

# JOINT BUDGET COMMITTEE



## SUPPLEMENTAL BUDGET REQUESTS FY 2021-22

### DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

JBC WORKING DOCUMENT - SUBJECT TO CHANGE  
STAFF RECOMMENDATION DOES NOT REPRESENT COMMITTEE DECISION

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# DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

## DEPARTMENT OVERVIEW

The Department of Public Health and Environment consists of the following 10 divisions:

- 1 Administration and Support
  - a. Provides department-wide administrative services
  - b. Houses the Health Disparities Program, which provides grants for health initiatives aimed at reducing and eliminating disparities currently existing in the provision of health services across the state
  - c. Houses the Office of Planning and Partnerships, which oversees the distribution of state funds to local public health agencies
  
- 2 Center for Health and Environmental Information
  - a. Maintains a database of all Colorado births, deaths, marriages, and divorces
  - b. Provides birth and death certificates
  - c. Gathers and analyzes health data for use by public and private agencies
  - d. Operates the Medical Marijuana Registry
  
- 3 Disease Control and Public Health Response
  - a. Operates the Immunization Program, which includes the Immunization Outreach Program, the Colorado Immunization Information System, and grants to local public health agencies for operation of immunization clinics
  - b. Assesses the threat risk from environmental contaminants on human health, and, when needed, takes action to contain and/or nullify these threats
  - c. Provides testing, analysis, and results reporting of laboratory tests on specimens and samples submitted by other divisions, departments, and private clients
  - d. Includes the following laboratory units:
    - i. Molecular Sciences and Newborn Screening Units
    - ii. Public Health Microbiology and Environmental Microbiology Units
    - iii. Organic and Inorganic Units
    - iv. Evidential Breath and Alcohol Testing and Certification Units
  - e. Works with local agencies and other state departments to ensure Colorado is prepared for, and able to respond to, a variety of natural and man-made disasters
  - f. Coordinates a statewide network of laboratories, local agencies, hospitals, and other resources that can be utilized during disaster response
  
- 4 Air Pollution Control Division
  - a. Performs statewide air monitoring, pollutant analysis, and air emission modeling
  - b. Researches the causes and effects of pollution from mobile vehicles and implements strategies aimed at reducing emissions from mobile sources
  - c. Permits, monitors, and inspects factories, power plants, and other commercial air pollutant emitters for compliance with air pollutant emissions standards

- 5 Water Quality Control Division
  - a. Issues waste water discharge permits and, if necessary, takes enforcement action to ensure compliance with water quality standards
  - b. Issues water quality permits for the following sectors: construction, public and private utilities, commerce and industry, pesticides, and water quality certification
  - c. Monitors the pollutant levels in rivers, streams, and other bodies of water
  - d. Conducts surveillance of public and non-public drinking water sources to ensure compliance with federal and state water quality standards
  - e. Reviews designs and specifications of new and/or expanding water treatment facilities
  
- 6 Hazardous Materials and Waste Management Division
  - a. Regulates the treatment, storage, and disposal of solid and hazardous waste in Colorado
  - b. Performs inspections of solid waste facilities
  - c. Oversees hazardous waste generators, transporters, and storage facilities
  - d. Regulates commercial radioactive materials in Colorado
  - e. Administers the Waste Tire Program
  
- 7 Office of HIV, Viral Hepatitis and STP's
  - a. Responsible for identifying, containing, controlling, and tracking the spread of communicable diseases, with a focus on:
    - i. Hepatitis
    - ii. Tuberculosis
    - iii. Sexually transmitted infections and
    - iv. HIV/AIDS
  - b. Houses the Colorado HIV and AIDS Prevention Grant Program (CHAPP)
  - c. Houses the Ryan White Program
  
- 8 Division of Environmental Health and Sustainability
  - a. Certifies and inspects wholesale food distributors and dairy processors
  - b. Oversees restaurant, child care facility, and school inspections done by local public health agencies (with a few exceptions where the State is responsible for these inspections)
  - c. Administers the following environmental sustainability programs:
    - i. Environmental Leadership Program
    - ii. Pollution Prevention Program
    - iii. Pharmaceutical Take-Back Program
  - d. Administers the Recycling Resources Opportunity Program
  - e. Administers the Animal Feeding Operations Program
  
