

## CHAPTER 375

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**APPROPRIATIONS**

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HOUSE BILL 06-1371

BY REPRESENTATIVE(S) Plant, Buescher, Hall, Benefield, Borodkin, Butcher, Green, Hodge, Larson, McFadyen, Merrifield, Riesberg, Solano, Todd, and Vigil;  
also SENATOR(S) Tapia, Keller, and Owen.

**AN ACT****CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES.***Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** Part VII (8) (B) (1), (8) (D) (2) (a), (9) (A) (1), (9) (A) (3), (9) (B), (10) (D), and the affected totals of section 2 of chapter 354, Session Laws of Colorado 2005, as amended by House Bill 06-1219 enacted at the Second Regular Session of the Sixty-fifth General Assembly, are amended, and the said Part VII is further amended BY THE ADDITION OF THE FOLLOWING NEW FOOTNOTES, to read:

Section 2. **Appropriation.**

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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.*

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**PART VII  
DEPARTMENT OF HUMAN SERVICES**

**(8) MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE SERVICES**

**(B) Mental Health Community Programs**

**(1) Mental Health Services  
for the Medically Indigent**

Services for ~~6,981~~ 7,457

Indigent Mentally Ill

Clients <sup>68, 69</sup>	21,354,403	<del>15,371,195</del>			5,983,208 <sup>a</sup>
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	22,804,403	16,821,195			
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EARLY CHILDHOOD MENTAL  
HEALTH SERVICES

	280,000	280,000			
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Assertive Community

Treatment Programs <sup>68</sup>	1,237,872	618,936		618,936(L) <sup>b</sup>	
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Alternatives to Inpatient

Hospitalization at the Mental Health Institute at Pueblo <sup>68</sup>	912,768	912,768			
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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM					
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS	
\$	\$	\$	\$	\$	\$	\$	
Alternatives to Inpatient Hospitalization at the Mental Health Institute at Fort Logan <sup>68</sup>	<del>595,151</del> 825,151	<del>595,151</del> 825,151					
Alternatives to the Fort Logan Aftercare Program <sup>68</sup>	182,341	182,341					
Enhanced Mental Health Pilot Services for Detained Youth	477,500	477,500					
Juvenile Mental Health Pilot (H.B. 00-1034) <sup>68</sup>	357,408	178,704			178,704(L) <sup>b</sup>		
Alternatives to Inpatient Hospitalization for Youth <sup>68</sup>	<u>251,208</u>	251,208					
	<del>25,368,651</del> 27,328,651						
<b>(D) Alcohol and Drug Abuse Division<sup>6</sup></b>							
(2) Community Programs							
(a) Treatment Services							
Treatment and Detoxification Contracts <sup>68, 68a</sup>	<del>21,323,973</del> 21,423,973	<del>9,547,704</del> 9,647,704		1,002,616 <sup>a</sup>	425,706 <sup>b</sup>		10,347,947 <sup>c</sup>

Case Management for Chronic Detoxification Clients <sup>68</sup>	369,212	2,329	366,883 <sup>c</sup>
High Risk Pregnant Women Program <sup>68</sup>	952,986		952,986(T) <sup>d</sup>
	<u>22,646,171</u>		
	22,746,171		

<sup>a</sup> Of this amount, \$752,616 shall be from the Drug Offender Surcharge Fund, pursuant to Section 18-19-103 (4), C.R.S., and \$250,000 shall be from the Persistent Drunk Driver Cash Fund, pursuant to Section 42-3-130.5, C.R.S.

<sup>b</sup> Of this sum, \$275,706(T) shall be from moneys appropriated to the Department of Public Safety, Community Corrections, Substance Abuse Treatment Program, and \$150,000 shall be from reserves in the Persistent Drunk Driver Cash Fund, pursuant to Section 42-3-130.5, C.R.S.

<sup>c</sup> These amounts shall be from the Substance Abuse Prevention and Treatment Block Grant.

<sup>d</sup> This amount shall be from Medicaid funds appropriated to the Department of Health Care Policy and Financing.

