

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 20-1330.02 Ed DeCecco x4216

HOUSE BILL 20-1426

HOUSE SPONSORSHIP

Esgar and McCluskie, Ransom

SENATE SPONSORSHIP

Moreno and Rankin, Zenzinger

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING LEGISLATIVE ENGAGEMENT IN THE MANAGEMENT OF**
102 **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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
June 11, 2020

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.

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

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

4 **PART 18**
5 **RECEIPT OF INFORMATION FROM THE EXECUTIVE BRANCH**
6 **DURING A DECLARED DISASTER EMERGENCY**

7 **2-3-1801. Legislative committees to receive information from**
8 **the executive branch during a declared disaster emergency -**
9 **definition.** (1) AS USED IN THIS SECTION, "COMMITTEES" MEANS THE

1 EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL CREATED IN
2 SECTION 2-3-301 (1) AND THE JOINT BUDGET COMMITTEE CREATED IN
3 SECTION 2-3-201, OR ANY SUCCESSOR COMMITTEES.

4 (2) ON THE FIRST MONDAY IN MARCH, JULY, AND NOVEMBER OF
5 EACH YEAR, THE COMMITTEES SHALL HOLD A JOINT MEETING IF THERE HAS
6 BEEN A DECLARATION OF A DISASTER EMERGENCY BY THE GOVERNOR
7 UNDER SECTION 24-33.5-704 (4), OR ANY SUCCESSOR SECTION, DURING
8 THE PRECEDING ONE HUNDRED TWENTY DAYS. WITH RESPECT TO ANY
9 JOINT MEETING OF THE COMMITTEES, THE REQUIREMENT TO MEET MAY BE
10 WAIVED IF SUCH WAIVER IS SUBMITTED IN WRITING BY NOT LESS THAN A
11 MAJORITY OF THE MEMBERSHIP OF THE COMMITTEES.

12 (3) DURING ANY JOINT MEETING OF THE COMMITTEES HELD IN
13 ACCORDANCE WITH THIS PART 18, THE GOVERNOR OR HIS OR HER
14 DESIGNEE SHALL APPEAR TO PROVIDE INFORMATION OF A COMPREHENSIVE
15 NATURE AND RESPOND TO QUESTIONS FROM THE COMMITTEES WITH
16 RESPECT TO A CURRENT DISASTER EMERGENCY.

17 (4) THE GOVERNOR AND ANY STATE AGENCY SHALL PROMPTLY
18 GIVE NOTICE TO THE GENERAL ASSEMBLY OF THE PROMULGATION OF ANY
19 EXECUTIVE ORDER OR OTHER ORDER BY THE GOVERNOR OR THE AGENCY,
20 AS APPLICABLE, ISSUED IN CONNECTION WITH THE DISASTER EMERGENCY.

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

23 **24-33.5-706. Disaster emergency fund - established - financing**
24 **- legislative intent - repeal.** (7) (a) NO LATER THAN SEPTEMBER 20,
25 2020, THE OFFICE OF STATE PLANNING AND BUDGETING SHALL SUBMIT A
26 REPORT TO THE JOINT BUDGET COMMITTEE OF THE EXPENDITURES FROM
27 THE FUND DURING THE LAST TWELVE MONTHS. NOTWITHSTANDING

1 SECTION 24-1-136 (11)(a), NO LATER THAN THE TWENTIETH DAY OF EVERY
2 THIRD MONTH THEREAFTER, THE OFFICE SHALL SUBMIT A REPORT TO THE
3 JOINT BUDGET COMMITTEE OF THE EXPENDITURES FROM THE FUND SINCE
4 THE LAST REPORT. THE OFFICE SHALL SEPARATELY IDENTIFY
5 EXPENDITURES BY DISASTER, IF THERE IS MORE THAN ONE TO BE INCLUDED
6 IN THE REPORT, AND, FOR EACH DISASTER, THE OFFICE SHALL IDENTIFY:

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

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

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

13 (IV) TOTAL EXPENDITURES BY STATE AGENCY; AND

14 (V) A BREAKDOWN OF EXPENDITURES.

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

18 (8) THE STATE AUDITOR SHALL CONDUCT OR CAUSE TO BE
19 CONDUCTED A PERFORMANCE AUDIT OF THE FUND THAT IS COMPLETED ON
20 DECEMBER 1, 2022. ON OR BEFORE DECEMBER 1, 2024, AND DECEMBER
21 1 OF EVERY SECOND YEAR THEREAFTER, THE STATE AUDITOR SHALL
22 CONDUCT A FINANCIAL AUDIT OF THE FUND FOR THE TWO MOST RECENTLY
23 COMPLETED FISCAL YEARS AS OF THE DATE OF THE AUDIT REPORT.

