

**SENATE JOURNAL**  
Sixty-eighth General Assembly  
**STATE OF COLORADO**  
Second Regular Session

---

45th Legislative Day

Friday, February 24, 2012

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|                    |   |                |
|--------------------|---|----------------|
| Prayer             | By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver.   | 11             |
| Call to Order      | By the President at 9:00 a.m.   | 13             |
| Pledge             | By Senator Guzman.  | 16             |
| Roll Call          | Present--32<br>Excused--3, King K., Nicholson, Spence.<br>Present later--3, King K., Nicholson, Spence.   | 18<br>19<br>20 |
| Quorum             | The President announced a quorum present.   | 22             |
| Reading of Journal | On motion of Senator White, reading of the Journal of Thursday, February 23, 2012, was dispensed with and the Journal was approved as corrected by the Secretary. | 24<br>25       |

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**INTRODUCTION OF MEMORIALS**

The following memorials were read by title:

|                  |  |                      |
|------------------|--|----------------------|
| <b>SJM12-001</b> | by Senator(s) Spence and Williams S., Aguilar, Roberts, Schwartz, White; also Representative(s) Todd and Conti, Acree, Hulinghorst, Labuda, Ryden, Schafer S., Solano, Williams A.--Memorializing Congress to support the establishment of a National Women's History Museum in Washington, D.C. | 35<br>36<br>37<br>38 |
|                  | Laid over one day under Senate Rule 30(d).   | 39<br>40             |
| <b>SM12-002</b>  | by Senator(s) Foster and Steadman; --Memorializing former Senator Robert S. Wham.  | 43                   |
|                  | Laid over one day under Senate Rule 30(d).   | 44<br>45             |

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**INTRODUCTION OF BILLS -- FIRST READING**

The following bills were read by title and referred to the committees indicated:

|                  |  |                                  |
|------------------|--|----------------------------------|
| <b>SB12-153</b>  | by Senator(s) Morse; --Concerning the creation of the "Sunshine in Litigation Act".<br>Judiciary   | 55<br>56                         |
| <b>HB12-1012</b> | by Representative(s) Williams A.; also Senator(s) Guzman--Concerning authorization for reimbursement for up to fifty thousand dollars of actual, reasonable, and necessary business reestablishment expenses to be paid by a state agency in connection with the reestablishment of an operation displaced by a department of transportation project or a project with department of transportation oversight.<br>Transportation | 59<br>60<br>61<br>62<br>63<br>64 |

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|------------------|---|--|
| <b>HB12-1029</b> | by Representative(s) Holbert; also Senator(s) Scheffel--Concerning an economic stimulus through a property tax exemption for business personal property, and, in connection therewith, enacting the "Save Colorado Jobs Act".<br>Finance  | 1<br>2<br>3<br>4<br>5<br>6                   |
| <b>HB12-1065</b> | by Representative(s) Lee; also Senator(s) Nicholson--Concerning the deadline for an advanced practice nurse who was granted prescriptive authority prior to July 1, 2010, to develop an articulated plan for purposes of retaining prescriptive authority.<br>Health and Human Services   | 7<br>8<br>9<br>10<br>11<br>12                |
| <b>HB12-1085</b> | by Representative(s) Fields; also Senator(s) Carroll and Hudak--Concerning an exception to the hearsay rule to allow testimony from persons with developmental disabilities.<br>Judiciary   | 13<br>14<br>15<br>16<br>17                   |
| <b>HB12-1094</b> | by Representative(s) Kerr A.; also Senator(s) King S.--Concerning increasing the fine for parking in front of a fire hydrant in an unincorporated area of a county.<br>Local Government   | 18<br>19<br>20<br>21<br>22                   |
| <b>HB12-1124</b> | by Representative(s) Massey, Fields, Hamner, Holbert, Levy, Peniston; also Senator(s) Johnston--Concerning a study of digital learning in Colorado.<br>Education  | 23<br>24<br>25<br>26<br>27                   |
| <b>HB12-1151</b> | by Representative(s) McCann, Fields, Lee, Miklosi, Peniston, Schafer S., Vigil, Williams A.; also Senator(s) King S.--Concerning the trafficking of human beings.<br>Judiciary  | 28<br>29<br>30<br>31<br>32                   |
| <b>HB12-1178</b> | by Representative(s) Vigil; also Senator(s) Schwartz--Concerning the deadline for filing notice for reimbursement of tax payments for lost gasoline or special fuel.<br>Finance   | 33<br>34<br>35<br>36<br>37                   |
| <b>HB12-1217</b> | by Representative(s) Tyler; also Senator(s) Aguilar--Concerning the authority of an organization that maintains a regularly established inspection department to conduct inspections of its own pressure-retaining items.<br>Business, Labor and Technology   | 38<br>39<br>40<br>41<br>42                   |
| <b>HB12-1229</b> | by Representative(s) Murray; also Senator(s) Scheffel--Concerning publication requirements for a newspaper in which a legal notice or advertisement is printed.<br>Local Government   | 43<br>44<br>45<br>46<br>47<br>48             |
| <b>HB12-1246</b> | by Representative(s) Becker, Gerou, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning a reversal of the annual payday shift as it applies to state employees paid on a biweekly basis, and making an appropriation in connection therewith.<br>Finance   | 49<br>50<br>51<br>52<br>53<br>54             |
| <b>HB12-1247</b> | by Representative(s) Gerou, Becker, Levy; also Senator(s) Steadman, Hodge, Lambert--Concerning annual reductions in the amount of tobacco litigation settlement moneys that are allocated in the fiscal year in which the state receives them, and, in connection therewith, offsetting the reductions with tobacco litigation settlement cash fund moneys made available by the repeal of the short-term innovative health program grant fund.<br>Appropriations | 55<br>56<br>57<br>58<br>59<br>60<br>61<br>62 |
| <b>HB12-1248</b> | by Representative(s) Gerou, Becker, Levy; also Senator(s) Lambert, Hodge, Steadman--Concerning the receipt of certain moneys by the department of law.<br>Appropriations  | 63<br>64<br>65<br>66<br>67                   |
| <b>HB12-1249</b> | by Representative(s) Gerou, Becker, Levy; also Senator(s) Steadman, Hodge, Lambert--Concerning the manner in which tobacco litigation settlement moneys are allocated to the state auditor's office for the costs of conducting program reviews and evaluations of the performance of tobacco settlement programs.<br>Appropriations  | 68<br>69<br>70<br>71<br>72                   |

**HB12-1270** by Representative(s) Ryden, Jones, Liston, Miklosi, Tyler, Wilson; also Senator(s) Heath--  
Concerning an increase in the limit on the amount of alcohol beverages a person licensed to  
sell alcohol beverages for on-premises consumption may purchase from a licensed alcohol  
beverage retailer.  
Business, Labor and Technology

**HB12-1289** by Representative(s) Nikkel, DelGrosso; also Senator(s) Jahn, Cadman--Concerning  
complaints to the division of insurance on certain adverse actions of auto insurers.  
Business, Labor and Technology

**THIRD READING OF BILLS -- FINAL PASSAGE --  
CONSENT CALENDAR**

On third reading, the titles of the following bills were publicly read, the reading at length  
having been dispensed with by unanimous consent:

**SB12-077** by Senator(s) Jahn, Cadman, Johnston, Newell, Steadman, White, Williams S.; also  
Representative(s) Sonnenberg, Summers, Coram, Labuda, Nikkel, Swerdfeger, Szabo--  
Concerning the repeal of laws under which the Colorado department of public health and  
environment regulates certain activities associated with yellow grease.

