

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 26, 2019

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

HB19-1215 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend the Public Health Care and Human Services Committee Report,
2 dated March 15, 2019, page 1, strike lines 1 and 2 and substitute:
- 3 "Amend printed bill, page 3, line 2, strike "(7)(a)(II)(F),".
- 4 Page 3, strike lines 8 through 15 and substitute:
5 "(c.5) "MANDATORY SCHOOL FEES" MEANS FEES CHARGED BY A
6 SCHOOL OR SCHOOL DISTRICT, INCLUDING A CHARTER SCHOOL, FOR A
7 CHILD ATTENDING PUBLIC PRIMARY OR SECONDARY SCHOOL FOR
8 ACTIVITIES THAT ARE DIRECTLY RELATED TO THE EDUCATIONAL MISSION
9 OF THE SCHOOL, INCLUDING BUT NOT LIMITED TO LABORATORY FEES;
10 BOOK OR EDUCATIONAL MATERIAL FEES; SCHOOL COMPUTER OR
11 AUTOMATION-RELATED FEES, WHETHER PAID TO THE SCHOOL DIRECTLY OR
12 PURCHASED BY A PARENT; TESTING FEES; AND SUPPLY OR MATERIAL FEES
13 PAID TO THE SCHOOL. "MANDATORY SCHOOL FEES" DOES NOT INCLUDE
14 UNIFORMS, MEALS, OR EXTRACURRICULAR ACTIVITY FEES."
- 15 Page 4, line 10, after "~~that~~" insert "OR IS EMPLOYED PART-TIME WHILE
16 ENROLLED IN A PART-TIME EDUCATIONAL OR VOCATIONAL PROGRAM,
17 BASED ON THE INSTITUTION'S ENROLLMENT DEFINITIONS,".
- 18 Page 4, strike lines 16 through 21 and substitute "support available to a
19 child."

- 1 Page 5, strike "ASSETS AND RESIDENCE;" and substitute "ASSETS;".
- 2 Page 5, after line 5, insert "(B) RESIDENCE;".
- 3 Reletter succeeding sub-subparagraphs accordingly.
- 4 Page 5, line 16, strike "WILLING TO HIRE THE PARENT" and substitute
5 "HIRING IN THE COMMUNITY, WITHOUT CHANGING EXISTING LAW
6 REGARDING THE BURDEN OF PROOF;".
- 7 Page 6, strike lines 22 through 27 and substitute "~~required of the obligor.~~
8 The minimum order amount shall not apply when each parent keeps the
9 children more than ninety-two overnights each year as defined in
10 ~~paragraph (h) of subsection (3)~~ SUBSECTION (3)(h) of this section. In no
11 case, however, shall the amount of child support ordered to be paid
12 exceed the amount of child support that would otherwise be ordered to be
13 paid if the parents did not share physical custody."
- 14 Page 7, strike lines 1 through 3.
- 15 Page 8, line 9, strike "IF AN OBLIGOR'S" and substitute "FOR AN OBLIGOR
16 WITH AN".
- 17 Page 8, line 10, strike "IS" and substitute "OF".
- 18 Page 1 of the committee report, strike lines 4 through 15 and substitute:
- 19 "Page 8, strike lines 16 through 25 and substitute "(9) to (11) of this
20 section, IF, AFTER THESE ADJUSTMENTS ARE MADE, THE OBLIGOR'S CHILD
21 SUPPORT AMOUNT DOES NOT EXCEED TWENTY PERCENT OF THE OBLIGOR'S
22 ADJUSTED GROSS INCOME. ADJUSTMENTS MUST NOT BE MADE TO THE
23 OBLIGOR'S CHILD SUPPORT AMOUNT PURSUANT TO THIS SUBSECTION
24 (7)(a)(II)(C) IF, WITHIN THE SAME CHILD SUPPORT ORDER, THE NUMBER OF
25 CHILDREN FOR WHOM A DUTY OF SUPPORT IS OWED RESULTS IN A CHILD
26 SUPPORT OBLIGATION THAT EXCEEDS TWENTY PERCENT OF THE OBLIGOR'S
27 ADJUSTED GROSS INCOME. The low-income adjustment shall not apply
28 when each parent keeps the children more than ninety-two overnights
29 each year as defined in subsection (8) of this section, In no case, however,
30 shall the amount of child support ordered to be paid exceed the amount
31 of child support that would otherwise be ordered to be paid if the parents
32 did not share physical custody."

