

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

This Version Includes All Amendments

Adopted in the Second House

LLS NO. 17-0270.01 Kristen Forrestal x4217

SENATE BILL 17-234

SENATE SPONSORSHIP

Kerr, Martinez Humenik, Moreno, Tate

HOUSE SPONSORSHIP

Thurlow, Arndt, Hooton, Nordberg

Senate Committees

Health & Human Services

House Committees

Public Health Care & Human Services

HOUSE
3rd Reading Unamended
April 10, 2017

A BILL FOR AN ACT

101 **CONCERNING THE SCHEDULED REPEAL OF REPORTS BY THE**

102 **DEPARTMENT OF HUMAN SERVICES TO THE GENERAL ASSEMBLY.**

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/>.)

HOUSE
Amended 2nd Reading
April 7, 2017

SENATE
3rd Reading Unamended
March 29, 2017

Statutory Revision Committee. Pursuant to section 24-1-136 (11)(a)(I), Colorado Revised Statutes, any report that is required to be made to the general assembly by an executive agency or the judicial branch on a periodic basis expires on the day after the third anniversary of the date on which the first report was due unless the general assembly, acting by bill, continues the requirement. The bill addresses reporting

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.

SENATE
Amended 2nd Reading
March 28, 2017

requirements of the department of human services.

Sections 3 through 6, 8, 10 through 12, and 14 through 17 of the bill continue the reporting requirements indefinitely.

Sections 1, 2, 13, and 18 repeal reports that were scheduled to repeal according to section 24-1-136 (11)(a)(I). Currently there is no repeal date listed in the organic statute.

Sections 7 and 9 add repeal dates in the organic statute that coincide with the scheduled repeal date specified in section 24-1-136 (11)(a)(I).

Sections 19 and 20 make conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend**

3 **14-10-115 (16)(a)** as follows:

4 **14-10-115. Child support guidelines - purpose - definitions -**
5 **determination of income - schedule of basic child support obligations**
6 **- adjustments to basic child support - additional guidelines - child**
7 **support commission.** (16) **Child support commission.** (a) The child
8 support guidelines, including the schedule of basic child support
9 obligations, and general child support issues shall be reviewed ~~and the~~
10 results of the review and any recommended changes shall be reported to
11 the governor and to the general assembly on or before December 1, 1991,
12 ~~and at least every four years thereafter~~ by a child support commission,
13 which commission is hereby created.

14 **SECTION 2.** In Colorado Revised Statutes, **18-18-309, repeal (4)**

15 as follows:

16 **18-18-309. Diversion prevention and control.** (4) The
17 department shall annually report to the governor and to the president of
18 the senate and the speaker of the house of representatives on the outcome
19 of this program with respect to its effects on distribution and abuse of
20 controlled substances, including recommendations for improving control

1 and prevention of the diversion of controlled substances in this state.

2 **SECTION 3. In Colorado Revised Statutes, 19-2-411.5, repeal**

3 (5) as follows:

4 **19-2-411.5. Juvenile facility - contract for operation.** (5) On
5 an annual basis, the department of human services shall calculate the
6 recidivism rate for committed juveniles in the custody of the department
7 of human services who complete the program offered by the facility. In
8 calculating the recidivism rate, the department of human services shall
9 include any juvenile who commits a criminal offense, either as a juvenile
10 or as an adult, within three years after leaving the facility. The department
11 of human services shall report the recidivism rate to the general assembly.

12 **SECTION 4. In Colorado Revised Statutes, 19-3-214, amend** (2)

13 as follows:

14 **19-3-214. Placement reporting.** (2) NOTWITHSTANDING SECTION
15 24-1-136 (11)(a)(I), the state department shall submit an annual report to
16 the joint budget committee of the general assembly no later than
17 December 1 of each year that compiles the monthly reports of the number
18 of children who have been placed out of the home in each county or city
19 and county for the preceding year as required pursuant to subsection (1)
20 of this section.

21 **SECTION 5. In Colorado Revised Statutes, 19-3-304.5, amend**

22 (6) as follows:

23 **19-3-304.5. Emergency possession of certain abandoned**
24 **children.** (6) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the state
25 department of human services shall submit an annual report to the general
26 assembly, beginning January 1, 2001, that compiles the monthly reports,
27 required pursuant to subsection (5) of this section, of the number of

1 children abandoned pursuant to this section.

