



Legislative Council Staff

Research Note

Version: Final

Date: 11/29/2016

Bill Number

Senate Bill 16-038

Sponsors

**Senator Aguilar
Representatives Young and
Sias**

Short Title

**Transparency Of
Community-centered Boards**

Research Analyst

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Status

This research note reflects the final version of the bill which was signed by the Governor on June 11, 2016, and became effective on August 10, 2016.

Summary

This bill requires a community-centered board (CCB) that receives more than 75 percent of its annual funding from federal, state, or local governments, or any combination thereof, to be subject to the Colorado Local Government Audit Act. The Office of the State Auditor must conduct a performance audit of any CCB that exceeds the 75 percent government threshold to determine if the CCB is effectively and efficiently fulfilling its statutory obligations. Audits of CCBs are to occur in the five-year period following the effective date of the bill and as requested by the Office of the State Auditor thereafter. This bill also requires each CCB to post information on their websites related to the board of directors and their meetings, financial statements, annual budgets, and other CCB business related information.

Background

CCBs provide case management services to individuals with intellectual and developmental disabilities. CCBs are private, for-profit or non-profit entities that support access to long-term services through Medicaid waivers for home and community based services to persons with intellectual and developmental disabilities. These waivers require CCBs to coordinate services to clients in the least restrictive setting possible with the goal of keeping individuals in their homes and communities as an alternative to institutional care. Currently there are 20 CCBs in Colorado, and it is expected that most will exceed the 75 percent governmental funding threshold established in

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the bill.

Senate Action

Senate State Affairs Committee (February 1, 2016). At the hearing, representatives from IECF-Metro, Colorado Cross Disability Coalition, Colorado Developmental Disabilities Council, North Metro Community Services, the Arc of Colorado, Colorado Common Cause, Advocacy Denver, Parent to Parent Colorado, and eight private citizens testified in support of the bill. Representatives from Imagine testified in opposition to the bill. Representatives from Alliance, North Metro Community Services, Rocky Mountain Human Services, the Department of Health Care Policy & Finance, and the State Auditor testified in a neutral position and answered committee questions. The bill was laid over.

Senate State Affairs Committee (March 30, 2016). The committee adopted amendments L.002, L.003, and L.006, and referred the bill, as amended, to the Senate Finance Committee. Amendment L.002 adds a petition clause and provides that the state auditor must pay the costs of any performance audit conducted pursuant to the bill. Amendment L.003 makes small technical changes, and removes a requirement that CCBs be subject to the Colorado Open Records Act. Amendment L.006 changes the frequency of the required audits.

Senate Finance Committee (April 14, 2016). At the hearing, one private citizen testified in support of the bill. The committee referred the bill to the Senate Committee of the Whole.

Senate second reading (April 19, 2016). The Senate adopted the Senate State Affairs committee report. The Senate passed the bill on second reading, as amended.

Senate third reading (April 20, 2016). The Senate passed the bill on third reading with no amendments.

House Action

House Health, Insurance & Environment Committee (May 3, 2016). At the hearing, representatives from Alliance, Colorado Cross Disability Coalition, the Arc of Colorado, and two private citizens testified in support of the bill. The State Auditor answered committee questions. The committee adopted amendments L.008 and L.007 and referred the bill, as amended, to the House Committee of the Whole. Amendment L.007 creates various requirements including that CCBs must post public notice of board of directors meetings and make the meeting agendas publicly available in advance of meetings, make board members' email addresses publicly available, publicly disclose meeting minutes, present financial statements of the corporation at each regularly scheduled board meeting, and provide training for incoming board members. Amendment L.008 makes a small technical correction to Amendment L.007.

House second reading (May 3, 2016). The House referred the bill to the House Appropriations Committee.

House Appropriations Committee (May 5, 2016). The committee adopted amendment J.001 and referred the bill to the House Committee of the Whole. The amendment adds an appropriations clause to the bill.

House second reading (May 5, 2016). The House adopted the House HIE and Appropriations committee reports and passed the bill on second reading, as amended.

House third reading (May 6, 2016). The House passed the bill on third reading with no amendments.

Consideration of Amendments

Senate action (May 9, 2016). The Senate concurred with House amendments and repassed the bill.