

## CHAPTER 205

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**GOVERNMENT - STATE**


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**HOUSE BILL 06-1018**

BY REPRESENTATIVE(S) Riesberg, Berens, Borodkin, Boyd, Buescher, Cloer, Coleman, Decker, Frangas, Green, Hodge, Jahn, King, Knoedler, Larson, Madden, McCluskey, Merrifield, Paccione, Penry, Ragsdale, Solano, Todd, Vigil, White, and Witwer; also SENATOR(S) Hagedorn, Bacon, Keller, Shaffer, Tupa, Williams, and Windels.

**AN ACT**

**CONCERNING AN INCREASE IN THE FUNDING TO THE OLDER COLORADANS CASH FUND FROM THE RECEIPTS COLLECTED FROM THE STATE SALES AND USE TAX, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** 26-11-205.5 (5), Colorado Revised Statutes, is amended to read:

**26-11-205.5. Older Coloradans program - distribution formula.** (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 (4), C.R.S.~~ SECTION 39-26-123 (2) (a) (I) (A.6), (4), AND (5), C.R.S., and any moneys appropriated to the fund by the general assembly. 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) and (4) (a), 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) (A) Eighty-five percent of all receipts collected under the provisions of this article shall be credited to the old age

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

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: Except as otherwise provided in sub-subparagraph (A.8) of this subparagraph (I), subparagraph (I.5) of this paragraph (a), paragraph (a.5) of this subsection (2), and ~~subsection (3)~~ SUBSECTIONS (3) AND (5) of this section, ten percent of net revenue from sales and use tax to the highway users tax fund and five percent thereof to the general fund.

(4) (a) For the fiscal years commencing on July 1, 2002, and ~~on and after~~ July 1, 2005, 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.

(5) FOR FISCAL YEARS COMMENCING ON AND AFTER JULY 1, 2006, THE ALLOCATION OF RECEIPTS UNDER SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION TO THE GENERAL FUND SHALL BE DECREASED BY THREE MILLION DOLLARS, AND SUCH AMOUNT SHALL BE CREDITED TO THE OLDER COLORADANS CASH FUND ESTABLISHED IN SECTION 26-11-205.5, C.R.S., TO PROVIDE ADDITIONAL SERVICES TO COLORADANS SIXTY YEARS OF AGE AND OLDER. THE MODIFICATIONS TO THE ALLOCATION OF RECEIPTS MADE PURSUANT TO THIS SUBSECTION (5) SHALL BE IN ADDITION TO ANY OTHER MODIFICATIONS TO THE ALLOCATION OF SUCH RECEIPTS MADE BY LAW.

**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, adult assistance programs, community services for the elderly, for state funding for senior services, for the fiscal year beginning July 1, 2006, the sum of one million dollars (\$1,000,000), or so much thereof as may be necessary, for the implementation of this act.

**SECTION 4. Effective date.** This act shall take effect July 1, 2006.

**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 17, 2006