- 9 Prevention Services Division
  - a. Administers the Tobacco Education, Prevention, and Cessation Program and the Cancer, Cardiovascular Disease, and Chronic Pulmonary Disease Prevention, Early Detection, and Treatment Program
  - b. Operates the Breast and Cervical Cancer Screening Program
  - c. Operates programs for children with special needs and the Genetics Counseling Program
  - d. Administers the School-Based Health Centers Program
  - e. Administers injury and suicide prevention programs

- f. Operates the Primary Care Office and Oral Health Program
  - g. Administers the following two federal food assistance programs:
    - i. Women, Infants, and Children Program
    - ii. Child and Adult Care Food Program
- 10 Health Facilities and Emergency Medical Services Division
- a. Enforces, through certification and inspections, the standards for the operation of health care facilities, including hospitals and nursing facilities
  - b. Inspects and certifies emergency medical and trauma service providers

## SUMMARY: FY 2020-21 APPROPRIATION AND RECOMMENDATION

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT: RECOMMENDED CHANGES FOR FY 2021-22						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$625,090,752	\$63,026,643	\$198,032,718	\$48,258,812	\$315,772,579	1,416.2
Other legislation	45,902,508	14,572,291	32,465,945	(1,135,728)	0	161.4
<b>CURRENT FY 2021-22 APPROPRIATION:</b>	<b>\$670,993,260</b>	<b>\$77,598,934</b>	<b>\$230,498,663</b>	<b>\$47,123,084</b>	<b>\$315,772,579</b>	<b>1,577.6</b>
<b>RECOMMENDED CHANGES</b>						
Current FY 2021-22 Appropriation	\$670,993,260	77,598,934	\$230,498,663	\$47,123,084	\$315,772,579	1,577.6
Staff SB 21-243 GF Transfer	14,500,000	14,500,000	0	0	0	0.0
S2 Nursing facility grant program	4,000,000	0	4,000,000	0	0	0.0
S3 Leave payouts	814,700	0	0	814,700	0	0.0
S4 EPA Permitting and inspection targets	0	0	0	0	0	0.0
S1 HDG Roll-Forward	0	0	0	0	0	0.0
Staff initiated I note clean up	0	0	0	0	0	0.0
DPA annual fleet supplemental*	(23,876)	0	(44,180)	20,304	0	0.0
<b>RECOMMENDED FY 2021-22 APPROPRIATION:</b>	<b>\$690,284,084</b>	<b>\$92,098,934</b>	<b>\$234,454,483</b>	<b>\$47,958,088</b>	<b>\$315,772,579</b>	<b>1,577.6</b>
<b>RECOMMENDED INCREASE/(DECREASE)</b>	<b>\$19,290,824</b>	<b>\$14,500,000</b>	<b>\$3,955,820</b>	<b>\$835,004</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	2.9%	18.7%	1.7%	1.8%	0.0%	0.0%
<b>FY 2021-22 EXECUTIVE REQUEST</b>						
Request Above/(Below) Recommendation	(\$14,004,195)	(\$14,500,000)	\$495,805	\$0	\$0	3.0

\*Represents the requested appropriation change and not staff recommendation. This request item will be addressed in a future staff supplemental recommendation for the Department of Personnel.

### REQUEST/RECOMMENDATION DESCRIPTIONS

**S1 HDG ROLL-FORWARD SPENDING AUTHORITY:** The request includes roll forward authority for \$2.1 million General Fund allocated to the Health Disparities Grant Program under S.B. 21-181. Staff recommends approving the Department's request.

**S2 NURSING FACILITY GRANT PROGRAM:** The request includes an increase of \$4.0 million cash fund spending authority from the Nursing Home Penalty Cash Fund to fund grants outlined in S.B. 21-128. Staff recommends approving the Department's request.

**S3 LEAVE PAYOUTS:** The request includes an increase of \$814,700 reappropriated funds from indirect cost recoveries to fund the Department leave payouts program, which is used to pay employees the balance of their unused leave when they depart. Staff recommends approving the Department's request.

**S4 MEET NEW EPA PERMITTING AND INSPECTION TARGETS:** The request includes an increase of \$495,805 cash fund spending authority from the Public and Private Utilities Sector cash fund and Construction Sector cash fund, as well as 3.0 FTE. The request seeks to add FTE to address permitting backlogs and meet EPA standards of a backlog of no more than 25%. Staff recommends denying the Department's request.

