

**Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-1107.01 Jerry Barry

**HOUSE BILL 10-1426**

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**HOUSE SPONSORSHIP**

**Riesberg and Todd,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Health and Human Services  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING CREATION OF A SEPARATE FUND FOR THE TRINIDAD**  
102     **STATE NURSING HOME.**

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**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://www.leg.state.co.us/billsummaries>.)*

Currently all moneys related to all state nursing homes and state veterans nursing homes are deposited in a central fund for state nursing homes. The bill establishes the Trinidad state nursing home cash fund to receive all moneys related to the Trinidad state nursing home. The fund will be exempt from the limits on uncommitted reserves.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

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

2           **SECTION 1.** 26-12-108 (1) (a), Colorado Revised Statutes, is  
3 amended, and the said 26-12-108 is further amended BY THE  
4 ADDITION OF A NEW SUBSECTION, to read:

5           **26-12-108. Payments for care - funds - annual report -**  
6 **collections for charges - central fund for state nursing homes created**  
7 **- Trinidad state nursing home cash fund created.** (1) (a) The state  
8 department shall establish rates for the care of residents, which rates shall  
9 be as nearly equal to the cost of operation and maintenance of the state  
10 nursing homes as practicable. Payments shall be made to the state  
11 department unless otherwise provided pursuant to a contract entered into  
12 in accordance with section 26-12-119. EXCEPT AS OTHERWISE PROVIDED  
13 IN SUBSECTION (1.5) OF THIS SECTION, the state department shall deposit  
14 such payments together with any other moneys received from any source  
15 for the operation and maintenance of the state nursing homes with the  
16 state treasurer, who shall credit all such moneys to the central fund for  
17 state nursing homes, referred to in this article as the "central fund", which  
18 fund is hereby created.

19           (1.5) (a) ALL PAYMENTS RECEIVED BY THE STATE DEPARTMENT  
20 RELATED TO THE TRINIDAD STATE NURSING HOME, ESTABLISHED  
21 PURSUANT TO SECTION 26-12-201 (1), TOGETHER WITH ANY OTHER  
22 MONEYS RECEIVED FROM ANY OTHER SOURCE FOR THE OPERATION AND  
23 MAINTENANCE OF THE TRINIDAD STATE NURSING HOME SHALL BE  
24 DEPOSITED WITH THE STATE TREASURER WHO SHALL CREDIT ALL SUCH  
25 MONEYS TO THE TRINIDAD STATE NURSING HOME CASH FUND, WHICH FUND  
26 IS HEREBY CREATED AND REFERRED TO IN THIS SUBSECTION (1.5) AS THE

1 "CASH FUND".

2 (b) (I) THE STATE DEPARTMENT IS AUTHORIZED TO EXPEND  
3 MONEYS FROM THE CASH FUND FOR THE DIRECT AND INDIRECT COSTS  
4 INCURRED BY THE STATE DEPARTMENT FOR THE OPERATION AND  
5 ADMINISTRATION OF THE TRINIDAD STATE NURSING HOME, FOR CAPITAL  
6 CONSTRUCTION IN CONNECTION WITH SAID STATE NURSING HOME, AND  
7 FOR ANY COSTS OR PAYMENTS RELATED TO THE DIVESTITURE OF SAID  
8 STATE NURSING HOME. THE EXPENDITURES SHALL NOT REQUIRE AN  
9 APPROPRIATION BY THE GENERAL ASSEMBLY BUT SHALL BE LIMITED TO  
10 THE AMOUNT AVAILABLE IN THE CASH FUND.

11 (II) ALL REQUESTS FOR CAPITAL CONSTRUCTION IN CONNECTION  
12 WITH THE TRINIDAD STATE NURSING HOME SUBMITTED BY THE STATE  
13 DEPARTMENT SHALL BE CONSIDERED BY THE CAPITAL DEVELOPMENT  
14 COMMITTEE PURSUANT TO SECTION 2-3-1304, C.R.S.

15 (III) ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT  
16 OF MONEYS IN THE CASH FUND SHALL BE CREDITED TO THE CASH FUND.  
17 AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED  
18 MONEYS IN THE CASH FUND SHALL REMAIN IN THE CASH FUND AND SHALL  
19 NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER  
20 FUND.

21 (IV) IN ENACTING THIS SUBSECTION (1.5), IT IS THE INTENT OF THE  
22 GENERAL ASSEMBLY NOT TO CHANGE THE ELIGIBILITY OF OR THE PROCESS  
23 FOR THE TRINIDAD STATE NURSING HOME FOR CAPITAL CONSTRUCTION OR  
24 CONTROLLED MAINTENANCE MONEYS.

25 **SECTION 2.** 26-12-112 (5) (b), Colorado Revised Statutes, is  
26 amended to read:

27 **26-12-112. Powers and duties of state department.** (5) (b) Any

1 proceeds from the sale of property pursuant to paragraph (a) of this  
2 subsection (5) shall be deposited in the ~~central~~ TRINIDAD STATE NURSING  
3 HOME CASH fund, CREATED IN SECTION 26-12-108 (1.5) and applied  
4 toward ~~projects and programs for state nursing homes~~ ANY COSTS OR  
5 PAYMENTS ASSOCIATED WITH THE DIVESTITURE OF THE TRINIDAD STATE  
6 NURSING HOME.

7 **SECTION 3.** 24-75-402 (5), Colorado Revised Statutes, is  
8 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

9 **24-75-402. Cash funds - limit on uncommitted reserves -**  
10 **reduction in amount of fees - exclusions.** (5) Notwithstanding any  
11 provision of this section to the contrary, the following cash funds are  
12 excluded from the limitations specified in this section:

13 (z) THE TRINIDAD STATE NURSING HOME CASH FUND CREATED IN  
14 SECTION 26-12-108 (1.5), C.R.S.

15 **SECTION 4. Safety clause.** The general assembly hereby finds,  
16 determines, and declares that this act is necessary for the immediate  
17 preservation of the public peace, health, and safety.