

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 18-1050.01 Ed DeCecco x4216

SENATE BILL 18-207

SENATE SPONSORSHIP

Moreno, Lambert, Lundberg

HOUSE SPONSORSHIP

Rankin, Hamner, Young

Senate Committees
Appropriations

House Committees
Appropriations

A BILL FOR AN ACT

101 **CONCERNING AUTHORITY FOR THE DEPARTMENT OF HUMAN SERVICES**
102 **TO RETAIN AMOUNTS FROM CERTAIN CASH FUNDS FOR ITS**
103 **INDIRECT COSTS.**

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. The bill authorizes the department of human services to retain money for its indirect costs, based on a federally approved cost allocation plan, from the older Coloradans cash fund and the nurse home visitor program fund.

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.

HOUSE
2nd Reading Unamended
April 18, 2018

SENATE
3rd Reading Unamended
April 3, 2018

SENATE
2nd Reading Unamended
April 2, 2018

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-11-205.5, **amend**
3 (2) as follows:

4 **26-11-205.5. Older Coloradans program - distribution**
5 **formula - cash fund.** (2) ~~Moneys~~ AFTER RETAINING AN AMOUNT FOR
6 THE STATE DEPARTMENT'S INDIRECT COSTS, AS CALCULATED UNDER THE
7 FEDERALLY APPROVED COST ALLOCATION PLAN, MONEY appropriated for
8 the program shall be distributed to area agencies on aging using the same
9 formula that the state office uses to distribute ~~moneys~~ MONEY available
10 under Title III, parts (B), (C), (D), and (F) of the federal "Older
11 Americans Act of 1965", as amended, but such ~~moneys~~ MONEY shall be
12 allocated as a whole and not allocated to individual parts of Title III;
13 except that appropriations from the fund of accumulated interest are not
14 subject to the restriction that requires allocations as a whole. An area
15 agency on aging shall use no more than ten percent of the ~~moneys~~ MONEY
16 received from the program for administrative expenses.

17 **SECTION 2.** In Colorado Revised Statutes, 26-6.4-107, **amend**
18 (2)(b) as follows:

19 **26-6.4-107. Selection of entities to administer the program -**
20 **grants - nurse home visitor program fund - created.** (2) (b) Grants
21 awarded pursuant to ~~paragraph (a) of this subsection (2)~~ SUBSECTION
22 (2)(a) OF THIS SECTION are payable from the nurse home visitor program
23 fund, which fund is hereby created in the state treasury. The nurse home
24 visitor program fund, referred to in this section as the "fund", is
25 administered by the state department and consists of ~~moneys~~ MONEY
26 transferred thereto by the state treasurer from ~~moneys~~ MONEY received

1 pursuant to the master settlement agreement in the amount described in
2 ~~paragraph (d) of this subsection (2)~~ SUBSECTION (2)(d) OF THIS SECTION.
3 In addition, the state treasurer shall credit to the fund any public or private
4 gifts, grants, or donations received by the state department to implement
5 the program, including any ~~moneys~~ MONEY received from the United
6 States federal government for the program. The fund is subject to annual
7 appropriation by the general assembly to the state department for grants
8 to entities for operation of the program. The state department may retain
9 THE AMOUNT NEEDED TO PAY FOR THE PROGRAM'S SHARE OF THE STATE
10 DEPARTMENT'S INDIRECT COSTS, AS CALCULATED UNDER THE FEDERALLY
11 APPROVED COST ALLOCATION PLAN. IN ADDITION, THE STATE DEPARTMENT
12 MAY RETAIN a total of up to five percent of the amount annually
13 appropriated from the fund for the program, in order to compensate the
14 health sciences facility pursuant to section 26-6.4-105 (3), as set forth in
15 the scope of work in the agreement between the state department and the
16 health sciences facility, and to compensate the state department for the
17 actual costs the state department incurs in implementing ~~the provisions of~~
18 ~~paragraph (a.5) of this subsection (2)~~ SUBSECTION (2)(a.5) OF THIS
19 SECTION, as determined by the state department; except that the portion
20 of the costs to compensate the state department for implementing ~~the~~
21 ~~provisions of paragraph (a.5) of this subsection (2)~~ SUBSECTION (2)(a.5)
22 OF THIS SECTION shall not exceed two percent of the amount annually
23 appropriated from the fund for the program, and the portion of such costs
24 to compensate the health sciences facility under section 26-6.4-105 (3),
25 as set forth in the scope of work in the contract between the state
26 department and the health sciences facility, shall not exceed three percent
27 of the amount annually appropriated from the fund for the program. In

1 addition, if the total amount annually appropriated from the fund for the
2 program exceeds nineteen million dollars, the state department and the
3 health sciences facility shall assess whether a smaller percentage of the
4 appropriated funds exceeding nineteen million dollars is adequate to
5 cover their actual costs and shall jointly submit to the general assembly
6 a report articulating their conclusions on this subject. The actual costs of
7 the state department include state department personnel and operating
8 costs and any necessary transfers to the department of health care policy
9 and financing for administrative costs incurred for the medicaid program
10 associated with the program. The actual costs of the health sciences
11 facility include the facility's own actual program costs and those of its
12 contractors and subcontractors. Any costs for time studies required to
13 obtain medicaid reimbursement for the program may be paid from
14 program funds and are not subject to the five percent limit in this section.
15 Notwithstanding section 24-36-114, ~~C.R.S.~~, all interest derived from the
16 deposit and investment of ~~moneys~~ MONEY in the fund shall be credited to
17 the fund. All unexpended and unencumbered ~~moneys~~ MONEY in the fund
18 at the end of any fiscal year ~~remain~~ REMAINS in the fund and shall not be
19 transferred to the general fund or any other fund.

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