**STAFF-INITIATED S.B. 21-243 GENERAL FUND TRANSFER:** Staff requests that the Committee approve a modification to the appropriations clause of Senate Bill 21-243 to clarify the Department of Public Health and Environment is responsible for a General Fund transfer of \$14.5 million outlined in the bill. Staff will additionally add the transfer to the Department's FY 2021-22 budget, which was absent from the corresponding appropriations report.

**STAFF-INITIATED INFORMATIONAL (I) NOTE CLEAN UP:** Staff requests that the Committee approve adding additional language to the appropriations clause of House Bill 21-1266 to clearly identify funds coming from the Community Impact Cash Fund as for informational purposes only.

**DPA ANNUAL FLEET SUPPLEMENTAL:** The request includes a decrease of \$23,876 total funds for an adjustment to the Department's share of expenses related to leasing fleet vehicles through the Department of Personnel. Staff's recommendation is pending. This request item will be addressed in a separate staff supplemental presentation for the Department of Personnel. Staff will incorporate the Committee's action into the supplemental bill for the Department of Public Health and Environment. Note, the dollar amount in the summary table above represents the requested appropriation change.

## PRIORITIZED SUPPLEMENTAL REQUESTS

### S1 HEALTH DISPARITIES GRANTS ROLL FORWARD AUTHORITY

	REQUEST	RECOMMENDATION
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>
FTE	0.0	0.0
General Fund	0	0
Cash Funds	0	0
Federal Funds	0	0

**Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? YES**

[An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]

**Explanation:** JBC staff and the Department agree that this request is the result an unforeseen contingency.

**DEPARTMENT REQUEST:** The Department requests roll forward authority for \$2.1 million General Fund allocated to the Health Disparities Grant Program under S.B. 21-181 (Equity Strategic Plan Address Health Disparities).

**STAFF RECOMMENDATION:** Staff recommends that the Committee approve the Department's request, and add language to the appropriations clause of S.B. 21-181 to allow for any unspent dollars at the end of FY 2021-22 to be further appropriated for FY 2022-23.

**STAFF ANALYSIS:** Senate Bill 21-181 appropriated \$4.7 million General Fund to the Health Disparities Grant Program (HDGP) within the Office of Health Equity and expands the program's scope to include targeting social determinates of health. Historically the HDGP has been funded exclusively by Amendment 35 tobacco tax dollars, which are deposited into the Health Disparities Grant Program Cash Fund.

Spending authority for the HDGP is set each year by combining the cash fund balance and forecasted Amendment 35 revenues. Because of the unstable nature of the funding stream, the Department has typically been conservative in it's awarding of grants, as grants are awarded on 2 and 3 year cycles. This ensures that current awardees can be funded in the out-years in the event of a significant revenue decline. A reversion analysis table has been included below outlining the Department's average appropriations, expenditures, and reversions before the additional annual General Fund appropriation of \$4.7 million.

REVERSION HISTORY			
FISCAL YEAR	APPROPRIATED	EXPENDED	REVERTED
FY 2013-14	\$3,699,149	\$2,479,669	\$1,219,480
FY 2014-15	3,935,731	3,093,637	842,094
FY 2015-16	4,196,710	3,651,239	545,471
FY 2016-17	3,607,585	2,960,801	646,784
FY 2017-18	3,711,034	3,086,552	624,482
FY 2018-19	3,915,590	2,070,810	1,844,780
FY 2019-20	4,371,729	3,542,429	829,300
FY 2020-21	3,608,387	3,145,173	463,214
<b>Average</b>	<b>\$3,880,739</b>	<b>\$3,003,789</b>	<b>\$876,951</b>



The \$4.7 million General Fund appropriation made in S.B. 21-181 represents a 156.0 percent increase over the average \$3.0 million in grants awarded annually. It should also be noted that unlike grants originating as cash funds, which revert back to the cash fund of origin if unused at the end of the year, General Fund reversions go back into the General Fund, leading to any unspent funds becoming unavailable for their original purpose.

## S2 NURSING FACILITY GRANT PROGRAM

	REQUEST	RECOMMENDATION
<b>TOTAL</b>	<b>\$4,000,000</b>	<b>\$4,000,000</b>
FTE	0.0	0.0
General Fund	0	0
Cash Funds	4,000,000	4,000,000
Federal Funds	0	0

**Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? YES**

[An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]

**Explanation:** JBC staff and the Department agree that this request is the result of data that was not available when the original appropriation was made.