The question being "Shall the bill pass?", the roll call was taken with the following result:

| YES      | 35 | NO       | 0 | EXCUSED   | 0 | ABSENT      | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y | Lambert   | Y | Scheffel    | Y |
| Bacon    | Y  | Harvey   | Y | Lundberg  | Y | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y | Mitchell  | Y | Spence      | Y |
| Brophy   | Y  | Hodge    | Y | Morse     | Y | Steadman    | Y |
| Cadman   | Y  | Hudak    | Y | Neville   | Y | Tochtrop    | Y |
| Carroll  | Y  | Jahn     | Y | Newell    | Y | White       | Y |
| Foster   | Y  | Johnston | Y | Nicholson | Y | Williams S. | Y |
| Giron    | Y  | King K.  | Y | Renfroe   | Y | President   | Y |
| Grantham | Y  | King S.  | Y | Roberts   | Y |             |   |

A majority of all members elected to the Senate having voted in the affirmative, the bill  
was passed.

Co-sponsors added: Brophy, Giron, Grantham, King S., Lambert, Lundberg, Neville,  
Renfroe and Scheffel.

**HB12-1055** by Representative(s) Schafer S.; also Senator(s) White--Concerning the division of  
registrations in the department of regulatory agencies, and, in connection therewith,  
renaming the division as the division of professions and occupations and requiring periodic  
review of the functions of the division.

The question being "Shall the bill pass?", the roll call was taken with the following result:

| YES      | 33 | NO       | 2 | EXCUSED   | 0 | ABSENT      | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y | Lambert   | Y | Scheffel    | N |
| Bacon    | Y  | Harvey   | Y | Lundberg  | Y | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y | Mitchell  | Y | Spence      | Y |
| Brophy   | Y  | Hodge    | Y | Morse     | Y | Steadman    | Y |
| Cadman   | N  | Hudak    | Y | Neville   | Y | Tochtrop    | Y |
| Carroll  | Y  | Jahn     | Y | Newell    | Y | White       | Y |
| Foster   | Y  | Johnston | Y | Nicholson | Y | Williams S. | Y |
| Giron    | Y  | King K.  | Y | Renfroe   | Y | President   | Y |
| Grantham | Y  | King S.  | Y | Roberts   | Y |             |   |

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Newell, Nicholson and Williams S.

**HB12-1073** by Representative(s) Brown; also Senator(s) Roberts--Concerning the transfer of a judgeship from the first judicial district to the sixth judicial district.

The question being "Shall the bill pass?", the roll call was taken with the following result:

| YES      | 35 | NO       | 0 | EXCUSED   | 0 | ABSENT      | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y | Lambert   | Y | Scheffel    | Y |
| Bacon    | Y  | Harvey   | Y | Lundberg  | Y | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y | Mitchell  | Y | Spence      | Y |
| Brophy   | Y  | Hodge    | Y | Morse     | Y | Steadman    | Y |
| Cadman   | Y  | Hudak    | Y | Neville   | Y | Tochtrop    | Y |
| Carroll  | Y  | Jahn     | Y | Newell    | Y | White       | Y |
| Foster   | Y  | Johnston | Y | Nicholson | Y | Williams S. | Y |
| Giron    | Y  | King K.  | Y | Renfroe   | Y | President   | Y |
| Grantham | Y  | King S.  | Y | Roberts   | Y |             |   |

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd, Giron, Guzman, King S., Nicholson and Schwartz.

**THIRD READING OF BILLS -- FINAL PASSAGE**

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

**HB12-1198** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning a supplemental appropriation to the department of state.

The question being "Shall the bill pass?", the roll call was taken with the following result:

| YES      | 35 | NO       | 0 | EXCUSED   | 0 | ABSENT      | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y | Lambert   | Y | Scheffel    | Y |
| Bacon    | Y  | Harvey   | Y | Lundberg  | Y | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y | Mitchell  | Y | Spence      | Y |
| Brophy   | Y  | Hodge    | Y | Morse     | Y | Steadman    | Y |
| Cadman   | Y  | Hudak    | Y | Neville   | Y | Tochtrop    | Y |
| Carroll  | Y  | Jahn     | Y | Newell    | Y | White       | Y |
| Foster   | Y  | Johnston | Y | Nicholson | Y | Williams S. | Y |
| Giron    | Y  | King K.  | Y | Renfroe   | Y | President   | Y |
| Grantham | Y  | King S.  | Y | Roberts   | Y |             |   |

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

**SB12-122** by Senator(s) Williams S., Aguilar, Foster, Giron, Jahn, Lundberg, Newell, Nicholson, Roberts, Steadman; also Representative(s) DelGrosso--Concerning avoiding potential conflicts of interest in the provision of services to a person on probation.

A majority of those elected to the Senate having voted in the affirmative, Senator Mitchell was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.007), by Senator Mitchell.

Amend engrossed bill, page 2, line 9, strike "PROVIDES PROBATION OR CASE".

Page 2, line 10, strike "MANAGEMENT OVERSIGHT" and substitute "SENTENCES OR ASSIGNS THE COURSE OF TREATMENT OR REHABILITATION".

The amendment was **lost** on the following roll call vote:

| YES      | 13 | NO       | 22 | EXCUSED   | 0 | ABSENT      | 0 |
|----------|----|----------|----|-----------|---|-------------|---|
| Aguilar  | N  | Guzman   | N  | Lambert   | Y | Scheffel    | Y |
| Bacon    | N  | Harvey   | Y  | Lundberg  | Y | Schwartz    | N |
| Boyd     | N  | Heath    | N  | Mitchell  | Y | Spence      | N |
| Brophy   | Y  | Hodge    | N  | Morse     | N | Steadman    | N |
| Cadman   | Y  | Hudak    | N  | Neville   | Y | Tochtrop    | N |
| Carroll  | N  | Jahn     | N  | Newell    | N | White       | N |
| Foster   | N  | Johnston | N  | Nicholson | N | Williams S. | N |
| Giron    | N  | King K.  | Y  | Renfroe   | Y | President   | N |
| Grantham | Y  | King S.  | Y  | Roberts   | Y |             |   |

Senators Roberts and Lundberg requested their names be removed as sponsors on SB12-122.

The question being "Shall the bill pass?", the roll call was taken with the following result:

| YES      | 22 | NO       | 13 | EXCUSED   | 0 | ABSENT      | 0 |
|----------|----|----------|----|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y  | Lambert   | N | Scheffel    | N |
| Bacon    | Y  | Harvey   | N  | Lundberg  | N | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y  | Mitchell  | N | Spence      | Y |
| Brophy   | N  | Hodge    | Y  | Morse     | Y | Steadman    | Y |
| Cadman   | N  | Hudak    | Y  | Neville   | N | Tochtrop    | Y |
| Carroll  | Y  | Jahn     | Y  | Newell    | Y | White       | Y |
| Foster   | Y  | Johnston | Y  | Nicholson | Y | Williams S. | Y |
| Giron    | Y  | King K.  | N  | Renfroe   | N | President   | Y |
| Grantham | N  | King S.  | N  | Roberts   | N |             |   |

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

**SB12-034** by Senator(s) King S., Tochtrop; also Representative(s) Miklosi--Concerning repeal of the rapid screen program to identify high-emitting motor vehicles.

