

CHAPTER 306

GOVERNMENT - STATE

HOUSE BILL 20-1426

BY REPRESENTATIVE(S) Esgar and McCluskie, Ransom, Snyder, Woodrow, Becker, Humphrey, Sandridge, Van Winkle, Williams D.;
 also SENATOR(S) Moreno and Rankin, Zenzinger, Cooke, Coram, Crowder, Donovan, Fields, Gardner, Ginal, Gonzales, Hansen, Hisey, Lee, Marble, Pettersen, Priola, Rodriguez, Scott, Story, Tate, Todd, Winter, Woodward, Garcia.

AN ACT**CONCERNING LEGISLATIVE ENGAGEMENT IN THE MANAGEMENT OF STATE OPERATIONS.**

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

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

PART 18
 RECEIPT OF INFORMATION FROM THE EXECUTIVE BRANCH
 DURING A DECLARED DISASTER EMERGENCY

2-3-1801. Legislative committees to receive information from the executive branch during a declared disaster emergency - definition. (1) AS USED IN THIS SECTION, "COMMITTEES" MEANS THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL CREATED IN SECTION 2-3-301 (1) AND THE JOINT BUDGET COMMITTEE CREATED IN SECTION 2-3-201, OR ANY SUCCESSOR COMMITTEES.

(2) EACH YEAR, THE COMMITTEES SHALL HOLD A JOINT MEETING DURING THE MONTHS OF MARCH, AUGUST, AND DECEMBER IF THERE HAS BEEN A DECLARATION OF A DISASTER EMERGENCY BY THE GOVERNOR UNDER SECTION 24-33.5-704 (4), OR ANY SUCCESSOR SECTION, SINCE THE FIRST DAY OF THE MONTH FOR THE LAST REQUIRED MEETING. WITH RESPECT TO ANY JOINT MEETING OF THE COMMITTEES, THE REQUIREMENT TO MEET MAY BE WAIVED IF SUCH WAIVER IS SUBMITTED IN WRITING BY NOT LESS THAN A MAJORITY OF THE MEMBERSHIP OF THE COMMITTEES.

(3) DURING ANY JOINT MEETING OF THE COMMITTEES HELD IN ACCORDANCE WITH THIS PART 18, THE GOVERNOR OR HIS OR HER DESIGNEE SHALL APPEAR TO PROVIDE

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.

INFORMATION OF A COMPREHENSIVE NATURE AND RESPOND TO QUESTIONS FROM THE COMMITTEES WITH RESPECT TO A CURRENT DISASTER EMERGENCY.

(4) THE GOVERNOR AND ANY STATE AGENCY SHALL 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. In Colorado Revised Statutes, 24-33.5-706, **add** (7) and (8) as follows:

24-33.5-706. Disaster emergency fund - established - financing - legislative intent - repeal. (7) (a) NO LATER THAN SEPTEMBER 20, 2020, THE OFFICE OF STATE PLANNING AND BUDGETING SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE OF THE EXPENDITURES FROM THE FUND DURING THE LAST TWELVE MONTHS. NOTWITHSTANDING SECTION 24-1-136 (11)(a), NO LATER THAN THE TWENTIETH DAY OF EVERY THIRD MONTH THEREAFTER, THE OFFICE SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE OF THE EXPENDITURES FROM THE FUND SINCE THE LAST REPORT. THE OFFICE SHALL SEPARATELY IDENTIFY EXPENDITURES BY DISASTER, IF THERE IS MORE THAN ONE TO BE INCLUDED IN THE REPORT, AND, FOR EACH DISASTER, THE OFFICE SHALL IDENTIFY:

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

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

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

(IV) TOTAL EXPENDITURES BY STATE AGENCY; AND

(V) A BREAKDOWN OF EXPENDITURES.

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

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

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

24-33.5-717. Reporting of federal funds. (1) NO LATER THAN SEPTEMBER 20, 2020, THE OFFICE OF STATE PLANNING AND BUDGETING SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE OF ALL EXPENDITURES OF FEDERAL FUNDS RECEIVED BY THE STATE THAT ARE USED FOR COSTS ASSOCIATED WITH A DISASTER DURING THE LAST TWELVE MONTHS, EXCLUDING ANY FEDERAL FUNDS INCLUDED IN THE REPORT

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

- (a) STATE AGENCIES THAT RECEIVED FUNDS AND AMOUNTS RECEIVED;
- (b) TOTAL EXPENDITURES BY STATE AGENCY; AND
- (c) A BREAKDOWN OF EXPENDITURES.

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

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

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

24-75-105. Transfers required to implement conditional and centralized appropriations - repeal. (2) This section is repealed, effective ~~September 1, 2020~~ SEPTEMBER 1, 2025.

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

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

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

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

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

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

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

24-75-108. Intradepartmental transfers between appropriations - repeal.

(11) This section is repealed, effective ~~September 1, 2020~~ SEPTEMBER 1, 2025.

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

24-75-109. Controller may allow expenditures in excess of appropriations - limitations - appropriations for subsequent fiscal year restricted - repeal.

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

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

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

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

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

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

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

SECTION 12. 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: July 14, 2020