

CHAPTER 7

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 24-1211

BY REPRESENTATIVE(S) Taggart and Sirota, Bird, Amabile, Bacon, Brown, Catlin, Duran, English, Froelich, Hamrick, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Lynch, Marshall, Mauro, Parenti, Ricks, Snyder, Story, Titone, Valdez, Velasco, Weinberg, Willford, Young, McCluskie;
also SENATOR(S) Zenzinger and Kirkmeyer, Cutter, Exum, Hinrichsen, Liston, Michaelson Jenet, Mullica, Priola, Will.

AN ACT

CONCERNING THE ESTABLISHMENT OF THE STATE FUNDING FOR SENIOR SERVICES CONTINGENCY RESERVE FUND, 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** 26-11-209 as follows:

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

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

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

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

(2) THE STATE FUNDING FOR SENIOR SERVICES CONTINGENCY RESERVE FUND IS

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.

CREATED IN THE DEPARTMENT OF THE TREASURY TO ASSIST THE STATE OFFICE OF AGING IN ADDRESSING UNFORESEEN CIRCUMSTANCES EXPERIENCED BY AN AREA AGENCY ON AGING OR A PROVIDER OF ELIGIBLE SERVICES.

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

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

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

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

(d) AN EMERGENCY DISASTER DECLARATION.

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

(5) THE AMOUNT DISBURSED TO AN AREA AGENCY ON AGING OR A PROVIDER OF ELIGIBLE SERVICES PURSUANT TO SUBSECTION (3) OF THIS SECTION MUST COVER THE COSTS OF PROVIDING ELIGIBLE SERVICES FOR NO MORE THAN NINETY DAYS. IF AN AREA AGENCY ON AGING OR A PROVIDER OF ELIGIBLE SERVICES NEEDS ADDITIONAL FUNDING FOLLOWING THE INITIAL DISBURSEMENT PERIOD, THE AREA AGENCY ON AGING OR THE PROVIDER OF ELIGIBLE SERVICES MAY REAPPLY FOR ADDITIONAL FUNDS.

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

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

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

PURPOSE FOR WHICH THE MONEY WAS DISBURSED TO THE AREA AGENCY ON AGING OR PROVIDER OF ELIGIBLE SERVICES.

(8) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2029. BEFORE THE REPEAL, THE FUND IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

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

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

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

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

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

Approved: February 27, 2024