First Regular Session Seventy-third General Assembly STATE OF COLORADO

REREVISED

This Version Includes All Amendments Adopted in the Second House

LLS NO. 21-0825.01 Ed DeCecco x4216

SENATE BILL 21-178

SENATE SPONSORSHIP

Moreno, Bridges, Buckner, Fenberg, Ginal, Gonzales, Hansen, Winter

HOUSE SPONSORSHIP

McCluskie, Bacon, Bernett, Bird, Boesenecker, Cutter, Duran, Esgar, Exum, Froelich, Garnett, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jodeh, Kipp, Lontine, Michaelson Jenet, Ricks, Sullivan, Valdez D., Young

Senate Committees

House Committees

Finance Appropriations Finance Appropriations

A BILL FOR AN ACT

101	CONCERNING THE EXTENSION OF THE DEADLINE FOR THE
102	EXPENDITURE OF MONEY FROM THE CARE SUBFUND IN THI
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

HOUSE 3rd Reading Unamended April 29, 2021

HOUSE d Reading Unamended April 28, 2021

SENATE 3rd Reading Unamended April 5, 2021

SENATE 2nd Reading Unamended April 1, 2021

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;

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

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

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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

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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

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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

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- 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
- 13 (c) This subsection (3) is repealed, effective July 1, 2021 JULY 1, 2022.
- SECTION 6. In Colorado Revised Statutes, 40-8.7-112, amend
 (2)(f)(VI) and (2)(f)(VII) as follows:

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assistance fund - creation - energy outreach Colorado low-income energy assistance fund - creation - Colorado energy office low-income energy assistance fund - creation - definitions - repeal.

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

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I	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

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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										

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

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

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

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

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

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	\$	ITEM & SUBTOTAL	TOTAL	GENERAL FUND \$	GENERAL FUND EXEMPT \$	CASH FUNDS	REAPPROPR FUND:		FEDERAL FUNDS		
1 2	SECTION 10. Appro 2 of chapter 326 (HB 20-1360)		-				2020. In Session	n Laws of Color	ado 2020, section		
3											
4	PART XVI										
5	DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT										
6											
7	(1) ADMINISTRATION AND	SUPPORT									
8	(C) Office of Planning, Partner	rships, and Improv	ement								
9	Assessment, Planning, and										
10	Support Program	1,309,806		346,433					963,373(I)		
11		(8.4 FTE)									
12	Distributions to Local										
13	Public Health Agencies	9,370,432		6,832,223		1,810,105	a 72	8,104 ^b			

APPROPRIATION FROM

						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	Relief Funds ^{100a}	1,500,000		1,500,000°				
5		12,180,238						
6								
7	^a This amount shall be from	the Marijuana Tax Cash	Fund created in S	Section 39-28.8-501 (1), C.R.S.			
8	^b This amount shall be Medi	icaid funds appropriated t	o the Transfer to	the Department of P	ublic Health and E	nvironment for Local 1	Public Health Agencies line it	em in the Department
9	of Health Care Policy and F	inancing.						
10	^c This amount shall be from t	the CARE subfund in the (General Fund, wh	nich includes federal	funds received unde	er Title VI of the federa	al Social Security Act and tran	sferred to the General
11	Fund by the Governor in Ex	xecutive Order D 2020 07	0.					
12								
13	(8) DISEASE CONTROL	AND ENVIRONMENT	AL EPIDEMIC	DLOGY DIVISION				
14	(A) Administration, Gener	ral Disease Control, and	Surveillance					

1,401,536

2,966,287

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Program Costs

1,564,751(I)

APPROPRIATION FROM

		ITEM SUBTO		TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRI FUNDS	FEDERAL FUNDS
		\$	\$		\$	\$ 2122111	\$	\$	\$
1		(3	5.8 FTE)						
2	Immunization Personal								
3	Services	4	,105,789		1,319,789				2,786,000(I)
4		(2	5.3 FTE)						
5	Immunization Operating								
6	Expenses ¹⁰³	53	,400,573		2,437,468	387,756 ^a	2,525,349 ^t	0	48,050,000(I)
7	Immunization								
8	Operating Expenses								
9	- Coronavirus Relief								
10	Funds ^{103a}	2	,000,000		2,000,000°				
11	Appropriation from the								
12	Tobacco Tax Cash Fund to								
13	the General Fund		387,756				387,756	:	
14	Federal Grants	1	,333,092						1,333,092(I)
15									(9.2 FTE)