The question being "Shall the bill pass?", the roll call was taken with the following result:

| YES      | 26 | NO       | 9 | EXCUSED   | 0 | ABSENT      | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y | Lambert   | N | Scheffel    | N |
| Bacon    | Y  | Harvey   | N | Lundberg  | N | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y | Mitchell  | N | Spence      | Y |
| Brophy   | N  | Hodge    | Y | Morse     | Y | Steadman    | Y |
| Cadman   | N  | Hudak    | Y | Neville   | N | Tochtrop    | Y |
| Carroll  | Y  | Jahn     | Y | Newell    | Y | White       | Y |
| Foster   | Y  | Johnston | Y | Nicholson | Y | Williams S. | Y |
| Giron    | Y  | King K.  | Y | Renfroe   | N | President   | Y |
| Grantham | Y  | King S.  | Y | Roberts   | Y |             |   |

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Newell and Williams S.

**HB12-1100** by Representative(s) Summers; also Senator(s) Aguilar--Concerning the admissibility in criminal proceedings of the results of a prenatal screening for illegal substances.

The question being "Shall the bill pass?", the roll call was taken with the following result:

| YES      | 32 | NO       | 3 | EXCUSED   | 0 | ABSENT      | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y | Lambert   | Y | Scheffel    | Y |
| Bacon    | Y  | Harvey   | N | Lundberg  | Y | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y | Mitchell  | Y | Spence      | Y |
| Brophy   | Y  | Hodge    | Y | Morse     | Y | Steadman    | Y |
| Cadman   | Y  | Hudak    | Y | Neville   | N | Tochtrop    | Y |
| Carroll  | Y  | Jahn     | Y | Newell    | Y | White       | Y |
| Foster   | Y  | Johnston | Y | Nicholson | Y | Williams S. | Y |
| Giron    | Y  | King K.  | Y | Renfroe   | N | President   | Y |
| Grantham | Y  | King S.  | Y | Roberts   | Y |             |   |

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Bacon, Boyd, Carroll, Foster, Giron, Guzman, Heath, Hudak, Johnston, Morse, Newell, Nicholson, Schwartz, Steadman, Tochtrop and Williams S.

**SB12-087** by Senator(s) Foster; --Concerning the period marking the commencement of the accrual of interest on the refund of property taxes erroneously collected.

The question being "Shall the bill pass?", the roll call was taken with the following result:

| YES      | 25 | NO       | 10 | EXCUSED   | 0 | ABSENT      | 0 |
|----------|----|----------|----|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y  | Lambert   | N | Scheffel    | N |
| Bacon    | Y  | Harvey   | Y  | Lundberg  | N | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y  | Mitchell  | N | Spence      | N |
| Brophy   | N  | Hodge    | Y  | Morse     | Y | Steadman    | Y |
| Cadman   | N  | Hudak    | Y  | Neville   | Y | Tochtrop    | Y |
| Carroll  | Y  | Jahn     | Y  | Newell    | Y | White       | Y |
| Foster   | Y  | Johnston | Y  | Nicholson | Y | Williams S. | Y |
| Giron    | Y  | King K.  | N  | Renfroe   | N | President   | Y |
| Grantham | Y  | King S.  | N  | Roberts   | Y |             |   |

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Aguilar, Heath and Steadman.

**SB12-057** by Senator(s) Williams S.; also Representative(s) Brown--Concerning native American language instruction.

The question being "Shall the bill pass?", the roll call was taken with the following result:

| YES      | 35 | NO       | 0 | EXCUSED   | 0 | ABSENT      | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y | Lambert   | Y | Scheffel    | Y |
| Bacon    | Y  | Harvey   | Y | Lundberg  | Y | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y | Mitchell  | Y | Spence      | Y |
| Brophy   | Y  | Hodge    | Y | Morse     | Y | Steadman    | Y |
| Cadman   | Y  | Hudak    | Y | Neville   | Y | Tochtrop    | Y |
| Carroll  | Y  | Jahn     | Y | Newell    | Y | White       | Y |
| Foster   | Y  | Johnston | Y | Nicholson | Y | Williams S. | Y |
| Giron    | Y  | King K.  | Y | Renfroe   | Y | President   | Y |
| Grantham | Y  | King S.  | Y | Roberts   | Y |             |   |

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Aguilar, Boyd, Cadman, Carroll, Foster, Giron, Guzman, Heath, Hudak,

Jahn, Johnston, King K., King S., Lambert, Lundberg, Morse, Newell, Nicholson, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Tochtrop and White.

**MESSAGE FROM THE HOUSE**

February 24, 2012

The House has adopted and transmits herewith HJR12-1014.

**INTRODUCTION AND CONSIDERATION OF RESOLUTIONS**

**HJR12-1014** by Representative(s) Fischer and Massey, Kefalas; also Senator(s) Boyd--Concerning neonatal screening for the early detection of congenital heart defects, and, in connection therewith, proclaiming Friday, February 24, 2012, "Congenital Heart Defect Day" and "Children's Heart Day".

On motion of Senator Boyd, the resolution was read at length and **adopted** by the following roll call vote:

| YES      | 35 | NO       | 0 | EXCUSED   | 0 | ABSENT      | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y | Lambert   | Y | Scheffel    | Y |
| Bacon    | Y  | Harvey   | Y | Lundberg  | Y | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y | Mitchell  | Y | Spence      | Y |
| Brophy   | Y  | Hodge    | Y | Morse     | Y | Steadman    | Y |
| Cadman   | Y  | Hudak    | Y | Neville   | Y | Tochtrop    | Y |
| Carroll  | Y  | Jahn     | Y | Newell    | Y | White       | Y |
| Foster   | Y  | Johnston | Y | Nicholson | Y | Williams S. | Y |
| Giron    | Y  | King K.  | Y | Renfroe   | Y | President   | Y |
| Grantham | Y  | King S.  | Y | Roberts   | Y |             |   |

Co-sponsors added: Aguilar, Bacon, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

Committee of the Whole On motion of Senator Newell, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Newell was called to the Chair to act as Chairman.

**GENERAL ORDERS -- SECOND READING OF BILLS --  
CONSENT CALENDAR**

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

**HB12-1050** by Representative(s) Wilson; also Senator(s) Nicholson--Concerning the voluntary contribution designation benefiting the nongame and endangered wildlife fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

Ordered revised and placed on the calendar for third reading and final passage.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --  
CONSENT CALENDAR**

On motion of Senator Newell, the report of the Committee of the Whole was **adopted** on the following roll call vote:

The Committee of the Whole took the following action:

| YES      | 35 | NO       | 0 | EXCUSED   | 0 | ABSENT      | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y | Lambert   | Y | Scheffel    | Y |
| Bacon    | Y  | Harvey   | Y | Lundberg  | Y | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y | Mitchell  | Y | Spence      | Y |
| Brophy   | Y  | Hodge    | Y | Morse     | Y | Steadman    | Y |
| Cadman   | Y  | Hudak    | Y | Neville   | Y | Tochtrop    | Y |
| Carroll  | Y  | Jahn     | Y | Newell    | Y | White       | Y |
| Foster   | Y  | Johnston | Y | Nicholson | Y | Williams S. | Y |
| Giron    | Y  | King K.  | Y | Renfroe   | Y | President   | Y |
| Grantham | Y  | King S.  | Y | Roberts   | Y |             |   |

Passed on second reading: HB12-1050.

