

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0825.01 Ed DeCecco x4216

SENATE BILL 21-178

SENATE SPONSORSHIP

Moreno,

HOUSE SPONSORSHIP

McCluskie,

Senate Committees
Finance

House Committees

A BILL FOR AN ACT

101 CONCERNING THE EXTENSION OF THE DEADLINE FOR THE
102 EXPENDITURE OF MONEY FROM THE CARE SUBFUND IN THE
103 GENERAL FUND THAT CORRESPONDS TO THE EXTENSION FOR
104 ALLOWABLE STATE EXPENDITURES FROM THE FEDERAL
105 CORONAVIRUS RELIEF 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>.)

In 2020, the state received money from the federal coronavirus relief fund for the state to use for necessary expenditures incurred due to

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.

the public health emergency with respect to the COVID-19 pandemic that were incurred prior to December 30, 2020, and \$70 million of those federal funds were deposited in the care subfund and allocated through legislation enacted in 2020. In conformity with federal law, all of the agencies that received this money were required to use the money on or before December 30, 2020. Subsequent federal legislation extended the expenditure deadline for incurring these expenditures to December 31, 2021.

In light of the federal extension, the bill extends expenditure or appropriation deadlines for the following programs for which the departments have not yet expended all of their appropriation from the care subfund:

- Eviction legal assistance; (**Sections 2 and 7** of the bill)
- Human services referral services; (**Sections 5 and 8**)
- Low-income energy assistance; (**Section 6**)
- Behavioral health services; (**Section 9**)
- Immunization operating expenses; and (**Section 10**)
- Local public health agencies in rural areas. (**Section 10**)

In some cases, related program repeal deadlines are also extended.

Section 3 extends the exclusion of the care subfund expenditures from the calculation of the general fund reserve. **Section 4** delays a transfer of any unused money from the care subfund to the unemployment compensation fund from December 30, 2020, to December 31, 2021.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) In response to the COVID-19 pandemic Congress enacted the
5 "Coronavirus Aid, Relief, and Economic Security Act", Pub.L. 116-136,
6 also referred to as the "CARES Act", to provide emergency assistance to
7 state, local, and tribal governments;

8 (b) The CARES Act established the coronavirus relief fund (CRF)
9 and appropriated \$150 billion to the CRF for distribution, in part, to the
10 states to cover costs that:

11 (I) Are necessary expenditures incurred due to the public health
12 emergency with respect to the COVID-19 pandemic;

1 (II) Were not accounted for in the budget most recently approved
2 as of March 27, 2020, for the state; and

3 (III) Were incurred during the period that begins on March 1,
4 2020, and ends on December 30, 2020;

5 (c) Approximately \$1.674 billion was transferred from the CRF
6 to Colorado's state government and, in his executive order D 2020 070,
7 dated May 18, 2020, the governor directed the state treasurer to transfer
8 \$70 million of that money to the general fund for disbursement by the
9 general assembly;

10 (d) The \$70 million was set aside in the care subfund in the
11 general fund, in order to keep it segregated from other money in the
12 general fund;

13 (e) During the 2020 regular legislative session, the general
14 assembly appropriated money from the care subfund for a number of vital
15 programs to address the effects of the COVID-19 pandemic in several
16 bills;

17 (f) The programs and appropriations in these bills all complied
18 with the requirements in the CARES Act, including the requirement that
19 the money cover costs that were incurred on or before December 30,
20 2020;

21 (g) The federal "Consolidated Appropriations Act, 2021", extends
22 the time period during which states can incur expenses from the CRF
23 from December 30, 2020, to December 31, 2021;

24 (h) In executive order D 2020 294, dated December 30, 2020, the
25 governor extended the December 30, 2020, deadline to allow the
26 continuation of the bills that appropriated money from the care subfund,
27 and he subsequently extended the deadlines through additional executive

1 orders; and

2 (i) While some departments have been able to expend all of the
3 money appropriated from the care subfund, others have not, and,
4 therefore, those programs should be extended to conform to the new
5 federal deadline for the state to use this money.

