

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

REREVISED

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

LLS NO. 21-0463.01 Kristen Forrestal x4217

SENATE BILL 21-039

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Senate Committees

Business, Labor, & Technology
Appropriations

House Committees

Public & Behavioral Health & Human Services
Appropriations

HOUSE
3rd Reading Unamended
May 28, 2021

A BILL FOR AN ACT

101 **CONCERNING THE ELIMINATION OF SUBMINIMUM WAGE EMPLOYMENT**
102 **BY PROVIDING SUPPORTS TO ENSURE SUCCESSFUL TRANSITIONS**
103 **FOR INDIVIDUALS CURRENTLY WORKING IN SUBMINIMUM WAGE**
104 **JOBS, AND, IN CONNECTION THEREWITH, MAKING AN**
105 **APPROPRIATION.**

HOUSE
Amended 2nd Reading
May 24, 2021

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>.)

SENATE
3rd Reading Unamended
April 26, 2021

The bill phases out subminimum wage employment for employers that hold a special certificate from the United States department of labor

SENATE
Amended 2nd Reading
April 23, 2021

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.

that authorizes the employers to pay less than the minimum wage to employees whose earning capacity is impaired by age, physical or mental disability, or injury. The bill requires each employer that holds a special certificate to submit a transition plan to the Colorado department of labor and employment detailing how the employer plans to phase out subminimum wage employment.

The bill requires the employment first advisory partnership in the Colorado department of labor and employment (partnership) to:

- Develop actionable recommendations to address structural and fiscal barriers to phasing out subminimum wage employment and successfully implementing competitive integrated employment; and
- Report the recommendations to the general assembly.

The bill continues operation of the partnership, which is scheduled to repeal on July 1, 2021, indefinitely.

The bill requires the department of health care policy and financing to add employment-related services for individuals with intellectual and developmental disabilities.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-6-108.5, **repeal** (2)
3 as follows:

4 **8-6-108.5. Minimum wage - rules.** (2) ~~An employer may pay a~~
5 ~~rate of fifteen percent lower than the minimum wage to persons certified~~
6 ~~by the director to be less efficient due to a physical disability.~~

7 **SECTION 2.** In Colorado Revised Statutes, **add** 8-6-108.7 as
8 follows:

9 **8-6-108.7. Elimination of subminimum wage for individuals**
10 **with disabilities - legislative declaration - definitions - repeal.** (1) THE

11 GENERAL ASSEMBLY FINDS AND DECLARES THAT:

12 (a) COLORADO IS AN EMPLOYMENT FIRST STATE COMMITTED TO
13 THE GOAL OF ACHIEVING COMPETITIVE INTEGRATED EMPLOYMENT FOR
14 INDIVIDUALS WITH DISABILITIES;

15 (b) ENSURING THAT INDIVIDUALS WITH DISABILITIES HAVE THE

1 OPPORTUNITY TO PURSUE EMPLOYMENT PAID IN AN AMOUNT EQUAL TO
2 MINIMUM WAGE OR HIGHER IS A CRITICAL ELEMENT OF ACHIEVING THIS
3 GOAL;

4 (c) DUE TO SYSTEMIC BARRIERS, MANY INDIVIDUALS WITH
5 DISABILITIES ARE PAID LESS THAN THE MINIMUM WAGE APPLICABLE TO
6 OTHER EMPLOYEES AND HAVE LIMITED OPPORTUNITIES TO PURSUE
7 COMPETITIVE INTEGRATED EMPLOYMENT;

8 (d) THE PAYMENT OF SUBMINIMUM WAGES IS AN ECONOMIC
9 JUSTICE ISSUE FOR INDIVIDUALS WITH DISABILITIES, IMPACTING THEIR
10 ABILITY TO EARN WAGES EQUAL TO THEIR PEERS WITHOUT DISABILITIES
11 AND DEVALUING THEIR CONTRIBUTIONS BASED ON THEIR DISABILITIES;

12 (e) SERVICE ENHANCEMENTS AND PUBLIC POLICY CHANGES ARE
13 NEEDED TO ADDRESS THESE SYSTEMIC BARRIERS AND ASSIST INDIVIDUALS
14 IN SUBMINIMUM WAGE JOBS TO PURSUE COMPETITIVE INTEGRATED
15 EMPLOYMENT; AND

