

# MEMORANDUM

---

**TO:** Joint Budget Committee Members

**FROM:** JBC Staff

**SUBJECT:** Bill Drafts for Discussion on March 23, 2016

**DATE:** March 23, 2016

---

This memo includes the following bill drafts for the Committee's consideration.

- LLS 16-0924: "Concerning the Administration of Driver and Vehicle Services." (Scott Thompson)
- LLS 16-1170: "Concerning Matters Related to the Location where a Competency Evaluation is Conducted, and in Connection Therewith, Making and Reducing Appropriations." (Carolyn Kampman)
- LLS 16-1193: "Concerning the Assessment of a Monthly Surcharge on Customers of Voice Telecommunications Providers to Fund Telecommunications Relay Services for Telephone Users with Disabilities." (Tom Dermody)
- LLS 16-1204: "Concerning a Reduction in the Amount of the General Fund Reserve Required for the Fiscal Year 2015-16." (John Zeigler)
- LLS 16-1205: "Concerning Capital-related Transfers of Moneys." (Alfredo Kemm)
- LLS 16-1207: Expedite Transfers from the Unclaimed Property Tax Fund. (Eric Kurtz) *Not in this packet - will be distributed when ready.*
- LLS 16-1094: "Concerning Changes in the Disposition of Revenues Received from the Tobacco Master Settlement Agreement that Result from Refinancing Certain Programs with Marijuana Tax Cash Fund Revenues, and, in Connection Therewith, Eliminating Certain Programs From Tobacco Master Settlement Agreement Funding, Creating a New Program for Cancer Research Outreach and Genotyping for Clinical Research, and Making and Reducing Appropriations." (Megan Davisson) *Not in this packet - will be distributed when ready.*
- LLS 16-1194: "Concerning Technical Revisions to the Statutes Governing the Division of Vocational Rehabilitation." (Megan Davisson)
- LLS 16-1195: "Concerning the Grand Junction Regional Center Campus." (Megan Davisson)

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

REDRAFT  
3.22.16

Double underlining  
denotes changes from  
prior draft

DRAFT

LLS NO. 16-0924.01 Ed DeCecco x4216

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC:** "Admin For Driver & Motor Vehicle Services"

**A BILL FOR AN ACT**

101    **CONCERNING THE ADMINISTRATION OF DRIVER AND VEHICLE**  
102    **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://www.leg.state.co.us/billsummaries>.)*

**Joint Budget Committee.** Section 2 of the bill requires an applicant who fails the driving test more than once to complete a department-approved driver education course before he or she may be issued a driver's license or minor driver's license.

Beginning July 1, 2016, **section 4** increases fees related to driver's licenses. These fees, which were initially set in statute and increased by

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

the department of revenue (department), are further increased as follows:

- \$2.60 to \$9 for a driving record;
- \$3.20 to \$10 for a certified driving record;
- \$9 to \$12 for a duplicate permit or minor driver's license;
- \$3.60 to \$6.50 for a driver's license extension;
- \$360 to \$3,094 for licensing testing units for the initial license, and from \$120 to \$1,052 for each subsequent annual license renewal; and
- \$120 to \$148 for licensing driving testers for the initial license and from \$60 to \$140 for each subsequent annual license renewal.

In addition, the fee for a driver's license or minor driver's license is increased from \$25 to \$26 during the fiscal year 2016-17, to \$27 for the fiscal year 2017-18, and to \$28 thereafter. Like the existing fees, the department has the authority to raise or lower these increased fees in the future.

The revenue from these fees is deposited in the licensing services cash fund (fund). Currently, the excess reserve in the fund at the end of a fiscal year is transferred to the highway users tax fund (HUTF). **Section 3** eliminates this transfer, and **section 1** exempts the fund from the maximum reserve requirement that generally applies to cash funds.

**Section 5 sets up a procedure whereby, after qualifying for a driver's license but failing the driving test, an applicant for a driver's license who is not a permanent lawful resident may use a private vendor to readminister the driving test. The applicant must successfully complete the driver's test within 60 days after the first attempt.**

For the next 3 fiscal years, **section 6** permits the general assembly to appropriate moneys from the HUTF to the department for use by the division of motor vehicles for expenses incurred in connection with the administration of driver and vehicle services. These appropriations are in addition to the existing off-the-top appropriations from the HUTF for the Colorado state patrol, which are subject to a 6% annual growth limit.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-402, **amend**  
3 (5) (hh) and (5) (ii); and **add** (5) (jj) as follows:

4 **24-75-402. Cash funds - limit on uncommitted reserves -**  
5 **reduction in amount of fees - exclusions - repeal.** (5) Notwithstanding  
6 any provision of this section to the contrary, the following cash funds are  
7 excluded from the limitations specified in this section:

(hh) The conveyance safety fund created in section 9-5.5-111 (2)  
(b), C.R.S., until this paragraph (hh) is repealed, effective July 1, 2017;

and

(ii) The oil and gas conservation and environmental response fund  
created in section 34-60-122 (5), C.R.S.; AND

(jj) THE LICENSING SERVICES CASH FUND CREATED IN SECTION  
42-2-114.5 (1), C.R.S.

**SECTION 2.** In Colorado Revised Statutes, 42-2-111, **add** (1) (c)  
as follows:

**42-2-111. Examination of applicants and drivers - when**  
**required. (1) (c) IF AN APPLICANT FAILS THE ACTUAL DEMONSTRATION**  
**OF ABILITY TO EXERCISE ORDINARY AND REASONABLE CARE AND CONTROL**  
**IN THE OPERATION OF A MOTOR VEHICLE MORE THAN ONCE, THE**  
**APPLICANT, TO BE ISSUED A DRIVER'S LICENSE OR MINOR DRIVER'S**  
**LICENSE, MUST COMPLETE A DEPARTMENT-APPROVED DRIVER EDUCATION**  
**COURSE.**

**SECTION 3.** In Colorado Revised Statutes, 42-2-114.5, **amend**  
(1) as follows:

**42-2-114.5. Licensing services cash fund - fee setting**  
**procedures - rules.** (1) The licensing services cash fund is hereby  
created in the state treasury. The general assembly shall appropriate  
moneys in the fund to the department for the cost of implementing this  
article. ~~At the end of each fiscal year, the state treasurer shall credit the~~  
~~money in the fund, less sixteen and one-half percent of the amount~~  
~~appropriated from the fund for such operation in the fiscal year, to the~~  
~~highway users tax fund.~~

**SECTION 4.** In Colorado Revised Statutes, 42-2-114.5, **amend**

1 (2) (a), (2) (b), (2) (d), (2) (f), (2) (g), (2) (n), (2) (o), and (3) as follows:

2 **42-2-114.5. Licensing services cash fund - fee setting**  
3 **procedures - rules.** (2) Except as provided in subsection (3) of this  
4 section, the following fees must be paid for the following functions:

5 (a) The fee for a driving record under section 42-1-206 (2) is ~~two~~  
6 ~~dollars and twenty cents~~ NINE DOLLARS;

7 (b) The fee for a certified driving record under section 42-1-206  
8 (2) is ~~two~~ TEN dollars; ~~and seventy cents~~;

9 (d) The fee for a driver's license or minor driver's license under  
10 section 42-2-114 (2) (a) or (4) (a), respectively, is:

11 (I) ~~twenty-one~~ TWENTY-SIX dollars beginning July 1, 2016, BUT  
12 BEFORE JULY 1, 2017;

13 (II) TWENTY-SEVEN DOLLARS BEGINNING JULY 1, 2017, BUT  
14 BEFORE JULY 1, 2018; AND

15 (III) TWENTY-EIGHT DOLLARS BEGINNING JULY 1, 2018;

16 (f) The fee for a duplicate permit or minor driver's license under  
17 section 42-2-117 (1) is ~~seven~~ TWELVE dollars ~~and fifty cents~~ for the first  
18 duplicate and fourteen dollars for a subsequent duplicate;

19 (g) The fee for a driver's license extension under section 42-2-118  
20 (1) (b) (I) is ~~three~~ SIX dollars AND FIFTY CENTS;

21 (n) The fee for licensing testing units under section 42-2-406 (4)  
22 is ~~three hundred~~ THREE THOUSAND NINETY-FOUR dollars for the initial  
23 license and ~~one hundred~~ ONE THOUSAND FIFTY-TWO dollars for each  
24 subsequent annual license renewal;

25 (o) The fee for licensing driving testers under section 42-2-406 (3)  
26 is one hundred FORTY-EIGHT dollars for the initial license and ~~fifty dollar~~  
27 ONE HUNDRED FORTY DOLLARS for each subsequent annual license

1 renewal; and

2 (3) (a) EXCEPT AS SET FORTH IN PARAGRAPH (b) OF THIS  
3 SUBSECTION (3), beginning July 1, 2015, the department may raise or  
4 lower the fees listed in subsection (2) of this section, but the department  
5 shall not increase the fee by more than twenty percent before July 1,  
6 2016, or by more than five percent per year on or after July 1, 2016.

7 (b) THE DEPARTMENT SHALL NOT RAISE OR LOWER THE FEES  
8 LISTED IN PARAGRAPHS (a), (b), (f), (g), (n), AND (o) OF SUBSECTION (2) OF  
9 THIS SECTION BEFORE JULY 1, 2017, AND THE FEE LISTED IN PARAGRAPH  
10 (d) OF SUBSECTION (2) OF THIS SECTION BEFORE JULY 1, 2019.

11 **SECTION 5. In Colorado Revised Statutes, add 42-2-511 as**  
12 **follows:**

13 **42-2-511. Driving test - third-party option - definition. (1) As**  
14 **USED IN THIS SECTION, "DRIVING TEST" MEANS THE DEMONSTRATION OF**  
15 **ORDINARY AND REASONABLE CARE IN THE OPERATION OF A MOTOR**  
16 **VEHICLE IN ACCORDANCE WITH SECTION 42-2-111.**

17 **(2) TO USE THE PROCEDURE SET FORTH IN SUBSECTION (3) OF THIS**  
18 **SECTION, AN APPLICANT FOR AN IDENTIFICATION DOCUMENT MUST FULFILL**  
19 **THE APPLICABLE REQUIREMENTS OF THIS PART 5 AND PART 1 OF THIS**  
20 **ARTICLE OTHER THAN THE DRIVING TEST.**

21 **(3) IF AN APPLICANT FOR AN IDENTIFICATION DOCUMENT UNDER**  
22 **THIS PART 5 FAILS THE DRIVING TEST, THE APPLICANT MAY RETAKE THE**  
23 **DRIVING TEST FROM A VENDOR APPROVED BY THE DEPARTMENT TO**  
24 **CONDUCT THE TEST. IF THE APPLICANT PASSES THE DRIVING TEST WITHIN**  
25 **SIXTY DAYS AFTER FAILING THE DRIVING TEST, THE APPLICANT MAY**  
26 **REOPEN THE APPLICATION FOR A DRIVER'S LICENSE AT ANY OFFICE**  
27 **AUTHORIZED TO ISSUE IDENTIFICATION DOCUMENTS TO THE APPLICANT.**

TO BE ISSUED THE LICENSE UNDER THIS PART 5, THE APPLICANT MUST  
PRESENT EVIDENCE OF PASSING THE TEST.

**SECTION 6.** In Colorado Revised Statutes, 43-4-201, **amend** (3)

(a) (I) (C) and (3) (a) (III) (C); and **repeal** (3) (a) (I.1) as follows:

**43-4-201. Highway users tax fund - created.** (3) (a) (I) The general assembly shall not make any annual appropriation (whether by regular, special, or supplementary appropriation) or any statutory distribution from the highway users tax fund for any purpose or purposes in a total amount that is:

(C) Commencing in the fiscal year 2013-14, more than a six percent increase over the appropriation to the Colorado state patrol for the prior fiscal year, PLUS, FOR THE FISCAL YEARS 2016-17, 2017-18, AND 2018-19 ONLY, THE AMOUNT APPROPRIATED TO THE DEPARTMENT OF REVENUE FOR USE BY THE DIVISION OF MOTOR VEHICLES PURSUANT TO SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (a).

~~(I.1) Commencing with the fiscal year 1995-96, the general assembly shall not make any annual appropriation or statutory distribution from the highway users tax fund pursuant to this paragraph (a), except to the department of public safety for the Colorado state patrol or, through the fiscal year 2011-12 only, to the department of revenue for the ports of entry section, that exceeds the annual appropriation or statutory distribution for all purposes except the Colorado state patrol and the ports of entry division for the fiscal year 1994-95.~~

(III) (C) The general assembly shall not make any annual appropriation or statutory distribution from the highway users tax fund for the fiscal year 1997-98 or for any succeeding fiscal year authorized by subparagraph (II) of this paragraph (a), excluding the annual

1 appropriation or statutory distribution to the Colorado state patrol and,  
2 through the fiscal year 2011-12 only, the ports of entry section and  
3 excluding any appropriation to the department of revenue for the fiscal  
4 years 2008-09, 2009-10, 2010-11, ~~and~~ 2011-12, 2016-17, 2017-18,  
5 AND 2018-19, for expenses incurred in connection with the administration  
6 of article 2 of title 42, C.R.S., by the division of motor vehicles within the  
7 department.

8 **SECTION 7. Effective date.** This act takes effect upon passage;  
9 except that section 4 of this act takes effect on July 1, 2016.

10 **SECTION 8. Safety clause.** The general assembly hereby finds,  
11 determines, and declares that this act is necessary for the immediate  
12 preservation of the public peace, health, and safety.



Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

DRAFT  
3.22.16

DRAFT

LLS NO. 16-1170.01 Michael Dohr x4347

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC:** "Competency Evaluation Location"

**A BILL FOR AN ACT**

101 CONCERNING MATTERS RELATED TO THE LOCATION WHERE A  
102 COMPETENCY EVALUATION IS CONDUCTED, AND, IN CONNECTION  
103 THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

**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://www.leg.state.co.us/bills/summaries>.)*

**Joint Budget Committee.** Under current law, the court determines the location of a competency evaluation. The bill specifies the evaluation must be done on an outpatient basis or where the defendant is held in custody. The bill allows a defendant to be placed in the custody of the Colorado mental health institute at Pueblo (CMHIP) for purposes of the

examination if:

- The court finds the defendant may be a danger to self or others;
- The court finds that an inadequate forensic evaluation and report has been completed or two or more conflicting forensic evaluations and reports have been completed;
- The court finds that an observation period is necessary to determine if the defendant is competent to stand trial;
- The court receives a recommendation from the CMHIP court services evaluator that conducting the examination at the CMHIP is appropriate because the evaluator conducting the evaluation for the CMHIP determines that the defendant has been uncooperative or the defendant has clinical needs that warrant transfer to the CMHIP; or
- The court receives written approval for the evaluation to be conducted at the CMHIP from the executive director of the department of human services, or his or her designee.