**DEPARTMENT REQUEST:** The Department requests an increase of \$4.0 million cash fund spending authority from the Nursing Home Penalty Cash Fund for FY 2021-22. The request continues on through a budget amendment for FY 2022-23 (BA1).

**STAFF RECOMMENDATION:** Staff recommends that the Committee approve the Department's request.

**STAFF ANALYSIS:** Senate Bill 21-128 transferred the Nursing Home Penalty Cash Fund, and corresponding grant making ability, from the Department of Health Care Policy and Financing to the Department of Public Health and Environment. The Nursing Home Penalty Cash Fund revenue is generated from civil monetary penalties assessed on nursing facilities for violations of federal certification standards, as assessed by either HCPF, CDPHE or the federal government. All penalties deposited in the fund are to be used either as grants to nursing facilities to improve the overall quality of care, or held in reserve for emergencies such as facility closures and relocation needs. Funds used for emergency facility closures are continuously appropriated and do not require appropriation from the General Assembly.

Under the HCPF budget nursing home grants were limited by the Department's \$500,000 appropriation, which allowed the fund balance to grow over several years. At the time the fund was transferred the cash fund balance used to set the appropriation was \$8.1 million from the end of FY 2019-20. With \$5 million being set aside for emergency needs the remaining \$3.1 million was used to set the current \$2.0 million appropriation. Since then two new pieces of information have become available, the first is that the total fund balance began the fiscal year at around \$12 million. The second is that the Center for Medicare and Medicaid Services (CMS) at the federal level has issued guidance

stating that 50 percent of the TOTAL fund balance should be spent within the same fiscal year, and not 50 percent of the excess amount over the emergency reserve, as was originally understood to be the case. The request brings to total appropriation for nursing home grants to \$6 million, fulfilling the federal standards set by CMS.

### S3 LEAVE PAYOUTS

	REQUEST	RECOMMENDATION
<b>TOTAL</b>	<b>\$814,700</b>	<b>\$814,700</b>
FTE	0.0	0.0
General Fund	0	0
Cash Funds	0	0
Reappropriated Funds	814,700	814,700
Federal Funds	0	0

**Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? YES**

[An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]

**Explanation:** JBC staff and the Department agree that this request is the result of data that was not available when the original appropriation was made.

**DEPARTMENT REQUEST:** The Department requests an increase of \$814,700 reappropriated funds from indirect cost recoveries for FY 2021-22. The request continues on through a budget amendment for FY 22-23 (BA4).

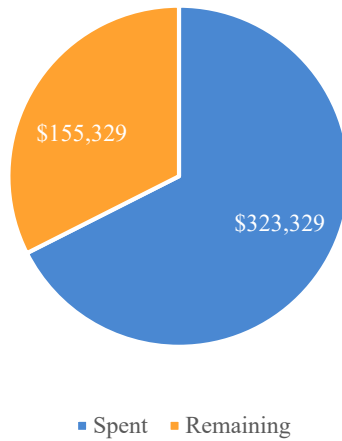
**STAFF RECOMMENDATION:** Staff recommends that the Committee approve the Department’s request.

**STAFF ANALYSIS:** Under State personnel rules, the Department is required to pay retiring and departing employees for unused accrued leave. Federal regulations, however, do not permit agencies to directly pay leave payouts from federal grants. In order to correct for this disconnect in regulations the federal government states that “payments for unused leave when an employee retires or terminates employment are allowable in the years of payment provided they are allocated as a general administrative expense to all activities of the governmental unit or component.” In practice, this means the Department includes leave payouts from federal grants into the Department’s indirect costs.

Over the course of the COVID-19 pandemic the Department has hired 1,774 COVID response staff and contractors with largely federal dollars, over doubling the 1,578 “on-budget” staff identified through the 2021 Long Bill and other legislation for FY 2021-22. Because of this increase in staff the Department saw a substantial increase in revenue to its Indirect Cost Recovery Fund for FY 2020-21, with revenue coming in at over \$3.5 million, and bringing the fund balance to just under \$5 million at the start of FY 2021-22.

As of the end of the first quarter of FY 2021-22 (ending September of 2021) the Department has used up 68 percent (\$323,329) of the leave payouts appropriation of \$478,623.