16 (f) THE ELIMINATION OF SUBMINIMUM WAGE EMPLOYMENT, ALONG
17 WITH THE IMPLEMENTATION OF CRITICAL SERVICE ENHANCEMENTS AND
18 POLICY CHANGES, IS ESSENTIAL TO PROMOTING ECONOMIC JUSTICE FOR,
19 AND THE ENHANCED SELF-SUFFICIENCY OF, INDIVIDUALS WITH
20 DISABILITIES WHILE ENSURING THAT INDIVIDUALS CURRENTLY WORKING
21 IN SUBMINIMUM WAGE JOBS CAN SUCCESSFULLY TRANSITION TO
22 COMPETITIVE INTEGRATED EMPLOYMENT, SUPPORTED EMPLOYMENT, OR
23 INTEGRATED COMMUNITY ACTIVITIES RELATED TO EACH INDIVIDUAL'S
24 EMPLOYMENT GOALS.

25 (2) (a) ON AND AFTER JULY 1, 2021, IF AN EMPLOYER DOES NOT
26 HOLD A SPECIAL CERTIFICATE ISSUED ON OR BEFORE JUNE 30, 2021, THE
27 EMPLOYER SHALL NOT PAY AN EMPLOYEE AT A WAGE RATE THAT IS BELOW

1 THE HIGHEST APPLICABLE MINIMUM WAGE.

2 (b) ON AND AFTER JULY 1, 2021, AN EMPLOYER SHALL NOT HIRE
3 ANY NEW EMPLOYEES AT A WAGE RATE THAT IS BELOW THE HIGHEST
4 APPLICABLE MINIMUM WAGE.

5 (c) (I) AN EMPLOYER THAT HOLDS A SPECIAL CERTIFICATE ISSUED
6 ON OR BEFORE JUNE 30, 2021, SHALL, ON OR BEFORE JULY 1, 2021, SUBMIT
7 DATA FOR INDIVIDUALS CURRENTLY EMPLOYED IN SUBMINIMUM WAGE
8 JOBS TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IN A
9 MANNER DETERMINED BY THE DEPARTMENT OF HEALTH CARE POLICY AND
10 FINANCING AND SHALL INCLUDE:

11 (A) THE NUMBER OF INDIVIDUALS CURRENTLY EMPLOYED IN
12 SUBMINIMUM WAGE JOBS BY THE EMPLOYER;

13 (B) THE NUMBER OF HOURS PER WEEK WORKED BY EACH
14 INDIVIDUAL EMPLOYED IN SUBMINIMUM WAGE JOBS; AND

15 (C) THE WAGES PER HOUR OR PIECE RATE EARNED BY EACH
16 INDIVIDUAL EMPLOYED IN SUBMINIMUM WAGE JOBS.

17 (II) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
18 SHALL COMPILE AND SUMMARIZE THE DATA SUBMITTED PURSUANT TO
19 SUBSECTION (2)(c)(I) OF THIS SECTION AND MAKE THE SUMMARY
20 AVAILABLE TO THE PUBLIC ON OR BEFORE JUNE 30, 2022.

21 (III) ON OR BEFORE JUNE 30, 2022, EACH EMPLOYER THAT HOLDS
22 A SPECIAL CERTIFICATE ISSUED ON OR BEFORE JUNE 30, 2021, SHALL
23 SUBMIT A TRANSITION PLAN TO THE DEPARTMENT OF HEALTH CARE POLICY
24 AND FINANCING DETAILING HOW THE EMPLOYER PLANS TO PHASE OUT
25 SUBMINIMUM WAGE EMPLOYMENT BY JULY 1, 2025, AND SUPPORT
26 INDIVIDUALS CURRENTLY IN SUBMINIMUM WAGE JOBS TO PURSUE
27 COMPETITIVE INTEGRATED EMPLOYMENT, SUPPORTED EMPLOYMENT, OR

