

## CHAPTER 389

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**HUMAN SERVICES - SOCIAL SERVICES**

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**HOUSE BILL 19-1223**

BY REPRESENTATIVE(S) Michaelson Jenet and Larson, Landgraf, Arndt, Benavidez, Bird, Bockenfeld, Buckner, Buentello, Cutter, Esgar, Exum, Galindo, Gray, Hansen, Hooton, Kipp, Kraft-Tharp, Melton, Mullica, Singer, Sirota, Snyder, Tipper, Titone, Valdez D., Weissman, Becker;  
also SENATOR(S) Winter, Bridges, Court, Crowder, Danielson, Fields, Ginal, Gonzales, Moreno, Pettersen, Priola, Rankin, Story, Todd.

**AN ACT**

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

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

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

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

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

(II) **THE STATE AID TO THE NEEDY DISABLED PROGRAM PROVIDES TWO HUNDRED SEVENTEEN DOLLARS PER MONTH TO INDIVIDUALS WHO CANNOT WORK DUE TO A SEVERE DISABILITY WHILE THE INDIVIDUALS ARE APPLYING FOR FEDERAL DISABILITY BENEFITS. WITH ONLY TWO HUNDRED SEVENTEEN DOLLARS PER MONTH IN INCOME, AID TO THE NEEDY DISABLED PROGRAM PARTICIPANTS STRUGGLE TO MEET THEIR MOST BASIC NEEDS. AS A CONSEQUENCE, THESE PARTICIPANTS ARE OFTEN HOMELESS, IN CRISIS, AND UNABLE TO ENGAGE IN SICKNESS PREVENTION OR HEALTH MAINTENANCE ACTIVITIES, RESULTING IN HIGH-COST EMERGENCY ROOM VISITS OR OTHER HIGH-COST MEDICAL TREATMENT.**

(III) **COMPLETING THE APPLICATION PROCESS FOR FEDERAL DISABILITY BENEFITS**

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*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.*

IS ONEROUS. THE APPLICATION IS COMPLEX AND REQUIRES APPLICANTS TO COMPILE PAST MEDICAL RECORDS FROM MEDICAL PROVIDERS. APPLICANTS MUST ALSO NAVIGATE THE PROCESS WHILE CONTENDING WITH DEBILITATING MENTAL AND PHYSICAL HEALTH CONDITIONS, AND, FOR AID TO THE NEEDY DISABLED PROGRAM PARTICIPANTS, THE ADDITIONAL BARRIER OF EXTREME POVERTY.

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

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

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

(VII) ASSISTANCE IN APPLYING FOR FEDERAL DISABILITY BENEFITS SIGNIFICANTLY IMPROVES THE RATE OF APPROVAL OF INITIAL APPLICATIONS AND THEREFORE REDUCES THE TIME IT TAKES FOR INDIVIDUALS TO ACCESS FEDERAL DISABILITY BENEFITS; AND

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

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

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

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

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

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

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

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

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

(V) ASSISTANCE APPEALING DENIALS OF FEDERAL DISABILITY BENEFITS.

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

(b) (I) FOR THE 2019-20 FISCAL YEAR, NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (3)(a) OF THIS SECTION, THE STATE DEPARTMENT SHALL ALLOCATE MONEY APPROPRIATED PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION TO PARTICIPATING COUNTY DEPARTMENTS WITH THE HIGHEST NEED FOR ASSISTANCE BASED ON THE NUMBER OF AID TO THE NEEDY DISABLED PROGRAM PARTICIPANTS AND HOMELESS PERSONS IN THE COUNTY, AS DETERMINED BY THE STATE DEPARTMENT.

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

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

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

(I) ASSISTING FEDERAL DISABILITY BENEFIT APPLICANTS IN SUBMITTING TIMELY

AND COMPLETE APPLICATIONS;

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

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

(IV) REDUCING THE LENGTH OF TIME THAT INDIVIDUALS WITH DISABILITIES PARTICIPATE IN THE AID TO THE NEEDY DISABLED PROGRAM.

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

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

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

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

(d) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE STATE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND FOR THE PURPOSES DESCRIBED IN THIS SECTION.

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

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

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

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

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

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

(a) \$157,990 for administration related to adult assistance programs, which amount is based on an assumption that the department will require an additional 0.8 FTE; and

(b) \$1,292,010 for disability benefit application assistance program funding distributed to counties.

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

Approved: May 31, 2019