MEMORANDUM

JOINT BUDGET COMMITTEE

TO	Joint Budget Committee Members
FROM	JBC Staff
DATE	March 21, 2018
SUBJECT	JBC Bill Drafts and Memos

This memo includes the following bill drafts for the Committees consideration.

- JBC Bill #48 – LLS 1087 "Concerning Measures to Address the Reduction of Revenues in the Severance Tax Operational Fund." (Scott Thompson)
    - Memo on JBC Bill #48 – LLS 1087
    - Memo on Request for Information on Funding for Tier 2 Programs
- JBC Bill #9 – LLS 1104 "Concerning Support for Persons Interested in Transitioning From an Institutional Setting, and, in Connection Therewith, Making and Reducing Appropriations." (Eric Kurtz)
- JBC Bill #19 – LLS 1158 "Concerning Creation of a Grant Program to support Collaborative Educator Preparation Initiatives to Address the Teacher Shortage in Colorado, and, in Connection Therewith, Making an Appropriation." (Amanda Bickel)
- JBC Bill #23 – LLS 1115 "Concerning Part C Child Find Responsibilities of State Departments." (Vance Roper)
- JBC Bill #68 – LLS 1117 "Concerning the Colorado Child Care Assistance Program, and, in Connection Therewith, Establishing Eligibility Requirements for All Counties and Creating a New Formula to Determine the Amount of Block Grants to Counties." (Vance Roper)
- JBC Bill #46 – LLS 1067 "Concerning Increasing Access to Services for Individuals with Intellectual and Developmental Disabilities that are Provided by a Stable Workforce." (Robin Smart)
    - Memo on JBC Bill #46 – LLS 1067
- JBC Bill #13 – LLS 1085 "Concerning the Children's Habilitation Residential Waiver Program, and, in Connection Therewith, Making an Appropriation." (Robin Smart)
    - Memo on JBC Bill #13 – LLS 1085
- JBC Bill #60 – LLS 1088 "Concerning the Removal of Language that Prohibits Sectarian Secondary Schools from Applying for Grants Through the Tony Grampsas Youth Services Program." (Robin Smart)
    - There are two version of this draft LLS 1088.01 and LLS 1088.02
    - Memo on JBC Bill #60 – LLS 1088
- JBC Bill #45 – LLS 1156 "Concerning a Task Force on the Transition of Persons with Intellectual and Developmental Disabilities from Educational Services to Home- and Community-based Services." (Robin Smart)
    - Memo on JBC Bill #45 – LLS 1156
- JBC Bill #49 - LLS 1162 ""Background Checks Employees Access Fed Tax Info" (Alfredo Kemm)

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REDRAFT
3.19.18
Double underlining denotes changes from prior draft

DRAFT

LLS NO. 18-1087.01 Ed DeCecco x4216 **COMMITTEE BILL**

Joint Budget Committee

BILL TOPIC: "Reduced Revenue Sev Tax Operational Fund Measures"

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ADDRESS THE REDUCTION OF REVENUES IN**
102 **THE SEVERANCE TAX OPERATIONAL FUND.**

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/.)

Joint Budget Committee. Under current law, money is transferred from the severance tax operational fund (operational fund) to certain cash funds to benefit programs that are commonly referred to as the tier 2 programs. On June 30, 2018, the bill requires the state treasurer to transfer money to the operational fund from the following cash funds to recoup money that was previously transferred in this fiscal year for tier 2

programs:

- $727,888 from the species conservation trust fund (**section 1** of the bill);
- $393,272 from the division of parks and outdoor recreation aquatic nuisance species fund (**section 2**);
- $189,912 from the division of wildlife aquatic nuisance species fund (section 2);
- $18,488 from the special account in the general fund used by the mined land reclamation board for reclaiming certain lands (**section 3**);
- $80,068 from the water efficiency grant program cash fund (**section 4**);
- $108,465 from the interbasin compact committee operation fund (**section 5**); and
- $1,455,776 from the water supply reserve fund (**section 7**).

To replace funding from the operational fund, the bill requires the state treasurer to transfer the following amounts on July 1, 2018, from the general fund to pay for tier 2 programs for the next fiscal year:

- $2,054,767 to the division of parks and outdoor recreation aquatic nuisance species fund (section 2); and
- $1,012,049 to the division of wildlife aquatic nuisance species fund (section 2).

If, prior to July 1, 2018, there is insufficient money in the severance tax reserve, which is used to make severance tax refunds, then under current law, money would be recouped from the various severance tax cash funds in order to make the refunds. **Section 6** requires income tax revenue that would otherwise be deposited in the general fund to be deposited in the reserve to make the refund instead of recouping money from the operational fund.

Section 8 requires the state treasurer to make 2 transfers from the general fund to the operational fund:

- $17,030,925 on July 1, 2018, which amount will fund the programs commonly known as the tier 1 programs; and
- On June 30, 2019, an amount equal to the operational fund reserve required the fiscal year commencing on July 1, 2019, or $17,214,854, whichever is less. This transfer will be used to fund the tier 1 operational fund reserve.

To offset the general fund transfers, section 7 requires revenue, up to a maximum of $49,320,779, that was or otherwise would be deposited in the operational fund from February 1, 2018, through June 30, 2019, to instead be transferred or deposited in the general fund.

Section 8 also prohibits the state treasurer from making any transfers from the operational fund to benefit the tier 2 programs for the next fiscal year.

REDRAFT
3.19.18
Double underlining denotes changes from prior draft

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

SECTION 1. In Colorado Revised Statutes, 24-33-111, **add** (2)(a)(III) as follows:

24-33-111. Conservation of native species - fund created. (2) **Species conservation trust fund - creation - repeal.** (a) (III) (A) ON JUNE 1, 2018, THE STATE TREASURER SHALL TRANSFER SEVEN HUNDRED TWENTY-SEVEN THOUSAND EIGHT HUNDRED EIGHTY-EIGHT DOLLARS FROM THE SPECIES CONSERVATION TRUST FUND TO THE SEVERANCE TAX OPERATIONAL FUND CREATED IN SECTION 39-29-109 (2)(b).

(B) THIS SUBSECTION (2)(a)(III) IS REPEALED, EFFECTIVE JULY 1, 2018.

SECTION 2. In Colorado Revised Statutes, 33-10.5-108, **add** (1.3) as follows:

33-10.5-108. Division of parks and outdoor recreation aquatic nuisance species fund - creation - division of wildlife aquatic nuisance species fund - creation - repeal. (1.3) (a) ON JUNE 30, 2018, THE STATE TREASURER SHALL TRANSFER:

(I) THREE HUNDRED NINETY-THREE THOUSAND TWO HUNDRED SEVENTY-TWO DOLLARS FROM THE DIVISION OF PARKS AND OUTDOOR RECREATION AQUATIC NUISANCE SPECIES FUND TO THE GENERAL FUND; AND

(II) ONE HUNDRED EIGHTY-NINE THOUSAND NINE HUNDRED TWELVE DOLLARS FROM THE DIVISION OF WILDLIFE AQUATIC NUISANCE SPECIES FUND TO THE GENERAL FUND.

(b) IN ADDITION TO ANY OTHER AMOUNTS REQUIRED TO BE DEPOSITED IN THE DIVISION OF PARKS AND OUTDOOR RECREATION

AQUATIC NUISANCE SPECIES FUND AND THE DIVISION OF WILDLIFE AQUATIC NUISANCE SPECIES FUND, ON JULY 1, 2018, THE STATE TREASURER SHALL TRANSFER:

(I) TWO MILLION FIFTY-FOUR THOUSAND SEVEN HUNDRED SIXTY-SEVEN DOLLARS FROM THE GENERAL FUND TO THE DIVISION OF PARKS AND OUTDOOR RECREATION AQUATIC NUISANCE SPECIES FUND; AND

(II) ONE MILLION TWELVE THOUSAND FORTY-NINE DOLLARS FROM THE GENERAL FUND TO THE DIVISION OF WILDLIFE AQUATIC NUISANCE SPECIES FUND.

(c) THIS SUBSECTION (1.3) IS REPEALED, EFFECTIVE AUGUST 1, 2018.

SECTION 3. In Colorado Revised Statutes, 34-32-122, **add** (1)(c) as follows:

34-32-122. Fees, civil penalties, and forfeitures - deposit - emergency response cash fund - created - repeal. (1) (c) (I) ON JUNE 1, 2018, THE STATE TREASURER SHALL TRANSFER EIGHTEEN THOUSAND FOUR HUNDRED EIGHTY-EIGHT DOLLARS TO THE SEVERANCE TAX OPERATIONAL FUND CREATED IN SECTION 39-29-109 (2)(b) FROM THE SPECIAL ACCOUNT IN THE GENERAL FUND ESTABLISHED PURSUANT TO SECTION 34-32-122 (1)(a), BY THE MINED LAND RECLAMATION BOARD ESTABLISHED IN SECTION 34-32-105, FOR THE PURPOSE OF RECLAIMING LANDS THAT WERE OBLIGATED TO BE RECLAIMED UNDER PERMITS UPON WHICH FINANCIAL WARRANTIES HAVE BEEN FORFEITED.

(II) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE JULY 1, 2018.

SECTION 4. In Colorado Revised Statutes, 37-60-126, **add** (12)(b.5) as follows:

37-60-126. Water conservation and drought mitigation

planning - programs - relationship to state assistance for water facilities - guidelines - water efficiency grant program - definitions - repeal. (12) (b.5) (I) ON JUNE 1, 2018, THE STATE TREASURER SHALL TRANSFER EIGHTY THOUSAND SIXTY-EIGHT DOLLARS FROM THE FUND TO THE SEVERANCE TAX OPERATIONAL FUND CREATED IN SECTION 39-29-109 (2)(b).

(II) THIS SUBSECTION (12)(b.5) IS REPEALED, EFFECTIVE JULY 1, 2018.

SECTION 5. In Colorado Revised Statutes, **amend** 37-75-107 as follows:

37-75-107. Interbasin compact committee operation fund - creation. (1) There is hereby created in the state treasury the interbasin compact committee operation fund, which shall be administered by the Colorado water conservation board and shall consist of all ~~moneys~~ MONEY transferred by the treasurer as specified in section 39-29-109.3 (2)(i). ~~C.R.S.~~ All ~~moneys~~ MONEY in the fund ~~are~~ IS continuously appropriated to the Colorado water conservation board for the purposes stated in this ~~article~~ ARTICLE 75. All ~~moneys~~ MONEY in the fund at the end of each fiscal year shall be retained in the fund and shall not revert to the general fund or any other fund.

(2) (a) ON JUNE 1, 2018, THE STATE TREASURER SHALL TRANSFER ONE HUNDRED EIGHT THOUSAND FOUR HUNDRED SIXTY-FIVE DOLLARS FROM THE INTERBASIN COMPACT COMMITTEE OPERATION FUND TO THE SEVERANCE TAX OPERATIONAL FUND CREATED IN SECTION 39-29-109 (2)(b).

(b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2018.

SECTION 6. In Colorado Revised Statutes, 39-29-107.8, **add**

(2)(c) as follows:

39-29-107.8. Refunds. (2) (c) (I) IF, AS OF THE END OF THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2017, THE AMOUNT IN THE RESERVE IS LESS THAN THE AMOUNT OF REFUNDS THAT ARE REQUIRED TO BE MADE FROM THE RESERVE, THEN THE STATE TREASURER SHALL CREDIT TO THE RESERVE FROM THE PROCEEDS OF THE MONEY COLLECTED UNDER ARTICLE 22 OF THIS TITLE 39 AN AMOUNT EQUAL TO ONE-FOURTH OF THE DEFICIT.

(II) THE AMOUNT CREDITED TO THE RESERVE IN ACCORDANCE WITH SUBSECTION (2)(c)(I) OF THIS SECTION REPLACES ANY MONEY FROM THE RESERVE THAT WAS TRANSFERRED TO THE SEVERANCE TAX OPERATIONAL FUND, AND AS A RESULT, NO AMOUNT SHALL BE RECOUPED FROM THE OPERATIONAL FUND FOR PURPOSES OF MAKING A REFUND FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2017.

SECTION 7. In Colorado Revised Statutes, 39-29-109, **amend** (2)(b); and **add** (2)(c)(IV) as follows:

39-29-109. Severance tax trust fund - created - administration - distribution of money - repeal. (2) State severance tax receipts shall be credited to the severance tax trust fund as provided in section 39-29-108. Except as otherwise set forth in section 39-29-109.5, all income derived from the deposit and investment of the money in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered money in the fund remains in the fund and shall not be credited or transferred to the general fund or any other fund. All money in the fund is subject to appropriation by the general assembly for the following purposes:

(b) (I) **The severance tax operational fund.** There is hereby

created in the state treasury the severance tax operational fund, also referred to in this ~~paragraph (b)~~ SUBSECTION (2)(b) as the "fund", which the department of natural resources shall administer. The state treasurer shall transfer one-half of the severance tax receipts credited to the severance tax trust fund for tax years commencing on and after July 1, 1995, to the fund. ~~Moneys~~ MONEY in the fund shall be distributed as set forth in section 39-29-109.3.

(II) (A) ON JUNE 1, 2018, THE STATE TREASURER SHALL TRANSFER FROM THE FUND TO THE GENERAL FUND AN AMOUNT EQUAL TO THE AMOUNT TRANSFERRED TO THE FUND FROM THE SEVERANCE TAX TRUST FUND FROM FEBRUARY 1, 2018, THROUGH THE EFFECTIVE DATE OF THIS SUBSECTION (2)(b)(II)(A).

(B) NOTWITHSTANDING SUBSECTION (2)(b)(I) OF THIS SECTION, FROM THE EFFECTIVE DATE OF THIS SUBSECTION (2)(b)(II)(B) THROUGH THE END OF THE FISCAL YEAR COMMENCING ON JULY 1, 2018, THE STATE TREASURER SHALL TRANSFER ONE-HALF OF THE SEVERANCE TAX RECEIPTS CREDITED TO THE SEVERANCE TAX TRUST FUND TO THE GENERAL FUND INSTEAD OF THE FUND; EXCEPT THAT THE AMOUNT TRANSFERRED AND CREDITED TO THE GENERAL FUND UNDER THIS SUBSECTION (2)(b)(II) SHALL NOT EXCEED FORTY-NINE MILLION THREE HUNDRED TWENTY THOUSAND SEVEN HUNDRED SEVENTY-NINE DOLLARS.

(C) THIS SUBSECTION (2)(b)(II) IS REPEALED, EFFECTIVE JULY 1, 2019.

(c) **The water supply reserve fund.** (IV) (A) ON JUNE 1, 2018, THE STATE TREASURER SHALL TRANSFER ONE MILLION FOUR HUNDRED FIFTY-FIVE THOUSAND SEVEN HUNDRED SEVENTY-SIX DOLLARS FROM THE FUND TO THE SEVERANCE TAX OPERATIONAL FUND CREATED IN

SUBSECTION (2) OF THIS SECTION.

(B) THIS SUBSECTION (2)(c)(IV) IS REPEALED, EFFECTIVE JULY 1, 2018.

SECTION 8. In Colorado Revised Statutes, 39-29-109.3, **amend** (2) introductory portion and (4)(a) introductory portion; **repeal** (1.5) and (1.7); and **add** (4)(d) and (7) as follows:

39-29-109.3. Severance tax operational fund - repeal. (1.5) ~~Notwithstanding any provision of this section to the contrary, an amount equal to ten million dollars in the operational fund is restricted from being used for any purpose whatsoever, until such time that the joint budget committee, by a majority vote, releases the restriction on some or all of the money.~~

(1.7) ~~Notwithstanding any provision of this section to the contrary, on June 30, 2018, the state treasurer shall transfer eleven million four hundred twenty-five thousand dollars from the operational fund to the general fund.~~

(2) Subject to the requirements of subsections (3) and (4) of this section, if the general assembly chooses not to spend up to one hundred percent of the money in the operational fund as specified in subsection (1) of this section, the state treasurer shall transfer the following AMOUNTS, WITH THE EXCEPTION OF THE FISCAL YEAR COMMENCING ON JULY 1, 2018:

(4) (a) Except as provided in ~~paragraphs (b) and (c) of this subsection (4)~~ SUBSECTION (4)(b) AND (4)(d) OF THIS SECTION, all transfers specified in subsection (2) of this section shall be made by the state treasurer in three installments, as follows:

(d) DUE TO DECREASES IN STATE SEVERANCE TAX REVENUE, THE STATE TREASURER SHALL NOT MAKE ANY TRANSFERS SPECIFIED IN

1 SUBSECTION (2) OF THIS SECTION FOR THE FISCAL YEAR COMMENCING ON
2 JULY 1, 2018.
3 (7) (a) THE STATE TREASURER SHALL TRANSFER THE FOLLOWING
4 AMOUNTS FROM THE GENERAL FUND TO THE OPERATIONAL FUND:
5 (I) ON JULY 1, 2018, SEVENTEEN MILLION THIRTY THOUSAND NINE
6 HUNDRED TWENTY-FIVE DOLLARS; AND
7 (II) ON JUNE 30, 2019, AN AMOUNT EQUAL TO THE PORTION OF THE
8 OPERATIONAL FUND RESERVE REQUIRED BY SUBSECTION (3)(a) OF THIS
9 SECTION FOR THE OPERATING APPROPRIATIONS FOR THE FISCAL YEAR
10 COMMENCING ON JULY 1, 2019, FOR THE PROGRAMS SPECIFIED IN
11 SUBSECTION (1) OF THIS SECTION OR SEVENTEEN MILLION TWO HUNDRED
12 FOURTEEN THOUSAND EIGHT HUNDRED FIFTY-FOUR DOLLARS, WHICHEVER
13 AMOUNT IS LESS.
14 **SECTION 9. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.

MEMORANDUM

JOINT BUDGET COMMITTEE

TO	Joint Budget Committee
FROM	Scott Thompson, JBC Staff (303-866-4957)
DATE	March 20, 2018
SUBJECT	Estimated Impact of Severance Tax Bill

The following table estimates the General Fund impact of the severance tax bill the Joint Budget Committee is considering running along with the Long Bill. General Fund estimates are based on the March Revenue Forecast prepared by the Governor's Office of State Planning and Budgeting, which the Committee voted to use for balancing purposes.