1 INTEGRATED COMMUNITY ACTIVITIES RELATED TO EACH INDIVIDUAL'S
2 EMPLOYMENT GOALS.

3 (IV) THE TRANSITION PLAN MUST INCLUDE MEASURABLE
4 BENCHMARKS, BE INFORMED BY EVIDENCE-BASED PRACTICES AND
5 EFFECTIVE EMPLOYMENT MODELS, AND BE UPDATED AND RESUBMITTED TO
6 THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING ANNUALLY
7 UNTIL THE EMPLOYER IS NO LONGER PAYING SUBMINIMUM WAGES. THE
8 TRANSITION PLAN MUST BE ALIGNED WITH THE EMPLOYER'S EFFORTS TO
9 COMPLY WITH FEDERAL HOME- AND COMMUNITY-BASED SERVICES
10 REGULATIONS, IF APPLICABLE, AND HONOR THE PERSONAL CHOICE OF
11 INDIVIDUALS CURRENTLY WORKING IN SUBMINIMUM WAGE JOBS AS
12 IDENTIFIED THROUGH THE PERSON-CENTERED CAREER DEVELOPMENT
13 PLANNING PROCESS DESCRIBED IN SECTION 8-84-301 (2). THE TRANSITION
14 PLAN AND EACH ANNUAL UPDATE MUST INCLUDE THE DATA OUTLINED IN
15 SUBSECTION (2)(c)(I) OF THIS SECTION UPDATED AS OF THE DATE OF
16 SUBMISSION AND THE DATA COLLECTED PURSUANT TO THIS SUBSECTION
17 (2)(c)(IV). THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
18 SHALL COMPILE AND SUMMARIZE THE DATA AND MAKE THE SUMMARY
19 AVAILABLE TO THE PUBLIC ON AN ANNUAL BASIS IN COMPLIANCE WITH
20 FEDERAL AND STATE PRIVACY LAWS INCLUDING THE "HEALTH INSURANCE
21 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", AS AMENDED, 42
22 U.S.C. SEC. 1320d TO 1320d-9. THE TRANSITION PLAN AND EACH ANNUAL
23 UPDATE MUST INCLUDE:

24 (A) THE NUMBER OF INDIVIDUALS WHO, SINCE THE MOST RECENT
25 PRIOR SUBMISSION OF DATA, HAVE MOVED TO ANOTHER PROVIDER
26 AGENCY NOT AFFILIATED WITH THE EMPLOYER;

27 (B) THE NUMBER OF INDIVIDUALS WHO, SINCE THE MOST RECENT

1 PRIOR SUBMISSION OF DATA, HAVE TRANSITIONED TO COMPETITIVE
2 INTEGRATED EMPLOYMENT AS DEFINED IN SECTION 8-84-301 (3);

3 (C) THE NUMBER OF INDIVIDUALS WHO, SINCE THE MOST RECENT
4 PRIOR SUBMISSION OF DATA, HAVE TRANSITIONED TO SUPPORTED
5 EMPLOYMENT THAT DOES NOT MEET THE DEFINITION OF COMPETITIVE
6 INTEGRATED EMPLOYMENT;

7 (D) THE NUMBER OF INDIVIDUALS WHO, SINCE THE MOST RECENT
8 PRIOR SUBMISSION OF DATA, HAVE TRANSITIONED TO INTEGRATED
9 COMMUNITY ACTIVITIES RELATED TO THE INDIVIDUAL'S EMPLOYMENT
10 GOALS, INCLUDING INDIVIDUALIZED CAREER EXPLORATION ACTIVITIES;

11 (E) THE NUMBER OF INDIVIDUALS WHO, SINCE THE MOST RECENT
12 PRIOR SUBMISSION OF DATA, HAVE TRANSITIONED TO
13 NON-EMPLOYMENT-RELATED DAY SERVICES; AND

14 (F) FOR INDIVIDUALS INCLUDED IN SUBSECTIONS (2)(c)(IV)(B)
15 AND (2)(c)(IV)(C) OF THIS SECTION, THE NUMBER OF HOURS PER WEEK
16 WORKED BY EACH INDIVIDUAL AND THE WAGES PER HOUR EARNED BY
17 EACH INDIVIDUAL.

