

CHAPTER 195

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 12-1326

BY REPRESENTATIVE(S) Acree and Kefalas, Casso, Court, Duran, Ferrandino, Fields, Fischer, Hamner, Hullinghorst, Kagan, Kerr A., Kerr J., Labuda, Lee, Levy, Miklosi, Pabon, Pace, Peniston, Schafer S., Singer, Todd, Tyler, Vigil, Williams A., Wilson, Young, DelGrosso, Gerou, Massey, Ryden, Summers, McNulty;
 also SENATOR(S) Spence and Nicholson, Aguilar, Boyd, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, King S., Newell, Schwartz, Steadman, Tochtrop, White, Williams S., Shaffer B.

AN ACT

CONCERNING ASSISTANCE TO THE ELDERLY, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares:

(a) Section 6 of article XXIV of the state constitution establishes the basic minimum award under the old age pension program at one hundred dollars per month, but authorizes the state board of human services to increase the award over one hundred dollars per month if "living costs have changed sufficiently to justify that action".

(b) The state board of human services has set the standard allowance under the old age pension program at six hundred ninety-nine dollars per month, but this amount has not increased in three years.

(2) The general assembly encourages the state board of human services to increase the amount of the standard allowance for the old age pension to seven hundred twenty-five dollars per month effective July 1, 2012.

SECTION 2. In Colorado Revised Statutes, 25-21-103, **amend** (3) as follows:

25-21-103. Definitions. As used in this article, unless the context otherwise requires:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(3) "Eligible senior" means an adult who:

(a) Is sixty years of age or older; and

(b) (I) Is eligible for old age pension assistance as defined in section 26-2-111 (2), C.R.S.; OR

(II) IS ELIGIBLE FOR MEDICAL ASSISTANCE PURSUANT TO SECTION 25.5-5-101 (1) (I), C.R.S., BUT IS NOT ELIGIBLE FOR LONG-TERM CARE SERVICES PURSUANT TO ARTICLE 6 OF TITLE 25.5, C.R.S.

SECTION 3. In Colorado Revised Statutes, 26-11-205.5, **amend** (5) as follows:

26-11-205.5. Older Coloradans program - distribution formula. (5) (a) There is hereby created the older Coloradans cash fund, referred to in this subsection (5) as the "fund". The fund shall consist of moneys allocated and credited to the fund from sales and use taxes pursuant to the provisions of section 39-26-123 (3) (a) (III), C.R.S., and any moneys appropriated to the fund by the general assembly. In addition, the state treasurer may credit to the fund any public or private gifts, grants, or donations received by the state department for implementation of the program. The fund shall be subject to annual appropriation by the general assembly to the state department. Notwithstanding the provisions of section 24-36-114, C.R.S., all interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any amount remaining in the fund at the end of any fiscal year shall remain in the fund and not be transferred or credited to the general fund or any other fund.

(b) THERE IS HEREBY CREATED WITHIN THE FUND THE SENIOR SERVICES ACCOUNT, REFERRED TO IN THIS PARAGRAPH (b) AS THE "ACCOUNT". THE ACCOUNT SHALL CONSIST OF MONEYS TRANSFERRED TO THE ACCOUNT PURSUANT TO SECTION 39-3-207 (6), C.R.S. MONEYS IN THE ACCOUNT ARE SUBJECT TO ANNUAL APPROPRIATION TO THE STATE DEPARTMENT FOR DISTRIBUTION TO AREA AGENCIES ON AGING PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE STATE DEPARTMENT MAY DESIGNATE THE SENIOR SERVICES FOR WHICH MONEYS IN THE ACCOUNT SHALL BE USED.

SECTION 4. In Colorado Revised Statutes, 39-3-207, **add** (6) as follows:

39-3-207. Reporting of exemptions - reimbursement to local governmental entities - transfer of unencumbered balances. (6) ON JUNE 30, 2013, AND ON EACH JUNE 30 THEREAFTER, THE TREASURER SHALL TRANSFER TO THE SENIOR SERVICES ACCOUNT WITHIN THE OLDER COLORADANS CASH FUND, CREATED PURSUANT TO SECTION 26-11-205.5 (5) (b), C.R.S., AN AMOUNT EQUAL TO THE AMOUNT BY WHICH THE TOTAL ESTIMATED AMOUNT SPECIFIED IN THE ANNUAL GENERAL APPROPRIATIONS ACT FOR THE COSTS OF THIS PART 2 EXCEEDS THE TOTAL AMOUNT OF ALL WARRANTS ISSUED BY THE STATE TREASURER PURSUANT TO PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION.

SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public health and environment, for the fiscal year

beginning July 1, 2012, the sum of \$3,022,800 and 1.0 FTE, or so much thereof as may be necessary, related to the implementation of section 2 of this act.

SECTION 6. Continuous appropriation - adjustments in 2012 long bill. In the annual general appropriations act, for the fiscal year beginning July 1, 2012, the amount that represents an estimate of expenditures by the department of human services from the old age pension cash fund for old age pension cash assistance programs pursuant to section 1 of article XXIV of the state constitution is increased by \$6,695,581. This amount is subject to the (I) notation included in the annual general appropriations act. Although these funds are not appropriated in this act, they are noted for the purpose of indicating assumed expenditures that may be authorized by the state board of human services as encouraged pursuant to section 1 of this act.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 22, 2012