

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Joint Budget Committee Members
FROM JBC Staff
DATE April 11, 2018
SUBJECT Packet #1 - JBC Bill Drafts

This memo includes the following bill drafts for the Committees consideration.

- JBC Bill #56 – LLS 0988 “Concerning Changing the Payroll Periods for Salaries Paid Through the State’s Payroll System from Monthly to Biweekly Rather than Twice Monthly.” (Alfredo Kemm)
- JBC Bill #74 – LLS 1183 “Concerning the Effective Date to Transition the Department of Revenue’s CSTARS Account to the Department of Revenue’s DRIVES Vehicle Services Account.” (Alfredo Kemm)
- JBC Bill #61 – LLS 1048 “Concerning the Exemption of Cybersecurity Threat Reports Received by Governmental Entities from the Definition of Public Records Under the “Colorado Open Records Act”.” (Christina Beisel)
- JBC Bill #46 – LLS 1067 “Concerning Increasing Access to Services for Persons with Intellectual and Developmental Disabilities that are Provided by a Stable Workforce.” (Robin Smart)
- JBC Bill #60 – LLS 1088 “Concerning the Removal of Language that Prohibits Sectarian Secondary Schools from Applying for Grants Through the Tony Grampas Youth Services Program.” (Robin Smart)
 - There are two version of this draft LLS 1088.01 and LLS 1088.02
- JBC Bill #25 – LLS 1163 “Concerning Eligibility for Benefits Under the Supplemental Nutrition Assistance Program” (Kevin Neimond)

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT

UNEDITED
UNREVISED
REDRAFT
3.26.18
Double underlining
denotes changes from
prior draft

LLS NO. 18-0988.01 Nicole Myers x4326

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: "Biweekly Salary Payment For State Employees"

A BILL FOR AN ACT

101 CONCERNING CHANGING THE PAYROLL PERIODS FOR SALARIES PAID
102 THROUGH THE STATE'S PAYROLL SYSTEM FROM MONTHLY TO
103 BIWEEKLY RATHER THAN TWICE MONTHLY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Joint Budget Committee. Currently, the majority of state employees who are paid through the state's payroll system are paid on a monthly basis and some state employees are paid on a biweekly basis. For employees who are paid monthly, salaries are paid as of the last working day of the month; except that salaries for June are paid on the first

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Dashes through the words indicate deletions from existing statute.*

working day of July. For employees who are paid biweekly, salaries are paid 14 days after the last day of the pay period.

In 2015, the general assembly passed legislation that required all state employees paid through the state's payroll system to be paid twice a month beginning July 1, 2017. It also required salaries to be paid 14 days after the last day of the pay period. In 2016, the general assembly passed legislation that allowed the state personnel director to delay the implementation date of the twice-monthly payroll system, and the implementation of such system has not yet occurred.

The bill repeals the requirement to implement a twice-monthly payroll system and instead requires all state employees that are paid through the state's payroll system to be paid biweekly beginning July 1, 2018. Salaries will be paid 14 days after the last day of the pay period. Beginning in the 2018-19 fiscal year and in each fiscal year thereafter, the bill requires each department to account for the general-funded payroll expense for the first biweekly payroll paid on or after June 1 plus the next biweekly payroll paid in June into the next fiscal year. _____

In 2015, the general assembly also enacted a one-time loan program to assist state employees in covering expenses in the first month that there is a 14-day period between the end of the pay period and the payment of salary. The bill modifies the loan program to specify the calculation of the loan and to allow employees to apply to the department of personnel for the loan in July 2018.

In addition, the bill makes necessary conforming amendments to allow the state's payroll system to pay all employees on a biweekly basis.

1 *Be it enacted by the General Assembly of the State of Colorado:*
2 **SECTION 1.** In Colorado Revised Statutes, 24-50-104, **amend**
3 (8)(a), (8)(b), and (8)(c); and **repeal** (8)(a.5), (8)(a.6), (8)(d), and (8)(g)
4 as follows:
5 **24-50-104. Job evaluation and compensation - state employee**
6 **reserve fund - created - definitions - repeal.** (8) **Payroll.** (a) ~~For pay~~
7 ~~periods beginning before July 1, 2017, salaries for positions in the state~~
8 ~~personnel system paid on a monthly basis shall be paid as of the last~~
9 ~~working day of the month, except that:~~ SALARIES FOR EMPLOYEES PAID
10 THROUGH THE STATE'S PAYROLL SYSTEM SHALL BE PAID ON A BIWEEKLY
11 BASIS AND SHALL BE PAID FOURTEEN DAYS AFTER THE LAST DAY OF THE