Committee of the Whole On motion of Senator Newell, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Newell was called to the Chair to act as Chairman.

**GENERAL ORDERS -- SECOND READING OF BILLS**

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

**SB12-022** by Senator(s) Williams S., Boyd, Hudak; also Representative(s) Massey, Fields, Kefalas--Concerning maintaining child care assistance for working families.

Laid over until Monday, February 27, retaining its place on the calendar.

**HB12-1181** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning a supplemental appropriation to the department of corrections.

Laid over until Friday, March 2, retaining its place on the calendar.

**SB12-038** by Senator(s) Tochtrop; also Representative(s) Vaad--Concerning measures to protect consumers who engage a roofing contractor to perform roofing services on residential property.

Laid over until Monday, February 27, retaining its place on the calendar.

**SB12-137** by Senator(s) Lambert, Neville, Renfroe; also Representative(s) Beezley, Holbert, Looper, McKinley--Concerning the payment of debts in precious metal coins.

Laid over until Monday, February 27, retaining its place on the calendar.

**SB12-141** by Senator(s) Shaffer B.; --Concerning measures to alleviate difficulties faced by military personnel in qualifying for home mortgage loans.

Laid over until Friday, March 2, retaining its place on the calendar.

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**SB12-120** by Senator(s) Foster; also Representative(s) Massey and Fischer--Concerning the existing ability of qualified interior designers to submit certain interior design construction documents to local government officials in connection with an application for a building permit.

Amendment No. 1, Local Government Committee Amendment.  
(Printed in Senate Journal, February 17, pages 201-202 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

**HB12-1096** by Representative(s) Kerr A., Acree, Beezley, Conti, DelGrosso, Hullinghorst, Joshi, Kagan, Kefalas, Labuda, McCann, Pabon, Swalm, Swerdfeger; also Senator(s) Brophy-- Concerning an extension of the period for which the voluntary contribution designation line benefiting the Make-A-Wish Foundation of Colorado fund appears on state individual income tax return forms.

Laid over until Monday, February 27, retaining its place on the calendar.

**SB12-093** by Senator(s) Carroll, Boyd; also Representative(s) Duran--Concerning a requirement that a licensed hospital provide notice to patients of any service not provided by the hospital because of moral convictions based on religious beliefs.

Ordered engrossed and placed on the calendar for third reading and final passage.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Newell, the report of the Committee of the Whole was **adopted** on the following roll call vote:

| YES      | 35 | NO       | 0 | EXCUSED   | 0 | ABSENT      | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y | Lambert   | Y | Scheffel    | Y |
| Bacon    | Y  | Harvey   | Y | Lundberg  | Y | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y | Mitchell  | Y | Spence      | Y |
| Brophy   | Y  | Hodge    | Y | Morse     | Y | Steadman    | Y |
| Cadman   | Y  | Hudak    | Y | Neville   | Y | Tochtrop    | Y |
| Carroll  | Y  | Jahn     | Y | Newell    | Y | White       | Y |
| Foster   | Y  | Johnston | Y | Nicholson | Y | Williams S. | Y |
| Giron    | Y  | King K.  | Y | Renfroe   | Y | President   | Y |
| Grantham | Y  | King S.  | Y | Roberts   | Y |             |   |

The Committee of the Whole took the following action:

Passed on second reading: SB12-120 as amended, SB12-093.

Laid over until Monday, February 27: SB12-022, SB12-038, SB12-137, HB12-1096.

Laid over until Friday, March 2: HB12-1181, SB12-141.

**COMMITTEE OF REFERENCE REPORTS**

Education After consideration on the merits, the Committee recommends that **SB12-148** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Education After consideration on the merits, the Committee recommends that **HJR12-1004** be referred to the Senate for final action.

Finance

After consideration on the merits, the Committee recommends that **HB12-1008** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 23, strike "EVERY ATTEMPT" and substitute "DILIGENT ATTEMPTS".

Page 6, line 2, after "ASSEMBLY" insert "AND MADE AVAILABLE TO THE PUBLIC".

Page 6, line 26, after "REFERENCE." insert "ON NOVEMBER 1, 2012, AND EACH NOVEMBER 1 THEREAFTER, EACH DEPARTMENT SHALL ALSO POST ITS DEPARTMENTAL REGULATORY AGENDA ON THE DEPARTMENT'S WEB SITE AND SHALL SUBMIT ITS DEPARTMENTAL REGULATORY AGENDA TO THE SECRETARY OF STATE FOR PUBLICATION IN THE COLORADO REGISTER.".

Page 7, after line 4 insert:

**"SECTION 5.** In Colorado Revised Statutes, 24-4-103, **amend** (11) (a) as follows:

**24-4-103. Rule-making - procedure - repeal.** (11) (a) There is hereby established the code of Colorado regulations for the publication of rules of agencies of the executive branch and the Colorado register for the publication of notices of rule-making, proposed rules, attorney general's opinions relating to such rules, and adopted rules. The code and the register shall be the sole official publications for such rules, notices of rule-making, proposed rules, and attorney general's opinions. The code and the register shall contain, where applicable, references to court opinions and recommendations of the legal services committee of the general assembly that relate to or affect such rules and references to any action of the general assembly relating to the extension, expiration, deletion, or rescission of such rules and may contain other items that, in the opinion of the editor, are relevant to such rules. The register may also include other public notices, INCLUDING ANNUAL DEPARTMENTAL REGULATORY AGENDAS SUBMITTED BY PRINCIPAL DEPARTMENTS TO THE SECRETARY OF STATE PURSUANT TO SECTION 2-7-203, C.R.S.; however, except as specifically permitted by law, the inclusion of such notices in the register shall be in addition to and not in substitution for existing public notice requirements.".

Renumber succeeding section accordingly.

Health & Human Services

After consideration on the merits, the Committee recommends that **SB12-130** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute:

**"SECTION 1.** In Colorado Revised Statutes, **add** article 6.1 as follows:

**ARTICLE 6.1**

**Office of Early Childhood**

**26-6.1-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS THAT:

(a) THE EARLY CHILDHOOD SYSTEM IN COLORADO INCLUDES FOUR SYSTEM SECTORS THAT ADDRESS THE NEEDS OF CHILDREN, INCLUDING EARLY LEARNING, CHILD HEALTH, CHILD MENTAL HEALTH, AND FAMILY SUPPORT AND PARENT EDUCATION. RESEARCH CONFIRMS THAT THESE AREAS ARE INTERRELATED AND THAT IT IS DIFFICULT, IF NOT IMPOSSIBLE, TO SEPARATE CHILDREN'S LEARNING NEEDS FROM THEIR HEALTH AND WELLNESS OR FROM THE INVOLVEMENT AND SUPPORT OF THEIR FAMILIES.

