

CHAPTER 154

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 17-234

BY SENATOR(S) Kerr, Martinez Humenik, Moreno, Tate;
also REPRESENTATIVE(S) Thurlow, Arndt, Hooton, Nordberg, Lontine, Duran.

AN ACT

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

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

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

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

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

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

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

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

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

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

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

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

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

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

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

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

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

26-1-310. Reports to the general assembly. NOTWITHSTANDING SECTION

24-1-136 (11)(a)(I), on September 1, 2009, and each September 1 thereafter, the board shall provide a report to the joint budget committee and the health and human services committees of the house of representatives and the senate, or any successor committees, on the operations of the trust fund, the moneys expended, the number of individuals with traumatic brain injuries offered services, the research grants awarded and the progress on such grants, and the educational information provided pursuant to this article.

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

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

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

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

26-2-809. Colorado child care assistance program - reporting requirements. (1) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on or before December 1, 2016, and on or before December 1 each year thereafter, the state department shall prepare a report on CCCAP. The state department shall provide the report to the public health care and human services committee of the house of representatives and the health and human services committee of the senate, or any successor committees. The report must include, at a minimum, the following information related to benchmarks of success for CCCAP:

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

26-5-105.4. Title IV-E waiver demonstration project - county performance agreements - Title IV-E waiver demonstration project cash fund created - rules - repeal. (8) (a) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on or before December 31, 2013, and each December 31 thereafter, the state department shall prepare a report concerning the status of the Title IV-E waiver demonstration project, as described in this section. The state department shall deliver the report to the joint budget committee, the health and human services committee of the senate, the health, insurance, and environment committee of the house of representatives, and the public health care and human services committee of the house of

representatives, or any successor committees, no later than December 31 of each year.

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

26-5.5-104. Statewide family preservation program - creation - single state agency designated - program criteria established - available services - powers and duties of agencies - local oversight - feasibility report. (6) On and after July 1, 1994, the executive director of the state department shall annually evaluate the statewide family preservation program and shall determine the overall effectiveness and cost-efficiency of the program. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on or before the first day of October of each year, the executive director of the state department shall report such findings and shall make recommended changes, including budgetary changes, to the program to the general assembly, the chief justice of the supreme court, and the governor. In evaluating the program, the executive director of the state department shall consider any recommendations made by the interagency family preservation commission in accordance with section 26-5.5-106. To the extent changes to the program may be made without requiring statutory amendment, the executive director may implement such changes, including changes recommended by the commission acting in accordance with subsection (7) of this section.

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

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

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

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

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

26-12-108. Payments for care - funds - report - collections for charges -

central fund for veterans centers created - repeal. (1) (c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the state department shall prepare and submit to the general assembly an annual report detailing the financial status of each veterans center. This report must also identify which of the veterans centers administered pursuant to the provisions of this article are owned by the state but operated under contract by another entity.

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

(II) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), at least sixty days prior to making such expenditures, the state department shall report its recommended use of the sale proceeds to the state, veterans, and military affairs committees of the house of representatives and the senate, the capital development committee, and the joint budget committee.

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

27-10.5-710. Annual report - cooperation from certified early intervention service brokers and qualified providers. (1) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), by November 1, 2008, and by November 1 each year thereafter, the department shall submit an annual report to the general assembly regarding the various funding sources used for early intervention services, the number of eligible children served, the average cost of early intervention services, and any other information the department deems appropriate. The department shall submit the report to the joint budget committee as part of the department's annual budget request. The department shall also submit the report to the health and human services committees and the education committees of the senate and house of representatives, or any successor committees.

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

27-80-107.5. Increasing access to effective substance use disorder services act - managed service organizations - substance use disorder services - assessment - community action plan - allocations - reporting requirements - evaluation. (5) (c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on or before November 1, 2020, AND ON OR BEFORE EACH NOVEMBER 1 THEREAFTER, the department, in collaboration with the designated managed service organizations, shall submit a report to the joint budget committee and the joint health and human services committee, or any successor committees. The report must:

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

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

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

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

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

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal. (4) (e) (I) An additional fifteen dollars shall be assessed for speeding violations under sub-subparagraph (L) of subparagraph (I) of paragraph (a) of this subsection (4) in addition to the penalties and surcharge stated in said sub-subparagraph (L). Moneys collected pursuant to this paragraph (e) shall be transmitted to the state treasurer who shall deposit such moneys in the Colorado traumatic brain injury trust fund created pursuant to section 26-1-309, C.R.S., within fourteen days after the end of each quarter, to be used for the purposes set forth in ~~sections 26-1-301 to 26-1-310, C.R.S.~~ PART 3 OF ARTICLE 1 OF TITLE 26.

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

(III) An additional fifteen dollars shall be assessed for a violation of a traffic regulation under sub-subparagraph (C) of subparagraph (I) of paragraph (a) of this subsection (4) for a violation of section 42-4-109 (13)(b), in addition to the penalties stated in said sub-subparagraph (C). An additional fifteen dollars shall be assessed for a motorcycle violation under sub-subparagraph (O) of subparagraph (I) of paragraph (a) of this subsection (4) for a violation of section 42-4-1502 (4.5), in addition to the penalties stated in said sub-subparagraph (O). Moneys collected pursuant to this subparagraph (III) shall be transmitted to the state treasurer, who shall deposit the moneys in the Colorado traumatic brain injury trust fund created pursuant to section 26-1-309, C.R.S., to be used for the purposes set forth in ~~sections 26-1-301 to 26-1-310, C.R.S.~~ PART 3 OF ARTICLE 1 OF TITLE 26.

SECTION 21. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect

unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 28, 2017