1 FOURTEEN-DAY PAY PERIOD.

2 ~~(I) Salaries for the month of June shall be paid on the first~~
3 ~~working day of July; and~~

4 ~~(II) For state personnel employees in the department of~~
5 ~~transportation hired before August 5, 1998, as amended, salaries for the~~
6 ~~month of December shall be paid on the first working day in January,~~
7 ~~unless any such employee informs the controller of the department of~~
8 ~~transportation of the employee's desire to be paid in the same manner as~~
9 ~~other employees in the state personnel system as provided in this~~
10 ~~subsection (8), in which case, the employee shall be paid in such manner.~~

11 (a.5) For pay periods beginning before July 1, 2017, for state
12 employment positions that are not in the state personnel system and that
13 are not otherwise covered by paragraph (a) of this subsection (8), salaries
14 paid on a monthly basis for the month of June shall be paid on the first
15 working day of July.

16 (a.6) For pay periods beginning before July 1, 2017, for state
17 employment positions that are not otherwise covered by paragraph (a) or
18 (a.5) of this subsection (8), whether or not the positions are in the state
19 personnel system:

20 ~~(I) and (II) (Deleted by amendment, L. 2015.)~~

21 ~~(III) Effective July 1, 2012, and for pay periods beginning before~~
22 ~~July 1, 2017, salaries paid on a biweekly basis shall be paid fourteen days~~
23 ~~after the last day of the fourteen-day pay period.~~

24 (b) For pay periods beginning on or after July 1, 2017, salaries for
25 employees paid through the state's payroll system shall be paid twice a
26 month as follows: IN EACH FISCAL YEAR, EACH DEPARTMENT SHALL
27 ACCOUNT FOR THE GENERAL-FUNDED PAYROLL EXPENSES FOR THE FIRST

1 BIWEEKLY PAYROLL PAID ON OR AFTER JUNE 1 PLUS THE NEXT BIWEEKLY
2 PAYROLL PAID IN JUNE TO THE NEXT FISCAL YEAR. _____

3 ~~(I) For work performed from July 1, 2017, to July 15, 2017,~~
4 ~~employees shall be paid on July 31, 2017. For work performed from July~~
5 ~~16, 2017, to July 31, 2017, employees shall be paid on August 15, 2017.~~

6 ~~(II) Except as otherwise specified in subparagraph (III) of this~~
7 ~~paragraph (b), for all pay periods after the pay periods specified in~~
8 ~~subparagraph (I) of this paragraph (b), for work performed from the first~~
9 ~~day of the month to the fifteenth day of the same month, employees shall~~
10 ~~be paid on the last day of that month. For work performed from the~~
11 ~~sixteenth day of the month to the end of the same month, employees shall~~
12 ~~be paid on the fifteenth day of the following month.~~

13 ~~(III) For work performed from June 1, 2018, to June 15, 2018,~~
14 ~~employees shall be paid on July 1, 2018, and for work performed from~~
15 ~~June 1 to June 15 each year thereafter, employees shall be paid on July 1~~
16 ~~of the applicable year.~~

17 (c) (I) Any state employee may apply to the department of
18 personnel for a one-time loan to assist the employee in covering expenses
19 in July 2017 **2018**. ~~The amount of the loan shall not be more than an~~
20 ~~amount equal to the employee's net pay for a one-half month pay period.~~

21 THE STATE CONTROLLER MAY MAKE SUCH LOANS PURSUANT TO SECTION
22 24-75-203 (5), AND SHALL WORK WITH EACH DEPARTMENT _____ TO
23 DETERMINE THE AMOUNT OF THE LOAN FOR EACH EMPLOYEE.

24 (II) An employee who receives a loan from the state pursuant to
25 this ~~paragraph (c)~~ SUBSECTION (8)(c) shall repay the loan as specified in
26 this ~~subparagraph (II)~~ SUBSECTION (8)(c)(II). An employee may repay the
27 loan early with no prepayment penalty. If an employee separates from

1 state employment prior to the full loan repayment, the balance of the loan
2 shall be deducted from the employee's last paycheck. An employee shall
3 repay the loan over a three-year period with an after-tax deduction in each
4 paycheck equal to one ~~seventy-second~~ SEVENTY-EIGHTH of the loan
5 amount plus simple interest at the ~~state treasury's incremental borrowing~~
6 ~~rate~~ LOWEST INTEREST RATE ALLOWABLE BY LAW.