6 **SECTION 2.** In Colorado Revised Statutes, 13-40-127, **amend**
7 (7)(a) and (7)(c) as follows:

8 **13-40-127. Eviction legal assistance - fund - rules - report -**
9 **definitions - repeal.** (7) (a) The state treasurer shall transfer three
10 hundred fifty thousand dollars from the care subfund in the general fund
11 to the eviction legal defense fund for the purpose of providing legal
12 representation to indigent tenants to resolve civil legal matters arising on
13 and after March 1, 2020, for an eviction or impending eviction related to
14 the public health emergency caused by the COVID-19 pandemic. The
15 money transferred to the fund pursuant to this subsection (7)(a) shall be
16 maintained in a separate account and used only for the purposes specified
17 in this subsection (7)(a). The general assembly shall appropriate the
18 money transferred to the fund pursuant to this subsection (7)(a) to the
19 administrator for use in accordance with this subsection (7)(a). The
20 administrator must use the money by ~~December 30, 2020~~ DECEMBER 31,
21 2021, for the purposes specified in this subsection (7).

22 (c) This subsection (7) is repealed, effective ~~September 1, 2021~~
23 SEPTEMBER 1, 2022.

24 **SECTION 3.** In Colorado Revised Statutes, 24-75-201.1, **amend**
25 (2)(d) as follows:

26 **24-75-201.1. Restriction on state appropriations - legislative**
27 **declaration - definitions - repeal.** (2) The basis for the calculation of

1 the reserve as specified in this section includes all appropriations for
2 expenditure from the general fund for such fiscal year, except for any
3 appropriations for:

4 (d) (I) Expenditures from the care subfund created in section
5 24-75-225 (1).

6 (II) This subsection (2)(d) is repealed, effective ~~July 1, 2021~~ JULY
7 1, 2022.

8 **SECTION 4.** In Colorado Revised Statutes, 24-75-225, **amend**
9 (3) and (4)(a) as follows:

10 **24-75-225. Care subfund - creation - administration - transfer**
11 **- legislative declaration.** (3) Any money transferred from the care
12 subfund to another cash fund is subject to the reporting and
13 record-keeping requirements set forth in subsection (2) of this section. If
14 as of ~~December 30, 2020~~ DECEMBER 31, 2021, there is any unexpended
15 money that originated from the care subfund in another cash fund, then
16 the state treasurer shall transfer the unexpended amount from the cash
17 fund to the subfund prior to the transfer required in subsection (4)(a) of
18 this section.

19 (4) (a) Just prior to the close of business on ~~December 30, 2020~~
20 DECEMBER 31, 2021, any unexpended appropriations from the care
21 subfund revert to the subfund, and the state treasurer shall transfer the
22 final balance in the subfund to the unemployment compensation fund,
23 created in section 8-77-101 (1).

24 **SECTION 5.** In Colorado Revised Statutes, 29-11-203, **amend**
25 (3) as follows:

26 **29-11-203. Human services referral service - immunity - grant**
27 **- repeal.** (3) (a) The Colorado 2-1-1 collaborative shall provide

1 necessary human services referral services in the state through ~~December~~
2 ~~30, 2020~~ DECEMBER 31, 2021, relating to the COVID-19 public health
3 emergency, including information on COVID-19 test site locations and
4 referrals regarding equity, access, or discrimination concerning
5 employment and health access, as well as other necessary referrals and
6 intake services due to the presence of COVID-19 in the state.

7 (b) The general assembly shall appropriate from the cares subfund
8 in the general fund to the department five hundred thousand dollars for
9 a grant to the Colorado 2-1-1 collaborative to provide necessary referral
10 and intake services due to the COVID-19 public health emergency, as
11 described in subsection (3)(a) of this section, incurred through ~~December~~
12 ~~30, 2020~~ DECEMBER 31, 2021.

13 (c) This subsection (3) is repealed, effective ~~July 1, 2021~~ JULY 1,
14 2022.

15 **SECTION 6.** In Colorado Revised Statutes, 40-8.7-112, **amend**
16 (2)(f)(VI) and (2)(f)(VII) as follows:

17 **40-8.7-112. Department of human services low-income energy**
18 **assistance fund - creation - energy outreach Colorado low-income**
19 **energy assistance fund - creation - Colorado energy office low-income**
20 **energy assistance fund - creation - definitions - repeal.**

21 (2) (f) (VI) The organization must spend all of the money it receives
22 from the Colorado energy office pursuant to this subsection (2)(f) before
23 ~~December 11, 2020~~ DECEMBER 11, 2021. The organization shall return to
24 the state any unexpended money received pursuant to this subsection
25 (2)(f) under terms dictated by the state controller for the purpose of
26 transmitting the unexpended money to the unemployment compensation
27 fund, created in section 8-77-101 (1)(a), on or before ~~December 30, 2020~~

1 DECEMBER 31, 2021.

2 (VII) This subsection (2)(f) is repealed, effective ~~September 1,~~
3 ~~2021~~ SEPTEMBER 1, 2022.

