

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1067.01 Brita Darling x2241

HOUSE BILL 18-1407

HOUSE SPONSORSHIP

Young and Rankin, Hamner

SENATE SPONSORSHIP

Lambert and Moreno, Lundberg

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING INCREASING ACCESS TO SERVICES FOR PERSONS WITH
102 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES THAT ARE
103 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. The bill requires the department of health care policy and financing (department) to seek federal approval for a 6.5% increase in the reimbursement rate for certain services specified in the bill that are delivered through the home- and community-based services intellectual and developmental disabilities, supported living

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

services, and children's extensive supports waivers.

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 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 persons 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 department to initiate 300 nonemergency enrollments from the waiting list for the home- and community-based services developmental disabilities waiver in the 2018-19 state fiscal year.

The medical services board (board) in the department shall promulgate rules establishing additional criteria for reserve capacity enrollments based on the age and capacity of a person's parent or caregiver. As part of the rule-making process, the board shall solicit stakeholder feedback from persons with intellectual and developmental disabilities and their families. The department shall include in a monthly report the number of persons who were moved off the developmental disabilities waiting list for both nonemergency enrollments and reserve capacity enrollments.

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 persons 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 person, his or
9 her caregivers, and the service system;

10 (d) In order to best serve these persons 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 persons 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 persons with intellectual
17 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, all medicaid
27 funds appropriated pursuant to Title XIX of the federal "Social Security

1 Act", as amended, for the provision of care for persons with
2 developmental disabilities and all other funds otherwise appropriated by
3 the general assembly as additional sources of program funding ~~shall be~~
4 ARE available for the placement of eligible ~~individuals~~ PERSONS either in
5 intermediate care facilities for ~~individuals~~ PERSONS with intellectual
6 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 PERSONS 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 PERSONS
21 WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, AS WELL AS
22 FUTURE LONG-TERM PLANNING TO ADDRESS THE GROWING STRAIN ON THE
23 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 PERSONS 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 A PERSON 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 PERSON GET READY IN THE MORNING, TAKE
2 MEDICATION, GO TO WORK OR FIND WORK, AND PARTICIPATE IN SOCIAL
3 ACTIVITIES. "DIRECT SUPPORT PROFESSIONAL" INCLUDES ALL WORKERS
4 CATEGORIZED AS PROGRAM DIRECT SUPPORT PROFESSIONALS AND
5 EXCLUDES WORKERS CATEGORIZED AS ADMINISTRATIVE, AS DEFINED IN
6 STANDARDS ESTABLISHED BY THE FINANCIAL ACCOUNTING STANDARDS
7 BOARD.

8 (c) THE STATE DEPARTMENT SHALL IMMEDIATELY SEEK A SIX AND
9 ONE-HALF PERCENT INCREASE IN THE REIMBURSEMENT RATE FOR THE
10 FOLLOWING SERVICES DELIVERED THROUGH THE HOME- AND
11 COMMUNITY-BASED SERVICES FOR PERSONS WITH DEVELOPMENTAL
12 DISABILITIES, SUPPORTED LIVING SERVICES, AND CHILDREN'S EXTENSIVE
13 SUPPORTS WAIVERS:

- 14 (I) GROUP RESIDENTIAL SERVICES AND SUPPORTS;
- 15 (II) INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS;
- 16 (III) SPECIALIZED HABILITATION;
- 17 (IV) RESPITE;
- 18 (V) HOMEMAKER BASIC;
- 19 (VI) HOMEMAKER ENHANCED;
- 20 (VII) PERSONAL CARE;
- 21 (VIII) PREVOCATIONAL SERVICES;
- 22 (IX) SUPPORTED COMMUNITY CONNECTIONS;
- 23 (X) MENTORSHIP;
- 24 (XI) SUPPORTED EMPLOYMENT- JOB DEVELOPMENT; AND
- 25 (XII) SUPPORTED EMPLOYMENT- JOB COACHING.