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

26 **24-33.5-717. Reporting of federal funds.** (1) NO LATER THAN
27 SEPTEMBER 20, 2020, THE OFFICE OF STATE PLANNING AND BUDGETING

1 SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE OF ALL
2 EXPENDITURES OF FEDERAL FUNDS RECEIVED BY THE STATE THAT ARE
3 USED FOR COSTS ASSOCIATED WITH A DISASTER DURING THE LAST TWELVE
4 MONTHS, EXCLUDING ANY FEDERAL FUNDS INCLUDED IN THE REPORT
5 REQUIRED BY SECTION 24-33.5-706 (7). NOTWITHSTANDING SECTION
6 24-1-136 (11)(a), NO LATER THAN THE TWENTIETH DAY OF EVERY THIRD
7 MONTH THEREAFTER, THE OFFICE SHALL SUBMIT A REPORT TO THE JOINT
8 BUDGET COMMITTEE OF ALL EXPENDITURES OF FEDERAL FUNDS RECEIVED
9 BY THE STATE THAT ARE USED FOR COSTS ASSOCIATED WITH A DISASTER
10 SINCE THE LAST REPORT, EXCLUDING ANY FEDERAL FUNDS INCLUDED IN
11 THE REPORT REQUIRED BY SECTION 24-33.5-706 (7). THE OFFICE SHALL
12 SEPARATELY IDENTIFY EXPENDITURES BY DISASTER, IF THERE IS MORE
13 THAN ONE IN THE PRIOR FISCAL YEAR, AND, FOR EACH DISASTER, THE
14 OFFICE SHALL IDENTIFY:

15 (a) STATE AGENCIES THAT RECEIVED FUNDS AND AMOUNTS
16 RECEIVED;

17 (b) TOTAL EXPENDITURES BY STATE AGENCY; AND

18 (c) A BREAKDOWN OF EXPENDITURES.

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

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

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

26 **24-75-105. Transfers required to implement conditional and**
27 **centralized appropriations - repeal.** (2) This section is repealed,

1 effective ~~September 1, 2020~~ SEPTEMBER 1, 2025.

2 **SECTION 5.** In Colorado Revised Statutes, 24-75-106, **amend**
3 (2) as follows:

4 **24-75-106. Transfers between departments of health care**
5 **policy and financing and human services for materially similar items**
6 **of appropriation for medicaid programs - limitation - repeal.** (2) This
7 section is repealed, effective ~~September 1, 2020~~ SEPTEMBER 1, 2025.

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

10 **24-75-106.5. Transfers between departments of health care**
11 **policy and financing and human services for corresponding items of**
12 **appropriation - limitations - repeal.** (5) This section is repealed,
13 effective ~~September 1, 2020~~ SEPTEMBER 1, 2025.

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

16 **24-75-107. Cash fund transfers pursuant to sections 24-75-105**
17 **and 24-75-106 - repeal.** (2) This section is repealed, effective ~~September~~
18 ~~1, 2020~~ SEPTEMBER 1, 2025.

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

21 **24-75-108. Intradepartmental transfers between**
22 **appropriations - repeal.** (11) This section is repealed, effective
23 ~~September 1, 2020~~ SEPTEMBER 1, 2025.

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

26 **24-75-109. Controller may allow expenditures in excess of**
27 **appropriations - limitations - appropriations for subsequent fiscal**

1 **year restricted - repeal.** (6) The controller may allow overexpenditures
2 pursuant to this section only for the fiscal years beginning on or after July
3 1, 1998, but prior to ~~July 1, 2020~~ JULY 1, 2025. This section is repealed,
4 effective ~~September 1, 2020~~ SEPTEMBER 1, 2025.

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

7 **24-75-110. Limitation on judicial department - repeal.** (2) This
8 section is repealed, effective ~~September 1, 2020~~ SEPTEMBER 1, 2025.

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

11 **24-76-104. Reporting of one-time federal funds.** (1) NO LATER
12 THAN SEPTEMBER 20, 2020, THE OFFICE OF STATE PLANNING AND
13 BUDGETING SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE
14 OF ALL EXPENDITURES OF FEDERAL FUNDS RECEIVED BY THE STATE
15 DURING THE LAST TWELVE MONTHS, EXCLUDING ANY FEDERAL FUNDS
16 INCLUDED IN THE REPORT REQUIRED BY SECTION 24-33.5-706 (7) OR
17 24-33.5-717. NOTWITHSTANDING SECTION 24-1-136 (11)(a), NO LATER
18 THAN THE TWENTIETH DAY OF EVERY THIRD MONTH THEREAFTER, THE
19 OFFICE SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE OF ALL
20 EXPENDITURES OF FEDERAL FUNDS RECEIVED BY THE STATE SINCE THE
21 LAST REPORT, EXCLUDING ANY FEDERAL FUNDS INCLUDED IN THE REPORT
22 REQUIRED BY SECTION 24-33.5-706 (7) OR 24-33.5-717.

23 (2) THE OFFICE OF STATE PLANNING AND BUDGETING SHALL POST
24 THE REPORTS REQUIRED BY SUBSECTION (1) OF THIS SECTION ON THE
25 OFFICE'S WEBSITE.

26 (3) THE REPORT REQUIRED BY THIS SECTION IS IN ADDITION TO THE
27 REPORTING REQUIREMENT SET FORTH IN SECTION 24-76-102.

1 **SECTION 12. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety.