

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 19-0331.01 Shelby Ross x4510

HOUSE BILL 19-1223

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A BILL FOR AN ACT

101 **CONCERNING APPLICATION ASSISTANCE FOR PERSONS SEEKING**
102 **FEDERAL DISABILITY BENEFITS, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

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>.)

The bill creates a program to help persons with disabilities participating in the state aid to the needy disabled program navigate the application process for federal disability benefits, including supplemental security income and social security disability insurance. The program is provided by participating county or district departments of human or

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
May 2, 2019

HOUSE
3rd Reading Unamended
April 22, 2019

HOUSE
Amended 2nd Reading
April 19, 2019

social services (county departments) and is administered by the state department of human services (state department).

Funding for the program is distributed to participating county departments pursuant to an allocation formula determined by state department rules after the state department receives input from counties, county representatives, and other relevant stakeholders.

The bill includes the services that may be provided by county departments participating in the program. The services may include assistance with compiling and drafting supporting documentation for the application for federal disability benefits and in completing and submitting the application.

The state department shall evaluate the program pursuant to the time frame set forth in the bill to determine if the program is meeting the program goals described in the bill.

The bill creates the disability benefits application assistance fund (fund) and requires the state treasurer and controller to annually transfer to the fund money appropriated for the aid to the needy disabled program that remains unencumbered and unexpended at the end of the fiscal year.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 26-2-119.7 as
3 follows:

4 **26-2-119.7. Federal disability benefits - application assistance**
5 **- fund - rules - report - legislative declaration.** (1) (a) THE GENERAL
6 ASSEMBLY FINDS THAT:

7 (I) FEDERAL DISABILITY BENEFITS, INCLUDING SUPPLEMENTAL
8 SECURITY INCOME AND SOCIAL SECURITY DISABILITY INSURANCE, HELP
9 COLORADANS WITH THE MOST SIGNIFICANT DISABILITIES ACHIEVE
10 STABILITY BY PROVIDING INCOME FOR NECESSITIES, INCLUDING HOUSING;

11 (II) THE STATE AID TO THE NEEDY DISABLED PROGRAM PROVIDES
12 TWO HUNDRED SEVENTEEN DOLLARS PER MONTH TO INDIVIDUALS WHO
13 CANNOT WORK DUE TO A SEVERE DISABILITY WHILE THE INDIVIDUALS ARE
14 APPLYING FOR FEDERAL DISABILITY BENEFITS. WITH ONLY TWO HUNDRED
15 SEVENTEEN DOLLARS PER MONTH IN INCOME, AID TO THE NEEDY DISABLED

1 PROGRAM PARTICIPANTS STRUGGLE TO MEET THEIR MOST BASIC NEEDS. AS
2 A CONSEQUENCE, THESE PARTICIPANTS ARE OFTEN HOMELESS, IN CRISIS,
3 AND UNABLE TO ENGAGE IN SICKNESS PREVENTION OR HEALTH
4 MAINTENANCE ACTIVITIES, RESULTING IN HIGH-COST EMERGENCY ROOM
5 VISITS OR OTHER HIGH-COST MEDICAL TREATMENT.

6 (III) COMPLETING THE APPLICATION PROCESS FOR FEDERAL
7 DISABILITY BENEFITS IS ONEROUS. THE APPLICATION IS COMPLEX AND
8 REQUIRES APPLICANTS TO COMPILE PAST MEDICAL RECORDS FROM
9 MEDICAL PROVIDERS. APPLICANTS MUST ALSO NAVIGATE THE PROCESS
10 WHILE CONTENDING WITH DEBILITATING MENTAL AND PHYSICAL HEALTH
11 CONDITIONS, AND, FOR AID TO THE NEEDY DISABLED PROGRAM
12 PARTICIPANTS, THE ADDITIONAL BARRIER OF EXTREME POVERTY.

13 (IV) DESPITE THE EXTREME NEED FOR FEDERAL DISABILITY
14 BENEFITS, APPLICANTS WHO ARE ULTIMATELY DETERMINED TO BE
15 ELIGIBLE FOR FEDERAL DISABILITY BENEFITS ARE OFTEN DENIED MULTIPLE
16 TIMES;

17 (V) DELAYED ACCESS TO FEDERAL DISABILITY BENEFITS OFTEN
18 CREATES OR PROLONGS HOMELESSNESS OR PUTS INDIVIDUALS AT RISK OF
19 HOMELESSNESS. FIFTY-SEVEN PERCENT OF COLORADO'S CHRONICALLY
20 HOMELESS POPULATION ARE PERSONS WITH DISABILITIES.

21 (VI) DELAYED ACCESS TO FEDERAL DISABILITY BENEFITS PUTS
22 COLORADANS WITH DISABILITIES AT INCREASED RISK OF HEALTH CRISIS.
23 NATIONALLY, IN FEDERAL FISCAL YEAR 2016, OVER TEN THOUSAND
24 PEOPLE DIED WAITING TO BE APPROVED FOR FEDERAL DISABILITY
25 BENEFITS.

26 (VII) ASSISTANCE IN APPLYING FOR FEDERAL DISABILITY BENEFITS
27 SIGNIFICANTLY IMPROVES THE RATE OF APPROVAL OF INITIAL

1 APPLICATIONS AND THEREFORE REDUCES THE TIME IT TAKES FOR
2 INDIVIDUALS TO ACCESS FEDERAL DISABILITY BENEFITS; AND

3 (VIII) TIMELY ACCESS TO FEDERAL DISABILITY BENEFITS
4 IMPROVES THE STABILITY, HEALTH, AND WELL-BEING OF PERSONS LIVING
5 WITH DISABILITIES; REDUCES STATE SPENDING ON HOMELESS SERVICES,
6 PREVENTABLE EMERGENCY HEALTH CARE, AND OTHER PUBLIC PROGRAMS;
7 AND BOOSTS THE STATE AND LOCAL ECONOMIES BY PROVIDING FEDERALLY
8 FUNDED SUPPORT THAT RECIPIENTS SPEND IN COLORADO CITIES AND
9 COUNTIES TO MEET THEIR BASIC NEEDS.

10 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS
11 NECESSARY TO HELP PERSONS APPLYING FOR OR RECEIVING AID TO THE
12 NEEDY DISABLED BENEFITS IN NAVIGATING THE APPLICATION PROCESS FOR
13 FEDERAL DISABILITY BENEFITS.

14 (2) (a) THE STATE DEPARTMENT SHALL ADMINISTER A PROGRAM
15 THAT MAY BE IMPLEMENTED BY COUNTY DEPARTMENTS THAT HELPS
16 INDIVIDUALS WITH DISABILITIES NAVIGATE THE APPLICATION PROCESS FOR
17 FEDERAL DISABILITY BENEFITS. THE PROGRAM MUST ASSIST INDIVIDUALS
18 WHO ARE APPLYING FOR OR RECEIVING AID TO THE NEEDY DISABLED
19 BENEFITS PURSUANT TO SECTION 26-2-119. A COUNTY DEPARTMENT MAY
20 CHOOSE WHETHER TO PARTICIPATE IN THE PROGRAM CREATED IN THIS
21 SECTION.

22 (b) THE STATE DEPARTMENT SHALL ALLOCATE MONEY
23 APPROPRIATED PURSUANT TO THIS SECTION FROM THE DISABILITY
24 BENEFITS APPLICATION ASSISTANCE FUND, CREATED IN SUBSECTION (6) OF
25 THIS SECTION, TO PARTICIPATING COUNTY DEPARTMENTS PURSUANT TO
26 STATE DEPARTMENT RULES PROMULGATED PURSUANT TO SUBSECTION (3)
27 (a) OF THIS SECTION.

1 (c) THE ASSISTANCE PROVIDED PURSUANT TO THE PROGRAM MAY
2 INCLUDE:

3 (I) REFERRALS TO APPROPRIATE MEDICAL PROVIDERS AND OTHER
4 PROFESSIONALS WHOSE ASSESSMENTS ARE REQUIRED AS PART OF AN
5 APPLICATION FOR FEDERAL DISABILITY BENEFITS;

6 (II) OUTREACH TO APPLICANTS TO PROVIDE REMINDERS AND
7 TRACK PROGRESS ON APPLICATION REQUIREMENTS;

8 (III) ASSISTANCE WITH COMPILING AND DRAFTING SUPPORTING
9 DOCUMENTATION FOR AN APPLICATION FOR FEDERAL DISABILITY
10 BENEFITS;

11 (IV) ASSISTANCE WITH COMPLETING AND SUBMITTING AN
12 APPLICATION FOR FEDERAL DISABILITY BENEFITS; AND

13 (V) ASSISTANCE APPEALING DENIALS OF FEDERAL DISABILITY
14 BENEFITS.

15 (3) (a) AFTER RECEIVING INPUT FROM COUNTIES, A STATEWIDE
16 ASSOCIATION OF COUNTY COMMISSIONERS, AND OTHER RELEVANT
17 STAKEHOLDERS, THE STATE DEPARTMENT SHALL PROMULGATE RULES
18 ESTABLISHING AN ALLOCATION FORMULA FOR MONEY APPROPRIATED TO
19 THE STATE DEPARTMENT FOR PURPOSES OF THIS SECTION. IN ESTABLISHING
20 THE ALLOCATION FORMULA, THE STATE DEPARTMENT SHALL CONSIDER
21 THE NUMBER OF AID TO THE NEEDY DISABLED PROGRAM PARTICIPANTS IN
22 EACH PARTICIPATING COUNTY AND THE NEED TO ENSURE THAT MONEY
23 APPROPRIATED FOR THE PROGRAM IS AVAILABLE IN EVERY REGION OF THE
24 STATE IN WHICH THERE ARE PARTICIPATING COUNTIES.

25 (b) (I) FOR THE 2019-20 FISCAL YEAR, NOTWITHSTANDING THE
26 PROVISIONS OF SUBSECTION (3)(a) OF THIS SECTION, THE STATE
27 DEPARTMENT SHALL ALLOCATE MONEY APPROPRIATED PURSUANT TO

1 SUBSECTION (7)(a) OF THIS SECTION TO PARTICIPATING COUNTY
2 DEPARTMENTS WITH THE HIGHEST NEED FOR ASSISTANCE BASED ON THE
3 NUMBER OF AID TO THE NEEDY DISABLED PROGRAM PARTICIPANTS AND
4 HOMELESS PERSONS IN THE COUNTY, AS DETERMINED BY THE STATE
5 DEPARTMENT.

6 (II) THIS SUBSECTION (3)(b) IS REPEALED, EFFECTIVE JULY 1, 2020.

7 (4) PURSUANT TO SUBSECTION (2) OF THIS SECTION, A COUNTY
8 DEPARTMENT ALLOCATED MONEY PURSUANT TO THIS SECTION SHALL USE
9 THE MONEY TO PROVIDE SERVICES TO AID TO THE NEEDY DISABLED
10 PROGRAM PARTICIPANTS IN THE COUNTY OR REGION. IN IMPLEMENTING
11 THE PROGRAM, A COUNTY DEPARTMENT IS PERMITTED TO COLLABORATE
12 WITH OTHER COUNTIES OR TO CONTRACT WITH NONPROFIT
13 ORGANIZATIONS. PERSONS PROVIDING ASSISTANCE TO INDIVIDUALS WITH
14 DISABILITIES PURSUANT TO THIS SECTION SHALL HAVE DEMONSTRATED
15 EXPERTISE OR RECEIVE ADEQUATE TRAINING IN THE FEDERAL DISABILITY
16 BENEFITS APPLICATION PROCESS.

17 (5) (a) THE STATE DEPARTMENT SHALL EVALUATE THE PROGRAM
18 ONE YEAR AFTER ITS IMPLEMENTATION, AND EVERY FIVE YEARS
19 THEREAFTER, TO DETERMINE IF THE PROGRAM IS MEETING THE GOALS OF
20 THE PROGRAM, INCLUDING BUT NOT LIMITED TO:

21 (I) ASSISTING FEDERAL DISABILITY BENEFIT APPLICANTS IN
22 SUBMITTING TIMELY AND COMPLETE APPLICATIONS;

23 (II) INCREASING THE PERCENTAGE OF ELIGIBLE APPLICANTS
24 AWARDED FEDERAL DISABILITY BENEFITS;

25 (III) REDUCING THE AVERAGE TIME TO QUALIFY FOR FEDERAL
26 DISABILITY BENEFITS; AND

27 (IV) REDUCING THE LENGTH OF TIME THAT INDIVIDUALS WITH

1 DISABILITIES PARTICIPATE IN THE AID TO THE NEEDY DISABLED PROGRAM.

2 (b) THE STATE DEPARTMENT SHALL SUBMIT THE PROGRAM
3 EVALUATION REQUIRED PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION
4 TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, THE
5 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
6 REPRESENTATIVES, AND THE HEALTH AND HUMAN SERVICES COMMITTEE
7 OF THE SENATE, OR ANY SUCCESSOR COMMITTEES. NOTWITHSTANDING
8 THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I), REPORTING ON THE
9 PROGRAM EVALUATION PURSUANT TO THIS SECTION SHALL CONTINUE SO
10 LONG AS THE PROGRAM IS BEING EVALUATED.

11 (6) (a) THE DISABILITY BENEFITS APPLICATION ASSISTANCE FUND,
12 REFERRED TO IN THIS SUBSECTION (6) AS THE "FUND", IS CREATED IN THE
13 STATE TREASURY. THE FUND CONSISTS OF MONEY DEPOSITED IN THE FUND
14 IN ACCORDANCE WITH SUBSECTION (6)(b) OF THIS SECTION.

15 (b) ANY MONEY APPROPRIATED FROM THE GENERAL FUND TO THE
16 STATE DEPARTMENT FOR THE 2020-21 FISCAL YEAR, AND FOR EACH FISCAL
17 YEAR THEREAFTER, FOR GRANTS FOR THE AID TO THE NEEDY DISABLED
18 PROGRAMS THAT IS UNEXPENDED AND UNENCUMBERED AS OF THE CLOSE
19 OF THE APPLICABLE FISCAL YEAR DOES NOT REVERT TO THE GENERAL
20 FUND AND SHALL BE TRANSFERRED BY THE STATE TREASURER AND
21 CONTROLLER TO THE FUND CREATED IN SUBSECTION (6)(a) OF THIS
22 SECTION.

23 (c) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
24 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
25 FUND TO THE FUND.

26 (d) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
27 ASSEMBLY, THE STATE DEPARTMENT SHALL EXPEND MONEY FROM THE

1 FUND FOR THE PURPOSES DESCRIBED IN THIS SECTION.

2 (7) (a) FOR THE 2019-20 FISCAL YEAR, THE GENERAL ASSEMBLY
3 SHALL APPROPRIATE ONE MILLION FOUR HUNDRED FIFTY THOUSAND
4 DOLLARS FROM THE MARIJUANA TAX CASH FUND, CREATED IN SECTION
5 39-28.8-501, TO THE STATE DEPARTMENT FOR THE PURPOSES DESCRIBED
6 IN SUBSECTION (3)(b) OF THIS SECTION AND FOR THE DIRECT AND INDIRECT
7 COSTS ASSOCIATED WITH ADMINISTERING AND EVALUATING THE
8 PROGRAM.

9 (b) FOR ANY FISCAL YEAR IN WHICH THE MONEY IN THE FUND IS
10 INSUFFICIENT, THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM
11 THE GENERAL FUND TO THE STATE DEPARTMENT FOR THE PURPOSES
12 DESCRIBED IN THIS SECTION.

13 **SECTION 2.** In Colorado Revised Statutes, 39-28.8-501, **add**
14 (2)(b)(IV)(P) as follows:

15 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
16 **- legislative declaration.** (2) (b) (IV) Subject to the limitation in
17 subsection (5) of this section, the general assembly may annually
18 appropriate any money in the fund for any fiscal year following the fiscal
19 year in which it was received by the state for the following purposes:

20 (P) FOR THE DISABILITY BENEFITS APPLICATION ASSISTANCE
21 PROGRAM CREATED IN SECTION 26-2-119.7. THIS SUBSECTION
22 (2)(b)(IV)(P) IS REPEALED, EFFECTIVE JULY 1, 2020.

23 **SECTION 3. Appropriation.** For the 2019-20 state fiscal year,
24 \$1,450,000 is appropriated to the department of human services. This
25 appropriation is from the marijuana tax cash fund created in section
26 39-28.8-501, C.R.S. To implement this act, the department may use this
27 appropriation as follows:

1 (a) \$157,990 for administration related to adult assistance
2 programs, which amount is based on an assumption that the
3 department will require an additional 0.8 FTE; and
4 (b) \$1,292,010 for disability benefit application assistance program
5 funding distributed to counties.

6 **SECTION 4. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2020 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.