The court is prohibited from considering whether the defendant is going to have a competency evaluation when deciding whether to grant bond to the defendant. If a defendant needs to return to the county jail after completing the evaluation, the bill directs the county sheriff to make all reasonable efforts to return the defendant to the jail as soon as possible after the defendant's evaluation is completed. Under current law, the CMHIP must bill the court for the costs associated with the evaluation. The bill repeals this provision.

---

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

**SECTION 1.** In Colorado Revised Statutes, 16-8.5-105, **amend** (1) as follows:

**16-8.5-105. Evaluations and report.** (1) (a) ~~The location for competency evaluations shall be determined by the court. The defendant may be released on bond, if otherwise eligible for bond, or referred or committed for a court-ordered competency evaluation to the department, or the court may direct that the evaluation be done at the place where the defendant is residing or is in custody. In determining the place where the evaluation is to be conducted, the court shall give priority to the place where the defendant is in custody, unless the nature and circumstances of~~

1 ~~the evaluation require designation of a different facility~~ THE COURT SHALL  
2 ORDER THAT THE EVALUATION BE CONDUCTED ON AN OUTPATIENT BASIS  
3 OR, IF THE DEFENDANT IS IN CUSTODY, AT THE PLACE WHERE THE  
4 DEFENDANT IS IN CUSTODY.

5 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF  
6 THIS SUBSECTION (1), THE COURT MAY ORDER THE DEFENDANT PLACED IN  
7 THE CUSTODY OF THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO  
8 FOR THE TIME NECESSARY TO CONDUCT THE EVALUATION IF:

9 (I) THE COURT FINDS THE DEFENDANT MAY BE A DANGER TO SELF  
10 OR OTHERS AS DEFINED IN SECTION 27-65-102, C.R.S.;

11 (II) THE COURT FINDS THAT AN INADEQUATE FORENSIC  
12 EVALUATION AND REPORT HAS BEEN COMPLETED OR TWO OR MORE  
13 CONFLICTING FORENSIC EVALUATIONS AND REPORTS HAVE BEEN  
14 COMPLETED;

15 (III) THE COURT FINDS THAT AN OBSERVATION PERIOD IS  
16 NECESSARY TO DETERMINE IF THE DEFENDANT IS COMPETENT TO STAND  
17 TRIAL;

18 (IV) THE COURT RECEIVES A RECOMMENDATION FROM THE  
19 COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO COURT SERVICES  
20 EVALUATOR THAT CONDUCTING THE EVALUATION AT THE COLORADO  
21 MENTAL HEALTH INSTITUTE AT PUEBLO IS APPROPRIATE BECAUSE THE  
22 EVALUATOR CONDUCTING THE EVALUATION FOR THE COLORADO MENTAL  
23 HEALTH INSTITUTE AT PUEBLO DETERMINES THAT THE DEFENDANT HAS  
24 BEEN UNCOOPERATIVE OR THE DEFENDANT HAS CLINICAL NEEDS THAT  
25 WARRANT TRANSFER TO THE COLORADO MENTAL HEALTH INSTITUTE AT  
26 PUEBLO; OR

27 (V) THE COURT RECEIVES WRITTEN APPROVAL FOR THE

1 EVALUATION TO BE CONDUCTED AT THE COLORADO MENTAL HEALTH  
2 INSTITUTE AT PUEBLO FROM THE EXECUTIVE DIRECTOR OF THE  
3 DEPARTMENT OF HUMAN SERVICES, OR HIS OR HER DESIGNEE.

4 (c) THE COURT, WHEN SETTING BOND PURSUANT TO SECTION  
5 16-4-103, IF THE DEFENDANT IS ELIGIBLE FOR BOND, AND AFTER  
6 RECEIVING ANY INFORMATION PURSUANT TO SECTION 16-4-106, SHALL  
7 NOT CONSIDER THE NEED FOR THE DEFENDANT TO RECEIVE AN  
8 EVALUATION PURSUANT TO THIS ARTICLE.

9 (d) IF A DEFENDANT IS IN CUSTODY AT THE COLORADO MENTAL  
10 HEALTH INSTITUTE AT PUEBLO FOR PURPOSES OF THE EVALUATION  
11 ORDERED PURSUANT TO THIS ARTICLE AND THE DEFENDANT HAS  
12 COMPLETED THE EVALUATION AND MUST BE RETURNED TO A COUNTY JAIL,  
13 THE COUNTY SHERIFF IN THE JURISDICTION WHERE THE DEFENDANT MUST  
14 RETURN SHALL MAKE ALL REASONABLE EFFORTS TO TAKE CUSTODY OF  
15 THE DEFENDANT AS SOON AS PRACTICABLE ONCE THE DEFENDANT'S  
16 EVALUATION IS COMPLETED.

17 ~~(b)~~ (e) Nothing in this section shall restrict the right of the  
18 defendant to procure an evaluation as provided in section 16-8.5-107.

19 **SECTION 2.** In Colorado Revised Statutes, **repeal** 16-8.5-115.

20 **SECTION 3. Appropriation - adjustments to 2016 long bill.**

21 (1) To implement this act, the general fund appropriation made in the  
22 annual general appropriation act for the 2016-17 state fiscal year to the  
23 judicial department for court costs, jury costs, and court-appointed  
24 counsel is decreased by \$368,000.

25 (2) To implement this act, the appropriations made in the annual  
26 general appropriation act for the 2016-17 state fiscal year to the  
27 department of human services are adjusted as follows:

1 (a) The general fund appropriation for use by the Colorado mental  
2 health institute at Pueblo for personal services is increased by \$368,000;  
3 and

4 (b) The appropriation from reappropriated funds transferred from  
5 the judicial department for use by the Colorado mental health institute at  
6 Pueblo for personal services is decreased by \$368,000.

7 (3) For the 2016-17 state fiscal year, \$107,076 is appropriated to  
8 the department of human services. This appropriation is from the general  
9 fund. To implement this act, the department may use this appropriation  
10 as follows:

11 (a) \$91,972 for use by the Colorado mental health institute at  
12 Pueblo for personal services, which amount is based on an assumption  
13 that the department will require an additional 1.8 FTE;

14 (b) \$2,580 for use by the Colorado mental health institute at  
15 Pueblo for operating expenses;

16 (c) \$6,380 for use by the Colorado mental health institute at  
17 Pueblo for capital outlay; and

18 (d) \$6,144 for vehicle lease payments.

19 **SECTION 4. Effective date - applicability.** This act takes effect  
20 July 1, 2016, and applies to competency evaluations ordered on or after  
21 said date.

