

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0619.01 Jane Ritter

HOUSE BILL 11-1038

HOUSE SPONSORSHIP

McKinley,

SENATE SPONSORSHIP

(None),

House Committees
Health and Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REPEAL OF THE AUTHORITY OF THE EXECUTIVE
102 DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES TO SELL
103 THE TRINIDAD STATE NURSING HOME.

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>.)

The bill repeals the authority of the executive director of the department of human services to sell the Trinidad state nursing home.

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.

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

2 **SECTION 1. Repeal.** 26-12-112 (5), Colorado Revised Statutes,
3 is repealed as follows:

4 **26-12-112. Powers and duties of state department.** (5) (a) ~~The~~
5 ~~executive director shall have the authority to transfer title to any real or~~
6 ~~personal property at the Trinidad state nursing home, established pursuant~~
7 ~~to section 26-12-201, on terms and conditions he or she deems~~
8 ~~appropriate. In the process of transferring the property pursuant to this~~
9 ~~subsection (5), the executive director shall work in consultation with the~~
10 ~~board of county commissioners for Las Animas county and shall~~
11 ~~encourage and entertain bids that include an assurance of continuity of~~
12 ~~care for residents and an employee retention plan. In making a decision,~~
13 ~~the state department shall consider any independent feasibility study that~~
14 ~~may be conducted by or on behalf of any Trinidad or Las Animas county~~
15 ~~organization and shall make available upon request any nonconfidential~~
16 ~~information concerning the Trinidad state nursing home that may be~~
17 ~~needed for such feasibility study.~~

18 ~~(b) Any proceeds from the sale of property pursuant to paragraph~~
19 ~~(a) of this subsection (5) shall be deposited in the central fund and applied~~
20 ~~toward projects and programs for state nursing homes.~~

21 **SECTION 2. Repeal.** 26-12-201 (1) (b), Colorado Revised
22 Statutes, is repealed as follows:

23 **26-12-201. State nursing homes authorized.**

24 (1) (b) ~~Notwithstanding the provisions of paragraph (a) of this subsection~~
25 ~~(1), the executive director shall have the authority to transfer title to any~~
26 ~~real or personal property at the Trinidad state nursing home pursuant to~~

1 ~~section 26-12-112 (5).~~

2 **SECTION 3.** 24-1-120 (5) (b), Colorado Revised Statutes, is
3 amended to read:

4 **24-1-120. Department of human services - creation - repeal.**

5 (5) The department of human services shall include the following:

6 (b) The Trinidad state nursing home ~~unless transferred pursuant~~
7 ~~to section 26-12-112 (5), C.R.S.,~~ and the Colorado state veterans center,
8 which are transferred by a **type 2** transfer to the department of human
9 services;

10 **SECTION 4.** 24-51-311, Colorado Revised Statutes, is amended
11 to read:

12 **24-51-311. Continuation of membership.** Notwithstanding the
13 provisions of section 24-51-310, employees of a public hospital which is
14 sold, leased, or otherwise transferred to a nonprofit corporation organized
15 pursuant to the laws of this state for the purpose of conducting a hospital
16 ~~or employees of an association-affiliated employer that has transferred~~
17 ~~title pursuant to section 26-12-112 (5) (a), C.R.S., to an entity organized~~
18 ~~pursuant to the laws of the state for the purpose of conducting a long-term~~
19 ~~care facility or health care facility,~~ may continue membership in the
20 association ~~if the board determines, in its sole discretion, that continued~~
21 ~~membership will not adversely affect its qualified governmental plan~~
22 ~~status and~~ if the transfer agreement provides for continuance of
23 membership and IF the new employer agrees to submit to the association
24 the appropriate amount of employer and member contributions ~~and~~
25 ~~disbursements pursuant to part 4 of this article~~ THAT WOULD BE DUE FROM
26 AN EMPLOYER AFFILIATED WITH THE ASSOCIATION AND FROM A MEMBER
27 PURSUANT TO THE PROVISIONS OF SECTION 24-51-401 (1.7).

1 **SECTION 5.** 26-12-402 (2) (a), Colorado Revised Statutes, is
2 amended to read:

3 **26-12-402. Board of commissioners of state and veterans**
4 **nursing homes - creation - powers and duties.** (2) The functions of the
5 board of commissioners are to:

6 (a) Advise the division, the state nursing home located in
7 Trinidad, ~~unless it has been transferred pursuant to section 26-12-112(5),~~
8 and the veterans nursing homes located in Homelake, Florence, Rifle,
9 Aurora, and Walsenburg, Colorado;

10 **SECTION 6. Act subject to petition - effective date.** This act
11 shall take effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part shall not take effect
17 unless approved by the people at the general election to be held in
18 November 2010 and shall take effect on the date of the official
19 declaration of the vote thereon by the governor.