Leave Payouts Spent through Q1 of FY 2021-22



Further exacerbating the issue is that the Department requested, and the General Assembly approved, a reduction of the Leave Payouts line for FY 2021-22 from \$854,372 to \$478,623 through the Department’s R07 decision item (Administration and Support Division Efficiencies). The purpose of this reduction was in response to a footnote being added in FY 2018-19 to remove General Fund and reappropriated funds from the line, and having those expenses be paid directly through program costs. This footnote caused a roughly \$200,000 drop in annual expenditures.

S4 MEET NEW EPA PERMITTING AND INSPECTION TARGETS

	REQUEST	RECOMMENDATION
<b>TOTAL</b>	<b>\$495,805</b>	<b>\$0</b>
FTE	0.0	0.0
General Fund	0	0
Cash Funds	495,805	0
Federal Funds	0	0

**Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? NO**

[An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]

**Explanation:** JBC staff believes that this request does not meet the JBC criteria for a supplemental. The Department and JBC staff disagree that this request is the result of new data that was not available at the time of the original appropriation.

**DEPARTMENT REQUEST:** The Department requests an increase of \$495,805 cash fund spending authority from the Public and Private Utilities Sector and Construction Sector cash funds and 3.0 FTE for FY 2021-22. The request continues on through a budget amendment for FY 2022-23 (BA3) increasing to \$842,721 cash funds and 6.0 FTE in FY 2023-24 and beyond. The request is intended to both meet expected changes in EPA guidelines as well as add FTE to correspond with increasing permitting and inspection workloads.

**STAFF RECOMMENDATION:** Staff recommends that the Committee deny the Department’s request for supplemental funding. Staff believes the Department’s request is based on an assumption of changing federal guidance beginning in October of 2022, which does not meet supplemental criteria. Staff may make an alternative recommendation during figure setting for the out year costs associated with S4/BA3.

**STAFF ANALYSIS:** The U.S. Environmental Protection Agency (EPA) has delegated to the Water Quality Control Division (WQCD) within the Department the authority to issue National Pollutant Discharge Permits (NPDES) in Colorado since 1975. Under the delegation, the division is required to perform activities such as: issuing permits, regulating review of water quality standards, conducting compliance oversight and enforcement, performing water quality assessment, managing nonpoint sources, overseeing total maximum daily load development, and conducting mandated electronic reporting.

Historically the EPA has not established national targets for permitting entities on either permit backlogs or compliance rates, but have issued preliminary placeholder targets while working with states to establish national standards. Current preliminary EPA targets, which were released in the summer of 2021, are that 75 percent of all permits be kept current and that the environmental law compliance rate (those entities in vs out of compliance with their permit) reach 88 percent (currently at 76 percent in Colorado). However, these targets are not official targets approved through the performance partnership agreement between the EPA and Colorado. It is expected that official metrics will be in place for the beginning of the next federal fiscal year, which begins October of 2022.

Regardless of federal guidance, there can be a case made for the need for increased permits and inspections outlined in this request. For example, construction activities requiring discharge permits have risen 19 percent over the last year and 37 percent since 2016 and the backlog of permits in the Public and Private Utilities (PPU) sector have risen from 48 percent in 2017 to 63 percent in 2020. These increases in workload have not been met with an increase in staffing, as the FTE for the construction and PPU sectors have remained stable at 20.3 and 44.3, respectively, since FY 2016-17.

Both the Construction Sector Cash Fund and the Public and Private Utilities Cash Fund fee structures are set in statute, and the Department does not have control over raising or lowering fees to meet industry demand. Both funds do however have moderately healthy fund balances to cover the request for the next several years, as indicated in the table below, with a roughly 50/50 share of expenses between the funds. It is expected that, if this request is approved, a modification to the fund’s fee structure would be needed in order to sustain the new encumbrances beginning around FY 2025-26.