(b) THE PROGRAMS THAT SERVE THE EARLY CHILDHOOD NEEDS OF CHILDREN AND THEIR FAMILIES ACROSS THE FOUR SYSTEM SECTORS OFTEN CONTINUE PROVIDING SERVICES OR WORK WITH OTHER PROGRAMS TO

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PROVIDE A CONTINUUM OF SERVICES TO ENSURE THAT, AS THEY DEVELOP, THESE CHILDREN HAVE ACCESS TO THE SERVICES AND SUPPORTS THEY NEED TO GROW INTO HEALTHY, EDUCATED ADULTS WHO ARE WELL-PREPARED TO POSITIVELY CONTRIBUTE TO THEIR SOCIETY;

(c) THE SUPPORT SYSTEMS AND SERVICES THAT COMPRISE COLORADO'S EARLY CHILDHOOD SYSTEM HAVE HISTORICALLY BEEN SPREAD ACROSS MULTIPLE PUBLIC AGENCIES, INCLUDING BUT NOT LIMITED TO THE DEPARTMENTS OF EDUCATION, HUMAN SERVICES, PUBLIC HEALTH AND ENVIRONMENT, HEALTH CARE POLICY AND FINANCING, AND HIGHER EDUCATION, AS WELL AS VARIOUS PRIVATE ENTITIES;

(d) RESOURCES THAT ARE AVAILABLE FOR SERVICES AND SUPPORTS FOR CHILDREN ARE DERIVED FROM SEVERAL PUBLIC FUNDING SOURCES. EACH SOURCE HAS ITS OWN PROGRAM STANDARDS AND ELIGIBILITY, REPORTING, DATA TRACKING, AND FUNDING REQUIREMENTS, MAKING IT VERY DIFFICULT FOR PROGRAMS THAT PROVIDE SERVICES AND SUPPORTS FOR CHILDREN TO BE ABLE TO EFFICIENTLY COMBINE THE VARIOUS FUNDING SOURCES.

(e) THE COMMUNITY OF EARLY CHILDHOOD SERVICES PROVIDERS IN COLORADO HAS FOR SEVERAL YEARS WORKED TO ESTABLISH A GOVERNANCE STRUCTURE WITHIN STATE GOVERNMENT TO PROVIDE AND OVERSEE THE PROVISION OF SERVICES ACROSS THE FOUR SYSTEM SECTORS FOR PREGNANT WOMEN, CHILDREN FROM BIRTH TO EIGHT YEARS OF AGE, AND THEIR FAMILIES. COORDINATING THESE SERVICES THROUGH A SINGLE GOVERNANCE SYSTEM WILL:

(I) ENHANCE THE QUALITY OF EARLY CHILDHOOD SERVICES BY HOLDING PROGRAMS ACCOUNTABLE TO GUIDELINES, STANDARDS, AND ASSESSMENTS OF SERVICE DELIVERY AND OUTCOMES AND IMPLEMENTING A UNIFIED APPROACH TO RESOURCE ALLOCATION AND REFERRAL FOR FAMILIES TO SERVICES AND PROGRAMS;

(II) STRENGTHEN THE LINK BETWEEN STATE-LEVEL PROGRAMS AND SERVICES AND THE LOCAL SYSTEM OF SERVICE DELIVERY THAT EXISTS IN COUNTIES THROUGHOUT THE STATE;

(III) IMPROVE THE EFFICIENCY, EFFECTIVENESS, AND QUALITY IN DELIVERING EARLY CHILDHOOD SERVICES TO PREGNANT WOMEN, CHILDREN AND FAMILIES AT THE STATE AND LOCAL LEVELS;

(IV) PROVIDE GREATER SUPPORT FOR AND IMPROVE THE ABILITY OF PROGRAM AND SERVICE PROVIDERS TO WORK WITH STATE AND LOCAL EARLY CHILDHOOD PROGRAMS IN PROVIDING SERVICES TO PREGNANT WOMEN, CHILDREN, AND FAMILIES;

(V) IMPROVE COORDINATION AMONG STATE DEPARTMENTS WITH REGARD TO THE PROGRAMS THAT SERVE PREGNANT WOMEN, CHILDREN, AND THEIR FAMILIES AND THAT ARE IMPLEMENTED WITHIN EACH DEPARTMENT; AND

(VI) IMPROVE THE COORDINATION OF THE STATE'S EFFORTS AT EARLY IDENTIFICATION, PROMOTION, PREVENTION, AND INTERVENTION WITH REGARD TO THE FULL SPECTRUM OF SERVICES PROVIDED TO PREGNANT WOMEN, CHILDREN, AND THEIR FAMILIES ACROSS THE FOUR SYSTEM SECTORS OF EARLY LEARNING, CHILD HEALTH, CHILD MENTAL HEALTH, AND FAMILY SUPPORT AND PARENT EDUCATION. IMPROVING THE COORDINATION AMONG THESE PROGRAMS WILL IMPROVE THE STATE'S ABILITY TO SET A SOLID FOUNDATION FOR FAMILIES AND THEIR CHILDREN AS THEY CONTINUE TO DEVELOP ACADEMICALLY, PHYSICALLY, EMOTIONALLY, AND SOCIALLY.

(2) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS IN THE BEST INTERESTS OF THE CHILDREN OF THE STATE AND THEIR FAMILIES TO CREATE WITHIN THE DEPARTMENT OF HUMAN SERVICES AN OFFICE OF EARLY CHILDHOOD THAT WILL OVERSEE AND COORDINATE THE WIDE RANGE OF EARLY CHILDHOOD PROGRAMS WITHIN THE DEPARTMENT OF HUMAN SERVICES AND WITHIN OTHER STATE DEPARTMENTS WITH THE GOAL OF IMPROVING OUTCOMES FOR CHILDREN AND THEIR FAMILIES.

**26-6.1-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DEPARTMENT LEADERS" MEANS THE EXECUTIVE DIRECTORS OF THE DEPARTMENTS OF HUMAN SERVICES, PUBLIC HEALTH AND ENVIRONMENT, AND HEALTH CARE POLICY AND FINANCING AND THE COMMISSIONER OF EDUCATION.

(2) "EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION" MEANS THE LEGISLATIVE COMMISSION FOR POLICY IMPROVEMENT RELATED TO EARLY CHILDHOOD AND SCHOOL READINESS CREATED IN

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SECTION 26-6.5-203.

(3) "EARLY CHILDHOOD COUNCILS" MEANS THE EARLY CHILDHOOD COUNCILS ESTABLISHED AND OPERATING PURSUANT TO PART 1 OF ARTICLE 6.5 OF THIS TITLE.

(4) "EARLY CHILDHOOD LEADERSHIP COMMISSION" MEANS THE EARLY CHILDHOOD LEADERSHIP COMMISSION CREATED IN SECTION 24-44.7-102, C.R.S.

(5) "EARLY CHILDHOOD PROGRAM" MEANS A PROGRAM THAT PROVIDES SERVICES TO PREGNANT WOMEN OR TO CHILDREN FROM BIRTH TO EIGHT YEARS OF AGE AND THEIR FAMILIES, WHICH SERVICES MAY INCLUDE, BUT NEED NOT BE LIMITED TO, CHILD CARE; EARLY LEARNING; FAMILY SUPPORT AND PARENT EDUCATION; MENTAL HEALTH; MATERNAL AND CHILD HEALTH; HOME VISITATION; AND DISABILITY IDENTIFICATION AND EARLY INTERVENTION.