2 **SECTION 6.** In Colorado Revised Statutes, 19-3.3-108, **amend**
3 (2) as follows:

4 **19-3.3-108. Office of the child protection ombudsman - annual**
5 **report.** (2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the
6 ombudsman shall distribute the written report to the governor, the chief
7 justice, the board, and the general assembly. The ombudsman shall
8 present the report to the health and human services committees of the
9 house of representatives and of the senate, or any successor committees.

10 **SECTION 7.** In Colorado Revised Statutes, 26-1-132, **amend**
11 (4)(a) as follows:

12 **26-1-132. Department of human services - rate setting -**
13 **residential treatment service providers - monitoring and auditing -**
14 **report - repeal.** (4) (a) (I) The state department, in conjunction with the
15 counties and providers, shall submit an initial report to the joint budget
16 committee of the general assembly on or before January 1, 2017, and
17 every January 1 thereafter. The report must include the rate-setting
18 process and the implementation timeline developed pursuant to this
19 section.

20 (II) PURSUANT TO SECTION 24-1-136 (11)(a)(I), THIS SUBSECTION
21 (4)(a) IS REPEALED, EFFECTIVE JANUARY 2, 2020.

22 **SECTION 8.** In Colorado Revised Statutes, **amend** 26-1-310 as
23 follows:

24 **26-1-310. Reports to the general assembly.** NOTWITHSTANDING
25 SECTION 24-1-136 (11)(a)(I), on September 1, 2009, and each September
26 1 thereafter, the board shall provide a report to the joint budget committee
27 and the health and human services committees of the house of

1 representatives and the senate, or any successor committees, on the
2 operations of the trust fund, the moneys expended, the number of
3 individuals with traumatic brain injuries offered services, the research
4 grants awarded and the progress on such grants, and the educational
5 information provided pursuant to this article.

6 **SECTION 9.** In Colorado Revised Statutes, 26-2-104, **amend**
7 (2)(f) as follows:

8 **26-2-104. Public assistance programs - electronic benefits**
9 **transfer service - joint reports with department of revenue - signs -**
10 **rules - repeal.** (2) (f) (I) On or before January 1, 2016, and July 1, 2016,
11 and on or before each January 1 thereafter, the department of revenue and
12 the state department shall each submit and present the reports at the same
13 meeting on electronic benefits transfers to the state, veterans, and military
14 affairs committees of the senate and house of representatives, the health
15 and human services committee of the senate, and the public health care
16 and human services committee of the house of representatives, or any
17 successor committees. The reports must list the number of instances that
18 a client accessed cash benefits through the electronic benefits transfer
19 service through automated teller machines located in each type of
20 establishment described in paragraph (a) of this subsection (2) or any
21 other establishment in which a client is prohibited from accessing benefits
22 by federal law.

23 (II) PURSUANT TO SECTION 24-1-136 (11)(a)(I), THIS SUBSECTION
24 (2)(f) IS REPEALED, EFFECTIVE JANUARY 2, 2019.

25 **SECTION 10.** In Colorado Revised Statutes, 26-2-809, **amend**
26 (1) introductory portion as follows:

27 **26-2-809. Colorado child care assistance program - reporting**

1 **requirements.** (1) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on
2 or before December 1, 2016, and on or before December 1 each year
3 thereafter, the state department shall prepare a report on CCCAP. The
4 state department shall provide the report to the public health care and
5 human services committee of the house of representatives and the health
6 and human services committee of the senate, or any successor
7 committees. The report must include, at a minimum, the following
8 information related to benchmarks of success for CCCAP:

9 **SECTION 11.** In Colorado Revised Statutes, 26-5-105.4, **amend**
10 (8)(a) as follows:

11 **26-5-105.4. Title IV-E waiver demonstration project - county**
12 **performance agreements - Title IV-E waiver demonstration project**
13 **cash fund created - rules - repeal.** (8) (a) NOTWITHSTANDING SECTION
14 24-1-136 (11)(a)(I), on or before December 31, 2013, and each December
15 31 thereafter, the state department shall prepare a report concerning the
16 status of the Title IV-E waiver demonstration project, as described in this
17 section. The state department shall deliver the report to the joint budget
18 committee, the health and human services committee of the senate, the
19 health, insurance, and environment committee of the house of
20 representatives, and the public health care and human services committee
21 of the house of representatives, or any successor committees, no later than
22 December 31 of each year.

