

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

REVISED

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

LLS NO. 24-0968.01 Chelsea Princell x4335

HOUSE BILL 24-1211

HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

Zenzinger and Kirkmeyer,

House Committees

Appropriations

Senate Committees

Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE ESTABLISHMENT OF THE STATE FUNDING FOR**
102 **SENIOR SERVICES CONTINGENCY RESERVE FUND, AND, IN**
103 **CONNECTION 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/>.)

Joint Budget Committee. The bill creates the state funding for senior services contingency reserve fund (fund) in the department of the treasury to aid the state office on aging in addressing unforeseen circumstances experienced by an area agency on aging or a provider of eligible services.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
2nd Reading Unamended
February 14, 2024

HOUSE
3rd Reading Unamended
February 8, 2024

HOUSE
2nd Reading Unamended
February 7, 2024

The bill sets criteria that must be met for an area agency on aging or a provider of eligible services to receive money from the fund.

The bill requires the general assembly to annually appropriate money in the fund for the department of human services to administer the fund.

On or before January 1, 2025, and each January 1 thereafter, the bill requires the department of human services to submit a report to the office of state planning and budgeting and the joint budget committee of the general assembly detailing who received money from the fund and how it was used.

The fund is repealed, effective September 1, 2029. Prior to repeal, the fund is subject to a sunset review.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 26-11-209 as
3 follows:

4 **26-11-209. State funding for senior services contingency**
5 **reserve fund - creation - fund - reporting - appropriation - definitions**
6 **- repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (a) "ELIGIBLE SERVICES" MEANS SERVICES THAT ARE AUTHORIZED
9 BY THE FEDERAL "OLDER AMERICANS ACT OF 1965", AS AMENDED, AND
10 THE "OLDER COLORADANS' ACT", AS SPECIFIED IN THIS ARTICLE 11.

11 (b) "FORCE MAJEURE" MEANS FIRE; EXPLOSION; ACTION OF THE
12 ELEMENTS; STRIKE; INTERRUPTION OF TRANSPORTATION; RATIONING;
13 SHORTAGE OF LABOR, EQUIPMENT, OR MATERIALS; COURT ACTION;
14 ILLEGALITY; UNUSUALLY SEVERE WEATHER; ACT OF GOD; ACT OF WAR; OR
15 ANY OTHER CAUSE THAT IS BEYOND THE CONTROL OF AN AREA AGENCY ON
16 AGING OR A PROVIDER OF ELIGIBLE SERVICES AND THAT COULD NOT HAVE
17 BEEN PREVENTED BY THE EXERCISE OF REASONABLE DILIGENCE.

18 (c) "FUND" MEANS THE STATE FUNDING FOR SENIOR SERVICES
19 CONTINGENCY RESERVE FUND CREATED IN SUBSECTION (2) OF THIS

1 SECTION.

2 (2) THE STATE FUNDING FOR SENIOR SERVICES CONTINGENCY
3 RESERVE FUND IS CREATED IN THE DEPARTMENT OF THE TREASURY TO
4 ASSIST THE STATE OFFICE OF AGING IN ADDRESSING UNFORESEEN
5 CIRCUMSTANCES EXPERIENCED BY AN AREA AGENCY ON AGING OR A
6 PROVIDER OF ELIGIBLE SERVICES.

7 (3) THE STATE DEPARTMENT MAY DISBURSE MONEY FROM THE
8 FUND TO AN AREA AGENCY ON AGING OR A PROVIDER OF ELIGIBLE
9 SERVICES TO COVER THE DIRECT COSTS OF CONTINUING TO PROVIDE
10 ELIGIBLE SERVICES IN THE EVENT OF ANY OF THE FOLLOWING UNFORESEEN
11 CIRCUMSTANCES:

12 (a) FINANCIAL OR OPERATIONAL EMERGENCIES CAUSED BY FORCE
13 MAJEURE;

14 (b) A DISRUPTION IN THE DELIVERY OF ELIGIBLE SERVICES DUE TO
15 AN UNEXPECTED CHANGE IN PROVIDER AVAILABILITY OR OPERATIONAL
16 CAPACITY;

17 (c) AN UNINTENDED DELAY OR INTERRUPTION IN STATE OR
18 FEDERAL APPROPRIATION ALLOCATIONS; OR

19 (d) AN EMERGENCY DISASTER DECLARATION.