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

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

DRAFT  
3.22.16

DRAFT

LLS NO. 16-1193.01 Jennifer Berman x3286

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC:** "Funding Base For Telecom Relay Services"

**A BILL FOR AN ACT**

101     **CONCERNING THE ASSESSMENT OF A MONTHLY SURCHARGE ON**  
102             **CUSTOMERS OF VOICE TELECOMMUNICATIONS PROVIDERS TO**  
103             **FUND TELECOMMUNICATIONS RELAY SERVICES FOR TELEPHONE**  
104             **USERS WITH DISABILITIES.**

**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://www.leg.state.co.us/billsummaries>.)*

**Joint Budget Committee.** Telecommunications relay services are telecommunications services that provide 2-way communication for individuals with hearing or speech disabilities. Telecommunications relay

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

services are funded in Colorado through the Colorado disabled telephone users fund (fund). Money in the fund is provided through a surcharge that the public utilities commission (commission) assesses on each telephone landline in Colorado. **Section 4** of the bill renames the fund the Colorado telephone users with disabilities fund, with conforming amendments in **sections 1, 5, and 6**.

**Sections 2 and 3** apply the surcharge to customers of mobile wireless providers, referred to as commercial mobile radio service providers, and voice-over-internet protocol service providers in Colorado.

---

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

**SECTION 1.** In Colorado Revised Statutes, **amend** 40-17-101 as follows:

**40-17-101. Legislative declaration.** (1) The general assembly hereby finds, determines, and declares that many of Colorado's residents are unable to utilize telecommunications facilities without assistance and are therefore ~~disabled~~ telephone users ~~Disabled~~ WITH DISABILITIES. Telephone users WITH DISABILITIES include ~~but are not limited to~~, the deaf, the hard of hearing, the speech-impaired, the deaf-blind, and those with central nervous system disabilities. ~~Disabled~~ Telephone users WITH DISABILITIES constitute a substantial and valuable resource within the United States and the state of Colorado, and this segment of our population needs access to telecommunications facilities in order to be contributing and productive members of our society. The role of telecommunications in our world today is inestimable. Telecommunications is the primary vehicle of commerce and industry, the means to convey and receive information and knowledge, and is one of the ways we communicate with others on a personal as well as business level. Telecommunications results in greater independence and self-sufficiency by expanding the channels for employment opportunities,

1 the market for goods and services, human contact, and fellowship.  
2 ~~Disabled~~ Telephone users WITH DISABILITIES should have equal access to  
3 this critical tool, not only for their own sake, but for the benefit of society  
4 at large. The ability to use telecommunications will enhance the business  
5 and personal lives of ~~disabled~~ telephone users WITH DISABILITIES while  
6 stimulating and promoting economic development in Colorado. The  
7 general assembly recognizes the vitality and potential of Colorado's  
8 ~~disabled~~ INDIVIDUALS WITH DISABILITIES, including ~~disabled~~ telephone  
9 users WITH DISABILITIES. Telecommunications is vital to our society, and  
10 SUPPORTING its availability to ~~disabled~~ telephone users WITH DISABILITIES  
11 is ~~an~~ A BENEFICIAL investment of ~~benefit to~~ FOR all of Colorado.

12 (2) The general assembly therefore concludes that it is appropriate  
13 to provide access to telecommunications for ~~disabled~~ telephone users  
14 WITH DISABILITIES by establishing telecommunications relay services that  
15 replace and expand the dual party relay system required pursuant to this  
16 article as ~~said~~ THE article existed prior to July 1, 1992.

17 **SECTION 2.** In Colorado Revised Statutes, **amend** 40-17-102 as  
18 follows:

19 **40-17-102. Definitions.** As used in this article, unless the context  
20 otherwise requires:

21 (1) "BASIC LOCAL EXCHANGE SERVICE" HAS THE SAME MEANING  
22 AS SET FORTH IN SECTION 40-15-102 (3).

23 (2) "COMMERCIAL MOBILE RADIO SERVICE" HAS THE SAME  
24 MEANING AS SET FORTH IN SECTION 40-15-102 (4.5).

25 ~~(1)~~ (3) "Commission" means the public utilities commission of the  
26 state of Colorado.

27 ~~(2)~~ (4) (a) "Local exchange company" means a



1 telecommunications company that provides telephone access lines to  
2 members of the general public ~~who~~ THAT are its customers.

3 (b) "LOCAL EXCHANGE COMPANY" INCLUDES A PROVIDER OF:

4 (I) BASIC LOCAL EXCHANGE SERVICE;

5 (II) COMMERCIAL MOBILE RADIO SERVICE; OR

6 (III) VOICE-OVER-INTERNET PROTOCOL SERVICE.

7 ~~(3)~~ (5) "Telecommunications relay services" means any  
8 telecommunications transmission services that allow a person who has a  
9 hearing or speech disability to communicate ~~by wire or radio~~ in a manner  
10 that is functionally equivalent to the ability of a person who does not have  
11 a hearing or speech disability. ~~Such~~ THE term includes any service that  
12 enables two-way communication between a person who uses a  
13 telecommunications device or other nonvoice terminal device and a  
14 person who does not use such a device.

15 ~~(4)~~ (6) "Telephone access line" means the access to the local  
16 exchange network from the ~~premises~~ LOCATION of an end user customer  
17 of a local exchange company to the telecommunications network to effect  
18 the transfer of information.

19 (7) "VOICE-OVER-INTERNET PROTOCOL SERVICE" HAS THE SAME  
20 MEANING AS SET FORTH IN SECTION 40-15-102 (33).

21 **SECTION 3.** In Colorado Revised Statutes, 40-17-103, **amend**  
22 (3) (a) and (3) (e) as follows:

23 **40-17-103. Commission - powers and duties - rules.** (3) The  
24 commission shall, through the promulgation of rules, develop and  
25 implement a mechanism to recover its costs and the cost to local  
26 exchange companies in implementing and administering  
27 telecommunications relay services required by this article. The

1 mechanism ~~shall~~ MUST, at a minimum, provide for the following:

2 (a) The assessment of a monthly surcharge on each telephone  
3 access line, which surcharge may be adjusted by the commission in  
4 accordance with paragraph (d) of this subsection (3). The monthly  
5 surcharge ~~shall~~ MUST be an amount sufficient to:

6 (I) Reimburse the commission for its costs in developing,  
7 implementing, and administering telecommunications relay services;  
8 ~~which administrative costs shall not exceed three percent of the total~~  
9 ~~costs, to~~

10 (II) Reimburse local exchange companies for their administrative  
11 costs in imposing and collecting the surcharge; ~~and to~~

12 (III) Cover the costs of providers in rendering the service; AND

13 (IV) PURSUANT TO SECTION 40-17-104, COVER ANNUAL  
14 APPROPRIATIONS TO THE READING SERVICES FOR THE BLIND CASH FUND  
15 AND THE COLORADO COMMISSION FOR THE DEAF AND HARD OF HEARING  
16 CASH FUND.

17 (e) The authority of a local exchange company to deduct and  
18 retain as reimbursement for its administrative costs an amount not to  
19 exceed three-quarters of one percent of the amount of total monthly  
20 surcharges collected by ~~such local exchange~~ THE company. In addition,  
21 the mechanism ~~shall~~ MUST include a requirement that any remaining  
22 amount of ~~moneys~~ MONEY be transmitted to the state treasurer who shall  
23 credit the ~~same~~ MONEY to the Colorado ~~disabled~~ telephone users WITH  
24 DISABILITIES fund created by section 40-17-104.

