a sum as specified in this subsection (2) from the
8 general fund to the capital construction fund as money becomes available
9 in the general fund during the fiscal year beginning on July 1 of the fiscal
10 year in which the transfer is made. Transfers between funds pursuant to
11 this subsection (2) are not appropriations subject to the limitations of
12 section 24-75-201.1. The amounts transferred pursuant to this subsection
13 (2) are as follows:

14 (kk) On July 1, 2020, two million forty-three thousand seven
15 hundred sixty-eight dollars; and

16 (ll) For the 2020-21 state fiscal year, one million dollars under
17 S.B. 20-003, enacted in 2020; AND

18 (mm) ON JULY 1, 2021, SIXTY-THREE MILLION FOUR HUNDRED
19 TWENTY-FOUR THOUSAND NINE HUNDRED THIRTY-FIVE DOLLARS.

20 (2.3) In addition to the sums transferred pursuant to subsections
21 (2) and (2.5) of this section, the state treasurer and the controller shall
22 transfer a sum as specified in this subsection (2.3) from the general fund
23 to the information technology capital account created in subsection (3.7)
24 of this section as money becomes available in the general fund during the

1 fiscal year beginning on July 1 of the fiscal year in which the transfer is
2 made or on April 1 of the fiscal year if otherwise specified. Transfers
3 between funds pursuant to this subsection (2.3) are not appropriations
4 subject to the limitations of section 24-75-201.1. The amounts transferred
5 pursuant to this subsection (2.3) are as follows:

6 (h) On April 1, 2020, seven million four hundred sixty-six
7 thousand six hundred forty-eight dollars; ~~and~~

8 (i) On July 1, 2020, four hundred forty-five thousand dollars; AND

9 (j) ON JULY 1, 2021, TWENTY-SEVEN MILLION FORTY THOUSAND
10 THREE HUNDRED TWO DOLLARS.

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

21 (n) On July 1, 2019, five hundred thousand dollars; ~~and~~

22 (o) On July 1, 2020, five hundred thousand dollars; AND

23 (p) ON JULY 1, 2021, FIVE HUNDRED THOUSAND DOLLARS.

24 **SECTION 2. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety.

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT
3.18.21

DRAFT

LLS NO. 21-0868.01 Jacob Baus x2173

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: "Remove Measures That Reduce Adult Dental Benefit"

DEADLINES: File by:

A BILL FOR AN ACT

101 CONCERNING THE REMOVAL OF CERTAIN MEASURES ENACTED IN
102 HOUSE BILL 20-1361, AND, IN CONNECTION THEREWITH,
103 MAKING 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 eliminates certain measures that reduce the adult dental benefit.

The bill makes an appropriation.

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

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-5-207, **repeal**
3 (2.5) as follows:

4 **25.5-5-207. Adult dental benefit - adult dental fund - creation**
5 **- legislative declaration.** (2.5) ~~(a) Beginning when the higher federal~~
6 ~~match afforded through the federal "Families First Coronavirus Response~~
7 ~~Act", Pub.L. 116-127, or any amendment thereto, expires through June~~
8 ~~30, 2022, the adult dental benefit provided by this section must not~~
9 ~~exceed one thousand dollars per year for each recipient.~~

10 ~~(b) This subsection (2.5) is repealed, effective December 31,~~
11 ~~2022.~~

12 **SECTION 2.** In Colorado Revised Statutes, 25.5-4-402.4, **amend**
13 (6)(a)(I); and **repeal** (4)(a)(II.5), (5)(b)(VIII.5), and (6)(b)(I.3) as follows:

14 **25.5-4-402.4. Hospitals - healthcare affordability and**
15 **sustainability fee - legislative declaration - Colorado healthcare**
16 **affordability and sustainability enterprise - federal waiver - fund**
17 **created - rules - reports - repeal.** (4) **Healthcare affordability and**
18 **sustainability fee.** (a) For the fiscal year commencing July 1, 2017, and
19 for each fiscal year thereafter, the enterprise is authorized to charge and
20 collect a healthcare affordability and sustainability fee, as described in 42
21 CFR 433.68 (b), on outpatient and inpatient services provided by all
22 licensed or certified hospitals, referred to in this section as "hospitals", for
23 the purpose of obtaining federal financial participation under the state
24 medical assistance program as described in this article 4 and articles 5 and
25 6 of this title 25.5, referred to in this section as the "state medical
26 assistance program", and the Colorado indigent care program described
27 in part 1 of article 3 of this title 25.5, referred to in this section as the