- 1 Page 9, strike lines 18 through 27.
- 2 Page 10, strike line 1.
- 3 Page 33, strike lines 5 and 6 and substitute "**updates.** (g) FOR PURPOSES
- 4 OF CALCULATING CHILD SUPPORT, WHEN TWO OR MORE".
- 5 Page 33, strike line 10 and substitute "OVERNIGHTS USED TO DETERMINE
- 6 CHILD SUPPORT".
- 7 Page 33, strike lines 14 through 26.
- 8 Strike page 34.
- 9 Page 35, strike lines 1 through 21.
- 10 Page 37, line 8, after the period add "AFTER THE PERIODIC REVIEW
- 11 DESCRIBED IN THIS SECTION, THE COMMISSION SHALL SUBMIT A REPORT TO
- 12 THE GOVERNOR AND TO THE GENERAL ASSEMBLY EXPLAINING THE
- 13 COMMISSION'S RECOMMENDATIONS."."
- 14 Page 1 of the committee report, line 18, strike "(4)" and substitute "(4);
- 15 and **add (5)**".
- 16 Page 1 of the committee report, line 19, strike "**services.**" and substitute
- 17 "**services - child support DRA fee cash fund.**".
- 18 Page 2 of the committee report, line 5, strike "threshold."." and substitute
- 19 "threshold.
- 20 (5) THERE IS CREATED IN THE STATE TREASURY THE CHILD
- 21 SUPPORT DRA FEE CASH FUND, REFERRED TO IN THIS SUBSECTION (5) AS
- 22 THE "FUND". THE FUND CONSISTS OF MONEY CREDITED TO THE FUND FROM
- 23 THE STATE SHARE, IF ANY, OF FEES COLLECTED PURSUANT TO THIS SECTION
- 24 AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE
- 25 OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL
- 26 INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF
- 27 MONEY IN THE FUND TO THE FUND. SUBJECT TO ANNUAL APPROPRIATION
- 28 BY THE GENERAL ASSEMBLY, THE STATE DEPARTMENT MAY EXPEND
- 29 MONEY FROM THE FUND FOR PROGRAM OPERATIONS."."
- 30 Page 2 of the committee report, after line 6 insert:

1 "Page 42, strike lines 15 through 26 and substitute:

2 "SECTION 8. **Appropriation.** For the 2019-20 state fiscal year,
3 \$143,650 is appropriated to the department of human services for use by
4 the office of self sufficiency. This appropriation is from the child support
5 deficit reduction act fee cash fund. To implement this act, the office may
6 use this appropriation for the automated child support enforcement
7 system.

8 **SECTION 9. Effective date - applicability.** (1) This act takes
9 effect July 1, 2019; except that section 14-10-115 (3)(c.5), (6)(b),
10 (7)(a)(II)(B), (7)(a)(II)(C), (7)(a)(II)(D), (7)(b), (8)(g), (11)(a)
11 introductory portion, (11)(a)(I), and (11)(c), Colorado Revised Statutes,
12 as amended and added in section 1 of this act, takes effect July 1, 2020.

13 (2) Section 1 of this act applies to orders entered on or after the
14 applicable effective dates specified in subsection (1) of this section.

15 **SECTION 10. 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."

18 Page 43, strike lines 1 and 2.

19 Page 1, line 102, strike "COMMISSION." and substitute "COMMISSION,
20 AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."."

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