25 **SECTION 4.** In Colorado Revised Statutes, 40-17-104, **amend**  
26 (1) and (4) (a) as follows:

27 **40-17-104. Colorado telephone users with disabilities fund -**

1 **creation - purpose.** (1) Except as otherwise authorized to be retained by  
2 section 40-17-103 (3) (e), all ~~moneys~~ MONEY collected by the local  
3 exchange companies in accordance with ~~said~~ section 40-17-103 shall be  
4 transmitted to the state treasurer, who shall credit the ~~same~~ MONEY to the  
5 Colorado ~~disabled~~ telephone users WITH DISABILITIES fund, which fund  
6 is hereby created and is referred to in this article as the "fund". ~~On July 1,~~  
7 ~~1992, any moneys in the Colorado disabled telephone users fund created~~  
8 ~~by section 40-17-103, as said section existed prior to July 1, 1992, shall~~  
9 ~~be credited to the fund as created by this section.~~ The general assembly  
10 shall make annual appropriations out of ~~such~~ THE fund for the  
11 administration of the fund and shall make annual appropriations to the  
12 reading services for the blind cash fund, created in section 24-90-105.5  
13 (5), C.R.S., for use by the state librarian in support of privately operated  
14 reading services for ~~the~~ PEOPLE WHO ARE blind. The ~~moneys~~ MONEY in  
15 ~~such~~ THE fund not used for administration of ~~such~~ THE fund, not used for  
16 the reading services for the blind cash fund, and not used for the Colorado  
17 commission for the deaf and hard of hearing cash fund created in section  
18 26-21-107, C.R.S., ~~are~~ IS hereby continuously appropriated to the public  
19 utilities commission for the reimbursement of providers who render  
20 telecommunications services authorized by this article.

21 (4) (a) Notwithstanding any provision of subsection (1) of this  
22 section to the contrary, the general assembly shall make annual  
23 appropriations from the Colorado ~~disabled~~ telephone users WITH  
24 DISABILITIES fund to the Colorado commission for the deaf and hard of  
25 hearing cash fund, created in section 26-21-107, C.R.S.

26 **SECTION 5.** In Colorado Revised Statutes, 24-75-402, **amend**  
27 (5) (s) as follows:

1           **24-75-402. Cash funds - limit on uncommitted reserves -**  
2           **reduction in amount of fees - exclusions - repeal.** (5) Notwithstanding  
3           any provision of this section to the contrary, the following cash funds are  
4           excluded from the limitations specified in this section:

5           (s) The Colorado ~~disabled~~ telephone users WITH DISABILITIES fund  
6           created in section 40-17-104, C.R.S., until this paragraph (s) is repealed,  
7           effective July 1, 2017;

8           **SECTION 6.** In Colorado Revised Statutes, 26-21-106, **amend**  
9           (6) as follows:

10           **26-21-106. Powers, functions, and duties of the commission -**  
11           **equipment distribution program.** (6) The commission shall establish  
12           and maintain an active outreach consultant for technical assistance to  
13           improve and ensure equivalent access to auxiliary services by critical state  
14           and local government agencies, private agencies, and other entities and  
15           to increase awareness of the programs for and rights of INDIVIDUALS WHO  
16           ARE deaf and hard of hearing ~~individuals~~ from ~~moneys~~ MONEY  
17           appropriated by the general assembly from the Colorado ~~disabled~~  
18           telephone users WITH DISABILITIES fund established pursuant to section  
19           40-17-104, C.R.S.

20           **SECTION 7. Act subject to petition - effective date -**  
21           **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
22           the expiration of the ninety-day period after final adjournment of the  
23           general assembly (August 10, 2016, if adjournment sine die is on May 11,  
24           2016); except that, if a referendum petition is filed pursuant to section 1  
25           (3) of article V of the state constitution against this act or an item, section,  
26           or part of this act within such period, then the act, item, section, or part  
27           will not take effect unless approved by the people at the general election

1 to be held in November 2016 and, in such case, will take effect on the  
2 date of the official declaration of the vote thereon by the governor.

3 (2) This act applies to surcharges assessed on or after the  
4 applicable effective date of this act.

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

DRAFT  
3.22.16

DRAFT

LLS NO. 16-1204.01 Ed DeCecco x4216

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC: "FY2015-16 Statutory Reserve Reduction"**

**A BILL FOR AN ACT**

101 **CONCERNING A REDUCTION IN THE AMOUNT OF THE GENERAL FUND**  
102 **RESERVE REQUIRED FOR THE FISCAL YEAR 2015-16.**

**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://www.leg.state.co.us/bills/summaries>.)*

**Joint Budget Committee.** For the fiscal year 2015-16, the bill reduces the statutorily required general fund reserve from 6.5% to \_\_\_% of the amount appropriated for expenditure from the general fund.

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

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

1           **SECTION 1.** In Colorado Revised Statutes, 24-75-201.1, **amend**  
2       (1) (d) (XIV); and **add** (1) (d) (XVII) as follows:

3           **24-75-201.1. Restriction on state appropriations - legislative**  
4       **declaration - definitions.** (1) (d) For each fiscal year, unrestricted  
5       general fund year-end balances shall be retained as a reserve in the  
6       following amounts:

7           (XIV) For the fiscal year 2014-15 and each fiscal year thereafter,  
8       EXCLUDING THE FISCAL YEAR 2015-16, six and one-half percent of the  
9       amount appropriated for expenditure from the general fund for that fiscal  
10      year.

11          (XVII) FOR THE FISCAL YEAR 2015-16, \_\_\_\_\_ PERCENT OF THE  
12      AMOUNT APPROPRIATED FOR EXPENDITURE FROM THE GENERAL FUND FOR  
13      THAT FISCAL YEAR.

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

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

DRAFT  
3.22.16

DRAFT

LLS NO. 16-1205.01 Esther van Mourik x4215

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC:** "Capital-related Transfers Of Moneys"

**A BILL FOR AN ACT**

101 **CONCERNING CAPITAL-RELATED TRANSFERS OF MONEYS.**

**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://www.leg.state.co.us/billsummaries>.)*

**Joint Budget Committee.** For the 2016-17 fiscal year, the bill transfers:

- \$\_\_\_\_\_ from the general fund to the capital construction fund;
- \$10,697,409 from the general fund to the information technology capital account of the capital construction fund;
- \$500,000 from the general fund exempt account of the general fund to the capital construction fund;

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*



- \$1 million of interest earned on the principal of the controlled maintenance trust fund to the capital construction fund; and
- \$1 million from the preservation grant program account of the state historical fund to the capital construction fund for historical renovations of the state house of representatives' chambers and the state senate's chambers.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-302, **amend**  
3 (2) (bb), (2) (cc), (2.3) (a), (2.5) (i), and (2.5) (j); and **add** (2) (dd), (2.3)  
4 (b), and (2.5) (k) as follows:

5 **24-75-302. Capital construction fund - capital assessment fees**  
6 **- calculation - information technology capital account -**  
7 **repeal.** (2) The controller shall transfer a sum as specified in this  
8 subsection (2) from the general fund to the capital construction fund as  
9 moneys become available in the general fund during the fiscal year  
10 beginning on July 1 of the fiscal year in which the transfer is made.  
11 Transfers between funds pursuant to this subsection (2) are not  
12 appropriations subject to the limitations of section 24-75-201.1. The  
13 amounts transferred pursuant to this subsection (2) are as follows:

14 (bb) On April 1, 2015, twenty-three million eight thousand three  
15 hundred thirty-two dollars; ~~and~~

16 (cc) On July 1, 2015, one hundred forty-three million nine  
17 hundred fifty-one thousand six hundred thirty-nine dollars; AND

18 (dd) ON JULY 1, 2016, \_\_\_\_\_ DOLLARS.