(6) "OFFICE" MEANS THE OFFICE OF EARLY CHILDHOOD CREATED IN SECTION 26-6.1-103 IN THE STATE DEPARTMENT OF HUMAN SERVICES.

(7) "POLICY BOARD" MEANS:

(a) THE STATE BOARD OF HUMAN SERVICES CREATED IN SECTION 26-1-107 AS THE RULE-MAKING BOARD FOR PROGRAMS WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES;

(b) THE STATE BOARD OF HEALTH CREATED IN SECTION 25-1-103, C.R.S., AS THE RULE-MAKING BOARD FOR PROGRAMS WITHIN THE STATE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

(c) THE MEDICAL SERVICES BOARD CREATED IN SECTION 25.5-1-301, C.R.S., AS THE RULE-MAKING BOARD FOR PROGRAMS WITHIN THE STATE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING; AND

(d) THE STATE BOARD OF EDUCATION CREATED IN SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION AND GRANTED STATUTORY AUTHORITY TO PROMULGATE RULES FOR PROGRAMS WITHIN THE STATE DEPARTMENT OF EDUCATION.

(8) "STATE BOARD" MEANS THE STATE BOARD OF HUMAN SERVICES CREATED IN SECTION 26-1-107.

(9) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF HUMAN SERVICES CREATED IN SECTION 26-1-105.

(10) "STATE PLAN" MEANS THE STATE PLAN FOR DELIVERY OF SERVICES TO PREGNANT WOMEN, CHILDREN FROM BIRTH TO EIGHT YEARS OF AGE, AND THEIR FAMILIES, AS INITIALLY ADOPTED OR REVISED BY THE STATE BOARD OF HUMAN SERVICES PURSUANT TO SECTION 26-6.1-105.

**26-6.1-103. Office of early childhood - creation.** (1) THERE IS HEREBY CREATED WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES THE OFFICE OF EARLY CHILDHOOD. THE OFFICE IS HEADED BY THE DIRECTOR OF EARLY CHILDHOOD SERVICES APPOINTED BY THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OF HUMAN SERVICES IN ACCORDANCE WITH SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION.

(2) THE OFFICE SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS SPECIFIED IN THIS ARTICLE UNDER THE STATE DEPARTMENT AS IF IT WERE TRANSFERRED TO THE STATE DEPARTMENT BY A **TYPE 2** TRANSFER AS SUCH TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

**26-6.1-104. Office of early childhood - functions.** (1) THE OFFICE HAS THE FOLLOWING FUNCTIONS:

(a) TO COLLABORATE WITH THE OTHER DIVISIONS WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES AND WITHIN OTHER STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS TO DEVELOP A STATE PLAN FOR DELIVERY OF SERVICES TO PREGNANT WOMEN, CHILDREN FROM BIRTH TO EIGHT YEARS OF AGE, AND THEIR FAMILIES, AS DESCRIBED IN SECTION 26-6.1-105, AND RECOMMEND THE STATE PLAN TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION, THE EXECUTIVE DIRECTOR, AND THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION FOR REVIEW AND COMMENT AND TO THE STATE BOARD FOR APPROVAL. THE OFFICE AND THE OTHER DIVISIONS WITHIN THE STATE DEPARTMENT AND WITHIN OTHER STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS SHALL BIENNIALY REVIEW THE STATE PLAN AND SUBMIT REVISIONS TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION, THE EXECUTIVE DIRECTOR, AND THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION FOR REVIEW AND COMMENT AND TO THE STATE BOARD FOR APPROVAL.

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(b) TO ADMINISTER THE EARLY CHILDHOOD PROGRAMS SPECIFIED IN THIS ARTICLE AND SUCH OTHER EARLY CHILDHOOD PROGRAMS AS MAY BE CREATED IN OR TRANSFERRED TO THE OFFICE BY THE EXECUTIVE DIRECTOR OR BY EXECUTIVE ORDER TO BE FUNDED BY NONSTATE MONEYS. THE OFFICE SHALL ADMINISTER THE EARLY CHILDHOOD PROGRAMS IN ACCORDANCE WITH STATUTE AND RULE AND, WHERE APPLICABLE, REVIEW APPLICATIONS SUBMITTED BY ENTITIES TO RECEIVE FUNDING THROUGH THE PROGRAMS, AWARD GRANTS BASED ON THE APPLICATIONS, AND NOTIFY THE STATE BOARD OF THE GRANTS AWARDED AND THE AMOUNTS OF SAID GRANTS; EXCEPT THAT:

(I) THE COLORADO CHILDREN'S TRUST FUND BOARD SHALL REVIEW APPLICATIONS AND AWARD GRANTS AS PROVIDED IN ARTICLE 3.5 OF TITLE 19, C.R.S.; AND

(II) THE STATE BOARD SHALL APPROVE APPLICATIONS AND AWARD GRANTS THROUGH THE COLORADO NURSE HOME VISITOR PROGRAM TO THE LIST OF APPLYING ENTITIES RECOMMENDED BY THE HEALTH SCIENCES FACILITY PURSUANT TO SECTION 26-6.4-106(3), UNLESS THE STATE BOARD FINDS THE RECOMMENDATIONS TO BE CLEARLY ERRONEOUS OR INAPPROPRIATE.

© TO SOLICIT AND ACCEPT GRANTS FROM THE FEDERAL GOVERNMENT AND TO SOLICIT AND ACCEPT CONTRIBUTIONS, GRANTS, GIFTS, BEQUESTS, AND DONATIONS FROM INDIVIDUALS, PRIVATE ORGANIZATIONS, AND FOUNDATIONS FOR THE OPERATION OF EARLY CHILDHOOD PROGRAMS UNDER THE AUTHORITY OF THE OFFICE;

(d) TO WORK WITH OTHER OFFICES AND DIVISIONS WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES AND WITH OTHER STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS TO PERIODICALLY REVIEW THE FEDERAL FUNDING GUIDELINES FOR FEDERAL EARLY CHILDHOOD PROGRAMS AND TO SEEK THE FEDERAL WAIVERS AND THE APPROVAL OF PLAN AMENDMENTS TO ACHIEVE THE MAXIMUM FEDERAL FUNDING FOR EARLY CHILDHOOD PROGRAMS AND THE MAXIMUM FLEXIBILITY IN USING THE FEDERAL FUNDS FOR EARLY CHILDHOOD PROGRAMS; AND

(e) TO COORDINATE WITH THE EARLY CHILDHOOD COUNCILS. THE OFFICE'S ROLE SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, IDENTIFICATION OF BENCHMARKS AND EXPECTATIONS FOR PROGRAM AND SERVICE DELIVERY BY THE EARLY CHILDHOOD COUNCILS. IN ADDITION, THE DIRECTOR SHALL ALLOCATE FUNDING AS DESCRIBED IN THE STATE PLAN FROM THE EARLY CHILDHOOD PROGRAMS ADMINISTERED BY THE OFFICE TO THE EARLY CHILDHOOD COUNCILS TO OFFSET A PORTION OF THEIR OPERATIONAL COSTS; EXCEPT THAT ANY MONEYS ALLOCATED FROM THE NURSE HOME VISITOR PROGRAM SHALL BE FROM THE AMOUNT RETAINED BY THE OFFICE PURSUANT TO SECTION 26-6.4-107 (2) (b) AS COMPENSATION FOR THE COSTS INCURRED BY THE OFFICE IN IMPLEMENTING THE PROVISIONS OF SECTION 26-6.4-107 (2) (a.5).

