

CHAPTER 117

GOVERNMENT - STATE

HOUSE BILL 20-1417

BY REPRESENTATIVE(S) Becker, Bird, Buentello, Cutter, Duran, Esgar, Froelich, Garnett, Herod, Jackson, McCluskie, McLachlan, Michaelson Jenet, Mullica, Sirota, Snyder, Sullivan, Titone, Valdez A., Valdez D., Woodrow, Young; also SENATOR(S) Hansen, Bridges, Fields, Ginal, Moreno, Pettersen, Story, Winter, Garcia.

AN ACT

CONCERNING THE ESTABLISHMENT OF ADMINISTRATIVE CONDITIONS RELATED TO MONEY IN THE GENERAL FUND FROM THE FEDERAL CORONAVIRUS RELIEF FUND THAT APPLY TO AN ALLOCATION ESTABLISHED IN SEPARATE LEGISLATION UNTIL THE UNSPENT MONEY REMAINING IN THE SUBFUND IS TRANSFERRED TO THE UNEMPLOYMENT COMPENSATION FUND ON DECEMBER 30, 2020.

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

SECTION 1. In Colorado Revised Statutes, **add 24-75-225** as follows:

24-75-225. Care subfund - creation - administration - transfer - legislative declaration. (1) THE CARE SUBFUND IS CREATED IN THE GENERAL FUND. THE SUBFUND CONSISTS OF SEVENTY MILLION DOLLARS TRANSFERRED TO THE GENERAL FUND IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDER D 2020 070. MONEY IN THE SUBFUND IS SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY FOR ALLOWABLE EXPENDITURES UNDER SECTION 42 U.S.C. 801 (d).

(2) A STATE DEPARTMENT THAT RECEIVES AN APPROPRIATION FROM THE CARE SUBFUND SHALL COMPLY WITH ANY REPORTING OR RECORD-KEEPING REQUIREMENTS ESTABLISHED BY THE STATE CONTROLLER OR THE OFFICE OF STATE PLANNING AND BUDGETING FOR THE FEDERAL FUNDS INCLUDED IN THE SUBFUND.

(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, 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

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.

IN SUBSECTION (4)(a) OF THIS SECTION.

(4) (a) JUST PRIOR TO THE CLOSE OF BUSINESS ON DECEMBER 30, 2020, 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).

(b) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(I) THE PUBLIC HEALTH EMERGENCY CAUSED BY COVID-19 CAUSED A HISTORIC INCREASE IN UNEMPLOYMENT IN THE STATE AND THIS HAS CAUSED A DRAMATIC INCREASE IN THE NUMBER OF CLAIMS FOR BENEFITS FROM THE UNEMPLOYMENT COMPENSATION FUND;

(II) AS A RESULT, IT IS ESTIMATED THAT THE UNEMPLOYMENT COMPENSATION FUND WILL HAVE A DEFICIT OF APPROXIMATELY TWO BILLION DOLLARS BY THE END OF THE FISCAL YEAR 2020-21;

(III) THESE COSTS WILL NOT BE REIMBURSED BY THE FEDERAL GOVERNMENT, NOR ARE THEY ACCOUNTED FOR IN THE BUDGET APPROVED AS OF MARCH 27, 2020;

(IV) THE UNITED STATES DEPARTMENT OF TREASURY HAS STATED THAT PAYMENTS TO THE STATE UNEMPLOYMENT INSURANCE FUND ARE AN ALLOWABLE USE OF THE MONEY FROM THE FEDERAL CORONAVIRUS RELIEF FUND, UNDER SECTION 42 U.S.C. 801 (d); AND

(V) THE TRANSFER FROM THE CARE SUBFUND TO THE STATE UNEMPLOYMENT COMPENSATION FUND IS A NECESSARY EXPENDITURE INCURRED DUE TO THE PUBLIC HEALTH EMERGENCY WITH RESPECT TO COVID-19.

(c) THE MONEY TRANSFERRED FROM THE CARE SUBFUND IS NOT A GRANT TO THE UNEMPLOYMENT COMPENSATION FUND UNDER SECTION 24-77-102 (7)(b)(III).

SECTION 2. In Colorado Revised Statutes, 24-75-201.1, **add** (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.

SECTION 3. 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.

Approved: June 22, 2020