19 (2.3) In addition to the sums transferred pursuant to subsections  
20 (2) and (2.5) of this section, the state treasurer and the controller shall  
21 transfer a sum as specified in this subsection (2.3) from the general fund  
22 to the information technology capital account created in subsection (3.7)

1 of this section, as enacted by House Bill 15-1266, as moneys become  
2 available in the general fund during the fiscal year beginning on July 1 of  
3 the fiscal year in which the transfer is made. Transfers between funds  
4 pursuant to this subsection (2.3) are not appropriations subject to the  
5 limitations of section 24-75-201.1. The amounts transferred pursuant to  
6 this subsection (2.3) are as follows:

7 (a) On July 1, 2015, seventy-six million eight hundred  
8 seventy-seven thousand seven hundred ninety dollars; AND

9 (b) ON JULY 1, 2016, TEN MILLION SIX HUNDRED NINETY-SEVEN  
10 THOUSAND FOUR HUNDRED NINE DOLLARS.

11 (2.5) In addition to the sums transferred pursuant to subsections  
12 (2) and (2.3) of this section, the state treasurer and the controller shall  
13 transfer a sum as specified in this subsection (2.5) from the general fund  
14 exempt account of the general fund created pursuant to section  
15 24-77-103.6 to the capital construction fund as moneys become available  
16 in the general fund exempt account during the fiscal year beginning on  
17 July 1 of the fiscal year in which the transfer is made. Transfers between  
18 funds pursuant to this subsection (2.5) are not appropriations subject to  
19 the limitations of section 24-75-201.1. The amounts transferred pursuant  
20 to this subsection (2.5) are as follows:

21 (i) On July 1, 2014, five hundred thousand dollars; ~~and~~

22 (j) On July 1, 2015, five hundred thousand dollars; AND

23 (k) ON JULY 1, 2016, FIVE HUNDRED THOUSAND DOLLARS.

24 **SECTION 2.** In Colorado Revised Statutes, 24-75-302.5, **add** (9)  
25 as follows:

26 **24-75-302.5. Controlled maintenance - trust fund - legislative**  
27 **declaration.** (9) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO

1 THE CONTRARY, ON JULY 1, 2016, THE STATE TREASURER AND THE  
2 CONTROLLER SHALL TRANSFER ONE MILLION DOLLARS FROM THE INTEREST  
3 EARNED ON THE PRINCIPAL OF THE TRUST FUND BALANCE TO THE CAPITAL  
4 CONSTRUCTION FUND CREATED IN SECTION 24-75-302.

5 **SECTION 3.** In Colorado Revised Statutes, 12-47.1-1201, **add**  
6 (8) as follows:

7 **12-47.1-1201. State historical fund - administration -**  
8 **legislative declaration - state museum cash fund - capitol dome**  
9 **restoration fund.** (8) FOR THE FISCAL YEAR COMMENCING JULY 1,  
10 2016, THE STATE TREASURER SHALL TRANSFER ONE MILLION DOLLARS  
11 FROM THE PRESERVATION GRANT PROGRAM ACCOUNT OF THE STATE  
12 HISTORICAL FUND AT THE BEGINNING OF THE FISCAL YEAR TO THE  
13 CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S.,  
14 FOR HISTORIC RENOVATION OF THE STATE HOUSE OF REPRESENTATIVES'  
15 CHAMBERS AND THE STATE SENATE'S CHAMBERS.

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

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

UNREVISED  
DRAFT  
3.18.16

DRAFT

LLS NO. 16-1194.01 Duane Gall x4335

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC:** "Vocational Rehabilitation Statutory Clean-Up"

**A BILL FOR AN ACT**

101 **CONCERNING TECHNICAL REVISIONS TO THE STATUTES GOVERNING**  
102 **THE DIVISION OF VOCATIONAL REHABILITATION.**

**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://www.leg.state.co.us/bills/summaries>.)*

**Joint Budget Committee.** The bill deletes obsolete provisions and makes conforming changes to reflect current terminology used in relevant federal law and rules pertaining to vocational rehabilitation programs. Recent legislation (SB 15-239) moved these programs from the department of human services to the department of labor and employment and relocated the statutes as of July 1, 2016; the bill amends the

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

legislative declaration of SB 15-239 and the substantive provisions of the relocated statutes as they will become effective on that date.

---

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

2 **SECTION 1.** In Session Laws of Colorado 2015, section 1 of  
3 chapter 160, **amend** (1) (a) as follows:

4 Section 1. **Legislative declaration.** The general assembly hereby  
5 finds and declares that:

6 (a) The general assembly is committed to strengthening the  
7 programs of rehabilitation of ~~disabled and nondisabled~~ persons WITH OR  
8 WITHOUT DISABILITIES to the end that those persons may attain their  
9 maximum potential in employment, ~~self-care~~ SELF-SUFFICIENCY, and  
10 independent living;

11 **SECTION 2.** In Colorado Revised Statutes, 8-84-104, **amend as**  
12 **it will become effective July 1, 2016,** (1) (c); and **repeal as they will**  
13 **become effective July 1, 2016,** (1) (a) and (1) (d) as follows:

14 **8-84-104. Functions of the department.** (1) The department  
15 shall manage, control, and supervise all rehabilitation programs provided  
16 in this article, including:

17 (a) ~~All duties and functions previously assigned to the vocational~~  
18 ~~rehabilitation division of the state board of vocational education;~~

19 (c) All duties and functions regarding vocational rehabilitation  
20 programs previously assigned to the division of vocational rehabilitation  
21 in the department of human services or any other duties and functions  
22 relating to vocational rehabilitation previously assigned to the department  
23 of human services; AND

24 (d) ~~All duties and functions relating to home teaching of and~~  
25 ~~teachers for the adult blind vested in, exercised by, or imposed upon the~~

1 ~~department of human services or its predecessors prior to July 1, 1973,~~  
2 ~~whether by law, rule, or regulation; and~~

3 **SECTION 3.** In Colorado Revised Statutes, 8-84-105, **amend as**  
4 **it will become effective July 1, 2016,** (1) (a); and **add** (1) (b.5) as  
5 follows:

6 **8-84-105. Administration - rules.** (1) The department shall:

7 (a) Adopt rules governing personnel standards, the protection of  
8 records and confidential information, the manner and form of filing  
9 applications, eligibility, the investigation and determination of eligibility  
10 for vocational rehabilitation services, procedures for fair hearings, ~~the~~  
11 ~~establishment and operation of rehabilitation facilities and workshops,~~  
12 and other rules as necessary to carry out the purposes of this article;