FY 2017-18 and FY 2018-19 Tier 1 Severance Tax Funding	
Legislative Provisions for Operational Fund Stabilization	General Fund Impact OSPB Forecast
FY 2017-18	
1. "Claw back" $2,973,869 in transfers made to Tier 2 programs administered by the Department of Natural Resources in July 2017.	0
2. Eliminate the Operational Fund's share of the S.B. 17-260 transfer obligation.	(11,425,000)
3. Use General Fund to pay the Operational Fund's share of any net negative severance tax collections at the end of FY 2017-18.	$0-no estimate
Subtotal	***(11,425,000)***
4. Divert Operational Fund revenue from February 1, 2018 through June 30, 2018.	9,504,646
Net General Fund Cost in FY 2017-18 (A)	***1,920,355***
FY 2018-19	
5. Transfer General Fund to the Operational Fund on July 1, 2018, in an amount equal to total FY 2018-19 Tier 1 appropriations. (Figure represents requested appropriation).	(17,030,925)
6. Transfer General Fund to the Operational Fund on June 30, 2019, in an amount equal to total FY 2019-20 Tier 1 appropriations to fulfill the 100% Tier 1 reserve requirement. (Figure represents FY 2018-19 requested appropriation plus assumed inflationary program costs).	(17,214,854)
7. Transfer General Fund to the Aquatic Nuisance Species Cash Funds to support the ANS Program through FY 2018-19, pending action on H.B. 18-1008.	(3,650,000)
Subtotal	***(37,895,779)***
8. Divert Operational Fund revenue from February 1, 2018 through June 30, 2018	28,250,000
Net General Fund Cost in FY 2018-19 (B)	***9,645,779***
Total Estimated General Fund In FY 2017-18 and FY 2018-19 (A+B = C)	***11,566,134***

MEMORANDUM

To: Representative Rankin, Joint Budget Committee

From: Bill Levine, DNR Budget Director

Date: February 22, 2018

RE: Request for Information on Funding for Tier 2 Programs

During a meeting to discuss the Department of Natural Resources plan for stabilizing funding for severance tax funded programs, you asked a question about DNR's thoughts on minimal funding required to sustain Tier 2 programs (outside of the Aquatic Nuisance Species Program, which is specifically addressed as a $3.65 million need in our stabilization plan). Just to be clear, the stabilization plan that we presented has an estimated price tag of $16.0 to $24.0 million of General Fund (depending which forecast is used to estimate the severance tax revenue we will collect to offset the proposed General Fund expenditures). The funding needs contained in our stabilization plan remain our highest priority requests for General Fund support. This memo will address Tier 2 programs above and beyond what is included in our stabilization plan. Although all Tier 2 programs are listed below, our analysis does not extend to programs outside of DNR. We have included a specific analysis of the Soil Conservation Districts Matching Grants program (per your request) as well as the Forestry Grants program (which we help the Colorado State Forest Service to administer). For these Tier 2 programs, we will suggest a bare minimum amount that might be sufficient to achieve important programmatic goals. Each program is also discussed in a paragraph below the table.

Program	Authorized Funding at 100%	Suggested Funding
Water Supply Reserve Account	$10,000,000	$0
Soil Conservation Districts Matching Grants	$450,000	$450,000
Water Efficiency Grant Program	$550,000	$0
Species Conservation Trust Fund	$5,000,000	$3,000,000
Low Income Energy Assistance	$13,000,000	Not Analyzed
Interbasin Compacts	$745,067	$0
Forestry Grants	$2,500,000	$2,272,727
Aquatic Invasive Species	$4,006,005	$0*
Forfeited Mine Site Reclamation	$127,000	$127,000
GRAND TOTAL	$36,378,072	$5,849,727

Water Supply Reserve Fund. Similar to how this program was funded using CWCB funds for FY 2017-18, the Department again believes it is appropriate to fund this program at a limited level in FY 2018-19 using CWCB funds. Specifically, CWCB believes it has sufficient revenue in the Construction Fund to finance this program at $2.0 million in FY 2018-19. The necessary statutory changes to enact this financing and transfer revenue to the Water Supply Reserve Fund will be achieved in the FY 2018-19 CWCB Projects Bill (which is being drafted but has not yet been introduced). In addition to this $2.0 million, there is prior year money still unspent in the Water Supply Reserve Fund which will allow the IBCC and the roundtables to spend money on water projects and water studies in FY 2018-19 and beyond (albeit at declining amounts). Finally, the Colorado Water Conservation Board is examining longer term options to generate additional revenue to address a variety of water-related needs, potentially providing a

future means to pay for the operating expenses of the IBCC and the associated grant program (the Water Supply Reserve Account).

Soil Conservation Districts Matching Grants - The Department of Agriculture manages the Matching Grants program, which performs conservation activities that directly impact rural areas throughout the State. Funds are used to implement on-the-ground conservation practices and educational activities for sustaining and protecting Colorado's natural resources, through the district technician and matching grants program. Over the last three fiscal years, each dollar invested by the State has produced an average match of $2.27 across approximately 40 conservation districts. DNR, in consultation with the Department of Agriculture, thinks that $450,000 in FY 2018-19 would be the bare minimum to continuing achieving the grant program's goals.

Water Efficiency Grant Program – There is enough uncommitted cash balance in the cash fund to allow the program to continue operating in FY 2017-18 and FY 2018-19. Without new revenue, new grants awarded each year will need to be carefully managed and will decline over time. In both FY 2017-18 and in FY 2018-19, there will be funding made available through the CWCB Project Bill for Colorado Water Plan implementation grants. Some of these grants will go specifically to water conservation projects.

Species Conservation Trust Fund – Because there is very little uncommitted fund balance (projected uncommitted balance of approximately $900,000 for FY 2018-19), there will likely be no new species conservation projects funded for FY 2018-19 unless a new revenue stream is found. Earlier this year both the Colorado Water Conservation Board and the Parks and Wildlife Commission approved a list of $5.0 million in projects in case a revenue stream were to be found (as was done last year by the General Assembly via S.B. 17-259). If it were available within the State's General Fund budget, $3.0 million of funding would allow for a number of the most critical projects to move forward. For Colorado Parks and Wildlife, funding would support $940,500 of Native Terrestrial Wildlife Conservation projects (including work on prairie dogs, black-footed ferrets, and lesser prairie chickens) and $1,059,500 worth of Native Aquatic Wildlife Conservation projects (benefitting a number of species, including native cutthroat trout as well as the "three species" in the Colorado River). For the Water Conservation Board, funding would provide for work on the Platte River Recovery Program ($300,000), Non-Native Fish Control on the Upper Colorado ($250,000), Selenium Management on the Gunnison, Colorado, and Lower Arkansas River Basins ($50,000), and work on the Morgan Bottom Irrigation Ditch and Habitat Enhancement Project ($400,000) on the Yampa River. A bare minimum of $3.0 million of funding will leave some projects unfunded and some of the CWCB projects in need of additional funding in future years to fully satisfy the identified need.

Low Income Energy Assistance – Funding for this program is used for both home weatherization projects (through the Colorado Energy Office) and direct bill assistance (through both Energy Assistance Colorado and the Department of Human Services). Because DNR does not administer this program, the needs for this program are not analyzed as part of this memo.

Interbasin Compacts - The Interbasin Compacts line item includes $745,067 in Tier 2 severance tax funding to pay for the operating expenses of the Interbasin Compact Committee process, including hiring contractors to evaluate water needs and otherwise provide support of this collaborative process. Although this program has no identified solution for an extended revenue shortfall, the program started FY 2017-18

with about $968,000 in unencumbered fund balance which would support the program at full funding for the current fiscal year even if the $108,465 Tier 2 distribution from July 1, 2017 were taken back. On top of this, the program is considering cost savings measures, including reducing the number of meetings that are held (which would reduce travel and meetings expenses). While this program should be able to operate through FY 2018-19, the long-term sustainability of funding IBCC operations remains in doubt. Finally, the Colorado Water Conservation Board is examining longer term options to generate additional revenue to address a variety of water-related needs, potentially providing a future means to pay for the operating expenses of the IBCC and the associated grant program (the Water Supply Reserve Account).

Forestry Grants - Senate Bill 17-050 consolidated two forestry-oriented Tier 2 grant programs—the Forest Restoration Grant Program and the Wildfire Risk Reduction Grant Program—into a single program. Further, the bill continues a program that supports forest lands at high risk to fire, supports revision and implementation of Community Wildfire Protection Plans, and supports forest product businesses that provide outlets for forest products that offset the cost of forest treatments. This newly-combined program is administered by the Colorado State Forest Service. Although this program is not in DNR, the Department is a close partner with the State Forest Service on this program (and administered the Wildfire Risk Reduction Grant Program prior to S.B. 17-050). The new (combined) grant program supports projects that:

1. Implement forest management practices, restore forested areas to protect water supplies, support the utilization and marketing of wood products, and provide loans to forest products businesses; and
2. Reduce the risk of damage to property, infrastructure, and water supplies, as well as those that limit the likelihood of wildfires spreading into populated areas.

Due to the growing concerns surrounding the current condition of Colorado's forests and the increasing threats that wildfires pose to human life, property, and infrastructure, funding to assist communities in the preparation of Colorado Wildfire Protection Plans is crucial. Active forest stewardship and fuels mitigation is necessary to protect property and reduce State expenses. Without funding, these programs cannot make any grants which are critical to ensuring that our forests continue to provide fundamental benefits like clean air and water, enhanced wildlife habitat, and improved resiliency, while minimizing wildfire risks within them. In FY 2017-18, given the high priority of this program among many stakeholders, the General Assembly gave this program $2,272,727 of General Fund in S.B. 17-259. If General Fund were available for this purpose, a continuation level of $2,272,727 would be sufficient to continue the grant program's critical mission.

Aquatic Nuisance Species (ANS) – Of all the Tier 2 programs, the ANS Program remains the Department's highest priority given the need for comprehensive and consistent efforts to control aquatic nuisance species and the potential costs of new ANS outbreaks. Given this priority, the Department included $3.65 million of General Fund support for ANS when first developing its Severance Tax Operational Fund stabilization plan. This request continues the same level of General Fund support that the ANS Program received in FY 2017-18 under S.B. 17-259.

For next year and beyond, DNR is also supporting H.B. 18-1008 (Mussel-Free Colorado Act), which will develop an ANS stamp for motor and sailboats. It is estimated that H.B. 18-1008 would generate roughly $2.3 million per year in new fees to support the ANS Program. This bill passed through the House and is

now awaiting to be heard in the first committee of reference in the Senate. The ANS Program costs an average of $4.5 million to $4.7 million per year to operate (more than its current Tier 2 allocation at full funding). Given these costs, potential revenue from an ANS stamp will only cover about half of the ANS Program's costs. As such, the Department and Colorado Parks & Wildlife will continue to need additional ANS Program revenue. While severance tax could potentially cover the other half of ANS program costs, no Tier 2 funding is projected to be available in either FY 2018-19 or FY 2019-20.

Despite the $3.65 million ANS request, DNR now believes it would be preferable to amend H.B. 18-1008 to add an ongoing $2.0 million of General Fund support to the ANS program starting in FY 2018-19. This amendment would also remove the ANS program from Tier 2 entirely (since the combination of General Fund and stamp revenue would basically cover the cost of the program). If H.B. 18-1008 is passed by the General Assembly and it contains $2.0 million of General Fund for the ANS program, then there will be no need for the Severance Tax Operational Fund legislation to provide the requested $3.65 million of General Fund support for the ANS Program. Hopefully the status of H.B. 18-1008 will be more clear in a few weeks when the Long Bill and other orbital bills (hopefully including legislation to address Severance Tax Operational Fund stabilization) are ready to be introduced. .

Forfeited Mine Site Reclamation – Funding from this line item is used to fund mine site reclamation in situations where the financial warranty (bond) is not sufficient to fully reclaim the site. While Colorado receives significant federal funding for mine site reclamation, it cannot be used for mines that began operation on or after 1977. Theoretically, "newer" mine sites were covered by bonding, although it is important to note that bond amounts through 1993 were capped by statute and weren't always sufficient to cover the cost of reclamation. Although bonds on most mines opened since 1993 have been sufficient, there are cases where they have been insufficient. For example, an operation that expands beyond what is allowed by its permit might result in reclamation costs that exceed the bond. The Division of Reclamation, Mining, and Safety has a number of forfeited mine site projects on its list and funding this program at $127,000 will allow DRMS to address the high priority projects on that list. It is important to note that in 2016 and 2017, the list of forfeited sites requiring state funding to reclaim grew by 7 new sites. Reclaiming these sites is estimated to cost roughly $160,000, while the bonds held on the sites total only $33,450. Further, looking forward, DRMS receives about 7 bond forfeitures each year, with about half of them requiring some supplemental funding to fully reclaim.

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
3.20.18

DRAFT

LLS NO. 18-1104.01 Jerry Barry x4341 **COMMITTEE BILL**

Joint Budget Committee

BILL TOPIC: "Support For Transition From Institutional Settings"

A BILL FOR AN ACT

101 **CONCERNING SUPPORT FOR PERSONS INTERESTED IN TRANSITIONING**
102 **FROM AN INSTITUTIONAL SETTING, AND IN CONNECTION**
103 **THEREWITH, MAKING AND REDUCING APPROPRIATIONS.**

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/.)

Joint Budget Committee. The bill directs the department of health care policy and financing (department) to provide community transition services and supports to persons who are in an institutional setting, who are eligible for medicaid, and who desire to transition to a home- or community-based setting (eligible persons). The services and

supports must be available to eligible persons who transitioned from an institutional setting for up to one year.

The bill requires the department to submit an annual report to specified committees of the general assembly on the effectiveness of providing the services and supports.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 15 to article
3 6 of title 25.5 as follows:

4 PART 15

5 TRANSITION SERVICES

6 **25.5-6-1501. Community transition services and supports -**
7 **legislative declaration - rules.** (1) THE GENERAL ASSEMBLY FINDS AND
8 DECLARES THAT:

9 (a) FEDERALLY REQUIRED ASSESSMENTS INDICATE THAT MORE
10 PERSONS LIVING IN INSTITUTIONAL SETTINGS EXPRESSED AN INTEREST IN
11 TRANSITIONING TO HOME- OR COMMUNITY-BASED SETTINGS THAN
12 CURRENTLY HAVE TRANSITIONS AVAILABLE TO THEM;

13 (b) FEDERALLY REQUIRED SURVEYS INDICATE THE PERSONS
14 REPORT A HIGHER QUALITY OF LIFE AFTER TRANSITIONING TO HOME- AND
15 COMMUNITY-BASED SETTINGS, AND THOSE SUCCESSFUL TRANSITIONS
16 OFTEN RESULT IN COST SAVINGS TO THE STATE;

17 (c) IN ORDER TO ENSURE A SUCCESSFUL TRANSITION, SUCH
18 PERSONS WILL NEED ONGOING SERVICES AND SUPPORTS AFTER THE
19 TRANSITION; AND

20 (d) SOME PERSONS TRANSITIONING OUT OF AN INSTITUTION WILL
21 NEED ASSISTANCE WITH FINDING AND PAYING FOR HOUSING THAT MAY BE
22 PROVIDED BY VOUCHERS FROM THE DEPARTMENT OF LOCAL AFFAIRS.

23 (2) (a) THE STATE DEPARTMENT SHALL IMPLEMENT COMMUNITY

1 TRANSITION SERVICES AND SUPPORTS THAT ALLOW ELIGIBLE PERSONS TO
2 RECEIVE SERVICES TO SUPPORT A SUCCESSFUL TRANSITION FROM AN
3 INSTITUTIONAL SETTING TO A HOME- OR COMMUNITY-BASED SETTING. THE
4 STATE DEPARTMENT MAY SEEK ANY STATE PLAN AMENDMENTS OR
5 FEDERAL WAIVERS OR WAIVER AMENDMENTS THAT MAY BE NECESSARY TO
6 IMPLEMENT THIS PART 15.
7 (b) WITH INPUT FROM CONSUMERS OF HOME- AND
8 COMMUNITY-BASED SERVICES, THE STATE DEPARTMENT SHALL DESIGN
9 AND IMPLEMENT COMMUNITY TRANSITION SERVICES AND SUPPORTS FOR
10 ELIGIBLE PERSONS WHO ARE PREPARING TO TRANSITION OR HAVE
11 RECENTLY TRANSITIONED FROM AN INSTITUTIONAL SETTING.
12 (c) AN ELIGIBLE PERSON IS NOT REQUIRED TO LEAVE AN
13 INSTITUTIONAL SETTING IF, WHILE EXPLORING THE OPTION TO TRANSITION,
14 THE PERSON DECIDES TO REMAIN IN THE PERSON'S CURRENT LIVING
15 SITUATION. IF AN ELIGIBLE PERSON DOES TRANSITION, THE PERSON MAY
16 CHOOSE BETWEEN STATE PLAN BENEFITS AND WAIVER SERVICES FOR
17 WHICH THEY ARE ELIGIBLE TO ENSURE A SUCCESSFUL TRANSITION.
18 (3) IN ORDER TO QUALIFY AND TO REMAIN ELIGIBLE FOR THE
19 COMMUNITY TRANSITION SERVICES AND SUPPORTS AUTHORIZED BY THIS
20 PART 15, A PERSON SHALL:
21 (a) BE ELIGIBLE FOR HOME- AND COMMUNITY-BASED SERVICES
22 UNDER PARTS 3 TO 12 OF THIS ARTICLE 6 OR ANY OTHER HOME- AND
23 COMMUNITY-BASED SERVICE WAIVER FOR WHICH THE STATE DEPARTMENT
24 HAS FEDERAL WAIVER AUTHORITY;
25 (b) BE WILLING TO PARTICIPATE AND HAVE EXPRESSED AN
26 INTEREST IN MOVING TO A HOME- OR COMMUNITY-BASED SETTING;
27 (c) RESIDE IN A NURSING HOME OR OTHER INSTITUTIONAL SETTING;

1 (d) OBTAIN MEDICAID ELIGIBILITY PRIOR TO DISCHARGING FROM
2 THE INSTITUTIONAL SETTING AND PRIOR TO ACCESSING COMMUNITY
3 TRANSITION SERVICES NEEDED TO ASSIST THE PERSON WITH PLANNING AND
4 PREPARING FOR THE TRANSITION;
5 (e) WORK WITH A CASE MANAGEMENT AGENCY TO DETERMINE
6 AND ENROLL IN THE ADDITIONAL HOME- AND COMMUNITY-BASED
7 SERVICES NEEDED FOR A SUCCESSFUL TRANSITION;
8 (f) TRANSITION TO A HOME- OR COMMUNITY-BASED SETTING THAT
9 COMPLIES WITH FEDERAL AND STATE RULES; AND
10 (g) MEET ANY OTHER QUALIFICATIONS ESTABLISHED BY THE STATE
11 BOARD BY RULE.
12 (4) THE SERVICES PROVIDED TO THE ELIGIBLE PERSON UNDER THIS
13 PART 15 MUST BE BASED ON THE ELIGIBLE PERSON'S COMMUNITY LIVING
14 GOALS, ASSESSED NEEDS, AND SUPPORT PLAN, OR ANY APPROVED
15 RESOURCE ALLOCATION PROCESS AS DETERMINED BY THE STATE
16 DEPARTMENT FOR THE ELIGIBLE PERSON.
17 (5) THE STATE DEPARTMENT SHALL DEVELOP THE
18 ACCOUNTABILITY REQUIREMENTS NECESSARY TO SAFEGUARD THE USE OF
19 PUBLIC DOLLARS, TO PROMOTE EFFECTIVE AND EFFICIENT DELIVERY OF
20 SERVICES, AND TO MONITOR THE SAFETY AND WELFARE OF PERSONS
21 RECEIVING SERVICES PURSUANT TO THIS PART 15.
22 (6) THE STATE BOARD SHALL ADOPT RULES AS NECESSARY FOR THE
23 IMPLEMENTATION AND ADMINISTRATION OF THE COMMUNITY TRANSITION
24 SERVICES AND SUPPORTS AUTHORIZED BY THIS PART 15, INCLUDING
25 ESTABLISHING LIMITS ON THE UNITS OF SERVICE PER ELIGIBLE PERSON TO
26 FIT WITHIN AVAILABLE APPROPRIATIONS.
27 (7) A PERSON WHO HAS BEEN DESIGNATED AS A LEGAL GUARDIAN

1 OR HAS BEEN IDENTIFIED AS A LEGALLY RECOGNIZED DECISION-MAKER
2 MUST BE INVOLVED IN THE DECISION-MAKING RELATED TO THE
3 FEASIBILITY OF A TRANSITION TO A HOME- OR COMMUNITY-BASED SETTING
4 AND THE CHOICE OF SERVICES AND SUPPORTS THAT MAY BE NEEDED TO
5 SUPPORT A SUCCESSFUL TRANSITION.
6 (8) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136
7 (11)(a)(I), ON OR BEFORE NOVEMBER 1, 2019, AND EACH NOVEMBER 1
8 THEREAFTER, THE STATE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT
9 TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, THE
10 PUBLIC HEALTH CARE & HUMAN SERVICES COMMITTEE OF THE HOUSE OF
11 REPRESENTATIVES, AND THE JOINT BUDGET COMMITTEE, OR ANY
12 SUCCESSOR COMMITTEES, ON THE EFFECTIVENESS OF PROVIDING THE
13 SERVICES AND SUPPORTS REQUIRED BY THIS PART 15. THE REPORT MUST
14 INCLUDE:
15 (a) AN EVALUATION OF THE COST-EFFECTIVENESS OF THE
16 SERVICES; AND
17 (b) FOR EACH YEAR OF THE PROGRAM, THE NUMBER OF PERSONS
18 WHO:
19 (I) REQUESTED SERVICES;
20 (II) RECEIVED SERVICES;
21 (III) TRANSITIONED FROM AN INSTITUTIONAL SETTING TO A HOME-
22 OR COMMUNITY-BASED SETTING; AND
23 (IV) TRANSITIONED FROM AN INSTITUTIONAL SETTING BUT LATER
24 RETURNED TO AN INSTITUTIONAL SETTING.
25 **SECTION 2.** In Colorado Revised Statutes, 25.5-6-303, **amend**
26 the introductory portion; and **repeal** (21) as follows:
27 **25.5-6-303. Definitions.** As used in this part 3 and part 5 of this

~~article~~ ARTICLE 6, unless the context otherwise requires:

(21) ~~"Transition coordination service agency" means an agency that is certified by the state department, as specified in rule by the state board, and provides independent living core services as defined in section 8-85-102 (6), C.R.S., and community transition services.~~

SECTION 3. In Colorado Revised Statutes, 25.5-6-307, **repeal** (1)(i) as follows:

25.5-6-307. Services for the elderly, blind, and disabled. (1) Subject to the provisions of this part 3, home- and community-based services for the elderly, blind, and disabled include only the following services:

(i) ~~Community transition services not to exceed two thousand dollars per eligible person, unless otherwise authorized by the state department, which shall be administered by a transition coordination service agency;~~

SECTION 4. Appropriation. - adjustments to 2018 long bill. (1) To implement this act, the general fund appropriation made in the annual general appropriation act for the 2018-19 state fiscal year to the department of health care policy and financing for medical services premiums is decreased by $692,248, which amount is subject to the "(M)" notation as defined in the annual general appropriation act for the same fiscal year.