					_				APP	ROPRIATION	FROM		
		ITEM & SUBTOTAL				GENERAL GENERAL FUND FUND EXEMPT		FUND	CASH FUNDS		REAPPROPRIATED FUNDS		FEDERAL FUNDS
		\$	\$		\$		\$		\$		\$	\$	
1	Indirect Cost Assessment		3,595,125							862,215	d		2,732,910(I)
2			67,788,622										

- ^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
- 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
 - 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.

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- 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
- 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 ° 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.

		ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS		
	\$		\$	\$	\$	\$	\$			
1	^d Of this amount, \$229,465 shal	ll be from the Drug	Assistance Progra	m Fund created in	Section 25-4-1411 (7)	(a), C.R.S., \$284,532 s	hall be from the Marijuana	Γax Cash Fund created		
2	in Section 39-28.8-501 (1), C.I	R.S., \$174,705 sha	ll be from the AII	OS and HIV Prever	ntion Fund created in	Section 25-4-1415 (1)	o, 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 F	Fund created in Sec	tion 25-4-2301, C.	R.S. The amounts f	rom the Drug Assistan	ice Program Fund, AID	S and HIV Prevention Fund	, and the Supplemental		
5	Tobacco Litigation Settlement N	Moneys Account of	the Colorado Imn	nunization Fund are	received as damage a	wards and, as such, do	not constitute fiscal year spe	ending for the purposes		
6	of Section 20 of Article X of the	ne State Constitution	1.							
7	^e This amount shall be from the	CARE subfund in t	he General Fund, v	which includes feder	ral funds received und	er Title VI of the federa	l Social Security Act and tra	nsferred to the General		
8	Fund by the Governor in Execu	ntive Order D 2020	070.							
9										
10										
11	TOTALS PART XVI									
12	(PUBLIC HEALTH AND									

\$188,092,900^b

\$49,324,190

\$300,967,827°

\$387,756a

APPROPRIATION FROM

\$61,200,822^d

\$599,973,495

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ENVIRONMENT)

				FROM			
ITEM &	& 7	ΓΟΤΑL	GENERAL	GENERAL	CASH	REAPPROPRIATED) FEDERAL
SUBTOT	AL		FUND	FUND	FUNDS	FUNDS	FUNDS
				EXEMPT			
\$	\$	\$		\$	\$	\$	\$

- ^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.
- ^b Of this amount, \$600,000 contains an (I) notation.
- ^c Of this amount, \$294,462,527 contains an (I) notation.
- 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
 - to the General Fund by the Governor in Executive Order D 2020 070.

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

Department of Public Health and Environment, Administration and Support, Office of Planning, Partnerships, and Improvement, Distributions to Local Public Health Agencies - Coronavirus Relief Funds -- This appropriation only remains available for expenditure through December 30, 2020 DECEMBER 31, 2021.

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 in responding to the public health emergency due to a smaller workforce and public health infrastructure. The General Assembly further finds and declares 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 for in the budget most recently approved as of March 27, 2020.

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

Department of Public Health and Environment, Disease Control and Environmental Epidemiology Division, Administration, General Disease Control, and Surveillance, Immunization Operating Expenses - Coronavirus Relief Funds -- The appropriation only remains available for expenditure through December 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 children and adolescents dramatically decreased and that expenditures to recover the vaccination rates will likewise be incurred due to the pandemic. The General Assembly further finds and declares 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 for in the budget most recently approved as of March 27, 2020.

103a

- 1 **SECTION 11. Safety clause.** The general assembly hereby finds,
- determines, and declares that this act is necessary for the immediate
- 3 preservation of the public peace, health, or safety.

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