1 "Colorado indigent care program". If the amount of healthcare
2 affordability and sustainability fee revenue collected exceeds the federal
3 net patient revenue-based limit on the amount of such fee revenue that
4 may be collected, requiring repayment to the federal government of
5 excess federal matching money received, hospitals that received such
6 excess federal matching money shall be responsible for repaying the
7 excess federal money and any associated federal penalties to the federal
8 government. The enterprise shall use the healthcare affordability and
9 sustainability fee revenue to:

10 ~~(II.5) (A) For state fiscal year 2020-21 only, offset general fund~~
11 ~~expenditures for the state medical assistance program.~~

12 ~~(B) This subsection (4)(a)(II.5) is repealed, effective December~~
13 ~~31, 2021.~~

14 **(5) Healthcare affordability and sustainability fee cash fund.**

15 (b) All money in the fund is subject to federal matching as authorized
16 under federal law and, subject to annual appropriation by the general
17 assembly, shall be expended by the enterprise for the following purposes:

18 ~~(VIII.5) (A) For the 2020-21 state fiscal year only, due to~~
19 ~~reductions in the adult dental benefit pursuant to section 25.5-5-207(2.5),~~
20 ~~three hundred thirty-one thousand four hundred sixty-two dollars to offset~~
21 ~~general fund expenditures for the state medical assistance program.~~

22 ~~(B) This subsection (5)(b)(VIII.5) is repealed, effective December~~
23 ~~31, 2021.~~

24 **(6) Appropriations.** (a) (I) Except as otherwise provided in
25 subsection ~~(6)(b)(I.3)~~, (6)(b)(I.5) or (6)(b)(I.7) of this section, the
26 healthcare affordability and sustainability fee is to supplement, not
27 supplant, general fund appropriations to support hospital reimbursements.

1 General fund appropriations for hospital reimbursements shall be
2 maintained at the level of appropriations in the medical services premium
3 line item made for the fiscal year commencing July 1, 2008; except that
4 general fund appropriations for hospital reimbursements may be reduced
5 if an index of appropriations to other providers shows that general fund
6 appropriations are reduced for other providers. If the index shows that
7 general fund appropriations are reduced for other providers, the general
8 fund appropriations for hospital reimbursements shall not be reduced by
9 a greater percentage than the reductions of appropriations for the other
10 providers as shown by the index.

11 (b) If the revenue from the healthcare affordability and
12 sustainability fee is insufficient to fully fund all of the purposes described
13 in subsection (5)(b) of this section:

14 ~~(I.3) (A) For the 2020-21 state fiscal year only, due to reductions~~
15 ~~in the adult dental benefit pursuant to section 25.5-5-207 (2.5), three~~
16 ~~hundred thirty-one thousand four hundred sixty-two dollars of revenue~~
17 ~~shall be used first to offset general fund expenditures for the state medical~~
18 ~~assistance program.~~

19 ~~(B) This subsection (6)(b)(I.3) is repealed, effective December 31,~~
20 ~~2021.~~

21 **SECTION 3.** In Colorado Revised Statutes, 38-13-801, **amend**
22 (2.5) as follows:

23 **38-13-801. Unclaimed property trust fund - creation -**
24 **payments - interest - appropriations - records - rules.**

25 (2.5) ~~(a)~~ Notwithstanding any provision of this section to the contrary, on
26 July 1, 2020, the state treasurer shall transfer one million one hundred
27 thirty-nine thousand four hundred two dollars from the unclaimed

1 property trust fund to the general fund.