18 (V) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
19 SHALL COLLABORATE WITH EMPLOYERS AND OTHER INTERESTED
20 STAKEHOLDERS TO CREATE A PROCESS FOR APPROVING TRANSITION PLANS.
21 THE PROCESS FOR APPROVING TRANSITION PLANS MUST ENSURE THAT AN
22 EMPLOYER HAS UNTIL JULY 1, 2025, TO ELIMINATE SUBMINIMUM WAGE
23 EMPLOYMENT SO THAT INDIVIDUALS CURRENTLY WORKING IN
24 SUBMINIMUM WAGE JOBS CAN SUCCESSFULLY TRANSITION TO
25 COMPETITIVE INTEGRATED EMPLOYMENT, SUPPORTED EMPLOYMENT, OR
26 INTEGRATED COMMUNITY ACTIVITIES RELATED TO EACH INDIVIDUAL'S
27 EMPLOYMENT GOALS.

1 (VI) EACH ANNUAL UPDATE OF THE TRANSITION PLAN MUST
2 DEMONSTRATE PROGRESS TOWARD ITS IDENTIFIED BENCHMARKS. THE
3 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL ASSESS
4 EACH EMPLOYER'S ANNUAL PROGRESS AND PROVIDE TECHNICAL
5 ASSISTANCE AS NEEDED. IF AN EMPLOYER FAILS TO DEMONSTRATE
6 PROGRESS TOWARD THE BENCHMARKS IDENTIFIED IN ITS TRANSITION
7 PLAN, THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL
8 NOTIFY THE DEPARTMENT OF LABOR AND EMPLOYMENT WHICH MAY ISSUE
9 A COMPLIANCE ORDER TO THE EMPLOYER.

10 (VII) IN ORDER TO ENSURE THAT INDIVIDUALS CURRENTLY
11 WORKING IN SUBMINIMUM WAGE JOBS MAY SUCCESSFULLY TRANSITION TO
12 COMPETITIVE INTEGRATED EMPLOYMENT, SUPPORTED EMPLOYMENT, OR
13 INTEGRATED COMMUNITY ACTIVITIES RELATED TO EACH INDIVIDUAL'S
14 EMPLOYMENT GOALS, THE INDIVIDUAL'S CASE MANAGER MUST OFFER THE
15 INDIVIDUAL THE OPPORTUNITY TO HAVE AN ADVOCATE IDENTIFIED AND
16 SELECTED BY THE INDIVIDUAL PRESENT DURING THE INDIVIDUAL'S SERVICE
17 PLAN MEETINGS WHERE EMPLOYMENT SERVICES ARE DISCUSSED. THE CASE
18 MANAGER MUST OFFER AND PROVIDE ASSISTANCE, IF REQUESTED, IN
19 IDENTIFYING AN INDEPENDENT ADVOCATE WHO IS NOT INVOLVED WITH
20 PROVIDING SERVICES OR SUPPORTS TO THE INDIVIDUAL. THE CASE
21 MANAGER SHALL DOCUMENT THE OFFERS OF ASSISTANCE AND THE
22 INDIVIDUAL'S RESPONSES.

23 == ==

24 (d) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2025.

25 (3) ON AND AFTER JULY 1, 2025, AN EMPLOYER SHALL NOT PAY AN
26 EMPLOYEE WITH A DISABILITY LESS THAN THE HIGHEST APPLICABLE
27 MINIMUM WAGE REGARDLESS OF WHETHER THE EMPLOYER WAS ISSUED A

1 SPECIAL CERTIFICATE.

2 (4) AS USED IN THIS SECTION:

3 (a) "COMPETITIVE INTEGRATED EMPLOYMENT" HAS THE SAME
4 MEANING AS SET FORTH IN SECTION 8-84-301 (3).

5 (b) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND
6 EMPLOYMENT.

7 (c) "SPECIAL CERTIFICATE" MEANS A SPECIAL CERTIFICATE ISSUED
8 BY THE UNITED STATES DEPARTMENT OF LABOR PURSUANT TO SECTION
9 214 (c) OF THE FEDERAL "FAIR LABOR STANDARDS ACT OF 1938", AS
10 AMENDED, 29 U.S.C. SEC. 201 ET SEQ., TO AN EMPLOYER THAT
11 AUTHORIZES THE EMPLOYER TO PAY WAGES THAT ARE LESS THAN THE
12 MINIMUM WAGE OTHERWISE REQUIRED BY LAW TO EMPLOYEES WHOSE
13 EARNING OR PRODUCTIVE CAPACITY IS IMPAIRED BY AGE, PHYSICAL OR
14 MENTAL DISABILITY, OR INJURY.

