

## CHAPTER 431

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**HUMAN SERVICES - SOCIAL SERVICES**

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**HOUSE BILL 08-1101**

BY REPRESENTATIVE(S) Gardner B., Gardner C., Borodkin, Buescher, Carroll M., Carroll T., Fischer, Gallegos, Garza-Hicks, Green, Hodge, Kefalas, Kerr A., Kerr J., King, Labuda, Lambert, Levy, Liston, Looper, Lundberg, Madden, Marshall, Massey, McFadyen, McGihon, McNulty, Merrifield, Peniston, Primavera, Rice, Roberts, Romanoff, Scanlan, Solano, Soper, Stafford, Stephens, Summers, Swalm, Todd, and Witwer;  
also SENATOR(S) Renfroe, Spence, Bacon, Boyd, Gibbs, Gordon, Groff, Isgar, Johnson, Keller, McElhany, Morse, Romer, Sandoval, Schwartz, Shaffer, Tochtrop, Tupa, Williams, and Windels.

**AN ACT**

**CONCERNING INCREASED STATE FUNDING FOR SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES FOR THE PURPOSE OF REDUCING WAITING LISTS FOR SUCH SERVICES.**

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

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

(a) Many eligible persons with developmental disabilities in Colorado are on extremely long waiting lists for comprehensive services, supported living services, and family support services.

(b) Long waits for needed services cause serious and unacceptable hardship to persons with developmental disabilities and their families.

(c) Eliminating the waiting lists for services for persons with developmental disabilities and their families is a high priority of the general assembly.

(d) It is the intent of the general assembly to appropriate moneys in each fiscal year for the purpose of reducing the waiting lists for services for persons with developmental disabilities and their families, with the goal of eliminating the waiting lists by 2013.

**SECTION 2.** Part 1 of article 10.5 of title 27, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

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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.*

**27-10.5-104.2. Services and supports - waiting list reduction - cash fund.**

(1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE DEVELOPMENTAL DISABILITIES SERVICES CASH FUND, CONSISTING OF MONEYS APPROPRIATED THERETO BY THE GENERAL ASSEMBLY. ANY INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE DEVELOPMENTAL DISABILITIES SERVICES CASH FUND SHALL BE CREDITED TO THE FUND. ANY MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

(2) DURING EACH REGULAR SESSION OF THE GENERAL ASSEMBLY, THE JOINT BUDGET COMMITTEE AND THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, SHALL HOLD A JOINT HEARING AND TAKE PUBLIC TESTIMONY ON THE STATUS OF THE WAITING LISTS FOR ADULT COMPREHENSIVE SERVICES, ADULT SUPPORTED LIVING SERVICES, AND FAMILY SUPPORT SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES AND THE AVAILABILITY OF GENERAL FUND MONEYS TO REDUCE THE NUMBER OF PERSONS ON THE WAITING LISTS AND THE AMOUNT OF TIME ELIGIBLE PERSONS WAIT FOR SUCH SERVICES. THE GOAL OF THE HEARING SHALL BE TO PROPOSE AN APPROPRIATION FROM THE GENERAL FUND TO THE DEVELOPMENTAL DISABILITIES SERVICES CASH FUND IN AN AMOUNT EQUAL TO TWO PERCENT OF THE AMOUNT BY WHICH TOTAL STATE GENERAL FUND APPROPRIATIONS FOR THE FISCAL YEAR MAY INCREASE OVER THE PRIOR FISCAL YEAR IN ACCORDANCE WITH THE LIMITATION IMPOSED BY SECTION 24-75-201.1 (1) (a) (II), C.R.S., AS DETERMINED BASED ON THE REVENUE ESTIMATE CERTIFIED PURSUANT TO SECTION 24-75-201.3 (1), C.R.S.

(3) THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE MONEYS IN THE DEVELOPMENTAL DISABILITIES SERVICES CASH FUND TO:

(a) THE DEPARTMENT FOR PROGRAM COSTS FOR ADULT COMPREHENSIVE SERVICES, ADULT SUPPORTED LIVING SERVICES, AND FAMILY SUPPORT SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES PROVIDED PURSUANT TO THIS ARTICLE OR PART 4 OF ARTICLE 6 OF TITLE 25.5, C.R.S.; AND

(b) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING FOR PROGRAM COSTS FOR ADULT COMPREHENSIVE SERVICES AND ADULT SUPPORTED LIVING SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES PROVIDED PURSUANT TO THIS ARTICLE OR PART 4 OF ARTICLE 6 OF TITLE 25.5, C.R.S.

(4) ANY MONEYS APPROPRIATED FROM THE DEVELOPMENTAL DISABILITIES SERVICES CASH FUND PURSUANT TO SUBSECTION (3) OF THIS SECTION THAT ARE UNEXPENDED AT THE END OF A FISCAL YEAR SHALL REVERT TO THE FUND.

(5) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE MONEYS IN THE DEVELOPMENTAL DISABILITIES SERVICES CASH FUND BE USED TO REDUCE THE NUMBER OF PERSONS ON THE WAITING LISTS FOR SUCH SERVICES AND THE AMOUNT OF TIME ELIGIBLE PERSONS WAIT FOR SUCH SERVICES.

**SECTION 3. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the

general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 5, 2008