

CHAPTER 380

LABOR AND INDUSTRY

SENATE BILL 21-039

BY SENATOR(S) Zenzinger and Hisey, Bridges, Buckner, Danielson, Fields, Ginal, Gonzales, Hansen, Jaquez Lewis, Kolker, Moreno, Pettersen, Priola, Rankin, Simpson, Story, Winter, Woodward, Garcia;
also REPRESENTATIVE(S) Caraveo and Pelton, Amabile, Bacon, Burnett, Bird, Boesenecker, Esgar, Exum, Gonzales-Gutierrez, Herod, Hooton, Jodeh, Kipp, Lontine, McCluskie, McCormick, Michaelson Jenet, Mullica, Ortiz, Ricks, Sirota, Snyder, Sullivan, Valdez A., Young.

AN ACT

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

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

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

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

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

8-6-108.7. Elimination of subminimum wage for individuals with disabilities - legislative declaration - definitions - repeal. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

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

(b) ENSURING THAT INDIVIDUALS WITH DISABILITIES HAVE THE OPPORTUNITY TO PURSUE EMPLOYMENT PAID IN AN AMOUNT EQUAL TO MINIMUM WAGE OR HIGHER IS A CRITICAL ELEMENT OF ACHIEVING THIS GOAL;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

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

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

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

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

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

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

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

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

(III) ON OR BEFORE JUNE 30, 2022, EACH EMPLOYER THAT HOLDS A SPECIAL CERTIFICATE ISSUED ON OR BEFORE JUNE 30, 2021, SHALL SUBMIT A TRANSITION PLAN TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING DETAILING HOW THE EMPLOYER PLANS TO PHASE OUT SUBMINIMUM WAGE EMPLOYMENT BY JULY 1, 2025, AND SUPPORT INDIVIDUALS CURRENTLY IN SUBMINIMUM WAGE JOBS TO PURSUE COMPETITIVE INTEGRATED EMPLOYMENT, SUPPORTED EMPLOYMENT, OR INTEGRATED COMMUNITY ACTIVITIES RELATED TO EACH INDIVIDUAL'S EMPLOYMENT GOALS.

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

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

(B) THE NUMBER OF INDIVIDUALS WHO, SINCE THE MOST RECENT PRIOR SUBMISSION OF DATA, HAVE TRANSITIONED TO COMPETITIVE INTEGRATED EMPLOYMENT AS DEFINED IN SECTION 8-84-301 (3);

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

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

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

(F) FOR INDIVIDUALS INCLUDED IN SUBSECTIONS (2)(c)(IV)(B) AND (2)(c)(IV)(C)

OF THIS SECTION, THE NUMBER OF HOURS PER WEEK WORKED BY EACH INDIVIDUAL AND THE WAGES PER HOUR EARNED BY EACH INDIVIDUAL.

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

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

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

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

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

(4) AS USED IN THIS SECTION:

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

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

(c) "SPECIAL CERTIFICATE" MEANS A SPECIAL CERTIFICATE ISSUED BY THE UNITED STATES DEPARTMENT OF LABOR PURSUANT TO SECTION 214 (c) OF THE FEDERAL "FAIR LABOR STANDARDS ACT OF 1938", AS AMENDED, 29 U.S.C. SEC. 201 ET SEQ., TO AN EMPLOYER THAT AUTHORIZES THE EMPLOYER TO PAY WAGES THAT ARE LESS

THAN THE MINIMUM WAGE OTHERWISE REQUIRED BY LAW TO EMPLOYEES WHOSE EARNING OR PRODUCTIVE CAPACITY IS IMPAIRED BY AGE, PHYSICAL OR MENTAL DISABILITY, OR INJURY.

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

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

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

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

8-84-304. Duties of the employment first advisory partnership - strategic plan - report - repeal. (3.5) (a) ON OR BEFORE APRIL 1, 2022, THE EMPLOYMENT FIRST ADVISORY PARTNERSHIP SHALL DEVELOP ACTIONABLE RECOMMENDATIONS FOR ADDRESSING STRUCTURAL AND FISCAL BARRIERS TO PHASING OUT SUBMINIMUM WAGE EMPLOYMENT AND SUCCESSFULLY IMPLEMENTING COMPETITIVE INTEGRATED EMPLOYMENT. THE RECOMMENDATIONS TO ADDRESS BARRIERS MUST:

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

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

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

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

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

(I) THE JOINT BUDGET COMMITTEE;

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

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

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

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

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

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

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

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

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

25.5-6-413. Elimination of subminimum wage - transition plan for individuals with disabilities - waiver - legislative declaration - definition.

(1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

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

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

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

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

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

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

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

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

(a) JOB COACHING, INDIVIDUAL; AND

(b) JOB DEVELOPMENT, INDIVIDUAL.

(4) THE STATE DEPARTMENT SHALL COLLABORATE WITH STAKEHOLDERS TO PUBLISH CLARIFYING GUIDANCE REGARDING ALLOWABLE ACTIVITIES UNDER SERVICES DESCRIBED IN SUBSECTION (3) OF THIS SECTION.

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

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

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

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

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

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

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

(d) \$16,641 for Colorado benefits management systems operating and contracts, which consists of \$8,364 from the general fund, which amount is subject to the

"(M)" notation as defined in the annual general appropriation act for the same fiscal year, \$4,284 from the children's basic health plan trust created in section 25.5-8-105 (1), C.R.S., and \$3,993 from the healthcare affordability and sustainability fee cash fund created in section 25.5-4-402.4 (5)(a), C.R.S.

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

- (a) \$48,916 for personal services;
- (b) \$4,296 for operating expenses;
- (c) \$243,455 for medicaid management system maintenance and projects; and
- (d) \$113,218 for Colorado benefits management systems operating and contracts.

(3) For the 2021-22 state fiscal year, \$129,859 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of health care policy and financing under subsections (1)(d) and (2)(d) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of health care policy and financing.

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

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

SECTION 10. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 29, 2021