Early Childhood and School Readiness Legislative Commission

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Senator Owen Hill

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November 2019

Early Childhood and School Readiness Legislative Commission

Committee Charge

Pursuant to state law (Section 26-6.5-203, C.R.S.), the Early Childhood and School Readiness Legislative Commission (ECSRLC) may meet at least four times per year to study issues concerning early childhood and school readiness. Topics to be studied include: health care, mental health, parental involvement, family support, child care, and early learning. The commission is required to solicit input from the public, especially from those who have expertise in early childhood and school readiness issues. The commission is also required to consult with the Early Childhood Leadership Commission, which is a group focused on improving outcomes for young children from birth to age eight, to discuss policy concerning early childhood and school readiness.

Committee Activities

The ECSRLC held four meetings during the 2019 interim. Presentations were made by state departments, early childhood professionals, members of the nonprofit and advocacy communities, and members of the public on a wide range of subjects related to early childhood and school readiness, including:

- early care and education access, affordability, quality, and workforce;
- early childhood mental health;
- child maltreatment and fatality prevention recommendations;
- school readiness, literacy, preschool, and full-day kindergarten; and
- community-based resource centers.

The following subsections discuss the ECSRLC's activities during the 2019 interim.

Early child care and education access, affordability, quality, and workforce. The commission heard from representatives from the Colorado Department of Human Services (CDHS) Office of Early Childhood, Early Childhood Leadership Commission, Colorado Children's Campaign, Red Rocks Community College, the Denver Preschool Program, and early child care centers about the need to improve access to high-quality and affordable early care and education for all families and to recruit and retain early child care workers and educators. The commission discussed the impacts of a decline in licensed child care capacity for infants and the consequences of limited access to quality early care and education on children, families, and the economy, as well as issues facing Colorado's early childhood workforce such as staff shortages, difficulty filling vacant positions, low wages, and high demand.

Early childhood mental health. Representatives from CDHS, Mental Health Colorado, Colorado Children's Campaign, Children's Hospital Colorado, and Early Childhood Partnership of Adams County spoke to the commission about early childhood mental health programs, strategies, and supports. An example of such a program is the Early Childhood Mental Health Consultation program, a service partnering early childhood programs and mental health consultants to improve

the overall development and mental health of children in school settings and lower suspension and expulsion rates. The commission learned about the importance of preventative strategies in improving early childhood mental health, such as early screenings and assessments; integrated behavioral health; enhanced home visiting; and bolstering programs that promote trauma-informed care and improve positive relationships between parent and child and teacher and child.

Child maltreatment and fatality prevention recommendations. The commission was briefed by representatives from the Colorado Department of Public Health and Environment (CDPHE) and CDHS on the Colorado Child Fatality Prevention System and the recommendations put forth in 2019 by the two departments to prevent child maltreatment and child fatalities. These recommendations include: strengthening maternal mental health programs; focusing on access to quality, affordable, and safe housing and child care for families; increasing home visiting program enrollment; implementing graduated driver's license requirements; strengthening primary seat belt laws; spearheading additional firearm death prevention research; and implementing delayed school start times.

School readiness, literacy, preschool, and full-day kindergarten. The commission heard from representatives from the Colorado Department of Education (CDE) on the importance of early intervention in closing achievement gaps, promoting and developing high-quality, evidence-based early learning and literacy strategies, kindergarten readiness, full-day kindergarten implementation, and the need to ensure that all kids are reading by third grade. The commission learned about the department's P-3 Office, which is set up to support vertical alignment between early childhood systems and K-3 systems, and about how CDE is supporting districts with full-day kindergarten implementation and re-allotting Early Childhood At-risk Enhancement (ECARE) positions from kindergarten to full day preschool.

Community-based resource centers. Representatives from the Family Resource Center Association and the Early Childhood Council Leadership Alliance spoke to the commission about the work their organizations are doing to provide services and supports to families throughout the state by using comprehensive, coordinated case management and acting as a family-friendly access point to the wider community by tailoring the centers to the culture and needs of each community. The commission learned that the missions and purposes of these organizations are to align resources within communities and the state to effectively serve young children and their families, and to increase and sustain the quality, accessibility, capacity, and affordability of early childhood services.

Committee Recommendations

As a result of committee discussion and deliberation, the Early Childhood and School Readiness Legislative Commission recommends the following four bills for consideration in the 2020 legislative session.

Bill A – *Supports for Early Childhood Educator Workforce.* The bill makes several changes to state law related to early childhood workforce programs, including requiring that:

- CDHS recognize prior experience in the educator credentialing system;
- CDHS create a pathway for programs to be licensed while aspiring educators pursue a credential;
- CDHS and CDE align the early childhood credential system, educator licensing system, and the childcare program licensing, and report on the current supply and future need for qualified early childhood educators;
- CDHS, CDE, and the Department of Higher Education develop resources to increase concurrent enrollment opportunities and support career pathways that allow students to serve as early childhood educators;
- CDHS establish the Early Care and Education Recruitment and Retention Grant and Scholarship program for individuals pursuing a career in early care and education, nonprofit entities administering a similar scholarship program, or licensed early care and education programs; and
- the Colorado Department of Labor and Employment establish the Early Childhood Educator Apprenticeship program to create pathways into the early childhood profession.

Bill B — *Helping Others Manage Early Childhood Act.* The bill requires CDHS to issue a request for proposals in order to implement a statewide public awareness campaign. The campaign must be in place no later than the 2021-22 academic year. The public awareness campaign must ensure that people connected to early childhood education are aware of:

- what is expected from early childhood education;
- what a child is expected to know by kindergarten; and
- what resources are available for early childhood education.

The bill also requires the CDHS, in collaboration with the CDE and early childhood councils, to offer two types of workshops throughout the state: multicounty workshops focused on professional development in the early childhood education field and regional workshops focused on how to open a child care center or preschool.

Bill C – *Increase Quality in Early Childhood Education Programs.* The bill requires that CDHS provide technical assistance and financial incentives to help early childhood care providers with a Colorado Shines quality rating advance to or maintain at least a level-three rating. Early childhood councils must assist CDHS by providing local community outreach and engagement strategies.

Under current law, early childhood councils that apply for school-readiness quality improvement funding must submit a school readiness plan that includes targeting or recruiting early childhood

programs rated as level two or higher, or that are actively working towards a level-two rating but face demonstrated hardship. The bill requires that plans instead target or recruit programs that are rated at level one or higher. If an early childhood council received funding prior to FY 2020-21, the council must amend their plan.

Bill D – *Early Childhood Mental Health Consultants.* The bill requires CDHS to develop and implement a statewide voluntary program of early childhood mental health consultation by July 1, 2022. The program is intended to increase the number of qualified mental health consultants supporting professionals who work with young children and to give guidance and support to families, caregivers, and providers in addressing health social-emotional developmental needs of children through age eight. In developing the program, CDHS must create a model of consultation, a professional development plan, and a certification process for the consultants, as well as a data collection and information system to analyze implementation and outcomes. CDHS and the Department of Health Care Policy and Financing (HCPF) must also explore funding options for the program and report their findings to the Joint Budget Committee by January 1, 2022.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL A

LLS NO. 20-0357.01 Brita Darling x2241 **HOUSE BILL**

HOUSE SPONSORSHIP

Sirota, McCluskie, Wilson

SENATE SPONSORSHIP

Story, Pettersen

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO SUPPORT THE EARLY CHILDHOOD**
102 **EDUCATOR 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/.)

Early Childhood and School Readiness Legislative Commission. The bill directs the state board of human services (state board) in the department of human services (DHS) to establish licensing standards that will allow an early care and education program to be licensed for a period of time determined by the state board if one or more early childhood educators have pursued DHS-approved early childhood

credentials but have not yet completed the credential and other state-board-determined quality, safety, and supervision conditions are met.

The state board shall also promulgate rules allowing an early childhood educator to earn points toward an early childhood credential based on the candidate's prior experience and demonstrated competency.

The bill directs DHS and the department of education (CDE) to streamline and align the early childhood professional credential, child care program licensing, and educator licensing to make requirements clear and consistent and to reduce the administrative burden and paperwork burden relating to credentialing and licensing of early childhood educators.

The bill directs DHS to analyze and prepare a written report every 2 years on the gap between Colorado's current supply of early childhood educators and the current and future need for early childhood educators in the state. The report will be posted on DHS's website.

The bill directs DHS and CDE to direct resources to support concurrent enrollment opportunities and career pathways for high school students and other nontraditional students interested in earning college credit toward becoming an early childhood educator.

The bill creates the early care and education recruitment and retention grant and scholarship program in DHS (grant and scholarship program). DHS shall administer the program directly or by contract. The state board shall establish an application process for the grant and scholarship program, and DHS shall award grants and scholarships to eligible individuals or entities for the purposes of increasing the number of individuals qualified as early childhood educators to teach in a program serving children 5 years of age or younger and to retain early childhood educators teaching in those programs.

Individuals and entities eligible for a grant or scholarship include individuals pursuing a career in early childhood education, nonprofit entities that administer scholarship programs aligned with the purposes of the grant and scholarship program, licensed early care and education programs, and institutions of higher education that administer scholarship programs aligned with the purposes of the grant and scholarship program.

The bill includes a list of eligible expenditures of the grant or scholarship money, including, among others, payment of tuition and other expenses for courses that lead to a degree or credential as an early childhood educator or a higher degree or qualification that results in retention of an educator; payment for the costs of coaching, mentoring, professional development, and other costs and programs that lead to credentialing; payments to licensed providers; and money for programs, schools, and institutions of higher education to establish "grow-your-own" programs to support individuals completing qualifications to become early childhood educators.

The bill creates a fund for the grant and scholarship program and requires DHS to report on the grant and scholarship program at least every 2 years and post the report on its website.

The bill creates the early childhood educator apprenticeship program (apprenticeship program) in the division of employment and training (division) in the department of labor and employment (CDLE). The division shall administer the apprenticeship program. The executive director of CDLE shall establish program standards relating to eligibility criteria for local entities, including workforce development programs, nonprofit organizations, institutions of higher education, and early childhood councils, to receive money to support existing apprenticeship programs and to implement new apprenticeship programs for early childhood educators. The bill includes the approved uses of funding provided through the apprenticeship program. The bill creates a fund for the apprenticeship program.

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

SECTION 1. In Colorado Revised Statutes, 26-6-106, **add** (7) as follows:

26-6-106. Standards for facilities and agencies - rules. (7) THE STATE BOARD SHALL PROMULGATE RULES CONCERNING STANDARDS FOR LICENSING EARLY CARE AND EDUCATION PROGRAMS THAT FACILITATE THE RECRUITMENT AND RETENTION OF COLORADO'S EARLY CHILDHOOD EDUCATOR WORKFORCE AS DESCRIBED IN SECTION 26-6-122.

SECTION 2. In Colorado Revised Statutes, **add** 26-6-122 as follows:

26-6-122. Pathways to the classroom and retention strategies for early childhood educators - standards - alignment across agencies - report - rules. (1) THE STATE BOARD SHALL PROMULGATE RULES ESTABLISHING STANDARDS FOR LICENSING THAT ALLOW AN EARLY CARE AND EDUCATION PROGRAM TO BE LICENSED FOR A PERIOD OF TIME DETERMINED BY THE STATE BOARD, IF A STATE-BOARD-APPROVED NUMBER OF ASPIRING EARLY CHILDHOOD EDUCATORS IN THE PROGRAM

ARE PURSUING A STATE-AGENCY-APPROVED EARLY CHILDHOOD CREDENTIAL, AND OTHER QUALITY, SAFETY, AND SUPERVISION CONDITIONS ARE MET.

(2) THE STATE BOARD SHALL PROMULGATE RULES THAT ALLOW AN EARLY CHILDHOOD EDUCATOR TO EARN POINTS TOWARD AN EARLY CHILDHOOD CREDENTIAL THAT MEETS CHILD CARE LICENSING STANDARDS BASED ON THE CANDIDATE'S PRIOR EXPERIENCE AND DEMONSTRATED COMPETENCY. THE LICENSING PATHWAY MUST ALSO INCLUDE WAYS IN WHICH A CANDIDATE IN A SECOND CAREER OR CHANGING CAREERS CAN EARN POINTS OR CREDITS FOR PRIOR EXPERIENCE AND COMPETENCIES THAT APPLY TOWARD THE QUALIFICATIONS FOR AN EARLY CHILDHOOD EDUCATOR CREDENTIAL. THE STANDARDS AND CREDENTIAL AWARDING PROCESS MUST EXPAND THE NUMBER OF PEOPLE AND ORGANIZATIONS THAT CAN USE IDENTIFIED AND VALIDATED TOOLS TO AWARD POINTS FOR DEMONSTRATED COMPETENCIES AND INCREASE THE NUMBER OF COMMUNITY-BASED ORGANIZATIONS APPROVED BY THE STATE DEPARTMENT TO REVIEW AND AWARD CREDENTIALS.

(3) THE STATE DEPARTMENT AND THE DEPARTMENT OF EDUCATION SHALL ALIGN, TO THE EXTENT POSSIBLE, THE STATE'S EARLY CHILDHOOD PROFESSIONAL CREDENTIAL, DEPARTMENT OF EDUCATION EDUCATOR LICENSING, AND CHILD CARE PROGRAM LICENSING IN ORDER TO MAKE THE REQUIREMENTS AS CONSISTENT AND CLEAR AS POSSIBLE TO EDUCATORS AND PROVIDERS. THE ALIGNMENT PROCESS MUST INCLUDE EXAMINING STRATEGIES THAT SUPPORT RECIPROCITY FOR EARLY CHILDHOOD EDUCATOR CREDENTIALS OR QUALIFICATIONS EARNED OUTSIDE OF COLORADO.

(4) THE STATE DEPARTMENT AND THE DEPARTMENT OF EDUCATION

SHALL STREAMLINE ALL PAPERWORK THAT LICENSED EARLY CARE AND EDUCATION PROGRAMS AND EARLY CHILDHOOD EDUCATORS MUST COMPLETE TO MEET CHILD CARE LICENSING AND EARLY CHILDHOOD EDUCATOR CREDENTIALING COMPLIANCE REQUIREMENTS. THE STATE AGENCIES SHALL IDENTIFY WAYS TO SHARE INFORMATION AND REPORTS ACROSS THE AGENCIES IN ORDER TO REDUCE THE ADMINISTRATIVE AND PAPERWORK BURDEN ON EARLY CARE AND EDUCATION PROGRAMS AND EDUCATORS. THE STREAMLINING PROCESS MUST INCLUDE A SYSTEMS SCAN OF PROGRAMS AND INITIATIVES, IDENTIFICATION OF OVERLAPPING REPORTING REQUIREMENTS, AND WAYS TO REDUCE THE ADMINISTRATIVE AND PAPERWORK BURDEN ON PROGRAMS AND EDUCATORS.

(5) (a) NO LATER THAN JANUARY 31, 2021, AND NO LATER THAN JANUARY 31 EVERY TWO YEARS THEREAFTER, THE STATE DEPARTMENT SHALL ANALYZE AND PREPARE A WRITTEN REPORT CONCERNING:

(I) THE GAP, IF ANY, BETWEEN COLORADO'S CURRENT SUPPLY OF QUALIFIED EARLY CHILDHOOD EDUCATORS AND THE CURRENT UNMET NEED FOR QUALIFIED EARLY CHILDHOOD EDUCATORS; AND

(II) THE GAP, IF ANY, BETWEEN COLORADO'S CURRENT SUPPLY OF QUALIFIED EARLY CHILDHOOD EDUCATORS AND THE ANTICIPATED FUTURE NEED FOR QUALIFIED EARLY CHILDHOOD EDUCATORS GIVEN THE EXPECTED PARTICIPATION IN THE EARLY CHILDHOOD EDUCATOR WORKFORCE AND THE ANTICIPATED GROWTH IN THE STATE'S CHILD POPULATION.

(b) TO THE FULLEST EXTENT POSSIBLE, THE ANALYSES REQUIRED PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION MUST BE CONDUCTED BY AGE GROUP AND GEOGRAPHIC AREA OF THE STATE.

(c) THE STATE DEPARTMENT SHALL MAKE THE WRITTEN REPORTS

AVAILABLE TO THE PUBLIC ON THE STATE DEPARTMENT'S WEBSITE.

(6) THE STATE DEPARTMENT, THE DEPARTMENT OF HIGHER EDUCATION, AND THE DEPARTMENT OF EDUCATION SHALL DEVELOP RESOURCES TO SUPPORT LOCAL COMMUNITIES TO INCREASE CONCURRENT ENROLLMENT OPPORTUNITIES FOR HIGH SCHOOL STUDENTS OR OTHER NONTRADITIONAL STUDENTS TO EARN HIGHER EDUCATION CREDITS AND DEGREES THAT ALLOW THEM TO SERVE AS EARLY CHILDHOOD EDUCATORS AND SHALL SUPPORT CAREER PATHWAYS FOR HIGH SCHOOL STUDENTS EARNING COLLEGE CREDITS TOWARD BECOMING EARLY CHILDHOOD EDUCATORS, INCLUDING CONCURRENT ENROLLMENT, CAREER AND TECHNICAL EDUCATION, THE ASCENT PROGRAM, AND OTHER CAREER PATHWAYS.

SECTION 3. In Colorado Revised Statutes, **add** part 4 to article 6.5 of title 26 as follows:

PART 4

EARLY CARE AND EDUCATION

RECRUITMENT AND RETENTION

GRANT AND SCHOLARSHIP PROGRAM

26-6.5-401. Definitions. AS USED IN THIS PART 4, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "GRANT AND SCHOLARSHIP PROGRAM" MEANS THE EARLY CARE AND EDUCATION RECRUITMENT AND RETENTION GRANT AND SCHOLARSHIP PROGRAM CREATED IN THIS PART 4.

26-6.5-402. Early care and education recruitment and retention grant and scholarship program - created - eligibility - awards - rules. (1) THERE IS CREATED IN THE STATE DEPARTMENT THE EARLY CARE AND EDUCATION RECRUITMENT AND RETENTION GRANT AND

1 SCHOLARSHIP PROGRAM. THE STATE DEPARTMENT SHALL ADMINISTER,
2 DIRECTLY OR BY CONTRACT, THE GRANT AND SCHOLARSHIP PROGRAM.
3 (2) THE PURPOSES OF THE GRANT AND SCHOLARSHIP PROGRAM ARE
4 TO:
5 (a) INCREASE THE NUMBER OF INDIVIDUALS THROUGHOUT THE
6 STATE WHO ARE QUALIFIED TO SERVE AS EARLY CHILDHOOD EDUCATORS
7 IN PROGRAMS LICENSED BY THE STATE DEPARTMENT SERVING CHILDREN
8 FIVE YEARS OF AGE OR YOUNGER; AND
9 (b) RETAIN EARLY CHILDHOOD EDUCATORS WORKING IN
10 PROGRAMS LICENSED BY THE STATE DEPARTMENT SERVING CHILDREN FIVE
11 YEARS OF AGE OR YOUNGER.
12 (3) THE STATE DEPARTMENT SHALL ESTABLISH A PROCESS FOR
13 ELIGIBLE INDIVIDUALS OR ENTITIES, AS DESCRIBED IN THIS SUBSECTION
14 (3), TO APPLY FOR A GRANT OR SCHOLARSHIP THAT ALIGNS WITH THE
15 PURPOSES OF THE GRANT AND SCHOLARSHIP PROGRAM. INDIVIDUALS AND
16 ENTITIES ELIGIBLE TO APPLY FOR THE GRANT OR SCHOLARSHIP MONEY
17 INCLUDE, BUT ARE NOT LIMITED TO:
18 (a) INDIVIDUALS PURSUING A CAREER IN EARLY CARE AND
19 EDUCATION AND WHO ARE PARTICIPATING IN ACTIVITIES THAT ARE
20 ELIGIBLE FOR SCHOLARSHIP MONEY;
21 (b) NONPROFIT ENTITIES THAT ADMINISTER OR PLAN TO
22 ADMINISTER SCHOLARSHIP PROGRAMS THAT ARE ALIGNED WITH THE
23 PURPOSES OF THE GRANT AND SCHOLARSHIP PROGRAM;
24 (c) EARLY CARE AND EDUCATION PROGRAMS LICENSED BY THE
25 STATE DEPARTMENT THAT ARE SERVING CHILDREN FIVE YEARS OF AGE OR
26 YOUNGER; AND
27 (d) INSTITUTIONS OF HIGHER EDUCATION THAT ADMINISTER

1 SCHOLARSHIP PROGRAMS THAT ARE ALIGNED WITH THE PURPOSES OF THE
2 GRANT AND SCHOLARSHIP PROGRAM.
3 (4) THE STATE DEPARTMENT MAY SEEK APPLICATIONS FROM
4 INDIVIDUALS FOR THE AWARD OF SCHOLARSHIP MONEY FOR ELIGIBLE
5 PURPOSES AND MAY ACCEPT APPLICATIONS FOR GRANT MONEY FROM
6 NONPROFIT ENTITIES THAT HAVE ESTABLISHED PROGRAMS TO DISTRIBUTE
7 SCHOLARSHIP MONEY TO INDIVIDUALS FOR ELIGIBLE PURPOSES. THE STATE
8 BOARD SHALL ESTABLISH A PROCESS FOR INDIVIDUALS AND ENTITIES TO
9 APPLY FOR GRANT OR SCHOLARSHIP MONEY. THE STATE DEPARTMENT
10 SHALL SELECT GRANT AND SCHOLARSHIP RECIPIENTS FROM A LIST
11 PREPARED BY THE STATE DEPARTMENT OF ELIGIBLE RECIPIENTS, WHICH
12 INCLUDES THE INTENDED USE OF THE GRANT OR SCHOLARSHIP MONEY.
13 GRANT AND SCHOLARSHIP AWARDS MAY BE MADE FROM EITHER THE FUND
14 CREATED IN SECTION 26-6.5-403, OR FROM OTHER SOURCES OF MONEY
15 RECEIVED BY THE STATE DEPARTMENT THAT IS AUTHORIZED TO BE
16 EXPENDED FOR THE PURPOSES OF THE GRANT AND SCHOLARSHIP PROGRAM
17 CREATED IN THIS PART 4.
18 (5) ELIGIBLE EXPENDITURES OF GRANT OR SCHOLARSHIP MONEY
19 BY RECIPIENTS INCLUDE:
20 (a) ADMINISTRATION BY A NONPROFIT ENTITY OF A SCHOLARSHIP
21 PROGRAM UP TO A FIXED DOLLAR AMOUNT OR PERCENTAGE OF GRANT
22 PROCEEDS AS DETERMINED BY THE STATE BOARD;
23 (b) PAYMENT OF TUITION, FEES, AND MATERIALS, INCLUDING
24 BOOKS AND ANY OTHER MATERIALS AS DETERMINED BY THE STATE
25 BOARD, FOR COURSES THAT LEAD TO A DEGREE OR CREDENTIAL OR FOR
26 OTHER FORMAL TRAINING, WHICH COURSES OR TRAINING RESULTS IN A
27 RECIPIENT WHO IS NOT YET QUALIFIED TO SERVE AS AN EARLY CHILDHOOD

EDUCATOR IN A STATE-DEPARTMENT-LICENSED PROGRAM SERVING CHILDREN FIVE YEARS OF AGE OR YOUNGER TO BECOME QUALIFIED TO DO SO;

(c) PAYMENT OF TUITION, FEES, AND MATERIALS, INCLUDING BOOKS AND ANY OTHER MATERIALS AS DETERMINED BY THE STATE BOARD, FOR A RECIPIENT WHO IS ALREADY A CREDENTIALED EARLY CHILDHOOD EDUCATOR FOR COURSES THAT LEAD TO A DEGREE OR CREDENTIAL OR FOR OTHER FORMAL TRAINING, WHICH COURSES OR TRAINING RESULTS IN THE RECIPIENT BEING ELIGIBLE FOR A HIGHER LEVEL CREDENTIAL IN THE STATE DEPARTMENT'S PROFESSIONAL DEVELOPMENT INFORMATION SYSTEM OR A HIGHER DEGREE OR QUALIFICATION THAT RESULTS IN THE RETENTION OF THE EDUCATOR IN A STATE-DEPARTMENT-LICENSED PROGRAM SERVING CHILDREN FIVE YEARS OF AGE OR YOUNGER;

(d) PAYMENT FOR COSTS ASSOCIATED WITH A CREDENTIALED EARLY CHILDHOOD EDUCATOR EARNING A COACHING, FORMAL TRAINER, MENTORSHIP, OR PROFESSIONAL DEVELOPMENT CERTIFICATION THAT ALLOWS THE EDUCATOR TO SERVE AS A TRAINER OR MENTOR OF OTHER CURRENT OR POTENTIAL EARLY CHILDHOOD EDUCATORS PURSUING PROGRAMMING THAT LEADS THE CURRENT OR POTENTIAL EARLY CHILDHOOD EDUCATOR TO A CREDENTIAL;

(e) PAYMENTS TO LICENSED PROVIDERS TO COVER PAID RELEASE TIME FOR INDIVIDUALS, SUBSTITUTES, AND PROGRAM COSTS TO ALLOW ELIGIBLE INDIVIDUALS TO PURSUE PROGRAMS, COURSEWORK, CREDENTIALS, DEGREES, AND OTHER FORMAL TRAINING THAT INCREASE THE NUMBER OF QUALIFIED EARLY CHILDHOOD EDUCATORS OR RETAIN CURRENT EARLY CHILDHOOD EDUCATORS IN

STATE-DEPARTMENT-LICENSED PROGRAMS SERVING CHILDREN FIVE YEARS OF AGE OR YOUNGER;

(f) PAYMENTS TO LICENSED PROVIDERS, SCHOOLS, COMMUNITY COLLEGES, INSTITUTIONS OF HIGHER EDUCATION, EARLY CHILDHOOD COUNCILS, OR OTHER LOCAL NONPROFIT ENTITIES TO COVER THE COSTS OF "GROW-YOUR-OWN" PROGRAMS THAT SUPPORT CURRENT PARENTS, STAFF, OR LOCAL COMMUNITY MEMBERS TO MEET QUALIFICATIONS TO SERVE AS AN EARLY CHILDHOOD EDUCATOR TO COMPLETE APPROPRIATE PROGRAMS, CERTIFICATIONS, OR TRAINING THAT RESULTS IN PARTICIPANTS BEING ABLE TO SERVE AS QUALIFIED EARLY CHILDHOOD EDUCATORS IN STATE-DEPARTMENT-LICENSED PROGRAMS SERVING CHILDREN FIVE YEARS OF AGE OR YOUNGER;

(g) PAYMENTS TO LICENSED PROVIDERS TO COVER THE COSTS OF PROMOTING TEACHERS TO COACHING AND MENTORSHIP ROLES WITH THE INTENT OF INCREASING ACCESS TO COACHING AND PROFESSIONAL LEARNING COMMUNITIES AND TO PROVIDE FLEXIBILITY IN SCHEDULING FOR EARLY CHILDHOOD EDUCATORS; AND

(h) RAISES, BONUSES, AND OTHER FINANCIAL INCENTIVES, WHICH COULD INCLUDE LOAN FORGIVENESS PROVIDED BY LICENSED EARLY CHILDHOOD EDUCATOR PROGRAMS OR THROUGH SCHOLARSHIP PROGRAMS, FOR CURRENT OR POTENTIAL EARLY CHILDHOOD EDUCATORS TO REWARD PROGRESS TOWARD QUALIFICATIONS THAT ALLOW THE INDIVIDUAL TO SERVE AS AN EARLY CHILDHOOD EDUCATOR IN A STATE-DEPARTMENT-LICENSED EARLY CARE AND EDUCATION PROGRAM OR TO IMPROVE RETENTION OF EARLY CHILDHOOD EDUCATORS IN STATE-DEPARTMENT-LICENSED EARLY CARE AND EDUCATION PROGRAMS.

(6) THE STATE BOARD SHALL ADOPT RULES FOR THE

ADMINISTRATION OF THE GRANT AND SCHOLARSHIP PROGRAM.

26-6.5-403. Early care and education recruitment and retention grant and scholarship program fund. (1) THERE IS CREATED IN THE STATE TREASURY THE EARLY CARE AND EDUCATION RECRUITMENT AND RETENTION GRANT AND SCHOLARSHIP FUND, REFERRED TO IN THIS PART 4 AS THE "FUND". THE FUND CONSISTS OF MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

(2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

(3) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE STATE DEPARTMENT MAY EXPEND MONEY FROM THE FUND FOR GRANTS AND SCHOLARSHIPS FOR THE PURPOSES SPECIFIED IN SECTION 26-6.5-402.

26-6.5-404. Reporting. (1) AS PART OF PARTICIPATING IN THE GRANT AND SCHOLARSHIP PROGRAM, THE STATE DEPARTMENT SHALL REQUIRE GRANT OR SCHOLARSHIP RECIPIENTS TO REPORT PROGRAM OUTCOMES TO THE STATE DEPARTMENT, INCLUDING BUT NOT LIMITED TO THE INCREASE IN THE NUMBER OF INDIVIDUALS CREDENTIALED TO TEACH OR WHO RECEIVE A HIGHER-LEVEL CREDENTIAL TO TEACH AT STATE-DEPARTMENT-LICENSED PROGRAMS SERVING CHILDREN FIVE YEARS OF AGE OR YOUNGER AS A RESULT OF THE GRANT AND SCHOLARSHIP PROGRAM, AS WELL AS INFORMATION RELATING TO RETENTION OF EARLY CHILDHOOD EDUCATORS AS A RESULT OF THE GRANT AND SCHOLARSHIP PROGRAM.

(2) AS LONG AS THE GRANT AND SCHOLARSHIP PROGRAM IS AWARDING MONEY PURSUANT TO THIS PART 4, THE STATE DEPARTMENT

SHALL SUMMARIZE AND POST, NOT LESS THAN EVERY TWO YEARS, THE INFORMATION DESCRIBED IN SUBSECTION (1) OF THIS SECTION ON THE PORTION OF THE STATE DEPARTMENT'S WEBSITE RELATING TO EARLY CHILDHOOD EDUCATION.

SECTION 4. In Colorado Revised Statutes, **add** part 6 to article 83 of title 8 as follows:

PART 6

EARLY CHILDHOOD EDUCATOR

APPRENTICESHIP PROGRAM

8-83-601. Definitions. AS USED IN THIS PART 6, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "APPRENTICESHIP PROGRAM" MEANS THE EARLY CHILDHOOD EDUCATOR APPRENTICESHIP PROGRAM CREATED IN THIS PART 6.

8-83-602. Early childhood educator apprenticeship program - created - eligibility - standards. (1) THERE IS CREATED IN THE DIVISION THE EARLY CHILDHOOD EDUCATOR APPRENTICESHIP PROGRAM. THE DIVISION SHALL ADMINISTER THE APPRENTICESHIP PROGRAM.

(2) THE PURPOSE OF THE APPRENTICESHIP PROGRAM IS TO CREATE WORK-BASED LEARNING OPPORTUNITIES FOR INDIVIDUALS INTERESTED IN ENTERING THE FIELD OF EARLY CARE AND EDUCATION, SERVING CHILDREN FIVE YEARS OF AGE OR YOUNGER, SO THAT THEY CAN RECEIVE ON-THE-JOB TRAINING, CLASSROOM INSTRUCTION, AND FINANCIAL REWARDS FOR GAINS IN SKILLS AND EARN CREDENTIALS, CREDITS, OR HIGHER EDUCATION DEGREES. THE APPRENTICESHIP PROGRAM MUST CREATE PATHWAYS INTO THE PROFESSION.

(3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL ESTABLISH PROGRAM STANDARDS THAT:

1 (a) DEFINE AND ESTABLISH ELIGIBILITY CRITERIA FOR LOCAL
2 ENTITIES TO RECEIVE MONEY TO IMPLEMENT APPRENTICESHIPS, WHICH
3 LOCAL ENTITIES INCLUDE, AT A MINIMUM, WORKFORCE DEVELOPMENT
4 PROGRAMS, NONPROFIT ORGANIZATIONS, INSTITUTIONS OF HIGHER
5 EDUCATION, AND EARLY CHILDHOOD COUNCILS;
6 (b) ESTABLISH, IF APPROPRIATE, ELIGIBLE USES OF MONEY
7 AWARDED PURSUANT TO THE APPRENTICESHIP PROGRAM BEYOND THOSE
8 USES DESCRIBED IN SUBSECTION (6) OF THIS SECTION; AND
9 (c) ESTABLISH APPROPRIATE STANDARDS FOR A PROGRAM TO
10 QUALIFY AS A FORMALLY RECOGNIZED EARLY CHILDHOOD EDUCATOR
11 APPRENTICESHIP PURSUANT TO THIS SECTION. AT A MINIMUM, THE
12 STANDARDS FOR FORMALLY RECOGNIZED APPRENTICESHIP PROGRAMS
13 MUST ADDRESS THE FOLLOWING PROGRAM COMPONENTS:
14 (I) EXPECTATIONS FOR EMPLOYER INVOLVEMENT, WHETHER THE
15 EMPLOYER IS A LICENSED PROVIDER, SCHOOL DISTRICT, HEAD START OR
16 EARLY HEAD START PROGRAM, OR OTHER EMPLOYER;
17 (II) STANDARDS FOR ON-THE-JOB TRAINING, INCLUDING
18 OPPORTUNITIES TO EARN HIGHER EDUCATION CREDITS FOR ON-THE-JOB,
19 WORK-BASED LEARNING;
20 (III) ENSURING THE AVAILABILITY OF RELEVANT TRAINING AND
21 CLASSROOM INSTRUCTION;
22 (IV) REWARDS FOR SKILLS GAINS; AND
23 (V) THE PATHWAY OR PATHWAYS TO EARNING A CREDENTIAL
24 THOUGH THE APPRENTICESHIP PROGRAM.
25 (4) THE DIVISION SHALL COLLABORATE WITH THE DEPARTMENT OF
26 HUMAN SERVICES, THE DEPARTMENT OF HIGHER EDUCATION, AND THE
27 DEPARTMENT OF EDUCATION TO CREATE STANDARDS FOR THE

1 APPRENTICESHIP PROGRAM AND TO SUPPORT LOCAL COMMUNITIES IN
2 IMPLEMENTING APPRENTICESHIP PROGRAMS FOR EARLY CARE AND
3 EDUCATION PROFESSIONALS.
4 (5) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT MAY AWARD
5 MONEY FROM EITHER THE FUND CREATED IN SECTION 8-83-603 OR FROM
6 OTHER SOURCES OF MONEY RECEIVED BY THE DEPARTMENT THAT IS
7 AUTHORIZED TO BE EXPENDED FOR THE PURPOSES OF THE APPRENTICESHIP
8 PROGRAM CREATED IN THIS PART 6. THE DEPARTMENT OF HUMAN
9 SERVICES, THE DEPARTMENT OF HIGHER EDUCATION, AND THE
10 DEPARTMENT OF EDUCATION SHALL ALSO EXAMINE THE POTENTIAL ROLE
11 OF MONEY RECEIVED BY THOSE DEPARTMENTS FROM FEDERAL AND OTHER
12 SOURCES IN ESTABLISHING OR SUPPORTING APPRENTICESHIP PROGRAMS
13 THAT MEET THE GOALS OF THIS PART 6.
14 (6) THE DIRECTOR MAY AWARD MONEY PURSUANT TO THIS PART
15 6 TO SUPPORT LOCAL COMMUNITIES IN IMPLEMENTING APPRENTICESHIP
16 PROGRAMS FOR EARLY CHILDHOOD EDUCATORS AND TO SUPPORT LOCAL
17 PROGRAMS IN ACHIEVING THE PURPOSES OF THIS PART 6. MONETARY
18 AWARDS MAY BE GIVEN FOR USES, INCLUDING BUT NOT LIMITED TO:
19 (a) SUPPORTING EXISTING APPRENTICESHIP PROGRAMS OR THE
20 CREATION OF NEW APPRENTICESHIP PROGRAMS BY MAKING MONEY
21 AVAILABLE TO LOCAL ENTITIES, INCLUDING THOSE DESCRIBED IN
22 SUBSECTION (3)(a) OF THIS SECTION;
23 (b) SUPPORTING EXISTING APPRENTICESHIP PROGRAMS IN
24 EXPANDING THEIR REACH TO SERVE MORE APPRENTICES;
25 (c) TECHNICAL ASSISTANCE RELATING TO ESTABLISHING THE
26 PARTNERSHIPS NECESSARY TO CREATE APPRENTICESHIPS;
27 (d) MONEY FOR THE RECRUITMENT OF MENTOR TEACHERS;

(e) INCENTIVES FOR PROGRAM PARTICIPANTS;

(f) FINANCIAL REWARDS FOR SKILLS GAINS IN THE APPRENTICESHIP PROGRAM;

(g) INCENTIVES FOR DEPARTMENT-OF-HUMAN-SERVICES-LICENSED PROVIDERS TO PARTICIPATE IN APPRENTICESHIPS;

(h) MONEY TO COVER THE COSTS OF CLASSROOM TRAINING AND INSTRUCTION;

(i) MONEY TO COVER THE COSTS OF EARNING A CREDENTIAL; AND

(j) MONEY TO SUPPORT ON-THE-JOB TRAINING.

8-83-603. Early childhood educator apprenticeship program fund. (1) THERE IS CREATED IN THE STATE TREASURY THE EARLY CHILDHOOD EDUCATOR APPRENTICESHIP PROGRAM FUND, REFERRED TO IN THIS PART 6 AS THE "FUND". THE FUND CONSISTS OF MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

(2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

(3) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND FOR THE PURPOSES SPECIFIED IN SECTION 8-83-602.

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2020 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL B

LLS NO. 20-0358.01 Jane Ritter x4342 **HOUSE BILL**

HOUSE SPONSORSHIP

Wilson and McCluskie,

SENATE SPONSORSHIP

Pettersen and Story,

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE "HELPING OTHERS MANAGE**
102 **EARLY (HOME) CHILDHOOD ACT".**

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/.)

Early Childhood and School Readiness Legislative Commission. The bill creates the "Helping Others Manage Early (HOME) Childhood Act" (HOME Act). The HOME Act consists of 3 components:

- A public awareness campaign (campaign), implemented by a third-party entity contracted by the department of human

services (department). The campaign will target those persons connected with early childhood in some fashion, from families to providers, and inform them on what is expected from early childhood providers, what is expected from children by the time they enter kindergarten, and what resources are available throughout the state.

- A series of multicounty workshops directed at early childhood providers to provide information on best practices for effective early childhood education. The multicounty workshops will also provide information on the requirements and procedures for licensure.
- A series of regional workshops designed to educate interested providers on how to start an early child care center or preschool, as well as any requirements and procedures for licensure.

The bill directs that the department provide adequate child care for the multicounty and regional workshops to allow for maximum attendance.

The bill includes a repeal date of 2023 with a provision for a mandatory prior review of the effectiveness of the 3 components.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 4 to article

3 6.5 of title 26 as follows:

4 PART 4

5 HELPING OTHERS MANAGE EARLY

6 CHILDHOOD ACT

7 **26-6.5-401. Short title.** THE SHORT TITLE OF THIS PART 4 IS THE

8 "HELPING OTHERS MANAGE EARLY (HOME) CHILDHOOD ACT".

9 **26-6.5-402. Definitions.** AS USED IN THIS PART 4, UNLESS THE

10 CONTEXT OTHERWISE REQUIRES:

11 (1) "CAMPAIGN" MEANS THE PUBLIC AWARENESS CAMPAIGN

12 DESCRIBED IN SECTION 26-6.5-403.

13 (2) "DEPARTMENT" MEANS THE STATE DEPARTMENT OF HUMAN

14 SERVICES.

(3) "EARLY CHILDHOOD COUNCIL" MEANS AN EARLY CHILDHOOD COUNCIL IDENTIFIED OR ESTABLISHED LOCALLY IN COMMUNITIES THROUGHOUT THE STATE PURSUANT TO SECTION 26-6.5-103 OR 26-6.5-106.

(4) "HOME ACT" MEANS THE "HELPING OTHERS MANAGE EARLY (HOME) CHILDHOOD ACT" ESTABLISHED IN THIS PART 4.

26-6.5-403. Public awareness campaign - timeline. (1) THE DEPARTMENT IS AUTHORIZED TO ENTER INTO A SOLE-SOURCE CONTRACT FOLLOWING A REQUEST FOR PROPOSALS PROCESS TO PROVIDE A STATEWIDE PUBLIC AWARENESS CAMPAIGN CONCERNING THE IMPORTANCE OF EARLY CHILDHOOD EDUCATION. THE CAMPAIGN MUST BE IMPLEMENTED IN EACH COUNTY AND TARGET FAMILY, FRIENDS, NEIGHBORS, FAMILIES WHO PROVIDE HOME-BASED EDUCATION TO THEIR CHILDREN, AND THE DIVERSE NETWORK OF EARLY CHILDHOOD CAREGIVERS IN THE STATE TO ENSURE THAT SUCH PEOPLE WHO ARE CONNECTED WITH EARLY CHILDHOOD EDUCATION ARE AWARE OF:

(a) WHAT IS EXPECTED FROM EARLY CHILDHOOD EDUCATION;

(b) WHAT A CHILD IS EXPECTED TO KNOW BY THE TIME THE CHILD REACHES KINDERGARTEN; AND

(c) WHAT RESOURCES ARE AVAILABLE IN THE STATE RELATED TO EARLY CHILDHOOD EDUCATION.

(2) (a) IN ORDER TO MEET THE PROVISIONS OF THIS SECTION, THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS ON OR BEFORE AUGUST 1, 2020. THE DEPARTMENT SHALL AWARD THE CONTRACT ON OR BEFORE SEPTEMBER 30, 2020, TO AN APPROPRIATE THIRD-PARTY ENTITY WITH THE CAPACITY TO DEVELOP AND IMPLEMENT A STATEWIDE CAMPAIGN.

(b) ON OR BEFORE FEBRUARY 1, 2021, THE ENTITY AWARDED THE CONTRACT PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION SHALL DEVELOP AND SUBMIT ITS PLAN FOR THE CAMPAIGN TO THE DEPARTMENT FOR APPROVAL. THE CONTRACT ENTITY SHALL WORK COLLABORATIVELY WITH EARLY CHILDHOOD COUNCILS AS NECESSARY AND APPROPRIATE. THE DEPARTMENT SHALL WORK COLLABORATIVELY WITH THE CONTRACT ENTITY TO APPROVE THE PLAN AND HAVE IT READY FOR IMPLEMENTATION ON OR BEFORE MARCH 31, 2021.

(c) AFTER THE CONTRACT ENTITY'S CAMPAIGN PLAN HAS BEEN APPROVED BY THE DEPARTMENT PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION, THE CONTRACT ENTITY WILL BEGIN THE IMPLEMENTATION PROCESS THROUGHOUT THE COUNTIES OF THE STATE. THE CAMPAIGN MUST BE FULLY IN PLACE NO LATER THAN THE BEGINNING OF THE 2021-22 ACADEMIC YEAR.

26-6.5-404. Workshops - skills and licensure requirements - child care availability. (1) THE DEPARTMENT, IN COLLABORATION WITH THE DEPARTMENT OF EDUCATION AND EARLY CHILDHOOD COUNCILS, SHALL DEVELOP A SERIES OF MULTICOUNTY WORKSHOPS FOR EARLY CHILDHOOD PROVIDERS. THE PURPOSE OF THE WORKSHOPS IS TO PROVIDE EARLY CHILDHOOD PROVIDERS WITH:

(a) ADDITIONAL INFORMATION ON THE NECESSARY SKILLS TO ADEQUATELY PERFORM THEIR JOBS; AND

(b) INFORMATION CONCERNING CAREER PATHWAYS, AS WELL AS LICENSURE REQUIREMENTS AND PROCEDURES, FOR EARLY CHILDHOOD PROVIDERS.

(2) THE DEPARTMENT SHALL HOST THE MULTICOUNTY WORKSHOPS THROUGHOUT THE 2021-22 ACADEMIC YEAR.

(3) THE DEPARTMENT SHALL PROVIDE ADEQUATE CHILD CARE FOR WORKSHOP ATTENDEES TO ALLOW FOR MAXIMUM ATTENDANCE.

26-6.5-405. Regional workshops - creating an early child care center or preschool - quality - child care availability. (1) THE DEPARTMENT, IN COLLABORATION WITH EARLY CHILDHOOD COUNCILS, SHALL DEVELOP A SERIES OF REGIONAL WORKSHOPS THAT INSTRUCT PARTICIPANTS ON:

(a) HOW TO START AN EARLY CHILD CARE CENTER OR PRESCHOOL;

(b) THE ELEMENTS OF THE COLORADO SHINES QUALITY RATING AND IMPROVEMENT SYSTEM, AS DESCRIBED IN SECTION 26-6.5-106, AND WAYS TO IMPROVE QUALITY; AND

(c) LICENSURE REQUIREMENTS AND PROCEDURES FOR CHILD CARE CENTERS AND PRESCHOOLS.

(2) THE DEPARTMENT SHALL HOST THE REGIONAL WORKSHOPS FROM MAY THROUGH AUGUST OF 2022.

(3) THE DEPARTMENT SHALL PROVIDE ADEQUATE CHILD CARE FOR WORKSHOP ATTENDEES TO ALLOW FOR MAXIMUM ATTENDANCE.

26-6.5-406. Repeal of part. THIS PART 4 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023. BEFORE THE REPEAL, THIS PART 4 IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

SECTION 2. In Colorado Revised Statutes, 24-34-104, **add** (24)(a)(XIII) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (24) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2023:

(XIII) THE "HELPING OTHERS MANAGE EARLY (HOME)

1 CHILDHOOD ACT" CREATED IN PART 4 OF ARTICLE 6.5 OF TITLE 26.

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

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL C

LLS NO. 20-0359.01 Shelby Ross x4510 **HOUSE BILL**

HOUSE SPONSORSHIP

McCluskie and Wilson, Sirota

SENATE SPONSORSHIP

Pettersen, Story

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING STATE ASSISTANCE TO INCREASE QUALITY LEVELS IN**
102 **EARLY CHILDHOOD EDUCATION 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/.)

Early Childhood and School Readiness Legislative Commission. The bill requires the department of human services (state department) to provide technical assistance and financial incentives to programs that are rated at a level one or 2 in the Colorado shines system (system) to support the programs in advancing to a higher quality level, and to programs that are rated at a level 3, 4, or 5 to support the programs

in maintaining a high-quality level or advancing to a higher quality level. Each early childhood council (council) shall support the state department with this assistance by providing local community outreach and engagement strategies.

The bill requires each council seeking to apply for school-readiness quality improvement funding (funding) to describe how the council will target and recruit programs that are rated in the system at a level one or higher in the council's 3-year school readiness plan. Councils that received funding prior to the 2020-21 fiscal year must amend the council's 3-year school readiness plan.

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

SECTION 1. In Colorado Revised Statutes, 26-6.5-106, **amend** (6)(b) and (8)(a); and **add** (4.5) as follows:

26-6.5-106. School-readiness quality improvement program - created - Colorado shines quality rating and improvement system - rules. (4.5) **State assistance** (a) THE STATE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE AND FINANCIAL INCENTIVES TO:

(I) PROGRAMS THAT ARE RATED IN THE COLORADO SHINES SYSTEM AT A LEVEL ONE OR TWO TO SUPPORT THE PROGRAMS IN ADVANCING TO A LEVEL THREE OR HIGHER QUALITY LEVEL; AND

(II) PROGRAMS THAT ARE RATED IN THE COLORADO SHINES SYSTEM AT A LEVEL THREE, FOUR, OR FIVE TO SUPPORT THE PROGRAMS IN MAINTAINING A HIGH-QUALITY LEVEL OR ADVANCING TO A HIGHER QUALITY LEVEL.

(b) THE EARLY CHILDHOOD COUNCIL SHALL SUPPORT THE STATE DEPARTMENT WITH THE ASSISTANCE DESCRIBED IN SUBSECTION (4.5)(a) OF THIS SECTION BY PROVIDING LOCAL COMMUNITY OUTREACH AND ENGAGEMENT STRATEGIES.

(6) **School-readiness plans.** Each early childhood council seeking to apply for school-readiness quality improvement funding pursuant to

this section shall prepare and submit to the state department a three-year school-readiness plan that outlines strategies to improve the school readiness of children. The school-readiness plan, at a minimum, must include:

(b) A plan that describes how the early childhood council will target and recruit programs that are rated in the Colorado shines system at a level ~~two~~ ONE or higher. ~~or that are licensed programs with a demonstrated hardship that are actively working toward achieving a Colorado shines system level two rating.~~ The early childhood council must target and recruit programs to increase the access and availability of quality child care for children participating in the Colorado child care assistance program, created in part 8 of article 2 of this title 26. IF THE EARLY CHILDHOOD COUNCIL RECEIVED SCHOOL-READINESS QUALITY IMPROVEMENT FUNDING PRIOR TO THE 2020-21 FISCAL YEAR, THE EARLY CHILDHOOD COUNCIL SHALL AMEND THE THREE-YEAR SCHOOL READINESS PLAN TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

(8) **Funding.** (a) The school-readiness quality improvement program shall be funded using federal child care development fund money or other federal OR STATE money annually appropriated for the program. The state department shall allocate the money to the eligible early childhood councils for distribution to early childhood education programs, as provided in this section.

SECTION 2. 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.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL D

LLS NO. 20-0360.01 Jane Ritter x4342 **HOUSE BILL**

HOUSE SPONSORSHIP

McCluskie and Sirota,

SENATE SPONSORSHIP

Pettersen and Story,

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING CREATION OF A STATEWIDE PROGRAM OF EARLY**
102 **CHILDHOOD MENTAL HEALTH CONSULTATION.**

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/.)

Early Childhood and School Readiness Legislative Commission. The bill directs the department of human services (department) to design, implement, and operate a statewide program of early childhood mental health consultation (program). The purpose of the program is to support mental health care across the state in a variety of early childhood settings and practices. Specifically, the program must be

designed to:

- Increase the number of qualified and appropriately trained early childhood mental health consultants (mental health consultants) for on-site consultations; and
- Utilize the mental health consultants, through on-site visits, to support a variety of early childhood settings and practices from the prenatal period through 8 years of age.

The program must also include a:

- Model of consultation for mental health consultants (model) that includes job qualifications and expectations, expected outcomes, and guidance on ratios of mental health consultants and the settings they support. The model must include standards and guidelines for mental health consultants developed from evidence-based programs.
- Professional development plan for mental health consultants;
- Certification process for mental health consultants; and
- A published list of certified mental health consultants.

The bill requires the department to actively collect data related to the program and make regular reports on the program to the joint budget committee of the general assembly and as part of its annual "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing.

The department, in collaboration with the department of health care policy and financing, is directed to explore additional funding options for the program.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 4 to article

3 6.5 of title 26 as follows:

4 PART 4

5 EARLY CHILDHOOD MENTAL

6 HEALTH CONSULTATION PROGRAM

7 **26-6.5-401. Definitions.** AS USED IN THIS PART 4, UNLESS THE

8 CONTEXT OTHERWISE REQUIRES:

9 (1) "DEPARTMENT" MEANS THE STATE DEPARTMENT OF HUMAN

10 SERVICES.

(2) "MENTAL HEALTH CONSULTANT" MEANS AN EARLY CHILDHOOD MENTAL HEALTH CONSULTANT WHO MEETS THE QUALIFICATIONS OUTLINED IN THE PROGRAM DESIGNED AND DEVELOPED PURSUANT TO THIS PART 4.

(3) "PROGRAM" MEANS THE STATEWIDE PROGRAM OF EARLY CHILDHOOD MENTAL HEALTH CONSULTATION DESIGNED, IMPLEMENTED, AND OPERATED PURSUANT TO THIS PART 4.

26-6.5-402. Early childhood mental health consultation - statewide program - creation - purpose. (1) (a) ON OR BEFORE JULY 1, 2022, THE DEPARTMENT SHALL DESIGN, IMPLEMENT, AND OPERATE A STATEWIDE VOLUNTARY PROGRAM OF EARLY CHILDHOOD MENTAL HEALTH CONSULTATION TO EXPAND AND ENHANCE CURRENT PRACTICES ACROSS THE STATE. THE PROGRAM WILL SERVE TO SUPPORT MENTAL HEALTH IN A VARIETY OF SETTINGS, INCLUDING BUT NOT LIMITED TO EARLY CHILD CARE AND LEARNING, ELEMENTARY SCHOOLS, HOME VISITATION, CHILD WELFARE, PUBLIC HEALTH, AND HEALTH CARE, INCLUDING WOMEN'S HEALTH CARE.

(b) IN DESIGNING AND DEVELOPING THE PROGRAM, THE DEPARTMENT SHALL WORK IN CONSULTATION WITH THE NATIONAL CENTER OF EXCELLENCE FOR INFANT AND EARLY CHILDHOOD MENTAL HEALTH CONSULTATION FUNDED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; NATIONALLY RECOGNIZED ENTITIES THAT SUPPORT IMPLEMENTATION OF SUSTAINABLE SYSTEMS OR PROGRAMS THAT FOCUS ON PROMOTING THE SOCIAL, EMOTIONAL, AND BEHAVIORAL OUTCOMES OF YOUNG CHILDREN; AND KEY STAKEHOLDERS IN THE STATE, INCLUDING MENTAL HEALTH PROFESSIONALS, NONPROFIT ORGANIZATIONS WITH EXPERTISE IN MENTAL HEALTH, HOSPITALS WITH EXPERTISE WORKING

WITH CHILDREN FACING BEHAVIORAL HEALTH CHALLENGES, EARLY CHILD CARE AND EDUCATION PROVIDERS, AND CLINICIANS WITH EXPERTISE IN INFANT AND EARLY CHILDHOOD MENTAL HEALTH.

(c) THE DEPARTMENT SHALL COORDINATE WITH COMMUNITY-BASED ORGANIZATIONS TO ENSURE THE EFFECTIVE IMPLEMENTATION OF THE PROGRAM AND MODEL OF CONSULTATION ESTABLISHED PURSUANT TO SECTION 26-6.5-403, AS WELL AS SUPPORT THE AVAILABILITY OF RESOURCES ACROSS THE STATE TO SUPPORT THE PROGRAM AND THE MENTAL HEALTH CONSULTANTS IN THEIR WORK.

(2) THE PURPOSE OF THE PROGRAM IS TO:

(a) INCREASE THE NUMBER OF QUALIFIED AND APPROPRIATELY TRAINED MENTAL HEALTH CONSULTANTS THROUGHOUT THE STATE WHO WILL CONSULT WITH PROFESSIONALS WORKING WITH CHILDREN ACROSS A DIVERSITY OF SETTINGS, AS WELL AS OTHER ADULTS, INCLUDING FAMILY MEMBERS, WHO DIRECTLY INTERACT WITH CHILDREN;

(b) SUPPORT AND PROVIDE GUIDANCE AND TRAINING, THROUGH VISITS WITH MENTAL HEALTH CONSULTANTS, TO FAMILIES, EXPECTING FAMILIES, CAREGIVERS, AND PROVIDERS ACROSS A DIVERSITY OF SETTINGS IN ADDRESSING THE HEALTHY SOCIAL-EMOTIONAL DEVELOPMENTAL NEEDS OF CHILDREN AND FAMILIES DURING THE PRENATAL PERIOD THROUGH EIGHT YEARS OF AGE;

(c) DEVELOP A DEFINED MODEL OF CONSULTATION FOR THE STATE PURSUANT TO SECTION 26-6.5-403 THAT INCLUDES QUALIFICATIONS FOR MENTAL HEALTH CONSULTANTS, JOB EXPECTATIONS, EXPECTED OUTCOMES, AND GUIDANCE ON RATIOS BETWEEN MENTAL HEALTH CONSULTANTS AND THE SETTINGS THEY SUPPORT;

(d) DEVELOP AND MAINTAIN A STATEWIDE PROFESSIONAL

DEVELOPMENT PLAN PURSUANT TO SECTION 26-6.5-404 THAT ASSISTS THE MENTAL HEALTH CONSULTANTS IN MEETING THE EXPECTATIONS SET FORTH IN THE MODEL OF CONSULTATION ESTABLISHED PURSUANT TO SECTION 26-6.5-403; AND

(e) ESTABLISH A STATEWIDE CERTIFICATION PROCESS FOR MENTAL HEALTH CONSULTANTS AND PUBLISH A LIST OF CERTIFIED MENTAL HEALTH CONSULTANTS WHO VOLUNTARILY AGREE TO BE INCLUDED ON THE LIST PURSUANT TO SECTION 26-6.5-405.

26-6.5-403. Model of early childhood mental health consultation - standards and guidelines - qualifications. (1) ON OR BEFORE JULY 1, 2021, THE DEPARTMENT SHALL DESIGN AND DEVELOP A MODEL OF CONSULTATION FOR THE STATE THAT INCLUDES QUALIFICATIONS FOR MENTAL HEALTH CONSULTANTS, JOB EXPECTATIONS, EXPECTED OUTCOMES, AND GUIDANCE ON RATIOS BETWEEN MENTAL HEALTH CONSULTANTS AND THE SETTINGS THEY SUPPORT, REFERRED TO IN THIS SECTION AS "THE MODEL". THE MODEL MUST INCLUDE STANDARDS AND GUIDELINES TO ENSURE THE PROGRAM IS IMPLEMENTED EFFECTIVELY, WITH PRIMARY CONSIDERATION GIVEN TO EVIDENCE-BASED SERVICES. THE STANDARDS AND GUIDELINES MUST INCLUDE:

(a) CLEAR QUALIFICATIONS FOR MENTAL HEALTH CONSULTANTS, INCLUDING, AT A MINIMUM, EXPERTISE IN EARLY CHILDHOOD, CHILD DEVELOPMENT, FAMILY SYSTEMS, AND MENTAL HEALTH SERVICES FOR YOUNG CHILDREN; KNOWLEDGE OF CIRCUMSTANCES THAT AFFECT CHILDREN'S BEHAVIOR AND MENTAL HEALTH; KNOWLEDGE OF DEVELOPMENTAL SCIENCE AND MILESTONES; KNOWLEDGE OF A CONSULTATIVE MODEL OF PRACTICE; AND AVAILABLE RESOURCES AND SERVICES TO CHILDREN AND FAMILIES TO ALLEVIATE FAMILY STRESS;

1 (b) EXPECTATIONS FOR THE PLACEMENT OF REGIONAL
2 CONSULTANTS THAT WILL MOST EFFECTIVELY MEET LOCAL COMMUNITY
3 NEED FOR MENTAL HEALTH CONSULTANTS. THE DEPARTMENT SHALL, AT
4 LEAST EVERY THREE YEARS, CONDUCT AN OPEN AND COMPETITIVE
5 SELECTION PROCESS FOR THE PLACEMENT OF ANY PUBLICLY FUNDED
6 MENTAL HEALTH CONSULTANTS.
7 (c) GUIDANCE CONCERNING THE SCOPE OF WORK THAT MENTAL
8 HEALTH CONSULTANTS MAY PROVIDE TO PROFESSIONALS WORKING WITH
9 YOUNG CHILDREN AND FAMILIES, INCLUDING TRAINING, COACHING,
10 PREVENTION, AND ANY OTHER APPROPRIATE SERVICES;
11 (d) METHODS TO INCREASE THE AVAILABILITY OF BILINGUAL OR
12 MULTILINGUAL MENTAL HEALTH CONSULTANTS AND OTHERWISE ENSURE
13 THE CULTURAL COMPETENCY OF MENTAL HEALTH CONSULTANTS;
14 (e) GUIDANCE ON THE DIVERSE SETTINGS IN WHICH AND TYPES OF
15 PROVIDERS WITH WHOM MENTAL HEALTH CONSULTANTS MAY WORK TO
16 MEET THE VARIED NEEDS OF CHILDREN AND FAMILIES FROM PRENATAL
17 THROUGH EIGHT YEARS OF AGE. THE MODEL MUST INCLUDE PROVISIONS
18 THAT ENSURE MENTAL HEALTH CONSULTANTS MAY WORK WITH A
19 DIVERSITY OF PROFESSIONALS AND CAREGIVERS, INCLUDING BUT NOT
20 LIMITED TO EARLY CHILD CARE AND EDUCATION TEACHERS AND
21 PROVIDERS, ELEMENTARY SCHOOL TEACHERS AND ADMINISTRATORS,
22 HOME VISITORS, CHILD WELFARE CASEWORKERS, PUBLIC HEALTH
23 PROFESSIONALS, AND HEALTH CARE PROFESSIONALS, INCLUDING WOMEN'S
24 HEALTH CARE.
25 (f) ANTICIPATED OUTCOMES THAT THE PROGRAM AND MENTAL
26 HEALTH CONSULTANTS SHOULD ACHIEVE, INCLUDING:
27 (I) PROMOTING SOCIAL-EMOTIONAL GROWTH AND DEVELOPMENT

1 OF CHILDREN;

2 (II) PROVIDING GUIDANCE TO PROFESSIONALS AND CAREGIVERS
3 ABOUT EFFECTIVE WAYS TO SUPPORT CHILDREN'S POSITIVE BEHAVIOR AND
4 DEVELOPMENT;

5 (III) UNDERSTANDING THE EFFECTS OF TRAUMA AND ADVERSITY
6 ON THE DEVELOPING BRAIN TO ULTIMATELY REDUCE CHALLENGING
7 BEHAVIORS AND INCREASE POSITIVE EARLY EXPERIENCES;

8 (IV) PROMOTING HIGH QUALITY INTERACTIONS AND
9 RELATIONSHIPS BETWEEN CHILDREN AND ADULTS;

10 (V) SUPPORTING THE MENTAL HEALTH AND WELL-BEING OF
11 ADULTS WHO CARE FOR CHILDREN;

12 (VI) CONNECTING CHILDREN, FAMILIES, AND PROVIDERS TO
13 PROGRAMS, RESOURCES, AND SUPPORTS THAT WILL ASSIST THEM IN THEIR
14 DEVELOPMENT AND SUCCESS WHILE ADDRESSING BARRIERS TO ACCESSING
15 SUCH RESOURCES AND SUPPORTS; AND

16 (g) GUIDANCE ON APPROPRIATE RATIOS OF MENTAL HEALTH
17 CONSULTANTS AND THE SETTINGS THEY SUPPORT, AS WELL AS CASELOAD
18 EXPECTATIONS.

19 **26-6.5-404. Statewide professional development plan for early**
20 **childhood mental health consultants.** (1) ON OR BEFORE JULY 1, 2021,
21 THE DEPARTMENT SHALL DEVELOP A STATEWIDE PROFESSIONAL
22 DEVELOPMENT PLAN TO SUPPORT MENTAL HEALTH CONSULTANTS IN
23 MEETING THE EXPECTATIONS SET FORTH IN THE MODEL OF CONSULTATION
24 DESCRIBED IN SECTION 26-6.5-403, REFERRED TO IN THIS SECTION AS "THE
25 PLAN". IN DEVELOPING THE PLAN, THE DEPARTMENT SHALL WORK
26 COLLABORATIVELY, TO THE EXTENT PRACTICABLE, WITH THE NATIONAL
27 CENTER OF EXCELLENCE FOR INFANT AND EARLY CHILDHOOD MENTAL

1 HEALTH CONSULTATION FUNDED BY THE UNITED STATES DEPARTMENT OF
2 HEALTH AND HUMAN SERVICES. THE DEPARTMENT MAY IMPLEMENT THE
3 PLAN IN PARTNERSHIP WITH NONPROFITS, INSTITUTIONS OF HIGHER
4 EDUCATION, AND CREDENTIALING PROGRAMS FOCUSED ON INFANT AND
5 EARLY CHILDHOOD MENTAL HEALTH.
6 (2) THE PLAN MUST INCLUDE, AT A MINIMUM, TRAINING RELATED
7 TO:
8 (a) TRAUMA AND TRAUMA-INFORMED PRACTICES;
9 (b) ADVERSE CHILDHOOD EXPERIENCES;
10 (c) RESILIENCE;
11 (d) CHILD DEVELOPMENT THROUGH EIGHT YEARS OF AGE;
12 (e) EFFECTS OF CAREGIVER SUBSTANCE ABUSE;
13 (f) SENSORY PROCESSING ISSUES;
14 (g) NEEDS OF CHILDREN WITH DISABILITIES, INCLUDING SPECIAL
15 EDUCATION LAW;
16 (h) COLORADO'S CHILD PROTECTION AND FOSTER CARE SYSTEM;
17 (i) OCCUPATIONAL THERAPY, SPEECH THERAPY, PHYSICAL
18 THERAPY, AND MENTAL HEALTH THERAPY;
19 (j) OTHER PUBLIC AND PRIVATE SUPPORTS AND SERVICES;
20 (k) EARLY CHILDHOOD SOCIAL-EMOTIONAL DEVELOPMENT AND
21 FAMILY SYSTEMS; AND
22 (l) CONSULTATION AS A MODEL OF ADULT LEARNING.
23 (3) THE PLAN MUST ALSO:
24 (a) ALLOW MENTAL HEALTH CONSULTANTS TO RECEIVE
25 REGIONALLY APPROPRIATE AND CULTURALLY RESPONSIVE PROGRAMS TO
26 BEST LINK THEM TO THE CHILDREN AND FAMILIES IN THEIR COMMUNITIES
27 AND THEIR UNIQUE NEEDS;

(b) INCLUDE STRATEGIES FOR MENTAL HEALTH CONSULTANTS TO ESTABLISH INDIVIDUALIZED COACHING AS REQUESTED BY TEACHERS, CAREGIVERS, AND FAMILIES; AND

(c) PROVIDE OPPORTUNITIES FOR REGULAR SUPPORT MEETINGS BETWEEN MENTAL HEALTH CONSULTANTS, SUPERVISORS, AND PEER MENTAL HEALTH CONSULTANTS.

26-6.5-405. Statewide certification process for early childhood mental health consultants - published list. ON OR BEFORE JULY 1, 2022, THE DEPARTMENT SHALL ESTABLISH A STATEWIDE CERTIFICATION PROCESS FOR EARLY CHILDHOOD MENTAL HEALTH CONSULTANTS. THE DEPARTMENT SHALL PUBLISH, ON A PUBLICLY ACCESSIBLE WEBSITE, A LIST OF CERTIFIED MENTAL HEALTH CONSULTANTS WHO HAVE VOLUNTARILY AGREED TO BE ON SUCH LIST. THE LIST MUST INCLUDE WAYS VARIOUS EARLY CHILDHOOD PROVIDERS CAN READILY ACCESS A CERTIFIED MENTAL HEALTH CONSULTANT. THE LIST MUST ALSO BE AVAILABLE TO ENTITIES THAT PROVIDE INFRASTRUCTURE AND SUPPORT FOR MENTAL HEALTH CONSULTANTS.

26-6.5-406. Data collection - reporting. (1) ON OR BEFORE JULY 1, 2022, THE DEPARTMENT SHALL DEVELOP A STATEWIDE DATA COLLECTION AND INFORMATION SYSTEM TO ANALYZE IMPLEMENTATION DATA AND SELECTED OUTCOMES TO IDENTIFY AREAS FOR IMPROVEMENT, PROMOTE ACCOUNTABILITY, AND PROVIDE INSIGHTS TO CONTINUALLY IMPROVE CHILD OUTCOMES. THE DATA COLLECTION AND INFORMATION SYSTEM, AND ANY RELATED PROCESSES, MUST PLACE THE LEAST BURDEN POSSIBLE ON THE MENTAL HEALTH CONSULTANTS.

(2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE DEPARTMENT SHALL, BEGINNING IN 2022 AND CONTINUING EVERY TWO

1 YEARS THEREAFTER, IN ITS PRESENTATION TO THE JOINT BUDGET
2 COMMITTEE OF THE GENERAL ASSEMBLY, AS WELL AS ITS PRESENTATION
3 TO ITS COMMITTEE OF REFERENCE AT A HEARING HELD PURSUANT TO
4 SECTION 2-7-203 (2)(a) OF THE "STATE MEASUREMENT FOR
5 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
6 GOVERNMENT ACT" IN JANUARY 2026, REPORT ON THE FOLLOWING
7 ISSUES:
8 (a) A GAP ANALYSIS OF THE AVAILABLE NUMBER OF MENTAL
9 HEALTH CONSULTANTS AND THE UNMET NEED; AND
10 (b) IDENTIFIED ADJUSTMENTS TO BETTER MEET MENTAL HEALTH
11 CONSULTANT CASELOAD, WITH THE DEPARTMENT IDENTIFYING A TARGET
12 NUMBER OF NEEDED CONSULTANTS.
13 (3) ON OR BEFORE AUGUST 1, 2025, THE DEPARTMENT SHALL
14 CONTRACT WITH AN INDEPENDENT THIRD PARTY TO CONDUCT AN
15 EVALUATION, USING STANDARD EVALUATION MEASURES, OF THE
16 PROGRAM AND ITS IMPACT ON EARLY CHILDHOOD AND PROGRAM
17 OUTCOMES ACROSS THE STATE. THE DEPARTMENT SHALL PRESENT THE
18 RESULTS OF THE EVALUATION AS PART OF ITS PRESENTATION TO ITS
19 COMMITTEE OF REFERENCE AT A HEARING HELD PURSUANT TO SECTION
20 2-7-203 (2)(a) OF THE "STATE MEASUREMENT FOR ACCOUNTABLE,
21 RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" IN
22 JANUARY 2026.
23 **26-6.5-407. Funding support.** THE DEPARTMENT OF HUMAN
24 SERVICES AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
25 SHALL EXPLORE FUNDING OPTIONS FOR THE PROGRAM AND GENERALLY
26 IMPROVING ACCESS TO MENTAL HEALTH CONSULTANTS, INCLUDING
27 ACCESSING VARIOUS FUNDING SOURCES, AS WELL AS THE CHILDREN'S

1 BASIC HEALTH PLAN, AS DEFINED IN ARTICLE 8 OF TITLE 25.5, AND
2 MEDICAID. THE TWO DEPARTMENTS SHALL REPORT, ON OR BEFORE
3 JANUARY 1, 2022, ON ANY SUCH OPTIONS TO THE JOINT BUDGET
4 COMMITTEE OF THE GENERAL ASSEMBLY AS NECESSARY THEREAFTER, IN
5 ACCORDANCE WITH THE PROVISIONS OF SECTION 24-1-136.
6 **SECTION 2. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2020 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.

Section 26-6.5-203, C.R.S.

26-6.5-203. Early childhood and school readiness legislative commission - creation - membership - duties - funding.

(1) (a) There is created a legislative commission for policy improvement related to early childhood and school readiness, including the areas of health, mental health, parental involvement, family support, child care, and early learning, referred to in this article as the "commission".

(b) The commission consists of six members, appointed for terms of three years; except that, of the members first appointed, two members shall be appointed for one-year terms, two members shall be appointed for two-year terms, and two members shall be appointed for three-year terms. The appointing authorities shall jointly determine which commission members serve reduced terms. Each commission member serves at the pleasure of the applicable appointing authority. Vacancies shall be filled by appointment of the original appointing authority for the remainder of the unexpired term. Initial appointments to the commission shall be made on or before July 1, 2013, as follows:

(I) The president of the senate shall appoint two senators to serve on the commission, one of whom serves on the senate education committee, or any successor committee, and one of whom serves on the senate health and human services committee, or any successor committee;

(II) The minority leader of the senate shall appoint one senator to serve on the commission who also serves on the senate education committee, or any successor committee;

(III) The speaker of the house of representatives shall appoint two representatives to serve on the commission, one of whom serves on the education committee of the house of representatives, or any successor committee, and one of whom serves on the public health care and human services committee of the house of representatives, or any successor committee; and

(IV) The minority leader of the house of representatives shall appoint one representative to serve on the commission who also serves on the education committee of the house of representatives, or any successor committee.

(c) The president of the senate shall select the first chair of the commission, and the speaker of the house of representatives shall select the first vice-chair. The chair and vice-chair shall alternate annually thereafter between the two houses. The chair and vice-chair of the commission may establish such organizational and procedural rules as are necessary for the operation of the commission.

(d) The members of the commission shall receive compensation and reimbursement for expenses incurred in fulfilling the duties of the commission as provided in section 2-2-326, C.R.S.

(2) (a) The commission may meet at least four times annually. The director of research of the legislative council and the director of the office of legislative legal services shall provide staff assistance to the interim committee. The commission shall study issues concerning early childhood and school readiness, including but not limited to health care, mental health, parental involvement, family support, child care, and early learning. The commission shall solicit input from members of the public, especially those individuals with expertise related to early childhood and school readiness issues, to aid the commission in its work. The

commission shall consult with the early childhood leadership commission, created in section 26-6.2-103, with regard to policies concerning early childhood and school readiness.

(b) The commission may accept in-kind donations in the form of administrative support from one or more nonprofit organizations.

(c) The commission shall report to the legislative council by the date specified in Joint Rule 24 (b)(1)(D). The report may include recommendations for legislation, including but not limited to legislation continuing the commission and an explanation of the additional time and procedures that the commission may require to achieve the commission's study goals. Legislation that the commission recommends shall be treated as legislation recommended by an interim committee for the purposes of the introduction deadlines and bill limitations imposed by the joint rules of the senate and house of representatives.

History

Source: L. 2013: Entire part RC&RE, (HB13-1007), ch. 367, p. 2146, Section 1, effective June 5; (2)(a) amended, (HB 13-1007), ch. 367, p. 2148, Section 3, effective July 1.L. 2014: (1)(d) amended, (SB 14-153), ch. 390, p. 1965, Section 26, effective June 6.L. 2018: (2)(a) amended, (SB 18-163), ch. 335, p. 2010, Section 2, effective May 30.

Energy Legislation Review Interim Study Committee

Members of the Committee

Representative Chris Hansen, Chair
Senator Mike Foote, Vice-Chair

Senator Steve Fenberg
Senator Ray Scott
Senator Faith Winter
Senator Rob Woodward

Representative Steve Humphrey
Representative Dominique Jackson
Representative Sonya Jaquez Lewis
Representative Perry Will

Legislative Council Staff

Erin Reynolds, Principal Fiscal Analyst
Matt Bishop, Research Analyst
Jeanette Chapman, Research Analyst

Office of Legislative Legal Services

Jennifer Berman, Senior Attorney
Gregg Fraser, Assistant Director
Duane Gall, Assistant Director
Jason Gelender, Managing Senior Attorney

November 2019

Energy Legislation Review Interim Study Committee

Committee Charge

The Energy Legislation Review Interim Study Committee is authorized to study the following policy issues:

- electric grid interconnection;
- electric vehicle market adoption factors;
- energy supply and transmission planning;
- grid security;
- distributed generation options;
- energy market transitions;
- clean energy job creation and the impact to jobs as a result of changing energy markets;
- climate change policy options;
- demand-side management; and
- energy storage policy.

Committee Activities

The committee met four times during the 2019 interim. Two of its meetings were held at the State Capitol Building in Denver and two were held offsite in Fort Morgan and Grand Junction.

First Meeting—State Capitol Building, Denver. The committee heard presentations on the topics of grid interconnection, electric resource planning, performance-based regulations, and the utilities of the future from a variety of organizations. It also conducted a site visit to Xcel Energy's control center in downtown Denver.

Second Meeting—Morgan County Administration Building, Fort Morgan. The committee heard presentations from local government representatives and renewable energy advocates. It also conducted site visits to Xcel Energy's Pawnee Generating Station in Brush and NextEra Energy Resources' wind project in Limon.

Third Meeting—Colorado Mesa University, Grand Junction. The committee heard presentations from rural and cooperative electric associations, local government representatives, academics, economists, and consultants on energy market transitions. It also conducted site visits to the Ute Water Conservancy District's hydroelectric facility in Palisade and the Vista net-zero all-electric community in Basalt.

Fourth Meeting—State Capitol Building, Denver. The committee heard presentations from rural electric associations, wholesale energy providers, community choice energy advocates, renewable energy advocates, oil and gas regulators, and solar energy providers. It also conducted site visits to the Metro Wastewater Reclamation District wastewater treatment plant and to an Extraction Oil and Gas site.

Committee Recommendations

As a result of committee discussion and deliberation, the Energy Legislation Review Interim Study Committee recommends the following three bills for consideration in the 2020 legislative session.

Bill A—*Valuation of Energy Storage Equipment.* Beginning January 1, 2020, this bill requires that energy storage equipment owned or operated by a utility is state assessed for property tax valuation in a similar manner to renewable energy facility properties.

Bill B—*Statewide Biodiesel Blend Requirement for Diesel Sales.* Beginning in 2021, this bill requires petroleum diesel sold in Colorado between June 1 and September 15 each year to be blended with a percentage of biodiesel and phases in an implementation schedule. Diesel must be blended with at least 5 percent biodiesel (B5) by June 1, 2021, and with at least 10 percent biodiesel (B10) by June 1, 2023. The Air Quality Control Commission in the Department of Public Health and Environment, in consultation with the Division of Oil and Public Safety in the Department of Labor and Employment, must promulgate rules to establish processes related to waivers and labeling, and may establish other rules as necessary to implement the bill.

Bill C—*Transmit Renewable Energy Conservation Easements.* The bill allows conservation easements to permit the placement of electric transmission lines used primarily to transmit renewable energy across the property subject to the easement. The line design and placement must be appropriate for the property and consistent with the primary conservation purposes of the easement.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL A

LLS NO. 20-0338.04 Jason Gelender x4330 **HOUSE BILL**

HOUSE SPONSORSHIP

Hansen and Jackson, Jaquez Lewis

SENATE SPONSORSHIP

Winter and Tate, Foote

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING THE VALUATION OF PROPERTY USED TO STORE**
102 **ELECTRICITY.**

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/.)

Energy Legislation Review Interim Study Committee. The bill ensures that clean energy resources and energy storage systems used to store electricity are assessed for valuation for the purpose of property taxation in a similar manner to renewable energy facility property used to generate and deliver electricity.

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

SECTION 1. In Colorado Revised Statutes, 39-4-101, **amend** the introductory portion, (2.4), (3), (3.5), and (4); and **add** (2.6) and (2.7) as follows:

39-4-101. Definitions. As used in this article ***4***, unless the context otherwise requires:

(2.4) ~~"Geothermal energy facility" means a new facility first placed in production on or after January 1, 2010, that uses real and personal property, including but not limited to leaseholds and easements, to generate and deliver to the interconnection meter any source of electrical or mechanical energy by harnessing the heat energy of groundwater or the ground and that is not primarily designed to supply electricity for consumption on site~~ "CLEAN ENERGY RESOURCE" HAS THE SAME MEANING AS SET FORTH IN SECTION 40-2-125.5 (2)(b).

(2.6) "ENERGY STORAGE SYSTEM" MEANS COMMERCIALLY AVAILABLE TECHNOLOGY THAT IS CAPABLE OF RETAINING ELECTRICITY, STORING THE ENERGY FOR A PERIOD OF TIME, AND DELIVERING THE ELECTRICITY AFTER STORAGE BY CHEMICAL, THERMAL, MECHANICAL, OR OTHER MEANS. "ENERGY STORAGE SYSTEM" DOES NOT INCLUDE A SOLAR ENERGY FACILITY, AS DEFINED IN SUBSECTION (3.5) OF THIS SECTION, OR A WIND ENERGY FACILITY, AS DEFINED IN SUBSECTION (4) OF THIS SECTION.

(2.7) "GEOTHERMAL ENERGY FACILITY" MEANS A NEW FACILITY FIRST PLACED IN PRODUCTION ON OR AFTER JANUARY 1, 2010, THAT USES REAL AND PERSONAL PROPERTY, INCLUDING BUT NOT LIMITED TO LEASEHOLDS AND EASEMENTS, TO GENERATE AND DELIVER TO THE

INTERCONNECTION METER ANY SOURCE OF ELECTRICAL OR MECHANICAL ENERGY BY HARNESSING THE HEAT ENERGY OF GROUNDWATER OR THE GROUND AND THAT IS NOT PRIMARILY DESIGNED TO SUPPLY ELECTRICITY FOR CONSUMPTION ON SITE.

(3) (a) "Public utility" means, for property tax years commencing on or after January 1, 1987, every sole proprietorship, firm, limited liability company, partnership, association, company, or corporation, and the trustees or receivers thereof, whether elected or appointed, that does business in this state as a railroad company, airline company, electric company, small or low impact hydroelectric energy facility, geothermal energy facility, biomass energy facility, wind energy facility, solar energy facility, ENERGY STORAGE SYSTEM, CLEAN ENERGY RESOURCE, rural electric company, telephone company, telegraph company, gas company, gas pipeline carrier company, domestic water company selling at retail except nonprofit domestic water companies, pipeline company, coal slurry pipeline, or private car line company.

(b) On and after January 1, 2010, for purposes of this article ***4***, "public utility" ~~shall~~ DOES not include any affiliate or subsidiary of a sole proprietorship, firm, limited liability company, partnership, association, company, or corporation of any type of company described in ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION that is not doing business in the state primarily as a railroad company, airline company, electric company, small or low impact hydroelectric energy facility, geothermal energy facility, biomass energy facility, wind energy facility, solar energy facility, ENERGY STORAGE SYSTEM, CLEAN ENERGY RESOURCE, rural electric company, telephone company, telegraph company, gas company, gas pipeline carrier company, domestic water

company selling at retail except nonprofit domestic water companies, pipeline company, coal slurry pipeline, or private car line company. Valuation and taxation of any such affiliate or subsidiary of a public utility as defined in ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION shall be assessed pursuant to article 5 of this title ***39.***

(3.5) "Solar energy facility" means a new facility first placed in production on or after January 1, 2009, that uses real and personal property, including but not limited to one or more solar energy devices, as defined in section 38-32.5-100.3 (2), ~~C.R.S.,~~ leaseholds, and easements, to generate and deliver to the interconnection meter any source of electrical, thermal, or mechanical energy in excess of two megawatts by harnessing the radiant energy of the sun, INCLUDING ANY CONNECTED DEVICE FOR WHICH THE PRIMARY PURPOSE IS TO STORE ENERGY, and that is not primarily designed to supply electricity for consumption on site.

(4) "Wind energy facility" means a new facility first placed in production on or after January 1, 2006, that uses property, real and personal, including one or more wind turbines, leaseholds, and easements, to generate and deliver to the interconnection meter any source of electrical or mechanical energy in excess of two megawatts by harnessing the kinetic energy of the wind, INCLUDING ANY CONNECTED DEVICE FOR WHICH THE PRIMARY PURPOSE IS TO STORE ENERGY.

SECTION 2. In Colorado Revised Statutes, 39-4-102, **amend** (1)(e)(I)(A) and (1.5)(b)(IV); and **add** (1.5)(e) as follows:

39-4-102. Valuation of public utilities - definition. (1) The administrator shall determine the actual value of the operating property and plant of each public utility as a unit, giving consideration to the

following factors and assigning such weight to each of such factors as in the administrator's judgment will secure a just value of such public utility as a unit:

(e) (I) When determining the actual value of a renewable energy facility that primarily produces more than two megawatts of alternating current electricity, the administrator shall:

(A) Consider the additional incremental cost per kilowatt of the construction of the renewable energy facility, TAKING INTO ACCOUNT THE NAMEPLATE CAPACITY OF ANY ENERGY STORAGE SYSTEM IN ADDITION TO GENERATION CAPACITY, over that of the construction cost of a comparable nonrenewable energy facility, inclusive of the cost of all property required to generate and deliver energy to the interconnection meter, that primarily produces alternating current electricity to be an investment cost and shall not include ~~such~~ THE additional incremental cost in the valuation of the facility; and

(1.5) The administrator shall determine the actual value of a small or low impact hydroelectric energy facility, a geothermal energy facility, a biomass energy facility, a wind energy facility, or a solar energy facility as follows:

(b) (IV) As used in this ~~paragraph (b)~~ SUBSECTION (1.5)(b)(IV), "tax factor" means a factor annually established by the administrator. The tax factor ~~shall be~~ IS a number that when applied to the selling price at the interconnection meter results in approximately the same tax revenue over a twenty-year period on a nominal dollar basis that would have been collected using the cost basis method of taxation as determined by the administrator for a renewable energy facility pursuant to ~~paragraph (e) of subsection (1)~~ SUBSECTION (1)(e) of this section. For a renewable energy

facility that begins generating energy before January 1, 2012, the administrator shall include only the cost of all property required to generate and deliver renewable energy to the interconnection meter that does not exceed the cost of property required to generate nonrenewable energy. For a renewable energy facility that begins generating energy on or after January 1, 2012, the administrator shall include only the cost of all property required to generate, STORE, and deliver renewable energy to the interconnection meter that does not exceed the cost of property required to generate and deliver nonrenewable energy to the interconnection meter.

(e) THE ADMINISTRATOR SHALL DETERMINE THE ACTUAL VALUE OF AN ENERGY STORAGE SYSTEM OR CLEAN ENERGY RESOURCE IN A MANNER SIMILAR TO THE METHOD USED FOR A SMALL OR LOW IMPACT HYDROELECTRIC ENERGY FACILITY, A WIND ENERGY FACILITY, A GEOTHERMAL ENERGY FACILITY, A BIOMASS ENERGY FACILITY, OR A SOLAR ENERGY FACILITY UNDER SUBSECTION (1)(e) OF THIS SECTION AND THIS SUBSECTION (1.5).

SECTION 3. Act subject to petition - effective date. This act takes effect January 1, 2021; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL B

LLS NO. 20-0339.01 Jennifer Berman x3286 **SENATE BILL**

SENATE SPONSORSHIP

Fenberg, Winter

HOUSE SPONSORSHIP

Jaquez Lewis,

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING THE ESTABLISHMENT OF A STATEWIDE STANDARD FOR**
102 **THE SALE OF BIODIESEL-BLENDED DIESEL FUEL IN COLORADO.**

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/.)

Energy Legislation Review Interim Study Committee. The bill requires that all diesel fuel sold or offered for sale in Colorado between June 1 and September 15 of each year, commencing June 1, 2021, be blended with and contain at least 5% biodiesel and that all diesel fuel sold or offered for sale in Colorado between June 1 and September 15 of each year, commencing June 1, 2023, be blended with and contain at least 10%

biodiesel.

The air quality control commission, in consultation with the director of the division of oil and public safety in the department of labor and employment, shall promulgate rules regarding the blending standard, including rules to establish a waiver process and to require labeling of biodiesel-blended fuel to reflect the percentage of biodiesel included in the blended fuel.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25-7-141 as
3 follows:

4 **25-7-141. Statewide biodiesel-blended fuel standard -**
5 **definitions - rules.** (1) (a) EXCEPT AS PROVIDED BY RULES
6 PROMULGATED PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION:

7 (I) ON OR AFTER JUNE 1, 2021, ALL DIESEL FUEL SOLD OR OFFERED
8 FOR SALE IN COLORADO FROM JUNE 1 THROUGH SEPTEMBER 15 MUST BE
9 BLENDED WITH AND CONTAIN AT LEAST FIVE PERCENT BIODIESEL; AND

10 (II) ON OR AFTER JUNE 1, 2023, ALL DIESEL FUEL SOLD OR OFFERED
11 FOR SALE IN COLORADO FROM JUNE 1 THROUGH SEPTEMBER 15 MUST BE
12 BLENDED WITH AND CONTAIN AT LEAST TEN PERCENT BIODIESEL.

13 (b) THE COMMISSION, IN CONSULTATION WITH THE DIRECTOR:

14 (I) SHALL PROMULGATE RULES TO:

15 (A) ESTABLISH A WAIVER PROCESS BY WHICH A DISTRIBUTOR OR
16 RETAILER OF DIESEL FUEL MAY SEEK A TEMPORARY WAIVER FROM THE
17 REQUIREMENTS SET FORTH IN SUBSECTION (1)(a) OF THIS SECTION FOR
18 GOOD CAUSE SHOWN, SUCH AS DEMONSTRATING AN EXTREME DISRUPTION
19 IN THE SUPPLY OF BIODIESEL OR EXTREME WEATHER CONDITIONS; AND

20 (B) REQUIRE THE LABELING OF BIODIESEL-BLENDED FUEL TO
21 REFLECT THE PERCENTAGE OF BIODIESEL INCLUDED IN THE BLENDED FUEL;
22 AND

(II) MAY PROMULGATE RULES AS THE COMMISSION DEEMS NECESSARY TO IMPLEMENT THIS SECTION, WHICH RULES MAY INCLUDE ACCELERATING THE TIMELINE FOR INCREASING THE BLENDING STANDARD OR FURTHER INCREASING THE BLENDING STANDARD.

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

(a) "BIODIESEL" MEANS FUEL COMPOSED OF MONO-ALKYL ESTERS OF LONG CHAIN FATTY ACIDS DERIVED FROM PLANT OR ANIMAL MATTER THAT MEETS THE MOST CURRENT SPECIFICATIONS FOR ASTM D6751, WHICH IS THE STANDARD SPECIFICATION FOR BIODIESEL FUEL BLEND STOCK (B100) FOR MIDDLE DISTILLATE FUELS, AND ASTM D7467, WHICH IS THE STANDARD SPECIFICATION FOR DIESEL FUEL OIL, BIODIESEL BLEND (B6 TO B20).

(b) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY CREATED IN SECTION 8-20-101.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL C

LLS NO. 20-0340.01 Gregg Fraser x4325 **SENATE BILL**

SENATE SPONSORSHIP

Winter and Tate,

HOUSE SPONSORSHIP

Hansen,

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING THE TRANSMISSION OF RENEWABLE ENERGY THROUGH**
102 **TRANSMISSION LINES THAT CROSS PROPERTY SUBJECT TO A**
103 **CONSERVATION EASEMENT.**

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/.)

Energy Legislation Review Interim Study Committee. A conservation easement is an agreement in which a property owner agrees to limit the use of his or her land in perpetuity in order to protect one or more specified conservation purposes. The bill specifically authorizes conservation easements to permit electric transmission lines that transmit

renewable energy across the land subject to the easement if it is appropriate and consistent with the conservation purposes of the conservation easement.

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

2 **SECTION 1.** In Colorado Revised Statutes, 38-30.5-104, **add** (6)
3 as follows:

4 **38-30.5-104. Creation of conservation easements in gross.**
5 (6) A CONSERVATION EASEMENT IN GROSS MAY PERMIT, OR MAY BE
6 SUBSEQUENTLY MODIFIED BY THE OWNER OF THE PROPERTY ENCUMBERED
7 BY THE EASEMENT AND THE HOLDER OF THE EASEMENT TO PERMIT, THE
8 PLACEMENT OF ELECTRIC TRANSMISSION LINES THAT ARE USED PRIMARILY
9 TO TRANSMIT RENEWABLE ENERGY ACROSS LAND SUBJECT TO THE
10 CONSERVATION EASEMENT. THE DESIGN AND PLACEMENT OF THE
11 TRANSMISSION LINES MUST BE APPROPRIATE FOR THE SPECIFIC PROPERTY
12 AND MUST BE CONSISTENT WITH THE SIGNIFICANT CONSERVATION
13 PURPOSES OF THE CONSERVATION EASEMENT IN GROSS.

14 **SECTION 2. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2020 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.

COLORADO GENERAL ASSEMBLY

EXECUTIVE COMMITTEE
Sen. Leroy Garcia, Chair
Rep. KC Becker, Vice Chair
Sen. Stephen Fenberg
Rep. Alec Garnett
Sen. Chris Holbert
Rep. Patrick Neville

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LEGISLATIVE COUNCIL

ROOM 029 STATE CAPITOL
DENVER, COLORADO 80203-1784
E-mail: lcs.ga@state.co.us
303-866-3521 FAX: 303-866-3855

This letter reflects the authorization for the committee as approved by Legislative Council at its meeting on April 25, 2019.

To: Legislative Council

Requested by: Representative Hansen
With support of: Representative Jackson; also Senators Foote and Winter

Re: Request for interim study committee regarding energy legislation

Date: 4/25/2019

Information Required Pursuant to Section 2-3-303.3, C.R.S.

I hereby request that an interim study committee be formed to study energy policy and legislation during the interim between the 2019 and 2020 legislative sessions. The interim study committee would be named the "Energy Legislation Review Interim Study Committee."

The policy issues to be studied are:

- electric grid interconnection;
- electric vehicle market adoption factors;
- energy supply and transmission planning;
- grid security;
- distributed generation options;
- energy market transitions;
- clean energy job creation and the impact to jobs as a result of changing energy markets;
- climate change policy options;
- demand-side management; and
- energy storage policy.

The interim study committee would need to meet 4 times to study the issues.

The interim study committee should consist of 10 members of the General Assembly selected as follows:

- 5 members of the Senate, with 3 appointed by the President of the Senate and 2 appointed by the minority leader of the Senate.

- 5 members of the House of Representatives, with 3 appointed by the Speaker of the House of Representatives and 2 appointed by the minority leader of the House of Representatives.

The chair shall be a House member appointed by the Speaker of the House and the vice-chair shall be a Senate member appointed by the Senate President.

The appointments must be made by June 1, 2019.

Nonlegislative members will not have a role in the interim study committee.

A task force is not necessary to assist the interim study committee in studying the scope of policy issues described above.

The interim study committee will need 3 bills to address the issues it studies.

Additional Information Related to the Interim Study Committee Request

The Colorado Energy Office, Department of Local Affairs, Attorney General's Office, and the Department of Natural Resources, as well as experts in the fields of energy resources, conservation, quality, reliability, use, finance, or development, may be called upon to provide assistance or information to the interim study committee.

The interim study committee would like to conduct 2 meetings outside of the Denver metropolitan area to take field trips to better understand energy development, grid security, energy supply and transmission planning, and other issues that affect energy policy in Colorado.

Thank you for your consideration of this request.

Investor-owned Utility Review Interim Study Committee

Members of the Committee

President Leroy Garcia, Jr., Chair
Representative Chris Kennedy, Vice-Chair

Senator Dennis Hisey
Senator Robert Rodriguez
Councilman Larry Atencio
Commissioner Terry Hart
Kurt Morrison
Emily Tracy

Representative Edie Hooton
Representative Tim Geitner
Jennifer Smith Gremmert
Larry Miloshevich
Anne Stattelman
Brooke Trammell

Legislative Council Staff

Katie Ruedebusch, Fiscal Analyst
Vanessa Reilly, Senior Research Analyst
Max Nardo, Fiscal Analyst

Office of Legislative Legal Services

Duane Gall, Assistant Director
Jennifer Berman, Senior Attorney

November 2019

Investor-owned Utility Review Interim Study Committee

Committee Charge

The Investor-owned Utility Review Interim Study Committee is charged with examining the programs and practices of electric investor- owned utilities (IOUs) in Colorado, with a particular focus on issues involving consumer choice and affordability in electric supply including:

- the IOUs' administration of energy assistance programs and the sufficiency of those programs based on best practices;
- the IOUs' administration of time-of-day or time-of-use metering programs, including pilot programs;
- whether an audit of any IOU consumer programs is warranted and, if so, to formulate the document to request the audit;
- what new or augmented reports an IOU should be required to provide the Public Utilities Commission or the General Assembly; and
- the role of community-aggregated choice in the consumer price of energy.

Committee Activities

During the 2019 interim, the Investor-owned Utility Review Interim Study Committee held two meetings at the State Capitol. The following subsections discuss the committee's actions during the 2019 interim.

Public Utilities Commission and Colorado Energy Office. Representatives of the Public Utilities Commission (PUC) and the Colorado Energy Office (CEO) presented to the committee on the energy landscape in Colorado and the state's energy policies. The representative from the CEO discussed energy and technology trends, ratemaking, and greenhouse gas reduction. The representative from the PUC presented on the current energy landscape; ratemaking; the PUC's auditing authority; reporting by investor-owned utilities; municipal exit fees; private power companies; and community choice aggregation. The representatives of both organizations highlighted electric vehicle and battery storage trends.

Investor-owned Utilities. Representatives from Xcel Energy and Black Hills Energy, Colorado's two investor-owned utilities, presented to the panel about their operations in Colorado. Representatives from both organizations discussed ratemaking, electric rates, reporting requirements to the PUC, electric vehicles, and battery storage. Representatives from Black Hill Energy also provided an overview of the history of electric rates in southern Colorado and its customer-focused solutions.

Consumer choice. The committee heard presentations from panelists about energy consumer choice in Colorado. Representatives from the Office of Consumer Counsel, AARP, Colorado Energy Consumers, and Western Resource Advocates discussed a wide range of topics impacting retail and industrial energy consumers. The representative from the Office of Consumer Counsel highlighted the impacts of community choice aggregation on retail consumers in other states. The representative from AARP discussed community choice aggregation, as well as the effects of recent legislation on retail energy consumers. The representative from Colorado Energy Consumers discussed several recent legislative changes and highlighted some outstanding issues that could be addressed by the committee. The representative from Western Resources Advocates covered several topics, including clean energy, electric resource planning, Xcel Energy's Colorado Energy Plan, customer choice, and community choice aggregation. Parts of this discussion resulted in Bill A and Bill C.

Energy assistance programs. Representatives of the CEO, Energy Outreach Colorado, and the Department of Human Services (DHS) presented to the committee on energy assistance programs in Colorado. The representative from the CEO provided an overview of the Weatherization Assistance Program and highlighted its recent work. The representative from DHS gave an overview of the Low-Income Energy Assistance Program (LEAP), provided data on the number of citizens served, and discussed the relationship between LEAP and other energy assistance programs administered in Colorado. The representative from Energy Outreach Colorado discussed the organization's work and advocacy, along with highlighting the organization's crisis energy services, bill assistance, emergency heating services, energy efficiency, and long-term utility bill affordability. This discussion resulted in Bill B.

Colorado Rural Electric Association. Representatives of the Colorado Rural Electric Association presented to the committee on electric co-ops. In addition, representatives of two electric co-ops, San Isabel Electric Association and Intermountain Rural Electric Association, presented on their experience operating in Colorado. They discussed the mission, functioning, and infrastructure costs for electric co-ops. Several representatives highlighted the exploration of renewable energy by electric co-ops, along with discussing the structure of electric utilities in Colorado.

Electricity choice. Representatives from the National Conference on State Legislatures, Colorado Communities for Climate Action, City of Fort Collins Utilities Light and Power, and independent advocates presented on electricity choice in Colorado. Representatives discussed community choice aggregation, renewable energy initiatives, the current options for local jurisdictions to choose electric providers, and the work of community choice advocates.

Committee Recommendations

As a result of committee discussion and deliberation, the Investor-owned Utility Review Interim Study Committee recommends the following three bills for consideration in the 2020 legislative session.

Bill A — PUC Study of Community Choice Energy. The bill directs the PUC to evaluate the viability of the wholesale, opt-out model of community choice energy (CCE) in Colorado. CCE is defined as a mechanism that allows cities, counties, or groups of cities and counties, to combine their purchasing power and choose alternative electricity suppliers while the incumbent utility continues to own and operate the transmission and distribution system. The PUC is directed to study CCE through a third-party feasibility study and an investigatory docket.

Bill B — Energy Efficiency Improvement Programs Funding. Beginning in FY 2020-21, the bill establishes conditional annual transfers from the General Fund to both the Energy Outreach Colorado Low-income Energy Assistance Fund and the CEO Low-income Energy Assistance Fund. The transfers take place if the amount of severance tax revenue transferred to either fund in a given year falls below $1.0 million. The amount transferred to either fund is 75 percent of the difference between $1.0 million and the amount of severance tax received for the year. The conditional General Fund transfers are authorized for four years and are repealed on September 1, 2024.

Bill C — Consumer Protections For Utility Customers. The bill requires the PUC to collect information from utilities on medical exemptions from tiered electricity rates; to adopt standard practices for gas and electric utilities to follow when disconnecting service due to nonpayment; and to conduct a proceeding to evaluate a policy of requiring public utilities to report positive information to credit reporting agencies. The bill also prohibits public utilities from employing certain rate structures without obtaining opt-in from customers

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL A

LLS NO. 20-0252.01 Duane Gall x4335 **HOUSE BILL**

HOUSE SPONSORSHIP

Hooton, Kennedy

SENATE SPONSORSHIP

(None),

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING INVESTIGATIONS BY THE PUBLIC UTILITIES COMMISSION**
102 **TO EVALUATE THE IMPLICATIONS OF ALLOWING COMMUNITY**
103 **CHOICE OF WHOLESALE ELECTRIC SUPPLY IN COLORADO**
104 **THROUGH THE VEHICLE OF COMMUNITY CHOICE ENERGY**
105 **AUTHORITIES.**

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/.)

Investor-owned Utility Review Interim Study Committee. The bill declares that the concept of "community choice energy" (CCE), under

which a community may choose to purchase electricity at wholesale through a supplier other than the local investor-owned electric utility, has the potential to enable communities to meet their renewable energy goals and save money without disrupting the local utility's current status as sole supplier of transmission, distribution, and customer service functions. To lay the groundwork for potential adoption of CCE in Colorado, the bill proposes 2 studies:

- A feasibility study, conducted by an independent energy expert under the guidance of the public utilities commission (PUC), to examine the financial and technical requirements that would need to be met for CCE to be viable and beneficial; and
- An investigatory proceeding at the PUC, inviting testimony and documentation from persons with firsthand knowledge of utility operations, CCE, or both, including regulators from other states in which CCE has been implemented. The goal of the investigation is to identify best practices and recommend legislative changes that would allow CCE to function well in Colorado if adopted.

The bill directs that reports of the results of the feasibility study and the investigatory docket be given to the legislative committees with jurisdiction over energy matters in late 2020.

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

SECTION 1. In Colorado Revised Statutes, **add** 40-4-120 as follows:

40-4-120. Community choice in wholesale electric supply - investigation and analysis - duties of commission - reports - legislative declaration - definition - repeal. (1) **Legislative declaration.** (a) THE GENERAL ASSEMBLY FINDS AND DETERMINES THAT:

(I) AT LEAST A DOZEN COMMUNITIES IN COLORADO, KNOWN AS THE "READY FOR 100" CITIES, HAVE COMMITTED TO OBTAINING ONE HUNDRED PERCENT RENEWABLE ENERGY BY 2025 TO 2035. IN ADDITION, AT LEAST TWO DOZEN COMMUNITIES, KNOWN AS "COLORADO COMMUNITIES FOR CLIMATE ACTION", HAVE ORGANIZED TO ADVOCATE FOR CLIMATE CHANGE SOLUTIONS. THESE COMMUNITIES, WHICH

1 REPRESENT MORE THAN ONE MILLION COLORADANS, CANNOT REACH
2 THEIR ENERGY AND CLIMATE GOALS WITHIN THEIR DESIRED TIME PERIODS
3 UNLESS THEY ARE GIVEN GREATER CHOICE AND CONTROL OVER THEIR
4 WHOLESALE ELECTRICITY SUPPLY.
5 (II) A KEY ELEMENT OF THE GOVERNOR'S POLICY INITIATIVE,
6 ENTITLED "ROADMAP TO 100% RENEWABLE ENERGY BY 2040 AND BOLD
7 CLIMATE ACTION", PRIORITIZES SUPPORTING LOCAL COMMITMENTS TO
8 ONE HUNDRED PERCENT RENEWABLE ENERGY.
9 (III) THE ABILITY OF A COMMUNITY TO ACHIEVE ITS ENERGY
10 GOALS IS CURRENTLY LIMITED BY THE ENERGY SUPPLY AND
11 DECARBONIZATION TIMELINE OF THE ELECTRIC UTILITY THAT SERVES THAT
12 COMMUNITY'S GEOGRAPHIC AREA. THE ABILITY TO PROCURE ELECTRICITY
13 FROM ALTERNATIVE WHOLESALE SUPPLIERS MAY ENABLE COMMUNITIES
14 TO ACHIEVE THEIR ENERGY GOALS SUBSTANTIALLY FASTER AND MORE
15 COST-EFFECTIVELY.
16 (IV) THE STUDY OF COMMUNITY CHOICE ENERGY (CCE), ALSO
17 COMMONLY KNOWN AS COMMUNITY CHOICE AGGREGATION OR CCA,
18 WHICH IS A LOCAL ENERGY MODEL THAT HAS BEEN ADOPTED IN A NUMBER
19 OF STATES AND IS PROVING TO BE EFFECTIVE FOR COMMUNITIES IN
20 ACHIEVING THEIR RENEWABLE ENERGY GOALS, WOULD ANSWER KEY
21 QUESTIONS AND ILLUMINATE THE POTENTIAL BENEFITS AND CHALLENGES
22 OF ADAPTING THAT MODEL FOR USE IN COLORADO.
23 (V) UNDER CCE, COMMUNITIES MAY CHOOSE THEIR WHOLESALE
24 ELECTRICITY SUPPLIERS WHILE CONTINUING TO HAVE THE ELECTRICITY
25 DELIVERED BY THE INCUMBENT UTILITY. THE CCE OPTION ALLOWS
26 COMMUNITIES TO CHOOSE AMONG WHOLESALE POWER SUPPLIERS WITHOUT
27 INTERFERING WITH NON-PROCUREMENT-RELATED UTILITY OPERATIONS.

(VI) IN THE CCE SCENARIO, AN INVESTOR-OWNED ELECTRIC UTILITY WOULD CONTINUE TO OWN AND OPERATE ITS TRANSMISSION AND DISTRIBUTION SYSTEM, BUT THE UTILITY WOULD NO LONGER HAVE A MONOPOLY ON PROVIDING THE ELECTRICITY SUPPLY TO THE JURISDICTION. UTILITIES WOULD CONTINUE TO OWN THEIR POWER GENERATION, BUT IF A COMMUNITY CHOOSES TO ADOPT CCE IN PURSUIT OF MORE AFFORDABLE ELECTRICITY RATES AND MORE AGGRESSIVE RENEWABLE ENERGY OR OTHER GOALS, THE UTILITY WOULD DELIVER THE ELECTRICITY FROM ONE OR MORE ALTERNATIVE SUPPLIERS AND BE APPROPRIATELY COMPENSATED FOR ITS TRANSMISSION AND DISTRIBUTION SERVICES. IN THE WHOLESALE, OPT-OUT MODEL OF CCE, INDIVIDUAL CUSTOMERS ARE AUTOMATICALLY ENROLLED AND RETAIN THE RIGHT TO OPT OUT OF THEIR COMMUNITY'S CCE OFFERINGS AND RECEIVE ELECTRICITY SUPPLIED BY THE UTILITY UNDER ITS TRADITIONAL "BUNDLED SERVICE". THE GENERAL ASSEMBLY SPECIFICALLY FINDS THAT THE OPT-IN MODEL OF CCE, WHERE INDIVIDUAL CUSTOMERS ARE NOT AUTOMATICALLY ENROLLED IN CCE, IS A KNOWN RECIPE FOR FAILURE, AND THAT THE RETAIL MODEL OF CCE PRACTICED IN DEREGULATED RETAIL CHOICE STATES DOES NOT PROMOTE THE CONDITIONS NEEDED FOR DEVELOPMENT OF HIGH LEVELS OF RENEWABLE ENERGY.

(VII) A WELL-DESIGNED WHOLESALE, OPT-OUT CCE PROGRAM WOULD INTRODUCE AN ELEMENT OF WHOLESALE COMPETITION AND COMMUNITY-LEVEL CHOICE INTO THE SUPPLY OF ELECTRICITY, LIKELY DRIVING LOWER RATES AND CLEANER ENERGY, WHILE MAINTAINING THE VIABILITY AND STRENGTH OF COLORADO'S EXISTING INVESTOR-OWNED ELECTRIC UTILITIES AND WITHOUT IMPOSING ADDITIONAL COSTS ON THE UTILITY OR ITS BUNDLED-SERVICE CUSTOMERS. CCE COULD ALSO PROVIDE

COMMUNITIES THAT HAVE AMBITIOUS RENEWABLE ENERGY GOALS WITH A MEANS TO REACH THOSE GOALS MORE QUICKLY AND COST-EFFECTIVELY.

(VIII) THIS SECTION PERTAINS ONLY TO A STUDY OF CCE, NOT ITS IMPLEMENTATION. WHILE CCE SHOWS THE POTENTIAL TO ALLOW COLORADO COMMUNITIES TO MAKE LOCAL ENERGY DECISIONS, MEET THEIR ENERGY GOALS, REDUCE ENERGY COSTS, FOSTER LOCAL ECONOMIC DEVELOPMENT, AND KEEP ENERGY DOLLARS CIRCULATING LOCALLY, IT IS PRUDENT TO STUDY THE ECONOMIC AND TECHNICAL FEASIBILITY AND THE REGULATORY IMPLICATIONS AND LEGAL IMPACTS OF CCE BEFORE CONSIDERING CCE-ENABLING LEGISLATION.

(IX) CCE IS AN INNOVATIVE CONCEPT, WHICH OTHER STATES HAVE ALREADY SUCCESSFULLY IMPLEMENTED, GIVING COLORADO THE OPPORTUNITY TO IDENTIFY BEST PRACTICES AND LESSONS LEARNED FROM THEIR EXPERIENCES. THE TWO INDEPENDENT STUDIES DESCRIBED IN THIS SECTION WILL ANSWER KEY QUESTIONS ABOUT THE VIABILITY OF CCE IN COLORADO AND WILL AID IN DETERMINING THE OPTIMAL APPROACH FOR CCE LEGISLATION IN COLORADO IF THE STUDIES SHOW NET BENEFITS FOR COLORADO COMMUNITIES AND THE STATE. THE STUDIES WILL PROVIDE THE INFORMATION NEEDED TO DETERMINE WHETHER THE APPARENT PROMISE OF CCE FOR COLORADO'S ENERGY AND ECONOMIC FUTURE HAS MERIT.

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS IN THE PUBLIC INTEREST TO DIRECT THE COMMISSION TO EVALUATE THE VIABILITY OF THE WHOLESALE, OPT-OUT MODEL OF CCE IN COLORADO AND TO ANSWER KEY QUESTIONS ABOUT CCE IN COLORADO IN TWO SPECIFIC WAYS:

(I) BY OVERSEEING A THIRD-PARTY FINANCIAL AND TECHNICAL

1 FEASIBILITY STUDY; AND

2 (II) BY CONDUCTING ITS OWN INVESTIGATORY PROCEEDING USING
3 THE MECHANISM OF AN INVESTIGATORY DOCKET TO STUDY REGULATORY
4 AND LEGAL ISSUES.

5 (2) **Definition.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
6 OTHERWISE REQUIRES, "COMMUNITY CHOICE ENERGY" OR "CCE" MEANS
7 A MECHANISM THAT ALLOWS CITIES OR COUNTIES, OR GROUPS OF CITIES
8 AND COUNTIES, TO COMBINE THEIR PURCHASING POWER AND CHOOSE ONE
9 OR MORE ALTERNATIVE WHOLESALE ELECTRICITY SUPPLIERS ON BEHALF
10 OF THE RESIDENTS, BUSINESSES, AND MUNICIPAL FACILITIES IN THE
11 JURISDICTION WHILE THE INCUMBENT UTILITY CONTINUES TO OWN AND
12 OPERATE ITS TRANSMISSION AND DISTRIBUTION SYSTEM AND DELIVER THE
13 ELECTRICITY.

14 (3) **Feasibility study.** (a) IN ACCORDANCE WITH THIS SUBSECTION
15 (3), THE COMMISSION SHALL OVERSEE, AND REPORT TO THE GENERAL
16 ASSEMBLY THE CONCLUSIONS OF, A STUDY ON THE FINANCIAL AND
17 TECHNICAL FEASIBILITY OF ALLOWING CCE IN COLORADO.

18 (b) THE COMMISSION SHALL:

19 (I) SELECT, THROUGH A TRANSPARENT, COMPETITIVE PROCESS, AN
20 INDEPENDENT AND QUALIFIED AGENT TO PERFORM THE STUDY;

21 (II) DETERMINE THE SCOPE OF, AND SPECIFIC QUESTIONS TO BE
22 ADDRESSED BY, THE STUDY, SUBJECT TO THE GUIDELINES SET FORTH IN
23 THIS SUBSECTION (3);

24 (III) ACQUIRE THE DATA NECESSARY TO EFFECTIVELY CONDUCT
25 THE STUDY FROM THE INVESTOR-OWNED ELECTRIC UTILITIES IN A TIMELY
26 FASHION, UTILIZING CONFIDENTIALITY AND NONDISCLOSURE AGREEMENTS
27 ONLY IF CUSTOMER-SPECIFIC DATA ARE NEEDED; AND

(IV) REPORT THE PROCESS AND CONCLUSIONS OF THE STUDY, ON OR BEFORE NOVEMBER 30, 2020, TO THE TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE AND THE ENERGY AND ENVIRONMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES OR THEIR SUCCESSOR COMMITTEES.

(c) THE PURPOSE OF THE FINANCIAL COMPONENT OF THE STUDY IS TO ASSESS FINANCIAL FEASIBILITY AND RISK, INCLUDING THE POTENTIAL FOR RATE COMPETITIVENESS AND AN ESTIMATE OF THE AMOUNT AND DURATION OF ANY TRANSITION FEES, ALSO KNOWN AS EXIT FEES, THAT COMMUNITIES FORMING A CCE AUTHORITY WOULD PAY TO OFFSET THEIR FAIR SHARE OF THE COSTS OF UTILITY ASSETS AND CONTRACTS THAT WERE PROCURED ON THEIR BEHALF AND PREVIOUSLY APPROVED. THE AGENT SHALL MAKE THESE ASSESSMENTS USING INDUSTRY BEST PRACTICES AND ASSUMING A RANGE OF SCENARIOS THAT INCLUDE:

(I) THE LEVEL OF CCE PARTICIPATION IN COLORADO, INCLUDING BOTH THE NUMBER OF ELIGIBLE COMMUNITIES THAT CHOOSE TO FORM OR JOIN A CCE AUTHORITY AND THE ASSUMED OPT-OUT RATE OF THEIR CUSTOMERS, TO EVALUATE THE MARKET SCALE AND REVENUE GENERATION NEEDED FOR CCE TO SUCCEED IN COLORADO;

(II) ELEMENTS TO BE INCLUDED IN THE COST RECOVERY CONSIDERATION, INCLUDING THE AGE AND TIME OF SERVICE COMMENCEMENT OF GENERATION ASSETS AND EXISTING CONTRACTS; AND

(III) RATE ANALYSIS TO DETERMINE THE ABILITY OF CCE TO BE COST-COMPETITIVE IN COLORADO, INCLUDING CONSIDERATION OF REASONABLY ANTICIPATED TRENDS AND CONTINGENCIES AFFECTING THE PRICES OF FOSSIL FUELS AND RENEWABLE RESOURCES.

(d) THE PURPOSES OF THE TECHNICAL COMPONENT OF THE STUDY

ARE TO:

(I) PROVIDE INFORMATION ON REGULATORY AND POLICY CONSIDERATIONS FOR FORMING CCE AUTHORITIES IN A STATE THAT DOES NOT CURRENTLY BELONG TO A REGIONAL TRANSMISSION ORGANIZATION;

(II) RECOMMEND LEGISLATIVE LANGUAGE THAT:

(A) REAFFIRMS THE FEDERAL ENERGY REGULATORY COMMISSION'S ORDER 888, ISSUED APRIL 24, 1996, CONCERNING OPEN ACCESS TRANSMISSION TARIFFS; AND

(B) AUTHORIZES THE COMMISSION TO ESTABLISH FAIR TRANSMISSION ACCESS RULES AND PRICING;

(III) ASSESS THE IMPLICATIONS OF CCE FOR RESOURCE ADEQUACY AND RELIABILITY;

(IV) RECOMMEND LEGISLATIVE OR ADMINISTRATIVE MEASURES, OR BOTH, CONCERNING WHOLESALE MARKET ACCESS AND DEVELOPMENT IN COLORADO; AND

(V) CONSIDER OTHER LEGISLATIVE AND REGULATORY MODIFICATIONS NECESSARY TO SUCCESSFULLY IMPLEMENT CCE IN COLORADO.

(4) **Investigatory docket.** (a) ON OR BEFORE SEPTEMBER 1, 2020, AND IN ACCORDANCE WITH THIS SUBSECTION (4), THE COMMISSION SHALL OPEN AN INVESTIGATORY DOCKET TO ACCEPT TESTIMONY AND DOCUMENTATION FROM STAKEHOLDERS, INDEPENDENT ENERGY AND UTILITY EXPERTS, REGULATORS FROM STATES IN WHICH CCE HAS BEEN IMPLEMENTED OR IS UNDER CONSIDERATION, AND COMMISSION STAFF. THE GOAL OF THE PROCEEDING IS TO CONSIDER THE REGULATORY IMPLICATIONS AND LEGAL IMPACTS OF CCE LEGISLATION AND PROVIDE RECOMMENDATIONS TO THE GENERAL ASSEMBLY. CONCLUSIONS SHOULD

1 INCLUDE BEST PRACTICES AND LESSONS LEARNED FROM OTHER STATES
2 THAT HAVE ENABLED CCE AT THE WHOLESALE LEVEL. THE COMMISSION
3 SHALL EMPLOY PROCEDURES THAT PROMOTE A PRODUCTIVE, EFFECTIVE,
4 AND EVIDENCE-BASED PROCESS.
5 (b) THE COMMISSION SHALL SOLICIT INPUT FROM A BROADLY
6 INCLUSIVE RANGE OF STAKEHOLDERS AND PRESENTERS TO ENSURE THAT
7 THE PROCESS IS NOT DOMINATED BY ANY ONE GROUP OR VIEWPOINT.
8 STAKEHOLDERS AND PRESENTERS MAY INCLUDE:
9 (I) COMMUNITIES WITH DECLARED GOALS REGARDING CARBON
10 EMISSIONS OR ENERGY SUPPLY CHOICES;
11 (II) BUSINESS GROUPS;
12 (III) ENVIRONMENTAL ADVOCATES;
13 (IV) CONSUMER ADVOCATES;
14 (V) ELECTRIC UTILITIES, INCLUDING INVESTOR-OWNED ELECTRIC
15 UTILITIES, COOPERATIVE ELECTRIC ASSOCIATIONS, AND DISTRIBUTION
16 COOPERATIVES;
17 (VI) INDEPENDENT POWER PRODUCERS;
18 (VII) POWER MARKETERS;
19 (VIII) RENEWABLE ENERGY DEVELOPERS;
20 (IX) CONSULTANTS OR OTHER EXPERTS IN ENERGY PROJECT
21 FINANCING;
22 (X) CONSULTANTS OR OTHER EXPERTS IN ENERGY EFFICIENCY AND
23 DISTRIBUTED ENERGY RESOURCES; AND
24 (XI) MEMBERS OF THE GENERAL PUBLIC.
25 (c) THE TOPICS AND QUESTIONS TO BE EXPLORED IN THE DOCKET
26 MAY INCLUDE:
27 (I) WHETHER THE COMMISSION REQUIRES ADDITIONAL STATUTORY

1 AUTHORITY TO CONDUCT A RULE-MAKING PROCEEDING CONCERNING THE
2 CREATION OF CCE AUTHORITIES IN COLORADO;
3 (II) THE APPROPRIATE SCOPE OF REGULATORY OVERSIGHT OF CCE
4 OPERATIONS, ON A SCALE RANGING FROM COMPREHENSIVE TO MINIMAL;
5 (III) WHICH ASPECTS, IF ANY, OF CURRENT OR ANTICIPATED
6 INVESTOR-OWNED ELECTRIC UTILITY REGULATION BY THE COMMISSION
7 SHOULD APPLY TO CCE AUTHORITIES AS WELL, INCLUDING REGULATION
8 IN THE AREAS OF:
9 (A) RESOURCE ADEQUACY PLANNING;
10 (B) COMPLIANCE WITH RENEWABLE ENERGY STANDARDS;
11 (C) DEMAND-SIDE MANAGEMENT REQUIREMENTS; AND
12 (D) TIME-OF-USE RATES OR OTHER RATE REQUIREMENTS IF
13 MANDATED FOR INVESTOR-OWNED ELECTRIC UTILITIES;
14 (IV) THE APPROPRIATE CONSIDERATIONS FOR ESTABLISHING
15 REASONABLE EXIT FEES AT A LEVEL THAT PROVIDES COST RECOVERY FOR
16 STRANDED INVESTOR-OWNED ELECTRIC UTILITY ASSETS AND CONTRACTS
17 BUT DOES NOT UNDULY BURDEN PROSPECTIVE CCE CUSTOMERS,
18 INCLUDING THE POTENTIAL FOR EXIT FEES TO VARY OVER TIME OR BY
19 LOCATION, THE ESTABLISHMENT OF A SPECIFIC EXPIRATION PERIOD FOR
20 EXIT FEES, MEASURES TO MITIGATE EXIT FEE IMPACTS THROUGH
21 CONTRACT TRANSFER OR RESALE, AND APPROPRIATE FORECASTING OF
22 DEPARTING LOAD TO AVOID OVER-PROCUREMENT;
23 (V) THE APPROPRIATE CONDITIONS, LIMITATIONS, AND
24 PROCEDURES UNDER WHICH CUSTOMERS MAY OPT OUT OF CCE AND
25 RECEIVE BUNDLED SERVICE FROM THE INVESTOR-OWNED ELECTRIC
26 UTILITY;
27 (VI) WHETHER ANY OTHER CONSUMER PROTECTIONS WOULD BE

1 REQUIRED, AND THE MEANS OF PROVIDING THOSE PROTECTIONS;
2 (VII) STRATEGIES FOR OVERCOMING ANY CHALLENGES TO THE
3 AVAILABILITY OF CREDIT FOR THE STARTUP OR CONTINUING OPERATION OF
4 CCE PROGRAMS;
5 (VIII) WHAT REGULATORY AND LEGAL ISSUES HAVE ARISEN IN
6 OTHER STATES THAT HAVE ADOPTED THE WHOLESALE, OPT-OUT MODEL OF
7 CCE, AND POSSIBLE SOLUTIONS FOR THOSE ISSUES;
8 (IX) WHETHER AN INVESTOR-OWNED ELECTRIC UTILITY THAT
9 REMAINS THE SOLE PROVIDER OF DISTRIBUTION, TRANSMISSION, AND
10 OTHER SERVICES TRADITIONALLY PROVIDED BY THE UTILITY, SUCH AS
11 METERING AND BILLING, SHOULD ALSO BE THE PROVIDER OF LAST RESORT
12 FOR SUPPLYING ELECTRICITY TO CUSTOMERS WHO OPT OUT OF CCE;
13 (X) THE APPROPRIATE PROCESS FOR APPROVAL OF CCE ON BEHALF
14 OF CUSTOMERS WITHIN A JURISDICTION;
15 (XI) WHAT REGULATORY OVERSIGHT, IF ANY, SHOULD APPLY TO
16 RESOURCE PROCUREMENT FOR CCE AUTHORITIES, FOR EXAMPLE IN THE
17 AREAS OF:
18 (A) STANDARDS FOR REQUESTS FOR PROPOSALS; OR
19 (B) ASSURANCE OF RELIABILITY;
20 (XII) WHETHER LEGISLATION SHOULD BE ADOPTED OR AMENDED
21 TO GUARANTEE OPEN ACCESS AND FAIR PRICES FOR TRANSMISSION
22 SERVICES;
23 (XIII) WHAT MINIMUM REQUIREMENTS SHOULD APPLY TO
24 INDEPENDENT POWER PRODUCERS AND POWER MARKETERS WHO WISH TO
25 SUPPLY ENERGY TO A CCE AUTHORITY;
26 (XIV) WHAT, IF ANY, DATA-SHARING REQUIREMENTS SHOULD BE
27 IMPOSED ON INVESTOR-OWNED ELECTRIC UTILITIES TO HELP ENSURE THAT

A CCE AUTHORITY OR A JURISDICTION INVESTIGATING WHETHER TO FORM OR JOIN A CCE AUTHORITY CAN REASONABLY EVALUATE ITS FINANCIAL AND TECHNICAL VIABILITY AND IMPLEMENT ITS CCE PROGRAM; AND

(XV) WHETHER THE INCREASING INTEGRATION OF DISTRIBUTED ENERGY RESOURCES SUCH AS ROOFTOP SOLAR, COMMUNITY SOLAR, AND BATTERY ENERGY STORAGE INTO DISTRIBUTION SYSTEMS WOULD FACILITATE OR IMPEDE THE IMPLEMENTATION OF CCE OR, CONVERSELY, WHETHER CCE WILL FACILITATE OR IMPEDE THE DEVELOPMENT OF DISTRIBUTED ENERGY RESOURCES.

(d) **Report.** THE COMMISSION SHALL SUMMARIZE ITS FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS FROM THE INVESTIGATORY DOCKET IN A FINAL REPORT TO THE TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE AND THE ENERGY AND ENVIRONMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES OR THEIR SUCCESSOR COMMITTEES. THE COMMISSION SHALL SUBMIT THE REPORT ON OR BEFORE JANUARY 1, 2021. RECOMMENDATIONS MAY BE SPLIT INTO MAJORITY VIEWS AND DISSENTING VIEWS IF NECESSARY.

(5) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023.

SECTION 2. 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.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL B

LLS NO. 20-0253.02 Jennifer Berman x3286 **HOUSE BILL**

HOUSE SPONSORSHIP

Kennedy,

SENATE SPONSORSHIP

(None),

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING THE STABILIZATION OF STATE FUNDING FOR ENERGY**
102 **EFFICIENCY IMPROVEMENT 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/.)

Investor-owned Utility Review Interim Study Committee. To ensure consistent funding of energy efficiency improvement programs, including the state weatherization assistance program, the bill establishes a formula by which the general assembly will authorize the state treasurer to transfer money from the general fund to the Colorado energy office low-income energy assistance fund or the energy outreach Colorado

low-income energy assistance fund for use for energy efficiency improvement programs if, in a given year, an amount less than $1 million is transferred from the severance tax operational fund to the Colorado energy office low-income energy assistance fund or the energy outreach Colorado low-income energy assistance fund. The formula calls for a transfer of money from the general fund in an amount equal to 75% of the difference between the amount transferred from the severance tax operational fund to one of the funds and $1 million.

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

SECTION 1. In Colorado Revised Statutes, 40-8.7-112, **amend** (2)(a) and (3)(a); and **add** (3.5) as follows:

40-8.7-112. Department of human services low-income energy assistance fund - creation - energy outreach Colorado low-income energy assistance fund - creation - Colorado energy office low-income energy assistance fund - creation - legislative declaration - definitions - repeal. (2) (a) There is hereby created in the state treasury the energy outreach Colorado low-income energy assistance fund, which ~~shall be~~ IS administered by the Colorado energy office and ~~shall consist~~ CONSISTS of all ~~moneys~~ MONEY transferred by the state treasurer as specified in section 39-29-109.3 (2)(f) ~~C.R.S.~~ AND ALL MONEY TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (3.5) OF THIS SECTION. All ~~moneys~~ MONEY in the fund ~~are~~ IS continuously appropriated to the Colorado energy office for distribution to the organization to be used for the purposes set forth in this subsection (2). All ~~moneys~~ MONEY in the fund at the end of each fiscal year shall be retained in the fund and ~~shall~~ DOES not revert to the general fund or any other fund.

(3) (a) There is hereby created in the state treasury the Colorado energy office low-income energy assistance fund, which ~~shall be~~ IS administered by the Colorado energy office and ~~shall consist~~ CONSISTS of

all ~~moneys~~ MONEY transferred by the treasurer as specified in section 39-29-109.3 (2)(f), ~~C.R.S.~~ ALL MONEY TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (3.5) OF THIS SECTION, all ~~moneys~~ MONEY OTHERWISE transferred to the fund, all ~~moneys~~ MONEY received as a result of contracts entered into by the Colorado energy office for the office's program to improve the home energy efficiency of low-income households, and all ~~moneys~~ MONEY received by the Colorado energy office from gifts, grants, and donations for the office's program to improve the home energy efficiency of low-income households. All ~~moneys~~ MONEY in the fund ~~are~~ IS continuously appropriated to the Colorado energy office to be used for the purposes set forth in this subsection (3). All ~~moneys~~ MONEY in the fund at the end of each fiscal year shall be retained in the fund and ~~shall~~ DOES not revert to the general fund or any other fund.

(3.5) (a) **Legislative declaration.** (I) THE GENERAL ASSEMBLY HEREBY FINDS AND DETERMINES THAT:

(A) PROGRAMS THAT ARE DESIGNED TO ASSIST LOW-INCOME HOUSEHOLDS WITH ENERGY EFFICIENCY IMPROVEMENTS CAN BE DISPROPORTIONATELY IMPACTED BY INCONSISTENT FUNDING BECAUSE OF THE AMOUNT OF TIME REQUIRED TO SCALE UP PRODUCTION CAPACITY, ESPECIALLY FOR UNDERSERVED PARTS OF THE STATE;

(B) ENERGY EFFICIENCY IMPROVEMENTS ALSO REDUCE ENERGY USAGE AND THE ASSOCIATED ECONOMIC AND ENVIRONMENTAL COSTS OVER THE LONG TERM; AND

(C) ENERGY EFFICIENCY IMPROVEMENT PROGRAMS ARE ALSO VERY IMPORTANT THROUGHOUT THE STATE AND SAVE CONSUMERS MONEY.

(II) THEREFORE, THE GENERAL ASSEMBLY HEREBY DECLARES THAT IT IS IN THE PUBLIC INTEREST TO PROVIDE CONSISTENT STATE FUNDING FOR ENERGY EFFICIENCY IMPROVEMENT PROGRAMS.

(b) IF, IN STATE FISCAL YEAR 2020-21 OR ANY STATE FISCAL YEAR THEREAFTER, THE AMOUNT OF SEVERANCE TAX REVENUE THAT IS TRANSFERRED PURSUANT TO SECTION 39-29-109.3 (2)(f)(V)(A):

(I) TO THE ENERGY OUTREACH COLORADO LOW-INCOME ENERGY ASSISTANCE FUND CREATED IN SUBSECTION (2)(a) OF THIS SECTION FALLS BELOW ONE MILLION DOLLARS, THE GENERAL ASSEMBLY WILL AUTHORIZE THE STATE TREASURER TO TRANSFER FROM THE GENERAL FUND AN AMOUNT EQUAL TO SEVENTY-FIVE PERCENT OF THE DIFFERENCE BETWEEN ONE MILLION DOLLARS AND THE AMOUNT RECEIVED TO THE ENERGY OUTREACH COLORADO LOW-INCOME ENERGY ASSISTANCE FUND FOR USE BY THE ORGANIZATION TO WHICH MONEY IS DISTRIBUTED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION FOR ENERGY EFFICIENCY IMPROVEMENT PROGRAMS; OR

(II) TO THE COLORADO ENERGY OFFICE LOW-INCOME ENERGY ASSISTANCE FUND CREATED IN SUBSECTION (3)(a) OF THIS SECTION FALLS BELOW ONE MILLION DOLLARS, THE GENERAL ASSEMBLY WILL AUTHORIZE THE STATE TREASURER TO TRANSFER FROM THE GENERAL FUND AN AMOUNT EQUAL TO SEVENTY-FIVE PERCENT OF THE DIFFERENCE BETWEEN ONE MILLION DOLLARS AND THE AMOUNT RECEIVED TO THE COLORADO ENERGY OFFICE LOW-INCOME ENERGY ASSISTANCE FUND FOR USE BY THE COLORADO ENERGY OFFICE FOR ENERGY EFFICIENCY IMPROVEMENT PROGRAMS.

(c) THIS SUBSECTION (3.5) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2024.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL C

LLS NO. 20-0254.01 Duane Gall x4335 **SENATE BILL**

SENATE SPONSORSHIP

Garcia and Rodriguez,

HOUSE SPONSORSHIP

(None),

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING INCREASED CONSUMER PROTECTIONS FOR CUSTOMERS**
102 **OF INVESTOR-OWNED UTILITIES.**

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 directs the public utilities commission (PUC) to exercise its existing authority to require information from regulated public utilities in the areas of:

- The number of utility customers who are exempted from tiered rates due to a medical condition or the use of medical equipment requiring higher amounts of electricity than

other customers, and the efforts the public utilities are taking to ensure that customers entitled to the exemption are able to do so (**section 1** of the bill); and

- Disconnections and delinquencies, including the number of disconnections and a narrative analysis of any trends or inconsistencies revealed by the data (**sections 2 and 4**).

The bill directs the PUC to open rule-making proceedings to:

- Prescribe standard practices for disconnection due to nonpayment, including the provision of shutoff notices in languages other than English, where appropriate; standard terms for repayment plans to cure delinquencies; and a prohibition on remote disconnection without a personal visit or live telephone call with the customer of record (**section 2**); and
- Investigate whether to require public utilities to report positive information about customers' payment history to credit reporting agencies (**section 5**).

Finally, beginning September 1, 2020, the bill requires an "opt-in" by customers before a public utility may employ a new nonstandard rate such as a time-of-use, inverted block, or flat rate (**section 3**).

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

SECTION 1. In Colorado Revised Statutes, 40-3-103.5, **amend** (1); and **add** (5) as follows:

40-3-103.5. Medical exemption - tiered electricity rates - rules. (1) Notwithstanding any provision of articles 1 to 7 of this ~~title~~ TITLE 40 to the contrary, the commission shall adopt rules ~~by January 31, 2014,~~ to create an exemption from any tiered electricity rate plan based on a customer's medical condition. ~~The rules must implement the medical exemption by June 1, 2014.~~ The commission's rules must provide a mechanism for the recovery of costs associated with implementing and providing the medical exemption.

(5) ON AND AFTER SEPTEMBER 1, 2020, THE COMMISSION SHALL REQUIRE UTILITIES PERIODICALLY TO REPORT, PURSUANT TO SECTION 40-3-110, THE NUMBER OF THEIR CUSTOMERS WHO RECEIVE THE MEDICAL

EXEMPTION UNDER THIS SECTION AND TO DESCRIBE THE EFFORTS THE UTILITIES HAVE MADE DURING EACH REPORTING PERIOD TO FACILITATE THE ENROLLMENT OF QUALIFIED PERSONS IN THEIR MEDICAL EXEMPTION PROGRAMS.

SECTION 2. In Colorado Revised Statutes, **add** 40-3-103.6 as follows:

40-3-103.6. Disconnection due to nonpayment - connection and reconnection fees - deposits - standard practices - rules. (1) ON OR BEFORE SEPTEMBER 1, 2020, THE COMMISSION SHALL COMMENCE A RULE-MAKING PROCEEDING TO ADOPT STANDARD PRACTICES FOR GAS AND ELECTRIC UTILITIES TO USE WHEN DISCONNECTING SERVICE DUE TO NONPAYMENT. AT A MINIMUM, THE RULES MUST ADDRESS THE FOLLOWING SUBJECTS:

(a) A REQUIREMENT TO PROVIDE SHUT-OFF NOTICES IN MULTIPLE LANGUAGES, AS APPROPRIATE TO THE GEOGRAPHIC AREA SERVED;

(b) LIMITING SHUT-OFF TIMES TO BETWEEN 6 A.M. AND 2 P.M. MONDAY THROUGH FRIDAY, EXCLUDING HOLIDAYS, SO THAT CUSTOMERS CAN ATTEMPT TO RECONNECT ON THE SAME DAY;

(c) PRESCRIBED TERMS AND CONDITIONS FOR PAYMENT PLANS TO CURE DELINQUENCY;

(d) REFERRAL OF DELINQUENT CUSTOMERS TO ENERGY PAYMENT ASSISTANCE RESOURCES SUCH AS ENERGY OUTREACH COLORADO, CHARITIES, AND STATE AGENCIES THAT PROVIDE, OR THAT ADMINISTER FEDERAL FUNDS FOR, LOW-INCOME ENERGY ASSISTANCE;

(e) STANDARDIZED RECONNECTION FEES;

(f) STANDARD PRACTICES FOR THE IMPOSITION OF DEPOSIT REQUIREMENTS FOR RECONNECTION;

(g) PROTECTION POLICIES FOR CUSTOMERS FOR WHOM ELECTRICITY IS MEDICALLY NECESSARY;

(h) PROHIBITIONS ON THE DISCONNECTION OF SERVICE DURING PERIODS OF EXTREME HEAT OR COLD, AS APPROPRIATE TO THE GEOGRAPHIC AREA SERVED;

(i) A PROHIBITION ON THE DISCONNECTION OF SERVICE REMOTELY, THROUGH ADVANCED METERING INFRASTRUCTURE OR OTHERWISE, WITHOUT FIRST ENGAGING IN A PERSONAL, PHYSICAL VISIT TO THE PREMISES OR A LIVE TELEPHONE CONVERSATION WITH THE CUSTOMER OF RECORD; AND

(j) REPORTING REQUIREMENTS, NO LESS FREQUENTLY THAN QUARTERLY, TO PROVIDE THE COMMISSION WITH STANDARDIZED INFORMATION FROM ALL UTILITIES ABOUT DISCONNECTIONS AND DELINQUENCIES.

(2) THE COMMISSION SHALL PUBLISH ON ITS WEBSITE, OR REQUIRE UTILITIES TO PUBLISH ON THEIR WEBSITES:

(a) INFORMATION REGARDING THE STANDARD PRACTICES AND FEES SPECIFIED IN RULES ADOPTED PURSUANT TO SUBSECTION (1) OF THIS SECTION; AND

(b) THE INFORMATION PERIODICALLY REPORTED IN ACCORDANCE WITH SUBSECTION (1)(j) OF THIS SECTION.

SECTION 3. In Colorado Revised Statutes, 40-3-106, **amend** (2) as follows:

40-3-106. Advantages prohibited - graduated schedules - consideration of household income and other factors - definitions. (2) Nothing in articles 1 to 7 of this ~~title shall be taken to prohibit~~ TITLE 40 PROHIBITS a public utility engaged in the production, generation,

transmission, or furnishing of heat, light, gas, water, power, or telephone service from establishing a graduated scale of charges subject to ~~the provisions of this title~~ THIS TITLE 40; EXCEPT THAT, ON OR AFTER SEPTEMBER 1, 2020, THE UTILITY SHALL NOT EMPLOY A NEW TIME-OF-USE, INVERTED BLOCK, FLAT, OR OTHER NONSTANDARD RATE FOR ANY CUSTOMER THAT HAS NOT EXPLICITLY OPTED IN TO THE USE OF THAT NONSTANDARD RATE.

SECTION 4. In Colorado Revised Statutes, **amend** 40-3-110 as follows:

40-3-110. Information furnished commission - reports. (1) Every public utility shall furnish to the commission, at such time and in such form as the commission may require, ~~a report~~ ONE OR MORE REPORTS in which the utility shall specifically answer all questions propounded by the commission upon or concerning which the commission may desire information. ALL REPORTS MUST BE MADE UNDER OATH OR AFFIRMATION.

(2) The commission ~~has the authority to~~ MAY require ~~any~~ A public utility to file monthly reports of earnings and expenses and to file periodical or special REPORTS, or both periodical and special reports, concerning any matter about which the commission is authorized by articles 1 to 7 of this ~~title~~ TITLE 40 or in any other law to inquire or to keep itself informed or which it is required to enforce. ~~All reports shall be under oath.~~

(3) THE COMMISSION SHALL REQUIRE EVERY PUBLIC UTILITY THAT REPORTS INFORMATION ON DISCONNECTIONS AND DELINQUENCIES PURSUANT TO SECTION 40-3-103.6 (1)(j) TO ALSO FILE AN ANNUAL NARRATIVE CONTAINING THE UTILITY'S ANALYSIS OF ANY TRENDS OR

INCONSISTENCIES REVEALED BY THE DATA.

SECTION 5. In Colorado Revised Statutes, **add** 40-3-119 as follows:

40-3-119. Credit reporting - nonadjudicatory proceeding - definition - report - repeal. (1) THE COMMISSION SHALL OPEN A NONADJUDICATORY PROCEEDING TO CONSIDER THE MERITS, RAMIFICATIONS, COSTS, AND BENEFITS OF REQUIRING PUBLIC UTILITIES TO REPORT POSITIVE INFORMATION ABOUT CUSTOMER PAYMENT HISTORY TO CREDIT REPORTING AGENCIES.

(2) ON OR BEFORE MARCH 15, 2021, THE COMMISSION SHALL FILE A REPORT WITH THE HOUSE OF REPRESENTATIVES ENERGY AND ENVIRONMENT COMMITTEE AND THE SENATE TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, DESCRIBING THE RESULTS OF THE NONADJUDICATORY PROCEEDING, INCLUDING THE SCOPE OF ANALYSIS CONDUCTED, POTENTIAL SOLUTIONS CONSIDERED, AND ANY RECOMMENDATIONS REGARDING CREDIT REPORTING BY PUBLIC UTILITIES.

(3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2022.

SECTION 6. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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ROOM 029 STATE CAPITOL
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This letter reflects the authorization for the committee as approved by Legislative Council at its meeting on April 25, 2019.

To: Legislative Council

Requested by: Senator Garcia

Re: Request for interim study committee regarding investor owned utilities energy choices.

Date: 4/25/2019

Information Required Pursuant to Section 2-3-303.3, C.R.S.

I hereby request that an interim study committee be formed to study investor-owned utilities' rates, reliability, and energy choice during the interim between the 2019 and 2020 legislative sessions. The interim study committee would be named the "Investor-owned Utility Review Interim Study Committee."

The policy issues to be studied are an ongoing examination of the programs and practices of electric investor-owned utilities (IOUs) in Colorado with a particular focus on issues involving consumer choice and affordability in electric supply including:

- the IOUs' administration of energy assistance programs and the sufficiency of those programs based on best practices;
- the IOUs' administration of time-of-day or time-of-use metering programs, including pilot programs;
- whether an audit of any IOU consumer programs is warranted and, if so, to formulate the document to request the audit;
- what new or augmented reports an IOU should be required to provide the commission or the General Assembly; and
- the role of community aggregated choice in the consumer price of energy.

The interim study committee would need to meet two times to study the issues.

The interim study committee should consist of six members of the General Assembly selected as follows:

- three members of the Senate, with two appointed by the President of the Senate and one appointed by the minority leader of the Senate; and
- three members of the House of Representatives, with two appointed by the Speaker of the House of Representatives and one appointed by the minority leader of the House of Representatives.

Nonlegislative members will have a role in the interim study committee. The study committee will look at the rates for services, disconnection rates and customer service levels and seek to leverage the expertise of those individuals working daily in the space. The role and responsibility of nonlegislative members will be to answer questions regarding their field of expertise and to represent earned knowledge within the field.

The interim study committee will include eight nonlegislative members appointed by the President of the Senate by June 30, 2019, as follows:

- a representative of investor-owned utilities;
- a member of the legal staff of the Public Utilities Commission or the Colorado Attorney General's Office;
- a member of the city council of a city served by an IOU;
- a county commissioner of a county served by an IOU;
- a representative of the Office of Consumer Counsel; and
- three geographically diverse citizens.

The interim study committee will need three bills to address the issues it studies.

Thank you for your consideration of this request.

Making Higher Education Attainable Interim Study Committee

Members of the Committee

Senator Tammy Story, Chair
Representative Barbara McLachlan, Vice-Chair

Senator Owen Hill
Senator Rachel Zenzinger
Representative Mark Baisley
Representative Cathy Kipp

Legislative Council Staff

Meghan MacKillop, Research Analyst
Rachel Kurtz-Phelan, Senior Research Analyst
Josh Abram, Principal Fiscal Analyst

Office of Legislative Legal Services

Conrad Imel, Staff Attorney
Jacob Baus, Staff Attorney

November 2019

Making Higher Education Attainable Interim Study Committee

Committee Charge

The Making Higher Education Attainable Interim Study Committee was created pursuant to Interim Committee Request Letter 2019-09. The committee is charged with studying the following policy issues:

- the high costs of higher education;
- college tuition rate setting;
- roadblocks to obtaining postsecondary education; and
- risks and rewards of postsecondary education.

Committee Activities

During the 2019 interim, the committee held five meetings at the Capitol and went on one field trip. Briefings and presentations were made by the Colorado Department of Higher Education (CDHE), Colorado School Counselor Association, Education Commission of the States, National Conference of State Legislatures, representatives from higher education institutions, and members of the public. The committee heard briefings on the Colorado Opportunity Scholarship Initiative, student loan debt, financial barriers to accessing postsecondary education, and the School Counselor Corps Grant Program. The following subsections discuss the committee's activities during the 2019 interim.

Financial barriers to postsecondary education. The committee heard briefings from the Education Commission of the States, Student Borrower Protection Council, Colorado School Counselor Association (CSCA), and student groups regarding financial barriers to obtaining a postsecondary credential or degree. Financial barriers are the number one reason students do not complete a postsecondary education. These may include unexpected medical costs, family issues, housing or food insecurity, emergency vehicle or home repairs, or other expenses, in addition to not qualifying for financial aid. Representatives from institutions of higher education discussed the ways in which they are assisting students who are facing financial barriers access or complete a degree or credential.

Colorado Opportunity Scholarship Initiative. The committee was briefed by representatives from CDHE and institutions of higher education regarding the Colorado Opportunity Scholarship Initiative (COSI). COSI was created in 2014 and matches community dollars to fund student support organizations and scholarship programs across the state. This discussion resulted in Bill A.

School Counselor Corps Grant Program. The committee heard a presentation from CSCA on the School Counselor Corps Grant Program. The grant program awards funding to eligible schools and school districts to increase the number of counselors in high schools. The committee learned about ways in which the grant program can assist a wider range of students by providing services in middle schools in addition to high schools.

Alternative postsecondary pathways. The committee heard from representatives of Area Technical Colleges (ATCs) and community colleges about alternative postsecondary pathways. The committee learned about internship and apprenticeship programs offered by ATCs and community colleges, and heard from students who have participated in these types of programs. The students spoke about the positive impacts that would result from a program allowing work experience to count toward a postsecondary credential. This discussion resulted in Bill B.

Committee field trip. The committee visited Emily Griffith Technical College and the Auraria Higher Education Center, both located in Denver. The committee met with representatives from the state's three ATCs, Metropolitan State University of Denver, University of Colorado Denver, and Community College of Denver. The representatives focused on their school's unique programs and the ways in which they are offering more affordable and accessible postsecondary options to students.

The committee also heard presentations on the history of higher education funding and the funding formula, the return on investment of higher education, and student debt and loan repayment.

Committee Recommendations

As a result of committee discussions and deliberation, the Making Higher Education Interim Study Committee recommends the following three bills for consideration in the 2020 legislative session.

Bill A — Expand College Opportunity Fund Scholarship. The bill modifies aspects of the Colorado Opportunity Scholarship Initiative (COSI) in the Department of Higher Education (DHE). Historically, COSI receives $7.0 million in annual appropriations. For FY 2020-21, this bill appropriates an additional $5.0 million General Fund to the Colorado Opportunity Scholarship Fund.

Bill B — College Credit for Work. Under current law, the Colorado Commission on Higher Education convenes a council of representatives from institutions of higher education to recommend policies and procedures for credit transfers between institutions. The bill requires the Guaranteed Transfer Council to adopt and implement a plan for awarding credit for postsecondary education acquired through work-related experience.

Bill C — Innovation Pilot for Student Success. The bill creates the Improve Student Success Pilot Program in CHDE. The department is required to develop a process and facilitate collaboration among institutions of higher education to create programs that increase the number of students who successfully graduate. Collaborating institutions may submit a program proposal to CDHE for consideration and must include a research phase of up to one year.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL A

LLS NO. 20-0407.02 Brita Darling x2241 **SENATE BILL**

SENATE SPONSORSHIP

Zenzinger and Story,

HOUSE SPONSORSHIP

Kipp and Baisley, McLachlan

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING CHANGES TO THE CONTINUING ADMINISTRATION OF THE**
102 **COLORADO OPPORTUNITY SCHOLARSHIP INITIATIVE, AND, IN**
103 **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/.)

Making Higher Education Attainable Interim Study Committee. The bill amends provisions relating to the Colorado opportunity scholarship initiative, including:

- Removing the definition of "tuition assistance" and replacing it with a definition for "financial assistance" that

is tied to cost of attendance, as defined in the bill, and making amendments throughout to reflect the changed terms;

- Removing the statutory restriction that not more than 10% of money in the fund in any fiscal year may be awarded to state agencies and nonprofit organizations for student success and support services and for other services, and the requirement that a certain percentage of the money awarded for student success and support services and for other services be awarded to nongovernmental entities;
- Removing the requirement that the initiative be administered from existing personnel;
- Changing the current provision that, to the extent practicable, scholarships must be equally distributed between students who are eligible for federal PELL grants and students within a certain range of income. Instead, the bill requires scholarships to be equitably distributed between students with an expected family contribution, as defined in the bill, of less than 100% of the annual federal PELL grant award and students with an expected family contribution between 100% and 250% of the annual federal PELL grant award.
- Removing references to obsolete reports and requirements.

The bill appropriates $5 million to the Colorado opportunity scholarship initiative fund to implement the initiative.

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

SECTION 1. In Colorado Revised Statutes, 23-3.3-1002, **repeal** (9); and **add** (1.5), (4.3), and (4.7) as follows:

23-3.3-1002. Definitions. As used in this part 10, unless the context otherwise requires:

(1.5) "COST OF ATTENDANCE" MEANS THE STUDENT'S COST OF ATTENDING AN INSTITUTION OF HIGHER EDUCATION THAT IS DETERMINED BY THE INSTITUTION OF HIGHER EDUCATION BASED ON FEDERAL AND COMMISSION POLICY, AND INCLUDES TUITION, FEES, ROOM, BOARD, BOOKS, SUPPLIES, TRANSPORTATION, AND OTHER ALLOWABLE EXPENSES.

(4.3) "EXPECTED FAMILY CONTRIBUTION" MEANS THE AMOUNT OF

MONEY, CALCULATED BASED ON FEDERAL POLICY, THAT A STUDENT'S FAMILY IS EXPECTED TO CONTRIBUTE TO THE STUDENT'S COST OF ATTENDANCE AT AN INSTITUTION OF HIGHER EDUCATION.

(4.7) "FINANCIAL ASSISTANCE" MEANS MONEY AWARDED TO A STUDENT BASED ON THE STUDENT'S COST OF ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION.

(9) ~~"Tuition assistance" means financial assistance to an eligible student of an eligible institution, including such financial assistance as is necessary to pay the costs of tuition, fees, books, housing, food, and transportation.~~

SECTION 2. In Colorado Revised Statutes, **amend** 23-3.3-1003 as follows:

23-3.3-1003. Colorado opportunity scholarship initiative - created. ~~(1)~~ There is created the Colorado opportunity scholarship initiative within the department. The executive director or ~~his or her~~ THE EXECUTIVE DIRECTOR'S designee shall appoint the director of the initiative ~~from existing personnel~~ who shall administer the initiative in accordance with rules promulgated by the board pursuant to section 23-3.3-1004 (4).

~~(2) On or before June 30, 2015, the director of the initiative shall report to the education committees of the house of representatives and senate, or to any successor committees, concerning the recommendations prepared by the board pursuant to section 23-3.3-1004 (4)(c).~~

SECTION 3. In Colorado Revised Statutes, 23-3.3-1004, **amend** (4) introductory portion, (4)(a)(III), and (4)(c) as follows:

23-3.3-1004. Colorado opportunity scholarship initiative advisory board - created - duties - rules. (4) The board shall hold its first meeting on or before November 1, 2014, at a time and place to be

designated by the executive director or by ~~his or her~~ THE EXECUTIVE DIRECTOR'S designee. The board shall meet at least four times each year and shall carry out the following duties:

(a) Promulgate rules for administration of the initiative, including but not limited to the following:

(III) Rules establishing permissible uses of grant and scholarship ~~moneys~~ MONEY from the initiative, which rules ~~shall~~ MUST stipulate that:

(A) ~~Not more than ten percent~~ A PORTION of the ~~moneys~~ MONEY in the fund in any fiscal year may be awarded to state agencies and nonprofit organizations to assist such agencies and organizations with ensuring that student-success, precollegiate, postsecondary student support services are available to students who are classified as Colorado residents for tuition purposes; increasing the capacity for student support services at postsecondary institutions; and developing connections between local employers, public schools, precollegiate organizations, and postsecondary institutions;

(B) ~~Of the moneys described in sub-subparagraph (A) of this subparagraph (III), at least seventy percent must be awarded to nongovernmental entities;~~

(C) Any ~~moneys~~ MONEY appropriated to the fund that ~~are~~ IS not used for the purposes described in ~~sub-subparagraph (A) of this subparagraph (III)~~ SUBSECTION (4)(a)(III)(A) OF THIS SECTION, or to pay the direct and indirect costs of administering the initiative as described in section 23-3.3-1005 (4), must be used to build a financial corpus capable of providing ~~tuition~~ FINANCIAL assistance to eligible Colorado students in Colorado who will attend eligible institutions of higher education within the state. ~~Tuition~~ FINANCIAL assistance provided pursuant to this

~~sub-subparagraph (C)~~ SUBSECTION (4)(a)(III)(C) may take the form of direct awards, matching incentives to create or increase the number of other scholarships, loans, or any combination thereof.

(D) To the extent practicable, grants of ~~tuition~~ FINANCIAL assistance must be awarded to students representing rural and urban areas of the state and to students attending ~~public vocational schools,~~ area technical colleges, community colleges, four-year institutions of higher education, and research institutions; and

(E) To the extent practicable, ~~tuition~~ FINANCIAL assistance must be evenly distributed between students ~~who are eligible for federal PELL grants and students whose household incomes are~~ WITH AN EXPECTED FAMILY CONTRIBUTION OF LESS THAN ONE HUNDRED PERCENT OF THE ANNUAL FEDERAL PELL GRANT AWARD AND STUDENTS WITH AN EXPECTED FAMILY CONTRIBUTION between one hundred percent and two hundred fifty percent of the ~~maximum permissible income for the purpose of determining eligibility for PELL grants~~ ANNUAL FEDERAL PELL GRANT AWARD;

(c) ~~On or before May 30, 2015, prepare and submit to the director any recommendations the board has for the general assembly concerning the implementation of the initiative. The director shall report the recommendations of the board to the education committees of the house of representatives and senate, or to any successor committees, as described in section 23-3.3-1003 (2)~~ PREPARE AND SUBMIT AN ANNUAL REPORT CONCERNING THE INITIATIVE TO THE DIRECTOR. THE DIRECTOR SHALL POST THE ANNUAL REPORT ON THE DEPARTMENT'S WEBSITE OR APPROPRIATE ONLINE LOCATION, AND, NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I) TO THE CONTRARY, SHALL

SEND THE ANNUAL REPORT TO THE MEMBERS OF THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE, OR ANY SUCCESSOR COMMITTEES.

SECTION 4. Appropriation. For the 2020-21 state fiscal year, $5,000,000 is appropriated to the Colorado opportunity scholarship initiative fund, created in section 23-3.3-1005, C.R.S. This appropriation is from the general fund. The department of higher education is responsible for the accounting relating to this appropriation.

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL B

LLS NO. 20-0409.01 Jacob Baus x2173 **HOUSE BILL**

HOUSE SPONSORSHIP

McLachlan and Baisley, Kipp

SENATE SPONSORSHIP

Zenzinger and Story,

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING A STATEWIDE PLAN FOR AWARDING COLLEGE CREDIT**
102 **FOR WORK-RELATED EXPERIENCE.**

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/.)

Making Higher Education Attainable Interim Study Committee. The bill requires an existing council charged with looking at general education courses (council) to implement a plan for determining and awarding academic credit for postsecondary education based on work-related experience.

Furthermore, state institutions of higher education (institutions) are

required to evaluate student learning from work-related experience and award appropriate academic credit for the experience. Also, institutions shall accept and transfer academic credit awarded for work-related experience as courses with guaranteed-transfer designation, unless the council creates a plan concerning awarding and transferring academic credit for work-related experience for courses with guaranteed-transfer designation.

---

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) In addition to the student rights pursuant to section 23-1-125
5 (1)(a), (1)(c), and (1)(d), Colorado Revised Statutes, students need
6 additional rights for their work-related experience to be evaluated fairly
7 for application toward a postsecondary credential;

8 (b) To ensure the economic vitality of Colorado, every industry
9 needs access to a skilled workforce, every Coloradan needs access to
10 meaningful employment, and institutions of higher education must
11 maintain the ability to enroll qualified students and produce high-quality
12 credentials of value;

13 (c) During the 2016-17 and 2017-18 academic years, high school
14 students earned nine thousand industry credentials related to high-demand
15 jobs and industries in Colorado. These industry credentials should be
16 evaluated for potential application toward a postsecondary credential with
17 transferability among two-year and four-year institutions.

18 (d) The commission on higher education, in collaboration with
19 representatives from institutions of higher education, must develop a plan
20 to align work-related experience with academic credit that counts toward
21 a student's postsecondary education credential;

22 (e) The plan must be open, transparent, and credible so students

can progress more efficiently along pathways into postsecondary education and the workforce;

(f) Industry members, especially from high workforce demand and growing industries with critical occupations and top jobs that are identified in the Colorado talent pipeline report, are important stakeholders in this process to ensure Colorado's higher education system is responsive to students and to the changing economy; and

(g) Through this work, the general assembly ensures additional pathways to career and financial success for Colorado students and workers and reduced costs to students through less time required to earn a degree.

SECTION 2. In Colorado Revised Statutes, **add** 23-5-145.5 as follows:

23-5-145.5. Credit for work-related experience - plan - report - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COMMISSION ON HIGHER EDUCATION" OR "COMMISSION" HAS THE SAME MEANING SET FORTH IN SECTION 23-1-101.1 (1).

(b) "COUNCIL" MEANS THE COUNCIL CREATED AND EXISTING PURSUANT TO SECTION 23-1-108.5, CONVENED BY THE COMMISSION ON HIGHER EDUCATION.

(c) "STATE INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION" HAS THE SAME MEANING SET FORTH IN SECTION 23-1-135 (2).

(d) "WORK-RELATED EXPERIENCE" MEANS ANY EXPERIENCE ACQUIRED WITHIN THE PAST TEN YEARS THROUGH PAID OR UNPAID EMPLOYMENT, INCLUDING BUT NOT LIMITED TO SELF-EMPLOYMENT, AN INTERNSHIP, A RESIDENCY, A PRE-APPRENTICESHIP PROGRAM, OR AN

APPRENTICESHIP PROGRAM, THAT MAY LEAD TO OR RESULT IN A BUSINESS CREDENTIAL, AN INDUSTRY CREDENTIAL, A TECHNICAL CERTIFICATE, OR A PROFESSIONAL LICENSE.

(2) ON OR BEFORE JANUARY 1, 2022, THE COUNCIL, IN COLLABORATION WITH THE COMMISSION, SHALL CREATE, ADOPT, AND IMPLEMENT A PLAN, REFERRED TO IN THIS SECTION AS THE "PLAN", TO AWARD POSTSECONDARY ACADEMIC CREDIT, IF APPROPRIATE, FOR LEARNING DEMONSTRATED FROM WORK-RELATED EXPERIENCE.

(3) THE COUNCIL, AS A PART OF THE PLAN, SHALL:

(a) DEVELOP A PROCESS FOR ASSESSING AND ALIGNING LEARNING ACQUIRED THROUGH WORK-RELATED EXPERIENCE TO THE KNOWLEDGE AND COMPETENCIES REQUIRED FOR AWARDING POSTSECONDARY ACADEMIC CREDIT;

(b) DEVELOP A PROCESS FOR ASSESSING AND ALIGNING A PROFESSIONAL CERTIFICATION OR LICENSE PROGRAM THAT IS PROVIDED OR ENDORSED BY AN INDUSTRY ACQUIRED THROUGH WORK-RELATED EXPERIENCE TO THE KNOWLEDGE AND COMPETENCIES REQUIRED FOR AWARDING POSTSECONDARY ACADEMIC CREDIT;

(c) IMPLEMENT A PLAN TO DETERMINE HOW LEARNING OR A PROFESSIONAL CERTIFICATION OR LICENSE PROGRAM THAT IS PROVIDED OR ENDORSED BY AN INDUSTRY ACQUIRED THROUGH WORK-RELATED EXPERIENCE WILL RESULT, IF APPROPRIATE, IN POSTSECONDARY ACADEMIC CREDIT WITH GUARANTEED-TRANSFER DESIGNATION;

(d) IMPLEMENT A PLAN TO DETERMINE HOW TO RECOGNIZE CREDENTIALS EARNED BY A STUDENT AT AN AREA TECHNICAL COLLEGE PURSUANT TO SECTION 23-60-802 AND DETERMINE HOW CREDENTIALS WILL TRANSFER FROM AREA TECHNICAL COLLEGES, IF APPROPRIATE, TO

PUBLIC TWO-YEAR AND FOUR-YEAR STATE INSTITUTIONS OF HIGHER EDUCATION; AND

(e) PRIORITIZE THE KNOWLEDGE AND COMPETENCIES ACQUIRED THROUGH WORK-RELATED EXPERIENCE THAT ARE RESPONSIVE TO WORKFORCE DEMANDS AND GROWING INDUSTRIES IDENTIFIED BY THE MOST RECENT COLORADO TALENT PIPELINE REPORT PREPARED PURSUANT TO SECTION 24-46.3-103, OR IDENTIFIED IN CONSULTATION WITH THE COLORADO WORK FORCE DEVELOPMENT COUNCIL CREATED IN SECTION 24-46.3-101.

(4) THE COUNCIL, IN CREATING THE PLAN, SHALL CONSULT WITH AND INCLUDE RECOMMENDATIONS, IF APPROPRIATE, FROM:

(a) REPRESENTATIVES OF INSTITUTIONS, INCLUDING, BUT NOT LIMITED TO, FACULTY MEMBERS AND REGISTRARS;

(b) REPRESENTATIVES OF ORGANIZATIONS THAT REPRESENT STUDENTS IN COLORADO;

(c) REPRESENTATIVES OF THE COLORADO WORK FORCE DEVELOPMENT COUNCIL;

(d) REPRESENTATIVES OF INDUSTRIES WITH HIGH WORKFORCE DEMAND AND GROWING INDUSTRIES IDENTIFIED IN THE MOST RECENT COLORADO TALENT PIPELINE REPORT AND ORGANIZATIONS REPRESENTING THEM; AND

(e) REPRESENTATIVES SELECTED BY THE COMMISSION.

(5) ON OR BEFORE JANUARY 1, 2023, THE COUNCIL, IN COLLABORATION WITH THE COMMISSION, SHALL CREATE, ADOPT, AND IMPLEMENT A PLAN TO DETERMINE AND AWARD POSTSECONDARY ACADEMIC CREDIT FOR LEARNING ACQUIRED FROM WORK-RELATED EXPERIENCE FOR ADDITIONAL WORKFORCE DEMANDS AND INDUSTRIES NOT

ADDRESSED IN SUBSECTION (3) OF THIS SECTION.

(6) (a) THE PLAN MUST REQUIRE EACH INSTITUTION TO:

(I) EVALUATE THE LEARNING ACQUIRED BY A STUDENT FROM WORK-RELATED EXPERIENCE AND DETERMINE AND AWARD APPROPRIATE ACADEMIC CREDIT FOR THE WORK-RELATED EXPERIENCE CONSISTENT WITH STANDARDS ESTABLISHED BY THE PLAN; AND

(II) BEGINNING WITH THE 2023-24 ACADEMIC YEAR, ACCEPT AND TRANSFER WITHIN THE INSTITUTION AND TO OTHER INSTITUTIONS POSTSECONDARY ACADEMIC CREDIT AWARDED FOR WORK-RELATED EXPERIENCE AS COURSES WITH GUARANTEED-TRANSFER DESIGNATION, UNLESS THE COUNCIL, IN COLLABORATION WITH THE COMMISSION, CREATES, ADOPTS, AND IMPLEMENTS A NEW PLAN PRIOR TO THE 2023-24 ACADEMIC YEAR, CONCERNING THE AWARD AND TRANSFER OF ACADEMIC CREDIT AWARDED FOR WORK-RELATED EXPERIENCE FOR COURSES WITH GUARANTEED-TRANSFER DESIGNATION.

(b) EACH INSTITUTION MAY ALSO AWARD ACADEMIC CREDIT TO STUDENTS FOR OTHER PRIOR LEARNING FROM WORK-RELATED EXPERIENCE TOWARD THE STUDENT'S PROGRAM OF STUDY IF THE LEARNING MEETS STANDARDS ESTABLISHED BY THE INSTITUTION AND ALIGNS WITH POLICIES ESTABLISHED BY THE COMMISSION ON HIGHER EDUCATION REGARDING PRIOR LEARNING ASSESSMENT.

(7) (a) DURING THE SECOND REGULAR SESSION OF THE SEVENTY-THIRD GENERAL ASSEMBLY IN 2022, THE DEPARTMENT OF HIGHER EDUCATION SHALL REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, REGARDING THE CREATION, ADOPTION, AND IMPLEMENTATION OF THE PLANS ADOPTED PURSUANT TO THIS SECTION.

(b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2022.

(8) (a) ON OR BEFORE MARCH 1, 2024, AND ON OR BEFORE MARCH 1 OF EACH YEAR THEREAFTER, THE COUNCIL SHALL REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, REGARDING THE IMPLEMENTATION OF THIS SECTION. THE REPORT MUST INCLUDE, AT A MINIMUM:

(I) THE NUMBER OF STUDENTS WHO WERE AWARDED CREDITS AND WHO TRANSFERRED CREDITS TO OR FROM AN INSTITUTION PURSUANT TO THIS SECTION;

(II) DATA REGARDING THE AGE AND DEMOGRAPHICS OF STUDENTS WHO WERE AWARDED CREDITS AND WHO TRANSFERRED CREDITS TO OR FROM AN INSTITUTION PURSUANT TO THIS SECTION;

(III) THE IMPLEMENTATION CHALLENGES OF THIS SECTION; AND

(IV) ANY RECOMMENDED STATUTORY REVISIONS TO THIS SECTION.

(b) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENT PURSUANT TO THIS SUBSECTION (8) CONTINUES UNTIL THE REPEAL OF THIS SUBSECTION (8).

(c) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 1, 2029.

SECTION 3. In Colorado Revised Statutes, 23-1-125, **add** (4.7) as follows:

23-1-125. Commission directive - student bill of rights - degree requirements - implementation of core courses - competency test - prior learning - prior work-related experience. (4.7) **Prior work-related experience.** PURSUANT TO SECTION 23-5-145.5, THE COUNCIL CREATED AND EXISTING PURSUANT TO SECTION 23-1-108.5, IN COLLABORATION WITH THE COMMISSION, SHALL CREATE, ADOPT, AND

1 IMPLEMENT A PLAN TO DETERMINE AND AWARD POSTSECONDARY
2 ACADEMIC CREDIT FOR WORK-RELATED EXPERIENCE.
3 **SECTION 4. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2020 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL C

LLS NO. 20-0413.01 Jacob Baus x2173 **SENATE BILL**

SENATE SPONSORSHIP

Story and Zenzinger,

HOUSE SPONSORSHIP

Kipp, McLachlan

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING AN IMPROVE STUDENT SUCCESS INNOVATION PILOT**
102 **PROGRAM THROUGH THE COLLABORATION OF MULTIPLE**
103 **INSTITUTIONS OF HIGHER EDUCATION TO INCREASE THE**
104 **NUMBER OF STUDENTS WHO SUCCESSFULLY COMPLETE**
105 **POSTSECONDARY EDUCATION.**

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/.)

Making Higher Education Attainable Interim Study Committee. The bill creates the improve student success innovation pilot

program (pilot program) in the department of higher education (department) to implement a program designed to incentivize collaboration among multiple institutions of higher education to improve student success and increase the number of students who complete postsecondary education.

When selecting a program or programs for the pilot program, the department and commission on higher education (commission) shall prioritize program proposals that address common barriers to student success and the completion of postsecondary education, as well as other factors.

The department and commission shall submit an annual report to the joint budget committee of the general assembly and the education committees of the house of representatives and the senate regarding the efficacy of the program.

The general assembly shall appropriate $20 million each year for the 2020-21, 2021-22, and 2022-23 fiscal years, from the general fund to the department to distribute to the state institutions of higher education selected to implement their projects.

The pilot program repeals on July 1, 2024.

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

SECTION 1. In Colorado Revised Statutes, **add** article 79 to title 23 as follows:

ARTICLE 79

Improve Student Success

Innovation Pilot Program

23-79-101. Definitions. AS USED IN THIS ARTICLE 79, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMISSION ON HIGHER EDUCATION" OR "COMMISSION" MEANS THE COLORADO COMMISSION ON HIGHER EDUCATION ESTABLISHED PURSUANT TO SECTION 23-1-102.

(2) "DEPARTMENT OF HIGHER EDUCATION" OR "DEPARTMENT" MEANS THE DEPARTMENT OF HIGHER EDUCATION CREATED PURSUANT TO SECTION 24-1-114.

(3) "INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION" HAS THE SAME MEANING SET FORTH IN SECTION 23-1-135.

(4) "PILOT PROGRAM" MEANS THE IMPROVE STUDENT SUCCESS INNOVATION PILOT PROGRAM CREATED PURSUANT TO SECTION 23-79-102 (1).

23-79-102. Improve student success innovation pilot program - creation - selection of project - report - appropriation. (1) THERE IS CREATED IN THE DEPARTMENT THE IMPROVE STUDENT SUCCESS INNOVATION PILOT PROGRAM. THE PURPOSE OF THE PILOT PROGRAM IS FOR MULTIPLE INSTITUTIONS TO COLLABORATE TO STUDY STUDENT SUCCESS MEASURES TO IDENTIFY COMMON BARRIERS TO STUDENT SUCCESS AND THE COMPLETION OF POSTSECONDARY EDUCATION AND TO THEREBY CREATE AND IMPLEMENT A PROGRAM DESIGNED TO INCREASE THE NUMBER OF STUDENTS WHO SUCCESSFULLY COMPLETE POSTSECONDARY EDUCATION.

(2) (a) THE DEPARTMENT SHALL CREATE AND ADMINISTER A PROCESS FOR COLLABORATING INSTITUTIONS TO SUBMIT A PROGRAM PROPOSAL FOR CONSIDERATION UNDER THE PILOT PROGRAM. THE DEPARTMENT AND COMMISSION MAY CREATE A RUBRIC FOR SCORING PROGRAM PROPOSALS BASED ON THE FACTORS PURSUANT TO SUBSECTIONS (2)(c)(II) AND (2)(c)(III) OF THIS SECTION.

(b) THE PROGRAM PROPOSAL MUST INCLUDE, AT A MINIMUM, A DESCRIPTION OF:

(I) A RESEARCH PHASE, FOR NOT MORE THAN ONE YEAR, WHERE THE COLLABORATING INSTITUTIONS WILL RESEARCH A COMMON BARRIER OR BARRIERS TO STUDENT SUCCESS AND THE COMPLETION OF POSTSECONDARY EDUCATION; AND

(II) AN IMPLEMENTATION PHASE, FOR NOT LESS THAN TWO YEARS, WHERE THE COLLABORATING INSTITUTIONS WILL IMPLEMENT THE PROGRAM OR PROGRAMS AND EXAMINE THE RESULTS.

(c) (I) ON OR BEFORE SEPTEMBER 1, 2020, THE DEPARTMENT SHALL REVIEW PROGRAM PROPOSALS AND RECOMMEND A PROGRAM OR PROGRAMS TO BE SELECTED BY THE COMMISSION FOR THE PILOT PROGRAM.

(II) THE DEPARTMENT AND COMMISSION SHALL PRIORITIZE A PROGRAM OR PROGRAMS THAT ADDRESS A COMMON BARRIER OR BARRIERS TO STUDENT SUCCESS AND THE COMPLETION OF POSTSECONDARY EDUCATION, INCLUDING BUT NOT LIMITED TO:

(A) COMPLETION AND SUBMISSION OF APPLICATIONS, INCLUDING BUT NOT LIMITED TO ADMISSION APPLICATIONS AND FINANCIAL AID APPLICATIONS;

(B) CONSISTENT ATTENDANCE AND RETENTION, INCLUDING BUT NOT LIMITED TO ACCESS TO AFFORDABLE AND ADEQUATE FOOD, HOUSING, MEDICAL SERVICES, BEHAVIORAL HEALTH SERVICES, COUNSELING SERVICES, AND SUBSTANCE USE DISORDER TREATMENT SERVICES; AND

(C) EFFICIENT AND COMPREHENSIVE COMPLETION OF APPLICABLE POSTSECONDARY EDUCATION, INCLUDING BUT NOT LIMITED TO ACQUISITION OF A CREDENTIAL, CERTIFICATE, OR DEGREE, GRADUATION RATES, ACCEPTANCE INTO GRADUATE SCHOOL, AND FULL-TIME EMPLOYMENT RELATING TO FIELD OF STUDY.

(III) FOR PURPOSES OF SELECTING A PROGRAM OR PROGRAMS FOR THE PILOT PROGRAM, THE DEPARTMENT AND COMMISSION SHALL CONSIDER, AT A MINIMUM:

(A) THE PROBABILITY OF THE PROGRAM PROPOSAL TO INCREASE THE NUMBER OF STUDENTS WHO SUCCESSFULLY COMPLETE THEIR

POSTSECONDARY EDUCATION;

(B) THE ABILITY OF THE PROGRAM PROPOSAL TO BE ADOPTED AND IMPLEMENTED AT OTHER INSTITUTIONS; AND

(C) THE DEGREE THAT THE PROGRAM PROPOSAL ADVANCES OTHER OBJECTIVES OF THE DEPARTMENT AND THE COMMISSION, INCLUDING THE MASTER PLAN CREATED PURSUANT TO SECTION 23-1-108 (1.5).

(3) (a) ON OR BEFORE DECEMBER 1, 2021, AND ON OR BEFORE DECEMBER 1 EACH YEAR THEREAFTER, THE DEPARTMENT AND THE COMMISSION SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.

(b) THE REPORT MUST INCLUDE, AT A MINIMUM, OUTCOMES, COSTS, STUDENT PARTICIPATION AND SATISFACTION, AND ANY OTHER DATA AND INFORMATION NECESSARY TO EVALUATE THE PROGRAM'S EFFICACY.

(c) PILOT PROGRAM PARTICIPANTS SHALL PROVIDE DATA AND INFORMATION TO THE DEPARTMENT AND THE COMMISSION REGARDING OUTCOMES, COSTS, STUDENT PARTICIPATION AND SATISFACTION, AND ANY OTHER DATA AND INFORMATION NECESSARY TO EVALUATE THE PROGRAM'S EFFICACY.

(4) THE GENERAL ASSEMBLY SHALL APPROPRIATE TWENTY MILLION DOLLARS EACH YEAR FOR THE 2020-21, 2021-22, AND 2022-23 STATE FISCAL YEARS FROM THE GENERAL FUND TO THE DEPARTMENT. THE DEPARTMENT SHALL DISTRIBUTE THE APPROPRIATION TO THE INSTITUTIONS SELECTED TO IMPLEMENT THEIR PROGRAM OR PROGRAMS UNDER THE PILOT PROGRAM.

1 **23-79-103. Repeal of article.** THIS ARTICLE 79 IS REPEALED,
2 EFFECTIVE JULY 1, 2024.
3 **SECTION 2. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety.

COLORADO GENERAL ASSEMBLY

EXECUTIVE COMMITTEE
Sen. Leroy Garcia, Chair
Rep. KC Becker, Vice Chair
Sen. Stephen Fenberg
Rep. Alec Garnett
Sen. Chris Holbert
Rep. Patrick Neville

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LEGISLATIVE COUNCIL

ROOM 029 STATE CAPITOL
DENVER, COLORADO 80203-1784
E-mail: lcs.ga@state.co.us
303-866-3521 FAX: 303-866-3855

This letter reflects the authorization for the committee as approved by Legislative Council at its meeting on April 25, 2019.

To: Legislative Council

Requested by: Senator Zenzinger

Re: Request for interim study committee regarding Higher Education Costs and Affordability

Date: 4/25/2019

Information Required Pursuant to Section 2-3-303.3, C.R.S.

I hereby request that an interim study committee be formed to study higher education costs and affordability during the interim between the 2019 and 2020 legislative sessions. The interim study committee would be named the "Making Higher Education Attainable Interim Study Committee."

The policy issues to be studied are:

- the high costs of higher education;
- college tuition rate setting;
- roadblocks to obtaining postsecondary education; and
- risks and rewards of postsecondary education.

The interim study committee would need to meet five times to study the issues.

The interim study committee should consist of six members of the General Assembly selected as follows:

- three members of the Senate, with two appointed by the President of the Senate and one appointed by the minority leader of the Senate.
- three members of the House of Representatives, with two appointed by the Speaker of the House of Representatives and one appointed by the minority leader of the House of Representatives.

The President of the Senate will appoint the chair and the Speaker of the House will appoint the vice-chair.

The appointments must be made by June 1, 2019.

Nonlegislative members will not have a role in the interim study committee.

A task force is not necessary to assist the interim study committee in studying the scope of policy issues described above.

The interim study committee will need three bills to address the issues it studies.

The interim study committee is authorized to travel outside of the Denver metropolitan area to study the issues in the committee's charge.

Thank you for your consideration of this request.

Opioid and Other Substance Use Disorders Interim Study Committee

Members of the Committee

Senator Brittany Petterson, Chair
Representative Chris Kennedy, Vice-Chair

Senator Dominick Moreno
Senator Kevin Priola
Senator Jack Tate
Senator Faith Winter

Representative Perry Buck
Representative Bri Buentello
Representative Leslie Herod
Representative Jim Wilson

Legislative Council Staff

Anne Wallace, Research Analyst
Elizabeth Haskell, Senior Research Analyst
Ariel Hammerquist, Fiscal Analyst

Office of Legislative Legal Services

Yelana Love, Staff Attorney
Kristen Forrestal, Senior Attorney
Brita Darling, Senior Attorney
Shelby Ross, Staff Attorney

November 2019

Opioid and Other Substance Use Disorders
Interim Study Committee

Committee Charge

In 2017, the Opioid and Other Substance Use Disorders Interim Study Committee was created pursuant to Interim Committee Request Letter 2017-02 and met six times in the 2017 interim. House Bill 18-1003 continued the committee for two additional legislative interims in 2018 and 2019. The committee met five times in the 2018 interim and six times in the 2019 interim.

The committee is charged with the following:

- studying data, data analytics, and statistics on the scope of the substance use disorder problem in Colorado;
- studying the current prevention, intervention, harm reduction, treatment, and recovery resources;
- reviewing the availability of medication-assisted treatment and whether pharmacists can prescribe those medications through the development of collaborative pharmacy practice agreements with physicians;
- examining what other states and countries are doing to address substance use disorders;
- identifying the gaps in prevention, intervention, harm reduction, treatment, and recovery resources available to Coloradans and hurdles to accessing those resources;
- identifying possible legislative options to address gaps and hurdles to accessing prevention, intervention, harm reduction, treatment, and recovery resources; and
- examining law enforcement and criminal justice measures addressing penalties for trafficking illegal drugs, and jail-based and prison-based treatment and harm reduction programs and technologies.

Committee Activities

During the 2019 interim, the committee discussed and heard testimony on the following issues:

- the current status of national and state programs addressing substance use disorders;
- safe opioid prescribing and access to alternatives to opioids;
- access to opioid antagonists and clean syringes;
- criminal justice diversion programs and substance use disorder services provided in jails and prisons;
- various substance use disorder treatment models and their funding sources;
- increasing the behavioral health care workforce; and
- the availability of recovery support services in the state.

The following subsections discuss the committee's activities in further detail.

Substance use disorder prevention. Representatives from the Colorado Medical Society, the Colorado Pain Society, the American Physical Therapy Association, the Occupational Therapy Association of Colorado, the Acupuncture Association of Colorado, and the Colorado Chiropractic Association presented on programs that successfully address the prevention of substance misuse and abuse and the gaps that exist. The presenters discussed the following issues:

- the reduction in provider prescribing rates for opioids and the need for continuing education about the safe prescribing of opioids for medical professionals;
- the lack of insurance coverage for alternative pain treatments, the advantages of alternative treatments, and the need to identify more evidence-based treatments for pain management;
- the implementation of harm reduction strategies; and
- systemic improvements to referral and treatment services for patients with substance use disorder.

Representatives from Colorado State University and the University of Denver who study substance use and misuse prevention practice, policy, and science presented on the history of drug prevention strategies, and pointed out that programs such as "Just Say No" were not effective in decreasing drug use or delinquency. They discussed applying prevention science to create effective prevention programs focused on interventions that reduce risk factors and increase protective factors related to substance use. Representatives of the Office of Behavioral Health (OBH) in the Department of Human Services (DHS), and the Colorado Department of Public Health and Environment (CDPHE) presented on *Colorado's Statewide Strategic Plan for Primary Prevention of Substance Abuse: 2019-2024,* which aims to promote programs, policies, and strategies addressing substance abuse and other behavioral health problems, specifically in youth and their families.

Substance use disorder harm reduction. Representatives from CDPHE discussed the expansion of safe disposal sites for unused medication in Colorado, and the disposal of syringes. The representatives also updated the committee on efforts to purchase and distribute naloxone, an opioid antagonist, statewide. Representatives from syringe access organizations discussed the availability of clean syringes, funding to treat infectious diseases, and a pilot supervised injection site. Rural local public health representatives provided data from their harm reduction programs, and described difficulties implementing harm reduction programs in rural areas, including stigma toward persons with substance use disorder and lack of sustainable funding sources.

Substance use disorder and the criminal justice system. The committee heard testimony about concerns related to managing individuals with substance use disorders who come in contact with law enforcement agencies and the courts. Representatives of local law enforcement agencies, state departments, and the criminal justice system presented on the following topics related to managing and providing care to individuals with substance use disorder who come in contact with local and state law enforcement agencies:

- the success of local diversion programs and restorative justice programs and the need for communities to have flexibility and funding for diversion programs;
- the benefits of providing substance use disorder treatment to individuals in prisons and jails;
- positive outcomes for individuals who were able to access medication-assisted treatment while in custody; and
- the limited number of medication-assisted treatment providers near rural jails.

Treatment of substance use disorder. A representative from the Department of Health Care Policy and Financing (HCPF) updated the committee on the status of a federal Medicaid waiver for coverage of inpatient and residential substance use disorder treatment. OBH discussed the status of the substance use disorder treatment bed capacity tracker, and provided information on federal funding for substance use disorder treatment providers. Substance use disorders treatment provider representatives presented on the substance use disorder treatment-on-demand model, aligning state law regarding civil commitments, better coordination of care for persons with substance use disorder, and increased funding for specialized substance use disorder treatments. A representative from CDPHE updated the committee on efforts to increase the behavioral health workforce through loan forgiveness programs. Local government representative and Mental Health Colorado presented on the increased use of methamphetamine in Colorado and specialized methamphetamine treatment programs.

Substance use disorder recovery. Representatives from the Colorado Health Institute, the Colorado Consortium for Prescription Drug Abuse Prevention, and Mental Health Colorado presented on elements of the state's Strategic Plan for Substance Use Recovery. The plan emphasizes a whole-person health approach, recovery in the continuum of care, integrating community voices, and understanding best practices for recovery. DHS representatives summarized recovery-related recommendations from the Behavioral Health Planning and Advisory Council and described DHS' Individual Placement and Support program, which provides vocational assistance to individuals with a mental health disorder or substance use disorder. Representatives from health advocacy groups and the Colorado Behavioral Healthcare Council discussed the dangers of relapse during recovery from substance use disorders, and the positive benefits of recovery support services and peer recovery coaches.

Stakeholder recommendations. Representatives from the Colorado Consortium on Prescription Drug Abuse Prevention presented on stakeholder feedback and suggestions regarding substance use disorder resources in Colorado. The consortium received over 200 policy recommendations from various organizations and private citizens for the committee regarding: gaps in payment and insurance coverage for substance use disorder treatment; innovative harm reduction policies; expanding substance use disorder treatment access and workforce; enhancing housing and vocational support services; and expanding the focus of the committee to other stimulants, benzodiazepines, and alcohol.

Other issues related to substance use disorder. Representatives from Illuminate Colorado, the Kempe Center for Prevention and Treatment of Child Abuse and Neglect, Colorado Counties, Inc., and Douglas County Department of Human Services presented on challenges facing families affected by substance use disorders. The presenters suggested that providing access to transitional housing and peer recovery supports and creating an environment of recovery and sobriety helps parents who are in recovery care for their families. This panel also discussed concerns related to drug testing of newborns as a determinate for subsequent child abuse and the need to use evidence-based substance use disorder treatment models to treat adolescents with substance use disorder.

Representatives of the Colorado Cross-Disability Coalition presented on the barriers people with disabilities face when accessing substance use disorder treatment. The panel explained that addressing the needs of persons with disabilities requires awareness, cultural competency, and

training. They also pointed out that individuals who use opioids to control pain have difficulty finding a provider who will prescribe opioids for pain control and are stigmatized when seeking care. Solutions presented for addressing the stigma persons with disabilities encounter when seeking care included protecting providers that treat complex patients, especially those who responsibly prescribe opioids and medication-assisted treatment and requiring Medicaid and state-regulated insurance to have exceptions to morphine milligram equivalent limits.

Members of the public testified at each meeting. Topics discussed during public testimony included alternative treatments for pain and obstacles chronic pain patients face accessing adequate treatment for pain.

Committee Recommendations

As a result of committee discussion and deliberation, the Opioid and Other Substance Use Disorders Interim Study Committee recommends the following five bills for consideration in the 2020 legislative session. The committee also approved sending one letter to the Joint Budget Committee regarding funding for substance use disorder efforts, and one letter to Colorado's Congressional delegation regarding changes to federal law and policy related to substance use disorder.

Bill A — Concerning Prevention of Substance Use Disorders. Bill A makes several changes to state law concerning the prevention of opioid and other substance use disorders, as described below.

Insurance carrier requirements regarding physical therapists, occupational therapists, or acupuncturists. Bill A prevents an insurance carrier that has a contract with a physical therapist, occupational therapist, or acupuncturist from prohibiting or penalizing these individuals for providing a covered person information on the amount of his or her financial responsibility for such services. In addition, an insurance carrier cannot require a physical therapist, occupational therapist, or acupuncturist to charge or collect a co-payment that exceeds the total charges submitted. If the Commissioner of Insurance in the Division of Insurance in the Department of Regulatory Agencies (DORA) determines that an insurance carrier has engaged in these practices, then the commissioner is required to institute a corrective action plan for the insurance carrier to follow.

Insurance carrier requirements regarding atypical opioid or non-opioid medication. Bill A prohibits an insurance carrier from limiting or excluding coverage for an atypical opioid or non-opioid medication that is approved by the federal Food and Drug Administration (FDA) by mandating a covered person undergo step therapy or requiring pre-authorization. The insurance carrier is required to make the atypical opioid or non-opioid medication available at the lowest cost-sharing tier under the health benefit plan applicable to a covered opioid with the same indication. The Commissioner of Insurance is required to promulgate rules to define atypical opioid and to create a list of covered non-opioid analgesics with lower fatality rates than pure opioid agonists.

Mandatory insurance coverage provisions. Bill A requires health benefit plans to provide coverage for at least six physical therapy visits and six occupational therapy visits per year, with a maximum of one co-payment per year for these covered visits. The Commissioner of Insurance must promulgate rules that establish diagnoses of covered conditions for which nonpharmacological alternatives to opioids

are appropriate and the treatment that may be appropriate. The commissioner is also required to conduct an actuarial study to determine the economic feasibility of including acupuncture as a covered treatment.

Prescribing limitations. Under current law, an opioid prescriber is prevented from prescribing more than a seven-day supply of an opioid to a patient who has not had an opioid prescription in the last 12 months unless certain conditions apply. The prescribing limit is set to repeal on September 1, 2021. Bill A continues the prescribing limitation indefinitely.

Prescription drug monitoring program (PDMP). Under current law, health care providers are required to query the PDMP before prescribing a second fill for an opioid. This requirement, which is set to repeal on September 1, 2021, is continued indefinitely by Bill A. In addition, Bill A requires health care providers to query the PDMP before prescribing a benzodiazepine under certain circumstances, and authorizes the State Board of Pharmacy to require a query of the PDMP for additional controlled substances and other prescription drugs. Lastly, Bill A allows the Department of Health Care Policy and Financing (HCPF) and health information organization networks to access the PDMP.

State and local public health funding. Bill A annually appropriates $2.0 million to the Colorado Department of Public Health and Environment (CDPHE) to pursue measures at the state and local levels to address opioid and other substance use disorder priorities.

Screening, Brief Intervention, and Referral to Treatment (SBIRT) grant program. For FY 2019-20 through FY 2023-24, Bill A requires the General Assembly to make an annual appropriation of $500,000 to continue the operation of the SBIRT grant program operated through HCPF.

Education for providers. Bill A requires the Center for Research into Substance Use Disorder Prevention, Treatment, and Recovery Support Strategies (center) at the University of Colorado to include in its educational activities best practices for prescribing benzodiazepines and the potential harm of inappropriately limiting prescriptions to chronic pain patients. The center must report its findings and recommendations to the Opioid and Other Substance Use Disorders Committee by August 1, 2021. For FY 2020-21 through FY 2024-25, Bill A requires the General Assembly to make an annual appropriation of $250,000 to DHS for an allocation to the center. In addition, Bill A directs the executive director of DORA to promulgate rules establishing competency-based continuing education requirements for physicians and physician assistants concerning prescribing practices for opioids.

Colorado substance use disorders prevention collaborative. Bill A requires the Office of Behavioral Health (OBH) in the Department of Humans Services (DHS) to convene a Colorado substance use disorders prevention collaborative (collaborative) with institutions of higher education, nonprofit agencies, and other state agencies. The collaborative must implement a statewide strategic plan for prevention of substance use disorders, implement evidenced-based programs, work with stakeholders, and direct efforts to raise public awareness of the cost saving prevention measures. Bill A requires the General Assembly to appropriate money for the collaborative for FY 2020-21 through FY 2023-24. OBH must report to the General Assembly by September 1, 2021, and by September 1 each year thereafter through 2024.

Bill B — Concerning Measures to Reduce the Harm Caused by Substance Use Disorders. Bill B requires health insurers to reimburse hospitals for prescribing opiate antagonists to covered individuals; creates immunity for individuals who administer an expired antagonist; allows pharmacists to sell non-prescribed clean syringes or needles to individuals without a prescription; allows local public health agencies to operate clean syringe programs without approval from the county board of health and allows hospitals to operate a clean syringe program; and increases appropriations to the Harm Reduction Grant Program Cash Fund.

Bill C — Concerning Substance Use Disorder Treatment in the Criminal Justice System. Bill C makes several changes to state law concerning substance use disorder treatment and the criminal justice system, as discussed below.

Provide opioid agonist and antagonist in jails and prisons. Bill C requires the Department of Corrections (DOC), private contract prisons, local jails, multijurisdictional jails, municipal jails, and DHS facilities to make available at least one opioid agonist and one opioid antagonist to a person in custody with an opioid use disorder throughout the duration of the person's incarceration or commitment. Further, DOC and local jails are required to ensure that a person who is treated for a substance use disorder while incarcerated is provided with continuity of care prior to release.

Creation of safe stations. Bill C creates safe stations that allow a person to dispose of any controlled substances and request assistance in finding access to treatment for a substance use disorder. Under Bill C, a safe station is any municipal police station, county sheriff's office, or municipal, county, or fire protection district fire station. Safe stations are responsible for the disposal of controlled substances and are required to facilitate transport to a medical facility if the person appears in need of immediate medical attention.

Information resources for inmates. Bill C requires the executive director of the DOC to consult with DHS, HCPF, the Department of Local Affairs, and local service providers to develop resources for inmate post-release that provide information to help prepare inmates for release and reintegration into their communities.

Criminal record sealing. If a person has entered into or successfully completed a substance use disorder treatment program in a case that is the subject of a petition to seal, Bill C requires the courts to consider this factor favorably in determining whether to grant the petition to seal.

Criminal justice diversion programs. Bill C includes an appropriation of $1.15 million to OBH to increase the number of Law Enforcement Assisted Diversion (LEAD) pilot programs.

Bill D — Concerning Treatment for Substance Use Disorders. Bill D enacts several initiatives to improve access to substance use disorder treatment, as outlined below.

Independent community assessments on substance use disorder services. Bill D requires managed service organizations to contract with an independent entity to assess the sufficiency of substance use disorder services in communities every two years, and to create a community action plan that must be submitted to DHS and HCPF. The assessment and action plan must include input and review from community entities and individuals.

State child care and treatment study. DHS and HCPF are required to commission a state child care and treatment study and final report to make findings and recommendations concerning gaps in family-centered substance use disorder treatment and to identify alternative payment structures for funding child care and children's services alongside substance use disorder treatment of a child's parent. The report must be provided to the General Assembly by March 31, 2021.

Access to treatment. Bill D prohibits managed service organizations, withdrawal management services, and recovery residences from denying access to medical or substance use disorder treatment services, including recovery services, to persons who are participating in prescribed medication-assisted treatment for substance use disorders.

Employment of grant writers. Bill D appropriates $250,000 annually to OBH from FY 2020-21 through FY 2024-25, for allocation to the center at the University of Colorado to employ grant writers to assist local communities in drawing down federal and state funds to address substance use disorder.

Behavioral health care provider loan forgiveness and scholarships. Bill D increases funding for the Colorado Health Services Corps program in CDPHE from $2.5 million to $3.5 million annually beginning in FY 2020-21 for the purpose of providing loan forgiveness and scholarships to behavioral health care providers, licensure candidates, and addiction counselors. Bill D requires the Primary Care Office in CDPHE to utilize best practices for increasing diversity in applicants.

Managed care entity requirements. Medicaid managed care entities are required to provide coordination of care for the full continuum of substance use disorder treatment and recovery, including transition services for a person who leaves a facility for treatment.

Coverage and reporting requirements for insurance carriers. Bill D requires insurance carriers to provide coverage for the treatment of substance use disorders in accordance with the most recent edition of American Society of Addiction Medicine (ASAM) criteria for placement, medical necessity, and utilization management determinations. Bill D requires that medications used in medication-assisted treatment be included on insurance carriers' formularies. Bill D also requires insurance carriers to cover certain drugs without prior authorization and without imposing any cost-sharing requirements. Bill D requires that insurance carriers report on the number of in-network providers licensed to prescribe or actively prescribing medication-assisted treatment for substance use disorder. The Commissioner of Insurance may promulgate rules concerning insurance carrier requirements and reporting.

Enhanced dispensing fee for administration of injectable medication-assisted treatment. Bill D authorizes pharmacies in a collaborative pharmacy agreement with one or more physicians to receive an enhanced dispensing fee for the administration of all FDA-approved injectable medications for medication-assisted treatment.

No prohibition of medication-assisted treatment by courts or corrections. Bill D prohibits courts and parole, probation, and community corrections from prohibiting the use of prescribed medication-assisted treatment as a condition of participation or placement.

Changes to civil commitment procedures. Bill D consolidates two sections of state law governing the voluntary, emergency, and involuntary commitment for alcohol misuse and substance misuse. Bill D also modernizes language related to substance use disorder and adds a section regarding patients' rights in statute; discontinues the mandatory hearing for short-term commitments but allows for a hearing if requested; and adjusts the duration of the initial commitment from 30 days to up to 90 days.

DHS training and community outreach program. Bill D requires OBH to create and provide a training and community outreach program on the availability of civil commitment for persons with a substance use disorder and other substance use disorder resources offered by OBH. The training program must be provided to first responders, law enforcement, emergency departments, primary care providers, and persons and families of persons with a substance use disorder.

Bill E—Concerning Substance Use Disorder Recovery. Bill E provides funding for the implementation and expansion of several programs and makes changes to state law concerning an individual's recovery from a substance use disorder, as discussed below.

Peer coaching and peer specialist training. Bill E includes an annual appropriation of $250,000 to the Department of Labor and Employment for the purpose of providing individuals with peer coaching or peer specialist training.

Continuation of Opioid and Other Substance Use Disorders Committee. Bill E continues the Opioid and Other Substance Use Disorders Committee for an additional four years and allows it to meet up to six times every odd year.

Opioid bill review. Bill E requires the Substance Abuse Trend and Response Task Force to convene stakeholders to review progress in bills originating in the Opioid and Other Substance Use Disorders Committee and generate policy recommendations. The task force is required to submit a report to the Opioid and Other Substance Use Disorders Committee.

Child abuse, neglect, or dependency. Bill E modifies the definition of "child abuse or neglect" in regard to substance exposure in the Colorado Children's Code to include any newborn child who is affected by alcohol or drug exposure and where factors are present that threaten the health or welfare of the newborn child. Under current law, "child abuse and neglect" from substance exposure is defined as when a child tests positive for a schedule I or schedule II controlled substance, unless the schedule II controlled substance is the result of the mother's lawful use of that drug. There is an exception for when substances are taken as prescribed while being monitored by a licensed health care provider. Bill E requires the DHS to promulgate rules to determine whether a child is abused, neglected, or dependent under this new criteria.

Housing assistance program. Bill E creates a housing assistance program in OBH to provide temporary financial housing assistance to individuals with a substance use disorder who have no other supportive housing options. Bill E includes an annual General Fund appropriation of $4.0 million for the program. DHS must submit a report on the housing assistance program to the General Assembly by February 1, 2021, and by February 1 each year thereafter.

Review of treatment and recovery services. Bill E directs the center to conduct a comprehensive review of Colorado's substance use disorder treatment and recovery services to inform a state plan. The state plan will address the delivery of services across the continuum of care for individuals at risk of experiencing relapse after a period of recovery. The center must report its findings and recommendations to the Opioid and Other Substance Use Disorders Committee by August 1, 2021. Bill E includes an appropriation of $500,000 to the center for this purpose.

Perinatal substance use data linkage project. Bill E requires the perinatal substance use data linkage project, operated by the center, to conduct ongoing research related to the occurrence of perinatal substance exposure for determining child abuse, neglect, or dependency. Bill E includes an annual General Fund appropriation of $75,000 to the center for this purpose.

Individual Placement and Support Program. Bill E includes an annual appropriation of $2.0 million to OBH to expand the Individual Placement and Support Program.

Recovery support services grant program. Bill E creates the Recovery Support Services Grant Program to provide recovery-oriented services to individuals with a substance use and co-occurring mental health disorder. Grant funds may be used to assist individuals by providing guidance on navigating treatment support systems, connecting them with resources, or offering opportunities to engage in activities focused on mental or physical wellness or community service. Bill E includes an annual appropriation of $3.5 million to OBH. DHS shall submit a report on the grant program to the General Assembly by March 1, 2021, and by March 1 each year thereafter.

Committee Letter 1 – The committee approved sending a letter to the Joint Budget Committee requesting prioritization of substance use disorder funding in the state budget and requesting support for the committee's legislation.

Committee Letter 2 – The committee approved sending a letter to the Colorado Congressional delegation requesting changes to federal law and policy related to substance use disorder.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL A

LLS NO. 20-0155.02 Kristen Forrestal x4217 **HOUSE BILL**

HOUSE SPONSORSHIP

Kennedy and Herod,

SENATE SPONSORSHIP

Winter and Priola, Donovan, Pettersen

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING THE PREVENTION OF SUBSTANCE USE DISORDERS.**

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.)

Opioid and Other Substance Use Disorders Study Committee. The bill requires the commissioner of insurance (commissioner) to promulgate rules that establish diagnoses of covered conditions for which nonpharmacological alternatives to opioids are appropriate. Each health benefit plan is required to provide coverage for at least 6 physical therapy visits and 6 occupational therapy visits per year or 12 acupuncture visits per year, with a maximum of one copayment per year for 12 covered visits. The bill requires the commissioner to conduct an actuarial study to

determine the economic feasibility prior to including acupuncture as a covered alternative treatment. (**section 1** of the bill).

The bill prohibits an insurance carrier (carrier) from limiting or excluding coverage for an atypical opioid or a nonopioid medication that is approved by the federal food and drug administration by mandating that a covered person undergo step therapy or obtain prior authorization if the atypical opioid or nonopioid medication is prescribed by the covered person's health care provider. The carrier is required to make the atypical opioid or nonopioid medication available at the lowest cost-sharing tier applicable to a covered opioid with the same indication (**section 2**).

The bill precludes a carrier that has a contract with a physical therapist, occupational therapist, or acupuncturist from prohibiting the physical therapist, occupational therapist, or acupuncturist from, or penalizing the physical therapist, occupational therapist, or acupuncturist for, providing a covered person information on the amount of the covered person's financial responsibility for the covered person's physical therapy, occupational therapy, or acupuncture services or from requiring the physical therapist, occupational therapist, or acupuncturist to charge or collect a copayment from a covered person that exceeds the total charges submitted by the physical therapist, occupational therapist, or acupuncturist. The commissioner is required to take action against a carrier that the commissioner determines is not complying with these prohibitions (**section 3**).

Current law limits an opioid prescriber from prescribing more than a 7-day supply of an opioid to a patient who has not had an opioid prescription within the previous 12 months unless certain conditions apply, and this prescribing limitation is set to repeal on September 1, 2021. The bill continues the prescribing limitation indefinitely (**sections 4 through 10**).

The bill requires the executive director of the department of regulatory agencies (department) to consult with the center for research into substance use disorder prevention, treatment, and recovery support strategies (center) and the state medical board to promulgate rules establishing competency-based continuing education requirements for physicians and physician assistants concerning prescribing practices for opioids (**section 11**).

The bill modifies requirements for adding prescription information to the prescription drug monitoring program (program) and allows the department of health care policy and financing and the health information organization network access to the program (**sections 12 and 13**).

The bill continues indefinitely the requirement that a health care provider query the program before prescribing a second fill for an opioid and requires each health care provider to query the program before prescribing a benzodiazepine, unless certain exceptions apply. The bill also requires the director of the division of professions and occupations

in the department to promulgate rules designating additional controlled substances and other prescription drugs to be tracked by the program. In addition to current law allowing medical examiners and coroners to query the program when conducting an autopsy, the bill allows medical examiners and coroners to query the program when conducting a death investigation (**sections 13 through 15**).

The bill appropriates money to:

- The department of public health and environment annually to address opioid and other substance use disorders through local public health agencies (**section 16**);
- The department of health care policy and financing to extend the operation of the substance use disorder screening, brief intervention, and referral to treatment grant program (**section 17**); and
- The department of human services for allocation to the center for continuing education activities for opioid prescribers, including education for prescribing benzodiazepines (**section 18**).

The bill directs the office of behavioral health in the department of human services to convene a collaborative with institutions of higher education, nonprofit agencies, and state agencies for the purpose of gathering feedback from local public health agencies, institutions of higher education, nonprofit agencies, and state agencies concerning evidence-based prevention practices (**section 19**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-104, **add** (23)
3 as follows:

4 **10-16-104. Mandatory coverage provisions - definitions -**
5 **rules.** (23) **Nonpharmacological alternative treatment to opioids -**
6 **rules.** (a) ANY HEALTH BENEFIT PLAN, EXCEPT SUPPLEMENTAL POLICIES
7 COVERING A SPECIFIED DISEASE OR OTHER LIMITED BENEFIT, MUST
8 PROVIDE COVERAGE FOR NONPHARMACOLOGICAL TREATMENT AS AN
9 ALTERNATIVE TO OPIOIDS FOR A DIAGNOSIS SPECIFIED BY RULE OF THE
10 COMMISSIONER PURSUANT TO THIS SUBSECTION (23).

11 (b) THE COMMISSIONER, IN CONSULTATION WITH THE DEPARTMENT

OF PUBLIC HEALTH AND ENVIRONMENT, AND THE STATE MEDICAL BOARD SHALL PROMULGATE RULES THAT ESTABLISH:

(I) DIAGNOSES OF COVERED CONDITIONS FOR WHICH NONPHARMACOLOGICAL TREATMENTS AS ALTERNATIVES TO OPIOIDS ARE APPROPRIATE;

(II) THE TREATMENT THAT MAY BE APPROPRIATE FOR EACH DIAGNOSIS OF A COVERED CONDITION, INCLUDING PHYSICAL THERAPY, OCCUPATIONAL THERAPY, ACUPUNCTURE, AND ANY OTHER NONPHARMACOLOGICAL TREATMENTS AS ALTERNATIVES TO OPIOIDS DEEMED APPROPRIATE BY THE COMMISSIONER. PRIOR TO DETERMINING WHETHER TO INCLUDE ACUPUNCTURE AS A COVERED TREATMENT, THE COMMISSIONER SHALL CONDUCT AN ACTUARIAL STUDY TO DETERMINE THE ECONOMIC FEASIBILITY.

(III) THE REQUIRED COPAYMENT AMOUNT FOR COVERED PHYSICAL THERAPY, OCCUPATIONAL THERAPY, AND ACUPUNCTURE SERVICES.

(c) THE COVERAGE REQUIRED BY THIS SUBSECTION (23) MUST:

(I) INCLUDE AT LEAST SIX PHYSICAL THERAPY VISITS AND SIX OCCUPATIONAL THERAPY VISITS PER YEAR OR TWELVE ACUPUNCTURE VISITS PER YEAR, WITH A MAXIMUM OF ONE COPAYMENT PER YEAR FOR THE TWELVE COVERED VISITS; AND

(II) NOT REQUIRE PRIOR AUTHORIZATION, AS DEFINED IN SECTION 10-16-112.5 (7)(d), FOR NONPHARMACOLOGICAL TREATMENTS AS AN ALTERNATIVE TO OPIOIDS.

SECTION 2. In Colorado Revised Statutes, **amend** 10-16-145.5 as follows:

10-16-145.5. Step therapy - prior authorization - prohibited - stage four advanced metastatic cancer - opioid prescription -

definition - rules. (1) (a) Notwithstanding section 10-16-145, a carrier that provides coverage under a health benefit plan for the treatment of stage four advanced metastatic cancer shall not limit or exclude coverage under the health benefit plan for a drug THAT IS approved by the United States food and drug administration and that is on the carrier's prescription drug formulary by mandating that a covered person with stage four advanced metastatic cancer undergo step therapy if the use of the approved drug is consistent with:

~~(a)~~ (I) The United States food and drug administration-approved indication or the national comprehensive cancer network drugs and biologics compendium indication for the treatment of stage four advanced metastatic cancer; or

~~(b)~~ (II) Peer-reviewed medical literature.

~~(2)~~ (b) For the purposes of this ~~section~~ SUBSECTION (1), "stage four advanced metastatic cancer" means cancer that has spread from the primary or original site of the cancer to nearby tissues, lymph nodes, or other parts of the body.

(2) (a) NOTWITHSTANDING SECTION 10-16-145, A CARRIER SHALL NOT LIMIT OR EXCLUDE COVERAGE UNDER A HEALTH BENEFIT PLAN FOR A NONOPIOID OR AN ATYPICAL OPIOID THAT HAS THE SAME INDICATION AS, AND IS PRESCRIBED BY THE COVERED PERSON'S PROVIDER AS AN ALTERNATIVE TO, AN OPIOID AND THAT HAS BEEN APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION BY:

(I) MANDATING THAT A COVERED PERSON UNDERGO STEP THERAPY FOR THE NONOPIOID OR ATYPICAL OPIOID; OR

(II) REQUIRING PRIOR AUTHORIZATION FOR THE NONOPIOID OR ATYPICAL OPIOID.

(b) THE CARRIER SHALL MAKE THE PRESCRIBED NONOPIOID OR ATYPICAL OPIOID AVAILABLE TO THE COVERED PERSON AT THE CARRIER'S LOWEST COST-SHARING TIER UNDER THE HEALTH BENEFIT PLAN APPLICABLE TO A COVERED OPIOID THAT HAS THE SAME INDICATION.

(c) THE COMMISSIONER SHALL PROMULGATE RULES TO DEFINE "ATYPICAL OPIOID" AND TO CREATE A LIST OF COVERED NONOPIOID ANALGESICS WITH FAR LOWER FATALITY RATES THAN PURE OPIOID AGONISTS.

SECTION 3. In Colorado Revised Statutes, **add** 10-16-152 as follows:

10-16-152. Disclosures - physical therapists - occupational therapists - acupuncturists - patients - carrier prohibitions - enforcement. (1) A CARRIER THAT HAS A CONTRACT WITH A PHYSICAL THERAPIST, AN OCCUPATIONAL THERAPIST, OR AN ACUPUNCTURIST SHALL NOT:

(a) PROHIBIT THE PHYSICAL THERAPIST, OCCUPATIONAL THERAPIST, OR ACUPUNCTURIST FROM PROVIDING A COVERED PERSON INFORMATION ON THE AMOUNT OF THE COVERED PERSON'S FINANCIAL RESPONSIBILITY FOR THE COVERED PERSON'S PHYSICAL THERAPY, OCCUPATIONAL THERAPY, OR ACUPUNCTURE SERVICES;

(b) PENALIZE THE PHYSICAL THERAPIST, OCCUPATIONAL THERAPIST, OR ACUPUNCTURIST FOR DISCLOSING THE INFORMATION DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION TO A COVERED PERSON OR PROVIDING A MORE AFFORDABLE ALTERNATIVE TO A COVERED PERSON; OR

(c) REQUIRE THE PHYSICAL THERAPIST, THE OCCUPATIONAL THERAPIST, OR THE ACUPUNCTURIST TO CHARGE OR COLLECT A

COPAYMENT FROM A COVERED PERSON THAT EXCEEDS THE TOTAL CHARGES SUBMITTED BY THE PHYSICAL THERAPIST, OCCUPATIONAL THERAPIST, OR ACUPUNCTURIST.

(2) IF THE COMMISSIONER DETERMINES THAT A CARRIER HAS NOT COMPLIED WITH THIS SECTION, THE COMMISSIONER SHALL INSTITUTE A CORRECTIVE ACTION PLAN FOR THE CARRIER TO FOLLOW OR USE ANY OF THE COMMISSIONER'S ENFORCEMENT POWERS UNDER THIS TITLE 10 TO OBTAIN THE CARRIER'S COMPLIANCE WITH THIS SECTION.

SECTION 4. In Colorado Revised Statutes, 12-30-109, **repeal** (5) as follows:

12-30-109. Prescribing opioids - limitations - definition. (5) ~~This section is repealed, effective September 1, 2021.~~

SECTION 5. In Colorado Revised Statutes, 12-220-111, **repeal** (2)(b) as follows:

12-220-111. Dentists may prescribe drugs - surgical operations - anesthesia - limits on opioid prescriptions. (2) (b) ~~This subsection (2) is repealed, effective September 1, 2021.~~

SECTION 6. In Colorado Revised Statutes, 12-240-123, **repeal** (2) as follows:

12-240-123. Prescribing opioids - limitations. (2) ~~This section is repealed, effective September 1, 2021.~~

SECTION 7. In Colorado Revised Statutes, 12-255-112, **repeal** (6)(b) as follows:

12-255-112. Prescriptive authority - advanced practice nurses - limits on opioid prescriptions - rules - financial benefit for prescribing prohibited. (6) (b) ~~This subsection (6) is repealed, effective September 1, 2021.~~

SECTION 8. In Colorado Revised Statutes, 12-275-113, **repeal** (5)(b) as follows:

12-275-113. Use of prescription and nonprescription drugs - limits on opioid prescriptions. (5) (b) ~~This subsection (5) is repealed, effective September 1, 2021.~~

SECTION 9. In Colorado Revised Statutes, 12-290-111, **repeal** (3)(b) as follows:

12-290-111. Prescriptions - requirement to advise patients - limit on opioid prescriptions. (3) (b) ~~This subsection (3) is repealed, effective September 1, 2021.~~

SECTION 10. In Colorado Revised Statutes, 12-315-126, **repeal** (2) as follows:

12-315-126. Prescription of opioids - limitations. (2) ~~This section is repealed, effective September 1, 2021.~~

SECTION 11. In Colorado Revised Statutes, **add** 12-240-146 as follows:

12-240-146. Continuing education - competency standards for prescribing opioids - rules. THE EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE BOARD AND THE CENTER FOR RESEARCH INTO SUBSTANCE USE DISORDER PREVENTION, TREATMENT, AND RECOVERY SUPPORT STRATEGIES ESTABLISHED IN SECTION 27-80-118, SHALL PROMULGATE RULES TO ESTABLISH COMPETENCY-BASED STANDARDS FOR CONTINUING MEDICAL EDUCATION FOR PHYSICIANS AND PHYSICIAN ASSISTANTS CONCERNING THE PRESCRIBING PRACTICES FOR OPIOIDS. THE BOARD SHALL REQUIRE FULFILLMENT OF THE CONTINUING EDUCATION REQUIREMENTS AS A REQUIREMENT FOR INITIAL LICENSURE AND RENEWAL.

SECTION 12. In Colorado Revised Statutes, 12-280-403, **amend**

(1) introductory portion, (1)(c), (1)(e), (1)(f), (3), and (4); and **add** (1)(g) and (2)(e) as follows:

12-280-403. Prescription drug use monitoring program - registration required. (1) The board shall develop or procure a prescription ~~controlled substance~~ DRUG electronic program to track information regarding prescriptions for controlled substances AND OTHER DRUGS AS REQUIRED BY RULES PROMULGATED BY THE DIRECTOR dispensed in Colorado, including the following information:

(c) The name and amount of the controlled substance OR OTHER PRESCRIPTION DRUG AS REQUIRED BY RULES OF THE DIRECTOR;

(e) The name of the dispensing pharmacy; ~~and~~

(f) Any other data elements necessary to determine whether a patient is visiting multiple practitioners or pharmacies, or both, to receive the same or similar medication; AND

(g) BEGINNING JANUARY 1, 2021, THE NAME OF THE PERSON PAYING FOR THE PRESCRIPTION.

(2) (e) OTHER THAN AN ANNUAL FEE AUTHORIZED PURSUANT TO SECTION 12-280-405 (3), THE BOARD SHALL NOT CHARGE A FEE OR OTHER ASSESSMENT AGAINST A PRACTITIONER, PHARMACIST, OR DESIGNEE OF EITHER A PRACTITIONER OR PHARMACIST FOR REGISTERING OR MAINTAINING AN ACCOUNT WITH THE PROGRAM.

(3) Each practitioner and each dispensing pharmacy shall disclose to a patient receiving a controlled substance OR OTHER PRESCRIPTION DRUG AS REQUIRED BY RULES PROMULGATED BY THE DIRECTOR that ~~his or her~~ THE PATIENT'S identifying prescription information will be entered into the program database and may be accessed for limited purposes by specified individuals.

(4) The board shall establish a method and format for PHARMACISTS, PHARMACISTS' DESIGNEES, AND prescription drug outlets to convey the necessary information to the board or its designee. The method must not require more than a one-time entry of data per patient per prescription by a prescription drug outlet. BY JANUARY 1, 2021, THE METHOD ESTABLISHED BY THE BOARD PURSUANT TO THIS SUBSECTION (4) SHALL REQUIRE EACH PHARMACIST, PHARMACIST'S DESIGNEE, OR PRESCRIPTION DRUG OUTLET TO ENTER EACH PRESCRIPTION DISPENSED IN THIS STATE OR TO AN ADDRESS IN THIS STATE, INCLUDING PRESCRIPTIONS NOT PAID FOR BY A THIRD-PARTY PAYER, INTO THE PROGRAM DATABASE DAILY AFTER EACH PRESCRIPTION IS DISPENSED.

SECTION 13. In Colorado Revised Statutes, 12-280-404, **amend** (3)(b), (3)(c)(I), (3)(h), (3)(l)(I), (4)(c), (4)(e), (5), and (7); and **add** (3)(m) and (4)(a.5) as follows:

12-280-404. Program operation - access - rules - definitions. (3) The program is available for query only to the following persons or group of persons:

(b) Any practitioner with the statutory authority to prescribe controlled substances OR OTHER DRUGS THAT MAY BE SUBJECT TO A PROGRAM QUERY, or an individual designated by the practitioner to act on ~~his or her~~ THE PRACTITIONER'S behalf in accordance with section 12-280-403 (2)(b), to the extent the query relates to a current patient of the practitioner. The practitioner or ~~his or her~~ THE PRACTITIONER'S designee shall identify his or her area of health care specialty or practice upon the initial query of the program.

(c) (I) Any veterinarian with statutory authority to prescribe controlled substances OR OTHER DRUGS THAT MAY BE SUBJECT TO A

PROGRAM QUERY, to the extent the query relates to a current patient or to a client and if the veterinarian, in the exercise of professional judgment, has a reasonable basis to suspect the client has committed drug abuse or has mistreated an animal.

(h) The individual who is the recipient of a ~~controlled substance~~ prescription FOR A CONTROLLED SUBSTANCE OR OTHER DRUG THAT MAY BE SUBJECT TO A PROGRAM QUERY so long as the information released is specific to the individual;

(l) A medical examiner who is a physician licensed pursuant to article 240 of this title 12, whose license is in good standing, and who is located and employed in the state of Colorado, or a coroner elected pursuant to section 30-10-601, if:

(I) The information released is specific to an individual who is the subject of an autopsy OR A DEATH INVESTIGATION conducted by the medical examiner or coroner;

(m) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, FOR THE PURPOSES OF CARE COORDINATION AND UTILIZATION REVIEW PERTAINING TO RECIPIENTS OF MEDICAL ASSISTANCE UNDER ARTICLES 4, 5, AND 6 OF TITLE 25.5, AS LONG AS THE DEPARTMENT'S USE OF THE PROGRAM DATA IS CONSISTENT WITH THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191, AS AMENDED, AND ANY IMPLEMENTING REGULATIONS, INCLUDING THE REQUIREMENT TO REMOVE ANY PERSONALLY IDENTIFYING INFORMATION UNLESS EXEMPTED FROM THE REQUIREMENT.

(4) (a.5) EACH PRACTITIONER OR THE PRACTITIONER'S DESIGNEE SHALL QUERY THE PROGRAM BEFORE PRESCRIBING A BENZODIAZEPINE TO A PATIENT UNLESS THE BENZODIAZEPINE IS PRESCRIBED TO TREAT A

PATIENT IN HOSPICE OR TO TREAT A SEIZURE OR SEIZURE DISORDER, ALCOHOL WITHDRAWAL, OR A NEUROLOGICAL OR PSYCHOLOGICAL EMERGENCY EVENT INCLUDING A POST-TRAUMATIC BRAIN INJURY.

(c) A practitioner or ~~his or her~~ THE PRACTITIONER'S designee complies with this subsection (4) if ~~he or she~~ THE PRACTITIONER OR PRACTITIONER'S DESIGNEE attempts to access the program ~~prior to~~ BEFORE prescribing A BENZODIAZEPINE OR the second fill for an opioid and the program is not available or is inaccessible due to technical failure.

(e) ~~This subsection (4) is repealed, effective September 1, 2021~~ THE DIRECTOR SHALL PROMULGATE RULES DESIGNATING ADDITIONAL CONTROLLED SUBSTANCES AND OTHER PRESCRIPTION DRUGS TO BE TRACKED THROUGH THE PROGRAM PURSUANT TO SECTION 12-280-403 (1) THAT HAVE POTENTIAL FOR ABUSE OR HAVE POTENTIAL FOR AN ADVERSE DRUG INTERACTION WITH A CONTROLLED SUBSTANCE.

(5) OTHER THAN THE FEE AUTHORIZED BY SECTION 12-280-405 (3), the board shall not charge a practitioner, ~~or~~ pharmacy, PHARMACIST, OR DESIGNEE OF A PRACTITIONER OR PHARMACIST who transmits data in compliance with the operation and maintenance of the program a fee for the transmission of the data AND SHALL NOT CHARGE A PRACTITIONER, PHARMACIST, OR DESIGNEE OF A PRACTITIONER OR PHARMACIST A FEE TO ACCESS THE DATABASE.

(7) (a) The board shall provide a means of sharing information about individuals whose information is recorded in the program with out-of-state health care practitioners and law enforcement officials that meet the requirements of subsection (3)(b), (3)(d), or (3)(g) of this section.

(b) BY JANUARY 1, 2021, THE BOARD SHALL PROVIDE A MEANS OF

SHARING PRESCRIPTION INFORMATION WITH THE HEALTH INFORMATION ORGANIZATION NETWORK, AS DEFINED IN SECTION 25-3.5-103 (8.5), IN ORDER TO WORK COLLABORATIVELY WITH THE STATEWIDE HEALTH INFORMATION EXCHANGES DESIGNATED BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING. USE OF THE INFORMATION MADE AVAILABLE PURSUANT TO THIS SUBSECTION (7)(b) IS SUBJECT TO PRIVACY AND SECURITY PROTECTIONS IN STATE LAW AND THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", PUB.L.104-191, AS AMENDED, AND ANY IMPLEMENTING REGULATIONS.

SECTION 14. In Colorado Revised Statutes, 12-280-407, **amend** (2) as follows:

12-280-407. Prescription drug outlets - prescribers - responsibilities - liability. (2) A practitioner who has, in good faith, written a prescription for a controlled substance OR OTHER DRUG THAT MAY BE SUBJECT TO A PROGRAM QUERY to a patient is not liable for information submitted to the program. A practitioner WHO or prescription drug outlet ~~who~~ THAT has, in good faith, submitted the required information to the program is not liable for participation in the program.

SECTION 15. In Colorado Revised Statutes, 12-280-408, **amend** (2) as follows:

12-280-408. Exemption - waiver. (2) A prescription drug outlet that does not report controlled substance data OR DATA ON OTHER PRESCRIPTION DRUGS THAT MAY BE SUBJECT TO A PROGRAM QUERY to the program due to a lack of electronic automation of the outlet's business may apply to the board for a waiver from the reporting requirements.

SECTION 16. In Colorado Revised Statutes, **amend** 25-1-521 as follows:

25-1-521. State department - local public health agencies - address substance use disorders - appropriation. ~~(1)~~ For the 2019-20 STATE fiscal year AND EACH STATE FISCAL YEAR THEREAFTER, the general assembly shall appropriate two million dollars to the state department to address opioid and substance use disorders through public health interventions and to work with community partners, including county and district public health agencies, to address opioid and other substance use priorities throughout the state. The state department may use the money for data collection, analysis, and dissemination activities related to opioid and other substance use disorders at the state and local levels, including community health assessments and improvement planning. THE STATE DEPARTMENT SHALL CONSIDER THE GOAL OF ADDRESSING THE NEEDS OF UNDERSERVED POPULATIONS AND COMMUNITIES WHEN ADDRESSING OPIOID AND SUBSTANCE USE DISORDERS. The state department may use up to five hundred thousand dollars of the money ANNUALLY APPROPRIATED PURSUANT TO THIS SUBSECTION (1) for administrative costs and other activities related to the purposes of this section.

~~(2) This section is repealed, effective July 1, 2020.~~

SECTION 17. In Colorado Revised Statutes, 25.5-5-208, **amend** (1) introductory portion; and **add** (3) as follows:

25.5-5-208. Additional services - training - grants - screening, brief intervention, and referral. (1) ~~On or after July 1, 2018,~~ The state department shall grant, through a competitive grant program, one million five hundred thousand dollars to one or more organizations to operate a substance ~~abuse~~ USE DISORDER screening, brief intervention, and referral to treatment ~~practice~~ GRANT PROGRAM. IN REVIEWING GRANT APPLICATIONS AND SELECTING PARTICIPANTS FOR THE GRANT PROGRAM,

THE STATE DEPARTMENT SHALL CONSIDER THE GOAL OF ADDRESSING THE NEEDS OF UNDERSERVED POPULATIONS AND COMMUNITIES. The grant program must require:

(3) FOR THE 2019-20 STATE FISCAL YEAR THROUGH THE 2023-24 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE FIVE HUNDRED THOUSAND DOLLARS FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501 (1) TO THE STATE DEPARTMENT FOR THE SUBSTANCE USE DISORDER SCREENING, BRIEF INTERVENTION, AND REFERRAL TO TREATMENT GRANT PROGRAM DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE STATE DEPARTMENT SHALL USE THE MONEY FOR THE PURPOSES IN SUBSECTION (1) OF THIS SECTION, FOR TECHNICAL ASSISTANCE IN ORDER TO SUSTAIN THE OPERATION OF THE PRACTICE OR PRACTICES IMPLEMENTED THROUGH THE GRANT PROGRAM, AND TO MONITOR THE GRANT RECIPIENTS THROUGH QUALITATIVE AND QUANTITATIVE DATA COLLECTION AND ANALYSIS.

SECTION 18. In Colorado Revised Statutes, 27-80-118, **amend** (4)(a) as follows:

27-80-118. Center for research into substance use disorder prevention, treatment, and recovery support strategies - legislative declaration - established - repeal. (4) (a) (I) The center shall develop and implement a series of continuing education activities designed to help a prescriber of pain medication to safely and effectively manage patients with pain and, when appropriate, prescribe opioids or medication-assisted treatment. THE EDUCATIONAL ACTIVITIES MUST ALSO INCLUDE BEST PRACTICES FOR PRESCRIBING BENZODIAZEPINES AND THE POTENTIAL HARM OF INAPPROPRIATELY LIMITING PRESCRIPTIONS TO CHRONIC PAIN PATIENTS. The educational activities must apply to physicians, physician

assistants, nurses, and dentists, WITH AN EMPHASIS ON PHYSICIANS, PHYSICIAN ASSISTANTS, NURSES, AND DENTISTS SERVING UNDERSERVED POPULATIONS AND COMMUNITIES.

(II) FOR THE STATE FISCAL YEARS 2020-21 THROUGH 2024-25, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWO HUNDRED FIFTY THOUSAND DOLLARS PER YEAR FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501 (1) TO THE DEPARTMENT FOR ALLOCATION TO THE CENTER FOR THE PURPOSES OF THIS SUBSECTION (4).

SECTION 19. In Colorado Revised Statutes, **add** 27-80-124 as follows:

27-80-124. Colorado substance use disorders prevention collaborative - created - mission - administration - repeal. (1) THE OFFICE OF BEHAVIORAL HEALTH SHALL CONVENE AND ADMINISTER A COLORADO SUBSTANCE USE DISORDERS PREVENTION COLLABORATIVE WITH INSTITUTIONS OF HIGHER EDUCATION, NONPROFIT AGENCIES, AND STATE AGENCIES, REFERRED TO IN THIS SECTION AS THE "COLLABORATIVE", FOR THE PURPOSE OF GATHERING FEEDBACK FROM LOCAL PUBLIC HEALTH AGENCIES, INSTITUTIONS OF HIGHER EDUCATION, NONPROFIT AGENCIES, AND STATE AGENCIES CONCERNING EVIDENCE-BASED PREVENTION PRACTICES TO FULFILL THE MISSION STATED IN SUBSECTION (2) OF THIS SECTION.

(2) THE MISSION OF THE COLLABORATIVE IS TO:

(a) COORDINATE WITH AND ASSIST STATE AGENCIES AND COMMUNITIES TO STRENGTHEN COLORADO'S PREVENTION INFRASTRUCTURE AND TO IMPLEMENT A STATEWIDE STRATEGIC PLAN FOR PRIMARY PREVENTION OF SUBSTANCE USE DISORDERS FOR STATE FISCAL YEARS 2020-21 THROUGH 2023-24;

1 (b) ADVANCE THE USE OF TESTED AND EFFECTIVE PREVENTION
2 PROGRAMS AND PRACTICES THROUGH EDUCATION, OUTREACH, ADVOCACY,
3 AND TECHNICAL ASSISTANCE, WITH AN EMPHASIS ON ADDRESSING THE
4 NEEDS OF UNDERSERVED POPULATIONS AND COMMUNITIES;
5 (c) DIRECT EFFORTS TO RAISE PUBLIC AWARENESS OF THE COST
6 SAVINGS OF PREVENTION MEASURES;
7 (d) PROVIDE DIRECT TRAINING AND TECHNICAL ASSISTANCE TO
8 COMMUNITIES REGARDING SELECTION, IMPLEMENTATION, AND
9 SUSTAINMENT OF TESTED AND EFFECTIVE PRIMARY PREVENTION
10 PROGRAMS;
11 (e) PURSUE LOCAL AND STATE POLICY CHANGES THAT ENHANCE
12 THE USE OF TESTED AND EFFECTIVE PRIMARY PREVENTION PROGRAMS;
13 (f) ADVISE STATE AGENCIES AND COMMUNITIES REGARDING NEW
14 AND INNOVATIVE PRIMARY PREVENTION PROGRAMS AND PRACTICES;
15 (g) SUPPORT FUNDING EFFORTS IN ORDER TO ALIGN FUNDING AND
16 SERVICES AND COMMUNICATE WITH COMMUNITIES ABOUT FUNDING
17 STRATEGIES;
18 (h) WORK WITH KEY STATE AND COMMUNITY STAKEHOLDERS TO
19 ESTABLISH A MINIMUM STANDARD FOR PRIMARY PREVENTION PROGRAMS
20 IN COLORADO; AND
21 (i) WORK WITH PREVENTION SPECIALISTS AND EXISTING TRAINING
22 AGENCIES TO PROVIDE AND SUPPORT TRAINING TO STRENGTHEN
23 COLORADO'S PREVENTION WORKFORCE.
24 (3) THE OFFICE OF BEHAVIORAL HEALTH AND THE COLLABORATIVE
25 SHALL:
26 (a) ESTABLISH COMMUNITY-BASED PREVENTION COALITIONS AND
27 DELIVERY SYSTEMS TO REDUCE SUBSTANCE MISUSE;

1 (b) IMPLEMENT EFFECTIVE PRIMARY PREVENTION PROGRAMS IN
2 COLORADO COMMUNITIES WITH THE GOAL OF INCREASING THE NUMBER OF
3 PROGRAMS TO REACH THOSE IN NEED STATEWIDE; AND
4 (c) COORDINATE WITH DESIGNATED STATE AGENCIES AND OTHER
5 ORGANIZATIONS TO PROVIDE PREVENTION SCIENCE TRAINING TO
6 SYSTEMIZE, UPDATE, EXPAND, AND STRENGTHEN PREVENTION
7 CERTIFICATION TRAINING AND PROVIDE CONTINUING EDUCATION TO
8 PREVENTION SPECIALISTS.
9 (4) IN ORDER TO IMPLEMENT AND PROVIDE SUSTAINABILITY TO THE
10 COLLABORATIVE, FOR STATE FISCAL YEARS 2020-21 THROUGH 2023-24,
11 THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM THE
12 MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501 (1) TO THE
13 OFFICE OF BEHAVIORAL HEALTH TO ACCOMPLISH THE MISSION OF THE
14 COLLABORATIVE.
15 (5) THE OFFICE OF BEHAVIORAL HEALTH SHALL REPORT ITS
16 PROGRESS TO THE GENERAL ASSEMBLY ON OR BEFORE SEPTEMBER 1, 2021,
17 AND EACH SEPTEMBER 1 THROUGH SEPTEMBER 1, 2024.
18 (6) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 30, 2024.
19 **SECTION 20. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, or safety.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL B

LLS NO. 20-0296.01 Yelana Love x2295 **HOUSE BILL**

HOUSE SPONSORSHIP

Kennedy and Herod,

SENATE SPONSORSHIP

Pettersen and Priola,

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO REDUCE THE HARM CAUSED BY SUBSTANCE**
102 **USE DISORDERS.**

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/.)

Opioid and Other Substance Use Disorders Study Committee. The bill:

- Requires a carrier that provides coverage for opiate antagonists to reimburse a hospital if the hospital provides a covered person with an opiate antagonist upon discharge (**section 1** of the bill);

- Allows a pharmacist or pharmacy technician to sell a nonprescription syringe or needle to any person (**sections 2 and 5**);
- Extends civil and criminal immunity for a person who acts in good faith to furnish or administer an opiate antagonist to an individual the person believes to be suffering an opiate-related drug overdose when the opiate antagonist was expired (**sections 3 and 4**);
- Removes the requirement that entities first receive local board of health approval before operating a clean syringe exchange program (**sections 6 and 7**); and
- Provides that money in the harm reduction grant program cash fund is continuously appropriated to the department of public health and environment for purposes of the harm reduction grant program and establishes an annual appropriation of an amount equal to the appropriation for the 2019-20 fiscal year plus $250,000 (**section 8**).

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 10-16-152 as
3 follows:

4 **10-16-152. Coverage for opiate antagonists provided by a**
5 **hospital - definition.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
6 OTHERWISE REQUIRES, "OPIATE ANTAGONIST" HAS THE SAME MEANING AS
7 SET FORTH IN SECTION 12-30-110 (7)(d).

8 (2) A CARRIER THAT PROVIDES COVERAGE FOR OPIATE
9 ANTAGONISTS PURSUANT TO THE TERMS OF A HEALTH COVERAGE PLAN
10 THE CARRIER OFFERS SHALL REIMBURSE A HOSPITAL FOR THE HOSPITAL'S
11 COST OF AN OPIATE ANTAGONIST IF THE HOSPITAL GIVES A COVERED
12 PERSON AN OPIATE ANTAGONIST UPON DISCHARGE FROM THE HOSPITAL.

13 **SECTION 2.** In Colorado Revised Statutes, 12-280-123, **add** (4)
14 as follows:

15 **12-280-123. Prescription required - exception - dispensing**
16 **opiate antagonists - selling nonprescription syringes and needles.**

(4) A PHARMACIST OR PHARMACY TECHNICIAN MAY SELL A NONPRESCRIPTION SYRINGE OR NEEDLE TO ANY PERSON.

SECTION 3. In Colorado Revised Statutes, 13-21-108.7, **amend** (3)(a) as follows:

13-21-108.7. Persons rendering emergency assistance through the administration of an opiate antagonist - limited immunity - legislative declaration - definitions. (3) **General immunity.** (a) A person, other than a health care provider or a health care facility, who acts in good faith to furnish or administer an opiate antagonist, INCLUDING AN EXPIRED OPIATE ANTAGONIST, to an individual the person believes to be suffering an opiate-related drug overdose event or to an individual who is in a position to assist the individual at risk of experiencing an opiate-related overdose event is not liable for any civil damages for acts or omissions made as a result of the act or for any act or omission made if the opiate antagonist is stolen.

SECTION 4. In Colorado Revised Statutes, 18-1-712, **amend** (2)(a) as follows:

18-1-712. Immunity for a person who administers an opiate antagonist during an opiate-related drug overdose event - definitions. (2) **General immunity.** (a) A person, other than a health care provider or a health care facility, who acts in good faith to furnish or administer an opiate antagonist, INCLUDING AN EXPIRED OPIATE ANTAGONIST, to an individual the person believes to be suffering an opiate-related drug overdose event or to an individual who is in a position to assist the individual at risk of experiencing an opiate-related overdose event is immune from criminal prosecution for the act or for any act or omission made if the opiate antagonist is stolen.

SECTION 5. In Colorado Revised Statutes, **amend** 18-18-430.5 as follows:

18-18-430.5. Drug paraphernalia - exemption. (1) A person ~~shall be~~ IS exempt from ~~the provisions of~~ sections 18-18-425 to 18-18-430 if ~~he or she~~ THE PERSON is:

(a) Participating as an employee, volunteer, or participant in an approved syringe exchange program created pursuant to section 25-1-520; ~~C.R.S.~~ OR

(b) A PHARMACIST OR PHARMACY TECHNICIAN WHO SELLS NONPRESCRIPTION SYRINGES OR NEEDLES PURSUANT TO SECTION 12-280-123 (4).

SECTION 6. In Colorado Revised Statutes, 25-1-508, **repeal** (5)(l) as follows:

25-1-508. County or district boards of public health - public health directors. (5) In addition to all other powers and duties conferred and imposed upon a county board of health or a district board of health by the provisions of this subpart 3, a county board of health or a district board of health shall have and exercise the following specific powers and duties:

(l) ~~To approve, as provided for in section 25-1-520, a clean syringe exchange program proposed by an agency. A county board of health or district board of health shall not be required to approve a proposed program.~~

SECTION 7. In Colorado Revised Statutes, 25-1-520, **amend** (1), (2) introductory portion, (2)(f), and (5); and **repeal** (2.5), (3), and (4) as follows:

25-1-520. Clean syringe exchange programs - operation -

approval - reporting requirements. (1) A county public health agency or district public health agency may ~~request approval from its county board of health or district board of health, referred to in this section as the "board", for~~ OPERATE a clean syringe exchange program ~~operated by the agency~~ or ~~by~~ CONTRACT WITH a nonprofit organization ~~with which the agency contracts~~ to operate ~~the~~ A clean syringe exchange program. ~~Prior to approving or disapproving any such optional program, the board shall consult with the agency and interested stakeholders concerning the establishment of the clean syringe exchange program. Interested stakeholders must include, but need not be limited to, local law enforcement agencies, district attorneys, substance use disorder treatment providers, persons with a substance use disorder in remission, nonprofit organizations, hepatitis C and HIV advocacy organizations, and members of the community. The board and interested stakeholders shall consider, at a minimum, the following issues:~~ ADDITIONALLY, A HOSPITAL LICENSED OR CERTIFIED BY THE STATE DEPARTMENT PURSUANT TO SECTION 25-1.5-103 (1)(a) MAY OPERATE A CLEAN SYRINGE PROGRAM.

~~(a) The scope of the problem being addressed and the population the program would serve;~~

~~(b) Concerns of the law enforcement community; and~~

~~(c) The parameters of the proposed program, including methods for identifying program workers and volunteers.~~

(2) Each ~~proposed~~ clean syringe exchange program must, at a minimum, have the ability to:

(f) Develop a timeline for the ~~proposed~~ program and for the development of policies and procedures; and

(2.5) ~~A program developed pursuant to this section may be~~

~~operated in a hospital licensed or certified by the state department pursuant to section 25-1.5-103 (1)(a).~~

(3) ~~The board may approve or disapprove the proposed clean syringe exchange program based on the results of the meetings held pursuant to subsection (1) of this section.~~

(4) ~~If the board approves a clean syringe exchange program that is operated through a contract with a nonprofit organization, the contract shall be subject to annual review and shall be renewed only if the board approves the contract after consultation with the county or district public health agency and interested stakeholders as described in subsection (1) of this section.~~

(5) AT ANY TIME, one or more counties represented on a district board of health may ~~at any time~~ opt out of a clean syringe exchange program ~~proposed or approved~~ OPERATED pursuant to this section.

SECTION 8. In Colorado Revised Statutes, 25-20.5-1102, **amend** (1) and (3) as follows:

25-20.5-1102. Harm reduction grant program cash fund - creation. (1) The harm reduction grant program cash fund, referred to in this section as the "fund", is created in the state treasury. ~~The fund consists of money that the general assembly may appropriate or transfer to the fund~~ FOR THE 2020-21 STATE FISCAL YEAR, AND EACH STATE FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE FUND AN AMOUNT EQUAL TO THE AMOUNT APPROPRIATED TO THE FUND FOR THE 2019-20 STATE FISCAL YEAR PLUS TWO-HUNDRED FIFTY THOUSAND DOLLARS.

(3) ~~Subject to annual appropriation by the general assembly, the department may expend money from the fund~~ MONEY IN THE FUND IS

1 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT for the purposes of
2 this part 11.
3 **SECTION 9. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL C

LLS NO. 20-0294.01 Shelby Ross x4510 **HOUSE BILL**

HOUSE SPONSORSHIP

Herod and Kennedy,

SENATE SPONSORSHIP

Donovan and Priola, Pettersen

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING TREATMENT OF INDIVIDUALS WITH SUBSTANCE USE**
102 **DISORDERS WHO COME INTO CONTACT WITH THE CRIMINAL**
103 **JUSTICE SYSTEM, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **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/.)

Opioid and Other Substance Use Disorders Study Committee. The bill requires the department of corrections, local jails, multijurisdictional jails, municipal jails, and state department of human

services facilities to make available at least one opioid agonist and one opioid antagonist to a person in custody with an opioid use disorder throughout the duration of the person's incarceration or commitment.

The bill allows a person to dispose of any controlled substances at a safe station and request assistance in gaining access to treatment for a substance use disorder. The bill defines a "safe station" as any municipal police station; county sheriff's office; or municipal, county, or fire protection district fire station.

The bill requires the department of corrections and jails to ensure that continuity of care is provided to inmates prior to release.

The bill requires the executive director of the department of corrections, in consultation with the offices of behavioral health and economic security in the department of human services, the department of health care policy and financing, the department of local affairs, and local service providers to develop resources for inmates post-release that provide information to help prepare inmates for release and reintegration into their communities.

If a person who is the subject of a petition to seal criminal records has entered into or successfully completed a licensed substance use disorder treatment program, the court is required to consider such factor favorably in determining whether to issue the order.

The bill allows the office of behavioral health in the department of human services to contract with cities and counties for the creation, maintenance, or expansion of criminal justice diversion programs. The bill requires the department of human services to include an update regarding the current status of funding and implementation of the criminal justice diversion programs in its annual SMART presentation.

The bill appropriates money to the office of behavioral health in the department of human services for criminal justice diversion programs.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 17-1-113.4 as

3 follows:

4 **17-1-113.4. Opioid treatment for a person in custody -**

5 **definitions.** (1) A CORRECTIONAL FACILITY OR PRIVATE CONTRACT

6 PRISON SHALL MAKE AVAILABLE AT LEAST ONE OPIOID AGONIST AND AT

7 LEAST ONE OPIOID ANTAGONIST TO A PERSON IN CUSTODY WITH AN OPIOID

8 USE DISORDER THROUGHOUT THE DURATION OF THE PERSON'S

INCARCERATION.

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

(a) "OPIOID AGONIST" MEANS A FULL OR PARTIAL AGONIST THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF AN OPIOID USE DISORDER.

(b) "OPIOID ANTAGONIST" MEANS NALTREXONE OR ANY SIMILARLY ACTING DRUG THAT IS NOT A CONTROLLED SUBSTANCE AND THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF AN OPIOID USE DISORDER.

SECTION 2. In Colorado Revised Statutes, **add** 17-26-104.9 as follows:

17-26-104.9. Opioid treatment for a person in custody - definitions. (1) A FACILITY, WHETHER OPERATED BY A GOVERNMENTAL ENTITY OR A PRIVATE CONTRACTOR, SHALL MAKE AVAILABLE AT LEAST ONE OPIOID AGONIST AND AT LEAST ONE OPIOID ANTAGONIST TO A PERSON IN CUSTODY WITH AN OPIOID USE DISORDER THROUGHOUT THE DURATION OF THE PERSON'S INCARCERATION.

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

(a) "FACILITY" MEANS:

(I) A LOCAL JAIL, AS DEFINED IN SECTION 17-1-102 (7);

(II) A MULTIJURISDICTIONAL JAIL, AS DESCRIBED IN SECTION 17-26.5-101; AND

(III) A MUNICIPAL JAIL, AS AUTHORIZED IN SECTION 31-15-401 (1)(j).

(b) "OPIOID AGONIST" MEANS A FULL OR PARTIAL AGONIST THAT

IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF AN OPIOID USE DISORDER.

(c) "OPIOID ANTAGONIST" MEANS NALTREXONE OR ANY SIMILARLY ACTING DRUG THAT IS NOT A CONTROLLED SUBSTANCE AND THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF AN OPIOID USE DISORDER.

SECTION 3. In Colorado Revised Statutes, **add** 26-1-136.7 as follows:

26-1-136.7. Opioid treatment for a person in custody - definitions. (1) A STATE DEPARTMENT FACILITY SHALL MAKE AVAILABLE AT LEAST ONE OPIOID AGONIST AND AT LEAST ONE OPIOID ANTAGONIST TO A PERSON COMMITTED TO OR PLACED WITH THE FACILITY WITH AN OPIOID USE DISORDER THROUGHOUT THE DURATION OF THE PERSON'S COMMITMENT OR PLACEMENT.

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

(a) "OPIOID AGONIST" MEANS A FULL OR PARTIAL AGONIST THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF AN OPIOID USE DISORDER.

(b) "OPIOID ANTAGONIST" MEANS NALTREXONE OR ANY SIMILARLY ACTING DRUG THAT IS NOT A CONTROLLED SUBSTANCE AND THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF AN OPIOID USE DISORDER.

SECTION 4. In Colorado Revised Statutes, **add** 31-15-405 as follows:

31-15-405. Opioid treatment for a person in custody. A MUNICIPALITY THAT CHOOSES TO ESTABLISH AND OPERATE A JAIL, AS

AUTHORIZED IN SECTION 31-15-401 (1)(j), SHALL COMPLY WITH THE PROVISIONS OF SECTION 17-26-104.9 CONCERNING OPIOID TREATMENT FOR A PERSON IN CUSTODY.

SECTION 5. In Colorado Revised Statutes, **add** 18-18-607 as follows:

18-18-607. Safe stations - disposal of controlled substances - medical evaluation - definition. (1) (a) UPON ARRIVAL TO A SAFE STATION, A PERSON MAY TURN IN ANY CONTROLLED SUBSTANCES AND REQUEST ASSISTANCE IN GAINING ACCESS TO TREATMENT FOR A SUBSTANCE USE DISORDER. SAFE STATION PERSONNEL SHALL EITHER DISPOSE OF THE CONTROLLED SUBSTANCES OR DELIVER THE CONTROLLED SUBSTANCES TO A MUNICIPAL POLICE STATION OR COUNTY SHERIFF'S OFFICE FOR DISPOSAL PURPOSES ONLY.

(b) A PERSON WHO TURNS IN ONE OR MORE CONTROLLED SUBSTANCES PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION IS NOT SUBJECT TO ARREST OR PROSECUTION FOR POSSESSION OF SUCH CONTROLLED SUBSTANCES.

(2) REASONABLE EFFORTS SHOULD BE TAKEN BY SAFE STATION PERSONNEL TO DETERMINE IF THE PERSON IS IN NEED OF IMMEDIATE MEDICAL ATTENTION AND FACILITATE TRANSPORTATION TO AN APPROPRIATE MEDICAL FACILITY, IF NECESSARY. IF THE PERSON DOES NOT REQUIRE IMMEDIATE MEDICAL ATTENTION, THE SAFE STATION PERSONNEL SHALL WORK WITH THE PERSON TO IDENTIFY THE BEST DESTINATION FOR TREATMENT OF A SUBSTANCE USE DISORDER.

(3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, A "SAFE STATION" MEANS ANY MUNICIPAL POLICE STATION; COUNTY SHERIFF'S OFFICE; OR MUNICIPAL, COUNTY, OR FIRE PROTECTION

DISTRICT FIRE STATION.

SECTION 6. In Colorado Revised Statutes, **add** 17-26-140 as follows:

17-26-140. Continuity of care for persons released from jail. (1) IF A PERSON IS TREATED FOR A SUBSTANCE USE DISORDER THROUGHOUT THE PERSON'S INCARCERATION, THE COUNTY JAIL SHALL CONDUCT THE FOLLOWING BEFORE RELEASING THE PERSON FROM THE COUNTY JAIL'S CUSTODY:

(a) SCHEDULE APPOINTMENTS WITH THE PERSON'S BEHAVIORAL HEALTH PROVIDER OR LICENSED HEALTH CARE PROVIDER;

(b) ENSURE TREATMENT SERVICES ARE READILY AVAILABLE;

(c) PROVIDE POST-RELEASE RESOURCES DEVELOPED PURSUANT TO SECTION 17-1-103 (1)(r) TO THE PERSON;

(d) ENSURE THE PERSON'S MEDICAID IS REINSTATED, IF APPLICABLE; AND

(e) IF THE PERSON HAS A HISTORY OF OPIOID USE DISORDER, DEVELOP A MEDICATION-ASSISTED TREATMENT PLAN AND PROVIDE AN OPIOID ANTAGONIST TO THE PERSON.

SECTION 7. In Colorado Revised Statutes, **add** 17-1-113.2 as follows:

17-1-113.2. Continuity of care for persons released from correctional facility. BEFORE A PERSON IS RELEASED FROM THE CUSTODY OF A CORRECTIONAL FACILITY, THE CORRECTIONAL FACILITY SHALL COMPLY WITH THE PROVISIONS OF SECTION 17-26-140 CONCERNING CONTINUITY OF CARE FOR PERSONS WITH A SUBSTANCE USE DISORDER.

SECTION 8. In Colorado Revised Statutes, 17-1-103, **amend** (1) introductory portion; and **add** (1)(r) as follows:

1 **17-1-103. Duties of the executive director.** (1) The duties of the
2 executive director ~~shall be~~ ARE:
3 (r) IN CONSULTATION WITH THE OFFICES OF BEHAVIORAL HEALTH
4 AND ECONOMIC SECURITY IN THE DEPARTMENT OF HUMAN SERVICES, THE
5 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE DEPARTMENT
6 OF LOCAL AFFAIRS, AND LOCAL SERVICE PROVIDERS, TO DEVELOP
7 RESOURCES FOR INMATES POST-RELEASE THAT PROVIDE INFORMATION TO
8 HELP PREPARE INMATES FOR RELEASE AND SUCCESSFUL REINTEGRATION
9 INTO THEIR COMMUNITIES. THE RESOURCES MUST REFLECT THE NEEDS OF
10 DIVERSE AND UNDERSERVED POPULATIONS AND COMMUNITIES.
11 **SECTION 9.** In Colorado Revised Statutes, 24-72-703, **add**
12 (10.5) as follows:
13 **24-72-703. Sealing of arrest and criminal records - general**
14 **provisions - order applicability - discovery and advisements.** (10.5) IF
15 THE PERSON IN INTEREST HAS ENTERED INTO OR SUCCESSFULLY
16 COMPLETED A SUBSTANCE USE DISORDER TREATMENT PROGRAM LICENSED
17 PURSUANT TO SECTION 27-80-205 IN THE CASE THAT IS THE SUBJECT OF
18 THE PETITION TO SEAL, THE COURT SHALL CONSIDER SUCH FACTOR
19 FAVORABLY IN DETERMINING WHETHER TO ISSUE AN ORDER TO SEAL
20 RECORDS PURSUANT TO THIS SECTION.
21 **SECTION 10.** In Colorado Revised Statutes, **add** 27-60-106.5 as
22 follows:
23 **27-60-106.5. Criminal justice diversion programs - rules -**
24 **report.** (1) THE OFFICE OF BEHAVIORAL HEALTH IN THE STATE
25 DEPARTMENT MAY CONTRACT WITH CITIES AND COUNTIES FOR THE
26 CREATION, MAINTENANCE, OR EXPANSION OF CRIMINAL JUSTICE DIVERSION
27 PROGRAMS. THE GOAL OF EACH PROGRAM CREATED PURSUANT TO THIS

SECTION SHOULD BE TO CONNECT LAW ENFORCEMENT OFFICERS WITH BEHAVIORAL HEALTH PROVIDERS TO ASSIST INDIVIDUALS IN NEED OF BEHAVIORAL HEALTH INTERVENTION OR TO DIVERT INDIVIDUALS FROM THE CRIMINAL JUSTICE SYSTEM.

(2) ON OR BEFORE NOVEMBER 1, 2021, AND ON OR BEFORE EACH NOVEMBER 1 THEREAFTER, THE STATE DEPARTMENT SHALL INCLUDE AN UPDATE REGARDING THE CURRENT STATUS OF FUNDING AND THE CRIMINAL JUSTICE DIVERSION PROGRAMS IMPLEMENTED PURSUANT TO THIS SECTION IN ITS REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION 2-7-203.

(3) THE STATE BOARD OF HUMAN SERVICES, CREATED IN SECTION 26-1-107, MAY PROMULGATE RULES TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

SECTION 11. Appropriation. For the 2020-21 state fiscal year, $1,150,000 is appropriated to the department of human services for use by the office of behavioral health. This appropriation is from the general fund. The office may use this appropriation for criminal justice diversion programs established pursuant to section 27-60-106.5, C.R.S.

SECTION 12. 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.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL D

LLS NO. 20-0297.01 Brita Darling x2241 **SENATE BILL**

SENATE SPONSORSHIP

Pettersen and Winter, Donovan, Priola

HOUSE SPONSORSHIP

Buentello and Wilson, Herod, Kennedy

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING TREATMENT FOR SUBSTANCE USE DISORDERS.**

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/.)

Opioid and Other Substance Use Disorders Study Committee. Section 1 of the bill requires updated community assessments every 2 years of the sufficiency of substance use disorder services in the community to be compiled by an independent entity contracted by the department of human services (DHS). The assessment must include input and the opportunity for review and comment from community entities and individuals. Based on the community assessment, the managed service organization will prepare a draft community action plan and shall allow

time for stakeholder review and comment on the plan.

Section 2 of the bill requires insurance carriers to provide coverage for the treatment of substance use disorders in accordance with the American society of addiction medicine (ASAM) criteria for placement, medical necessity, and utilization management determinations in accordance with the most recent edition of the ASAM criteria. The bill also authorizes the commissioner of insurance, in consultation with DHS and the department of health care policy and financing, to identify by rule alternate nationally recognized substance-use-disorder-specific treatment criteria if the ASAM criteria are no longer available, relevant, or reflect best practices.

Sections 3, 4, and 5 of the bill increases funding by $1 million for provider loan forgiveness and scholarships from the Colorado health service corps fund in the department of public health and environment (CDPHE). The bill recognizes a goal of the loan forgiveness and scholarship programs of creating a diverse health care workforce that is able to address the needs of underserved populations and communities.

Section 6 of the bill authorizes a pharmacy that has entered into a collaborative pharmacy agreement with one or more physicians to receive an enhanced dispensing fee for the administration of all injectable medications for medication-assisted treatment that are approved by the federal food and drug administration, and not just injectable antagonist medication.

Section 7 of the bill requires DHS to commission a state child care and treatment study and final report to make findings and recommendations concerning gaps in family-centered substance use disorder treatment and to identify alternative payment structures for funding child care and children's services alongside substance use disorder treatment of a child's parent. DHS shall distribute the report to the general assembly and present the report in its annual presentation to committees of the general assembly.

Sections 8, 9, 10, 11, and 12 of the bill prohibit managed service organization contracted providers; withdrawal management services; and recovery residences from denying access to medical or substance use disorder treatment services, including recovery services, to persons who are participating in prescribed medication-assisted treatment for substance use disorders. In addition, the bill prohibits courts and parole, probation, and community corrections from prohibiting the use of prescribed medication-assisted treatment as a condition of participation or placement.

Section 13 of the bill requires managed care entities to provide coordination of care for the full continuum of substance use disorder and mental health treatment and recovery services, including support for individuals transitioning between levels of care.

Section 14 of the bill appropriates $250,000 to the office of

behavioral health in DHS for allocation to the center for research into substance use disorder prevention, treatment, and recovery support strategies for the continued employment of grant writers to aid local communities in need of assistance to access federal and state money to address opioid and other substance use disorders in their communities.

Section 15 of the bill authorizes the commissioner of insurance, in consultation with CDPHE, to promulgate rules, or to seek a revision of the essential health benefits package, for prescription medications for medication-assisted treatment to be included on insurance carriers' formularies.

Section 16 of the bill requires insurance carriers to report to the commissioner of insurance on the number of in-network providers who are licensed to prescribe medication-assisted treatment for substance use disorders, including buprenorphine, and of that number, to indicate how many providers are actively prescribing medication-assisted treatment. The bill requires the commissioner of insurance to promulgate rules concerning the reporting.

Section 17 of the bill requires insurance carriers to provide coverage for naloxone hydrochloride, or other similarly acting drug, without prior authorization and without imposing any deductible, copayment, coinsurance, or other cost-sharing requirement.

Section 18 of the bill requires DHS to implement a program for training and community outreach relating to, at a minimum, the availability of and process for civil commitment of persons with an alcohol or substance use disorder. The training must be provided to first responders, law enforcement, emergency departments, primary care providers, and persons and families of persons with a substance use disorder, among others.

Sections 19 through 65 of the bill consolidate part 1 of article 82 of title 27, C.R.S., relating to emergency treatment and voluntary and involuntary commitment of persons for treatment of drugs into the existing part 1 of article 81 of title 27, C.R.S., relating to emergency treatment and voluntary and involuntary commitment of persons for treatment of alcohol use disorders, in order to create a single process that includes all substances.

The new scope of part 1 of article 81 of title 27, C.R.S., includes both alcohol use disorder and substance use disorder under the defined term "substance use disorder".

The amendments and additions to part 1 of article 81 of title 27, C.R.S., include:

- Defining "administrator" to include an administrator's designee;
- Adding a definition of "incapacitated by substances" to include a person who is incapacitated by alcohol or incapacitated by substances;

- Changing terminology throughout to refer to "substances" to include both alcohol and drugs;
- Adjusting the duration of the initial involuntary commitment from 30 days to up to 90 days;
- Allowing a person to enter into a stipulated order for committed treatment, expediting placement into treatment;
- Removing the mandatory hearing for the initial involuntary commitment but allowing a person to request a hearing if the person does not want to enter into a stipulated order for committed treatment;
- Incorporating in statute "patient's rights" relating to civil commitment;
- Using person-centered language throughout the statutory process; and
- Relocating the existing opioid crisis recovery funds advisory committee from article 82 in title 27, C.R.S., to article 81 in title 27, C.R.S.

In addition, the bill makes conforming amendments, including several in the professional licensing statutes in title 12, C.R.S., to remove references to both alcohol use disorder and substance use disorder as grounds for professional discipline, and replaces those terms with the single term "substance use disorder",which the bill now defines in article 81 of title 27, C.R.S., to include both drugs and alcohol.

The bill also makes conforming amendments to remove statutory references to provisions in part 2 of article 82 of title 27, C.R.S., which the bill repeals, and replaces those references with a new reference to the relevant provisions in article 81 of title 27, C.R.S.

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

2 **SECTION 1.** In Colorado Revised Statutes, 27-80-107.5, **amend**
3 (2), (3)(a), (5)(a), (5)(c)(II), and (7); **repeal** (3)(b); and **add** (2.5) as
4 follows:

5 **27-80-107.5. Increasing access to effective substance use**
6 **disorder services act - managed service organizations - substance use**
7 **disorder services - community assessment - community action plan**
8 **- allocations - reporting requirements - evaluation.** (2) (a) On or
9 before February 1, 2017, AND ON OR BEFORE SEPTEMBER 1, 2020, AND ON
10 OR BEFORE SEPTEMBER 1 EVERY TWO YEARS THEREAFTER, each managed

service organization designated pursuant to section 27-80-107 shall assess the sufficiency of substance use disorder services within its geographic region for adolescents ages seventeen and younger; young adults ages eighteen through twenty-five; pregnant women; women who are postpartum and parenting; and other adults, INCLUDING INDIVIDUALS WITH CO-OCCURRING OR COMPLEX CONDITIONS, who are in need of such services. BEGINNING WITH THE 2020 ASSESSMENT, during the community assessment process, each managed service organization shall ~~seek input and information from appropriate entities, such as community mental health centers, behavioral health organizations, county departments of human or social services, local public health agencies, substance use disorder treatment providers, law enforcement agencies, probation departments, organizations that serve veterans or homeless individuals, and other relevant stakeholders~~ CONTRACT WITH AN INDEPENDENT ORGANIZATION TO COMPILE A COMMUNITY ASSESSMENT. THE DEPARTMENT MAY REQUIRE STANDARDIZATION OF THE COMMUNITY ASSESSMENT AND SHALL DISSEMINATE THE REQUIREMENT TO THE MANAGED SERVICE ORGANIZATIONS WITHIN A REASONABLE TIME PRIOR TO THE COMMENCEMENT OF THE COMMUNITY ASSESSMENT.

(b) The community assessment must include:

(I) ~~an~~ A REVIEW AND analysis of existing ~~funding and resources~~ ASSESSMENTS AND OTHER REPORTS IDENTIFYING NEEDED RESOURCES AND GAPS within the community, ~~to provide~~ USING QUANTITATIVE AND QUALITATIVE DATA; AND

(II) A REVIEW OF THE ADEQUACY OF THE continuum of substance use disorder services, including prevention, intervention, treatment, and recovery support services, for:

(A) Adolescents ages seventeen and younger;

(B) Young adults ages eighteen through twenty-five;

(C) Pregnant women;

(D) Women who are postpartum and parenting; and

(E) Other adults who are in need of such services, INCLUDING INDIVIDUALS WITH CO-OCCURRING OR COMPLEX CONDITIONS.

(c) THE COMMUNITY ASSESSMENT MUST INCLUDE INPUT, AND PROVIDE OPPORTUNITY FOR REVIEW AND COMMENT, FROM APPROPRIATE ENTITIES, SUCH AS PEOPLE WITH LIVED EXPERIENCE; COMMUNITY MENTAL HEALTH CENTERS; REGIONAL ACCOUNTABLE ENTITIES; COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES; LOCAL PUBLIC HEALTH AGENCIES; PROBATION DEPARTMENTS; SCHOOLS; TRIBAL LEADERS; AND OTHER COMMUNITY ORGANIZATIONS THAT SERVE VETERANS, YOUTH, FAMILIES, OR HOMELESS INDIVIDUALS, AS WELL AS OTHER RELEVANT STAKEHOLDERS.

(d) THE INDEPENDENT CONTRACTOR, IN CONDUCTING THE COMMUNITY ASSESSMENT, AND THE MANAGED SERVICE ORGANIZATION, IN DEVELOPING A DRAFT COMMUNITY ACTION PLAN, SHALL USE BEST PRACTICES TO ENSURE FEEDBACK FROM UNDERSERVED POPULATIONS AND COMMUNITIES AND TO IDENTIFY AND ADDRESS HEALTH INEQUITIES IN COMMUNITIES.

(2.5) ON OR BEFORE FEBRUARY 1, 2021, AND ON OR BEFORE FEBRUARY 1 EVERY TWO YEARS THEREAFTER, EACH MANAGED SERVICE ORGANIZATION SHALL DEVELOP AND DISSEMINATE FOR FEEDBACK THE COMMUNITY ASSESSMENT AND A DRAFT COMMUNITY ACTION PLAN TO STAKEHOLDERS THAT PARTICIPATED IN THE COMMUNITY ASSESSMENT. THE MANAGED SERVICE ORGANIZATION SHALL PROVIDE AT LEAST THIRTY

DAYS FOR STAKEHOLDER COMMENT ON THE COMMUNITY ASSESSMENT AND A DRAFT COMMUNITY ACTION PLAN.

(3) (a) On or before March 1, 2017, AND ON OR BEFORE MAY 1, 2021, AND ON OR BEFORE MAY 1 EVERY TWO YEARS THEREAFTER, each managed service organization that has completed a community assessment pursuant to subsection (2) of this section shall ~~prepare and~~ submit in electronic format to the department and the department of health care policy and financing ~~a~~ THE COMMUNITY ASSESSMENT; AND THE community action plan to increase access to effective substance use disorder services, referred to in this section as the "community action plan". The community action plan must summarize the results of the community assessment and include a description of how the managed service organization will utilize its allocation of funding from the marijuana tax cash fund, created in section 39-28.8-501, ~~C.R.S.,~~ to address the most critical service gaps in its geographic region and a timeline for implementation of the community action plan. THE DEPARTMENT SHALL POST ON ITS WEBSITE THE UPDATED COMMUNITY ACTION PLANS RECEIVED FROM EACH MANAGED SERVICE ORGANIZATION.

(b) ~~A managed service organization may periodically update its community action plan to reflect changes in community needs and priorities. Any such updated plan must be submitted in electronic format to the department and the department of health care policy and financing.~~

(5) (a) ~~On or before September 1, 2017, and on or before each September 1 thereafter,~~ Each designated managed service organization shall submit an annual report to the department, INCLUDING THE AMOUNT AND PURPOSE OF ACTUAL EXPENDITURES MADE USING MONEY FROM THE MARIJUANA TAX CASH FUND, CREATED IN SECTION 39-28.8-501, IN THE

PREVIOUS STATE FISCAL YEAR, AND SHALL JOINTLY DEVELOP A COMMUNICATION PLAN WITH THE DEPARTMENT FOR DISSEMINATION OF THE REPORT. NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I), THE COMMUNICATION PLAN MUST INCLUDE THE PROCESS FOR DISSEMINATING THE REPORT TO LOCAL COUNTY GOVERNMENTS. THE DEPARTMENT SHALL ALSO SUBMIT A REPORT TO the joint budget committee, the health and human services committee of the senate, and the public health care and human services committee of the house of representatives, or ~~their~~ ANY successor committees, concerning the amount and purpose of actual expenditures made using money from the marijuana tax cash fund, CREATED IN SECTION 39-28.8-501, in the previous state fiscal year. The report must contain a description of the impact of the expenditures on addressing the needs that were identified in the initial and any subsequent community assessments and COMMUNITY action plans developed pursuant to subsection (3) of this section, as well as any other requirements established for the contents of the report by the department.

(c) On or before November 1, 2020, the department, in collaboration with the designated managed service organizations, shall submit a report to the joint budget committee and the joint health and human services committee, or any successor committees. The report must:

(II) Describe the impact the expenditures have had on increasing statewide access to a continuum of effective substance use disorder services, including the availability of prevention, intervention, treatment, and recovery support services in each designated service area AND HOW THE MONEY WAS USED TO INCREASE THE NETWORK OF PROVIDERS IN THE REGION; and

(7) Notwithstanding section 24-1-136 (11)(a)(I), the department shall report on outcomes related to the implementation of this section as part of its annual "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing required by section 2-7-203, beginning with the hearing ~~that precedes the 2019~~ AT THE BEGINNING OF THE 2020 legislative session.

SECTION 2. In Colorado Revised Statutes, 10-16-104, **amend** (5.5)(a)(I) as follows:

10-16-104. Mandatory coverage provisions - definitions - rules. (5.5) **Behavioral, mental health, and substance use disorders - rules.** (a) (I) Every health benefit plan subject to part 2, 3, or 4 of this article 16, except those described in section 10-16-102 (32)(b), must provide coverage:

(A) For the prevention of, screening for, and treatment of behavioral, mental health, and substance use disorders that is no less extensive than the coverage provided for any physical illness and that complies with the requirements of the MHPAEA; AND

(B) AT A MINIMUM, FOR THE TREATMENT OF SUBSTANCE USE DISORDERS IN ACCORDANCE WITH THE AMERICAN SOCIETY OF ADDICTION MEDICINE CRITERIA FOR PLACEMENT, MEDICAL NECESSITY, AND UTILIZATION MANAGEMENT DETERMINATIONS AS SET FORTH IN THE MOST RECENT EDITION OF "THE ASAM CRITERIA FOR ADDICTIVE, SUBSTANCE-RELATED, AND CO-OCCURRING CONDITIONS"; EXCEPT THAT THE COMMISSIONER MAY IDENTIFY BY RULE, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES, AN ALTERNATE NATIONALLY RECOGNIZED AND EVIDENCE-BASED

SUBSTANCE-USE-DISORDER-SPECIFIC CRITERIA FOR PLACEMENT, MEDICAL NECESSITY, OR UTILIZATION MANAGEMENT, IF AMERICAN SOCIETY OF ADDICTION MEDICINE CRITERIA ARE NO LONGER AVAILABLE, RELEVANT, OR DO NOT FOLLOW BEST PRACTICES FOR SUBSTANCE USE DISORDER TREATMENT.

SECTION 3. In Colorado Revised Statutes, 25-1.5-503, **amend** (2) as follows:

25-1.5-503. Colorado health service corps - program - creation - conditions. (2) (a) Subject to available appropriations, the primary care office shall annually select health care professionals, behavioral health care providers, candidates for licensure, nursing faculty members, and health care professional members from the list provided by the advisory council pursuant to section 25-1.5-504 (5)(a) to participate in the Colorado health service corps.

(b) IN REVIEWING APPLICATIONS AND SELECTING PARTICIPANTS FOR THE PROGRAM, THE PRIMARY CARE OFFICE AND THE ADVISORY COUNCIL SHALL CONSIDER THE GOAL OF CREATING A DIVERSE HEALTH CARE WORKFORCE THAT IS ABLE TO ADDRESS THE NEEDS OF UNDERSERVED POPULATIONS AND COMMUNITIES. UPON REQUEST, THE PRIMARY CARE OFFICE SHALL PROVIDE NONIDENTIFYING DEMOGRAPHIC INFORMATION CONCERNING ALL APPLICANTS AND THOSE SELECTED FOR AWARDS.

SECTION 4. In Colorado Revised Statutes, 25-1.5-503.5, **add** (1.5) as follows:

25-1.5-503.5. Scholarship program for addiction counselors - creation - eligibility - conditions. (1.5) THE PRIMARY CARE OFFICE SHALL ADMINISTER THE SCHOLARSHIP PROGRAM UTILIZING BEST PRACTICES FOR INCREASING DIVERSITY IN APPLICANTS FOR THE

SCHOLARSHIP PROGRAM, INCLUDING APPLICANTS FROM UNDERREPRESENTED POPULATIONS AND PERSONS IN RECOVERY, AND SHALL CONSIDER THE NEEDS OF THE POPULATIONS AND COMMUNITIES BEING SERVED IN SELECTING SCHOLARSHIP RECIPIENTS. UPON REQUEST, THE PRIMARY CARE OFFICE SHALL PROVIDE NONIDENTIFYING DEMOGRAPHIC INFORMATION CONCERNING ALL APPLICANTS AND THOSE SELECTED FOR SCHOLARSHIPS.

SECTION 5. In Colorado Revised Statutes, 25-1.5-506, **amend** (4)(a) introductory portion as follows:

25-1.5-506. Colorado health service corps fund - created - acceptance of grants and donations - annual appropriation from marijuana tax cash fund. (4) (a) For the 2018-19 AND 2019-20 fiscal ~~year and each fiscal year thereafter~~ YEARS, the general assembly shall appropriate two million five hundred thousand dollars; AND FOR THE 2020-21 FISCAL YEAR, AND EACH FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE THREE MILLION FIVE HUNDRED THOUSAND DOLLARS, from the marijuana tax cash fund created in section 39-28.8-501 to the primary care office to:

SECTION 6. In Colorado Revised Statutes, **amend** 25.5-5-510 as follows:

25.5-5-510. Pharmacy reimbursement - substance use disorder - injections. If a pharmacy has entered into a collaborative pharmacy practice agreement with one or more physicians pursuant to section 12-280-602 to administer AN injectable ~~antagonist~~ medication for medication-assisted treatment for substance use disorders THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION, the pharmacy administering the drug shall receive an enhanced dispensing fee

that aligns with the administration fee paid to a provider in a clinical setting.

SECTION 7. In Colorado Revised Statutes, **add** 27-80-124 as follows:

27-80-124. Child care and treatment study - report. (1) (a) THE EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, SHALL COMMISSION A STATE CHILD CARE AND TREATMENT STUDY AND FINAL REPORT. AT A MINIMUM, THE STUDY AND FINAL REPORT MUST:

(I) MAKE FINDINGS AND RECOMMENDATIONS CONCERNING THE NEEDS AND GAPS IN FAMILY-CENTERED SUBSTANCE USE DISORDER TREATMENT IN THE STATE; AND

(II) IDENTIFY ALTERNATIVE PAYMENT STRUCTURES FOR FUNDING CHILD CARE AND CHILDREN'S SERVICES ALONGSIDE A PARENT'S TREATMENT FOR A SUBSTANCE USE DISORDER.

(b) THE EXECUTIVE DIRECTOR SHALL ISSUE A REQUEST FOR PROPOSALS FOR THE STUDY AND FINAL REPORT TO BE CONDUCTED BY AN ENTITY THAT IS INDEPENDENT OF THE DEPARTMENT.

(2) THE FINAL REPORT, SETTING FORTH THE STUDY'S METHODOLOGIES, FINDINGS, AND RECOMMENDATIONS, MUST BE PROVIDED ON OR BEFORE MARCH 31, 2021, TO:

(a) THE MEMBERS OF THE GENERAL ASSEMBLY;

(b) THE EXECUTIVE DIRECTOR, WHO SHALL TRANSMIT A COPY OF THE FINAL REPORT TO THE OFFICE WITHIN THE DEPARTMENT CONCERNED WITH EARLY CHILDHOOD; AND

(c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH

CARE POLICY AND FINANCING.

(3) THE DEPARTMENT SHALL INCLUDE THE FINDINGS AND RECOMMENDATIONS CONTAINED IN THE FINAL REPORT AS PART OF THE DEPARTMENT'S PRESENTATION TO THE LEGISLATIVE COMMITTEES OF REFERENCE DURING THE 2022 REGULAR LEGISLATIVE SESSION PURSUANT TO SECTION 2-7-203.

SECTION 8. In Colorado Revised Statutes, 27-80-107, **amend** (4) as follows:

27-80-107. Designation of managed service organizations - purchase of services - revocation of designation. (4) The terms and conditions for providing substance use disorder treatment services must be specified in the contract entered into between the office of behavioral health and the designated managed service organization. CONTRACTS ENTERED INTO BETWEEN THE OFFICE OF BEHAVIORAL HEALTH AND THE DESIGNATED MANAGED SERVICE ORGANIZATION MUST INCLUDE TERMS AND CONDITIONS PROHIBITING A DESIGNATED MANAGED SERVICE ORGANIZATION CONTRACTED TREATMENT PROVIDER FROM DENYING OR PROHIBITING ACCESS TO MEDICATION-ASSISTED TREATMENT, AS DEFINED IN SECTION 23-21-803, FOR A SUBSTANCE USE DISORDER.

SECTION 9. In Colorado Revised Statutes, 27-80-108, **amend** (1)(c) as follows:

27-80-108. Rules. (1) The state board of human services, created in section 26-1-107, has the power to promulgate rules governing the provisions of this article 80. The rules may include, but are not limited to:

(c) Requirements for public and private agencies, organizations, and institutions from which the office of behavioral health may purchase services pursuant to section 27-80-106 (1), WHICH REQUIREMENTS MUST

INCLUDE PROHIBITING THE PURCHASE OF SERVICES FROM ENTITIES THAT DENY OR PROHIBIT ACCESS TO MEDICAL SERVICES OR SUBSTANCE USE DISORDER TREATMENT AND SERVICES TO PERSONS WHO ARE PARTICIPATING IN PRESCRIBED MEDICATION-ASSISTED TREATMENT, AS DEFINED IN SECTION 23-21-803, FOR A SUBSTANCE USE DISORDER;

SECTION 10. In Colorado Revised Statutes, 25-1.5-108.5, **amend** (2) as follows:

25-1.5-108.5. Regulation of recovery residences - definition - rules. (2) A recovery residence may admit individuals who are receiving medication-assisted treatment, including agonist treatment, for substance use disorders; EXCEPT THAT A RECOVERY RESIDENCE RECEIVING STATE MONEY OR PROVIDING SERVICES THAT ARE PAID FOR THROUGH STATE PROGRAMS SHALL NOT DENY ADMISSION TO PERSONS WHO ARE PARTICIPATING IN PRESCRIBED MEDICATION-ASSISTED TREATMENT, AS DEFINED IN SECTION 23-21-803, FOR A SUBSTANCE USE DISORDER.

SECTION 11. In Colorado Revised Statutes, **add** 13-1-139 as follows:

13-1-139. Court limitations on medication-assisted treatment - prohibited. A COURT SHALL NOT CONDITION PARTICIPATION IN A DRUG OR PROBLEM-SOLVING COURT OR OTHER JUDICIAL PROGRAM, OR ENTER ORDERS RELATING TO PROBATION OR PAROLE OR PLACEMENT IN COMMUNITY CORRECTIONS, BASED ON THE REQUIREMENT THAT A PERSON CEASE PARTICIPATING IN PRESCRIBED MEDICATION-ASSISTED TREATMENT FOR SUBSTANCE USE DISORDERS, AS DEFINED IN SECTION 23-21-803, UNLESS THE PERSON OR THE PRESCRIBER DETERMINES THAT MEDICATION-ASSISTED TREATMENT IS NO LONGER NECESSARY OR IS NO LONGER AN EFFECTIVE TREATMENT FOR THE PERSON.

1 **SECTION 12.** In Colorado Revised Statutes, 17-27-104, **add** (13)
2 as follows:
3 **17-27-104. Community corrections programs operated by**
4 **units of local government, state agencies, or nongovernmental**
5 **agencies.** (13) THE ADMINISTRATOR OF ANY COMMUNITY CORRECTIONS
6 PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL NOT REJECT
7 ANY OFFENDER REFERRED FOR PLACEMENT BASED ON THE OFFENDER'S
8 PARTICIPATION IN MEDICATION-ASSISTED TREATMENT, AS DEFINED IN
9 SECTION 23-21-803, OR ESTABLISH ANY RULE OR CONDITION OR GUIDELINE
10 FOR THE CONDUCT OF AN OFFENDER THAT PROHIBITS OR SIGNIFICANTLY
11 IMPAIRS AN OFFENDER'S ABILITY TO PARTICIPATE IN PRESCRIBED
12 MEDICATION-ASSISTED TREATMENT.
13 **SECTION 13.** In Colorado Revised Statutes, 25.5-5-402, **add**
14 (3)(c.5) as follows:
15 **25.5-5-402. Statewide managed care system - definition - rules.**
16 (3) The statewide managed care system must include a statewide system
17 of community behavioral health care that must:
18 (c.5) PROVIDE COORDINATION OF CARE FOR THE FULL CONTINUUM
19 OF SUBSTANCE USE DISORDER AND MENTAL HEALTH TREATMENT AND
20 RECOVERY, INCLUDING SUPPORT FOR INDIVIDUALS TRANSITIONING
21 BETWEEN LEVELS OF CARE;
22 **SECTION 14.** In Colorado Revised Statutes, 27-80-118, **amend**
23 (6)(a); and **add** (6)(c) as follows:
24 **27-80-118. Center for research into substance use disorder**
25 **prevention, treatment, and recovery support strategies - established**
26 **- legislative declaration - repeal.** (6) (a) The center may employ up to
27 three additional employees to work as grant writers in order to aid local

1 communities in need of assistance in applying for grants to access state
2 and federal money to address opioid and other substance use disorders in
3 their communities. The center shall determine the communities in which
4 to provide the grant writing assistance. IN REVIEWING AND SELECTING
5 APPLICATIONS FOR GRANT WRITING ASSISTANCE, THE CENTER SHALL
6 CONSIDER THE GOAL OF ADDRESSING THE NEEDS OF UNDERSERVED
7 POPULATIONS AND COMMUNITIES.
8 (c) FOR STATE FISCAL YEARS 2020-21 THROUGH 2024-25, THE
9 GENERAL ASSEMBLY SHALL APPROPRIATE TWO HUNDRED FIFTY THOUSAND
10 DOLLARS FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION
11 39-28.8-501 (1) TO THE DEPARTMENT FOR ALLOCATION TO THE CENTER
12 FOR THE PURPOSES OF THIS SUBSECTION (6). THE CENTER MAY USE THE
13 MONEY TO HIRE NEW EMPLOYEES AND FOR THE DIRECT AND INDIRECT
14 COSTS ASSOCIATED WITH THIS SUBSECTION (6).
15 **SECTION 15.** In Colorado Revised Statutes, 10-16-148, **add**
16 (1.5) as follows:
17 **10-16-148. Medication-assisted treatment - limitations on**
18 **carriers - rules - definition.** (1.5) THE COMMISSIONER, IN
19 CONSULTATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND
20 ENVIRONMENT, MAY PROMULGATE RULES OR SEEK A REVISION TO THE
21 PRESCRIPTION DRUG BENEFITS REQUIRED UNDER THE ESSENTIAL HEALTH
22 BENEFITS PACKAGE CONCERNING PRESCRIPTION MEDICATIONS THAT MUST
23 BE INCLUDED ON A CARRIER'S FORMULARY FOR MEDICATION-ASSISTED
24 TREATMENT OF SUBSTANCE USE DISORDERS.
25 **SECTION 16.** In Colorado Revised Statutes, **add** 10-16-710 as
26 follows:
27 **10-16-710. Reporting to commissioner - medication-assisted**

treatment - rules. (1) A CARRIER SHALL REPORT TO THE COMMISSIONER:

(a) THE NUMBER OF IN-NETWORK PROVIDERS WHO ARE FEDERALLY LICENSED TO PRESCRIBE MEDICATION-ASSISTED TREATMENT FOR SUBSTANCE USE DISORDERS, INCLUDING BUPRENORPHINE; AND

(b) FOR THE PROVIDERS IDENTIFIED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE NUMBER OF PRESCRIPTIONS WRITTEN BY THE PROVIDER FOR MEDICATION-ASSISTED TREATMENT DURING THE REPORTING PERIOD THAT ARE PAID FOR OR DENIED BY THE CARRIER.

(2) THE COMMISSIONER SHALL PROMULGATE RULES CONCERNING THE REPORTING REQUIREMENTS SPECIFIED IN SUBSECTION (1) OF THIS SECTION, INCLUDING THE REPORTING PERIOD, THE FREQUENCY OF REPORTING, AND ANY OTHER PROVISIONS NECESSARY TO COMPLY WITH THE REPORTING REQUIREMENT.

SECTION 17. In Colorado Revised Statutes, 10-16-104, **amend** (5.5)(a)(III)(A); and **add** (5.5)(a)(III)(C) as follows:

10-16-104. Mandatory coverage provisions - rules - definitions. (5.5) **Behavioral, mental health, and substance use disorders - rules.** (a) (III) (A) Except as provided in ~~subsection (5.5)(a)(III)(B)~~ SUBSECTIONS (5.5)(a)(III)(B) AND (5.5)(a)(III)(C) of this section, any preauthorization or utilization review mechanism used in the determination to provide the coverage required by this subsection (5.5)(a) must be the same as, or no more restrictive than, that used in the determination to provide coverage for a physical illness. The commissioner shall adopt rules as necessary to implement and administer this subsection (5.5).

(C) A HEALTH BENEFIT PLAN SUBJECT TO THIS SUBSECTION (5.5) MUST PROVIDE COVERAGE FOR AN OPIATE ANTAGONIST, AS DEFINED IN

SECTION 12-30-110 (7)(d), WITHOUT PRIOR AUTHORIZATION AND WITHOUT IMPOSING ANY DEDUCTIBLE, COPAYMENT, COINSURANCE, OR OTHER COST-SHARING REQUIREMENT.

SECTION 18. In Colorado Revised Statutes, **add** 27-80-110.5 as follows:

27-80-110.5. Training and community outreach relating to civil commitment of persons with a substance use disorder. (1) BEGINNING NO LATER THAN SEPTEMBER 1, 2020, THE OFFICE OF BEHAVIORAL HEALTH SHALL IMPLEMENT A PROGRAM FOR TRAINING AND COMMUNITY OUTREACH RELATING TO SUBSTANCE USE DISORDER TREATMENT. AT A MINIMUM, THE TRAINING AND COMMUNITY OUTREACH MUST INCLUDE THE AVAILABILITY OF AND PROCESS FOR CIVIL COMMITMENT OF PERSONS WITH A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION 27-81-102. THE TRAINING AND COMMUNITY OUTREACH PROGRAM MAY ALSO INCLUDE INFORMATION CONCERNING THE CARE NAVIGATION PROGRAM CREATED IN SECTION 27-80-119, THE TWENTY-FOUR-HOUR TELEPHONE CRISIS SERVICES PROVIDED PURSUANT TO SECTION 27-60-103, AND OTHER RESOURCES FOR THE COMMUNITY AND FOR PERSONS AND FAMILIES OF PERSONS WITH A SUBSTANCE USE DISORDER.

(2) THE TRAINING AND OUTREACH PROGRAM MUST PROVIDE TRAINING AND OUTREACH TO FIRST RESPONDERS, LAW ENFORCEMENT AND CRIMINAL JUSTICE AGENCIES, EMERGENCY DEPARTMENTS, HOSPITALS, TREATMENT FACILITIES, PRIMARY CARE PROVIDERS, BEHAVIORAL HEALTH PROVIDERS, COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES, PERSONS AND FAMILIES OF PERSONS WITH A SUBSTANCE USE DISORDER, AND ORGANIZATIONS WORKING WITH PERSONS AND FAMILIES OF PERSONS

WITH A SUBSTANCE USE DISORDER.

SECTION 19. In Colorado Revised Statutes, **repeal and reenact, with amendments,** 27-81-101 as follows:

27-81-101. [Similar to 27-82-101] Legislative declaration. (1) THE GENERAL ASSEMBLY RECOGNIZES THE CHARACTER AND PERVASIVENESS OF SUBSTANCE USE DISORDERS AND THAT SUBSTANCE USE DISORDERS ARE SERIOUS PROBLEMS. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT THESE PROBLEMS HAVE BEEN VERY SERIOUSLY NEGLECTED AND THAT THE SOCIAL AND ECONOMIC COSTS AND THE WASTE OF HUMAN RESOURCES CAUSED BY SUBSTANCE USE DISORDERS ARE MASSIVE, TRAGIC, AND NO LONGER ACCEPTABLE. THE GENERAL ASSEMBLY BELIEVES THAT THE BEST INTERESTS OF THIS STATE DEMAND AN ACROSS-THE-BOARD, LOCALLY ORIENTED ATTACK ON THE MASSIVE PROBLEMS OF DRUG ABUSE AND SUBSTANCE USE DISORDERS. THE ATTACK INCLUDES PREVENTION, EDUCATION, AND TREATMENT, AND THIS ARTICLE 81 PROVIDES A BASE FROM WHICH TO LAUNCH THE ATTACK AND REDUCE THE TRAGIC HUMAN LOSS.

(2) IT IS THE POLICY OF THIS STATE THAT PERSONS WITH SUBSTANCE USE DISORDERS, PERSONS INTOXICATED BY ALCOHOL, AND PERSONS UNDER THE INFLUENCE OF DRUGS SHOULD BE AFFORDED TREATMENT SO THEY MAY LEAD NORMAL LIVES AS PRODUCTIVE MEMBERS OF SOCIETY. THE GENERAL ASSEMBLY FINDS AND DECLARES THAT SUBSTANCE USE DISORDERS ARE MATTERS OF STATEWIDE CONCERN.

SECTION 20. In Colorado Revised Statutes, 27-81-102, **amend** (14); **amend as it exists until July 1, 2022,** (1); **amend as it will become effective July 1, 2022,** (1); **add** (9.4); **add with amended and relocated provisions** (6.5), (9.2), (13.6), and (13.9); **add with amended and**

relocated provisions as it exists until July 1, 2022, (1.2); and **add with amended and relocated provisions as they will become effective July 1, 2022,** (1.2) and (13.8) as follows:

27-81-102. Definitions. As used in this article 81, unless the context otherwise requires:

(1) ~~[***Editor's note: This version of subsection (1) is effective until July 1, 2022.***] "Alcohol use disorder" means a condition by which a person habitually lacks self-control as to the use of alcoholic beverages or uses alcoholic beverages to the extent that his or her health is substantially impaired or endangered or his or her social or economic function is substantially disrupted. Nothing in this subsection (1) precludes the denomination of a person with an alcohol use disorder as intoxicated by alcohol or incapacitated by alcohol~~ "ADMINISTRATOR" MEANS THE ADMINISTRATOR OF AN APPROVED TREATMENT FACILITY OR AN INDIVIDUAL AUTHORIZED IN WRITING TO ACT AS THE ADMINISTRATOR'S DESIGNEE.

(1) ~~[***Editor's note: This version of subsection (1) is effective July 1, 2022.***] "Alcohol use disorder" means a chronic relapsing brain disease characterized by recurrent use of alcohol causing clinically significant impairment, including health problems, disability, and failure to meet major responsibilities at work, school, and home~~ "ADMINISTRATOR" MEANS THE ADMINISTRATOR OF AN APPROVED TREATMENT FACILITY OR AN INDIVIDUAL AUTHORIZED IN WRITING TO ACT AS THE ADMINISTRATOR'S DESIGNEE.

(1.2) **[Formerly 27-81-102 (1) as it is effective until July 1, 2022]** "Alcohol use disorder" means a condition by which a person habitually lacks self-control as to the use of alcoholic beverages or uses

alcoholic beverages to the extent that ~~his or her~~ THE PERSON'S health is substantially impaired or endangered or ~~his or her~~ THE PERSON'S social or economic function is substantially disrupted. Nothing in this ~~subsection (1)~~ SUBSECTION (1.2) precludes the denomination of a person with an alcohol use disorder as intoxicated by alcohol or incapacitated by alcohol.

(1.2) **[Formerly 27-81-102 (1) as it will become effective July 1, 2022]** "Alcohol use disorder" means a chronic relapsing brain disease characterized by recurrent use of alcohol causing clinically significant impairment, including health problems, disability, and failure to meet major responsibilities at work, school, and home.

(6.5) **[Formerly 27-82-102 (7)]** "Drug" means a controlled substance, as defined in section 18-18-102 (5), ~~C.R.S.,~~ and toxic vapors.

(9.2) **[Formerly 27-82-102 (10)]** "Incapacitated by drugs" means that a person, as a result of the use of drugs, is unconscious or has ~~his or her~~ judgment otherwise so impaired that ~~he or she~~ THE PERSON is incapable of realizing and making a rational decision with respect to ~~his or her~~ THE PERSON'S need for treatment, is unable to take care of ~~his or her~~ basic personal needs or safety, or lacks sufficient understanding or capacity to make or communicate rational decisions concerning himself or herself.

(9.4) "INCAPACITATED BY SUBSTANCES" MEANS THAT A PERSON IS INCAPACITATED BY ALCOHOL OR IS INCAPACITATED BY DRUGS.

(13.6) **[Formerly 27-82-102 (13)]** "Person under the influence of drugs" means any person whose mental or physical functioning is temporarily but substantially impaired as a result of the presence of drugs in ~~his or her~~ THE PERSON'S body.

(13.8) **[Formerly 27-82-102 (13.5) as it will become effective**

July 1, 2022] "Substance use disorder" means a chronic relapsing brain disease, characterized by recurrent use of alcohol, drugs, or both, causing clinically significant impairment, including health problems, disability, and failure to meet major responsibilities at work, school, or home.

(13.9) **[Formerly 27-82-102 (14)]** "Toxic vapors" means a substance or product containing such substances as defined in section 18-18-412 (3). ~~C.R.S.~~

(14) "Treatment" means the broad range of emergency, outpatient, intermediate, and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation, and career counseling that may be extended to a person with ~~an alcohol~~ A SUBSTANCE use disorder, A PERSON INCAPACITATED BY SUBSTANCES, A PERSON UNDER THE INFLUENCE OF DRUGS, and A PERSON intoxicated ~~persons~~ BY ALCOHOL.

SECTION 21. In Colorado Revised Statutes, 27-81-103, **amend** (1)(a), (1)(b), (1)(d), (1)(e), and (1)(h) as follows:

27-81-103. Powers of the office of behavioral health. (1) To carry out the purposes of this article 81, the office of behavioral health may:

(a) Plan, establish, and maintain ~~alcohol~~ SUBSTANCE use disorder treatment programs as necessary or desirable;

(b) Make contracts necessary or incidental to the performance of its duties and the execution of its powers, including contracts with public and private agencies, organizations, and individuals to pay them for services rendered or furnished to persons with ~~alcohol~~ SUBSTANCE use disorders, ~~or~~ PERSONS intoxicated ~~persons~~ BY ALCOHOL, OR PERSONS UNDER THE INFLUENCE OF DRUGS;

(d) Administer or supervise the administration of the provisions relating to persons with ~~alcohol~~ SUBSTANCE use disorders, ~~and intoxicated~~ persons INTOXICATED BY ALCOHOL, AND PERSONS UNDER THE INFLUENCE OF DRUGS of any state plan submitted for federal funding pursuant to federal health, welfare, or treatment legislation;

(e) Coordinate its activities and cooperate with ~~alcohol~~ SUBSTANCE use disorder treatment programs in this state and other states and make contracts and other joint or cooperative arrangements with state, local, or private agencies in this state and other states for the treatment of persons with ~~alcohol~~ SUBSTANCE use disorders, ~~and intoxicated~~ persons INTOXICATED BY ALCOHOL, AND PERSONS UNDER THE INFLUENCE OF DRUGS and for the common advancement of ~~alcohol~~ SUBSTANCE use disorder treatment programs;

(h) Acquire, hold, or dispose of real property, or any interest therein, and construct, lease, or otherwise provide ~~alcohol~~ SUBSTANCE use disorder treatment facilities for persons with ~~alcohol~~ SUBSTANCE use disorders, PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS.

SECTION 22. In Colorado Revised Statutes, **amend** 27-81-104 as follows:

27-81-104. Duties of the office of behavioral health - review. (1) In addition to duties prescribed by section 27-80-102, the office of behavioral health shall:

(a) Develop, encourage, and foster statewide, regional, and local plans and programs for the prevention of ~~alcohol~~ SUBSTANCE use disorders and treatment of persons with ~~alcohol~~ SUBSTANCE use disorders, PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE

INFLUENCE OF DRUGS, in cooperation with public and private agencies, organizations, and individuals and provide technical assistance and consultation services for these purposes;

(b) Coordinate the efforts and enlist the assistance of all public and private agencies, organizations, and individuals interested in prevention of ~~alcohol~~ SUBSTANCE use disorders and treatment of persons with ~~alcohol~~ SUBSTANCE use disorders, PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS;

(c) **[*Editor's note: This version of subsection (1)(c) is effective until July 1, 2022.*]** Utilize community mental health centers and clinics, OR OTHER APPROVED TREATMENT FACILITIES, whenever feasible;

(c) **[*Editor's note: This version of subsection (1)(c) is effective July 1, 2022.*]** Utilize behavioral health entities, community mental health centers and clinics, OR OTHER APPROVED TREATMENT FACILITIES, whenever feasible;

(d) Cooperate with the department of corrections in establishing and conducting programs for the prevention of ~~alcohol~~ SUBSTANCE use disorders and treatment of persons with ~~alcohol~~ SUBSTANCE use disorders, PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS in appropriate agencies and institutions and for persons with ~~alcohol~~ SUBSTANCE use disorders, PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS in or on parole from correctional institutions and in carrying out duties specified in subsections (1)(i) and (1)(k) of this section;

(e) Cooperate with the department of education, schools, police departments, courts, and other public and private agencies, organizations, and individuals in establishing programs for the prevention of ~~alcohol~~

SUBSTANCE use disorders and treatment of persons with ~~alcohol~~ SUBSTANCE use disorders, PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS and preparing curriculum materials for use at all levels of school education;

(f) Prepare, publish, evaluate, and disseminate educational material dealing with the nature and effects of alcohol AND DRUGS;

(g) Develop and implement, as an integral part of ~~alcohol~~ SUBSTANCE use disorder treatment programs, an educational program for use in the treatment of persons with ~~alcohol~~ SUBSTANCE use disorders, PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS. The program must include the dissemination of information concerning the nature and effects of alcohol AND DRUGS;

(h) Organize and foster training programs for all persons engaged in treatment of persons with ~~alcohol~~ SUBSTANCE use disorders, PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS;

(i) Sponsor and encourage research into the causes and nature of ~~alcohol~~ SUBSTANCE use disorders and treatment of persons with ~~alcohol~~ SUBSTANCE use disorders, PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS, and serve as a clearinghouse for information relating to ~~alcohol~~ SUBSTANCE use disorders;

(j) Specify uniform methods for keeping statistical information by public and private agencies, organizations, and individuals and collect and make available relevant statistical information, including number of persons treated, frequency of admission and readmission, and frequency and duration of treatment;

(k) Advise the governor in the preparation of a comprehensive plan for treatment of persons with ~~alcohol~~ SUBSTANCE use disorders, PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS for inclusion in the state's comprehensive health plan;

(l) Review all state health, welfare, and treatment plans to be submitted for federal funding under federal legislation and advise the governor on provisions to be included relating to ~~alcohol~~ SUBSTANCE use disorders, persons with ~~alcohol~~ SUBSTANCE use disorders, and ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS;

(m) Assist in the development of, and cooperate with, ~~alcohol~~ SUBSTANCE USE education and treatment programs for employees of state and local governments and businesses and industries in this state;

(n) Utilize the support and assistance of interested persons in the community, particularly persons with ~~alcohol~~ SUBSTANCE use disorders that are in remission, to encourage persons with ~~alcohol~~ SUBSTANCE use disorders to voluntarily undergo treatment;

(o) Cooperate with the department of transportation in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while under the influence of, or impaired by, alcohol OR DRUGS;

(p) Encourage general hospitals and other appropriate health facilities to admit without discrimination persons with ~~alcohol~~ SUBSTANCE use disorders, PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS and to provide them with adequate and appropriate treatment;

(q) Encourage all health and disability insurance programs to

include ~~alcohol~~ SUBSTANCE use disorders as a covered illness; and

(r) Submit to the governor an annual report covering the activities of the office of behavioral health.

SECTION 23. In Colorado Revised Statutes, 27-81-105, **amend** (1) and (3) as follows:

27-81-105. Comprehensive program for treatment - regional facilities. (1) The office of behavioral health shall establish a comprehensive and coordinated program for the treatment of persons with ~~alcohol~~ SUBSTANCE use disorders, PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS.

(3) The office of behavioral health shall provide adequate and appropriate treatment for persons with ~~alcohol~~ SUBSTANCE use disorders, PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS admitted pursuant to sections 27-81-109 to 27-81-112. Except as otherwise provided in section 27-81-111, treatment ~~may~~ MUST not be provided at a correctional institution, except for inmates.

SECTION 24. In Colorado Revised Statutes, 27-81-106, **repeal and reenact, with amendments,** (6) as follows:

27-81-106. Standards for public and private treatment facilities - fees - enforcement procedures - penalties. (6) **[Similar to 27-82-103 (6)]** A PERSON SHALL NOT OPERATE A PRIVATE OR PUBLIC TREATMENT FACILITY IN THIS STATE WITHOUT APPROVAL FROM THE OFFICE OF BEHAVIORAL HEALTH; EXCEPT THAT THIS ARTICLE 81 DOES NOT APPLY TO A PRIVATE TREATMENT FACILITY THAT ACCEPTS ONLY PRIVATE MONEY AND DOES NOT DISPENSE CONTROLLED SUBSTANCES. THE DISTRICT COURT MAY RESTRAIN ANY VIOLATION OF, REVIEW ANY DENIAL,

RESTRICTION, OR REVOCATION OF APPROVAL UNDER, AND GRANT OTHER RELIEF REQUIRED TO ENFORCE THE PROVISIONS OF THIS SECTION.

SECTION 25. In Colorado Revised Statutes, 27-81-108, **amend** (1) introductory portion, (1)(b), and (1)(c) as follows:

27-81-108. Acceptance for treatment - rules. (1) The director shall adopt and may amend and repeal rules for acceptance of persons into the SUBSTANCE USE DISORDER treatment program, considering available treatment resources and facilities, for the purpose of early and effective treatment of persons with ~~alcohol~~ SUBSTANCE use disorders, PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS. In establishing the rules, THE FOLLOWING STANDARDS GUIDE the director: ~~shall be guided by the following standards:~~

(b) ~~A patient shall be initially assigned or transferred to outpatient or intermediate treatment, unless he or she is found to require inpatient treatment~~ QUALIFIED STAFF SHALL ASSESS THE PROPER LEVEL OF CARE FOR THE PERSON PURSUANT TO RULES ADOPTED BY THE DIRECTOR AND MAKE A REFERRAL FOR PLACEMENT.

(c) A person ~~shall~~ MUST not be denied treatment solely because ~~he or she~~ THE PERSON has withdrawn from treatment against medical advice on a prior occasion or because ~~he or she~~ THE PERSON has relapsed after earlier treatment.

SECTION 26. In Colorado Revised Statutes, **repeal and reenact, with amendments,** 27-81-109 as follows:

27-81-109. [Similar to 27-82-105] Voluntary treatment of persons with substance use disorders. (1) A PERSON WITH A SUBSTANCE USE DISORDER, INCLUDING A MINOR, MAY APPLY FOR

VOLUNTARY TREATMENT DIRECTLY TO AN APPROVED TREATMENT FACILITY.

(2) SUBJECT TO RULES ADOPTED BY THE DIRECTOR, THE ADMINISTRATOR IN CHARGE OF AN APPROVED TREATMENT FACILITY SHALL DETERMINE WHO IS ADMITTED FOR TREATMENT. IF A PERSON IS REFUSED ADMISSION TO AN APPROVED TREATMENT FACILITY, THE ADMINISTRATOR MAY REFER THE PERSON TO ANOTHER APPROVED AND APPROPRIATE TREATMENT FACILITY FOR TREATMENT IF IT IS DEEMED LIKELY TO BE BENEFICIAL. A PERSON MUST NOT BE REFERRED FOR FURTHER TREATMENT IF IT IS DETERMINED THAT FURTHER TREATMENT IS NOT LIKELY TO BRING ABOUT SIGNIFICANT IMPROVEMENT IN THE PERSON'S CONDITION, OR TREATMENT IS NO LONGER APPROPRIATE, OR FURTHER TREATMENT IS UNLIKELY TO BE BENEFICIAL.

(3) IF A PATIENT RECEIVING RESIDENTIAL CARE LEAVES AN APPROVED TREATMENT FACILITY, THE PERSON IS ENCOURAGED TO CONSENT TO OUTPATIENT TREATMENT OR SUPPORTIVE SERVICES IF APPROPRIATE.

SECTION 27. In Colorado Revised Statutes, **repeal and reenact, with amendments,** 27-81-110 as follows:

27-81-110. [Similar to 27-82-106] Voluntary treatment for persons intoxicated by alcohol, under the influence of drugs, or incapacitated by substances. (1) A PERSON INTOXICATED BY ALCOHOL, UNDER THE INFLUENCE OF DRUGS, OR INCAPACITATED BY SUBSTANCES, INCLUDING A MINOR IF PROVIDED BY RULES OF THE OFFICE OF BEHAVIORAL HEALTH, MAY VOLUNTARILY ADMIT HIMSELF OR HERSELF TO AN APPROVED TREATMENT FACILITY FOR AN EMERGENCY EVALUATION TO DETERMINE NEED FOR TREATMENT.

1 (2) THE ADMINISTRATOR SHALL IMMEDIATELY EVALUATE OR
2 EXAMINE A PERSON WHO VOLUNTARILY ENTERS AN APPROVED TREATMENT
3 FACILITY. IF THE PERSON IS FOUND TO BE IN NEED OF TREATMENT, THE
4 ADMINISTRATOR SHALL ADMIT THE PERSON OR REFER THE PERSON TO
5 ANOTHER APPROPRIATE FACILITY. IF A PERSON IS FOUND NOT TO BE IN
6 NEED OF TREATMENT, THE ADMINISTRATOR SHALL RELEASE THE PERSON
7 AND MAY REFER THE PERSON TO ANOTHER APPROPRIATE FACILITY.
8 (3) EXCEPT AS PROVIDED IN SUBSECTION (7) OF THIS SECTION, A
9 TREATMENT FACILITY SHALL IMMEDIATELY RELEASE A VOLUNTARILY
10 ADMITTED PERSON UPON THE PERSON'S REQUEST.
11 (4) A PERSON WHO IS NOT ADMITTED TO AN APPROVED TREATMENT
12 FACILITY OR REFERRED TO ANOTHER HEALTH FACILITY, AND WHO HAS NO
13 MONEY, MAY BE TAKEN TO THE PERSON'S HOME, IF ANY. IF THE PERSON
14 HAS NO HOME, THE APPROVED TREATMENT FACILITY MAY ASSIST THE
15 PERSON IN OBTAINING SHELTER.
16 (5) IF A PERSON IS ADMITTED TO AN APPROVED TREATMENT
17 FACILITY, THE PERSON'S FAMILY OR NEXT OF KIN MUST BE NOTIFIED AS
18 PROMPTLY AS POSSIBLE IN ACCORDANCE WITH FEDERAL CONFIDENTIALITY
19 REGULATIONS FOR SUBSTANCE USE DISORDER PATIENT RECORDS, WHICH
20 REGULATIONS ARE FOUND AT 42 CFR PART 2, AS AMENDED. IF AN ADULT
21 PERSON REQUESTS THAT THERE BE NO NOTIFICATION, THE ADULT PERSON'S
22 REQUEST MUST BE RESPECTED.
23 (6) IF THE ADMINISTRATOR DETERMINES THAT IT IS FOR THE
24 PERSON'S BENEFIT, THE PERSON MUST BE ENCOURAGED TO AGREE TO
25 FURTHER DIAGNOSIS AND APPROPRIATE VOLUNTARY TREATMENT.
26 (7) NOTHING IN THIS SECTION PRECLUDES THE ADMINISTRATOR
27 FROM SEEKING EMERGENCY COMMITMENT OF A PERSON AS PROVIDED IN

SECTION 27-81-111 OR INVOLUNTARY COMMITMENT OF A PERSON AS PROVIDED IN SECTION 27-81-112, REGARDLESS OF WHETHER THE PERSON HAS BEEN VOLUNTARILY ADMITTED UNDER THIS SECTION. IN SUCH CASE, THE ADMINISTRATOR'S FURTHER CONDUCT IS GOVERNED BY SECTION 27-81-111 OR 27-81-112, AS APPLICABLE.

SECTION 28. In Colorado Revised Statutes, **amend** 27-81-111 as follows:

27-81-111. Emergency commitment. (1) (a) When a person is ~~intoxicated~~ UNDER THE INFLUENCE OF or incapacitated by ~~alcohol~~ SUBSTANCES and clearly dangerous to the health and safety of himself, herself, or others, ~~he or she shall be taken into protective custody by~~ law enforcement authorities or an emergency service patrol, acting with probable cause, ~~and placed~~ SHALL TAKE THE PERSON INTO PROTECTIVE CUSTODY in an approved treatment facility. If no such facilities are available, ~~he or she~~ THE PERSON may be detained in an emergency medical facility or jail, but only for so long as may be necessary to prevent injury to himself, herself, or others or to prevent a breach of the peace. If the person being detained is a juvenile, as defined in section 19-1-103 (68), ~~C.R.S.,~~ the juvenile shall be placed in a setting that is nonsecure and physically segregated by sight and sound from the adult offenders. A law enforcement officer or emergency service patrol officer, in detaining the person, is taking ~~him or her~~ THE PERSON into protective custody. In so doing, the detaining officer may protect himself or herself by reasonable methods but shall make every reasonable effort to protect the detainee's health and safety. A taking into protective custody under this section is not an arrest, and no entry or other record shall be made to indicate that the person has been arrested or charged with a crime. Law

enforcement or emergency service personnel who act in compliance with this section are acting in the course of their official duties and are not criminally or civilly liable therefor. Nothing in this subsection (1) ~~shall preclude an intoxicated or incapacitated~~ PRECLUDES A person INTOXICATED BY ALCOHOL, UNDER THE INFLUENCE OF DRUGS, OR INCAPACITATED BY SUBSTANCES who is not dangerous to the health and safety of himself, herself, or others from being assisted to ~~his or her~~ THE PERSON'S home or like location by the law enforcement officer or emergency service patrol officer.

(b) A sheriff or police chief who violates the provisions of ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION related to detaining juveniles may be subject to a civil fine of no more than one thousand dollars. The decision to fine shall be based on prior violations of the provisions of ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION by the sheriff or police chief and the willingness of the sheriff or police chief to address the violations in order to comply with ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION.

(2) A law enforcement officer, emergency service ~~patrolman~~ PATROL OFFICER, physician, spouse, guardian, or relative of the person to be committed or any other responsible person may make a written application for emergency commitment under this section, directed to the administrator of the approved treatment facility. The application ~~shall~~ MUST state the circumstances requiring emergency commitment, including the applicant's personal observations and the specific statements of others, if any, upon which ~~he or she~~ THE APPLICANT relies in making the application. A copy of the application ~~shall~~ MUST be furnished to the

person to be committed.

(3) If the ~~approved treatment facility~~ administrator ~~or his or her authorized designee~~ approves the application, the ~~person~~ ADMINISTRATOR shall ~~be committed, evaluated, and treated~~ COMMIT, EVALUATE, AND TREAT THE PERSON for a period not to exceed five days. ~~The person shall be brought to the facility by~~ A peace officer, the emergency service patrol, or any interested person SHALL BRING THE PERSON TO THE FACILITY. If necessary, the court may be contacted to issue an order to the police, the peace officer's department, or the sheriff's department to transport the person to the facility.

(4) If the ~~approved treatment facility~~ administrator ~~or his or her authorized designee~~ determines that the application fails to sustain the grounds for emergency commitment as set forth in subsection (1) of this section, the ~~commitment shall be refused and the person detained immediately released, and the person shall be encouraged~~ ADMINISTRATOR SHALL REFUSE THE COMMITMENT, IMMEDIATELY RELEASE THE DETAINED PERSON, AND ENCOURAGE THE PERSON to seek voluntary treatment if appropriate.

(5) When the administrator determines that the grounds for commitment no longer exist, ~~he or she~~ THE ADMINISTRATOR shall discharge the person committed under this section. A person committed under this section ~~may~~ MUST not be detained in any treatment facility for more than five days; except that a person may be detained for longer than five days at the approved treatment facility if, in that period of time, a petition for involuntary commitment has been filed pursuant to section 27-81-112. A person ~~may~~ MUST not be detained longer than ten days, EXCLUDING WEEKENDS AND HOLIDAYS, after the date of filing of the

petition for involuntary commitment UNLESS A VALID MEDICAL REASON EXISTS FOR DETAINING A PERSON LONGER.

(6) Whenever a person is involuntarily detained pursuant to this section, ~~he or she~~ THE ADMINISTRATOR shall, ~~immediately be advised by the facility administrator or his or her authorized designee~~ WITHIN TWENTY-FOUR HOURS AFTER DETAINMENT, ADVISE THE PERSON WHO IS INVOLUNTARILY DETAINED, both orally and in writing, of ~~his or her~~ THE PERSON'S right to challenge ~~such~~ THE detention by application to the courts for a writ of habeas corpus, to be represented by counsel at every stage of any proceedings relating to ~~his or her~~ commitment and recommitment, and to have counsel appointed by the court or provided by the court if ~~he or she~~ THE PERSON wants the assistance of counsel and is unable to obtain counsel.

SECTION 29. In Colorado Revised Statutes, **amend** 27-81-112 as follows:

27-81-112. Involuntary commitment of a person with a substance use disorder. (1) The court may commit a person to the custody of the office of behavioral health upon the petition of the person's spouse or guardian, a relative, a physician, an advanced practice nurse, the administrator in charge of an approved treatment facility, or any other responsible person. The petition must allege that the person ~~is a person with an alcohol~~ HAS A SUBSTANCE use disorder and that the person has threatened or attempted to inflict or inflicted physical harm on himself or herself or on another and that unless committed the person is likely to inflict physical harm on himself or herself or on another or that the person is incapacitated by ~~alcohol~~ SUBSTANCES. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for

1 treatment. The petition must be accompanied by a certificate of a licensed
2 physician who has examined the person within ~~two~~ TEN days before
3 submission of the petition, unless the person whose commitment is sought
4 has refused to submit to a medical examination, in which case the fact of
5 refusal must be alleged in the petition, OR AN EXAMINATION CANNOT BE
6 MADE OF THE PERSON DUE TO THE PERSON'S CONDITION. The certificate
7 must set forth the physician's findings in support of the petition's
8 allegations.
9 (2) A COURT SHALL NOT ACCEPT a petition submitted pursuant to
10 subsection (1) of this section ~~shall not be accepted~~ unless there is
11 documentation of the refusal by the person to be committed to accessible
12 and affordable voluntary treatment. The documentation may include, but
13 ~~shall not be~~ IS NOT limited to, notations in the person's medical or law
14 enforcement records or statements by a physician, advanced practice
15 nurse, or witness.
16 (3) (a) Upon filing the petition, THE PERSON WHOSE COMMITMENT
17 IS SOUGHT MUST BE NOTIFIED OF THE PERSON'S RIGHT TO:
18 (I) ENTER INTO A STIPULATED ORDER OF THE COURT FOR
19 COMMITTED TREATMENT IN ORDER TO EXPEDITE PLACEMENT IN AN
20 APPROVED TREATMENT FACILITY BY THE OFFICE OF BEHAVIORAL HEALTH;
21 OR
22 (II) TO CONTEST THE COMMITMENT PROCEEDING.
23 (b) IF A STIPULATED ORDER IS ENTERED, THE OFFICE OF
24 BEHAVIORAL HEALTH SHALL PLACE THE PERSON IN AN APPROVED
25 TREATMENT PROGRAM THAT REFLECTS THE LEVEL OF NEED OF THE
26 PERSON.
27 (c) IF THE PERSON WHOSE COMMITMENT IS SOUGHT EXERCISES THE

RIGHT TO CONTEST THE PETITION, the court shall fix a date for a hearing no later than ten days, EXCLUDING WEEKENDS AND HOLIDAYS, after the date the petition was filed. A copy of the petition and the notice of the hearing, including the date fixed by the court, must be personally served on the petitioner, the person whose commitment is sought, and one of ~~his or her~~ THE PERSON'S parents or ~~his or her~~ THE PERSON'S legal guardian if ~~he or she~~ THE PERSON is a minor. A copy of the petition and notice of hearing must be ~~mailed~~ PROVIDED to the office of behavioral health, to counsel for the person whose commitment is sought, to the administrator in charge of the approved treatment facility to which the person may have been committed for emergency treatment, and to any other person the court believes advisable.

(4) At the hearing, the court shall hear all relevant testimony, including, if possible, the testimony of at least one licensed physician who has examined the person whose commitment is sought. The person ~~shall~~ MUST be present unless the court believes that the person's presence is likely to be injurious to the person; in this event, the court shall appoint a guardian ad litem to represent the person throughout the proceeding. If the person has refused to be examined by a licensed physician, ~~he or she shall~~ THE PERSON MUST be given an opportunity to be examined by a court-appointed licensed physician. If the person refuses and there is sufficient evidence to believe that the allegations of the petition are true or if the court believes that more medical evidence is necessary, the court may commit the person to a licensed hospital for a period of not more than five days for a diagnostic examination. In such event, the court shall schedule a further hearing for final determination of commitment, in no event later than five days after the first hearing.

(5) If after hearing all relevant evidence, including the results of any diagnostic examination by the licensed hospital, the court finds that grounds for involuntary commitment have been established by clear and convincing proof, ~~it~~ THE COURT shall make an order of commitment to the office of behavioral health. The office of behavioral health has the right to delegate physical custody of the person to an appropriate approved treatment facility. The court may not order commitment of a person unless it determines that the office of behavioral health is able to provide adequate and appropriate treatment for the person, and the treatment is likely to be beneficial.

(6) Upon the court's commitment of a person to the office of behavioral health, the court may issue an order to the sheriff to transport the person to the facility designated by the office of behavioral health.

(7) A person committed as provided for in this section remains in the custody of the office of behavioral health for treatment for a period of ~~thirty~~ UP TO NINETY days. ~~unless discharged sooner.~~ At the end of the ~~thirty-day~~ NINETY-DAY period, ~~he or she shall be discharged automatically~~ THE TREATMENT FACILITY SHALL AUTOMATICALLY DISCHARGE THE PERSON unless the office of behavioral health, before expiration of the ~~thirty-day~~ NINETY-DAY period, obtains a court order for ~~his or her~~ THE PERSON'S recommitment on the grounds set forth in subsection (1) of this section for a further period of ninety days unless discharged sooner. If a person has been committed because ~~he or she~~ THE PERSON is a person with ~~an alcohol~~ A SUBSTANCE use disorder who is likely to inflict physical harm on another, the office of behavioral health shall apply for recommitment if, after examination, it is determined that the likelihood to inflict physical harm on another still exists.

(8) A person who is recommitted as provided for in subsection (7) of this section and who has not been discharged by the office of behavioral health before the end of the ninety-day period is discharged at the expiration of that ninety-day period unless the office of behavioral health, before expiration of the ninety-day period, obtains a court order on the grounds set forth in subsection (1) of this section for recommitment for a further period, not to exceed ninety days. If a person has been committed because ~~he or she~~ THE PERSON is a person with ~~an alcohol~~ A SUBSTANCE use disorder who is likely to inflict physical harm on another, the office of behavioral health shall apply for recommitment if, after examination, it is determined that the likelihood to inflict physical harm on another still exists. Only two recommitment orders pursuant to subsection (7) of this section and this subsection (8) are permitted.

(9) Upon the filing of a petition for recommitment under subsections (7) and (8) of this section, the court shall fix a date for hearing ~~no~~ NOT later than ten days, EXCLUDING WEEKENDS AND HOLIDAYS, after the date the petition was filed UNLESS A VALID MEDICAL REASON EXISTS FOR DELAYING THE HEARING. A copy of the petition and of the notice of hearing shall be served and ~~mailed~~ PROVIDED as required in subsection (3) of this section. At the hearing, the court shall proceed as provided in subsection (4) of this section.

(10) The office of behavioral health shall provide adequate and appropriate treatment of a person committed to its custody. The office of behavioral health may transfer any person committed to its custody from one approved treatment facility to another, if transfer is advisable.

(11) The office of behavioral health shall discharge a person committed to its custody for treatment at any time before the end of the

period for which ~~he or she~~ THE PERSON has been committed if either of the following conditions is met:

(a) In the case of a person with ~~an alcohol~~ A SUBSTANCE use disorder committed on the grounds that ~~he or she~~ THE PERSON is likely to inflict physical harm upon another, that ~~he or she~~ THE PERSON no longer has ~~an alcohol~~ A SUBSTANCE use disorder that requires treatment or the likelihood to inflict physical harm upon another no longer exists; or

(b) In the case of a person with ~~an alcohol~~ A SUBSTANCE use disorder committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists, OR IN THE CASE OF A PERSON WITH A SUBSTANCE USE DISORDER COMMITTED ON ANY GROUNDS PURSUANT TO THIS SECTION, THAT further treatment ~~will~~ IS not likely TO bring about significant improvement in the person's condition, or treatment is no longer appropriate, OR THAT FURTHER TREATMENT IS UNLIKELY TO BE BENEFICIAL.

(12) The court shall inform the person whose commitment or recommitment is sought of ~~his or her~~ THE PERSON'S right to contest the application, to be represented by counsel at every stage of any proceedings relating to the person's commitment and recommitment, and to have counsel appointed by the court or provided by the court if ~~he or she~~ THE PERSON wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for the person regardless of ~~his or her~~ THE PERSON'S wishes. The person whose commitment or recommitment is sought shall be informed of ~~his or her~~ THE PERSON'S right to be examined by a licensed physician of the person's choice. If the person is unable to obtain a licensed physician and

requests examination by a physician, the court shall employ a licensed physician.

(13) If a private treatment facility agrees with the request of a competent patient or ~~his or her~~ THE PATIENT'S parent, sibling, adult child, or guardian to accept the patient for treatment, the administrator of the public treatment facility shall transfer ~~him or her~~ THE PATIENT to the private treatment facility.

(14) A person committed under this ~~article~~ ARTICLE 81 may at any time seek to be discharged from commitment by an order in the nature of habeas corpus.

(15) The venue for proceedings under this section is the county in which the person to be committed resides or is present.

(16) All proceedings conducted pursuant to this ~~article shall be~~ ARTICLE 81 ARE conducted by the district attorney of the county where the proceeding is held or by an attorney acting for the district attorney appointed by the court for that purpose; except that, in any county or in any city and county having a population exceeding one hundred thousand persons, the proceedings shall be conducted by the county attorney or by an attorney acting for the county attorney appointed by the court.

SECTION 30. In Colorado Revised Statutes, **amend** 27-81-113 as follows:

27-81-113. Records of persons with substance use disorders, persons intoxicated by alcohol, and persons under the influence of substances. (1) The registration and other records of treatment facilities ~~shall remain~~ ARE confidential AND FULLY PROTECTED AS OUTLINED IN FEDERAL CONFIDENTIALITY REGULATIONS FOR SUBSTANCE USE DISORDER RECORDS FOUND AT 42 CFR PART 2, AS AMENDED, and are privileged to

the patient.

(2) Notwithstanding subsection (1) of this section, the director may make available information from patients' records for purposes of research into the causes and treatment of ~~alcohol~~ SUBSTANCE use disorders. Information ~~under~~ MADE AVAILABLE PURSUANT TO this subsection (2) must not be published in a way that discloses patients' names or other identifying information.

(3) Nothing in this section ~~shall be construed to prohibit or limit~~ PROHIBITS OR LIMITS the sharing of information by a state institution of higher education police department to authorized university administrators pursuant to section 23-5-141. ~~C.R.S.~~

SECTION 31. In Colorado Revised Statutes, **repeal and reenact, with amendments,** 27-81-114 as follows:

27-81-114. Rights of persons receiving evaluation, care, or treatment. (1) A FACILITY SHALL IMMEDIATELY ADVISE EACH PERSON RECEIVING EVALUATION, CARE, OR TREATMENT UNDER ANY PROVISION OF THIS ARTICLE 81, ORALLY AND IN WRITING, THAT THE PERSON HAS AND IS AFFORDED THE FOLLOWING RIGHTS:

(a) TO BE EVALUATED TO DETERMINE THE PERSON'S BEHAVIORAL HEALTH TREATMENT NEEDS RELATING TO THE USE OF SUBSTANCES, INCLUDING ALCOHOL OR DRUGS;

(b) IF UNDER AN EMERGENCY COMMITMENT PURSUANT TO SECTION 27-81-111, TO REFUSE TO BE EXAMINED BY A LICENSED PHYSICIAN FOR CERTIFICATION. A PERSON'S REFUSAL TO BE EXAMINED FOR CERTIFICATION MAY BE ALLEGED IN A PETITION FOR INVOLUNTARY COMMITMENT. A PERSON MAY REQUEST TO BE EXAMINED BY THE PERSON'S PHYSICIAN, OR A COURT MAY ORDER A PERSON TO BE EVALUATED BY A LICENSED

1 PHYSICIAN FOR CERTIFICATION.

2 (c) TO RECEIVE TIMELY MEDICAL AND BEHAVIORAL HEALTH CARE
3 AND TREATMENT, AS SPECIFIED IN LAW, THAT IS DETERMINED BASED ON
4 THE PERSON'S NEEDS AND THAT IS DELIVERED IN THE LEAST RESTRICTIVE
5 TREATMENT SETTING POSSIBLE, AS SET FORTH IN DEPARTMENT RULES;

6 (d) TO BE TREATED FAIRLY AND TO RECEIVE THE SAME
7 CONSIDERATION AND ACCESS TO APPROPRIATE SERVICES AS OTHERS,
8 REGARDLESS OF RACE, COLOR, NATIONAL ORIGIN, AGE, GENDER IDENTITY,
9 SEXUAL ORIENTATION, POLITICAL AFFILIATION, RELIGIOUS BELIEFS,
10 FINANCIAL STATUS, OR DISABILITY;

11 (e) TO CONTEST A COMMITMENT PROCEEDING OR TO ENTER INTO
12 A STIPULATED ORDER OF THE COURT FOR COMMITTED TREATMENT;

13 (f) TO RETAIN AND CONSULT WITH AN ATTORNEY AT ANY TIME
14 AND TO HAVE AN ATTORNEY APPOINTED BY OR PROVIDED BY THE COURT
15 IN A TIMELY MANNER IN ANY PROCEEDINGS RELATING TO COMMITMENT OR
16 RECOMMITMENT, IF THE PERSON WANTS THE ASSISTANCE OF AN ATTORNEY
17 AND IS UNABLE TO OBTAIN AN ATTORNEY;

18 (g) TO AT ANY TIME SEEK TO BE DISCHARGED FROM COMMITMENT
19 BY AN ORDER IN THE NATURE OF HABEAS CORPUS;

20 (h) ONCE NO LONGER UNDER THE INFLUENCE OF DRUGS OR
21 INTOXICATED BY ALCOHOL, TO SIGN IN AND SEEK VOLUNTARY SUBSTANCE
22 USE DISORDER TREATMENT, UNLESS THE ADMINISTRATOR DETERMINES IN
23 WRITING THAT REASONABLE GROUNDS EXIST TO BELIEVE THAT THE
24 PERSON WILL NOT REMAIN IN VOLUNTARY TREATMENT OR THAT THE
25 PERSON IS CLEARLY DANGEROUS TO THE HEALTH AND SAFETY OF HIMSELF
26 OR HERSELF OR OTHERS;

27 (i) IF IN COMMITTED TREATMENT, TO RECEIVE

1 TWENTY-FOUR-HOUR NOTICE PRIOR TO BEING TRANSFERRED TO ANOTHER
2 FACILITY;
3 (j) TO HAVE REASONABLE OPPORTUNITIES FOR CONTINUING
4 VISITATION AND COMMUNICATION WITH THE PERSON'S FAMILY AND
5 FRIENDS, CONSISTENT WITH AN EFFECTIVE TREATMENT PROGRAM AND AS
6 DETERMINED IN DEPARTMENT RULES. EACH PERSON MAY MEET WITH THE
7 PERSON'S ATTORNEY, CLERGYPERSON, OR HEALTH CARE PROVIDER AT ANY
8 TIME.
9 (k) TO HAVE REASONABLE ACCESS TO MAIL AND WRITING
10 MATERIALS, INCLUDING POSTAGE, AS WELL AS THE ASSISTANCE OF
11 FACILITY STAFF IF THE PERSON IS UNABLE TO WRITE, PREPARE, OR MAIL
12 CORRESPONDENCE;
13 (l) SUBJECT TO DEPARTMENT RULES RELATING TO THE USE OF
14 TELEPHONES AND OTHER COMMUNICATION DEVICES, TO HAVE
15 REASONABLE ACCESS TO TELEPHONES OR OTHER COMMUNICATION
16 DEVICES, AND TO MAKE AND TO RECEIVE CALLS OR COMMUNICATIONS IN
17 PRIVACY. FACILITY STAFF SHALL NOT OPEN, DELAY, INTERCEPT, READ, OR
18 CENSOR MAIL OR OTHER COMMUNICATIONS OR USE MAIL OR OTHER
19 COMMUNICATIONS AS A METHOD TO ENFORCE COMPLIANCE WITH FACILITY
20 STAFF.
21 (m) TO WEAR HIS OR HER OWN CLOTHES, KEEP AND USE PERSONAL
22 POSSESSIONS, AND KEEP AND BE ALLOWED TO SPEND A REASONABLE SUM
23 OF THE PERSON'S OWN MONEY;
24 (n) TO HAVE ACCESS TO MEDICAL RECORDS;
25 (o) TO HAVE TREATMENT RECORDS REMAIN CONFIDENTIAL,
26 EXCEPT AS REQUIRED BY LAW;
27 (p) TO NOT BE FINGERPRINTED, UNLESS REQUIRED BY LAW;

1 (q) TO REFUSE TO BE PHOTOGRAPHED, EXCEPT FOR TREATMENT
2 FACILITY IDENTIFICATION PURPOSES;
3 (r) TO HAVE THE OPPORTUNITY TO REGISTER AND VOTE BY
4 ABSENTEE BALLOT WITH THE ASSISTANCE OF FACILITY STAFF;
5 (s) TO HAVE APPROPRIATE ACCESS TO ADEQUATE FOOD, WATER,
6 AND HYGIENE PRODUCTS;
7 (t) TO HAVE PHYSICAL PRIVACY IN SHOWERING, CHANGING, AND
8 USING THE RESTROOM; AND
9 (u) TO BE FREE OF RESTRAINTS AND SOLITARY CONFINEMENT.
10 (2) ONLY QUALIFIED STAFF PROVIDING EVALUATION, TREATMENT,
11 OR CARE FOR A PERSON MAY DENY OR RESTRICT THE PERSON'S RIGHTS
12 UNDER SUBSECTION (1) OF THIS SECTION IF THE PERSON'S HEALTH OR
13 SAFETY WOULD BE CLEARLY ENDANGERED IF THE RIGHTS WERE NOT
14 DENIED OR RESTRICTED. IF A PERSON'S RIGHTS ARE DENIED OR
15 RESTRICTED, THE REASON FOR THE DENIAL OR RESTRICTION MUST BE
16 EXPLAINED TO THE PERSON AND ENTERED INTO THE PERSON'S TREATMENT
17 RECORD. THE FACILITY SHALL PROVIDE THE PERSON AND THE PERSON'S
18 ATTORNEY THE INFORMATION PERTAINING TO A DENIAL OR RESTRICTION
19 OF RIGHTS CONTAINED IN THE PERSON'S TREATMENT RECORD. THE
20 PERSON'S RIGHTS MUST BE IMMEDIATELY RESTORED AS SOON AS THE
21 PERSON'S HEALTH AND SAFETY ARE NO LONGER CLEARLY ENDANGERED.
22 (3) A PERSON RECEIVING EVALUATION, CARE, OR TREATMENT
23 UNDER ANY PROVISION OF THIS ARTICLE 81 MAY SUBMIT A GRIEVANCE OR
24 COMPLAINT AGAINST THE FACILITY OR FACILITY STAFF PURSUANT TO A
25 GRIEVANCE OR COMPLAINT PROCESS, WHICH IS EXPLAINED TO THE PERSON
26 IN DETAIL AND INCLUDED WITH THE ORAL AND WRITTEN EXPLANATION OF
27 RIGHTS.

(4) AS PART OF THE IMMEDIATE ORAL AND WRITTEN ADVISEMENT OF THE RIGHTS ENUMERATED IN THIS SECTION, A FACILITY SHALL ALSO INCLUDE THE TELEPHONE NUMBER AND E-MAIL ADDRESS FOR THE OFFICE OF THE OMBUDSMAN FOR BEHAVIORAL HEALTH ACCESS TO CARE, CREATED IN SECTION 27-80-303. THE WRITTEN ADVISEMENTS MUST BE TRANSLATED IF THE PERSON CANNOT READ OR UNDERSTAND ENGLISH. THE ADMINISTRATOR SHALL CAUSE THE RIGHTS ENUMERATED IN THIS SECTION TO BE POSTED IN A PROMINENT LOCATION WHERE CLIENTS IN THE FACILITY RESIDE, WHICH POSTING MUST ALSO INCLUDE THE NUMBER AND E-MAIL ADDRESS FOR THE OFFICE OF THE OMBUDSMAN FOR BEHAVIORAL HEALTH ACCESS TO CARE, CREATED IN SECTION 27-80-303.

SECTION 32. In Colorado Revised Statutes, 27-81-115, **amend** (1) as follows:

27-81-115. Emergency service patrol - establishment - rules. (1) The office of behavioral health and cities, counties, city and counties, and regional service authorities may establish emergency service patrols. A patrol consists of persons trained to give assistance in the streets and in other public places to persons who are intoxicated ~~or incapacitated~~ by alcohol, UNDER THE INFLUENCE OF DRUGS, OR INCAPACITATED BY SUBSTANCES. Members of an emergency service patrol must be capable of providing first aid in emergency situations and are authorized to transport a person intoxicated ~~or incapacitated~~ by alcohol, UNDER THE INFLUENCE OF DRUGS, OR INCAPACITATED BY SUBSTANCES to his or her home and to and from treatment facilities.

SECTION 33. In Colorado Revised Statutes, **amend** 27-81-117 as follows:

27-81-117. Criminal laws - limitations. (1) A county,

municipality, or other political subdivision may not adopt or enforce a local law, ordinance, resolution, or rule having the force of law that includes drinking, being a person with an alcohol use disorder, or being found in an intoxicated condition as one of the elements of the offense giving rise to a criminal or civil penalty or sanction.

(2) A county, municipality, or other political subdivision ~~may~~ SHALL not interpret or apply any law of general application to circumvent the provisions of subsection (1) of this section.

(3) Nothing in this ~~article~~ ARTICLE 81 affects any law, ordinance, resolution, or rule against drunken driving, driving under the influence of alcohol OR DRUGS, or other similar offense involving the operation of a vehicle, an aircraft, or a boat or machinery or other equipment or regarding the sale, purchase, dispensing, possessing, or use of DRUGS OR alcoholic beverages at stated times and places or by a particular class of persons.

(4) The fact that a person is intoxicated ~~or incapacitated~~ by alcohol, ~~shall~~ UNDER THE INFLUENCE OF DRUGS, OR INCAPACITATED BY SUBSTANCES DOES not prevent ~~his or her~~ THE PERSON'S arrest or prosecution for the commission of any criminal act or conduct not enumerated in subsection (1) of this section.

(5) Nothing in this ~~article shall be construed as a limitation upon~~ ARTICLE 81 LIMITS the right of a police officer to make an otherwise legal arrest, notwithstanding the fact that the arrested person may be intoxicated BY ALCOHOL, UNDER THE INFLUENCE OF DRUGS, or incapacitated by ~~alcohol~~ SUBSTANCES.

SECTION 34. In Colorado Revised Statutes, **add with amended and relocated provisions** 27-81-118 as follows:

27-81-118. [Formerly 27-82-114] Opioid crisis recovery funds advisory committee - creation - membership - purpose. (1) There is ~~hereby~~ created the opioid crisis recovery funds advisory committee, referred to in this section as the "committee", which is created to advise and collaborate with the department of law on uses of any custodial funds received by the state as the result of opioid-addiction-related litigation and for which the use of the funds is not predetermined or committed by court order or other action by a state or federal court of law.

(2) (a) The committee consists of members appointed as follows:

(I) Thirteen members appointed by the governor, including:

(A) One member licensed to practice medicine pursuant to article 240 of title 12;

(B) One member licensed to practice pharmacy pursuant to article 280 of title 12;

(C) One member licensed to practice as a nurse pursuant to article 255 of title 12;

(D) One member licensed as a dentist pursuant to article 220 of title 12;

(E) One member licensed as a veterinarian pursuant to article 315 of title 12;

(F) One member licensed as a physical therapist pursuant to article 285 of title 12;

(G) One member representing a local public health agency;

(H) One member who has been affected by the opioid crisis;

(I) One family member of a person who has been affected by the opioid crisis;

(J) One member representing an advocacy organization for people

1 with substance use disorders;
2 (K) Two members appointed from nominees submitted by
3 statewide organizations representing counties, with one member
4 representing the western slope and one member representing the eastern
5 part of the state; and
6 (L) One member from an association that represents behavioral
7 health providers;
8 (II) Two members appointed by the executive director of the
9 department of human services, one of whom must represent an
10 association of substance use providers;
11 (III) Two members appointed by the executive director of the
12 department of public health and environment, one of whom is a pain
13 management patient;
14 (IV) One member appointed by the executive director of the
15 department of regulatory agencies;
16 (V) One member appointed by the executive director of the
17 department of health care policy and financing;
18 (VI) One member from the state substance abuse trend and
19 response task force, created in section 18-18.5-103, appointed by the
20 attorney general;
21 (VII) One member from the center for research into substance use
22 disorder prevention, treatment, and recovery support strategies, created
23 in section 27-80-118 (3), appointed by the director of the center;
24 (VIII) One member from each safety net hospital that provides
25 addiction services, appointed by the hospital;
26 (IX) One member from the Colorado district attorneys' council, or
27 any successor organization, appointed by its executive director;

(X) Two members representing law enforcement agencies, one of whom is appointed by the Colorado association of chiefs of police, or any successor organization, and one of whom is appointed by the county sheriffs of Colorado, or any successor organization; and

(XI) One member representing the Colorado municipal league, or any successor organization, appointed by the president of the executive board of the Colorado municipal league or the president's designee.

(b) The attorney general shall notify the appointing authorities if the state receives a settlement or damage award for which the use of the custodial funds is not predetermined or committed by court order or other action by a state or federal court of law. The appointing authorities shall make their initial appointments to the committee no later than ninety days after receiving the notice.

(3) Each member of the committee who is appointed pursuant to subsection (2) of this section serves at the pleasure of the appointing authority that appointed the member. THE APPOINTING AUTHORITY SHALL FILL a vacancy ~~shall be filled~~ in the same manner as the initial appointment.

(4) If the state receives custodial funds from a settlement or damage award from opioid-addiction-related litigation and the use of the funds is not predetermined or committed by court order or other action by a state or federal court of law, the attorney general shall convene and call a meeting of the committee, and any subsequent meetings as necessary, to seek input and recommendations from the committee on the proper expenditure of the funds received.

(5) (a) Each member of the committee shall maintain confidentiality throughout the process of determining the proper

expenditure of custodial funds. Members shall not disclose the contents of any requests for funding with anyone outside of the committee.

(b) Each committee member shall affirm that the member does not have a personal or financial interest regarding any organization that may request funding. Members shall disclose all potential conflict of interest situations to the attorney general before reviewing funding requests.

SECTION 35. Repeal of relocated and nonrelocated provisions in this act. (1) In Colorado Revised Statutes, repeal part 1 of article 82 of title 27.

(2) The repeal of part 1 includes sections 27-82-102 (13.3) and (13.5) and 27-82-103.5 as they would become effective July 1, 2022.

(3) Section 27-82-102 (7), (10), (13), (13.5) as it would become effective July 1, 2022, and (14) and section 27-82-114 are relocated.

SECTION 36. In Colorado Revised Statutes, 12-100-120, **amend** (1)(l) as follows:

12-100-120. Grounds for disciplinary action - administrative penalties. (1) After notice and hearing as provided in section 12-100-123, the board may take disciplinary or other action as authorized in section 12-20-404 and impose other conditions or limitations on a person for any of the following causes:

(l) ~~An alcohol~~ A SUBSTANCE use disorder, as defined in section 27-81-102, ~~or a substance use disorder, as defined in section 27-82-102,~~ or an excessive use of a habit-forming drug, controlled substance, as defined in section 18-18-102 (5), or alcohol beverage that renders the certified public accountant unfit to practice public accounting;

SECTION 37. In Colorado Revised Statutes, 12-110-111, **amend** (1)(d) as follows:

12-110-111. Grounds for discipline. (1) The director may take disciplinary or other action as authorized in section 12-20-404 against a license or an application for a license if the applicant or licensee:

(d) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in section 27-81-102, ~~or a substance use disorder, as defined in section 27-82-102,~~ or is an excessive or a habitual user or abuser of alcohol or habit-forming drugs or is a habitual user of a controlled substance, as defined in section 18-18-102 (5), if the use, disorder, or dependency is a danger to other licensees;

SECTION 38. In Colorado Revised Statutes, 12-155-113, **amend** (1)(l) as follows:

12-155-113. Disciplinary action by board - procedures - cease-and-desist orders. (1) The board may take disciplinary or other action as authorized by section 12-20-404 for any of the following reasons:

(l) ~~An alcohol~~ A SUBSTANCE use disorder, as defined in section 27-81-102, ~~or a substance use disorder, as defined in section 27-82-102,~~ or excessive use of any habit-forming drug, any controlled substance, as defined in section 18-18-102 (5), or any alcoholic beverage;

SECTION 39. In Colorado Revised Statutes, 12-205-111, **amend** (2)(c) as follows:

12-205-111. Grounds for discipline - disciplinary proceedings - definitions. (2) The director may take disciplinary or other action in accordance with section 12-20-404 or issue a cease-and-desist order in accordance with section 12-205-112 upon reasonable grounds that the licensee:

(c) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in

section 27-81-102, ~~or a substance use disorder, as defined in section 27-82-102,~~ or is an excessive or habitual user or abuser of alcohol or habit-forming drugs or is a habitual user of a controlled substance, as defined in section 18-18-102 (5), or other drugs having similar effects; except that the director has the discretion not to discipline the licensee if the licensee is participating in good faith in an alcohol or substance use disorder treatment program approved by the director;

SECTION 40. In Colorado Revised Statutes, 12-210-108, **amend** (2)(q) as follows:

12-210-108. Disciplinary actions - grounds for discipline. (2) The following acts constitute grounds for discipline:

(q) Having ~~an alcohol~~ A SUBSTANCE use disorder, as defined in section 27-81-102, ~~or a substance use disorder, as defined in section 27-82-102,~~ or excessively or habitually using or abusing alcohol or habit-forming drugs or habitually using a controlled substance, as defined in section 18-18-102 (5), or other drugs or substances having similar effects; except that the director has the discretion not to discipline the licensee if he or she is participating in good faith in an alcohol or substance use disorder treatment program approved by the director;

SECTION 41. In Colorado Revised Statutes, 12-215-115, **amend** (1)(d) as follows:

12-215-115. Discipline of licensees - suspension, revocation, denial, and probation - grounds - definitions. (1) Upon any of the following grounds, the board may take disciplinary or other action as specified in section 12-20-404 or impose conditions on a licensee's license:

(d) A substance use disorder, as defined in ~~section 27-82-102~~

SECTION 27-81-102, or excessive use by the licensee of a controlled substance, as defined in section 18-18-102 (5), or a habit-forming drug;

SECTION 42. In Colorado Revised Statutes, 12-235-111, **amend** (1)(f) as follows:

12-235-111. Grounds for discipline - definitions. (1) The director is authorized to take disciplinary action pursuant to section 12-235-112 against any person who has:

(f) ~~An alcohol~~ A SUBSTANCE use disorder, as defined in section 27-81-102, ~~or a substance use disorder, as defined in section 27-82-102,~~ or a dependence on or addiction to alcohol or any habit-forming drug, or who abuses or engages in the habitual or excessive use of any habit-forming drug or any controlled substance as defined in section 18-18-102 (5), but the director may take into account the licensee's participation in a substance use disorder treatment program when considering disciplinary action;

SECTION 43. In Colorado Revised Statutes, 12-260-114, **amend** (1)(g) as follows:

12-260-114. Grounds for discipline. (1) The board may suspend, revoke, or deny any person's certification to practice as a nurse aide or authority to practice as a medication aide in accordance with section 12-20-404 (1)(d) or may issue to the person a letter of admonition under the circumstances specified in and in accordance with section 12-20-404 (4), upon proof that a person:

(g) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in section 27-81-102, ~~or a substance use disorder, as defined in section 27-82-102,~~ or excessively uses any habit-forming drug or any controlled substance, as defined in section 18-18-102 (5), or other drugs having

similar effects, or is diverting controlled substances, as defined in section 18-18-102 (5), or other drugs having similar effects from the person's place of employment;

SECTION 44. In Colorado Revised Statutes, 12-265-113, **amend** (1)(g) as follows:

12-265-113. Grounds for discipline. (1) The board has the power to take disciplinary or other action as specified in sections 12-20-404 and 12-265-107 (1)(d), upon proof that the person:

(g) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in section 27-81-102, ~~or a substance use disorder, as defined in section 27-82-102,~~ abuses or engages in the habitual or excessive use of any such habit-forming drug or any controlled substance as defined in section 18-18-102 (5), or participates in the unlawful use of controlled substances as specified in section 18-18-404; except that the board has the discretion not to discipline the licensee if the person is participating, in good faith, in a substance use disorder treatment program approved by the board;

SECTION 45. In Colorado Revised Statutes, 12-275-110, **amend** (1)(d) as follows:

12-275-110. Application for license - licensure by endorsement - rules. (1) A person who desires to practice optometry in the state may file with the board an application for a license, giving the information required in a form and manner approved by the board. The applicant shall demonstrate that the applicant possesses the following qualifications:

(d) The applicant does not have ~~an alcohol~~ A SUBSTANCE use disorder, as defined in section 27-81-102, ~~or a substance use disorder, as defined in section 27-82-102,~~ or has not habitually or excessively used or abused alcohol, habit-forming drugs, or controlled substances as defined

in section 18-18-102 (5).

SECTION 46. In Colorado Revised Statutes, 12-280-126, **amend** (1)(e) as follows:

12-280-126. Unprofessional conduct - grounds for discipline. (1) The board may take disciplinary or other action as authorized in section 12-20-404, after a hearing held in accordance with the provisions of sections 12-20-403 and 12-280-127, upon proof that the licensee, certificant, or registrant:

(e) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in section 27-81-102, ~~or a substance use disorder, as defined in section 27-82-102,~~ or engages in the habitual or excessive use or abuse of alcohol, a habit-forming drug, or a controlled substance, as defined in section 18-18-102 (5);

SECTION 47. In Colorado Revised Statutes, 12-280-204, **amend** (2)(a) as follows:

12-280-204. Eligibility - participants. (2) In order to be eligible for participation, a licensee shall:

(a) Acknowledge the existence or the potential existence of a psychiatric, psychological, or emotional problem; excessive alcohol or drug use; or ~~an alcohol~~ A SUBSTANCE use disorder, as defined in section 27-81-102; ~~or a substance use disorder, as defined in section 27-82-102;~~

SECTION 48. In Colorado Revised Statutes, 12-300-109, **amend** (2)(h) as follows:

12-300-109. Grounds for action - disciplinary proceedings. (2) The director has the power to take disciplinary or other action as authorized in section 12-20-404 against a licensee in accordance with subsections (4), (5), (6), and (8) of this section upon proof that the person:

(h) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in section 27-81-102, ~~or a substance use disorder, as defined in section 27-82-102,~~ or is an excessive or habitual user or abuser of alcohol or habit-forming drugs or is a habitual user of a controlled substance, as defined in section 18-18-102 (5), or other drugs having similar effects; except that the director has the discretion not to discipline the license holder if he or she is participating in good faith in an alcohol or substance use disorder treatment program approved by the director;

SECTION 49. In Colorado Revised Statutes, 12-305-112, **amend** (2)(c) as follows:

12-305-112. Grounds for discipline - definitions. (2) The director may take disciplinary or other action specified in section 12-20-404 or 12-305-113 or issue a cease-and-desist order to a certificate holder in accordance with sections 12-20-405 and 12-305-113 (8) upon proof that the certificate holder:

(c) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in section 27-81-102, ~~or a substance use disorder, as defined in section 27-82-102,~~ excessively or habitually uses or abuses alcohol or habit-forming drugs, or habitually uses a controlled substance, as defined in section 18-18-102 (5), or other drugs having similar effects; except that the director has the discretion not to discipline the certificate holder if the certificate holder is participating in good faith in an alcohol or substance use disorder treatment program approved by the director;

SECTION 50. In Colorado Revised Statutes, 12-310-106, **amend** (2)(c) as follows:

12-310-106. Grounds for discipline - disciplinary proceedings - judicial review. (2) The director may take disciplinary or other action

as authorized in section 12-20-404 against, or issue a cease-and-desist order in accordance with section 12-20-405 to, a registrant in accordance with this section and section 12-20-403, upon proof that the registrant:

(c) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in section 27-81-102; ~~or a substance use disorder, as defined in section 27-82-102;~~ is an excessive or habitual user or abuser of alcohol or habit-forming drugs; or is a habitual user of a controlled substance, as defined in section 18-18-102 (5), or other drugs having similar effects;

SECTION 51. In Colorado Revised Statutes, 13-5-142, **amend** (1)(b) as follows:

13-5-142. National instant criminal background check system - reporting. (1) On and after March 20, 2013, the state court administrator shall send electronically the following information to the Colorado bureau of investigation created pursuant to section 24-33.5-401, referred to in this section as the "bureau":

(b) The name of each person who has been committed by order of the court to the custody of the office of behavioral health in the department of human services pursuant to section 27-81-112; ~~or 27-82-108;~~ and

SECTION 52. In Colorado Revised Statutes, 13-5-142.5, **amend** (2)(a)(II) as follows:

13-5-142.5. National instant criminal background check system - judicial process for awarding relief from federal prohibitions - legislative declaration. (2) **Eligibility.** A person may petition for relief pursuant to this section if:

(a) (II) He or she has been committed by order of the court to the custody of the office of behavioral health in the department of human

services pursuant to section 27-81-112; ~~or 27-82-108;~~ or

SECTION 53. In Colorado Revised Statutes, 13-9-123, **amend** (1)(b) as follows:

13-9-123. National instant criminal background check system - reporting. (1) On and after March 20, 2013, the state court administrator shall send electronically the following information to the Colorado bureau of investigation created pursuant to section 24-33.5-401, referred to in this section as the "bureau":

(b) The name of each person who has been committed by order of the court to the custody of the office of behavioral health in the department of human services pursuant to section 27-81-112; ~~or 27-82-108;~~ and

SECTION 54. In Colorado Revised Statutes, 13-9-124, **amend** (2)(a)(II) as follows:

13-9-124. National instant criminal background check system - judicial process for awarding relief from federal prohibitions - legislative declaration. (2) **Eligibility.** A person may petition for relief pursuant to this section if:

(a) (II) He or she has been committed by order of the court to the custody of the office of behavioral health in the department of human services pursuant to section 27-81-112; ~~or 27-82-108;~~ or

SECTION 55. In Colorado Revised Statutes, 13-14.5-105, **amend** (8)(b) as follows:

13-14.5-105. Hearings on petition - grounds for order issuance. (8) (b) Before issuing an extreme risk protection order, the court shall consider whether the respondent meets the standard for an emergency commitment pursuant to section 27-81-111. ~~or 27-82-107.~~ If the court

determines that the respondent meets the standard, then, in addition to issuing an extreme risk protection order, the court shall order an emergency commitment pursuant to section 27-81-111. ~~or 27-82-107.~~

SECTION 56. In Colorado Revised Statutes, 13-90-107, **amend** (1)(m)(IV)(C) as follows:

13-90-107. Who may not testify without consent - definitions. (1) There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person shall not be examined as a witness in the following cases:

(m) (IV) This subsection (1)(m) does not apply in cases in which:

(C) Due to INTOXICATION BY alcohol, ~~or other substance intoxication or abuse~~ BEING UNDER THE INFLUENCE OF DRUGS, OR INCAPACITATION BY SUBSTANCES as described in ~~sections 27-81-111 and 27-82-107, C.R.S.~~ SECTION 27-81-111, the person receiving peer support is a clear and immediate danger to the person's self or others;

SECTION 57. In Colorado Revised Statutes, 25-1-1202, **amend** (1)(vv) as follows:

25-1-1202. Index of statutory sections regarding medical record confidentiality and health information. (1) Statutory provisions concerning policies, procedures, and references to the release, sharing, and use of medical records and health information include the following:

(vv) ~~Sections 27-82-106 and 27-82-109~~ SECTIONS 27-81-109 AND 27-81-113, concerning the treatment of persons with substance use disorders;

SECTION 58. In Colorado Revised Statutes, 25-3.5-208, **amend** (7)(a)(I) as follows:

25-3.5-208. Emergency medical service providers' peer health

assistance program - fund - rules. (7) (a) Any certificate holder who does not have access to an employee assistance program may apply to the department for participation in a qualified peer health assistance program. In order to be eligible for participation, a certificate holder shall:

(I) Acknowledge the existence or the potential existence of a physical, psychological, or emotional condition; excessive alcohol or drug use; or ~~an alcohol~~ A SUBSTANCE use disorder, as defined in section 27-81-102; ~~(1); or a substance use disorder, as defined in section 27-82-102 (13.5);~~

SECTION 59. In Colorado Revised Statutes, 25-27.6-104, **amend as it will become effective July 1, 2022,** (1)(b) as follows:

25-27.6-104. License required - criminal and civil penalties. (1) (b) On or after July 1, 2023, an entity seeking initial licensure as a behavioral health entity shall apply for a behavioral health entity license if the entity would previously have been licensed or subject to approval by the office of behavioral health in the department of human services pursuant to section 27-81-106 ~~or 27-82-103~~ as an approved treatment program for alcohol use disorders or substance use disorders.

SECTION 60. In Colorado Revised Statutes, 26-6.9-101, **amend** (1) as follows:

26-6.9-101. Definitions. As used in this article 6.9, unless the context otherwise requires:

(1) "Facility" means an agency meeting the standards described in section 27-81-106 (1) ~~or 27-82-103 (1)~~ and approved pursuant to section 27-81-106. ~~or 27-82-103.~~

SECTION 61. In Colorado Revised Statutes, 27-60-104.5, **amend** (3)(e)(I) as follows:

27-60-104.5. Behavioral health capacity tracking system - legislative declaration - definitions - rules. (3) Pursuant to subsection (8) of this section, the state department shall implement a behavioral health capacity tracking system, which must include the following:

(e) Capacity reporting for the following facilities and treatment providers statewide:

(I) Facilities that provide evaluation and treatment to individuals held under an emergency commitment pursuant to section 27-81-111, ~~or section 27-82-107,~~ an involuntary commitment pursuant to section 27-81-112, ~~or section 27-82-108,~~ or a civil commitment pursuant to section 27-65-105, including crisis stabilization units, acute treatment units, community mental health centers, and hospitals, including state mental health institutes;

SECTION 62. In Colorado Revised Statutes, 27-66.5-102, **amend** (3)(a)(IV) and (3)(a)(V) as follows:

27-66.5-102. Definitions. As used in this article 66.5, unless the context otherwise requires:

(3) "High-risk individual" means a person who:

(a) Is under:

(IV) An emergency commitment pursuant to section 27-81-111; ~~or 27-82-107;~~ or

(V) An involuntary commitment pursuant to section 27-81-112; ~~or 27-82-108;~~

SECTION 63. In Colorado Revised Statutes, 27-82-202, **amend** (4) as follows:

27-82-202. Definitions. As used in this part 2, unless the context otherwise requires:

(4) "Treatment facility" means a health care facility that provides substance use disorder or medication-assisted treatment and that is approved by the office of behavioral health pursuant to ~~section 27-82-103~~ SECTION 27-81-106.

SECTION 64. In Colorado Revised Statutes, 42-2-104, **amend** (2)(c) as follows:

42-2-104. Licenses issued - denied. (2) Except as otherwise provided in this article 2, the department shall not license a person to operate any motor vehicle in this state:

(c) Who has been adjudged or determined by a court of competent jurisdiction to have ~~an alcohol~~ A SUBSTANCE use disorder, as defined in section 27-81-102, ~~or a substance use disorder, as defined in section 27-82-102,~~ with respect to a controlled substance, as defined in section 18-18-102 (5);

SECTION 65. In Colorado Revised Statutes, 42-4-1301.3, **amend** (4)(a) as follows:

42-4-1301.3. Alcohol and drug driving safety program - definition. (4) (a) There is created an alcohol and drug driving safety program fund in the office of the state treasurer, referred to in this subsection (4) as the "fund". The fund consists of money deposited in it as directed by this subsection (4)(a). The assessment in effect on July 1, 1998, remains in effect unless the judicial department and the office of behavioral health in the department of human services have provided the general assembly with a statement of the cost of the program, including costs of administration for the past and current fiscal year to include a proposed change in the assessment. The general assembly shall then consider the proposed new assessment and approve the amount to be

assessed against each person during the following fiscal year in order to ensure that the alcohol and drug driving safety program established in this section is financially self-supporting. Any adjustment in the amount to be assessed must be noted in the appropriation to the judicial department and the office of behavioral health in the department of human services as a footnote or line item related to this program in the general appropriation bill. The state auditor shall periodically audit the costs of the programs to determine that they are reasonable and that the rate charged is accurate based on these costs. Any other fines, fees, or costs levied against a person are not part of the program fund. The court shall transmit to the state treasurer the amount assessed for the alcohol and drug evaluation to be credited to the fund. Fees charged pursuant to ~~sections 27-81-106 (1) and 27-82-103 (1)~~ SECTION 27-81-106 (1) to approved alcohol and drug treatment facilities that provide level I and level II programs as provided in subsection (3)(c) of this section must be transmitted to the state treasurer, who shall credit the fees to the fund. Upon appropriation by the general assembly, the money must be expended by the judicial department and the office of behavioral health in the department of human services for the administration of the alcohol and drug driving safety program. In administering the alcohol and drug driving safety program, the judicial department is authorized to contract with any agency for any services the judicial department deems necessary. Money deposited in the fund remains in the fund to be used for the purposes set forth in this section and must not revert or transfer to the general fund except by further act of the general assembly.

SECTION 66. Safety clause. The general assembly hereby finds,

1 determines, and declares that this act is necessary for the immediate
2 preservation of the public peace, health, or safety.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL E

LLS NO. 20-0295.01 Yelana Love x2295 **SENATE BILL**

SENATE SPONSORSHIP

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Buentello and Herod, Kennedy

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ASSIST AN INDIVIDUAL'S RECOVERY FROM**
102 **A SUBSTANCE USE DISORDER.**

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/.)

Opioid and Other Substance Use Disorders Study Committee. The bill:

- Annually appropriates $250,000 to the department of labor and employment for the purpose of providing peer coaching and peer specialist training for individuals recovering from substance use disorders (**section 1** of the bill);

- Continues the opioid and other substance use disorders study committee (committee) for an additional 4 years, meeting every other year beginning in 2021 (**sections 2 and 3**);
- Requires the state substance abuse trend and response task force to: Convene stakeholders for the purpose of reviewing progress on bills introduced by the committee and passed by the general assembly and generating policy recommendations related to opioid and other substance use disorders; and submit its annual report to the committee (**section 4**);
- Modifies how the determination of child abuse, neglect, or dependency is determined in situations involving alcohol or substance exposure (**sections 5 to 7**);
- Annually appropriates $2 million to the office of behavioral health (office) in the department of human services for the purpose of expanding the individual placement and support program (**section 8**);
- Requires the center for research into substance use disorder prevention, treatment, and recovery support strategies (center) to design and conduct a comprehensive review of Colorado's substance use disorder treatment and recovery services to inform a state plan for the delivery of services across the continuum of care for individuals at risk of relapse and appropriates $500,000 to the center for the completion of the review (**section 9**);
- Requires the center, through the statewide perinatal substance use data linkage project, to conduct ongoing research related to the incidence of perinatal substance exposure or related infant and family health and human service outcomes. The bill also annually appropriates $75,000 to the center to conduct the research (**section 10**).
- Requires the office to establish a program to assist individuals with substance use disorders by providing the individuals with temporary financial housing assistance and annually appropriates $4 million to the office for purposes of the program (**section 11**); and
- Creates the recovery support services grant program in the office to provide grants to recovery community organizations, and annually appropriates $3.5 million to implement the program (**section 12**).

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

SECTION 1. In Colorado Revised Statutes, **add** 8-84-109 as follows:

8-84-109. Appropriation for peer coaching and peer specialist training. FOR THE 2020-21 STATE FISCAL YEAR AND EACH STATE FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWO HUNDRED FIFTY THOUSAND DOLLARS TO THE DEPARTMENT FOR THE PURPOSE OF PROVIDING PEER COACHING AND PEER SPECIALIST TRAINING TO INDIVIDUALS RECOVERING FROM SUBSTANCE USE DISORDERS.

SECTION 2. In Colorado Revised Statutes, 10-22.3-101, **amend** (1)(a) introductory portion and (3) as follows:

10-22.3-101. Opioid and other substance use disorders study committee - creation - members - purposes. (1) (a) Notwithstanding section 2-3-303.3, there is hereby created the opioid and other substance use disorders study committee. The committee consists of ten members of the general assembly ~~appointed on or before June 1, 2018,~~ as follows:

(3) (a) The committee may meet IN THE 2021 AND 2023 INTERIMS up to six times per interim. The committee may recommend up to a total of five bills during each interim IN WHICH THE COMMITTEE IS AUTHORIZED TO MEET. Legislation recommended by the committee must be treated as legislation recommended by an interim committee for purposes of applicable deadlines, bill introduction limits, and any other requirements imposed by the joint rules of the general assembly.

(b) ~~No later than~~ BY December 1, ~~2018~~ ***2021***, and ~~no later than each~~ December 1, ~~thereafter~~ ***2023***, the committee shall make a report to the legislative council created in section 2-3-301 that may include recommendations for legislation.

SECTION 3. In Colorado Revised Statutes, **amend** 10-22.3-102

as follows:

10-22.3-102. Repeal of article. This article 22.3 is repealed, effective ~~July 1, 2020~~ SEPTEMBER 1, 2024.

SECTION 4. In Colorado Revised Statutes, 18-18.5-103, **amend** (6)(d) introductory portion; and **add** (6)(c.5) as follows:

18-18.5-103. State substance abuse trend and response task force - creation - membership - duties - report. (6) In addition, the task force shall:

(c.5) CONVENE STAKEHOLDERS FOR THE PURPOSE OF:

(I) REVIEWING PROGRESS ON BILLS INTRODUCED BY THE OPIOID AND OTHER SUBSTANCE USE DISORDERS STUDY COMMITTEE CREATED IN SECTION 10-22.3-101 AND ENACTED BY THE GENERAL ASSEMBLY; AND

(II) GENERATING POLICY RECOMMENDATIONS RELATED TO OPIOID AND OTHER SUBSTANCE USE DISORDERS, INCLUDING PREVENTION, HARM REDUCTION, TREATMENT, CRIMINAL JUSTICE, AND RECOVERY;

(d) Notwithstanding section 24-1-136 (11)(a)(I), submit a written report to the judiciary committees, or any successor committees, of the senate and the house of representatives of the general assembly AND THE OPIOID AND OTHER SUBSTANCE USE DISORDERS STUDY COMMITTEE CREATED IN SECTION 10-22.3-101 by January 1, ~~2014~~ ***2021***, and by each January 1 thereafter, at a minimum specifying the following:

SECTION 5. In Colorado Revised Statutes, 19-1-103, **amend** (1)(a)(VII) as follows:

19-1-103. Definitions. As used in this title 19 or in the specified portion of this title 19, unless the context otherwise requires:

(1) (a) "Abuse" or "child abuse or neglect", as used in part 3 of article 3 of this title 19, means an act or omission in one of the following

categories that threatens the health or welfare of a child:

(VII) Any case in which a child ~~tests positive at birth for either a schedule I controlled substance, as defined in section 18-18-203, C.R.S., or a schedule II controlled substance, as defined in section 18-18-204, C.R.S., unless the child tests positive for a schedule II controlled substance as a result of the mother's lawful intake of such substance as prescribed~~ IS BORN AFFECTED BY ALCOHOL OR SUBSTANCE EXPOSURE, EXCEPT WHEN TAKEN AS PRESCRIBED OR RECOMMENDED AND MONITORED BY A LICENSED HEALTH CARE PROVIDER, AND THE NEWBORN CHILD'S HEALTH OR WELFARE IS THREATENED BY SUBSTANCE USE;

SECTION 6. In Colorado Revised Statutes, 19-3-102, **amend** (1)(g) as follows:

19-3-102. Neglected or dependent child. (1) A child is neglected or dependent if:

(g) The child ~~tests positive at birth for either a schedule I controlled substance, as defined in section 18-18-203, C.R.S., or a schedule II controlled substance, as defined in section 18-18-204, C.R.S., unless the child tests positive for a schedule II controlled substance as a result of the mother's lawful intake of such substance as prescribed~~ IS BORN AFFECTED BY ALCOHOL OR SUBSTANCE EXPOSURE, EXCEPT WHEN TAKEN AS PRESCRIBED OR RECOMMENDED AND MONITORED BY A LICENSED HEALTH CARE PROVIDER, AND THE NEWBORN CHILD'S HEALTH OR WELFARE IS THREATENED BY SUBSTANCE USE.

SECTION 7. In Colorado Revised Statutes, **add** 19-3-216 as follows:

19-3-216. Rules. THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES TO DETERMINE WHETHER THERE IS CHILD ABUSE OR

NEGLECT AS DEFINED IN SECTION 19-1-103 (1)(a)(VII) OR IF A CHILD IS NEGLECTED OR DEPENDENT AS DESCRIBED IN SECTION 19-3-102 (1)(g).

SECTION 8. In Colorado Revised Statutes, **add** 27-60-108 as follows:

27-60-108. Appropriation for individual placement and support program. FOR THE 2020-21 STATE FISCAL YEAR AND EACH STATE FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWO MILLION DOLLARS TO THE OFFICE FOR THE PURPOSE OF EXPANDING THE INDIVIDUAL PLACEMENT AND SUPPORT PROGRAM ADMINISTERED BY THE OFFICE.

SECTION 9. In Colorado Revised Statutes, 27-80-118, **add** (7) as follows:

27-80-118. Center for research into substance use disorder prevention, treatment, and recovery support strategies - legislative declaration - established - mission - continuing education - public awareness program - grant writer assistance - comprehensive review of treatment and recovery services - repeal. (7) (a) THE CENTER SHALL DESIGN AND CONDUCT A COMPREHENSIVE REVIEW OF COLORADO'S SUBSTANCE USE DISORDER TREATMENT AND RECOVERY SERVICES TO INFORM A STATE PLAN FOR THE DELIVERY OF SERVICES ACROSS THE CONTINUUM OF CARE IN COLORADO TO INDIVIDUALS AT RISK OF EXPERIENCING RELAPSE AFTER A PERIOD OF RECOVERY. THE CENTER SHALL IDENTIFY AND CONSULT WITH RECOVERY RESEARCH EXPERTS TO:

(I) CONDUCT A REVIEW OF THE RESEARCH ON EFFECTIVE MODELS OF CARE ACROSS THE CONTINUUM OF CARE, FROM WITHDRAWAL MANAGEMENT SERVICES TO RECOVERY MANAGEMENT SERVICES. THE ANALYSIS SHOULD ASSESS THE EVIDENCE BASIS OF SUBSTANCE USE

1 DISORDER TREATMENT AND RECOVERY SERVICES, INCLUDING EFFICACY,
2 OUTCOMES, AND QUALITY OF CARE, PARTICULARLY AT "HAND-OFFS" IN
3 CARE, AS THEY RELATE TO THE RISK OF RELAPSE FOR THE INDIVIDUALS
4 SERVED.
5 (II) ASSESS STANDARDS OF CARE THROUGHOUT THE CONTINUUM
6 OF CARE TO DETERMINE IF THEY ADEQUATELY ADDRESS THE RELATIVE
7 RISK FOR RELAPSE OF THE INDIVIDUALS SERVED;
8 (III) FOCUS ON RECOVERY MANAGEMENT SERVICES AND THE
9 YEARS OF RELAPSE RISK IN COMPARISON TO OTHER CHRONIC HEALTH
10 CONDITIONS;
11 (IV) ANALYZE THE EFFECT OF STIGMA ON SUBSEQUENT ACCESS TO
12 CARE, TREATMENT, AND COMMUNITY SERVICES FOR THOSE WHO
13 EXPERIENCE RELAPSE IN RECOVERY; AND
14 (V) IDENTIFY AND PROVIDE PRACTICE AND POLICY
15 RECOMMENDATIONS FOR IMPROVING SERVICES FOR INDIVIDUALS WHO
16 RELAPSE IN RECOVERY.
17 (b) IN DESIGNING AND CONDUCTING THE COMPREHENSIVE REVIEW
18 DESCRIBED IN THIS SUBSECTION (7), THE CENTER SHALL CONSIDER THE
19 NEEDS OF UNDERSERVED POPULATIONS AND COMMUNITIES.
20 (c) BY AUGUST 1, 2021, THE CENTER SHALL REPORT ITS FINDINGS
21 AND ANY RECOMMENDATIONS TO THE OPIOID AND OTHER SUBSTANCE USE
22 DISORDERS STUDY COMMITTEE CREATED IN SECTION 10-22.3-101. IN
23 MAKING ITS RECOMMENDATIONS, THE CENTER SHALL CONSULT WITH
24 INDIVIDUALS IN RECOVERY AND REPRESENTATIVES OF RECOVERY
25 COMMUNITY ORGANIZATIONS, AS DEFINED IN SECTION 27-82-115 (1)(b);
26 RECOVERY RESIDENCES, AS DEFINED IN SECTION 25-1.5-108.5 (1)(a);
27 TREATMENT PROVIDERS; AND RECOVERY ADVOCACY ORGANIZATIONS.

(d) FOR THE 2020-21 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE FIVE HUNDRED THOUSAND DOLLARS TO THE CENTER FOR THE IMPLEMENTATION OF THIS SUBSECTION (7).

(e) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.

SECTION 10. In Colorado Revised Statutes, 27-80-121, **add** (2.5) as follows:

27-80-121. Perinatal substance use data linkage project - center for research into substance use disorder prevention, treatment, and recovery support strategies - report - appropriation. (2.5) (a) THE STATEWIDE PERINATAL SUBSTANCE USE DATA LINKAGE PROJECT MUST CONDUCT ONGOING RESEARCH RELATED TO THE INCIDENCE OF PERINATAL SUBSTANCE EXPOSURE OR RELATED INFANT AND FAMILY HEALTH AND HUMAN SERVICE OUTCOMES BASED ON THE STANDARDS SPECIFIED IN SECTIONS 19-1-103 (1)(a)(VII) AND 19-3-102 (1)(g) FOR DETERMINING CHILD ABUSE OR NEGLECT OR WHETHER A CHILD IS NEGLECTED OR DEPENDENT.

(b) FOR THE 2020-21 STATE FISCAL YEAR AND EACH STATE FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE SEVENTY-FIVE THOUSAND DOLLARS TO THE CENTER FOR PURPOSES OF SUBSECTION (2.5)(a) OF THIS SECTION.

SECTION 11. In Colorado Revised Statutes, **add** 27-80-124 as follows:

27-80-124. Housing assistance for individuals with a substance use disorder - rules - report - appropriation. (1) SUBJECT TO AVAILABLE APPROPRIATIONS, THE OFFICE OF BEHAVIORAL HEALTH SHALL ESTABLISH A PROGRAM TO PROVIDE TEMPORARY FINANCIAL HOUSING

ASSISTANCE TO INDIVIDUALS WITH A SUBSTANCE USE DISORDER WHO HAVE NO SUPPORTIVE HOUSING OPTIONS WHEN THE INDIVIDUAL IS:

(a) TRANSITIONING OUT OF A RESIDENTIAL TREATMENT SETTING AND INTO RECOVERY; OR

(b) RECEIVING TREATMENT FOR THE INDIVIDUAL'S SUBSTANCE USE DISORDER.

(2) THE OFFICE OF BEHAVIORAL HEALTH SHALL PROMULGATE RULES ESTABLISHING THE MAXIMUM AMOUNT OF TEMPORARY FINANCIAL ASSISTANCE THAT AN INDIVIDUAL CAN RECEIVE AND THE MAXIMUM AMOUNT OF TIME FOR WHICH AN INDIVIDUAL MAY RECEIVE ASSISTANCE. RULES PROMULGATED PURSUANT TO THIS SUBSECTION (2) RELATED TO THE TIME FOR WHICH AN INDIVIDUAL MAY RECEIVE ASSISTANCE MUST BE CLINICALLY BASED.

(3) IN AWARDING TEMPORARY FINANCIAL HOUSING ASSISTANCE IN ACCORDANCE WITH THIS SECTION, THE OFFICE OF BEHAVIORAL HEALTH SHALL PRIORITIZE FUNDING FOR INDIVIDUALS ENTERING INTO RECOVERY RESIDENCES, AS DEFINED IN SECTION 25-1.5-108.5 (1)(a).

(4) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), BY FEBRUARY 1, 2021, AND BY FEBRUARY 1 EACH YEAR THEREAFTER, THE OFFICE OF BEHAVIORAL HEALTH SHALL SUBMIT A REPORT DETAILING THE AMOUNT OF HOUSING ASSISTANCE PROVIDED IN THE PRIOR YEAR, THE NUMBER OF INDIVIDUALS AND THE ENTITIES THAT RECEIVED THE HOUSING ASSISTANCE, AND THE DURATION OF HOUSING ASSISTANCE EACH INDIVIDUAL OR ENTITY RECEIVED TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, THE HEALTH AND INSURANCE AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEES OF THE HOUSE OF REPRESENTATIVES, AND THE OPIOID AND OTHER SUBSTANCE USE

DISORDERS STUDY COMMITTEE CREATED IN SECTION 10-22.3-101, OR ANY SUCCESSOR COMMITTEES.

(5) FOR THE 2020-21 STATE FISCAL YEAR AND EACH STATE FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE FOUR MILLION DOLLARS TO THE OFFICE OF BEHAVIORAL HEALTH FOR THE PURPOSE OF THE HOUSING PROGRAM DESCRIBED IN THIS SECTION.

SECTION 12. In Colorado Revised Statutes, **add** 27-82-115 as follows:

27-82-115. Recovery support services grant program - creation - eligibility - reporting requirements - definitions - rules - appropriation. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "GRANT PROGRAM" MEANS THE RECOVERY SUPPORT SERVICES GRANT PROGRAM CREATED IN THIS SECTION.

(b) "RECOVERY COMMUNITY ORGANIZATION" MEANS AN INDEPENDENT, NONPROFIT ORGANIZATION LED AND GOVERNED BY REPRESENTATIVES OF LOCAL COMMUNITIES OF RECOVERY THAT ORGANIZE RECOVERY-FOCUSED POLICY ADVOCACY ACTIVITIES, CARRY OUT RECOVERY-FOCUSED COMMUNITY EDUCATION AND OUTREACH PROGRAMS, OR PROVIDE PEER-RUN RECOVERY SUPPORT SERVICES.

(2) THERE IS HEREBY CREATED IN THE OFFICE OF BEHAVIORAL HEALTH THE RECOVERY SUPPORT SERVICES GRANT PROGRAM TO PROVIDE GRANTS TO RECOVERY COMMUNITY ORGANIZATIONS FOR THE PURPOSE OF PROVIDING RECOVERY-ORIENTED SERVICES TO INDIVIDUALS WITH A SUBSTANCE USE AND CO-OCCURRING MENTAL HEALTH DISORDER.

(3) A RECOVERY COMMUNITY ORGANIZATION THAT RECEIVES A GRANT FROM THE GRANT PROGRAM MAY USE THE MONEY TO:

1 (a) OFFER OPPORTUNITIES FOR INDIVIDUALS IN RECOVERY TO
2 ENGAGE IN ACTIVITIES FOCUSED ON MENTAL OR PHYSICAL WELLNESS OR
3 COMMUNITY SERVICE;
4 (b) PROVIDE GUIDANCE TO INDIVIDUALS WITH A SUBSTANCE USE
5 AND CO-OCCURRING MENTAL HEALTH DISORDER AND THEIR FAMILY
6 MEMBERS ON NAVIGATING TREATMENT, SOCIAL SERVICE, AND RECOVERY
7 SUPPORT SYSTEMS;
8 (c) HELP INDIVIDUALS WITH A SUBSTANCE USE AND CO-OCCURRING
9 MENTAL HEALTH DISORDER TO CONNECT WITH RESOURCES NEEDED TO
10 INITIATE AND MAINTAIN RECOVERY AS OUTLINED BY THE FEDERAL
11 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION'S
12 FOUR DIMENSIONS OF RECOVERY: HEALTH, HOME, COMMUNITY, AND
13 PURPOSE;
14 (d) ASSIST IN ESTABLISHING AND SUSTAINING A SOCIAL AND
15 PHYSICAL ENVIRONMENT SUPPORTIVE OF RECOVERY;
16 (e) PROVIDE LOCAL AND STATE RECOVERY RESOURCES TO
17 RECOVERY COMMUNITY ORGANIZATION PARTICIPANTS AND COMMUNITY
18 MEMBERS; AND
19 (f) PROVIDE RECOVERY SUPPORT SERVICES FOR CAREGIVERS AND
20 FAMILIES OF INDIVIDUALS RECOVERING FROM A SUBSTANCE USE AND
21 CO-OCCURRING MENTAL HEALTH DISORDER.
22 (4) THE OFFICE OF BEHAVIORAL HEALTH SHALL ADMINISTER THE
23 GRANT PROGRAM AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL
24 AWARD GRANTS AS PROVIDED IN THIS SECTION. THE OFFICE MUST AWARD
25 GRANTS FROM THE MONEY ANNUALLY APPROPRIATED FOR THE GRANT
26 PROGRAM AS PROVIDED IN SUBSECTION (8) OF THIS SECTION.
27 (5) THE OFFICE OF BEHAVIORAL HEALTH SHALL IMPLEMENT THE

1 GRANT PROGRAM IN ACCORDANCE WITH THIS SECTION. PURSUANT TO
2 ARTICLE 4 OF TITLE 24, THE OFFICE SHALL PROMULGATE RULES AS
3 NECESSARY TO IMPLEMENT THE GRANT PROGRAM.
4 (6) (a) TO RECEIVE A GRANT, A RECOVERY COMMUNITY
5 ORGANIZATION MUST SUBMIT AN APPLICATION TO THE OFFICE OF
6 BEHAVIORAL HEALTH IN ACCORDANCE WITH RULES PROMULGATED BY THE
7 OFFICE. AT A MINIMUM, THE APPLICATION MUST INCLUDE:
8 (I) A BUSINESS PLAN, INCLUDING A BUDGET, OPERATIONS, AND
9 SUSTAINABILITY PLAN;
10 (II) A PLAN FOR EDUCATING THE PUBLIC ABOUT BEHAVIORAL
11 HEALTH DISORDERS AND RECOVERY PATHWAYS; AND
12 (III) A MECHANISM FOR TRACKING RECOVERY CAPITAL MEASURES
13 FOR PARTICIPANTS.
14 (b) THE OFFICE SHALL REVIEW THE APPLICATIONS RECEIVED
15 PURSUANT TO THIS SECTION. IN AWARDING GRANTS, THE OFFICE SHALL
16 CONSIDER THE FOLLOWING CRITERIA:
17 (I) PRIORITY SHOULD BE GIVEN TO AN APPLICANT WHOSE PROGRAM
18 OUTLINES THE CAPACITY TO DELIVER RECOVERY SUPPORT SERVICES TO
19 MEET THE NEEDS OF DIVERSE RACIAL, CULTURAL, INCOME, ABILITY, AND
20 OTHER UNDERSERVED GROUPS;
21 (II) IN THE FIRST YEAR OF AWARDING GRANTS, A MINIMUM OF
22 SIXTY PERCENT OF FUNDING SHOULD BE USED TO SUPPORT THE
23 DEVELOPMENT OF NEW RECOVERY COMMUNITY ORGANIZATION SERVICES;
24 AND
25 (III) IN THE SECOND YEAR OF AWARDING GRANTS, A MINIMUM OF
26 FORTY PERCENT OF FUNDING SHOULD BE USED TO SUPPORT THE
27 DEVELOPMENT OF NEW RECOVERY COMMUNITY ORGANIZATION SERVICES.

1 (c) SUBJECT TO AVAILABLE APPROPRIATIONS, ON OR BEFORE
2 DECEMBER 1 EACH YEAR OF THE GRANT PROGRAM, THE OFFICE SHALL
3 AWARD GRANTS AS PROVIDED IN THIS SECTION. THE OFFICE SHALL
4 DISTRIBUTE THE GRANT MONEY WITHIN FORTY-FIVE DAYS AFTER
5 AWARDING THE GRANTS.
6 (7) (a) ON OR BEFORE DECEMBER 1, 2021, AND ON OR BEFORE
7 DECEMBER 1 EACH YEAR THEREAFTER, EACH RECOVERY COMMUNITY
8 ORGANIZATION THAT RECEIVES A GRANT THROUGH THE GRANT PROGRAM
9 SHALL SUBMIT A REPORT TO THE OFFICE OF BEHAVIORAL HEALTH. AT A
10 MINIMUM, THE REPORT MUST INCLUDE THE FOLLOWING INFORMATION:
11 (I) THE NUMBER OF COMMUNITY MEMBERS INVOLVED IN THE
12 ORGANIZATION;
13 (II) A DETAILED DESCRIPTION OF THE ORGANIZATION'S ADVOCACY
14 EFFORTS;
15 (III) ANY COLLABORATIVE PROJECTS WITH OTHER RECOVERY
16 COMMUNITY ORGANIZATIONS ACROSS THE STATE;
17 (IV) EFFORTS TO CAPTURE RECOVERY CAPITAL MEASURES AS
18 DESCRIBED IN SUBSECTION (6)(a)(III) OF THIS SECTION; AND
19 (V) ANY OTHER INFORMATION REQUIRED BY THE OFFICE.
20 (b) ON OR BEFORE MARCH 1, 2021, AND ON OR BEFORE MARCH 1
21 EACH YEAR THEREAFTER FOR THE DURATION OF THE GRANT PROGRAM,
22 THE OFFICE SHALL SUBMIT A SUMMARIZED REPORT ON THE GRANT
23 PROGRAM TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE
24 SENATE AND THE HEALTH AND INSURANCE AND THE PUBLIC HEALTH CARE
25 AND HUMAN SERVICES COMMITTEES OF THE HOUSE OF REPRESENTATIVES,
26 OR ANY SUCCESSOR COMMITTEES, AND TO THE OPIOID AND OTHER
27 SUBSTANCE USE DISORDERS STUDY COMMITTEE CREATED IN SECTION

1 10-22.3-101.

2 (c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
3 REPORTING REQUIREMENTS SET FORTH IN THIS SUBSECTION (7) CONTINUE
4 INDEFINITELY.

5 (8) FOR THE 2020-21 STATE FISCAL YEAR AND EACH STATE FISCAL
6 YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE THREE
7 MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO
8 THE OFFICE OF BEHAVIORAL HEALTH TO IMPLEMENT THE GRANT PROGRAM.
9 THE OFFICE MAY USE A PORTION OF THE MONEY APPROPRIATED FOR THE
10 GRANT PROGRAM TO PAY THE DIRECT AND INDIRECT COSTS OF
11 ADMINISTERING THE GRANT PROGRAM.

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

Section 10-22.3-101, C.R.S.

10-22.3-101. Opioid and other substance use disorders study committee - creation - members - purposes.

(1) (a) Notwithstanding section 2-3-303.3, there is hereby created the opioid and other substance use disorders study committee. The committee consists of ten members of the general assembly appointed on or beforeJune 1, 2018, as follows:

(I) Five members of the senate, with three members appointed by the president of the senate and two members appointed by the minority leader of the senate; and

(II) Five members of the house of representatives, with three members appointed by the speaker of the house of representatives and two members appointed by the minority leader of the house of representatives.

(b) The speaker of the house of representatives shall appoint the chair of the committee in even-numbered years and the vice-chair in odd-numbered years, and the president of the senate shall appoint the chair of the committee in odd-numbered years and the vice-chair in even-numbered years.

(2) The committee shall:

(a) Study data, data analytics, and statistics on the scope of the substance use disorder problem in Colorado, including trends in rates of substance abuse, treatment admissions, and deaths from substance use;

(b) Study the current prevention, intervention, harm reduction, treatment, and recovery resources, including substance abuse prevention outreach and education, available to Coloradans, as well as public and private insurance coverage and other sources of support for treatment and recovery resources;

(c) Review the availability of medication-assisted treatment and whether pharmacists can prescribe those medications through the development of collaborative pharmacy practice agreements with physicians;

(d) Examine the measures that other states, the United States government, and other countries use to address substance use disorders, including evidence-based best practices and the use of evidence in determining strategies to treat substance use disorders, and best practices on the use of prescription drug monitoring programs;

(e) Identify the gaps in prevention, intervention, harm reduction, treatment, and recovery resources available to Coloradans and hurdles to accessing those resources;

(f) Identify possible legislative options to address gaps and hurdles to accessing prevention, intervention, harm reduction, treatment, and recovery resources; and

(g) Examine law enforcement and criminal justice measures, including the prohibition of illegal drugs, penalties for trafficking illegal drugs, diversion, jail-based and prison-based treatment and reduction programs, and technologies and other requirements useful in enforcing laws removing opioid and other illegal substances.

(3) (a) The committee may meet up to six times per interim. The committee may recommend up to a total of five bills during each interim. Legislation recommended by the committee must be treated as legislation recommended by an interim committee for purposes of applicable deadlines, bill introduction limits, and any other requirements imposed by the joint rules of the general assembly.

(b) No later than December 1, 2018, and no later than each December 1 thereafter, the committee shall make a report to the legislative council created in section 2-3-301 that may include recommendations for legislation.

(4) (a) Members of the committee are entitled to receive the usual per diem and necessary travel and subsistence expenses as provided pursuant to section 2-2-307 for members of the general assembly who attend interim committee meetings.

(b) The director of research of the legislative council and the director of the office of legislative legal services shall provide staff assistance to the committee.

History

Source: L. 2018: Entire article added, (HB 18-1003), ch. 224, p. 1425, Section 1, effective May 21.

Pension Review Commission

Members of the Committee

Representative Jovan Melton, Chair
Senator Joann Ginal, Vice-Chair

Senator Jessie Danielson
Senator Leroy M. Garcia, Jr.
Senator Ray Scott
Senator Jack Tate

Representative Shannon Bird
Representative Tony Exum, Sr.
Representative Shane Sandridge
Representative Kevin Van Winkle

Legislative Council Staff

Vanessa Reilly, Senior Research Analyst
Louis Pino, Senior Economist
Erin Reynolds, Principal Fiscal Analyst

Office of Legislative Legal Services

Nicole Myers, Senior Attorney

November 2019

Pension Review Commission

Committee Charge

Pursuant to Section 24-51.1-101, C.R.S., the Pension Review Commission is responsible for studying and developing proposed legislation for two pension systems in Colorado: the Fire and Police Pension Association (FPPA) and the Public Employees' Retirement Association (PERA). The law directs the commission to study, review, and propose legislation related to the following subjects including, but not limited to:

- normal retirement age;
- payment of benefits prior to normal retirement age;
- service requirements for eligibility;
- rate of accrual of benefits;
- disability benefits;
- survivors' benefits;
- vesting of benefits;
- employee and employer contributions;
- post-retirement increases;
- creation of an administration board;
- creation of a consolidated statewide system;
- coordination of benefits with other programs; and
- state laws related to each pension system.

Committee Activities

The committee held two meetings during the 2019 interim. Presentations were made by the FPPA and PERA. Both entities provided an overview of their pension's mission and governance structure, as well as an update on current funded status, investments, membership, and other relevant issues.

Committee Recommendations

As a result of committee discussion and deliberation, the Pension Review Commission recommends the following bill for consideration in the 2020 legislative session.

Bill A — Modify Pension Plans Administered by FPPA. The bill modifies various pension plans administered by FPPA and requires the General Assembly to make a lump-sum payment to the Statewide Death and Disability Plan (SWD&D plan) in order to fund the unfunded liabilities for members hired before January 1, 1997. The bill increases member and employer contributions to the SWD&D plan and increases the employer contribution rate to the Statewide Defined Benefit (SWDB) plan.

The bill also allows a member to retire with unreduced retirement benefits if they are at least 50 years old and have a combined age and years of service equal to at least 80 years. Under certain circumstances, the bill authorizes the FPPA Board to increase the member contribution rate. The bill grants authority to the FPPA Board to modify the method used to set the contribution policy for employers as the plans' liabilities wind down. It also makes changes to stabilization reserve account requirements. Finally, the bill codifies certain sections in statute to conform to current plan benefits and increases in member contribution rates already in effect.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL A

LLS NO. 20-0312.01 Nicole Myers x4326 **HOUSE BILL**

HOUSE SPONSORSHIP

Bird and Exum, Melton

SENATE SPONSORSHIP

Garcia and Ginal, Court, Danielson

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE PENSION PLANS ADMINISTERED**
102 **BY THE FIRE AND POLICE PENSION ASSOCIATION.**

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/.)

Pension Review Commission. The bill modifies various plans administered by the fire and police pension association (FPPA).

The bill modifies the **old-hire pension plans** as follows:

State-assisted old hire plans. There are 26 state-assisted old hire police officers' and firefighters' pension plans with 5 or fewer retirees or beneficiaries who are still receiving benefits. Current law states that the

amount of annual local government contributions to those plans is an amount that will amortize the unfunded liabilities of the plan over a period not to exceed 20 years or the average remaining life expectancy of the pension fund's members. **Section 1** of the bill modifies the method by which the contribution is calculated to more precisely set contribution requirements as the plans' liabilities decrease. The bill allows the FPPA board of directors (board) to consider the following when determining the contribution amount: Stabilizing the amount of the annual required contributions over time; keeping the funded ratio of the pension fund from declining; and reducing or eliminating contributions as may be prudent based on actuarial experience.

The bill modifies the **statewide defined benefit plan** as follows:

Increase in employee and employer contributions. Current statute specifies that all members covered under the statewide defined benefit plan administered by the FPPA contribute 8% of their salary to the FPPA on a monthly basis. In addition, every employer employing members who are covered by the statewide defined benefit plan administered by the FPPA contributes 8% of the salary paid to such members to the FPPA on a monthly basis.

In 2014, the members and employers of the statewide defined benefit plan authorized a 4% increase in the member contribution rate to be implemented over 8 years with an increase of .5% per year for a total employee contribution rate of 12% of salary. The first .5% increase in the member contribution rate occurred in 2015 and the member contribution rate will continue to increase by .5% each year thereafter through 2022. **Sections 2, 3, and 4** of the bill codify the increases in the member contribution rates that are already in effect and make required conforming amendments.

Sections 2, 3, and 4 of the bill increases the employer contribution rate by 4%, to be implemented over 8 years with an increase of .5% a year for a total employer contribution rate of 12% of salary. The bill requires the first .5% increase in the employer contribution rate to occur in 2021, and requires an additional .5% increase each year thereafter through 2028.

Retirement eligibility. Currently, a member of the statewide defined benefit plan may retire with a full retirement benefit if the member has completed at least 25 years of service and is at least 55 years old. A member of the statewide defined benefit plan is eligible for an early retirement with a reduced benefit if the member has either completed at least 30 years of service or is at least 50 years old. **Section 2** of the bill would allow a member of the statewide defined benefit plan to retire with an unreduced retirement benefit if the member is at least 50 years old and has a combined age and years of service that is equal to at least 80.

To cover the cost of the new full retirement benefit eligibility, **section 2** of the bill increases the employer contribution rate, in addition

to all other increases in the employer contribution rate, by 1% of base salary to be implemented over 2 years. In 2021, the bill requires the employer contribution rate to increase by .5% of base salary and in 2022, requires the employer contribution rate to increase by an additional .5% of base salary. The implementation of the increase may be deferred while other increases are being implemented.

Conforming amendment to current plan. Originally, the pension benefit for members of the statewide defined benefit plan was capped at 50% of a member's highest average salary, even when the member earned more than 25 years of service credit. In the 1990s, the cap was eliminated by an amendment to the plan approved by election of the members and employers. **Sections 3 and 4** of the bill eliminate the cap to conform to the current plan benefits.

Stabilization reserve account. When the statewide defined benefit plan was initially established, the revenue generated from the 8% member contribution rate and the 8% employer contribution rate was more than necessary to pay the normal costs of the defined benefit plan. Any money in excess of what was necessary to pay the normal costs of the plan was deposited into the stabilization reserve account. The stabilization reserve account consists of separate retirement accounts and upon retirement, members who have satisfied the vesting requirements of the plan are eligible for distributions from the account.

Since the stabilization reserve account was established, benefits allowed under the statewide defined benefit plan have increased to the extent that all of the revenue generated from the member and employer contributions are required to pay the normal costs of the plan and money is no longer deposited into the stabilization reserve account. **Sections 3, 5, and 6** of the bill change the nature of the separate retirement accounts in the stabilization reserve account to defined contribution accounts, subject to self direction by the member. In addition, the bill requires the board to transfer the balances of the separate retirement accounts in the stabilization reserve account to defined contribution accounts by a specified date.

Authorization to increase employer contribution rate. Current law authorizes the board to increase the member contribution rate for members in the statewide defined benefit plan. **Section 7** of the bill authorizes the board to increase the member and employer contribution rates in equal amounts above the rates established pursuant to law or eliminate an increase in the member and employer contribution rates if certain specified conditions are satisfied, including approval by members and employers at an election proposing such increase or decrease.

Continuing rate of contribution. Pursuant to current law, any county that does not cover, under the federal "Social Security Act", salaried employees whose duties are directly involved with the provision of law enforcement or fire protection may elect coverage under the

statewide defined benefit plan and the statewide death and disability plan. **Section 9** of the bill specifies that the board may determine a continuing rate of contribution for all members who are active on the effective date of coverage to fund benefits to ensure that the affiliating employers' coverage does not have an adverse financial impact on the actuarial soundness of the plan.

Employers that have withdrawn from the statewide defined benefit plan but later reenter the plan are required to pay a continuing rate of contribution for all members who are active on the effective date of coverage. The continuing rate of contribution is a contribution in addition to the member and employer contribution and accounts for increased costs associated with members employed by employers who reenter the plan. The board established the continuing rate of contribution pursuant to law; however, the rate set by the board was higher than necessary to pay the costs of benefits for impacted members and current law does not authorize the board to decrease the rate. **Section 12** of the bill authorizes the board to decrease the continuing rate of contribution when it determines that the rate is higher than what is necessary to pay the costs of the benefits of members who are employees of employers who rejoined the plan.

The bill modifies the **death and disability plan** as follows:

Costs of death and disability benefits. For members hired on or after January 1, 1997, and who are eligible for death and disability coverage provided by the FPPA, current law requires a contribution to the death and disability account not to exceed 2.4% of the members salary; except that the board is authorized to increase the contribution rate every 2 years by .1%. The current rate is 2.8% of salary. **Sections 8, 10, and 11** of the bill increase the maximum contribution rate in 2021 to 3% of salary and authorizes the board to increase the contribution every year by up to .2% of the member's salary.

For members hired before January 1, 1997, the state previously payed the costs for those members' participation in the death and disability plan. In the mid 1990s, the general assembly determined that the costs associated with death and disability benefits should be covered by local governments. The general assembly made a lump-sum payment to cover the costs of participation in the death and disability plan for members hired before January 1, 1997, and implemented the system described above to cover the costs of death and disability benefits for members hired thereafter. The FPPA recently determined that the amount of the lump-sum payment from the state was insufficient to cover the death and disability benefits for members hired before January 1, 1997. **Section 11** of the bill requires the general assembly to make an additional lump-sum payment to the FPPA to fund the unfunded liabilities of the death and disability benefits for those members.

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

SECTION 1. In Colorado Revised Statutes, 31-30.5-304, **amend** (2)(a); and **repeal** (4) and (11) as follows:

31-30.5-304. Limitation on existing funds - procedures. (2) (a) Annual contributions to state-assisted old hire police officers' and firefighters' pension funds shall be made in ~~an~~ AT LEAST THE amount ~~that is equal to or greater than the sum of the actuarially determined amount required to amortize the unfunded accrued liabilities of such plan~~ DETERMINED BY THE POLICY SET BY THE BOARD OF THE FIRE AND POLICE PENSION ASSOCIATION THAT BALANCES THE FOLLOWING CONSIDERATIONS: STABILIZATION OF THE AMOUNT OF THE ANNUAL REQUIRED CONTRIBUTIONS OVER TIME; KEEPING THE FUNDED RATIO OF THE PENSION FUND FROM DECLINING; AND REDUCING OR ELIMINATING CONTRIBUTIONS AS MAY BE PRUDENT BASED ON ACTUARIAL EXPERIENCE. THE UNFUNDED ACCRUED LIABILITIES OF THE PLAN MAY BE AMORTIZED over a period not to exceed the lesser of twenty years or the number of years equal to the average remaining life expectancy of the pension fund's members. ~~plus the current service cost attributable to active members.~~

(4) ~~A governing body providing a state-assisted old hire pension plan that is required to contribute an amount in 2014 that is less than the contribution required by subsection (2) of this section beginning in 2015 and that determines that the minimum annual rate of municipal, fire protection district, or county improvement district contributions provided in subsection (2) of this section would place an undue hardship on the taxpayers of such municipality, fire protection district, or county improvement district may adopt a resolution to that effect. Any~~

~~municipality, fire protection district, or county improvement district that has adopted such resolution may make an annual contribution in the year 2015, in an amount that is not less than the amount that the municipality, fire protection district, or county improvement district is required to contribute in 2014. Beginning in 2016, such municipality, fire protection district, or county improvement district shall make the full amount of the annual contribution required by subsection (2) of this section.~~

(11) ~~Notwithstanding any other provision of law to the contrary, an assessment against any employee of any fire or police department to which this article applies may be in an amount not to exceed ten percent of the employee's monthly salary. Said amount shall be deducted and withheld from the monthly pay of each such employee so assessed and placed to the credit of said employee's pension fund in the same manner as provided by this article; except that in no case shall employer contributions be less than employee contributions.~~

SECTION 2. In Colorado Revised Statutes, 31-31-402, **amend** (1), (2), and (3) as follows:

31-31-402. Employer and member contributions. (1) ~~On and after January 1, 1980, until the board is able to determine a contribution rate from the first annual actuarial valuation,~~ Every member covered under the statewide defined benefit plan established by this part 4 shall pay into the defined benefit system trust fund eight percent of salary paid or such higher member contribution rate established pursuant to section 31-31-408 (1.5)(a) OR (1.6)(a). THE MEMBER CONTRIBUTION RATE SHALL INCREASE BY FOUR PERCENT TO BE IMPLEMENTED THROUGH EIGHT ANNUAL INCREASES AS FOLLOWS: BEGINNING IN 2015, AND EACH YEAR THEREAFTER THROUGH 2022, THE MEMBER CONTRIBUTION RATE SHALL

INCREASE BY AN ADDITIONAL ONE-HALF OF ONE PERCENT OF BASE SALARY UNTIL THE TOTAL MEMBER CONTRIBUTION RATE, INCLUDING THE CUMULATIVE CONTRIBUTION RATE INCREASES, IS TWELVE PERCENT OF BASE SALARY. The payment shall be made by the employer by deduction from the salary paid such member. Each employer shall pick up the member contributions required for all salaries paid after July 1, 1985, and the contributions so picked up shall be treated as employer contributions pursuant to section 414 (h)(2) of the federal "Internal Revenue Code of 1986", as amended, in determining tax treatment under such code. The employer shall pay these member contributions directly to the retirement association, instead of paying such amounts to members, and such contributions shall be paid from the same funds that are used in paying salaries to the members. Such contributions, although designated as member contributions, shall be paid by the employer in lieu of contributions by members. Members may not elect to choose to receive such contributions directly instead of having them paid by the employer to the pension plan. Member contributions so picked up shall be treated for all purposes of this article ***31***, other than federal tax, in the same manner as member contributions made before the date picked up. Payment shall be made by one voucher for the aggregate amount deducted and shall be made no later than ten days following the date of payment of salary to the member. All such payments shall be credited to the defined benefit system trust fund.

(2) (a) ~~On and after January 1, 1980, until the board is able to determine a contribution rate from the first annual actuarial valuation,~~ Every employer employing members who are covered by the statewide defined benefit plan established by this part 4 shall pay into the defined

benefit system trust fund eight percent of the salary paid to such member OR SUCH HIGHER EMPLOYER CONTRIBUTION RATE ESTABLISHED PURSUANT TO SECTION 31-31-408 (1.6)(a), and such payment shall be made no later than ten days following the date of payment of salary to the member. THE EMPLOYER CONTRIBUTION RATE SHALL INCREASE BY FOUR PERCENT TO BE IMPLEMENTED THROUGH EIGHT ANNUAL INCREASES AS FOLLOWS: BEGINNING IN 2021, AND EACH YEAR THEREAFTER THROUGH 2028, THE EMPLOYER CONTRIBUTION RATE SHALL INCREASE BY AN ADDITIONAL ONE-HALF OF ONE PERCENT OF BASE SALARY UNTIL THE TOTAL EMPLOYER CONTRIBUTION RATE, INCLUDING THE CUMULATIVE CONTRIBUTION RATE INCREASES, IS TWELVE PERCENT OF BASE SALARY. All such payments shall be credited to the defined benefit system trust fund.

(b) IN ADDITION TO THE RATE ESTABLISHED IN SUBSECTION (2)(a) OF THIS SECTION, THE EMPLOYER CONTRIBUTION RATE SHALL BE INCREASED BY ONE PERCENT OF BASE SALARY TO BE IMPLEMENTED AS FOLLOWS: BEGINNING IN 2021, AND CONTINUING THROUGH 2022, OR BEGINNING IN A SUBSEQUENT YEAR IN THE EVENT ANOTHER EMPLOYER CONTRIBUTION RATE INCREASE IS UNDER IMPLEMENTATION, THE EMPLOYER CONTRIBUTION RATE SHALL INCREASE BY AN ADDITIONAL ONE-HALF OF ONE PERCENT OF BASE SALARY IN EACH YEAR FOR A TOTAL OF A ONE PERCENT INCREASE IN ORDER TO PAY FOR THE COST OF THE BENEFIT ESTABLISHED IN SECTION 31-31-403 (4)(b).

(3) The general assembly declares that the rates of member and employer contributions shall be adequate to fund benefit liabilities accrued under the statewide defined benefit plan established by this part 4, and to this end, the board shall submit an annual actuarial valuation report to the state auditor, the legislative audit committee, and the joint

budget committee of the general assembly, together with any recommendations concerning such liabilities as accrued. Amortization of such liability over a forty-year period shall be deemed adequate to maintain actuarial stability. If the actual financial experience of the new hire benefits account in the defined benefit system trust fund is found to be more or less favorable than the assumed experience during the two-year period from January 1, 1980, and each biennium thereafter, adjustments may be made by the board in the member and employer contributions as may be deemed feasible and advisable so long as the employer contribution rate ADJUSTMENT is ~~at least~~ equal to the member contribution rate ADJUSTMENT. If the member contribution rate has been increased pursuant to section 31-31-408 (1.5)(a), the requirement that the employer contribution rate be at least equal to the member contribution rate shall not apply, but in such circumstance, any increase to the employer contribution rate shall be at least equal to the increase in the member contribution rate and any decrease in the member contribution rate shall be at least equal to the decrease in the employer contribution rate.

SECTION 3. In Colorado Revised Statutes, 31-31-403, **amend** (1), (2)(a), and (4) as follows:

31-31-403. Normal retirement - statewide defined benefit plan. (1) (a) Any member covered by the statewide defined benefit plan who has completed at least twenty-five years of active service and has attained the age of fifty-five years shall be eligible for a normal retirement pension subject to adjustment pursuant to ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION. The annual normal retirement pension shall be two percent of the average of the member's highest three

years' base salary multiplied by the member's years of service. ~~not to exceed twenty-five.~~

(b) The board shall determine after each annual actuarial valuation if the cost of all benefits established by this part 4 for members covered under this section and the cost of a normal retirement pension beginning at age fifty-five for members then eligible may be fully funded on an actuarially sound basis without necessitating an increase in the ~~eight percent~~ employer and ~~eight percent~~ member contributions made pursuant to section 31-31-402 or such higher member contribution rate established pursuant to section 31-31-408 (1.5)(a). If the board cannot so determine, it shall order that the normal retirement pension commence such number of months as are actuarially supportable, from one to sixty, after age fifty-five for members who have completed at least twenty-five years of active service and are otherwise eligible in accordance with the board's determination. The determination of the board shall be conclusive in the absence of fraud. A pension commenced after age fifty-five pursuant to this ~~paragraph (b)~~ SUBSECTION (1)(b) shall not be subject to annual review. If a court determines that this ~~paragraph (b)~~ SUBSECTION (1)(b) is invalid, the age of retirement to be eligible for any normal retirement benefit shall be age sixty except for persons receiving a benefit at the time of the court's decision.

(2) (a) If in any year the board determines pursuant to this part 4 that the cost of the benefits described in ~~paragraph (b) of subsection (1)~~ SUBSECTION (1)(b) of this section ~~excluding the benefit described in section 31-31-405,~~ may not be fully funded on an actuarially sound basis without necessitating an increase in the ~~eight percent~~ employer and ~~eight percent~~ member contribution made pursuant to section 31-31-402 or such

higher member contribution rate established pursuant to section 31-31-408 (1.5)(a), the board shall not increase such employer or member contributions unless:

(I) The board has terminated ~~the benefit~~ GRANTING ADDITIONAL BENEFITS described in section 31-31-405. ~~and~~

(II) ~~The board has transferred all funds in the stabilization reserve account to the actuarial account as required by section 31-31-405 (1) and (2), except such funds as are attributable to the separate retirement account of any member who has terminated service after at least five years of credited service.~~

(4) (a) Any member covered by the statewide defined benefit plan who has completed at least thirty years of active service or has attained the age of fifty years and who is not receiving benefits pursuant to section 31-31-803 may elect to retire from active service and shall be eligible for an early retirement pension. The annual early retirement pension for a member shall be the benefit, as determined by the board, that the member would have received at normal retirement reduced on an actuarial equivalent basis to reflect the early receipt of the benefit.

(b) ANY MEMBER COVERED BY THE STATEWIDE DEFINED BENEFIT PLAN WHO HAS ATTAINED THE AGE OF FIFTY YEARS, WHOSE COMBINED AGE AND YEARS OF ACCRUED SERVICE IS EQUAL TO AT LEAST EIGHTY AND WHO IS NOT RECEIVING THE BENEFITS PURSUANT TO SECTION 31-31-803 SHALL BE ELIGIBLE FOR AN UNREDUCED NORMAL RETIREMENT PENSION.

(c) IF THE BOARD ADJUSTS THE AGE OF ELIGIBILITY PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION, IT SHALL ALSO ADJUST THE AGE OF ELIGIBILITY FOR BENEFITS UNDER SUBSECTIONS (4)(a) AND (4)(b) OF THIS SECTION IN A LIKE MANNER.

SECTION 4. In Colorado Revised Statutes, 31-31-404, **amend** (2) as follows:

31-31-404. Return or transfer of contributions - vested retirement. (2) (a) In lieu of having the member's contributions returned as provided in ~~paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) of this section, a member who has at least five years of credited service may leave the contributions with the fund. When the inactive member attains age fifty-five, the member shall be eligible to receive an annual vested benefit equal to two percent of the member's average highest three years' salary multiplied by years ~~not to exceed twenty-five,~~ of active service. Any such member shall be eligible to receive the applicable vested benefit as provided in this section or to make an election for a reduced pension in the manner provided in section 31-31-403 (5). All the provisions of section 31-31-403 (5) shall apply to the member; except that the benefits used to calculate the reduced benefits shall be the vested benefit provided to the member under this section rather than the retirement benefit provided in section 31-31-403. The member may not elect one of the options earlier than sixty days prior to the commencement of vested benefit payments. In the event that an inactive member who is eligible for vested benefits dies prior to the commencement of the member's benefit payments, the fire and police pension association shall refund the inactive member's contributions to the member's estate, and no vested benefits shall be payable to the inactive member's survivors or beneficiaries.

(b) The board shall determine after each annual actuarial valuation if the cost of all benefits established by this part 4 for members covered under section 31-31-403 and the cost of vested benefits beginning at age fifty-five for members then eligible may be fully funded on an actuarially

sound basis without necessitating an increase in the ~~eight percent~~ employer and ~~eight percent~~ member contributions made pursuant to section 31-31-402 or such higher member contribution rate established pursuant to section 31-31-408 (1.5)(a). If the board cannot so determine, it shall order that the vested benefits commence such number of months as are actuarially supportable, from one to one hundred twenty, after age fifty-five for eligible members in accordance with the board's determination. The determination of the board shall be conclusive in the absence of fraud. A vested benefit commenced before age fifty-five pursuant to this ~~paragraph (b)~~ SUBSECTION (2)(b) shall not be subject to annual review. If a court determines that this ~~paragraph (b)~~ SUBSECTION (2)(b) is invalid, the age to be eligible for a vested benefit shall be age sixty-five except for persons receiving a benefit at the time of the court's decision.

SECTION 5. In Colorado Revised Statutes, 31-31-405, **amend** (2), (3), (5), and (6) as follows:

31-31-405. Stabilization reserve account and separate retirement account - creation - allocation. (2) In each year after ~~1987~~ ***2021***, the board may allocate additional deposits to the new hire benefits account between the actuarial account and the stabilization reserve account based upon the actuarial study for the previous year. ~~If in any year the total amount of additional deposits to the new hire benefits account is not sufficient to meet the benefit liabilities funded by the actuarial account, then such additional amount as may be necessary to fund the increase shall be transferred from the stabilization reserve account to the actuarial account.~~ If in any year the total amount of additional deposits to the new hire benefits account exceeds the amount

required to meet any increase in the benefit liabilities funded by the actuarial account, the board, in its sole discretion, may allocate all or any part of such excess to the stabilization reserve account. ~~Any excess allocated to the stabilization reserve account in any year shall be allocated from that portion of deposits to the new hire benefits account constituting employer contributions to the statewide defined benefit plan established by this part 4.~~

(3) ~~For accounting purposes only,~~ The stabilization reserve account created by subsection (1) of this section shall consist of individual separate retirement accounts established in the name of each member covered by the statewide defined benefit plan established by this part 4. ~~except such members as are covered on a supplemental basis pursuant to section 31-31-704.~~ FUNDS ALLOCATED TO THE SEPARATE RETIREMENT ACCOUNTS SHALL BE IN THE NATURE OF A DEFINED CONTRIBUTION ACCOUNT AND SUBJECT TO SELF DIRECTION BY THE MEMBER. THE BOARD SHALL TRANSFER THE BALANCES OF THE PREDECESSOR SEPARATE RETIREMENT ACCOUNTS CONTAINED WITHIN THE MEMBERS BENEFIT INVESTMENT FUND TO DEFINED CONTRIBUTION ACCOUNTS ON OR ABOUT JANUARY 1, 2021. Members covered on a supplemental basis pursuant to section 31-31-704.5 shall be eligible for individual separate retirement accounts.

(5) Earnings ~~accruing~~ OR LOSSES on the amount allocated to the member's separate retirement account WHILE INVESTED AS PART OF THE MEMBER'S BENEFIT INVESTMENT FUND shall be allocated at least monthly on a time-weighted basis as determined by the board until the account is exhausted. EARNINGS OR LOSSES ON THE AMOUNT ALLOCATED TO THE MEMBER'S SEPARATE RETIREMENT ACCOUNT WHILE INVESTED AS PART OF

THE MEMBERS SELF-DIRECTED INVESTMENT FUND SHALL BE ALLOCATED AS DETERMINED BY THE RECORD KEEPER.

(6) Any amount allocated to a member's separate retirement account shall be subject to ~~reduction prior to the time a member has terminated service in the event that additional amounts must be transferred to the actuarial account as set forth in subsections (1) and (2) of this section. Reductions in a member's separate retirement account pursuant to this subsection (6) shall be made on a pro rata basis in the proportion that the balance in a member's separate retirement account bears to the total balance of all members' separate retirement accounts~~ THE VESTING AND DISTRIBUTION REQUIREMENTS UNDER THE PLAN.

SECTION 6. In Colorado Revised Statutes, 31-31-406, **amend** (4) and (7); and **repeal** (6) as follows:

31-31-406. Separate retirement accounts - administration. (4) A member may elect to ~~commence payment~~ TAKE A DISTRIBUTION of the amount in the member's separate retirement account at any time after the member terminates service ~~but in no event later than the commencement of the member's retirement benefits under section 31-31-403 or 31-31-404 (2). A member will continue to accrue earnings on the amount in the member's separate retirement account until such time as the account is exhausted~~ AND IN ACCORDANCE WITH THE RULES ADOPTED BY THE BOARD. MEMBERS TERMINATING SERVICE AND ELECTING A DISTRIBUTION OR PARTIAL DISTRIBUTION ARE NO LONGER ELIGIBLE TO ELECT A REFUND OF CONTRIBUTIONS.

(6) ~~If a member terminates service with less than five years of credited service and does not elect a refund of accumulated contributions, the amount in the member's separate retirement account shall not be~~

~~forfeited but shall continue to be subject to the earnings and reduction provisions of section 31-31-405, and, upon the member's return to active service with an employer covering its members under the normal retirement provisions of this part 4, the member shall be credited with any amount which has accrued in the member's separate retirement account.~~

(7) The balance in a member's separate retirement account, the member's accumulated contributions to the account, and the earnings on the account shall be paid to the member's estate if the member:

(a) Dies while in active service; AND

(b) ~~Has more than five years of credited service;~~

(c) Does not leave a surviving spouse, dependent child, or designated beneficiary. ~~and~~

(d) ~~Is not eligible for the normal retirement pension described in section 31-31-403 at the time of death.~~

SECTION 7. In Colorado Revised Statutes, 31-31-408, **add** (1.6) as follows:

31-31-408. Modification of state plan by the board. (1.6) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 4, THE BOARD MAY INCREASE THE MEMBER CONTRIBUTION RATE ABOVE THE RATE ESTABLISHED PURSUANT TO SECTION 31-31-402 WITH RESPECT TO THE MEMBERS AND EMPLOYERS OF THE STATEWIDE DEFINED BENEFIT PLAN IF:

(I) THE RATE OF INCREASE IS EQUAL FOR THE MEMBER AND THE EMPLOYER;

(II) THE INCREASE DOES NOT ADVERSELY AFFECT THE PLAN'S STATUS AS A QUALIFIED PLAN PURSUANT TO THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED;

(III) THE INCREASE IS APPROVED BY SIXTY-FIVE PERCENT OF THE ACTIVE MEMBERS OF THE PLAN WHO VOTE IN THE ELECTION PROPOSING AN INCREASE IN THE MEMBER CONTRIBUTION RATE; AND

(IV) THE INCREASE IS APPROVED BY MORE THAN FIFTY PERCENT OF THE EMPLOYERS HAVING ACTIVE MEMBERS COVERED BY THE PLAN WHO VOTE IN THE ELECTION PROPOSING AN INCREASE IN THE MEMBER CONTRIBUTION RATE, EACH EMPLOYER TO BE ASSIGNED ONE VOTE; EXCEPT THAT EMPLOYERS HAVING BOTH ACTIVE POLICE AND FIRE MEMBERS IN THE PLAN SHALL BE ASSIGNED TWO VOTES.

(b) THE INCREASE IN THE MEMBER CONTRIBUTION RATE ESTABLISHED PURSUANT TO SUBSECTION (1.6)(a) OF THIS SECTION SHALL BE PAID FROM A MEMBER'S SALARY AND OTHERWISE BE TREATED IN THE SAME MANNER SPECIFIED IN SECTION 31-31-402 (1) FOR OTHER MEMBER CONTRIBUTIONS FOR PURPOSES OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED.

(c) THE BOARD MAY ELIMINATE AN INCREASE IN THE MEMBER AND EMPLOYER CONTRIBUTION RATE ESTABLISHED PURSUANT TO SUBSECTION (1.6)(a) OF THIS SECTION, SO LONG AS THE REQUIREMENTS FOR AN INCREASE SET FORTH IN SUBSECTION (1.6)(a) OF THIS SECTION ARE MET.

SECTION 8. In Colorado Revised Statutes, **amend** 31-31-704.7 as follows:

31-31-704.7. Participation in statewide death and disability plan. (1) Any employer participating in the social security supplemental plan created pursuant to section 31-31-704.6 may ~~also~~ NOT elect coverage under the statewide death and disability plan. ~~by filing with the board a resolution to that effect from the governing body of such employer.~~

(2) ~~Any social security employer that offers coverage under the~~

~~statewide death and disability plan must also participate in the social security supplemental retirement plan created pursuant to section 31-31-704.6. Coverage under the statewide death and disability plan for any social security employer not participating in the social security supplemental retirement plan may be terminated by the board on or after January 1, 2017.~~

SECTION 9. In Colorado Revised Statutes, **amend** 31-31-708 as follows:

31-31-708. Optional affiliation by county sheriff. Any county that does not cover, under the federal "Social Security Act", as amended, salaried employees whose duties are directly involved with the provision of law enforcement or fire protection as certified by the county may elect coverage under the statewide defined benefit plan established in part 4 of this article ***31*** and the statewide death and disability plan established in part 8 of this article ***31*** by filing a resolution of affiliation with the board. Election of coverage under the plan is irrevocable. SUCH PARTICIPATION SHALL BE AS PROVIDED BY RULES ADOPTED BY THE BOARD. THE BOARD MAY DETERMINE A CONTINUING RATE OF CONTRIBUTION FOR ALL MEMBERS WHO ARE ACTIVE ON THE EFFECTIVE DATE OF COVERAGE TO FUND BENEFITS AS MAY BE NECESSARY TO ENSURE THAT THE AFFILIATING EMPLOYERS' COVERAGE SHALL NOT HAVE AN ADVERSE FINANCIAL IMPACT ON THE ACTUARIAL SOUNDNESS OF THE PLAN.

SECTION 10. In Colorado Revised Statutes, 31-31-802, **amend** (1)(c) and (2) as follows:

31-31-802. Coverage. (1) Except as provided in section 31-31-803, any member hired before, on, or after April 7, 1978, is eligible for the benefits provided by this part 8, with the exception of the

following:

(c) Members whose employer had established a money purchase plan on or before December 1, 1978, in accordance with the provisions of part 8 of article 30.5 of this title 31. ~~except that members of a police or fire department of any such employer may elect, with the approval of sixty-five percent of all active members employed by the department who vote in the election proposing the coverage and with the consent of the members' employer, to be covered by the provisions of this part 8, but any member hired on or after the date determined by the board to be the effective date of affiliation for coverage under this part 8 shall be covered under said part and shall have no right of election. Upon election of such coverage, members shall complete a statewide standard health history form pursuant to section 31-31-810 (1)(c) and, for purposes of this part 8, shall be considered as if first employed as of the date the election is effective. The board shall establish procedures for obtaining the required member and employer approval for coverage under this part 8. Once a member has elected the coverage of this part 8, the member's election shall be irrevocable. No employer that elects coverage on or after July 1, 1996, under this part 8 pursuant to this subsection (1)(c) shall be permitted to withdraw from such coverage pursuant to subsection (2) of this section.~~

(2) (a) ~~Any employer may withdraw the active members of its police or fire department from coverage under the disability and survivor benefit provisions of this part 8 in order to establish its own exempt disability and survivor benefit program. Such withdrawal must be approved by at least sixty-five percent of all active members employed by the department, but if the members do not so approve, the employer may~~

~~request approval of the withdrawal by the board. The board shall approve the request only if the proposed alternative program will provide disability and survivor benefits which are at least the actuarial equivalent of benefits provided under this part 8, as determined by an actuary appointed by the board. In making its determination, the actuary shall follow the association's standards for actuarial equivalency and shall include a review of the income tax consequences of the benefits offered. The cost of an actuarial review shall be paid by the employer and the employer will provide the information requested by the actuary. In the event the employer proposes the use of a private insurance company to provide the alternative program, the company shall have a minimum rating from a recognized rating agency as prescribed by rules of the board.~~ DEPARTMENTS PARTICIPATING IN A PLAN ESTABLISHED PURSUANT TO PART 4, 5, OR 11 OF THIS TITLE 31 AND NOT PARTICIPATING IN THE PLAN FOR DISABILITY AND SURVIVOR BENEFITS UNDER THIS PART 8 MAY BE COVERED BY THE PROVISIONS OF THIS PART 8 IN ACCORDANCE WITH THE TERMS, CONDITIONS, AND PROCEDURES ESTABLISHED BY THE BOARD.

(b) ~~An employer requesting to withdraw as provided in this subsection (2) must file a resolution of intent to withdraw with the board no later than December 31, 1999.~~ No withdrawal FROM COVERAGE UNDER THE DISABILITY AND SURVIVOR BENEFITS PROVISIONS OF THIS PART 8 will be permitted to take effect after December 31, 2001.

(c) ~~An employer that withdraws pursuant to this subsection (2) shall establish and maintain a locally financed alternative disability and survivor benefit plan. Except for the one time payment specified in paragraph (e) of this subsection (2), the state shall not have any financial or other responsibility for a plan that has been withdrawn pursuant to this~~

~~subsection (2).~~

(d) ~~The board shall promulgate rules relating to the standards for disclosure of all ramifications of and procedures for obtaining the member approval of withdrawal provided for in paragraph (a) of this subsection (2).~~

(e) ~~Within sixty days of the effective date of a withdrawal under this subsection (2), the association shall pay to the withdrawn employer its actuarially determined proportionate share of the state contribution made by the state treasurer on January 31, 1997, for funding of death and disability benefits pursuant to section 31-31-811 (3). The board shall promulgate rules for determining the calculation of a withdrawn employer's actuarially determined proportionate share of the state contribution. Such rules shall consider the number of members hired prior to January 1, 1997, who are being withdrawn, the number of members hired prior to January 1, 1997, who continue to be covered for death and disability benefits under this part 8, including those members and survivors already receiving benefits, and the cost of covering the withdrawn employer's members for the period prior to the withdrawal. Any money paid to a withdrawn employer pursuant to this paragraph (e) shall be applied to the funding of that employer's exempt disability and survivor benefit program created pursuant to paragraph (a) of this subsection (2).~~

(f) Once an employer has withdrawn under this subsection (2), reentry into the disability and survivor benefit plan provided by this part 8 shall be permitted only once, in accordance with TERMS, CONDITIONS, AND procedures established by the board.

SECTION 11. In Colorado Revised Statutes, 31-31-811, **amend**

(2) and (4); **repeal** (3); and **add** (5) as follows:

31-31-811. Funding of death and disability benefits. (2) (a) The board shall submit an annual actuarial valuation report DATED JANUARY 1 OF THE YEAR IN WHICH THE REPORT IS SUBMITTED, regarding the benefit liabilities accrued under this part 8 to the state auditor, the legislative audit committee, and the joint budget committee of the general assembly, together with any recommendations concerning such liabilities as accrued.

(b) ~~(I) In addition to the actuarial valuation report required by paragraph (a) of this subsection (2), the board shall submit an annual actuarial valuation report regarding the disability and survivor benefit plan established by this part 8 to the state auditor, the legislative audit committee, and the joint budget committee of the general assembly. No later than January 1 of each year, commencing January 1, 1993, and continuing through January 1, 1996, the board shall certify the amount of the state contribution to be made pursuant to subsection (3) of this section based on the latest actuarial valuation report regarding the disability and survivor benefit plan. In order to effectuate any transfer of funds required by section 31-31-802 (2)(e), the actuarial valuation report regarding the disability and survivor benefit plan shall include, at least through the year 2005, members who have withdrawn from the plan pursuant to section 31-31-802 (2).~~

~~(II) Following the submittal of the annual actuarial valuation report dated January 1, 1995, and continuing through the submittal of the report dated January 1, 1999, the board shall submit biennial actuarial valuation reports for the purposes described in subsection (4) of this section.~~

~~(III) (A) By September 30, 2001, and by each September 30 thereafter, the board shall submit an annual actuarial valuation report dated January 1 of the year in which the report is submitted for the purposes described in subsection (4) of this section.~~

~~(B) The general assembly reviewed the reporting requirements to the general assembly in sub-subparagraph (A) of this subparagraph (III) during the 2008 regular session and continued the requirements.~~

(3) ~~On the first day of each month of each fiscal year commencing July 1, 1993, the state treasurer shall transfer one-twelfth of the amount certified by the board for that fiscal year for state funding of death and disability benefits pursuant to subsection (2) of this section, which amount shall in no case exceed seven million five hundred thousand dollars for such fiscal year, to the fund created by section 31-31-301 (1)(a) for allocation to the death and disability account in the fund; except that no such transfer shall be made after December 31, 1996. On January 31, 1997, the state treasurer shall transfer thirty-nine million dollars for state funding of death and disability benefits pursuant to this subsection (3) for members hired before January 1, 1997, to the fund created by section 31-31-301 (1)(a) for allocation to the death and disability account in the fund. No transfer of any amounts shall be made after January 31, 1997, for state funding of death and disability benefits. Moneys in the fund created by section 31-31-301 (1)(a) shall not revert to the general fund but shall be continuously available for the purposes provided in this part 8.~~

(4) For each member hired on or after January 1, 1997, who is eligible for the death and disability coverage provided by this part 8, a contribution shall be made to the death and disability account in the fund

for the ~~years 1997 and 1998~~ YEAR 2021in an amount not greater than ~~two and four tenths~~ THREE percent of the member's salary. Thereafter, the board, based on an annual actuarial valuation, may adjust the contribution rate every ~~two years~~ YEAR, but in no event may the adjustment for any ~~two-year~~ ONE-YEAR period exceed ~~one-tenth~~ TWO-TENTHS of one percent of the member's salary. Any employer and any local pension board or authority shall provide such information as may be required by the board in order to complete the annual actuarial valuations. The actuary appointed by the board may utilize either the entry age-normal cost method or the aggregate cost method for purposes of the study required by this subsection (4). Any unfunded accrued liability shall be funded over a period not to exceed thirty years. The actuarial study shall not include any consideration of a cost of living adjustment to benefits awarded to members who are occupationally disabled. Payments shall be made by the employer and are due no later than ten days following the date of payment of salary to the member. The payments required by this section are subject to interest if not submitted when due. Any decision regarding whether the contribution required by this subsection (4) shall be assessed against the employer or the member, or shall in some manner be assessed jointly against the employer and the member, will be made at the local level utilizing the usual process for determining employee benefits. If it is not already part of the usual process for determining employee benefits, the employer shall confer with the employees or their representative prior to making a determination on how the contribution will be assessed.

(5) TO FUND THE UNFUNDED LIABILITIES OF THE DEATH AND DISABILITY BENEFITS FOR MEMBERS HIRED BEFORE JANUARY 1, 1997, THE

STATE SHALL CONTRIBUTE AN ADDITIONAL AMOUNT EQUAL TO SAID UNFUNDED LIABILITIES AS OF JANUARY 1, 2020. THE UNFUNDED LIABILITIES SHALL ACCRUE PROJECTED EARNINGS AT THE EXPECTED RATE OF RETURN USED BY THE ACTUARY APPOINTED BY THE BOARD UNTIL PAID. THE ADDITIONAL STATE CONTRIBUTIONS SHALL BE MADE ON OR BEFORE JANUARY 31, 2021.

SECTION 12. In Colorado Revised Statutes, 31-31-1101, **amend** (7) as follows:

31-31-1101. Entry into the fire and police pension association defined benefit system. (7) The board shall determine a continuing uniform rate of contribution for all members who are active on the effective date of coverage to fund the benefits payable by the fire and police pension association under the statewide defined benefit plan. The continuing rate of contribution shall be determined by the board utilizing certified actuarial reports prepared by the actuary for the plan. Any actuarial report shall also certify, in accordance with accepted actuarial principals, that the employers' coverage shall not have an adverse financial impact on the actuarial soundness of the plan. Continuing contributions for each member who is active on the effective date of coverage shall be made at the rate established on said date until the member's retirement or termination; EXCEPT THAT THE BOARD MAY LOWER THE CONTINUING RATE OF CONTRIBUTION IN THE EVENT IT FINDS THAT THE ORIGINAL CONTINUING RATE OF CONTRIBUTION IS IN EXCESS OF WHAT IS REQUIRED TO PAY THE COST OF BENEFITS BASED ON THE ADVICE OF THE ACTUARY. The board may periodically adjust the rate prior to the election of coverage by an employer based on certified actuarial reports prepared by the actuary for the plan.

1 **SECTION 13. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2020 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.

Section 24-51.1-101, C.R.S.

24-51.1-101. Pension review commission.

(1) (a) There is hereby created the pension review commission, referred to in this section as the "commission". Beginning in the first regular session of the seventy-second general assembly, the commission shall be comprised of five senators, three of whom are appointed by the president of the senate and two of whom are appointed by the minority leader of the senate, and five representatives, three of whom are appointed by the speaker of the house of representatives and two of whom are appointed by the minority leader of the house of representatives. The chair shall be designated by the speaker of the house of representatives in odd-numbered years and by the president of the senate in even-numbered years. The vice-chair shall be appointed by the speaker of the house of representatives in even-numbered years and by the president of the senate in odd-numbered years. Members of the commission shall receive the same per diem allowance authorized for other members of the general assembly serving on interim study committees and actual expenses for participation in meetings of the commission. Staff services for the commission and the pension review subcommittee created pursuant to subsection (3) of this section shall be furnished by the state auditor's office, the legislative council, and the office of legislative legal services. The state auditor, with the approval of the commission, may contract for services deemed necessary for the implementation of this article 51.1.

(b) The terms of members appointed or reappointed by the speaker, the minority leader of the house of representatives, the president, and the minority leader of the senate shall expire on the convening date of the first regular session of each general assembly, and all subsequent appointments and reappointments shall be made as soon as practicable after such convening date. The person making the original appointment or reappointment shall fill any vacancy by appointment for the remainder of an unexpired term. Members appointed or reappointed by the speaker, the minority leader of the house of representatives, the president, and the minority leader of the senate shall serve at the pleasure of the appointing authority and shall continue in office until the member's successor is appointed.

(2) The commission shall study and develop proposed legislation relating to funding of police officers' and firefighters' pensions in this state and benefit designs of such pension plans. In addition, the commission shall study and develop proposed legislation relating to the public employees' retirement association. The commission study of police officers' and firefighters' pensions and of the public employees' retirement association shall include a review of, and the proposed legislation may include, among other subjects, the following, as applicable:

(a) Normal retirement age;
(b) Payment of benefits prior to normal retirement age;
(c) Service requirements for eligibility;
(d) Rate of accrual of benefits;
(e) Disability benefits;
(f) Survivors' benefits;
(g) Vesting of benefits;
(h) Employee and employer contributions;
(i) Postretirement increases;
(j) Creation of an administrative board;

(k) Creation of a consolidated statewide system;

(l) Coordination of benefits with other programs;

(m) The volunteer firefighter pension system;

(n) The provisions of articles 30, 30.5, and 31 of title 31; and

(o) The provisions of article 51 of this title 24.

(3) (a) There is hereby created the pension review subcommittee. The subcommittee shall consist of fourteen members appointed as follows:

(I) The speaker of the house of representatives, the minority leader of the house of representatives, the president of the senate, and the minority leader of the senate shall each appoint onelegislator whom he or she has appointed to serve on the pension reform commission to also serve on the subcommittee;

(II) The speaker of the house of representatives and the president of the senate shall both appoint two people from the community with experience or knowledge of investment management, corporate or public finance, compensation and benefit systems, economics, accounting, pension administration, or actuarial analysis;

(III) The minority leader of the house of representatives and the minority leader of the senate shall both appoint two people from the community with experience or knowledge of investment management, corporate or public finance, compensation and benefit systems, economics, accounting, pension administration, or actuarial analysis;

(IV) The governor shall appoint one person from the community with experience or knowledge of investment management, corporate or public finance, compensation and benefit systems, economics, accounting, pension administration, or actuarial analysis; and

(V) The state treasurer shall appoint one person from the community with experience or knowledge of investment management, corporate or public finance, compensation and benefit systems, economics, accounting, pension administration, or actuarial analysis.

(b) The chair of the subcommittee shall be designated by the speaker of the house of representatives in odd-numbered years and by the president of the senate in even-numbered years. The vice-chair of the subcommittee shall be appointed by the speaker of the house of representatives in even-numbered years and by the president of the senate in odd-numbered years. The chair and vice-chair shall be designated from the legislative members of the subcommittee.

(c) The nonlegislative members of the subcommittee shall serve without compensation from the general assembly.

(4) (a) The subcommittee shall review the items specified in subsection (2) of this section as they relate to the public employees' retirement association, as applicable. In addition, the subcommittee shall:

(I) Study the provisions of article 51 of this title 24 and make necessary recommendations to the commission or the public employees' retirement association;

(II) Determine the necessity of continuing the direct distribution to the public employees' retirement association pursuant to section 24-51-414;

(III) Suggest to the public employees' retirement association enhancements that the association could make to the annual analysis that it conducts pursuant to Senate Bill 14-214, enacted in 2014, to determine whether the association's model assumptions are meeting targets and achieving sustainability;

(IV) Review the annual actuarial valuation of the public employees' retirement association and make comments as necessary to the association regarding the actuarial valuation; and

(V) Make recommendations to the board of trustees of the public employees' retirement association regarding assumptions, funding policy, reporting practices, or other operational policy.

(b) Review semi-annually the overall financial health of the public employees' retirement association, including the levels of benefits, its sources of funding, and its overall financial viability based on both the assumptions of the association board of directors and the requirements of the governmental accounting standards board. The subcommittee may request that the association provide general financial reporting based on assumptions for economic and investment factors, including, but not limited to, inflation, economic growth, employment growth, and rate of return, that differ from board assumptions. If the subcommittee determines that the association's board of directors is using assumptions that are too conservative or too aggressive, the subcommittee shall request that the association adjust its assumptions accordingly.

(c) Review annually the calculated normal costs that will cover current pension benefits and the share of contributions going to cover the unfunded liability of the public employees' retirement association;

(d) Review semi-annually the planned reduction of the unfunded liability of the public employees' retirement association. If full funding will not be achieved by 2048, the subcommittee shall make additional recommendations to the commission, the joint budget committee, and the general assembly to achieve full funding by 2048. If, upon that review, the subcommittee determines that the association does not have at least a sixty-seven percent likelihood of achieving full funding by 2048, then the association shall provide recommendations to the subcommittee for policy changes that would return the association to fully funded status by 2048. Notwithstanding section 24-1-136 (11)(a)(I), the subcommittee shall annually report to the general assembly regarding whether or not the association is on track to achieve full funding by 2048 and if not, the corrective actions recommended by the subcommittee or the association to rectify the shortfall.

(e) Annually report in writing to the citizens of Colorado regarding whether or not the public employees' retirement association is on track to achieve full funding by 2048 and if not, the corrective actions recommended by the subcommittee or the association to the general assembly to rectify the shortfall. Such communication shall be made in a manner that is clear, concise, and accessible to laypeople. This communication shall quantify the net present value of any funding deficit on a per citizen basis. For example, fifty billion dollars on five million five hundred thousand people equals nine thousand ninety dollars per person. The certified annual financial report shall not serve as this communication.

(f) After full funding is achieved, make recommendations to the commission, the joint budget committee, and the general assembly during each legislative session regarding changes to the plan to maintain full funding;

(g) Ensure the public employees' retirement association board is administering the association as mandated and make recommendations for the association board structure as warranted; and

(h) Every three years, commission an independent review of the economic and investment assumptions used to model the public employees' retirement association financial situation. The subcommittee shall use experts other than those already working on behalf of the association.

(5) Each member of the subcommittee shall be required to:

(a) Attend at least one meeting per year of the board of trustees of the public employees' retirement association;

(b) Attend the hearing of the legislative audit committee when the committee reviews the annual actuarial valuation that the public employees' retirement association is required to submit to the legislative audit committee pursuant to section 24-51-204 (7); and

(c) Attend the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing of the joint finance committee pursuant to part 2 of article 7 of title 2 when the joint finance committee reviews the public employees' retirement association.

History

Source: L. 2018: Entire article added, (SB 18-200), ch. 370, p. 2259, Section 27, effective June 4.

Prison Population Management Interim Study Committee

Members of the Committee

Representative Leslie Herod, Chair
Senator Julie Gonzales, Vice-Chair

Senator Robert Rodriguez
Senator Jerry Sonnenberg
Representative Serena Gonzales-Gutierrez
Representative Rod Pelton

Christie Donner, Executive Director, Colorado Criminal Justice Reform Coalition
Michael Dougherty, District Attorney, 20th Judicial District
Tristan Gorman, Colorado Criminal Defense Bar
Kristen Hilkey, Chairperson, Colorado State Board of Parole
Kazi Houston, Legal Director, Rocky Mountain Victim Law Center
Jagruti Shah, Director of Criminal Justice Services, Department of Human Services
Glenn Tapia, Director of Probation Services, Colorado Judicial Branch
Joe Thome, Director, Division of Criminal Justice, Department of Public Safety
Dean Williams, Executive Director, Department of Corrections

Legislative Council Staff

Bo Pogue, Senior Research Analyst
Juliann Jenson, Research Analyst
Greg Sobetski, Principal Economist
Chris Creighton, Senior Fiscal Analyst

Office of Legislative Legal Services

Michael Dohr, Managing Senior Attorney
Jacob Baus, Staff Attorney

November 2019

Prison Population Management Interim Study Committee

Committee Charge

Pursuant to Interim Committee Request Letter 2019-10, the Prison Population Management Interim Study Committee is charged with studying or monitoring:

- strategies to safely reduce the prison population and decrease recidivism; and
- prison population reform legislation passed by the General Assembly.

Committee Activities

During the 2019 interim, the Prison Population Management Interim Study Committee held five meetings at the State Capitol. The committee also conducted a tour of select correctional facilities. The following subsections discuss the committee's activities during the 2019 interim.

Prison population forecasts. The Division of Criminal Justice (DCJ) within the Department of Public Safety, and Legislative Council Staff are both charged with forecasting the state's prison population. The DCJ prepares two forecasts, one in the winter, and one in the summer that adjusts the previous winter forecast. Legislative Council Staff prepares a forecast each December and presents it to the General Assembly. Representatives of both entities provided overviews of their respective forecasts. The committee discussed certain factors that drive trends in the prison population, such as criminal filings, changes in law, parole and probation revocations, actions by the State Board of Parole, and programming for offenders.

Bill C requires a criminal justice system flow, or operational processes, study and incorporates elements of these forecast discussions, such as references to the difficulties of tracking revocations and communication issues between certain agencies.

Recidivism. The committee heard from representatives of various agencies on the issue of recidivism. The committee recognized that Colorado's recidivism rate is higher in comparison to the nationwide average, and discussed factors driving the recidivism rate, such as the lack of programming and reentry services for offenders. A reoccurring theme, visited during several of the meeting panels, was the impact of behavioral health and substance abuse issues on recidivism, and the need for programming to address these issues. With a recent spike in the women offender population, it was noted that these programming needs are particularly acute for women offenders.

Denver private community corrections contract nonrenewal. In August, the Denver City Council voted to not renew contracts with private providers of community corrections services. This action placed into doubt the future of the offenders receiving these services. At two of the meetings, the committee heard from representatives of both state and Denver agencies on the issues associated with

the city council vote. Discussions centered around options for placing the offenders served by the contract providers, and the ability of other agencies and community corrections providers to accommodate this population. The committee also discussed the decision's potential impact on state agencies such as the Department of Corrections.

Juvenile justice. Representatives of the American Civil Liberties Union and the First Judicial District initiated a discussion on the use of direct file for juveniles. Direct file allows a prosecutor to file charges against a juvenile directly in adult criminal court. The committee heard testimony centering around the idea that, for some, cognitive abilities are not fully matured until years after reaching the age of majority. These discussions led to the drafting of Bill A, which allows a district court to consider transferring the case of a young adult between the ages of 18 and 25 who has been convicted of certain crimes to juvenile court.

Use of private prisons. Of the 25 prisons housing state-level offenders in Colorado, three are privately owned and managed. The differences between private and public prisons wove itself into numerous committee discussions, including costs, rehabilitation programming offered, the type of inmates housed, recidivism rates, and the level of security.

The state has relied on private prisons to manage an overflow of inmates since the 1990s. In conjunction, the committee explored ways in which to better use the vacant Centennial South Campus of the Centennial Correctional Facility (also known as CSP II). Senate Bill 19-259 already allows for the use of this campus to house offenders should the male prison vacant bed rate dip below one percent for two consecutive months. Bill B further expands the use of this campus for close-custody inmates regardless of the vacant bed rate, while requiring the removal of one offender from a private facility for each one housed at CSP II.

Facilities tour. On September 30 and October 1, 2019, members of the Prison Population Management Interim Study Committee visited correctional facilities in the Canon City area, Buena Vista, Pueblo, and Olney Springs. The tour visited the following facilities: Buena Vista Correctional Complex, Fremont Correctional Facility, the Centennial Correctional Facility, La Vista Women's Correctional Facility, and Crowley County Correctional Facility. Committee members learned first-hand about the kinds of programs and services offered at each facility, and also had the opportunity to talk with offenders. At the Crowley County facility, a private facility, the tour was joined by commissioners from Bent and Crowley Counties. The commissioners discussed the impact of the prison on their communities in terms of jobs and the tax base.

Committee Recommendations

As a result of committee discussion and deliberation, the Prison Population Management Interim Study Committee recommends the following three bills for consideration in the 2020 legislative session. The committee also approved sending one letter to the Department of Corrections (DOC), pursuant to Senate Bill 19-259, regarding managing the prison population.

Bill A - Young Adult Criminal Justice Reforms. Bill A enacts measures to improve outcomes for adults between the ages of 18 and 25 in the criminal justice system, as outlined below.

Transfers to juvenile court. Bill A creates a new court proceeding in which a district court may consider transferring the case of a young adult convicted of a class 3, 4, 5, or 6 felony to juvenile court if the court determines that the transfer is in the best interest of the public or the defendant.

Juveniles convicted as adult program. Under current law, the DOC operates a specialized program for inmates sentenced to an adult prison for an offense committed prior to the age of 18. This bill extends program eligibility to offenders convicted of an offense that occurred when they were young adults.

Deferred judgment, convictions, and probation violations. The bill allows a young adult with a deferred judgment who violates the condition of it to continue such judgment if determined beneficial by the court. The bill also allows a class 4, 5, or 6 nonviolent felony conviction for a young adult to be vacated and entered as a misdemeanor upon successful completion of a community-based sentence to probation or community corrections. Further, the bill prohibits a probation revocation hearing for technical probation violations committed by young adults.

Young adult sentencing. Bill A requires that nonviolent young adult offenders with no prior convictions be sentenced to probation. Further, the bill specifies that a court cannot sentence a young adult offender to more than 12 years for a single class 3, 4, 5, or 6 felony.

Bill B - Prison Population Reduction and Management. Bill B makes the following changes with regard to prison population management:

CSP II. Bill B allows DOC to use CSP II to house close custody inmates. However, one inmate must be removed from a private prison for each state inmate housed at this facility. This one-for-one exchange must happen until CSP II reaches full capacity.

Private prison use study. The bill requires DOC to study how to end the use of private prisons in Colorado by 2025. The study must analyze:

- the use of alternative facilities and programs;
- local government, community-based provider, and economic impacts;
- state-operated facilities and programs and the feasibility of the state obtaining private prison facilities; and
- best practices and programs for the reintegration of offenders and the resources needed to transition away from private prisons.

Earned time. Bill B authorizes DOC to more broadly apply earned time credits and allows it for inmates who have shown exemplary leadership through mentoring, community service, and distinguished actions. Earned time is a credit against an inmate's sentence for participation in or completion of programs or other productive activities.

*Escape and absconding***.** Bill B eliminates new criminal charges for escape or attempted escape for offenders in community corrections or an intensive supervised parole program. The bill also creates a new absconding offense and differentiates it from escape.

Bill C - Criminal Justice System Operational Processes Study. Bill C requires the DOC to study how individuals proceed through the stages of the criminal justice system. The study must analyze the operational and technological systems and procedures used in criminal proceedings and correctional facilities; examine recommendations and best practices implemented in Colorado and other states to create more efficient operational and technological systems and procedures; review obstacles; and analyze the types of metrics and information collected and prepared by criminal justice agencies.

Committee Letter 1. The committee approved sending a letter to the DOC, pursuant to Senate Bill 19-259, which requires the DOC to consider input from the committee. The letter encourages DOC to pursue normalization efforts to reduce recidivism, address the needs of women, provide adequate mental health and substance abuse treatment, and allow for inmates to acquire monetary savings prior to release.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL A

LLS NO. 20-0361.01 Michael Dohr x4347 **HOUSE BILL**

HOUSE SPONSORSHIP

Gonzales-Gutierrez,

SENATE SPONSORSHIP

Gonzales, Rodriguez

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO IMPROVE OUTCOMES FOR ADULTS**
102 **BETWEEN THE AGES OF EIGHTEEN AND TWENTY-FIVE IN THE**
103 **CRIMINAL JUSTICE SYSTEM.**

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/.)

Prison Population Management Interim Study Committee. The bill creates a process for an adult who is between the ages of 18 and 25 to petition to have the adult's class 3, 4, 5, or 6 felony criminal case transferred to juvenile court. The district court shall hold a hearing to consider whether:

- There is probable cause for the offense;
- The interests of the defendant or of the community would be better served by the district court's waiving its jurisdiction over the defendant and transferring jurisdiction over the defendant to the juvenile court; and
- There is clear and convincing evidence that the defendant is developmentally functioning at a level that is similar to a juvenile, and the ability of the juvenile to function as an adult and respond to the requirements inherent in the adult criminal justice system is substantially impaired by factors that are diagnosed and verifiable.

The bill creates a list of factors the court must consider when deciding whether to transfer jurisdiction over the case to the juvenile court.

The department of corrections operates a specialized program for offenders who are serving a prison sentence for a felony offense committed while the offender was a juvenile as a result of criminal charges filed by direct file or transfer proceedings. The bill would expand program eligibility to adults serving a sentence for a felony that was committed when the person was between the ages of 18 and 25.

The bill creates a sentencing grid that applies only to adults who commit a felony and are between the ages of 18 and 25 at the time of the commission of the offense. Under the new grid, any sentence for a class 3, 4, 5, or 6 felony cannot exceed 12 years, even if aggravating factors or sentence enhancements apply. The court must sentence a defendant who is between the ages of 18 and 25 to probation if the felony is the defendant's first conviction and the felony is not a crime of violence. The bill creates a sentencing option for offenders between the ages of 18 and 25 convicted of a nonviolent class 3, 4, 5, or 6 felony that allows the court to vacate the felony conviction and enter a misdemeanor conviction in its place if the offender successfully completes a community-based sentence. The bill prohibits probation revocation for defendants between the ages of 18 and 25 for technical probation violations and requires the court to continue such probation in specified circumstances. The bill allows a court to continue rather than revoke a deferred judgment and sentence over the objection of the district attorney for a defendant between the ages of 18 and 25.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 16-5-101.5 as

3 follows:

4 **16-5-101.5. Transfers to juvenile court.** (1) (a) THE DISTRICT

COURT MAY ENTER AN ORDER TRANSFERRING A YOUNG ADULT TO BE HELD FOR CRIMINAL PROCEEDINGS IN THE JUVENILE COURT IF:

(I) A PETITION FILED ON BEHALF OF THE DEFENDANT IN DISTRICT COURT ALLEGES THE DEFENDANT WAS BETWEEN THE AGES OF EIGHTEEN AND TWENTY-FIVE AT THE TIME OF THE COMMISSION OF THE ALLEGED OFFENSE AND IS NOT CHARGED WITH A CLASS 1 OR CLASS 2 FELONY; AND

(II) AFTER INVESTIGATION AND A HEARING, THE DISTRICT COURT FINDS IT WOULD BE CONTRARY TO THE BEST INTERESTS OF THE DEFENDANT OR OF THE PUBLIC TO RETAIN JURISDICTION OVER THE DEFENDANT.

(b) A PETITION MAY BE TRANSFERRED FROM THE DISTRICT COURT TO THE JUVENILE COURT ONLY AFTER A HEARING.

(c) IN CASES IN WHICH CRIMINAL CHARGES ARE TRANSFERRED TO THE JUVENILE COURT PURSUANT TO THIS SECTION, THE JUDGE OF THE JUVENILE COURT SHALL HAS THE POWER TO MAKE ANY DISPOSITION OF THE CASE THAT THE JUVENILE COURT WOULD HAVE IF THE DEFENDANT WERE A JUVENILE.

(d) IF, FOLLOWING TRANSFER OF CRIMINAL CHARGES TO THE JUVENILE COURT PURSUANT TO THIS SECTION, A DEFENDANT IS CONVICTED OF A LESSER INCLUDED OFFENSE FOR WHICH CRIMINAL CHARGES COULD NOT ORIGINALLY HAVE BEEN TRANSFERRED TO THE JUVENILE COURT, THE COURT SHALL SENTENCE THE DEFENDANT PURSUANT TO TITLE 18.

(2) AT THE TRANSFER HEARING, THE DISTRICT COURT SHALL CONSIDER:

(a) WHETHER THERE IS PROBABLE CAUSE TO BELIEVE THAT THE DEFENDANT HAS COMMITTED AN ALLEGED OFFENSE FOR WHICH WAIVER OF DISTRICT COURT JURISDICTION OVER THE DEFENDANT AND TRANSFER

OVER THE JURISDICTION TO THE JUVENILE COURT MAY BE SOUGHT PURSUANT TO SUBSECTION (1) OF THIS SECTION;

(b) WHETHER THE INTERESTS OF THE DEFENDANT OR OF THE COMMUNITY WOULD BE BETTER SERVED BY THE DISTRICT COURT WAIVING ITS JURISDICTION OVER THE DEFENDANT AND TRANSFERRING JURISDICTION OVER THE DEFENDANT TO THE JUVENILE COURT; AND

(c) WHETHER THERE IS CLEAR AND CONVINCING EVIDENCE THAT THE DEFENDANT IS DEVELOPMENTALLY FUNCTIONING AT A LEVEL THAT IS SIMILAR TO A JUVENILE AND THE ABILITY OF THE JUVENILE TO FUNCTION AS AN ADULT AND RESPOND TO THE REQUIREMENTS INHERENT IN THE ADULT CRIMINAL JUSTICE SYSTEM IS SUBSTANTIALLY IMPAIRED BY FACTORS THAT ARE DIAGNOSED AND VERIFIABLE.

(3) (a) IN CONSIDERING WHETHER TO WAIVE DISTRICT COURT JURISDICTION OVER THE DEFENDANT, THE DISTRICT COURT SHALL CONSIDER THE FOLLOWING FACTORS:

(I) THE FUNCTIONING OF THE DEFENDANT AND THE IMPAIRMENT OF THE DEFENDANT AS ESTABLISHED BY DIAGNOSED FACTORS AND THE WEIGHT OF THE EVIDENCE;

(II) THE SERIOUSNESS OF THE OFFENSE AND WHETHER THE PROTECTION OF THE COMMUNITY REQUIRES ISOLATION OF THE DEFENDANT BEYOND THAT AFFORDED BY JUVENILE FACILITIES;

(III) WHETHER THE ALLEGED OFFENSE WAS COMMITTED IN AN AGGRESSIVE, VIOLENT, PREMEDITATED, OR WILLFUL MANNER;

(IV) WHETHER THE ALLEGED OFFENSE WAS AGAINST PERSONS OR PROPERTY;

(V) THE MATURITY OF THE DEFENDANT AS DETERMINED BY CONSIDERATIONS OF THE DEFENDANT'S HOME, ENVIRONMENT, EMOTIONAL

1 ATTITUDE, AND PATTERN OF LIVING;

2 (VI) ANY CRIMINAL RECORD OR PREVIOUS CRIMINAL HISTORY OF
3 THE DEFENDANT;

4 (VII) THE LIKELIHOOD OF REHABILITATION OF THE DEFENDANT BY
5 USE OF FACILITIES AVAILABLE TO THE JUVENILE COURT;

6 (VIII) THE INTEREST OF THE COMMUNITY IN THE IMPOSITION OF A
7 SENTENCE, THE GOAL OF WHICH IS REHABILITATION AND REDUCTION OF
8 RECIDIVISM;

9 (IX) LACK OF A NAMED VICTIM IN THE CASE, OR WHERE THERE IS
10 A NAMED VICTIM, WHETHER THE VICTIM HAS REQUESTED THE DEFENDANT
11 NOT BE PROSECUTED, BE GIVEN A LENIENT SENTENCE, AVOID A FELONY
12 CONVICTION, OR BE PROSECUTED IN JUVENILE COURT; AND

13 (X) WHETHER THE DEFENDANT USED, OR POSSESSED AND
14 THREATENED TO USE, A DEADLY WEAPON IN THE COMMISSION OF AN
15 ALLEGED OFFENSE.

16 (b) THE INSUFFICIENCY OF EVIDENCE PERTAINING TO ANY ONE OR
17 MORE OF THE FACTORS LISTED IN SUBSECTION (3)(a) OF THIS SECTION
18 SHALL NOT BY ITSELF DETERMINE WHETHER DISTRICT COURT JURISDICTION
19 IS WAIVED.

20 (4) THE DISTRICT COURT MAY CONSIDER WRITTEN REPORTS AND
21 OTHER MATERIALS RELATING TO THE DEFENDANT'S MENTAL, PHYSICAL,
22 EDUCATIONAL, AND SOCIAL HISTORY, BUT THE COURT, IF REQUESTED BY
23 THE DEFENDANT OR PROSECUTION, SHALL REQUIRE THE PERSON OR
24 AGENCY PREPARING THE REPORT AND OTHER MATERIAL TO APPEAR AND
25 BE SUBJECT TO BOTH DIRECT AND CROSS EXAMINATION.

26 (5) (a) IF THE DISTRICT COURT FINDS THAT ITS JURISDICTION OVER
27 A DEFENDANT SHOULD BE WAIVED, IT SHALL ENTER AN ORDER TO THAT

EFFECT.

(b) AS A CONDITION OF THE WAIVER OF JURISDICTION, THE DISTRICT COURT, IN ITS DISCRETION, MAY PROVIDE THAT A DEFENDANT CONTINUE TO BE HELD IN CUSTODY PENDING THE TRANSFER OF THE CASE TO THE JUVENILE COURT. BUT THE DEFENDANT SHALL NOT BE HELD IN CUSTODY FOR LONGER THAN THREE CALENDAR DAYS AFTER ENTRY OF THE ORDER WAIVING JURISDICTION BEFORE BEING BROUGHT BEFORE THE JUVENILE COURT FOR A BOND HEARING. WHEN THE DEFENDANT HAS MADE BOND IN PROCEEDINGS IN THE DISTRICT COURT, THE BOND MUST BE CONTINUED AND MADE RETURNABLE IN AND TRANSMITTED TO THE JUVENILE COURT, WHERE IT MUST CONTINUE IN FULL FORCE AND EFFECT UNLESS MODIFIED BY ORDER OF THE JUVENILE COURT.

(6) IF THE DISTRICT COURT FINDS THAT IT IS IN THE BEST INTERESTS OF THE DEFENDANT AND THE PUBLIC FOR THE DISTRICT COURT TO RETAIN JURISDICTION, IT SHALL PROCEED WITH ARRAIGNMENT AND TRIAL AS PROVIDED IN THIS TITLE 16.

SECTION 2. In Colorado Revised Statutes, 19-2-104, **amend** (1) introductory portion; and **add** (1)(c) as follows:

19-2-104. Jurisdiction. (1) Except as otherwise provided by law, the juvenile court ~~shall have~~ HAS exclusive original jurisdiction in proceedings:

(c) CONCERNING ANY ADULT WHOSE CASE IS TRANSFERRED TO THE JUVENILE COURT PURSUANT TO SECTION 16-5-101.5.

SECTION 3. In Session Laws of Colorado 2016, **amend** section 1 of chapter 352 as follows:

Section 1. **Legislative declaration.** (1) The general assembly finds and declares that:

(a) The United States supreme court has held in several recent decisions regarding the criminal sentencing of juveniles that children are constitutionally different than adults for purposes of sentencing and should be given a meaningful opportunity for release based on demonstrated maturity and rehabilitation;

(a.5) MORE RECENT RESEARCH ABOUT BRAIN DEVELOPMENT DEMONSTRATES THAT THE BRAIN FUNCTIONING THAT GUIDES AND AIDS RATIONAL DECISION-MAKING DOES NOT FULLY DEVELOP UNTIL A PERSON IS IN THEIR MID-TO-LATE TWENTIES, WHICH INDICATES THAT A YOUNG ADULT DOES NOT OFTEN POSSESS THE DEVELOPMENTAL MATURITY AND DECISION-MAKING SKILLS OF A MATURE ADULT;

(b) Colorado recognizes that children have not yet reached developmental maturity before the age of ~~eighteen~~ TWENTY-FIVE years and therefore have a heightened capacity to change behavior and a greater potential for rehabilitation;

(c) Colorado has many offenders currently serving sentences in the department of corrections who committed crimes when they were less than ~~eighteen~~ TWENTY-FIVE years old and who no longer present a threat to public safety; and

(d) Colorado is committed to research-based best practices in the development and implementation of correctional policies and practices. BEST PRACTICES SUPPORT THE RELEASE OF PERSONS WHO NO LONGER PRESENT A THREAT TO OTHER PEOPLE OR THE COMMUNITY AND WHO HAVE DEMONSTRATED THAT THROUGH OBSERVABLE AND VERIFIED POSITIVE BEHAVIOR. RECONSIDERING PERSONS AFTER DECADES OF INCARCERATION CREATES HOPE FOR AND HELPS DEVELOP MATURITY AND RESPONSIBILITY IN PERSONS WHO WERE JUVENILES OR YOUNG ADULTS WHEN THEIR CRIMES

WERE COMMITTED.

(2) Now, therefore, Colorado desires to implement a system that allows any offender who committed a serious crime as a juvenile OR WHO was A YOUNG ADULT LESS THAN THE AGE OF TWENTY-FIVE treated as an adult by the criminal justice system and WHO has served more than twenty or twenty-five calendar years of a sentence to the department of corrections, during which he or she has exhibited growth and rehabilitation, the opportunity to further demonstrate rehabilitation and earn early release in a specialized program in a less secure setting without compromising public safety.

SECTION 4. In Colorado Revised Statutes, 17-34-101, **amend** (1)(a) introductory portion as follows:

17-34-101. Juveniles and young adults who are convicted as adults in district court - eligibility for specialized program placement - petitions. (1) (a) Notwithstanding any other provision of law, an offender serving a sentence in the department for a felony offense as a result of the filing of criminal charges by an information or indictment pursuant to section 19-2-517, or the transfer of proceedings to the district court pursuant to section 19-2-518, or pursuant to either of these sections as they existed prior to their repeal and reenactment, with amendments, by House Bill 96-1005, OR AN OFFENDER SERVING A SENTENCE IN THE DEPARTMENT FOR A FELONY OFFENSE THAT WAS COMMITTED WHILE THE OFFENDER WAS BETWEEN THE AGES OF EIGHTEEN AND TWENTY-FIVE and who remains in the custody of the department for that felony offense, may petition for placement in the specialized program described in section 17-34-102, referred to within this section as the "specialized program", as follows:

SECTION 5. In Colorado Revised Statutes, 17-34-102, **amend** (1) as follows:

17-34-102. Specialized program for juveniles and young adults convicted as adults - report. (1) The department shall develop and implement a specialized program for offenders who have been sentenced to an adult prison for a felony offense committed while the offender was less than eighteen years of age as a result of the filing of criminal charges by an information or indictment pursuant to section 19-2-517, ~~C.R.S.,~~ or the transfer of proceedings to the district court pursuant to section 19-2-518, ~~C.R.S.,~~ or pursuant to either of these sections as they existed prior to their repeal and reenactment, with amendments, by House Bill 96-1005, OR OFFENDERS SERVING A SENTENCE IN THE DEPARTMENT FOR A FELONY OFFENSE THAT WAS COMMITTED WHILE THE OFFENDER WAS BETWEEN THE AGES OF EIGHTEEN AND TWENTY-FIVE, and who are determined to be appropriate for placement in the specialized program. The department shall implement the specialized program within or in conjunction with a facility operated by, or under contract with, the department.

SECTION 6. In Colorado Revised Statutes, 18-1.3-102, **amend** (2) as follows:

18-1.3-102. Deferred sentencing of defendant. (2) Prior to entry of a plea of guilty to be followed by deferred judgment and sentence, the district attorney, in the course of plea discussion as provided in sections 16-7-301 and 16-7-302, ~~C.R.S.,~~ is authorized to enter into a written stipulation, to be signed by the defendant, the defendant's attorney of record, and the district attorney, under which the defendant is obligated to adhere to such stipulation. The conditions imposed in the stipulation

~~shall~~ MUST be similar in all respects to conditions permitted as part of probation. A person convicted of a crime, the underlying factual basis of which included an act of domestic violence, as defined in section 18-6-800.3 (1), shall stipulate to the conditions specified in section 18-1.3-204 (2)(b). In addition, the stipulation may require the defendant to perform community or charitable work service projects or make donations thereto. Upon full compliance with such conditions by the defendant, the plea of guilty previously entered ~~shall~~ MUST be withdrawn and the charge upon which the judgment and sentence of the court was deferred ~~shall~~ MUST be dismissed with prejudice. The stipulation ~~shall~~ MUST specifically provide that, upon a breach by the defendant of any condition regulating the conduct of the defendant, the court shall enter judgment and impose sentence upon the guilty plea; except that, if the offense is a violation of article 18 of this ~~title~~ TITLE 18 OR IS A FELONY OFFENSE COMMITTED BY A DEFENDANT WHO WAS BETWEEN THE AGES OF EIGHTEEN AND TWENTY-FIVE AT THE TIME OF THE OFFENSE, the court may accept an admission or find a violation of the stipulation without entering judgment and imposing sentence if the court first makes findings of fact on the record stating the entry of judgment and sentencing would not be consistent with the purposes of sentencing, that the defendant would be better served by continuing the deferred judgment period, and that public safety would not be jeopardized by the continuation of the deferred judgment. If the court makes those findings and continues the deferred judgment over the objection of the prosecution, the court shall also impose additional and immediate sanctions upon the defendant to address the violation, to include, but not be limited to, the imposition of further terms and conditions that will enhance the likelihood of the defendant's

success, respond to the defendant's noncompliance, and promote further individual accountability, including extending the time period of the deferred judgment for up to two additional years or incarceration in the county jail for a period not to exceed ninety days consistent with the provisions of section 18-1.3-202 (1), or both. When, as a condition of the deferred sentence, the court orders the defendant to make restitution, evidence of failure to pay the restitution shall constitute prima facie evidence of a violation. Whether a breach of condition has occurred shall be determined by the court without a jury upon application of the district attorney or a probation officer and upon notice of hearing thereon of not less than seven days to the defendant or the defendant's attorney of record. Application for entry of judgment and imposition of sentence may be made by the district attorney or a probation officer at any time within the term of the deferred judgment or within thirty-five days thereafter. The burden of proof at the hearing ~~shall~~ MUST be by a preponderance of the evidence, and the procedural safeguards required in a revocation of probation hearing ~~shall~~ MUST apply.

SECTION 7. In Colorado Revised Statutes, 18-1.3-103.5, **amend** (3)(c) and (3)(d); and **add** (3)(e) as follows:

18-1.3-103.5. Felony convictions - vacate and enter conviction on misdemeanor after successful completion. (3) This section applies to convictions for the following offenses:

(c) Possession of more than twelve ounces of marijuana or more than three ounces of marijuana concentrate; ~~or~~

(d) A violation of section 18-18-415; OR

(e) A CONVICTION FOR A CLASS 4, CLASS 5, OR CLASS 6 NONVIOLENT FELONY COMMITTED BY A DEFENDANT WHO IS BETWEEN THE

AGES OF EIGHTEEN AND TWENTY-FIVE.

SECTION 8. In Colorado Revised Statutes, 18-1.3-202, **add** (3) as follows:

18-1.3-202. Probationary power of court. (3) IF THE COURT DETERMINES THAT THE PROBATIONER HAS VIOLATED ANY CONDITION OF PROBATION THAT DOES NOT INVOLVE THE COMMISSION OF A FELONY OR MISDEMEANOR CRIME; THE PROBATIONER HAS NO ACTIVE FELONY WARRANT, FELONY DETAINER, OR PENDING FELONY CRIMINAL CHARGE; AND THE PROBATIONER WAS ON PROBATION FOR AN OFFENSE AND WAS SENTENCED PURSUANT TO SECTION 18-1.3-401.7 FOR THAT OFFENSE, THE COURT SHALL CONTINUE PROBATION AND ORDER ADDITIONAL CONDITIONS OF PROBATION.

SECTION 9. In Colorado Revised Statutes, **add** 18-1.3-401.7 as follows:

18-1.3-401.7. Young adult felonies classified - presumptive penalties. (1) THE PROVISIONS OF THIS SECTION ONLY APPLY TO A CONVICTION FOR A FELONY OFFENSE COMMITTED BY A PERSON WHO WAS BETWEEN THE AGES OF EIGHTEEN AND TWENTY-FIVE ON OR AFTER OCTOBER 1, 2020.

(2) (a) FOR OFFENSES COMMITTED ON OR AFTER OCTOBER 1, 2020, YOUNG ADULT FELONIES ARE DIVIDED INTO SIX CLASSES THAT ARE DISTINGUISHED FROM ONE ANOTHER BY THE RANGES OF PENALTIES, WHICH ARE AUTHORIZED UPON CONVICTION OF A FELONY:

CLASS	PRESUMPTIVE RANGE		PERIOD OF PAROLE
YAF1	LIFE	DEATH	
YAF2	FOUR YEARS	TWELVE YEARS	FOUR YEARS

YAF3	TWO YEARS	SIX YEARS	THREE YEARS
YAF4	ONE YEAR	TWO YEARS	TWO YEARS
YAF5	SIX MONTHS	ONE YEAR	ONE YEAR
YAF6	SIX MONTHS	NINE MONTHS	ONE YEAR

(b) (I) AS TO ANY PERSON SENTENCED FOR A FELONY COMMITTED ON OR AFTER OCTOBER 1, 2020, AS OTHERWISE PROVIDED IN SECTION 18-1.3-401 (1)(a)(III), IN ADDITION TO, OR IN LIEU OF, ANY SENTENCE TO IMPRISONMENT, PROBATION, COMMUNITY CORRECTIONS, OR WORK RELEASE, A FINE WITHIN THE FOLLOWING RANGES MAY BE IMPOSED FOR THE SPECIFIED CLASS OF YOUNG ADULT FELONIES:

CLASS	MINIMUM SENTENCE	MAXIMUM SENTENCE
YAF1	NO FINE	NO FINE
YAF2	TWO THOUSAND FIVE HUNDRED DOLLARS	FIVE HUNDRED THOUSAND DOLLARS
YAF3	ONE THOUSAND FIVE HUNDRED DOLLARS	THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS
YAF4	ONE THOUSAND DOLLARS	TWO HUNDRED FIFTY THOUSAND DOLLARS
YAF5	FIVE HUNDRED DOLLARS	FIFTY THOUSAND DOLLARS
YAF6	FIVE HUNDRED DOLLARS	FIFTY THOUSAND DOLLARS

(II) FAILURE TO PAY A FINE IMPOSED PURSUANT TO THIS SUBSECTION (2)(b) IS GROUNDS FOR REVOCATION OF PROBATION, COMMUNITY CORRECTIONS, OR A SUSPENDED SENTENCE, IF THE DEFENDANT HAS THE ABILITY TO PAY THE FINE.

(III) IF A REVOCATION OCCURS PURSUANT TO SUBSECTION (2)(b)(II) OF THIS SECTION, THE COURT MAY IMPOSE ANY SENTENCE LEGALLY AVAILABLE.

(IV) ALL FINES COLLECTED PURSUANT TO THIS SUBSECTION (2)(b) MUST BE DEPOSITED IN THE FINES COLLECTION FUND CREATED IN SECTION 18-1.3-401 (1)(a)(III)(D) AND ARE SUBJECT TO THE PROVISIONS OF THAT SECTION.

(3) AN OFFENDER WHO IS PAROLED PURSUANT TO SECTION 17-22.5-403, OR ANY OFFENDER WHO IS NOT PAROLED AND IS DISCHARGED PURSUANT TO LAW, IS SUBJECT TO THE MANDATORY PERIOD OF PAROLE ESTABLISHED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION. THE MANDATORY PERIOD OF PAROLE MAY NOT BE WAIVED BY THE OFFENDER OR WAIVED OR SUSPENDED BY THE COURT AND IS SUBJECT TO THE PROVISIONS OF SECTION 17-22.5-403 (8), WHICH PERMITS THE STATE BOARD OF PAROLE TO DISCHARGE THE OFFENDER AT ANY TIME DURING THE TERM OF PAROLE UPON A DETERMINATION THAT THE OFFENDER HAS BEEN SUFFICIENTLY REHABILITATED AND REINTEGRATED INTO SOCIETY AND CAN NO LONGER BENEFIT FROM PAROLE SUPERVISION.

(4) THE MANDATORY PERIOD OF PAROLE IMPOSED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION COMMENCES IMMEDIATELY UPON THE DISCHARGE OF AN OFFENDER FROM IMPRISONMENT IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS. IF THE OFFENDER HAS BEEN GRANTED RELEASE TO PAROLE SUPERVISION BY THE STATE BOARD OF PAROLE, THE

OFFENDER IS DEEMED TO HAVE DISCHARGED THE OFFENDER'S SENTENCE TO IMPRISONMENT PROVIDED FOR IN SUBSECTION (2) OF THIS SECTION IN THE SAME MANNER AS IF SUCH SENTENCE WERE DISCHARGED PURSUANT TO LAW. WHEN AN OFFENDER IS RELEASED BY THE STATE BOARD OF PAROLE OR RELEASED BECAUSE THE OFFENDER'S SENTENCE WAS DISCHARGED PURSUANT TO LAW, THE MANDATORY PERIOD OF PAROLE MUST BE SERVED BY THE OFFENDER. AN OFFENDER SENTENCED FOR A YOUNG ADULT FELONY MAY RECEIVE EARNED TIME PURSUANT TO SECTION 17-22.5-405 AND WHILE SERVING A MANDATORY PAROLE PERIOD IN ACCORDANCE WITH THIS SECTION.

(5) IF AN OFFENDER IS SENTENCED CONSECUTIVELY FOR THE COMMISSION OF TWO OR MORE FELONY OFFENSES PURSUANT TO SENTENCING PROVISIONS IN THIS SECTION OR SECTION 18-1.3-401, THE MANDATORY PERIOD OF PAROLE FOR THE OFFENDER MUST BE THE LONGEST MANDATORY PERIOD OF PAROLE ESTABLISHED FOR A FELONY FOR WHICH THE OFFENDER WAS CONVICTED.

(6) ANY OFFENDER SENTENCED FOR A YOUNG ADULT FELONY THAT IS THE OFFENDER'S SECOND OR SUBSEQUENT FELONY OR YOUNG ADULT FELONY OFFENSE, REGARDLESS OF THE LENGTH OF THE OFFENDER'S SENTENCE TO INCARCERATION AND THE MANDATORY PERIOD OF PAROLE, IS NOT DEEMED TO HAVE FULLY DISCHARGED HIS OR HER SENTENCE UNTIL THE OFFENDER EITHER COMPLETES, OR IS DISCHARGED BY THE STATE BOARD OF PAROLE FROM, THE MANDATORY PERIOD OF PAROLE IMPOSED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION.

(7) IN IMPOSING A SENTENCE TO INCARCERATION, THE COURT SHALL IMPOSE A DEFINITE SENTENCE THAT IS WITHIN THE PRESUMPTIVE RANGES SET FORTH IN SUBSECTION (2) OF THIS SECTION.

1 (8) IN ALL CASES, EXCEPT AS PROVIDED IN SUBSECTION (9) OF THIS
2 SECTION, IN WHICH A SENTENCE THAT IS NOT WITHIN THE PRESUMPTIVE
3 RANGE IS IMPOSED, THE COURT SHALL MAKE SPECIFIC FINDINGS ON THE
4 RECORD DETAILING THE AGGRAVATING CIRCUMSTANCES THAT
5 CONSTITUTE THE REASONS FOR VARYING FROM THE PRESUMPTIVE
6 SENTENCE.
7 (9) (a) EXCEPT FOR A CLASS 1 YOUNG ADULT FELONY, THE
8 PRESENCE OF ONE OR MORE OF THE FOLLOWING AGGRAVATING
9 CIRCUMSTANCES AT THE TIME OF THE COMMISSION OF THE OFFENSE
10 REQUIRES THE COURT, IF IT SENTENCES THE DEFENDANT TO
11 INCARCERATION, TO SENTENCE THE DEFENDANT TO A TERM OF AT LEAST
12 THE MIDPOINT IN THE PRESUMPTIVE RANGE BUT NOT MORE THAN THE
13 MAXIMUM TERM OF THE PRESUMPTIVE RANGE:
14 (I) THE DEFENDANT WAS ON PAROLE FOR ANOTHER FELONY;
15 (II) THE DEFENDANT WAS ON PROBATION OR WAS ON BOND WHILE
16 AWAITING SENTENCING FOLLOWING REVOCATION OF PROBATION FOR
17 ANOTHER FELONY;
18 (III) THE DEFENDANT WAS UNDER CONFINEMENT, IN PRISON, OR IN
19 ANY CORRECTIONAL INSTITUTION AS A CONVICTED FELON; OR WAS AN
20 ESCAPEE FROM ANY CORRECTIONAL INSTITUTION FOR ANOTHER FELONY;
21 OR
22 (IV) THE DEFENDANT WAS ON PROBATION FOR OR ON BOND WHILE
23 AWAITING SENTENCING FOLLOWING REVOCATION OF PROBATION FOR A
24 DELINQUENT ACT THAT WOULD HAVE CONSTITUTED A FELONY IF
25 COMMITTED BY AN ADULT.
26 (b) IN ANY CASE IN WHICH ONE OR MORE OF THE AGGRAVATING
27 CIRCUMSTANCES PROVIDED FOR IN SUBSECTION (9)(a) OF THIS SECTION

1 EXIST, THE PROVISIONS OF THIS SUBSECTION (9) DO NOT APPLY.
2 (c) NOTHING IN THIS SUBSECTION (9) PRECLUDES THE COURT FROM
3 CONSIDERING AGGRAVATING CIRCUMSTANCES OTHER THAN THOSE STATED
4 IN SUBSECTION (9)(a) OF THIS SECTION AS THE BASIS FOR SENTENCING THE
5 DEFENDANT TO A TERM GREATER THAN THE PRESUMPTIVE RANGE FOR THE
6 FELONY.
7 (10) EXCEPT FOR A CLASS 1 YOUNG ADULT FELONY, THE PRESENCE
8 OF ANY ONE OR MORE OF THE FOLLOWING SENTENCE-ENHANCING
9 CIRCUMSTANCES AT THE TIME OF THE COMMISSION OF THE FELONY
10 ALLOWS THE COURT, IF IT SENTENCES THE DEFENDANT TO INCARCERATION,
11 TO SENTENCE THE DEFENDANT TO A TERM IN THE PRESUMPTIVE RANGE:
12 (a) THE DEFENDANT WAS CHARGED WITH OR WAS ON BOND FOR A
13 FELONY IN A PREVIOUS CASE AND THE DEFENDANT WAS CONVICTED OF
14 ANY FELONY IN THE PREVIOUS CASE;
15 (b) THE DEFENDANT WAS CHARGED WITH OR WAS ON BOND FOR A
16 DELINQUENT ACT THAT WOULD HAVE CONSTITUTED A FELONY IF
17 COMMITTED BY AN ADULT;
18 (c) THE DEFENDANT WAS ON BOND FOR HAVING PLED GUILTY TO
19 A LESSER OFFENSE WHEN THE ORIGINAL OFFENSE CHARGED WAS A FELONY;
20 (d) THE DEFENDANT WAS ON BOND IN A JUVENILE PROSECUTION
21 PURSUANT TO TITLE 19 FOR HAVING PLED GUILTY TO A LESSER
22 DELINQUENT ACT WHEN THE ORIGINAL DELINQUENT ACT CHARGED WOULD
23 HAVE CONSTITUTED A FELONY IF COMMITTED BY AN ADULT;
24 (e) THE DEFENDANT WAS UNDER A DEFERRED JUDGMENT AND
25 SENTENCE FOR A DELINQUENT ACT THAT WOULD HAVE CONSTITUTED A
26 FELONY IF COMMITTED BY AN ADULT; OR
27 (f) THE DEFENDANT WAS ON PAROLE FOR HAVING BEEN

1 ADJUDICATED A DELINQUENT CHILD FOR AN OFFENSE THAT WOULD
2 CONSTITUTE A FELONY IF COMMITTED BY AN ADULT.
3 (11) WHEN THE COURT IS SATISFIED THAT THE ENDS OF JUSTICE
4 AND THE BEST INTEREST OF THE PUBLIC, AS WELL AS THE DEFENDANT,
5 WILL BE BEST SERVED THEREBY, THE COURT HAS THE POWER TO SUSPEND
6 THE IMPOSITION OR EXECUTION OF SENTENCE FOR A PERIOD AND UPON THE
7 TERMS AND CONDITIONS AS IT MAY DEEM BEST; EXCEPT THAT THE COURT
8 MAY NOT SUSPEND A SENTENCE TO THE MINIMUM TERM OF
9 INCARCERATION WHEN THE DEFENDANT IS CONVICTED OF A CLASS 1
10 YOUNG ADULT FELONY. IN NO INSTANCE MAY A SENTENCE BE SUSPENDED
11 IF THE DEFENDANT IS INELIGIBLE FOR PROBATION PURSUANT TO SECTION
12 18-1.3-201, EXCEPT WHEN AN EXPRESS WAIVER IS MADE BY THE
13 SENTENCING COURT REGARDING A PARTICULAR DEFENDANT UPON
14 RECOMMENDATION OF THE DISTRICT ATTORNEY AND APPROVAL OF SUCH
15 RECOMMENDATION BY AN ORDER OF THE SENTENCING COURT PURSUANT
16 TO SECTION 18-1.3-201 (4).
17 (12) EVERY SENTENCE ENTERED PURSUANT TO THIS SECTION MUST
18 INCLUDE CONSIDERATION OF RESTITUTION AS REQUIRED BY PART 6 OF THIS
19 ARTICLE 1.3 AND BY ARTICLE 18.5 OF TITLE 16.
20 (13) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO
21 CONTRARY, A COURT SHALL NOT IMPOSE A SENTENCE THAT EXCEEDS
22 TWELVE YEARS FOR ANY SINGLE CRIMINAL EPISODE WHEN THE CRIMES
23 INCLUDED A CLASS 3, CLASS 4, CLASS 5, OR CLASS 6 YOUNG ADULT
24 FELONY.
25 (14) (a) THE COURT SHALL SENTENCE A DEFENDANT BETWEEN THE
26 AGES OF EIGHTEEN AND TWENTY-FIVE TO PROBATION IF THE DEFENDANT
27 HAS NOT PREVIOUSLY BEEN CONVICTED OF A FELONY OFFENSE AND THE

1 CONVICTION IS NOT FOR A FELONY CRIME OF VIOLENCE PURSUANT TO
2 SECTION 18-1.3-406.
3 (b) IF THE COURT DETERMINES THAT A PROBATIONER HAS
4 VIOLATED ANY CONDITION OF PROBATION THAT DOES NOT INVOLVE THE
5 COMMISSION OF A FELONY OR MISDEMEANOR CRIME; THE PROBATIONER
6 HAS NO ACTIVE FELONY WARRANT, FELONY DETAINER, OR PENDING
7 FELONY CRIMINAL CHARGE; AND THE PROBATIONER WAS ON PROBATION
8 FOR AN OFFENSE AND WAS SENTENCED PURSUANT TO SECTION
9 18-1.3-401.7 FOR THAT OFFENSE, THE COURT SHALL CONTINUE PROBATION
10 AND ORDER ADDITIONAL CONDITIONS OF PROBATION.
11 **SECTION 10. 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, or safety.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL B

LLS NO. 20-0362.01 Michael Dohr x4347 **HOUSE BILL**

HOUSE SPONSORSHIP

Herod,

SENATE SPONSORSHIP

Gonzales,

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO MANAGE THE STATE PRISON POPULATION.**

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/.)

Prison Population Management Interim Study Committee. Under current law, the Centennial south campus of the Centennial correctional facility is only able to house inmates under limited circumstances. The bill would open the facility for close custody inmates and require that for each inmate who is housed at the facility, an inmate must be removed from a private prison until the facility is full.

The bill directs the department of corrections (department) to study how to end the practice of using private prisons by 2025 in a responsible

way. The study must include:

- Evidence-based strategies to stop using private prisons and move individuals into alternative facilities or programs;
- An analysis of the economic impacts on affected communities, including the loss of local tax revenue;
- An analysis of the impact that reducing private prison beds would have on local governments and community-based providers;
- A utilization analysis of all state-operated facilities and all other facilities that can be used for housing inmates;
- An analysis of the effect of releasing sex offenders who are assessed as low risk;
- An analysis of what state-operated facilities and programs may be utilized to keep pace with demand;
- An analysis of the best practices and programs that are necessary for successful reintegration of offenders;
- An analysis of the feasibility of the department to obtain private prison facilities in Colorado; and
- An analysis of the resources necessary to accomplish the strategies required to transition the state away from private prisons.

The bill adds to the list of achievements that allow an inmate to receive earned time showing exemplary leadership through mentoring, community service, and distinguished actions benefiting the health, safety, environment, and culture for staff and other inmates.

Under current law, an offender is not entitled to an evidentiary hearing for resentencing when the offender is rejected for placement in a community corrections program. The bill requires the sentencing court to provide the offender with an evidentiary hearing, or in the alternative a new sentencing hearing, for any termination from a community corrections program.

The bill amends the escape statutes to exclude direct sentences, transitioning from the department to a community corrections program, or placement in an intensive supervision parole program from the concepts of custody or confinement for purposes of escape. The bill lowers the penalties for escape and attempted escape crimes. The bill creates a new crime of absconding if the location of a person on intensive supervision parole or a person in a community corrections program is unknown to the authorized agency responsible for the person's supervision.

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

2 **SECTION 1.** In Colorado Revised Statutes, 17-1-104.3, **amend**

(1)(b.5); and **repeal** (1)(b.7) as follows:

17-1-104.3. Correctional facilities - locations - security level. (1) (b.5) ~~Notwithstanding the provisions of paragraph (b) of this subsection (1), beginning February 1, 2013,~~ The Centennial south campus of the Centennial correctional facility ~~shall not~~ MAY be operated by the department for the purpose of housing inmates ~~in the housing units but, if necessary, may be maintained to provide support and other services to the Centennial correctional facility. The department shall actively pursue options to sell or lease the Centennial south campus of the Centennial correctional facility, which is also known as Colorado state penitentiary II or CSP II. Any proceeds received as a result of a sale or lease of Centennial south campus of the Centennial correctional facility shall be first applied to the payment of the certificates of participation~~ WHO ARE CLOSE CUSTODY INMATES. FOR EACH PRISONER WHO IS HOUSED AT THE CENTENNIAL SOUTH CAMPUS OF THE CENTENNIAL CORRECTIONAL FACILITY, THE DEPARTMENT SHALL REMOVE ONE PRISONER FROM A PRIVATE PRISON FACILITY UNTIL THE CENTENNIAL SOUTH CAMPUS OF THE CENTENNIAL CORRECTIONAL FACILITY IS AT FULL PRISONER CAPACITY.

(b.7) ~~(I) Notwithstanding subsection (1)(b.5) of this section, the Centennial south campus of the Centennial correctional facility may be used to house inmates on a limited basis when the state male prison vacant bed rate, excluding RTP treatment beds, remains below one percent vacancy for two consecutive months and the department has exhausted all options pursuant to section 17-1-119.7. The department shall not house more than one hundred twenty-six inmates at one time in the Centennial south campus. Once the state male prison vacant bed rate surpasses one percent vacancy, including calculating the inmates housed~~

~~in the Centennial south campus, the department shall transfer inmates housed in the Centennial south campus to an appropriate facility under the department's control within thirty calendar days.~~

~~(II) The department shall report the use of the Centennial south campus of the Centennial correctional facility to the joint budget committee and the judiciary committees of the senate and the house of representatives, or any successor committees, within five calendar days after the use of the Centennial south campus. For each month that the Centennial south campus of the Centennial correctional facility is used, the department shall report on the first day of every month the continued nature of the use of the Centennial south campus at the Centennial correctional facility, the steps taken by the department to address the vacancy issue, and the expected time frame for the vacancy issue to end.~~

~~(III) The department shall consider input from any legislative interim committee that meets during the 2019 interim regarding prison population management, specifically including:~~

~~(A) Strategies to safely reduce the prison population and reduce recidivism; and~~

~~(B) Prison use analysis including the Centennial south campus at the Centennial correctional facility, private prisons, and alternative bed programs.~~

~~(IV) This subsection (1)(b.7) is repealed, effective September 1, 2020.~~

SECTION 2. In Colorado Revised Statutes, 17-1-119.7, **amend** (2)(a)(II) and (2)(a)(IV)(A) as follows:

17-1-119.7. Prison population management measures. (2) (a) If the vacancy rate in correctional facilities and state-funded

private contract prison beds falls below three percent for thirty consecutive days, the department shall:

(II) Request that the parole board review a list of inmates who are within ninety days of their mandatory release date ~~have an approved parole plan,~~ and do not require full board review or victim notification pursuant to section 24-4.1-302.5 (1)(j);

(IV) (A) Submit to the parole board a list of eligible inmates ~~with a favorable parole plan~~ who have been assessed to be medium or lower risk on the validated risk assessment scale developed pursuant to section 17-22.5-404 (2). Except as provided in subsection (2)(a)(IV)(B) of this section, the parole board shall conduct a file review of each inmate on the list and set conditions of release for the inmate within thirty days after receipt of the list and set a day of release no later than thirty days after conducting the file review.

SECTION 3. In Colorado Revised Statutes, 17-1-201, **add** (3) as follows:

17-1-201. Duties of department - report - rules. (3) (a) THE DEPARTMENT SHALL STUDY HOW TO END THE USE OF PRIVATE PRISONS TO INCARCERATE INDIVIDUALS IN COLORADO BY 2025 IN A RESPONSIBLE WAY.

(b) THE STUDY MUST INCLUDE:

(I) EVIDENCE-BASED STRATEGIES TO STOP USING PRIVATE PRISONS AND MOVE INDIVIDUALS INTO ALTERNATIVE FACILITIES OR PROGRAMS;

(II) AN ANALYSIS OF THE ECONOMIC IMPACTS ON AFFECTED COMMUNITIES, INCLUDING THE LOSS OF LOCAL TAX REVENUE;

(III) AN ANALYSIS OF THE IMPACT THAT REDUCING PRIVATE PRISON BEDS WOULD HAVE ON LOCAL GOVERNMENTS AND

COMMUNITY-BASED PROVIDERS;

(IV) A UTILIZATION ANALYSIS OF ALL STATE-OPERATED FACILITIES AND ALL OTHER FACILITIES THAT CAN BE USED FOR HOUSING INMATES;

(V) AN ANALYSIS OF THE EFFECT OF RELEASING SEX OFFENDERS WHO ARE ASSESSED AS LOW RISK;

(VI) AN ANALYSIS OF WHAT STATE-OPERATED FACILITIES AND PROGRAMS MAY BE UTILIZED TO KEEP PACE WITH DEMAND;

(VII) AN ANALYSIS OF THE BEST PRACTICES AND PROGRAMS THAT ARE NECESSARY FOR SUCCESSFUL REINTEGRATION OF OFFENDERS;

(VIII) AN ANALYSIS OF THE FEASIBILITY OF THE DEPARTMENT TO OBTAIN PRIVATE PRISON FACILITIES IN COLORADO; AND

(IX) AN ANALYSIS OF THE RESOURCES NECESSARY TO ACCOMPLISH THE STRATEGIES REQUIRED TO TRANSITION THE STATE AWAY FROM PRIVATE PRISONS.

(c) THE DEPARTMENT SHALL PROVIDE THE STUDY TO THE JOINT BUDGET COMMITTEE WHEN PRESENTING ITS BUDGET RECOMMENDATIONS FOR FISCAL YEAR 2021-22 AND SHALL PROVIDE COPIES OF THE STUDY TO THE MEMBERS OF THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.

SECTION 4. In Colorado Revised Statutes, 17-2-103, **amend** (11)(c) introductory portion as follows:

17-2-103. Arrest of parolee - revocation proceedings. (11) (c) If the board determines that the parolee is in need of treatment, ~~and is amenable to treatment,~~ the board shall consider placing the parolee in one of the following treatment options and, if appropriate, may modify the conditions of parole to include:

SECTION 5. In Colorado Revised Statutes, 17-22.5-405, **amend**

(1) introductory portion and (1.5)(b); and **add** (1)(h) as follows:

17-22.5-405. Earned time - earned release time - achievement earned time - definition. (1) Earned time, not to exceed ten days for each month of incarceration or parole, may be deducted from the inmate's sentence upon a demonstration to the department by the inmate, which is certified by the inmate's case manager or community parole officer, that ~~he or she~~ THE INMATE has made consistent progress in the following categories as required by the department of corrections:

(h) THE INMATE HAS SHOWN EXEMPLARY LEADERSHIP THROUGH MENTORING, COMMUNITY SERVICE, AND DISTINGUISHED ACTIONS BENEFITING THE HEALTH, SAFETY, ENVIRONMENT, AND CULTURE FOR STAFF AND OTHER INMATES.

(1.5) (b) The earned time specified in ~~paragraph (a) of this subsection (1.5)~~ SUBSECTION (1.5)(a) OF THIS SECTION may be deducted based upon a demonstration to the department by the inmate, which is certified by the inmate's case manager or community parole officer, that he or she has made ~~consistent progress in the categories described in subsection (1) of this section~~ POSITIVE PROGRESS IN ACCORDANCE WITH PERFORMANCE STANDARDS ESTABLISHED BY THE DEPARTMENT.

SECTION 6. In Colorado Revised Statutes, 18-1.3-301, **amend** (1)(g) as follows:

18-1.3-301. Authority to place offenders in community corrections programs. (1) (g) The sentencing court may make appropriate orders for the detention, transfer, or resentencing of any offender whose placement in a community corrections program is terminated pursuant to section 17-27-103 (7) ~~C.R.S.,~~ or section 17-27-104 (5). ~~C.R.S.~~ As to any offender held pursuant to section 17-27-104 (6)

~~C.R.S.,~~ in a jail operated by a unit of local government in a county other than where the offender's original conviction occurred, the sentencing court shall order the transfer of the offender to the jail of the county where the original conviction occurred as soon as possible. ~~The sentencing court is not required to provide the offender with an evidentiary hearing pertaining to the rejection of placement in a community corrections program prior to resentencing~~ THE SENTENCING COURT SHALL PROVIDE THE OFFENDER WITH AN EVIDENTIARY HEARING, OR IN THE ALTERNATIVE A NEW SENTENCING HEARING, FOR ANY TERMINATION FROM A COMMUNITY CORRECTIONS PROGRAM, INCLUDING A VIOLATION OF SECTION 18-8-208.2. AT ANY NEW SENTENCING HEARING, THE COURT MAY CONSIDER ANY SENTENCING ALTERNATIVE ORIGINALLY AVAILABLE TO THE COURT WHEN ORDERING THE APPROPRIATE SENTENCE.

SECTION 7. In Colorado Revised Statutes, 18-8-208, **amend** (1), (2), and (11) as follows:

18-8-208. Escapes. (1) A person commits a class ~~2~~ ***4*** felony if, while being in custody or confinement following conviction of a class 1 or class 2 felony, ~~he~~ THE PERSON knowingly escapes from said custody or confinement.

(2) A person commits a class ~~3~~ ***4*** felony if, while being in custody or confinement following conviction of a felony other than a class 1 or class 2 felony, ~~he~~ THE PERSON knowingly escapes from said custody or confinement.

(11) IF a person ~~who~~ is SERVING A DIRECT SENTENCE TO A COMMUNITY CORRECTIONS PROGRAM PURSUANT TO SECTION 18-1.3-301, OR IS TRANSITIONING FROM THE DEPARTMENT OF CORRECTIONS TO A COMMUNITY CORRECTIONS PROGRAM, OR IS PLACED IN AN INTENSIVE

SUPERVISION PAROLE PROGRAM PURSUANT TO SECTION 17-27.5-101, OR IS placed in a community corrections program for purposes of obtaining residential treatment as a condition of probation pursuant to section 18-1.3-204 (2.2) or 18-1.3-301 (4)(b), THEN THE PERSON is not in custody or confinement for purposes of this section.

SECTION 8. In Colorado Revised Statutes, 18-8-208.1, **amend** (1), (1.5), and (2) as follows:

18-8-208.1. Attempt to escape. (1) Except as otherwise provided in subsection (1.5) of this section, if a person, while in custody or confinement following conviction of a felony, knowingly attempts to escape from said custody or confinement, ~~he or she~~ THE PERSON commits a class ~~4~~ ***5*** felony. The sentence imposed pursuant to this subsection (1) shall run consecutively with any sentences being served by the offender.

(1.5) ~~If a person, while in custody or confinement following conviction of a felony and either serving a direct sentence to a community corrections program pursuant to section 18-1.3-301, or having been placed in an intensive supervision parole program pursuant to section 17-27.5-101, C.R.S., knowingly attempts to escape from his or her custody or confinement, he or she commits a class 5 felony. The sentence imposed pursuant to this subsection (1.5) may run concurrently or consecutively with any sentence being served by the offender~~ IF A PERSON IS SERVING A DIRECT SENTENCE TO A COMMUNITY CORRECTIONS PROGRAM PURSUANT TO SECTION 18-1.3-301, OR IS TRANSITIONING FROM THE DEPARTMENT OF CORRECTIONS TO A COMMUNITY CORRECTIONS PROGRAM, OR IS PLACED IN AN INTENSIVE SUPERVISION PAROLE PROGRAM PURSUANT TO SECTION 17-27.5-101, OR IS PLACED IN A COMMUNITY CORRECTIONS PROGRAM FOR PURPOSES OF OBTAINING RESIDENTIAL TREATMENT AS A

CONDITION OF PROBATION PURSUANT TO SECTION 18-1.3-204 (2.2) OR 18-1.3-301 (4)(b), THEN THE PERSON IS NOT IN CUSTODY OR CONFINEMENT FOR PURPOSES OF THIS SECTION.

(2) If a person, while in custody or confinement and held for or charged with but not convicted of a felony, knowingly attempts to escape from said custody or confinement, ~~he~~ THE PERSON commits a class ~~5~~ ***6*** felony. If the person is convicted of the felony or other crime for which ~~he~~ THE PERSON was originally in custody or confinement, the sentence imposed pursuant to this subsection (2) shall run consecutively with any sentences being served by the offender.

SECTION 9. In Colorado Revised Statutes, **add** 18-8-208.2 as follows:

18-8-208.2. Absconding. (1) A PERSON ON INTENSIVE SUPERVISION PAROLE OR A PERSON IN A COMMUNITY CORRECTIONS PROGRAM COMMITS THE OFFENSE OF ABSCONDING IF THE LOCATION OF THE PERSON IS UNKNOWN TO THE AUTHORIZED AGENCY RESPONSIBLE FOR THE PERSON'S SUPERVISION.

(2) (a) IF A PERSON COMMITS ABSCONDING WHILE ON INTENSIVE SUPERVISION PAROLE OR IN A COMMUNITY CORRECTIONS PROGRAM FOR A CRIME LISTED IN SECTION 24-4.1-302 (1) OR A CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, ABSCONDING IS A CLASS 6 FELONY AND AN ATTEMPT THEREOF IS A CLASS 1 MISDEMEANOR.

(b) IF A PERSON COMMITS ABSCONDING WHILE ON INTENSIVE SUPERVISION PAROLE OR IN A COMMUNITY CORRECTIONS PROGRAM FOR A CRIME OTHER THAN THE CRIMES LISTED IN SECTION 24-4.1-302 (1) AND THE CRIME IS NOT A CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, ABSCONDING IS A CLASS 3 MISDEMEANOR AND AN ATTEMPT

THEREOF IS A CLASS 3 MISDEMEANOR.

SECTION 10. In Colorado Revised Statutes, 18-1.3-801, **amend** (5) as follows:

18-1.3-801. Punishment for habitual criminals. (5) A current or prior conviction for escape, as described in section 18-8-208 (1), (2), or (3), or attempt to escape, as described in section 18-8-208.1 (1) ~~(1.5),~~ or (2), may not be used for the purpose of adjudicating a person an habitual criminal as described in subsection (1.5) or subsection (2) of this section unless the conviction is based on the offender's escape or attempt to escape from a correctional facility, as defined in section 17-1-102, or from physical custody within a county jail; except that, for the purposes of this section, "correctional facility" does not include a community corrections facility, as defined in section 17-27-102 (2.5), or a halfway house, as defined in section 19-1-103 (62).

SECTION 11. 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.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL C

LLS NO. 20-0363.01 Jacob Baus x2173 **SENATE BILL**

SENATE SPONSORSHIP

Gonzales and Rodriguez,

HOUSE SPONSORSHIP

Gonzales-Gutierrez,

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING A STUDY TO EXAMINE OPERATIONAL PROCESSES WITHIN**
102 **THE CRIMINAL JUSTICE SYSTEM.**

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/.)

Prison Population Management Interim Study Committee. The bill requires the department of corrections (department) to conduct a study to examine how individuals proceed through the various stages of criminal proceedings, including the various sentences and programs to which a person may be sentenced or placed.

Subject to available appropriations, the department shall issue a

request for proposals for an entity to assist with the study.

The department is required to produce a report of its findings to the joint budget committee of the general assembly and the judiciary committees of the house of representatives and the senate.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 17-42-105 as
3 follows:

4 **17-42-105. Criminal and correctional processes study - request**
5 **for proposals - report - definition - repeal.** (1) (a) THE DEPARTMENT
6 SHALL CONDUCT A STUDY TO EXAMINE HOW INDIVIDUALS PROCEED
7 THROUGH THE VARIOUS STAGES OF CRIMINAL PROCEEDINGS, INCLUDING
8 THE VARIOUS SENTENCES AND PROGRAMS TO WHICH A PERSON MAY BE
9 SENTENCED OR PLACED. THE STUDY MUST INCLUDE, AT A MINIMUM:

10 (I) AN ANALYSIS OF THE MODERN INFORMATION SYSTEM
11 TECHNOLOGIES AND DESIGN PRINCIPLES USED IN THE VARIOUS STAGES OF
12 CRIMINAL PROCEEDINGS, INCLUDING VARIOUS CORRECTIONAL FACILITIES
13 AND PROGRAMS, AND BY CRIMINAL JUSTICE AGENCIES, INCLUDING BUT
14 NOT LIMITED TO:

15 (A) THE SERVICE-ORIENTED ARCHITECTURE USED IN INFORMATION
16 EXCHANGES AND OPERATIONAL PROCESSES; AND

17 (B) THE INTEGRATED DATABASES AND DATA SERVICES USED TO
18 STORE AND ACCESS RECORDS;

19 (II) AN ORGANIZATION MATRIX OF PROCESSES, PERSONNEL
20 STRUCTURES, AND TECHNOLOGY STRUCTURES USED IN THE VARIOUS
21 STAGES OF CRIMINAL PROCEEDINGS, INCLUDING VARIOUS CORRECTIONAL
22 FACILITIES AND PROGRAMS, AND BY CRIMINAL JUSTICE AGENCIES;

23 (III) A DIAGRAM OF CRIMINAL PROCEEDINGS, INCLUDING DETAILS

CONCERNING THE OPTIONS AVAILABLE TO PERSONS AT THE VARIOUS STAGES OF CRIMINAL PROCEEDINGS, INCLUDING VARIOUS SENTENCES AND PROGRAMS, AND STATISTICS REGARDING THE FREQUENCY AT WHICH THE OPTIONS ARE CHOSEN;

(IV) AN ANALYSIS OF MODEL-BASED SYSTEMS ENGINEERING USED IN CRIMINAL PROCEEDINGS, INCLUDING VARIOUS CORRECTIONAL FACILITIES AND PROGRAMS, AND BY CRIMINAL JUSTICE AGENCIES TO:

(A) ILLUSTRATE EXISTING ORGANIZATIONAL RELATIONSHIPS, INFORMATION SYSTEMS, AND PROCESSES; AND

(B) ANALYZE EXISTING PROCESS INEFFICIENCIES AND OPPORTUNITIES FOR IMPROVING QUALITY AND EFFICIENCIES;

(V) RECOMMENDATIONS AND BEST PRACTICES IMPLEMENTED IN COLORADO OR OTHER STATES FOR CREATING MORE EFFICIENT OPERATIONAL AND TECHNOLOGICAL SYSTEMS AND PROCEDURES TO BE USED IN CRIMINAL PROCEEDINGS AND THE VARIOUS CORRECTIONAL FACILITIES AND PROGRAMS;

(VI) AN ANALYSIS OF INEFFICIENCIES WITHIN THE VARIOUS STAGES OF CRIMINAL PROCEEDINGS, INCLUDING VARIOUS CORRECTIONAL FACILITIES AND PROGRAMS; AND

(VII) AN ANALYSIS OF THE TYPES OF METRICS AND INFORMATION COLLECTED AND PREPARED BY CRIMINAL JUSTICE AGENCIES REGARDING INDIVIDUALS PROCEEDING THROUGH THE VARIOUS STAGES OF CRIMINAL PROCEEDINGS AND THE VARIOUS SENTENCES AND PROGRAMS. THIS ANALYSIS MUST EXAMINE THE PURPOSE OF COLLECTING AND PREPARING THE METRICS AND INFORMATION AND HOW IT IS USED.

(b) THE DEPARTMENT SHALL LIMIT THE STUDY TO THE MOST RECENT EIGHTEEN-MONTH PERIOD FOR WHICH DATA IS AVAILABLE AND

SUFFICIENT TO SATISFY THE OBJECTIVES IN SUBSECTION (1)(a) OF THIS SECTION.

(c) THE DEPARTMENT SHALL SOLICIT AND CONSIDER PUBLIC COMMENT REGARDING THE OBJECTIVES OF THE STUDY DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION. THE DEPARTMENT SHALL NOT PROHIBIT PUBLIC COMMENT FROM BEING SUBMITTED ANONYMOUSLY.

(2) THE DEPARTMENT SHALL COLLABORATE WITH THE OTHER CRIMINAL JUSTICE AGENCIES, THE DEPARTMENT OF LAW, AND THE DEPARTMENT OF PUBLIC SAFETY, AS NECESSARY, TO SATISFY THE OBJECTIVES OF THE STUDY DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION.

(3) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS FOR AN ENTITY TO ASSIST THE DEPARTMENT IN CONDUCTING THE STUDY, GATHERING INFORMATION, ANALYZING THE ISSUES, AND PRODUCING A REPORT. THE DEPARTMENT SHALL ENTER INTO A CONTRACT WITH AN ENTITY ON OR BEFORE JUNE 30, 2020.

(4) ON OR BEFORE JANUARY 1, 2021, THE DEPARTMENT SHALL SUBMIT A REPORT OF ITS FINDINGS TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY AND THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.

(5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "CRIMINAL JUSTICE AGENCY" MEANS A LAW ENFORCEMENT AGENCY, COURT, LOCAL JAIL, MUNICIPAL JAIL AUTHORIZED PURSUANT TO SECTION 31-15-401 (1)(j), MULTIJURISDICTIONAL JAIL AUTHORIZED PURSUANT TO SECTION 17-26.5-101, THE DEPARTMENT, AND PRIVATE CONTRACT PRISONS.

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

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

COLORADO GENERAL ASSEMBLY

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Rep. Alec Garnett
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LEGISLATIVE COUNCIL

ROOM 029 STATE CAPITOL
DENVER, COLORADO 80203-1784
E-mail: lcs.ga@state.co.us
303-866-3521 FAX: 303-866-3855

This letter reflects the authorization for the committee as approved by Legislative Council at its meeting on April 25, 2019.

To: Legislative Council

Requested by: Representative Herod
With support of: Representative(s) Garnett and Weissman.

Re: Request for interim study committee regarding prison population management

Date: 4/25/2019

Information Required Pursuant to Section 2-3-303.3, C.R.S.

I hereby request that an interim study committee be formed to study prison population management during the interim between the 2019 and 2020 legislative sessions. The interim study committee would be named the "Prison Population Management Interim Study Committee."

The policy issues to be studied are:

- strategies to safely reduce the prison population and decrease recidivism; and
- monitoring prison population reform legislation passed by the General Assembly.

The interim study committee would need to meet 5 times to study the issues.

The interim study committee should consist of six members of the General Assembly selected as follows:

- three members of the Senate, with two appointed by the majority leader of the Senate, and one appointed by the minority leader of the Senate.
- three members of the House of Representatives, with two appointed by the majority leader of the House of Representatives, and one appointed by the minority leader of the House of Representatives.

Nonlegislative members will have a role in the interim study committee. The purpose of including nonlegislative members is to ensure that the policies are being developed and vetted by a diverse group of stakeholders. The role of the nonlegislative members will be to provide information, data, and suggestions regarding potential legislation. The interim study committee will include nine representatives from key state agencies and other entities appointed by the House Majority Leader by June 1, 2019, including:

- the Judicial Branch;
- the Department of Public Safety;
- the Department of Corrections;
- the State Board of Parole
- the Colorado District Attorneys Council;
- defense attorneys;
- an organization representing crime victims,
- an organization advocating for criminal justice reform; and
- the Office of Behavioral Health within the Department of Human Services.

The interim study committee will need three bills to address the issues it studies.

Additional Information Related to the Interim Study Committee Request

The Judicial Branch, Department of Public Safety, Department of Corrections, and the State Board of Parole may be called upon to provide assistance or information to the interim study committee.

The interim study committee is authorized to travel outside of the Denver metropolitan area to study the issues in the committee's charge.

Thank you for your consideration of this request.

2019

Report to the Colorado General Assembly

Sales and Use Tax Simplification Task Force

Prepared by Legislative Council Staff
Research Publication No. 725
November 2019

Sales and Use Tax Simplification Task Force

Members of the Committee

Representative Tracy Kraft-Tharp, Chair
Representative Kevin Van Winkle, Vice-Chair
Senator Jack Tate
Senator Angela Williams

Bryan Archer
Paul Archer
Kristin Baumgartner
Kevin Bommer
Ben Dahlman
Steve Ellington
Heather Pezzella
Neil Pomerantz
Brendon Reese
Judith Vorndran
Ryan Woods

Legislative Council Staff

Luisa Altmann, Senior Research Analyst
Meredith Moon, Economist
Larson Silbaugh, Principal Economist

Office of Legislative Legal Services

Esther van Mourik, Senior Attorney
Ashley Athey, Senior Legislative Editor

November 2019

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This report is also available online at:

https://leg.colorado.gov/committees/sales-and-use-tax-simplification-task-force/2019-regular-session

Task Force Charge and Membership

The Sales and Use Tax Simplification Task Force (task force) was created pursuant to House Bill 17-1216. According to the bill, the task force is charged with studying the following policy issues:

- the necessary components of a simplified sales and use tax system for both state and local governments, including home rule municipalities and counties;
- opportunities and challenges within existing fiscal frameworks to adopt innovative revenue-neutral solutions that do not require constitutional amendments or voter approval;
- the feasibility of having a third-party entity responsible for state or local sales and use tax administration, return processing, and audits;
- the feasibility of making audits of retailers more uniform for all state and local taxing jurisdictions in the state;
- the feasibility of utilizing certified software for sales and use tax administration and collection of state and local sales and use tax; and
- the feasibility of utilizing a single sales and use tax return for state and local taxing jurisdictions.

The bill also requires the task force to submit a report to Legislative Council by November 1 of each year, which may or may not include recommendations for legislation.

In total, there are fifteen members on the task force:

- Representative Tracy Kraft-Tharp, Chair, appointed by the Speaker of the House of Representatives;
- Senator Jack Tate, appointed by the Minority Leader of the Senate;
- Representative Kevin Van Winkle, appointed by the Minority Leader of the House of Representatives;
- Senator Angela Williams, appointed by the President of the Senate;
- Bryan Archer, Director of Finance, City of Arvada, appointed by the Colorado Municipal League, representing the large population category;
- Paul Archer, Owner, Automated Business Products of Colorado, appointed by the Governor as a member of a statewide association of small businesses that is addressing the simplification of sales and use tax collection;
- Kristin Baumgartner, Deputy City Manager, City of Lone Tree, appointed by the Colorado Municipal League, representing the medium population category;
- Kevin Bommer, Executive Director, Colorado Municipal League;
- Ben Dahlman, Finance Director, Adams County, representing Colorado Counties, Inc.;
- Steve Ellington, Treasurer, City and County of Denver, appointed by the Colorado Municipal League, representing the largest population category;
- Heather Pezzella, Revenue Services Administrator, Town of Breckenridge, appointed by the Colorado Municipal League, representing the small population category;

- Neil Pomerantz, Partner, Silverstein & Pomerantz, appointed by the Governor as a state and local sales tax law practitioner;
- Brendon Reese, Acting Senior Director, Taxation Division, Colorado Department of Revenue;
- Judith Vorndran, Partner, TaxOps, appointed by the Governor as someone with state and local sales and use tax accounting experience; and
- Ryan Woods, Tax Consultant, Xcel Energy, appointed by the Governor as a member of the statewide chamber of commerce.

Background

The task force is charged with studying sales and use tax simplification between the state and local governments, including home rule municipalities, given that Colorado's system of state and local sales and use taxes is one of the most complicated in the country.

State tax. Colorado is one of 45 states to assess a state sales tax.[1] Among states with a sales tax, Colorado's state sales tax is assessed at the lowest rate, 2.9 percent. The tax base includes all sales of tangible personal property except those that are specifically exempted, and exempts all sales of services except those that are specifically subject to the tax.[2] The state use tax is assessed when sales tax was due but was not collected. In these cases, the purchaser is required to remit use tax directly to the state. The state sales and use tax is administered by the Colorado Department of Revenue (DOR).

County taxes. With voter approval, counties are authorized to assess a sales tax, use tax, or both.[3] County sales taxes are imposed on the same collection of goods and services as the state sales tax, except that certain state sales tax exemptions are not by default extended to counties.[4] In these cases, boards of county commissioners may adopt an ordinance or resolution to extend the exemption(s). Notable state sales tax exemptions that are not necessarily available at the county level include the exemptions for: machinery; electricity, gas, and heating oil; food for home consumption; sales by charities; and retail marijuana. Sales taxes assessed by 50 counties are administered by the DOR, which collects tax revenue and remits the tax to the appropriate county. The provisions governing county taxes do not apply to the consolidated city-county governments of Denver and Broomfield, each of which has a home rule charter. Twelve counties do not assess a sales tax.

Municipal taxes. Provisions for municipal taxes vary greatly according to whether the municipality has adopted a home rule charter pursuant to Article XX of the Colorado Constitution. Municipalities that have not adopted a home rule charter are authorized in statute to assess sales or use taxes in a manner similar to the county taxes described above. Municipalities that have adopted a home rule charter have broad jurisdiction over their own sales taxes and generally are not bound by statutory sales tax requirements.

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[1]Alaska, Delaware, Montana, New Hampshire, and Oregon do not assess statewide sales taxes.
[2]Section 39-26-104, C.R.S.
[3]Section 29-2-103, C.R.S.
[4]Section 29-2-105 (1)(d), C.R.S.

Statutory municipalities. With voter approval, municipalities that have not adopted a home rule charter (statutory municipalities) are authorized to assess a sales tax, use tax, or both.[5] Sales taxes assessed by these municipalities are imposed on the same collection of goods and services as the state sales tax, except that certain state sales tax exemptions are not by default extended to municipalities.[6] In these cases, the city or town council may adopt an ordinance or resolution to extend the exemption(s). Municipal sales taxes are administered by the DOR, which collects tax revenue and remits the tax to the appropriate municipality.

Home rule municipalities. Article XX, Section 6, of the Colorado Constitution empowers any municipality with a population of 2,000 people or more to adopt a home rule charter with voter approval. Home rule municipalities have broad latitude to govern themselves in matters of local concern.[7] With voter approval, home rule municipalities may assess sales or use taxes on a locally determined collection of goods and services. Because municipal taxes need not be assessed on the same tax base as the state, home rule municipalities may variously tax transactions that are exempted at the state level or exempt transactions that are taxed at the state level. Additionally, home rule municipalities may tax specific goods or services at a different rate from others. For example, the City and County of Denver, a home rule government, assesses a tax of 3.65 percent on most taxable transactions, but assesses a tax of 4.00 percent on sales of food for immediate consumption, e.g., at restaurants.

Home rule municipalities may choose whether to collect and administer their sales taxes locally. Municipalities that choose to collect their own sales taxes may develop their own systems for licensure, remittance, and auditing. There are 96 home rule municipalities that assess a sales tax. According to the DOR, 70 home rule municipalities collect and administer their own sales taxes.[8] The DOR collects and administers sales taxes for home rule municipalities that choose not to administer taxes at the local level.

Special districts. With voter approval, certain special districts and other limited purpose governmental entities are permitted to assess sales taxes up to certain tax rate limits. Special districts authorized to assess sales taxes include:

- the Regional Transportation District (RTD) in the Denver metropolitan area;
- the Scientific and Cultural Facilities District (SCFD) in the Denver metropolitan area;
- local improvement districts in Boulder, Broomfield, Douglas, Jefferson, and Mesa Counties;
- mass transportation systems in Eagle, Pitkin, and Summit Counties; local improvement districts in Boulder, Broomfield, Douglas, Jefferson, and Mesa Counties;
- mass transportation systems in Eagle, Pitkin, and Summit Counties;
- regional transportation authorities in Eagle, El Paso, Garfield, Gunnison, Logan, Pitkin, and San Miguel Counties;
- a multi-jurisdictional housing authority in Summit County;
- a public safety improvement district in Montrose and Mesa Counties;

[5]Section 29-2-102, C.R.S.
[6]Section 29-2-105 (1)(d), C.R.S.
[7]*City and County of Denver v. Qwest Corp*., 18 P.3d 748 (Colo. 2001).
[8]Colorado Department of Revenue form DR 1002. http://www.colorado.gov/pacific/sites/default/files/DR1002.pdf.

- metropolitan districts in Eagle and Jefferson Counties;
- a health services district in parts of Montezuma, Park, and Otero Counties; and
- local marketing districts in Alamosa, Eagle, Gunnison, Larimer, Moffat, and Routt Counties.

Statutory requirements for each special district sales tax are included in the portion of state law that authorizes creation of the particular type of special district. In general, all special district sales taxes are collected and administered at the state level. The tax base for special districts is generally consistent with the state tax base, and changes to the state base (i.e., via the creation or repeal of a sales tax exemption) are extended by default to special districts.

TABOR. Article X, Section 20, of the Colorado Constitution was added via ballot initiative in 1992. This section, known as the Taxpayer's Bill of Rights or TABOR, prohibits the state government and all local governments from enacting or increasing taxes without voter approval. TABOR complicates simplification efforts because proposals to narrow the tax base, e.g., in local jurisdictions that have not enacted sales tax exemptions found at the state level, require voter approval to enact corresponding tax rate increases in order to offset revenue loss. Thus, jurisdictions that currently assess sales taxes on a broader collection of goods and services than those taxed by the state must either maintain their dissimilar tax base, narrow the base while increasing tax rates with voter approval, or narrow the base without voter approval and experience a decrease in revenue.

Out-of-state sales tax. The June 2018 U.S. Supreme Court decision in *South Dakota v. Wayfair* held that a state may require an out-of-state retailer to collect sales tax on purchases made by an in-state consumer, even if the out-of-state retailer does not maintain a physical presence in the taxing state. Until the *Wayfair* decision, taxpayers in Colorado were required to voluntarily pay taxes to the DOR on purchases from online, out-of-state retailers, rather than the tax being collected by the retailer and remitted to DOR.

Following the *Wayfair* decision, the DOR moved toward requiring retailers without physical presence (out-of-state retailers) to collect state sales tax and the sales taxes levied by statutory municipalities. In addition, the department adopted emergency rules to assist in administering sales tax collections and, among other things, to specify that the state's collection requirement would not be retroactive and would apply to retailers with sales exceeding $100,000. These rules were codified into law with the adoption of House Bill 19-1240 and went into effect on June 1, 2019.

Task Force Activities

The task force held five meetings during the 2019 interim. Briefings and presentations were made by the Office of Legislative Legal Services, the Colorado Department of Revenue (DOR), the Governor's Office of Information Technology (OIT), the Colorado Municipal League, the Tax Foundation, the Coalition to Simplify Colorado Sales Tax, the Office of the State Auditor, and members of the public on a wide range of topics, including:

- 2019 sales and use tax legislation;
- the implementation of Senate Bill 19-006;
- the Colorado Municipal League's standardized definitions project;
- the evaluation of tax expenditures by the Office of the State Auditor;
- the state's use tax;
- third-party administration; and
- the sunset review of the task force by the Colorado Department of Regulatory Agencies.

The following sections discuss the task force's activities during the 2019 interim.

Review of 2019 Sales and Use Tax Legislation

During the 2019 legislative session, several bills that affect how sales tax is administered in the state were passed.

House Bill 19-1240. This bill, entitled *Sales and Use Tax Administration*, was passed by the General Assembly and signed into law by the Governor on May 23, 2019. This bill has four main provisions, including:

- codifying economic nexus for out-of-state retailers;
- codifying the Department of Revenue's destination sourcing rules;
- requiring marketplace facilitators to collect sales tax on behalf of their marketplace sellers; and
- cleaning up statutory language to remove references to remote sellers, a vestige of House Bill 13-1295 that never took effect.

The first two provisions codified rules promulgated by the DOR that were enacted as a response to the *South Dakota v. Wayfair* U.S. Supreme Court decision in 2018. Both provisions went into effect on June 1, 2019, as did the fourth provision. The third provision took effect on October 1, 2019. This bill is expected to increase sales tax collections due to the marketplace facilitator provision.

House Bill 19-1245. This bill changed the sales tax vendor fee, or the amount of sales taxes collected that retailers are allowed to keep in exchange for collecting and remitting sales taxes to the state, from 3.33 percent to 4.00 percent, and capped the amount a retailer is allowed to retain to $1,000 per filing period. Additionally, a retailer with multiple locations is now considered as one retailer for purposes of the vendor fee under this bill. The bill was signed into law by the Governor on May 17, 2019, and will take effect on January 1, 2020. Sales tax revenue is expected to increase by $23.1 million in the first half-year and by $47.9 million in the second year.

Updates Related to the Implementation of Senate Bill 19-006

Senate Bill 19-006 evolved out of House Bill 18-1022, and directs the Governor's Office of Information Technology (OIT) to solicit an electronic sales and use tax simplification system through the state's procurement process. OIT and the DOR must work with stakeholders to determine the scope of work for the system before soliciting bids for the creation of the system. The two main aspects of the SB 19-006 system are an online sales and use tax filing system and a Geographic Information System (GIS) database to identify tax rates.

Sales and use tax simplification system. The DOR and OIT updated the task force on the status of procuring the sales and use tax simplification system. They worked with stakeholders, including members of the task force, to determine the system requirements and what capabilities the system should have. The system must balance the needs of the DOR, local governments that collect their own sales taxes, and businesses that file sales taxes with multiple jurisdictions. DOR issued an intent to negotiate for the sales and use tax filing system and expects to select a vendor in November 2019.

Geographic Information System. A second component of SB 19-006 is developing a GIS database capable of accurately identifying tax rates for each individual address in Colorado. OIT updated the task force with their progress on the GIS database. OIT is developing the GIS database in-house and is working with counties to obtain address GIS files for each address in the state. Many counties have provided address information to the state, and OIT will work with remaining counties or develop their own address information to ensure statewide coverage. OIT will also work with the DOR and local governments to build a GIS files of sales tax jurisdictions.

The GIS database will need to be maintained to regularly ensure that new addresses are added to the database and any changes in tax rates or area boundaries are current. OIT is working with local governments to develop a process to maintain and update the GIS database into the future. The system must be accurate and complete so that taxpayers can rely on the information when paying sales taxes to the state and all local jurisdictions.

The DOR and OIT committed to keeping the General Assembly, task force members, and the public updated on the progress of both the sales tax payment system and the GIS database. The task force received several updates from OIT and DOR on the progress made during the 2019 interim.

Update on the Colorado Municipal League's Standardized Definitions Project

Home rule municipalities have the authority to define what is taxable and what is exempt from their sales taxes. As a result, different jurisdictions sometimes use different definitions for the same term. At the urging of the General Assembly in 2014, home rule municipalities and the Colorado Municipal League (CML) began to update a set of standardized definitions that home rule municipalities developed in 1992.[9] A set of current standardized definitions were finalized in 2017 that can be adopted by self-collecting municipalities.

[9]Senate Joint Resolution 14-038.

In 1992, home rule municipalities developed a set of standardized definitions; however, there was no mechanism to maintain the uniformity of definitions across jurisdictions over time. Starting with the 1992 definitions, representatives from each of Colorado's self-collecting local governments developed new uniform definitions that are consistent with current practice. Several new definitions were added to reflect the use of new terms by three or more jurisdictions.

Once the new definitions were developed by tax professionals representing home rule jurisdictions, they were reviewed by city attorneys and tax professionals in the business community. Some revisions were made following the input of city attorneys and the business community. A model ordinance with finalized definitions is available for adoption by individual municipalities. The definitions were crafted in an attempt to have a minimal impact on revenue.

The Colorado sales tax system will be more uniform as more jurisdictions continue working toward the adoption of the standardized definitions. As of August 14, 2019, the 53 self-collecting jurisdictions listed below have adopted the standardized definitions, representing 74.6 percent of the 71 self-collecting home rule jurisdictions.[10] The General Assembly has not enacted the standardized definitions in state law.

Alamosa	Centennial	Evans	Lamar	Sheridan
Arvada	Cherry Hills Village	Federal Heights	Littleton	Silverthorne
Aspen	Colorado Springs	Fort Collins	Lone Tree	Snowmass Village
Aurora	Cortez	Frisco	Longmont	Steamboat Springs
Avon	Craig	Glenwood Springs	Louisville	Timnath
Black Hawk	Crested Butte	Golden	Montrose	Vail
Boulder	Dacono	Greeley	Mountain Village	Westminster
Breckenridge	Delta	Greenwood Village	Mt. Crested Butte	Wheat Ridge
Broomfield	Denver	Gunnison	Northglenn	Windsor
Canon City	Edgewater	Gypsum	Parker	
Carbondale	Englewood	La Junta	Rifle	

CML engages in periodic review of the standard definitions with member municipalities and representatives of the business community. Throughout 2020, CML's Sales Tax Simplification Committee will be undertaking a review and update of the standard definitions, based on feedback from member municipalities and the business community. Based on this work, CML will work with its members on updating local ordinances, as necessary. CML will also continue to assist municipalities that have not yet adopted the standard definitions, although several incorporate the state's definitions by reference.

[10]Source: Colorado Municipal League. As of January 1, 2020, Castle Pines will become the 72nd home rule municipality in Colorado. Castle Pines will be self-collecting and has incorporated the standard definitions into its home rule charter.

Other Activities

Office of the State Auditor tax expenditure evaluations. During the 2019 interim, the task force heard a presentation from the Office of the State Auditor related to sales and use tax expenditures that have been evaluated by the office. These included:

- the energy used for industrial & manufacturing purposes exemption;
- the sales to charitable organizations exemption;
- the sales tax vendor allowance;
- the sales tax exemption for certain sales to residents of certain bordering states;
- the farm close-out sales tax exemption;
- the long-term lodging exemption;
- the agricultural inputs sales tax exemption;
- the newsprint & printers ink exemption;
- the newspapers exemption;
- the sales tax exemption for wholesale transactions;
- the on-demand aircraft used outside the state exemption; and
- the biogas production components sales tax exemption.

These sales tax exemptions were also examined by the Tax Expenditure Evaluation Interim Study Committee during the 2019 interim.

Use tax industry panels. The task force heard testimony from several experts from the information technology, construction, and landscaping industries about the collection and remittance of use tax. The panelists reiterated the complexity of the state's sales and use tax system and testified to the resources and costs required to comply with state law.

Third-party administration. An individual from the Tax Foundation provided the task force with information related to the use of third-party vendors for local sales tax administration. Examples of a variety of tax administration services provided by third-party vendors from Alabama, Kansas, Louisiana, and several Colorado municipalities were discussed.

Sunset review. The task force is currently scheduled to repeal July 1, 2020. Section 39-26-804, C.R.S., required the Colorado Department of Regulatory Agencies (DORA) to conduct a sunset review prior to this repeal date. On October 15, 2019, DORA released its sunset review report, which can be found here (beginning on page 12):

https://drive.google.com/file/d/1o-QS1JnXT4VOp7ris-vp390DnpyTKDRq/view

Within the sunset review report, DORA recommended that the General Assembly continue the task force.

Summary of Public Comment

The task force heard from the following individuals representing various organizations at one or more of the task force's 2019 meetings:

- Patrick O'Neil, Vern's Toffee House
- Laura Williams, Martin Marietta
- Tony Gagliardi, the National Federation of Independent Business and the Coalition to Simplify Colorado Sales Tax
- Alan Smith, Sales Tax Colorado
- Mark Turner, Colorado Nonprofit Association
- Jeff Hansen, City of Golden

Summary of Recommendations

As a result of the task force's activities, the task force recommended two bills to the Legislative Council for consideration in the 2020 session. Those bills are described below.

Bill A — Sales & Use Tax Simplification Task Force Extension

This bill extends the sales and use tax simplification task force for five years, modifies the duties of the task force, and removes the requirement that the task force undergo a sunset review by the Department of Regulatory Agencies prior to the repeal of the task force. The duties enumerated in the bill include considering feasible solutions for the following:

- making audits on retailers more uniform for all state and local taxing jurisdictions in the state;
- the utilization of a single sales and use tax return for state and local taxing jurisdictions as part of the electronic sales and use tax simplification system described in SB 19-006;
- streamlining the requirements for state and local sales tax licenses, use tax licenses, and business licenses used for purposes of collecting sales and use taxes;
- making uniform and possibly increasing the filing threshold amount for monthly sales tax filings between the state and local governments, including home rule municipalities;
- simplifying use taxes levied by the state and local governments;
- simplifying the process by which state and local sales and use taxes are collected for the purchase of a motor vehicle;
- simplifying the issuance of local building permits and the levying of use tax on building materials and on mobile and small mobile construction equipment;
- simplifying the process to claim and administer the various state sales and use tax exemptions; and
- simplifying the sales tax collection and remittance requirements for nonprofit organizations.

The bill also requires the task force to:

- seek regular updates from OIT and the DOR regarding the development of the electronic sales and use tax simplification system described in SB 19-006;
- monitor and encourage participation by businesses and home rule municipalities once the above system is online;
- seek regular updates from OIT and the DOR regarding the GIS database;
- review the way in which special districts and specially assessed sales taxes add to the complexity of the state's sales and use tax structure;
- review and compare the state's sales and use tax definitions with the standard sales tax definitions developed by the Colorado Municipal League's Standardized Definitions Project to determine if any simplification might be achieved between the two sets of definitions;
- examine the effects of the changes to the vendor fee implemented pursuant to HB 19-1245;
- review any evaluations of sales and use tax expenditures prepared by the Office of the State Auditor;
- explore options for eliminating a DOR requirement for taxpayers to use branch ID reporting;
- determine whether the state should adopt a sales tax exemption for an isolated or occasional sale of a business in an asset sale;

- regularly review the business impact of the destination sourcing rules; and
- analyze or review any other relevant topic related to the simplification of sales and use tax administration in the state.

Bill B — Certain Address Database Systems Used for Sales & Use Tax Collection

This bill creates a hold harmless provision for vendors who choose to use the state-provided GIS database when determining to which jurisdiction(s) sales taxes are owed. It also requires DOR to ensure that the GIS database is at least 95 percent accurate, to promulgate rules regarding the administration of this legislation, and to notify vendors immediately when the GIS database is available for use.

This bill also provides for the contingent repeal of Section 39-26-105.3, C.R.S., which holds harmless vendors that use an electronic database of state addresses certified by DOR, 90 days after the GIS database is available for use and meets the defined scope of work determined in the request for solicitation.

Resource Materials

Meeting summaries are prepared for each meeting of the task force and contain all handouts provided to the task force. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-2055). The listing below contains the dates of task force meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

http://leg.colorado.gov/committees/sales-and-use-tax-simplification-task-force/2019-regular-session

Meeting Dates and Topics Discussed

June 12, 2019

- Task force member introductions
- Overview of sales and use tax legislation passed during the 2019 session
- Overview of the sunset review of the task force
- Update from the Simplify Colorado Sales Tax Coalition
- Update from the Colorado Municipal League
- Updates related to Senate Bill 19-006
- Public comment

July 22, 2019

- Updates from the Colorado Department of Revenue
- Presentations related to the state's use tax
- DOR software system update
- Updates related to Senate Bill 19-006
- Presentation on third-party sales tax administration
- Public comment

August 21, 2019

- Updates related to Senate Bill 19-006
- Update from the Colorado Municipal League on the standardized definitions project
- Presentation on Colorado Department of Revenue guidance for marketplace facilitators
- Updates related to Senate Bill 19-006
- Discussion of potential solutions

- Public comment

September 11, 2019

- Updates related to Senate Bill 19-006
- Presentation from the Office of the State Auditor on the evaluation of tax expenditures
- Presentation on out-of-state retailer sales tax collections
- Public comment
- Bill requests

October 24, 2019

- Updates related to Senate Bill 19-006
- Discussion of sunset review report produced by the Department of Regulatory Agencies
- Public comment
- Bill draft voting
- Discussion of final report

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL A

LLS NO. 20-0319.01 Esther van Mourik x4215 **HOUSE BILL**

HOUSE SPONSORSHIP

Kraft-Tharp and Van Winkle,

SENATE SPONSORSHIP

Tate,

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING THE SALES AND USE TAX SIMPLIFICATION TASK FORCE,**
102 **AND, IN CONNECTION THEREWITH, EXTENDING THE TASK FORCE,**
103 **MODIFYING THE TASK FORCE'S DUTIES, AND REMOVING THE**
104 **REQUIREMENT THAT THE TASK FORCE UNDERGO AN**
105 **EVALUATION BY THE DEPARTMENT OF REGULATORY AGENCIES**
106 **PRIOR TO THE TASK FORCE'S REPEAL.**

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/.)

Sales and Use Tax Simplification Task Force. The bill continues

the sales and use tax simplification task force for 5 years, modifies the task force's duties, and removes the requirement that the task force undergo an evaluation by the department of regulatory agencies prior to the task force's repeal.

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

SECTION 1. In Colorado Revised Statutes, 39-26-802, **amend** (3); **repeal and reenact, with amendments,** (1)(b); and **add** (2.5) as follows:

39-26-802. Sales and use tax simplification task force - creation - definition. (1) (b) (I) THE TASK FORCE SHALL STUDY SALES AND USE TAX SIMPLIFICATION BETWEEN THE STATE AND LOCAL GOVERNMENTS, INCLUDING HOME RULE MUNICIPALITIES, TO IDENTIFY OPPORTUNITIES AND CHALLENGES WITHIN EXISTING FISCAL FRAMEWORKS TO ADOPT "FEASIBLE SOLUTIONS", WHICH ARE SOLUTIONS THAT ARE PRACTICAL, REVENUE-NEUTRAL, AND DO NOT REQUIRE CONSTITUTIONAL AMENDMENTS OR VOTER APPROVAL.

(II) THE TASK FORCE SHALL CONSIDER WHETHER THERE ARE FEASIBLE SOLUTIONS FOR:

(A) MAKING AUDITS OF RETAILERS MORE UNIFORM FOR ALL STATE AND LOCAL TAXING JURISDICTIONS IN THE STATE;

(B) THE UTILIZATION OF A SINGLE SALES AND USE TAX RETURN FOR STATE AND LOCAL TAXING JURISDICTIONS AS A PART OF THE SALES AND USE TAX SIMPLIFICATION SYSTEM DESCRIBED IN SENATE BILL 19-006, ENACTED IN 2019;

(C) STREAMLINING THE REQUIREMENTS FOR STATE AND LOCAL SALES TAX LICENSES, USE TAX LICENSES, AND BUSINESS LICENSES USED FOR PURPOSES OF COLLECTING SALES AND USE TAXES;

(D) MAKING UNIFORM AND POSSIBLY INCREASING THE FILING THRESHOLD AMOUNT FOR MONTHLY SALES TAX FILINGS BETWEEN THE STATE AND LOCAL GOVERNMENTS, INCLUDING HOME RULE MUNICIPALITIES;

(E) SIMPLIFYING USE TAXES LEVIED BY THE STATE AND LOCAL GOVERNMENTS, INCLUDING HOME RULE MUNICIPALITIES;

(F) SIMPLIFYING THE PROCESS BY WHICH STATE AND LOCAL SALES AND USE TAXES ARE COLLECTED FOR THE PURCHASE OF A MOTOR VEHICLE;

(G) SIMPLIFYING THE ISSUANCE OF LOCAL BUILDING PERMITS AND THE LEVYING OF USE TAX ON BUILDING MATERIALS AND ON MOBILE AND SMALL MOBILE CONSTRUCTION EQUIPMENT;

(H) SIMPLIFYING THE PROCESS TO CLAIM AND ADMINISTER THE VARIOUS STATE SALES AND USE TAX EXEMPTIONS; AND

(I) SIMPLIFYING THE SALES TAX COLLECTION AND REMITTANCE REQUIREMENTS FOR NONPROFIT ORGANIZATIONS.

(III) THE TASK FORCE SHALL:

(A) SEEK REGULAR UPDATES FROM THE OFFICE OF INFORMATION TECHNOLOGY AND THE DEPARTMENT OF REVENUE REGARDING THE DEVELOPMENT OF THE ELECTRONIC SALES AND USE TAX SIMPLIFICATION SYSTEM DESCRIBED IN SENATE BILL 19-006, ENACTED IN 2019;

(B) ONCE THE ELECTRONIC SALES AND USE TAX SIMPLIFICATION SYSTEM DESCRIBED IN SENATE BILL 19-006, ENACTED IN 2019, IS ONLINE, MONITOR AND ENCOURAGE PARTICIPATION BY BUSINESSES AND HOME RULE MUNICIPALITIES;

(C) SEEK REGULAR UPDATES FROM THE OFFICE OF INFORMATION TECHNOLOGY AND THE DEPARTMENT OF REVENUE REGARDING THE PURCHASE AND DEVELOPMENT OF A GEOGRAPHIC INFORMATION SYSTEM

(GIS) DATABASE TO MAINTAIN JURISDICTIONAL BOUNDARIES OF SALES TAX DISTRICTS AND TO CALCULATE APPROPRIATE SALES AND USE TAX RATES FOR INDIVIDUAL ADDRESSES FOR WHICH THE DEPARTMENT OF REVENUE RECEIVED AN APPROPRIATION IN SENATE BILL 19-006, ENACTED IN 2019;

(D) REVIEW THE WAY IN WHICH SPECIAL DISTRICTS AND SPECIALLY ASSESSED SALES TAXES ADD TO THE COMPLEXITY OF THE STATE'S SALES AND USE TAX STRUCTURE, INCLUDING, AT MINIMUM, THE REGIONAL TRANSPORTATION DISTRICT, THE SCIENTIFIC AND CULTURAL FACILITIES DISTRICT, ANY LOCAL IMPROVEMENT DISTRICTS, ANY REGIONAL TRANSPORTATION AUTHORITY, ANY MULTI-JURISDICTIONAL HOUSING AUTHORITY, AND ANY HEALTH SERVICES DISTRICT, AND ANY MASS TRANSPORTATION SYSTEM TAX, PUBLIC SAFETY IMPROVEMENT TAX, METROPOLITAN DISTRICT TAX, LOCAL MARKETING DISTRICT TAX, AND COUNTY LODGING DISTRICT TAX;

(E) REVIEW AND COMPARE THE STATE'S SALES AND USE TAX DEFINITIONS WITH THE STANDARD SALES TAX DEFINITIONS DEVELOPED AND ADOPTED BY LOCAL TAXING JURISDICTIONS PURSUANT TO SENATE JOINT RESOLUTION 14-038, ENACTED IN 2014, TO DETERMINE IF ANY SIMPLIFICATION MIGHT BE ACHIEVED BETWEEN THE TWO SETS OF DEFINITIONS;

(F) EXAMINE THE EFFECTS OF THE CHANGES TO THE VENDOR FEE IMPLEMENTED PURSUANT TO HOUSE BILL 19-1245, ENACTED IN 2019;

(G) REVIEW ANY EVALUATIONS OF SALES AND USE TAX EXPENDITURES PREPARED BY THE OFFICE OF THE STATE AUDITOR THAT ARE COMPLETED PURSUANT TO SECTION 39-21-305, UNLESS A TAX COMMISSION, LEGISLATIVE INTERIM STUDY COMMITTEE, OR OTHER TYPE

OF LEGISLATIVE COMMITTEE, TASK FORCE, OR STUDY GROUP IS FORMED TO REVIEW SUCH EVALUATIONS. IF A TAX COMMISSION, LEGISLATIVE INTERIM STUDY COMMITTEE, OR OTHER TYPE OF LEGISLATIVE COMMITTEE, TASK FORCE, OR STUDY GROUP IS FORMED TO REVIEW SUCH EVALUATIONS, THE TASK FORCE SHALL SEEK REGULAR UPDATES FROM SUCH COMMISSION OR COMMITTEE REGARDING ANY DECISIONS THAT SUCH COMMISSION OR COMMITTEE MIGHT MAKE RELATED TO ANY SALES OR USE TAX EXPENDITURE EVALUATED BY THE OFFICE OF THE STATE AUDITOR.

(H) EXPLORE OPTIONS FOR ELIMINATING A DEPARTMENT OF REVENUE REQUIREMENT FOR TAXPAYERS TO USE BRANCH ID REPORTING;

(I) DETERMINE WHETHER THE STATE SHOULD ADOPT A SALES TAX EXEMPTION FOR AN ISOLATED OR OCCASIONAL SALE OF A BUSINESS IN AN ASSET SALE;

(J) REGULARLY REVIEW THE BUSINESS IMPACT OF THE DESTINATION SOURCING RULES SET FORTH IN SECTION 39-26-104 (3), INCLUDING THE THRESHOLDS THAT TRIGGER THE REQUIREMENT FOR DESTINATION SOURCING; AND

(K) ANALYZE OR REVIEW ANY OTHER RELEVANT TOPIC RELATED TO THE SIMPLIFICATION OF SALES AND USE TAX ADMINISTRATION IN THE STATE.

(2.5) ALL APPOINTMENTS DESCRIBED IN SUBSECTION (2) OF THIS SECTION MUST BE MADE NO LATER THAN JUNE 5, 2020, AND EACH JUNE 5 THEREAFTER. MEMBERS OF THE TASK FORCE SERVE AT THE PLEASURE OF THE APPLICABLE APPOINTING AUTHORITY OR UNTIL THE MEMBER NO LONGER SERVES IN THE POSITION FOR WHICH HE OR SHE WAS APPOINTED TO THE TASK FORCE, AT WHICH TIME A VACANCY IS DEEMED TO EXIST ON THE TASK FORCE. IF A VACANCY ARISES ON THE TASK FORCE, THE

APPROPRIATE APPOINTING AUTHORITY SHALL APPOINT A REPLACEMENT MEMBER THAT MEETS THE REQUIREMENTS SET FORTH IN SUBSECTION (2) OF THIS SECTION FOR THE VACANT POSITION.

(3) The task force shall meet at least eight times, with the first meeting occurring no later than ~~July 12, 2017~~ JULY 17, 2020. Task force meetings shall be open to the public and the task force shall solicit the testimony of the members of the public.

SECTION 2. In Colorado Revised Statutes, **amend** 39-26-804 as follows:

39-26-804. Repeal of task force. This part 8 is repealed, effective ~~July 1, 2020. Before its repeal, this part 8 is scheduled for review in accordance with section 2-3-1201~~ JULY 1, 2025.

SECTION 3. In Colorado Revised Statutes, 2-3-1203, **repeal** (10)(a)(III) as follows:

2-3-1203. Sunset review of advisory committees - legislative declaration - definition - repeal. (10) (a) The following statutory authorizations for the designated advisory committees will repeal on July 1, 2020:

(III) ~~The sales and use tax simplification task force created in section 39-26-802.~~

SECTION 4. 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.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL B

LLS NO. 20-0320.01 Esther van Mourik x4215 **HOUSE BILL**

HOUSE SPONSORSHIP

Kraft-Tharp and Van Winkle,

SENATE SPONSORSHIP

Tate,

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING CERTAIN ADDRESS DATABASE SYSTEMS USED FOR SALES**
102 **AND USE TAX COLLECTION.**

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/.)

Sales and Use Tax Simplification Task Force. The bill:

- Establishes a hold harmless provision for vendors who use the state's geographic information system database (GIS database) to determine the jurisdictions to which sales or use tax is owed and to calculate appropriate sales or use tax rates for individual addresses;

- Requires the department of revenue to notify vendors when the GIS database is online, tested, and verified in writing by the department of revenue to be operational, supported, and available for use;
- Requires the department of revenue to ensure that the GIS database data is at least 95% accurate based on a statistically valid sample of addresses from the database, or based on another acceptable method of proving accuracy;
- Requires the executive director of the department of revenue to promulgate rules for the administration and use of the GIS database;
- Specifies that the statutory section regarding certified address location databases used for collecting and remitting sales and use tax is repealed 90 days after the date that the revisor of statutes is notified by the department of revenue that a geographic information system that meets the defined scope of work set forth in the request for solicitation is online, tested, and verified in writing by the department of revenue to be operational, supported, and available for use; and
- Requires the department of revenue to notify the revisor of statutes no later than 15 days after such a system is online, tested, and verified in writing by the department of revenue to be operational, supported, and available for use.

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

SECTION 1. In Colorado Revised Statutes, **add** 39-26-105.2 as follows:

39-26-105.2. Remittance of tax - GIS - vendor held harmless - requirements of GIS database - rules - definition. (1) FOR PURPOSES OF THIS SECTION, "GIS DATABASE" MEANS THE GEOGRAPHIC INFORMATION SYSTEM DATABASE THAT THE DEPARTMENT OF REVENUE OWNS AND MAINTAINS, THAT MEETS THE DEFINED SCOPE OF WORK SET FORTH IN THE REQUEST FOR SOLICITATION, AND IS PROVIDED TO VENDORS TO DETERMINE THE JURISDICTIONS TO WHICH TAX IS OWED AND TO CALCULATE APPROPRIATE SALES AND USE TAX RATES FOR INDIVIDUAL ADDRESSES.

(2) THE DEPARTMENT OF REVENUE SHALL IMMEDIATELY NOTIFY VENDORS WHEN THE GIS DATABASE IS ONLINE, TESTED, AND VERIFIED IN WRITING BY THE DEPARTMENT OF REVENUE TO BE OPERATIONAL, SUPPORTED, AND AVAILABLE FOR USE.

(3) ANY VENDOR THAT COLLECTS AND REMITS SALES TAX TO THE DEPARTMENT OF REVENUE AS PROVIDED BY LAW MAY USE THE GIS DATABASE. ANY VENDOR THAT DIRECTLY USES THE DATA CONTAINED IN THE GIS DATABASE, OR USES DATA FROM A THIRD-PARTY DATABASE THAT IS VERIFIED TO USE THE MOST RECENT INFORMATION PROVIDED BY THE GIS DATABASE, TO DETERMINE THE JURISDICTIONS TO WHICH TAX IS OWED IS HELD HARMLESS FOR ANY TAX, CHARGE, OR FEE LIABILITY TO ANY TAXING JURISDICTION THAT OTHERWISE WOULD BE DUE SOLELY AS A RESULT OF AN ERROR OR OMISSION IN THE GIS DATABASE DATA.

(4) THE DEPARTMENT OF REVENUE SHALL ENSURE THAT THE GIS DATABASE DATA IS AT LEAST NINETY-FIVE PERCENT ACCURATE BASED ON A STATISTICALLY VALID SAMPLE OF ADDRESSES FROM THE DATABASE, OR BASED ON ANOTHER ACCEPTABLE METHOD OF PROVING ACCURACY.

(5) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL PROMULGATE RULES FOR THE ADMINISTRATION OF THIS SECTION. SUCH RULES MUST BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24.

SECTION 2. In Colorado Revised Statutes, 39-26-105.3, **add** (8) as follows:

39-26-105.3. Remittance of tax - electronic database - vendor held harmless - repeal. (8) THIS SECTION IS REPEALED, EFFECTIVE NINETY DAYS AFTER THE DATE THAT THE REVISOR OF STATUTES IS NOTIFIED BY THE DEPARTMENT OF REVENUE THAT A GEOGRAPHIC

INFORMATION SYSTEM THAT MEETS THE DEFINED SCOPE OF WORK SET FORTH IN THE REQUEST FOR SOLICITATION, PROVIDED BY THE STATE, IS ONLINE, TESTED, AND VERIFIED IN WRITING BY THE DEPARTMENT OF REVENUE TO BE OPERATIONAL, SUPPORTED, AND AVAILABLE FOR A RETAILER TO USE TO DETERMINE THE TAXING JURISDICTION IN WHICH AN ADDRESS RESIDES. THE DEPARTMENT OF REVENUE SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING, BY EMAIL TO REVISOROFSTATUTES@STATE.CO.US, NO LATER THAN FIFTEEN DAYS AFTER SUCH A SYSTEM IS ONLINE, TESTED, AND VERIFIED IN WRITING BY THE DEPARTMENT OF REVENUE TO BE OPERATIONAL, SUPPORTED, AND AVAILABLE FOR USE.

SECTION 3. 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.

Section 39-26-802, C.R.S.

39-26-802. Sales and use tax simplification task force - creation.

(1) (a) Notwithstanding section 2-3-303.3, there is created the sales and use tax simplification task force, referred to in this part 8 as the "task force", which shall meet as necessary during any legislative session or any interim between legislative sessions to study the necessary components of a simplified sales and use tax system for both the state and local governments, including home rule municipalities and counties.

(b) The task force shall study sales and use tax simplification between the state and local governments, including home rule municipalities, to identify opportunities and challenges within existing fiscal frameworks to adopt innovative revenue-neutral solutions that do not require constitutional amendments or voter approval. The task force shall consider the feasibility of:

(I) Having a third-party entity responsible for state or local sales and use tax administration, return processing, and audits;

(II) Making audits of retailers more uniform for all state and local taxing jurisdictions in the state;

(III) Utilization of certified software for sales and use tax administration and collection of state and local sales and use tax; and

(IV) Utilization of a single sales and use tax return for state and local taxing jurisdictions.

(2) The task force consists of:

(a) Two members from the house of representatives, one appointed by the speaker of the house of representatives and one appointed by the minority leader of the house of representatives;

(b) Two members from the senate, one appointed by the president of the senate and one appointed by the minority leader of the senate;

(c) A representative of the department of revenue who is well versed in sales and use tax collection and distribution issues and who is knowledgeable of the policy statements and resolutions regarding sales and use tax collection and uniformity of the multistate tax commission, of which Colorado is a member;

(d) A representative of the Colorado municipal league;

(e) A representative of Colorado counties, incorporated;

(f) A member of a statewide association of small businesses that is addressing the simplification of sales and use tax collection, appointed by the governor;

(g) A member of the statewide chamber of commerce, appointed by the governor;

(h) A state and local sales and use tax law practitioner who is not employed by a home rule or statutory city or city and county, appointed by the governor;

(i) A member with state and local sales and use tax accounting experience who is not employed by a home rule or statutory city or city and county, appointed by the governor; and

(j) One manager, mayor, council-person, finance officer, or tax administrator of a home rule or statutory city or city and county, appointed by the Colorado municipal league from each of its four population membership categories, according to its bylaws.

(3) The task force shall meet at least eight times, with the first meeting occurring no later than July 12, 2017. Task force meetings shall be open to the public and the task force shall solicit the testimony of the members of the public.

(4) (a) The members of the task force appointed pursuant to subsections (2)(a) and (2)(b) of this section are entitled to receive compensation and reimbursement of expenses as provided in section 2-2-326.

(b) The legislative council staff and the office of legislative legal services shall be available to assist the task force in carrying out its duties.

(5) No later than November 1, 2017, and no later than each November 1 thereafter, the task force shall make a report to the legislative council created in section 2-3-301 that may or may not include recommendations for legislation.

History

Source: L. 2017: Entire part added, (HB 17-1216), ch. 336, p. 1794, Section 1, effective June 5.

School Safety Committee

Members of the Committee

Representative Dafna Michaelson Jenet, Chair
Senator Rhonda Fields, Vice-Chair

Senator Bob Gardner
Senator Julie Gonzales
Senator Paul Lundeen

Representative Susan Beckman
Representative Emily Sirota
Representative Kevin Van Winkle

Legislative Council Staff

Aaron Carpenter, Fiscal Analyst
Jessika Shipley, Principal Research Analyst
Elizabeth Burger, Deputy Director

Office of Legislative Legal Services

Michael Dohr, Managing Senior Attorney
Conrad Imel, Staff Attorney
Erin Enders, Legislative Editor
Faith Marcovecchio, Legislative Editor
Jane Ritter, Senior Attorney
Shelby Ross, Staff Attorney

November 2019

School Safety Committee

Committee Charge

The School Safety Committee was created pursuant to Section 2-3-303 (3)(c), C.R.S., which allows the Executive Committee of the Legislative Council to create an interim committee by resolution after the conclusion of the legislative session. The committee is required to:

- review existing statutes relating to school safety, emergency response planning, and the prevention of threats to the safety of students, teachers, administrators, employees, and volunteers who are present on the grounds of each public and private school in the state; and
- study and evaluate programs and methods for identifying and monitoring students in crisis.

Committee Activities

The committee met four times during the 2019 interim and heard from a variety of groups on topics related to school safety, including existing law, programs and departments currently addressing school safety, school security, mental health services for juveniles, the Safe2Tell program, violence prevention, and education and advocacy efforts. The committee also received a presentation on a recent state audit on school safety.

Existing law and other requested research. Legislative Council Staff presented to the committee about existing Colorado law on school safety and how the law has changed since the Columbine High School incident in 1999. Staff also discussed the issue of relative safety in schools and touched on gun violence and rates and accidental firearms deaths among youth in Colorado. The committee also heard how other states have addressed mental health in the context of school safety. Finally, the committee was introduced to the public comment portal that was developed as a way to gain input from members of the public.

Programs and departments addressing school safety in Colorado. Representatives of the School Safety Resource Center in the Department of Public Safety, the Mental Health Promotion Branch in the Colorado Department of Public Health and Environment (CDPHE), the Colorado Department of Education (CDE), and the Office of Behavioral Health in the Department of Human Service (DHS) spoke about existing programs in the state that address issues related to school safety. The committee also heard a presentation from the Office of the State Auditor on the September 2019 School Safety Performance Audit. As a result of these presentations, the committee drafted Bill E, which creates the Colorado Interagency Working Group on School Safety in the Colorado Department of Education.

Behavioral health services for juveniles. A number of groups, including the Colorado Children's Campaign, CDPHE, DHS, CDE, Mental Health Colorado, and others, spoke to the committee about the importance of mental health services for youth in schools. They highlighted the need for more social workers or other behavioral health professionals to be placed in schools. These discussions resulted in the committee drafting Bill A, which requires school district attendance policies to allow

for excused absences for behavioral health concerns; Bill B, which convenes a working group to examine behavioral health treatment for children and youth with severe behavioral or mental health disorders; and Bill C, which creates a behavioral health train-the-trainer program for employees of local education providers.

Safe2Tell. The Safe2Tell program, which is housed in the Department of Law, provides students, parents, and community members a safe and anonymous way to report information about any issues that concern their safety or the safety of others. Representatives from Safe2Tell briefed the committee about the program, including information about how it works and metrics for determining its success. Following the presentation, the committee requested Bill D, which enhances the Safe2Tell program in a number of ways.

Education and advocacy. Several groups that provide educational materials and opportunities surrounding school safety presented to the committee. Representatives from the University of Colorado Center for the Study and Prevention of Violence discussed various areas of study related to school safety. The I Love U Guys Foundation, started by the parents of a victim of school violence, offers programs, at no cost, to schools, districts, departments, agencies, and organizations. The committee requested Resolution A, which expresses support for the work of the I Love U Guys Foundation.

Committee Recommendations

As a result of committee discussion and deliberation, the School Safety Committee recommends the following five bills and one resolution for consideration in the 2020 legislative session.

Bill A — Excused Absences in Public School for Behavioral Health. Bill A requires school district attendance policies to allow for excused absences for behavioral health concerns.

Bill B — Need for Juvenile Behavioral Health Treatment. Bill B requires the School Safety Resource Center in the Department of Public Safety to convene a working group to examine the needs of school districts regarding the availability of residential behavioral health treatment for children and youth with severe behavioral or mental health disorders.

Bill C — Expand Behavioral Health Training for K-12 Educators. Bill C requires the Colorado Department of Education to offer a train-the-trainer program to employees of school districts, charter schools, or boards of cooperative services. The program must be designed to improve overall school climate, promote youth behavioral and mental health, and prepare an attendee to teach a youth behavioral and mental health training course to other school employees.

Bill D — Enhance Safe2Tell. Bill D requires the Safe2Tell program to devise a process so that all calls and texts are received initially by a crisis operator and all non-crisis calls and texts are routed appropriately. Further, the program must align the process and procedures for all tips, regardless of communication method, and conduct an annual advertising campaign regarding awareness, use, and misuse of Safe2Tell. The bill allows the Attorney General to, upon request of a law enforcement agency, disclose to law enforcement personnel information obtained through Safe2Tell if the Attorney General reasonably believes the disclosure is necessary to prevent imminent physical harm or serious bodily injury.

Bill E — Colorado Working Group on School Safety. Bill E creates the Colorado Interagency Working Group on School Safety in the Colorado Department of Education. The working group is tasked with increasing coordination of school safety programs across state government, and includes representatives from state departments, school districts, law enforcement, and the legislature. The working group may hire a consultant to facilitate its work and provide guidance on best practices. The bill identifies topics of study for the working group, including school safety best practices and standards, the use of lockdown drills, risk assessments and training, vendors and tools, standardization regarding investigation of threats to schools, the state auditor's 2019 report regarding school safety, and other issues.

Resolution A – Support I Love U Guys Foundation. Resolution A expresses support for the I Love U Guys Foundation, which develops programs and initiatives to support school safety.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL A

LLS NO. 20-0388.01 Shelby Ross x4510 **SENATE BILL**

SENATE SPONSORSHIP

Fields,

HOUSE SPONSORSHIP

Michaelson Jenet,

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING EXCUSED ABSENCES IN PUBLIC SCHOOLS RESULTING**
102 **FROM BEHAVIORAL HEALTH CONCERNS.**

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/.)

School Safety Committee. Current law requires school districts to adopt a written policy setting forth the school district's attendance requirements. The bill requires the policy to include excused absences for behavioral health concerns.

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

SECTION 1. In Colorado Revised Statutes, 22-33-104, **amend** (2)(c) and (4)(a) as follows:

22-33-104. Compulsory school attendance. (2) The provisions of subsection (1) of this section shall not apply to a child:

(c) Who is absent for an extended period due to ~~physical, mental, or emotional disability~~ A PHYSICAL DISABILITY OR A MENTAL OR BEHAVIORAL HEALTH DISORDER;

(4) (a) The board of education shall adopt a written policy setting forth the district's attendance requirements. ~~Said~~ THE policy ~~shall~~ MUST provide for excused absences, including those listed as exclusions from compulsory school attendance in accordance with subsection (2) of this section, AS WELL AS TEMPORARY ABSENCES DUE TO BEHAVIORAL HEALTH CONCERNS. An attendance policy developed pursuant to this section may include appropriate penalties for nonattendance due to unexcused absence.

SECTION 2. 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.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL B

LLS NO. 20-0390.01 Jane Ritter x4342 **HOUSE BILL**

HOUSE SPONSORSHIP

Beckman and Michaelson Jenet,

SENATE SPONSORSHIP

Gonzales,

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING THE NEED FOR SERVICES FOR JUVENILES WITH SEVERE**
102 **BEHAVIORAL HEALTH CONDITIONS IN THE CONTEXT OF SCHOOL**
103 **SAFETY, INCLUDING RESIDENTIAL TREATMENT.**

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/.)

School Safety Committee. The bill instructs the school safety resource center (center) to convene a working group of necessary and interested stakeholders to assess the needs of school districts with respect to the adequacy and availability of residential mental health treatment for children and youth who have been identified by school personnel as

having severe behavioral or mental health disorders and potential ways to resolve such needs. The working group is directed to gather information on the availability, need, and cost associated with residential treatment services for children and youth in Colorado. The center shall use the data to prepare a report and make any legislative recommendations to address the mental health needs of children and youth in Colorado.

The center is required to present the report and any legislative recommendations as part of its presentation to its committee of reference at a hearing held pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" in January 2021.

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

SECTION 1. In Colorado Revised Statutes, 24-33.5-1803, **amend** (3)(m); and **add** (3)(o) as follows:

24-33.5-1803. School safety resource center - created - duties - report. (3) The center has the following duties:

(m) By June 1, 2018, to make available a model program that conforms with section 22-1-128, regarding the risks and consequences of sexting for school districts to use, which curriculum must include information informing students of the provisions of section 18-7-109, including that, if a student receives a sexually explicit image in violation of section 18-7-109, the student can avoid adjudication as a juvenile delinquent by taking reasonable steps to either destroy or delete or report the initial viewing of the image within seventy-two hours after receiving the image; ~~and~~

(o) (I) TO CONVENE, ON OR BEFORE AUGUST 1, 2020, A WORKING GROUP OF INTERESTED AND NECESSARY STAKEHOLDERS TO ADDRESS THE NEEDS OF SCHOOL DISTRICTS WITH RESPECT TO THE ADEQUACY AND AVAILABILITY OF RESIDENTIAL MENTAL HEALTH TREATMENT FOR CHILDREN AND YOUTH WHO HAVE BEEN IDENTIFIED BY SCHOOL

PERSONNEL AS HAVING SEVERE BEHAVIORAL OR MENTAL HEALTH DISORDERS AND POTENTIAL WAYS TO RESOLVE SUCH NEEDS. THE WORKING GROUP MUST INCLUDE, AT A MINIMUM, REPRESENTATIVES OR DESIGNEES FROM THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, LOCAL SCHOOL DISTRICTS THROUGHOUT THE STATE, THE DEPARTMENT OF HUMAN SERVICES, COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES, MEDICAL PROVIDERS, AND RESIDENTIAL TREATMENT PROVIDERS.

(II) THE WORKING GROUP SHALL MEET AS MANY TIMES AS NECESSARY TO ADDRESS THE ISSUES AND PREPARE THE REPORT REQUIRED PURSUANT TO SUBSECTION (3)(o)(III) OF THIS SECTION. THE WORKING GROUP SHALL UTILIZE ANY RELEVANT INFORMATION, INCLUDING THE INFORMATION REPORTED TO THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 27-67-105. THE ISSUES ADDRESSED BY THE WORKING GROUP MUST INCLUDE, AT A MINIMUM:

(A) THE NUMBER OF CHILDREN AND YOUTH FOR WHOM THE STATE PROVIDED RESIDENTIAL TREATMENT SERVICES FROM JULY 1, 2018, THROUGH JUNE 30, 2020;

(B) THE NUMBER OF CHILDREN AND YOUTH IN COLORADO WHO WERE IN NEED OF RESIDENTIAL TREATMENT SERVICES BUT FOR WHOM BEDS WERE UNAVAILABLE FROM JULY 1, 2018, THROUGH JUNE 30, 2020;

(C) THE COST ASSOCIATED WITH PROVIDING THE ADDITIONAL RESIDENTIAL TREATMENT BEDS TO MEET THE UNMET NEED FROM JULY 1, 2018, THROUGH JUNE 30, 2020;

(D) OPTIONS AVAILABLE OR POTENTIALLY AVAILABLE TO ASSIST SCHOOLS IN HANDLING CHILDREN AND YOUTH WHO HAVE BEEN IDENTIFIED

BY SCHOOL PERSONNEL AS HAVING SEVERE BEHAVIORAL OR MENTAL HEALTH DISORDERS;

(E) IDENTIFYING BARRIERS FACED BY CHILDREN AND YOUTH WHO HAVE MENTAL HEALTH, SUBSTANCE USE, OR DEVELOPMENTAL ISSUES WHEN TRYING TO ACCESS APPROPRIATE CARE; AND

(F) A PLAN FOR IDENTIFYING, SECURING, AND MAKING FULLY OPERATIONAL ADDITIONAL RESIDENTIAL TREATMENT BEDS NO LATER THAN SEPTEMBER 1, 2021.

(III) THE CENTER SHALL PRESENT A REPORT ON THE ISSUES DESCRIBED IN SUBSECTION (3)(o)(II) OF THIS SECTION, AS WELL AS ANY RECOMMENDATIONS FOR LEGISLATION CONCERNING MENTAL HEALTH NEEDS FOR CHILDREN AND YOUTH, AS PART OF THE DEPARTMENT'S PRESENTATION TO ITS COMMITTEE OF REFERENCE AT A HEARING HELD PURSUANT TO SECTION 2-7-203 (2)(a) OF THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" IN JANUARY 2021.

(IV) THE CENTER SHALL IMPLEMENT THE PROVISIONS OF THIS SUBSECTION (3)(o) USING EXISTING RESOURCES.

SECTION 2. 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.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL C

LLS NO. 20-0393.02 Conrad Imel x2313 **SENATE BILL**

SENATE SPONSORSHIP

Fields, Gonzales

HOUSE SPONSORSHIP

Sirota and Beckman, Michaelson Jenet, Van Winkle

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING EXPANDING BEHAVIORAL HEALTH TRAINING FOR**
102 **KINDERGARTEN THROUGH TWELFTH GRADE EDUCATORS.**

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/.)

School Safety Committee. The bill requires the department of education (department) to offer a train the trainer program (program) designed to improve school culture, promote youth behavioral and mental health, and prepare attendees to teach a youth behavioral and mental health training course. The department must make the program available to employees of a school district, charter school, or board of cooperative

services (local education provider). A local education provider and its employees are not required to participate in the program. The department may enter into an agreement with an organization to provide the program. The department is required to annually evaluate the effectiveness of the program. The general assembly is required to annually appropriate up to $1 million for the program. The program is repealed June 30, 2024.

The program must include evidence-based instruction on, and prepare an attendee to teach a youth behavioral and mental health training course that includes, any of the following subjects:

- Using trauma-informed approaches to improve overall school climate and culture;
- Identifying behavioral and mental health challenges and substance use disorders;
- Restorative practices for addressing youth behavioral and mental health challenges;
- Improving youth social and emotional health;
- Bullying prevention and intervention strategies;
- Encouraging positive bystander behavior;
- Best practices for providing assistance in noncrisis situations;
- De-escalation of crisis situations; or
- Identifying and accessing available behavioral and mental health resources and substance use disorder support services and treatment.

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

SECTION 1. In Colorado Revised Statutes, **add** 22-2-146 as follows:

22-2-146. Department of education - youth behavioral and mental health train the trainer program - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ATTENDEE" MEANS AN EMPLOYEE OF A LOCAL EDUCATION PROVIDER WHO ATTENDS A TRAIN THE TRAINER PROGRAM.

(b) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY

THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22, OR A BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT TO ARTICLE 5 OF THIS TITLE 22 THAT OPERATES ONE OR MORE PUBLIC SCHOOLS.

(c) "TRAIN THE TRAINER PROGRAM" MEANS THE PROGRAM DESCRIBED IN SUBSECTION (2) OF THIS SECTION THAT IS OFFERED BY THE DEPARTMENT.

(2) (a) THE DEPARTMENT SHALL OFFER A TRAIN THE TRAINER PROGRAM FOR EMPLOYEES OF A LOCAL EDUCATION PROVIDER, INCLUDING EMPLOYEES WHO HOLD A SUBSTITUTE AUTHORIZATION. THE TRAIN THE TRAINER PROGRAM MUST BE DESIGNED TO IMPROVE OVERALL SCHOOL CLIMATE, PROMOTE YOUTH BEHAVIORAL AND MENTAL HEALTH, AND PREPARE AN ATTENDEE TO TEACH A YOUTH BEHAVIORAL AND MENTAL HEALTH TRAINING COURSE THAT CONTAINS ANY OF THE SUBJECTS, OR A COMBINATION OF THE SUBJECTS, DESCRIBED IN SUBSECTION (3) OF THIS SECTION.

(b) THE DEPARTMENT SHALL NOT REQUIRE ANY LOCAL EDUCATION PROVIDER TO PARTICIPATE IN OR COMPLETE THE TRAIN THE TRAINER PROGRAM.

(c) A LOCAL EDUCATION PROVIDER SHALL NOT REQUIRE ANY EMPLOYEE TO PARTICIPATE IN OR COMPLETE THE TRAIN THE TRAINER PROGRAM.

(3) THE TRAIN THE TRAINER PROGRAM MUST PROVIDE EVIDENCE-BASED INSTRUCTION ON, AND PREPARE AN ATTENDEE TO TEACH A YOUTH BEHAVIORAL AND MENTAL HEALTH TRAINING COURSE THAT INCLUDES, ANY OF THE FOLLOWING SUBJECTS:

(a) USING TRAUMA-INFORMED APPROACHES TO IMPROVE OVERALL

1 SCHOOL CLIMATE AND CULTURE;

2 (b) IDENTIFYING SIGNS OF BEHAVIORAL AND MENTAL HEALTH
3 CHALLENGES AND SUBSTANCE USE DISORDERS THAT MAY BE EXPERIENCED
4 BY STUDENTS ENROLLED IN A LOCAL EDUCATION PROVIDER;

5 (c) RESTORATIVE PRACTICES FOR ADDRESSING YOUTH
6 BEHAVIORAL AND MENTAL HEALTH CHALLENGES;

7 (d) IMPROVING YOUTH SOCIAL AND EMOTIONAL HEALTH AND
8 FOSTERING A POSITIVE SCHOOL CLIMATE;

9 (e) EVIDENCE-BASED BULLYING PREVENTION AND INTERVENTION
10 STRATEGIES;

11 (f) ENCOURAGING POSITIVE BYSTANDER BEHAVIOR, INCLUDING
12 RECOGNIZING POTENTIALLY HARMFUL SITUATIONS, SUCH AS BULLYING,
13 HARASSMENT, INTIMIDATION, OR THREATENING BEHAVIOR, AND TAKING
14 APPROPRIATE ACTION AS A BYSTANDER;

15 (g) BEST PRACTICES TO PROVIDE ASSISTANCE TO STUDENTS IN
16 NONCRISIS SITUATIONS;

17 (h) SAFE DE-ESCALATION OF CRISIS SITUATIONS; OR

18 (i) IDENTIFYING AND ACCESSING AVAILABLE BEHAVIORAL AND
19 MENTAL HEALTH RESOURCES AND SUBSTANCE USE DISORDER SUPPORT
20 SERVICES AND TREATMENT APPROPRIATE FOR STUDENTS ENROLLED IN THE
21 LOCAL EDUCATION PROVIDER.

22 (4) THE DEPARTMENT MAY ENTER INTO AN AGREEMENT WITH AN
23 ORGANIZATION TO PROVIDE THE TRAIN THE TRAINER PROGRAM. THE
24 DEPARTMENT MAY ONLY ENTER INTO SUCH AN AGREEMENT WITH AN
25 ORGANIZATION THAT HAS EXPERIENCE PROVIDING EVIDENCE-BASED
26 YOUTH BEHAVIORAL AND MENTAL HEALTH TRAINING PROGRAMS AND
27 EDUCATING INSTRUCTORS USING A TRAIN THE TRAINER MODEL.

(5) (a) THE DEPARTMENT SHALL ANNUALLY EVALUATE THE EFFECTIVENESS OF THE TRAIN THE TRAINER PROGRAM. THE EVALUATION MUST SOLICIT FEEDBACK FROM ATTENDEES AND CONSIDER THE EFFECT OF THE PROGRAM ON SCHOOL CLIMATE AND YOUTH BEHAVIORAL AND MENTAL HEALTH.

(b) THE DEPARTMENT SHALL INCLUDE A SUMMARY OF THE EVALUATION CONDUCTED PURSUANT TO THIS SUBSECTION (5) AND ANY RECOMMENDATIONS CONCERNING THE TRAIN THE TRAINER PROGRAM IN THE DEPARTMENT'S ANNUAL PRESENTATION TO THE COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203.

(6) FOR EACH FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE UP TO ONE MILLION DOLLARS TO THE DEPARTMENT FOR THE ADMINISTRATION OF THIS SECTION. THE DEPARTMENT SHALL PAY ANY COSTS RELATED TO THE ADMINISTRATION OF THIS SECTION FROM THE APPROPRIATION MADE PURSUANT TO THIS SUBSECTION (6).

(7) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2024.

SECTION 2. 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.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL D

LLS NO. 20-0394.01 Michael Dohr x4347 **HOUSE BILL**

HOUSE SPONSORSHIP

Michaelson Jenet and Van Winkle, Beckman, Sirota

SENATE SPONSORSHIP

Fields and Lundeen, Gardner, Gonzales

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING ENHANCEMENTS TO THE SAFE2TELL 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/.)

School Safety Committee. Under current law, the safe2tell program is required to provide awareness and educational materials to preschools. The bill repeals this requirement.

The bill requires the safe2tell program to:

- Devise a process so that all calls and texts are received initially by a crisis operator and then non-crisis calls and texts are routed appropriately;
- Align the process and procedures for tips received via all

communication methods; and

- Conduct an annual advertising campaign regarding awareness, use, and misuse of safe2tell.

The bill allows the attorney general to disclose to law enforcement personnel any materials or information obtained through the implementation or operation of the program if the attorney general reasonably deems such disclosure necessary for the prevention of imminent physical harm or serious bodily injury to one or more persons.

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

SECTION 1. In Colorado Revised Statutes, 24-31-606, **amend** (2)(g), (2)(k), (2)(l), and (2)(m); and **add** (2)(o), (2)(p), and (2)(q) as follows:

24-31-606. Safe2tell program - creation - duties. (2) The program must:

(g) Provide safe2tell awareness and ~~education~~ EDUCATIONAL materials to all ~~preschool,~~ elementary and secondary schools in Colorado WITH A PRIMARY FOCUS ON TARGETING MARKETING MATERIALS TO COLORADO SCHOOL-AGE CHILDREN, TEACHERS, ADMINISTRATORS, EDUCATION PROFESSIONALS, AND, SUBJECT TO AVAILABLE FUNDS, OTHER YOUTH-RELATED ORGANIZATIONS INCLUDING BOYS & GIRLS CLUBS AND 4-H EXTENSION OFFICES at no charge to the school ~~on or before June 30, 2017, and annually each fiscal year thereafter~~ OR RECIPIENT;

(k) Provide training and support to all ~~preschool,~~ elementary and secondary schools and school districts in Colorado regarding school safety related to the safe2tell program, including answering questions and discussing reports received by the program;

(l) Provide educational materials to all ~~preschool,~~ elementary and secondary schools in Colorado aimed at preventing misuse of the program;

(m) Provide technical assistance and support to law enforcement officials and school officials when there is misuse of the program; ~~and~~

(o) DEVISE A PROCESS SO THAT ALL CALLS AND TEXTS ARE RECEIVED INITIALLY BY A CRISIS OPERATOR AND THEN NON-CRISIS CALLS AND TEXTS ARE ROUTED APPROPRIATELY;

(p) ALIGN THE PROCESS AND PROCEDURES FOR TIPS RECEIVED VIA ALL COMMUNICATION METHODS; AND

(q) CONDUCT AN ANNUAL ADVERTISING CAMPAIGN REGARDING AWARENESS, USE, AND MISUSE OF SAFE2TELL.

SECTION 2. In Colorado Revised Statutes, 24-31-607, **add** (2)(c) as follows:

24-31-607. In camera review - confidentiality of materials - criminal penalty. (2) (c) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, UPON REQUEST BY A LAW ENFORCEMENT AGENCY, THE ATTORNEY GENERAL MAY DISCLOSE TO LAW ENFORCEMENT PERSONNEL ANY MATERIALS OR INFORMATION OBTAINED THROUGH THE IMPLEMENTATION OR OPERATION OF THE PROGRAM IF THE ATTORNEY GENERAL REASONABLY DEEMS SUCH DISCLOSURE NECESSARY FOR THE PREVENTION OF IMMINENT PHYSICAL HARM OR SERIOUS BODILY INJURY TO ONE OR MORE PERSONS.

SECTION 3. 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.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL E

LLS NO. 20-0397.02 Michael Dohr x4347 **SENATE BILL**

SENATE SPONSORSHIP

Gardner and Gonzales, Fields, Lundeen

HOUSE SPONSORSHIP

Michaelson Jenet and Van Winkle, Beckman, Sirota

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING CREATING A MULTI-AGENCY WORKING GROUP TO**
102 **ADDRESS SCHOOL SAFETY.**

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/.)

School Safety Committee. The bill creates the Colorado interagency working group on school safety. The working group consists of 14 voting members, including 4 legislative members. The mission of the working group is to enhance school safety through the cost-effective use of public resources. The working group shall:

- Study and implement recommendations of the state

auditor's report regarding school safety released September 2019;

- Study the use of lockdown drills, including their effectiveness and any harm they do to the participating students;
- Identify school safety best practices and then rank the effectiveness of the best practices;
- Identify actions to improve transparency, reduce duplication, improve services, and improve communication;
- Create minimum school safety standards;
- Provide school risk assessments and training;
- Develop standardized language for describing threats to schools and the procedures to be followed in investigating a threat;
- Create a list of approved school safety resource vendors and tools;
- Recommend minimum standards or procedural guidelines for behavioral threat assessment tools;
- Report on a monthly basis aggregated behavioral and risk assessment data;
- Create an annual report of findings and recommendations, including evidence-based analysis and data; and
- Study and evaluate the implemented changes.

The working group may contract with a consultant to optimize the alignment and effectiveness of the school safety efforts in Colorado and identify evidence-based best practices. The general assembly may appropriate money to the working group for a consultant, and the working group can accept gifts, grants, and donations.

The bill repeals the working group on September 1, 2023.

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

SECTION 1. In Colorado Revised Statutes, **add** article 17 to title 22 as follows:

ARTICLE 17

Colorado Interagency Working Group on School Safety

22-17-101. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) ENSURING THE SAFETY OF STUDENTS, TEACHERS, AND OTHER

EMPLOYEES WHILE AT SCHOOL IS A PARAMOUNT CONCERN FOR THE CITIZENS OF COLORADO;

(b) IMPROVING THE EFFECTIVE ADMINISTRATION OF SCHOOL SAFETY PROGRAMS AND FUNDING IS CRITICAL TO PROVIDING SAFE SCHOOLS; AND

(c) MAINTAINING SCHOOL SAFETY THROUGH THE MOST COST-EFFECTIVE USE OF LIMITED STATE RESOURCES IS IN THE INTEREST OF THE PEOPLE OF THE STATE OF COLORADO.

(2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT A WORKING GROUP COMPRISED OF STATE AND LOCAL AGENCY OFFICIALS MUST BE FORMED TO INCREASE COORDINATION OF SCHOOL SAFETY PROGRAMS ACROSS STATE GOVERNMENT AND ANNUALLY REPORT TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE PRESIDENT OF THE SENATE ON THEIR ACTIVITIES.

22-17-102. Colorado interagency working group on school safety - creation - membership - operation - immunity. (1) (a) THERE IS HEREBY CREATED IN THE DEPARTMENT OF EDUCATION THE COLORADO INTERAGENCY WORKING GROUP ON SCHOOL SAFETY, REFERRED TO IN THIS ARTICLE 17 AS THE "WORKING GROUP". THE WORKING GROUP HAS THE POWERS AND DUTIES SPECIFIED IN THIS ARTICLE 17.

(b) THE WORKING GROUP SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT OF EDUCATION BY A **TYPE 2** TRANSFER, AS SUCH TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24.

(2) THE WORKING GROUP CONSISTS OF FOURTEEN VOTING MEMBERS, AS FOLLOWS:

1 (a) THE COMMISSIONER OF EDUCATION, OR HIS OR HER DESIGNEE,
2 WHO SHALL SERVE AS THE CHAIR OF THE WORKING GROUP;
3 (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
4 SAFETY, OR HIS OR HER DESIGNEE;
5 (c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
6 HEALTH AND ENVIRONMENT, OR HIS OR HER DESIGNEE;
7 (d) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN
8 SERVICES, OR HIS OR HER DESIGNEE;
9 (e) THE ATTORNEY GENERAL, OR HIS OR HER DESIGNEE, WHO
10 SHALL SERVE AS THE VICE-CHAIR OF THE WORKING GROUP;
11 (f) THE DIRECTOR OF THE SCHOOL SAFETY RESOURCE CENTER;
12 (g) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:
13 (I) A SCHOOL DISTRICT SUPERINTENDENT WHO SERVES AN URBAN
14 OR SUBURBAN SCHOOL DISTRICT;
15 (II) A SCHOOL DISTRICT SUPERINTENDENT WHO SERVES A RURAL
16 SCHOOL DISTRICT;
17 (III) A CHIEF OF POLICE; AND
18 (IV) A COUNTY SHERIFF; AND
19 (h) THE FOLLOWING LEGISLATIVE MEMBERS:
20 (I) A MEMBER OF THE HOUSE OF REPRESENTATIVES APPOINTED BY
21 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;
22 (II) A MEMBER OF THE HOUSE OF REPRESENTATIVES APPOINTED BY
23 THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;
24 (III) A MEMBER OF THE SENATE APPOINTED BY THE PRESIDENT OF
25 THE SENATE; AND
26 (IV) A MEMBER OF THE SENATE APPOINTED BY THE MINORITY
27 LEADER OF THE SENATE.

(3) THE MEMBERS OF THE WORKING GROUP SERVE WITHOUT COMPENSATION BUT MAY BE REIMBURSED FOR ANY ACTUAL AND NECESSARY TRAVEL EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS ARTICLE 17.

(4) THE WORKING GROUP SHALL MEET AT LEAST ONCE PER QUARTER TO REVIEW INFORMATION NECESSARY FOR MAKING RECOMMENDATIONS.

(5) THE WORKING GROUP MAY CONTRACT WITH A CONSULTANT TO OPTIMIZE THE ALIGNMENT AND EFFECTIVENESS OF THE SCHOOL SAFETY EFFORTS IN COLORADO AND IDENTIFY EVIDENCE-BASED BEST PRACTICES. THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY TO THE WORKING GROUP FOR A CONSULTANT IF REQUESTED BY THE WORKING GROUP.

(6) MEMBERS OF THE WORKING GROUP, EMPLOYEES, AND CONSULTANTS ARE IMMUNE FROM SUIT IN ANY CIVIL ACTION BASED UPON ANY OFFICIAL ACT PERFORMED IN GOOD FAITH PURSUANT TO THIS ARTICLE 17.

22-17-103. Duties of the working group - mission. (1) THE MISSION OF THE WORKING GROUP IS TO ENHANCE SCHOOL SAFETY THROUGH THE COST-EFFECTIVE USE OF PUBLIC RESOURCES. THE WORK OF THE WORKING GROUP WILL FOCUS ON EVIDENCE-BASED BEST PRACTICES.

(2) THE WORKING GROUP SHALL:

(a) STUDY AND IMPLEMENT RECOMMENDATIONS OF THE STATE AUDITOR'S REPORT REGARDING SCHOOL SAFETY RELEASED SEPTEMBER 2019;

(b) STUDY THE USE OF LOCKDOWN DRILLS, INCLUDING THEIR EFFECTIVENESS AND ANY HARM THEY DO TO THE PARTICIPATING STUDENTS;

(c) IDENTIFY EVIDENCE-BASED SCHOOL SAFETY BEST PRACTICES AND THEN RANK THE EFFECTIVENESS OF THE BEST PRACTICES;

(d) IDENTIFY ACTIONS TO IMPROVE TRANSPARENCY, REDUCE DUPLICATION, IMPROVE SERVICES, AND IMPROVE COMMUNICATION;

(e) CREATE MINIMUM SCHOOL SAFETY STANDARDS;

(f) PROVIDE SCHOOL RISK ASSESSMENTS AND TRAINING;

(g) DEVELOP STANDARDIZED LANGUAGE FOR DESCRIBING THREATS TO SCHOOLS AND THE PROCEDURES TO BE FOLLOWED IN INVESTIGATING A THREAT;

(h) CREATE A LIST OF APPROVED SCHOOL SAFETY RESOURCE VENDORS AND TOOLS;

(i) RECOMMEND MINIMUM STANDARDS OR PROCEDURAL GUIDELINES FOR BEHAVIORAL THREAT ASSESSMENT TOOLS;

(j) REPORT ON A MONTHLY BASIS AGGREGATED BEHAVIORAL AND RISK ASSESSMENT DATA;

(k) CREATE AN ANNUAL REPORT OF FINDINGS AND RECOMMENDATIONS, INCLUDING EVIDENCE-BASED ANALYSIS AND DATA; AND

(l) STUDY AND EVALUATE THE OUTCOMES OF THE IMPLEMENTED CHANGES.

(3) THE WORKING GROUP MAY USE AVAILABLE RESOURCES, MODALITIES, AND NONMEMBERS FROM INTERESTED MEMBERS OF THE COMMUNITY TO FOCUS ON SPECIFIC SUBJECT MATTERS.

(4) THE SCHOOL SAFETY RESOURCE CENTER SERVES AS THE CLEARINGHOUSE FOR ALL MATERIALS PRODUCED BY THE WORKING GROUP.

(5) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY, IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION,

SHALL PROVIDE RESOURCES FOR DATA COLLECTION, RESEARCH, ANALYSIS, AND PUBLICATION OF THE WORKING GROUP'S FINDINGS AND REPORTS.

22-17-104. Colorado working group on school safety cash fund - created - gifts, grants, and donations. (1) THE DEPARTMENT OF EDUCATION AND THE WORKING GROUP ARE AUTHORIZED TO ACCEPT GIFTS, GRANTS, OR DONATIONS, INCLUDING IN-KIND DONATIONS FROM PRIVATE OR PUBLIC SOURCES, FOR THE PURPOSES OF THIS ARTICLE 17. ALL PRIVATE AND PUBLIC MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS BY THE DEPARTMENT OF EDUCATION OR BY THE WORKING GROUP MUST BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE COLORADO WORKING GROUP ON SCHOOL SAFETY CASH FUND, WHICH FUND IS CREATED IN THE STATE TREASURY AND REFERRED TO IN THIS ARTICLE 17 AS THE "CASH FUND". THE STATE TREASURER SHALL INVEST ANY MONEY IN THE CASH FUND NOT EXPENDED FOR THE PURPOSES OF THIS ARTICLE 17 AS PROVIDED IN SECTION 24-36-113. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEY IN THE CASH FUND MUST BE CREDITED TO THE CASH FUND. ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE CASH FUND AT THE END OF ANY FISCAL YEAR REMAINS IN THE CASH FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(2) THE DEPARTMENT OF EDUCATION IS NOT REQUIRED TO SOLICIT GIFTS, GRANTS, OR DONATIONS FROM ANY SOURCE FOR THE PURPOSES OF THIS ARTICLE 17.

22-17-105. Repeal of article. THIS ARTICLE 17 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023. BEFORE THE REPEAL, THE DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW THE WORKING GROUP AS DESCRIBED IN SECTION 2-3-1203.

1 **SECTION 2.** In Colorado Revised Statutes, 2-3-1203, **add**
2 (14)(a)(XII) as follows:
3 **2-3-1203. Sunset review of advisory committees - legislative**
4 **declaration - definition - repeal.** (14) (a) The following statutory
5 authorizations for the designated advisory committees are scheduled for
6 repeal on September 1, 2023:
7 (XII) THE COLORADO INTERAGENCY WORKING GROUP ON SCHOOL
8 SAFETY CREATED IN SECTION 22-17-102.
9 **SECTION 3. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

RESOLUTION A

LLS NO. R20-0398.01 Erin Enders x3205 **SENATE Joint Resolution**

SENATE SPONSORSHIP

Lundeen and Fields, Gardner, Gonzales

HOUSE SPONSORSHIP

Van Winkle and Sirota, Beckman, Michaelson Jenet

Senate Committees **House Committees**

SENATE JOINT RESOLUTION

101 **CONCERNING THE SUPPORT OF THE "I LOVE U GUYS" FOUNDATION.**

1 WHEREAS, The "I Love U Guys" foundation was created in 2006
2 by Ellen and John-Michael Keyes following the death of their daughter,
3 Emily Keyes, during a school shooting at Platte Canyon High School in
4 Bailey, Colorado; and

5 WHEREAS, During the time Emily Keyes was held hostage, she
6 sent her parents a text message that said "I love u guys"; and

7 WHEREAS, In honor of Emily Keyes' kindness, dignity, and
8 grace, her parents established the "I Love U Guys" foundation to advance
9 student and school safety; and

10 WHEREAS, In 2009 the foundation began developing programs
11 and initiatives to increase school safety, as well as the supporting

materials necessary to advance those programs, including standard response protocols, training, and informational presentations; and

WHEREAS, The mission of the foundation and its school safety programs is to protect the joy of youth by focusing on kindness, community, and responsibility, both at the individual and community levels; and

WHEREAS, To that end, in collaboration with experts in the fields of education, law enforcement, emergency response, and psychology, the foundation has developed research and evidence-based real-world solutions that can be brought to the classroom to facilitate school and community safety and promote family reunification following a crisis; and

WHEREAS, The foundation's programs have been implemented by over 25,000 schools, agencies, and organizations across the United States and Canada, and the foundation hosts two yearly national school safety symposiums that focus on proactive, considered, and effective methods of keeping schools safe; now, therefore,

Be It Resolved by the Senate of the Seventy-second General Assembly of the State of Colorado, the House of Representatives concurring herein:

That we, the members of the Colorado General Assembly, support the mission of the "I Love U Guys" foundation and the invaluable programs the foundation works to implement to promote the advancement of school safety and to preserve the joy of youth.

RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL

May 17, 2019

WHEREAS, the state of Colorado has experienced two recent incidents involving threats to or violence at schools; and

WHEREAS, on April 17, 2019, hundreds of schools in the Denver area and surrounding communities were closed due to a potential threat to schools by a person who had traveled to the state; and

WHEREAS, on May 7, 2019, student Kendrick Ray Castillo was killed and eight other students were injured at STEM School Highlands Ranch by two perpetrators who opened fire at the school; and

WHEREAS, the safety of students, school personnel, and volunteers is of paramount concern to the Colorado General Assembly; and

WHEREAS, it is appropriate for the Colorado General Assembly to create a committee to further examine threats of violence to schools, how violence at schools can be prevented, identifying and monitoring students in crisis, and the safety of students, educators, administrators, volunteers, law enforcement personnel, first responders, and all other individuals who are present in schools, now, therefore,

Be it resolved by the Executive Committee of the Legislative Council of the Seventy-second General Assembly of the State of Colorado:

(1) That, pursuant to the authority set forth in section 2-3-303.3, Colorado Revised Statutes, there is hereby created the School Safety Committee, which Committee shall consist of 8 members appointed no later than June 1, 2019, as follows:

(a) The Senate President shall appoint two members to the Committee from among the Senate majority party caucus;

(b) The Minority Leader of the Senate shall appoint two members to the Committee from among the Senate minority party caucus;

(c) The Speaker of the House of Representatives shall appoint two members to the Committee from the among House of Representatives majority party caucus; and

(d) The Minority Leader of the House of Representatives shall appoint two members to the Committee from among the House of Representatives minority party caucus.

(2) That the Speaker of the House of Representatives shall appoint the Chair of the committee and the President of the Senate shall appoint the Vice-Chair.

(3) That the members of the Committee shall be reimbursed for travel expenses and shall receive per diem payment.

(4) That the Committee shall meet up to three times during the 2019 interim and may request permission from the Executive Committee of the Legislative Council to hold additional meetings if the members of the Committee deem such meetings necessary. The Committee may hold meetings anywhere in the state that would be beneficial to the Committee's work.

(5) That the Committee shall:

(a) Review existing statutes relating to school safety, emergency response planning, and the prevention of threats to the safety of students, teachers, administrators, employees, and volunteers who are present on the grounds of each public and private school in the state;

(b) Study and evaluate programs and methods for identifying and monitoring students in crisis;

(c) Consider such additional matters as the Committee deems relevant and appropriate.

(6) That the Committee may seek testimony from experts, including educators, school administrators, school counselors, other school personnel, parents, students, school district personnel, mental health professionals, law enforcement personnel, first responders, and school safety and violence prevention professionals.

(7) Any legislation recommended by the interim committee shall be treated as legislation recommended by an interim committee for purposes of any introduction deadlines or bill limitations imposed by the Joint Rules of the General Assembly.

(8) That staff from the legislative service agencies shall provide support to the Committee.

President Leroy Garcia, Chair

Speaker KC Becker, Vice-Chair

Senate Majority Leader Stephen Fenberg

House Majority Leader Alec Garnett

Senate Minority Leader Chris Holbert

House Minority Leader Patrick Neville

Tax Expenditure Evaluation Interim Study Committee

Members of the Committee

Representative Adrienne Benavidez, Chair
Senator Lois Court, Vice-Chair

Representative Rod Bockenfeld
Representative Marc Snyder
Senator Dominick Moreno
Senator Jack Tate

Legislative Council Staff

Greg Sobetski, Principal Economist
Elizabeth Burger, Deputy Director
Meredith Moon, Economist
Louis Pino, Senior Economist
Larson Silbaugh, Principal Economist

Office of Legislative Legal Services

Esther van Mourik, Senior Attorney
Pierce Lively, Staff Attorney
Cara Meeker, Senior Legislative Editor

November 2019

Tax Expenditure Evaluation Interim Study Committee

Committee Charge

The Tax Expenditure Evaluation Interim Study Committee ("committee") was created to study the policy considerations contained in the tax expenditure evaluations prepared by the Office of the State Auditor (OSA) pursuant to Senate Bill 16-203, codified at Section 39-21-305, C.R.S. Issues for study included repealing, clarifying, or otherwise changing current tax expenditures to improve their effectiveness or administration. The committee was authorized to meet up to four times in 2019 and to recommend up to five bills to the Legislative Council.

Committee Activities

The committee held four meetings during the 2019 interim. The committee received briefings on public policy considerations regarding tax expenditures and the scope and procedure of tax expenditure evaluation in other states. Representatives of the OSA presented the committee with the policy considerations identified in all of its evaluations of Colorado tax expenditures completed through July 2019. The committee also received testimony from individual and business taxpayers who benefit from the tax expenditures, and from their advocates.

Tax expenditure evaluation and general policy considerations. The committee received a briefing from the Tax Foundation concerning general principles for tax expenditure legislation, and one from the Pew Charitable Trusts concerning procedures for tax expenditure evaluation in Colorado and other jurisdictions around the country. Legislative Council Staff briefed the committee concerning the relative size of tax expenditures in the state budget, and the Office of Legislative Legal Services presented regarding constitutional constraints on tax expenditure legislation. Finally, the OSA addressed the committee regarding its evaluation process. Staff from the Department of Revenue were available to respond to committee questions concerning the administration of individual tax expenditures.

Policy considerations identified by the OSA. Representatives of the OSA presented evaluations of the 29 tax expenditures for which policy considerations were published between September 2018 and July 2019. Policy considerations were segmented into the categories of "repeal," "clarify statute," "effectiveness," and "administration."

The committee requested that 19 bills be drafted in response to policy considerations identified by the OSA. Seventeen of these bills related to policy considerations involving specific tax expenditures, while the other two concerned procedures for future tax expenditure evaluation. However, the committee was authorized to recommend only five bills to the Legislative Council.

Committee Recommendations

As a result of committee discussion and deliberation, the committee recommends the following five bills for consideration in the 2020 legislative session.

Bill A – Tax Expenditure Bill Requirements. Bill A requires future legislation that creates a new tax expenditure or extends an expiring tax expenditure to include a tax preference performance statement and a defined repeal date. The tax preference performance statement must explain the reason for the expenditure and identify metrics and data requirements to measure the effectiveness of the expenditure.

Bill B – Long-Term Lodging Sales Tax Exemption. Bill B limits the state's current sales and use tax exemption for purchases of lodging for more than 30 days such that the exemption applies only to stays by natural persons.

Bill C – Net Operating Loss Deduction Modifications. Bill C modifies the net operating loss deduction for C corporations. It limits the carryforward period for the deduction to 20 years and makes financial institutions subject to the same carryforward period as other C corporations.

Bill D – Legislative Oversight Committee Concerning Tax Policy. Bill D creates a Legislative Oversight Committee Concerning Tax Policy and a Task Force Concerning Tax Policy. The task force is established to study the effectiveness of existing tax expenditures and potential changes to tax policy, while the oversight committee, comprising only legislators, is authorized to sponsor legislation.

Bill E – Sales Tax Exemption for Industrial & Manufacturing Energy Use. Bill E requires that energy sources used for industrial and manufacturing purposes be metered in order to qualify for the existing sales and use tax exemption.

In addition to the legislation recommended above, the committee authored a letter to the Statutory Revision Committee asking that committee to draft, consider, and introduce legislation to repeal the following tax expenditures, four of which are legally obsolete and one of which has never been claimed by any taxpayer:

- the crop hail insurance premium tax exemption;
- the nonprofit transit agency fuel tax exemption;
- the sales tax exemption for residents of bordering states;
- the pre-1987 net operating loss deduction for individuals, estates, and trusts; and
- the corporate income tax deduction for previously taxed income or gain.

Finally, the committee authored a letter to the Joint Agriculture Committee asking that committee to determine whether the current sales and use tax exemptions for agricultural inputs require statutory expansion or clarification, and to introduce legislation to resolve definitional issues as appropriate.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL A

LLS NO. 20-0231.01 Esther van Mourik x4215 **SENATE BILL**

SENATE SPONSORSHIP

Court and Tate, Moreno

HOUSE SPONSORSHIP

Snyder and Benavidez,

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING CERTAIN REQUIREMENTS THAT MUST BE INCLUDED IN A**
102 **TAX EXPENDITURE BILL.**

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/.)

Tax Expenditure Evaluation Interim Study Committee. Current law requires a legislative declaration stating the intended purpose of a new tax expenditure or the intended purpose for extending an expiring tax expenditure. The bill expands that law by:

- Requiring a statutory legislative declaration, not nonstatutory;

- Requiring any bill that creates a new tax expenditure to include a repeal of the expenditure after a specified period of tax years and any bill that extends an expiring tax expenditure to extend the expenditure for a specified period of tax years; and
- Requiring the statement of the intended purpose to be a part of a tax preference performance statement, which includes:
  - The classification of the type of the tax expenditure; and
  - Detailed information regarding the legislative purpose of the tax expenditure, which, at minimum, includes clear, relevant, and ascertainable metrics and data requirements that allow the tax expenditure to be measured for effectiveness in achieving the intended purpose.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 39-21-304 as
3 follows:

4 **39-21-304. Tax expenditure - tax preference performance**
5 **statement - tax expenditure repeal requirement.** (1) (a) On and after
6 ~~January 1, 2012~~ JANUARY 1, 2021, any bill that creates a new tax
7 expenditure or extends an expiring tax expenditure ~~shall~~ MUST include a
8 ~~legislative declaration stating the intended purpose of the tax expenditure~~
9 TAX PREFERENCE PERFORMANCE STATEMENT AS PART OF A STATUTORY
10 LEGISLATIVE DECLARATION.

11 (b) IF THE BILL EXTENDS AN EXPIRING TAX EXPENDITURE, THE BILL
12 MUST EITHER INCLUDE A TAX PREFERENCE PERFORMANCE STATEMENT IF
13 ONE WAS NOT EARLIER INCLUDED OR IT MUST AMEND, IN SUCH A WAY AS
14 TO PROVIDE UPDATED INFORMATION, THE TAX PREFERENCE PERFORMANCE
15 STATEMENT THAT WAS INCLUDED WHEN THE TAX EXPENDITURE WAS
16 ENACTED.

17 (2) THE TAX PREFERENCE PERFORMANCE STATEMENT MUST

INDICATE ONE OR MORE OF THE FOLLOWING GENERAL CATEGORIES, BY REFERENCE TO THE APPLICABLE CATEGORY SPECIFIED IN THIS SUBSECTION (2), AS THE LEGISLATIVE PURPOSE OF THE NEW TAX EXPENDITURE:

(a) TAX EXPENDITURE INTENDED TO INDUCE CERTAIN DESIGNATED BEHAVIOR BY TAXPAYERS;

(b) TAX EXPENDITURE INTENDED TO IMPROVE INDUSTRY COMPETITIVENESS;

(c) TAX EXPENDITURE INTENDED TO CREATE OR RETAIN JOBS;

(d) TAX EXPENDITURE INTENDED TO REDUCE STRUCTURAL INEFFICIENCIES IN THE TAX STRUCTURE; OR

(e) TAX EXPENDITURE INTENDED TO PROVIDE TAX RELIEF FOR CERTAIN BUSINESSES OR INDIVIDUALS.

(3) IN ADDITION TO THE GENERAL CATEGORY SPECIFIED IN SUBSECTION (2) OF THIS SECTION, A TAX PREFERENCE PERFORMANCE STATEMENT MUST ALSO PROVIDE DETAILED INFORMATION REGARDING THE LEGISLATIVE PURPOSE OF THE NEW TAX EXPENDITURE OR OF THE EXTENSION OF THE EXPIRING TAX EXPENDITURE. THE REQUIRED DETAILED INFORMATION MUST, AT MINIMUM, INCLUDE CLEAR, RELEVANT, AND ASCERTAINABLE METRICS AND DATA REQUIREMENTS THAT ALLOW THE GENERAL ASSEMBLY AND THE STATE AUDITOR TO MEASURE THE EFFECTIVENESS OF THE TAX EXPENDITURE IN ACHIEVING THE PURPOSE DESIGNATED UNDER THIS SECTION.

(4) ON AND AFTER JANUARY 1, 2021, ANY BILL THAT CREATES A NEW TAX EXPENDITURE MUST INCLUDE A REPEAL OF THE EXPENDITURE AFTER A SPECIFIED PERIOD OF TAX YEARS AND ANY BILL THAT EXTENDS AN EXPIRING TAX EXPENDITURE MUST EXTEND THE EXPENDITURE FOR A SPECIFIED PERIOD OF TAX YEARS. A BILL THAT CREATES A NEW TAX

EXPENDITURE OR EXTENDS AN EXPIRING TAX EXPENDITURE MAY NOT ESTABLISH THE TAX EXPENDITURE FOR AN INDEFINITE PERIOD OF TIME.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL B

LLS NO. 20-0234.01 Pierce Lively x2059 **HOUSE BILL**

HOUSE SPONSORSHIP

Snyder and Benavidez,

SENATE SPONSORSHIP

Moreno and Court,

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF THE STATE SALES TAX EXEMPTION FOR**
102 **LONG-TERM LODGING.**

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/.)

Tax Expenditure Evaluation Interim Study Committee. Under current law, the sales tax exemption for long-term lodging exempts stays of 30 days or more at hotels, apartment hotels, lodging houses, motor hotels, guesthouses, guest ranches, trailer coaches, mobile homes, auto camps, or trailer courts and parks from the state sales tax on lodgings. The bill limits this exemption so it only applies to natural persons.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) The sales tax exemption for long-term lodging exempts stays of thirty days or more at hotels, apartment hotels, lodging houses, motor hotels, guesthouses, guest ranches, trailer coaches, mobile homes, auto camps, or trailer courts and parks from the state sales tax on lodgings.

(b) This sales tax exemption has remained largely unchanged since it was enacted in 1959.

(c) The exemption does not state whether it can be claimed in the case where the lodgings are paid for by the same payer for at least 30 days, but multiple persons stay in the lodging during that period of time and none of those persons stay for longer than 30 days. The department of revenue has allowed the exemption to be claimed in this circumsance. However, this application of the long-term lodging exemption expands the use of the exemption beyond its presumed original purpose of providing equal tax treatment for persons who enter into residential leases of 30 days or more and persons who stay for more than 30 days in lodgings that are typically used for short-term stays.

(d) The department of revenue does not collect data specifically for the long-term lodging exemption.

(2) Therefore, it is the intent of the general assembly to simplify the collection and administration of taxes for the state of Colorado and to relieve taxpayers' confusion and vendors' administrative burdens by repealing tax expenditures that are not meeting their original purpose and which are not tracked by the department of revenue.

SECTION 2. In Colorado Revised Statutes, 39-26-704, **amend** (3) as follows:

39-26-704. Miscellaneous sales tax exemptions - governmental entities - hotel residents - schools - exchange of property. (3) (a) There shall be exempt from taxation under the provisions of part 1 of this article ***26*** all sales and purchases of commodities and services under the provisions of section 39-26-102 (11) to any ~~occupant~~ NATURAL PERSON who is a permanent resident of any hotel, apartment hotel, lodging house, motor hotel, guesthouse, guest ranch, trailer coach, mobile home, auto camp, or trailer court or park and who enters into or has entered into a written agreement for occupancy of a room or accommodations for a period of at least thirty consecutive days during the calendar year or preceding year.

(b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ON OR AFTER JANUARY 1, 2021, FOR ANY LOCAL GOVERNMENT OR POLITICAL SUBDIVISION OF THE STATE THAT LEVIES A SALES OR USE TAX BASED ON THE SALES OR USE TAX LEVIED BY THE STATE PURSUANT TO THIS ARTICLE 26, ALL SALES AND PURCHASES OF COMMODITIES AND SERVICES UNDER THE PROVISIONS OF SECTION 39-26-102 (11) TO ANY OCCUPANT WHO IS A PERMANENT RESIDENT OF ANY HOTEL, APARTMENT HOTEL, LODGING HOUSE, MOTOR HOTEL, GUESTHOUSE, GUEST RANCH, TRAILER COACH, MOBILE HOME, AUTO CAMP, OR TRAILER COURT OR PARK AND WHO ENTERS INTO OR HAS ENTERED INTO A WRITTEN AGREEMENT FOR OCCUPANCY OF A ROOM OR ACCOMMODATIONS FOR A PERIOD OF AT LEAST THIRTY CONSECUTIVE DAYS DURING THE CALENDAR YEAR OR PRECEDING CALENDAR YEAR SHALL BE EXEMPT FROM THE SALES OR USE TAX OF SUCH LOCAL GOVERNMENT OR POLITICAL SUBDIVISION, UNLESS THE LOCAL

GOVERNMENT OR POLITICAL SUBDIVISION EXPRESSLY SUBJECTS SUCH SALE TO ITS SALES OR USE TAX FOR THE APPLICABLE PERIOD AT THE TIME OF ADOPTION OF ITS INITIAL SALES OR USE TAX ORDINANCE OR RESOLUTION OR SUBSEQUENT AMENDMENT THERETO.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to sales taxes levied on or after January 1, 2021.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL C

LLS NO. 20-0238.01 Esther van Mourik x4215 **HOUSE BILL**

HOUSE SPONSORSHIP

Benavidez and Snyder,

SENATE SPONSORSHIP

Moreno, Court

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE STATE'S NET OPERATING LOSS**
102 **DEDUCTION.**

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/.)

Tax Expenditure Evaluation Interim Study Committee. Colorado taxpayers can claim a net operating loss deduction on their Colorado tax return. Unless statute otherwise provides, the state deduction is currently allowed in the same manner that a similar deduction is allowed under the internal revenue code to determine federal taxable income.

Under current law, corporate taxpayers in Colorado are allowed to carry forward their net operating loss deduction for the same number of years as allowed for a federal net operating loss. For many years, taxpayers were limited to a 20-year carryforward period for both state and federal taxes. The federal "Tax Cuts and Jobs Act" (TCJA), enacted in 2017, allowed federal taxpayers unlimited years to carry forward net operating losses. Because Colorado's statute specifies that net operating losses may be carried forward "for the same number of years as allowed for a federal net operating loss", the TCJA's change resulted in the same change to Colorado's law. The bill partially decouples the corporate net operating loss deduction from the federal net operating loss deduction by returning the state's carryforward period to 20 years.

The bill also repeals a state provision that was effective only for financial institutions, so that, for purposes of the period of years a loss can be carried forward, financial institutions will now be treated the same as any other taxpayer.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that the intended purpose of this change to the
4 net operating loss deduction is to limit the state's corporate net operating
5 loss carryforwards to twenty years, as was allowed for many tax years
6 prior to a recent change to federal law, and to partially decouple the state
7 deduction from federal law, which now allows carryforwards for an
8 unlimited number of years. Changing the carryforward period back to
9 twenty years and decoupling from the federal carryforward period will
10 align Colorado with a majority of other states: Thirty states have
11 decoupled from the federal law and sixteen states have adopted the
12 former federal carryforward period of twenty years. The general assembly
13 further finds and declares that twenty years of carryforwards still allows
14 the majority of corporate taxpayers in Colorado to deduct their full net
15 operating losses over that period.

16 (2) The general assembly hereby finds and declares that the

intended purpose of the change to the net operating loss deduction for financial institutions is to treat all taxpayers uniformly, giving all corporate taxpayers a twenty-year carryforward period. When this special provision was enacted for financial institutions in 1987, federal law provided that financial institutions were only allowed to carry losses forward for five years as compared to fifteen years for other corporations. The Colorado law, which allowed financial institutions to carry losses forward for fifteen years, was likely enacted to allow financial institutions to be treated equally to other taxpayers in the state.

SECTION 2. In Colorado Revised Statutes, 39-22-504, **amend** (3) and (4) as follows:

39-22-504. Net operating losses. (3) (a) FOR INCOME TAX YEARS COMMENCING BEFORE JANUARY 1, 2021, net operating losses of corporations may be carried forward for the same number of years as allowed for a federal net operating loss. Net operating losses of corporations may not be carried back to an earlier tax year.

(b) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2021, NET OPERATING LOSSES OF CORPORATIONS MAY BE CARRIED FORWARD FOR TWENTY YEARS. NET OPERATING LOSSES OF CORPORATIONS MAY NOT BE CARRIED BACK TO AN EARLIER TAX YEAR.

(4) If a financial institution suffers a net operating loss for any taxable year beginning on or after January 1, 1984, AND BEFORE JANUARY 1, 2021, the amount of the unused net operating loss may be carried forward to each of the fifteen years following the taxable year of such loss. For the purposes of this subsection (4), "financial institution" means any institution to which section 585 or 593 of the internal revenue code applies.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL D

LLS NO. 20-0241.02 Esther van Mourik x4215 **SENATE BILL**

SENATE SPONSORSHIP

Court and Tate, Moreno

HOUSE SPONSORSHIP

Benavidez and Bockenfeld, Snyder

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE LEGISLATIVE OVERSIGHT**
102 **COMMITTEE CONCERNING TAX POLICY.**

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/.)

Tax Expenditure Evaluation Interim Study Committee. The bill creates the legislative oversight committee concerning tax policy (committee), and the associated task force (task force).

The committee is required to consider the policy considerations contained in the tax expenditure evaluations prepared by the state auditor and is responsible for the oversight of the task force. The committee may

recommend legislative changes that are treated as bills recommended by an interim legislative committee.

The task force is required to study tax policy and develop and propose for committee consideration any modifications to the current system of state and local taxation.

The task force is also authorized, upon request by a committee member, to provide evidence-based feedback on the potential benefits or consequences of a legislative or other policy proposal not directly affiliated with or generated by the task force, including any bill or resolution introduced by the general assembly that affects tax policy.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 4 to article
3 21 of title 39 as follows:

4 PART 4

5 LEGISLATIVE OVERSIGHT COMMITTEE

6 CONCERNING TAX POLICY

7 **39-21-401. Legislative declaration.** (1) THE GENERAL ASSEMBLY
8 FINDS THAT:

9 (a) IN 2000, THE GENERAL ASSEMBLY ENACTED THE FORMATION
10 OF A TEMPORARY COMMISSION ON TAXATION FOR THE PURPOSE OF
11 REVIEWING AND REPORTING ON THE CURRENT SYSTEM OF TAXATION BY
12 STATE AND LOCAL GOVERNMENTS AND MAKING RECOMMENDATIONS FOR
13 MODIFICATIONS;

14 (b) THE STATE OF COLORADO AND ITS CITIZENS HAVE
15 EXPERIENCED MANY CHANGES SINCE THAT LAST COMPREHENSIVE REVIEW
16 AND ANALYSIS OF TAX POLICY WAS COMPLETED;

17 (c) THE TAX STRUCTURE OF THE STATE AND LOCAL GOVERNMENTS
18 IN COLORADO HAS BECOME MORE COMPLICATED AND OUTDATED
19 THROUGH A LONG HISTORY OF INCREMENTAL AND PIECEMEAL
20 MODIFICATIONS MADE BY STATUTORY AND CONSTITUTIONAL ENACTMENTS

THAT HAVE RESULTED IN UNINTENDED CONSEQUENCES;

(d) THESE MODIFICATIONS MAY HAVE RESULTED IN THE TAX BURDEN FOR FINANCING GOVERNMENT SERVICES AND PROGRAMS BEING BORNE DISPROPORTIONATELY BY CERTAIN TAXPAYERS AND MAY HAVE DIMINISHED COLORADO'S ABILITY TO ATTRACT NEW BUSINESSES AND RETAIN EXISTING BUSINESSES THAT ARE VITAL TO THE ECONOMIC WELL-BEING OF THE STATE AND ITS CITIZENS; AND

(e) IT IS NECESSARY TO REVIEW THE STATE'S CURRENT TAX POLICY.

(2) THEREFORE, THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT IT IS NECESSARY TO CREATE THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING TAX POLICY AND, IN ADDITION, TO ESTABLISH THE COMMITTEE AS THE APPROPRIATE ENTITY TO REVIEW THE EVALUATIONS OF TAX EXPENDITURES THAT ARE STATUTORILY COMPLETED BY THE STATE AUDITOR.

39-21-402. Definitions. AS USED IN THIS PART 4, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "LEGISLATIVE OVERSIGHT COMMITTEE" OR "COMMITTEE" MEANS THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING TAX POLICY ESTABLISHED PURSUANT TO SECTION 39-21-403.

(2) "TASK FORCE" MEANS THE TASK FORCE CONCERNING TAX POLICY ESTABLISHED PURSUANT TO SECTION 39-21-404.

39-21-403. Legislative oversight committee concerning tax policy - creation - duties - report. (1) **Creation.** (a) THERE IS HEREBY CREATED A LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING TAX POLICY.

(b) THE COMMITTEE CONSISTS OF SIX MEMBERS AS FOLLOWS:

(I) THE PRESIDENT OF THE SENATE SHALL APPOINT TWO SENATORS

TO SERVE ON THE COMMITTEE, AND THE MINORITY LEADER OF THE SENATE SHALL APPOINT ONE SENATOR TO SERVE ON THE COMMITTEE; AND

(II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT TWO REPRESENTATIVES TO SERVE ON THE COMMITTEE, AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT ONE REPRESENTATIVE TO SERVE ON THE COMMITTEE.

(c) (I) APPOINTEES TO THE COMMITTEE MUST HAVE EXPERIENCE WITH OR INTEREST IN THE STUDY AREAS OF THE COMMITTEE AND TASK FORCE, AS SET FORTH IN SECTION 39-21-404.

(II) APPOINTMENTS MUST BE MADE NO LATER THAN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS ACT.

(d) THE TERMS OF THE MEMBERS EXPIRE ON OR TERMINATE ON THE CONVENING DATE OF THE FIRST REGULAR SESSION OF THE SEVENTY-THIRD GENERAL ASSEMBLY. AS SOON AS PRACTICABLE AFTER SUCH CONVENING DATE, BUT NO LATER THAN THE END OF THE LEGISLATIVE SESSION, THE SPEAKER AND MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT AND THE MINORITY LEADER OF THE SENATE SHALL EACH APPOINT OR REAPPOINT MEMBERS IN THE SAME MANNER AS PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION. THEREAFTER, THE TERMS OF MEMBERS APPOINTED OR REAPPOINTED EXPIRE ON THE CONVENING DATE OF THE FIRST REGULAR SESSION OF EACH GENERAL ASSEMBLY, AND ALL SUBSEQUENT APPOINTMENTS AND REAPPOINTMENTS MUST BE MADE AS SOON AS PRACTICABLE AFTER SUCH CONVENING DATE, BUT NO LATER THAN THE END OF THE LEGISLATIVE SESSION.

(e) THE PERSON MAKING THE ORIGINAL APPOINTMENT OR REAPPOINTMENT SHALL FILL ANY VACANCY BY APPOINTMENT FOR THE REMAINDER OF AN UNEXPIRED TERM. MEMBERS APPOINTED OR

REAPPOINTED SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY AND CONTINUE IN OFFICE UNTIL THE MEMBER'S SUCCESSOR IS APPOINTED.

(f) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL SELECT THE FIRST CHAIR OF THE COMMITTEE, AND THE PRESIDENT OF THE SENATE SHALL SELECT THE FIRST VICE-CHAIR. THE CHAIR AND VICE-CHAIR SHALL ALTERNATE ANNUALLY THEREAFTER BETWEEN THE TWO HOUSES.

(g) THE CHAIR AND VICE-CHAIR OF THE COMMITTEE MAY ESTABLISH SUCH ORGANIZATIONAL AND PROCEDURAL RULES AS ARE NECESSARY FOR THE OPERATION OF THE COMMITTEE AND, IN COLLABORATION WITH THE TASK FORCE, GUIDELINES AND EXPECTATIONS FOR ONGOING COLLABORATION WITH THE TASK FORCE.

(h) (I) MEMBERS OF THE COMMITTEE ARE ENTITLED TO RECEIVE COMPENSATION AND REIMBURSEMENT OF EXPENSES AS PROVIDED IN SECTION 2-2-326.

(II) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL, THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES, AND THE STATE AUDITOR SHALL SUPPLY STAFF ASSISTANCE TO THE COMMITTEE AS THEY DEEM APPROPRIATE, WITHIN EXISTING APPROPRIATIONS.

(2) **Duties.** (a) (I) THE COMMITTEE SHALL MEET AT LEAST FOUR TIMES EACH YEAR AND AT SUCH OTHER TIMES AS IT DEEMS NECESSARY.

(II) EACH COMMITTEE MEMBER SHALL ANNUALLY EITHER ATTEND OR CALL INTO AT LEAST ONE REGULAR TASK FORCE MEETING. COMMITTEE MEMBERS ARE ENCOURAGED TO ATTEND SEPARATE MEETINGS AND INFORM THE REST OF THE COMMITTEE ABOUT THE CURRENT WORK OF THE TASK FORCE.

(b) (I) THE COMMITTEE SHALL CONSIDER THE POLICY RECOMMENDATIONS CONTAINED IN THE TAX EXPENDITURE EVALUATIONS

PREPARED BY THE STATE AUDITOR PURSUANT TO SECTION 39-21-305.

(II) THE COMMITTEE IS RESPONSIBLE FOR THE OVERSIGHT OF THE TASK FORCE.

(c) THE COMMITTEE MAY RECOMMEND LEGISLATIVE CHANGES THAT ARE TREATED AS BILLS RECOMMENDED BY AN INTERIM LEGISLATIVE COMMITTEE FOR PURPOSES OF ANY INTRODUCTION DEADLINES OR BILL LIMITATIONS IMPOSED BY THE JOINT RULES OF THE GENERAL ASSEMBLY.

(d) ON OR BEFORE JANUARY 15 OF EACH YEAR, THE COMMITTEE SHALL SUBMIT, AND MAKE PUBLICLY AVAILABLE ON ITS WEBSITE, A REPORT TO THE GENERAL ASSEMBLY. THE ANNUAL REPORT MUST BRIEFLY SUMMARIZE THE STUDY ISSUES, RECOMMENDATIONS CONSIDERED, AND ANY ACTIONS TAKEN BY THE COMMITTEE AND THE TASK FORCE DURING THE PREVIOUS YEAR. THE REPORT MUST COMPLY WITH THE PROVISIONS OF SECTION 24-1-136 (9). NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT IN THIS SECTION TO REPORT TO THE GENERAL ASSEMBLY CONTINUES INDEFINITELY.

39-21-404. Task force concerning tax policy - creation - membership - duties. (1) **Creation.** (a) THERE IS HEREBY CREATED A TASK FORCE CONCERNING TAX POLICY. THE TASK FORCE CONSISTS OF TWENTY-ONE MEMBERS APPOINTED AS PROVIDED IN SUBSECTIONS (1)(b) AND (1)(c) OF THIS SECTION.

(b) FOUR NONVOTING TASK FORCE MEMBERS, ONE APPOINTMENT FROM EACH OFFICE, WITH RELEVANT EXPERIENCE IN ECONOMICS, BUDGETING, OR TAX POLICY, SHALL BE APPOINTED BY:

(I) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL;

(II) THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES;

(III) THE STAFF DIRECTOR OF THE JOINT BUDGET COMMITTEE; AND

(IV) THE STATE AUDITOR.

(c) WITH INPUT FROM THE GOVERNOR'S OFFICE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE PRESIDENT OF THE SENATE, THE CHAIR AND VICE-CHAIR OF THE COMMITTEE SHALL APPOINT SEVENTEEN VOTING MEMBERS AS FOLLOWS:

(I) A REPRESENTATIVE OF THE OFFICE OF STATE PLANNING AND BUDGETING;

(II) A REPRESENTATIVE FROM THE TAXATION DIVISION IN THE DEPARTMENT OF REVENUE;

(III) A REPRESENTATIVE OF THE OFFICE OF ECONOMIC DEVELOPMENT;

(IV) A REPRESENTATIVE OF THE OFFICE OF THE STATE TREASURER;

(V) ONE MEMBER FROM A STATE PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION WITH KNOWLEDGE OF TAX POLICY;

(VI) ONE MEMBER FROM A STATE PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION WITH KNOWLEDGE OF ECONOMICS;

(VII) FOUR MEMBERS REPRESENTING LOCAL GOVERNMENT, ONE FROM A HOME RULE CITY OR CITY AND COUNTY, ONE FROM A STATUTORY CITY, ONE FROM A HOME RULE COUNTY, AND ONE FROM A STATUTORY COUNTY;

(VIII) TWO TAX LAW PRACTITIONERS WHO ARE NOT EMPLOYED BY A HOME RULE OR STATUTORY CITY OR CITY AND COUNTY;

(IX) TWO CERTIFIED PUBLIC ACCOUNTANTS WITH STATE AND LOCAL TAX EXPERIENCE WHO ARE NOT EMPLOYED BY A HOME RULE OR STATUTORY CITY OR CITY AND COUNTY;

(X) ONE SMALL BUSINESS OWNER;

1 (XI) ONE LARGE BUSINESS OWNER; AND

2 (XII) ONE MEMBER REPRESENTING A NONPROFIT ORGANIZATION
3 WITH EXPERTISE IN TAX POLICY.

4 (d) MEMBERS OF THE TASK FORCE SERVE WITHOUT
5 COMPENSATION.

6 (e) A VACANCY OCCURRING IN A POSITION FILLED BY THE CHAIR
7 AND VICE-CHAIR OF THE COMMITTEE PURSUANT TO SUBSECTION (1)(c) OF
8 THIS SECTION MUST BE FILLED AS SOON AS POSSIBLE BY THE CHAIR AND
9 VICE-CHAIR OF THE COMMITTEE IN ACCORDANCE WITH THE LIMITATIONS
10 SPECIFIED IN SUBSECTION (1)(c) OF THIS SECTION. IN ADDITION, THE CHAIR
11 AND VICE-CHAIR OF THE COMMITTEE MAY REMOVE AND REPLACE ANY
12 APPOINTMENT TO THE TASK FORCE MADE PURSUANT TO SUBSECTION (1)(c)
13 OF THIS SECTION.

14 (f) IN MAKING APPOINTMENTS OF VOTING MEMBERS TO THE TASK
15 FORCE, THE CHAIR AND VICE-CHAIR SHALL ENSURE THAT THE MEMBERSHIP
16 OF THE TASK FORCE INCLUDES PERSONS WHO HAVE EXPERIENCE WITH OR
17 INTEREST IN THE STUDY AREAS OF THE TASK FORCE AS SET FORTH IN
18 SUBSECTION (2) OF THIS SECTION; PERSONS WHO REFLECT THE ETHNIC,
19 CULTURAL, AND GENDER DIVERSITY OF THE STATE; REPRESENTATION OF
20 ALL AREAS OF THE STATE; AND, TO THE EXTENT PRACTICABLE, PERSONS
21 WITH DISABILITIES.

22 (g) (I) ALL TASK FORCE MEMBERS ARE EXPECTED TO SEEK INPUT
23 FROM THE VARIOUS DEPARTMENTS, OFFICES, OR ORGANIZATIONS THEY
24 REPRESENT OR THAT THEY ARE ASSOCIATED WITH, IF ANY.

25 (II) IN ORDER TO ADVANCE THE WORK OF THE TASK FORCE,
26 MEMBERS ARE ENCOURAGED TO PARTICIPATE IN DECISION-MAKING, WITH
27 THE UNDERSTANDING THAT INDIVIDUAL VOTES ON TASK FORCE ISSUES ARE

1 BASED ON SUBJECT MATTER EXPERTISE AND DO NOT COMMIT
2 REPRESENTATIVE ENTITIES OR ORGANIZATIONS TO ANY POSITION OR
3 ACTION. TASK FORCE MEMBERS SHALL ADHERE TO ANY AGREED UPON
4 PROCEDURAL RULES AND GUIDELINES.
5 (2) **Issues for study.** (a) THE TASK FORCE SHALL STUDY TAX
6 POLICY AND DEVELOP AND PROPOSE FOR COMMITTEE CONSIDERATION ANY
7 MODIFICATIONS TO THE CURRENT SYSTEM OF STATE AND LOCAL
8 TAXATION.
9 (b) THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (2) DO NOT
10 PROHIBIT THE TASK FORCE, AT ANY TIME DURING ITS EXISTENCE, FROM
11 STUDYING, PRESENTING FINDINGS AND RECOMMENDATIONS TO THE
12 COMMITTEE ON, OR REQUESTING PERMISSION FROM THE COMMITTEE TO
13 DRAFT LEGISLATIVE PROPOSALS CONCERNING ANY ISSUE DESCRIBED IN
14 THIS SUBSECTION (2).
15 (3) **Additional duties of the task force.** THE TASK FORCE SHALL
16 ANNUALLY DELIVER POLICY AND LEGISLATIVE RECOMMENDATIONS TO THE
17 COMMITTEE PURSUANT TO THIS SECTION. IN ADDITION, THE TASK FORCE
18 SHALL:
19 (a) ON OR BEFORE AUGUST 1 OF EACH YEAR, SELECT A CHAIR AND
20 VICE-CHAIR FROM AMONG ITS MEMBERS;
21 (b) MEET AT LEAST SIX TIMES EACH YEAR, OR MORE OFTEN AS
22 DIRECTED BY THE CHAIR OF THE COMMITTEE;
23 (c) ESTABLISH ORGANIZATIONAL AND PROCEDURAL RULES FOR THE
24 OPERATION OF THE TASK FORCE AND FOR COLLABORATION WITH THE
25 COMMITTEE;
26 (d) DESIGNATE SPECIFIC TASK FORCE MEMBERS RESPONSIBLE FOR
27 COLLABORATING WITH AND OBTAINING INPUT FROM OTHER STATE

1 OFFICIALS, GROUPS, TASK FORCES, OR STATEWIDE INITIATIVES THAT
2 COMPLEMENT OR RELATE TO THE TASK FORCE'S IDENTIFIED AREAS OF
3 STUDY;
4 (e) CREATE SUBCOMMITTEES AS NEEDED TO CARRY OUT THE
5 DUTIES OF THE TASK FORCE. THE SUBCOMMITTEES MAY CONSIST, IN PART,
6 OF PERSONS WHO ARE NOT MEMBERS OF THE TASK FORCE BUT HAVE
7 PARTICULAR EXPERTISE RELATED TO THE TOPICS BEING STUDIED. SUCH
8 PERSONS MAY VOTE ON ISSUES BEFORE THE SUBCOMMITTEE BUT ARE NOT
9 ENTITLED TO A VOTE AT TASK FORCE MEETINGS.
10 (f) UPON REQUEST BY A COMMITTEE MEMBER, PROVIDE
11 EVIDENCE-BASED FEEDBACK ON THE POTENTIAL BENEFITS OR
12 CONSEQUENCES OF A LEGISLATIVE OR OTHER POLICY PROPOSAL NOT
13 DIRECTLY AFFILIATED WITH OR GENERATED BY THE TASK FORCE,
14 INCLUDING ANY BILL OR RESOLUTION INTRODUCED BY THE GENERAL
15 ASSEMBLY THAT AFFECTS TAX POLICY. THE FEEDBACK MUST BE
16 DELIVERED WITHIN TWO WEEKS TO THE ENTIRE COMMITTEE AND REMAIN
17 AS CONCISE AS POSSIBLE WHILE CAPTURING ANY AVAILABLE EVIDENCE. IF
18 THE TASK FORCE CANNOT IDENTIFY EVIDENCE TO EFFECTIVELY INFORM A
19 RESPONSE, THE FEEDBACK WILL INDICATE A LACK OF EVIDENCE AND
20 REPORT ON ANY ACTIONS TAKEN.
21 (g) ON OR BEFORE OCTOBER 1 OF EACH YEAR, PREPARE AND
22 SUBMIT TO THE COMMITTEE, WHICH THE COMMITTEE MAY MAKE PUBLICLY
23 AVAILABLE ON ITS WEBSITE, A REPORT THAT, AT A MINIMUM, INCLUDES:
24 (I) ISSUES STUDIED BY THE TASK FORCE, AS WELL AS FINDINGS FOR
25 LEGISLATIVE OR OTHER RECOMMENDATIONS;
26 (II) LEGISLATIVE OR POLICY PROPOSALS OF THE TASK FORCE THAT
27 IDENTIFY THE POLICY ISSUES INVOLVED, THE AGENCIES RESPONSIBLE FOR

1 THE IMPLEMENTATION OF THE CHANGES, AND THE FUNDING SOURCES
2 REQUIRED FOR IMPLEMENTATION;
3 (III) A SUMMARY OF MONTHLY TASK FORCE MEETING ACTIVITIES
4 AND DISCUSSIONS;
5 (IV) ANY EVIDENCE-BASED FEEDBACK PROVIDED TO THE
6 COMMITTEE PURSUANT TO SUBSECTION (3)(f) OF THIS SECTION; AND
7 (V) A SUMMARY OF EFFORTS MADE TO COMMUNICATE,
8 COLLABORATE, OR COORDINATE WITH OTHER GROUPS, TASK FORCES, OR
9 STATE INITIATIVES.
10 (4) **Coordination.** THE TASK FORCE MAY WORK WITH OTHER
11 STATE AGENCIES, GROUPS, TASK FORCES, OR STATEWIDE INITIATIVES THAT
12 ARE PURSUING ISSUES AND POLICY INITIATIVES SIMILAR TO THOSE
13 ADDRESSED IN SUBSECTION (2) OF THIS SECTION. THE TASK FORCE MAY
14 DEVELOP RELATIONSHIPS WITH OTHER TASK FORCES, COMMITTEES, AND
15 ORGANIZATIONS TO LEVERAGE EFFICIENT POLICY-MAKING OPPORTUNITIES
16 THROUGH COLLABORATIVE EFFORTS.
17 (5) **Task force funding - staff support.** (a) THE LEGISLATIVE
18 COUNCIL STAFF AND THE DEPARTMENT OF REVENUE SHALL SUPPLY STAFF
19 ASSISTANCE, WITHIN EXISTING APPROPRIATIONS, TO THE TASK FORCE AS
20 THE COMMITTEE DEEMS APPROPRIATE. IF EXISTING APPROPRIATIONS ARE
21 NOT ADEQUATE TO SUPPLY STAFF ASSISTANCE, THE DIRECTOR OF THE
22 LEGISLATIVE COUNCIL STAFF OR THE DIRECTOR OF THE DEPARTMENT OF
23 REVENUE SHALL REQUEST ADDITIONAL NECESSARY FUNDING IN THEIR
24 ANNUAL BUDGET REQUESTS.
25 (b) ANY STATE DEPARTMENT, AGENCY, OR OFFICE WITH AN ACTIVE
26 REPRESENTATIVE ON THE TASK FORCE IS AUTHORIZED TO RECEIVE AND
27 EXPEND GIFTS, GRANTS, AND DONATIONS, INCLUDING DONATIONS OF

1 IN-KIND SERVICES FOR STAFF SUPPORT, FROM ANY PUBLIC OR PRIVATE
2 ENTITY FOR ANY DIRECT OR INDIRECT COSTS ASSOCIATED WITH THE
3 DUTIES OF THE TASK FORCE.
4 **39-21-405. Repeal of part.** THIS PART 4 IS REPEALED, EFFECTIVE
5 JULY 1, 2025.
6 **SECTION 2. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL E

LLS NO. 20-0242.01 Pierce Lively x2059 **HOUSE BILL**

HOUSE SPONSORSHIP

Benavidez and Snyder,

SENATE SPONSORSHIP

Court and Tate, Moreno

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE SALES TAX EXEMPTION FOR**
102 **CERTAIN ENERGY USES.**

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/.)

Tax Expenditure Evaluation Interim Study Committee. Under current law, the sales tax exemption for energy use exempts the sale and purchase of electricity, gas, fuel oil, steam, coal, coke, or nuclear fuel used in processing, manufacturing, mining, refining, irrigation, construction, telegraph, telephone, and radio communication, street and railroad transportation services, and all industrial uses, and newsprint and

printer's ink used by newspaper publisher and commercial printers from state sales tax. The bill modifies this sales exemption to only apply when the energy is used by a metered machine.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The sales tax exemption for energy use exempts the sale and
5 purchase of electricity, gas, fuel oil, steam, coal, coke, or nuclear fuel
6 used in processing, manufacturing, mining, refining, irrigation,
7 construction, telegraph, telephone, and radio communication, street and
8 railroad transportation services, and all industrial uses, and newsprint and
9 printer's ink used by newspaper publisher and commercial printers.

10 (b) Energy that does not directly contribute to one of the uses
11 enumerated in the exemption, such as energy used to heat or light break
12 rooms, office spaces, and sales rooms, does not qualify for the exemption.

13 (c) Because only certain energy qualifies for the sales tax
14 exemption, it is difficult for certain taxpayers to determine what energy
15 they use qualifies for the exemption and the exemption is open to fraud.

16 (d) (I) Moreover, there are unique burdens for the taxpayer and
17 energy provider in tracking and reporting this sales tax exemption.

18 (II) If a taxpayer's energy usage that qualifies for the exemption
19 is under 75% of the taxpayer's total energy use, the taxpayer must pay the
20 sales tax to their energy provider on the full amount of their energy
21 purchases and then apply for a refund from the department of revenue.

22 (III) If a taxpayer's energy usage that qualifies for the exemption
23 is 75% or more of their total energy use, the taxpayer can file a form with
24 their energy provider. If the taxpayer files this form, their energy provider

1 does not collect any sales tax from the taxpayer for the taxpayer's energy
2 purchases. The energy provider reports to the department of revenue the
3 amount of the taxpayer's energy purchases they exempted from sales tax.
4 If any of the taxpayer's energy use is not exempt from sales tax, the
5 taxpayer is responsible for remitting the nonexempt sales tax to the
6 department of revenue.
7 (IV) There is a separate process for restaurants that claim this
8 sales tax exemption. Restaurants with sales of food for immediate
9 consumption that exceed 25% of their total sales revenue can receive the
10 sales tax exemption for energy use for 55% of the sales tax they paid on
11 their energy purchases. Restaurants with sales of food for immediate
12 consumption that are 25% or less of their total sales revenue can claim the
13 sales tax exemption for energy use for an amount equivalent to 0.5% of
14 their total food sales.
15 (2) Therefore, it is the intent of the general assembly to simplify
16 the collection and administration of taxes for the state of Colorado and to
17 relieve taxpayers' confusion and vendors' administrative burdens by
18 amending tax expenditures where necessary.
19 **SECTION 2.** In Colorado Revised Statutes, 39-26-102, **amend**
20 (21)(a) as follows:
21 **39-26-102. Definitions.** As used in this article 26, unless the
22 context otherwise requires:
23 (21) (a) Sales and purchases of electricity, coal, gas, fuel oil,
24 steam, coke, or nuclear fuel, for use in processing, manufacturing,
25 mining, refining, irrigation, construction, telegraph, telephone, and radio
26 communication, street and railroad transportation services, and all
27 industrial uses, and newsprint and printer's ink for use by publishers of

newspapers and commercial printers shall be deemed to be wholesale sales and shall be exempt from taxation under this part 1 SO LONG AS THE ELECTRICITY, COAL, GAS, FUEL OIL, STEAM, COKE, OR NUCLEAR FUEL USED IS MEASURED BY A METERED MACHINE THAT QUANTIFIES THE AMOUNT OF ELECTRICITY, COAL, GAS, FUEL OIL, STEAM, COKE, OR NUCLEAR FUEL THAT IS USED FOR A PURPOSE ENUMERATED IN THIS SECTION.

SECTION 3. Act subject to petition - effective date. This act takes effect October 1, 2020; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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This letter reflects the authorization for the committee as approved by Legislative Council at its meeting on April 25, 2019.

To: Legislative Council

Requested by: Representative Benavidez
With support of: Representative Bird

Re: Request for interim study committee regarding tax expenditure evaluations prepared by the Office of the State Auditor.

Date: April 25, 2019

Information Required Pursuant to Section 2-3-303.3, C.R.S.

I hereby request that an interim study committee be formed to study the policy recommendations contained in the tax expenditure evaluations prepared by the Office of the State Auditor in the ongoing Tax Expenditures Compilation Report, during the interim between the 2019 and 2020 legislative sessions. The interim study committee would be named the "Tax Expenditure Evaluation Interim Study Committee."

The policy issues to be studied are the evaluations and policy recommendations for state tax expenditures prepared by the Office of the State Auditor in the ongoing Tax Expenditures Compilation Report. The policy recommendations include, among other things, changing or repealing various tax credits.

The interim study committee would need to meet up to four times to study the issues.

he interim study committee should consist of six members of the General Assembly selected as follows:

- Three members of the Senate, with two appointed by the President of the Senate and one appointed by the minority leader of the Senate; and

-

- Three members of the House of Representatives, with two appointed by the Speaker of the House of Representatives, and one appointed by the minority leader of the House of Representatives.

The chair will be a House member appointed by the Speaker of the House of Representatives and the vice-chair will be appointed by the President of the Senate.

The appointments must be made by June 1, 2019.

Nonlegislative members will not have a role in the interim study committee.

A task force is not necessary to assist the interim study committee in studying the scope of policy issues described above.

The interim study committee will need up to five bills to address the issues it studies.

Additional Information Related to the Interim Study Committee Request

The Office of the State Auditor, the Colorado Department of Revenue, and any relevant agencies affected by the tax expenditures that are reviewed by the interim study committee may be called upon to provide assistance or information to the interim study committee.

Thank you for your consideration of this request.

Transportation Legislation Review Committee

Members of the Committee

Representative Matt Gray, Chair
Senator Faith Winter, Vice-Chair

Senator Kerry Donovan
Senator Mike Foote
Senator Dennis Hisey
Senator Brittany Pettersen
Senator Kevin Priola
Senator Ray Scott

Representative Terri Carver
Representative Marc Catlin
Representative Tony Exum, Sr.
Representative Monica Duran
Representative Meg Froelich
Representative Edie Hooton
Representative Stephen Humphrey
Representative Kimmi Lewis
Representative Alex Valdez
Representative Donald Valdez

Legislative Council Staff

Katie Ruedebusch, Fiscal Analyst
April Bernard, Research Analyst
Jessika Shipley, Team Leader

Office of Legislative Legal Services

Jason Gelender, Managing Senior Attorney and Assistant Team Leader
Jerry Payne, Senior Attorney

November 2019

Transportation Legislation Review Committee

Committee Charge

Pursuant to Section 43-2-145, C.R.S., the Transportation Legislation Review Committee (TLRC) is authorized to give guidance and direction to:

- the Colorado Department of Transportation (CDOT) in the development of the state transportation system and to provide legislative oversight of that development;
- the Colorado Department of Revenue (DOR) in the licensing of drivers and registration and titling of motor vehicles; and
- any state agency or political subdivision of the state that regulates motor vehicles or traffic, including those that impose penalties for violating traffic statutes and rules.

The committee must meet at least once each year to propose and review transportation, traffic, and motor vehicle legislation. It is permitted to review any phase of operations of CDOT, a public highway authority, or a regional transportation authority, and may require these entities to prepare and adopt long-range plans and complete financial or performance audits. The committee may also conduct a post-operation review of any project completed by these entities to determine whether it was completed in the most cost-effective and efficient manner.

Committee Activities

During the 2019 interim, the TLRC toured the mountain and western regions of the state to visit infrastructure projects, tour transportation facilities, and meet with stakeholders. In addition, the committee held two meetings at the State Capitol. The following subsections discuss the TLRC's actions during the 2019 interim.

Mountain and western tour. As part of the committee's mountain and western tour, the committee undertook discussions and tours with the following entities:

- Park County Senior Coalition;
- Breckenridge Free Ride and Summit Stage;
- Loma Port of Entry;
- CDOT regarding Bustang;
- ECO Transit;
- I-70 Coalition;
- Clear Creek County Transportation; and
- Regional Transportation District (RTD) and EasyMile at the 61st and Pena RTD Station.

Colorado Department of Transportation. Executive Director Lew and CDOT representatives updated the committee on several ongoing CDOT activities. Representatives from CDOT updated the committee on the US 36 eastbound emergency bridge construction; discussed managed lanes; highlighted the ongoing statewide planning process; discussed a recent nationwide pavement report; gave an update on Senate Bill 17-267 projects; highlighted the work of stakeholder group on Senate Bill 19-239; discussed stakeholder recommendations on recent changes in Colorado's winter traction laws; provided an update on multi-modal funding; and discussed the implementation of recent audit recommendations. A representative from Plenary also answered several questions regarding the emergency bridge construction on US 36.

Southwest Chief and Front Range Passenger Rail Commission. Representatives of the Southwest Chief and Front Range Passenger Rail Commission briefed the committee on its work in the past year. Representatives discussed the commission's work with Amtrak and the renewed interest in passenger rail along the Front Range and highlighted recent federal and state funding and future commission activities.

Barriers to driver license for foster youth. House Bill 19-1023 required the TLRC to study the barriers to foster children meeting the 50-hour driving requirement for an instruction permit, and the ability of foster children to obtain automobile insurance during the 2019 legislative interim. Representatives from the Colorado Department of Human Services, the Adams County Department of Human Services, the Office of Child's Representative, Fostering Great Ideas, and the Division of Motor Vehicles (DMV) presented on barriers to foster children receiving driver licenses, including a discussion of the options available and difficulties facing foster youth when applying for driver licenses. The representative from the Office of Child's Representative noted that three main statutory and rule barriers to driver licenses are funding for driver education, access to vital documents, and county vital documents requirements. This discussion resulted in Bill C.

Colorado AAA presentation. A representative from Colorado AAA presented to the committee on driver education requirement modernizations. In addition, the representative discussed traffic fatalities and driver distraction. Colorado AAA recommended that Colorado's law on driver education be updated to require driver education for all drivers under 17 years of age.

Special mobile machinery presentation. Representatives of United Rentals presented to the committee on special mobile machinery. The discussion highlighted issues with the current registration process, and eliminating the registration process for large rental business was recommended.

Regional Transportation District. Representatives from the RTD briefed the committee on recent developments, including new line openings, service performance, the status of the upcoming N line, FasTracks investments, transit-oriented development, and mobility innovation. The representatives also discussed RTD's driver recruitment and retention issues. The committee was also updated about the 16th Street Mall project and new technology products offered by RTD, such as a current partnership with Uber. Finally, representatives discussed RTD's future mobility plan and the public input associated with the new plan. Representatives responded to questions from the committee about issues related to RTD's services and driver retention.

Division of Motor Vehicles. Representatives from the DMV within DOR provided an overview of the division's customer service improvements and issues related to the implementation of the DRIVES project. Representatives also provided information on the DMV's relationship with county clerks and law enforcement. The committee heard about the Real ID Act, SB 13-251 driver licenses, dealership registration, the self-service kiosk pilot, license plates, and other topics related to the state's registration and titling system. DMV representatives answered several questions regarding dealership registrations, DRIVES programming costs, and out-of-state registration violation enforcement.

Public highway authorities. Representatives from the E-470, Northwest Parkway, and Jefferson Parkway Public Highway Authorities (PHA) provided overviews of their agencies.

- *E-470.* The E-470 PHA is a 47-mile corridor that serves as a beltway for Denver's east side. The highway was completed in 2003, and rolled out all-electronic tolling in 2009. The E-470 representatives discussed several capital improvement projects underway on the toll road and the authority's bond debt, and highlighted the authority's plan to accommodate growth along the corridor and 2040 traffic projections for the corridor. An E-470 representative also discussed the authority's work as the state's electronic toll provider and the increase in the usage of managed lanes. Finally, representatives highlighted several changes due to recent legislation and answered several questions about transportation in the region.

- *Northwest Parkway.* Representatives from the Northwest Parkway PHA provided an overview of their authority, which was established in 1999 to connect E-470 to US 36 over nine miles. They provided an overview of their concession agreement, information on expansion possibilities, traffic history, and toll revenue statistics. They also highlighted the solar projects along the corridor.

- *Jefferson Parkway.* The Jefferson Parkway PHA was established in 2003 to complete the last unbuilt portion of the 470 beltway in the northwest quadrant of the Denver metropolitan area. Representatives of the authority discussed the authority's history and the next steps the authority will undertake towards completion of the parkway. In addition, representatives addressed the recent radiation soil sample surveys along a section of the corridor.

Colorado Cross Disability Coalition. Representatives of the Colorado Cross Disability Coalition provided information on several issues related to transportation for person with disabilities, including CDOT's Bustang program, the accessibility of transportation network companies, RTD services and Access-a-Ride, and bike lane accessibility. Representatives highlighted the issues persons with disabilities face due to distracted drivers.

Colorado Motor Carriers Association. Representatives of the Colorado Motor Carriers Association provided information on freight in Colorado, highlighting trucking's impact on the Colorado economy, the revenue generated by trucking for transportation funding, truck safety, emissions in the trucking industry, and the organization's views on several committee interim bill drafts. Representatives also discussed several federal regulations affecting trucking and truck parking issues.

Enterprise Holdings Rental Car Company. Representatives from Enterprise Holdings Rental Car Company provided information on how the company is complying with the new winter traction law passed in 2019. They discussed their education campaign to customers and their work with CDOT and the Colorado State Patrol. Representatives answered several questions concerning public safety and traction checkpoints in other states.

Renewable Energy Group. Representatives from the Renewable Energy Group provided information on biofuels, including biodiesel production, the benefits of biodiesel and biofuels, and biofuels role in Colorado's greenhouse gas reductions goals. Representatives also highlighted several policy options, such as tax-based incentives, to increase biofuel adoption.

ACLU of Colorado. Representatives of the ACLU of Colorado provided information on the cancellation of a driver license due to unpaid traffic violation debt in Colorado. They highlighted the cases of several Colorado citizens impacted by the current cancellation process and recent legislation in Colorado regarding license suspensions.

EdenCrete. Representatives of EdenCrete, LLC, provided information to the committee on its product, EdenCrete. EdenCrete is a Colorado-based company that produces a carbon concrete additive that has been used in several construction projects around the state. Representatives discussed their nanotube technology and highlighted several projects in Colorado that used the product.

Committee Recommendations

As a result of committee discussion and deliberation, the Transportation Legislation Review Committee recommends the following five bills for consideration in the 2020 legislative session.

Bill A – License Plate Expiration on Change of Ownership. The bill creates a license plate reissuance process and changes Colorado's license plate color scheme beginning on January 2021. On or after January 1, 2021, the license plates expire for any owner who transfers or assigns their title or interest in another vehicle, and the plates may not be transferred to another vehicle. Owners of expired license

plates will be required to pay any associated fees with the issuance of new license plates, but the DOR may not recover any incremental costs from producing or distributing the new license plates. The bill applies to all Class C motor vehicles, except for horseless carriages.

In addition, the bill requires license plates issued on or after January 1, 2021, to display white letters and numbers over a background of dark green mountains and a white sky. The DOR must exhaust its stock of current license plates before issuing license plates with the new color scheme.

Bill B – Transportation Public Private Partnership Reporting. By February 15, 2021, this bill requires the High-Performance Transportation Enterprise to include the following information for each executed or proposed public-private partnership in its report: a summary of HPTE's processes and activities leading up to the public-private partnership, including information on the public comment and selection processes; and a summary of the major financial, performance, and length-of-term provisions in actual or anticipated public-private partnership agreements.

Bill C – Driving Instructions for Foster Youth. The bill creates a grant program within the Department of Human Services (DHS) to reimburse counties for the cost of driver education classes for 15- to 17-year-old youth in foster care. The State Board of Human Services is required to promulgate rules for the administration of the program by December 1, 2020. Each county that receives a grant must submit an annual report to the DHS beginning November 1, 2021, and the DHS must submit an annual summary report to the General Assembly beginning January 1, 2021. The program repeals on September 1, 2030, pending a sunset review.

In addition, the bill clarifies that county departments of human or social services are not liable for any injury that may occur while a youth in foster care is receiving driving instruction. The bill also clarifies that a certified court order is sufficient documentation for eligible foster youth to apply for driver licenses.

Bill D – Commercial Vehicle VIN Verification Inspections. Under current law, the Colorado State Patrol in the Department of Public Safety administers a pilot program that allows a third-party transportation association or organization to perform Vehicle Identification Number (VIN) verifications on commercial vehicles. This bill recreates the pilot program as a permanent program.

Bill E – Commercial Vehicle Annual Fleet Overweight Permits. Under current law, commercial motor vehicle fleet owners can apply to CDOT for two separate annual non-interstate overweight divisible load permits: quad axle and two or three axle trailer. The bill combines the two permits and creates one annual fleet permit for non-interstate overweight divisible load quad axles and two or three axle trailers.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL A

LLS NO. 20-0343.01 Jason Gelender x4330 **SENATE BILL**

SENATE SPONSORSHIP

Priola, Moreno, Pettersen, Scott

HOUSE SPONSORSHIP

Valdez A., Catlin, Duran, Froelich, Gray, Hooton

Senate Committees **House Committees**

A BILL FOR AN ACT

CONCERNING LICENSE PLATES, AND, IN CONNECTION THEREWITH, SPECIFYING THAT, IN ORDER TO MINIMIZE POTENTIAL LOST REGISTRATION REVENUE, THE LICENSE PLATES OF A MOTOR VEHICLE THAT IS CLASSIFIED AS CLASS C PERSONAL PROPERTY EXPIRE UPON THE SALE OR TRANSFER OF THE MOTOR VEHICLE AND THAT, IN ORDER TO IMPROVE LEGIBILITY AND ENFORCEMENT, A REVISED COLOR SCHEME IS REQUIRED FOR CERTAIN LICENSE PLATES MANUFACTURED ON OR AFTER A SPECIFIED DATE.

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/.)

Transportation Legislation Review Committee. The bill specifies that:

- The license plates of a motor vehicle that is Class C personal property for purposes of the laws governing the levying of specific ownership tax and registration of vehicles expire upon the transfer of the owner's title or interest in the motor vehicle;
- If either the expired license plates are personalized license plates or the owner wishes to continue to use the same combination of letters or numbers on the owner's expired license plates that were not originally issued as personalized license plates, the owner retains the priority right to use the combination of letters or numbers displayed on the expired license plates to the extent provided for in current law and may apply for personalized license plates that use the combination in the manner specified in current law when registering another motor vehicle; and
- Any resulting incremental costs of producing and distributing additional new license plates are excluded from the calculation of the amount necessary to recover the costs of license plate, decal, and validating tab production, and distribution that is used to annually establish the amount of the fee charged to cover those costs.

Class C personal property includes passenger cars, noncommercial light trucks, and motorcycles. The bill does not apply to the transfer or assignment of an owner's interest in Class C personal property that is a horseless carriage.

On and after January 1, 2021, the bill also requires each type of license plate that is not a group special license plate and that, as of January 1, 2020, had a color scheme of dark green letters and numbers on a background of white mountains and a dark green sky to be manufactured to have a color scheme of white letters and numbers on a background of dark green mountains and a white sky. The department of revenue must exhaust its stock of license plates with the old color scheme before issuing license plates with the new color scheme.

---

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

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

3 finds and declares that:

(a) Recent national studies have determined that 4% of vehicles on the road in the United States are not properly registered or the registration is expired. In Colorado it is estimated that as many as 4 out of every 10 cars on the road are not properly registered and licensed.

(b) Vehicles out of registration compliance also commonly lack insurance coverage and emissions testing documentation.

(c) Unregistered and improperly licensed vehicles contribute to significant state and local shortfalls in revenue for critical transportation and other needs.

(d) The financial impact of traffic congestion in the United States is calculated to be $166 billion annually, reaching $225 billion by 2025. Readable license plates may be needed to implement traffic congestion mitigation measures in the future.

(e) Law enforcement and public safety officials rely on plate readability and reflectivity to maintain safety on Colorado roads during critical operations, such as an Amber alert. Seventy percent of serious crimes involve a vehicle, and license plates are a low-cost and effective way for law enforcement to identify vehicles. License plates must be readable from a safe distance and readable from a vehicle in motion.

(f) License plates are often the only highly reflective element on vehicles, providing a critically important safety feature for stalled vehicles at night.

(g) Automated tolling systems on Colorado roads require legible, readable license plates to ensure accurate record keeping and to capture revenue from tollway users during the day and at night.

(h) The substantial increase in new residents from other states driving vehicles that are not registered in Colorado has contributed to the

loss of critical revenue for transportation and other purposes.

(i) Despite substantial growth in the number of motor vehicles on Colorado's roads, Colorado has not implemented a periodic license plate replacement program in nearly 30 years.

(j) A phased-in license plate reissue program will provide for increased public safety and effectiveness of license plates while minimizing costs and maximizing convenience for drivers.

(k) New technology will allow for Colorado license plates to return to the legacy green mountain design.

(l) On average, license plates lose 50% of their reflectivity within 5 to 10 years of use and the average age of motor vehicles in Colorado is 7 to 10 years.

(2) Therefore, the general assembly declares that it is in the best interest of the people of the state of Colorado to implement a phased-in license plate reissue program that will extinguish license plates upon the sale or transfer to a new owner and require motorists to get new license plates at no additional cost to them. Phasing in new license plates in this fashion will improve registration and license plate compliance, generate new and needed revenue for transportation and other purposes, improve vehicle insurance compliance rates, improve vehicle emission control compliance rates, enhance public safety and law enforcement, improve tollway revenue capture rates, and enhance Colorado's image through a return to the legacy license plate design.

SECTION 2. In Colorado Revised Statutes, 24-30-2208, **amend** (2)(b) as follows:

24-30-2208. Sale of registration numbers. (2) (b) Upon receiving the committee's request, the department of revenue shall verify

whether the plates are currently issued. FOR PURPOSES OF THIS SUBSECTION (2)(b) AND SUBSECTION (2)(c) OF THIS SECTION, A PLATE THAT EXPIRES DUE TO THE OPERATION OF SECTION 42-3-115 (5)(a) IS CONSIDERED CURRENTLY ISSUED UNTIL THE RIGHT OF THE OWNER OF THE MOTOR VEHICLE TO WHICH THE EXPIRED PLATE WAS AFFIXED TO APPLY TO USE THE REGISTRATION NUMBER OF THE EXPIRED PLATE WHEN REGISTERING ANOTHER MOTOR VEHICLE EXPIRES. If the plate is not currently issued, the department shall reserve the registration number until the committee notifies the department to release the registration number.

SECTION 3. In Colorado Revised Statutes, 42-3-115, **add** (5) as follows:

42-3-115. Registration upon transfer. (5) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5)(b) OF THIS SECTION, ON AND AFTER JANUARY 1, 2021, WHENEVER THE OWNER OF A MOTOR VEHICLE THAT IS CLASS C PERSONAL PROPERTY, AS DEFINED IN SECTION 42-3-106 (2)(c), TRANSFERS OR ASSIGNS THE OWNER'S TITLE OR INTEREST, THE NUMBER PLATES ISSUED TO THE OWNER FOR THE VEHICLE EXPIRE AND MAY NOT BE TRANSFERRED TO ANY OTHER MOTOR VEHICLE. AN OWNER OF A MOTOR VEHICLE WHOSE NUMBER PLATES THAT EXPIRE DUE TO THE OPERATION OF THIS SUBSECTION (5)(a) ARE PERSONALIZED LICENSE PLATES ISSUED PURSUANT TO SECTION 42-3-211 RETAINS THE PRIORITY RIGHT TO USE THE COMBINATION OF LETTERS OR NUMBERS DISPLAYED ON THE EXPIRED PERSONALIZED LICENSE PLATES TO THE EXTENT PROVIDED FOR IN SECTION 42-3-211 AND MAY APPLY FOR IDENTICAL PERSONALIZED LICENSE PLATES IN THE MANNER SPECIFIED IN SECTION 42-3-211 WHEN REGISTERING ANOTHER MOTOR VEHICLE. IN ADDITION, AN OWNER OF A

VEHICLE WHOSE NUMBER PLATES THAT EXPIRE DUE TO THE OPERATION OF THIS SUBSECTION (5)(a) WERE NOT ORIGINALLY ISSUED AS PERSONALIZED LICENSED PLATES, BUT WHO WISHES TO RETAIN THE SAME COMBINATION OF LETTERS OR NUMBERS DISPLAYED ON THE EXPIRED LICENSE PLATES RETAINS THE PRIORITY RIGHT TO USE THE COMBINATION AND MAY APPLY FOR PERSONALIZED LICENSE PLATES WITH THE COMBINATION IN THE MANNER SPECIFIED IN SECTION 42-3-211 WHEN REGISTERING ANOTHER MOTOR VEHICLE.

(b) IN ACCORDANCE WITH SECTION 42-12-301 (6), SUBSECTION (5)(a) OF THIS SECTION DOES NOT APPLY TO THE TRANSFER OR ASSIGNMENT OF AN OWNER'S INTEREST IN CLASS C PERSONAL PROPERTY THAT IS A HORSELESS CARRIAGE.

SECTION 4. In Colorado Revised Statutes, 42-3-201, **add** (8) as follows:

42-3-201. Number plates furnished - style - periodic reissuance - tabs - rules. (8) ON AND AFTER JANUARY 1, 2021, EACH TYPE OF LICENSE PLATE THAT IS NOT A GROUP SPECIAL LICENSE PLATE AND THAT, AS OF JANUARY 1, 2020, HAD A COLOR SCHEME OF DARK GREEN LETTERS AND NUMBERS ON A BACKGROUND OF WHITE MOUNTAINS AND A DARK GREEN SKY SHALL BE MANUFACTURED TO HAVE A COLOR SCHEME OF WHITE LETTERS AND NUMBERS ON A BACKGROUND OF GREEN MOUNTAINS AND A WHITE SKY. THE DEPARTMENT SHALL EXHAUST ITS STOCK OF LICENSE PLATES WITH A COLOR SCHEME OF DARK GREEN LETTERS AND NUMBERS ON A BACKGROUND OF WHITE MOUNTAINS AND A DARK GREEN SKY BEFORE ISSUING LICENSE PLATES WITH A COLOR SCHEME OF WHITE LETTERS AND NUMBERS ON A BACKGROUND OF GREEN MOUNTAINS AND A WHITE SKY.

SECTION 5. In Colorado Revised Statutes, 42-3-211, **amend** (5) as follows:

42-3-211. Issuance of personalized plates authorized. (5) An applicant for issuance of personalized license plates or renewal of such plates shall apply in such form and by such date as the department may require, indicating thereon the combination of letters or numbers requested as a registration number. There shall be no duplication of registration numbers, and the department may refuse to issue any combination of letters or numbers that carry connotations offensive to good taste and decency, are misleading, or duplicate any other license plates provided for in this article ***3.*** THE DEPARTMENT SHALL APPROVE ANY APPLICATION FOR PERSONALIZED LICENSE PLATES RECEIVED FROM AN INDIVIDUAL WHO WISHES TO RETAIN THE SAME COMBINATION OF LETTERS OR NUMBERS DISPLAYED ON THE INDIVIDUAL'S LICENSE PLATES THAT EXPIRED DUE TO THE OPERATION OF SECTION 42-3-115 (5)(a).

SECTION 6. In Colorado Revised Statutes, 42-3-301, **amend** (2)(a) as follows:

42-3-301. License plate cash fund - license plate fees. (2) (a) The fees imposed pursuant to subsection (1) of this section ~~shall be~~ ARE limited to the amount necessary to recover the costs of the production and distribution of any license plates, decals, or validating tabs issued pursuant to this article 3 and the related support functions provided to the department of revenue by the division AND THE AMOUNT OF ANY GENERAL FUND APPROPRIATION FOR STATE FISCAL YEAR 2020-21 MADE TO IMPLEMENT SENATE BILL 20-_____, ENACTED IN 2020. WHEN THE BALANCE OF THE LICENSE PLATE CASH FUND CREATED IN SUBSECTION (1)(b) OF THIS SECTION BECOMES SUFFICIENT TO COVER ALL OF THE COSTS

DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION AND TO REPAY THE AMOUNT OF ANY GENERAL FUND APPROPRIATION FOR STATE FISCAL YEAR 2020-21 MADE TO IMPLEMENT SENATE BILL 20-_____, ENACTED IN 2020, THE EXECUTIVE DIRECTOR SHALL INSTRUCT THE STATE TREASURER TO TRANSFER AN AMOUNT EQUAL TO THE AMOUNT OF THE APPROPRIATION FROM THE LICENSE PLATE CASH FUND TO THE GENERAL FUND. The correctional industries advisory committee, established pursuant to section 17-24-104 (2), shall annually review and recommend to the director of the division the amounts of the fees to be imposed pursuant to subsection (1) of this section. The director of the division, in cooperation and consultation with the department of revenue and the office of state planning and budgeting, shall annually establish the amounts of the fees imposed pursuant to subsection (1) of this section to recover the division's costs pursuant to this subsection (2).

SECTION 7. Act subject to petition - effective date. This act takes effect January 1, 2021; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect January 1, 2021, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL B

LLS NO. 20-0345.01 Jason Gelender x4330 **SENATE BILL**

SENATE SPONSORSHIP

Winter, Donovan, Foote, Hisey, Moreno, Pettersen, Priola

HOUSE SPONSORSHIP

Gray, Duran, Exum, Froelich, Hooton, Valdez A., Valdez D.

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE HIGH-PERFORMANCE**
102 **TRANSPORTATION ENTERPRISE INCLUDE INFORMATION ABOUT**
103 **ITS PUBLIC-PRIVATE PARTNERSHIPS IN ITS ANNUAL REPORT TO**
104 **THE LEGISLATIVE COMMITTEES OF THE HOUSE OF**
105 **REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION**
106 **OVER TRANSPORTATION.**

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/.)

Transportation Legislation Review Committee. Current law

authorizes the high-performance transportation enterprise (HPTE) to enter into public-private partnerships, which are contractual agreements between HPTE and one or more private or public entities, to deliver or contribute to the delivery of surface transportation projects and requires HPTE to provide an annual report on its activities to the legislative committees that have jurisdiction over transportation (currently the house of representatives transportation and local government committee and the senate transportation and energy committee). Beginning with the annual report due in 2021, the bill requires HPTE to include in the annual report, for each of its executed or proposed public-private partnerships, summaries of:

- The processes that HPTE has used leading up to or anticipates using to lead up to its entry into the public-private partnership, including the processes for obtaining and responding to public questions, concerns, and other comments or input and the processes for selecting each partner to the public-private partnership; and
- The actual major financial, performance, and length-of-term provisions of its executed public-private partnerships and, to the extent feasible, the anticipated major financial, performance, and length-of-term provisions of its proposed public-private partnerships.

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

SECTION 1. In Colorado Revised Statutes, 43-4-806, **amend** (10) as follows:

43-4-806. High-performance transportation enterprise - creation - board - funds - powers and duties - limitations - reporting requirements - legislative declaration - definition. (10) (a) Notwithstanding section 24-1-136 (11)(a)(I), no later than February 15, 2010, and no later than February 15 of each year thereafter, the transportation enterprise shall present a report to the committees of the house of representatives and the senate that have jurisdiction over transportation. The report ~~shall~~ MUST include a summary of the transportation enterprise's activities for the previous year, a summary of the status of any current surface transportation infrastructure projects, a

statement of the enterprise's revenues and expenses, and any recommendations for statutory changes that the enterprise deems necessary or desirable. The committees shall review the report and may recommend legislation. The report shall be public and shall be available on the website of the department on or before January 15 of the year in which the report is presented.

(b) BEGINNING WITH THE REPORT DUE NO LATER THAN FEBRUARY 15, 2021, THE REPORT SHALL ALSO INCLUDE FOR EACH OF THE TRANSPORTATION ENTERPRISE'S EXECUTED OR PROPOSED PUBLIC-PRIVATE PARTNERSHIPS:

(I) A SUMMARY OF THE PROCESSES THAT THE TRANSPORTATION ENTERPRISE HAS USED LEADING UP TO OR ANTICIPATES USING TO LEAD UP TO ITS ENTRY INTO THE PUBLIC-PRIVATE PARTNERSHIP, INCLUDING THE PROCESSES FOR OBTAINING AND RESPONDING TO PUBLIC QUESTIONS, CONCERNS, AND OTHER COMMENTS OR INPUT AND THE PROCESSES FOR SELECTING EACH PARTNER TO THE PUBLIC-PRIVATE PARTNERSHIP; AND

(II) A SUMMARY OF THE ACTUAL, OR TO THE EXTENT AVAILABLE THE ANTICIPATED, MAJOR FINANCIAL, PERFORMANCE, AND LENGTH-OF-TERM PROVISIONS OF THE PUBLIC-PRIVATE PARTNERSHIP.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

1 November 2020 and, in such case, will take effect on the date of the
2 official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL C

LLS NO. 20-0346.01 Richard Sweetman x4333 **HOUSE BILL**

HOUSE SPONSORSHIP

Duran and Exum, Carver, Catlin, Froelich, Gray, Hooton, Humphrey, Valdez A., Valdez D.

SENATE SPONSORSHIP

Donovan and Hisey, Foote, Moreno, Pettersen, Priola, Scott

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING THE ACQUISITION OF DRIVERS' LICENSES BY CERTAIN**
102 **PERSONS IN THE CUSTODY OF THE STATE DEPARTMENT OF**
103 **HUMAN 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/.)

Transportation Legislation Review Committee. The bill creates the foster children's driver education grant program (program) in the state department of human services (state department) to reimburse county departments of human or social services (county departments) for costs paid to private driving schools for providing driving instruction to

persons in the custody of the county department who are at least 15 years and less than 18 years of age. The state department shall administer the program and award grants to county departments.

On or before December 1, 2020, the state board of human services (state board) shall promulgate rules for the administration of the program. On or before November 1, 2021, and on or before January 1 each year thereafter, each county department that receives a grant through the program shall submit a report to the state department. At a minimum, the report must include the information required by rules promulgated by the state board. On or before January 1, 2021, and on or before January 1 each year thereafter for the duration of the program, the state department shall submit a summarized report to the appropriate reference committees of the general assembly. At a minimum, the report must include the information submitted to the state department by county departments.

The program is repealed, effective September 1, 2030. Before the repeal, the program is scheduled for a sunset review by the department of regulatory agencies.

The bill states that the program does not create any liability on behalf of a county department for contracting with a private driving school to provide driving instruction or for an injury alleged to have occurred while a person in the custody of the state department receives driving instruction from a private driving school, the cost of which instruction may be reimbursed to the county department from the program.

The bill states that a certified court order is sufficient to establish the legal name, identity, date of birth, lawful presence in the United States, or Colorado residency of a person who is in the custody of the state department, is at least 15 years and less than 18 years of age, and is applying for a driver's license.

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

SECTION 1. In Colorado Revised Statutes, **add** article 25 to title 26 as follows:

ARTICLE 25

Driver Education for Foster Children

26-25-101. Foster children's driver education grant program - rules - report. (1) THE FOSTER CHILDREN'S DRIVER EDUCATION GRANT PROGRAM, REFERRED TO IN THIS ARTICLE 25 AS THE "PROGRAM", IS

HEREBY CREATED IN THE STATE DEPARTMENT TO REIMBURSE COUNTY DEPARTMENTS FOR COSTS PAID TO PRIVATE DRIVING SCHOOLS THAT PROVIDE DRIVING INSTRUCTION TO PERSONS IN THE CUSTODY OF THE STATE DEPARTMENT WHO ARE AT LEAST FIFTEEN YEARS AND LESS THAN EIGHTEEN YEARS OF AGE. COUNTY DEPARTMENTS THAT RECEIVE GRANT MONEY FROM THE PROGRAM SHALL USE THE GRANT MONEY ONLY FOR THE PURPOSE SPECIFIED IN THIS SUBSECTION (1).

(2) THE STATE DEPARTMENT SHALL ADMINISTER THE PROGRAM AND AWARD GRANTS AS PROVIDED IN THIS SECTION AND BY RULES ADOPTED PURSUANT TO THIS SECTION.

(3) THE STATE DEPARTMENT MAY SEEK AND ACCEPT GIFTS, GRANTS, AND DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION; EXCEPT THAT THE STATE DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER LAW OF THE STATE.

(4) (a) THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY TO THE STATE DEPARTMENT FOR USE IN IMPLEMENTING AND ADMINISTERING THE PROGRAM.

(b) THE STATE DEPARTMENT MAY USE UP TO THREE PERCENT OF ANY MONEY APPROPRIATED FOR THE PROGRAM TO PAY THE DIRECT AND INDIRECT COSTS THAT THE STATE DEPARTMENT INCURS TO ADMINISTER THE PROGRAM.

(5) ON OR BEFORE DECEMBER 1, 2020, THE STATE BOARD SHALL PROMULGATE RULES FOR THE ADMINISTRATION OF THE PROGRAM. AT A MINIMUM, THE RULES MUST SPECIFY:

(a) THE TIME FRAME FOR APPLYING FOR GRANTS;

(b) THE FORM OF THE PROGRAM APPLICATION;

(c) THE TIME FRAME FOR DISTRIBUTING GRANT MONEY; AND

(d) THE MINIMUM INFORMATION TO BE INCLUDED IN THE REPORTS DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION.

(6) (a) ON OR BEFORE NOVEMBER 1, 2021, AND ON OR BEFORE NOVEMBER 1 EACH YEAR THEREAFTER, EACH COUNTY DEPARTMENT THAT RECEIVED A GRANT IN THE PRECEDING TWELVE MONTHS THROUGH THE PROGRAM SHALL SUBMIT A REPORT TO THE STATE DEPARTMENT. AT A MINIMUM, THE REPORT MUST INCLUDE THE INFORMATION REQUIRED BY RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SUBSECTION (5) OF THIS SECTION.

(b) ON OR BEFORE JANUARY 1, 2022, AND ON OR BEFORE JANUARY 1 EACH YEAR THEREAFTER FOR THE DURATION OF THE PROGRAM, THE STATE DEPARTMENT SHALL SUBMIT A SUMMARY REPORT TO THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR THEIR SUCCESSOR COMMITTEES. AT A MINIMUM, THE REPORT MUST INCLUDE THE INFORMATION SUBMITTED TO THE STATE DEPARTMENT BY COUNTY DEPARTMENTS PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION.

(c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENTS SET FORTH IN THIS SUBSECTION (6) CONTINUE INDEFINITELY.

26-25-102. No liability created. (1) NOTHING IN THIS ARTICLE 25 PLACES ANY LIABILITY ON A COUNTY DEPARTMENT FOR:

(a) CONTRACTING WITH A PRIVATE DRIVING SCHOOL TO PROVIDE DRIVING INSTRUCTION TO A PERSON WHO IS IN THE CUSTODY OF THE

COUNTY DEPARTMENT AND WHO IS FIFTEEN YEARS OF AGE OR OLDER BUT UNDER EIGHTEEN YEARS OF AGE; OR

(b) AN INJURY ALLEGED TO HAVE OCCURRED WHILE A PERSON IN THE CUSTODY OF THE COUNTY DEPARTMENT RECEIVES DRIVING INSTRUCTION FROM A PRIVATE DRIVING SCHOOL, THE COST OF WHICH INSTRUCTION MAY BE REIMBURSED TO THE COUNTY DEPARTMENT PURSUANT TO THE PROGRAM.

(2) NOTHING IN THIS ARTICLE 25 WAIVES OR LIMITS A COUNTY DEPARTMENT'S GOVERNMENTAL IMMUNITY, AS DESCRIBED IN ARTICLE 10 OF TITLE 24.

26-25-103. Repeal of article - sunset review. THIS ARTICLE 25 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2030. BEFORE THE REPEAL, THE PROGRAM IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

SECTION 2. In Colorado Revised Statutes, 24-34-104, **add** (31)(a)(V) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (31) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2030:

(V) THE FOSTER CHILDREN'S DRIVER EDUCATION GRANT PROGRAM CREATED IN ARTICLE 25 OF TITLE 26.

SECTION 3. In Colorado Revised Statutes, 42-2-108, **amend** (2); and **add** (5) as follows:

42-2-108. Application of minors. (2) (a) Any negligence or willful misconduct of a minor under ~~the age of~~ eighteen years OF AGE who drives a motor vehicle upon a highway is imputed to the person who

signed the affidavit of liability ~~which~~ THAT accompanied the MINOR'S application ~~of such minor~~ for a permit or license. ~~Such~~ THE person is jointly and severally liable with ~~such~~ THE minor for any damages caused by ~~such~~ THE MINOR'S negligence or willful misconduct, except as otherwise provided in subsection (3) of this section.

(b) A GUARDIAN AD LITEM, AN OFFICIAL OF A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES, OR AN OFFICIAL OF THE DIVISION OF YOUTH SERVICES IN THE STATE DEPARTMENT OF HUMAN SERVICES WHO SIGNS A MINOR'S APPLICATION FOR A PERMIT OR LICENSE BUT DOES NOT SIGN AN AFFIDAVIT OF LIABILITY DOES NOT IMPUTE LIABILITY ON THEMSELVES, ON THE COUNTY, OR ON THE STATE FOR ANY DAMAGES CAUSED BY THE NEGLIGENCE OR WILLFUL MISCONDUCT OF THE APPLICANT.

(c) NOTHING IN THIS SECTION WAIVES OR LIMITS A COUNTY DEPARTMENT'S GOVERNMENTAL IMMUNITY, AS DESCRIBED IN ARTICLE 10 OF TITLE 24.

(5) A CERTIFIED COURT ORDER IS SUFFICIENT TO ESTABLISH THE LEGAL NAME, IDENTITY, DATE OF BIRTH, LAWFUL PRESENCE IN THE UNITED STATES, AND COLORADO RESIDENCY OF A PERSON WHO IS IN THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES, IS FIFTEEN YEARS OF AGE OR OLDER BUT UNDER EIGHTEEN YEARS OF AGE, AND IS APPLYING FOR A DRIVER'S LICENSE.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the

state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL D

LLS NO. 20-0347.01 Jason Gelender x4330 **SENATE BILL**

SENATE SPONSORSHIP

Hisey and Winter, Donovan, Foote, Moreno, Pettersen, Priola, Scott

HOUSE SPONSORSHIP

Catlin and Valdez D., Duran, Exum, Froelich, Gray, Hooton, Valdez A.

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING PERMANENT AUTHORIZATION FOR THIRD-PARTY**
102 **PROVIDERS TO PERFORM VEHICLE IDENTIFICATION NUMBER**
103 **VERIFICATION INSPECTIONS FOR COMMERCIAL VEHICLES.**

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/.)

Transportation Legislation Review Committee. A pilot program (program) created in 2017 authorized third-party transportation associations or organizations approved by the chief of the Colorado state patrol to perform vehicle identification number (VIN) verification inspections for commercial vehicles. The statute authorizing the program

repealed, in accordance with its provisions as enacted, effective January 1, 2020. The bill recreates the program as a permanent program.

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

SECTION 1. In Colorado Revised Statutes, **recreate and reenact, with amendments,** 42-1-232 as follows:

42-1-232. Third-party VIN inspection program - rules - definitions. (1) FOR THE PURPOSES OF THIS SECTION:

(a) "CHIEF" MEANS THE CHIEF OF THE COLORADO STATE PATROL.

(b) "CONVICTED" MEANS A CONVICTION OF, OR PLEADING GUILTY OR NOLO CONTENDERE TO, A VIOLATION OF THE LAW.

(c) "PERMIT" MEANS AUTHORITY FOR AN ORGANIZATION TO EMPLOY PEOPLE TO VERIFY INFORMATION, INCLUDING A VIN, THAT MAY BE REQUIRED TO REGISTER A COMMERCIAL VEHICLE UNDER ARTICLE 3 OF THIS TITLE 42 OR TO BE ISSUED A CERTIFICATE OF TITLE UNDER ARTICLE 6 OF THIS TITLE 42.

(d) "VIN" MEANS VEHICLE IDENTIFICATION NUMBER.

(2) THE CHIEF SHALL CREATE A PROGRAM THAT AUTHORIZES A TRANSPORTATION ASSOCIATION OR ORGANIZATION TO VERIFY COMMERCIAL VEHICLE INFORMATION, INCLUDING A VIN, AS A VEHICLE-RELATED ENTITY IF THE TRANSPORTATION ASSOCIATION OR ORGANIZATION DEMONSTRATES TO THE SATISFACTION OF THE CHIEF THAT IT AND ANY INDIVIDUALS IT MAY EMPLOY TO VERIFY INFORMATION MEET THE REQUIREMENTS OF THIS SECTION AND ANY RULES PROMULGATED TO IMPLEMENT THIS SECTION. UPON DETERMINING THAT A TRANSPORTATION ASSOCIATION OR ORGANIZATION MEETS THE REQUIREMENTS OF THIS SECTION AND ANY RULES PROMULGATED TO IMPLEMENT THIS SECTION, THE CHIEF MAY ISSUE A PERMIT TO THE APPLICANT.

(3) TO BE ISSUED A PERMIT TO VERIFY INFORMATION, INCLUDING A VIN, AS A VEHICLE-RELATED ENTITY, AN APPLICANT MUST:

(a) EMPLOY VERIFIERS WHO DEMONSTRATE KNOWLEDGE OF THE PROCESS AND STANDARDS AND WHO HAVE NOT BEEN CONVICTED OF VIOLATING ARTICLE 4 OF TITLE 18 WITHIN THE LAST TEN YEARS;

(b) SUBMIT THE NAME, BACKGROUND, EXPERIENCE, LOCATION OF OPERATION, CONTACT INFORMATION, AND ANY OTHER INFORMATION REQUIRED BY THE CHIEF OF EACH EMPLOYED VERIFIER;

(c) FURNISH EVIDENCE OF A SAVINGS ACCOUNT OR DEPOSIT IN A CERTIFICATE OF DEPOSIT MEETING THE REQUIREMENTS OF SECTION 11-35-101 OR A SURETY BOND THAT:

(I) HOLDS HARMLESS ANY PERSON WHO SUFFERS LOSS OR DAMAGE ARISING FROM THE ISSUANCE OF A CERTIFICATE OF TITLE THAT INCLUDED A VERIFICATION DONE BY THE PERMIT HOLDER; AND

(II) IS IN THE AMOUNT OF AT LEAST TEN THOUSAND DOLLARS.

(4) A VEHICLE-RELATED ENTITY SHALL NOT EMPLOY A VERIFIER UNTIL THE CHIEF HAS APPROVED THE VERIFIER. THE PERMIT HOLDER SHALL SUBMIT TO THE CHIEF THE NAME, BACKGROUND, EXPERIENCE, LOCATION OF OPERATION, CONTACT INFORMATION, AND ANY OTHER INFORMATION REQUIRED BY THE CHIEF OF EACH VERIFIER. WITHIN SEVEN DAYS AFTER CEASING TO EMPLOY A VERIFIER, THE VEHICLE-RELATED ENTITY SHALL NOTIFY THE CHIEF THAT THE INDIVIDUAL NO LONGER VERIFIES INFORMATION FOR THE VEHICLE-RELATED ENTITY.

(5) A VEHICLE-RELATED ENTITY SHALL NOT CHARGE MORE THAN TWENTY-FIVE DOLLARS PER TRANSACTION TO VERIFY INFORMATION.

(6) THE CHIEF MAY DENY OR CANCEL A PERMIT FOR:

(a) FAILING TO COMPLY WITH THIS SECTION;

(b) FAILING TO MAINTAIN IN FULL FORCE THE SAVINGS ACCOUNT, DEPOSIT IN A CERTIFICATE OF DEPOSIT, OR SURETY BOND REQUIRED BY SUBSECTION (3) OF THIS SECTION;

(c) MISREPRESENTATIONS IN APPLYING FOR A PERMIT;

(d) BEING CONVICTED UNDER, OR EMPLOYING A VERIFIER WHO IS CONVICTED UNDER, ARTICLE 4 OF TITLE 18;

(e) INCOMPETENCE OR FAILING TO ADEQUATELY VERIFY INFORMATION, INCLUDING A VIN, AS A VEHICLE-RELATED ENTITY.

(7) THE CHIEF MAY PROMULGATE RULES REASONABLY NECESSARY TO IMPLEMENT THIS SECTION, INCLUDING ESTABLISHING APPLICATION PROCEDURES AND ANY REQUIRED FORMS AND ESTABLISHING PROCEDURES, IN COMPLIANCE WITH ARTICLE 4 OF TITLE 24, FOR CANCELING A PERMIT. THE CHIEF MAY SUMMARILY SUSPEND A PERMIT FOR UP TO SIXTY DAYS PENDING A HEARING TO CANCEL A PERMIT IF THE CHIEF DETERMINES THAT IRREPARABLE HARM MAY OCCUR IF THE PERMIT HOLDER CONTINUES TO VERIFY INFORMATION, INCLUDING A VIN, AS A VEHICLE-RELATED ENTITY.

(8) FOR THE PURPOSES OF VERIFYING INFORMATION IN ACCORDANCE WITH ARTICLES 1 TO 5 OF THIS TITLE 42, A PERMIT HOLDER IS A VEHICLE-RELATED ENTITY.

SECTION 2. 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.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL E

LLS NO. 20-0351.01 Jason Gelender x4330 **HOUSE BILL**

HOUSE SPONSORSHIP

Valdez D. and Gray, Catlin, Duran, Exum, Froelich, Hooton, Valdez A.

SENATE SPONSORSHIP

Scott and Hisey, Donovan, Moreno, Pettersen, Priola

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A SINGLE ANNUAL FLEET**
102 **OVERWEIGHT PERMIT FOR A COMMERCIAL MOTOR VEHICLE**
103 **FLEET THAT INCLUDES BOTH VEHICLES THAT HAVE A QUAD**
104 **AXLE GROUPING AND VEHICLE COMBINATIONS WITH A TRAILER**
105 **THAT HAS TWO OR THREE AXLES.**

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/.)

Transportation Legislation Review Committee. Current law requires a commercial motor vehicle fleet owner that wishes to apply for

an annual fleet overweight permit to apply for separate annual fleet permits for vehicles that have a quad axle grouping for divisible vehicles or loads, and vehicle combinations with a trailer that have 2 or 3 axles for divisible vehicles or loads. The bill allows a fleet owner that has a fleet consisting of vehicles from both of these categories to apply for a single annual fleet overweight permit.

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

SECTION 1. In Colorado Revised Statutes, 42-4-510, **amend** (11)(a)(VI) introductory portion and (11)(a)(VII) introductory portion; **repeal** (11)(a)(VI)(C) and (11)(a)(VII)(D); and **add** (11)(a)(VIII) as follows:

42-4-510. Permits for excess size and weight and for manufactured homes - rules - definition. (11) (a) The department of transportation or the Colorado state patrol may charge permit applicants permit fees as follows:

(VI) For overweight permits for vehicles that have a quad axle grouping for divisible vehicles or loads exceeding legal weight limits issued pursuant to ~~subparagraph (II) of paragraph (b) of subsection (1)~~ SUBSECTION (1)(b)(II)(A) of this section:

(C) ~~Annual fleet permits, two thousand dollars plus thirty-five dollars per vehicle to be permitted;~~

(VII) For overweight permits for vehicle combinations with a trailer that has two or three axles for divisible vehicles or loads exceeding legal weight limits established by ~~sub-subparagraph (B) of subparagraph (II) of paragraph (b) of subsection (1)~~ SUBSECTION (1)(b)(II)(B) of this section:

(D) ~~Effective January 1, 2015, annual fleet permit, two thousand dollars plus thirty-five dollars per vehicle to be permitted.~~

(VIII) FOR ANNUAL FLEET OVERWEIGHT PERMITS FOR FLEETS OF VEHICLES THAT HAVE A QUAD AXLE GROUPING, FLEETS OF VEHICLE COMBINATIONS WITH A TRAILER THAT HAS TWO OR THREE AXLES, AND FLEETS OF BOTH VEHICLES THAT HAVE A QUAD AXLE GROUPING AND VEHICLE COMBINATIONS WITH A TRAILER THAT HAS TWO OR THREE AXLES FOR DIVISIBLE VEHICLES OR LOADS EXCEEDING LEGAL WEIGHT LIMITS ESTABLISHED BY SUBSECTION (1)(b)(II) OF THIS SECTION, TWO THOUSAND DOLLARS PLUS THIRTY-FIVE DOLLARS PER VEHICLE TO BE PERMITTED.

SECTION 2. Effective date. This act takes effect July 1, 2020.

SECTION 3. 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.

Section 43-2-145, C.R.S.

43-2-145. Transportation legislation review - committee - definition - repeal.

(1) (a) The transportation legislation review committee is hereby created in order to give guidance and direction to:

(I) The department of transportation in the development of the state transportation system and to provide legislative overview of and input into such development;

(II) The department of revenue in the licensing of drivers and registration and titling of motor vehicles; and

(III) Any state agency or political subdivision of Colorado that regulates motor vehicles or traffic, including, without limitation, penalties imposed for violating traffic statutes and rules.

(b) The committee shall meet at least once each year to review transportation, traffic, and motor vehicle legislation and may consult with experts in the fields of traffic regulation, the licensing of drivers, the registration and titling of motor vehicles, and highway construction and planning and may consult with the personnel of the department of transportation or the department of revenue as may be necessary; except that the committee shall not meet during the 2010 interim. All personnel of the department of transportation, department of revenue, or any state agency or political subdivision of Colorado that regulates motor vehicles or traffic shall cooperate with the committee and with any persons assisting the committee in carrying out its duties pursuant to this section. The committee may review any phase of department of transportation operations, including planning and construction of highway projects, prior to and during the completion of such projects.

(c) The committee may also conduct a postoperation review of such projects to determine whether the project was completed in the most cost-effective and efficient manner. The committee may require the department of transportation to prepare and adopt five-, ten-, and fifteen-year plans for the development of the state transportation system, and the committee shall monitor the progress of such plans. The committee may also require financial or performance audits to be conducted. Upon completion of its review of the transportation laws, the committee shall make recommendations to the governor and to the general assembly for such additional legislation as it deems necessary. The committee shall also develop and make recommendations concerning the financing of the state transportation system. Legislation recommended by the committee shall be treated as legislation recommended by an interim legislative committee for purposes of any introduction deadlines or bill limitations imposed by the joint rules of the general assembly.

(d) Prior to January 1, 2016, the committee shall develop and make recommendations concerning the financing of the completion of the strategic transportation projects identified by the department as the "seventh pot projects". No later than February 1, 2016, the committee shall recommend legislation to implement the recommendations, and such legislation shall be treated as legislation recommended by an interim legislative committee for purposes of any introduction deadlines or bill limitations imposed by the joint rules of the general assembly; except that the bills shall not be subject to review by or approval of legislative council.

(e) Repealed.

(1.3) (a) (I) For purposes of this subsection (1.3), "agency" means any state, regional, or local agency, authority, department, district, or organization, other than an individual municipality or county, that:

(A) Is responsible for researching, planning, developing, or improving transportation systems, mass transit systems, or regional plans that include the provision of mass transit within the jurisdiction of the agency; and

(B) Has or may have overlapping or coterminous jurisdiction with another agency.

(II) The term "agency" includes, without limitation, the department of transportation, the regional transportation district, the Colorado intermountain fixed guideway authority, and the Denver regional council of governments.

(b) Each agency shall share information and coordinate efforts with other agencies in the research, planning, and development of mass transit systems to avoid the creation of duplicative or conflicting mass transit systems in the state. The committee may review the operations of any agency to ensure compliance with the provisions of this paragraph (b). In connection with the review of the committee, any agency required to share information and coordinate efforts in accordance with this paragraph (b) shall report to the committee no later than August 15, 2001, and each August 15 thereafter through August 15, 2009, and no later than August 15, 2011, and each August 15 thereafter regarding compliance with this paragraph (b).

(1.5) The committee may review any phase of operations of any public highway authority created pursuant to part 5 of article 4 of this title, including planning and construction of public highway projects, prior to and during the completion of such projects. The committee may also conduct a postoperation review of a project to determine whether the project was completed in the most cost-effective and efficient manner. The committee may require any public highway authority to prepare and adopt long-range plans for the development of the public highways, and the committee shall monitor the progress of such plans. The committee may also require the state auditor to conduct a financial or performance audit of any public highway authority.

(1.6) and (1.8) Repealed.

(1.9) The committee may review any phase of operations of any regional transportation authority created pursuant to part 6 of article 4 of this title, including the planning and construction of regional transportation systems, prior to and during the completion of such systems. The committee may also conduct a postoperation review of any system to determine whether the system was completed in the most cost-effective and efficient manner. The committee may require any regional transportation authority to prepare and adopt long-range plans for the development of regional transportation systems, and the committee shall monitor the progress of the plans. The committee may also require financial or performance audits to be conducted.

(2) Repealed.

(2.5) (a) Effective January 1, 2001, the committee shall be comprised of the members of the transportation and energy committee of reference of the house of representatives and the members of the transportation committee of reference of the senate. The chairman of the senate transportation committee shall be the chairman in even-numbered years and vice-chairman in odd-numbered years. The chairman of the house transportation and energy committee shall be chairman in odd-numbered years and vice-chairman in even-numbered years.

(b) The members of the respective committees of reference shall receive the usual per diem and necessary travel and subsistence expenses as provided for members of the general assembly who attend interim committee meetings pursuant to section 2-2-307, C.R.S.

(3) and (4) Repealed.

(5) The legislative council staff shall be made available to assist the committee in carrying out its duties pursuant to this section.

(6) to (8) Repealed.

(9) In the 2015 interim between the first regular session of the seventieth general assembly and the second regular session of the seventieth general assembly, the committee shall examine:

(a) The statutory and regulatory requirements for entry into the market for taxicab service; and

(b) Regulations governing the provision of taxicab service.

(10) (a) In the 2019 interim between the first regular session of the seventy-second general assembly and the second regular session of the seventy-second general assembly, the committee shall examine barriers to foster children meeting the fifty-hour driving requirement while holding an instruction permit and to foster children obtaining automobile liability insurance. The committee may appoint a number of its members to study the issue and make recommendations to the whole committee. The committee shall consult with counties, subject matter experts, interested persons, and the office of the child's representative. The office of the child's representative shall cooperate and consult with the committee.

(b) This subsection (10) is repealed, effective July 1, 2020.

(11) (a) In the 2019 interim between the first regular session of the seventy-second general assembly and the second regular session of the seventy-second general assembly, the department of transportation and the Colorado state patrol, in coordination with the committee, shall meet with stakeholders to discuss options and methods of traction control enforcement, including the legality and feasability of physical inspection checkpoints, on passenger vehicles operating on interstate 70 between milepost 133 (Dotsero) and milepost 259 (Morrison). In accordance with this process, the department of transportation and the Colorado state patrol shall determine whether the best solution is forthe department of transportation to propose rules or to recommend legislation to the committee. By September 1, 2019, the department of transportation and the Colorado state patrol shall report their recommendations to the committee.

(b) This subsection (11) is repealed, effective July 1, 2020.

History

Source: L. 53: p. 531, Section 45.CRS 53: Section 120-13-45. C.R.S. 1963: Section 120-13-45.L. 86: Entire section amended, p. 427, Section 68, effective March 26; entire section R&RE, p. 1133, Section 10, effective July 1.L. 87: (1.5) added, p. 1856, Section 3, effective August 27.L. 88: (1.6) added, p. 1387, Section 13, effective July 1.L. 89, 1st Ex. Sess.: (1.8) added, p. 62, Section 17, effective August 1.L. 90: (1) amended and (6) repealed, pp. 1826, 1827, Sections 1, 2, effective March 13.L. 91: (1) amended, p. 1107, Section 151, effective July 1.L. 94: (1) amended, p. 621, Section 1, effective April 14; (7) added, p. 1388, Section 4, effective May 25.L. 97: (1.9) added, p. 499, Section 4, effective August 6.L. 2000: (2), (3), and (4) amended and (2.5) added, p. 116, Section 4, effective March 15.L. 2001: (1.3) added, p. 298, Section 1, effective August 8.L. 2005: (1.6) and (1.8) repealed, p. 291, Section 47, effective August 8; (1.9) amended, p. 1069, Section 18, effective January 1, 2006.L. 2007: (1.3)(b) amended, p. 2050, Section 104, effective June 1; (1) amended, p. 341, Section 1, effective August 3.L. 2009: (1)(d) added, (SB 09-228), ch. 410, p. 2264, Section 15, effective July 1; (8) added, (HB 09-1230), ch. 232, p. 1067, Section 3, effective August 5.L. 2010: (1)(b) and (1.3)(b) amended, (SB 10-213), ch. 375, p. 1765, Section 14, effective June 7.L. 2011: (1.5) amended, (HB 11-1118), ch. 84, p. 228, Section 2, effective March 31.L. 2015: (1)(e) added, (HB 15-1173), ch. 189, p. 626, Section 1, effective May 13; (9) added, (HB 15-1316), ch. 339, p. 1377, Section 2, effective August 5.L. 2019: (10) added, (HB 19-1023), ch. 239, p. 2365 Section 5, effective August 2; (11) added, (HB 19-1207), ch. 202, p. 2173, Section 2, effective August 2.

Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems

Members of the Committee

Senator Robert Rodriguez, Chair
Representative Jonathan Singer, Vice-Chair

Senator John Cooke
Senator Rhonda Fields
Representative Adrienne Benavidez
Representative Stephen Humphrey

Legislative Council Staff

Juliann Jenson, Research Analyst
Anne Wallace, Research Analyst

Office of Legislative Legal Services

Jane Ritter, Senior Attorney
Shelby Ross, Staff Attorney

November 2019

Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems

Committee Charge

Senate Bill 14-021 reauthorized the establishment of a legislative oversight committee and an advisory task force concerning the treatment of persons with mental illness in the criminal and juvenile justice systems.

The oversight committee must meet at least three times per year and is responsible for the oversight of the advisory task force and recommending legislative changes. The 32-member advisory task force is directed to examine the identification, diagnosis, and treatment of persons with mental illness who are involved in the criminal and juvenile justice systems, including the examination of liability, safety, and cost as they relate to these issues.

The authorizing legislation directs the advisory task force to consider, at a minimum, the following issues:

- housing for a person with mental illness after his or her release from the criminal or juvenile justice system;
- medication consistency, delivery, and availability;
- best practices for suicide prevention, within and outside of correctional facilities;
- treatment of co-occurring disorders;
- awareness of and training for enhanced staff safety, including expanding training opportunities for providers; and
- enhanced data collection related to issues affecting persons with mental illness in the criminal and juvenile justice systems.

The legislation authorizes the advisory task force to work with other task forces, committees, or organizations that are pursuing policy initiatives similar to those listed above. The advisory task force is required to consider developing relationships with other groups to facilitate policy-making opportunities through collaborative efforts.

The advisory task force is required to submit a report of its findings and recommendations to the legislative oversight committee annually by October 1. The oversight committee is required to submit an annual report to the General Assembly by January 15 of each year regarding the recommended legislation resulting from the work of the task force.

Committee Activities

In 2019, the legislative oversight committee met three times to monitor and examine the work, findings, and recommendations of the advisory task force. Specifically, the committee:

- received updates on the activities of the advisory task force and its subcommittees;
- discussed re-authorization of the oversight committee and task force; and,
- considered legislation recommended by the task force.

Advisory task force activities. The oversight committee received updates on recent activities of the task force, which met monthly throughout 2019. The task force and its subcommittees focused on housing, data and information sharing, and diversion, as those topics relate to persons with mental health disorders who are involved in the criminal and juvenile justice systems. The task force also continued to study changes to the juvenile sex offender registry. Further, the task force reviewed and drafted re-authorization legislation for the task force and oversight committee, set to expire July 2020, unless reauthorized.

The task force received outside presentations about a data analysis project from the Colorado Department of Corrections and the Department of Health Care Policy and Financing. The task force also participated in a webinar presented by the Equitas Project, an organization centered on disentangling the mental health and criminal justice systems. Additionally, the task force prioritized legislative outreach efforts, and clarified task force membership expectations. Further, the task force elected leadership positions and updated its membership as necessary. The work of the task force and its subcommittees is discussed in more detail below.

Diversion. The task force substantiated that people with behavioral health conditions are significantly more likely than the general population to be represented in the criminal justice system. They further found that most diversionary tactics occur following an arrest, but other points along the criminal justice continuum have the potential to divert people away from the system as well. The task force and subcommittee examined the benefits of providing education to peace officers and 911 dispatchers to better identify and de-escalate a mental health crisis. They also examined the stress and trauma these professionals experience on the job. Bill A recommends including audible exposure to death or serious bodily injury to the definition of a "psychologically traumatic event" for determining workers' compensation benefit eligibility.

Juvenile sex offender registry. The task force continued discussion on the juvenile sex offender registry, and researched the effects of prohibiting public access to the juvenile sex offender registry, mechanisms for removing juveniles from the registry, and judicial discretion in requiring registration. The task force discussed the negative impacts of inclusion on the registry, including social and familial isolation and increased likelihood of victimization. Bill B recommends multiple changes to the juvenile sex offender registry.

Housing. The task force acknowledged that a criminal record often makes it hard for individuals with a mental health disorder to find housing. The task force researched the extent of housing problems with this population and discussed housing infrastructure, information systems, data coordination, and supportive services. Bill C recommends increased state-wide access to supportive housing in underserved communities, short-term gap funding, data sharing, and outcome tracking.

Data sharing. The criminal justice and behavioral health care systems are complex and made up of many independent agencies. The task force recognized that sharing information between agencies assists in effectively coordinating services, but due to the diversity and decentralization of the involved organizations, there is no common framework for sharing data. The task force examined ways to better connect state agencies, jails, and state health information exchanges. Bill D creates a Trusted Interoperability Platform Advisory Committee charged with developing a strategic plan to implement a trusted platform capable of securely exchanging information between criminal and juvenile justice systems and community health agencies.

Re-authorization. The task force and oversight committee is set to repeal on July 1, 2020, unless legislation reauthorizes it. The task force discussed enacting legislation, task force membership, expectations, and the relationship between the oversight committee and task force. Bill E recommends re-authorization of the oversight committee and the task force for three more years.

Task force annual retreat. At their annual retreat in May, the task force heard a presentation from the Colorado Health Foundation and participated in a guided policy discussion led by the Equitas Project. The task force also discussed subcommittee activity and re-authorization legislation. Further, they talked about duplication of efforts and the other agencies, committees, or organizations that are studying behavioral and mental health in relation to the criminal and juvenile justice system.

Committee Recommendations

As a result of committee discussion and deliberation, the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems recommends the following five bills for consideration in the 2020 legislative session.

Bill A — Workers' Compensation for Audible Psychological Trauma. Current law defines a "psychologically traumatic event" for determining workers' compensation benefit eligibility to include visual exposure to death or serious bodily injury within a worker's usual experience. The bill adds audible exposure to death or serious bodily injury within a worker's usual experience to the definition of "psychologically traumatic event".

Bill B — Juveniles on Colorado Sex Offender Registry. An adult or juvenile convicted of certain sex offenses must be placed on the Colorado sex offender registry under current law. The bill places fewer convicted juveniles on the registry. More specifically, the bill removes the requirement of registration for juveniles who relocate to Colorado if the juvenile's duty to register in another state has been terminated by court order. The bill also eliminates the requirements of lifetime registration for an adult who has more than one adjudication as a juvenile. Further, it expands the discretion of judges not to require juveniles to register as sex offenders if an evaluator recommends exemption and the juvenile is otherwise statutorily eligible. Additionally, the bill allows for juveniles adjudicated for multiple sex offenses to petition to deregister, as well as for "lookbacks" by courts to remove someone from the registry, or add someone, depending on new information. Lastly, the measure partially seals the juvenile list from the public and limits access to law enforcement, probation, and parole personnel, the Division of Child Welfare in DHS, and victims of an offense.

Bill C – Programs to Develop Housing Support Services. The bill establishes new grant programs within the Division of Housing in DOLA. Specifically, the bill designates grant programs for supportive housing services to individuals in underserved communities with behavioral, mental health or substance abuse disorders who have been involved in the criminal justice system. The grant programs include funding for: pre-development for creating supportive housing interventions; supportive housing and homelessness prevention; training and technical assistance for supportive housing; and, homelessness data integration and resource collection.

Bill D – Data Sharing Subcommittee Recommendations. The bill creates the Trusted Interoperability Platform Advisory Committee in the Department of Public Safety. The advisory committee is charged with developing a strategic plan to implement a trusted interoperability platform that is capable of securely exchanging information between criminal and juvenile justice systems and community health agencies. The bill outlines that the advisory committee is to consist of 11 members from various agencies, and the plan must be submitted to the General Assembly by September 1, 2021.

Bill E – Extend Committee on Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems. This bill extends the repeal date for the Legislative Oversight Committee and the associated task from July 1, 2020, to July 1, 2023. The bill decreases the membership on the task force by four members and clarifies the roles and additional duties of both oversight and task force committee members. The bill includes funding for task force support, to be provided by Legislative Council Staff.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL A

LLS NO. 20-0256.01 Richard Sweetman x4333 **SENATE BILL**

SENATE SPONSORSHIP

Fields and Cooke, Rodriguez

HOUSE SPONSORSHIP

Singer,

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING ELIGIBILITY FOR WORKERS' COMPENSATION BENEFITS**
102 **FOR WORKERS WHO ARE EXPOSED TO PSYCHOLOGICALLY**
103 **TRAUMATIC EVENTS, AND, IN CONNECTION THEREWITH,**
104 **ESTABLISHING THAT A WORKER'S VISUAL OR AUDIBLE EXPOSURE**
105 **TO THE SERIOUS BODILY INJURY OR DEATH, OR THE IMMEDIATE**
106 **AFTERMATH OF THE SERIOUS BODILY INJURY OR DEATH, OF ONE**
107 **OR MORE PEOPLE AS THE RESULT OF A VIOLENT EVENT, THE**
108 **INTENTIONAL ACT OF ANOTHER PERSON, OR AN ACCIDENT IS A**
109 **PSYCHOLOGICALLY TRAUMATIC EVENT FOR THE PURPOSES OF**
110 **DETERMINING THE WORKER'S ELIGIBILITY FOR WORKERS'**
111 **COMPENSATION BENEFITS.**

Bill Summary

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.

(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 Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems. The bill states that, for the purpose of determining eligibility for workers' compensation benefits, a "psychologically traumatic event" includes an event that is within a worker's usual experience when the worker is diagnosed with post-traumatic stress disorder by a licensed psychiatrist or psychologist after:

- The worker is subjected to visual or audible exposure to the death, or the immediate aftermath of the death, of one or more people as the result of a violent event; or
- The worker repeatedly is subjected to visual or audible exposure to the serious bodily injury, or the immediate aftermath of the serious bodily injury, of one or more people as the result of the intentional act of another person or an accident.

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

SECTION 1. In Colorado Revised Statutes, 8-41-301, **amend** (3)(b)(II)(B) and (3)(b)(II)(C) as follows:

8-41-301. Conditions of recovery - definitions. (3) For the purposes of this section:

(b) (II) "Psychologically traumatic event" also includes an event that is within a worker's usual experience only when the worker is diagnosed with post-traumatic stress disorder by a licensed psychiatrist or psychologist after the worker experienced exposure to one or more of the following events:

(B) The worker ~~visually witnesses a~~ IS SUBJECTED TO VISUAL OR AUDIBLE EXPOSURE TO THE death, or the immediate aftermath of the death, of one or more people as the result of a violent event; or

(C) The worker repeatedly ~~visually witnesses~~ IS SUBJECTED TO VISUAL OR AUDIBLE EXPOSURE TO the serious bodily injury, or the immediate aftermath of the serious bodily injury, of one or more people as the result of the intentional act of another person or an accident.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL B

LLS NO. 20-0257.01 Jane Ritter x4342 **HOUSE BILL**

HOUSE SPONSORSHIP

Benavidez and Singer,

SENATE SPONSORSHIP

Rodriguez,

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING THE IMPLEMENTATION OF RECOMMENDATIONS FROM**
102 **THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING THE**
103 **TREATMENT OF PERSONS WITH MENTAL HEALTH DISORDERS IN**
104 **THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS REGARDING**
105 **JUVENILES WHO HAVE COMMITTED SEX OFFENSES.**

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 Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal

and Juvenile Justice Systems. The bill implements various recommendations of the legislative oversight committee concerning the treatment of persons with mental health disorders in the criminal and juvenile justice systems regarding juveniles who have committed sex offenses, including:

- Specifying that if a juvenile who is moving to Colorado would be otherwise required to register on Colorado's sex offender registry (registry) but the juvenile's duty to register in another state has been terminated by a court order, then the juvenile is not required to register or petition the court for removal from the registry;
- Expanding judicial discretion at the time of sentencing to exempt from registration or require juveniles to register for all first offense registerable juvenile sex crimes if a sex offender management board evaluator recommends exemption and the juvenile is otherwise statutorily eligible;
- Adding language to adult and juvenile provisions that currently reference only crimes defined as "unlawful sexual behavior" to also include convictions and adjudications for nonsexual crimes where there has been, pursuant to statute, a judicial finding of an underlying factual basis involving unlawful sexual behavior;
- Creating a process for the court to reconsider its ruling on whether to require registration if new information is discovered after the court made its initial ruling;
- Adding a requirement for the court to issue a ruling or set a mandatory hearing no later than 14 days before the end of each juvenile's sentence concerning a juvenile's ongoing duty to register;
- Changing the current law that allows the Colorado Bureau of Investigation (CBI) to inform the requesting party if a person is on the registry so that the CBI may release information about a juvenile only under certain restrictions;
- Requiring the CBI to collect data on the number of times information is requested and released concerning juveniles on the registry;
- Creating a new unclassified misdemeanor for members of the public who submit a false statement to the CBI for purposes of obtaining juvenile registry information or who use such information in a prohibited manner;
- Updating current law regarding the posting of information on the registry to the internet to specifically exclude juveniles;
- Clarifying that a local law enforcement agency may not release or post on its website information regarding

juveniles on the registry;

- Changing current law that requires lifetime registration for an adult who has more than one adjudication as a juvenile so that juvenile adjudications alone may not trigger mandatory lifetime registration; and
- Updating language in the Colorado crime victim rights act to clarify victim rights when a petition or motion is made to terminate sex offender registration.

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

SECTION 1. In Colorado Revised Statutes, 16-22-102, **amend** (1); and **add** (1.5) and (4.2) as follows:

16-22-102. Definitions. As used in this article 22, unless the context otherwise requires:

(1) ~~"Birthday" means a person's birthday as reflected on the notice provided to the person pursuant to section 16-22-106 or 16-22-107 or the person's actual date of birth if the notice does not reflect the person's birthday~~ "ADJUDICATED" OR "ADJUDICATION" MEANS A DETERMINATION BY THE COURT THAT IT HAS BEEN PROVEN BEYOND A REASONABLE DOUBT TO THE TRIER OF FACT THAT A JUVENILE HAS COMMITTED A DELINQUENT ACT OR THAT A JUVENILE HAS PLED GUILTY TO COMMITTING A DELINQUENT ACT. IN ADDITION, WHEN A PREVIOUS CONVICTION MUST BE PLED AND PROVEN AS AN ELEMENT OF AN OFFENSE OR FOR PURPOSES OF SENTENCE ENHANCEMENT, "ADJUDICATION" MEANS CONVICTION.

(1.5) "BIRTHDAY" MEANS A PERSON'S BIRTHDAY AS REFLECTED ON THE NOTICE PROVIDED TO THE PERSON PURSUANT TO SECTION 16-22-106 OR 16-22-107 OR THE PERSON'S ACTUAL DATE OF BIRTH IF THE NOTICE DOES NOT REFLECT THE PERSON'S BIRTHDAY.

(4.2) "JUVENILE" MEANS A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE AT THE TIME OF THE OFFENSE AND WHO HAS NOT BEEN

CRIMINALLY CONVICTED IN THE DISTRICT COURT OF UNLAWFUL SEXUAL BEHAVIOR PURSUANT TO SECTION 19-2-517 OR 19-2-518.

SECTION 2. In Colorado Revised Statutes, 16-22-103, **amend** (3), (4), and (5)(a); and **add** (7) and (8) as follows:

16-22-103. Sex offender registration - required - applicability - exception. (3) (a) In addition to the persons specified in subsections (1) and (2) of this section, AND EXCEPT AS PROVIDED FOR IN SUBSECTION (3)(b) OF THIS SECTION, any person convicted of an offense in any other state or jurisdiction, including but not limited to a military or federal jurisdiction, for which the person, as a result of the conviction, is required to register if he or she resided in the state or jurisdiction of conviction, or for which ~~such~~ THE person would be required to register if convicted in Colorado, ~~shall be~~ IS required to register in the manner specified in section 16-22-108, so long as ~~such~~ THE person is a temporary or permanent resident of Colorado. ~~Such~~ THE person may petition the court for an order that discontinues the requirement for registration in this state at the times specified in section 16-22-113 for offense classifications that are comparable to the classification of the offense for which the person was convicted in the other state or jurisdiction. ~~Such~~ THE person may petition the court for an order that discontinues the requirement for registration in this state for offense classifications that ~~such~~ THE person would not be required to register for if convicted in Colorado.

(b) IF A JUVENILE IS REQUIRED TO REGISTER ONLY PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION, AND THE JUVENILE'S DUTY TO REGISTER IN ANOTHER STATE OR JURISDICTION HAS BEEN TERMINATED BY A COURT ORDER, OR IF A TRIAL COURT HAS DETERMINED THAT THE JUVENILE IS NOT REQUIRED TO REGISTER IN THAT STATE OR JURISDICTION,

THEN THE JUVENILE IS NOT REQUIRED TO FULFILL THE REQUIREMENTS FOR REGISTRATION IN COLORADO, AS SET FORTH IN SECTION 16-22-108, AND IS THEREFORE NOT REQUIRED TO PETITION THE COURT FOR REMOVAL FROM THE COLORADO SEX OFFENDER REGISTRY PURSUANT TO SECTION 16-22-113.

(4) The provisions of this article 22 apply to any person who receives a disposition or is adjudicated a juvenile delinquent based on the commission of any act that may constitute unlawful sexual behavior or who receives a deferred adjudication based on commission of any act that may constitute unlawful sexual behavior; except that, with respect to section 16-22-113 (1)(a) to (1)(e), a person WHO IS ADJUDICATED OR RECEIVES A DISPOSITION AS A JUVENILE may petition the court for an order to discontinue the duty to register as provided in those ~~paragraphs~~ SUBSECTIONS, but only if the person has not subsequently ~~received a disposition for, been adjudicated a juvenile delinquent for, or been otherwise~~ BEEN convicted AS AN ADULT of any offense involving unlawful sexual behavior OR CONVICTED AS AN ADULT OF ANOTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVES UNLAWFUL SEXUAL BEHAVIOR. In addition, the duty to provide notice to a person of the duty to register, as set forth in sections 16-22-105 to 16-22-107, applies to juvenile parole and probation officers and appropriate personnel of the division of youth services in the department of human services.

(5) (a) Notwithstanding any provision of this article 22 to the contrary, if, pursuant to a motion filed by a person described in this subsection (5) or on its own motion, a court determines that the registration requirement specified in this section would be unfairly

punitive and that exempting the person from the registration requirement would not pose a significant risk to the community, the court, upon consideration of the totality of the circumstances, may exempt the person from the registration requirements imposed pursuant to this section if:

(I) The person was younger than eighteen years of age at the time of the commission of the offense; and

(II) The person has not been previously ~~charged with~~ ADJUDICATED OR RECEIVED A DISPOSITION FOR A SEPARATE OFFENSE INVOLVING unlawful sexual behavior; and

(III) ~~The offense, as charged in the first petition filed with the court, is a first offense of misdemeanor unlawful sexual contact, as described in section 18-3-404; indecent exposure, as described in section 18-7-302; or sexual exploitation of a child, as described in section 18-6-403, and the person's conduct is limited to the elements in posting private images by a juvenile, as described in section 18-7-109 (1), or possessing private images by a juvenile, as described in section 18-7-109 (2); and~~ THE PERSON WAS ADJUDICATED OR RECEIVED A DISPOSITION FOR ANY OFFENSE OF UNLAWFUL SEXUAL BEHAVIOR OR ANOTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL BEHAVIOR; AND

(IV) The person has received a sex offender evaluation that conforms with the standards developed pursuant to section 16-11.7-103 (4)(i) from an evaluator who meets the standards established by the sex offender management board, and the evaluator recommends exempting the person from the registration requirements based upon the best interests of that person and the community; and

(IV.5) THE COURT HAS CONSIDERED A WRITTEN OR ORAL

STATEMENT BY THE VICTIM OF THE OFFENSE FOR WHICH THE JUVENILE WOULD OTHERWISE BE REQUIRED TO REGISTER, IF PROVIDED BY THE VICTIM, ON THE QUESTION OF WHETHER THE JUVENILE SHOULD BE EXEMPTED FROM THE STATUTORY DUTY TO REGISTER AS A SEX OFFENDER; AND

(V) The court makes written findings of fact specifying the grounds for granting such exemption.

(7) IF A JUVENILE HAS BEEN EXEMPTED FROM THE DUTY TO REGISTER PURSUANT TO SUBSECTION (5) OF THIS SECTION BUT, PRIOR TO THE TERMINATION OF THE JUVENILE'S SENTENCE FOR THE OFFENSE THAT TRIGGERED THE DUTY TO REGISTER, THE MULTIDISCIPLINARY TEAM DISCOVERS ADDITIONAL INFORMATION THAT WAS NOT KNOWN AT THE TIME THE EXEMPTION WAS GRANTED THAT CAUSES ANY MEMBER OF THE MULTIDISCIPLINARY TEAM TO BELIEVE THE COURT SHOULD REQUIRE SEX OFFENDER REGISTRATION PURSUANT TO THIS SECTION, THE JUVENILE'S SUPERVISING OFFICER SHALL NOTIFY THE PROSECUTING ATTORNEY. THE PROSECUTING ATTORNEY SHALL ADVISE THE VICTIM OF THE OFFENSE AND MAY THEN FILE A MOTION TO RECONSIDER THE ORDER EXEMPTING THE JUVENILE FROM THE DUTY TO REGISTER AS A SEX OFFENDER. THE MOTION MUST INCLUDE THE ADDITIONAL INFORMATION DISCOVERED.

(8) IF A JUVENILE HAS BEEN REQUIRED TO REGISTER PURSUANT TO THIS SECTION BUT, PRIOR TO THE TERMINATION OF THE JUVENILE'S SENTENCE FOR THE OFFENSE THAT TRIGGERED THE DUTY TO REGISTER, THE JUVENILE CAN PROVIDE ADDITIONAL INFORMATION TO THE COURT THAT WAS NOT KNOWN AT THE TIME REGISTRATION WAS REQUIRED AND IS RELEVANT TO THE FINDINGS REQUIRED TO DETERMINE AN EXEMPTION PURSUANT TO THIS SECTION, THE JUVENILE MAY FILE A MOTION TO

RECONSIDER THE ORDER REQUIRING THE JUVENILE TO REGISTER AS A SEX OFFENDER. THE MOTION MUST INCLUDE THE ADDITIONAL INFORMATION, AND A COPY OF THE MOTION MUST BE PROVIDED TO THE DISTRICT ATTORNEY AND THE JUVENILE'S SUPERVISING OFFICER PRIOR TO ANY HEARING. THE DISTRICT ATTORNEY SHALL PROVIDE NOTICE TO THE VICTIM OF THE OFFENSE. THE DISTRICT ATTORNEY, THE MULTIDISCIPLINARY TEAM, AND THE VICTIM MUST BE PROVIDED THE OPPORTUNITY TO BE HEARD AT THE HEARING. A NEW MOTION SEEKING RECONSIDERATION OF A COURT'S ORDER TO REGISTER MAY NOT BE FILED MORE THAN ONCE IN A SIX-MONTH PERIOD.

SECTION 3. In Colorado Revised Statutes, 16-22-109, **amend** (4) as follows:

16-22-109. Registration forms - local law enforcement agencies - duties. (4) The forms completed by persons required to register pursuant to this ~~article shall be~~ ARTICLE 22 ARE confidential and ~~shall not be~~ ARE NOT open to inspection by the public or any person other than law enforcement personnel, except as provided in sections 16-22-110 (6), 16-22-111, ~~and~~ 16-22-112, and ~~section~~ 25-1-124.5. ~~C.R.S.~~

SECTION 4. In Colorado Revised Statutes, 16-22-110, **amend** (6); and **add** (10) as follows:

16-22-110. Colorado sex offender registry - creation - maintenance - release of information - data collection. (6) (a) The general assembly ~~hereby~~ recognizes the need to balance the expectations of persons convicted of offenses involving unlawful sexual behavior and the public's need to adequately protect themselves and their children from these persons, as expressed in section 16-22-112 (1). The general assembly declares, however, that, in making information concerning

1 persons convicted of offenses involving unlawful sexual behavior
2 available to the public, it is not the general assembly's intent that the
3 information be used to inflict retribution or additional punishment on any
4 person convicted of unlawful sexual behavior or of another offense, the
5 underlying factual basis of which involves unlawful sexual behavior.
6 (b) Pursuant to a request for a criminal history RECORD check
7 ~~under~~ PURSUANT TO the provisions of part 3 of article 72 of title 24,
8 ~~C.R.S.~~ UNLESS THE PERSON WHO IS THE SUBJECT OF THE CRIMINAL
9 HISTORY RECORD CHECK WAS REQUIRED TO REGISTER SOLELY BECAUSE
10 THE PERSON WAS ADJUDICATED OR RECEIVED A DISPOSITION AS A
11 JUVENILE, the CBI may inform the requesting party as to whether the
12 person who is the subject of the criminal history check is on the sex
13 offender registry. IF SUCH PERSON IS ON THE SEX OFFENDER REGISTRY
14 SOLELY AS A RESULT OF BEING ADJUDICATED OR RECEIVING A DISPOSITION
15 AS A JUVENILE, THE CBI SHALL NOT RELEASE SUCH INFORMATION TO A
16 PERSON OTHER THAN LAW ENFORCEMENT, PROBATION AND PAROLE
17 PERSONNEL, THE DIVISION OF CHILD WELFARE, OR THE VICTIM, AS DEFINED
18 IN SECTION 24-4.1-302 (5).
19 (c) A person may request from the CBI a list of persons on the sex
20 offender registry. THE LIST MUST NOT INCLUDE PERSONS WHO ARE ON THE
21 LIST SOLELY FOR HAVING BEEN ADJUDICATED OR RECEIVED DISPOSITIONS
22 AS JUVENILES.
23 (d) (Deleted by amendment, L. 2005, p. 611, § 1, effective May
24 27, 2005.)
25 (e) Any person requesting information pursuant to ~~paragraph (c)~~
26 ~~of this subsection (6)~~ SUBSECTION (6)(c) OF THIS SECTION shall show
27 proper identification.

(f) IF information IS released pursuant to this subsection (6), IT MUST, at a minimum, ~~shall~~ include the name, address or addresses, and aliases of the registrant; the registrant's date of birth; a photograph of the registrant, if requested and readily available; ~~and~~ the ~~conviction~~ OFFENSE THAT LED TO THE REGISTRATION REQUIREMENT; AND THE DATE OF THE OFFENSE resulting in the registrant being required to register pursuant to this ~~article~~ ARTICLE 22. Information concerning victims ~~shall~~ MUST not be released pursuant to this section.

(g) NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION (6) TO THE CONTRARY, CBI MAY RELEASE INFORMATION, AS DESCRIBED IN SUBSECTION (6)(i) OF THIS SECTION, ABOUT THE PERSON REGISTERED AS A RESULT OF BEING ADJUDICATED OR RECEIVING A DISPOSITION AS A JUVENILE IF A PERSON, OTHER THAN THE VICTIM, SUBMITS A REQUEST TO THE CBI FOR THE REGISTRY RECORD OF A NAMED PERSON WHO WAS ADJUDICATED OR RECEIVED A DISPOSITION AS A JUVENILE, AND THE REQUESTING PERSON AFFIRMS IN WRITING THAT THE REQUESTED RECORD SHALL NOT BE:

(I) PLACED IN PUBLICATION OR POSTED TO A WEBSITE;

(II) USED FOR THE PURPOSE OF OBTAINING A PECUNIARY GAIN OR FINANCIAL BENEFIT FOR ANY PERSON OR ENTITY; OR

(III) USED OR DISSEMINATED IN ANY MANNER WITH THE INTENT TO HARASS, INTIMIDATE, COERCE, OR CAUSE SERIOUS EMOTIONAL DISTRESS TO ANY PERSON, INCLUDING THE NAMED PERSON.

(h) IN ADDITION TO THE WRITTEN AFFIRMATION REQUIRED BY SUBSECTION (6)(g) OF THIS SECTION, THE PERSON REQUESTING INFORMATION SHALL AFFIRM IN WRITING THAT HE OR SHE HAS A NEED FOR THE SEX OFFENDER INFORMATION CONCERNING THE PERSON WHO WAS

ADJUDICATED OR RECEIVED A DISPOSITION AS A JUVENILE AND DESCRIBES THAT NEED IN WRITING.

(i) UPON RECEIPT OF THE WRITTEN AFFIRMATIONS REQUIRED BY SUBSECTIONS (6)(g) AND (6)(h) OF THIS SECTION, THE CBI SHALL RELEASE TO THE REQUESTING PERSON THE REGISTRY RECORD THAT IS LIMITED TO INCLUDE ONLY THE PERSON'S REGISTRATION STATUS, FULL NAME, ALIASES, DATE OF BIRTH, AND CURRENT ADDRESS OR ADDRESSES; A PHOTOGRAPH OF THE REGISTRANT, IF REQUESTED AND READILY AVAILABLE; THE OFFENSE THAT LED TO THE REGISTRATION; AND THE DATE OF THE OFFENSE AS SUCH INFORMATION CONCERNS THE PERSON WHO WAS ADJUDICATED OR RECEIVED A DISPOSITION AS A JUVENILE. INFORMATION CONCERNING VICTIMS MUST NOT BE RELEASED PURSUANT TO THIS SECTION.

(j) A PERSON WHO VIOLATES THE PROVISIONS OF THIS SUBSECTION (6) OR WHO SUBMITS A FALSE STATEMENT TO THE CBI TO OBTAIN INFORMATION PURSUANT TO THE PROVISIONS OF THIS SUBSECTION (6) COMMITS AN UNCLASSIFIED MISDEMEANOR AND SHALL BE PUNISHED BY A FINE OF UP TO ONE THOUSAND DOLLARS FOR EACH VIOLATION.

(k) NOTHING IN THIS SUBSECTION (6) LIMITS THE VICTIM'S ACCESS TO INFORMATION PURSUANT TO SECTION 24-4.1-302.5.

(10) ON OR BEFORE JULY 1, 2021, AND EVERY JULY 1 THEREAFTER, THE CBI SHALL PREPARE A REPORT THAT DETAILS THE NUMBER OF REQUESTS FOR SEX OFFENDER REGISTRATION INFORMATION FOR JUVENILES RECEIVED ANNUALLY PURSUANT TO SUBSECTION (6) OF THIS SECTION AS WELL AS THE NUMBER OF TIMES SUCH INFORMATION WAS RELEASED. THE CBI SHALL INCLUDE THE REPORT AS A PART OF ITS PRESENTATION TO ITS COMMITTEE OF REFERENCE AT A HEARING HELD PURSUANT TO SECTION 2-7-203 OF THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE,

AND TRANSPARENT (SMART) GOVERNMENT ACT".

SECTION 5. In Colorado Revised Statutes, 16-22-111, **amend** (1) introductory portion as follows:

16-22-111. Internet posting of sex offenders - procedure. (1) The CBI shall post a link on the state of Colorado home page on the internet to a list containing the names, addresses, and physical descriptions of certain persons and descriptions of the offenses committed by said persons. A person's physical description ~~shall~~ MUST include, but need not be limited to, the person's sex, height, and weight, any identifying characteristics of the person, and a digitized photograph or image of the person. The list ~~shall~~ MUST specifically exclude any reference to any victims of the offenses. The list ~~shall~~ MUST SPECIFICALLY EXCLUDE PERSONS WHO ARE REQUIRED TO REGISTER SOLELY BECAUSE THEY WERE ADJUDICATED OR RECEIVED DISPOSITIONS AS JUVENILES BUT MUST include the following persons:

SECTION 6. In Colorado Revised Statutes, 16-22-112, **amend** (2)(a), (2)(b)(I), and (3)(b); and **repeal** (2)(b)(III) and (2)(b)(IV) as follows:

16-22-112. Release of information - law enforcement agencies. (2) (a) A local law enforcement agency shall release information regarding any person, EXCEPT FOR A PERSON WHO IS REQUIRED TO REGISTER SOLELY BECAUSE THE PERSON WAS ADJUDICATED OR RECEIVED A DISPOSITION AS A JUVENILE, registered with the local law enforcement agency pursuant to this ~~article~~ ARTICLE 22 to any person residing within the local law enforcement agency's jurisdiction. In addition, the local law enforcement agency may post the information specified in ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION on the law

enforcement agency's website.

(b) A local law enforcement agency may post on its website sex offender registration information of a person from its registration list only if the person is:

(I) An adult convicted of a felony requiring the adult to register pursuant to section 16-22-103; OR

(III) ~~A juvenile with a second or subsequent adjudication involving unlawful sexual behavior or for a crime of violence as defined in section 18-1.3-406, C.R.S.; or~~

(IV) ~~A juvenile who is required to register pursuant to section 16-22-103 because he or she was adjudicated for an offense that would have been a felony if committed by an adult and has failed to register as required by section 16-22-103.~~

(3) (b) At its discretion, a local law enforcement agency may release information regarding any person, EXCEPT FOR A PERSON WHO IS REQUIRED TO REGISTER SOLELY BECAUSE THE PERSON WAS ADJUDICATED OR RECEIVED A DISPOSITION AS A JUVENILE, registered with the local law enforcement agency pursuant to this ~~article~~ ARTICLE 22 to any person who does not reside within the local law enforcement agency's jurisdiction or may post the information specified in ~~paragraph (b) of subsection (2)~~ SUBSECTION (2)(b) of this section on the law enforcement agency's website. If a local law enforcement agency does not elect to release information regarding any person registered with the local law enforcement agency to a person not residing within the local law enforcement agency's jurisdiction, the local law enforcement agency may submit a request from the person to the CBI.

SECTION 7. In Colorado Revised Statutes, 16-22-113, **amend**

(1)(e), (1.3)(b)(I), (3) introductory portion, and (3)(c) as follows:

16-22-113. Petition for removal from registry - mandatory hearing for discontinuation and removal. (1) Except as otherwise provided in subsection (3) of this section, any person required to register pursuant to section 16-22-103 or whose information is required to be posted on the internet pursuant to section 16-22-111 may file a petition with the court that issued the order of judgment for the conviction that requires the person to register for an order to discontinue the requirement for such registration or internet posting, or both, as follows:

(e) Except as otherwise provided in ~~subparagraph (II) of paragraph (b) of subsection (1.3)~~ SUBSECTION (1.3)(b)(II) of this section, if the person was younger than eighteen years of age at the time of commission of the offense, after the successful completion of and discharge from a juvenile sentence or disposition, and if the person prior to such time has not been subsequently convicted ~~or has~~ AS AN ADULT OF UNLAWFUL SEXUAL BEHAVIOR, OR FOR ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL BEHAVIOR, OR DOES NOT HAVE a pending prosecution for unlawful sexual behavior AS AN ADULT or for any other offense, the underlying factual basis of which involved unlawful sexual behavior, and the court did not issue an order either continuing the duty to register or discontinuing the duty to register pursuant to ~~paragraph (b) of subsection (1.3)~~ SUBSECTION (1.3)(b) of this section. Any person petitioning pursuant to this ~~paragraph (e)~~ SUBSECTION (1)(e) may also petition for an order removing his or her name from the sex offender registry. In determining whether to grant the order, the court shall consider whether the person is likely to commit a subsequent offense of or involving unlawful sexual behavior. The court

shall base its determination on recommendations from the person's probation or community parole officer, the person's treatment provider, and the prosecuting attorney for the jurisdiction in which the person was tried and on the recommendations included in the person's presentence investigation report. In addition, the court shall consider any written or oral testimony submitted by the victim of the offense for which the petitioner was required to register. Notwithstanding the provisions of this subsection (1), a juvenile who files a petition pursuant to this section may file the petition with the court to which venue is transferred pursuant to section 19-2-105, ~~C.R.S.,~~ if any.

(1.3) (b) (I) If a PERSON ADJUDICATED OR WHO RECEIVED A DISPOSITION AS A juvenile is ~~eligible to petition to discontinue his or her duty to register pursuant to paragraph (c) of subsection (1) of this section~~ REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103, the court, at least sixty-three days ~~before discharging~~ PRIOR TO THE END OF the juvenile's sentence, shall notify each of the parties described in ~~paragraph (a) of subsection (2)~~ SUBSECTION (2)(a) of this section, the juvenile, and the victim of the offense for which the juvenile was required to register, if the victim has requested notice and has provided current contact information, that the court shall consider whether to order that the juvenile may discontinue his or her duty to register when the court discharges the juvenile's sentence. The court shall set the matter for hearing if ~~any of the parties described in paragraph (a) of subsection (2) of this section or the~~ ANY DISTRICT ATTORNEY OR A victim of the offense objects, or if the juvenile requests a hearing. ~~and shall~~ IF AN OBJECTION IS NOT FILED WITHIN THIRTY-FIVE DAYS AFTER RECEIPT OF THE NOTICE, THE COURT SHALL, AT LEAST FOURTEEN DAYS PRIOR TO THE END OF THE

JUVENILE'S SENTENCE, EITHER ISSUE AN ORDER, AFTER DETERMINATION THAT THE JUVENILE IS ELIGIBLE TO DISCONTINUE REGISTRATION PURSUANT TO SUBSECTION (1)(e) OF THIS SECTION AND A REVIEW OF THE RELEVANT CRITERIA THAT DISCONTINUES THE JUVENILE'S DUTY TO REGISTER, OR SET THE MATTER FOR A HEARING TO DETERMINE IF THE JUVENILE'S DUTY TO REGISTER CONTINUES. AT ANY HEARING, THE COURT SHALL DETERMINE WHETHER THE JUVENILE IS ELIGIBLE TO DISCONTINUE REGISTRATION PURSUANT TO SUBSECTION (1)(e) OF THIS SECTION AND, IF ELIGIBLE, consider the criteria in ~~paragraph (e) of subsection (1)~~ SUBSECTION (1)(e) of this section in determining whether to continue or discontinue the duty to register. If the court enters an order discontinuing the juvenile's duty to register, the ~~department of human services~~ COURT shall send a copy of the order to each local law enforcement agency with which the juvenile is registered, the juvenile parole board, and to the CBI. If the victim of the offense has requested notice, the court shall notify the victim of its decision either to continue or discontinue the juvenile's duty to register.

(3) The following persons are not eligible for relief pursuant to this section, but ~~shall be~~ ARE subject for the remainder of their natural lives to the registration requirements specified in this article 22 or to the comparable requirements of any other jurisdictions in which they may reside:

(c) Any adult who has more than one conviction ~~or adjudication~~ AS AN ADULT for unlawful sexual behavior OR ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH IS UNLAWFUL SEXUAL BEHAVIOR PURSUANT TO SECTION 16-22-103 (2), in this state or any other jurisdiction, OR HAS A CONVICTION AS AN ADULT AND ONE OR MORE ADJUDICATIONS AS A JUVENILE FOR UNLAWFUL SEXUAL BEHAVIOR OR FOR

ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH IS UNLAWFUL SEXUAL BEHAVIOR PURSUANT TO SECTION 16-22-103 (2), IN THIS STATE OR ANY OTHER JURISDICTION.

SECTION 8. In Colorado Revised Statutes, 24-4.1-302, **amend** (2)(r) as follows:

24-4.1-302. Definitions. As used in this part 3, and for no other purpose, including the expansion of the rights of any defendant:

(2) "Critical stages" means the following stages of the criminal justice process:

(r) Any petition ~~by a sex offender to terminate sex offender registration~~ OR MOTION TO TERMINATE SEX OFFENDER REGISTRATION FILED PURSUANT TO SECTION 16-22-113;

SECTION 9. In Colorado Revised Statutes, 24-4.1-302.5, **amend** (1)(b.7) as follows:

24-4.1-302.5. Rights afforded to victims - definitions. (1) In order to preserve and protect a victim's rights to justice and due process, each victim of a crime has the following rights:

(b.7) For a victim of a sex offense, the right to be informed of the filing of ~~a petition by the perpetrator of the offense~~ ANY PETITION OR MOTION FILED to terminate sex offender registration pursuant to ~~section 16-22-113 (2) and (2.5)~~ SECTION 16-22-103 (5), 16-22-103 (8), 16-22-113 (2), OR 16-22-113 (2.5);

SECTION 10. In Colorado Revised Statutes, 24-4.1-303, **amend** (14.7)(b) as follows:

24-4.1-303. Procedures for ensuring rights of victims of crimes. (14.7) (b) The court shall notify the victim of petitions OR MOTIONS filed ~~by sex offenders~~ to cease sex offender registration

1 pursuant to ~~section 16-22-113 (2) and (2.5)~~ SECTION 16-22-103 (5),
2 16-22-103 (8), 16-22-113 (2), OR 16-22-113 (2.5).
3 **SECTION 11. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2020 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL C

LLS NO. 20-0258.01 Megan Waples x4348 **HOUSE BILL**

HOUSE SPONSORSHIP

Singer,

SENATE SPONSORSHIP

Fields,

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING PROGRAMS TO BUILD STATEWIDE CAPACITY TO ACCESS**
102 **SUPPORTIVE HOUSING SERVICES, AND, IN CONNECTION**
103 **THEREWITH, PROVIDING FOR PROGRAMS FOCUSED ON**
104 **UNDERSERVED COMMUNITIES WITH A PREFERENCE FOR RURAL**
105 **AND FRONTIER COMMUNITIES TO SERVE PEOPLE WITH**
106 **BEHAVIORAL, MENTAL HEALTH, AND SUBSTANCE USE DISORDERS**
107 **WHO HAVE CONTACT WITH THE JUSTICE SYSTEM.**

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 Legislative Oversight Committee Concerning the Treatment of Persons With Mental Health Disorders in the Criminal and Juvenile Justice Systems. The bill establishes and expands programs within the division of housing in the department of local affairs (division) to build the capacity of communities across the state to provide supportive housing services to individuals with behavioral, mental health, or substance use disorders who are homeless or at risk of becoming homeless and who have contact with the criminal or juvenile justice system, including:

- Expanding statewide training and technical assistance to help communities develop and implement supportive housing programs for individuals who have behavioral, mental health, or substance use disorders who are homeless or at risk of becoming homeless and who have contact with the criminal or juvenile justice system. The program must be targeted to communities that currently face barriers to accessing existing state and federal funding for supportive housing programs.
- Establishing a predevelopment grant program that provides funding to entities working to develop supportive housing interventions for individuals who have behavioral, mental health, or substance use disorders who are homeless or at risk of becoming homeless and who have contact with the criminal or juvenile justice system. The grant money can be used to add new or additional staff capacity to allow the development and implementation of such programs. The division is required to prioritize applicants that will serve rural or frontier communities and to provide hands-on technical assistance to grant recipients.
- Establishing a supportive housing services and homelessness prevention grant program. Grant money can be used to cover the costs of providing supportive housing services that are currently not eligible for reimbursement through the state's medical assistance program. It can also be used to fund homelessness prevention projects for individuals who have behavioral, mental health, or substance use disorders who are homeless or at risk of becoming homeless and who have contact with the criminal or juvenile justice system. The division is required to prioritize applicants that will serve rural or frontier communities and provide hands-on technical assistance to grant recipients.
- Developing a plan to increase participation in regional homeless data systems, support accurate data reporting, and

assess housing-related needs. The program must work with regional continuums of care to evaluate how to increase participation in data systems in communities across the state, identify technical needs and associated costs for doing so, and work with communities and stakeholders to integrate or develop an integrated user interface for various data systems related to housing and supportive services. It must also enhance information about best practices and training materials available to communities across the state.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Colorado is experiencing a homelessness crisis. The 2018
5 point-in-time estimate of homelessness by the United States department
6 of housing and urban development reported over ten thousand people
7 experiencing homelessness in Colorado. According to the Colorado
8 department of education, over twenty-three thousand students in Colorado
9 schools experienced homelessness at some point during the 2017-18
10 school year. Even more Colorado residents lack stable housing and are on
11 the verge of homelessness.

12 (b) The experience of homelessness can be both a cause and a
13 consequence of both mental illness, including substance use disorders,
14 and incarceration and is intricately related to both issues. The intersection
15 of homelessness, mental illness, and contact with the criminal justice
16 system is extremely costly to communities both in terms of the financial
17 burdens and the humanitarian toll it imposes on individuals and their
18 communities. These impacts are particularly acute in communities that
19 have a shortage of behavioral and mental health care providers and
20 services.

(c) According to a 2018 study of homelessness in Colorado jails by the Colorado department of public safety, eighty percent of respondents across facilities reported experiencing homelessness in the year prior, and nearly forty percent reported that they will be homeless after their release from jail;

(d) Of the respondents experiencing homelessness, over sixty percent reported needing mental health treatment, compared with forty-five percent of nonhomeless respondents;

(e) Similarly, the Colorado department of corrections reported in 2017 that over seventy-eight percent of the female inmate population and over forty-three percent of the male inmate population had moderate to severe mental health needs, and the Colorado department of adult parole reported in 2019 that over one thousand individuals were paroling to "unsheltered homelessness" or to "short term, temporary housing";

(f) Studies also show that being homeless is linked to sustained deterioration of mental and physical health and that homelessness can be both a cause and a consequence of having a criminal record;

(g) Safe and stable housing is a foundation for individuals to engage in the process of reentry from the criminal justice system, and provides a base from which individuals can seek employment, focus on treatment, establish a social network, and comply with community supervision;

(h) Supportive housing programs combine affordable housing with access to supportive services tailored to an individual's needs, including, for example, in-reach and outreach, housing search and counseling support, engagement, vocational or occupational training, clinical services, support with daily living activities, and other ongoing

supports. Supportive housing can reduce the cycling of individuals with behavioral or mental health disorders, including substance use disorders, between prison, jail, homelessness, and other public services.

(i) Colorado has made significant investments in nationally recognized housing best practices, including supportive housing;

(j) Unfortunately, not all communities across the state are able to take advantage of the available state and federal funding for supportive housing services due to various barriers;

(k) While the department of health care policy and financing has limited funds for supportive services, current restrictions do not allow the department to cover all the services needed to secure and maintain housing, and it is unable to reimburse nonclinical providers for providing those services;

(l) As a result, communities are not able to provide sustainable, long-term services to the most vulnerable individuals to keep them safely housed; and

(m) Many communities, particularly in rural and frontier areas, do not have nonprofit organizations experienced in applying for grants and implementing supportive housing programs, do not have the programmatic or staff capacity to do so, and need technical assistance to develop evidence-based, innovative solutions that are scaled and tailored to their specific community needs.

(2) The general assembly further finds and declares that it is therefore in Colorado's best interest to provide assistance and create opportunities for communities across the state that are currently unable to access federal and state housing and supportive service funds through training, technical assistance, and grant funding to support the

development and implementation of supportive housing and homelessness prevention services for individuals with behavioral, mental health, and substance use disorders who have been involved with or are at risk of falling into the criminal or juvenile justice system.

SECTION 2. In Colorado Revised Statutes, **add** 24-32-726, 24-32-727, 24-32-728, and 24-32-729 as follows:

24-32-726. Training and technical assistance for supportive housing - report - definition. (1) ON OR BEFORE JANUARY 1, 2021, THE DIVISION SHALL EXPAND STATEWIDE TECHNICAL ASSISTANCE TO ASSIST COMMUNITIES IN DEVELOPING SUPPORTIVE HOUSING INTERVENTIONS THAT CAN SERVE PERSONS WITH BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS. THE PROGRAM MUST:

(a) PROVIDE TRAINING, EDUCATION, AND ASSISTANCE TO ENTITIES INTERESTED IN ADDRESSING HOMELESSNESS AMONG PERSONS WITH BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS, INCLUDING HOMELESS SERVICE PROVIDERS, LAW ENFORCEMENT AGENCIES, FIRST RESPONDERS, REENTRY PROGRAMS, MUNICIPAL COURT PROGRAMS, AND OTHER ORGANIZATIONS;

(b) PROVIDE PROGRAMMING THAT IS SPECIFICALLY TARGETED TO COMMUNITIES THAT FACE BARRIERS TO ACCESSING EXISTING STATE AND FEDERAL FUNDS FOR HOUSING AND SUPPORTIVE SERVICES, INCLUDING RURAL COMMUNITIES; AND

(c) FOCUS ON BUILDING THE CAPACITY FOR COMMUNITIES TO:

(I) DEVELOP THEIR KNOWLEDGE OF SUPPORTIVE HOUSING INTERVENTIONS IN THEIR REGION;

(II) LEVERAGE EXISTING STATE AND FEDERAL FUNDING SOURCES FOR HOUSING AND SUPPORTIVE SERVICES;

(III) ENGAGE AND RECRUIT LANDLORDS TO PARTICIPATE IN SUPPORTIVE HOUSING PROGRAMS;

(IV) PROVIDE LANDLORD-TENANT RELATIONSHIP SUPPORT;

(V) ACCESS AND USE RELEVANT DATA SYSTEMS AND SERVICES, INCLUDING USING THE COLORADO HOMELESS MANAGEMENT INFORMATION SYSTEM AND THE COORDINATED ENTRY SYSTEM DEVELOPED BY CONTINUUMS OF CARE IN ACCORDANCE WITH 24 C.F.R. 578.7 OR ANY SUCCESSOR SYSTEMS, AND PARTICIPATING IN THE STATE MEDICAL ASSISTANCE PROGRAM DESCRIBED IN ARTICLES 4, 5, AND 6 OF TITLE 25.5; AND

(VI) DEVELOP, IMPLEMENT, AND EVALUATE SUPPORTIVE HOUSING PROGRAM SERVICES USING EVIDENCE-BASED, INNOVATIVE APPROACHES, INCLUDING PROGRAMS TO PREVENT HOMELESSNESS AMONG PERSONS WITH BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS WHO HAVE CONTACT WITH THE CRIMINAL OR JUVENILE JUSTICE SYSTEM.

(2) ON OR BEFORE AUGUST 1, 2021, AND EVERY AUGUST 1 THEREAFTER, THE DIVISION SHALL SUBMIT A REPORT ON THE TRAINING PROGRAM REQUIRED BY THIS SECTION TO THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING THE TREATMENT OF PERSONS WITH MENTAL HEALTH DISORDERS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS, OR ANY SUCCESSOR COMMITTEE, AND TO THE ADVISORY TASK FORCE TO THAT COMMITTEE. NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED BY THIS SECTION CONTINUES INDEFINITELY.

24-32-727. Supportive housing predevelopment grant program - created - rules - report - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1 (a) "FUND" MEANS THE HOUSING ASSISTANCE FOR PERSONS
2 TRANSITIONING FROM THE CRIMINAL OR JUVENILE JUSTICE SYSTEM CASH
3 FUND CREATED IN SECTION 24-32-721 (4)(d).
4 (b) "GRANT PROGRAM" MEANS THE SUPPORTIVE HOUSING
5 PREDEVELOPMENT GRANT PROGRAM ESTABLISHED IN THIS SECTION.
6 (2) THERE IS HEREBY CREATED IN THE DIVISION THE SUPPORTIVE
7 HOUSING PREDEVELOPMENT GRANT PROGRAM TO PROVIDE GRANTS TO
8 ENTITIES WORKING TO DEVELOP SUPPORTIVE HOUSING INTERVENTIONS
9 THAT WILL SERVE PERSONS WITH BEHAVIORAL, MENTAL HEALTH, OR
10 SUBSTANCE USE DISORDERS WHO ARE HOMELESS OR AT RISK OF BECOMING
11 HOMELESS AND WHO HAVE CONTACT WITH THE CRIMINAL OR JUVENILE
12 JUSTICE SYSTEM.
13 (3) (a) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED
14 THROUGH THE GRANT PROGRAM TO COVER COSTS ASSOCIATED WITH THE
15 DEVELOPMENT AND IMPLEMENTATION OF AN EVIDENCE-BASED
16 SUPPORTIVE HOUSING PROGRAM THAT WILL SERVE PERSONS WITH
17 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS IN THE
18 COMMUNITY WHO ARE HOMELESS OR AT RISK OF BECOMING HOMELESS
19 AND WHO HAVE CONTACT WITH THE CRIMINAL OR JUVENILE JUSTICE
20 SYSTEM, INCLUDING BY CREATING NEW OR ADDITIONAL STAFF CAPACITY
21 TO DEVELOP, SUPPORT, AND EVALUATE THE PROGRAM.
22 (b) THE DIVISION SHALL PROVIDE INTENSIVE, HANDS-ON
23 TECHNICAL ASSISTANCE TO GRANT RECIPIENTS DURING THE
24 IMPLEMENTATION OF THE GRANTS.
25 (4) THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM AND,
26 SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS
27 PROVIDED IN THIS SECTION. SUBJECT TO AVAILABLE APPROPRIATIONS,

GRANTS SHALL BE PAID OUT OF THE FUND.

(5) THE DIVISION SHALL DEVELOP AND PUBLISH POLICIES AND PROCEDURES IN CONSULTATION WITH COMMUNITY STAKEHOLDERS TO IMPLEMENT THE GRANT PROGRAM IN ACCORDANCE WITH THIS SECTION. AT A MINIMUM, THE POLICIES AND PROCEDURES MUST SPECIFY THE TIME FRAMES FOR APPLYING FOR GRANTS, THE FORM OF THE GRANT PROGRAM APPLICATION, AND THE PROGRAM EVALUATION AND REPORTING REQUIREMENTS FOR GRANT RECIPIENTS.

(6) TO BE ELIGIBLE TO RECEIVE A GRANT FROM THE GRANT PROGRAM, AN ENTITY MUST:

(a) BE AN AGENCY OF LOCAL GOVERNMENT, A SPECIAL DISTRICT, A TRIBAL AGENCY OR PROGRAM, A FAITH-BASED ORGANIZATION, OR A NONPROFIT OR NOT-FOR-PROFIT ORGANIZATION THAT IS REGISTERED AND IN GOOD STANDING WITH THE COLORADO SECRETARY OF STATE'S OFFICE;

(b) DEMONSTRATE PROFICIENCY IN THE AREAS DESCRIBED IN SECTION 24-32-726 (1)(c); AND

(c) SATISFY ANY ADDITIONAL CRITERIA AS SET FORTH IN THE DIVISION'S POLICIES AND PROCEDURES.

(7) (a) THE DIVISION SHALL REVIEW THE APPLICATIONS RECEIVED PURSUANT TO THIS SECTION. TO BE ELIGIBLE TO RECEIVE A GRANT, THE APPLICATION MUST ESTABLISH:

(I) THE COMMUNITY'S NEED FOR ASSISTANCE IN OVERCOMING BARRIERS TO ACCESSING EXISTING FUNDS FOR SUPPORTIVE HOUSING PROGRAMS THAT SERVE PERSONS WITH BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS WHO ARE HOMELESS OR AT RISK OF BECOMING HOMELESS AND WHO HAVE CONTACT WITH THE CRIMINAL OR JUVENILE JUSTICE SYSTEM;

(II) THE COMMUNITY'S POPULATION OF PERSONS WITH BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS WHO HAVE HAD CONTACT WITH THE CRIMINAL OR JUVENILE JUSTICE SYSTEM IN THE PREVIOUS TWELVE MONTHS AND ARE HOMELESS, IN UNSTABLE HOUSING ENVIRONMENTS, OR IN TRANSITION FROM INSTITUTIONS, AND THE COMMUNITY'S NEED AND INTENTION TO BUILD ITS CAPACITY TO SUPPORT THOSE INDIVIDUALS; AND

(III) ANY ADDITIONAL CRITERIA SET FORTH IN THE DIVISION'S POLICIES AND PROCEDURES.

(b) THE DIVISION SHALL PRIORITIZE APPLICATIONS FROM ENTITIES THAT PROVIDE SERVICES OR PLAN TO PROVIDE SERVICES TO PERSONS WITH SEVERE AND PERSISTENT MENTAL ILLNESS OR TO RURAL OR FRONTIER COMMUNITIES.

(8) GRANT AWARDS ARE IN THE SOLE DISCRETION OF THE EXECUTIVE DIRECTOR IN ACCORDANCE WITH THIS SECTION.

(9) SUBJECT TO AVAILABLE APPROPRIATIONS, ON OR BEFORE JANUARY 1, 2021, AND ON OR BEFORE JANUARY 1 OF THE SUCCEEDING TWO YEARS, THE EXECUTIVE DIRECTOR SHALL AWARD GRANTS IN ACCORDANCE WITH THIS SECTION.

(10) ON OR BEFORE AUGUST 1, 2021, AND ON OR BEFORE AUGUST 1 EACH YEAR THEREAFTER, THE DIVISION SHALL SUBMIT A REPORT ON THE GRANT PROGRAM TO THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING THE TREATMENT OF PERSONS WITH MENTAL HEALTH DISORDERS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS, OR ANY SUCCESSOR COMMITTEE, AND TO THE ADVISORY TASK FORCE TO THAT COMMITTEE. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE UNTIL

THE GRANT PROGRAM REPEALS PURSUANT TO SUBSECTION (12) OF THIS SECTION.

(11) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM THE GENERAL FUND OR THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501 TO THE FUND IN ACCORDANCE WITH SECTION 24-32-721 TO IMPLEMENT THE GRANT PROGRAM. ANY MONEY IN THE FUND AT THE END OF ANY FISCAL YEAR DOES NOT REVERT TO THE GENERAL FUND. THE MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE DIVISION FOR THE PURPOSES SPECIFIED IN THIS SECTION. FOR ANY GIVEN STATE FISCAL YEAR, NO MORE THAN THREE PERCENT OF THE MONEY APPROPRIATED FROM THE FUND FOR THE GRANT PROGRAM MAY BE EXPENDED FOR THE ADMINISTRATIVE COSTS OF THE DIVISION IN ADMINISTERING THE GRANT PROGRAM.

(12) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2024. BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

24-32-728. Supportive housing services and homelessness prevention grant program - created - rules - report - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CONTINUUM OF CARE" HAS THE SAME MEANING AS SET FORTH IN 24 C.F.R. 578.3.

(b) "FUND" MEANS THE HOUSING ASSISTANCE FOR PERSONS TRANSITIONING FROM THE CRIMINAL OR JUVENILE JUSTICE SYSTEM CASH FUND CREATED IN SECTION 24-32-721 (4)(d).

(c) "GRANT PROGRAM" MEANS THE SUPPORTIVE HOUSING SERVICES AND HOMELESSNESS PREVENTION GRANT PROGRAM

1 ESTABLISHED IN THIS SECTION.

2 (d) "STATE MEDICAL ASSISTANCE PROGRAM" MEANS THE PROGRAM
3 OF MEDICAL ASSISTANCE DESCRIBED IN ARTICLES 4, 5, AND 6 OF TITLE
4 25.5.

5 (e) "SUPPORTIVE HOUSING SERVICES" INCLUDES SERVICES
6 INTENDED TO ALLOW A PERSON WITH A BEHAVIORAL, MENTAL HEALTH, OR
7 SUBSTANCE USE DISORDER TO SECURE AND RETAIN STABLE HOUSING.

8 (2) THERE IS HEREBY CREATED IN THE DIVISION THE SUPPORTIVE
9 HOUSING SERVICES AND HOMELESSNESS PREVENTION GRANT PROGRAM TO
10 PROVIDE GRANTS TO COMMUNITIES PROVIDING SUPPORTIVE HOUSING
11 SERVICES AND HOMELESSNESS PREVENTION PROGRAMS INTENDED TO KEEP
12 PERSONS WITH BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE
13 DISORDERS HOUSED.

14 (3) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH
15 THE GRANT PROGRAM TO:

16 (a) DEVELOP AND IMPLEMENT EVIDENCE-BASED PROGRAMS
17 INTENDED TO PREVENT HOMELESSNESS AMONG PERSONS WITH
18 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS IN THE
19 COMMUNITY WHO HAVE CONTACT WITH THE CRIMINAL OR JUVENILE
20 JUSTICE SYSTEM; OR

21 (b) COVER THE COSTS OF PROVIDING SUPPORTIVE HOUSING
22 SERVICES TO PERSONS WITH BEHAVIORAL, MENTAL HEALTH, OR
23 SUBSTANCE USE DISORDERS WHO ARE HOMELESS OR AT RISK OF BECOMING
24 HOMELESS AND WHO HAVE CONTACT WITH THE CRIMINAL OR JUVENILE
25 JUSTICE SYSTEM, IF:

26 (I) THE PERSON OR ENTITY PROVIDING THE SERVICE IS NOT
27 CURRENTLY ABLE TO BILL THE STATE MEDICAL ASSISTANCE PROGRAM FOR

1 SUPPORTIVE HOUSING SERVICES AND IS IN THE PROCESS OF BECOMING
2 AUTHORIZED TO BILL THE PROGRAM FOR THOSE SERVICES OR IS
3 ESTABLISHING A RELATIONSHIP WITH A REGIONAL ACCOUNTABLE ENTITY
4 OR SUCCESSOR ORGANIZATION; OR
5 (II) THE SUPPORTIVE HOUSING SERVICE BEING PROVIDED IS NOT
6 CURRENTLY ELIGIBLE FOR REIMBURSEMENT UNDER THE STATE MEDICAL
7 ASSISTANCE PROGRAM.
8 (4) THE DIVISION SHALL PROVIDE INTENSIVE, HANDS-ON
9 TECHNICAL ASSISTANCE TO GRANT RECIPIENTS DURING THE
10 IMPLEMENTATION OF THE GRANTS.
11 (5) TO SUPPORT THE IMPLEMENTATION OF GRANTS UNDER THIS
12 SECTION, EXPAND THE PROVISION OF SUPPORTIVE HOUSING SERVICES, AND
13 ALLOW INDIVIDUALS SERVED BY THE GRANT PROGRAM TO RECEIVE
14 SUPPORTIVE HOUSING SERVICES ON A LONG-TERM SUSTAINABLE BASIS,
15 THE DIVISION, THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT
16 OF HUMAN SERVICES, AND THE DEPARTMENT OF HEALTH CARE POLICY AND
17 FINANCING SHALL COLLABORATE ON AN ONGOING BASIS TO IDENTIFY
18 ADDITIONAL PROVIDERS AND SERVICES THAT COULD BE ELIGIBLE FOR
19 REIMBURSEMENT UNDER THE STATE MEDICAL ASSISTANCE PROGRAM. THE
20 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL SUBMIT TO
21 THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES AN
22 AMENDMENT TO THE STATE MEDICAL ASSISTANCE PLAN AND SHALL
23 REQUEST ANY NECESSARY WAIVERS FROM THE SECRETARY OF THE
24 FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ALLOW SUCH
25 ADDITIONAL REIMBURSEMENTS AS IDENTIFIED THROUGHOUT THE COURSE
26 OF THE GRANT PROGRAM.
27 (6) THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM AND,

SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION. SUBJECT TO AVAILABLE APPROPRIATIONS, GRANTS SHALL BE PAID OUT OF THE FUND.

(7) THE DIVISION SHALL DEVELOP AND PUBLISH POLICIES AND PROCEDURES IN CONSULTATION WITH STAKEHOLDERS TO IMPLEMENT THE GRANT PROGRAM IN ACCORDANCE WITH THIS SECTION. AT A MINIMUM, THE POLICIES AND PROCEDURES MUST SPECIFY THE TIME FRAMES FOR APPLYING FOR GRANTS, THE FORM OF THE GRANT PROGRAM APPLICATION, AND THE PROGRAM EVALUATION AND REPORTING REQUIREMENTS FOR GRANT RECIPIENTS.

(8) TO BE ELIGIBLE TO RECEIVE A GRANT FROM THE GRANT PROGRAM, AN ENTITY MUST:

(a) BE AN AGENCY OF LOCAL GOVERNMENT, A SPECIAL DISTRICT, A TRIBAL AGENCY OR PROGRAM, A FAITH-BASED ORGANIZATION, OR A NONPROFIT OR NOT-FOR-PROFIT ORGANIZATION THAT IS REGISTERED AND IN GOOD STANDING WITH THE COLORADO SECRETARY OF STATE'S OFFICE;

(b) DEMONSTRATE A PLAN FOR COLLABORATION WITH A REGIONAL ACCOUNTABLE ENTITY OR SUCCESSOR ORGANIZATION;

(c) DEMONSTRATE PROFICIENCY IN THE AREAS DESCRIBED IN SECTION 24-32-726 (1)(c); AND

(d) SATISFY ANY ADDITIONAL CRITERIA AS SET FORTH IN THE DIVISION'S POLICIES AND PROCEDURES.

(9) (a) THE DIVISION SHALL REVIEW THE APPLICATIONS RECEIVED PURSUANT TO THIS SECTION. TO BE ELIGIBLE TO RECEIVE A GRANT, THE APPLICATION MUST ESTABLISH:

(I) THE COMMUNITY'S NEED FOR ASSISTANCE IN OVERCOMING BARRIERS TO ACCESSING EXISTING FUNDS FOR SUPPORTIVE HOUSING

PROGRAMS THAT SERVE PERSONS WITH BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS WHO ARE HOMELESS OR AT RISK OF BECOMING HOMELESS AND WHO HAVE CONTACT WITH THE CRIMINAL OR JUVENILE JUSTICE SYSTEM;

(II) THE COMMUNITY'S POPULATION OF PERSONS WITH BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS WHO HAVE HAD CONTACT WITH THE CRIMINAL OR JUVENILE JUSTICE SYSTEM IN THE PREVIOUS TWELVE MONTHS AND ARE HOMELESS, IN UNSTABLE HOUSING ENVIRONMENTS, OR IN TRANSITION FROM INSTITUTIONS, AND THE COMMUNITY'S NEED AND INTENTION TO BUILD ITS CAPACITY TO SUPPORT THOSE INDIVIDUALS; AND

(III) ANY ADDITIONAL CRITERIA SET FORTH IN THE DIVISION'S POLICIES AND PROCEDURES.

(b) THE DIVISION SHALL PRIORITIZE APPLICATIONS FROM ENTITIES THAT PROVIDE SERVICES OR PLAN TO PROVIDE SERVICES TO PERSONS WITH SEVERE AND PERSISTENT MENTAL ILLNESS OR TO RURAL OR FRONTIER COMMUNITIES.

(10) AS A CONDITION OF RECEIVING THE GRANT, ALL GRANT RECIPIENTS SHALL:

(a) PARTICIPATE IN DIVISION TRAININGS, TECHNICAL ASSISTANCE, AND REPORTING REQUIREMENTS; AND

(b) USE OR PARTICIPATE IN, AS APPROPRIATE FOR THE PROGRAM BEING FUNDED AND TO THE EXTENT POSSIBLE UNDER STATE AND FEDERAL LAW, THE COLORADO HOMELESS MANAGEMENT INFORMATION SYSTEM AND THE COORDINATED ENTRY SYSTEM DEVELOPED BY CONTINUUMS OF CARE OR ANY SUCCESSOR SYSTEMS, THE STATE MEDICAL ASSISTANCE PROGRAM, AND EXISTING HOUSING VOUCHER PROGRAMS.

(11) GRANT AWARDS ARE IN THE SOLE DISCRETION OF THE EXECUTIVE DIRECTOR IN ACCORDANCE WITH THIS SECTION.

(12) SUBJECT TO AVAILABLE APPROPRIATIONS, ON OR BEFORE JANUARY 1, 2022, AND ON OR BEFORE JANUARY 1 OF THE SUCCEEDING TWO YEARS, THE EXECUTIVE DIRECTOR SHALL AWARD GRANTS IN ACCORDANCE WITH THIS SECTION.

(13) ON OR BEFORE AUGUST 1, 2022, AND ON OR BEFORE AUGUST 1 OF EACH YEAR THEREAFTER, THE DIVISION SHALL SUBMIT A REPORT ON THE GRANT PROGRAM TO THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING THE TREATMENT OF PERSONS WITH MENTAL HEALTH DISORDERS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS, OR ANY SUCCESSOR COMMITTEE, AND TO THE ADVISORY TASK FORCE TO THE COMMITTEE. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE UNTIL THE GRANT PROGRAM REPEALS PURSUANT TO SUBSECTION (15) OF THIS SECTION.

(14) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM THE GENERAL FUND OR THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501 TO THE FUND IN ACCORDANCE WITH SECTION 24-32-721 TO IMPLEMENT THE GRANT PROGRAM. ANY MONEY IN THE FUND AT THE END OF ANY FISCAL YEAR DOES NOT REVERT TO THE GENERAL FUND. THE MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE DIVISION FOR THE PURPOSES SPECIFIED IN THIS SECTION. FOR ANY GIVEN STATE FISCAL YEAR, NO MORE THAN THREE PERCENT OF THE MONEY APPROPRIATED FROM THE FUND FOR THE GRANT PROGRAM MAY BE EXPENDED FOR THE ADMINISTRATIVE COSTS OF THE DIVISION IN ADMINISTERING THE GRANT PROGRAM.

(15) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2027. BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

24-32-729. Data integration and resource collection related to homelessness. (1) THE DIVISION SHALL PLAN TO INCREASE PARTICIPATION IN REGIONAL HOMELESS DATA SYSTEMS, SUPPORT ACCURATE DATA REPORTING BY PARTICIPANTS, AND ASSESS HOUSING-RELATED NEEDS FOR PERSONS WITH BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS. THE PROGRAM MUST:

(a) IN CONSULTATION WITH THE CONTINUUMS OF CARE, EVALUATE HOW TO INCREASE STATEWIDE USE OF THE COLORADO HOMELESS MANAGEMENT INFORMATION SYSTEM AND THE COORDINATED ENTRY SYSTEM DEVELOPED BY CONTINUUMS OF CARE IN ACCORDANCE WITH 24 C.F.R. 578.7 IN ORDER TO BETTER TRACK POPULATIONS IN NEED, INCLUDING:

(I) IDENTIFYING THE TECHNICAL NEEDS AND ASSOCIATED COSTS FOR INCREASING USE AND SUPPORT OF THE DATA SYSTEMS ACROSS THE STATE;

(II) PROVIDING TECHNICAL ASSISTANCE AND TRAINING TO LOCAL COMMUNITIES TO ALLOW THEM TO CONNECT TO AND USE THE DATA SYSTEMS EFFECTIVELY; AND

(III) WORKING WITH LOCAL COMMUNITIES TO IDENTIFY WAYS TO USE THE DATA SYSTEMS TO INCREASE PROGRAM EFFECTIVENESS AND CONDUCT PROGRAM EVALUATIONS;

(b) WORK WITH LOCAL COMMUNITIES, THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES, STATE AGENCIES, CONTINUUMS OF CARE, SERVICE DELIVERY ORGANIZATIONS, AND OTHER

STAKEHOLDERS TO INTEGRATE OR DEVELOP AN INTEGRATED USER INTERFACE FOR DATA SYSTEMS RELATED TO HOUSING AND SUPPORTIVE SERVICES, INCLUDING THE COLORADO HOMELESS MANAGEMENT INFORMATION SYSTEM, THE COORDINATED ENTRY SYSTEM, THE BEHAVIORAL HEALTH CAPACITY TRACKING SYSTEM CREATED IN SECTION 27-60-104.5, AND THE COLORADO 2-1-1 COLLABORATIVE, AND ANY SUCCESSOR SYSTEMS; AND

(c) ENHANCE INFORMATION RELATED TO SUPPORTIVE HOUSING BEST PRACTICES, TRAININGS, AND RESOURCES THAT CAN BE ACCESSED STATEWIDE.

SECTION 3. In Colorado Revised Statutes, 24-32-721, **amend** (4)(c) as follows:

24-32-721. Colorado affordable housing construction grants and loans - housing development grant fund - creation - housing assistance for persons with behavioral, mental health, or substance use disorders - cash fund - appropriation - report to general assembly - definition. (4) (c) In addition to any other uses specified in this section, the division shall also:

(I) Provide grants or loans for the acquisition, construction, or rehabilitation of rental housing for persons with behavioral or mental health disorders; AND

(II) IMPLEMENT THE GRANT PROGRAMS CREATED IN SECTIONS 24-32-727 AND 24-32-728.

SECTION 4. In Colorado Revised Statutes, 24-34-104, **add** (25)(a)(XXII) and (28)(a)(III) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative

1 **declaration - repeal.** (25) (a) The following agencies, functions, or both,
2 are scheduled for repeal on September 1, 2024:
3 (XXII) THE SUPPORTIVE HOUSING PREDEVELOPMENT GRANT
4 PROGRAM CREATED IN SECTION 24-32-727.
5 (28) (a) The following agencies, functions, or both, are scheduled
6 for repeal on September 1, 2027:
7 (III) THE SUPPORTIVE HOUSING SERVICES AND HOMELESSNESS
8 PREVENTION GRANT PROGRAM CREATED IN SECTION 24-32-728.
9 **SECTION 5. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2020 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL D

LLS NO. 20-0259.01 Shelby Ross x4510 **SENATE BILL**

SENATE SPONSORSHIP

Rodriguez and Fields, Cooke

HOUSE SPONSORSHIP

Singer,

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING THE DEVELOPMENT OF A STRATEGIC PLAN TO**
102 **IMPLEMENT A TRUSTED INTEROPERABILITY PLATFORM.**

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 Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems. The bill creates the trusted interoperability platform advisory committee (committee) to develop a strategic plan to implement a trusted interoperability platform that

securely exchanges information between criminal and juvenile justice systems and community health agencies.

The bill requires the committee to submit an initial strategic plan to the chief information officer no later than May 1, 2021, and a final strategic plan to specified committees of the general assembly no later than September 1, 2021.

The bill repeals the committee on October 1, 2021.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-33.5-524 as
3 follows:

4 **24-33.5-524. Trusted interoperability platform advisory**
5 **committee - creation - strategic plan - repeal.** (1) (a) THERE IS
6 CREATED THE TRUSTED INTEROPERABILITY PLATFORM ADVISORY
7 COMMITTEE, REFERRED TO IN THIS SECTION AS THE "COMMITTEE". THE
8 INTENT OF THE COMMITTEE IS TO DEVELOP A STRATEGIC PLAN TO
9 IMPLEMENT A TRUSTED INTEROPERABILITY PLATFORM THAT SECURELY
10 EXCHANGES INFORMATION BETWEEN CRIMINAL AND JUVENILE JUSTICE
11 SYSTEMS AND COMMUNITY HEALTH AGENCIES TO IMPROVE THE HEALTH,
12 STABILITY, AND PROSOCIAL ADJUSTMENT OF INDIVIDUALS IN THE
13 CRIMINAL AND JUVENILE JUSTICE SYSTEMS; DECREASE RECIDIVISM; AND
14 EVALUATE SYSTEM NEEDS AND PROGRAMS.

15 (b) THE COMMITTEE SHALL EXERCISE ITS POWERS AND PERFORM
16 ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF PUBLIC SAFETY.

17 (c) THE COMMITTEE CONSISTS OF THE FOLLOWING ELEVEN
18 MEMBERS:

19 (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
20 SAFETY OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

21 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
22 CORRECTIONS OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(IV) THE CHIEF INFORMATION OFFICER OF THE OFFICE OF INFORMATION TECHNOLOGY OR THE CHIEF INFORMATION OFFICER'S DESIGNEE;

(V) THE DIRECTOR OF THE DIVISION OF YOUTH SERVICES IN THE DEPARTMENT OF HUMAN SERVICES OR THE DIRECTOR'S DESIGNEE;

(VI) THE STATE COURT ADMINISTRATOR OR THE STATE COURT ADMINISTRATOR'S DESIGNEE; AND

(VII) THE FOLLOWING FIVE MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY:

(A) ONE COUNTY SHERIFF REPRESENTING A STATEWIDE ASSOCIATION OF COUNTY SHERIFFS;

(B) ONE MEMBER OF A NONPROFIT ORGANIZATION REPRESENTING A NETWORK OF COMMUNITY BEHAVIORAL HEALTH PROVIDERS;

(C) ONE MEMBER REPRESENTING THE COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM, CREATED IN SECTION 16-20.5-103; AND

(D) TWO MEMBERS REPRESENTING A HEALTH INFORMATION EXCHANGE IN COLORADO.

(d) THE MEMBERS OF THE COMMITTEE SHALL SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

(e) THE COMMITTEE SHALL MEET AT LEAST FOUR TIMES PER CALENDAR YEAR. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY OR THE EXECUTIVE DIRECTOR'S DESIGNEE SHALL SERVE AS CHAIR OF THE COMMITTEE AND MAY CALL SUCH ADDITIONAL MEETINGS AS MAY BE NECESSARY FOR THE COMMITTEE TO COMPLETE ITS DUTIES.

(2) NO LATER THAN MAY 1, 2021, THE COMMITTEE SHALL SUBMIT AN INITIAL STRATEGIC PLAN TO IMPLEMENT A TRUSTED INTEROPERABILITY PLATFORM TO THE CHIEF INFORMATION OFFICER, APPOINTED PURSUANT TO SECTION 24-37.5-103. NO LATER THAN SEPTEMBER 1, 2021, THE COMMITTEE SHALL SUBMIT A FINAL STRATEGIC PLAN TO THE LEGISLATIVE COUNCIL; THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY; THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING THE TREATMENT OF PERSONS WITH MENTAL HEALTH DISORDERS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS; AND THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE STRATEGIC PLAN MUST:

(a) ENABLE AGENCIES TO EXCHANGE LEGALLY AUTHORIZED AND SECURE INFORMATION TO IMPROVE THE MANAGEMENT AND CARE OF INDIVIDUALS SERVED BY THE AGENCY SYSTEMS;

(b) PROVIDE UNIFORM DATA AND COMPLY WITH NATIONAL CRIMINAL JUSTICE AND HEALTH INFORMATION STANDARDS;

(c) COMPLY WITH APPLICABLE FEDERAL AND STATE LAWS AND REGULATIONS;

(d) USE IDENTITY AND ACCESS MANAGEMENT TO ALLOW USERS TO ACCESS AUTHORIZED INFORMATION BASED ON THE USER'S CREDENTIALS AND AGENCY ROLE;

(e) USE A FEDERATED INFORMATION SYSTEM, CONSISTENT WITH A STATEWIDE APPROACH, AS AN INTEGRATING LAYER OVER EXISTING LEGACY APPLICATIONS AND DATABASES;

(f) ALLOW EACH AGENCY TO RETAIN ITS OWN INFORMATION DATABASE;

(g) ALLOW CONTINUOUS MONITORING OF THE SYSTEM BY

ESTABLISHING USER ACCESS AND REPORTING REQUIREMENTS;

(h) MINIMIZE CURRENT AND FUTURE COSTS BY BUILDING AN AGILE SYSTEM THAT CONNECTS EXISTING AGENCY SYSTEMS WHEN COST EFFECTIVE AND CREATES SYSTEM INTERFACES THAT ARE FLEXIBLE ENOUGH TO ACCOMMODATE FUTURE INFORMATION-SHARING NEEDS IN A COST-EFFECTIVE MANNER; AND

(i) RESULT IN A SYSTEM THAT ACCOMPLISHES THE FOLLOWING GOALS:

(I) FACILITATING UNIFORM AND MAXIMUM INTERFACING AMONG CRIMINAL AND JUVENILE JUSTICE STATE AGENCIES, COUNTY JAILS, COMMUNITY BEHAVIORAL HEALTH CENTERS, AND HEALTH INFORMATION EXCHANGES TO PROVIDE INFORMATION THAT IS RELEVANT TO THE MANAGEMENT AND CARE OF INDIVIDUALS WHO ARE CURRENTLY UNDER AN AGENCY'S PURVIEW; AND

(II) MAKING DATA AVAILABLE FOR RESEARCH ANALYSIS AND DE-IDENTIFIED DATA REPORTING TO POLICYMAKERS FOR SYSTEM NEEDS IDENTIFICATION, POLICY INITIATIVES, AND EVALUATIONS IN ACCORDANCE WITH APPLICABLE LAWS.

(3) THIS SECTION IS REPEALED, EFFECTIVE OCTOBER 1, 2021.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL E

LLS NO. 20-0260.02 Jane Ritter x4342 **SENATE BILL**

SENATE SPONSORSHIP

Rodriguez and Fields,

HOUSE SPONSORSHIP

Singer, Benavidez

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING THE REAUTHORIZATION OF THE LEGISLATIVE**
102 **OVERSIGHT COMMITTEE CONCERNING THE TREATMENT OF**
103 **PERSONS WITH BEHAVIORAL HEALTH DISORDERS IN THE**
104 **CRIMINAL AND JUVENILE JUSTICE SYSTEMS.**

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 Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems. The bill extends the repeal date for the

legislative oversight committee concerning the treatment of persons with mental health disorders in the criminal and juvenile justice systems (committee), and the associated task force (task force), to July 1, 2023. Substantive changes included in the reauthorization include broadening the name and scope of the committee and task force from"persons with mental health disorders" to "persons with behavioral health disorders"; making collaboration mandatory between members of the committee and the task force; allowing the task force to research topics for members of the committee upon request; adjusting task force membership; further defining issues for the task force to study; and providing staff support by the legislative council staff.

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

SECTION 1. In Colorado Revised Statutes, **repeal and reenact, with amendments,** article 1.9 of title 18 as follows:

ARTICLE 1.9

Continuing Examination of the Treatment of Persons with Mental Health Disorders Who are Involved in the Criminal and Juvenile Justice Systems

18-1.9-101. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS THAT:

(a) THE UNITED STATES IS IN A PUBLIC HEALTH CRISIS WHERE PERSONS WITH BEHAVIORAL HEALTH NEEDS ARE NEGLECTED, STIGMATIZED, OR INADEQUATELY SUPPORTED, WHICH GREATLY INCREASES THE RISK OF SUCH PERSONS BECOMING INVOLVED WITH THE CRIMINAL OR JUVENILE JUSTICE SYSTEM;

(b) PERSONS WITH BEHAVIORAL HEALTH DISORDERS ARE DISPROPORTIONATELY REPRESENTED IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS. THE PREVALENCE RATES NATIONALLY OF SUCH INDIVIDUALS ENTERING JAIL ARE THREE TIMES GREATER THAN THAT OF THE GENERAL POPULATION. BUREAU OF JUSTICE STATISTICS DATA FROM

1 2011 THROUGH 2012 INDICATE THAT HALF OF THE PEOPLE INCARCERATED
2 IN PRISONS, AND TWO-THIRDS OF THOSE IN JAIL, HAVE EITHER A CURRENT
3 SERIOUS PSYCHOLOGICAL DISTRESS OR A HISTORY OF MENTAL HEALTH
4 CONCERNS.
5 (c) THE DEPARTMENT OF CORRECTIONS DATA INDICATE THAT ONE
6 OUT OF EVERY THREE MEN AND FOUR OUT OF EVERY FIVE WOMEN
7 IMPRISONED IN COLORADO HAVE A MODERATE TO SEVERE MENTAL
8 HEALTH DISORDER;
9 (d) THE DIVISION OF YOUTH SERVICES DATA INDICATE THAT
10 FIFTY-NINE PERCENT OF NEWLY COMMITTED YOUTH REQUIRE MENTAL
11 HEALTH INTERVENTION OR SERVICES, AND NATIONALLY, JUVENILE
12 INSTITUTIONS ARE ILL-EQUIPPED TO PROVIDE A COMPREHENSIVE ARRAY OF
13 SUCH SERVICES TO MEET THE NEEDS; AND
14 (e) LARGE NUMBERS OF PEOPLE WITH BEHAVIORAL HEALTH
15 DISORDERS ARE BEING SENT TO SECURE JUSTICE SETTINGS INSTEAD OF
16 RECEIVING COMMUNITY TREATMENT. AS A RESULT, THE CRIMINAL JUSTICE
17 SYSTEM HAS BECOME THE STOPGAP PROVIDER TO ADDRESS CHRONIC AND
18 ACUTE BEHAVIORAL HEALTH NEEDS IN OUR STATE.
19 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT:
20 (a) ACTIONS FOCUSED ON PERSONS WHO ARE AT RISK OF ENTRY
21 INTO THE SYSTEM DUE TO BEHAVIORAL HEALTH DISORDERS, AND ACTIONS
22 TO HELP REDUCE AND PREVENT RECIDIVISM ONCE SUCH INDIVIDUALS ARE
23 IN THE SYSTEM, ARE CRITICAL IN ADDRESSING THE PROBLEM;
24 (b) RESEARCH DEMONSTRATES A NEED TO DIVERT PERSONS WITH
25 BEHAVIORAL HEALTH DISORDERS TO TREATMENT PROGRAMS AND TO
26 PROVIDE WRAPAROUND SERVICES, SUCH AS HOUSING AND CONTINUED
27 MEDICAL AND BEHAVIORAL HEALTH TREATMENT UPON RELEASE; AND

1 (c) PREVENTION AND INTERVENTION NEEDS RANGE FROM, BUT ARE
2 NOT LIMITED TO, SCHOOL-BASED BEHAVIORAL HEALTH SERVICES; LAW
3 ENFORCEMENT DIRECTED DIVERSION; COMMUNITY SCREENING,
4 ASSESSMENT, AND TREATMENT; SECURE SETTINGS WITHIN CORRECTION
5 FACILITIES; AND SUPPORTIVE RE-ENTRY SERVICES, INCLUDING HOUSING,
6 AS CRITICAL COMPONENTS OF DIGNITY, SAFETY, AND RECOVERY.
7 (3) IN ADDITION, THE GENERAL ASSEMBLY FINDS THAT THE
8 RESULTS OF A REPORT REQUESTED BY THE JOINT BUDGET COMMITTEE IN
9 1999 RECOMMENDED CROSS-SYSTEM COLLABORATION AND
10 COMMUNICATION AS A METHOD FOR REDUCING THE NUMBER OF PERSONS
11 WITH MENTAL HEALTH DISORDERS WHO ARE INVOLVED IN THE CRIMINAL
12 AND JUVENILE JUSTICE SYSTEMS. THE COMMITTEE AND TASK FORCE
13 CREATED BY THIS ARTICLE 1.9 SHALL CONSIDER THE BROADER CONTINUUM
14 OF BEHAVIORAL HEALTH DISORDERS TO BETTER ACCOUNT FOR THE NEEDS
15 OF THE AT-RISK POPULATION BEING STUDIED.
16 (4) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT,
17 DESPITE THE IMPACT AND REACH OF THE PREVIOUS WORK OF THE
18 LEGISLATIVE OVERSIGHT COMMITTEE AND TASK FORCE, A SIGNIFICANT
19 NEED REMAINS FOR ONGOING INNOVATION TO ADDRESS THESE AND
20 RELATED ISSUES. THE GENERAL ASSEMBLY THEREFORE DETERMINES THAT
21 IT IS NECESSARY TO CONTINUE THE LEGISLATIVE OVERSIGHT COMMITTEE
22 AND TASK FORCE TO EXAMINE THE IDENTIFICATION, DIAGNOSIS, AND
23 TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH DISORDERS WHO ARE
24 AT RISK OF INVOLVEMENT WITH OR WHO ARE ALREADY INVOLVED IN THE
25 CRIMINAL OR JUVENILE JUSTICE SYSTEMS AND TO DEVELOP STRATEGIES TO
26 ADDRESS THE ISSUES SUCH PEOPLE FACE.
27 **18-1.9-102. Definitions.** AS USED IN THIS ARTICLE 1.9, UNLESS

1 THE CONTEXT OTHERWISE REQUIRES:

2 (1) "BEHAVIORAL HEALTH" REFERS TO AN INDIVIDUAL'S MENTAL
3 AND EMOTIONAL WELL-BEING AND ACTIONS THAT AFFECT AN INDIVIDUAL'S
4 OVERALL WELLNESS. BEHAVIORAL HEALTH PROBLEMS AND DISORDERS
5 INCLUDE SUBSTANCE USE DISORDERS, SERIOUS PSYCHOLOGICAL DISTRESS,
6 SUICIDE, AND OTHER MENTAL HEALTH DISORDERS. PROBLEMS RANGING
7 FROM UNHEALTHY STRESS OR SUBCLINICAL CONDITIONS TO DIAGNOSABLE
8 AND TREATABLE DISEASES ARE INCLUDED IN THE TERM "BEHAVIORAL
9 HEALTH". THE TERM "BEHAVIORAL HEALTH" IS ALSO USED TO DESCRIBE
10 SERVICE SYSTEMS THAT ENCOMPASS PREVENTION AND PROMOTION OF
11 EMOTIONAL HEALTH, PREVENTION AND TREATMENT SERVICES FOR MENTAL
12 HEALTH AND SUBSTANCE USE DISORDERS, AND RECOVERY SUPPORT.

13 (2) "CO-OCCURRING DISORDER" MEANS A DISORDER THAT
14 COMMONLY COINCIDES WITH MENTAL HEALTH DISORDERS AND MAY
15 INCLUDE, BUT IS NOT LIMITED TO, SUBSTANCE ABUSE AND SUBSTANCE USE
16 DISORDERS, BEHAVIORAL HEALTH DISORDERS, INTELLECTUAL AND
17 DEVELOPMENTAL DISABILITIES, FETAL ALCOHOL SYNDROME, AND
18 TRAUMATIC BRAIN INJURY.

19 (3) "LEGISLATIVE OVERSIGHT COMMITTEE" OR "COMMITTEE"
20 MEANS THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING THE
21 TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH DISORDERS IN THE
22 CRIMINAL AND JUVENILE JUSTICE SYSTEMS ESTABLISHED PURSUANT TO
23 SECTION 18-1.9-103.

24 (4) "TASK FORCE" MEANS THE TASK FORCE CONCERNING THE
25 TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH DISORDERS IN THE
26 CRIMINAL AND JUVENILE JUSTICE SYSTEMS ESTABLISHED PURSUANT TO
27 SECTION 18-1.9-104.

1 **18-1.9-103. Legislative oversight committee concerning the**
2 **treatment of persons with behavioral health disorders in the criminal**
3 **and juvenile justice systems - creation - duties.** (1) **Creation.**
4 (a) THERE IS CREATED A LEGISLATIVE OVERSIGHT COMMITTEE
5 CONCERNING THE TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH
6 DISORDERS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS.
7 (b) THE COMMITTEE CONSISTS OF SIX MEMBERS AS FOLLOWS:
8 (I) THE PRESIDENT OF THE SENATE SHALL APPOINT TWO SENATORS
9 TO SERVE ON THE COMMITTEE, AND THE MINORITY LEADER OF THE SENATE
10 SHALL APPOINT ONE SENATOR TO SERVE ON THE COMMITTEE; AND
11 (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
12 APPOINT THREE REPRESENTATIVES TO SERVE ON THE COMMITTEE, NO
13 MORE THAN TWO OF WHOM ARE MEMBERS OF THE SAME POLITICAL PARTY.
14 (c) APPOINTEES TO THE COMMITTEE MUST HAVE EXPERIENCE WITH
15 OR INTEREST IN THE STUDY AREAS OF THE COMMITTEE AND TASK FORCE,
16 AS SET FORTH IN SECTION 18-1.9-104.
17 (d) THE TERMS OF THE MEMBERS WHO ARE SERVING ON THE
18 EFFECTIVE DATE OF THIS SECTION ARE EXTENDED TO AND EXPIRE ON OR
19 TERMINATE ON THE CONVENING DATE OF THE FIRST REGULAR SESSION OF
20 THE SEVENTY-THIRD GENERAL ASSEMBLY. AS SOON AS PRACTICABLE
21 AFTER SUCH CONVENING DATE, BUT NO LATER THAN THE END OF THE
22 LEGISLATIVE SESSION, THE SPEAKER, THE PRESIDENT, AND THE MINORITY
23 LEADER OF THE SENATE SHALL EACH APPOINT OR REAPPOINT MEMBERS IN
24 THE SAME MANNER AS PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION.
25 THEREAFTER, THE TERMS OF MEMBERS APPOINTED OR REAPPOINTED BY
26 THE SPEAKER, THE PRESIDENT, AND THE MINORITY LEADER OF THE SENATE
27 EXPIRE ON THE CONVENING DATE OF THE FIRST REGULAR SESSION OF EACH

GENERAL ASSEMBLY, AND ALL SUBSEQUENT APPOINTMENTS AND REAPPOINTMENTS BY THE SPEAKER, THE PRESIDENT, AND THE MINORITY LEADER OF THE SENATE MUST BE MADE AS SOON AS PRACTICABLE AFTER SUCH CONVENING DATE, BUT NO LATER THAN THE END OF THE LEGISLATIVE SESSION.

(e) THE PERSON MAKING THE ORIGINAL APPOINTMENT OR REAPPOINTMENT SHALL FILL ANY VACANCY BY APPOINTMENT FOR THE REMAINDER OF AN UNEXPIRED TERM. MEMBERS APPOINTED OR REAPPOINTED SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY AND CONTINUE IN OFFICE UNTIL THE MEMBER'S SUCCESSOR IS APPOINTED.

(f) THE PRESIDENT OF THE SENATE SHALL SELECT THE FIRST CHAIR OF THE COMMITTEE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL SELECT THE FIRST VICE-CHAIR. THE CHAIR AND VICE-CHAIR SHALL ALTERNATE ANNUALLY THEREAFTER BETWEEN THE TWO HOUSES.

(g) THE CHAIR AND VICE-CHAIR OF THE COMMITTEE MAY ESTABLISH SUCH ORGANIZATIONAL AND PROCEDURAL RULES AS ARE NECESSARY FOR THE OPERATION OF THE COMMITTEE AND, IN COLLABORATION WITH THE TASK FORCE, GUIDELINES AND EXPECTATIONS FOR ONGOING COLLABORATION WITH THE TASK FORCE.

(h) (I) MEMBERS OF THE COMMITTEE MAY RECEIVE PAYMENT OF PER DIEM AND REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES AUTHORIZED PURSUANT TO SECTION 2-2-307.

(II) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL SUPPLY STAFF ASSISTANCE TO THE COMMITTEE AS THEY DEEM APPROPRIATE, WITHIN EXISTING APPROPRIATIONS.

1 (2) **Duties.** (a) (I) THE COMMITTEE SHALL MEET AT LEAST THREE
2 TIMES EACH YEAR AND AT SUCH OTHER TIMES AS IT DEEMS NECESSARY.
3 (II) EACH COMMITTEE MEMBER SHALL ANNUALLY EITHER ATTEND
4 OR CALL INTO AT LEAST ONE REGULAR TASK FORCE MEETING. COMMITTEE
5 MEMBERS ARE ENCOURAGED TO ATTEND SEPARATE MEETINGS AND INFORM
6 THE REST OF THE COMMITTEE ABOUT THE CURRENT WORK OF THE TASK
7 FORCE.
8 (b) THE COMMITTEE IS RESPONSIBLE FOR THE OVERSIGHT OF THE
9 TASK FORCE AND SHALL SUBMIT ANNUAL REPORTS TO THE GENERAL
10 ASSEMBLY REGARDING THE TASK FORCE'S FINDINGS AND
11 RECOMMENDATIONS. IN ADDITION, THE COMMITTEE MAY RECOMMEND
12 LEGISLATIVE CHANGES THAT ARE TREATED AS BILLS RECOMMENDED BY
13 AN INTERIM LEGISLATIVE COMMITTEE FOR PURPOSES OF ANY
14 INTRODUCTION DEADLINES OR BILL LIMITATIONS IMPOSED BY THE JOINT
15 RULES OF THE GENERAL ASSEMBLY.
16 (c) ON OR BEFORE JANUARY 15 OF EACH YEAR, THE COMMITTEE
17 SHALL SUBMIT, AND MAKE PUBLICLY AVAILABLE ON ITS WEBSITE, A
18 REPORT TO THE GENERAL ASSEMBLY. THE ANNUAL REPORTS MUST BRIEFLY
19 SUMMARIZE THE STUDY ISSUES, RECOMMENDATIONS CONSIDERED, AND
20 ANY ACTIONS TAKEN BY THE COMMITTEE DURING THE PREVIOUS YEAR.
21 THE REPORTS MUST COMPLY WITH THE PROVISIONS OF SECTION 24-1-136
22 (9). NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT
23 IN THIS SECTION TO REPORT TO THE GENERAL ASSEMBLY CONTINUES
24 INDEFINITELY.
25 **18-1.9-104. Task force concerning the treatment of persons**
26 **with behavioral health disorders in the criminal and juvenile justice**
27 **systems - creation - membership - duties.** (1) **Creation.** (a) THERE IS

1 CREATED A TASK FORCE CONCERNING THE TREATMENT OF PERSONS WITH
2 BEHAVIORAL HEALTH DISORDERS IN THE CRIMINAL AND JUVENILE JUSTICE
3 SYSTEMS. THE TASK FORCE CONSISTS OF TWENTY-EIGHT MEMBERS
4 APPOINTED AS PROVIDED IN SUBSECTIONS (1)(b) AND (1)(c) OF THIS
5 SECTION AND ANY STAFF SUPPORT AS PROVIDED FOR IN SECTION
6 18-1.9-105.
7 (b) THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL
8 APPOINT TWO MEMBERS WHO REPRESENT THE JUDICIAL DEPARTMENT, ONE
9 OF WHOM REPRESENTS THE DIVISION OF PROBATION WITHIN THE
10 DEPARTMENT.
11 (c) THE CHAIR AND VICE-CHAIR OF THE COMMITTEE SHALL APPOINT
12 TWENTY-SIX MEMBERS AS FOLLOWS:
13 (I) ONE MEMBER WHO REPRESENTS THE DIVISION OF CRIMINAL
14 JUSTICE WITHIN THE DEPARTMENT OF PUBLIC SAFETY;
15 (II) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF
16 CORRECTIONS;
17 (III) TWO MEMBERS WHO REPRESENT LOCAL LAW ENFORCEMENT
18 AGENCIES, ONE OF WHOM REPRESENTS POLICE OFFICERS AND THE OTHER
19 OF WHOM REPRESENTS THE SHERIFF DEPARTMENTS THROUGHOUT THE
20 STATE;
21 (IV) THREE MEMBERS WHO REPRESENT THE DEPARTMENT OF
22 HUMAN SERVICES, AS FOLLOWS:
23 (A) ONE MEMBER WHO REPRESENTS THE OFFICE OF BEHAVIORAL
24 HEALTH;
25 (B) ONE MEMBER WHO REPRESENTS THE DIVISION OF YOUTH
26 SERVICES; AND
27 (C) ONE MEMBER WHO REPRESENTS THE UNIT WITHIN THE

1 DEPARTMENT OF HUMAN SERVICES THAT IS RESPONSIBLE FOR CHILD
2 WELFARE SERVICES;
3 (V) ONE MEMBER WHO REPRESENTS THE INTERESTS OF COUNTY
4 DEPARTMENTS OF HUMAN OR SOCIAL SERVICES AND CAN REPRESENT A
5 RURAL COLORADO PERSPECTIVE;
6 (VI) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF
7 EDUCATION;
8 (VII) ONE MEMBER WHO REPRESENTS THE STATE ATTORNEY
9 GENERAL'S OFFICE;
10 (VIII) ONE MEMBER WHO REPRESENTS THE DISTRICT ATTORNEYS
11 WITHIN THE STATE;
12 (IX) TWO MEMBERS WHO REPRESENT THE CRIMINAL DEFENSE BAR
13 WITHIN THE STATE, ONE OF WHOM HAS EXPERIENCE REPRESENTING
14 JUVENILES IN THE JUVENILE JUSTICE SYSTEM;
15 (X) TWO MEMBERS WHO ARE LICENSED MENTAL HEALTH
16 PROFESSIONALS PRACTICING WITHIN THE STATE, ONE OF WHOM HAS
17 EXPERIENCE TREATING JUVENILES;
18 (XI) ONE MEMBER WHO REPRESENTS COMMUNITY MENTAL
19 HEALTH CENTERS WITHIN THE STATE;
20 (XII) ONE MEMBER WHO IS A PERSON WITH KNOWLEDGE OF PUBLIC
21 BENEFITS AND PUBLIC HOUSING WITHIN THE STATE;
22 (XIII) ONE MEMBER WHO IS A MENTAL HEALTH PROFESSIONAL
23 PRACTICING IN FORENSIC ENVIRONMENTS;
24 (XIV) ONE MEMBER WHO REPRESENTS A NONPROFIT
25 ORGANIZATION THAT WORKS ON STATEWIDE LEGISLATION AND
26 ORGANIZING COLORADANS TO PROMOTE BEHAVIORAL, MENTAL, AND
27 PHYSICAL HEALTH NEEDS;

1 (XV) THREE MEMBERS OF THE PUBLIC AS FOLLOWS:
2 (A) ONE MEMBER WHO IS LIVING WITH A BEHAVIORAL HEALTH
3 DISORDER AND HAS BEEN INVOLVED IN THE CRIMINAL OR JUVENILE
4 JUSTICE SYSTEM IN THIS STATE;
5 (B) ONE MEMBER WHO HAS AN ADULT FAMILY MEMBER WHO HAS
6 A BEHAVIORAL HEALTH DISORDER AND HAS BEEN INVOLVED IN THE
7 CRIMINAL JUSTICE SYSTEM IN THIS STATE; AND
8 (C) ONE MEMBER WHO IS THE PARENT OF A CHILD WHO HAS A
9 BEHAVIORAL HEALTH DISORDER AND HAS BEEN INVOLVED IN THE
10 JUVENILE JUSTICE SYSTEM IN THIS STATE;
11 (XVI) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF
12 HEALTH CARE POLICY AND FINANCING;
13 (XVII) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF
14 LABOR AND EMPLOYMENT;
15 (XVIII) ONE MEMBER WHO REPRESENTS THE OFFICE OF THE
16 CHILD'S REPRESENTATIVE; AND
17 (XIX) ONE MEMBER WHO REPRESENTS THE OFFICE OF THE
18 ALTERNATE DEFENSE COUNSEL.
19 (d) MEMBERS OF THE TASK FORCE SERVE WITHOUT
20 COMPENSATION. HOWEVER, MEMBERS OF THE TASK FORCE APPOINTED
21 PURSUANT TO SUBSECTION (1)(c)(XV) OF THIS SECTION MAY RECEIVE
22 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES ASSOCIATED
23 WITH THEIR DUTIES ON THE TASK FORCE.
24 (e) A VACANCY OCCURRING IN A POSITION APPOINTED BY THE
25 CHIEF JUSTICE OF THE COLORADO SUPREME COURT PURSUANT TO
26 SUBSECTION (1)(b) OF THIS SECTION MUST BE FILLED AS SOON AS POSSIBLE
27 BY THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT IN

1 ACCORDANCE WITH THE LIMITATIONS SPECIFIED IN SUBSECTION (1)(b) OF
2 THIS SECTION. IN ADDITION, THE CHIEF JUSTICE OF THE COLORADO
3 SUPREME COURT MAY REMOVE AND REPLACE ANY APPOINTMENT TO THE
4 TASK FORCE MADE PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION.
5 (f) A VACANCY OCCURRING IN A POSITION FILLED BY THE CHAIR
6 AND VICE-CHAIR OF THE COMMITTEE PURSUANT TO SUBSECTION (1)(c) OF
7 THIS SECTION MUST BE FILLED AS SOON AS POSSIBLE BY THE CHAIR AND
8 VICE-CHAIR OF THE COMMITTEE IN ACCORDANCE WITH THE LIMITATIONS
9 SPECIFIED IN SUBSECTION (1)(c) OF THIS SECTION. IN ADDITION, THE CHAIR
10 AND VICE-CHAIR OF THE COMMITTEE MAY REMOVE AND REPLACE ANY
11 APPOINTMENT TO THE TASK FORCE MADE PURSUANT TO SUBSECTION (1)(c)
12 OF THIS SECTION.
13 (g) IN MAKING APPOINTMENTS TO THE TASK FORCE, THE
14 APPOINTING AUTHORITIES SHALL ENSURE THAT THE MEMBERSHIP OF THE
15 TASK FORCE INCLUDES PERSONS WHO HAVE EXPERIENCE WITH OR
16 INTEREST IN THE STUDY AREAS OF THE TASK FORCE AS SET FORTH IN
17 SUBSECTION (2) OF THIS SECTION; PERSONS WHO REFLECT THE ETHNIC,
18 CULTURAL, AND GENDER DIVERSITY OF THE STATE; REPRESENTATION OF
19 ALL AREAS OF THE STATE; AND, TO THE EXTENT PRACTICABLE, PERSONS
20 WITH DISABILITIES.
21 (h) (I) ALL TASK FORCE MEMBERS ARE EXPECTED TO SEEK INPUT
22 FROM THE VARIOUS NETWORKS OR ORGANIZATIONAL STRUCTURES OF THE
23 BODY THEY REPRESENT, IF ANY. EVERY AGENCY IS ENCOURAGED TO
24 NOMINATE A REPRESENTATIVE WHO CAN PARTICIPATE IN MAKING TASK
25 FORCE SUBJECT MATTER EXPERT RECOMMENDATIONS YET STILL
26 APPROPRIATELY REPRESENT THE AGENCY'S CONSTITUENCY.
27 (II) IN ORDER TO ADVANCE THE WORK OF THE TASK FORCE,

1 MEMBERS ARE ENCOURAGED TO PARTICIPATE IN DECISION-MAKING, WITH
2 THE UNDERSTANDING THAT INDIVIDUAL VOTES ON TASK FORCE ISSUES ARE
3 BASED ON SUBJECT MATTER EXPERTISE AND DO NOT COMMIT
4 REPRESENTATIVE AGENCIES OR ORGANIZATIONS TO ANY POSITION OR
5 ACTION. TASK FORCE MEMBERS SHALL ADHERE TO ANY AGREED-UPON
6 PROCEDURAL RULES AND GUIDELINES.
7 (2) **Issues for study.** (a) THE TASK FORCE SHALL STUDY BEST AND
8 PROMISING PRACTICES TO PROMOTE POSITIVE SOCIAL AND EMOTIONAL
9 OUTCOMES FOR INDIVIDUALS WITH BEHAVIORAL HEALTH DISORDERS WHO
10 ARE AT RISK OF INITIAL OR CONTINUED INVOLVEMENT IN THE CRIMINAL OR
11 JUVENILE JUSTICE SYSTEMS, WITH THE FOCUS ON BETTER UNDERSTANDING
12 AND ADDRESSING NECESSARY RESOURCES AND ACTIONS FOR
13 IMPLEMENTATION TO PREVENT INITIAL OR CONTINUED INVOLVEMENT WITH
14 THE CRIMINAL OR JUVENILE JUSTICE SYSTEMS.
15 (b) THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (2) DO NOT
16 PROHIBIT THE TASK FORCE, AT ANY TIME DURING ITS EXISTENCE, FROM
17 STUDYING, PRESENTING FINDINGS AND RECOMMENDATIONS ON, OR
18 REQUESTING PERMISSION TO DRAFT LEGISLATIVE PROPOSALS CONCERNING
19 ANY ISSUE DESCRIBED IN THIS SUBSECTION (2).
20 (c) THE TASK FORCE SHALL SPECIFICALLY CONSIDER ISSUES
21 INCLUDING:
22 (I) EARLY IDENTIFICATION OF AND INTERVENTION STRATEGIES FOR
23 INDIVIDUALS WHO ARE AT A HIGHER RISK OF INVOLVEMENT WITH THE
24 CRIMINAL OR JUVENILE JUSTICE SYSTEM DUE TO ESTABLISHED OR
25 DEVELOPING BEHAVIORAL HEALTH CONCERNS;
26 (II) THE PROMOTION OF RESILIENCE AND HEALTH FOR PERSONS AT
27 RISK OF OR ALREADY EXPERIENCING INVOLVEMENT WITH THE CRIMINAL

1 OR JUVENILE JUSTICE SYSTEM DUE TO BEHAVIORAL HEALTH CONCERNS;
2 (III) THE INTERSECTION OF BEHAVIORAL HEALTH DISORDERS AND
3 THE RISK OF INVOLVEMENT IN THE JUVENILE OR CRIMINAL JUSTICE
4 SYSTEMS, WITH A SPECIFIC FOCUS ON DIVERTING PERSONS WITH MENTAL
5 HEALTH, SUBSTANCE USE, OR CO-OCCURRING DISORDERS AWAY FROM
6 INITIAL OR CONTINUED JUVENILE OR CRIMINAL JUSTICE INVOLVEMENT;
7 AND
8 (IV) ISSUES RELATING TO PERSONS WITH BEHAVIORAL HEALTH
9 DISORDERS WHO ARE ALREADY INVOLVED IN THE CRIMINAL OR JUVENILE
10 JUSTICE SYSTEM, UTILIZING SAFE AND EFFECTIVE INTERVENTIONS WITH A
11 FOCUS ON PREVENTING FURTHER INVOLVEMENT, PROMOTING GOOD
12 HEALTH OUTCOMES UPON RELEASE, AND ENHANCING RECOVERY SUCCESS.
13 (3) **Additional duties of the task force.** THE TASK FORCE SHALL
14 ANNUALLY DELIVER POLICY AND LEGISLATIVE RECOMMENDATIONS TO THE
15 COMMITTEE PURSUANT TO THIS SECTION. IN ADDITION, THE TASK FORCE
16 SHALL:
17 (a) ON OR BEFORE AUGUST 1 OF EACH YEAR, SELECT A CHAIR AND
18 VICE-CHAIR FROM AMONG ITS MEMBERS;
19 (b) MEET AT LEAST SIX TIMES EACH YEAR, OR MORE OFTEN AS
20 DIRECTED BY THE CHAIR OF THE COMMITTEE;
21 (c) ESTABLISH ORGANIZATIONAL AND PROCEDURAL RULES FOR THE
22 OPERATION OF THE TASK FORCE AND FOR COLLABORATION WITH THE
23 COMMITTEE;
24 (d) DESIGNATE SPECIFIC TASK FORCE MEMBERS RESPONSIBLE FOR
25 COLLABORATING WITH AND OBTAINING INPUT FROM OTHER GROUPS, TASK
26 FORCES, OR STATEWIDE INITIATIVES THAT COMPLEMENT OR RELATE TO
27 THE TASK FORCE'S IDENTIFIED AREAS OF STUDY;

(e) CREATE SUBCOMMITTEES AS NEEDED TO CARRY OUT THE DUTIES OF THE TASK FORCE. THE SUBCOMMITTEES MAY CONSIST, IN PART, OF PERSONS WHO ARE NOT MEMBERS OF THE TASK FORCE. SUCH PERSONS MAY VOTE ON ISSUES BEFORE THE SUBCOMMITTEE BUT ARE NOT ENTITLED TO A VOTE AT TASK FORCE MEETINGS.

(f) STUDY THE IMPLEMENTATION OF COMMITTEE LEGISLATION PASSED BY THE GENERAL ASSEMBLY;

(g) UPON REQUEST BY A COMMITTEE MEMBER, PROVIDE EVIDENCE-BASED FEEDBACK ON THE POTENTIAL BENEFITS OR CONSEQUENCES OF A LEGISLATIVE OR OTHER POLICY PROPOSAL NOT DIRECTLY AFFILIATED WITH OR GENERATED BY THE TASK FORCE. THE FEEDBACK MUST BE DELIVERED WITHIN TWO WEEKS TO THE ENTIRE COMMITTEE AND REMAIN AS CONCISE AS POSSIBLE WHILE CAPTURING ANY AVAILABLE EVIDENCE. IF THE TASK FORCE CANNOT IDENTIFY EVIDENCE TO EFFECTIVELY INFORM A RESPONSE, THE FEEDBACK WILL INDICATE A LACK OF EVIDENCE AND REPORT ON ANY ACTIONS TAKEN.

(h) ON OR BEFORE OCTOBER 1 OF EACH YEAR, PREPARE AND SUBMIT TO THE COMMITTEE, WHICH MAY MAKE PUBLICLY AVAILABLE ON ITS WEBSITE, A REPORT THAT, AT A MINIMUM, INCLUDES:

(I) ISSUES STUDIED BY THE TASK FORCE, AS WELL AS FINDINGS FOR LEGISLATIVE OR OTHER RECOMMENDATIONS;

(II) LEGISLATIVE OR POLICY PROPOSALS OF THE TASK FORCE THAT IDENTIFY THE POLICY ISSUES INVOLVED, THE AGENCIES RESPONSIBLE FOR THE IMPLEMENTATION OF THE CHANGES, AND THE FUNDING SOURCES REQUIRED FOR IMPLEMENTATION;

(III) A SUMMARY OF MONTHLY TASK FORCE MEETING ACTIVITIES AND DISCUSSIONS;

1 (IV) ANY EVIDENCE-BASED FEEDBACK PROVIDED TO THE
2 COMMITTEE PURSUANT TO SUBSECTION (3)(g) OF THIS SECTION; AND
3 (V) A SUMMARY OF EFFORTS MADE TO COMMUNICATE,
4 COLLABORATE, OR COORDINATE WITH OTHER GROUPS, TASK FORCES, OR
5 STATE INITIATIVES.
6 (4) **Flexibility.** A REQUIREMENT SET FORTH IN SUBSECTION (2) OF
7 THIS SECTION SHALL NOT, AT ANY TIME DURING THE EXISTENCE OF THE
8 TASK FORCE, PROHIBIT THE TASK FORCE FROM STUDYING, PRESENTING
9 FINDINGS AND RECOMMENDATIONS ON, OR REQUESTING PERMISSION TO
10 DRAFT LEGISLATIVE PROPOSALS CONCERNING ANY ISSUE DESCRIBED IN
11 SUBSECTION (2) OF THIS SECTION.
12 (5) **Coordination.** THE TASK FORCE MAY WORK WITH OTHER
13 GROUPS, TASK FORCES, OR STATEWIDE INITIATIVES THAT ARE PURSUING
14 ISSUES AND POLICY INITIATIVES SIMILAR TO THOSE ADDRESSED IN
15 SUBSECTION (2) OF THIS SECTION. THE TASK FORCE MAY DEVELOP
16 RELATIONSHIPS WITH OTHER TASK FORCES, COMMITTEES, AND
17 ORGANIZATIONS TO LEVERAGE EFFICIENT POLICY-MAKING OPPORTUNITIES
18 THROUGH COLLABORATIVE EFFORTS.
19 **18-1.9-105. Task force funding - staff support.** (1) THE
20 LEGISLATIVE COUNCIL STAFF SHALL SUPPLY STAFF ASSISTANCE, WITHIN
21 EXISTING APPROPRIATIONS, TO THE TASK FORCE AS THE COMMITTEE
22 DEEMS APPROPRIATE. IF EXISTING APPROPRIATIONS ARE NOT ADEQUATE
23 TO SUPPLY STAFF ASSISTANCE THROUGH THE LEGISLATIVE COUNCIL STAFF,
24 THE DIRECTOR OF LEGISLATIVE COUNCIL STAFF SHALL REQUEST
25 ADDITIONAL NECESSARY FUNDING IN ITS ANNUAL BUDGET REQUEST.
26 (2) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
27 PUBLIC SAFETY, THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT

OF HUMAN SERVICES, AND ANY STATE DEPARTMENT OR AGENCY WITH AN ACTIVE REPRESENTATIVE ON THE TASK FORCE ARE AUTHORIZED TO RECEIVE AND EXPEND GIFTS, GRANTS, AND DONATIONS, INCLUDING DONATIONS OF IN-KIND SERVICES FOR STAFF SUPPORT, FROM ANY PUBLIC OR PRIVATE ENTITY FOR ANY DIRECT OR INDIRECT COSTS ASSOCIATED WITH THE DUTIES OF THE TASK FORCE.

18-1.9-106. Treatment of persons with behavioral health disorders in the criminal and juvenile justice systems fund. (1) THE TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH DISORDERS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY APPROPRIATED OR TRANSFERRED TO THE FUND BY THE GENERAL ASSEMBLY AND ANY PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS FOR THE PURPOSE OF IMPLEMENTING THE PROVISIONS OF THIS ARTICLE 1.9. MONEY IN THE FUND IS SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS ARTICLE 1.9. MONEY IN THE FUND NOT EXPENDED FOR THE PURPOSE OF IMPLEMENTING THIS ARTICLE 1.9 MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND AS OF JULY 1, 2025, TO THE GENERAL FUND.

(2) THE CHAIR OF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL SHALL APPROVE ANY COMPENSATION PROVIDED FOR IN SECTIONS 18-1.9-103 (1)(h), 18-1.9-104 (1)(d), AND 18-1.9-105 FOR MEMBERS OF

THE GENERAL ASSEMBLY, SPECIFIED MEMBERS OF THE TASK FORCE, AND STAFF ASSISTANCE TO THE COMMITTEE AND TASK FORCE, AS PROVIDED BY THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES. COMPENSATION MUST BE PAID BY VOUCHERS AND WARRANTS DRAWN AS PROVIDED BY LAW FROM MONEY APPROPRIATED FOR SUCH PURPOSE AND ALLOCATED TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL FROM THE FUND.

18-1.9-107. Repeal of article. THIS ARTICLE 1.9 IS REPEALED, EFFECTIVE JULY 1, 2023.

SECTION 2. 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.

Section 18-1.9-103, C.R.S.

18-1.9-103. Legislative oversight committee concerning the treatment of persons with mental health disorders in the criminal and juvenile justice systems - creation - duties.

(1) Creation. (a) There is created a legislative oversight committee concerning the treatment of persons with mental health disorders in the criminal and juvenile justice systems.

(b) The committee shall consist of six members. The president of the senate, the minority leader of the senate, and the speaker of the house of representatives shall appoint the members of the committee, as follows:

(I) The president of the senate shall appoint two senators to serve on the committee, and the minority leader of the senate shall appoint one senator to serve on the committee;

(II) The speaker of the house of representatives shall appoint three representatives to serve on the committee, no more than two of whom shall be members of the same political party;

(III) The terms of the members appointed by the speaker of the house of representatives, the president of the senate, and the minority leader of the senate and who are serving on March 22, 2007, shall be extended to and expire on or shall terminate on the convening date of the first regular session of the sixty-seventh general assembly. As soon as practicable after such convening date, the speaker, the president, and the minority leader of the senate shall each appoint or reappoint members in the same manner as provided in subparagraphs (I) and (II) of this paragraph (b). Thereafter, the terms of members appointed or reappointed by the speaker, the president, and the minority leader of the senate shall expire on the convening date of the first regular session of each general assembly, and all subsequent appointments and reappointments by the speaker, the president, and the minority leader of the senate shall be made as soon as practicable after such convening date. The person making the original appointment or reappointment shall fill any vacancy by appointment for the remainder of an unexpired term. Members appointed or reappointed by the speaker, the president, and the minority leader of the senate shall serve at the pleasure of the appointing authority and shall continue in office until the member's successor is appointed.

(c) The president of the senate shall select the first chair of the committee, and the speaker of the house of representatives shall select the first vice-chair. The chair and vice-chair shall alternate annually thereafter between the two houses. The chair and vice-chair of the committee may establish such organizational and procedural rules as are necessary for the operation of the committee.

(d) (I) Members of the committee may receive payment of per diem and reimbursement for actual and necessary expenses authorized pursuant to section 2-2-307.

(II) The director of research of the legislative council and the director of the office of legislative legal services may supply staff assistance to the committee as

they deem appropriate, within existing appropriations. If staff assistance is not available within existing appropriations, then the director of research of the legislative council and the director of the office of legislative legal services may supply staff assistance to the task force only if money is credited to the treatment of persons with mental health disorders in the criminal and juvenile justice systems fund created in section 18-1.9-106 in an amount sufficient to fund staff assistance.

(2) Duties. (a) Beginning in 2005 and continuing each year thereafter, the committee shall meet at least three times each year and at such other times as it deems necessary.

(b) (I) The committee shall be responsible for the oversight of the task force and shall submit annual reports to the general assembly regarding the findings and recommendations of the task force. In addition, the committee may recommend legislative changes that shall be treated as bills recommended by an interim legislative committee for purposes of any introduction deadlines or bill limitations imposed by the joint rules of the general assembly.

(II) The provisions of subparagraph (I) of this paragraph (b) shall not apply during the suspension of the committee during the 2010 interim.

(c) (I) The committee shall submit a report to the general assembly by January 15, 2005, and by each January 15 thereafter. The annual reports must summarize the issues addressing the treatment of persons with mental health disorders who are involved in the criminal and juvenile justice systems that have been considered and recommended legislative proposals, if any. The reports must comply with the provisions of section 24-1-136 (9). Notwithstanding section 24-1-136 (11)(a)(I), the requirement in this section to report to the general assembly continues indefinitely.

(II) The general assembly reviewed the reporting requirements in subparagraph (I) of this paragraph (c) during the 2008 regular session and continued the requirements.

History

Source: L. 2004: Entire article added, p. 1868, Section 1, effective June 4.L. 2007: (1)(b)(III) added, p. 178, Section 8, effective March 22.L. 2008: (2)(c) amended, p. 1267, Section 1, effective August 5.L. 2009: (2)(a) and (2)(c)(I) amended, (HB 09-1021), ch. 33, p. 139, Section 2, effective August 5.L. 2010: (2)(a), (2)(b), and (2)(c)(I) amended, (SB 10-213), ch. 375, p. 1761, Section 6, effective June 7.L. 2014: (1)(a), (1)(d), (2)(a), and (2)(c)(I) amended, (SB 14-021), ch. 348, p.1562, Section 2, effective July 1.L. 2017: (1)(a), (1)(d), and (2)(c)(I) amended, (SB 17-246), ch. 176, p. 641, Section 3, effective April 28.

Water Resources Review Committee

Members of the Committee

Senator Kerry Donovan, Chair
Representative Dylan Roberts, Vice-Chair

Senator Jeff Bridges
Senator Don Coram
Senator Jessie Danielson
Senator Jerry Sonnenberg

Representative Jeni James Arndt
Representative Marc Catlin
Representative Barbara McLachlan
Representative Lori Saine

Legislative Council Staff

Matt Becker, Principal Research Analyst
Jimmy Reed, Research Analyst
Max Nardo, Fiscal Analyst

Office of Legislative Legal Services

Thomas Morris, Managing Senior Attorney
Duane Gall, Assistant Director
Richard Sweetman, Senior Attorney

November 2019

Water Resources Review Committee

Committee Charge

The Water Resources Review Committee (WRRC) was created to contribute to and monitor the conservation, use, development, and financing of Colorado's water resources for the general welfare of the state (Section 37-98-102, C.R.S.). It is also required to review statewide planning for water resources. The WRRC reviews and proposes legislation to further its purpose. In conducting its review, the WRRC consults with experts in the field of water conservation, quality, use, finance, and development. The WRRC was authorized to meet up to eight times in 2019 and to take two field trips.

Committee Activities

During the 2019 interim, the WRRC held five meetings and took two field trips. The WRRC met with a broad range of water users and government officials, including local water providers, water policy experts, state water planners, and concerned citizens. The committee received briefings on major water issues affecting the state, including demand management and drought contingency plans in the Colorado River basin and emerging technologies for water management. The committee also drafted legislation about two additional topics on which the committee has received briefings in previous years, including water well inspectors and speculation under Colorado water law.

Field trips. In June, the committee made a two-day field trip in the South Platte River Basin, where it visited water diversion and storage facilities, agricultural operations, and restoration projects. This tour was organized by Water Education Colorado. In August, the committee attended the Colorado Water Congress summer conference in Steamboat Springs, where it held a public meeting about the state's instream flow program and attended presentations about water infrastructure, financing, water planning, ongoing water supply studies, and other water management issues.

Colorado River Basin demand management and drought contingency plans. The committee heard presentations from the Colorado Water Conservation Board within the Department of Natural Resources (DNR), the Colorado State University Water Institute, the Nature Conservancy, Hydros Consulting, Denver Water, Northern Water, the Colorado River Water Conservation District, and the Southwestern Water Conservation District regarding on-going discussions about potential demand management programs, drought contingency plans, and other issues in the Colorado River Basin.

Emerging technologies for water management. The committee heard presentations from the University of Colorado Mortenson Center in Global Engineering and the Governor's Office of Information Technology regarding emerging technologies that can be used for water management, including distributed ledger technologies such as blockchain.

Water well inspectors. In 2018, the committee heard a presentation from the Division of Water Resources about the state's Water Well Inspection Program, which was created in 2003. The State Board of Examiners of Water Well Construction and Pump Installation Contractors has authority over the construction of wells, installation of equipment, and licensing of contractors. The program is funded by the Well Inspection Cash Fund through well application fees. A performance audit on the program was completed by the Office of the State Auditor in May 2019.

Speculation under Colorado water law. In 2014, the committee heard a presentation from Colorado Supreme Court Justice Greg Hobbs about why water speculation is prohibited under the Colorado Constitution. In 2018, the committee received a briefing from Chris Treese, Colorado River Water Conservation District, and David Robbins, Hill and Robbins, P.C., about recent land and water transfers in the state and other activity involving investment groups purchasing land and associated water rights in Colorado.

Committee Recommendations

As a result of committee discussion and deliberation, the WRRC recommends the following four bills for consideration in the 2020 legislative session.

Bill A – Require Public Input on Water Demand Management Program. Bill A requires the Colorado Water Conservation Board and the Water Resources Review Committee to involve the public and provide opportunities for public comment before adopting a Colorado River demand management program. This process is similar to that used for the Colorado Water Plan under Senate Bill 14-115.

Bill B – Study Emerging Technologies for Water Management. Bill B directs the University of Colorado, in collaboration with the Colorado Water Institute at Colorado State University, to conduct feasibility studies and pilot deployments of new and emerging technologies that have the potential to improve water management.

Bill C – Add Water Well Inspectors Identify High-Risk Wells. Bill C establishes a minimum staffing level for the state's well inspection program and directs the Board of Examiners of Water Well Construction and Pump Installation Contractors to promulgate rules for identifying high-risk wells that should be prioritized for inspection.

Bill D - Study Strengthening Water Anti-Speculation Laws. Bill D requires the Executive Director of the Department of Natural Resources to convene a work group during the 2020 interim to explore ways to strengthen anti-speculation within Colorado water law. The work group is required to provide a written report to the WRRC by August 15, 2021.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL A

LLS NO. 20-0326.01 Richard Sweetman x4333 **SENATE BILL**

SENATE SPONSORSHIP

Coram and Donovan, Bridges, Sonnenberg

HOUSE SPONSORSHIP

Arndt and Catlin, Saine, Titone

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING THE INCLUSION OF PUBLIC INPUT IN THE DEVELOPMENT**
102 **OF A STATE WATER RESOURCES DEMAND MANAGEMENT**
103 **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/.)

Water Resources Review Committee. The bill requires the Colorado water conservation board and the water resources review committee to involve the public and provide opportunities for public comment, using procedures similar to those used for initial adoption of the state water plan, before adopting any final or significantly amended

water resources demand management program as part of the Colorado upper basin states' drought contingency plan.

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

SECTION 1. In Colorado Revised Statutes, **add** 37-60-106.7 as follows:

37-60-106.7. Water resources demand management program - public hearings. (1) **Legislative declaration.** (a) THE GENERAL ASSEMBLY FINDS THAT:

(I) TO REDUCE THE RISK OF A DECLARED WATER SHORTAGE ON THE COLORADO RIVER, IN 2019 THE STATES OF THE UPPER COLORADO RIVER BASIN, INCLUDING COLORADO, ADOPTED DROUGHT CONTINGENCY PLANS, WHICH PLANS CONTEMPLATE THE DEVELOPMENT OF WATER DEMAND MANAGEMENT PROGRAMS;

(II) TO THIS END, THE GENERAL ASSEMBLY SUPPORTED THE DEVELOPMENT OF A WATER RESOURCES DEMAND MANAGEMENT PROGRAM, REFERRED TO IN THIS SECTION AS THE "PROGRAM", BY PASSING SENATE BILL 19-212, ENACTED IN 2019, WHICH APPROPRIATED ONE MILLION SEVEN HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE DEPARTMENT OF NATURAL RESOURCES FOR USE BY THE COLORADO WATER CONSERVATION BOARD; AND

(III) THE BOARD IS DIRECTED TO USE THIS MONEY FOR STAKEHOLDER OUTREACH AND TECHNICAL ANALYSIS TO DEVELOP THE PROGRAM.

(b) THE GENERAL ASSEMBLY ALSO FINDS THAT:

(I) CURRENT LAW REQUIRES THE BOARD AND THE WATER RESOURCES REVIEW COMMITTEE CREATED IN SECTION 37-98-102, REFERRED TO IN THIS SECTION AS THE "COMMITTEE", TO DEVELOP THE

STATE WATER PLAN WITH THE INVOLVEMENT OF THE PUBLIC AND TO PROVIDE OPPORTUNITIES FOR PUBLIC COMMENT BEFORE ADOPTING ANY FINAL OR SIGNIFICANTLY AMENDED PLAN; AND

(II) IN DEVELOPING THE PROGRAM, THE BOARD AND THE COMMITTEE SHOULD ALSO INVOLVE THE PUBLIC AND PROVIDE OPPORTUNITIES FOR PUBLIC COMMENT BEFORE ADOPTING ANY FINAL OR SIGNIFICANTLY AMENDED PROGRAM.

(c) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE BOARD AND THE COMMITTEE ARE REQUIRED TO INVOLVE THE PUBLIC AND PROVIDE OPPORTUNITIES FOR PUBLIC COMMENT BEFORE ADOPTING ANY FINAL OR SIGNIFICANTLY AMENDED PROGRAM.

(2) **Development of program - board duties.** IN DEVELOPING A PROGRAM AS PART OF THE COLORADO UPPER BASIN STATES' DROUGHT CONTINGENCY PLAN, THE BOARD SHALL:

(a) DEVELOP THE PROGRAM WITH THE INVOLVEMENT OF THE PUBLIC AND THE BASIN ROUNDTABLES, AS CREATED IN SECTION 37-75-104 (3)(b), AND PROVIDE OPPORTUNITIES FOR PUBLIC COMMENT BEFORE ADOPTING ANY FINAL OR SIGNIFICANTLY AMENDED PROGRAM;

(b) PRESENT THE SCOPE, FUNDAMENTAL APPROACH, AND BASIC ELEMENTS OF THE PROGRAM TO THE COMMITTEE;

(c) IN DEVELOPING THE DRAFT PROGRAM, CONSIDER THE FEEDBACK FROM THE COMMITTEE SUBMITTED TO THE BOARD PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION;

(d) PRESENT THE DRAFT PROGRAM TO THE COMMITTEE;

(e) IN DEVELOPING THE FINAL PROGRAM, CONSIDER THE FEEDBACK FROM THE COMMITTEE SUBMITTED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION; AND

(f) NOTIFY THE COMMITTEE OF ANY PROPOSED SIGNIFICANT AMENDMENTS TO THE PROGRAM, AS DETERMINED BY THE BOARD, PRESENT THE PROPOSED AMENDMENT TO THE COMMITTEE, AND CONSIDER THE COMMITTEE'S FEEDBACK SUBMITTED PURSUANT TO SUBSECTION (3)(c) OF THIS SECTION.

(3) **Development of program - committee duties.** (a) WHEN THE BOARD SUBMITS THE SCOPE, FUNDAMENTAL APPROACH, AND BASIC ELEMENTS OF THE PROGRAM TO THE COMMITTEE AS SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION, THE COMMITTEE SHALL HOLD AT LEAST ONE PUBLIC HEARING ON THE SCOPE, FUNDAMENTAL APPROACH, AND BASIC ELEMENTS OF THE PROGRAM IN EACH GEOGRAPHIC REGION ASSOCIATED WITH THE BASIN ROUNDTABLES, AS CREATED IN SECTION 37-75-104 (3)(b), FOR THE PURPOSE OF RECEIVING THE PUBLIC'S FEEDBACK. THE COMMITTEE SHALL PROVIDE A SUMMARY OF THE PUBLIC'S FEEDBACK, AS WELL AS THE COMMITTEE'S OWN FEEDBACK, TO THE BOARD.

(b) WHEN THE BOARD SUBMITS A DRAFT PROGRAM TO THE COMMITTEE AS SPECIFIED IN SUBSECTION (2)(d) OF THIS SECTION, THE COMMITTEE SHALL HOLD AT LEAST ONE PUBLIC HEARING ON THE DRAFT PROGRAM IN EACH GEOGRAPHIC REGION ASSOCIATED WITH THE BASIN ROUNDTABLES FOR THE PURPOSE OF RECEIVING THE PUBLIC'S FEEDBACK. THE COMMITTEE SHALL PROVIDE A SUMMARY OF THE PUBLIC'S FEEDBACK, AS WELL AS THE COMMITTEE'S OWN FEEDBACK, TO THE BOARD.

(c) WHEN THE BOARD SUBMITS A SIGNIFICANT AMENDMENT TO THE PROGRAM TO THE COMMITTEE AS SPECIFIED IN SUBSECTION (2)(f) OF THIS SECTION, THE COMMITTEE MAY HOLD AT LEAST ONE PUBLIC HEARING ON THE AMENDMENT IN EACH GEOGRAPHIC REGION ASSOCIATED WITH THE BASIN ROUNDTABLES FOR THE PURPOSE OF RECEIVING THE PUBLIC'S

FEEDBACK. IF THE COMMITTEE HOLDS THE HEARING, THE COMMITTEE SHALL PROVIDE A SUMMARY OF THE PUBLIC'S FEEDBACK, AS WELL AS THE COMMITTEE'S OWN FEEDBACK, TO THE BOARD.

(d) HEARINGS HELD PURSUANT TO THIS SUBSECTION (3):

(I) DO NOT COUNT AGAINST THE NUMBER OF MEETINGS OR FIELD TRIPS ALLOWED BY SECTION 37-98-102 (1)(a); AND

(II) MAY BE HELD BEFORE THE BOARD SUBMITS THE DOCUMENTS SPECIFIED IN SUBSECTION (2)(b) OR (2)(d) OF THIS SECTION IF DEEMED APPROPRIATE BY THE CHAIR OF THE COMMITTEE.

(e) NO LATER THAN NOVEMBER 1, 2023, AND NO LATER THAN EVERY FIVE YEARS THEREAFTER, THE COMMITTEE SHALL PREPARE A LIST OF SPECIFIC TOPICS THAT IT DEEMS NECESSARY TO BE ADDRESSED IN THE PROGRAM. THE BOARD SHALL PROVIDE ITS RECOMMENDATIONS, INCLUDING SUGGESTIONS FOR POTENTIAL LEGISLATION, FOR THE COMMITTEE'S CONSIDERATION WITHIN EIGHT MONTHS AFTER RECEIPT OF THE LIST OF SPECIFIC TOPICS.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL B

LLS NO. 20-0327.01 Duane Gall x4335 **HOUSE BILL**

HOUSE SPONSORSHIP

Arndt and Saine, Catlin, Roberts, Titone

SENATE SPONSORSHIP

Sonnenberg and Bridges, Coram, Donovan

House Committees **Senate Committees**

A BILL FOR AN ACT

CONCERNING A REQUIREMENT THAT THE UNIVERSITY OF COLORADO STUDY POTENTIAL USES OF EMERGING TECHNOLOGIES TO MORE EFFECTIVELY MANAGE COLORADO'S WATER SUPPLY, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION, CONDITIONED ON THE RECEIPT OF MATCHING FUNDS FROM GIFTS, GRANTS, AND DONATIONS.

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/.)

Water Resources Review Committee. The bill declares that new

technologies, such as blockchain, telemetry, improved sensors, and advanced aerial observation platforms, can improve monitoring, management, conservation, and trading of water and enhance confidence in the reliability of data underlying water rights transactions. To advance the potential use of these new technologies, the bill:

- Authorizes and directs the university of Colorado, in collaboration with the Colorado water institute at Colorado state university, to conduct feasibility studies and pilot deployments of these new technologies to improve water management in Colorado; and
- Appropriates $40,000 from the general fund, contingent on the university of Colorado's receipt of a matching $40,000 in gifts, grants, and donations, for the purpose of funding the studies and pilot programs.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and determines that emerging new and improved technologies may offer significant benefits to Colorado water users and managers by:

(a) Improving the monitoring, management, conservation, and trading of both surface water and groundwater;

(b) Reducing inefficiency and waste in the process of recycling, reclaiming, or disposing of produced water and wastewater; and

(c) Allowing parties to water rights transactions to have more confidence in the data on which those transactions are based.

(2) Therefore, the general assembly declares that it is in the public interest to authorize and direct the university of Colorado, in collaboration with the Colorado water institute, to conduct feasibility studies and pilot deployments of these technologies and to report to the general assembly on the potential of these technologies to improve Colorado water management.

SECTION 2. In Colorado Revised Statutes, **add** 23-20-141 as

follows:

23-20-141. Emerging technologies for water management - study - report - repeal. (1) (a) SUBJECT TO SUBSECTION (2) OF THIS SECTION AND IN COLLABORATION WITH THE COLORADO WATER INSTITUTE CREATED IN SECTION 23-31-801 OR ITS SUCCESSOR, THE UNIVERSITY OF COLORADO SHALL CONDUCT FEASIBILITY STUDIES AND PILOT DEPLOYMENTS OF NEW AND EMERGING TECHNOLOGIES THAT HAVE POTENTIAL TO IMPROVE THE MONITORING, MANAGEMENT, CONSERVATION, AND TRADING OF SURFACE WATER AND GROUNDWATER AND TO REDUCE INEFFICIENCY AND WASTE IN THE PROCESS OF RECYCLING, RECLAIMING, OR DISPOSING OF PRODUCED WATER AND WASTEWATER.

(b) THE TECHNOLOGIES TO BE INVESTIGATED BY THE UNIVERSITY PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION MAY INCLUDE:

(I) IN-SITU SENSORS TO MONITOR SURFACE AND GROUNDWATER USE;

(II) DIRECT OR REMOTE SENSORS TO MONITOR WATER QUALITY;

(III) CELLULAR AND SATELLITE TELEMETRY SYSTEMS ALLOWING REMOTE ACCESS TO SENSOR DATA;

(IV) AERIAL OBSERVATION PLATFORMS, INCLUDING HIGH-ALTITUDE BALLOONS AND UNMANNED AERIAL VEHICLES;

(V) SATELLITE-BASED REMOTE SENSING AND WATER RESOURCE FORECASTING TECHNOLOGIES; AND

(VI) BLOCKCHAIN-BASED DOCUMENTATION, COMMUNICATION, AND AUTHENTICATION OF DATA REGARDING WATER USE, TRADING, AND CONSERVATION.

(c) ON OR BEFORE JULY 15, 2021, AND UPON REQUEST OF THE WATER RESOURCES REVIEW COMMITTEE IN ANY YEAR THEREAFTER,

NOTWITHSTANDING SECTION 24-1-136 (11), THE UNIVERSITY SHALL PROVIDE LIVE TESTIMONY AND A WRITTEN REPORT ON THE PROGRESS OF THE STUDIES AND PILOT DEPLOYMENTS CONDUCTED PURSUANT TO THIS SUBSECTION (1), INCLUDING ANY CONCLUSIONS REGARDING THE POTENTIAL OF THESE TECHNOLOGIES TO IMPROVE COLORADO WATER MANAGEMENT AND ANY RECOMMENDATIONS FOR ADMINISTRATIVE OR LEGISLATIVE ACTION TO PROMOTE THEIR USE, TO THE WATER RESOURCES REVIEW COMMITTEE OF THE GENERAL ASSEMBLY.

(2) (a) THE UNIVERSITY OF COLORADO MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. THE UNIVERSITY SHALL NOT CONDUCT THE STUDIES OR PILOT DEPLOYMENTS DESCRIBED IN SUBSECTION (1) OF THIS SECTION UNTIL IT HAS RECEIVED AT LEAST FORTY THOUSAND DOLLARS PURSUANT TO THIS SUBSECTION (2). AFTER THE UNIVERSITY HAS CERTIFIED TO THE STATE CONTROLLER THAT THE UNIVERSITY HAS RECEIVED AT LEAST FORTY THOUSAND DOLLARS FROM GIFTS, GRANTS, AND DONATIONS FOR THE PURPOSES OF CARRYING OUT THIS SECTION, THE GENERAL ASSEMBLY SHALL APPROPRIATE AN ADDITIONAL FORTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE UNIVERSITY.

(b) THIS SUBSECTION (2) WILL BE REPEALED IF THE UNIVERSITY DETERMINES THAT INSUFFICIENT MONEY HAS BEEN RECEIVED TO SATISFY THE CONDITION STATED IN SUBSECTION (2)(a) OF THIS SECTION. THE UNIVERSITY SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE DATE ON WHICH A CONDITION SPECIFIED IN THIS SUBSECTION (2) HAS OCCURRED BY E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@STATE.CO.US. THIS SUBSECTION (2) IS REPEALED, EFFECTIVE THE SEPTEMBER 1 FOLLOWING THE DATE IDENTIFIED

IN THE NOTICE THAT THE CONDITION SPECIFIED IN THIS SUBSECTION (2) HAS OCCURRED OR, IF THE NOTICE DOES NOT SPECIFY THAT DATE, FOLLOWING THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

(3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2022.

SECTION 3. In Colorado Revised Statutes, 23-31-801, **amend** (4)(e)(V) and (4)(f); and **add** (4)(g) as follows:

23-31-801. Colorado water institute - creation. (4) It is the duty of the institute to:

(e) Facilitate and stimulate scientific research and policy analysis that:

(V) Examines the interconnections between climate change, water supply, and water quality and provides tools water managers and policymakers need to adapt to global climate change; ~~and~~

(f) Establish and maintain a clearinghouse and archive of water research, water quality, and climate projection data; AND

(g) COLLABORATE WITH THE UNIVERSITY OF COLORADO IN STUDYING THE FEASIBILITY OF NEW AND IMPROVED WATER-RELATED TECHNOLOGIES IN ACCORDANCE WITH SECTION 23-20-141.

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any money in the general fund not otherwise appropriated, to the university of Colorado, for the fiscal year beginning July 1, 2020, the sum of forty thousand dollars ($40,000), or so much thereof as may be necessary, for the implementation of this act.

SECTION 5. Act subject to petition - effective date. (1) Except as otherwise provided in subsection (2) of this section, this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day

period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) Section 4 of this act shall only take effect if the university of Colorado certifies in writing to the state controller that the university has received at least forty thousand dollars ($40,000) in gifts, grants, and donations for the purposes of this act. After receiving this certification, the state controller shall notify the joint budget committee in writing that the state controller has received the certification from the university.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL C

LLS NO. 20-0329.01 Richard Sweetman x4333 **HOUSE BILL**

HOUSE SPONSORSHIP

Saine and Titone,

SENATE SPONSORSHIP

Sonnenberg and Coram,

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING THE INSPECTION OF WATER WELLS.**

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/.)

Water Resources Review Committee. The bill requires the state engineer to employ a minimum of 4 water well inspectors in the state's water well inspection program.

The bill requires the state board of water well construction and pump installation contractors, on or before November 1, 2020, to promulgate rules for identifying high-risk water wells that should be prioritized for inspection. Thereafter, the state engineer shall use the rules to identify high-risk water wells and shall prioritize the inspection of

high-risk water wells.

The bill clarifies that money in the well inspection cash fund shall be appropriated to and expended by the state engineer only for the well inspection program.

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

SECTION 1. In Colorado Revised Statutes, 37-91-113, **amend** (1); and **add** (4) as follows:

37-91-113. Well inspection program - high-risk wells - rules. (1) The state engineer shall monitor compliance with this ~~article~~ ARTICLE 91, including by inspecting water well construction and pump installation. ~~and may~~ ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1), AS AMENDED, THE STATE ENGINEER SHALL employ A MINIMUM OF FOUR inspectors for ~~such~~ THIS purpose. AT LEAST ONE INSPECTOR MUST BE PRIMARILY CONCERNED WITH THE INSPECTION OF WATER WELL CONSTRUCTION AND PUMP INSTALLATION IN WATER DIVISION 1, AS DEFINED IN SECTION 37-92-201 (1)(a), AND AT LEAST ONE INSPECTOR MUST BE PRIMARILY CONCERNED WITH THE INSPECTION OF WATER WELL CONSTRUCTION AND PUMP INSTALLATION IN WATER DIVISION 2, AS DEFINED IN SECTION 37-92-201 (1)(b). THE STATE ENGINEER SHALL PAY the costs of ~~such~~ monitoring and inspection ~~shall be paid~~ from the well inspection cash fund created ~~by~~ IN section 37-80-111.5.

(4) ON OR BEFORE NOVEMBER 1, 2020, THE BOARD SHALL PROMULGATE RULES FOR IDENTIFYING HIGH-RISK WELLS THAT SHOULD BE PRIORITIZED FOR INSPECTION. THEREAFTER, THE STATE ENGINEER SHALL:

(a) USE THE RULES TO IDENTIFY HIGH-RISK WELLS; AND

(b) PRIORITIZE THE INSPECTION OF HIGH-RISK WELLS.

SECTION 2. In Colorado Revised Statutes, 37-80-111.5, **amend**

(1)(d) as follows:

37-80-111.5. Fees - rules - satellite monitoring system cash fund - well inspection cash fund - created. (1) (d) Of each fee collected pursuant to sections 37-90-105 (3)(a)(I) and (4)(a); 37-90-107 (7)(d)(I); 37-90-116 (1)(a), (1)(c), and (1)(h); 37-90-137 (2)(a); and 37-92-602 (3)(a) and (5), forty dollars shall be credited to the well inspection cash fund, which fund is hereby created. ~~Moneys~~ MONEY in the well inspection cash fund shall be appropriated to and expended by the state engineer ONLY for the purposes established in section 37-91-113. Any ~~moneys~~ MONEY credited to the well inspection cash fund and unexpended at the end of any given fiscal year ~~remain~~ REMAINS in the fund and ~~do~~ DOES not revert to the general fund. All interest derived from the deposit and investment of ~~this~~ MONEY IN THE fund ~~remain~~ REMAINS in the fund and ~~do~~ DOES not revert to the general fund.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL D

LLS NO. 20-0330.02 Thomas Morris x4218 **SENATE BILL**

SENATE SPONSORSHIP

Donovan and Coram, Bridges

HOUSE SPONSORSHIP

Roberts and Catlin, Arndt, Titone

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING A STUDY TO CONSIDER THE STRENGTHENING OF THE**
102 **PROHIBITION ON SPECULATIVE APPROPRIATIONS OF WATER.**

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/.)

Water Resources Review Committee. Current law specifies that an appropriation of water cannot be based on speculation, as evidenced by either of the following:

- The applicant does not have either a legally vested interest or a reasonable expectation of procuring such an interest in the lands or facilities to be served by the appropriation,

unless the appropriator is a governmental agency or an agent in fact for the persons proposed to be benefited by the appropriation; or

- The applicant does not have a specific plan and intent to divert, store, or otherwise capture, possess, and control a specific quantity of water for specific beneficial uses.

The bill requires the executive director of the department of natural resources to convene a work group to explore ways to strengthen current anti-speculation law and to report to the water resources review committee by August 15, 2021, regarding any recommended changes.

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

SECTION 1. In Colorado Revised Statutes, 37-98-103, **add** (8) as follows:

37-98-103. Annual recommendations - bill limitation - deadlines for introduction - repeal. (8) (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES SHALL CONVENE A WORK GROUP DURING THE 2020 INTERIM TO EXPLORE WAYS TO STRENGTHEN CURRENT WATER ANTI-SPECULATION LAW. THE DEPARTMENT AND THE ATTORNEY GENERAL SHALL SUPPORT THE EFFORTS OF THE WORK GROUP.

(b) THE WORK GROUP CONSISTS OF CURRENT OR FORMER EMPLOYEES OF THE DEPARTMENT FROM THE STATE ENGINEER'S OFFICE AND THE COLORADO WATER CONSERVATION BOARD APPOINTED BY THE EXECUTIVE DIRECTOR, ONE OR MORE CURRENT EMPLOYEES OF THE ATTORNEY GENERAL'S OFFICE APPOINTED BY THE ATTORNEY GENERAL, ONE OR MORE CURRENT OR FORMER EMPLOYEES OF THE JUDICIAL DEPARTMENT APPOINTED BY THE CHIEF JUSTICE OF THE SUPREME COURT, AND SUCH OTHER STAKEHOLDERS AS THE EXECUTIVE DIRECTOR DETERMINES WOULD BE HELPFUL TO PROMOTE THE WORK GROUP PROCESS OR WORK PRODUCT.

(c) THE WORK GROUP SHALL SUBMIT A WRITTEN REPORT TO THE

1 COMMITTEE BY AUGUST 15, 2021, REGARDING ANY RECOMMENDED
2 CHANGES.
3 (d) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE SEPTEMBER 1,
4 2022.
5 **SECTION 2. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part will not take effect
12 unless approved by the people at the general election to be held in
13 November 2020 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.

Section 37-98-102, C.R.S.

37-98-102. Water resources review committee - creation.

(1) (a) For the purposes of contributing to and monitoring the conservation, use, development, and financing of the water resources of Colorado for the general welfare of its inhabitants and to review and propose water resources legislation, there is hereby created the water resources review committee, referred to in this article as the committee. The committee shall meet at the call of the chair as often as six times during even-numbered years and eight times during odd-numbered years to review and to propose water resources legislation and matters relating thereto. No more than two of such meetings may occur during periods other than the interim period; except that the committee shall not meet during the 2010 interim period. In connection with such review, except during the 2010 interim period, the committee may take up to two field trips per year in connection with its mandate and shall consult with experts in the field of water conservation, quality, use, finance, and development. The department of natural resources, the state engineer, and the attorney general, together with the members and staff of the Colorado water conservation board, the Colorado water resources and power development authority, the Colorado water quality control commission, the department of public health and environment, the department of agriculture, and the great outdoors Colorado program, shall cooperate with the committee and with any persons assisting the committee in pursuing its responsibilities pursuant to this section. Further, the committee may utilize the legislative council staff to assist its members in researching any matters.

(b) (Deleted by amendment, L. 2003, p. 718, Section 2, effective March 20, 2003.)

(2) (a) The committee shall consist of ten members of the general assembly to be selected as follows:

(I) Five members of the committee shall be from the senate, three appointed by the president of the senate and two appointed by the minority party leader; and

(II) Five members of the committee shall be from the house of representatives, appointed by the speaker of the house of representatives after consultation with the minority leader of the house of representatives.

(b) At least four members of the committee shall either:

(I) Reside in that portion of the state that is west of the continental divide; or

(II) Represent a legislative district the majority of the population of which lies west of the continental divide.

(c) To the extent possible, the members shall be selected so as to achieve representation from each water division as defined in section 37-92-201.

(d) (I) Except as provided in subparagraph (II) of this paragraph (d), members' terms shall extend from January 1 of an odd-numbered year to December 31 of the following even-numbered year.

(II) The terms of the members appointed by the speaker of the house of representatives, the president of the senate, and the minority leader of the senate and who are serving on March 22, 2007, shall be extended to and expire on or shall terminate on the convening date of the first regular session of the sixty-seventh general assembly. As soon as practicable after such convening date, the speaker, the president, and the minority leader of the senate shall appoint or reappoint members in the same manner as provided in paragraph (a) of this subsection (2). Thereafter, the terms of members appointed or reappointed by the speaker, the president, and the minority leader of the

senate shall expire on the convening date of the first regular session of each general assembly, and all subsequent appointments and reappointments by the speaker, the president, and the minority leader of the senate shall be made as soon as practicable after such convening date. The person making the original appointment or reappointment shall fill any vacancy by appointment for the remainder of an unexpired term. Members shall serve at the pleasure of the appointing authority and shall continue in office until the member's successor is appointed.

(3) The president of the senate and the speaker of the house of representatives shall coordinate their appointments to the extent practicable.

(4) Members of the committee shall serve without compensation; except that each member shall receive the sums specified in section 2-2-307 (3)(a) and (3)(b), C.R.S., for attendance at meetings of the committee when the general assembly is in recess for more than three days or is not in session.

(5) During odd-numbered years, the president of the senate shall appoint the chair and the speaker of the house of representatives shall appoint the vice-chair, and during even-numbered years, the speaker of the house of representatives shall appoint the chair and the president of the senate shall appoint the vice-chair.

(6) (Deleted by amendment, L. 2002, p. 1099, Section 1, effective June 3, 2002.)

History

Source: L. 2001: Entire article added, p. 726, Section 1, effective July 1.L. 2002: (1), (2)(b), and (6) amended, p. 1099, Section 1, effective June 3.L. 2003: (1) and (5) amended, p. 718, Section 2, effective March 20.L. 2004: (2)(d) added, p. 162, Section 1, effective March 17.L. 2007: (2)(d) amended, p. 190, Section 28, effective March 22.L. 2010: (1)(a) amended, (SB 10-213), ch. 375, p. 1764, Section 11, effective June 7.

Wildfire Matters Review Committee

Members of the Committee

Representative Marc Snyder, Chair
Senator Pete Lee, Vice-Chair

Senator Don Coram
Senator Larry Crowder
Senator Stephen Fenberg
Senator Joann Ginal

Representative Terri Carver
Representative Lisa Cutter
Representative Julie McCluskie
Representative Perry Will

Legislative Council Staff

Jimmy Reed, Research Analyst
April Bernard, Research Analyst
Julia Jackson, Senior Research Analyst

Office of Legislative Legal Services

Bob Lackner, Managing Senior Attorney
Thomas Morris, Managing Senior Attorney
Megan Waples, Staff Attorney

November 2019

Wildfire Matters Review Committee

Committee Charge

Pursuant to Section 2-3-1602, C.R.S., the Wildfire Matters Review Committee is charged with reviewing and proposing legislation or other policy changes related to wildfire prevention, mitigation, and related matters, including public safety and forest health issues. Senate Bill 13-082 created the Wildfire Matters Review Committee as an interim committee and Senate Bill 18-039 extended the repeal date of the committee to September 1, 2025.

Committee Activities

The committee met three times during the 2019 interim and heard presentations from representatives of various entities involved in wildfire prevention, mitigation, and response. Entities that presented to the committee include:

- Air Pollution Control Division, Colorado Department of Public Health and Environment (CDPHE);
- AlertWildfire;
- Bureau of Land Management (BLM) Fire and Aviation Program;
- Colorado Counties, Inc.;
- Colorado Municipal League;
- the Colorado Resiliency Office, Department of Local Affairs;
- Colorado Rural Electric Association;
- the Colorado State Forest Service (CSFS), Colorado State University;
- the Division of Fire Prevention and Control (DFPC), Colorado Department of Public Safety;
- the Division of Insurance, Colorado Department of Regulatory Agencies (DORA);
- the Nature Conservancy;
- the Rocky Mountain Insurance Information Association;
- RPM Agency; and
- West Region Wildfire Council.

Aerial firefighting and wildfire response. The committee heard from DFPC and the BLM about state and federal efforts to respond to wildfires. DFPC provided information about ongoing research projects, including how drones and unmanned aerial systems are used in firefighting and the effectiveness of using aircrafts for firefighting. The BLM explained local partnerships and the distribution of resources, including aircraft. DFPC also provided recommendations concerning employee benefits for firefighters within the division.

Forest management and wildfire mitigation. The committee heard from the CSFS and the West Region Wildfire Council about managing the state's forests. The Nature Conservancy, municipal and county representatives, and utilities operating in Colorado also testified to the committee about their mitigation efforts. The committee learned about ongoing efforts and challenges in preparing for and preventing wildfire damage around the state.

Wildfire technologies. AlertWildfire, a research consortium based in California and Nevada, informed the committee about new technologies available for early detection and wildfire growth, including high definition cameras and a microwave communications network. The Air Pollution Control Division within CDPHE updated the committee on health impacts from wildfire smoke and methods of protection from these effects. The division also discussed technologies used to detect and forecast wildfire smoke and how it disseminates air quality warnings and advisories.

Homeowners' insurance in the wildland-urban interface. The Division of Insurance within DORA discussed its role in assisting homeowners after wildfires. The Rocky Mountain Insurance Information Association and the RPM Agency presented about insurance coverage for wildfires and post-fire floods and the benefits of improving residences to protect against wildfire. The committee also learned about insurance incentives for homeowners to mitigate wildfire risks on their property.

Economic recovery after wildfires. The committee heard from the Colorado Resiliency Office about its work with local entities to aid in the recovery from natural disasters. Commissioners from Eagle, Jefferson, and Summit Counties briefed the committee about the economic impact of disasters, including the Lake Christine and Buffalo wildfires, on their communities.

Committee Recommendations

As a result of committee discussion and deliberation, the Wildfire Matters Review Committee recommends the following five bills for consideration in the 2020 legislative session.

Bill A — Modify Wildfire Risk Mitigation Grant Program. The bill makes modifications to the Forest Restoration and Wildfire Mitigation Grant Program in the Department of Higher Education (DHE). Under current law, the grant program's share of a project cannot exceed 50 percent of the total cost of a project. The bill allows projects to receive up to 75 percent of costs through the grant program if the project is located in an area with fewer economic resources, thereby reducing the applicant's share to 25 percent. Additionally, the bill:

- directs the Colorado State Forest Service to establish rules to administer the grant and criteria by which a project will satisfy the requirement of being in an area with few economic resources;
- expands the list of eligible recipients to include fire protection districts and nonprofit organizations engaged in firefighting activities; and
- extends the grant program repeal date from September 1, 2022, to September 1, 2029.

Bill B — Surplus Military Vehicles Highway Use if Firefighting. The bill clarifies that a surplus military vehicle is not included in the definition of an off-highway vehicle if a municipality, county, or fire protection district uses the surplus military vehicle for firefighting efforts, including mitigation.

Bill C — Division of Fire Prevention and Control Employee Benefits. The bill makes benefit changes for Division of Fire Prevention and Control employees in the Department of Public Safety, including insurance for certain heart conditions and cancers, as well as pension benefits.

Bill D — Homeless Outreach Programs to Reduce Wildfire Risk. The bill creates the Wildfire Risk Reduction Through Homeless Outreach Grant Program in the Department of Local Affairs. The program awards grants to conduct outreach among individuals experiencing homelessness for the purpose of reducing wildfire risks in the wildland-urban interface. The department is directed to convene a working group to identify emerging, promising, and best practices for conducting this type of outreach, and to issue grants consistent with the identified practices.

Bill E — Landowner Assistance Wildfire Mitigation. The bill creates the Wildfire Mitigation Resources and Best Practices Grant Program in the Department of Local Affairs. Local governments, special districts, tribal agencies or programs, faith-based organizations, and nonprofit organizations are eligible for grant funding to be used to conduct outreach to landowners to inform them of resources available for wildfire mitigation and best practices for wildfire mitigation.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL A

LLS NO. 20-0377.01 Bob Lackner x4350 **HOUSE BILL**

HOUSE SPONSORSHIP

Carver and McCluskie, Cutter, Snyder, Will

SENATE SPONSORSHIP

Coram and Fenberg, Ginal, Lee

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE "FOREST RESTORATION AND**
102 **WILDFIRE RISK MITIGATION ACT".**

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/.)

Wildfire Matters Review Committee. The bill makes the following modifications to the existing "Forest Restoration and Wildfire Risk Mitigation Act" (act) and, specifically, the grant program funded by the act:

- Currently, grant applicants are required to self-finance 50% of the cost of a project funded by a grant. The bill, in the

case of a project that is located in an area with fewer economic resources, lessens this requirement so that grant applicants are required to self-finance 25% of the total cost of the project. The forest service is required to establish a policy that specifies the criteria by which a project will satisfy such requirements.

- Permits a grant project eligible to receive funding to support ongoing maintenance efforts undertaken by eligible recipients to reduce the threat of large, high-intensity wildfires.
- Adds to the list of recipients eligible to receive grant funding a fire protection district and a nonprofit organization or entity engaged in firefighting or fire management activities.
- Extends the date by which the grant program will be repealed to September 1, 2029.

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

SECTION 1. In Colorado Revised Statutes, 23-31-310, **amend** (3), (4.5)(d), and (9); and **add** (4.3), (4.5)(f), and (4.5)(g) as follows:

23-31-310. Forest restoration and wildfire risk mitigation grant program - technical advisory panel - legislative declaration - definitions - repeal. (3) **Grant projects.** The forest service shall issue a statewide request for proposals for cost-share grants for projects that are designed through a collaborative community process. The projects may be entirely on, or on any combination of, private, state, county, or municipal forest lands. The grant share of an individual project cost must not exceed fifty percent of the total cost of the project or exceed one million dollars per project. IN THE CASE OF A PROJECT THAT IS LOCATED IN AN AREA WITH FEWER ECONOMIC RESOURCES, THE GRANT SHARE OF AN INDIVIDUAL PROJECT COST MUST NOT EXCEED SEVENTY-FIVE PERCENT OF THE TOTAL COST OF THE PROJECT OR EXCEED ONE MILLION DOLLARS PER PROJECT. The remaining portion of the project's funding may be in the

form of cash, stumpage, or in-kind contribution. THE FOREST SERVICE SHALL ESTABLISH A POLICY THAT SPECIFIES THE CRITERIA BY WHICH A PARTICULAR PROJECT WILL SATISFY THE REQUIREMENT OF THIS SUBSECTION (3) THAT IT IS LOCATED IN AN AREA WITH FEWER ECONOMIC RESOURCES, AS APPLICABLE.

(4.3) IN ADDITION TO SATISFYING SUBSECTION (4) OF THIS SECTION, A GRANT PROJECT THAT RECEIVES FUNDING UNDER THIS SECTION MAY ALSO SUPPORT ONGOING MAINTENANCE EFFORTS BY ELIGIBLE RECIPIENTS TO REDUCE THE THREAT OF LARGE, HIGH-INTENSITY WILDFIRES.

(4.5) **Eligible recipients.** Eligible grant recipients include:

(d) State agencies, such as the state land board or the division of parks and wildlife, that own lands or property in areas of high risk for catastrophic wildfires; ~~and~~

(f) A FIRE PROTECTION DISTRICT, AS DEFINED IN SECTION 32-1-103 (7); AND

(g) A NONPROFIT ORGANIZATION OR ENTITY ENGAGED IN FIREFIGHTING OR FIRE MANAGEMENT ACTIVITIES.

(9) **Repeal.** This section is repealed, effective ~~September 1, 2022~~ SEPTEMBER 1, 2029.

SECTION 2. Act subject to petition - effective date. This act takes effect September 1, 2020; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the

1 general election to be held in November 2020 and, in such case, will take
2 effect on the date of the official declaration of the vote thereon by the
3 governor.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL B

LLS NO. 20-0400.01 Richard Sweetman x4333 **SENATE BILL**

SENATE SPONSORSHIP

Crowder, Coram

HOUSE SPONSORSHIP

Will, Carver

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING SURPLUS MILITARY VEHICLES, AND, IN CONNECTION**
102 **THEREWITH, EXEMPTING A SURPLUS MILITARY VEHICLE FROM**
103 **THE STATUTORY DEFINITION OF AN "OFF-HIGHWAY VEHICLE"**
104 **IF THE VEHICLE IS OWNED OR LEASED BY A MUNICIPALITY,**
105 **COUNTY, OR FIRE PROTECTION DISTRICT FOR THE PURPOSE OF**
106 **ASSISTING FIREFIGHTING EFFORTS.**

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/.)

Wildfire Matters Review Committee. The bill states that a

surplus military vehicle is not an "off-highway vehicle" if it is owned or leased by a municipality, county, or fire protection district for the purpose of assisting with firefighting efforts, including mitigating the risk of wildfires.

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

SECTION 1. In Colorado Revised Statutes, 42-6-102, **amend** (11.5)(b) as follows:

42-6-102. Definitions. As used in this part 1, unless the context otherwise requires:

(11.5) (b) (I) EXCEPT AS DESCRIBED IN SUBSECTION (11.5)(b)(II) OF THIS SECTION, "off-highway vehicle" includes vehicles commonly known as all-terrain vehicles, snowmobiles, and surplus military vehicles but does not include:

~~(I)~~ (A) Toy vehicles;

~~(II)~~ (B) Vehicles designed and used primarily for travel on, over, or in the water;

~~(III)~~ (C) Historical military vehicles;

~~(IV)~~ (D) Golf carts or golf cars;

~~(V)~~ (E) Vehicles designed and used to carry persons with disabilities;

~~(VI)~~ (F) Vehicles designed and used specifically for agricultural, logging, or mining purposes; or

~~(VII)~~ (G) Motor vehicles.

(II) "OFF-HIGHWAY VEHICLE" DOES NOT INCLUDE A SURPLUS MILITARY VEHICLE THAT IS OWNED OR LEASED BY A MUNICIPALITY, COUNTY, OR FIRE PROTECTION DISTRICT, AS DEFINED IN SECTION 32-1-103 (7), FOR THE PURPOSE OF ASSISTING WITH FIREFIGHTING EFFORTS,

INCLUDING MITIGATING THE RISK OF WILDFIRES.

SECTION 2. In Colorado Revised Statutes, 33-14.5-101, **amend** (3) introductory portion, (3)(f), and (3)(g); and **add** (3)(h) as follows:

33-14.5-101. Definitions. As used in this article 14.5, unless the context otherwise requires:

(3) "Off-highway vehicle" means any self-propelled vehicle that is designed to travel on wheels or tracks in contact with the ground, designed primarily for use off of the public highways, and generally and commonly used to transport persons for recreational purposes. EXCEPT AS DESCRIBED IN SUBSECTION (3)(h) OF THIS SECTION, "off-highway vehicle" includes surplus military vehicles as defined in section 42-6-102. "Off-highway vehicle" does not include the following:

(f) Vehicles designed and used specifically for agricultural, logging, or mining purposes; ~~or~~

(g) Vehicles registered pursuant to article 3 of title 42; ~~C.R.S.~~ OR

(h) A SURPLUS MILITARY VEHICLE, AS DEFINED IN SECTION 42-6-102 (20.5), THAT IS OWNED OR LEASED BY A MUNICIPALITY, COUNTY, OR FIRE PROTECTION DISTRICT, AS DEFINED IN SECTION 32-1-103 (7), FOR THE PURPOSE OF ASSISTING WITH FIREFIGHTING EFFORTS, INCLUDING MITIGATING THE RISK OF WILDFIRES.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2020 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL C

LLS NO. 20-0379.01 Nicole Myers x4326 **SENATE BILL**

SENATE SPONSORSHIP

Lee, Fenberg, Ginal

HOUSE SPONSORSHIP

Snyder and Cutter, McCluskie, Will

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING THE INCLUSION OF FIREFIGHTERS EMPLOYED BY THE**
102 **DEPARTMENT OF PUBLIC SAFETY IN THE DIVISION OF FIRE**
103 **PREVENTION AND CONTROL IN CERTAIN EMPLOYEE BENEFITS.**

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/.)

Wildfire Matters Review Committee. Currently, certain employers of firefighters are required to maintain insurance to provide benefits to a firefighter if he or she has a heart and circulatory malfunction in connection with a stressful or strenuous activity related to an emergency response activity. In addition, certain employers of

firefighters may make contributions into a multiple employer health trust established to provide benefits to volunteer firefighters diagnosed with certain covered cancers.

Beginning July 1, 2020, the bill adds the division of fire prevention and control in the department of public safety (division) to the definition of "employer" for the purpose of providing benefits for a heart and circulatory malfunction and to the definition of "employer" for the purpose of providing benefits for certain covered cancers.

In addition, beginning July 1, 2020, the bill expands the definition of "state trooper" for purposes of the public employees' retirement association to include all current and future employees of the division that are classified as a firefighter I through firefighter VII class titles.

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

SECTION 1. In Colorado Revised Statutes, 29-5-301, **amend** (1) as follows:

29-5-301. Definitions. As used in this part 3, unless the context otherwise requires:

(1) "Employer" means a municipality, special district, fire authority, or county improvement district that employs one or more firefighters. BEGINNING JULY 1, 2020, "EMPLOYER" ALSO MEANS THE DIVISION OF FIRE PREVENTION AND CONTROL CREATED IN SECTION 24-33.5-1201. "Employer" does not include a power authority created pursuant to section 29-1-204 or a municipally owned utility.

SECTION 2. In Colorado Revised Statutes, 29-5-402, **amend** (3) as follows:

29-5-402. Definitions. As used in this part 4, unless the context otherwise requires:

(3) "Employer" means a municipality, special district, fire authority, or county improvement district that employs one or more firefighters, part-time firefighters, or volunteer firefighters. BEGINNING JULY 1, 2020, "EMPLOYER" ALSO MEANS THE DIVISION OF FIRE

PREVENTION AND CONTROL CREATED IN SECTION 24-33.5-1201. "Employer" does not include a power authority created pursuant to section 29-1-204 or a municipally owned utility.

SECTION 3. In Colorado Revised Statutes, 24-51-101, **amend** (46) as follows:

24-51-101. Definitions. As used in this article 51, unless the context otherwise requires and except as otherwise defined in part 17 of this article 51:

(46) "State trooper" means an employee of the Colorado state patrol, Colorado bureau of investigation, or successors to these agencies, who is vested with the powers of peace officers as provided for in section 24-33.5-409. In addition, for members who were not members, inactive members, or retirees on December 31, 2019, "state trooper" includes a county sheriff, undersheriff, deputy sheriff, noncertified deputy sheriff, or detention officer hired by a local government division employer on or after January 1, 2020, and a corrections officer classified as I through IV hired by a state division employer on or after January 1, 2020. BEGINNING JULY 1, 2020, "STATE TROOPER" ALSO INCLUDES AN EMPLOYEE OF THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY WHO IS CLASSIFIED IN THE FIREFIGHTER I THROUGH FIREFIGHTER VII CLASS TITLES.

SECTION 4. 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.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL D

LLS NO. 20-0380.01 Megan Waples x4348 **SENATE BILL**

SENATE SPONSORSHIP

Fenberg and Coram, Ginal, Lee

HOUSE SPONSORSHIP

McCluskie and Snyder, Cutter

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING PROGRAMS TO REDUCE WILDFIRE RISK THROUGH**
102 **OUTREACH TO PEOPLE EXPERIENCING HOMELESSNESS, AND, IN**
103 **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/.)

Wildfire Matters Review Committee. The bill requires the division of housing within the department of local affairs (division) to create a working group to identify emerging, promising, and best practices related to homeless outreach for the purpose of reducing wildfire risk in the wildland-urban interface. The bill also establishes the

reducing wildfire risk through homeless outreach grant program within the division. Grant recipients can use grant money to conduct outreach among individuals experiencing homelessness to reduce wildfire risk consistent with the emerging, promising, and best practices the working group identifies. The grant program prioritizes applications that take a collaborative approach and are founded in local knowledge and expertise.

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

SECTION 1. In Colorado Revised Statutes, **add** 24-32-726 as follows:

24-32-726. Reducing wildfire risk through homeless outreach - working group - promising and best practices - grant program - creation - report. (1) AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS SECTION, THE DIVISION SHALL CONVENE A WORKING GROUP TO IDENTIFY AND MAKE FINDINGS REGARDING EMERGING, PROMISING, AND BEST PRACTICES FOR CONDUCTING OUTREACH TO PEOPLE EXPERIENCING HOMELESSNESS FOR THE PURPOSE OF REDUCING WILDFIRE RISKS IN THE WILDLAND-URBAN INTERFACE. THE WORKING GROUP MUST INCLUDE STAKEHOLDERS FROM STATE AND LOCAL GOVERNMENT AND COMMUNITY ORGANIZATIONS WITH RELEVANT INTERESTS, EXPERIENCE, AND EXPERTISE, AND MUST INCLUDE REPRESENTATIVES FROM THE DEPARTMENT OF NATURAL RESOURCES AND THE DEPARTMENT OF PUBLIC SAFETY. THE DIVISION SHALL MAKE THE FINDINGS OF THE WORKING GROUP AVAILABLE TO THE PUBLIC.

(2) THERE IS HEREBY CREATED IN THE DIVISION THE REDUCING WILDFIRE RISK THROUGH HOMELESS OUTREACH GRANT PROGRAM, REFERRED TO IN THIS SECTION AS THE "GRANT PROGRAM". GRANT RECIPIENTS MAY USE THE MONEY TO CONDUCT OUTREACH AMONG INDIVIDUALS EXPERIENCING HOMELESSNESS FOR THE PURPOSE OF

REDUCING WILDFIRE RISKS IN THE WILDLAND-URBAN INTERFACE CONSISTENT WITH THE EMERGING, PROMISING, AND BEST PRACTICES IDENTIFIED BY THE WORKING GROUP IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION.

(3) THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION. THE DIVISION SHALL DEVELOP AND PUBLISH POLICIES AND PROCEDURES TO IMPLEMENT THE GRANT PROGRAM IN ACCORDANCE WITH THIS SECTION. AT A MINIMUM, THE POLICIES AND PROCEDURES MUST SPECIFY THE TIME FRAMES FOR APPLYING FOR GRANTS, THE FORM OF THE GRANT PROGRAM APPLICATION, AND THE PROGRAM EVALUATION AND REPORTING REQUIREMENTS FOR GRANT RECIPIENTS.

(4) TO BE ELIGIBLE TO RECEIVE A GRANT, AN ENTITY MUST BE AN AGENCY OF LOCAL GOVERNMENT, A SPECIAL DISTRICT, A TRIBAL AGENCY OR PROGRAM, OR A NONPROFIT OR NOT-FOR-PROFIT ORGANIZATION THAT IS REGISTERED AND IN GOOD STANDING WITH THE COLORADO SECRETARY OF STATE'S OFFICE. APPLICANTS MUST MEET ANY OTHER CRITERIA SPECIFIED IN THE DIVISION'S POLICIES AND PROCEDURES.

(5) (a) THE DIVISION SHALL REVIEW THE APPLICATIONS RECEIVED PURSUANT TO THIS SECTION. IN AWARDING GRANTS, THE DIVISION SHALL CONSIDER THE FOLLOWING CRITERIA:

(I) THE APPLICANT'S DEMONSTRATED ABILITY OR PAST RECORD OF USING THE EMERGING, PROMISING, AND BEST PRACTICES IDENTIFIED BY THE WORKING GROUP IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION;

(II) THE APPLICANT'S LOCAL EXPERIENCE, EXPERTISE, AND CAPACITY IN THE AREA THE APPLICANT PLANS TO SERVE; AND

(III) THE APPLICANT'S PLAN TO COLLABORATE WITH OTHER LOCAL ORGANIZATIONS, GOVERNMENT AGENCIES, AND SERVICE PROVIDERS IN THE AREA THE APPLICANT PLANS TO SERVE.

(b) THE DIVISION SHALL PRIORITIZE APPLICATIONS THAT ADOPT A COLLABORATIVE APPROACH FOUNDED ON LOCAL KNOWLEDGE AND EXPERTISE.

(6) SUBJECT TO AVAILABLE APPROPRIATIONS, ON OR BEFORE NOVEMBER 1 EACH YEAR OF THE GRANT PROGRAM, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION. GRANTS ARE AWARDED AT THE SOLE DISCRETION OF THE EXECUTIVE DIRECTOR IN ACCORDANCE WITH THIS SECTION.

(7) ON OR BEFORE SEPTEMBER 1, 2021, AND ON OR BEFORE SEPTEMBER 1 EACH YEAR THEREAFTER, THE DEPARTMENT OF LOCAL AFFAIRS SHALL SUBMIT A REPORT TO THE WILDFIRE MATTERS REVIEW COMMITTEE, OR ANY SUCCESSOR COMMITTEE, ON THE GRANT PROGRAM. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENT CONTINUES UNTIL THE GRANT PROGRAM REPEALS.

(8) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE MONEY FROM THE GENERAL FUND TO THE DEPARTMENT OF LOCAL AFFAIRS TO IMPLEMENT THE GRANT PROGRAM. THE DEPARTMENT OF LOCAL AFFAIRS MAY USE UP TO FIVE PERCENT OF THE MONEY ANNUALLY APPROPRIATED FOR THE GRANT PROGRAM TO PAY THE DIRECT AND INDIRECT COSTS THAT THE DIVISION INCURS TO ADMINISTER THE GRANT PROGRAM.

SECTION 2. Appropriation. For the 2020-21 state fiscal year, $100,000 is appropriated to the department of local affairs for use by the

division of housing. This appropriation is from the general fund. To implement this act, the division may use this appropriation for the reducing wildfire risk through homeless outreach grant program.

SECTION 3. 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.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL E

LLS NO. 20-0382.01 Pierce Lively x2059 **HOUSE BILL**

HOUSE SPONSORSHIP

Cutter and Will, McCluskie, Snyder

SENATE SPONSORSHIP

Lee, Fenberg, Ginal

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING WILDFIRE MITIGATION ASSISTANCE FOR LANDOWNERS.**

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/.)

Wildfire Matters Review Committee. The bill establishes the wildfire mitigation resources and best practices grant program (grant program) within the division of local government in the department of local affairs. Grant recipients use grant money to conduct outreach among landowners to inform them of resources available for wildfire mitigation and best practices for wildfire mitigation. The grant program only awards grants to applicants conducting outreach to landowners in high wildfire hazard areas and prioritizes applications based on the potential impact of

the applicant's proposed outreach.

The bill also extends the increased wildfire mitigation income tax deduction that allows a landowner to claim 100%, rather than 50%, of the costs they incur in performing wildfire mitigation measures.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-32-128 as
3 follows:

4 **24-32-128. Wildfire mitigation resources and best practices**
5 **grant program - creation - report - repeal.** (1) THERE IS HEREBY
6 CREATED IN THE DIVISION THE WILDFIRE MITIGATION RESOURCES AND
7 BEST PRACTICES GRANT PROGRAM, REFERRED TO IN THIS SECTION AS THE
8 "GRANT PROGRAM". GRANT RECIPIENTS MAY USE THE MONEY TO CONDUCT
9 OUTREACH AMONG LANDOWNERS TO INFORM THEM OF RESOURCES
10 AVAILABLE FOR WILDFIRE MITIGATION AND BEST PRACTICES FOR WILDFIRE
11 MITIGATION.

12 (2) THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM AND,
13 SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS
14 PROVIDED IN THIS SECTION. THE DIVISION SHALL DEVELOP AND PUBLISH
15 POLICIES AND PROCEDURES TO IMPLEMENT THE GRANT PROGRAM IN
16 ACCORDANCE WITH THIS SECTION. AT A MINIMUM, THE POLICIES AND
17 PROCEDURES MUST SPECIFY THE TIME FRAMES FOR APPLYING FOR GRANTS,
18 THE FORM OF THE GRANT PROGRAM APPLICATION, AND THE GRANT
19 PROGRAM EVALUATION AND REPORTING REQUIREMENTS FOR GRANT
20 RECIPIENTS.

21 (3) TO BE ELIGIBLE TO RECEIVE A GRANT, AN ENTITY MUST BE AN
22 AGENCY OF LOCAL GOVERNMENT, A SPECIAL DISTRICT, A TRIBAL AGENCY
23 OR PROGRAM, A FAITH-BASED ORGANIZATION, OR A NONPROFIT OR

NOT-FOR-PROFIT ORGANIZATION THAT IS REGISTERED AND IN GOOD STANDING WITH THE SECRETARY OF STATE'S OFFICE. APPLICANTS MUST MEET ANY OTHER CRITERIA SPECIFIED IN THE DIVISION'S POLICIES AND PROCEDURES.

(4) THE DIVISION SHALL REVIEW THE APPLICATIONS RECEIVED PURSUANT TO THIS SECTION. THE DIVISION SHALL ONLY AWARD GRANTS TO APPLICANTS PROPOSING TO CONDUCT OUTREACH AMONG LANDOWNERS IN HIGH WILDFIRE HAZARD AREAS AND SHALL CONSIDER THE POTENTIAL IMPACT OF THE APPLICANTS' PROPOSED OUTREACH WHEN AWARDING GRANTS.

(5) SUBJECT TO AVAILABLE APPROPRIATIONS, ON OR BEFORE JANUARY 1 AND EACH YEAR THEREAFTER FOR THE DURATION OF THE GRANT PROGRAM, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION. GRANTS ARE AWARDED AT THE SOLE DISCRETION OF THE EXECUTIVE DIRECTOR IN ACCORDANCE WITH THIS SECTION.

(6) ON OR BEFORE SEPTEMBER 1, 2021, AND ON OR BEFORE SEPTEMBER 1 EACH YEAR THEREAFTER, THE DEPARTMENT OF LOCAL AFFAIRS SHALL SUBMIT A REPORT TO THE WILDFIRE MATTERS REVIEW COMMITTEE, OR ANY SUCCESSOR COMMITTEE, ON THE GRANT PROGRAM. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENT CONTINUES UNTIL THE GRANT PROGRAM REPEALS PURSUANT TO SUBSECTION (8) OF THIS SECTION.

(7) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE MONEY FROM THE GENERAL FUND TO THE DEPARTMENT OF LOCAL AFFAIRS TO IMPLEMENT THE GRANT PROGRAM. THE DIVISION MAY USE A PORTION OF THE MONEY ANNUALLY APPROPRIATED FOR THE GRANT PROGRAM TO

PAY THE DIRECT AND INDIRECT COSTS THAT THE DIVISION INCURS TO ADMINISTER THE GRANT PROGRAM.

(8) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2025.

SECTION 2. In Colorado Revised Statutes, 39-22-104, **amend** (4)(n.5)(I)(A.5) and (4)(n.5)(IV) as follows:

39-22-104. Income tax imposed on individuals, estates, and trusts - single rate - legislative declaration - definitions - repeal. (4) There shall be subtracted from federal taxable income:

(n.5) (I) (A.5) For income tax years commencing on or after January 1, 2017, but prior to January 1, 2020, AND FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2021, BUT PRIOR TO JANUARY 1, 2024, an amount equal to one hundred percent of a landowner's costs incurred in performing wildfire mitigation measures in that income tax year on his or her property located within the state; except that the amount of the deduction claimed in an income tax year shall not exceed two thousand five hundred dollars or the total amount of the landowner's federal taxable income for the income tax year for which the deduction is claimed, whichever is less.

(IV) This ~~paragraph (n.5)~~ SUBSECTION (4)(n.5) is repealed, effective ~~January 1, 2026~~ DECEMBER 31, 2027.

SECTION 3. 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.

Section 2-3-1602, C.R.S.

2-3-1602. Wildfire matters review committee - creation - repeal of part.

(1) To address wildfire prevention and mitigation and to review and propose legislation relating to such matters, the wildfire matters review committee is hereby created, and is referred to in this part 16 as the "committee". The committee shall meet at the call of the chair at least once during the interim of each year to review and to propose legislation or other policy changes relating to wildfire prevention and mitigation and all related matters, including, without limitation, public safety, forest health, and cooperation with appropriate federal agencies and local governments. The committee may take up to two field trips during the interim and consult with experts in all fields relating to wildfire prevention and mitigation as may be necessary to achieve the objectives of this part 16. All personnel of any state agency or political subdivision of Colorado involved in wildfire prevention and mitigation, including the Colorado department of public safety and the Colorado state forest service, shall cooperate with the committee and with any persons assisting the committee in carrying out its duties pursuant to this section.

(1.5) Repealed.

(2) The committee consists of ten members of the general assembly selected as follows:

(a) Five members from the senate, three appointed by the president of the senate and two appointed by the minority leader of the senate;

(b) Five members from the house of representatives, three appointed by the speaker of the house of representatives and two appointed by the minority leader of the house of representatives.

(3) Appointing authorities shall make their original appointments to the committee not later than July 1, 2013. Terms of service on the committee are for two years. The terms of original appointees to the committee terminate on the convening date of the first regular session of the seventieth general assembly. Thereafter, the terms of members of the committee terminate on the convening date of the first regular session of the general assembly next following their appointment or reappointment, and all subsequent appointments or reappointments are made as soon as practicable after such convening date. Incumbent members may be reappointed to the committee. The person making the original appointment or reappointment shall fill any vacancy by appointment for the remainder of an unexpired term. Members serve at the pleasure of the appointing authority and continue in office until a successor is appointed, as applicable.

(4) (a) The president of the senate shall appoint the chair of the committee in even-numbered years and the vice-chair in odd-numbered years. The speaker of the house of representatives shall appoint the chair of the committee in odd-numbered years and the vice-chair in even-numbered years.

(b) The committee shall prescribe its own rules of procedure.

(4.5) The committee may recommend up to a total of five bills during each interim. Legislation recommended by the committee must be treated as legislation recommended by an interim committee for purposes of applicable deadlines, bill introduction limits, and any other requirements imposed by the joint rules of the general assembly.

(5) Members of the committee serve without compensation; except that each member is entitled to be reimbursed for necessary expenses in connection with the performance of his or her duties and receives the same per diem as other members of interim committees in attendance at meetings.

(6) Existing employees of the legislative service agencies shall provide any staff assistance required by the committee within existing appropriations.

(7) This part 16 is repealed, effective September 1, 2025.

History

Source: L. 2013: Entire part added, (SB 13-082), ch. 386, p. 2254, Section 1, effective June 5.L. 2014: (1.5) added, (SB 14-164), ch. 176, p. 648, Section 3, effective May 12.L. 2016: (1) and (4) amended and (1.5)(c) added, (SB 16-003), ch. 213, p. 823, Section 3, effective June 6.L. 2018: (1.5) repealed, (4.5) added, and (7) amended, (SB 18-039), ch. 219, p. 1397, Section 1, effective May 18.

Zero Waste and Recycling Interim Study Committee

Representative Lisa Cutter, Chair
Senator Dominick Moreno, Vice-Chair

Senator Don Coram
Senator Mike Foote
Senator Kevin Priola
Senator Tammy Story

Representative Jeni James Arndt
Representative Marc Catlin
Representative Meg Froelich
Representative Rod Pelton

Legislative Council Staff

Amanda King, Senior Research Analyst
Andrea Denka, Research Analyst
Clare Pramuk, Principal Fiscal Analyst

Office of Legislative Legal Services

Richard Sweetman, Senior Attorney
Jennifer Berman, Senior Attorney
Pierce Lively, Staff Attorney
Thomas Morris, Managing Senior Attorney
Vanessa Cleaver, Legislative Editor

November 2019

Zero Waste and Recycling Interim Study Committee

Committee Charge

The Zero Waste and Recycling Interim Study Committee was formed to study waste and recycling infrastructure, composting, and public awareness of moving toward zero waste in Colorado pursuant to Interim Committee Request Letter 2019-02. In conducting its study, the Zero Waste and Recycling Interim Study Committee consulted with the Colorado Department of Agriculture (CDA), the Colorado Department of Public Health and Environment (CDPHE), the Governor's Office of Economic Development and International Trade (OEDIT), and other private and nonprofit entities concerned with waste and recycling in Colorado.

Committee Activities

During the 2019 interim, the Zero Waste and Recycling Interim Study Committee held four meetings and took two field trips. The committee met with representatives from both the public and private sectors who are involved in recycling, waste management, composting, end markets for recyclables, carbon sequestration, and soil health.

Overview of zero waste and recycling. The committee heard a presentation from the National Conference of State Legislatures on zero waste and recycling polices around the country and recent legislation in other states on the topic. CDPHE, the Department of Personnel and Administration, and OEDIT provided information to the committee on how these departments are addressing zero waste and recycling in Colorado. Legislative Council Staff presented to the committee on recycling and zero waste programs around the country, as well as state programs related to waste management, recycling, and composting.

Waste management. The committee heard presentations from a variety of Colorado communities, including Logan and Pitkin Counties and the city and county of Denver, to learn about waste management and landfill operations across the state. The committee also toured landfills in Lamar and Granada and met with local officials in those communities to learn more about the challenges of waste management in rural Colorado, such as landfill tipping fees, space constraints, and illegal dumping.

Recycling. Representatives from Eco-Cycle, the city and county of Denver, and Loveland provided the committee with information about recycling policies and programs. A representative from AMP Robotics presented to the committee on how the company is creating robotics to sort recycling materials. Representatives from Waste Management and Rocky Mountain Recycling, Inc. presented to the committee on recycling from a business perspective. The committee learned about recycling in both the agriculture and construction sectors from representatives in those fields. Additionally, the committee heard a presentation from representatives from the Colorado School of Mines and National Renewable Energy Laboratory about the various projects and partnerships those entities are collaborating on to address recycling and zero waste.

The committee learned more about the various types of recycling facilities in the state by touring the following recycling facilities: the Boulder County Recycling Center, the Center for Hard to Recycle Materials, Clean Valley Recycling, Roots Recycling, and the Southeast and East Central Recycling Association.

Composting. The committee heard a presentation from Eco-Cycle on what kind of policies this organization believes can increase composting rates in Colorado. The committee also heard a presentation from A1 Organics about the benefits of composting. A1 Organics also discussed the differences between commercial composting and agriculture composting, the costs and benefits of composting in agriculture, and about possible changes to the tax code to increase the use of compost as fertilizer in the state.

End markets. The committee learned about end markets for recyclables from a number of presenters, including representatives from the Colorado NextCycle Program, Eco-Cycle, Momentum Recycling, and the South Carolina Department of Commerce. The committee learned how new products are being made out of recycled materials by touring Applegate Insulation, EVRAZ Rocky Mountain Steel, Momentum Recycling, and Owens-Illinois Glass Manufacturing. Bill A addresses the study, development, expansion, and promotion of market mechanisms for the furthering development of recycling.

Carbon sequestration. The committee heard a presentation from a research associate at the Colorado State University on carbon sequestration and reducing trace gases in Colorado agriculture. He discussed managing the carbon cycle and the carbon footprint of agriculture operations. He also presented on removing carbon dioxide from the atmosphere and storing it in the Earth by composting, promoting minimum tillage, using cover crops, and reducing the use of synthetic fertilizers.

Soil health. The committee heard presentations that addressed soil health from organizations including A1 Organics and Mad Agriculture. The committee also received an update from CDA about the department's role in soil health. Bill B addresses the development of a statewide organics management plan to promote compost use.

Committee Recommendations

As a result of committee discussion and deliberation, the Zero Waste and Recycling Interim Study Committee recommends the following two bills for consideration in the 2020 legislative session.

Bill A — Incentivize Development Recycling End Markets. Bill A creates a number of incentives and strategies to promote recycling and to develop recycling end markets. It requires the Pollution Prevention Advisory Board (advisory board) in consultation with a broad range of stakeholders to recommend to the CDPHE a structure and governing guidance for a recycling market development center (center). The purpose of the center is to support the development of end-market businesses in the state by providing research and analysis of existing markets, identifying potential business development and funding opportunities, and integrating its efforts with the State Solid Waste Plan. The advisory board is required to report on its recommendations to the General Assembly's committees with jurisdiction over solid waste by July 1, 2021.

Under the bill, the CDPHE is required to conduct a literature review of current practices and the feasibility of requiring producers to design, manage, and finance programs for end-of-life management of their products and packaging as a condition of sale. The CDPHE is required to report on its findings to the General Assembly's committees with jurisdiction over solid waste by July 1, 2021.

In consultation with the Pollution Prevention Advisory Board Assistance Committee, the advisory board is required to develop a formula for reimbursing locally assessed personal property taxes for businesses that reclaim or recycle recyclable materials. Businesses in the Front Range may be reimbursed from the Front Range Waste Diversion Cash Fund, while other businesses may be reimbursed from the Recycling Resources Economic Opportunity Fund.

Finally, beginning October 1, 2020, the CDPHE is required to administer a statewide recycling education campaign. The CDPHE is required to consult with local governments and private agencies that operate recycling programs, in administering the program. The CDPHE may contract with one or more public or private entities in preparation of campaign materials.

Bill B — Develop a Statewide Organics Management Plan. Bill B requires the CDPHE and the CDA to develop an organics management plan to study and make recommendations on organic waste management practices to encourage compost use on Colorado soil to promote carbon storage. The departments are required to work with a diverse group of stakeholders and include certain components specified in the bill. The CDPHE may incorporate its existing work regarding organics management in the plan. The departments are required to report on the plan to the General Assembly by February 1, 2023.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL A

LLS NO. 20-0309.02 Thomas Morris x4218 **SENATE BILL**

SENATE SPONSORSHIP

Priola and Story,

HOUSE SPONSORSHIP

Cutter and Arndt,

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING THE EXPANSION OF MARKET MECHANISMS FOR THE**
102 **FURTHER DEVELOPMENT OF RECYCLING.**

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/.)

Zero Waste and Recycling Interim Study Committee. Section 1 of the bill directs the pollution prevention advisory board (board) within the department of public health and environment (department) to recommend to the department a structure and governing guidance for a recycling market development center to support the development of end-market businesses within the state. Section 1 also directs the

department to conduct a literature review of what industry and other states are doing around the country regarding producer responsibility and to create policy and legislative recommendations regarding the feasibility of requiring producers to design, manage, and finance programs for end-of-life management of their products and packaging as a condition of sale.

Sections 3, 4, and 5 allow the board to use the recycling resources economic opportunity fund and the front range waste diversion cash fund to reimburse eligible recycling businesses for locally assessed personal property taxes paid in the current tax year in this state on personal property. **Section 2** directs the board to establish a formula that it would use in awarding personal property tax reimbursements.

Section 6 requires the department, on and after October 1, 2020, to administer a statewide campaign to educate Colorado residents concerning recycling. The department shall ensure the campaign includes:

- Communications delivered via social media;
- Television and radio public service announcements; and
- The placement of written materials in public locations, such as community centers, recreation centers, and shopping centers.

In administering the campaign, the department shall consult with municipal governments, county governments, and private agencies that operate recycling programs. The department may contract with one or more public or private entities for the preparation of materials to be used in the campaign. The requirement is repealed, effective September 1, 2021.

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

SECTION 1. In Colorado Revised Statutes, **add** 25-16.5-112 and 25-16.5-113 as follows:

25-16.5-112. Recycling market development center - definitions - repeal. (1) THE ADVISORY BOARD SHALL RECOMMEND TO THE DEPARTMENT A STRUCTURE AND GOVERNING GUIDANCE FOR A RECYCLING MARKET DEVELOPMENT CENTER, REFERRED TO IN THIS SECTION AS THE "CENTER", TO SUPPORT THE DEVELOPMENT OF END-MARKET BUSINESSES WITHIN THE STATE BY ACHIEVING THE GOALS OF THE CENTER AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION. IN

DEVELOPING ITS RECOMMENDATION, THE ADVISORY BOARD SHALL WORK WITH A BROAD RANGE OF STAKEHOLDERS, INCLUDING:

(a) INSTITUTIONS OF HIGHER EDUCATION;

(b) EXPERTS IN RECYCLING VARIOUS TYPES OF MATERIALS INCLUDING CONSTRUCTION AND DEMOLITION WASTE, ORGANICS, TEXTILES, ELECTRONICS, PLASTICS, FIBER, GLASS, ALUMINUM, AND METALS;

(c) WASTE HAULERS;

(d) MATERIAL RECOVERY FACILITY OPERATORS;

(e) BROKERS; AND

(f) OTHERS.

(2) THE ADVISORY BOARD, IN COLLABORATION WITH THE STAKEHOLDERS, SHALL:

(a) REVIEW WHAT OTHER STATES HAVE DONE TO CREATE RECYCLING MARKET DEVELOPMENT CENTERS;

(b) EXPLORE FUNDING OPPORTUNITIES FOR THE CENTER, BOTH PRIVATE AND PUBLIC; AND

(c) REPORT TO THE GENERAL ASSEMBLY'S COMMITTEES WITH JURISDICTION OVER SOLID WASTE AND RECYCLING ON THE RECOMMENDED STRUCTURE, STAKEHOLDER ENGAGEMENT POLICIES, AND CENTER GOVERNING GUIDANCE BY JULY 1, 2021.

(3) THE GOALS OF THE CENTER ARE TO ASSIST EXISTING AND NEW END-MARKET RECYCLING BUSINESSES THAT PROCESS OR REUSE RECYCLABLE MATERIALS INTO NEW PRODUCTS SOLD OR OTHERWISE FURNISHED TO END USERS BY:

(a) EVALUATING THE SHORT- AND LONG-TERM CAPACITY OF EXISTING MARKETS TO USE THE CURRENT AND FUTURE QUANTITIES OF RECYCLABLE MATERIALS AND OPPORTUNITIES TO EXPAND EXISTING

1 MARKETS;

2 (b) IDENTIFYING POTENTIAL END-MARKET BUSINESS TARGETS AND
3 FEASIBLE INCENTIVES THAT THE STATE MAY OFFER TO BRING THESE
4 BUSINESSES TO COLORADO;

5 (c) DEVELOPING A RECYCLABLE MATERIAL DATABASE TO IDENTIFY
6 HOW MUCH RECYCLABLE MATERIAL IS AVAILABLE AND FROM WHAT
7 SOURCES AND REGIONS;

8 (d) RECOMMENDING STATE AND LOCAL POLICIES TO INCREASE THE
9 SUPPLY OF RECYCLABLE MATERIALS TO SUPPORT END-MARKET
10 BUSINESSES;

11 (e) CONNECTING END-MARKET BUSINESSES WITH FUNDING
12 ASSISTANCE INCLUDING GRANTS, LOANS, AND TAX BREAKS AVAILABLE
13 THROUGH THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT CREATED
14 IN SECTION 24-48.5-101, THE DEPARTMENT, AND OTHER SOURCES AND
15 EXPANDING AND DIVERSIFYING THESE FUNDING SOURCES;

16 (f) PROVIDING MATERIAL-SPECIFIC RESEARCH AND BUSINESS
17 DEVELOPMENT ASSISTANCE FOR NEW AND EXPANDED END-MARKET
18 BUSINESSES TO CREATE AND EXPAND RECYCLING PROCESSING
19 INFRASTRUCTURE;

20 (g) RECOMMENDING PUBLIC OUTREACH CAMPAIGNS, WHICH MAY
21 BE MATERIAL-SPECIFIC, TO INCREASE THE SUPPLY AND QUALITY OF
22 RECYCLABLE MATERIALS; AND

23 (h) INTEGRATING THE CENTER'S EFFORTS WITH THE STATE SOLID
24 WASTE PLAN DEVELOPED PURSUANT TO SECTION 30-20-100.5 (1)(d)(II)
25 AND THE CLIMATE ACTION PLAN DEVELOPED PURSUANT TO SECTION
26 24-20-111 (2)(a).

27 (4) AS USED IN THIS SECTION:

(a) "END-MARKET BUSINESS" MEANS A BUSINESS, OR A PORTION OF A BUSINESS, THAT PROCESSES RECYCLABLE MATERIALS OR REUSES RECYCLABLE MATERIALS IN NEW PRODUCTS SOLD OR OTHERWISE FURNISHED TO END USERS.

(b) "RECYCLABLE MATERIALS":

(I) MEANS ANY TYPE OF DISCARDED OR WASTE MATERIAL THAT IS NOT REGULATED UNDER SECTION 25-8-205 (1)(e) AND CAN BE REUSED, REMANUFACTURED, RECLAIMED, OR RECYCLED, INCLUDING COMPOSTABLE ORGANIC MATERIAL AND CONSTRUCTION AND DEMOLITION MATERIALS; AND

(II) DOES NOT INCLUDE INDUSTRIAL MATERIALS, PAINT, OR A WASTE TIRE AS DEFINED IN SECTION 30-20-1402 (12).

(5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2022.

25-16.5-113. Producer responsibility literature review- report - repeal. (1) THE DEPARTMENT SHALL CONDUCT A LITERATURE REVIEW OF WHAT INDUSTRY AND OTHER STATES ARE DOING AROUND THE COUNTRY REGARDING PRODUCER RESPONSIBILITY AND CREATE POLICY AND LEGISLATIVE RECOMMENDATIONS REGARDING THE FEASIBILITY OF REQUIRING PRODUCERS TO DESIGN, MANAGE, AND FINANCE PROGRAMS FOR END-OF-LIFE MANAGEMENT OF THEIR PRODUCTS AND PACKAGING AS A CONDITION OF SALE.

(2) BY JULY 1, 2021, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY'S COMMITTEES WITH JURISDICTION OVER SOLID WASTE REGARDING ITS POLICY AND LEGISLATIVE RECOMMENDATIONS BASED ON THE LITERATURE REVIEW.

(3) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2022.

SECTION 2. In Colorado Revised Statutes, 25-16.5-105, **add**

(1)(n) as follows:

25-16.5-105. Powers and duties of advisory board - definitions. (1) The advisory board has the following powers and duties:

(n) (I) IN CONSULTATION WITH THE POLLUTION PREVENTION ADVISORY BOARD ASSISTANCE COMMITTEE CREATED IN SECTION 25-16.5-105.5 (2), TO DEVELOP A FORMULA FOR REIMBURSING A NEW OR EXISTING BUSINESS, OR A PORTION OF A BUSINESS, THAT RECLAIMS OR RECYCLES RECYCLABLE MATERIALS FOR LOCALLY ASSESSED PERSONAL PROPERTY TAXES THE BUSINESS PAID ON PERSONAL PROPERTY ASSOCIATED WITH NEW OR EXISTING WASTE DIVERSION OPERATIONS. THE ADVISORY BOARD MAY SET CRITERIA OR LIMITS FOR REIMBURSEMENT BUT NEED NOT ACTUALLY MAKE A REIMBURSEMENT. REIMBURSEMENTS ARE PAYABLE ONLY FROM THE FOLLOWING SOURCES:

(A) FOR AN ELIGIBLE RECYCLING BUSINESS THAT PAID LOCALLY ASSESSED PERSONAL PROPERTY TAX ON PERSONAL PROPERTY LOCATED OUTSIDE THE FRONT RANGE, FROM MONEY APPROPRIATED TO THE RECYCLING RESOURCES ECONOMIC OPPORTUNITY FUND PURSUANT TO SECTION 25-16.5-106.5 (1)(a)(II); AND

(B) FOR AN ELIGIBLE RECYCLING BUSINESS THAT PAID LOCALLY ASSESSED PERSONAL PROPERTY TAX ON PERSONAL PROPERTY LOCATED IN THE FRONT RANGE, FROM MONEY IN THE FRONT RANGE WASTE DIVERSION CASH FUND PURSUANT TO SECTION 25-16.5-111 (4)(b)(IV).

(II) AS USED IN THIS SUBSECTION (1)(n):

(A) "FRONT RANGE" HAS THE MEANING SET FORTH IN SECTION 25-16.5-111 (2)(f).

(B) "RECYCLABLE MATERIALS" MEANS ANY TYPE OF DISCARDED OR WASTE MATERIAL THAT IS NOT REGULATED UNDER SECTION 25-8-205

(1)(e) AND CAN BE REUSED, REMANUFACTURED, RECLAIMED, OR RECYCLED, INCLUDING COMPOSTABLE ORGANIC MATERIAL AND CONSTRUCTION AND DEMOLITION MATERIALS. "RECYCLABLE MATERIALS" DOES NOT INCLUDE INDUSTRIAL MATERIALS, PAINT, OR A WASTE TIRE AS DEFINED IN SECTION 30-20-1402 (12).

SECTION 3. In Colorado Revised Statutes, 25-16.5-106.5, **amend** (1)(a) introductory portion and (1)(a)(II) as follows:

25-16.5-106.5. Recycling resources economic opportunity fund - creation - repeal. (1) (a) The recycling resources economic opportunity fund, ~~is hereby created in the state treasury,~~ referred to in this section as the "fund", IS HEREBY CREATED IN THE STATE TREASURY. The fund ~~shall consist~~ CONSISTS of:

(II) Any ~~moneys~~ MONEY appropriated to the fund by the general assembly, INCLUDING MONEY APPROPRIATED FOR PERSONAL PROPERTY TAX REIMBURSEMENTS FOR ELIGIBLE RECYCLING BUSINESSES PURSUANT TO SECTION 26-16.5-105 (1)(n); and

SECTION 4. In Colorado Revised Statutes, 25-16.5-106.7, **add** (6.5) as follows:

25-16.5-106.7. Recycling resources economic opportunity program - grants - definitions - repeal. (6.5) IN ADDITION TO AWARDING GRANTS PURSUANT TO SUBSECTION (4) OF THIS SECTION, THE ADVISORY BOARD MAY USE MONEY IN THE FUND TO REIMBURSE, IN ACCORDANCE WITH SECTION 25-16.5-105 (1)(n), ELIGIBLE RECYCLING BUSINESSES FOR LOCALLY ASSESSED PERSONAL PROPERTY TAXES PAID IN THE CURRENT TAX YEAR IN THIS STATE ON PERSONAL PROPERTY THAT IS LOCATED OUTSIDE THE FRONT RANGE, AS DEFINED IN SECTION 25-16.5-111 (2)(f).

SECTION 5. In Colorado Revised Statutes, 25-16.5-111, **amend** (4)(b)(II) and (4)(b)(III); and **add** (4)(b)(IV) as follows:

25-16.5-111. Front range waste diversion enterprise - legislative declaration - fund - goals - grant program - personal property tax reimbursements - gifts, grants, or donations - definitions - repeal. (4) **Fund.** (b) Money in the fund is continuously appropriated to the enterprise to:

(II) Award grants in accordance with this section; ~~and~~

(III) Provide technical assistance to eligible entities to promote diversion, including through the development and implementation of policy; AND

(IV) REIMBURSE, AT THE BOARD'S DISCRETION, ELIGIBLE RECYCLING BUSINESSES FOR LOCALLY ASSESSED PERSONAL PROPERTY TAXES PAID IN THE CURRENT TAX YEAR IN THIS STATE ON PERSONAL PROPERTY THAT IS LOCATED IN THE FRONT RANGE.

SECTION 6. In Colorado Revised Statutes, **add** 25-17-108 as follows:

25-17-108. Statewide education campaign concerning recycling - repeal. (1) ON AND AFTER OCTOBER 1, 2020, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, REFERRED TO IN THIS SECTION AS THE "DEPARTMENT", SHALL ADMINISTER A STATEWIDE CAMPAIGN TO EDUCATE COLORADO RESIDENTS CONCERNING RECYCLING. THE OBJECTIVES OF THE STATEWIDE CAMPAIGN ARE TO:

(a) INCREASE RECYCLING AMONG RESIDENTS; AND

(b) EDUCATE RESIDENTS ABOUT SPECIFIC RECYCLABLE MATERIALS AND SPECIFIC RECYCLING HABITS THAT CAN INCREASE THE EFFICIENCY OF RECYCLING EFFORTS IN COLORADO.

(2) THE DEPARTMENT SHALL ENSURE THE STATEWIDE CAMPAIGN INCLUDES:

(a) COMMUNICATIONS DELIVERED VIA SOCIAL MEDIA;

(b) TELEVISION AND RADIO PUBLIC SERVICE ANNOUNCEMENTS; AND

(c) THE PLACEMENT OF WRITTEN MATERIALS IN PUBLIC LOCATIONS, SUCH AS COMMUNITY CENTERS, RECREATION CENTERS, AND SHOPPING CENTERS.

(3) IN ADMINISTERING THE STATEWIDE CAMPAIGN DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT SHALL CONSULT WITH MUNICIPAL GOVERNMENTS, COUNTY GOVERNMENTS, AND PRIVATE AGENCIES THAT OPERATE RECYCLING PROGRAMS.

(4) THE DEPARTMENT MAY CONTRACT WITH ONE OR MORE PUBLIC OR PRIVATE ENTITIES FOR THE PREPARATION OF MATERIALS TO BE USED IN THE STATEWIDE CAMPAIGN DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

(5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.

SECTION 7. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

1 (2) This act applies to conduct occurring on or after the applicable
2 effective date of this act.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL B

LLS NO. 20-0311.01 Jennifer Berman x3286 **HOUSE BILL**

HOUSE SPONSORSHIP

Cutter and Froelich,

SENATE SPONSORSHIP

Priola,

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING THE DEVELOPMENT OF A STATEWIDE ORGANICS**
102 **MANAGEMENT PLAN TO PROMOTE COMPOST USE.**

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/.)

Zero Waste and Recycling Interim Study Committee. The bill tasks the executive director of the department of public health and environment (executive director) or the executive director's designee and the commissioner of agriculture (commissioner) or the commissioner's designee with developing an organics management plan (plan) on or before September 1, 2022. The department of public health and

environment may incorporate the plan into the department's existing work regarding organics management if its existing work meets the standards established for the organics management plan.

In developing the plan, the executive director and the commissioner are required to study and make recommendations regarding organic waste management practices to encourage compost use on soil to promote carbon storage.

The executive director and the commissioner must also complete 2 statewide surveys as part of the plan, with one survey examining end uses for the major categories of organic waste feedstock generated within the state and the other survey examining existing organic waste generation facilities and processing capacity.

On or before February 1, 2023, the executive director, in collaboration with the commissioner, shall submit a report summarizing the plan to the legislative committees with jurisdiction over energy or agricultural matters.

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

SECTION 1. In Colorado Revised Statutes, **add** article 17.5 to title 25 as follows:

ARTICLE 17.5

Organics Management for Compost

25-17.5-101. Definitions. AS USED IN THIS ARTICLE 17.5, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CARBON STORAGE" MEANS, WITH RESPECT TO THE AGRICULTURE SECTOR, THE CAPACITY OF AGRICULTURAL LANDS AND FORESTS TO REMOVE CARBON DIOXIDE FROM THE ATMOSPHERE THROUGH PHOTOSYNTHESIS WHEREBY THE CARBON DIOXIDE IS ABSORBED BY, AND STORED AS CARBON IN, BIOMASS WITHIN TREE TRUNKS, BRANCHES, FOLIAGE, ROOTS, AND SOILS.

(2) "COMMISSIONER" MEANS THE COMMISSIONER OF AGRICULTURE OR THE COMMISSIONER'S DESIGNEE.

(3) "COMPOST" HAS THE SAME MEANING AS SET FORTH IN SECTION

35-12-103 (6).

(4) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(5) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

(6) "GREENHOUSE GAS" MEANS CARBON DIOXIDE, METHANE, NITROUS OXIDE, HYDROFLUOROCARBONS, PERFLUOROCARBONS, NITROGEN TRIFLUORIDE, AND SULFUR HEXAFLUORIDE, EXPRESSED AS CARBON DIOXIDE EQUIVALENT.

25-17.5-102. Organics management plan - surveys - study - collaboration with health department - reporting. (1) (a) ON OR BEFORE SEPTEMBER 1, 2022, THE EXECUTIVE DIRECTOR, IN COLLABORATION WITH THE COMMISSIONER, SHALL DEVELOP AN ORGANICS MANAGEMENT PLAN TO STUDY AND MAKE RECOMMENDATIONS REGARDING ORGANIC WASTE MANAGEMENT PRACTICES TO ENCOURAGE COMPOST USE ON COLORADO SOILS TO PROMOTE CARBON STORAGE. IN DEVELOPING THE PLAN, THE EXECUTIVE DIRECTOR AND COMMISSIONER SHALL WORK WITH A DIVERSE GROUP OF STAKEHOLDERS.

(b) THE DEPARTMENT MAY INCORPORATE THE PLAN DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION INTO THE WORK THE DEPARTMENT IS ALREADY DOING WITH REGARD TO ORGANICS MANAGEMENT IF THE DEPARTMENT'S EXISTING WORK REGARDING ORGANICS MANAGEMENT MEETS THE STANDARDS SET FORTH IN THIS ARTICLE 17.5.

(2) THE PLAN DEVELOPED PURSUANT TO SUBSECTION (1) OF THIS SECTION MUST INCLUDE THE FOLLOWING COMPONENTS:

(a) THE COMPLETION OF THE FOLLOWING COMPREHENSIVE, STATEWIDE SURVEYS:

(I) AN END-MARKET SURVEY TO EXAMINE THE COSTS, REVENUES, AND GREENHOUSE GAS IMPACTS ASSOCIATED WITH CURRENT END USES FOR THE MAJOR CATEGORIES OF ORGANIC WASTE FEEDSTOCK GENERATED WITHIN THE STATE, WHICH CATEGORIES ARE:

(A) SOURCE-SEPARATED MUNICIPAL SOLID WASTE ORGANICS;

(B) BIOSOLIDS;

(C) DAIRY AND FEEDLOT MANURE; AND

(D) FOREST WASTE INCLUDING URBAN FOREST WASTE.

(II) A SURVEY OF EXISTING ORGANIC WASTE GENERATION FACILITIES AND PROCESSING CAPACITY;

(b) A STATEWIDE ORGANICS MANAGEMENT STUDY TO EXAMINE AND ADDRESS THE NEED FOR ORGANICS PROCESSING INFRASTRUCTURE EXPANSION AND INCREASED COMPOST UTILIZATION BY VARIOUS END USERS INCLUDING END USE FOR AGRICULTURAL PURPOSES. THE STUDY MUST INCLUDE AN EXAMINATION OF THE FOLLOWING:

(I) WITH REGARD TO THE DEVELOPMENT OF NEW OR EXPANDED ORGANICS PROCESSING INFRASTRUCTURE AND COMPOST UTILIZATION THROUGHOUT THE STATE:

(A) THE CLIMATE CHANGE IMPACTS ARISING FROM SUCH NEW OR EXPANDED INFRASTRUCTURE AND UTILIZATION; AND

(B) A COST-BENEFIT ANALYSIS;

(II) AN EXPLORATION OF VARIOUS MECHANISMS TO INCREASE AND PROMOTE INFRASTRUCTURE EXPANSION, INCLUDING:

(A) THE IDENTIFICATION OF NEW AND EXISTING COMPOST FACILITIES AS ENTERPRISE ZONE PROJECTS THAT ARE ELIGIBLE FOR INVESTMENT TAX CREDIT UNDER SECTION 39-30-104 AS COLORADO INCOME TAXPAYER CONTRIBUTIONS UNDER THE COLORADO OFFICE OF

ECONOMIC DEVELOPMENT'S ENTERPRISE ZONE CONTRIBUTION PROJECT PROGRAM;

(B) POTENTIAL POLICY CHANGES THAT MAKE IT EASIER TO BUILD NEW COMPOST FACILITIES;

(C) POTENTIAL SOURCES OF FUNDING TO PROVIDE TECHNICAL SUPPORT FOR RURAL COMPOST FACILITIES THAT SERVE AGRICULTURE; AND

(D) SUSTAINABLE FUNDING OPTIONS THAT MAY BE USED TO PROMOTE THE DEVELOPMENT OF INFRASTRUCTURE;

(c) RECOMMENDATIONS REGARDING:

(I) HOW TO INCREASE THE END-MARKET DEMAND AND UTILIZATION OF COMPOST FROM VARIOUS FEEDSTOCKS. THE RECOMMENDATIONS MAY INCLUDE:

(A) INNOVATIVE WAYS TO CREATE FINANCIAL INCENTIVES OR OTHER INCENTIVES TO ENCOURAGE THE VOLUNTARY USE OF COMPOST IN AGRICULTURE TO PROMOTE CARBON STORAGE IN SOIL AND INCENTIVES FOR OTHER END USES, INCLUDING CONDUCTING A STUDY OF CARBON STORAGE POTENTIAL IN COLORADO SOILS, DEVELOPING GOALS, MANAGING DATA, IDENTIFYING GRANT OPPORTUNITIES, AND PROVIDING TECHNICAL ASSISTANCE;

(B) A STATE PROCUREMENT STANDARD ESTABLISHING A REQUIREMENT THAT A STATE-FUNDED PUBLIC PROJECT THAT SPECIFIES A SOIL AMENDMENT USE COMPOST THAT IS SOURCED FROM A STATE-PERMITTED COMPOST FACILITY AND CERTIFIED BY A NATIONALLY RECOGNIZED THIRD PARTY; AND

(C) THE DEVELOPMENT OF SAMPLE PROCUREMENT LANGUAGE THAT A LOCAL GOVERNMENT COULD USE IN ITS PROCUREMENT PROCESS, SUCH AS LANGUAGE REQUIRING A MINIMUM OF FIVE PERCENT ORGANIC

MATTER IN CONSTRUCTION AND LANDSCAPING PROJECTS.

(II) STRATEGIES THAT MUNICIPAL AND COMMERCIAL SOURCE-SEPARATED POST-CONSUMER ORGANIC WASTE COLLECTORS AND PROCESSORS COULD UTILIZE TO REDUCE CONTAMINATION, SUCH AS EDUCATIONAL OUTREACH PROGRAMS.

(3) (a) ON OR BEFORE FEBRUARY 1, 2023, THE EXECUTIVE DIRECTOR, IN COLLABORATION WITH THE COMMISSIONER, SHALL SUBMIT A REPORT SUMMARIZING THE PLAN DEVELOPED PURSUANT TO SUBSECTION (2) OF THIS SECTION TO:

(I) THE ENERGY AND ENVIRONMENT COMMITTEE AND RURAL AFFAIRS AND AGRICULTURE COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES; AND

(II) THE AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND THE TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR THEIR SUCCESSOR COMMITTEES.

(b) THE EXECUTIVE DIRECTOR SHALL PUBLISH THE REPORT CREATED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION ON THE DEPARTMENT'S PUBLIC WEBSITE.

25-17.5-103. Repeal of article. THIS ARTICLE 17.5 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2020 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.

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This letter reflects the authorization for the committee as approved by Legislative Council at its meeting on April 25, 2019.

To: Legislative Council

Requested by: Representative Cutter
With support of: Representatives Arndt, McLachlan, Soper, and Will; also Senator Story

Re: Request for interim study committee regarding zero waste and recycling

Date: 4/25/2019

Information Required Pursuant to Section 2-3-303.3, C.R.S.

I hereby request that an interim study committee be formed to study zero waste and recycling in Colorado, during the interim between the 2019 and 2020 legislative sessions. The interim study committee would be named the "Zero Waste and Recycling Interim Study Committee".

The policy issues to be studied are waste and recycling infrastructure, composting, and public awareness of moving towards zero waste in Colorado.

The interim study committee would need to meet up to 4 times to study the issues.

The interim study committee should consist of 10 members of the General Assembly selected as follows:

- 5 members of the Senate, with 3 appointed by the President of the Senate and 2 appointed by the minority leader of the Senate.

- 5 members of the House of Representatives, with 3 appointed by the Speaker of the House of Representatives and 2 appointed by the minority leader of the House of Representatives.

The chair will be a House member appointed by the Speaker of the House and the vice-chair will be a Senate member appointed by the Senate President.

The appointments must be made by June 1, 2019.

Nonlegislative members will not have a role in the interim study committee.

A task force is not necessary to assist the interim study committee in studying the scope of policy issues described above.

The interim study committee will need up to 2 bills to address the issues it studies.

Additional Information Related to the Interim Study Committee Request

The Colorado Department of Agriculture, Colorado Department of Public Health and Environment, Governor's Office of Economic Development and International Trade, Colorado Energy Office, and other private and non-profit entities concerned with waste and recycling in Colorado may be called upon to provide assistance or information to the interim study committee.

The interim study committee is authorized to travel outside of the Denver metropolitan area to study the issues in the committee's charge.

Thank you for your consideration of this request.