~~186,334,516~~  
188,394,516

**(9) SERVICES FOR PEOPLE WITH DISABILITIES**

**(A) Developmental Disability Services**

(1) Community Services

Personal Services	2,441,547	251,911	2,189,636(T) <sup>a</sup>
	(31.4 FTE)		
Operating Expenses	147,532		147,532(T) <sup>a</sup>
Community and Contract Management System Replacement <sup>73</sup>	189,633	33,506	156,127(T) <sup>a</sup>

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 APPROPRIATION FROM
 

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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Adult Program Costs <sup>a+++</sup>						
COSTS <sup>74, 75, 75a, 75b</sup>	266,252,160	10,888,283			255,363,877 <sup>b</sup>	
	268,577,375	12,163,614			256,413,761 <sup>b</sup>	
Federally-matched Local Program Costs	24,281,838				24,281,838(T) <sup>c</sup>	
Preventive Dental Hygiene <sup>76</sup>	60,483	56,990			3,493(L) <sup>d</sup>	
	<u>293,373,193</u>					
	295,698,408					

<sup>a</sup> These amounts shall be from Medicaid cash funds appropriated to the Department of Health Care Policy and Financing.

<sup>b</sup> Of this amount, ~~\$223,632,005(T)~~ \$224,435,519 shall be from Medicaid funds appropriated to the Department of Health Care Policy and Financing, ~~\$24,233,348~~ \$24,386,501 shall be from client cash sources, ~~\$7,007,210(L)~~ \$7,100,427 shall be from local matching funds, and \$491,314(T) shall be from the Division of Vocational Rehabilitation. Up to 3.0 percent of the Medicaid funds appropriated, if not expended prior to July 1, 2006, shall be rolled forward for expenditure in FY 2006-07.

<sup>c</sup> This amount shall be from Medicaid cash funds appropriated to the Department of Health Care Policy and Financing that originate as local cash funds exempt and federal funds. Up to 3.0 percent of the Medicaid funds appropriated, if not expended prior to July 1, 2006, shall be rolled forward for expenditure in FY 2006-07.

<sup>d</sup> This amount shall be from local funds.

## (3) Services for Children and Families

Program Funding <sup>++</sup>						
FUNDING <sup>17, 77, 75b</sup>	17,641,332	12,947,330			4,694,002 <sup>a</sup>	
	18,421,565	13,688,551			4,733,014 <sup>a</sup>	

<sup>a</sup> Of this amount, \$3,813,077(T) shall be from Medicaid funds appropriated to the Department of Health Care Policy and Financing and ~~\$880,925(L)~~ \$919,937(L) shall be from local funds. Up to 3.0 percent of the Medicaid funds appropriated, if not expended prior to July 1, 2006, shall be rolled forward for expenditure in FY 2006-07.

**(B) Division of Vocational Rehabilitation**

Rehabilitation Programs -				
General Fund Match	<del>14,809,258</del>	<del>3,147,443(M)</del>		<del>11,661,815<sup>e</sup></del>
	16,921,934	3,597,443(M)		13,324,491 <sup>a</sup>
	<del>(200.5 FTE)</del>			
	(206.5 FTE)			
Rehabilitation Programs -				
Local Funds Match	20,678,518		65,977 <sup>b</sup>	4,338,548 <sup>c</sup>
	(9.0 FTE)			16,273,993 <sup>d</sup>
Business Enterprise Program				
for People who are Blind	853,860		137,505 <sup>e</sup>	43,678 <sup>f</sup>
	(5.0 FTE)			672,677
Business Enterprise Program -				
Program Operated Stands,				
Repair Costs, and Operator				
Benefits	659,000		242,990 <sup>e</sup>	235,000 <sup>f</sup>
				181,010
Independent Living Centers				
and State Independent Living				
Council <sup>77a</sup> COUNCIL <sup>77a, 77b</sup>	<del>690,942</del>	<del>241,916</del>		44,902(L) <sup>g</sup>
	940,942	491,916		404,124
Independent Living Centers -				
Vocational Rehabilitation				
Program <sup>77a</sup>	440,474	93,821		346,653
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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				FEDERAL FUNDS
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	
	\$	\$	\$	\$	\$	\$	\$
Appointment of Legal Interpreters for the Hearing Impaired	62,442		62,442				
Colorado Commission for the Deaf and Hard of Hearing	494,021					494,021 <sup>b</sup> (1.0 FTE)	
Older Blind Grants	<u>440,278</u>					44,028 <sup>i</sup>	396,250
	<u>39,128,793</u>						
	41,491,469						