(2) IN ADDITION TO ANY EARLY CHILDHOOD PROGRAMS CREATED IN OR TRANSFERRED TO THE OFFICE BY EXECUTIVE ORDER AND ANY EARLY CHILDHOOD PROGRAMS TRANSFERRED TO THE OFFICE BY THE EXECUTIVE DIRECTOR PURSUANT TO SUBSECTION (4) OF THIS SECTION, THE OFFICE SHALL INCLUDE THE FOLLOWING PROGRAMS:

(a) THE COLORADO CHILDREN'S TRUST FUND CREATED IN ARTICLE 3.5 OF TITLE 19, C.R.S.;

(b) THE NURSE HOME VISITOR PROGRAM CREATED IN ARTICLE 6.4 OF THIS TITLE;

© THE FAMILY RESOURCE CENTER PROGRAM CREATED IN SECTION 26-18-104;

(d) CHILD CARE, INCLUDING BUT NOT LIMITED TO CHILD CARE LICENSING PURSUANT TO ARTICLE 6 OF THIS TITLE;

(e) THE COLORADO CHILD CARE ASSISTANCE PROGRAM AS DESCRIBED IN PART 8 OF ARTICLE 2 OF THIS TITLE;

(f) PART C EARLY INTERVENTION SERVICES PURSUANT TO PART 7 OF ARTICLE 10.5 OF TITLE 27, C.R.S.; AND

(g) PROMOTING SAFE AND STABLE FAMILIES AS AUTHORIZED BY THE FEDERAL "ADOPTION AND SAFE FAMILIES ACT OF 1997", PUB.L.105-89.

(3) WHEN THE OFFICE RECEIVES AN APPLICATION FOR FUNDING THROUGH ANY EARLY CHILDHOOD PROGRAM, THE OFFICE SHALL REVIEW THE APPLICATION AND DETERMINE WHETHER THERE ARE OTHER EARLY CHILDHOOD PROGRAMS ADMINISTERED BY OTHER DIVISIONS WITHIN THE

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STATE DEPARTMENT OF HUMAN SERVICES OR BY OTHER STATE DEPARTMENTS THROUGH WHICH FUNDING MAY BE AVAILABLE TO THE APPLICANT. WITH THE APPLICANT'S CONSENT, THE OFFICE SHALL FORWARD A COPY OF THE APPLICATION TO ANY SUCH PROGRAM FOR CONSIDERATION.

(4) THE EXECUTIVE DIRECTOR SHALL TRANSFER ANY EARLY CHILDHOOD PROGRAMS ADMINISTERED BY THE STATE DEPARTMENT TO THE OFFICE, AS HE OR SHE DEEMS APPROPRIATE. THE OFFICE SHALL COORDINATE WITH ANY OTHER DIVISION WITHIN THE STATE DEPARTMENT THAT ADMINISTERS AN EARLY CHILDHOOD PROGRAM OR A YOUTH DEVELOPMENT PROGRAM IN THE SAME MANNER THAT IT COORDINATES WITH OTHER STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS.

(5) (a) THE TRANSFER OF PROGRAMS TO THE OFFICE FROM OTHER STATE DEPARTMENTS OR DIVISIONS DOES NOT REQUIRE THE REORGANIZATION OR TRANSFER OF THE PROGRAMS AS THEY ARE IMPLEMENTED BY LOCAL GOVERNMENT AGENCIES.

(b) ANY CONTRACT EXISTING AS OF JULY 1, 2012, THAT INVOLVES EARLY CHILDHOOD PROGRAMS AND ANY MULTI-YEAR GRANT AWARDED PRIOR TO JULY 1, 2012, THAT INVOLVES EARLY CHILDHOOD PROGRAMS ARE NOT AFFECTED FOR THE TERM OF THE CONTRACT OR GRANT BY THE ENACTMENT OF THIS ARTICLE OR ARTICLE 6.4 OR 6.8 OF THIS TITLE.

**26-6.1-105. State plan for delivery of services to pregnant women, children, and their families - contents - approval.** (1) THE OFFICE SHALL COLLABORATE WITH THE OTHER DIVISIONS WITHIN THE STATE DEPARTMENT AND WITHIN OTHER STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS TO DEVELOP A STATE PLAN FOR DELIVERY OF SERVICES TO PREGNANT WOMEN, CHILDREN FROM BIRTH TO EIGHT YEARS OF AGE, AND THEIR FAMILIES. THE OFFICE AND THE OTHER DIVISIONS AND STATE DEPARTMENTS SHALL DESIGN THE STATE PLAN TO PROVIDE A STATEWIDE, UNIFIED APPROACH TO PROVIDING EARLY CHILDHOOD SERVICES AND OPERATING EARLY CHILDHOOD PROGRAMS. THE GOAL OF THE STATE PLAN IS TO INCREASE EFFICIENCY, EFFECTIVENESS, AND QUALITY IN DELIVERING EARLY CHILDHOOD SERVICES FOR CHILDREN AND FAMILIES AT THE STATE AND LOCAL LEVELS. AT A MINIMUM, THE STATE PLAN SHALL:

(a) ESTABLISH PRIORITIES FOR THE DELIVERY OF EARLY CHILDHOOD SERVICES AND THE USE OF FEDERAL, STATE, AND PRIVATE MONEYS RECEIVED TO PROVIDE EARLY CHILDHOOD SERVICES AND IMPLEMENT EARLY CHILDHOOD PROGRAMS;

(b) ESTABLISH GUIDELINES, POLICIES, AND STANDARDS FOR PROGRAM OPERATION AND SERVICE DELIVERY, INCLUDING THE USE OF STANDARDIZED TOOLS FOR ASSESSING EARLY CHILDHOOD DEVELOPMENT, THE USE OF A UNIVERSAL APPLICATION FOR SERVICES, AND STATEWIDE STANDARDS FOR MEASURING OUTCOMES;

(c) IDENTIFY TOOLS FOR ASSESSING EARLY CHILDHOOD DEVELOPMENT AND THE NEED FOR EARLY CHILDHOOD SERVICES;

(d) ESTABLISH GUIDELINES AND STANDARDS FOR REFERRALS TO SERVICES;

(e) ESTABLISH CONSISTENT REQUIREMENTS TO ENSURE THAT EARLY CHILDHOOD PROGRAMS COORDINATE IN THE DELIVERY OF SERVICES AND, TO THE EXTENT ALLOWED UNDER LAW, SHARE INFORMATION CONCERNING SERVICE PROVISION AND RECIPIENTS;

(f) ESTABLISH MINIMUM EXPECTATIONS AND REQUIREMENTS FOR COMMUNICATION AMONG EARLY CHILDHOOD PROGRAMS;