15 **SECTION 3.** In Colorado Revised Statutes, 8-84-303, **repeal** (8)
16 as follows:

17 **8-84-303. Employment first advisory partnership -**
18 **memorandum of understanding - reporting.** (8) ~~(a) This section is~~
19 ~~repealed, effective September 1, 2021.~~

20 ~~(b) Prior to repeal of the employment first advisory partnership,~~
21 ~~the department of regulatory agencies shall conduct a sunset review~~
22 ~~pursuant to the provisions of section 2-3-1203, C.R.S.~~

23 **SECTION 4.** In Colorado Revised Statutes, 8-84-304, **repeal** (4);
24 and **add** (3.5) as follows:

25 **8-84-304. Duties of the employment first advisory partnership**
26 **- strategic plan - report - repeal.** (3.5) (a) ON OR BEFORE APRIL 1, 2022,
27 THE EMPLOYMENT FIRST ADVISORY PARTNERSHIP SHALL DEVELOP

1 ACTIONABLE RECOMMENDATIONS FOR ADDRESSING STRUCTURAL AND
2 FISCAL BARRIERS TO PHASING OUT SUBMINIMUM WAGE EMPLOYMENT AND
3 SUCCESSFULLY IMPLEMENTING COMPETITIVE INTEGRATED EMPLOYMENT.

4 THE RECOMMENDATIONS TO ADDRESS BARRIERS MUST:

5 (I) INCLUDE PAYMENT REFORM FOR EMPLOYMENT-RELATED
6 SERVICES;

7 (II) ESTABLISH ADEQUATE REIMBURSEMENT RATES FOR
8 EMPLOYMENT-RELATED SERVICES TO ENSURE THE AVAILABILITY OF
9 HIGH-QUALITY SUPPORT SERVICES;

10 (III) ADDRESS UNIT CAPS ON EMPLOYMENT-RELATED SERVICES;

11 AND

12 (IV) ADDRESS ANY NECESSARY MEDICAID WAIVER AND STATE
13 REGULATORY BARRIERS.

14 (b) ON OR BEFORE APRIL 1, 2022, THE PARTNERSHIP SHALL SEND
15 A REPORT CONCERNING THE RECOMMENDATIONS REQUIRED IN THIS
16 SUBSECTION (3.5) TO THE FOLLOWING COMMITTEES OF THE GENERAL
17 ASSEMBLY:

18 (I) THE JOINT BUDGET COMMITTEE;

19 (II) THE BUSINESS AFFAIRS AND LABOR, THE PUBLIC AND
20 BEHAVIORAL HEALTH AND HUMAN SERVICES, AND THE HEALTH AND
21 INSURANCE COMMITTEES OF THE HOUSE OF REPRESENTATIVES, OR ANY
22 SUCCESSOR COMMITTEES; AND

23 (III) THE BUSINESS, LABOR, AND TECHNOLOGY AND THE HEALTH
24 AND HUMAN SERVICES COMMITTEES OF THE SENATE, OR ANY SUCCESSOR
25 COMMITTEES.

26 (c) THIS SUBSECTION (3.5) IS REPEALED, EFFECTIVE JULY 1, 2022.

27 (4) (a) ~~This section is repealed, effective September 1, 2021.~~

1 ~~(b) Prior to repeal of the employment first advisory partnership,~~
2 ~~the department of regulatory agencies shall conduct a sunset review~~
3 ~~pursuant to the provisions of section 2-3-1203.~~

4 **SECTION 5.** In Colorado Revised Statutes, 2-3-1203, **repeal**
5 (12)(a)(VI) as follows:

6 **2-3-1203. Sunset review of advisory committees - legislative**
7 **declaration - definition - repeal.** (12) (a) The following statutory
8 authorizations for the designated advisory committees will repeal on
9 September 1, 2021:

10 (VI) ~~The employment first advisory partnership in the department~~
11 ~~of labor and employment described in sections 8-84-303 and 8-84-304.~~

12 **SECTION 6.** In Colorado Revised Statutes, **add** 25.5-6-413 as
13 follows:

14 **25.5-6-413. Elimination of subminimum wage - transition plan**
15 **for individuals with disabilities - waiver - legislative declaration -**
16 **definition.** (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

17 (a) THE PAYMENT OF SUBMINIMUM WAGES IS AN ECONOMIC
18 JUSTICE ISSUE FOR INDIVIDUALS WITH DISABILITIES, IMPACTING THEIR
19 ABILITY TO EARN WAGES EQUAL TO THEIR PEERS WITHOUT DISABILITIES
20 AND DEVALUING THEIR CONTRIBUTIONS BASED ON THEIR DISABILITIES;

21 (b) SERVICE ENHANCEMENTS AND PUBLIC POLICY CHANGES ARE
22 NEEDED TO ADDRESS THESE SYSTEMIC BARRIERS AND ASSIST INDIVIDUALS
23 IN SUBMINIMUM WAGE JOBS TO PURSUE COMPETITIVE INTEGRATED
24 EMPLOYMENT; AND

25 (c) THE ELIMINATION OF SUBMINIMUM WAGE EMPLOYMENT,
26 ALONG WITH THE IMPLEMENTATION OF CRITICAL SERVICE ENHANCEMENTS
27 AND POLICY CHANGES, IS ESSENTIAL TO PROMOTING ECONOMIC JUSTICE

1 FOR, AND THE ENHANCED SELF-SUFFICIENCY OF, INDIVIDUALS WITH
2 DISABILITIES WHILE ENSURING THAT INDIVIDUALS CURRENTLY WORKING
3 IN SUBMINIMUM WAGE JOBS CAN SUCCESSFULLY TRANSITION TO
4 COMPETITIVE INTEGRATED EMPLOYMENT, SUPPORTED EMPLOYMENT, OR
5 INTEGRATED COMMUNITY ACTIVITIES RELATED TO EACH INDIVIDUAL'S
6 EMPLOYMENT GOALS.

7 (2) (a) THE STATE DEPARTMENT SHALL SEEK FEDERAL APPROVAL,
8 WITH AN EFFECTIVE DATE ON OR BEFORE JULY 1, 2023, TO ADD THE
9 FOLLOWING MEDICAID WAIVER SERVICES FOR ADULTS WITH INTELLECTUAL
10 AND DEVELOPMENTAL DISABILITIES TO ASSIST THEM WITH PURSUING
11 COMPETITIVE INTEGRATED EMPLOYMENT:

12 (I) SUPPORT TO PROVIDE LINE-OF-SIGHT SUPERVISION ON THE JOB
13 AS A LESS INTENSIVE AND LESS EXPENSIVE ALTERNATIVE TO INDIVIDUAL
14 JOB COACHING, WHEN APPROPRIATE; AND

15 (II) ONGOING BENEFITS COUNSELING TO ASSIST SUCH ADULTS IN
16 EARNING HIGHER INCOMES WHILE RETAINING NECESSARY SUPPORTS.

17 (b) THE STATE DEPARTMENT SHALL COLLABORATE WITH
18 STAKEHOLDERS TO DEVELOP SERVICE COVERAGE STANDARDS,
19 REIMBURSEMENT RATES, AND LIMITATIONS ON THE SERVICES DESCRIBED
20 IN SUBSECTION (2)(a) OF THIS SECTION.

21 (3) THE STATE DEPARTMENT SHALL SEEK FEDERAL APPROVAL,
22 WITH AN EFFECTIVE DATE ON OR BEFORE JULY 1, 2023, TO REMOVE THE
23 FOLLOWING SERVICES FROM THE SERVICE PLAN AUTHORIZATION LIMITS TO
24 ENSURE ACCESS TO EMPLOYMENT SUPPORTS:

25 (a) JOB COACHING, INDIVIDUAL; AND

26 (b) JOB DEVELOPMENT, INDIVIDUAL.

27 (4) THE STATE DEPARTMENT SHALL COLLABORATE WITH

1 STAKEHOLDERS TO PUBLISH CLARIFYING GUIDANCE REGARDING
2 ALLOWABLE ACTIVITIES UNDER SERVICES DESCRIBED IN SUBSECTION (3)
3 OF THIS SECTION.

4 (5) AS USED IN THIS SECTION, "COMPETITIVE INTEGRATED
5 EMPLOYMENT" HAS THE SAME MEANING AS SET FORTH IN SECTION
6 8-84-301 (3).

7 **SECTION 7.** In Colorado Revised Statutes, 25.5-6-1403, **amend**
8 (4) as follows:

9 **25.5-6-1403. Waivers and amendments.** (4) The state
10 department shall seek federal authorization to implement a medicaid
11 buy-in program for adults who are eligible to receive home- and
12 community-based services pursuant to the supported living services
13 waiver; THE DEVELOPMENTAL DISABILITIES WAIVER OR ITS SUCCESSOR,
14 PART 4 OF THIS ARTICLE 6; the persons with brain injury waiver, part 7 of
15 this ~~article~~ ARTICLE 6; and the spinal cord injury waiver pilot program,
16 part 13 of this ~~article~~ ARTICLE 6. The state department shall prepare and
17 submit any requests necessary for federal approval not later than January
18 1, 2017 2023, and shall implement the medicaid buy-in program pursuant
19 to this subsection (4) not later than three months after receiving federal
20 approval.

21 **SECTION 8. Appropriation.** (1) For the 2021-22 state fiscal
22 year, \$90,691 is appropriated to the department of health care policy and
23 financing for use by the executive director's office. This appropriation
24 consists of \$82,414 from the general fund, \$4,284 from the children's
25 basic health plan trust created in Section 25.5-8-105 (1), C.R.S., and
26 \$3,993 from the healthcare affordability and sustainability fee cash fund
27 created in Section 25.5-4-402.4 (5)(a), C.R.S. To implement this act, the

1 office may use this appropriation as follows:

2 (a) \$43,205 from the general fund for personal services, which
3 amount is based on an assumption that the office will require an
4 additional 1.3 FTE;

5 (b) \$3,794 from the general fund for operating expenses;

6 (c) \$27,051 from the general fund for medicaid management
7 system maintenance and projects; and

8 (d) \$16,641 for Colorado benefits management systems operating
9 and contracts, which consists of \$8,364 from the general fund, which
10 amount is subject to the "(M)" notation as defined in the annual general
11 appropriation act for the same fiscal year, \$4,284 from the children's basic
12 health plan trust created in Section 25.5-8-105 (1), C.R.S., and \$3,993
13 from the healthcare affordability and sustainability fee cash fund created
14 in Section 25.5-4-402.4 (5)(a), C.R.S.

15 (2) For the 2021-22 state fiscal year, the general assembly
16 anticipates that the department of health care policy and financing will
17 receive \$409,885 in federal funds to implement this act. The
18 appropriation in subsection (1) of this section is based on the assumption
19 that the department will receive this amount of federal funds to be used
20 as follows:

21 (a) \$48,916 for personal services;

22 (b) \$4,296 for operating expenses;

23 (c) \$243,455 for medicaid management system maintenance and
24 projects; and

25 (d) \$113,218 for Colorado benefits management systems
26 operating and contracts.

27 (3) For the 2021-22 state fiscal year, \$129,859 is appropriated to

1 the office of the governor for use by the office of information technology.
2 This appropriation is from reappropriated funds received from the
3 department of health care policy and financing under subsections (1)(d)
4 and (2)(d) of this section. To implement this act, the office may use this
5 appropriation to provide information technology services for the
6 department of health care policy and financing.

7 (4) For the 2021-22 state fiscal year, \$13,160 is appropriated to
8 the department of labor and employment for use by the division of labor
9 standards and statistics. This appropriation is from the general fund, and
10 is based on an assumption that the division will require an additional 0.2
11 FTE. To implement this act, the division may use this appropriation for
12 program costs related to labor standards.

13 **SECTION 9. Effective date - applicability.** This act takes effect
14 July 1, 2021, and applies to wages paid on or after said date.

15 **SECTION 10. 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, or safety.