<sup>a</sup> This amount shall be from Section 110 and Section 203 vocational rehabilitation funds.

<sup>b</sup> This amount is estimated to be from counties. It is the intent of the General Assembly that the Division not over-expend its cash funds appropriation.

<sup>c</sup> Of this amount, it is estimated that \$3,807,619(T) shall be from the Department of Education on behalf of school districts, \$269,607(T) shall be from Mental Health and Alcohol and Drug Abuse Services, \$256,322 shall be from community colleges, and \$5,000 shall be from donations and various sources of cash funds exempt.

<sup>d</sup> This amount shall be from Section 110 vocational rehabilitation funds.

<sup>e</sup> These amounts are estimated to be from the Business Enterprise Program Cash Fund, pursuant to Section 26-8.5-107, C.R.S.

<sup>f</sup> These amounts shall be from reserves in the Business Enterprise Program Cash Fund.

<sup>g</sup> This amount shall be from local recipients of Independent Living Grants.

<sup>h</sup> This amount shall be from the Colorado Commission for the Deaf and Hard of Hearing Cash Fund pursuant to Section 26-21-107, C.R.S.

<sup>i</sup> This amount shall be from recipients of Older Blind Grant funds.

431,842,621

437,310,745

**(10) ADULT ASSISTANCE PROGRAMS**

**(D) Community Services for the Elderly**

Administration	619,756 (7.0 FTE)	164,848(M)		454,908 <sup>a</sup>
Colorado Commission on Aging	74,441 (1.0 FTE)	19,170(M)		55,271 <sup>a</sup>
Senior Community Services Employment	860,537			860,537 <sup>b</sup> (0.5 FTE)
Older Americans Act Programs	13,421,182	489,694(M)	3,126,763(L) <sup>c</sup>	9,804,725 <sup>a</sup>
National Family Caregiver Support Program	1,420,414	142,041	213,062(L) <sup>c</sup>	1,065,311 <sup>a</sup>
State Ombudsman Program <sup>52</sup>	222,031	61,898(M)	1,800(T) <sup>d</sup>	158,333 <sup>a</sup>
State Funding for Senior Services	<del>3,000,000</del> 3,250,000	<del>1,000,000</del> 1,250,000	2,000,000 <sup>e</sup>	
Area Agencies on Aging Administration	981,915			981,915 <sup>a</sup>
	<u>20,600,276</u> 20,850,276			

<sup>a</sup> These amounts shall be from Title III of the Older Americans Act.

<sup>b</sup> This amount shall be from Title V of the Older Americans Act.

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APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	<del>124,342,147</del>					
	124,592,147					
<b>TOTALS PART VII</b>						
<b>(HUMAN SERVICES)</b> <sup>4, 5, 86, 87, 88</sup>	\$1,820,391,561	\$500,055,519		\$87,562,054	\$676,848,648*	\$555,925,340
	<u>\$1,828,169,685</u>	<u>\$505,082,071</u>			<u>\$677,937,544<sup>a</sup></u>	<u>\$557,588,016</u>

<sup>a</sup> Of this amount, ~~\$473,862,826~~ \$474,666,340 contains a (T) notation, and ~~\$110,627,144~~ \$110,759,373 contains an (L) notation.