4 **SECTION 7.** In Session Laws of Colorado 2020, **amend** section
5 4 of chapter 112 as follows:

6 Section 4. **Appropriation.** For the 2019-20 state fiscal year,
7 \$350,000 is appropriated to the judicial department for use by the eviction
8 legal defense grant program. This appropriation is from the pandemic
9 subaccount of the eviction legal defense fund created by section
10 13-40-127 (2) and (7)(a), C.R.S. To implement this act, the department
11 may use this appropriation for the purpose of providing legal
12 representation to indigent tenants as specified in section 13-40-127 (7)(a),
13 C.R.S. Any money appropriated in this section not expended prior to July
14 1, 2020, is further appropriated to the department for the period from July
15 1, 2020, through ~~December 30, 2020~~ DECEMBER 31, 2021, for the same
16 purpose.

17 **SECTION 8.** In Session Laws of Colorado 2020, **amend** section
18 3 of chapter 114 as follows:

19 Section 3. **Appropriation.** For the 2019-20 state fiscal year,
20 \$500,000 is appropriated to the department of human services. This
21 appropriation is from the care subfund in the general fund. To implement
22 this act, the department may use this appropriation for a grant to the
23 Colorado 2-1-1 collaborative for eligible services. Any money
24 appropriated in this section not expended prior to July 1, 2020, is further
25 appropriated to the department for the period from July 1, 2020, through
26 ~~December 30, 2020~~ DECEMBER 30, 2021.

27 **SECTION 9.** In Session Laws of Colorado 2020, **amend** section

1 2 of chapter 115 as follows:

2 Section 2. **Appropriation.** (1) (a) For the 2019-20 state fiscal
3 year, the following amounts are appropriated to the department of human
4 services for use by the office of behavioral health. The appropriations are
5 from the care subfund in the general fund. The office may use the
6 appropriations for the following purposes:

7 (I) \$3,530,000 directed to the managed service organizations for
8 substance use disorder treatment and recovery providers for unanticipated
9 expenses related to COVID-19;

10 (II) \$3,250,000 for community mental health centers for
11 unanticipated expenses related to COVID-19;

12 (III) \$500,000 directed to the managed service organizations for
13 substance use screening, brief intervention services, referral to treatment,
14 training, and supports;

15 (IV) \$2,000,000 for services provided to school-aged children and
16 parents by community mental health center school-based clinicians and
17 prevention specialists; and

18 (V) \$3,800,000 for co-responder programs; Colorado crisis system
19 services; housing assistance, including recovery residences and
20 momentum and transition specialist programs; and treatment for rural
21 communities.

22 (b) Any money appropriated in this subsection (1) not expended
23 prior to July 1, 2020, is further appropriated to the department of human
24 services for use by the office of behavioral health for the period from July
25 1, 2020, through ~~December 30, 2020~~ DECEMBER 31, 2021, for the same
26 purpose.

27 (2) For the 2019-20 state fiscal year, \$250,000 is appropriated to

1 the department of public health and environment. This appropriation is
2 from the care subfund in the general fund. The office may use this
3 appropriation for allocation to mental health first aid for in-person and
4 virtual trainings. Any money appropriated in this subsection (2) not
5 expended prior to July 1, 2020, is further appropriated to the department
6 of public health and environment for the period from July 1, 2020,
7 through ~~December 30, 2020~~ DECEMBER 31, 2021, for the same purpose.

8 (3) For the 2019-20 state fiscal year, \$1,150,000 is appropriated
9 to the department of public health and environment. The appropriation is
10 from the care subfund in the general fund. The department may use this
11 appropriation for the opiate antagonist bulk purchase fund, created in
12 section 25-1.5-115, C.R.S., and school-based health centers, as defined
13 in section 25-20.5-502 (1), C.R.S. Any money appropriated in this
14 subsection (3) not expended prior to July 1, 2020, is further appropriated
15 to the department of public health and environment for the period from
16 July 1, 2020, through ~~December 30, 2020~~ DECEMBER 31, 2021, for the
17 same purpose.