2 ~~(b) Notwithstanding any provision of this section to the contrary,~~
3 ~~on July 1, 2021, the state treasurer shall transfer two million two hundred~~
4 ~~seventy-eight thousand eight hundred four dollars from the unclaimed~~
5 ~~property trust fund to the general fund.~~

6 **SECTION 4. Appropriation.** (1) For the 2021-22 state fiscal
7 year, \$1,522,875 is appropriated to the department of health care policy
8 and financing. This appropriation consists of \$335,723 from the
9 healthcare affordability and sustainability fee cash fund created in section
10 25.5-4-402.4 (5)(a), C.R.S., and \$1,187,152 from the adult dental fund
11 created in section 25.5-5-207 (4)(a), C.R.S. To implement this act, the
12 department may use this appropriation for medical and long-term care
13 services for medicaid-eligible individuals.

14 (2) For the 2021-22 state fiscal year, the general assembly
15 anticipates that the department of health care policy and financing will
16 receive \$4,042,125 in federal funds for medical and long-term care
17 services for medicaid-eligible individuals to implement this act. The
18 appropriation in subsection (1) of this section is based on the assumption
19 that the department will receive this amount of federal funds.

20 **SECTION 5. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety.

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT
3.19.21

DRAFT

LLS NO. 21-0870.01 Michael Dohr x4347

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: "Use Of Increased Medicaid Match"

A BILL FOR AN ACT

101 **CONCERNING THE INCREASED MONEY RECEIVED DUE TO THE FEDERAL**
102 **"FAMILIES FIRST CORONAVIRUS RESPONSE ACT", AND, IN**
103 **CONNECTION THEREWITH, MAKING AND REDUCING**
104 **APPROPRIATIONS.**

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 Budge Committee. For fiscal year 2021-22 and any subsequent fiscal years while increased reimbursements and payments associated with the federal public health emergency related to the

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COVID-19 pandemic are still available, the bill specifies that:

- If a provider or a school district submits a certification of public expenditure pursuant to federal law, the provider or school district shall receive federal matching funds in the amount of 50% of the amount certified, and any federal financial participation in excess of 50% of the amount certified must be transferred to the general fund for the medical assistance program;
- The amount of increased federal financial participation in excess of 50% generated from appropriations out of the healthcare affordability and sustainability fee cash fund must be used to offset other general fund appropriations for the medical assistance program;
- The amount of increased federal financial participation in excess of 50% for reimbursements and payments must be transferred from the medicaid nursing facility cash fund to the general fund for the medical assistance program expenditures; and
- The appropriation to the university of Colorado for fee-for-service contracts for health services is reduced by the amount of federal financial participation that exceeds 50%.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-3-108, **add** (20)
3 as follows:

4 **25.5-3-108. Responsibility of the department of health care**
5 **policy and financing - provider reimbursement - repeal.**

6 (20) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR THE
7 STATE FISCAL YEAR STARTING JULY 1, 2021, AND ANY SUBSEQUENT FISCAL
8 YEARS, IF A PROVIDER SUBMITS A CERTIFICATION OF PUBLIC EXPENDITURES
9 PURSUANT TO 42 CFR 433.51 (b), THE STATE DEPARTMENT SHALL RETAIN
10 ANY FEDERAL MONEY PAYABLE AS REIMBURSEMENT FOR THE
11 EXPENDITURE IN EXCESS OF FIFTY PERCENT OF THE EXPENDITURE AMOUNT;
12 EXCEPT THAT THE STATE DEPARTMENT SHALL ONLY RETAIN THE FEDERAL
13 MONEY BASED ON THE DATE OF SERVICE AS LONG AS THE INCREASED

1 REIMBURSEMENTS AND PAYMENTS PURSUANT TO THE FEDERAL "FAMILIES
2 FIRST CORONAVIRUS RESPONSE ACT", PUB.L. 116-127, ARE STILL
3 AVAILABLE. THE STATE TREASURER SHALL TRANSFER SUCH MONEY TO THE
4 GENERAL FUND CREATED IN SECTION 24-75-201 FOR APPROPRIATION TO
5 THE STATE MEDICAL ASSISTANCE PROGRAM.

6 (b) THIS SUBSECTION (20) IS REPEALED, EFFECTIVE DECEMBER 31,
7 2024.