13 (b.5) ACCEPT AND EXPEND MONEYS FROM GOVERNMENTAL AND  
14 NONGOVERNMENTAL ENTITIES TO CARRY OUT THE DIVISION'S AUTHORIZED  
15 POWERS AND DUTIES; AND

16 **SECTION 4.** In Colorado Revised Statutes, 8-84-106, **amend as**  
17 **it will become effective July 1, 2016,** (2) (b), (2) (g), (3) (a), and (3) (c)  
18 (II); and **repeal as they will become effective July 1, 2016,** (2) (c) and  
19 (2) (e) as follows:

20 **8-84-106. Rehabilitation of persons with disabilities.** (2) The  
21 department shall:

22 (b) Enter into ~~reciprocal~~ COLLABORATIVE agreements with other  
23 states, IN ACCORDANCE WITH APPLICABLE FEDERAL LAW AND  
24 REGULATIONS, to provide ~~for the~~ services authorized by this article; ~~to~~  
25 ~~residents of the states concerned;~~

26 (c) ~~Establish and operate rehabilitation facilities and workshops~~  
27 ~~and make grants to public and other nonprofit organizations for those~~

1 purposes;

2 (e) ~~Provide training and instruction, including the establishment~~  
3 ~~and maintenance of research fellowships and traineeships with stipends~~  
4 ~~and allowances as necessary, in matters relating to vocational~~  
5 ~~rehabilitation;~~

6 (g) Provide medical, diagnostic, physical restoration, training, and  
7 other rehabilitation services as needed to enable persons with disabilities  
8 to attain the maximum degree of ~~self-care~~ SELF-SUFFICIENCY.

9 (3) (a) The department shall provide vocational rehabilitation  
10 services directly or through public or private instrumentalities to or for  
11 the benefit of an APPLICANT OR eligible person with a disability who:

12 (I) Is ~~residing~~ PRESENT in the state at the time of filing an  
13 application for the services; and

14 (II) ~~(A)~~ The department determines, after full investigation, can  
15 satisfactorily achieve rehabilitation. ~~or~~

16 ~~(B) Is eligible for vocational rehabilitation services under the~~  
17 ~~terms of an agreement with another state or the federal government.~~

18 (c) (II) The department shall provide the following services at  
19 public cost without consideration of financial need:

20 (A) Diagnostic and related assessments, including transportation  
21 necessary to obtain the assessment, that are required to determine  
22 eligibility for services and the nature and scope of the services to be  
23 provided;

24 (B) Vocational rehabilitation COUNSELING AND guidance;

25 (C) Referral;

26 (D) Personal assistance ~~training~~ SERVICES;

27 (E) AUXILIARY AIDS OR SERVICES, INCLUDING interpreter AND

1     READER services;

2             (F) Job SEARCH AND placement ASSISTANCE; and

3             (G) Job retention SERVICES.

4             **SECTION 5. Effective date.** This act takes effect July 1, 2016.

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  
Seventieth General Assembly  
STATE OF COLORADO

DRAFT  
3.22.16

DRAFT

LLS NO. 16-1195.01 Esther van Mourik x4215

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC:** "Grand Junction Regional Center Campus"

**A BILL FOR AN ACT**

101 **CONCERNING THE GRAND JUNCTION REGIONAL CENTER CAMPUS.**

**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://www.leg.state.co.us/bills/summaries>.)*

The bill requires the department of human services (department), within the parameters of certain guiding principles, to vacate the Grand Junction regional center campus and list the campus for sale no later than July 1, 2018, or earlier, if the department can transition each person receiving services at the Grand Junction regional center campus to nonregional center campus residences before that date.

The bill specifies that if the department cannot vacate the Grand Junction regional center campus or list the campus for sale by July 1,

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

2018, the department must provide quarterly updates in writing to the joint budget committee and the capital development committee that set forth the projected timeline for vacating the campus and listing the campus for sale.

The bill requires the department, no later than December 10, 2016, to:

- Submit to the capital development committee a plan for the disposition of the Grand Junction regional center campus, including a plan to spend the proceeds of the sale; and
- Make any associated capital construction budget requests for capital construction, capital renewal, or controlled maintenance needs related to the transitioning of persons receiving services at the Grand Junction regional center campus, based on such person's choice, to nonregional center campus residences.

In order to formulate the plan and the budget requests, the department must create an advisory group that includes direct care staff of the campus, families of persons receiving services at the campus, and other stakeholders.

The bill creates the Grand Junction regional center campus transition cash fund for the department to use, subject to appropriation, for future costs related to adequate housing for each person receiving services on the Grand Junction regional center campus.

---

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

**SECTION 1.** In Colorado Revised Statutes, **add** 27-10.5-312 as follows:

**27-10.5-312. Grand Junction regional center campus - vacating the campus and listing it for sale - legislative declaration - definition - repeal.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT CERTAIN GUIDING PRINCIPLES SHOULD BE CONSIDERED BY THE DEPARTMENT WHEN IT VACATES THE GRAND JUNCTION REGIONAL CENTER CAMPUS AS REQUIRED IN SUBSECTION (3) OF THIS SECTION. THE DEPARTMENT'S PROCESS AND PLAN MUST:

(a) EMPHASIZE PERSON-CENTERED SERVICES THAT SUPPORT THE WELL-BEING AND CHOICE OF THE PERSON RECEIVING SERVICES AT THE

- 1 CAMPUS;
- 2 (b) INVOLVE THE MEANINGFUL ENGAGEMENT OF THE PARENTS OR
- 3 GUARDIANS OF THE PERSON RECEIVING SERVICES AT THE CAMPUS;
- 4 (c) FOSTER COMMUNITY INTEGRATION AND INVOLVEMENT;
- 5 (d) FIND A SOLUTION THAT IS PROGRAMMATICALLY AND FISCALLY
- 6 SUSTAINABLE;
- 7 (e) PRESERVE THE CAPACITY FOR THE SERVICES AND SUPPORT
- 8 PROVIDED BY THE REGIONAL CENTER IN GRAND JUNCTION AND MUST NOT
- 9 COMPROMISE THE CAPACITY FOR THE SERVICES AND SUPPORT PROVIDED
- 10 AT THE REGIONAL CENTERS IN PUEBLO AND WHEAT RIDGE;
- 11 (f) ENSURE THAT PERSONS RECEIVING SERVICES AT THE GRAND
- 12 JUNCTION REGIONAL CENTER CAMPUS ARE TRANSITIONED TO HOME-LIKE
- 13 SETTINGS THAT SERVE NO MORE THAN SIX PERSONS WITH INTELLECTUAL
- 14 AND DEVELOPMENTAL DISABILITIES;
- 15 (g) RELOCATE DAY SERVICES AND SUPPORT FOR PERSONS WITH
- 16 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND USE THIS
- 17 OPPORTUNITY TO ENHANCE THE QUALITY OF DAY SERVICES AND SUPPORT
- 18 THAT ARE OFFERED AND INCREASE THE QUALITY OF THE EXPERIENCE THAT
- 19 PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES HAVE
- 20 WITH SUCH DAY SERVICES AND SUPPORT;
- 21 (h) ENSURE THE ONGOING SUCCESS AND SECURITY OF THE
- 22 REGIONAL CENTER'S STAFF MEMBERS IN GRAND JUNCTION;
- 23 (i) ENSURE THAT THE REGIONAL CENTER'S ADMINISTRATIVE
- 24 OFFICES WILL BE MOVED TO A LEASED OFFICE LOCATION THAT WILL HOUSE
- 25 BOTH THE ACCOUNTING AND SUPPORT FUNCTIONS THAT ARE CURRENTLY
- 26 LOCATED ON THE GRAND JUNCTION REGIONAL CENTER CAMPUS;
- 27 (j) ENSURE THAT THE DIVISION OF FACILITY MANAGEMENT