23 **SECTION 12.** In Colorado Revised Statutes, 26-5.5-104, **amend**
24 (6) as follows:

25 **26-5.5-104. Statewide family preservation program - creation**
26 **- single state agency designated - program criteria established -**
27 **available services - powers and duties of agencies - local oversight -**

1 **feasibility report.** (6) On and after July 1, 1994, the executive director
2 of the state department shall annually evaluate the statewide family
3 preservation program and shall determine the overall effectiveness and
4 cost-efficiency of the program. NOTWITHSTANDING SECTION 24-1-136
5 (11)(a)(I), on or before the first day of October of each year, the executive
6 director of the state department shall report such findings and shall make
7 recommended changes, including budgetary changes, to the program to
8 the general assembly, the chief justice of the supreme court, and the
9 governor. In evaluating the program, the executive director of the state
10 department shall consider any recommendations made by the interagency
11 family preservation commission in accordance with section 26-5.5-106.
12 To the extent changes to the program may be made without requiring
13 statutory amendment, the executive director may implement such
14 changes, including changes recommended by the commission acting in
15 accordance with subsection (7) of this section.

16 **SECTION 13.** In Colorado Revised Statutes, 26-6-116, **repeal** (2)
17 as follows:

18 **26-6-116. Child care resource and referral system - created.**
19 (2) ~~The state department shall report to the members of the health and~~
20 ~~human services committees of the senate and the house of representatives~~
21 ~~of the general assembly, or any successor committees, concerning the~~
22 ~~child care resource and referral system by December 1, 2001, and by each~~
23 ~~December 1 thereafter. The report shall specify, at a minimum, the entity~~
24 ~~that the state department has currently designated to administer the system~~
25 ~~and the qualifications of that entity to serve in such capacity, the types of~~
26 ~~services that are being provided pursuant to the system, the numbers and~~
27 ~~types of persons receiving such services, and the cost associated with the~~

1 system:

2 **SECTION 14.** In Colorado Revised Statutes, 26-6.7-105, **amend**

3 (2) as follows:

4 **26-6.7-105. Reporting requirements.** (2) NOTWITHSTANDING
5 SECTION 24-1-136 (11)(a)(I), on or before December 1, 2014, and each
6 December 1 thereafter, the state department shall provide a written report
7 on the grant program to the public health care and human services
8 committee of the house of representatives and the health and human
9 services committee of the senate, or any successor committees. The report
10 must include a summary of the data received pursuant to subsection (1)
11 of this section, the total amount of grants and grant moneys awarded, and
12 the total increase in the number of infants and toddlers under three years
13 of age served by the grant program.

14 **SECTION 15.** In Colorado Revised Statutes, 26-12-108, **amend**

15 (1)(c) and (4)(b) as follows:

16 **26-12-108. Payments for care - funds - report - collections for
17 charges - central fund for veterans centers created - repeal.**

18 (1) (c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the state
19 department shall prepare and submit to the general assembly an annual
20 report detailing the financial status of each veterans center. This report
21 must also identify which of the veterans centers administered pursuant to
22 the provisions of this article are owned by the state but operated under
23 contract by another entity.

24 (4) (b) (I) The moneys transferred to the central fund pursuant to
25 this subsection (4) may be used for nonrecurring expenditures that
26 address the greatest needs of serving veterans.

27 (II) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), at least sixty

1 days prior to making such expenditures, the state department shall report
2 its recommended use of the sale proceeds to the state, veterans, and
3 military affairs committees of the house of representatives and the senate,
4 the capital development committee, and the joint budget committee.

5 **SECTION 16.** In Colorado Revised Statutes, 27-10.5-710,
6 **amend** (1) as follows:

7 **27-10.5-710. Annual report - cooperation from certified early**
8 **intervention service brokers and qualified providers.**
9 (1) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), by November 1,
10 2008, and by November 1 each year thereafter, the department shall
11 submit an annual report to the general assembly regarding the various
12 funding sources used for early intervention services, the number of
13 eligible children served, the average cost of early intervention services,
14 and any other information the department deems appropriate. The
15 department shall submit the report to the joint budget committee as part
16 of the department's annual budget request. The department shall also
17 submit the report to the health and human services committees and the
18 education committees of the senate and house of representatives, or any
19 successor committees.