26 (d) THE STATE DEPARTMENT SHALL IMPLEMENT A CORRESPONDING
27 INCREASE IN SERVICE PLAN AUTHORIZATION LIMITS TO ACCOUNT FOR THIS

1 INCREASE IN REIMBURSEMENT RATES.

2 (e) SERVICE AGENCIES SHALL USE ONE HUNDRED PERCENT OF THE
3 FUNDING RESULTING FROM THE INCREASE IN THE REIMBURSEMENT RATE
4 PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION TO INCREASE
5 COMPENSATION FOR DIRECT SUPPORT PROFESSIONALS ABOVE THE RATE OF
6 COMPENSATION THAT DIRECT SUPPORT PROFESSIONALS ARE RECEIVING AS
7 OF JUNE 30, 2018. THIS REQUIREMENT APPLIES TO FUNDS BILLED BY
8 COMMUNITY-CENTERED BOARDS IN THEIR ROLE AS ORGANIZED HEALTH
9 CARE DELIVERY SYSTEMS. SERVICE AGENCIES SHALL NOT USE FUNDING
10 RESULTING FROM THE REIMBURSEMENT RATE INCREASE FOR GENERAL AND
11 ADMINISTRATIVE EXPENSES, SUCH AS CHIEF EXECUTIVE OFFICER SALARIES,
12 HUMAN RESOURCES, INFORMATION TECHNOLOGY, OVERSIGHT, BUSINESS
13 MANAGEMENT, GENERAL RECORD KEEPING, BUDGETING AND FINANCE,
14 AND OTHER ACTIVITIES NOT IDENTIFIABLE TO A SINGLE PROGRAM.

15 (f) (I) SERVICE AGENCIES SHALL TRACK AND REPORT HOW THEY
16 USED THE FUNDING RESULTING FROM THE INCREASE IN THE
17 REIMBURSEMENT RATE PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION
18 USING A REPORTING TOOL DEVELOPED BY THE STATE DEPARTMENT IN
19 COLLABORATION WITH SERVICE AGENCIES. ON OR BEFORE DECEMBER 31,
20 2019, SERVICE AGENCIES SHALL SUBMIT THE REPORT TO THE STATE
21 DEPARTMENT.

22 (II) SERVICE AGENCIES SHALL MAINTAIN ALL BOOKS, DOCUMENTS,
23 PAPERS, ACCOUNTING RECORDS, AND OTHER EVIDENCE REQUIRED TO
24 SUPPORT THE REPORTING OF PAYROLL INFORMATION FOR INCREASED
25 COMPENSATION TO DIRECT SUPPORT PROFESSIONALS PURSUANT TO
26 SUBSECTION (2)(f)(I) OF THIS SECTION FOR AT LEAST THREE YEARS FROM
27 THE DATE OF REIMBURSEMENT FOR THE SERVICES INCLUDED IN THE

1 REPORT. SERVICE AGENCIES SHALL MAKE THE INFORMATION AND
2 MATERIALS AVAILABLE FOR INSPECTION BY THE STATE DEPARTMENT OR
3 ITS DESIGNEES AT ALL REASONABLE TIMES.

4 (g) IF A SERVICE AGENCY DOES NOT USE ONE HUNDRED PERCENT
5 OF THE FUNDING RESULTING FROM THE INCREASE IN THE REIMBURSEMENT
6 RATE PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION TO INCREASE
7 COMPENSATION FOR DIRECT SUPPORT PROFESSIONALS, THE STATE
8 DEPARTMENT MAY RECOUP PART OR ALL OF THE FUNDING RESULTING
9 FROM THE INCREASE IN THE REIMBURSEMENT RATE AS PROVIDED IN
10 SUBSECTIONS (2)(h) AND (2)(i) OF THIS SECTION.

11 (h) IF THE STATE DEPARTMENT DETERMINES THAT THE SERVICE
12 AGENCY DID NOT USE THE FUNDING RESULTING FROM THE INCREASE IN THE
13 REIMBURSEMENT RATE PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION
14 AS REQUIRED, THE STATE DEPARTMENT SHALL NOTIFY THE SERVICE
15 AGENCY IN WRITING OF THE STATE DEPARTMENT'S DETERMINATION.

16 (i) THE SERVICE AGENCY HAS FORTY-FIVE DAYS AFTER RECEIVING
17 NOTICE OF THE DETERMINATION UNDER SUBSECTION (2)(h) OF THIS
18 SECTION TO:

19 (I) CHALLENGE THE DETERMINATION OF THE STATE DEPARTMENT;

20 (II) PROVIDE ADDITIONAL INFORMATION TO THE STATE
21 DEPARTMENT DEMONSTRATING COMPLIANCE; OR

22 (III) SUBMIT A PLAN OF CORRECTION TO THE STATE DEPARTMENT.