20 (4) TO RECEIVE A DISBURSEMENT FROM THE FUND, AN AREA
21 AGENCY ON AGING OR A PROVIDER OF ELIGIBLE SERVICES MUST APPLY FOR
22 A DISBURSEMENT IN THE MANNER AND FORM PRESCRIBED BY THE STATE
23 DEPARTMENT.

24 (5) THE AMOUNT DISBURSED TO AN AREA AGENCY ON AGING OR A
25 PROVIDER OF ELIGIBLE SERVICES PURSUANT TO SUBSECTION (3) OF THIS
26 SECTION MUST COVER THE COSTS OF PROVIDING ELIGIBLE SERVICES FOR NO
27 MORE THAN NINETY DAYS. IF AN AREA AGENCY ON AGING OR A PROVIDER

1 OF ELIGIBLE SERVICES NEEDS ADDITIONAL FUNDING FOLLOWING THE
2 INITIAL DISBURSEMENT PERIOD, THE AREA AGENCY ON AGING OR THE
3 PROVIDER OF ELIGIBLE SERVICES MAY REAPPLY FOR ADDITIONAL FUNDS.

4 (6) (a) THE FUND CONSISTS OF MONEY ALLOCATED TO THE FUND
5 BY THE STATE DEPARTMENT AND ANY ADDITIONAL MONEY THE GENERAL
6 ASSEMBLY APPROPRIATES TO THE FUND. THE GENERAL ASSEMBLY SHALL
7 ANNUALLY APPROPRIATE MONEY IN THE FUND TO THE DEPARTMENT OF
8 HUMAN SERVICES FOR USE IN ADMINISTERING THE FUND. ANY MONEY
9 REMAINING IN THE FUND AT THE END OF A STATE FISCAL YEAR REMAINS IN
10 THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE
11 GENERAL FUND OR ANY OTHER FUND.

12 (b) THREE DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE
13 STATE TREASURER SHALL TRANSFER TWO MILLION DOLLARS TO THE FUND
14 FROM THE GENERAL FUND.

15 (7) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR
16 BEFORE JANUARY 1, 2025, AND ON OR BEFORE EACH JANUARY 1
17 THEREAFTER, THE STATE DEPARTMENT SHALL SUBMIT A REPORT TO THE
18 OFFICE OF STATE PLANNING AND BUDGETING AND THE JOINT BUDGET
19 COMMITTEE OF THE GENERAL ASSEMBLY SPECIFYING WHICH AREA AGENCY
20 ON AGING OR PROVIDER OF ELIGIBLE SERVICES RECEIVED MONEY FROM
21 THE FUND AND, FOR EACH AREA AGENCY ON AGING OR PROVIDER OF
22 ELIGIBLE SERVICES THAT RECEIVED MONEY FROM THE FUND, SPECIFY THE
23 AMOUNT DISBURSED AND THE PURPOSE FOR WHICH THE MONEY WAS
24 DISBURSED TO THE AREA AGENCY ON AGING OR PROVIDER OF ELIGIBLE
25 SERVICES.

26 (8) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2029.
27 BEFORE THE REPEAL, THE FUND IS SCHEDULED FOR REVIEW IN

1 ACCORDANCE WITH SECTION 2-3-1203.

2 **SECTION 2.** In Colorado Revised Statutes, 2-3-1203, **add**
3 (20)(a)(V) as follows:

4 **2-3-1203. Sunset review of advisory committees - legislative**
5 **declaration - definition - repeal.** (20) (a) The following statutory
6 authorizations for the designated advisory committees will repeal on
7 September 1, 2029:

8 (V) THE STATE FUNDING FOR SENIOR SERVICES CONTINGENCY
9 RESERVE FUND CREATED IN SECTION 26-11-209.

10 **SECTION 3. Appropriation.** For the 2023-24 state fiscal year,
11 \$2,000,000 is appropriated to the department of human services for use
12 by the office of adults, aging, and disability services. This appropriation
13 is from the state funding for senior services contingency reserve fund
14 created in section 26-11-209, C.R.S. To implement this act, the office of
15 adults, aging, and disability services may use this appropriation for
16 contingency funding for senior services.

17 **SECTION 4. Safety clause.** The general assembly finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety or for appropriations for
20 the support and maintenance of the departments of the state and state
21 institutions.