20 **SECTION 17.** In Colorado Revised Statutes, 27-80-107.5,
21 **amend** (5)(c) introductory portion as follows:

22 **27-80-107.5. Increasing access to effective substance use**
23 **disorder services act - managed service organizations - substance use**
24 **disorder services - assessment - community action plan - allocations**
25 **- reporting requirements - evaluation.** (5) (c) NOTWITHSTANDING
26 SECTION 24-1-136 (11)(a)(I), on or before November 1, 2020, AND ON OR
27 BEFORE EACH NOVEMBER 1 THEREAFTER, the department, in collaboration

1 with the designated managed service organizations, shall submit a report
2 to the joint budget committee and the joint health and human services
3 committee, or any successor committees. The report must:

4 **SECTION 18.** In Colorado Revised Statutes, ~~repeal~~ 27-80-110
5 as follows:

6 **27-80-110. Reports.** ~~The unit shall submit a report not later than~~
7 ~~November 1 of each year to the health and human services committees of~~
8 ~~the senate and house of representatives, or any successor committees, on~~
9 ~~the costs and effectiveness of alcohol and drug abuse programs in this~~
10 ~~state and on recommended legislation in the field of alcohol and drug~~
11 ~~abuse.~~

12 **SECTION 19.** In Colorado Revised Statutes, 16-13-701, ~~amend~~
13 (4) as follows:

14 **16-13-701. Reporting of forfeited property.** (4) The unit in the
15 department of human services that administers behavioral health
16 programs and services, including those related to mental health and
17 substance abuse, shall prepare an annual accounting report of moneys
18 received by the managed service organization pursuant to section
19 16-13-311 (3)(a)(VII)(B), including revenues, expenditures, beginning
20 and ending balances, and services provided. ~~The unit in the department~~
21 ~~of human services that administers behavioral health programs and~~
22 ~~services, including those related to mental health and substance abuse,~~
23 ~~shall provide this information in its annual report pursuant to section~~
24 ~~27-80-110, C.R.S.~~

25 **SECTION 20.** In Colorado Revised Statutes, 42-4-1701, ~~amend~~
26 (4)(e) as follows:

27 **42-4-1701. Traffic offenses and infractions classified -**

1 **penalties - penalty and surcharge schedule - repeal.** (4) (e) (I) An
2 additional fifteen dollars shall be assessed for speeding violations under
3 sub subparagraph (L) of subparagraph (I) of paragraph (a) of this
4 subsection (4) in addition to the penalties and surcharge stated in said
5 sub subparagraph (L). Moneys collected pursuant to this paragraph (e)
6 shall be transmitted to the state treasurer who shall deposit such moneys
7 in the Colorado traumatic brain injury trust fund created pursuant to
8 section 26-1-309, C.R.S., within fourteen days after the end of each
9 quarter, to be used for the purposes set forth in ~~sections 26-1-301 to~~
10 ~~26-1-310, C.R.S.~~ PART 3 OF ARTICLE 1 OF TITLE 26.

11 (II) If the surcharge is collected by a county or municipal court,
12 the surcharge shall be seventeen dollars of which two dollars shall be
13 retained by the county or municipality and the remaining fifteen dollars
14 shall be transmitted to the state treasurer and credited to the Colorado
15 traumatic brain injury trust fund created pursuant to section 26-1-309,
16 C.R.S., within fourteen days after the end of each quarter, to be used for
17 the purposes set forth in ~~sections 26-1-301 to 26-1-310, C.R.S.~~ PART 3 OF
18 ARTICLE 1 OF TITLE 26.

19 (III) An additional fifteen dollars shall be assessed for a violation
20 of a traffic regulation under sub subparagraph (C) of subparagraph (I) of
21 paragraph (a) of this subsection (4) for a violation of section 42-4-109
22 (13)(b), in addition to the penalties stated in said sub subparagraph (C).
23 An additional fifteen dollars shall be assessed for a motorcycle violation
24 under sub subparagraph (O) of subparagraph (I) of paragraph (a) of this
25 subsection (4) for a violation of section 42-4-1502 (4.5), in addition to the
26 penalties stated in said sub subparagraph (O). Moneys collected pursuant
27 to this subparagraph (III) shall be transmitted to the state treasurer, who

1 shall deposit the moneys in the Colorado traumatic brain injury trust fund
2 created pursuant to section 26-1-309, C.R.S., to be used for the purposes
3 set forth in ~~sections 26-1-301 to 26-1-310, C.R.S.~~ PART 3 OF ARTICLE 1 OF
4 TITLE 26.

5 **SECTION 21. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part will not take effect
12 unless approved by the people at the general election to be held in
13 November 2018 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.