18 (4) For the 2019-20 state fiscal year, \$600,000 is appropriated to
19 the department of higher education for use by the regents of the university
20 of Colorado. The appropriation is from the care subfund in the general
21 fund. The regents may use this appropriation for allocation to the center
22 for research into substance use disorder prevention, treatment, and
23 recovery support strategies for education for health care professionals,
24 grant writing assistance, and personal protective equipment and telehealth
25 supplies for the medication-assisted treatment expansion pilot program
26 created in section 23-21-804, C.R.S. Any money appropriated in this
27 subsection (4) not expended prior to July 1, 2020, is further appropriated

1 to the department of higher education for use by the regents of the
2 university of Colorado for the period from July 1, 2020, through
3 ~~December 30, 2020~~ DECEMBER 31, 2021, for the same purpose.

4 (5) For the 2019-20 state fiscal year, \$120,000 is appropriated to
5 the department of law. The appropriation is from the care subfund in the
6 general fund. The department may use this appropriation for the safe2tell
7 program created in section 24-31-606, C.R.S. Any money appropriated
8 in this subsection (5) not expended prior to July 1, 2020, is further
9 appropriated to the department of law for the period from July 1, 2020,
10 through December 30, 2020, for the same purpose.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1 **SECTION 10. Appropriation to the department of public health and environment for the fiscal year beginning July 1, 2020.** In Session Laws of Colorado 2020, section
 2 of chapter 326, (HB 20-1360), **amend** Part XVI (1)(C), footnote 100a, and (8)(A), footnote 103a, as follows:

3 Section 2. **Appropriation.**

PART XVI

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

7 **(1) ADMINISTRATION AND SUPPORT**

8 **(C) Office of Planning, Partnerships, and Improvement**

9 Assessment, Planning, and

10 Support Program	1,309,806		346,433			963,373(I)
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	(8.4 FTE)					
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12 Distributions to Local

13 Public Health Agencies	9,370,432		6,832,223	1,810,105 ^a	728,104 ^b	
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APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Distribution to						
2	Local Public Health						
3	Agencies - Coronavirus						
4	1,500,000		1,500,000 ^c				
5	12,180,238						
6							
7	^a This amount shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S.						
8	^b This amount shall be Medicaid funds appropriated to the Transfer to the Department of Public Health and Environment for Local Public Health Agencies line item in the Department						
9	of Health Care Policy and Financing.						
10	^c This amount shall be from the CARE subfund in the General Fund, which includes federal funds received under Title VI of the federal Social Security Act and transferred to the General						
11	Fund by the Governor in Executive Order D 2020 070.						
12							
13	(8) DISEASE CONTROL AND ENVIRONMENTAL EPIDEMIOLOGY DIVISION						
14	(A) Administration, General Disease Control, and Surveillance						
15	2,966,287		1,401,536				1,564,751(I)

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	(35.8 FTE)						
2	Immunization Personal						
3	Services	4,105,789	1,319,789				2,786,000(I)
4	(25.3 FTE)						
5	Immunization Operating						
6	Expenses ¹⁰³	53,400,573	2,437,468	387,756 ^a	2,525,349 ^b		48,050,000(I)
7	Immunization						
8	Operating Expenses						
9	- Coronavirus Relief						
10	Funds ^{103a}	2,000,000	2,000,000 ^c				
11	Appropriation from the						
12	Tobacco Tax Cash Fund to						
13	the General Fund	387,756			387,756 ^c		
14	Federal Grants	1,333,092					1,333,092(I)
15							(9.2 FTE)

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Indirect Cost Assessment	3,595,125			862,215 ^d		2,732,910(I)
2		<u>67,788,622</u>					
3							

4 ^a This amount shall be from revenues from the imposition of additional state cigarette and tobacco taxes which are appropriated to the General Fund pursuant to Section 21 (5)(e) of Article
5 X of the State Constitution. This amount is not subject to the limitation on state fiscal year spending imposed by Section 20 of Article X of the State Constitution. This amount is also
6 not subject to the statutory limitation on General Fund appropriations growth or any other spending limitation existing in law pursuant to Section 21 (8) of Article X of the State
7 Constitution.

