

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 22-0986.01 Ed DeCecco x4216

HOUSE BILL 22-1342

HOUSE SPONSORSHIP

Herod and Ransom, McCluskie, Esgar, Exum, Garnett, Gonzales-Gutierrez, Lindsay, Mullica, Ricks, Snyder, Titone, Valdez A.

SENATE SPONSORSHIP

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House Committees
Appropriations

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Appropriations

A BILL FOR AN ACT

101 CONCERNING THE REQUIREMENT THAT INTEREST AND INCOME
102 DERIVED FROM THE DEPOSIT AND INVESTMENT OF FEDERAL
103 FUNDS THAT THE STATE RECEIVED FROM THE FEDERAL
104 CORONAVIRUS STATE FISCAL RECOVERY FUND BE CREDITED TO
105 THE STATE EMERGENCY RESERVE CASH 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/>.)

Joint Budget Committee. Section 1 of the bill requires the state treasurer to credit any interest and income derived from the deposit and

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.

SENATE
2nd Reading Unamended
April 6, 2022

HOUSE
3rd Reading Unamended
March 31, 2022

HOUSE
2nd Reading Unamended
March 30, 2022

investment of federal funds that the state received from the federal coronavirus state fiscal recovery fund to the state emergency reserve cash fund (fund), which is available for declared emergencies only as required by the Taxpayer's Bill of Rights. **Sections 2 through 15** make conforming amendments related to this change.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-226, **amend**
3 (3)(c) and (4)(c) as follows:

4 **24-75-226. "American Rescue Plan Act of 2021" cash fund -**
5 **creation - recipient funds - limitations - reporting - definitions -**
6 **repeal.** (3) (c) The state treasurer shall credit all interest and income
7 derived from the deposit and investment of money in the fund to the
8 STATE EMERGENCY RESERVE CASH fund CREATED IN SECTION 24-77-104
9 (6)(a).

10 (4) (c) (I) Notwithstanding any provision of law to the contrary,
11 in order to ensure proper accounting for and compliance with the
12 "American Rescue Plan Act of 2021", whenever money is transferred or
13 appropriated to a recipient fund that also has money from other sources,
14 the state controller or department controller shall create a companion cash
15 fund that includes only the money the state received from the federal
16 coronavirus state fiscal recovery fund under section 9901 of title IX,
17 subtitle M of the "American Rescue Plan Act of 2021", but that is
18 otherwise legally identical to the recipient fund, EXCEPT AS OTHERWISE
19 PROVIDED IN SUBSECTION (4)(c)(II) OF THIS SECTION.

20 (II) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
21 CONTRARY, THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
22 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN A
23 RECIPIENT FUND THAT ORIGINATES FROM MONEY THE STATE RECEIVED

1 FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND TO THE
2 STATE EMERGENCY RESERVE CASH FUND CREATED IN SECTION 24-77-104
3 (6)(a).

4 **SECTION 2.** In Colorado Revised Statutes, 24-77-104, **amend**
5 (6)(a) as follows:

6 **24-77-104. State emergency reserve - cash fund - creation -**
7 **declaration of emergency - reimbursement of emergency reserve**
8 **expenditures.** (6) (a) The state emergency reserve cash fund, referred to
9 in this subsection (6) as the "fund", is hereby created in the state treasury.
10 The fund consists of money transferred to the fund pursuant to subsection
11 (6)(c) of this section, INTEREST AND INCOME CREDITED TO THE FUND
12 PURSUANT TO SECTION 24-75-226 (4)(c)(II), and any other money that the
13 general assembly may appropriate to the fund. The state treasurer shall
14 credit all interest and income derived from the deposit and investment of
15 money in the state emergency reserve cash fund to the fund.

16 **SECTION 3.** In Colorado Revised Statutes, 13-40-127, **amend**
17 (9)(a) as follows:

18 **13-40-127. Eviction legal assistance - fund - rules - report -**
19 **definitions - repeal.** (9) (a) In accordance with section 24-75-229 (4),
20 three days after June 25, 2021, the state treasurer shall transfer one
21 million five hundred thousand dollars from the affordable housing and
22 home ownership cash fund created in section 24-75-229 (3)(a) to the fund
23 for the purpose of providing legal representation to indigent tenants to
24 resolve civil legal matters arising on and after March 1, 2020, for an
25 eviction or impending eviction related to the public health emergency
26 caused by the COVID-19 public health emergency. The money
27 transferred to the fund pursuant to this subsection (9)(a) must be

1 maintained in a separate account and must be used only for the purposes
2 specified in this subsection (9)(a). NOTWITHSTANDING SUBSECTION (5)(b)
3 OF THIS SECTION, THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
4 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
5 ACCOUNT TO THE STATE EMERGENCY FUND CREATED IN SECTION
6 24-77-104 (6)(a) IN ACCORDANCE WITH SECTION 24-75-226 (4)(c)(II). The
7 general assembly shall appropriate the money transferred to the fund
8 pursuant to this subsection (9)(a) to the administrator for use in
9 accordance with this subsection (9)(a). The administrator shall use the
10 money by December 31, 2024, for the purposes specified in this
11 subsection (9)(a).