8 **SECTION 2.** In Colorado Revised Statutes, 25.5-4-402.4, **amend**
9 (4)(a)(II.3), (5)(b)(VIII.3), and (6)(b)(I.5)(B) as follows:

10 **25.5-4-402.4. Hospitals - healthcare affordability and**
11 **sustainability fee - legislative declaration - Colorado healthcare**
12 **affordability and sustainability enterprise - federal waiver - fund**
13 **created - rules - reports - repeal. (4) Healthcare affordability and**
14 **sustainability fee.** (a) For the fiscal year commencing July 1, 2017, and
15 for each fiscal year thereafter, the enterprise is authorized to charge and
16 collect a healthcare affordability and sustainability fee, as described in 42
17 CFR 433.68 (b), on outpatient and inpatient services provided by all
18 licensed or certified hospitals, referred to in this section as "hospitals", for
19 the purpose of obtaining federal financial participation under the state
20 medical assistance program as described in this article 4 and articles 5 and
21 6 of this title 25.5, referred to in this section as the "state medical
22 assistance program", and the Colorado indigent care program described
23 in part 1 of article 3 of this title 25.5, referred to in this section as the
24 "Colorado indigent care program". If the amount of healthcare
25 affordability and sustainability fee revenue collected exceeds the federal
26 net patient revenue-based limit on the amount of such fee revenue that
27 may be collected, requiring repayment to the federal government of

1 excess federal matching money received, hospitals that received such
2 excess federal matching money shall be responsible for repaying the
3 excess federal money and any associated federal penalties to the federal
4 government. The enterprise shall use the healthcare affordability and
5 sustainability fee revenue to:

6 (II.3) (A) For state fiscal years 2019-20, ~~and~~ 2020-21, AND ANY
7 SUBSEQUENT FISCAL YEARS, AS LONG AS THE INCREASED
8 REIMBURSEMENTS AND PAYMENTS PURSUANT TO THE FEDERAL "FAMILIES
9 FIRST CORONAVIRUS RESPONSE ACT", PUB.L. 116-127, AND THE
10 "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 116-260, ARE STILL
11 AVAILABLE only, offset general fund expenditures for the state medical
12 assistance program.

13 (B) This subsection (4)(a)(II.3) is repealed, effective December
14 31, ~~2021~~ 2024.

15 (5) **Healthcare affordability and sustainability fee cash fund.**

16 (b) All money in the fund is subject to federal matching as authorized
17 under federal law and, subject to annual appropriation by the general
18 assembly, shall be expended by the enterprise for the following purposes:

19 (VIII.3) (A) For state fiscal years 2019-20, ~~and~~ 2020-21, AND ANY
20 SUBSEQUENT FISCAL YEARS, AS LONG AS THE INCREASED
21 REIMBURSEMENTS AND PAYMENTS PURSUANT TO THE FEDERAL "FAMILIES
22 FIRST CORONAVIRUS RESPONSE ACT", PUB.L. 116-127, AND THE
23 "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 116-260, ARE STILL
24 AVAILABLE only, and regardless of when this federal money is made
25 available, the amount in excess of the fifty percent federal financial
26 participation generated by increased reimbursements and payments
27 appropriated for use in subsections (5)(b)(I) to (5)(b)(III) of this section

1 pursuant to the federal "Families First Coronavirus Response Act", Pub.L.
2 116-127, or any amendment thereto, to offset general fund expenditures
3 for the state medical assistance program.

4 (B) This subsection (5)(b)(VIII.3) is repealed, effective December
5 31, ~~2021~~ 2024.

6 (6) **Appropriations.** (b) If the revenue from the healthcare
7 affordability and sustainability fee is insufficient to fully fund all of the
8 purposes described in subsection (5)(b) of this section:

9 (I.5) (B) This subsection (6)(b)(I.5) is repealed, effective
10 December 31, ~~2021~~ 2024.

