

CHAPTER 327

**HUMAN SERVICES - SOCIAL SERVICES**

**HOUSE BILL 00-1020**

BY REPRESENTATIVES Alexander, Tupa, S. Williams, Coleman, Gagliardi, Gotlieb, Hagedorn, Larson, Mace, Morrison, Tapia, and Tochtrop;  
also SENATORS Wham, Linkhart, Pascoe, Hernandez, Martinez, Reeves, Rupert, and Tanner.

**AN ACT**

CONCERNING THE CREATION OF AN INTERDISCIPLINARY CHILD CARE COMMISSION, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

**SECTION 1.** Article 6 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 3  
CHILD CARE COMMISSION**

**26-6-301. Short title.** THIS PART 3 SHALL BE KNOWN AND MAY BE CITED AS THE "CHILD CARE COMMISSION ACT".

**26-6-302. Legislative declaration.** (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS THAT THE FUTURE OF COLORADO CHILDREN IS OF PRIMARY CONCERN TO THE CITIZENS OF THIS STATE AND THAT THE QUALITY OF CARE PROVIDED TO THESE YOUNG CHILDREN IS AN INTEGRAL COMPONENT IN THE DEVELOPMENT OF HAPPY, FUNCTIONAL, AND CONTRIBUTING ADULTS. HOWEVER, THE GENERAL ASSEMBLY HAS LEARNED THAT THE SAFETY AND QUALITY OF AVAILABLE CHILD CARE IS AT ISSUE IN COLORADO. REPORTS BY THE STATE AUDITOR'S OFFICE RELEASED IN APRIL OF 1995 AND IN AUGUST OF 1998 HAVE IDENTIFIED SEVERAL AREAS IN WHICH THE SAFETY AND QUALITY OF CHILD CARE IN COLORADO HAS BEEN COMPROMISED.

(b) THE GENERAL ASSEMBLY FURTHER FINDS THAT, BASED UPON THE EVIDENCE PRESENTED TO THE INTERIM COMMITTEE ON CHILD CARE ESTABLISHED PURSUANT TO SJR 99-034, THERE ARE MANY PROGRAMS THAT SHOULD BE CONSIDERED, TESTED, EVALUATED, OR ESTABLISHED THAT MAY BETTER SERVE CHILDREN IN THIS STATE AND HELP TO PROVIDE THEM WITH HIGH QUALITY, AFFORDABLE CHILD CARE. THE

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

GENERAL ASSEMBLY RECOGNIZES THAT THE INTERIM COMMITTEE ON CHILD CARE ADDRESSED A WIDE RANGE OF ISSUES IN PROPOSED LEGISLATION BUT FURTHER NOTES THAT MANY ISSUES WERE OF TOO GREAT A NATURE TO BE THOROUGHLY STUDIED BY THE COMMITTEE IN THE VERY LIMITED TIME AVAILABLE TO IT.

(c) ACCORDINGLY, THE GENERAL ASSEMBLY FINDS THAT IT IS APPROPRIATE AND IN THE BEST INTERESTS OF THE CITIZENS OF THE STATE OF COLORADO TO ESTABLISH A COMMISSION ON CHILD CARE TO CONTINUE STUDYING THE CRITICAL ISSUES IMPACTING CHILD CARE IN THE STATE OF COLORADO IN AN EFFORT TO IMPROVE THE QUALITY OF CHILD CARE PROVIDED TO THE YOUNGEST CITIZENS OF THE STATE.

**26-6-303. Definitions.** AS USED IN THIS PART 3, UNLESS THE CONTEXT OTHERWISE PROVIDES:

(1) "CHILD CARE" MEANS CARE PROVIDED TO A CHILD OR CHILDREN BY A CHILD CARE FACILITY REQUIRED TO BE LICENSED PURSUANT TO PART 1 OF THIS ARTICLE OR BY A FACILITY DESCRIBED IN SECTION 26-6-103 THAT IS NOT REQUIRED TO BE LICENSED. THE TERM "CHILD CARE" AS USED IN THIS PART 3 DOES NOT INCLUDE CARE PROVIDED TO A CHILD BY THAT CHILD'S PARENT OR LEGAL GUARDIAN.