**FOOTNOTES --** The following statements are referenced to the numbered footnotes throughout section 2.

75a DEPARTMENT OF HUMAN SERVICES, SERVICES FOR PEOPLE WITH DISABILITIES, DEVELOPMENTAL DISABILITY SERVICES, COMMUNITY SERVICES, ADULT PROGRAM COSTS--THIS LINE ITEM INCLUDES FUNDING FOR 60 NEW ADULT SUPPORTED LIVING SERVICES RESOURCES AND 90 NEW ADULT COMPREHENSIVE RESOURCES PROVIDED, EFFECTIVE APRIL 1, 2006. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT SUCH NEW RESOURCES BE TARGETED TO INDIVIDUALS OVER AGE 40, THOSE WHO REQUIRE EMERGENCY PLACEMENT, AND THOSE CONSIDERED TO BE AT HIGH RISK OF EMERGENCY PLACEMENT DUE TO THE NATURE OF THEIR DISABILITY OR LIVING SITUATION. TO THE EXTENT THAT SUCH NEW RESOURCES CANNOT BE FULLY USED IN FY 2005-06 DUE TO UNAVOIDABLE PLACEMENT DELAYS, THE DEPARTMENT IS AUTHORIZED TO ROLL-FORWARD AMOUNTS NOT EXPENDED PRIOR TO JULY 1, 2006, FOR EXPENDITURE IN FY 2006-07.

~~75b DEPARTMENT OF HUMAN SERVICES, SERVICES FOR PEOPLE WITH DISABILITIES, DEVELOPMENTAL DISABILITY SERVICES, COMMUNITY SERVICES, ADULT PROGRAM COSTS AND SERVICES FOR CHILDREN AND FAMILIES, PROGRAM FUNDING—THE DEPARTMENT IS REQUESTED TO PROVIDE A REPORT TO THE JOINT BUDGET COMMITTEE BY NOVEMBER 1, 2006, CONCERNING THE DISTRIBUTION OF NEW ADULT COMPREHENSIVE RESOURCES, ADULT SUPPORTED LIVING SERVICE RESOURCES, AND CHILDREN'S EARLY INTERVENTION RESOURCES PROVIDED EFFECTIVE APRIL 1, 2006. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, IN DISTRIBUTING SUCH NEW RESOURCES, THE DEPARTMENT TAKE INTO CONSIDERATION, AMONG OTHER FACTORS, THE NEED TO REDUCE INEQUITIES AMONG COMMUNITY CENTERED BOARDS IN RATES PAID BY THE STATE AND NUMBERS OF RESOURCES ALLOCATED PER CAPITA OF THE GENERAL POPULATION.~~

(Governor lined through this provision. See the editor's note and the Governor's letter following this act.)

~~77b DEPARTMENT OF HUMAN SERVICES, SERVICES FOR PEOPLE WITH DISABILITIES, DIVISION OF VOCATIONAL REHABILITATION, INDEPENDENT LIVING CENTERS AND STATE INDEPENDENT LIVING COUNCIL—THE DEPARTMENT IS REQUESTED TO PROVIDE A REPORT TO THE JOINT BUDGET COMMITTEE, BY OCTOBER 1, 2006, CONCERNING THE DISTRIBUTION OF NEW GENERAL FUND SUPPORT FOR INDEPENDENT LIVING CENTERS THAT IS PROVIDED EFFECTIVE APRIL 1, 2006. THE REPORT IS REQUESTED TO INCLUDE INFORMATION ON: (1) HOW THE NEW FUNDING IS PROPOSED TO BE ALLOCATED AMONG THE INDEPENDENT LIVING CENTERS IN FY 2005-06, FY 2006-07, AND FUTURE YEARS, TAKING INTO CONSIDERATION CATCHMENT AREAS SERVED AND OTHER RELEVANT FACTORS; AND (2) HOW THE IMPACT OF SUCH NEW FUNDING IS PROPOSED TO BE MEASURED, INCLUDING WHAT DATA WILL BE SUBMITTED BY INDEPENDENT LIVING CENTERS TO DEMONSTRATE SERVICE OUTCOMES.~~

(Governor lined through this provision. See the editor's note and the Governor's letter following this act.)