(2) The decrease of the appropriations in subsection (1) of this section is based on the assumption that the anticipated amount of federal funds received for the 2018-19 state fiscal year by the department of health care policy and financing for medical services premiums will decrease by $692,248.

1 (3) For the 2018-19 state fiscal year, $215,190 is appropriated to
2 the department of health care policy and financing. This appropriation is
3 from the general fund. To implement this act, the department may use this
4 appropriation as follows:
5 (a) $33,750 for the medicaid management information system
6 maintenance and projects, which amount is subject to the "(M)" notation
7 as defined in the annual general appropriation act for the same fiscal year;
8 and
9 (b) $181,440 for adult comprehensive services.
10 (4) For the 2018-19 state fiscal year, the general assembly
11 anticipates that the department of health care policy and financing will
12 receive $485,190 in federal funds to implement this act. The
13 appropriation in subsection (3) of this section is based on the assumption
14 that the department will receive this amount of federal funds to be used
15 as follows:
16 (a) $33,750 for the medicaid management information system
17 maintenance and projects; and
18 (b) $181,440 for adult comprehensive services.
19 (5) For the 2018-19 state fiscal year, $200,256 is appropriated to
20 the department of local affairs for use by the division of housing. This
21 appropriation is from the general fund. To implement this act, the
22 department may use this appropriation for low income rental subsidies.
23 **SECTION 5. Effective date.** This act takes effect July 1, 2018.
24 **SECTION 6. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
3.19.18

DRAFT

LLS NO. 18-1158.01 Julie Pelegrin x2700

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: "Collaborative Educator Preparation Program Grants"

A BILL FOR AN ACT

101 CONCERNING CREATION OF A GRANT PROGRAM TO SUPPORT
102 COLLABORATIVE EDUCATOR PREPARATION INITIATIVES TO
103 ADDRESS THE TEACHER SHORTAGE IN COLORADO, AND, IN
104 CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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/.)

Joint Budget Committee. The bill creates in the department of higher education (department) the collaborative educator preparation grant program (grant program) to support joint initiatives among educator

preparation programs, alternative teacher programs, school districts, boards of cooperative services, and charter schools for preparing and placing educators. The department, working with the rural education coordinator, is directed to convene meetings of educator preparation programs, alternative teacher programs, school districts, boards of cooperative services, and charter schools to assist them in jointly preparing grant initiatives. The department must review the grant initiatives that are submitted and, taking into account specified criteria, select initiatives to receive one-time grants. Each grant recipient must report specified information to the department concerning the use of the grant money. The department must submit a report to the joint budget committee and the education committees of the general assembly concerning implementation of the grant program and whether it was successful in addressing the teacher shortage in the state. The grant program repeals July 1, 2021.

The bill adds the grant program to the list of approved uses of the marijuana tax cash fund.

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

SECTION 1. In Colorado Revised Statutes, **repeal and reenact, with amendments,** 23-1-120.9 as follows:

23-1-120.9. Department directive - collaborative educator preparation grant program - created - reporting - legislative declaration - definitions - repeal. (1) THE GENERAL ASSEMBLY FINDS THAT, AFTER STUDYING THE TEACHER SHORTAGE ISSUE IN COLORADO, THE DEPARTMENT OF HIGHER EDUCATION AND THE DEPARTMENT OF EDUCATION CONCLUDED THAT ONE STRATEGY FOR ADDRESSING THE ISSUE IS TO PROMOTE COLLABORATION AMONG EDUCATOR PREPARATION PROGRAMS, ALTERNATIVE TEACHER PROGRAMS, SCHOOL DISTRICTS, BOARDS OF COOPERATIVE SERVICES, AND CHARTER SCHOOLS TO FACILITATE MORE EFFECTIVE PREPARATION, PLACEMENT, AND RETENTION OF EDUCATORS. THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS APPROPRIATE TO CREATE A GRANT PROGRAM TO SUPPORT EDUCATOR PREPARATION PARTNERSHIPS INVOLVING EDUCATOR PREPARATION

1 PROGRAMS, ALTERNATIVE TEACHER PROGRAMS, SCHOOL DISTRICTS,
2 BOARDS OF COOPERATIVE SERVICES, AND CHARTER SCHOOLS TO PROVIDE
3 TARGETED EDUCATOR PREPARATION INITIATIVES THAT IMPROVE THE
4 QUALITY AND APPLICABILITY OF EDUCATOR PREPARATION AND THE
5 INTENTIONAL PLACEMENT OF NEWLY TRAINED EDUCATORS WITH SCHOOL
6 DISTRICTS AND CHARTER SCHOOLS.
7 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
8 REQUIRES:
9 (a) "BOARD OF COOPERATIVE SERVICES" MEANS A BOARD OF
10 COOPERATIVE SERVICES CREATED AND EXISTING PURSUANT TO ARTICLE 5
11 OF TITLE 22.
12 (b) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL AUTHORIZED
13 BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22
14 OR AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER
15 SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22.
16 (c) "EDUCATOR PREPARATION PROGRAM" MEANS AN APPROVED
17 EDUCATOR PREPARATION PROGRAM AS DEFINED IN SECTION 23-1-121 OR
18 AN ALTERNATIVE TEACHER PROGRAM AS DEFINED IN SECTION 22-60.5-102.
19 (d) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT,
20 BOARD OF COOPERATIVE SERVICES, OR CHARTER SCHOOL.
21 (e) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED
22 AND EXISTING PURSUANT TO LAW, BUT DOES NOT INCLUDE A LOCAL
23 COLLEGE DISTRICT.
24 (3) THERE IS CREATED IN THE DEPARTMENT THE COLLABORATIVE
25 EDUCATOR PREPARATION GRANT PROGRAM TO SUPPORT DEVELOPMENT
26 AND IMPLEMENTATION OF TARGETED EDUCATOR PREPARATION
27 INITIATIVES BY PARTNERSHIPS OF EDUCATOR PREPARATION PROGRAMS

1 AND LOCAL EDUCATION PROVIDERS TO PREPARE EDUCATORS SPECIFICALLY
2 FOR EMPLOYMENT BY THE PARTNERING LOCAL EDUCATION PROVIDERS.
3 SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL
4 AWARD GRANTS TO PARTNERSHIPS OF LOCAL EDUCATION PROVIDERS AND
5 EDUCATOR PREPARATION PROGRAMS TO FUND EDUCATOR PREPARATION
6 INITIATIVES DEVELOPED AS PROVIDED IN SUBSECTION (4) OF THIS SECTION.
7 (4) BEGINNING IN AUGUST OF 2018, THE DEPARTMENT, WORKING
8 WITH THE RURAL EDUCATION COORDINATOR ESTABLISHED PURSUANT TO
9 SECTION 23-76-103, SHALL CONVENE MEETINGS BETWEEN LOCAL
10 EDUCATION PROVIDERS AND EDUCATOR PREPARATION PROGRAMS TO
11 ASSIST THEM IN DEVELOPING JOINT, TARGETED EDUCATOR PREPARATION
12 INITIATIVES TO SUBMIT FOR GRANT FUNDING. THE DEPARTMENT MAY
13 CONTRACT WITH ONE OR MORE OTHER ENTITIES TO ASSIST LOCAL
14 EDUCATION PROVIDERS AND EDUCATOR PREPARATION PROGRAMS IN
15 DEVELOPING INITIATIVES. AN EDUCATOR PREPARATION INITIATIVE MAY
16 INCLUDE BUT NEED NOT BE LIMITED TO THE FOLLOWING STRATEGIES:
17 (a) TEACHER RESIDENCY PROGRAMS DEVELOPED AND OPERATED
18 JOINTLY BY AN EDUCATOR PREPARATION PROGRAM AND A PARTNERING
19 LOCAL EDUCATION PROVIDER;
20 (b) PROGRAMS TO PROVIDE EDUCATOR PREPARATION FOR
21 PARAPROFESSIONALS ALREADY EMPLOYED BY THE PARTNERING LOCAL
22 EDUCATION PROVIDER OR FOR STUDENTS ENROLLED BY OR GRADUATING
23 FROM THE PARTNERING LOCAL EDUCATION PROVIDER;
24 (c) PROGRAMS TO SUPPORT EDUCATOR PREPARATION
25 SPECIFICALLY FOR LOCAL EDUCATION PROVIDERS IN RURAL AREAS OF THE
26 STATE;
27 (d) THE USE OF TECHNOLOGY TO SUPPORT LONG-DISTANCE

1 SUPERVISION AND SUPPORT FOR EDUCATOR CANDIDATES AND NEWLY
2 LICENSED EDUCATORS;
3 (e) CREATION OF A DUAL LICENSURE PREPARATION PROGRAM TO
4 PREPARE AN INDIVIDUAL TO MEET MULTIPLE NEEDS OF A PARTNERING
5 LOCAL EDUCATION PROVIDER; AND
6 (f) OTHER ACTIVITIES OR INITIATIVES TO ALIGN EDUCATOR
7 PREPARATION PROGRAMS AND ACTIVITIES WITH THE SPECIFIC NEEDS OF
8 THE PARTNERING LOCAL EDUCATION PROVIDERS.
9 (5) THE DEPARTMENT SHALL REVIEW THE GRANT INITIATIVES
10 SUBMITTED BY PARTNERING EDUCATOR PREPARATION PROGRAMS AND
11 LOCAL EDUCATION PROVIDERS, AND DEVELOPED AS PROVIDED IN
12 SUBSECTION (4) OF THIS SECTION, AND, SUBJECT TO AVAILABLE
13 APPROPRIATIONS, AWARD ONE-TIME GRANTS TO THE PARTNERING
14 EDUCATOR PREPARATION PROGRAMS AND LOCAL EDUCATION PROVIDERS.
15 IN AWARDING GRANTS, THE DEPARTMENT SHALL CONSIDER THE QUALITY
16 OF THE INITIATIVE, THE LEVEL OF DIFFICULTY DEMONSTRATED BY THE
17 LOCAL EDUCATION PROVIDER IN ATTRACTING AND RETAINING EDUCATORS,
18 THE LIKELIHOOD THAT THE INITIATIVE WILL ASSIST THE LOCAL EDUCATION
19 PROVIDER IN ATTRACTING AND RETAINING EDUCATORS, AND THE
20 PROVISIONS INCLUDED FOR CONTINUING THE INITIATIVE AFTER THE GRANT
21 MONEY IS NO LONGER AVAILABLE.
22 (6) (a) EACH PARTNERSHIP THAT RECEIVES A GRANT SHALL SUBMIT
23 A REPORT TO THE DEPARTMENT CONCERNING IMPLEMENTATION OF THE
24 GRANT INITIATIVE, WHICH MUST INCLUDE AT A MINIMUM:
25 (I) A DESCRIPTION OF THE STRATEGIES IMPLEMENTED USING THE
26 GRANT MONEY;
27 (II) THE NUMBER OF EDUCATOR CANDIDATES AND NEWLY

1 LICENSED EDUCATORS SERVED; AND

2 (III) AN EVALUATION OF THE SUCCESS OF THE STRATEGIES IN
3 IMPROVING THE QUALITY OF PREPARATION, MEETING THE NEEDS OF THE
4 PARTNERING LOCAL EDUCATION PROVIDER, AND IMPROVING THE
5 RETENTION OF EDUCATORS BY THE PARTNERING LOCAL EDUCATION
6 PROVIDER, TO THE EXTENT SUCH INFORMATION IS AVAILABLE.

7 (b) ON OR BEFORE NOVEMBER 1, 2020, THE DEPARTMENT SHALL
8 PREPARE AND SUBMIT TO THE JOINT BUDGET COMMITTEE AND THE
9 EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
10 SENATE, OR ANY SUCCESSOR COMMITTEES, A REPORT CONCERNING THE
11 IMPLEMENTATION OF THE COLLABORATIVE EDUCATOR PREPARATION
12 GRANT PROGRAM. THE REPORT MUST INCLUDE A SUMMARY OF THE
13 INFORMATION RECEIVED FROM GRANT RECIPIENTS PURSUANT TO
14 SUBSECTION (6)(a) OF THIS SECTION AND AN EVALUATION OF THE EFFECT
15 OF THE GRANT PROGRAM IN INCREASING EDUCATOR QUALITY AND
16 EDUCATOR RETENTION AND IN REDUCING THE EDUCATOR SHORTAGE IN
17 THE STATE.

18 (7) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FOR THE
19 2018-19 FISCAL YEAR FROM THE MARIJUANA TAX CASH FUND, CREATED IN
20 SECTION 39-28.8-501, TO IMPLEMENT THIS SECTION. ANY UNEXPENDED
21 AND UNENCUMBERED MONEY FROM THE APPROPRIATION MADE FOR THE
22 PURPOSES OF THIS SECTION REMAINS AVAILABLE FOR EXPENDITURE BY THE
23 DEPARTMENT FOR THE PURPOSES OF THIS SECTION IN THE 2019-20 FISCAL
24 YEAR WITHOUT FURTHER APPROPRIATION.

25 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2021.

26 **SECTION 2.** In Colorado Revised Statutes, 39-28.8-501, **amend**
27 (2)(b)(IV)(M) and (2)(b)(IV)(N); and **add** (2)(b)(IV)(O) as follows:

1 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
2 **- legislative declaration.** (2) (b) (IV) Subject to the limitation in
3 subsection (5) of this section, the general assembly may annually
4 appropriate any money in the fund for any fiscal year following the fiscal
5 year in which it was received by the state for the following purposes:
6 (M) For the expenses of the department of education and the
7 department of public health and environment in developing and
8 maintaining the resource bank for educational materials on marijuana and
9 providing technical assistance as required in section 22-2-127.7; ~~and~~
10 (N) For housing, rental assistance, and supportive services,
11 including reentry services, pursuant to section 24-32-721; AND
12 (O) FOR THE COLLABORATIVE EDUCATOR PREPARATION GRANT
13 PROGRAM CREATED IN SECTION 23-1-120.9.
14 **SECTION 3. Appropriation.** For the 2018-19 state fiscal year,
15 $2,000,000 is appropriated to the department of higher education for use
16 by the department. This appropriation is from the marijuana tax cash fund
17 created in section 39-28.8-501, C.R.S. To implement this act, the
18 department may use this appropriation for the collaborative educator
19 preparation grant program created in section 23-1-120.9, C.R.S.

20 <{***Do you want an act-subject-to-petition clause or a safety clause?***}>

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
3.20.18

DRAFT

LLS NO. 18-1115.01 Conrad Imel x2313 **COMMITTEE BILL**

Joint Budget Committee

BILL TOPIC: "Part C Child Find Responsibilities Of CDE & DHS"

A BILL FOR AN ACT

101 **CONCERNING PART C CHILD FIND RESPONSIBILITIES OF STATE**
102 **DEPARTMENTS.**

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/.)

Joint Budget Committee. Child find, part of the federal "Individuals with Disabilities Education Act", requires states to identify and serve children with disabilities. Part C of child find concerns identifying children from birth through 2 years of age for early intervention services. Part C child find is administered by the department of education. Early intervention services for children through 2 years of

age are administered by the state department of human services.

The bill defines "early intervention evaluations" as evaluations performed pursuant to part C child find. The bill requires the state department of human services and the department of education to enter into an interagency agreement (agreement) to study the administration of early intervention evaluations. The departments are required to enter into the agreement by October 1, 2018, and to report the results of the study performed pursuant to the agreement to the joint budget committee by June 30, 2019.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, 27-10.5-702, **add**
3 (6.5) as follows:

4 **27-10.5-702. Definitions.** As used in this part 7, unless the
5 context otherwise requires:

6 (6.5) "EARLY INTERVENTION EVALUATIONS" MEANS EVALUATIONS
7 CONDUCTED PURSUANT TO THE EARLY INTERVENTION PROGRAM FOR
8 INFANTS AND TODDLERS UNDER PART C OF THE FEDERAL "INDIVIDUALS
9 WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ.

10 **SECTION 2.** In Colorado Revised Statutes, **add** 27-10.5-703.5
11 as follows:

12 **27-10.5-703.5. Child find from birth through two years of age**
13 **- responsibilities - rules - interagency operating agreements - funding**
14 **- report.** (1) (a) ON OR BEFORE OCTOBER 1, 2018, THE DEPARTMENT
15 SHALL ENTER INTO AN INTERAGENCY AGREEMENT, REFERRED TO IN THIS
16 SECTION AS THE "AGREEMENT", WITH THE DEPARTMENT OF EDUCATION TO
17 STUDY THE ADMINISTRATION OF EARLY INTERVENTION EVALUATIONS.