(2) "CHILD CARE FACILITY" MEANS ANY FACILITY REQUIRED TO BE LICENSED PURSUANT TO PART 1 OF THIS ARTICLE AND SHALL INCLUDE, BUT IS NOT LIMITED TO:

- (a) CHILD CARE CENTERS;
- (b) CHILD PLACEMENT AGENCIES;
- (c) FAMILY CHILD CARE HOMES;
- (d) FOSTER CARE HOMES;
- (e) HOMELESS YOUTH SHELTERS;
- (f) RESIDENTIAL CHILD CARE FACILITIES; AND
- (g) SECURE RESIDENTIAL TREATMENT CENTERS.

(3) "COMMISSION" MEANS THE CHILD CARE COMMISSION CREATED IN SECTION 26-6-304.

**26-6-304. Child care commission - created.** (1) (a) IN ORDER TO PROVIDE LEGISLATIVE OVERSIGHT AND THE CONTINUED STUDY AND FURTHER DEVELOPMENT OF RECOMMENDATIONS FOR IMPROVEMENTS IN THE DELIVERY OF CHILD CARE IN THE STATE OF COLORADO, THERE IS HEREBY CREATED IN THE STATE DEPARTMENT THE CHILD CARE COMMISSION. THE COMMISSION SHALL CONSIST OF FIFTEEN MEMBERS TO BE APPOINTED FOR TERMS OF THREE YEARS; EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED, FIVE MEMBERS SHALL BE APPOINTED FOR ONE YEAR, FIVE MEMBERS FOR TWO YEARS, AND FIVE MEMBERS FOR THREE YEARS. THE APPOINTING AUTHORITIES SHALL JOINTLY DETERMINE WHICH COMMISSION MEMBERS SHALL SERVE REDUCED TERMS; EXCEPT THAT THE MEMBERS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL BE INCLUDED IN THE GROUP OF MEMBERS FIRST APPOINTED

FOR TWO YEARS. VACANCIES SHALL BE FILLED BY APPOINTMENT OF THE ORIGINAL APPOINTING AUTHORITY FOR THE REMAINDER OF THE UNEXPIRED TERM. INITIAL APPOINTMENTS SHALL BE MADE TO THE COMMISSION NO LATER THAN AUGUST 1, 2000.

(b) THE GOVERNOR SHALL APPOINT NINE MEMBERS OF THE COMMISSION, NO MORE THAN FIVE OF WHOM SHALL BE FROM THE SAME POLITICAL PARTY, WHO SHALL BE REPRESENTATIVE OF THE CULTURAL AND GEOGRAPHIC DIVERSITY OF THE STATE AND AT LEAST ONE OF WHOM SHALL HAVE EXPERIENCE WORKING WITH CHILDREN WITH DISABILITIES. THE MEMBERS OF THE COMMISSION APPOINTED BY THE GOVERNOR SHALL ALSO BE REPRESENTATIVE OF THE FOLLOWING INTERESTS, ORGANIZATIONS, STATE AGENCIES, AND BOARDS:

(I) THE DIVISION OF CHILD CARE IN THE STATE DEPARTMENT OF HUMAN SERVICES;

(II) THE COMMUNITY CONSOLIDATED CHILD CARE SERVICES PILOT PROGRAM ESTABLISHED PURSUANT TO ARTICLE 6.5 OF THIS TITLE;

(III) EDUCATORS TEACHING CHILDREN IN PRESCHOOL, KINDERGARTEN, OR GRADES ONE THROUGH FIVE;

(IV) THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION;

(V) THE COUNTY DEPARTMENTS OF SOCIAL SERVICES;

(VI) CHILD CARE FACILITIES;

(VII) PARENTS OF CHILDREN CURRENTLY ENROLLED IN A PUBLIC OR PRIVATE EARLY CHILDHOOD CARE AND EDUCATION PROGRAM;

(VIII) THE BUSINESS COMMUNITY;

(IX) NON-PROFIT OR NOT-FOR-PROFIT ORGANIZATIONS THAT EVALUATE THE QUALITY OF EARLY CHILDHOOD CARE AND EDUCATION PROGRAMS AND ASSIGN RATINGS THERETO IN AN EFFORT TO ASSESS THE SUCCESS OF SUCH PROGRAMS AND TO IMPROVE THE ULTIMATE DELIVERY OF EARLY CHILDHOOD CARE AND EDUCATION.

(c) SIX OF THE MEMBERS OF THE COMMISSION SHALL BE MEMBERS OF THE GENERAL ASSEMBLY AND SHALL BE APPOINTED AS FOLLOWS:

(I) THE PRESIDENT OF THE SENATE SHALL APPOINT TWO MEMBERS FROM THE SENATE AND THE MINORITY LEADER OF THE SENATE SHALL APPOINT ONE MEMBER FROM THE SENATE TO SERVE ON THE COMMISSION, NO MORE THAN TWO OF WHOM SHALL BE MEMBERS OF THE SAME POLITICAL PARTY;

(II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT THREE MEMBERS FROM THE HOUSE OF REPRESENTATIVES TO SERVE ON THE COMMISSION, NO MORE THAN TWO OF WHOM SHALL BE MEMBERS OF THE SAME POLITICAL PARTY.

(2) THE MEMBERS OF THE COMMISSION WHO ARE MEMBERS OF THE GENERAL

ASSEMBLY SHALL BE COMPENSATED AS PROVIDED IN SECTION 2-2-307, C.R.S., AND MEMBERS OF THE COMMISSION WHO ARE NOT MEMBERS OF THE GENERAL ASSEMBLY SHALL BE REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES WHILE SERVING ON THE COMMISSION.

(3) A MAJORITY OF THE MEMBERS OF THE COMMISSION SHALL CONSTITUTE A QUORUM. A QUORUM SHALL HAVE FULL AND COMPLETE POWER TO ACT UPON AND RESOLVE IN THE NAME OF THE COMMISSION ANY MATTER OR QUESTION PROPERLY BEFORE IT AT ANY MEETING. THE COMMISSION, AS SOON AFTER APPOINTMENT AS PRACTICABLE AND EACH YEAR THEREAFTER, SHALL ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON, A VICE-CHAIRPERSON, AND A SECRETARY WHO SHALL HOLD OFFICE UNTIL THEIR SUCCESSORS ARE ELECTED. THE CHAIRPERSON, OR HIS OR HER DESIGNEE, SHALL PRESIDE AT ALL MEETINGS OF THE COMMISSION, AND THE SECRETARY, OR HIS OR HER DESIGNEE, SHALL MAKE A RECORD OF THE PROCEEDINGS THEREOF THAT SHALL BE PRESERVED IN THE OFFICE OF THE STATE DEPARTMENT.

(4) THE COMMISSION SHALL MEET AS OFTEN AS NECESSARY TO CARRY OUT ITS DUTIES AS SPECIFIED IN THIS PART 3. IN COMPLETING ITS DUTIES, THE COMMISSION SHALL SOLICIT INPUT FROM PARENTS, CHILD CARE PROVIDERS, AND OTHER INTERESTED PERSONS.

**26-6-305. Child care commission - duties.** (1) THE COMMISSION SHALL HAVE THE FOLLOWING DUTIES:

(a) TO CONTINUE THE STUDY OF THE OVERALL QUALITY OF CHILD CARE IN COLORADO;

(b) TO CONTINUE THE STUDY OF THE QUALITY, TRAINING, AND EXPERIENCE OF PERSONS PROVIDING CHILD CARE AND TO MAKE RECOMMENDATIONS CONCERNING THE IMPROVEMENT OF THE QUALITY OF SUCH PROVIDERS;

(c) TO CONTINUE THE STUDY OF CRIMINAL BACKGROUND CHECKS OF CHILD CARE PROVIDERS, INCLUDING REVIEWING THE REPORT OF THE PILOT STUDY ESTABLISHED PURSUANT TO SECTION 26-6-115;

(d) TO CONTINUE THE STUDY OF LICENSING REQUIREMENTS FOR, AND FLEXIBILITY NEEDS OF, CHILD CARE PROVIDERS;

(e) TO CONTINUE THE STUDY OF METHODS FOR ENCOURAGING OR FACILITATING THE LOCATION OF CHILD CARE FACILITIES IN WORKPLACES;

(f) TO STUDY THE LEVEL OF TRAINING REQUIREMENTS OF AND CREDENTIALING OPTIONS AVAILABLE TO CHILD CARE PROVIDERS, INCLUDING A STUDY OF THE SUCCESSES AND SHORTCOMINGS OF THE CREDENTIALING PROGRAMS IMPLEMENTED BY COMMUNITY CONSOLIDATED CHILD CARE PILOT SITE AGENCIES PURSUANT TO ARTICLE 6.5 OF THIS TITLE;

(g) TO EVALUATE THE POSSIBILITY OF ALTERNATIVE APPROACHES TO MONITORING, INSPECTING, AND INVESTIGATING CHILD CARE FACILITIES IN AN EFFORT TO USE STATE DEPARTMENT RESOURCES MORE EFFICIENTLY, TO ELIMINATE, IF APPROPRIATE, UNNECESSARY INSPECTIONS, AND TO IMPLEMENT SELF-AUDITING PROCEDURES,

WHERE APPROPRIATE;

(h) TO STUDY THE EXTENT, QUALITY, AND IMPACT OF UNLICENSED CHILD CARE IN COLORADO;

(i) TO STUDY THE POSSIBILITY OF COMPLIMENTARY STATE LOAN PROGRAMS;

(j) TO STUDY METHODS FOR ENCOURAGING QUALIFIED INDIVIDUALS TO ENTER THE CHILD CARE PROFESSION;

(k) TO EVALUATE THE COMMUNITY CONSOLIDATED CHILD CARE SERVICES PILOT PROGRAM ESTABLISHED IN ARTICLE 6.5 OF THIS TITLE, TAKING INTO CONSIDERATION THE EVALUATION THAT IS TO BE COMPLETED BY OCTOBER 1, 2001, PURSUANT TO SECTION 26-6.5-105 (3);

(l) TO STUDY SUCH FURTHER ISSUES RELATED TO CHILD CARE THAT MAY IMPROVE THE QUALITY AND DELIVERY OF CHILD CARE IN COLORADO;

(m) TO EVALUATE THE DATA AND RESULTS OF THE STATE TAX CREDITS AND STATE TAX EXEMPTIONS IMPACTING THE CHILD CARE INDUSTRY THAT MAY BE IMPLEMENTED IN COLORADO;

(n) TO EVALUATE AND MAKE RECOMMENDATIONS HOW THE STATE DEPARTMENT AND COUNTY DEPARTMENTS USE FEDERAL CHILD CARE DEVELOPMENT FUNDS AND OTHER FEDERAL MONEYS TOWARD THE IMPROVEMENT OF CHILD CARE IN THE STATE OF COLORADO.

**26-6-306. Report - proposed legislation.** (1) THE CHILD CARE COMMISSION SHALL REPORT TO THE MEMBERS OF THE GENERAL ASSEMBLY ON OR BEFORE NOVEMBER 1, 2001, AND ON OR BEFORE NOVEMBER FIRST EACH YEAR THEREAFTER FOR THE FOLLOWING TWO YEARS, CONCERNING THE MATTERS IT HAS STUDIED AND ADDRESSED. THE REPORT SHALL INCLUDE RECOMMENDATIONS OF THE CHILD CARE COMMISSION. THE STATE DEPARTMENT SHALL WORK WITH THE COMMISSION IN PREPARING THE REPORT.

(2) THE LEGISLATIVE MEMBERS OF THE COMMISSION SHALL SUBMIT PROPOSALS FOR LEGISLATION, IF ANY, TO THE LEGISLATIVE COUNCIL EACH YEAR NO LATER THAN THE APPLICABLE DEADLINE FOR APPROVAL OF INTERIM COMMITTEE BILLS AS SPECIFIED IN JOINT RULE 24 OF THE LEGISLATIVE RULES.

**26-6-307. Repeal of part.** THIS PART 3 IS REPEALED, EFFECTIVE JULY 1, 2004.

**SECTION 2.** 26-6-115 (3), Colorado Revised Statutes, is amended to read:

**26-6-115. Criminal background checks - pilot program.** (3) The department shall report its findings, conclusions, and recommendations concerning the most thorough, timely, and cost-efficient means of conducting criminal background checks to the members of the health, environment, welfare, and institutions committees of the senate and the house of representatives AND TO THE MEMBERS OF THE CHILD CARE COMMISSION CREATED PURSUANT TO PART 3 OF THIS ARTICLE no later than August 1, 2000.

**SECTION 3. Appropriation - adjustments to the 2000 long bill.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of human services, children, youth and families, child care, for the reimbursement of expenses incurred by members of the child care commission who are not members of the general assembly, for the fiscal year beginning July 1, 2000, the sum of two thousand six hundred forty dollars (\$2,640), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative department, for the reimbursement of expenses incurred by members of the child care commission who are members of the general assembly, for the fiscal year beginning July 1, 2000, the sum of three thousand seven hundred ninety-two dollars (\$3,792), or so much thereof as may be necessary, for the implementation of this act.

(3) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 2000, shall be adjusted as follows:

(a) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by six thousand four hundred thirty-two dollars (\$6,432).

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by six thousand four hundred thirty-two dollars (\$6,432).

**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, and safety.

Approved: June 1, 2000