**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, and safety.

Approved in part and vetoed in part: March 31, 2006

**Editor's note:** The following is a reprinting of the Governor's message filed with House Bill 06-1371 when he approved the bill in part and vetoed it in part on March 31, 2006. Markings were made on the bill by the Governor purporting to veto provisions contained in footnotes. For the reasons set forth in the letter to the Governor on page 131 of Volume 1 of the 1989 Session Laws of Colorado, the President of the Senate and the Speaker of the House of Representatives expressed their opinion that similar markings made on the 1989 long bill did not constitute valid vetoes. However, the Colorado Supreme Court has held that such purported vetoes are entitled to a presumption of validity. See *Romer v. Colorado General Assembly*, 810 P.2d 215 (Colo. 1991). In view of this holding, the purported vetoes are reflected in the version of the bill printed on the preceding pages. Subsequently the Colorado Supreme Court held that such purported vetoes to definitional headnotes are not "items" subject to the Governor's item veto power, but they were found to violate the separation of powers by intruding on the authority of the executive branch to administer the laws. See *Colorado General Assembly v. Owens*, No. 04SC816 (Colo. June 12, 2006).

March 31, 2006

The Honorable Colorado House of Representatives  
Sixty-Fifth General Assembly  
Second Regular Session  
State Capitol  
Denver, Colorado 80203

Ladies and Gentlemen:

I am filing with the Secretary of State House Bill 06-1371, "Concerning a supplemental appropriation to the Department of Human Services." Approved in part and disapproved in part on March 31, 2006, at 2:14 p.m.

It is my constitutional obligation to review the general appropriations bill and all bills amending the general appropriations bill and exercise the line item veto when necessary. While I have approved House Bill 06-1371 as a whole, I have vetoed certain footnotes within the bill. Pursuant to the Colorado Constitution, I have filed copies of the vetoed items from this bill, with my objections, with the Secretary of State.

I have lined through the following items in Section 1 of the bill, thereby vetoing these provisions:

- 1. Footnote 75b, page 8,** "Department of Human Services, Services for People with Disabilities, Developmental Disability Services, Community Services, Adult Program Costs and Services for Children and Families, Program Funding - The Department is requested to provide a report to the Joint Budget Committee by November 1, 2006, concerning the distribution of new adult comprehensive resources, adult supported living service resources, and children's early intervention resources provided effective April 1, 2006. It is the intent of the General Assembly that, in distributing such new resources, the Department take into consideration, among other factors, the need to reduce inequities among community centered boards in rates paid by the State and numbers of resources allocated per capita of the general population."

This footnote is in violation of the Colorado Constitution, Article III and possibly Article V, Section 32, because it interferes with the ability of the executive branch to administer the appropriation and may constitute substantive legislation that cannot be included in an appropriations bill. While I agree with the need to reduce inequities among community centered boards, this footnote represents an unfunded administrative mandate. However, I will instruct the department to comply to the extent feasible.

- 2. Footnote 77b, page 8,** "Department of Human Services, Services for People with Disabilities, Division of Vocational Rehabilitation,

Independent Living Centers and State Independent Living Council - The Department is requested to provide a report to the Joint Budget Committee, by October 1, 2006, concerning the distribution of new General Fund support for independent living centers that is provided effective April 1, 2006. The report is requested to include information on: (1) How the new funding is proposed to be allocated among the independent living centers in FY 2005-06, FY 2006-07, and future years, taking into consideration catchment areas served and other relevant factors; and (2) how the impact of such new funding is proposed to be measured, including what data will be submitted by independent living centers to demonstrate service outcomes."

This footnote is in violation of the Colorado Constitution, Article III and possibly Article V, Section 32, because it interferes with the ability of the executive branch to administer the appropriation and may constitute substantive legislation that cannot be included in an appropriations bill. I will instruct the department to comply to the extent feasible.

For these reasons, I have exercised my power to veto certain portions of House Bill 06-1371.

Sincerely,

Bill Owens  
Governor