WATER QUALITY CASH FUNDS				
	FY 19-20	FY 20-21	FY 21-22	FY 22-23
<b>Construction Sector Fund</b>				
Revenue	\$2,892,620	\$1,365,699	\$2,294,835	\$2,294,835
Expenditures	2,592,613	1,993,172	2,073,931	2,158,800
Balance	1,934,917	1,302,410	1,523,314	1,659,350
<b>PPU Fund</b>				
Revenue	2,837,722	2,540,210	2,800,065	2,800,065
Expenditures	3,211,733	2,494,523	2,618,153	2,618,153
Balance	\$1,556,008	\$1,598,666	\$1,780,578	\$1,962,490

## STAFF-INITIATED SUPPLEMENTAL REQUESTS

### STAFF-INITIATED – S.B. 21-243 GENERAL FUND TRANSFER

	REQUEST	RECOMMENDATION
<b>TOTAL</b>	<b>\$0</b>	<b>\$14,500,000</b>
FTE	0.0	0.0
General Fund	0	14,500,000
Cash Funds	0	0
Federal Funds	0	0

**Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? YES**

[An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]

**Explanation:** This request is based on a technical error in the appropriations clause of S.B. 21-243 not specifying which executive department was responsible for a General Fund transfer to a cash fund.

**DEPARTMENT REQUEST:** The Department did not request \$14.5 million General Fund for FY 2021-22, but has already accounted for the appropriation, and subsequent annualization, in their FY 2022-23 budget request. The Department is aware of staff's recommendation.

**STAFF RECOMMENDATION:** Staff recommends that the Committee approve a modification to the appropriations clause of S.B. 21-243 (Public Health Infrastructure) to clarify the Department of Public Health and Environment is responsible for a General Fund transfer of \$14.5 million outlined in the bill. Staff will additionally add the transfer to the Department's FY 2021-22 budget, which was absent from the corresponding appropriations report.

**STAFF ANALYSIS:** Senate Bill 21-243 appropriated \$21.1 million from the Economic Recovery and Relief Cash Fund to the Department for FY 2021-22 for distributions to local public health agencies (\$10.0 million) and expansion of disease control programs and reporting (\$11.1 million). This appropriation is then made from the General Fund for FY 22-23 and FY 23-24. Added on to the appropriations clause for FY 21-22 was a \$14.5 million transfer from the General Fund to the Economic Recovery and Relief Cash fund. However, the appropriations clause did not specify a Department responsible for the accounting related to the General Fund transfer. The Department of Public Health and Environment oversaw the accounting of the General Fund transfer, but JBC staff did not account for this amount when reflecting the Departments FY 21-22 appropriation totals.

### STAFF-INITIATED – (I) NOTE CLEAN UP H.B. 21-1266

	REQUEST	RECOMMENDATION
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>
FTE	0.0	0.0
General Fund	0	0
Cash Funds	0	0
Federal Funds	0	0

**Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? YES**

[An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]

**Explanation:** This request is based on a technical error in the appropriations clause for H.B. 21-1266.

**DEPARTMENT REQUEST:** The Department did not request a change to the appropriations clause of H.B. 21-1266 (Environmental Justice Disproportionate Impacted Community), and is not aware of staff's recommendation.

**STAFF RECOMMENDATION:** Staff recommends that the Committee approve adding additional language to the appropriations clause of House Bill 21-1266 to clearly identify funds coming from the Community Impact Cash Fund as for informational purposes only.

**STAFF ANALYSIS:** House Bill 21-1266 created the Community Impact Cash Fund within the Department to provide grants for environmental mitigation projects and pay for costs relating to the Environmental Justice Advisory Board. Money credited to the fund is continuously appropriated as laid out in Section 25-7-129 (3)(e). While the text of the bill clearly indicates the intent of the fund is for continuous spending authority, the appropriations clause does not indicate that the appropriated dollars are for informational purposes only. Adding an (I) or informational note language to the appropriations clause will give the reader a more clear understanding of the limits the General Assembly has in appropriating dollars from the newly created fund.

## STATEWIDE COMMON POLICY SUPPLEMENTAL REQUESTS

This request is not prioritized and is not analyzed in this packet. The JBC will act on this item later when it makes decisions regarding common policies.

DEPARTMENT'S PORTION OF STATEWIDE SUPPLEMENTAL REQUEST	TOTAL	GENERAL FUND	CASH FUNDS	REAPPROP. FUNDS	FEDERAL FUNDS	FTE
DPA Annual Fleet Vehicle Supplemental	(\$23,876)	\$0	(\$44,180)	\$20,304	\$0	0.0
<b>DEPARTMENT'S TOTAL STATEWIDE SUPPLEMENTAL REQUESTS</b>	<b>(\$23,876)</b>	<b>\$0</b>	<b>(\$44,180)</b>	<b>\$20,304</b>	<b>\$0</b>	<b>0.0</b>

**STAFF RECOMMENDATION:** The staff recommendation for this request is pending Committee action on common policy supplementals. Staff will include the corresponding appropriation in the Department's supplemental bill based on Committee action on common policy supplementals. If staff believes there is reason to deviate from the common policy, staff will appear before the Committee at a later date to present the relevant analysis.

