

CHAPTER 240

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 02-1209

BY REPRESENTATIVE(S) Spradley, Cloer, Alexander, Bacon, Borodkin, Boyd, Coleman, Crane, Daniel, Fairbank, Fritz, Garcia, Groff, Hefley, Hodge, Hoppe, Jahn, Jameson, Kester, Larson, Lawrence, Mace, Madden, Marshall, Miller, Plant, Ragsdale, Rhodes, Rippey, Romanoff, Sanchez, Scott, Smith, Snook, Spence, Stafford, Stengel, Tapia, Tochtrop, Vigil, Williams S., and Young;
also SENATOR(S) Epps, Entz, Evans, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Isgar, Linkhart, Nichol, Phillips, Tate, Taylor, Tupa, and Windels.

AN ACT

CONCERNING THE OLDER COLORADANS PROGRAM, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 26-11-205.5 (1), Colorado Revised Statutes, as amended by House Bill 02-1390, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended 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., and the moneys appropriated by the general assembly from the state general fund 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.~~

SECTION 2. 26-11-205.5 (3), (4), and (5), Colorado Revised Statutes, are

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

amended to read:

26-11-205.5. Older Coloradans program - distribution formula. (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, and on or before January 1, 2002, ON OR BEFORE AUGUST 1, 2002, AND EACH AUGUST 1 THEREAFTER, each area agency on aging shall submit a report to the state office detailing the use of moneys from the program FOR THE PREVIOUS FISCAL YEAR, including an itemization of how many more persons received each service because of such moneys.~~

(b) ~~On or before February 1, 2001, and on or before February 1, 2002, ON OR BEFORE NOVEMBER 1, 2002, AND EACH NOVEMBER 1 THEREAFTER, the state office shall compile the reports from the area agencies on aging and submit a report FOR THE PREVIOUS FISCAL YEAR to the joint budget committee of the general assembly, and the health, environment, children and families committee of the senate, and the health, environment, welfare, and institutions committee of 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 TO THE FUND from sales and use taxes pursuant to the provisions of section 39-26-123 (2) (a) (I) (A.6) AND (3), 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 3. 39-26-123 (2) (a) (I) (B) and the introductory portion to 39-26-123 (2) (b), Colorado Revised Statutes, are amended, and the said 39-26-123 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

39-26-123. Receipts - disposition. (2) (a) (I) (B) For purposes of this ~~subparagraph (F)~~ SECTION, "net revenue" means the gross amount of sales and use tax receipts collected under the provisions of this article, less three and one-third percent of such amount retained by vendors for the collection and remittance of such tax pursuant to section 39-26-105 (1) (a).

(b) As used in ~~paragraph (a) of this subsection (2)~~ THIS SECTION:

(3) FOR THE FISCAL YEARS COMMENCING ON AND AFTER JULY 1, 2002, 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 CASH FUND ESTABLISHED IN SECTION 26-11-205.5, C.R.S., 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; TWO MILLION DOLLARS TO THE OLDER COLORADANS CASH FUND; AND FIVE PERCENT OF THE NET REVENUE FROM SALES AND USE TAX, LESS TWO MILLION DOLLARS, TO THE GENERAL FUND.

SECTION 4. 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, office of adult and veterans services, aging services programs, for the fiscal year beginning July 1, 2002, the sum of two million dollars (\$2,000,000), or so much thereof as may be necessary, for the implementation of this act.

SECTION 5. 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 31, 2002