12 **SECTION 4.** In Colorado Revised Statutes, 23-3.3-1005, **add** (8)
13 as follows:

14 **23-3.3-1005. Colorado opportunity scholarship initiative fund**
15 **- created - rules - repeal.** (8) (a) NOTWITHSTANDING SUBSECTION (2) OF
16 THIS SECTION, THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
17 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY
18 APPROPRIATED TO THE FUND PURSUANT TO SUBSECTIONS (6)(a) AND (7)(a)
19 OF THIS SECTION TO THE STATE EMERGENCY FUND CREATED IN SECTION
20 24-77-104 (6)(a) IN ACCORDANCE WITH SECTION 24-75-226 (4)(c)(II).

21 (b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 1, 2026.

22 **SECTION 5.** In Colorado Revised Statutes, 24-4.2-103, **amend**
23 (2) as follows:

24 **24-4.2-103. Victims and witnesses assistance and law**
25 **enforcement fund - control of fund.** (2) All ~~moneys~~ MONEY deposited
26 in the fund shall be deposited in an interest-bearing account, which would
27 be a legal investment for the state treasurer. All interest ~~earned by moneys~~

1 AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY in
2 the fund shall be credited to the fund, EXCEPT AS OTHERWISE PROVIDED
3 IN SECTION 24-75-226 (4)(c)(II).

4 **SECTION 6.** In Colorado Revised Statutes, 24-32-721, **amend**
5 (3)(a) as follows:

6 **24-32-721. Colorado affordable housing construction grants**
7 **and loans - housing development grant fund - creation - housing**
8 **assistance for persons with behavioral, mental health, or substance**
9 **use disorders - cash fund - appropriation - report to general assembly**
10 **- rules - definitions - repeal.** (3) (a) EXCEPT AS OTHERWISE PROVIDED
11 IN SECTION 24-75-226 (4)(c)(II), any money in the fund not expended or
12 encumbered from any appropriation at the end of any fiscal year,
13 including interest AND INCOME earned on the investment or deposit of
14 money in the fund, remains in the fund and does not revert to the general
15 fund or any other fund and remains available for expenditure by the
16 division in subsequent fiscal years for the purposes specified in
17 subsection (1.5) or (2) of this section without further appropriation.

18 **SECTION 7.** In Colorado Revised Statutes, 24-32-3207, **amend**
19 (4) as follows:

20 **24-32-3207. Colorado heritage communities fund - creation -**
21 **source of funds.** (4) EXCEPT AS OTHERWISE PROVIDED IN SECTION
22 24-75-226 (4)(c)(II), all ~~moneys~~ MONEY, including interest AND INCOME
23 earned on the investment or deposit of ~~moneys~~ MONEY in the fund, shall
24 remain in the fund and shall not revert to the general fund of the state at
25 the end of any fiscal year.

26 **SECTION 8.** In Colorado Revised Statutes, 24-37.5-119, **amend**
27 (4)(b)(I) as follows:

1 **24-37.5-119. Broadband service - report - broadband**
2 **deployment board - broadband administrative fund - creation - rules**
3 **- legislative declaration - definitions - repeal.** (4) (b) (I) The broadband
4 stimulus account, referred to in this subsection (4)(b) as the "account", is
5 hereby created in the fund and consists of money the state received from
6 the federal coronavirus state fiscal recovery fund created in the federal
7 "American Rescue Plan Act of 2021", Pub.L. 117-2, and any money that
8 the general assembly may appropriate. Within three days after July 7,
9 2021, the state treasurer shall transfer thirty-five million dollars from the
10 economic recovery and relief cash fund created in section 24-75-228
11 (2)(a) to the account. The money in the account is subject to annual
12 appropriation by the general assembly for use by the board for the
13 purpose of reviewing and awarding grants under the broadband stimulus
14 grant program created in subsection (9.5) of this section. All interest AND
15 INCOME earned from THE DEPOSIT AND investment of money in the
16 account is credited to the ~~account~~ STATE EMERGENCY RESERVE CASH FUND
17 CREATED IN SECTION 24-77-104 (6)(a) IN ACCORDANCE WITH SECTION
18 24-75-226 (4)(c)(II). All money not expended from the account at the end
19 of a fiscal year remains in the account and does not revert to the economic
20 recovery and relief cash fund created in section 24-75-228 (2)(a) or any
21 other fund.