*JBC Staff Supplemental Recommendations - FY 2021-22  
Staff Working Document - Does Not Represent Committee Decision*

**Appendix A: Numbers Pages**

	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2021-22 Requested Change	FY 2021-22 Rec'd Change	FY 2021-22 Total w/Rec'd Change
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**DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**  
**Jill Ryan, Executive Director**

**S1 HDG Roll Forward**

**(1) ADMINISTRATION AND SUPPORT**

**(B) Office of Health Equity**

Health Disparities Grants	<u>3,145,173</u>	<u>8,009,288</u>	<u>0</u>	<u>8,009,288</u>
General Fund	0	4,700,000	0	4,700,000
Cash Funds	858,257	650,393	0	650,393
Reappropriated Funds	2,286,916	2,658,895	0	2,658,895
Federal Funds	0	0	0	0

<b>Total for S1 HDG Roll Forward</b>	3,145,173	8,009,288	0	8,009,288
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	0	4,700,000	0	4,700,000
Cash Funds	858,257	650,393	0	650,393
Reappropriated Funds	2,286,916	2,658,895	0	2,658,895
Federal Funds	0	0	0	0

*JBC Staff Supplemental Recommendations - FY 2021-22*  
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	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2021-22 Requested Change	FY 2021-22 Rec'd Change	FY 2021-22 Total w/Rec'd Change
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**S2 Nursing facility grant program**

**(10) HEALTH FACILITIES AND EMERGENCY MEDICAL SERVICES DIVISION**

**(B) Licensure**

Nursing Home Grants	<u>2,000,000</u>	<u>4,000,000</u>	<u>6,000,000</u>	<u>6,000,000</u>
FTE	0.0	0.0	0.0	0.0
Cash Funds	2,000,000	4,000,000	6,000,000	6,000,000

<b>Total for S2 Nursing facility grant program</b>	2,000,000	4,000,000	6,000,000	6,000,000
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
Cash Funds	2,000,000	4,000,000	6,000,000	6,000,000



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**S3 Leave Payouts**

**(1) ADMINISTRATION AND SUPPORT**

**(A) Administration**

Leave Payouts	<u>808,842</u>	<u>478,623</u>	<u>814,700</u>	<u>1,293,323</u>
General Fund	0	0	0	0
Cash Funds	0	0	0	0
Reappropriated Funds	808,842	478,623	814,700	1,293,323
Federal Funds	0	0	0	0

<b>Total for S3 Leave Payouts</b>	808,842	478,623	814,700	1,293,323
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	0	0	0	0
Cash Funds	0	0	0	0
Reappropriated Funds	808,842	478,623	814,700	1,293,323
Federal Funds	0	0	0	0

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	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2021-22 Requested Change	FY 2021-22 Rec'd Change	FY 2021-22 Total w/Rec'd Change
<b>S4 EPA Permitting and inspection targets</b>					
<b>(1) ADMINISTRATION AND SUPPORT</b>					
<b>(A) Administration</b>					
Health, Life, and Dental	<u>8,426,485</u>	<u>16,169,999</u>	<u>0</u>	<u>16,169,999</u>	
General Fund	1,609,742	2,238,276	0	2,238,276	
Cash Funds	5,265,982	6,265,528	0	6,265,528	
Reappropriated Funds	1,550,761	1,606,315	0	1,606,315	
Federal Funds	0	6,059,880	0	6,059,880	
Short-term Disability	<u>112,578</u>	<u>183,318</u>	<u>0</u>	<u>183,318</u>	
General Fund	30,426	25,702	0	25,702	
Cash Funds	62,640	65,921	0	65,921	
Reappropriated Funds	19,512	17,963	0	17,963	
Federal Funds	0	73,732	0	73,732	
S.B. 04-257 Amortization Equalization Disbursement	<u>3,383,873</u>	<u>6,033,778</u>	<u>0</u>	<u>6,033,778</u>	
General Fund	914,440	846,067	0	846,067	
Cash Funds	1,883,051	2,169,711	0	2,169,711	
Reappropriated Funds	586,382	591,248	0	591,248	
Federal Funds	0	2,426,752	0	2,426,752	
S.B. 06-235 Supplemental Amortization Equalization Disbursement	<u>3,383,873</u>	<u>6,033,778</u>	<u>0</u>	<u>6,033,778</u>	
General Fund	914,440	846,067	0	846,067	
Cash Funds	1,883,051	2,169,711	0	2,169,711	
Reappropriated Funds	586,382	591,248	0	591,248	
Federal Funds	0	2,426,752	0	2,426,752	