23 (j) THE STATE DEPARTMENT SHALL NOTIFY THE SERVICE AGENCY
24 IN WRITING OF ITS FINAL DETERMINATION AFTER AFFORDING THE SERVICE
25 AGENCY THE OPPORTUNITY TO TAKE THE ACTIONS SPECIFIED IN
26 SUBSECTION (2)(i) OF THIS SECTION.

27 (k) THE STATE DEPARTMENT SHALL RECOUP FROM A SERVICE

1 AGENCY ONE HUNDRED PERCENT OF THE FUNDING RESULTING FROM THE
2 INCREASE IN THE REIMBURSEMENT RATE PURSUANT TO SUBSECTION (2)(c)
3 OF THIS SECTION THAT THE SERVICE AGENCY RECEIVED BUT DID NOT USE
4 FOR COMPENSATION FOR DIRECT SUPPORT PROFESSIONALS IF:

5 (I) THE SERVICE AGENCY FAILS TO RESPOND TO A NOTICE OF
6 DETERMINATION OF THE STATE DEPARTMENT WITHIN THE TIME PROVIDED
7 IN SUBSECTION (2)(i) OF THIS SECTION;

8 (II) THE SERVICE AGENCY IS UNABLE TO PROVIDE
9 DOCUMENTATION OF COMPLIANCE; OR

10 (III) THE STATE DEPARTMENT DOES NOT ACCEPT THE PLAN OF
11 CORRECTION SUBMITTED BY THE SERVICE AGENCY PURSUANT TO
12 SUBSECTION (2)(i) OF THIS SECTION.

13 (l) THE STATE DEPARTMENT SHALL PARTICIPATE IN THE NATIONAL
14 CORE INDICATORS STAFF STABILITY SURVEY.

15 (m) ONCE THE STATE DEPARTMENT DETERMINES THAT A
16 SUFFICIENT QUANTITY AND QUALITY OF DATA EXISTS TO DETERMINE THE
17 IMPACT AND OUTCOMES, IF ANY, ATTRIBUTED TO THE INCREASE IN THE
18 REIMBURSEMENT RATE PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION
19 ON PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, THE
20 STATE DEPARTMENT SHALL INCLUDE IN ITS ANNUAL REPORT CONCERNING
21 THE WAITING LIST FOR SERVICES AND SUPPORTS FOR PERSONS WITH
22 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, REQUIRED PURSUANT
23 TO SECTION 25.5-10-207.5, INFORMATION FROM THE NATIONAL CORE
24 INDICATORS DATA, OR ANOTHER COMPARABLE SOURCE, CONCERNING IN
25 WHAT WAYS OUTCOMES FOR PERSONS WITH INTELLECTUAL AND
26 DEVELOPMENTAL DISABILITIES CHANGED AS A RESULT OF THE INCREASE
27 IN REIMBURSEMENT RATES PURSUANT TO SUBSECTION (2)(c) OF THIS

1 SECTION. THE REPORT MUST INCLUDE, IF AVAILABLE, MULTIYEAR
2 PERSONAL OUTCOME DATA SPECIFIC TO COLORADO AND COMPARISONS TO
3 OTHER STATES, AS APPROPRIATE, AS WELL AS DATA FROM THE NATIONAL
4 CORE INDICATORS STAFF STABILITY SURVEY.

5 **SECTION 3.** In Colorado Revised Statutes, 25.5-10-207.5,
6 **amend** (1)(a)(IV); and **add** (1)(a)(VI), (1)(a)(VII), (1)(a)(VIII), (6), (7),
7 and (8) as follows:

8 **25.5-10-207.5. Strategic plan for services and supports - joint**
9 **hearing - appropriation - reporting - legislative declaration - rules.**

10 (1) (a) The general assembly finds that:

11 (IV) The presence of a waiting list as long as fifteen years for
12 essential services and supports contradicts Colorado's commitment to
13 supporting persons in the least restrictive environment of their choosing;
14 **and**

15 (VI) THE WAITING LIST INCLUDES PERSONS WITH INTELLECTUAL
16 AND DEVELOPMENTAL DISABILITIES WHO ARE AT RISK OF EXPERIENCING
17 A CRISIS DUE TO THE ADVANCED AGE, REDUCED CAPACITY, AND ILLNESS
18 OF THEIR CAREGIVERS;