1 EMPLOYEES WILL BE INCLUDED IN THE RELOCATION OF THE OFFICE AND  
2 THE WORKSPACE;

3 (k) WORK WITH THE JOINT BUDGET COMMITTEE TO ENSURE THAT  
4 THE DIVISION OF FACILITY MANAGEMENT'S RESOURCES BE REDIRECTED TO  
5 MEET THE NEEDS OF THE EXISTING DEPARTMENT FACILITIES AND  
6 OPERATIONS IN THE GRAND JUNCTION AREA THAT ARE NOT ON THE  
7 CAMPUS;

8 (l) EXPLORE OPTIONS FOR THE FUTURE OF LAUNDRY SERVICES  
9 CURRENTLY PROVIDED AT THE GRAND JUNCTION REGIONAL CENTER  
10 CAMPUS; AND

11 (m) GIVE REASONABLE NOTICE TO ANY CURRENT TENANTS OF THE  
12 GRAND JUNCTION REGIONAL CENTER CAMPUS, CONSISTENT WITH THE  
13 TERMS OF THE LEASE, THAT THEIR LEASE AGREEMENTS ARE TERMINATING  
14 AND WILL NOT BE EXTENDED.

15 (2) FOR PURPOSES OF THIS SECTION, "GRAND JUNCTION REGIONAL  
16 CENTER CAMPUS" OR "CAMPUS" MEANS THE REAL PROPERTY THAT  
17 COMPRISES THE DEPARTMENT OF HUMAN SERVICES' CAMPUS ON THE  
18 NORTHEAST CORNER OF 28TH ROAD AND RIVERSIDE PARKWAY IN GRAND  
19 JUNCTION, COLORADO 81501.

20 (3) (a) NO LATER THAN JULY 1, 2018, OR AS SOON AS EACH PERSON  
21 RECEIVING SERVICES ON THE EFFECTIVE DATE OF THIS PARAGRAPH (a) AT  
22 THE GRAND JUNCTION REGIONAL CENTER CAMPUS IS TRANSITIONED TO  
23 NONREGIONAL CENTER CAMPUS RESIDENCES, IF SUCH TRANSITION OCCURS  
24 BEFORE JULY 1, 2018, THE DEPARTMENT SHALL VACATE THE GRAND  
25 JUNCTION REGIONAL CENTER CAMPUS AND SHALL LIST THE CAMPUS FOR  
26 SALE.

27 (b) IF THE DEPARTMENT CANNOT VACATE THE GRAND JUNCTION

1 REGIONAL CENTER CAMPUS OR LIST THE CAMPUS FOR SALE BY THE  
2 DEADLINE SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3), THE  
3 DEPARTMENT SHALL PROVIDE QUARTERLY UPDATES IN WRITING,  
4 COMMENCING NO LATER THAN JUNE 1, 2018, TO THE JOINT BUDGET  
5 COMMITTEE AND THE CAPITAL DEVELOPMENT COMMITTEE THAT SET  
6 FORTH THE PROJECTED TIMELINE FOR VACATING THE CAMPUS AND LISTING  
7 THE CAMPUS FOR SALE.

8 (c) (I) NO LATER THAN DECEMBER 10, 2016, THE DEPARTMENT  
9 SHALL SUBMIT TO THE CAPITAL DEVELOPMENT COMMITTEE A PLAN FOR  
10 THE DISPOSITION OF THE GRAND JUNCTION REGIONAL CENTER CAMPUS,  
11 INCLUDING A PLAN TO SPEND THE PROCEEDS OF THE SALE, AND SHALL  
12 MAKE ANY ASSOCIATED CAPITAL CONSTRUCTION BUDGET REQUESTS FOR  
13 CAPITAL CONSTRUCTION, CAPITAL RENEWAL, OR CONTROLLED  
14 MAINTENANCE NEEDS RELATED TO THE TRANSITIONING OF PERSONS  
15 RECEIVING SERVICES AT THE GRAND JUNCTION REGIONAL CENTER  
16 CAMPUS, BASED ON SUCH PERSON'S CHOICE, TO NONREGIONAL CENTER  
17 CAMPUS RESIDENCES.

18 (II) THE DEPARTMENT SHALL CONVENE AN ADVISORY GROUP  
19 COMPOSED OF NO MORE THAN SEVEN MEMBERS TO HELP THE DEPARTMENT  
20 FORMULATE THE PLAN AND BUDGET REQUESTS PURSUANT TO THE  
21 DEADLINE DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c). THE  
22 MEMBERS SHALL BE APPOINTED BY THE DEPARTMENT AND MUST INCLUDE  
23 DIRECT CARE STAFF OF THE CAMPUS, FAMILIES OF PERSONS RECEIVING  
24 SERVICES AT THE CAMPUS, AND OTHER STAKEHOLDERS. MEMBERS OF THE  
25 ADVISORY GROUP ARE VOLUNTEERS AND ARE NOT ENTITLED TO  
26 REIMBURSEMENT FOR ANY ACTUAL AND NECESSARY EXPENSES.  
27 NOTWITHSTANDING SECTION 2-2-307, C.R.S., IF THE DEPARTMENT

1 APPOINTS A LEGISLATIVE MEMBER TO THE ADVISORY GROUP, SUCH  
2 LEGISLATIVE MEMBER IS NOT ENTITLED TO PER DIEM COMPENSATION.

3 (4) THE GRAND JUNCTION REGIONAL CENTER CAMPUS TRANSITION  
4 CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY  
5 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF TWO MILLION  
6 DOLLARS TRANSFERRED FROM THE INTELLECTUAL AND DEVELOPMENTAL  
7 DISABILITIES SERVICES CASH FUND CREATED IN SECTION 25.5-10-207 (1),  
8 C.R.S., AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY  
9 APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL  
10 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND  
11 INVESTMENT OF MONEY IN THE FUND TO THE FUND. THE STATE TREASURER  
12 SHALL CREDIT ANY UNEXPENDED AND UNENCUMBERED MONEYS  
13 REMAINING IN THE FUND AT THE END OF THE 2019-20 FISCAL YEAR TO THE  
14 GENERAL FUND. SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY,  
15 THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND FOR FUTURE  
16 COSTS RELATED TO ADEQUATE HOUSING FOR EACH PERSON RECEIVING  
17 SERVICES ON THE EFFECTIVE DATE OF THIS SUBSECTION (4) ON THE GRAND  
18 JUNCTION REGIONAL CENTER CAMPUS.

19 (5) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2021.

20 **SECTION 2. Safety clause.** The general assembly hereby finds,  
21 determines, and declares that this act is necessary for the immediate  
22 preservation of the public peace, health, and safety. <{Need one for the  
23 December 10 deadline.}>