22 **SECTION 9.** In Colorado Revised Statutes, 24-48.5-131, **amend**
23 (9)(b) as follows:

24 **24-48.5-131. Colorado startup loan program - fund - creation**
25 **- policies - report - legislative declaration - definitions - repeal.**
26 (9) (b) The state treasurer shall credit all interest and income derived
27 from the deposit and investment of money in the fund to the fund, EXCEPT

1 AS OTHERWISE PROVIDED IN SECTION 24-75-226 (4)(c)(II).

2 **SECTION 10.** In Colorado Revised Statutes, 24-75-227, **repeal**
3 (2)(b)(II) as follows:

4 **24-75-227. Revenue loss restoration cash fund - creation -**
5 **allowable uses - definitions - repeal.** (2) (b) (II) ~~The state treasurer shall~~
6 ~~credit all interest and income derived from the deposit and investment of~~
7 ~~money in the fund to the fund.~~

8 **SECTION 11.** In Colorado Revised Statutes, 24-75-228, **repeal**
9 (3)(b) as follows:

10 **24-75-228. Economic recovery and relief cash fund - creation**
11 **- allowable uses - interim task force - report - legislative declaration**
12 **- definitions - repeal.** (3) (b) ~~The state treasurer shall credit all interest~~
13 ~~and income derived from the deposit and investment of money in the fund~~
14 ~~to the fund.~~

15 **SECTION 12.** In Colorado Revised Statutes, 24-75-229, **repeal**
16 (3)(b)(II) as follows:

17 **24-75-229. Affordable housing and home ownership cash fund**
18 **- creation - allowable uses - task force - legislative declaration -**
19 **definitions - repeal.** (3) (b) (II) ~~The state treasurer shall credit all interest~~
20 ~~and income derived from the deposit and investment of money in the fund~~
21 ~~to the fund.~~

22 **SECTION 13.** In Colorado Revised Statutes, 24-75-230, **repeal**
23 (2)(b)(II) as follows:

24 **24-75-230. Behavioral and mental health cash fund - creation**
25 **- allowable uses - task force - definitions - repeal.** (2) (b) (II) ~~The state~~
26 ~~treasurer shall credit all interest and income derived from the deposit and~~
27 ~~investment of money in the fund to the fund.~~

1 **SECTION 14.** In Colorado Revised Statutes, 24-75-231, **repeal**
2 (2)(b)(II) as follows:

3 **24-75-231. Workers, employers, and workforce centers cash**
4 **fund - creation - allowable uses - definitions - repeal.** (2) (b) (II) ~~The~~
5 ~~state treasurer shall credit all interest and income derived from the deposit~~
6 ~~and investment of money in the fund to the fund.~~

7 **SECTION 15.** In Colorado Revised Statutes, 39-22-802, **amend**
8 (1) as follows:

9 **39-22-802. Contributions credited to Colorado domestic abuse**
10 **program fund - creation - appropriation.** (1) The department of
11 revenue shall determine annually the total amount designated pursuant to
12 section 39-22-801 and shall report such amount to the state treasurer. The
13 state treasurer shall credit such amount to the Colorado domestic abuse
14 program fund, a cash fund hereby established in the state treasury. The
15 controller, upon presentation of vouchers properly drawn and signed by
16 the executive director of the department of human services, pursuant to
17 section 26-7.5-105, ~~C.R.S.~~, shall issue warrants drawn on the Colorado
18 domestic abuse program fund. All ~~moneys~~ MONEY in the Colorado
19 domestic abuse program fund at the end of a fiscal year, after
20 appropriations made pursuant to subsection (3) of this section, shall
21 remain in the fund to be used for the purposes set forth in article 7.5 of
22 title 26 ~~C.R.S.~~, and shall not revert to the general fund. Any interest
23 ~~earned on moneys~~ DERIVED FROM THE DEPOSIT AND INVESTMENT OF
24 MONEY in the fund shall remain in the fund to be used for the purposes of
25 article 7.5 of title 26, ~~C.R.S.~~ EXCEPT AS OTHERWISE PROVIDED IN SECTION
26 24-75-226 (4)(c)(II).

27 **SECTION 16. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.