18 (b) THE AGREEMENT MUST INCLUDE A PROCESS FOR STUDYING THE
19 FOLLOWING, IN RELATION TO CONDUCTING EARLY INTERVENTION
20 EVALUATIONS:

1 (I) ESTABLISHING CLEAR LINES OF RESPONSIBILITY AND
2 ACCOUNTABILITY USING CONTRACTS AND INTERAGENCY AGREEMENTS;
3 (II) NECESSARY REPORTING REQUIREMENTS AND REPORT-SHARING
4 REQUIREMENTS, INCLUDING DEADLINES FOR REPORT-SHARING;
5 (III) A DESCRIPTION OF HOW FUNDING SHOULD BE ALLOCATED
6 BETWEEN THE PARTIES TO THE AGREEMENT;
7 (IV) MONITORING OF PROGRAM COMPLIANCE AND AGREEMENT
8 COMPLIANCE;
9 (V) EVALUATION TIMELINE REQUIREMENTS;
10 (VI) EVALUATION TOOLS;
11 (VII) THE LOCATION OF EVALUATIONS, INCLUDING A PILOT
12 PROGRAM FOR IN-HOME EVALUATIONS;
13 (VIII) A PILOT PROGRAM FOR INTEGRATED SERVICES THAT
14 ALLOWS FOR WRAP-AROUND SERVICES;
15 (IX) PRACTICES TO ENSURE MINIMAL DISRUPTION TO FAMILIES;
16 (X) DATA COLLECTION FROM LOCAL EDUCATION AGENCIES AND
17 ENTITIES THAT CONDUCT EARLY INTERVENTION EVALUATIONS REGARDING
18 ACTUAL COSTS ASSOCIATED WITH PART C EVALUATIONS AND EARLY
19 INTERVENTION EVALUATIONS; AND
20 (XI) TRANSITION FOR PART C SERVICES IN THE DEPARTMENT TO
21 PART B SERVICES IN THE DEPARTMENT OF EDUCATION, INCLUDING
22 TIMELINES FOR THIS TRANSITION.
23 (c) THE EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE
24 COMMISSIONER OF EDUCATION, SHALL HIRE AN INDEPENDENT THIRD PARTY
25 TO FACILITATE AND ASSIST THE DEPARTMENTS ENTERING INTO THE
26 AGREEMENT.
27 (d) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(d)(II) OF THIS

1 SECTION, ON OR BEFORE NOVEMBER 1, 2018, THE DEPARTMENT AND THE
2 DEPARTMENT OF EDUCATION SHALL REPORT TO THE JOINT BUDGET
3 COMMITTEE ON THE AGREEMENT.
4 (II) IN THE EVENT THAT THE DEPARTMENT AND THE DEPARTMENT
5 OF EDUCATION DO NOT ENTER INTO THE AGREEMENT BY OCTOBER 1, 2018,
6 THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION SHALL EACH
7 SUBMIT ALTERNATIVE INTERAGENCY AGREEMENTS TO THE JOINT BUDGET
8 COMMITTEE OF THE GENERAL ASSEMBLY BY NOVEMBER 1, 2018, FROM
9 WHICH THE JOINT BUDGET COMMITTEE SHALL SELECT AN INTERAGENCY
10 AGREEMENT BEFORE THE BEGINNING OF THE SUCCEEDING CALENDAR
11 YEAR.
12 (2) ON OR BEFORE JUNE 30, 2019, THE DEPARTMENT AND THE
13 DEPARTMENT OF EDUCATION SHALL REPORT TO THE JOINT BUDGET
14 COMMITTEE CONCERNING THE AGREEMENT, INCLUDING
15 RECOMMENDATIONS FOR THE ADMINISTRATION OF EARLY INTERVENTION
16 EVALUATIONS.
17 **SECTION 3.** In Colorado Revised Statutes, 27-10.5-703, **amend**
18 (3)(c) and (3)(d) as follows:
19 **27-10.5-703. Early intervention services - administration -**
20 **duties of department - rules.** (3) In administering early intervention
21 services, the department shall have and perform the following duties:
22 (c) To ensure eligibility determination for a child with disabilities
23 from birth through two years of age, based in part on information
24 received concerning the screening and evaluation performed by an
25 ~~administrative unit pursuant to section 22-20-118, C.R.S.~~ ENTITY THAT
26 CONDUCTS EARLY INTERVENTION EVALUATIONS;
27 (d) To ensure that an individualized family service plan is

developed for infants and toddlers from birth through two years of age who are eligible for early intervention services. The IFSP shall be developed in compliance with part C REQUIREMENTS and in coordination with part C child find evaluations OR EARLY INTERVENTION EVALUATIONS where applicable, including the mandatory IFSP meeting at which the family receives information concerning the results of the ~~child find~~ evaluation. ~~performed by an administrative unit pursuant to section 22-20-118, C.R.S.~~ The initial IFSP shall be developed in collaboration with a representative from the ~~administrative unit OR~~ ENTITY that participated in the child's ~~screening and~~ evaluation. ~~performed pursuant to section 22-20-118, C.R.S.~~ The representative shall participate in the initial meeting for the development of the child's IFSP.

SECTION 4. In Colorado Revised Statutes, 27-10.5-704, **amend** (2) and (3) as follows:

27-10.5-704. Child find - responsibilities - interagency operating agreements - rules. (2) To facilitate the implementation of ~~part C child find activities~~ EARLY INTERVENTION EVALUATIONS that are the responsibility of the department pursuant to this part 7 and to implement an effective and collaborative system of early intervention services, the department shall enter into any necessary interagency operating agreements at the state level and ~~community-centered boards and other local agencies shall enter into any necessary interagency operating agreements at~~ the local level.

(3) To facilitate the implementation of part C child find AND EARLY INTERVENTION EVALUATIONS, and the use of medicaid funds, the department and ~~community-centered boards~~ ENTITIES THAT CONDUCT EARLY INTERVENTION EVALUATIONS may, when appropriate, share

information with the department of education, the department of health care policy and financing, or ~~administrative units~~ OTHER ENTITIES THAT CONDUCT EARLY INTERVENTION EVALUATIONS OR that offer child find services pursuant to section 22-20-118, ~~C.R.S.,~~ so long as each department or local agency acts in compliance with the federal "Health Insurance Portability and Accountability Act of ~~1994~~ 1996", 42 U.S.C. sec. 1320d.

SECTION 5. In Colorado Revised Statutes, 27-10.5-706, **amend** (1) introductory portion and (1)(a) as follows:

27-10.5-706. Coordinated system of payment for early intervention services - duties of departments. (1) In order to implement the provisions of this part 7, the department, as lead agency for part C, ~~child find,~~ shall be responsible for the following, subject to available appropriations:

(a) Establishing an early intervention state plan for a statewide, comprehensive system of EARLY INTERVENTION EVALUATIONS AND early intervention services in accordance with part C child find;

SECTION 6. In Colorado Revised Statutes, 22-20-114, **repeal** (1)(a.5)(I) as follows:

22-20-114. Funding of programs - legislative intent - definition. (1) (a.5) (I) ~~For the 2007-08 budget year, two million two hundred thousand dollars to offset the costs incurred by administrative units in conducting child find activities pursuant to section 22-20-118 for children who are less than three years of age but not for children who are less than three years of age who are being reevaluated for services under part B of IDEA. The department shall allocate said moneys among administrative units based on the number of children less than three years~~

1 ~~of age who were evaluated in each administrative unit during the 2005-06~~
2 ~~budget year and who are or may be eligible for early intervention services~~
3 ~~under part C of IDEA.~~
4 **SECTION 7.** In Colorado Revised Statutes, 22-20-118, **add** (1.5)
5 as follows:
6 **22-20-118. Child find from birth through two years of age -**
7 **responsibilities - rules - interagency operating agreements - funding.**
8 (1.5) ON OR BEFORE OCTOBER 1, 2018, THE DEPARTMENT SHALL ENTER
9 INTO AN INTERAGENCY AGREEMENT WITH THE DEPARTMENT OF HUMAN
10 SERVICES PURSUANT TO SECTION 27-10.5-703.5.
11 **SECTION 8. Appropriation.** For the 2018-19 state fiscal year,
12 $15,000 is appropriated to the department of human services for use by
13 the department. This appropriation is from the general fund. To
14 implement this act, the department may use this appropriation for
15 contracting with an entity to facilitate an interagency agreement.
16 **SECTION 9. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
3.19.18

DRAFT

LLS NO. 18-1117.01 Jerry Barry x4341 **COMMITTEE BILL**

Joint Budget Committee

BILL TOPIC: "County Child Care Assistance Program Block Grants"

A BILL FOR AN ACT

101 **CONCERNING THE COLORADO CHILD CARE ASSISTANCE PROGRAM,**
102 **AND, IN CONNECTION THEREWITH, ESTABLISHING ELIGIBILITY**
103 **REQUIREMENTS FOR ALL COUNTIES AND CREATING A NEW**
104 **FORMULA TO DETERMINE THE AMOUNT OF BLOCK GRANTS TO**
105 **COUNTIES.**

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/.)

For providers under the Colorado child care assistance program (CCCAP), the bill requires the state department of human services

(department) annually to contract for a market rate study of provider rates for each county. Based on the market rate study and each county's percentage of the total number of children eligible to participate in CCCAP, the department establishes the amount of each county's block grant. The bill allows the department to adjust a county's block grant amount based upon rules promulgated by the department.

Under current law, a county is permitted to determine the percentage of the federal poverty level for eligibility in CCCAP for that county. The bill sets the federal poverty level for all counties at 185% but allows the state board of human services to adjust the percentage by rule.

The bill adjusts certain periods of eligibility and removes references to preconditions that have been previously met.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** 26-2-803 and 26-2-804 as follows:

4 **26-2-803. Provider rates - rules.** (1) THE STATE DEPARTMENT
5 SHALL ANNUALLY CONTRACT FOR A MARKET RATE STUDY OF PROVIDER
6 RATES FOR EACH COUNTY AS RECOMMENDED BY THE EARLY CHILDHOOD
7 LEADERSHIP COMMISSION CREATED IN SECTION 26-6.2-103.
8 NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I),
9 COPIES OF THE STUDY MUST BE PROVIDED TO THE JOINT BUDGET
10 COMMITTEE ON OR BEFORE JANUARY 2, 2019, AND ON OR BEFORE EACH
11 JANUARY 2 THEREAFTER.

12 (2) ON OR BEFORE JULY 1, 2016, THE STATE-ESTABLISHED
13 PROVIDER REIMBURSEMENT RATES FOR EACH COUNTY MUST INCLUDE A
14 SYSTEM OF TIERED REIMBURSEMENT FOR PROVIDERS THAT ENROLL
15 CHILDREN PARTICIPATING IN CCCAP.

16 (3) ON OR BEFORE JULY 1, 2016, THE STATE BOARD SHALL
17 PROMULGATE RULES RELATED TO THE STRUCTURE OF TIERED
18 REIMBURSEMENT.

19 **26-2-804. Funding - allocation - maintenance of effort - rules.**

1 (1) STARTING WITH THE 2018-19 STATE FISCAL YEAR AND SUBJECT TO
2 AVAILABLE APPROPRIATIONS, ANNUALLY THE STATE DEPARTMENT SHALL
3 ESTABLISH THE AMOUNT OF EACH COUNTY'S BLOCK GRANT FOR CCCAP.
4 THE BLOCK GRANT SHALL BE BASED UPON EACH COUNTY'S PERCENTAGE
5 OF THE ESTIMATED TOTAL NUMBER OF CHILDREN ELIGIBLE TO PARTICIPATE
6 IN CCCAP TIMES THE APPROPRIATE REIMBURSEMENT RATE FOR EACH
7 COUNTY AS DETERMINED BY THE STUDY REQUIRED BY SECTION 26-2-803.
8 (2) (a) THE AMOUNT OF EACH COUNTY'S BLOCK GRANT
9 DETERMINED BY SUBSECTION (1) OF THIS SECTION MAY BE ADJUSTED BY
10 THE STATE DEPARTMENT. THE STATE DEPARTMENT SHALL ADOPT RULES
11 REGARDING ADJUSTMENTS TO THE AMOUNT OF A BLOCK GRANT, AND THE
12 RULES MUST ADDRESS THE FOLLOWING FACTORS:
13 (I) THE COST OF LIVING;
14 (II) THE COST OF HIGH-QUALITY EARLY CHILDHOOD PROGRAMS;
15 (III) THE COST OF PROGRAMS;
16 (IV) THE REGIONAL MARKET RATES FOR CCCAP; AND
17 (V) DRASTIC ECONOMIC CHANGES.
18 (b) THE STATE DEPARTMENT MAY MAKE AN ADJUSTMENT TO THE
19 AMOUNT OF A BLOCK GRANT AUTHORIZED BY RULES PROMULGATED
20 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION.
21 (3) THE MONEY IN A COUNTY BLOCK GRANT ALLOCATED TO A
22 COUNTY PURSUANT TO THIS SECTION MUST ONLY BE USED FOR THE
23 PROVISION OF CHILD CARE SERVICES UNDER RULES PROMULGATED BY THE
24 STATE BOARD PURSUANT TO THIS PART 8.
25 (4) MONEY TRANSFERRED FROM THE COUNTY BLOCK GRANT
26 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM PURSUANT TO
27 SECTION 26-2-714 (7) TO THE CHILD CARE DEVELOPMENT FUND MAY BE

1 USED FOR CHILD CARE QUALITY IMPROVEMENT ACTIVITIES AS IDENTIFIED
2 IN THE FEDERAL "CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF
3 2014", 42 U.S.C. SEC. 9858 (e), AS AMENDED.
4 (5) FOR STATE FISCAL YEAR 2005-06 AND FOR EACH STATE FISCAL
5 YEAR THEREAFTER, EACH COUNTY IS REQUIRED TO MEET A LEVEL OF
6 COUNTY SPENDING FOR CCCAP THAT IS EQUAL TO THE COUNTY'S
7 PROPORTIONATE SHARE OF THE TOTAL COUNTY FUNDS SET FORTH IN THE
8 ANNUAL GENERAL APPROPRIATION ACT FOR CCCAP FOR THAT STATE
9 FISCAL YEAR. THE LEVEL OF COUNTY SPENDING IS KNOWN AS THE
10 COUNTY'S MAINTENANCE OF EFFORT FOR CCCAP FOR THAT STATE FISCAL
11 YEAR. FOR ANY STATE FISCAL YEAR, THE STATE DEPARTMENT IS
12 AUTHORIZED TO ADJUST A COUNTY'S MAINTENANCE OF EFFORT,
13 REFLECTED AS A PERCENTAGE OF THE TOTAL COUNTY FUNDS SET FORTH
14 IN THE ANNUAL GENERAL APPROPRIATION ACT FOR CCCAP FOR THAT
15 STATE FISCAL YEAR, SO THAT THE PERCENTAGE EQUALS THE COUNTY'S
16 PROPORTIONATE SHARE OF THE TOTAL STATE AND FEDERAL FUNDS
17 APPROPRIATED FOR CCCAP FOR THAT STATE FISCAL YEAR. FOR ANY
18 STATE FISCAL YEAR, THE SUM OF ALL COUNTIES' MAINTENANCE OF EFFORT
19 MUST BE EQUAL TO OR GREATER THAN THE TOTAL COUNTY FUNDS SET
20 FORTH IN THE GENERAL APPROPRIATION ACT FOR THE STATE FISCAL YEAR
21 1996-97 FOR EMPLOYMENT-RELATED CHILD CARE.
22 **SECTION 2.** In Colorado Revised Statutes, 26-2-802, **amend**
23 (1)(b), (1)(c), (1)(d), and (2)(b); and **repeal** (1)(d) as follows:
24 **26-2-802. Legislative declaration.** (1) The general assembly
25 hereby finds and declares that:
26 (b) Children in low-income families who receive services through
27 a child care assistance program need and deserve the same access to a

broad range of child care providers as do children in families who do not need assistance; AND

(c) It is critical to provide low- to moderate-income families with access to high-quality, affordable child care that fosters healthy child development and school readiness, while at the same time promotes family self-sufficiency and attachment to the workforce. ~~and~~

(d) Individual counties play a vital role in administering the child care assistance program and have local knowledge of their individual community needs. ~~Therefore, a county that meets or exceeds statewide eligibility expectations established for the Colorado child care assistance program should have greater flexibility in determining the specifics of how to implement and operate the child care assistance program in that county.~~

(2) Therefore, the general assembly hereby finds and declares that it is in the best interests of the state to:

(b) Adopt A consistent, statewide PLAN FOR child care provider reimbursement rates ~~set at~~ WITH A GOAL OF a floor of the seventy-fifth percentile of each county's market rate to facilitate and increase access to high-quality child care for low-income families.

SECTION 3. In Colorado Revised Statutes, 26-2-805, **amend** (1), (2), (7)(f), (7)(g), (7)(h), (7)(i), and (7)(j); and **repeal** (6), (7)(b), (7)(c), and (7)(d) as follows:

26-2-805. Services - eligibility - assistance provided - waiting lists - rules - exceptions from cooperating with child support establishment. (1) Subject to available appropriations and pursuant to rules promulgated by the state board for the implementation of this part 8, a county shall provide child care assistance to a participant or any

1 person or family whose income is not more than one hundred ~~sixty-five~~
2 EIGHTY-FIVE percent of the federal poverty level. SUBJECT TO AVAILABLE
3 APPROPRIATIONS, THE STATE BOARD MAY ADJUST THE PERCENTAGE OF
4 THE FEDERAL POVERTY LEVEL USED TO DETERMINE CHILD CARE
5 ASSISTANCE ELIGIBILITY BY PROMULGATING A RULE.
6 (2) (a) ~~The~~ A county may provide child care assistance for any
7 family whose income ~~meets~~ EXCEEDS the requirements of subsection (1)
8 of this section but does not exceed the maximum federal level for
9 eligibility for services of eighty-five percent of the state median income
10 for a family of the same size IF IT:
11 (I) IS SERVING ALL FAMILIES WHOSE INCOME LEVEL IS BELOW THAT
12 REQUIREMENT; AND
13 (II) USES ONLY LOCAL MONEY TO SERVE SUCH FAMILIES.
14 (b) If, during a participant's, person's, or family's twelve-month
15 eligibility period, the participant's, person's, or family's income rises to OR
16 ABOVE the level set by the ~~county~~ STATE BOARD RULE at which the county
17 may deny such participant, person, or family child care assistance, the
18 county shall continue providing the current CCCAP subsidy until that
19 participant's, person's, or family's next twelve-month redetermination.
20 (c) If, at the time of a participant's, person's, or family's
21 twelve-month eligibility redetermination, the participant's, person's, or
22 family's income rises to or above the level set by the ~~county~~ STATE BOARD
23 at which the county may deny child care assistance, or if that income level
24 rises above the maximum federal eligibility level of eighty-five percent
25 of the state median income for a family of the same size, the county shall
26 immediately notify the participant, person, or family that it is no longer
27 eligible for CCCAP but may be provided transition CCCAP benefits

pursuant to the provisions of ~~paragraphs (d) and (e) of this subsection~~ SUBSECTIONS (2)(d) AND (2)(e) OF THIS SECTION.

