

**First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 17-0270.01 Kristen Forrestal x4217

**SENATE BILL 17-234**

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**SENATE SPONSORSHIP**

**Kerr**, Martinez Humenik, Moreno, Tate

**HOUSE SPONSORSHIP**

**Thurlow**, Arndt, Hooton, Nordberg

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**Senate Committees**  
Health & Human Services

**House Committees**  
Public Health Care & Human Services

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**A BILL FOR AN ACT**

101      **CONCERNING THE SCHEDULED REPEAL OF REPORTS BY THE**  
102      **DEPARTMENT OF HUMAN SERVICES TO THE GENERAL ASSEMBLY.**

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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://leg.colorado.gov/>.)*

**Statutory Revision Committee.** Pursuant to section 24-1-136 (11)(a)(I), Colorado Revised Statutes, any report that is required to be made to the general assembly by an executive agency or the judicial branch on a periodic basis expires on the day after the third anniversary of the date on which the first report was due unless the general assembly, acting by bill, continues the requirement. The bill addresses reporting

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.*

HOUSE  
Amended 2nd Reading  
April 7, 2017

SENATE  
3rd Reading Unamended  
March 29, 2017

SENATE  
Amended 2nd Reading  
March 28, 2017

requirements of the department of human services.

**Sections 3 through 6, 8, 10 through 12, and 14 through 17** of the bill continue the reporting requirements indefinitely.

**Sections 1, 2, 13, and 18** repeal reports that were scheduled to repeal according to section 24-1-136 (11)(a)(I). Currently there is no repeal date listed in the organic statute.

**Sections 7 and 9** add repeal dates in the organic statute that coincide with the scheduled repeal date specified in section 24-1-136 (11)(a)(I).

**Sections 19 and 20** make conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend**  
3 **14-10-115 (16)(a)** as follows:

4 **14-10-115. Child support guidelines - purpose - definitions -**  
5 **determination of income - schedule of basic child support obligations**  
6 **- adjustments to basic child support - additional guidelines - child**  
7 **support commission. (16) Child support commission. (a)** The child  
8 support guidelines, including the schedule of basic child support  
9 obligations, and general child support issues shall be reviewed ~~and the~~  
10 ~~results of the review and any recommended changes shall be reported to~~  
11 ~~the governor and to the general assembly on or before December 1, 1991,~~  
12 ~~and at least every four years thereafter~~ by a child support commission,  
13 which commission is hereby created.

14 **SECTION 2.** In Colorado Revised Statutes, **18-18-309, repeal (4)**  
15 **as follows:**

16 **18-18-309. Diversion prevention and control. (4)** ~~The~~  
17 ~~department shall annually report to the governor and to the president of~~  
18 ~~the senate and the speaker of the house of representatives on the outcome~~  
19 ~~of this program with respect to its effects on distribution and abuse of~~  
20 ~~controlled substances, including recommendations for improving control~~

1 ~~and prevention of the diversion of controlled substances in this state.~~

2 **SECTION 3.** In Colorado Revised Statutes, 19-2-411.5, **repeal**  
3 **(5)** as follows:

4 **19-2-411.5. Juvenile facility - contract for operation. (5)** ~~On~~  
5 ~~an annual basis, the department of human services shall calculate the~~  
6 ~~recidivism rate for committed juveniles in the custody of the department~~  
7 ~~of human services who complete the program offered by the facility. In~~  
8 ~~calculating the recidivism rate, the department of human services shall~~  
9 ~~include any juvenile who commits a criminal offense, either as a juvenile~~  
10 ~~or as an adult, within three years after leaving the facility. The department~~  
11 ~~of human services shall report the recidivism rate to the general assembly.~~

12 **SECTION 4.** In Colorado Revised Statutes, 19-3-214, **amend** (2)  
13 as follows:

14 **19-3-214. Placement reporting. (2)** NOTWITHSTANDING SECTION  
15 24-1-136 (11)(a)(I), the state department shall submit an annual report to  
16 the joint budget committee of the general assembly no later than  
17 December 1 of each year that compiles the monthly reports of the number  
18 of children who have been placed out of the home in each county or city  
19 and county for the preceding year as required pursuant to subsection (1)  
20 of this section.

21 **SECTION 5.** In Colorado Revised Statutes, 19-3-304.5, **amend**  
22 **(6)** as follows:

23 **19-3-304.5. Emergency possession of certain abandoned**  
24 **children. (6)** NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the state  
25 department of human services shall submit an annual report to the general  
26 assembly, beginning January 1, 2001, that compiles the monthly reports,  
27 required pursuant to subsection (5) of this section, of the number of

1 children abandoned pursuant to this section.

2           **SECTION 6.** In Colorado Revised Statutes, 19-3.3-108, **amend**  
3 (2) as follows:

4           **19-3.3-108. Office of the child protection ombudsman - annual**  
5 **report.** (2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the  
6 ombudsman shall distribute the written report to the governor, the chief  
7 justice, the board, and the general assembly. The ombudsman shall  
8 present the report to the health and human services committees of the  
9 house of representatives and of the senate, or any successor committees.

10           **SECTION 7.** In Colorado Revised Statutes, 26-1-132, **amend**  
11 (4)(a) as follows:

12           **26-1-132. Department of human services - rate setting -**  
13 **residential treatment service providers - monitoring and auditing -**  
14 **report - repeal.** (4) (a) (I) The state department, in conjunction with the  
15 counties and providers, shall submit an initial report to the joint budget  
16 committee of the general assembly on or before January 1, 2017, and  
17 every January 1 thereafter. The report must include the rate-setting  
18 process and the implementation timeline developed pursuant to this  
19 section.

20           (II) PURSUANT TO SECTION 24-1-136 (11)(a)(I), THIS SUBSECTION  
21 (4)(a) IS REPEALED, EFFECTIVE JANUARY 2, 2020.

22           **SECTION 8.** In Colorado Revised Statutes, **amend** 26-1-310 as  
23 follows:

24           **26-1-310. Reports to the general assembly.** NOTWITHSTANDING  
25 SECTION 24-1-136 (11)(a)(I), on September 1, 2009, and each September  
26 1 thereafter, the board shall provide a report to the joint budget committee  
27 and the health and human services committees of the house of

1 representatives and the senate, or any successor committees, on the  
2 operations of the trust fund, the moneys expended, the number of  
3 individuals with traumatic brain injuries offered services, the research  
4 grants awarded and the progress on such grants, and the educational  
5 information provided pursuant to this article.

6 **SECTION 9.** In Colorado Revised Statutes, 26-2-104, **amend**  
7 (2)(f) as follows:

8 **26-2-104. Public assistance programs - electronic benefits**  
9 **transfer service - joint reports with department of revenue - signs -**  
10 **rules - repeal.** (2) (f) (I) On or before January 1, 2016, and July 1, 2016,  
11 and on or before each January 1 thereafter, the department of revenue and  
12 the state department shall each submit and present the reports at the same  
13 meeting on electronic benefits transfers to the state, veterans, and military  
14 affairs committees of the senate and house of representatives, the health  
15 and human services committee of the senate, and the public health care  
16 and human services committee of the house of representatives, or any  
17 successor committees. The reports must list the number of instances that  
18 a client accessed cash benefits through the electronic benefits transfer  
19 service through automated teller machines located in each type of  
20 establishment described in paragraph (a) of this subsection (2) or any  
21 other establishment in which a client is prohibited from accessing benefits  
22 by federal law.

23 (II) PURSUANT TO SECTION 24-1-136 (11)(a)(I), THIS SUBSECTION  
24 (2)(f) IS REPEALED, EFFECTIVE JANUARY 2, 2019.

25 **SECTION 10.** In Colorado Revised Statutes, 26-2-809, **amend**  
26 (1) introductory portion as follows:

27 **26-2-809. Colorado child care assistance program - reporting**

1 **requirements.** (1) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on  
2 or before December 1, 2016, and on or before December 1 each year  
3 thereafter, the state department shall prepare a report on CCCAP. The  
4 state department shall provide the report to the public health care and  
5 human services committee of the house of representatives and the health  
6 and human services committee of the senate, or any successor  
7 committees. The report must include, at a minimum, the following  
8 information related to benchmarks of success for CCCAP:

9 **SECTION 11.** In Colorado Revised Statutes, 26-5-105.4, **amend**  
10 (8)(a) as follows:

11 **26-5-105.4. Title IV-E waiver demonstration project - county**  
12 **performance agreements - Title IV-E waiver demonstration project**  
13 **cash fund created - rules - repeal.** (8) (a) NOTWITHSTANDING SECTION  
14 24-1-136 (11)(a)(I), on or before December 31, 2013, and each December  
15 31 thereafter, the state department shall prepare a report concerning the  
16 status of the Title IV-E waiver demonstration project, as described in this  
17 section. The state department shall deliver the report to the joint budget  
18 committee, the health and human services committee of the senate, the  
19 health, insurance, and environment committee of the house of  
20 representatives, and the public health care and human services committee  
21 of the house of representatives, or any successor committees, no later than  
22 December 31 of each year.

23 **SECTION 12.** In Colorado Revised Statutes, 26-5.5-104, **amend**  
24 (6) as follows:

25 **26-5.5-104. Statewide family preservation program - creation**  
26 **- single state agency designated - program criteria established -**  
27 **available services - powers and duties of agencies - local oversight -**

1 **feasibility report.** (6) On and after July 1, 1994, the executive director  
2 of the state department shall annually evaluate the statewide family  
3 preservation program and shall determine the overall effectiveness and  
4 cost-efficiency of the program. NOTWITHSTANDING SECTION 24-1-136  
5 (11)(a)(I), on or before the first day of October of each year, the executive  
6 director of the state department shall report such findings and shall make  
7 recommended changes, including budgetary changes, to the program to  
8 the general assembly, the chief justice of the supreme court, and the  
9 governor. In evaluating the program, the executive director of the state  
10 department shall consider any recommendations made by the interagency  
11 family preservation commission in accordance with section 26-5.5-106.  
12 To the extent changes to the program may be made without requiring  
13 statutory amendment, the executive director may implement such  
14 changes, including changes recommended by the commission acting in  
15 accordance with subsection (7) of this section.

16 **SECTION 13.** In Colorado Revised Statutes, 26-6-116, **repeal** (2)  
17 as follows:

18 **26-6-116. Child care resource and referral system - created.**  
19 ~~(2) The state department shall report to the members of the health and~~  
20 ~~human services committees of the senate and the house of representatives~~  
21 ~~of the general assembly, or any successor committees, concerning the~~  
22 ~~child care resource and referral system by December 1, 2001, and by each~~  
23 ~~December 1 thereafter. The report shall specify, at a minimum, the entity~~  
24 ~~that the state department has currently designated to administer the system~~  
25 ~~and the qualifications of that entity to serve in such capacity, the types of~~  
26 ~~services that are being provided pursuant to the system, the numbers and~~  
27 ~~types of persons receiving such services, and the cost associated with the~~

1 system.

2 **SECTION 14.** In Colorado Revised Statutes, 26-6.7-105, **amend**  
3 (2) as follows:

4 **26-6.7-105. Reporting requirements.** (2) NOTWITHSTANDING  
5 SECTION 24-1-136 (11)(a)(I), on or before December 1, 2014, and each  
6 December 1 thereafter, the state department shall provide a written report  
7 on the grant program to the public health care and human services  
8 committee of the house of representatives and the health and human  
9 services committee of the senate, or any successor committees. The report  
10 must include a summary of the data received pursuant to subsection (1)  
11 of this section, the total amount of grants and grant moneys awarded, and  
12 the total increase in the number of infants and toddlers under three years  
13 of age served by the grant program.

14 **SECTION 15.** In Colorado Revised Statutes, 26-12-108, **amend**  
15 (1)(c) and (4)(b) as follows:

16 **26-12-108. Payments for care - funds - report - collections for**  
17 **charges - central fund for veterans centers created - repeal.**  
18 (1) (c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the state  
19 department shall prepare and submit to the general assembly an annual  
20 report detailing the financial status of each veterans center. This report  
21 must also identify which of the veterans centers administered pursuant to  
22 the provisions of this article are owned by the state but operated under  
23 contract by another entity.

24 (4) (b) (I) The moneys transferred to the central fund pursuant to  
25 this subsection (4) may be used for nonrecurring expenditures that  
26 address the greatest needs of serving veterans.

27 (II) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), at least sixty

1 days prior to making such expenditures, the state department shall report  
2 its recommended use of the sale proceeds to the state, veterans, and  
3 military affairs committees of the house of representatives and the senate,  
4 the capital development committee, and the joint budget committee.

5 **SECTION 16.** In Colorado Revised Statutes, 27-10.5-710,  
6 **amend** (1) as follows:

7 **27-10.5-710. Annual report - cooperation from certified early**  
8 **intervention service brokers and qualified providers.**

9 (1) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), by November 1,  
10 2008, and by November 1 each year thereafter, the department shall  
11 submit an annual report to the general assembly regarding the various  
12 funding sources used for early intervention services, the number of  
13 eligible children served, the average cost of early intervention services,  
14 and any other information the department deems appropriate. The  
15 department shall submit the report to the joint budget committee as part  
16 of the department's annual budget request. The department shall also  
17 submit the report to the health and human services committees and the  
18 education committees of the senate and house of representatives, or any  
19 successor committees.

20 **SECTION 17.** In Colorado Revised Statutes, 27-80-107.5,  
21 **amend** (5)(c) introductory portion as follows:

22 **27-80-107.5. Increasing access to effective substance use**  
23 **disorder services act - managed service organizations - substance use**  
24 **disorder services - assessment - community action plan - allocations**  
25 **- reporting requirements - evaluation.** (5) (c) NOTWITHSTANDING  
26 SECTION 24-1-136 (11)(a)(I), on or before November 1, 2020, AND ON OR  
27 BEFORE EACH NOVEMBER 1 THEREAFTER, the department, in collaboration

1 with the designated managed service organizations, shall submit a report  
2 to the joint budget committee and the joint health and human services  
3 committee, or any successor committees. The report must:

4 **SECTION 18.** In Colorado Revised Statutes, **repeal** 27-80-110  
5 as follows:

6 **27-80-110. Reports.** ~~The unit shall submit a report not later than~~  
7 ~~November 1 of each year to the health and human services committees of~~  
8 ~~the senate and house of representatives, or any successor committees, on~~  
9 ~~the costs and effectiveness of alcohol and drug abuse programs in this~~  
10 ~~state and on recommended legislation in the field of alcohol and drug~~  
11 ~~abuse.~~

12 **SECTION 19.** In Colorado Revised Statutes, 16-13-701, **amend**  
13 (4) as follows:

14 **16-13-701. Reporting of forfeited property.** (4) The unit in the  
15 department of human services that administers behavioral health  
16 programs and services, including those related to mental health and  
17 substance abuse, shall prepare an annual accounting report of moneys  
18 received by the managed service organization pursuant to section  
19 16-13-311 (3)(a)(VII)(B), including revenues, expenditures, beginning  
20 and ending balances, and services provided. ~~The unit in the department~~  
21 ~~of human services that administers behavioral health programs and~~  
22 ~~services, including those related to mental health and substance abuse,~~  
23 ~~shall provide this information in its annual report pursuant to section~~  
24 ~~27-80-110, C.R.S.~~

25 **SECTION 20.** In Colorado Revised Statutes, 42-4-1701, **amend**  
26 (4)(e) as follows:

27 **42-4-1701. Traffic offenses and infractions classified -**

1 **penalties - penalty and surcharge schedule - repeal.** (4) (e) (I) An  
2 additional fifteen dollars shall be assessed for speeding violations under  
3 sub-subparagraph (L) of subparagraph (I) of paragraph (a) of this  
4 subsection (4) in addition to the penalties and surcharge stated in said  
5 sub-subparagraph (L). Moneys collected pursuant to this paragraph (e)  
6 shall be transmitted to the state treasurer who shall deposit such moneys  
7 in the Colorado traumatic brain injury trust fund created pursuant to  
8 section 26-1-309, C.R.S., within fourteen days after the end of each  
9 quarter, to be used for the purposes set forth in ~~sections 26-1-301 to~~  
10 ~~26-1-310, C.R.S.~~ PART 3 OF ARTICLE 1 OF TITLE 26.

11 (II) If the surcharge is collected by a county or municipal court,  
12 the surcharge shall be seventeen dollars of which two dollars shall be  
13 retained by the county or municipality and the remaining fifteen dollars  
14 shall be transmitted to the state treasurer and credited to the Colorado  
15 traumatic brain injury trust fund created pursuant to section 26-1-309,  
16 C.R.S., within fourteen days after the end of each quarter, to be used for  
17 the purposes set forth in ~~sections 26-1-301 to 26-1-310, C.R.S.~~ PART 3 OF  
18 ARTICLE 1 OF TITLE 26.

19 (III) An additional fifteen dollars shall be assessed for a violation  
20 of a traffic regulation under sub-subparagraph (C) of subparagraph (I) of  
21 paragraph (a) of this subsection (4) for a violation of section 42-4-109  
22 (13)(b), in addition to the penalties stated in said sub-subparagraph (C).  
23 An additional fifteen dollars shall be assessed for a motorcycle violation  
24 under sub-subparagraph (O) of subparagraph (I) of paragraph (a) of this  
25 subsection (4) for a violation of section 42-4-1502 (4.5), in addition to the  
26 penalties stated in said sub-subparagraph (O). Moneys collected pursuant  
27 to this subparagraph (III) shall be transmitted to the state treasurer, who

1 shall deposit the moneys in the Colorado traumatic brain injury trust fund  
2 created pursuant to section 26-1-309, C.R.S., to be used for the purposes  
3 set forth in ~~sections 26-1-301 to 26-1-310, C.R.S.~~ PART 3 OF ARTICLE 1 OF  
4 TITLE 26.

5           **SECTION 21. Act subject to petition - effective date.** This act  
6 takes effect at 12:01 a.m. on the day following the expiration of the  
7 ninety-day period after final adjournment of the general assembly (August  
8 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a  
9 referendum petition is filed pursuant to section 1 (3) of article V of the  
10 state constitution against this act or an item, section, or part of this act  
11 within such period, then the act, item, section, or part will not take effect  
12 unless approved by the people at the general election to be held in  
13 November 2018 and, in such case, will take effect on the date of the  
14 official declaration of the vote thereon by the governor.