7 (d) ~~Monthly salaries shall be converted to annual salary as the~~
8 ~~basis for calculating amounts due for periods other than monthly.~~

9 (g) ~~Notwithstanding the provisions of this subsection (8), if the~~
10 ~~state personnel director determines that, due to circumstances in~~
11 ~~connection with the implementation of the human resources information~~
12 ~~system, it will not be possible on July 1, 2017, to begin paying salaries~~
13 ~~twice monthly for employees paid through the state's payroll system as~~
14 ~~otherwise required in this subsection (8), the director shall, on or before~~
15 ~~June 1, 2017, notify employers that pay employees through the state's~~
16 ~~payroll system, employees who are paid through the state's payroll~~
17 ~~system, and the general assembly that the department will not meet the~~
18 ~~July 1, 2017, deadline and include in the notice the new date on which the~~
19 ~~implementation of the twice monthly payroll system will begin. In~~
20 ~~addition, if the implementation of the twice monthly payroll system is~~
21 ~~delayed, the director shall allow any state employee to apply to the~~
22 ~~department of personnel for a one-time loan to assist the employee in~~
23 ~~covering expenses in the first month in which employees will be paid~~
24 ~~twice monthly, rather than for the month of July 2017, as provided in~~
25 ~~paragraph (c) of this subsection (8).~~

26 **SECTION 2.** In Colorado Revised Statutes, 24-75-201, **amend**
27 (2)(a)(III)(A); and **repeal** (2)(a)(III)(B) as follows:

1 **24-75-201. General fund - general fund surplus - custodial**
2 **moneys.** (2) (a) The general fund surplus shall be determined based upon
3 the accrual system of accounting, as enunciated by the governmental
4 accounting standards board; except that:

5 (III) (A) General fund revenues shall be restricted ~~only upon~~
6 ~~actual payment on the first and fifteenth working day of July of salaries~~
7 ~~of state employees for the month of~~ IN THE AMOUNT OF THE FIRST
8 BIWEEKLY PAYROLL PAID ON OR AFTER JUNE 1 PLUS THE AMOUNT OF THE
9 NEXT BIWEEKLY PAYROLL PAID IN June from general fund revenues.

10 (B) ~~General fund revenues shall be restricted only upon actual~~
11 ~~payment in July of any bimonthly salaries of state employees for which~~
12 ~~all or a portion thereof is for work performed during the month of June~~
13 ~~from general fund revenues.~~

14 **SECTION 3. In Colorado Revised Statutes, 24-75-203, add (5)**
15 as follows:

16 **24-75-203. Loans and advances. (5) OUT OF ANY MONEY IN THE**
17 STATE TREASURY NOT IMMEDIATELY REQUIRED TO BE DISBURSED, THE
18 CONTROLLER MAY MAKE A ONE-TIME LOAN TO ANY STATE EMPLOYEE PAID
19 THROUGH THE STATE'S PAYROLL SYSTEM TO COMPENSATE THE EMPLOYEE
20 FOR SALARY THAT HE OR SHE WOULD HAVE RECEIVED IN JULY, 2018, BUT
21 FOR THE IMPLEMENTATION OF THE BIWEEKLY PAY SYSTEM PURSUANT TO
22 SECTION 24-50-104 (8). EACH LOAN SHALL BEAR INTEREST AND SHALL BE
23 REPAID TO THE STATE TREASURY BY THE STATE EMPLOYEE AS SPECIFIED
24 IN SECTION 24-50-104 (8)(C)(II).

25 **SECTION 4. Effective date.** This act takes effect July 1, 2018.

26 **SECTION 5. 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, and safety.

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
3.27.18

DRAFT

LLS NO. 18-1183.01 Kip Kolkmeier x4510

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: "CSTARS Acct Transfer To DRIVES Acct Effective Date"

A BILL FOR AN ACT

101 **CONCERNING THE EFFECTIVE DATE TO TRANSITION THE DEPARTMENT**
102 **OF REVENUE'S CSTARS ACCOUNT TO THE DEPARTMENT OF**
103 **REVENUE'S DRIVES VEHICLE SERVICES ACCOUNT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Joint Budget Committee. The bill establishes a uniform date of July 1, 2019, to transition the department of revenue's Colorado state titling and registration (CSTARS) account to the department of revenue's DRIVES vehicle services account. The bill also delays for one year the corresponding statutory repeal dates.

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-1-211, **amend**
3 (2)(a) and (2)(b)(II) as follows:

4 **42-1-211. Driver's license, record, identification, and vehicle**
5 **enterprise solution - repeal.** (2) (a) (I) There is hereby created the
6 Colorado state titling and registration account in the highway users tax
7 fund for the purpose of providing funds: For the development and
8 operation of the Colorado state titling and registration system, including
9 operations performed under articles 3, 4, 6, 7, and 12 of this title 42; to
10 cover the costs of administration and enforcement of the motorist
11 insurance identification database program created in section 42-7-604;
12 and to purchase and issue license plates, decals, and validating tabs in
13 accordance with article 3 of this title 42. Money received from the fees
14 imposed by sections 38-29-138 (1), (2), (4), and (5), 42-1-206 (2)(a),
15 42-3-107 (22), 42-3-213 (1)(b)(IV), 42-6-137 (1), (2), (4), (5), and (6),
16 and 42-3-304 (18)(d), as well as any money received through gifts, grants,
17 and donations to the account from private or public sources for the
18 purposes of this section, shall be credited by the state treasurer to the
19 account until ~~September 1, 2018~~ JULY 1, 2019. The general assembly
20 shall appropriate annually the money in the account for the purposes of
21 this subsection (2). If any unexpended and unencumbered money remains
22 in the account at the end of a fiscal year, the balance remains in the fund
23 and is not transferred to the general fund or any other fund; except that
24 the state treasurer shall transfer thirty-three percent of the unexpended
25 and unencumbered money in the Colorado state titling and registration
26 account to the Colorado DRIVES vehicle services account on ~~September~~

1 ~~1, 2018~~ JULY 1, 2019, and all unexpended and unencumbered money
2 remaining in the Colorado state titling and registration account to the
3 Colorado DRIVES vehicle services account at the end of fiscal year
4 2018-19.

5 (II) This subsection (2)(a) is repealed, effective July 1, ~~2019~~ 2020.

6 (b) (II) (A) This subsection (2)(b) takes effect ~~September 1, 2018~~
7 JULY 1, 2019.

8 (B) This subsection (2)(b)(II) is repealed, effective July 1, ~~2019~~
9 2020.

10 **SECTION 2.** In Colorado Revised Statutes, 42-1-231, **amend**
11 (3)(b)(II) and (3)(c)(II) as follows:

12 **42-1-231. Kiosk pilot program - repeal.** (3) (b) (II) This
13 subsection (3)(b) is repealed, effective ~~September 1, 2018~~ JULY 1, 2019.

14 (c) (II) (A) This subsection (3)(c) takes effect ~~September 1, 2018~~
15 JULY 1, 2019.

16 (B) This subsection (3)(c)(II) is repealed, effective July 1, ~~2019~~
17 2020.

18 **SECTION 3.** In Colorado Revised Statutes, 42-3-304, **amend**
19 (18)(d)(I) as follows:

20 **42-3-304. Registration fees - passenger and passenger-mile**
21 **taxes - clean screen fund - definitions - repeal.** (18) (d) (I) (A) In
22 addition to any other fee imposed by this section, the owner, in order to
23 register a motor vehicle or low-power scooter, must pay a motorist
24 insurance identification fee. The department shall annually adjust the fee
25 based upon appropriations made by the general assembly for the operation
26 of the motorist insurance identification database program. The department
27 shall transmit the fee to the state treasurer, who shall credit it to the

1 Colorado state titling and registration account created in section 42-1-211
2 (2). This subsection (18)(d)(I)(A) is repealed, effective ~~September 1,~~
3 ~~2018~~ JULY 1, 2019.

4 (B) In addition to any other fee imposed by this section, the
5 owner, in order to register a motor vehicle or low-power scooter, must
6 pay a motorist insurance identification fee. The department shall annually
7 adjust the fee based upon appropriations made by the general assembly
8 for the operation of the motorist insurance identification database
9 program. The department shall transmit the fee to the state treasurer, who
10 shall credit it to the Colorado DRIVES vehicle services account created
11 in section 42-1-211 (2). This subsection (18)(d)(I)(B) takes effect
12 ~~September 1, 2018~~ JULY 1, 2019.

13 **SECTION 4.** In Colorado Revised Statutes, 42-3-306, **amend**
14 (14)(b)(I)(B) and (14)(b)(II)(B) as follows:

15 **42-3-306. Registration fees - passenger and passenger-mile**
16 **taxes - fee schedule - repeal.** (14) (b) (I) (B) This subsection (14)(b) is
17 repealed, effective ~~September 1, 2018~~ JULY 1, 2019.

18 (II) (B) This subsection (14)(b)(II) takes effect ~~September 1, 2018~~
19 JULY 1, 2019. This subsection (14)(b)(II)(B) is repealed, effective July 1,
20 ~~2019~~ 2020.

21 **SECTION 5.** In Colorado Revised Statutes, 42-3-313, **amend**
22 (2)(c)(I) as follows:

23 **42-3-313. Fee for long-term or permanent registration -**
24 **trailers and semitrailers.** (2) (c) The department shall transfer the
25 remainder of the fee to the state treasurer, who shall credit the following
26 amounts to the following funds:

27 (I) Fifty cents to the Colorado state titling and registration account

1 created in section 42-1-211 (2) within the highway users tax fund until
2 ~~September 1, 2018~~ JULY 1, 2019, and thereafter to the Colorado DRIVES
3 vehicle services account created in section 42-1-211 (2) within the
4 highway users tax fund;

5 **SECTION 6. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
3.14.18

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LLS NO. 18-1048.01 Nicole Myers x4326

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: "Exempt Records Of Cybersecurity Threats From CORA"

A BILL FOR AN ACT

101 **CONCERNING THE EXEMPTION OF CYBERSECURITY THREAT REPORTS**
102 **RECEIVED BY GOVERNMENTAL ENTITIES FROM THE DEFINITION**
103 **OF PUBLIC RECORDS UNDER THE "COLORADO OPEN RECORDS**
104 **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/>.)

Joint Budget Committee. The "Colorado Open Records Act" (CORA) specifies that all public records will be open for inspection by any person. The custodian of a public record must allow the inspection of

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the record unless specific ground for denial is established in CORA. To address confidentiality concerns, the bill exempts from the definition of "public records" under CORA records of cybersecurity threat reports received by certain governmental entities.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-72-202, **amend**
3 (6)(b)(XII) and (6)(b)(XIII); and **add** (6)(b)(XIV) as follows:

4 **24-72-202. Definitions.** As used in this part 2, unless the context
5 otherwise requires:

6 (6) (b) "Public records" does not include:

7 (XII) Information security audit and assessment reports prepared
8 pursuant to section 24-37.5-403 (2)(d) or 24-37.5-404.5 (2)(d); ~~or~~

9 (XIII) The information provided to the state medical marijuana
10 licensing authority pursuant to section 25-1.5-106 (7)(e); ~~C.R.S.~~ OR

11 (XIV) INFORMATION REGARDING A CYBERSECURITY THREAT
12 PROVIDED TO THE DIVISION OF HOMELAND SECURITY AND EMERGENCY
13 MANAGEMENT IN THE DEPARTMENT OF PUBLIC SAFETY, THE GOVERNING
14 BODY OF ANY CITY, COUNTY, CITY AND COUNTY, OR OTHER POLITICAL
15 SUBDIVISION OF THE STATE, OR ANY FEDERAL, STATE, OR LOCAL LAW
16 ENFORCEMENT AGENCY.

17 **SECTION 2. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 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 2018 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor. <{Ask
4 Committee}>

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

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4.9.18

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LLS NO. 18-1067.01 Brita Darling x2241

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: "Access To Disability Services And Stable Workforce"

A BILL FOR AN ACT

101 **CONCERNING INCREASING ACCESS TO SERVICES FOR PERSONS WITH**
102 **INTELLECTUAL AND DEVELOPMENTAL DISABILITIES THAT ARE**
103 **PROVIDED BY A STABLE WORKFORCE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Joint Budget Committee. Commencing in the 2018-19 state fiscal year, the bill increases the reimbursement rate by 6.5% for certain services specified in the bill that are delivered through the home- and community-based services intellectual and developmental disabilities, supported living services, and children's extensive supports waivers.

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

Service agencies shall use 100% of the increased funding resulting from the increase in the reimbursement rate for compensation, as defined in the bill, for direct support professionals, as defined in the bill.

The bill requires service agencies to document the use of the increased funding for compensation using a reporting tool developed by the department of health care policy and financing (department) and the service agencies. The department has access to the supporting documentation and may determine that a service agency is not using the increased funding as required.

If the department determines that a service agency does not use 100% of the increased funding resulting from the increase in the reimbursement rate for compensation for direct support professionals, the service agency may take action within a specific time frame to contest the determination or submit a corrective action plan to the department.

The department shall recoup from the service agency the amount of funding resulting from the reimbursement rate increase that is not used for compensation for direct support professionals.

Once sufficient data is available to assess the impact and outcomes of the reimbursement rate increase on persons with intellectual and developmental disabilities, the department shall include the impact and outcome data, including staff stability survey data, in its annual report to the general assembly concerning the waiting list for intellectual and developmental disability services.

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

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

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

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

4 (a) Thousands of Coloradans with intellectual and developmental
5 disabilities spend years and even decades waiting for comprehensive

1 services provided by the home- and community-based services for
2 developmental disabilities (HCBS-DD) waiver;

3 (b) Reducing and eliminating the waiting list for HCBS-DD
4 waiver services is a longstanding goal of the general assembly and the
5 intellectual and developmental disability community;

6 (c) Many persons on the waiting list for HCBS-DD waiver
7 services must experience a crisis before being offered services on an
8 emergency basis, creating undue hardship and strain on the person, his or
9 her caregivers, and the service system;

10 (d) In order to best serve these persons and others receiving
11 waiver services, Colorado must have a stable direct support workforce;

12 (e) Colorado and the nation are experiencing a shortage of direct
13 support professionals who provide support to persons with intellectual
14 and developmental disabilities in the community; and

15 (f) A stable direct support workforce is critical to ensuring
16 continuity of support and positive outcomes for persons with intellectual
17 and developmental disabilities.

18 (2) Therefore, the general assembly declares that a significant
19 investment is needed to ensure a stable workforce and access to services
20 for Coloradans with intellectual and developmental disabilities.

21 **SECTION 2.** In Colorado Revised Statutes, **amend** 25.5-6-406
22 as follows:

23 **25.5-6-406. Appropriations - reimbursement for services -**
24 **direct support professionals - legislative declaration - definitions.**

25 (1) To carry out duties and obligations pursuant to this part 4 and for the
26 administration and provision of services to eligible persons all medicaid
27 funds appropriated pursuant to Title XIX of the federal "Social Security

1 Act", as amended, for the provision of care for persons with
2 developmental disabilities and all other funds otherwise appropriated by
3 the general assembly as additional sources of program funding shall be
4 ARE available for the placement of eligible ~~individuals~~ PERSONS either in
5 intermediate care facilities for ~~individuals~~ PERSONS with intellectual
6 disabilities or alternatives to such placements.

7 (2) (a) (I) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

8 (A) COLORADO'S SYSTEM OF HOME- AND COMMUNITY-BASED
9 SERVICES THAT SUPPORTS COLORADANS WITH INTELLECTUAL AND
10 DEVELOPMENTAL DISABILITIES HAS GROWN TO SERVE MORE THAN TWELVE
11 THOUSAND PERSONS AND THEIR FAMILIES;

12 (B) COSTS ASSOCIATED WITH PROVIDING THESE SERVICES
13 CONTINUE TO RISE WITH GROWTH IN DEMAND, INFLATION, INCREASED
14 REGULATION, RISING MINIMUM WAGES, RISING HEALTH CARE COSTS, AND
15 OTHER ECONOMIC FACTORS;

16 (C) REIMBURSEMENT RATES HAVE NOT KEPT PACE WITH THESE
17 RISING COSTS, RESULTING IN REDUCED ACCESS TO SERVICES FOR
18 COLORADANS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES;

19 (D) COLORADO NEEDS SIGNIFICANT INITIAL INVESTMENTS TO
20 ADDRESS THE MOST URGENT ISSUES CONCERNING SERVICES FOR PERSONS
21 WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, AS WELL AS
22 FUTURE LONG-TERM PLANNING TO ADDRESS THE GROWING STRAIN ON THE
23 SYSTEM;

24 (E) ONE OF THE MOST URGENT ISSUES IS THE WORKFORCE CRISIS
25 AMONG DIRECT SUPPORT PROFESSIONALS, CHARACTERIZED BY
26 CHRONICALLY LOW WAGES, LIMITED BENEFITS, AND LACK OF CAREER
27 ADVANCEMENT OPPORTUNITIES FOR THESE CRITICAL WORKERS;

1 (F) COLORADO IS EXPERIENCING A WORKFORCE CRISIS AMONG
2 DIRECT SUPPORT PROFESSIONALS BECAUSE REIMBURSEMENT RATES
3 CANNOT SUPPORT THE COMPENSATION NEEDED TO MATCH THE HIGH LEVEL
4 OF RESPONSIBILITY REQUIRED IN THESE JOBS;

5 (G) AGENCIES THAT SERVE PEOPLE WITH INTELLECTUAL AND
6 DEVELOPMENTAL DISABILITIES INCREASINGLY STRUGGLE TO RECRUIT AND
7 RETAIN DIRECT SUPPORT PROFESSIONALS TO MEET THE DEMAND FOR
8 SERVICES; AND

9 (H) HIGH TURNOVER AMONG DIRECT SUPPORT PROFESSIONALS
10 RESULTS IN REDUCED CONTINUITY OF SERVICES FOR PERSONS WITH
11 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

12 (II) THEREFORE, AS AN INITIAL INVESTMENT, COLORADO'S
13 REIMBURSEMENT RATES SHOULD BE INCREASED TO ALLOW FOR DIRECT
14 SUPPORT PROFESSIONAL COMPENSATION THAT BETTER REFLECTS MARKET
15 REALITIES AND THE HIGH LEVEL OF RESPONSIBILITY REQUIRED IN THESE
16 JOBS.

17 (b) AS USED IN THIS SUBSECTION (2), UNLESS THE CONTEXT
18 OTHERWISE REQUIRES:

19 (I) "COMPENSATION" MEANS ANY FORM OF MONETARY PAYMENT,
20 INCLUDING BONUSES, EMPLOYER-PAID HEALTH AND OTHER INSURANCE
21 PROGRAMS, PAID TIME OFF, PAYROLL TAXES, AND ALL OTHER FIXED AND
22 VARIABLE BENEFITS CONFERRED ON OR RECEIVED BY A DIRECT SUPPORT
23 PROFESSIONAL.

24 (II) "DIRECT SUPPORT PROFESSIONAL" MEANS A WORKER WHO
25 ASSISTS OR SUPERVISES A WORKER TO ASSIST A PERSON WITH
26 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES TO LEAD A FULFILLING
27 LIFE IN THE COMMUNITY THROUGH A DIVERSE RANGE OF SERVICES,

1 INCLUDING HELPING THE PERSON GET READY IN THE MORNING, TAKE
2 MEDICATION, GO TO WORK OR FIND WORK, AND PARTICIPATE IN SOCIAL
3 ACTIVITIES. "DIRECT SUPPORT PROFESSIONAL" INCLUDES ALL WORKERS
4 CATEGORIZED AS PROGRAM DIRECT SUPPORT PROFESSIONALS AND
5 EXCLUDES WORKERS CATEGORIZED AS ADMINISTRATIVE, AS DEFINED IN
6 STANDARDS ESTABLISHED BY THE FINANCIAL ACCOUNTING STANDARDS
7 BOARD.

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

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

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

1 INCREASE IN REIMBURSEMENT RATES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
3.9.18

DRAFT

LLS NO. 18-1088.01 Brita Darling x2241

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: "Tony Grampsas Participation Sectarian Schools"

A BILL FOR AN ACT

101 CONCERNING THE REMOVAL OF LANGUAGE THAT PROHIBITS
102 SECTARIAN SECONDARY SCHOOLS FROM APPLYING FOR GRANTS
103 THROUGH THE TONY GRAMPSAS YOUTH SERVICES 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/>.)

Joint Budget Committee. The bill removes language from the Tony Grampsas youth services program (program) that prohibits a sectarian secondary school from applying for grants through the program and makes a conforming amendment relating to activities of the Tony Grampsas youth services board.

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-6.8-101, **amend**
3 the introductory portion and (2) as follows:

4 **26-6.8-101. Definitions.** As used in this ~~article~~ ARTICLE 6.8,
5 unless the context otherwise requires:

6 (2) "Entity" means a local government, a Colorado public or
7 ~~nonsectarian~~ NONPUBLIC secondary school, a group of public or
8 ~~nonsectarian~~ NONPUBLIC secondary schools, a school district or group of
9 school districts, a board of cooperative services, an institution of higher
10 education, the Colorado National Guard, a state agency, a state-operated
11 program, or a private nonprofit or not-for-profit community-based
12 organization.

13 **SECTION 2.** In Colorado Revised Statutes, 26-1-111.3, **amend**
14 (5)(a) as follows:

15 **26-1-111.3. Activities of the state department under the**
16 **supervision of the executive director - Colorado state youth**
17 **development plan - creation - definitions.** (5) As used in this section,
18 unless the context otherwise requires:

19 (a) "Entity" means any local government, state public or
20 ~~nonsectarian~~ NONPUBLIC secondary school, charter school, group of
21 public or ~~nonsectarian~~ NONPUBLIC secondary schools, school district or
22 group of school districts, board of cooperative services, state institution
23 of higher education, the Colorado National Guard, state agency,
24 state-operated program, private nonprofit organization, or nonprofit
25 community-based organization.

26 **SECTION 3. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2018 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
3.19.18

DRAFT

LLS NO. 18-1088.02 Brita Darling x2241

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: "Sectarian Entity Participation In Grant Program"

A BILL FOR AN ACT

101 CONCERNING THE REMOVAL OF LANGUAGE THAT PROHIBITS
102 SECTARIAN ENTITIES FROM APPLYING FOR CERTAIN PUBLIC
103 GRANT 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/>.)

Joint Budget Committee. The bill removes language from the Tony Grampsas youth services program (program) that prohibits a sectarian secondary school from applying for grants through the program and makes a conforming amendment relating to activities of the Tony Grampsas youth services board. In addition, the bill removes language in

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

the before- and after-school program that prohibits a sectarian nonprofit community organization from partnering with a public school to provide before- and after-school arts-based and vocational activity programs through the grant program.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-6.8-101, **amend**
3 the introductory portion and (2) as follows:

4 **26-6.8-101. Definitions.** As used in this ~~article~~ ARTICLE 6.8,
5 unless the context otherwise requires:

6 (2) "Entity" means a local government, a Colorado public or
7 ~~nonsectarian~~ NONPUBLIC secondary school, a group of public or
8 ~~nonsectarian~~ NONPUBLIC secondary schools, a school district or group of
9 school districts, a board of cooperative services, an institution of higher
10 education, the Colorado National Guard, a state agency, a state-operated
11 program, or a private nonprofit or not-for-profit community-based
12 organization.

13 **SECTION 2.** In Colorado Revised Statutes, 26-1-111.3, **amend**
14 (5)(a) as follows:

15 **26-1-111.3. Activities of the state department under the**
16 **supervision of the executive director - Colorado state youth**
17 **development plan - creation - definitions.** (5) As used in this section,
18 unless the context otherwise requires:

19 (a) "Entity" means any local government, state public or
20 ~~nonsectarian~~ NONPUBLIC secondary school, charter school, group of
21 public or ~~nonsectarian~~ NONPUBLIC secondary schools, school district or
22 group of school districts, board of cooperative services, state institution
23 of higher education, the Colorado National Guard, state agency,

1 state-operated program, private nonprofit organization, or nonprofit
2 community-based organization.

3 **SECTION 3.** In Colorado Revised Statutes, 22-27.5-102, **amend**
4 the introductory portion and (6) as follows:

5 **22-27.5-102. Definitions.** As used in this ~~article~~ ARTICLE 27.5,
6 unless the context otherwise requires:

7 (6) "Qualified community organization" means a nonprofit or
8 not-for-profit, ~~nonsectarian~~, community-based organization that provides
9 before- and after-school, arts-based or vocational activity programs to
10 low-income youth enrolled in grades six through twelve.

11 **SECTION 4. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2018 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

UNEDITED
UNREVISED
DRAFT
4.5.18

DRAFT

LLS NO. 18-1163.01 Jerry Barry x4341

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: "Eligibility For SNAP"

A BILL FOR AN ACT

101 **CONCERNING ELIGIBILITY FOR BENEFITS UNDER THE SUPPLEMENTAL**
102 **NUTRITION ASSISTANCE 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/>.)

Under current law, the state board of human services establishes eligibility criteria for the federal supplemental nutrition assistance program. The bill requires eligibility for persons or families whose income is not more than 200% of the federal poverty level.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-2-305.5, **amend**
3 (2)(a) as follows:

4 **26-2-305.5. Categorical eligibility - repeal.**(2) (a) ~~No later than~~
5 ~~October 1, 2010~~ The state department shall create a program or policy
6 that, in compliance with federal law, establishes broad-based categorical
7 eligibility for federal food assistance benefits pursuant to the
8 supplemental nutrition assistance program; EXCEPT THAT, THE ANY
9 PERSON OR FAMILY WHOSE INCOME IS NOT MORE THAN TWO HUNDRED
10 PERCENT OF THE FEDERAL POVERTY LEVEL MUST BE ELIGIBLE.

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