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**(5) WATER QUALITY CONTROL DIVISION**

**(B) Clean Water Sectors**

Construction Sector	<u>1,562,678</u>	<u>1,646,605</u>	<u>0</u>	<u>1,646,605</u>
FTE	20.3	20.3	0.0	20.3
General Fund	281,997	281,997	0	281,997
Cash Funds	1,106,463	1,140,643	0	1,140,643
Reappropriated Funds	0	0	0	0
Federal Funds	174,218	223,965	0	223,965
Public and Private Utilities Sector	<u>3,427,646</u>	<u>3,583,357</u>	<u>0</u>	<u>3,583,357</u>
FTE	44.3	44.3	0.0	44.3
General Fund	1,542,188	1,543,624	0	1,543,624
Cash Funds	1,551,246	1,551,486	0	1,551,486
Reappropriated Funds	0	0	0	0
Federal Funds	334,212	488,247	0	488,247

**(5) WATER QUALITY CONTROL DIVISION**

**(E) Indirect Cost Assessments**

Indirect Cost Assessment	<u>3,084,727</u>	<u>3,332,094</u>	<u>0</u>	<u>3,332,094</u>
General Fund	0	0	0	0
Cash Funds	1,038,157	1,269,669	0	1,269,669
Reappropriated Funds	0	0	0	0
Federal Funds	2,046,570	2,062,425	0	2,062,425

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	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2021-22 Requested Change	FY 2021-22 Rec'd Change	FY 2021-22 Total w/Rec'd Change
<b>Total for S4 EPA Permitting and inspection targets</b>	23,381,860	36,982,929	0	36,982,929	
<i>FTE</i>	<u>64.6</u>	<u>64.6</u>	<u>0.0</u>	<u>64.6</u>	
General Fund	5,293,233	5,781,733	0	5,781,733	
Cash Funds	12,790,590	14,632,669	0	14,632,669	
Reappropriated Funds	2,743,037	2,806,774	0	2,806,774	
Federal Funds	2,555,000	13,761,753	0	13,761,753	

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**Staff Initiated SB 21-243 GF Transfer**

**(3) DIVISION OF DISEASE CONTROL AND PUBLIC HEALTH RESPONSE**

**(A) Administration**

Administration and Support	0	<u>14,971,785</u>	<u>14,500,000</u>	<u>29,471,785</u>
FTE	0.0	180.0	0.0	180.0
General Fund	0	1,399,353	14,500,000	15,899,353
Cash Funds	0	11,597,227	0	11,597,227
Reappropriated Funds	0	28,252	0	28,252
Federal Funds	0	1,946,953	0	1,946,953

<b>Total for Staff Initiated SB 21-243 GF Transfer</b>	0	14,971,785	14,500,000	29,471,785
<i>FTE</i>	<u>0.0</u>	<u>180.0</u>	<u>0.0</u>	<u>180.0</u>
General Fund	0	1,399,353	14,500,000	15,899,353
Cash Funds	0	11,597,227	0	11,597,227
Reappropriated Funds	0	28,252	0	28,252
Federal Funds	0	1,946,953	0	1,946,953

<b>Totals Excluding Pending Items</b>				
<b>PUBLIC HEALTH AND ENVIRONMENT</b>				
<b>TOTALS for ALL Departmental line items</b>	751,748,126	670,993,260	19,314,700	690,307,960
<i>FTE</i>	<u>1,294.1</u>	<u>1,577.6</u>	<u>0.0</u>	<u>1,577.6</u>
General Fund	63,882,708	77,178,933	14,500,000	91,678,933
General Fund Exempt	0	420,001	0	420,001
Cash Funds	154,018,845	230,498,663	4,000,000	234,498,663
Reappropriated Funds	48,682,104	47,123,084	814,700	47,937,784
Federal Funds	485,164,469	315,772,579	0	315,772,579