19 (VII) AFTER A LIFETIME OF PROVIDING CONTINUOUS SUPPORT,
20 THESE CAREGIVERS DESERVE THE COMFORT OF KNOWING THAT THEIR
21 LOVED ONE WILL HAVE NEEDED SERVICES AND SUPPORTS; AND

22 (VIII) PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL
23 DISABILITIES AND THEIR CAREGIVERS SHOULD NOT HAVE TO EXPERIENCE
24 A CRISIS BEFORE GETTING NEEDED ASSISTANCE, AS EACH CRISIS PUTS
25 UNDUE HARDSHIP AND STRAIN ON THE PERSON AND CAREGIVER, AND THE
26 SERVICES SYSTEM.

27 (6) (a) SUBJECT TO THE AVAILABILITY OF RESERVE CAPACITY

1 ENROLLMENT, A PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL
2 DISABILITY WHO IS ON THE WAITING LIST FOR SERVICES AND WHO IS AT
3 RISK OF EXPERIENCING AN EMERGENCY DUE TO ANY OF THE CRITERIA
4 INCLUDED IN SUBSECTION (6)(b) OF THIS SECTION AND WHO MEETS OTHER
5 APPLICABLE CRITERIA FOR ENROLLMENT ESTABLISHED BY THE STATE
6 BOARD SHALL BE OFFERED ENROLLMENT INTO THE HOME- AND
7 COMMUNITY-BASED SERVICES DEVELOPMENTAL DISABILITIES WAIVER
8 USING A PERSON-CENTERED TRANSITION PROCESS.

9 (b) NO LATER THAN JUNE 1, 2019, THE STATE BOARD SHALL
10 PROMULGATE RULES REGARDING THE CRITERIA FOR RESERVE CAPACITY
11 ENROLLMENTS FOR THOSE PERSONS DESCRIBED IN SUBSECTION (6)(a) OF
12 THIS SECTION, WHICH CRITERIA MUST INCLUDE BUT IS NOT LIMITED TO:

- 13 (I) THE AGE OF THE CUSTODIAL PARENT OR CAREGIVER;
- 14 (II) THE LOSS OF THE CUSTODIAL PARENT OR CAREGIVER;
- 15 (III) INCAPACITATION OF THE CUSTODIAL PARENT OR CAREGIVER;
- 16 (IV) ANY LIFE-THREATENING OR SERIOUS PERSISTENT ILLNESS OF
17 THE CUSTODIAL PARENT OR CAREGIVER; AND
- 18 (V) A THREAT TO HEALTH OR SAFETY THAT THE CUSTODIAL
19 PARENT OR CAREGIVER PLACES ON THE PERSON WITH INTELLECTUAL AND
20 DEVELOPMENTAL DISABILITIES.

21 (c) AS PART OF THE RULE-MAKING PROCESS FOR RESERVE
22 CAPACITY ENROLLMENT PURSUANT TO SUBSECTION (6)(b) OF THIS
23 SECTION, THE STATE BOARD SHALL SOLICIT FEEDBACK FROM PERSONS
24 WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND FAMILY
25 MEMBERS OF PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL
26 DISABILITIES.

27 (7) DURING THE STATE FISCAL YEAR BEGINNING JULY 1, 2018, THE

1 STATE DEPARTMENT SHALL INITIATE THREE HUNDRED NONEMERGENCY
2 ENROLLMENTS FROM THE WAITING LIST FOR THE HOME- AND
3 COMMUNITY-BASED SERVICES DEVELOPMENTAL DISABILITIES WAIVER.

4 (8) BEGINNING JULY 2018, AND CONTINUING MONTHLY
5 THEREAFTER, THE STATE DEPARTMENT SHALL INCLUDE IN ITS MONTHLY
6 PREMIUMS, EXPENDITURES, AND CASELOAD REPORT THE NUMBER OF
7 PERSONS WHO WERE MOVED OFF THE DEVELOPMENTAL DISABILITIES
8 WAITING LIST, SPECIFYING THE ENROLLMENTS INITIATED UNDER THE
9 ORDER OF SELECTION AND THE ENROLLMENTS INITIATED UNDER THE
10 RESERVE CAPACITY CRITERIA.

11 **SECTION 4. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.