

CHAPTER 212

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 00-1072

BY REPRESENTATIVES Mace, Alexander, Allen, Bacon, Chavez, Clarke, Coleman, Fairbank, Gagliardi, Gordon, Gottlieb, Grossman, Hagedorn, Hefley, Keller, Lawrence, Leyba, Miller, Plant, Ragsdale, Spradley, Stengel, Tapia, Tochtrop, Tool, Tupa, Veiga, Vigil, S. Williams, T. Williams, Windels, and Zimmerman;
also SENATORS Epps, Dyer, Hernandez, Martinez, Nichol, Pascoe, Phillips, Reeves, and Rupert.

AN ACT

CONCERNING STATE MONEYS TO PROVIDE SERVICES TO OLDER PERSONS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Part 2 of article 11 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-11-205.5. Older Coloradans program - distribution formula. (1) THERE IS HEREBY CREATED IN THE STATE DEPARTMENT THE OLDER COLORADANS PROGRAM, REFERRED TO IN THIS SECTION AS THE "PROGRAM". THE PROGRAM SHALL PROVIDE MONEYS TO AREA AGENCIES ON AGING TO PROVIDE GRANTS TO PROVIDE COMMUNITY-BASED SERVICES TO PERSONS SIXTY YEARS OF AGE OR OLDER TO ASSIST SUCH PERSONS TO LIVE IN THEIR OWN HOMES AND COMMUNITIES FOR AS LONG AS POSSIBLE. SUCH SERVICES SHALL INCLUDE BUT ARE NOT LIMITED TO CONGREGATE NUTRITION, HOME-DELIVERED MEALS, TRANSPORTATION SERVICES, IN-HOME SERVICES, OMBUDSMAN SERVICES, LEGAL SERVICES, ELDER ABUSE PREVENTION, OUTREACH, AND INFORMATION AND REFERRAL SERVICES. HOWEVER, THE MONEYS TRANSFERRED FROM SALES AND USE TAXES PURSUANT TO THE PROVISIONS OF SECTION 39-26-123 (2) (A) (I) (A.6), C.R.S., SHALL ONLY BE USED FOR ONE-TIME PURPOSES AND SHALL NOT BE USED IN A MANNER THAT WOULD CREATE A NEED FOR ONGOING STATE FUNDING IN FISCAL YEAR 2001-02 AND SUBSEQUENT FISCAL YEARS.

(2) MONEYS APPROPRIATED FOR THE PROGRAM SHALL BE DISTRIBUTED TO AREA AGENCIES ON AGING USING THE SAME FORMULA THAT THE STATE OFFICE USES TO DISTRIBUTE MONEYS AVAILABLE UNDER TITLE III, PARTS (B), (C), (D), AND (F) OF THE FEDERAL "OLDER AMERICANS ACT OF 1965", AS AMENDED, BUT SUCH MONEYS

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

SHALL BE ALLOCATED AS A WHOLE AND NOT ALLOCATED TO INDIVIDUAL PARTS OF TITLE III.

(3) THE PROPOSED USES OF MONEYS FROM THE PROGRAM SHALL BE INCLUDED IN EACH AREA AGENCY ON AGING'S AREA PLAN DEVELOPED PURSUANT TO SECTION 26-11-204 (1) (a). EACH AREA AGENCY ON AGING'S AREA PLAN SHALL SPECIFICALLY INCLUDE AN EXPLANATION REGARDING HOW THE MONEYS TRANSFERRED FROM SALES AND USE TAXES PURSUANT TO THE PROVISIONS OF SECTION 39-26-123 (2) (A) (I) (A.6), C.R.S., WILL BE USED FOR ONE-TIME PURPOSES AND SHALL NOT BE USED IN A MANNER THAT WOULD CREATE A NEED FOR ONGOING STATE FUNDING IN FISCAL YEAR 2001-02 AND SUBSEQUENT FISCAL YEARS.

(4) (a) ON OR BEFORE JANUARY 1, 2001, EACH AREA AGENCY ON AGING SHALL SUBMIT A REPORT TO THE STATE OFFICE DETAILING THE USE OF MONEYS FROM THE PROGRAM, INCLUDING AN ITEMIZATION OF HOW MANY MORE PERSONS RECEIVED EACH SERVICE BECAUSE OF SUCH MONEYS.

(b) ON OR BEFORE FEBRUARY 1, 2001, THE STATE OFFICE SHALL COMPILE THE REPORTS FROM THE AREA AGENCIES ON AGING AND SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY AND THE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES DETAILING THE USE OF MONEYS FROM THE PROGRAM.

(5) THERE IS HEREBY CREATED THE OLDER COLORADANS CASH FUND, REFERRED TO IN THIS SUBSECTION (5) AS THE "FUND". THE FUND SHALL CONSIST OF MONEYS TRANSFERRED FROM SALES AND USE TAXES PURSUANT TO THE PROVISIONS OF SECTION 39-26-123 (2) (a) (I) (A.6), C.R.S. 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.

SECTION 2. 39-26-123 (2) (a) (I) (A), Colorado Revised Statutes, is amended, and the said 39-26-123 (2) (a) (I) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

39-26-123. Receipts - disposition. (2) (a) (I) (A) Eighty-five percent of all receipts collected under the provisions of this article shall be credited to the old age pension fund. For the fiscal year commencing July 1, 1997, and for each fiscal year thereafter, EXCEPT FOR THE FISCAL YEAR COMMENCING JULY 1, 2000, the remaining fifteen percent shall be allocated between and credited to the general fund and the highway users tax fund, as a portion of the sales and use taxes attributable to sales or use of vehicles and related items, as follows: Ten percent of net revenue from sales and use tax to the highway users tax fund and five percent thereof to the general fund.

(A.6) FOR THE FISCAL YEAR COMMENCING JULY 1, 2000, EIGHTY-FIVE PERCENT OF

ALL RECEIPTS COLLECTED UNDER THE PROVISIONS OF THIS ARTICLE SHALL BE CREDITED TO THE OLD AGE PENSION FUND. THE REMAINING FIFTEEN PERCENT SHALL BE ALLOCATED AMONG AND CREDITED TO THE GENERAL FUND, TO THE OLDER COLORADANS FUND ESTABLISHED IN SECTION 26-11-205.5, AS PROVIDING ADDITIONAL SERVICES TO COLORADANS SIXTY YEARS OF AGE AND OLDER, AND TO THE HIGHWAY USERS TAX FUND, AS A PORTION OF THE SALES AND USE TAXES ATTRIBUTABLE TO SALES OR USE OF VEHICLES AND RELATED ITEMS, AS FOLLOWS: TEN PERCENT OF THE NET REVENUE FROM SALES AND USE TAX TO THE HIGHWAY USERS TAX FUND; THREE MILLION DOLLARS TO THE OLDER COLORADANS FUND; AND FIVE PERCENT OF THE NET REVENUE FROM SALES AND USE TAX, LESS THREE MILLION DOLLARS, TO THE GENERAL FUND.

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the older Coloradans cash fund created in section 26-11-205.5, Colorado Revised Statutes, not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2000, the sum of three million dollars (\$3,000,000), or so much thereof as may be necessary, for the implementation of this act.

SECTION 4. 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 24, 2000