(d) Except as provided for in ~~paragraph (e) of this~~ subsection (2)(e) OF THIS SECTION, the county shall continue to provide the current CCCAP subsidy to a participant, person, or family who has lost eligibility pursuant to this subsection (2) for a period of ~~no~~ NOT less than ~~ninety days~~ TWELVE MONTHS from the time of notification to allow the participant, person, or family to make appropriate alternative arrangements for child care. Additionally, the county is strongly encouraged to continue to provide child care assistance for a period of six months from the time of notification. During the ~~six-month~~ TWELVE-MONTH period, the county shall work with the participant, person, or family to provide a gradual transition off child care assistance provided pursuant to this subsection (2).

(e) Notwithstanding any eligibility level set by ~~a county~~ THE STATE BOARD pursuant to this section, ~~under no circumstance may~~ a county SHALL NOT provide child care assistance pursuant to this section if the participant's, person's, or family's income exceeds the maximum level for eligibility for services set by federal law of eighty-five percent of the state median income for a family of the same size.

(6) ~~For a family with a child who is enrolled in CCCAP, a county shall set the income level at which the county may deny the family according to the parameters defined in rules promulgated by the state board. In the rules, the state board shall ensure that if a county sets the income level at which the county chooses to initially provide CCCAP at or below one hundred eighty-five percent of the federal poverty level, then that county must set the income level at which the county may deny~~

~~the family higher than the income level at which the county chooses to initially provide child care assistance for that county and at a level not to exceed eighty-five percent of the state median income for a family of the same size. This subsection (6) goes into effect upon notification to counties by the state department that the relevant human services case management systems, including the Colorado child care automated tracking system, are capable of accommodating this subsection (6).~~

(7) ~~(b) If a county reduces its income eligibility requirements, the county shall continue to enroll a child enrolled in CCCAP when the change is implemented until the family's next eligibility redetermination or for six months, whichever is longer.~~

~~(c) To the extent practicable, the duration of the child care authorization notice, as defined by rule of the state board, for a child who is enrolled in CCCAP must be the same as the child care assistance eligibility period for the child's family; except that, under specific, limited circumstances described by rule of the state board, including but not limited to job-search periods, the duration of the authorization notice may be less than the family's full period of eligibility. A county may reduce the number of families served pursuant to this part 8 if necessary to ensure that the county, in implementing the provisions of this paragraph (c), does not exceed the amount of the county block grant for CCCAP allocated to the county pursuant to section 26-2-804 for the applicable fiscal year.~~

~~(d) For a family with a child who is solely enrolled in CCCAP or dually enrolled with an early education program other than head start or early head start, the family's CCCAP eligibility redetermination must occur once every twelve months.~~

(f) A parent must not be determined ineligible to receive child

care assistance pursuant to this part 8 as a result of:

(I) Taking maternity leave; ~~or~~

(II) Being a separated spouse or parent under a validly issued temporary order for parental responsibilities or child custody where the other spouse or parent has disqualifying financial resources;

(III) AN INSTANCE OF NONTEMPORARY JOB LOSS FOR LESS THAN NINETY DAYS; OR

(IV) A TEMPORARY BREAK IN ELIGIBLE ACTIVITY.

(g) ~~Upon notification to counties by the state department that the relevant human services case management systems, including the Colorado child care automated tracking system, are capable of accommodating this paragraph (g),~~ A parent with a child enrolled in CCCAP who loses employment while participating in the program must remain eligible for CCCAP for at least sixty days within a twelve-month period if he or she is actively searching for employment and he or she continues to meet all other CCCAP eligibility criteria.

(h) Subject to available appropriations and pursuant to rules promulgated by the state board for the implementation of this part 8, ~~and upon notification to counties by the state department that the relevant human services case management systems, including the Colorado child care automated tracking system, are capable of accommodating this paragraph (h),~~ a parent who is not employed is eligible for CCCAP for sixty days within a twelve-month period if he or she is actively searching for employment and meets all other CCCAP eligibility criteria.

(i) Subject to available appropriations and pursuant to rules promulgated by the state board for the implementation of this part 8, ~~and upon notification to counties by the state department that the relevant~~

1 ~~human services case management systems, including the Colorado child~~
2 ~~care automated tracking system, are capable of accommodating this~~
3 ~~paragraph (i),~~ a parent who is enrolled in a postsecondary education
4 program or a workforce training program is eligible for CCCAP for at
5 least any two years of the postsecondary education or workforce training
6 program, provided all other CCCAP eligibility requirements are met
7 during those two years. A county may give priority for services to a
8 working family over a family enrolled in postsecondary education or
9 workforce training.
10 (j) ~~Upon notification to counties by the state department that the~~
11 ~~relevant human services case management systems, including the~~
12 ~~Colorado child care automated tracking system, are capable of~~
13 ~~accommodating this paragraph (j), and~~ To provide continuous child care
14 with the least disruption to the child, the hours authorized for the
15 provision of child care through CCCAP must include authorized hours for
16 the child that promote continuous, consistent, and regular care and must
17 not be linked directly to a parent's employment, education, or workforce
18 training schedule. Pursuant to rules promulgated by the state board, the
19 number of hours authorized for child care should be based on the number
20 of hours the parent is participating in an eligible activity and the child's
21 needs for care.
22 **SECTION 4.** In Colorado Revised Statutes, **repeal** 26-2-808.
23 **SECTION 5. Effective date.** This act takes effect July 1, 2018.
24 **SECTION 6. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
3.19.18

DRAFT

LLS NO. 18-1067.01 Brita Darling x2241 **COMMITTEE BILL**

Joint Budget Committee

BILL TOPIC: "Access To Disability Services And Stable Workforce"

A BILL FOR AN ACT

101 **CONCERNING INCREASING ACCESS TO SERVICES FOR INDIVIDUALS**
102 **WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES THAT**
103 **ARE PROVIDED BY A STABLE WORKFORCE.**

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/.)

Joint Budget Committee. Commencing in the 2018-19 state fiscal year, the bill increases the reimbursement rate for all services delivered through the home- and community-based services intellectual and developmental disabilities, supported living services, and children's extensive supports waivers by 6.5%.

Service agencies shall use 100% of the increased funding resulting from the increase in the reimbursement rate for compensation, as defined in the bill, for direct support professionals, as defined in the bill.

The bill requires service agencies to document the use of the increased funding for compensation using a reporting tool developed by the department of health care policy and financing (department) and the service agencies. The department has access to the supporting documentation and may determine that a service agency is not using the increased funding as required.

If the department determines that a service agency does not use 100% of the increased funding resulting from the increase in the reimbursement rate for compensation for direct support professionals, the service agency may take action within a specific time frame to contest the determination or submit a corrective action plan to the department.

The department shall recoup from the service agency the amount of funding resulting from the reimbursement rate increase that is not used for compensation for direct support professionals.

Once sufficient data is available to assess the impact and outcomes of the reimbursement rate increase on individuals with intellectual and developmental disabilities, the department shall include the impact and outcome data, including staff stability survey data, in its annual report to the general assembly concerning the waiting list for intellectual and developmental disability services.

The bill requires the general assembly to appropriate funding for 300 nonemergency enrollments from the waiting list for the home- and community-based services developmental disabilities waiver. Persons on the waiting list with an intellectual and developmental disability who are at risk of experiencing a life emergency due to circumstances specified in the bill and who meet criteria for reserve capacity enrollment established by the medical services board (board) shall be offered enrollment.

The board shall promulgate rules establishing the criteria for reserve capacity enrollments, and the department shall include in a monthly report the number of persons who were moved off the developmental disabilities waiting list.

---

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly

3 finds that:

4 (a) Thousands of Coloradans with intellectual and developmental

5 disabilities spend years and even decades waiting for comprehensive

1 services provided by the home- and community-based services for
2 developmental disabilities (HCBS-DD) waiver;
3 (b) Reducing and eliminating the waiting list for HCBS-DD
4 waiver services is a longstanding goal of the general assembly and the
5 intellectual and developmental disability community;
6 (c) Many individuals on the waiting list for HCBS-DD waiver
7 services must experience a crisis before being offered services on an
8 emergency basis, creating undue hardship and strain on the individual, his
9 or her caregivers, and the service system;
10 (d) In order to best serve these individuals and others receiving
11 waiver services, Colorado must have a stable direct support workforce;
12 (e) Colorado and the nation are experiencing a shortage of direct
13 support professionals who provide support to individuals with intellectual
14 and developmental disabilities in the community; and
15 (f) A stable direct support workforce is critical to ensuring
16 continuity of support and positive outcomes for individuals with
17 intellectual and developmental disabilities.
18 (2) Therefore, the general assembly declares that a significant
19 investment is needed to ensure a stable workforce and access to services
20 for Coloradans with intellectual and developmental disabilities.
21 **SECTION 2.** In Colorado Revised Statutes, **amend** 25.5-6-406
22 as follows:
23 **25.5-6-406. Appropriations - reimbursement for services -**
24 **direct support professionals - legislative declaration - definitions.**
25 (1) To carry out duties and obligations pursuant to this part 4 and for the
26 administration and provision of services to eligible ~~persons~~ INDIVIDUALS,
27 all medicaid funds appropriated pursuant to Title XIX of the federal

1 "Social Security Act", as amended, for the provision of care for ~~persons~~
2 INDIVIDUALS with developmental disabilities and all other funds
3 otherwise appropriated by the general assembly as additional sources of
4 program funding ~~shall be~~ ARE available for the placement of eligible
5 individuals either in intermediate care facilities for individuals with
6 intellectual disabilities or alternatives to such placements.
7 (2) (a) (I) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:
8 (A) COLORADO'S SYSTEM OF HOME- AND COMMUNITY-BASED
9 SERVICES THAT SUPPORTS COLORADANS WITH INTELLECTUAL AND
10 DEVELOPMENTAL DISABILITIES HAS GROWN TO SERVE MORE THAN TWELVE
11 THOUSAND INDIVIDUALS AND THEIR FAMILIES;
12 (B) COSTS ASSOCIATED WITH PROVIDING THESE SERVICES
13 CONTINUE TO RISE WITH GROWTH IN DEMAND, INFLATION, INCREASED
14 REGULATION, RISING MINIMUM WAGES, RISING HEALTH CARE COSTS, AND
15 OTHER ECONOMIC FACTORS;
16 (C) REIMBURSEMENT RATES HAVE NOT KEPT PACE WITH THESE
17 RISING COSTS, RESULTING IN REDUCED ACCESS TO SERVICES FOR
18 COLORADANS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES;
19 (D) COLORADO NEEDS SIGNIFICANT INITIAL INVESTMENTS TO
20 ADDRESS THE MOST URGENT ISSUES CONCERNING SERVICES FOR
21 INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, AS
22 WELL AS FUTURE LONG-TERM PLANNING TO ADDRESS THE GROWING
23 STRAIN ON THE SYSTEM;
24 (E) ONE OF THE MOST URGENT ISSUES IS THE WORKFORCE CRISIS
25 AMONG DIRECT SUPPORT PROFESSIONALS, CHARACTERIZED BY
26 CHRONICALLY LOW WAGES, LIMITED BENEFITS, AND LACK OF CAREER
27 ADVANCEMENT OPPORTUNITIES FOR THESE CRITICAL WORKERS;

1 (F) COLORADO IS EXPERIENCING A WORKFORCE CRISIS AMONG
2 DIRECT SUPPORT PROFESSIONALS BECAUSE REIMBURSEMENT RATES
3 CANNOT SUPPORT THE COMPENSATION NEEDED TO MATCH THE HIGH LEVEL
4 OF RESPONSIBILITY REQUIRED IN THESE JOBS;
5 (G) AGENCIES THAT SERVE PEOPLE WITH INTELLECTUAL AND
6 DEVELOPMENTAL DISABILITIES INCREASINGLY STRUGGLE TO RECRUIT AND
7 RETAIN DIRECT SUPPORT PROFESSIONALS TO MEET THE DEMAND FOR
8 SERVICES; AND
9 (H) HIGH TURNOVER AMONG DIRECT SUPPORT PROFESSIONALS
10 RESULTS IN REDUCED CONTINUITY OF SERVICES FOR INDIVIDUALS WITH
11 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.
12 (II) THEREFORE, AS AN INITIAL INVESTMENT, COLORADO'S
13 REIMBURSEMENT RATES SHOULD BE INCREASED TO ALLOW FOR DIRECT
14 SUPPORT PROFESSIONAL COMPENSATION THAT BETTER REFLECTS MARKET
15 REALITIES AND THE HIGH LEVEL OF RESPONSIBILITY REQUIRED IN THESE
16 JOBS.
17 (b) AS USED IN THIS SUBSECTION (2), UNLESS THE CONTEXT
18 OTHERWISE REQUIRES:
19 (I) "COMPENSATION" MEANS ANY FORM OF MONETARY PAYMENT,
20 INCLUDING BONUSES, EMPLOYER-PAID HEALTH AND OTHER INSURANCE
21 PROGRAMS, PAID TIME OFF, PAYROLL TAXES, AND ALL OTHER FIXED AND
22 VARIABLE BENEFITS CONFERRED ON OR RECEIVED BY A DIRECT SUPPORT
23 PROFESSIONAL.
24 (II) "DIRECT SUPPORT PROFESSIONAL" MEANS A WORKER WHO
25 ASSISTS OR SUPERVISES A WORKER TO ASSIST AN INDIVIDUAL WITH
26 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES TO LEAD A FULFILLING
27 LIFE IN THE COMMUNITY THROUGH A DIVERSE RANGE OF SERVICES,

1 INCLUDING HELPING THE INDIVIDUAL GET READY IN THE MORNING, TAKE
2 MEDICATION, GO TO WORK OR FIND WORK, AND PARTICIPATE IN SOCIAL
3 ACTIVITIES; DEVELOPING A SERVICE PLAN; LOCATING AND MONITORING
4 SERVICES; AND FACILITATING ENROLLMENT AND COORDINATION WITH
5 OTHER SERVICES. "DIRECT SUPPORT PROFESSIONAL" INCLUDES ALL
6 WORKERS CATEGORIZED AS PROGRAM DIRECT SUPPORT PROFESSIONALS
7 AND EXCLUDES WORKERS CATEGORIZED AS ADMINISTRATIVE, AS DEFINED
8 IN STANDARDS ESTABLISHED BY THE FINANCIAL ACCOUNTING STANDARDS
9 BOARD.
10 (c) COMMENCING IN THE 2018-19 STATE FISCAL YEAR, THE
11 REIMBURSEMENT RATE FOR ALL SERVICES DELIVERED THROUGH THE
12 HOME- AND COMMUNITY-BASED SERVICES FOR PERSONS WITH
13 DEVELOPMENTAL DISABILITIES, SUPPORTED LIVING SERVICES, AND
14 CHILDREN'S EXTENSIVE SUPPORTS WAIVERS, INCLUDING TARGETED CASE
15 MANAGEMENT, SHALL INCREASE BY SIX AND ONE-HALF PERCENT.
16 (d) A SERVICE AGENCY SHALL USE ONE HUNDRED PERCENT OF THE
17 FUNDING RESULTING FROM THE INCREASE IN THE REIMBURSEMENT RATE
18 PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION TO INCREASE
19 COMPENSATION FOR DIRECT SUPPORT PROFESSIONALS. A SERVICE AGENCY
20 SHALL NOT USE FUNDING RESULTING FROM THE REIMBURSEMENT RATE
21 INCREASE FOR GENERAL AND ADMINISTRATIVE EXPENSES, SUCH AS CHIEF
22 EXECUTIVE OFFICER SALARIES, HUMAN RESOURCES, INFORMATION
23 TECHNOLOGY, OVERSIGHT, BUSINESS MANAGEMENT, GENERAL
24 RECORD-KEEPING, BUDGETING AND FINANCE, AND OTHER ACTIVITIES NOT
25 IDENTIFIABLE TO A SINGLE PROGRAM.
26 (e) (I) A SERVICE AGENCY SHALL TRACK AND REPORT HOW IT USED
27 THE FUNDING RESULTING FROM THE INCREASE IN THE REIMBURSEMENT

1 RATE PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION USING A
2 REPORTING TOOL DEVELOPED BY THE STATE DEPARTMENT IN
3 COLLABORATION WITH SERVICE AGENCIES. ON OR BEFORE DECEMBER 31,
4 2019, SERVICE AGENCIES SHALL SUBMIT THE REPORT TO THE STATE
5 DEPARTMENT.
6 (II) SERVICE AGENCIES SHALL MAINTAIN ALL BOOKS, DOCUMENTS,
7 PAPERS, ACCOUNTING RECORDS, AND OTHER EVIDENCE REQUIRED TO
8 SUPPORT THE REPORTING OF PAYROLL INFORMATION FOR INCREASED
9 COMPENSATION TO DIRECT SUPPORT PROFESSIONALS PURSUANT TO
10 SUBSECTION (2)(e)(I) OF THIS SECTION FOR AT LEAST THREE YEARS FROM
11 THE DATE OF REIMBURSEMENT FOR THE SERVICES INCLUDED IN THE
12 REPORT. SERVICE AGENCIES SHALL MAKE THE INFORMATION AND
13 MATERIALS AVAILABLE FOR INSPECTION BY THE STATE DEPARTMENT OR
14 ITS DESIGNEES AT ALL REASONABLE TIMES.
15 (f) IF A SERVICE AGENCY DOES NOT USE ONE HUNDRED PERCENT OF
16 THE FUNDING RESULTING FROM THE INCREASE IN THE REIMBURSEMENT
17 RATE PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION TO INCREASE
18 COMPENSATION FOR DIRECT SUPPORT PROFESSIONALS, THE STATE
19 DEPARTMENT MAY RECOUP PART OR ALL OF THE FUNDING RESULTING
20 FROM THE INCREASE IN THE REIMBURSEMENT RATE AS PROVIDED IN
21 SUBSECTIONS (2)(g) TO (2)(j) OF THIS SECTION.
22 (g) IF THE STATE DEPARTMENT DETERMINES THAT THE SERVICE
23 AGENCY DID NOT USE THE FUNDING RESULTING FROM THE INCREASE IN THE
24 REIMBURSEMENT RATE PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION
25 AS REQUIRED, THE STATE DEPARTMENT SHALL NOTIFY THE SERVICE
26 AGENCY IN WRITING OF THE STATE DEPARTMENT'S DETERMINATION.
27 (h) THE SERVICE AGENCY HAS FORTY-FIVE DAYS AFTER RECEIVING

1 NOTICE OF THE DETERMINATION UNDER SUBSECTION (2)(g) OF THIS
2 SECTION TO:
3 (I) CHALLENGE THE DETERMINATION OF THE STATE DEPARTMENT;
4 (II) PROVIDE ADDITIONAL INFORMATION TO THE STATE
5 DEPARTMENT DEMONSTRATING COMPLIANCE; OR
6 (III) SUBMIT A PLAN OF CORRECTION TO THE STATE DEPARTMENT.
7 (i) THE STATE DEPARTMENT SHALL NOTIFY THE SERVICE AGENCY
8 IN WRITING OF ITS FINAL DETERMINATION AFTER AFFORDING THE SERVICE
9 AGENCY THE OPPORTUNITY TO TAKE THE ACTIONS SPECIFIED IN
10 SUBSECTION (2)(h) OF THIS SECTION.
11 (j) THE STATE DEPARTMENT SHALL RECOUP FROM A SERVICE
12 AGENCY ONE HUNDRED PERCENT OF THE FUNDING RESULTING FROM THE
13 INCREASE IN THE REIMBURSEMENT RATE PURSUANT TO SUBSECTION (2)(c)
14 OF THIS SECTION THAT THE SERVICE AGENCY RECEIVED BUT DID NOT USE
15 FOR COMPENSATION FOR DIRECT SUPPORT PROFESSIONALS IF:
16 (I) THE SERVICE AGENCY FAILS TO RESPOND TO A NOTICE OF
17 DETERMINATION OF THE STATE DEPARTMENT WITHIN THE TIME PROVIDED
18 IN SUBSECTION (2)(h) OF THIS SECTION;
19 (II) THE SERVICE AGENCY IS UNABLE TO PROVIDE
20 DOCUMENTATION OF COMPLIANCE; OR
21 (III) THE STATE DEPARTMENT DOES NOT ACCEPT THE PLAN OF
22 CORRECTION SUBMITTED BY THE SERVICE AGENCY PURSUANT TO
23 SUBSECTION (2)(h) OF THIS SECTION.
24 (k) THE STATE DEPARTMENT SHALL PARTICIPATE IN THE NATIONAL
25 CORE INDICATORS STAFF STABILITY SURVEY.
26 (l) ONCE THE STATE DEPARTMENT DETERMINES THAT A SUFFICIENT
27 QUANTITY AND QUALITY OF DATA EXISTS TO DETERMINE THE IMPACT AND

1 OUTCOMES, IF ANY, ATTRIBUTED TO THE INCREASE IN THE
2 REIMBURSEMENT RATE PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION
3 ON INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES,
4 THE STATE DEPARTMENT SHALL INCLUDE IN ITS ANNUAL REPORT
5 CONCERNING THE WAITING LIST FOR SERVICES AND SUPPORTS FOR
6 INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES,
7 REQUIRED PURSUANT TO SECTION 25.5-10-207.5, INFORMATION FROM THE
8 NATIONAL CORE INDICATORS DATA, OR ANOTHER COMPARABLE SOURCE,
9 CONCERNING IN WHAT WAYS OUTCOMES FOR INDIVIDUALS WITH
10 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES CHANGED AS A RESULT
11 OF THE INCREASE IN REIMBURSEMENT RATES PURSUANT TO SUBSECTION
12 (2)(c) OF THIS SECTION. THE REPORT MUST INCLUDE, IF AVAILABLE,
13 MULTIYEAR PERSONAL OUTCOME DATA SPECIFIC TO COLORADO AND
14 COMPARISONS TO OTHER STATES, AS APPROPRIATE, AS WELL AS DATA
15 FROM THE NATIONAL CORE INDICATORS STAFF STABILITY SURVEY.
16 **SECTION 3.** In Colorado Revised Statutes, 25.5-10-207.5,
17 **amend** (1)(a)(IV); and **add** (1)(a)(VI), (1)(a)(VII), (1)(a)(VIII), (6), (7),
18 and (8) as follows:
19 **25.5-10-207.5. Strategic plan for services and supports - joint**
20 **hearing - appropriation - reporting - legislative declaration - rules.**
21 (1) (a) The general assembly finds that:
22 (IV) The presence of a waiting list as long as fifteen years for
23 essential services and supports contradicts Colorado's commitment to
24 supporting persons in the least restrictive environment of their choosing;
25 ~~and~~
26 (VI) THE WAITING LIST INCLUDES PERSONS WITH INTELLECTUAL
27 AND DEVELOPMENTAL DISABILITIES WHO ARE AT RISK OF EXPERIENCING

1 A CRISIS DUE TO THE ADVANCED AGE, REDUCED CAPACITY, AND ILLNESS
2 OF THEIR CAREGIVERS;
3 (VII) AFTER A LIFETIME OF PROVIDING CONTINUOUS SUPPORT,
4 THESE CAREGIVERS DESERVE THE COMFORT OF KNOWING THAT THEIR
5 LOVED ONE WILL HAVE NEEDED SERVICES AND SUPPORTS; AND
6 (VIII) PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL
7 DISABILITIES AND THEIR CAREGIVERS SHOULD NOT HAVE TO EXPERIENCE
8 A CRISIS BEFORE GETTING NEEDED ASSISTANCE, AS EACH CRISIS PUTS
9 UNDUE HARDSHIP AND STRAIN ON THE INDIVIDUAL AND CAREGIVER, AND
10 THE SERVICES SYSTEM.
11 (6) (a) SUBJECT TO THE AVAILABILITY OF RESERVE CAPACITY
12 ENROLLMENT, A PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL
13 DISABILITY WHO IS ON THE WAITING LIST FOR SERVICES AND WHO IS AT
14 RISK OF EXPERIENCING AN EMERGENCY DUE TO ANY OF THE CRITERIA
15 INCLUDED IN SUBSECTION (6)(b) OF THIS SECTION AND WHO MEETS OTHER
16 APPLICABLE CRITERIA FOR ENROLLMENT ESTABLISHED BY THE STATE
17 BOARD SHALL BE OFFERED ENROLLMENT INTO THE HOME- AND
18 COMMUNITY-BASED SERVICES DEVELOPMENTAL DISABILITIES WAIVER
19 USING A PERSON-CENTERED TRANSITION PROCESS.
20 (b) NO LATER THAN JUNE 1, 2019, THE STATE BOARD SHALL
21 PROMULGATE RULES REGARDING THE CRITERIA FOR RESERVE CAPACITY
22 ENROLLMENTS FOR THOSE PERSONS DESCRIBED IN SUBSECTION (6)(a) OF
23 THIS SECTION, WHICH CRITERIA MUST INCLUDE BUT IS NOT LIMITED TO:
24 (I) THE AGE OF THE CUSTODIAL PARENT OR CUSTODIAL
25 CAREGIVER;
26 (II) LOSS OF THE CUSTODIAL PARENT OR CUSTODIAL CAREGIVER;
27 (III) INCAPACITATION OF THE CUSTODIAL PARENT OR CUSTODIAL

1 CAREGIVER;

2 (IV) ANY LIFE-THREATENING OR SERIOUS PERSISTENT ILLNESS OF
3 THE CUSTODIAL PARENT OR CUSTODIAL CAREGIVER; AND

4 (V) A THREAT TO HEALTH OR SAFETY THAT THE CUSTODIAL
5 PARENT OR CUSTODIAL CAREGIVER PLACES ON THE PERSON WITH
6 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

7 (7) THE GENERAL ASSEMBLY SHALL APPROPRIATE FUNDING FOR
8 THREE HUNDRED NONEMERGENCY ENROLLMENTS FROM THE WAITING LIST
9 FOR THE HOME- AND COMMUNITY-BASED SERVICES DEVELOPMENTAL
10 DISABILITIES WAIVER.

11 (8) BEGINNING IN JULY 2018, AND EACH MONTH THEREAFTER, THE
12 STATE DEPARTMENT SHALL INCLUDE IN ITS MONTHLY PREMIUMS,
13 EXPENDITURES, AND CASELOAD REPORT THE NUMBER OF PERSONS WHO
14 WERE MOVED OFF THE DEVELOPMENTAL DISABILITIES WAITING LIST.

15 **SECTION 4. 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.

MEMORANDUM

JOINT BUDGET COMMITTEE

TO	Members of the Joint Budget Committee
FROM	Robin J. Smart, JBC Staff (303-866-4955)
DATE	March 19, 2018
SUBJECT	LLS 18-1067 Concerning increasing access to services for individuals with intellectual and developmental disabilities that are provided by a stable workforce

LLS 18-1067 increases the reimbursement rate for all services delivered through intellectual and developmental disabilities home- and community-based services waiver programs by 6.5 percent. It requires that 100 percent of the increased funding be used for direct support professional compensation. The bill also requires the General Assembly to appropriate funding for 300 nonemergency enrollments from the Comprehensive waiver waitlist. Persons who meet criteria defined in the bill are eligible for enrollment.

As currently drafted, the FY 2018-19 fiscal impact of the bill is $41.3 million total funds, including $20.9 million General Fund. The bill annualizes to $59.1 million total funds, including $29.6 million General Fund, in FY 2019-20 and $61.4 million total funds, including $30.7 million General Fund in FY 2020-21. On March 14, 2018, the Committee requested the fiscal impact of the bill if the reimbursement rate was assigned a different value. This information is provided in the following tables.

TOTAL COST OF HB 18-1067 NEW HCBS-DD CLIENTS AND RATE INCREASE - VARIOUS RATES

RATE INCREASE	FY 2018-19	FY 2019-20	FY 2020-21
6.5%	$41,279,446	$58,943,011	$61,218,984
5.5%	36,302,946	53,114,231	55,083,543
4.5%	31,326,448	47,285,454	48,948,102
3.5%	26,349,951	41,456,678	42,812,662
2.5%	21,373,451	35,627,896	36,677,219
1.5%	16,396,953	29,799,120	30,541,779
0.5%	8,932,205	21,055,951	21,338,616

COST OF NEW HCBS-DD CLIENTS AND RATE INCREASE - 6.5% RATE INCREASE
(REFLECTS TOTAL FUNDS, GENERAL FUND IMPACT IS APPROXIMATELY 50.0 PERCENT OF TOTAL)

ITEM	FY 2018-19	FY 2019-20	FY 2020-21
Cost of Rate Increase for Current Clients on HCBS-DD, HCBS-SLS, HCBS-CES Waiver and TCM	$31,771,254	$36,529,281	$38,504,362
Cost of 300 Additional HCBS-DD Clients at Increased Rate	9,508,192	19,103,916	19,103,916
Cost of Additional Emergency Enrollments through Aging Caregiver Criteria	0	3,309,814	3,610,706
TOTAL	**$41,279,446**	**$58,943,011**	**$61,218,984**

COST OF NEW HCBS-DD CLIENTS AND RATE INCREASE - 5.5% RATE INCREASE (REFLECTS TOTAL FUNDS, GENERAL FUND IMPACT IS APPROXIMATELY 50.0 PERCENT OF TOTAL)			
ITEM	FY 2018-19	FY 2019-20	FY 2020-21
Cost of Rate Increase for Current Clients on HCBS-DD, HCBS-SLS, HCBS-CES Waiver and TCM	$26,883,368	$30,909,392	$32,580,616
Cost of 300 Additional HCBS-DD Clients at Increased Rate	9,419,578	18,925,872	18,925,872
Cost of Additional Emergency Enrollments through Aging Caregiver Criteria	0	3,278,967	3,577,055
TOTAL	**$36,302,946**	**$53,114,231**	**$55,083,543**

COST OF NEW HCBS-DD CLIENTS AND RATE INCREASE - 4.5% RATE INCREASE (REFLECTS TOTAL FUNDS, GENERAL FUND IMPACT IS APPROXIMATELY 50.0 PERCENT OF TOTAL)			
ITEM	FY 2018-19	FY 2019-20	FY 2020-21
Cost of Rate Increase for Current Clients on HCBS-DD, HCBS-SLS, HCBS-CES Waiver and TCM	$21,995,483	$25,289,502	$26,656,867
Cost of 300 Additional HCBS-DD Clients at Increased Rate	9,330,965	18,747,831	18,747,831
Cost of Additional Emergency Enrollments through Aging Caregiver Criteria	0	3,248,121	3,543,404
TOTAL	**$31,326,448**	**$47,285,454**	**$48,948,102**

COST OF NEW HCBS-DD CLIENTS AND RATE INCREASE - 3.5% RATE INCREASE (REFLECTS TOTAL FUNDS, GENERAL FUND IMPACT IS APPROXIMATELY 50.0 PERCENT OF TOTAL)			
ITEM	FY 2018-19	FY 2019-20	FY 2020-21
Cost of Rate Increase for Current Clients on HCBS-DD, HCBS-SLS, HCBS-CES Waiver and TCM	$17,107,599	$19,669,613	$20,733,118
Cost of 300 Additional HCBS-DD Clients at Increased Rate	9,242,352	18,569,790	18,569,790
Cost of Additional Emergency Enrollments through Aging Caregiver Criteria	0	3,217,275	3,509,754
TOTAL	**$26,349,951**	**$41,456,678**	**$42,812,662**

COST OF NEW HCBS-DD CLIENTS AND RATE INCREASE - 2.5% RATE INCREASE (REFLECTS TOTAL FUNDS, GENERAL FUND IMPACT IS APPROXIMATELY 50.0 PERCENT OF TOTAL)			
ITEM	FY 2018-19	FY 2019-20	FY 2020-21
Cost of Rate Increase for Current Clients on HCBS-DD, HCBS-SLS, HCBS-CES Waiver and TCM	$12,219,713	$14,049,723	$14,809,371
Cost of 300 Additional HCBS-DD Clients at Increased Rate	9,153,738	18,391,745	18,391,745
Cost of Additional Emergency Enrollments through Aging Caregiver Criteria	0	3,186,428	3,476,103
TOTAL	**$21,373,451**	**$35,627,896**	**$36,677,219**

COST OF NEW HCBS-DD CLIENTS AND RATE INCREASE - 1.5% RATE INCREASE (REFLECTS TOTAL FUNDS, GENERAL FUND IMPACT IS APPROXIMATELY 50.0 PERCENT OF TOTAL)			
ITEM	FY 2018-19	FY 2019-20	FY 2020-21
Cost of Rate Increase for Current Clients on HCBS-DD, HCBS-SLS, HCBS-CES Waiver and TCM	$7,331,828	$8,429,834	$8,885,622
Cost of 300 Additional HCBS-DD Clients at Increased Rate	9,065,125	18,213,704	18,213,704
Cost of Additional Emergency Enrollments through Aging Caregiver Criteria	0	3,155,582	3,442,453
TOTAL	**$16,396,953**	**$29,799,120**	**$30,541,779**

COST OF NEW HCBS-DD CLIENTS AND RATE INCREASE - 0.5% RATE INCREASE (REFLECTS TOTAL FUNDS, GENERAL FUND IMPACT IS APPROXIMATELY 50.0 PERCENT OF TOTAL)			
ITEM	FY 2018-19	FY 2019-20	FY 2020-21
Cost of Rate Increase for Current Clients on HCBS-DD, HCBS-SLS, HCBS-CES Waiver and TCM	$2,443,943	$2,809,945	$2,961,874
Cost of 300 Additional HCBS-DD Clients at Increased Rate	8,976,511	18,035,660	18,035,660
Cost of Additional Emergency Enrollments through Aging Caregiver Criteria	0	3,124,735	3,408,802
TOTAL	**$11,420,454**	**$23,970,340**	**$24,406,336**

COST OF NEW HCBS-DD CLIENTS - NO RATE INCREASE (REFLECTS TOTAL FUNDS, GENERAL FUND IMPACT IS APPROXIMATELY 50.0 PERCENT OF TOTAL)			
ITEM	FY 2018-19	FY 2019-20	FY 2020-21
Cost of Rate Increase for Current Clients on HCBS-DD, HCBS-SLS, HCBS-CES Waiver and TCM	$0	$0	$0
Cost of 300 Additional HCBS-DD Clients at Increased Rate	8,932,205	17,946,639	17,946,639
Cost of Additional Emergency Enrollments through Aging Caregiver Criteria	0	3,109,312	3,391,977
TOTAL	**$8,932,205**	**$21,055,951**	**$21,338,616**

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
3.19.18

DRAFT

LLS NO. 18-1085.01 Brita Darling x2241 **COMMITTEE BILL**

Joint Budget Committee

BILL TOPIC: "Redesign Residential Child Health Care Waiver"

A BILL FOR AN ACT

101 **CONCERNING THE CHILDREN'S HABILITATION RESIDENTIAL WAIVER**
102 **PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

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/.)

Joint Budget Committee. The bill directs the department of health care policy and financing (department) to initiate a stakeholder process for purposes of preparing and submitting a redesigned children's

habilitation residential program (program) waiver for federal approval that allows for home- and community-based services for children with intellectual and developmental disabilities who have complex behavioral support needs. The department may also request federal authorization to change the agency designated to administer and operate the program from the department of human services to the department.

The bill includes language creating the redesigned program and relocates the program in statute and makes conforming changes in statute to reflect the new location of the program. The new program will become effective once federal approval has been granted for the redesigned children's habilitation residential program waiver.

---

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that children with intellectual and developmental disabilities who
4 also have complex behavioral support needs, where the exhibited
5 behavior results in danger to themselves, their families, or their
6 communities, should have access to services that support the children
7 remaining in or returning to their family homes, as well as crisis
8 stabilization and out-of-home services, when necessary.

9 **SECTION 2.** In Colorado Revised Statutes, 25.5-5-306, **add** (5)
10 and (6) as follows:

11 **25.5-5-306. Residential child health care - waiver - program**
12 **- rules - notice to revisor - repeal.** (5) (a) ON AND AFTER JULY 1, 2018,
13 THE STATE DEPARTMENT SHALL INITIATE A STAKEHOLDER PROCESS TO
14 DEVELOP ELIGIBILITY CRITERIA, SERVICE DEFINITIONS, AND PROVIDER
15 QUALIFICATIONS FOR PURPOSES OF DRAFTING AND SUBMITTING A
16 REDESIGNED WAIVER THAT PROVIDES HOME- AND COMMUNITY-BASED
17 SERVICES UNDER THE CHILDREN'S HABILITATION RESIDENTIAL PROGRAM
18 WAIVER FOR MEDICAID-ELIGIBLE CHILDREN WITH INTELLECTUAL AND
19 DEVELOPMENTAL DISABILITIES, AS DEFINED IN SECTION 25.5-10-202, WHO

1 HAVE COMPLEX BEHAVIORAL SUPPORT NEEDS. THE REDESIGNED WAIVER
2 MUST PROVIDE ACCESS TO SERVICES AND SUPPORTS THAT ALLOW A CHILD
3 OR YOUTH, REGARDLESS OF CUSTODY STATUS, TO REMAIN IN OR RETURN
4 TO HIS OR HER FAMILY HOME, INCLUDING BUT NOT LIMITED TO A CHILD OR
5 YOUTH IN THE CUSTODY OF A COUNTY DEPARTMENT OF HUMAN OR SOCIAL
6 SERVICES, WHILE ALSO PROVIDING CRISIS STABILIZATION AND
7 OUT-OF-HOME SERVICES WHEN NECESSARY.
8 (b) NO LATER THAN MARCH 31, 2019, THE STATE DEPARTMENT
9 SHALL SUBMIT THE REDESIGNED WAIVER FOR FEDERAL APPROVAL.
10 (c) ONCE THE WAIVER IS APPROVED, THE STATE BOARD SHALL
11 ADOPT RULES IMPLEMENTING THE REDESIGNED WAIVER.
12 (d) ON AND AFTER JULY 1, 2018, THE STATE DEPARTMENT MAY
13 SEEK FEDERAL AUTHORIZATION TO CHANGE THE AGENCY DESIGNATED TO
14 OPERATE AND ADMINISTER THE PROGRAM FROM THE DEPARTMENT OF
15 HUMAN SERVICES TO THE STATE DEPARTMENT.
16 (6) THIS SECTION WILL BE REPEALED IF THE FEDERAL DEPARTMENT
17 OF HEALTH AND HUMAN SERVICES APPROVES THE WAIVER REQUESTED
18 PURSUANT TO SUBSECTION (5) OF THIS SECTION. THE EXECUTIVE DIRECTOR
19 OF THE STATE DEPARTMENT SHALL NOTIFY THE REVISOR OF STATUTES IN
20 WRITING OF THE DATE ON WHICH THE CONDITION SPECIFIED IN THIS
21 SECTION HAS OCCURRED BY E-MAILING THE NOTICE TO
22 REVISOROFSTATUTES.GA@STATE.CO.US. THIS SECTION IS REPEALED,
23 EFFECTIVE UPON THE DATE IDENTIFIED IN THE NOTICE THAT THE FEDERAL
24 DEPARTMENT OF HEALTH AND HUMAN SERVICES APPROVED THE WAIVER
25 OR, IF THE NOTICE DOES NOT SPECIFY THAT DATE, UPON THE DATE OF THE
26 NOTICE TO THE REVISOR OF STATUTES.
27 **SECTION 3.** In Colorado Revised Statutes, **add** 25.5-6-903 as

1 follows:

2 **25.5-6-903. Residential child health care program - waiver -**
3 **home- and community-based services - rules - repeal.** (1) SUBJECT TO
4 FEDERAL AUTHORIZATION, THE STATE DEPARTMENT SHALL IMPLEMENT A
5 PROGRAM FOR MEDICAID-ELIGIBLE CHILDREN WITH INTELLECTUAL AND
6 DEVELOPMENTAL DISABILITIES, AS DEFINED IN SECTION 25.5-10-202, WITH
7 SIGNIFICANT BEHAVIORAL SUPPORT NEEDS WHO ARE AT RISK OF
8 INSTITUTIONALIZATION. THE STATE BOARD SHALL ESTABLISH, BY RULE,
9 THE TYPE OF SERVICES PROVIDED PURSUANT TO THE PROGRAM, TO THE
10 EXTENT THE SERVICES ARE COST-EFFICIENT, AND THE RECIPIENT
11 ELIGIBILITY CRITERIA THAT MAY INCLUDE, BUT ARE NOT LIMITED TO, A
12 MEDICAL NECESSITY DETERMINATION AND A FINANCIAL ELIGIBILITY
13 DETERMINATION.

14 (2) THE STATE DEPARTMENT MAY LIMIT THE NUMBER OF
15 PARTICIPANTS IN THE PROGRAM IN ACCORDANCE WITH ANY FEDERAL
16 WAIVER OBTAINED BY THE STATE DEPARTMENT TO IMPLEMENT THIS
17 SECTION.

18 (3) THE STATE BOARD SHALL PROMULGATE RULES AS NECESSARY
19 FOR THE IMPLEMENTATION AND ADMINISTRATION OF THE PROGRAM,
20 INCLUDING BUT NOT LIMITED TO RULES REGARDING PROGRAM SERVICES;
21 ELIGIBILITY CRITERIA, INCLUDING FINANCIAL ELIGIBILITY CRITERIA; AND
22 REIMBURSEMENT OF PROVIDERS.

23 (4) THIS SECTION WILL TAKE EFFECT IF THE FEDERAL DEPARTMENT
24 OF HEALTH AND HUMAN SERVICES APPROVES A REDESIGNED CHILDREN'S
25 HABILITATION RESIDENTIAL PROGRAM WAIVER FOR MEDICAID-ELIGIBLE
26 CHILDREN WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, AS
27 DEFINED IN SECTION 25.5-10-202, WHO HAVE COMPLEX BEHAVIORAL

1 SUPPORT NEEDS, PURSUANT TO HOUSE BILL/SENATE BILL 18-_____, AS
2 ENACTED IN 2018. THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT
3 SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE DATE ON
4 WHICH THE CONDITION SPECIFIED IN THIS SECTION HAS OCCURRED BY
5 E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@STATE.CO.US. THIS
6 SECTION TAKES EFFECT, EFFECTIVE UPON THE DATE IDENTIFIED IN THE
7 NOTICE THAT THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN
8 SERVICES APPROVED THE WAIVER OR, IF THE NOTICE DOES NOT SPECIFY
9 THAT DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.
10 **SECTION 4.** In Colorado Revised Statutes, 26-5-104, **amend**
11 (4)(d) as follows:
12 **26-5-104. Funding of child welfare services - rules - report -**
13 **provider contracts - funding mechanism review - definitions.**
14 (4) **Allocations.** (d) The state department may only seek additional
15 funding from the general assembly in a supplemental appropriations bill
16 based upon caseload growth, subject to the provisions of subsection (7)
17 of this section, or changes in federal law or federal funding. For fiscal
18 years 2006-07 and 2007-08, <{***Should this sentence be stricken?***}> the
19 state department may seek supplemental funding related to the
20 implementation of the placement of children in a residential child health
21 care program as specified in section ~~25.5-5-306, C.R.S.~~ 25.5-6-903.
22 **SECTION 5.** In Colorado Revised Statutes, 25.5-5-203, **amend**
23 (1)(m) as follows:
24 **25.5-5-203. Optional programs with special state provisions.**
25 (1) Subject to the provisions of subsection (2) of this section, this section
26 specifies programs developed by Colorado to increase federal financial
27 participation through selecting optional services or optional eligible

1 groups. These programs include but are not limited to:
2 (m) The program for residential child health care, as specified in
3 section ~~25.5-5-306~~ 25.5-6-903;
4 **SECTION 6.** In Colorado Revised Statutes, 25.5-5-402, **amend**
5 (2) introductory portion and (2)(a) as follows:
6 **25.5-5-402. Statewide managed care system.** (2) The managed
7 care system implemented pursuant to this ~~article~~ ARTICLE 5 shall not
8 include:
9 (a) The services delivered under the residential child health care
10 program described in section ~~25.5-5-306~~ 25.5-6-903, except in those
11 counties in which there is a written agreement between the county
12 department of HUMAN OR social services, the designated and contracted
13 behavioral health organization selected pursuant to section 25.5-5-411,
14 and the state department;
15 **SECTION 7.** In Colorado Revised Statutes, 27-67-103, **amend**
16 (2)(b) as follows:
17 **27-67-103. Definitions.** As used in this article 67, unless the
18 context otherwise requires:
19 (2) "Child at risk of out-of-home placement" means a child who,
20 although not otherwise categorically eligible for medicaid, meets the
21 following criteria:
22 (b) Requires a level of care that is provided in a residential child
23 care facility pursuant to section ~~25.5-5-306, C.R.S.~~ 25.5-6-903, or that is
24 provided through in-home or community-based programs and who,
25 without such care, is at risk of out-of-home placement;
26 **SECTION 8. Appropriation.** For the 2018-19 state fiscal year,
27 <{***Robin Smart will supply appropriation language***}>

1 **SECTION 9. Effective date.** This act takes effect July 1, 2018;
2 except that sections 3, 4, 5, 6, and 7 of this act take effect upon notice to
3 the revisor of statutes pursuant to section 25.5-5-306 (6), Colorado
4 Revised Statutes, as enacted in section 2 of this act.
5 **SECTION 10. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.

MEMORANDUM

JOINT BUDGET COMMITTEE

TO	Members of the Joint Budget Committee
FROM	Robin J. Smart, JBC Staff (303-866-4955)
DATE	March 21, 2018
SUBJECT	LLS 18-1085 Concerning the Children's Habilitation Residential Waiver Program, Appropriation

LLS 18-1085 authorizes the Department of Health Care Policy and Financing (HCPF) to begin the process of redesigning the Children's Habilitation Residential Program (CHRP) waiver and to seek approval from the Centers for Medicare and Medicaid Services. It also transfers administration of the program from the Department of Human Services (DHS) to HCPF. The bill requires an appropriation clause that provides a net increase of $97,263 total funds, including $48,630 General Fund to HCPF, and a decrease of $2,683,276 reappropriated funds in DHS. The following tables provide the line item and fund source detail that will be identified in the bill's appropriation clause.

CHILDREN'S HABILITATION RESIDENTIAL PROGRAM TRANSFER
DEPARTMENT OF HEALTH CARE POLICY AND FINANCING

LINE ITEM	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROP. FUNDS	FEDERAL FUNDS	FTE
EXECUTIVE DIRECTOR'S OFFICE, GENERAL ADMINISTRATION						
Personal Services	$141,876	$70,938	$0	$0	$70,938	1.8
Health, Life, and Dental	$7,927	3,964	0	0	3,963	0.0
Short-term Disability	$144	72	0	0	72	0.0
S.B. 04-257 Amortization Equalization Disbursement	$3,781	1,890	0	0	1,891	0.0
S.B. 06-235 Supplemental Amortization Equalization Disbursement	$3,781	1,890	0	0	1,891	0.0
Operating Expenses	$10,270	5,135	0	0	5,135	0.0
General Professional Services and Special Projects	$29,500	14,750	0	0	14,750	0.0
Subtotal Executive Director's Office	**$197,279**	**$98,639**	**$0**	**$0**	**$98,640**	**1.8**
MEDICAL SERVICES PREMIUMS						
Subtotal Medical and Long-Term Care Services for Medicaid Eligible Individuals	**$67,940**	**$33,971**	**$0**	**$0**	**$33,969**	**0.0**
OFFICE OF COMMUNITY LIVING, DIVISION FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENT DISABILITIES						
Program Costs, Children's Extensive Support Services	**$2,515,319**	**$1,257,660**	**$0**	**$0**	**$1,257,659**	**0.0**
DEPARTMENT OF HUMAN SERVICES, EXECUTIVE DIRECTOR'S OFFICE, MEDICAID-FUNDED PROGRAMS						
DHS General Administration, Health, Life, and Dental	**($15,633)**	**($7,818)**	**$0**	**$0**	**($7,815)**	**0.0**
DEPARTMENT OF HUMAN SERVICES, DIVISION OF CHILD WELFARE MEDICAID-FUNDED PROGRAMS						
Administration	($84,383)	($42,192)	$0	$0	($42,191)	0.0
Child Welfare Services	(2,583,259)	(1,291,630)	0	0	(1,291,629)	0.0
Subtotal Child Welfare, Medicaid Programs	**($2,667,642)**	**($1,333,822)**	**$0**	**$0**	**($1,333,820)**	**0.0**
TOTAL, HEALTH CARE POLICY AND FINANCING	**$97,263**	**$48,630**	**$0**	**$0**	**$48,633**	**1.8**

CHILDREN'S HABILITATION RESIDENTIAL PROGRAM TRANSFER DEPARTMENT OF HUMAN SERVICES						
LINE ITEM	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROP. FUNDS	FEDERAL FUNDS	FTE
EXECUTIVE DIRECTOR'S OFFICE, GENERAL ADMINISTRATION						
Health, Life, and Dental	($7,927)	$0	$0	($7,927)	$0	0.0
Short-term Disability	(144)	0	0	(144)	0	0.0
S.B. 04-257 Amortization Equalization Disbursement	(3,781)	0	0	(3,781)	0	0.0
S.B. 06-235 Supplemental Amortization Equalization Disbursement	(3,781)	0	0	(3,781)	0	0.0
Subtotal Executive Director's Office	**($15,633)**	**$0**	**$0**	**($15,633)**	**0**	**0.0**
DIVISION OF CHILD WELFARE						
Administration	($84,383)	$0	$0	($84,383)	$0	(1.0)
Child Welfare Services	(2,583,260)	0	0	(2,583,260)	0	0.0
Subtotal Division of Child Welfare	**($2,667,643)**	**$0**	**$0**	**($2,667,643)**	**$0**	**(1.0)**
TOTAL, DEPARTMENT OF HUMAN SERVICES	**($2,683,276)**	**$0**	**$0**	**($2,683,276)**	**$0**	**(1.0)**

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
3.9.18

DRAFT

LLS NO. 18-1088.01 Brita Darling x2241 **COMMITTEE BILL**

Joint Budget Committee

BILL TOPIC: "Tony Grampsas Participation Sectarian Schools"

A BILL FOR AN ACT

101 **CONCERNING THE REMOVAL OF LANGUAGE THAT PROHIBITS**
102 **SECTARIAN SECONDARY SCHOOLS FROM APPLYING FOR GRANTS**
103 **THROUGH THE TONY GRAMPSAS YOUTH SERVICES PROGRAM.**

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/.)

Joint Budget Committee. The bill removes language from the Tony Grampsas youth services program (program) that prohibits a sectarian secondary school from applying for grants through the program and makes a conforming amendment relating to activities of the Tony Grampsas youth services board.

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

SECTION 1. In Colorado Revised Statutes, 26-6.8-101, **amend** the introductory portion and (2) as follows:

26-6.8-101. Definitions. As used in this ~~article~~ ARTICLE 6.8, unless the context otherwise requires:

(2) "Entity" means a local government, a Colorado public or ~~nonsectarian~~ NONPUBLIC secondary school, a group of public or ~~nonsectarian~~ NONPUBLIC secondary schools, a school district or group of school districts, a board of cooperative services, an institution of higher education, the Colorado National Guard, a state agency, a state-operated program, or a private nonprofit or not-for-profit community-based organization.

SECTION 2. In Colorado Revised Statutes, 26-1-111.3, **amend** (5)(a) as follows:

26-1-111.3. Activities of the state department under the supervision of the executive director - Colorado state youth development plan - creation - definitions. (5) As used in this section, unless the context otherwise requires:

(a) "Entity" means any local government, state public or ~~nonsectarian~~ NONPUBLIC secondary school, charter school, group of public or ~~nonsectarian~~ NONPUBLIC secondary schools, school district or group of school districts, board of cooperative services, state institution of higher education, the Colorado National Guard, state agency, state-operated program, private nonprofit organization, or nonprofit community-based organization.

SECTION 3. Act subject to petition - effective date. This act

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

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
3.19.18

DRAFT

LLS NO. 18-1088.02 Brita Darling x2241 **COMMITTEE BILL**

Joint Budget Committee

BILL TOPIC: "Sectarian Entity Participation In Grant Program"

A BILL FOR AN ACT

101 **CONCERNING THE REMOVAL OF LANGUAGE THAT PROHIBITS**
102 **SECTARIAN ENTITIES FROM APPLYING FOR CERTAIN PUBLIC**
103 **GRANT PROGRAMS.**

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/.)

Joint Budget Committee. The bill removes language from the Tony Grampsas youth services program (program) that prohibits a sectarian secondary school from applying for grants through the program and makes a conforming amendment relating to activities of the Tony Grampsas youth services board. In addition, the bill removes language in

the before- and after-school program that prohibits a sectarian nonprofit community organization from partnering with a public school to provide before- and after-school arts-based and vocational activity programs through the grant program.

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

SECTION 1. In Colorado Revised Statutes, 26-6.8-101, **amend** the introductory portion and (2) as follows:

26-6.8-101. Definitions. As used in this ~~article~~ ARTICLE 6.8, unless the context otherwise requires:

(2) "Entity" means a local government, a Colorado public or ~~nonsectarian~~ NONPUBLIC secondary school, a group of public or ~~nonsectarian~~ NONPUBLIC secondary schools, a school district or group of school districts, a board of cooperative services, an institution of higher education, the Colorado National Guard, a state agency, a state-operated program, or a private nonprofit or not-for-profit community-based organization.

SECTION 2. In Colorado Revised Statutes, 26-1-111.3, **amend** (5)(a) as follows:

26-1-111.3. Activities of the state department under the supervision of the executive director - Colorado state youth development plan - creation - definitions. (5) As used in this section, unless the context otherwise requires:

(a) "Entity" means any local government, state public or ~~nonsectarian~~ NONPUBLIC secondary school, charter school, group of public or ~~nonsectarian~~ NONPUBLIC secondary schools, school district or group of school districts, board of cooperative services, state institution of higher education, the Colorado National Guard, state agency,

1 state-operated program, private nonprofit organization, or nonprofit
2 community-based organization.
3 **SECTION 3.** In Colorado Revised Statutes, 22-27.5-102, **amend**
4 the introductory portion and (6) as follows:
5 **22-27.5-102. Definitions.** As used in this ~~article~~ ARTICLE 27.5,
6 unless the context otherwise requires:
7 (6) "Qualified community organization" means a nonprofit or
8 not-for-profit, ~~nonsectarian,~~ community-based organization that provides
9 before- and after-school, arts-based or vocational activity programs to
10 low-income youth enrolled in grades six through twelve.
11 **SECTION 4. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2018 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.

MEMORANDUM

JOINT BUDGET COMMITTEE

TO	Members of the Joint Budget Committee
FROM	Robin J. Smart, JBC Staff (303-866-4955)
DATE	March 21, 2018
SUBJECT	LLS 18-1088 01 and LLS 18-1088 02 Removal of language that prohibits sectarian secondary schools or entities from applying for grants

The bill drafter has prepared two versions of LLS 18-1088. The first draft specifically removes language from the Tony Grampsas Youth Services (TGYS) Program statute that prohibits a sectarian school from applying for grants through the program. In addition to the changes made to the TGYS Program statute, the second draft removes language in a before- and after-school program statute that prohibits a sectarian nonprofit community organization from partnering with a public school to provide before-and after-school arts-based and vocational activity programs through the grant program. If the Committee elects to sponsor this legislation, the members will need to decide which draft will be introduced.

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
3.19.18

DRAFT

LLS NO. 18-1156.01 Jerry Barry x4341 **COMMITTEE BILL**

Joint Budget Committee

BILL TOPIC: "Transition to Community-based Services Task Force"

A BILL FOR AN ACT

101 **CONCERNING A TASK FORCE ON THE TRANSITION OF PERSONS WITH**
102 **INTELLECTUAL AND DEVELOPMENTAL DISABILITIES FROM**
103 **EDUCATIONAL SERVICES TO HOME- AND COMMUNITY-BASED**
104 **SERVICES.**

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/.)

The bill summary for this measure has been intentionally omitted and will appear on future redrafts of this measure.

Capital letters or bold & italic numbers 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.** In Colorado Revised Statutes, **add** 25.5-10-102 as
3 follows:
4 **25.5-10-102. Transition planning - task force - legislative**
5 **declaration - report - definitions.** (1) THE GENERAL ASSEMBLY FINDS
6 AND DECLARES THAT:
7 (a) CURRENTLY, CHILDREN WITH DISABILITIES BETWEEN THREE
8 AND TWENTY-ONE YEARS OF AGE ARE SERVED BY EDUCATIONAL
9 PROVIDERS UNDER PART B OF THE FEDERAL "INDIVIDUALS WITH
10 DISABILITIES EDUCATION ACT". THIS ACT ENSURES THAT CHILDREN WITH
11 DISABILITIES HAVE A FREE AND APPROPRIATE PUBLIC EDUCATION TO
12 PREPARE THEM FOR FURTHER EDUCATION, EMPLOYMENT, AND
13 INDEPENDENT LIVING.
14 (b) ADULTS WITH INTELLECTUAL AND DEVELOPMENTAL
15 DISABILITIES OVER TWENTY-ONE YEARS OF AGE ARE SERVED BY THE
16 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING THROUGH HOME-
17 AND COMMUNITY-BASED SERVICES WAIVER PROGRAMS INTENDED TO
18 PROVIDE ADDITIONAL SUPPORTS TO THESE ADULTS TO ALLOW THEM TO
19 REMAIN LIVING IN THE COMMUNITY;
20 (c) CHILDREN WITH DISABILITIES AND THEIR PARENTS EXPERIENCE
21 DIFFICULTIES IN TRANSITIONING FROM RECEIVING SERVICES IN THE
22 EDUCATIONAL SETTING TO RECEIVING SERVICES THROUGH THE
23 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING;
24 (d) ADDITIONALLY, THE DEPARTMENT OF HEALTH CARE POLICY
25 AND FINANCING HAS NO WAY OF DETERMINING THE NUMBER OF CHILDREN
26 WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES WHO WILL BE

1 TRANSITIONING INTO ITS SYSTEM; AND

2 (e) IT IS THEREFORE APPROPRIATE TO CONVENE A TASK FORCE
3 COMPOSED OF INTERESTED PARTIES TO DETERMINE WHAT CAN BE DONE TO
4 EASE THE TRANSITION FROM THE EDUCATIONAL SETTING AND TO INFORM
5 THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING OF THE
6 NUMBER OF CHILDREN WITH INTELLECTUAL AND DEVELOPMENTAL
7 DISABILITIES WHO MAY BE IN NEED OF ITS SERVICES IN ANY YEAR.

8 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
9 REQUIRES:

10 (a) "INDIVIDUALIZED EDUCATION PROGRAM" OR "IEP" MEANS A
11 WRITTEN STATEMENT FOR A CHILD WITH A DISABILITY THAT IS DEVELOPED,
12 REVIEWED, AND REVISED IN ACCORDANCE WITH PART 1 OF ARTICLE 20 OF
13 TITLE 22 AND THE RULES PROMULGATED BY THE STATE BOARD OF
14 EDUCATION.

15 (b) "TASK FORCE" MEANS THE TASK FORCE FOR TRANSITION
16 PLANNING CREATED PURSUANT TO SUBSECTION (3) OF THIS SECTION.

17 (c) "TRANSITION" MEANS THE TRANSITION FROM AN EDUCATIONAL
18 SETTING TO A HOME- AND COMMUNITY-BASED SETTING.

19 (3) (a) THERE IS CREATED IN THE OFFICE THE TASK FORCE FOR
20 TRANSITION PLANNING TO MAKE RECOMMENDATIONS ON IMPROVEMENTS
21 FOR THE TRANSITION FOR INDIVIDUALS WHO ARE RECEIVING SERVICES AND
22 SUPPORTS IN AN EDUCATIONAL SETTING TO RECEIVING SERVICES AND
23 SUPPORTS THROUGH HOME- AND COMMUNITY-BASED SERVICES UNDER
24 THIS TITLE 25.5. THE TASK FORCE CONSISTS OF:

25 (I) THE DIRECTOR OF COMMUNITY LIVING, OR THE DIRECTOR'S
26 DESIGNEE;

27 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH

1 CARE POLICY AND FINANCING, OR THE DIRECTOR'S DESIGNEE;
2 (III) THE COMMISSIONER OF EDUCATION, OR THE COMMISSIONER'S
3 DESIGNEE;
4 (IV) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF
5 SCHOOL BOARDS, APPOINTED BY THE ORGANIZATION;
6 (V) A REPRESENTATIVE OF COMMUNITY-CENTERED BOARDS,
7 APPOINTED BY THE DIRECTOR OF COMMUNITY LIVING;
8 (VI) A PROVIDER OF SERVICES UNDER THIS PART 10, APPOINTED BY
9 THE DIRECTOR OF COMMUNITY LIVING;
10 (VII) A PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL
11 DISABILITY, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
12 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING;
13 (VIII) A PARENT OR GUARDIAN OF A STUDENT WITH AN
14 INTELLECTUAL AND DEVELOPMENTAL DISABILITY, APPOINTED BY THE
15 COMMISSIONER OF EDUCATION; AND
16 (IX) A REPRESENTATIVE OF AN APPROVED SERVICE AGENCY,
17 APPOINTED BY THE DIRECTOR OF COMMUNITY LIVING.
18 (b) IN MAKING THE APPOINTMENTS, THE APPOINTING AUTHORITIES
19 ARE TO CONSIDER THE NEED FOR REPRESENTATION ACROSS ALL
20 GEOGRAPHIC AREAS OF THE STATE.
21 (c) MEMBERS OF THE TASK FORCE SERVE WITHOUT
22 COMPENSATION, BUT MAY BE REIMBURSED FOR THEIR ACTUAL AND
23 NECESSARY EXPENSES FOR SERVING ON THE COMMISSION.
24 (d) THE TASK FORCE SHALL MEET DURING THE INTERIM FOLLOWING
25 THE 2018 REGULAR SESSION OF THE GENERAL ASSEMBLY.
26 (4) THE TASK FORCE SHALL:
27 (a) REVIEW THE CURRENT STATUTORY CATEGORIES OF DISABILITY

1 AND SERVICES AND SUPPORTS IN EDUCATION AND IN THIS TITLE 25.5 AND
2 RECOMMEND ALIGNMENT OF THE STATUTORY CATEGORIES;
3 (b) RECOMMEND MANNERS IN WHICH CASE MANAGERS CAN BE
4 INVOLVED EARLIER IN THE TRANSITION, IN ORDER TO:
5 (I) IMPROVE PARENTS' OR GUARDIANS' UNDERSTANDING OF THE
6 TRANSITION AND ROLE OF COMMUNITY PROVIDERS IN SERVING THE
7 PARENT'S OR GUARDIAN'S CHILD IN THE FUTURE;
8 (II) ENSURE GRADUAL TRANSITION BETWEEN THE SCHOOL
9 DISTRICT AND CASE MANAGERS BY FOSTERING RELATIONSHIPS BETWEEN
10 SCHOOL DISTRICT EMPLOYEES, CASE MANAGERS, AND PARENTS AND
11 GUARDIANS; AND
12 (III) DETERMINE HOW INDIVIDUAL EDUCATION PROGRAMS CAN BE
13 USED TO ASSIST CASE MANAGERS IN THE TRANSITION; AND
14 (c) DETERMINE HOW AGGREGATE, NONIDENTIFYING DATA FROM
15 INDIVIDUALIZED EDUCATION PROGRAMS COULD BE USED TO:
16 (I) IDENTIFY AREAS IN WHICH SERVICES ARE NEEDED AFTER
17 TRANSITION;
18 (II) FORECAST THE ANNUAL NUMBER OF STUDENTS WITH AN
19 INTELLECTUAL AND DEVELOPMENTAL DISABILITY WHO MAY TRANSITION;
20 AND
21 (III) PROJECT FUTURE COSTS AFTER TRANSITION; AND
22 (d) ON OR BEFORE JANUARY 2, 2019, SUBMIT A REPORT OF ITS
23 FINDINGS AND RECOMMENDATIONS TO THE HEALTH AND HUMAN SERVICES
24 COMMITTEE OF THE SENATE, THE PUBLIC HEALTH CARE & HUMAN
25 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND THE JOINT
26 BUDGET COMMITTEE, OR ANY SUCCESSOR COMMITTEES.
27 **SECTION 2. Appropriation.** *<{ ... }>*

1 **SECTION 3. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.

MEMORANDUM

JOINT BUDGET COMMITTEE

TO	Members of the Joint Budget Committee
FROM	Robin J. Smart, JBC Staff (303-866-4955)
DATE	March 21, 2018
SUBJECT	LLS 18-1156 Concerning a task force on the transition of persons with intellectual and developmental disabilities from educational services to home- community-based services

If the Committee elects to sponsor LLS 18-1156, JBC staff recommends an appropriation of $109,500 General Fund to the Department of Health Care Policy and Financing. This appropriation is based on input from the Department of the Education and HCPF and will be used to cover the cost of facilitating the task force and writing the recommendation report required by the bill.

LLS 18-1156 TRANSITION TO COMMUNITY-BASED SERVICES TASK FORCE
SUMMARY BY LINE ITEM

FY 2018-19	TOTAL FUNDS	FTE	GENERAL FUND	CASH FUNDS	REAPPROP. FUNDS	FEDERAL FUNDS
Total Request						
(1) Executive Director's Office; (A) General Administration; Operating Expenses	$3,000	0.0	$3,000	$0	$0	$0
(1) Executive Director's Office; (A) General Administration; General Professional Services and Special Projects	106,500	0.0	106,500	0	0	0
TOTAL	$109,500	0.0	$109,500	$0	$0	$0

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
3.19.18

DRAFT

LLS NO. 18-1162.01 Megan Waples x4348 **COMMITTEE BILL**

Joint Budget Committee

BILL TOPIC: "Background Checks Employees Access Fed Tax Info"

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT FOR FINGERPRINT-BASED CRIMINAL**
102 **HISTORY RECORD CHECKS FOR INDIVIDUALS WITH ACCESS TO**
103 **FEDERAL TAX INFORMATION.**

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/.)

Joint Budget Committee. The bill requires fingerprint-based criminal history record checks (record checks) for every applicant, contractor, employee, or other individual who has or may have access to federal tax information received from the federal government by a state agency in accordance with federal internal revenue service publication

1075. The state agency is authorized to collect the fingerprints of the individuals or to use the fingerprinting services of another agency or entity authorized by law to collect them and is required to pay the costs of the record checks to the Colorado bureau of investigation.

A state agency that receives federal tax information from the federal government and shares that information with a county department or another state agency may authorize and require the county department or other state agency to conduct record checks for all of its applicants, employees, contractors, or other individuals who may have access to the shared information. The county or other state agency is required to pay the costs of the record checks to the Colorado bureau of investigation.

The bill prohibits a state agency that receives federal tax information from the federal government from sharing that information with another agency that refuses or fails to comply with the requirement to conduct record checks.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 10 to article
3 50 of title 24 as follows:

4 PART 10

5 BACKGROUND CHECKS FOR INDIVIDUALS WITH ACCESS
6 TO FEDERAL TAX INFORMATION

7 **24-50-1001. Definitions.** AS USED IN THIS PART 10, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "APPLICANT" MEANS AN INDIVIDUAL APPLYING TO BE A
10 COUNTY EMPLOYEE, STATE EMPLOYEE, COUNTY CONTRACTOR, OR STATE
11 CONTRACTOR.

12 (2) "COUNTY CONTRACTOR" MEANS AN INDIVIDUAL ACTING UNDER
13 A CONTRACT, PURCHASE ORDER, OR OTHER SIMILAR AGREEMENT FOR THE
14 PROCUREMENT OF GOODS OR SERVICES WITH A COUNTY OR COUNTY
15 DEPARTMENT.

16 (3) "COUNTY EMPLOYEE" MEANS AN INDIVIDUAL EMPLOYED BY A
17 COUNTY.

1 (4) "FEDERAL TAX INFORMATION" HAS THE SAME MEANING AS
2 SPECIFIED IN FEDERAL INTERNAL REVENUE SERVICE PUBLICATION 1075
3 DATED SEPTEMBER 30, 2016, AS AMENDED.
4 (5) "STATE AGENCY" MEANS ALL DEPARTMENTS, INSTITUTIONS,
5 AND AGENCIES OF STATE GOVERNMENT, INCLUDING THE OFFICE OF THE
6 GOVERNOR, INSTITUTIONS OF HIGHER EDUCATION, ALL PRINCIPAL
7 DEPARTMENTS, AND THE LEGISLATIVE AND JUDICIAL DEPARTMENTS OF THE
8 STATE.
9 (6) "STATE CONTRACTOR" MEANS AN INDIVIDUAL ACTING UNDER
10 A CONTRACT, PURCHASE ORDER, OR OTHER SIMILAR AGREEMENT FOR THE
11 PROCUREMENT OF GOODS OR SERVICES WITH A STATE AGENCY.
12 (7) "STATE EMPLOYEE" MEANS AN INDIVIDUAL EMPLOYED BY A
13 STATE AGENCY, WHETHER THE INDIVIDUAL IS UNDER THE STATE
14 PERSONNEL SYSTEM OR EXEMPT FROM THE STATE PERSONNEL SYSTEM.
15 **24-50-1002. State agencies with access to federal tax**
16 **information - authorization for background checks - procedure -**
17 **costs.** (1) EACH APPLICANT, STATE EMPLOYEE, STATE CONTRACTOR, OR
18 OTHER INDIVIDUAL WHO HAS OR MAY HAVE ACCESS THROUGH A STATE
19 AGENCY TO FEDERAL TAX INFORMATION RECEIVED FROM THE FEDERAL
20 GOVERNMENT SHALL SUBMIT A COMPLETE SET OF HIS OR HER
21 FINGERPRINTS TO THE STATE AGENCY. THE STATE AGENCY SHALL SUBMIT
22 THE FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE
23 PURPOSE OF CONDUCTING FINGERPRINT-BASED CRIMINAL HISTORY RECORD
24 CHECKS. THE COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE
25 FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE
26 PURPOSE OF CONDUCTING FINGERPRINT-BASED CRIMINAL HISTORY RECORD
27 CHECKS. THE STATE AGENCY MAY ACQUIRE A NAME-BASED CRIMINAL

1 HISTORY RECORD CHECK FOR AN APPLICANT, STATE EMPLOYEE, STATE
2 CONTRACTOR, OR OTHER INDIVIDUAL WHO HAS TWICE SUBMITTED TO A
3 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE
4 FINGERPRINTS ARE UNCLASSIFIABLE. THE STATE AGENCY MAY COLLECT
5 THE FINGERPRINTS OF THE APPLICANT, STATE EMPLOYEE, STATE
6 CONTRACTOR, OR OTHER INDIVIDUAL OR MAY USE THE FINGERPRINTING
7 SERVICES OF ANOTHER STATE AGENCY OR OTHER ENTITY AUTHORIZED TO
8 COLLECT FINGERPRINTS FOR THE PURPOSE OF CONDUCTING
9 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS.
10 (2) THE STATE AGENCY SHALL USE THE INFORMATION RESULTING
11 FROM THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO
12 INVESTIGATE AND DETERMINE WHETHER THE APPLICANT, STATE
13 EMPLOYEE, STATE CONTRACTOR, OR OTHER INDIVIDUAL IS QUALIFIED TO
14 HAVE ACCESS TO FEDERAL TAX INFORMATION IN ACCORDANCE WITH
15 FEDERAL INTERNAL REVENUE SERVICE PUBLICATION 1075. THE STATE
16 AGENCY MAY VERIFY THE INFORMATION AN INDIVIDUAL IS REQUIRED TO
17 SUBMIT. THE STATE AGENCY SHALL DENY ACCESS TO FEDERAL TAX
18 INFORMATION RECEIVED FROM THE FEDERAL GOVERNMENT TO AN
19 APPLICANT, STATE EMPLOYEE, STATE CONTRACTOR, OR OTHER INDIVIDUAL
20 WHO DOES NOT PASS THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD
21 CHECK REQUIRED BY THIS SECTION.
22 (3) THE STATE AGENCY SHALL PAY THE COSTS ASSOCIATED WITH
23 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS TO THE
24 COLORADO BUREAU OF INVESTIGATION.
25 **24-50-1003. County departments with access to federal tax**
26 **information - authorization for background checks - procedure -**
27 **costs.** (1) A STATE AGENCY THAT RECEIVES FEDERAL TAX INFORMATION

1 FROM THE FEDERAL GOVERNMENT AND SHARES THAT INFORMATION WITH
2 A COUNTY DEPARTMENT ADMINISTERING PUBLIC ASSISTANCE, CHILD
3 SUPPORT SERVICES, OR OTHER PROGRAMS MAY AUTHORIZE AND REQUIRE
4 THE COUNTY DEPARTMENT BY WRITTEN AGREEMENT TO COLLECT THE
5 FINGERPRINTS OF ALL APPLICANTS, COUNTY EMPLOYEES, COUNTY
6 CONTRACTORS, OR OTHER INDIVIDUALS WHO HAVE OR MAY HAVE ACCESS
7 TO THE SHARED FEDERAL TAX INFORMATION FOR THE PURPOSE OF
8 CONDUCTING FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS IN
9 ACCORDANCE WITH THIS SECTION.
10 (2) EACH APPLICANT, COUNTY EMPLOYEE, COUNTY CONTRACTOR,
11 OR OTHER INDIVIDUAL WHO HAS OR MAY HAVE ACCESS TO FEDERAL TAX
12 INFORMATION SUBJECT TO AN AGREEMENT AUTHORIZED UNDER
13 SUBSECTION (1) OF THIS SECTION SHALL SUBMIT A COMPLETE SET OF HIS
14 OR HER FINGERPRINTS TO THE COUNTY DEPARTMENT. THE COUNTY
15 DEPARTMENT SHALL SUBMIT THE FINGERPRINTS TO THE COLORADO
16 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING
17 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE COLORADO
18 BUREAU OF INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE
19 FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING
20 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE COUNTY
21 DEPARTMENT MAY ACQUIRE A NAME-BASED CRIMINAL HISTORY RECORD
22 CHECK FOR AN APPLICANT, COUNTY EMPLOYEE, COUNTY CONTRACTOR, OR
23 OTHER INDIVIDUAL WHO HAS TWICE SUBMITTED TO A FINGERPRINT-BASED
24 CRIMINAL HISTORY RECORD CHECK AND WHOSE FINGERPRINTS ARE
25 UNCLASSIFIABLE.
26 (3) THE COUNTY DEPARTMENT SHALL USE THE INFORMATION
27 RESULTING FROM THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD

1 CHECK TO INVESTIGATE AND DETERMINE WHETHER THE APPLICANT,
2 COUNTY EMPLOYEE, COUNTY CONTRACTOR, OR OTHER INDIVIDUAL IS
3 QUALIFIED TO HAVE ACCESS TO THE SHARED FEDERAL TAX INFORMATION
4 IN ACCORDANCE WITH FEDERAL INTERNAL REVENUE SERVICE PUBLICATION
5 1075. THE COUNTY DEPARTMENT MAY VERIFY THE INFORMATION AN
6 INDIVIDUAL IS REQUIRED TO SUBMIT. THE COUNTY DEPARTMENT SHALL
7 DENY ACCESS TO THE SHARED FEDERAL TAX INFORMATION TO AN
8 APPLICANT, COUNTY EMPLOYEE, COUNTY CONTRACTOR, OR OTHER
9 INDIVIDUAL WHO DOES NOT PASS THE FINGERPRINT-BASED CRIMINAL
10 HISTORY RECORD CHECK REQUIRED IN ACCORDANCE WITH THIS SECTION.
11 (4) THE COUNTY DEPARTMENT SHALL PAY THE COSTS ASSOCIATED
12 WITH FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS TO THE
13 COLORADO BUREAU OF INVESTIGATION.
14 **24-50-1004. State agencies sharing federal tax information**
15 **with other state agencies.** A STATE AGENCY THAT RECEIVES FEDERAL
16 TAX INFORMATION FROM THE FEDERAL GOVERNMENT AND SHARES THAT
17 INFORMATION WITH ANOTHER STATE AGENCY MAY AUTHORIZE AND
18 REQUIRE THAT STATE AGENCY BY WRITTEN AGREEMENT TO CONDUCT
19 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS IN ACCORDANCE
20 WITH SECTION 24-50-1002 FOR ALL APPLICANTS, STATE EMPLOYEES,
21 STATE CONTRACTORS, OR OTHER INDIVIDUALS WHO HAVE OR MAY HAVE
22 ACCESS TO THE SHARED FEDERAL TAX INFORMATION. A STATE AGENCY
23 THAT RECEIVES FEDERAL TAX INFORMATION FROM THE FEDERAL
24 GOVERNMENT SHALL NOT SHARE THAT INFORMATION WITH ANOTHER
25 STATE AGENCY THAT FAILS OR REFUSES TO COMPLY WITH THE
26 REQUIREMENTS OF THIS SECTION OR SECTION 24-50-1002.
27 **SECTION 2. Effective date.** This act takes effect July 1, 2018.

1 **SECTION 3. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.