11 **SECTION 3.** In Colorado Revised Statutes, 25.5-6-203, **amend**
12 (2)(b)(VII) as follows:

13 **25.5-6-203. Nursing facilities - provider fees - federal waiver**
14 **- fund created - rules - repeal.** (2) (b) (VII) (A) Notwithstanding any
15 other provision of this subsection (2)(b), for state medicaid expenditures
16 for state fiscal years 2019-20, ~~and~~ 2020-21, AND ANY SUBSEQUENT FISCAL
17 YEARS, AS LONG AS THE INCREASED REIMBURSEMENTS AND PAYMENTS
18 PURSUANT TO THE FEDERAL "FAMILIES FIRST CORONAVIRUS RESPONSE
19 ACT", PUB.L. 116-127, ARE STILL AVAILABLE only, and regardless of
20 when this federal money is made available, money in the fund may be
21 used to offset general fund expenditures in the medicaid program in an
22 equivalent amount that would have been in excess of the fifty percent
23 federal financial participation generated by increased reimbursements and
24 payments appropriated for use in subsections (2)(b)(I) to (2)(b)(V) of this
25 section pursuant to the federal "Families First Coronavirus Response Act",
26 Pub.L. 116-127, or any amendment thereto, or any other federal law that
27 increases federal financial participation above the federal financial

1 participation percentage in effect prior to the increase in federal financial
2 participation provided through the federal "Families First Coronavirus
3 Response Act". The state treasurer shall transfer such amount to the
4 general fund for the state medicaid program.

5 (B) This subsection (2)(b)(VII) is repealed, effective December
6 31, ~~2021~~ 2024.

7 **SECTION 4.** In Colorado Revised Statutes, 23-18-304, **amend**
8 (1)(c)(II) as follows:

9 **23-18-304. Funding for specialty education programs - area**
10 **technical colleges - local district colleges - repeal.**

11 (1) (c) (II) (A) Notwithstanding the provisions of subsection (1)(a)(I) of
12 this section for the 2019-20, ~~and~~ 2020-21, AND ANY SUBSEQUENT state
13 fiscal years, AS LONG AS THE INCREASED REIMBURSEMENTS AND
14 PAYMENTS PURSUANT TO THE FEDERAL "FAMILIES FIRST CORONAVIRUS
15 RESPONSE ACT", PUB.L. 116-127, ARE STILL AVAILABLE, the
16 appropriations to the university of Colorado for fee-for-service contracts
17 for the services provided pursuant to subsection (1)(c)(I) of this section
18 are reduced by the amount of the federal participation received that
19 exceeds fifty percent pursuant to the federal "Families First Coronavirus
20 Response Act", Pub.L. 116-127, or any amendment thereto.

21 (B) This subsection (1)(c)(II) is repealed, effective December 31,
22 ~~2021~~ 2024.

23 **SECTION 5. Appropriation - adjustments to 2021 long bill.**

24 (1) To implement this act, appropriations made in the annual general
25 appropriation act for the 2021-22 state fiscal year to the department of
26 health care and policy and financing are adjusted as follows:

27 (a) The general fund appropriation, which is subject to the "(M)"

1 notation as defined in the annual general appropriation act for the same
2 fiscal year, for medical services premiums is decreased by \$57,330,334;

3 (b) The appropriation for medical services premiums is reduced
4 by \$9,671,771. This appropriation is from reappropriated funds received
5 from the department of higher education under subsection (2)(b) of this
6 section;

7 (c) The appropriation for medical services premiums is increased
8 by \$57,330,334, which consists of \$53,694,293 from the healthcare
9 affordability and sustainability fee cash fund created in section
10 25.5-4-402.4 (5)(a), C.R.S., and \$3,636,041 from the Medicaid nursing
11 facility cash fund created in section 25.5-6-203 (2)(a), C.R.S.; and

12 (d) The decrease of the appropriation in subsection (1)(b) of this
13 section is based on the assumption that the anticipated amount of federal
14 funds received for the 2021-22 state fiscal year by the department of
15 health care policy and financing for medical services premiums will
16 decrease by \$12,409,900.

17 (2) To implement this act, appropriations made in the annual
18 general appropriation act for the 2021-22 state fiscal year to the
19 department of higher education are adjusted as follows:

20 (a) The general fund appropriation for fee-for-service contracts
21 with state institutions for specialty education programs is decreased by
22 \$9,671,771; and

23 (b) The appropriation for the regents of the university of Colorado
24 is reduced by \$9,671,771. This appropriation is from reappropriated funds
25 received from the department of higher education under subsection (2)(a)
26 of this section. <{Can we have permission to update these numbers
27 prior to introduction after the higher education funding is

1 *determined?*>

2 **SECTION 6. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety.