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MEMORANDUM (2)(F)¹

TO: Statutory Revision Committee
FROM: Jane M. Ritter, Office of Legislative Legal Services
DATE: August 11, 2017
SUBJECT: Longstanding unfunded programs in the Department of Human Services

Summary and Analysis

This issue is in response to a query to the Department of Human Services (DHS) regarding any programs or funds that were created but either were never funded or have not been funded in several years, and, as such, DHS believes should be repealed.

Three of the programs and funds have not been funded since 2011,² and one had funding repealed in 2009 and never reinstated.³

¹ This legal memorandum was prepared by the Office of Legislative Legal Services (OLLS) in the course of its statutory duty to provide staff assistance to the Statutory Revision Committee (SRC). It does not represent an official legal position of the OLLS, SRC, General Assembly, or the state of Colorado, and is not binding on the members of the SRC. This memorandum is intended for use in the legislative process and as information to assist the SRC in the performance of its legislative duties.

² The medically correctable program and report, § 26-2-135, C.R.S.; the county block grant support fund, § 26-2-720.5, C.R.S.; and the Colorado works program maintenance fund, § 26-2-721.3, C.R.S.

³ The child welfare and mental health services pilot program, § 19-3-208.5, C.R.S.

Statutory Charge⁴

By repealing programs that have not been funded in more than six years, the proposed bill fits into the Committee's statutory charge by bringing statute in line with current conditions.

Proposed Bill

The attached bill draft⁵ repeals the four programs and funds that have not received funding since 2009 and 2011.

⁴ The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions". § 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." § 2-3-902 (3), C.R.S.

⁵ See **Addendum A**.

Addendum A
Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL (2)(F)

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LLS NO. 18-####.## Jane Ritter x4342

COMMITTEE BILL

Statutory Revision Committee

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF UNFUNDED PROGRAMS IN THE**
102 **DEPARTMENT OF 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/>.)

Statutory Revision Committee. The bill repeals programs, funds, and related reports established in the department of human services that had funding repealed 7 or more years ago or are otherwise obsolete. The bill makes conforming amendments.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters 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, **repeal** 19-3-208.5 as
3 follows:

4 **19-3-208.5. Pilot program - legislative declaration - child**
5 **welfare - mental health services - rules - repeal.** ~~(1) The general~~
6 ~~assembly hereby finds and declares that:~~

7 ~~(a) Child abuse and neglect is a serious and reprehensible problem~~
8 ~~in our society and state;~~

9 ~~(b) A child who has been abused or neglected is at a significantly~~
10 ~~increased risk of suffering from mental health or behavioral issues;~~

11 ~~(c) If a child who has been abused or neglected does not receive~~
12 ~~treatment for mental health or behavioral issues, those issues may~~
13 ~~significantly limit that child's quality of life and future productivity;~~

14 ~~(d) A child who has been abused or neglected and who is not~~
15 ~~provided with treatment for mental health or behavioral issues has a~~
16 ~~significantly increased risk of involvement in substance abuse, crime, and~~
17 ~~teen pregnancy and is more likely to have lower performance results on~~
18 ~~standardized tests, to repeat a grade, or to experience depression or~~
19 ~~suicidal behavior;~~

20 ~~(e) The social and medical issues that may arise in the future for~~
21 ~~a child who has been abused or neglected and who has not received~~
22 ~~treatment for mental health or behavioral issues will be more likely to~~
23 ~~result in a substantial increase in costs to the state for juvenile and~~
24 ~~correctional facilities, alcohol and drug abuse programs, and loss of~~
25 ~~productivity;~~

26 ~~(f) Providing mental health screenings, evaluations, and mental~~

1 health services is necessary to creating the best opportunity for a child
2 who is the victim of child abuse or neglect to have a bright future and
3 lead a productive life;

4 (g) Including mental health screenings, evaluations, and mental
5 health services for siblings of children who are the subject of a
6 substantiated case of abuse or neglect may increase the likelihood of more
7 effective and positive outcomes for everyone involved; and

8 (h) Establishing a pilot program concerning child welfare and
9 mental health services will provide the opportunity to evaluate the
10 effectiveness of providing mental health screenings and evaluations and
11 mental health services for children from four through ten years of age
12 who are the subject of a substantiated case of abuse or neglect and for
13 siblings to whom they are related.

14 (2) There is hereby created the child welfare and mental health
15 services pilot program, referred to in this section as the "pilot program",
16 in the state department of human services. The purpose of the pilot
17 program is to provide mental health screenings and evaluations and
18 mental health services for any child who is from four through ten years
19 of age and who is the subject of a case of abuse or neglect that has been
20 substantiated by a county department of social services and to evaluate
21 the effectiveness of providing such services. The pilot program shall
22 provide mental health screenings and evaluations and mental health
23 services regardless of whether the child remains at home with his or her
24 parents, is placed in foster or kinship care, or is under court supervision.
25 The pilot program shall also provide mental health screenings and
26 evaluations and mental health services to siblings of the abused or
27 neglected child.

1 ~~(3) Notwithstanding the provisions of subsection (2), any child~~
2 ~~who is receiving services through the pilot program shall continue to be~~
3 ~~eligible to receive services through the pilot program after his or her tenth~~
4 ~~birthday.~~

5 ~~(4) On or before July 1, 2015, the state department of human~~
6 ~~services shall issue a request for proposals for the selection of a~~
7 ~~contractor for the development of the pilot program pursuant to this~~
8 ~~section. The state department of human services shall establish criteria for~~
9 ~~the selection of the pilot program contractor, including the expertise of~~
10 ~~the contractor related to the requirements of the pilot program, the~~
11 ~~capabilities and resources of the contractor necessary to perform the~~
12 ~~work, and the quality of the application. On or before April 1, 2016, the~~
13 ~~state department of human services shall promulgate rules necessary to~~
14 ~~implement the provisions of this section. The rules shall include, but need~~
15 ~~not be limited to, criteria based upon scientifically rigorous methods for~~
16 ~~evaluating the effectiveness of the pilot program.~~

17 ~~(5) Beginning on or before July 1, 2016, and ending June 30,~~
18 ~~2019, the pilot program shall be implemented in a minimum of three~~
19 ~~Colorado counties or regions selected by the executive director of the~~
20 ~~state department of human services based upon applications submitted by~~
21 ~~a department of human or social services for one or more counties, in~~
22 ~~conjunction with local community mental health centers, and criteria~~
23 ~~established by the state department, including a commitment of resources~~
24 ~~by or through the county, the quality of the county's application, and the~~
25 ~~historical practices and collaborative initiatives of the county.~~

26 ~~(6) The pilot program shall provide the following services and~~
27 ~~programs:~~

1 ~~(a) Age-appropriate mental health screenings for children and~~
2 ~~their siblings who meet the criteria described in subsection (2) of this~~
3 ~~section;~~

4 ~~(b) A mental health evaluation if the mental health screening~~
5 ~~described in paragraph (a) of this subsection (6) determines the child or~~
6 ~~his or her sibling needs such an evaluation;~~

7 ~~(c) Mental health services, including evidence-based practices or~~
8 ~~available practices, in community mental health center settings for~~
9 ~~children and their siblings based upon the results of the mental health~~
10 ~~evaluation performed pursuant to paragraph (b) of this subsection (6) and~~
11 ~~included in the case management plan;~~

12 ~~(d) Referrals to other agencies and programs as appropriate for~~
13 ~~children and their siblings based upon the results of the mental health~~
14 ~~evaluation performed pursuant to paragraph (b) of this subsection (6);~~

15 ~~(e) Integrated child welfare and mental health programs for~~
16 ~~children and their siblings eligible for services through the pilot program;~~
17 ~~and~~

18 ~~(f) Training programs to provide training and consultation on~~
19 ~~evidence-based and available practices and the provision of integrated~~
20 ~~child welfare and community mental health center programs.~~

21 ~~(7) If a child is eligible to receive pilot program services pursuant~~
22 ~~to subsection (3) of this section and he or she is also eligible to receive~~
23 ~~public assistance funding for those services through the "Colorado~~
24 ~~Medical Assistance Act", article 4 of title 25.5, C.R.S., or the "Children's~~
25 ~~Basic Health Plan Act", article 8 of title 25.5, C.R.S., the pilot program~~
26 ~~services shall be funded with the public assistance moneys first, with any~~
27 ~~balance to be funded out of moneys available through the pilot program.~~

1 ~~(8) The state department of human services shall conduct an~~
2 ~~evaluation of the pilot program based upon the criteria established~~
3 ~~pursuant to subsection (4) of this section, as well as the costs of the pilot~~
4 ~~program, and submit a report based on its evaluation to the health and~~
5 ~~human services committees of the house of representatives and the senate,~~
6 ~~or any successor committees, on or before January 30, 2019.~~

7 ~~(9) This section is repealed, effective July 1, 2019.~~

8 **SECTION 2.** In Colorado Revised Statutes, **repeal** 26-2-720.5 as
9 follows:

10 **26-2-720.5. County block grant support fund - created.**

11 ~~(1) The state department shall create a county block grant support fund~~
12 ~~that shall consist of moneys annually appropriated thereto by the general~~
13 ~~assembly. Any unexpended moneys remaining in the county block grant~~
14 ~~support fund at the end of a fiscal year shall be remitted to the Colorado~~
15 ~~long-term works reserve.~~

16 ~~(2) The state department, with input from the works allocation~~
17 ~~committee, shall allocate moneys in the county block grant support fund~~
18 ~~to counties according to criteria and procedures established by the state~~
19 ~~department and the works allocation committee.~~

20 ~~(3) A county that meets the criteria established by the state~~
21 ~~department and the works allocation committee pursuant to subsection (2)~~
22 ~~of this section may request moneys from the county block grant support~~
23 ~~fund. Priority shall be given to any county that exhausts all moneys~~
24 ~~available in the county's block grant for the Colorado works program for~~
25 ~~that fiscal year.~~

26 ~~(4) The state department, with input from the works allocation~~
27 ~~committee, may allocate moneys to counties out of the county block grant~~

1 support fund during the state fiscal year or at the end of a state fiscal year.

2 (5) ~~The state department shall annually report to the joint budget~~
3 ~~committee on any allocations made from the county block grant support~~
4 ~~fund, including the amount requested by each county and the county's~~
5 ~~reason for requesting the moneys, and the amount allocated to each~~
6 ~~county and the reasons for the state department's decision regarding each~~
7 ~~request.~~

8 **SECTION 3.** In Colorado Revised Statutes, 26-2-721, **amend** (1)
9 and (2) introductory portion; and **repeal** (2)(a)(I) as follows:

10 **26-2-721. Colorado long-term works reserve - creation - use.**

11 (1) ~~There is hereby created~~ The Colorado long-term works reserve,
12 referred to in this section as the "reserve", ~~that shall consist~~ IS CREATED
13 AND CONSISTS of unappropriated TANF block grant ~~moneys~~ MONEY, state
14 general fund ~~moneys~~ MONEY appropriated ~~thereto~~ by the general
15 assembly, and ~~moneys~~ MONEY transferred ~~thereto~~ pursuant to sections
16 26-2-714 (5)(a) AND 26-2-716 (4)(b). ~~26-2-720.5 (1), and 26-2-721.3 (1).~~
17 A county's excess unspent TANF reserves that are transferred to another
18 county pursuant to section 26-2-714 (5)(a)(I)(B) or (5)(a)(I)(C) ~~shall~~ ARE
19 not ~~be~~ considered unappropriated TANF block grant ~~moneys~~ MONEY for
20 purposes of this section. Any excess unspent TANF reserves for state
21 fiscal year 2009-10 shall be excluded from the Colorado long-term works
22 reserve and ~~shall~~ be available for transfer to a county pursuant to section
23 26-2-714 (5)(a)(I)(B).

24 (2) The general assembly, upon request of the state department,
25 may appropriate the ~~moneys~~ MONEY in the reserve for the purposes of:

- 26 (a) Implementing the works program, including but not limited to:
27 (I) ~~Funding the Colorado works program maintenance fund~~

1 created in section 26-2-721.3; and

2 **SECTION 4.** In Colorado Revised Statutes, 26-2-804, **amend** (2)
3 introductory portion; and **repeal** (2)(d) as follows:

4 **26-2-804. Funding - allocation - maintenance of effort.** (2) In
5 state fiscal years 1998-99 and thereafter, the state department may adjust
6 the county block grant identified in subsection (1) of this section by
7 increasing or reducing the amount of such grants based upon factors that
8 shall include but ARE not be limited to:

9 (d) ~~The fact that the county received funds from the county block~~
10 ~~grant support fund, created in section 26-2-720.5, in the previous fiscal~~
11 ~~year for allowable child care expenditures, which may indicate that the~~
12 ~~previous fiscal year's allocation was insufficient to meet the county's~~
13 ~~needs.~~

14 **SECTION 5.** In Colorado Revised Statutes, **repeal** 26-2-721.3 as
15 follows:

16 **26-2-721.3. Colorado works program maintenance fund -**
17 **creation - use - report.** (1) ~~There is hereby created the Colorado works~~
18 ~~program maintenance fund, referred to in this section as the "maintenance~~
19 ~~fund". The maintenance fund shall consist of moneys appropriated thereto~~
20 ~~by the general assembly from the Colorado long-term works reserve. The~~
21 ~~moneys in the maintenance fund shall be subject to annual appropriation~~
22 ~~by the general assembly to the executive director for use in responding to~~
23 ~~emergency or otherwise unforeseen purposes that are authorized by this~~
24 ~~part 7 or by federal law and that are necessary for the efficient and~~
25 ~~effective implementation of the Colorado works program at the state and~~
26 ~~county levels. Any unexpended moneys remaining in the maintenance~~
27 ~~fund at the end of a fiscal year shall revert to the Colorado long-term~~

1 works reserve.

2 (2) ~~On or before February 15, 2009, and on or before February 15~~
3 ~~each year thereafter, the executive director shall report to the joint budget~~
4 ~~committee and the health and human services committees of the senate~~
5 ~~and the house of representatives, or any successor committees, concerning~~
6 ~~the use of moneys appropriated to the maintenance fund in the preceding~~
7 ~~fiscal year.~~

8 **SECTION 6.** In Colorado Revised Statutes, 26-2-712, **amend**
9 (2)(b) and (5)(e) as follows:

10 **26-2-712. State department duties - authority.** (2) **County**
11 **block grant allocation.** (b) ~~Except as provided in section 26-2-720.5,~~
12 The county block grant ~~shall represent~~ REPRESENTS the total amount that
13 a county ~~shall receive~~ RECEIVES from the state for the administration and
14 implementation of the Colorado works program.

15 (5) **Oversight.** In connection with overseeing the works program,
16 the state department ~~shall have~~ HAS the specific ~~duties~~ DUTY to:

17 (e) Monitor the counties' provision of basic cash assistance grants
18 pursuant to section 26-2-706.6 and, if necessary due to increased
19 caseloads or economic downturns, do the following to ensure that the
20 basic cash assistance grant is provided in a consistent manner statewide:

21 ~~(I) Grant moneys to one or more counties from the county block~~
22 ~~grant support fund administered pursuant to section 26-2-720.5; or~~

23 ~~(II) If no funds administered pursuant to section 26-2-720.5 are~~
24 ~~available:~~

25 ~~(A)~~ (I) Request supplemental appropriations from the general
26 assembly, including but not limited to an appropriation from the Colorado
27 long-term works reserve created pursuant to section 26-2-721; or

1 ~~(B)~~ (II) Reduce the county block grant of any county that
2 maintains ~~moneys~~ MONEY in a county reserve account pursuant to section
3 26-2-714 (5) in order that ~~moneys~~ MONEY may be made available to one
4 or more counties to avoid the need to reduce or eliminate the basic cash
5 assistance grant statewide. If the state department makes a reduction in a
6 county's reserve account pursuant to this ~~sub-subparagraph (B)~~
7 SUBSECTION (5)(e)(II), the state department shall increase the county's
8 block grant for the following fiscal year by the amount of the reduction
9 authorized pursuant to this ~~sub-subparagraph (B)~~ SUBSECTION (5)(e)(II);
10 or

11 (III) After taking the actions described in ~~subparagraphs (I) and~~
12 ~~(II) of this paragraph (c)~~ SUBSECTIONS (5)(e)(I) AND (5)(e)(II) OF THIS
13 SECTION, take any actions necessary to reduce the costs of, or reduce or
14 eliminate, the basic cash assistance grant statewide.

15 **SECTION 7.** In Colorado Revised Statutes, 26-2-716, **repeal**
16 (1)(c) as follows:

17 **26-2-716. County duties - appropriations - penalties - hardship**
18 **extensions - domestic violence extensions - incentives - rules.**

19 (1) (c) ~~Whenever a county anticipates that it may be financially unable~~
20 ~~to meet requests for assistance from participants, the county may seek~~
21 ~~additional moneys from the county block grant support fund administered~~
22 ~~by the state department pursuant to section 26-2-720.5.~~

23 **SECTION 8.** In Colorado Revised Statutes, 27-66-105, **amend**
24 (1)(e) as follows:

25 **27-66-105. Standards for approval.** (1) In approving or
26 rejecting community mental health clinics for the purchase of behavioral
27 or mental health services, the executive director shall:

1 (e) Require that each clinic from which services may be purchased
2 ~~be~~ IS under the control and direction of a county or community board of
3 health, a board of directors or trustees of a corporation, for profit or not
4 for profit, a regional mental health ~~and mental retardation~~ board, or a
5 political subdivision of the state;

6 **SECTION 9.** In Colorado Revised Statutes, **repeal** 27-66-106 as
7 follows:

8 **27-66-106. Federal grants-in-aid - administration.** ~~The~~
9 ~~department is designated the official mental health and mental retardation~~
10 ~~authority, and is authorized to receive grants-in-aid from the federal~~
11 ~~government under the provisions of 42 U.S.C. sec. 246, and shall~~
12 ~~administer said grants in accordance therewith.~~

13 **SECTION 10. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 , 2018, if adjournment sine die is on May , 2018); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2019 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.