8 ^b This amount shall be from the Supplemental Tobacco Litigation Settlement Moneys Account of the Colorado Immunization Fund created in Section 25-4-2301, C.R.S., which is received
9 as a damage award and, as such, does not constitute fiscal year spending for the purposes of Section 20 of Article X of the State Constitution.

10 ^c This amount shall be from the Tobacco Tax Cash Fund created in Section 24-22-117 (1)(a), C.R.S., which is received under the provisions of Section 21 (4) of Article X of the State
11 Constitution, and, as such, does not constitute fiscal year spending for the purposes of Section 20 of Article X of the State Constitution.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1 ^d Of this amount, \$229,465 shall be from the Drug Assistance Program Fund created in Section 25-4-1411 (7)(a), C.R.S., \$284,532 shall be from the Marijuana Tax Cash Fund created
2 in Section 39-28.8-501 (1), C.R.S., \$174,705 shall be from the AIDS and HIV Prevention Fund created in Section 25-4-1415 (1), C.R.S., \$112,130 shall be from the Oil and Gas
3 Conservation and Environmental Response Fund created in Section 34-60-122 (5), C.R.S., and \$61,383 shall be from the Supplemental Tobacco Litigation Settlement Moneys Account
4 of the Colorado Immunization Fund created in Section 25-4-2301, C.R.S. The amounts from the Drug Assistance Program Fund, AIDS and HIV Prevention Fund, and the Supplemental
5 Tobacco Litigation Settlement Moneys Account of the Colorado Immunization Fund are received as damage awards and, as such, do not constitute fiscal year spending for the purposes
6 of Section 20 of Article X of the State Constitution.

7 ^e This amount shall be from the CARE subfund in the General Fund, which includes federal funds received under Title VI of the federal Social Security Act and transferred to the General
8 Fund by the Governor in Executive Order D 2020 070.

11 **TOTALS PART XVI**
12 **(PUBLIC HEALTH AND**
13 **ENVIRONMENT)**

	\$599,973,495	\$61,200,822 ^d	\$387,756 ^a	\$188,092,900 ^b	\$49,324,190	\$300,967,827 ^c
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APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1 ^a This amount is not subject to the limitation on General Fund appropriations set forth in Section 24-75-201.1, C.R.S., and shall be General Fund Exempt pursuant to Section 24-22-117
2 (1)(c)(I)(B.5), C.R.S.

3 ^b Of this amount, \$600,000 contains an (I) notation.

4 ^c Of this amount, \$294,462,527 contains an (I) notation.

5 ^d Of this amount, \$3,500,000 shall be from the CARE subfund in the General Fund, which includes federal funds received under Title VI of the federal Social Security Act and transferred
6 to the General Fund by the Governor in Executive Order D 2020 070.

7

8 **FOOTNOTES** -- The following statements are referenced to the numbered footnotes throughout section 2.

9

10 100a Department of Public Health and Environment, Administration and Support, Office of Planning, Partnerships, and Improvement, Distributions to Local Public
11 Health Agencies - Coronavirus Relief Funds -- This appropriation only remains available for expenditure through ~~December 30, 2020~~ DECEMBER 31, 2021.
12 It is the General Assembly's intent that these dollars be distributed to local public health agencies in rural areas, which face additional and unique challenges
13 in responding to the public health emergency due to a smaller workforce and public health infrastructure. The General Assembly further finds and declares
14 that the amount appropriated is for costs that are necessary expenditures incurred due to the COVID-19 public health emergency and that were not accounted
15 for in the budget most recently approved as of March 27, 2020.

16

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
<p>1 <u>103a</u> Department of Public Health and Environment, Disease Control and Environmental Epidemiology Division, Administration, General Disease Control, and</p> <p>2 Surveillance, Immunization Operating Expenses - Coronavirus Relief Funds -- The appropriation only remains available for expenditure through December</p> <p>3 30, 2020 DECEMBER 31, 2021. The General Assembly finds and declares that as a direct result of the COVID-19 pandemic, vaccination rates among Colorado</p> <p>4 children and adolescents dramatically decreased and that expenditures to recover the vaccination rates will likewise be incurred due to the pandemic. The</p> <p>5 General Assembly further finds and declares that the amount appropriated is for costs that are necessary expenditures incurred due to the COVID-19 public</p> <p>6 health emergency and that were not accounted for in the budget most recently approved as of March 27, 2020.</p>						

1 **SECTION 11. 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.