(g) IDENTIFY AREAS IN WHICH EARLY CHILDHOOD PROGRAMS MAY RECOGNIZE INCREASED ECONOMIES OF SCALE IN PROVIDING SERVICES AND ESTABLISH GUIDELINES AND PROCEDURES FOR ACHIEVING THE INCREASE IN ECONOMIES OF SCALE;

(h) ESTABLISH PROCEDURES AND GUIDELINES FOR COORDINATING THE USE AND CONTENT OF REQUESTS FOR PROPOSALS AND GRANT APPLICATIONS AND THE REPORTING REQUIREMENTS IMPOSED ON GRANT RECIPIENTS;

(I) IDENTIFY CHILD AND FAMILY OUTCOME METRICS AND SERVICE DELIVERY OUTCOME PERFORMANCE METRICS THAT THE OFFICE AND OTHER DIVISIONS AND OTHER STATE DEPARTMENTS THAT OPERATE EARLY CHILDHOOD PROGRAMS, BUT NOT INCLUDING THE DEPARTMENT OF EDUCATION OR THE NURSE HOME VISITOR PROGRAM, SHALL USE TO MEASURE PROGRAM PERFORMANCE AND DETERMINE WHETHER

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IMPLEMENTATION OF THE STATE PLAN RESULTS IN INCREASED EFFICIENCIES, EFFECTIVENESS, AND QUALITY IN THE DELIVERY OF EARLY CHILDHOOD SERVICES AT THE STATE AND LOCAL LEVELS; AND

(j) COORDINATE WITH OTHER RELEVANT STATE PLANS REGARDING EARLY CHILDHOOD SERVICES, WHICH PLANS ARE PREPARED BY DIVISIONS WITHIN THE STATE DEPARTMENT AND OTHER STATE DEPARTMENTS FOR THE FEDERAL GOVERNMENT.

(2) IN DEVELOPING THE STATE PLAN, THE OFFICE SHALL:

(a) CONSULT WITH THE DIVISIONS WITHIN THE STATE DEPARTMENT AND WITH OTHER STATE DEPARTMENTS THAT OPERATE YOUTH DEVELOPMENT PROGRAMS, INCLUDING BUT NOT LIMITED TO THE TONY GRAMPSAS YOUTH SERVICES PROGRAM CREATED IN ARTICLE 6.8 OF THIS TITLE, TO ENSURE AN INTEGRATED CONTINUUM OF EARLY CHILDHOOD AND YOUTH DEVELOPMENT SERVICE DELIVERY FOR CHILDREN AND THEIR FAMILIES;

(b) CONSULT WITH AND SEEK ADVICE FROM THE EARLY CHILDHOOD LEADERSHIP COMMISSION AND THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION; AND

© SOLICIT INPUT AND COMMENT FROM THE EARLY CHILDHOOD COMMUNITY, INCLUDING BUT NOT LIMITED TO, EARLY CHILDHOOD PROGRAMS, SERVICE PROVIDERS, COMMUNITY PARTNERS, AND PARENTS AND FAMILIES.

(3) (a) ON OR BEFORE JANUARY 31, 2013, THE OFFICE, IN COLLABORATION WITH THE OTHER DIVISIONS AND OTHER STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS, SHALL REPORT PROGRESS IN DEVELOPING THE STATE PLAN TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION, THE DEPARTMENT LEADERS, AND THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION.

(b) ON OR BEFORE JULY 1, 2013, THE OFFICE, WITH THE APPROVAL OF THE OTHER DIVISIONS AND STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS, SHALL RECOMMEND THE STATE PLAN TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION, THE EXECUTIVE DIRECTOR, AND THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION FOR REVIEW AND COMMENT. AFTER RECEIVING COMMENTS AND AMENDING THE STATE PLAN AS APPROPRIATE, THE OFFICE SHALL SUBMIT THE STATE PLAN TO THE STATE BOARD FOR APPROVAL. THE STATE BOARD MAY APPROVE THE STATE PLAN AS SUBMITTED OR WITH CHANGES.

© FOLLOWING APPROVAL OF THE INITIAL STATE PLAN, THE OFFICE AND THE OTHER DIVISIONS AND STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS SHALL BIENNIALY REVIEW THE STATE PLAN AND SUBMIT A REVISED STATE PLAN TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION, THE EXECUTIVE DIRECTOR AND THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION FOR REVIEW AND COMMENT. AFTER RECEIVING COMMENTS AND AMENDING THE REVISED STATE PLAN AS APPROPRIATE, THE OFFICE SHALL SUBMIT THE REVISED STATE PLAN TO THE STATE BOARD FOR APPROVAL. THE STATE BOARD MAY APPROVE THE STATE PLAN AS SUBMITTED OR WITH CHANGES.

(d) EVERY SIX MONTHS FOLLOWING ADOPTION OF THE INITIAL OR A REVISED STATE PLAN, THE OFFICE, IN COLLABORATION WITH THE OTHER DIVISIONS AND STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS, SHALL REPORT TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION, THE DEPARTMENT LEADERS, AND THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION CONCERNING IMPLEMENTATION OF THE STATE PLAN.

**26-6.1-106. Early childhood programs - interdepartmental coordination.**

(1) THE EXECUTIVE DIRECTORS OF THE STATE DEPARTMENTS OF HUMAN SERVICES, PUBLIC HEALTH AND ENVIRONMENT, AND HEALTH CARE POLICY AND FINANCING AND THE COMMISSIONER OF EDUCATION SHALL COMPRISE AN EXECUTIVE MANAGEMENT TEAM FOR EARLY CHILDHOOD PROGRAMS. THE DEPARTMENT LEADERS SHALL MEET ON A REGULAR BASIS TO REVIEW THE OPERATION OF EARLY CHILDHOOD PROGRAMS WITHIN THE STATE AND ENSURE THAT THE PROGRAMS COORDINATE IN PROVIDING SERVICES. THE DEPARTMENT LEADERS SHALL ALSO REVIEW THE STATE PLAN AND ENSURE THAT THE PROGRAMS IN THEIR RESPECTIVE STATE DEPARTMENTS ARE COMPLYING WITH THE PROVISIONS OF THE STATE PLAN. THE DEPARTMENT LEADERS SHALL, AS NECESSARY, INCLUDE THE DIRECTORS OF THE VARIOUS STATE EARLY CHILDHOOD PROGRAMS IN THEIR MEETINGS AND OTHERWISE COMMUNICATE WITH THE PROGRAM DIRECTORS TO ENSURE THAT THE EARLY CHILDHOOD PROGRAMS

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COORDINATE IN PROVIDING SERVICES.

(2) THE DEPARTMENT LEADERS SHALL DIRECT THE EARLY CHILDHOOD PROGRAM DIRECTORS IN THEIR RESPECTIVE STATE DEPARTMENTS TO COORDINATE IN PROVIDING COMMUNICATIONS TO THE EARLY CHILDHOOD COUNCILS AND OTHER LOCAL AGENCIES AND PROVIDERS CONCERNING IMPLEMENTATION OF EARLY CHILDHOOD PROGRAMS. TO THE EXTENT APPROPRIATE, THE DEPARTMENT LEADERS SHALL JOINTLY SEND DEPARTMENT LETTERS WHEN NECESSARY TO PROVIDE DIRECTION TO THE EARLY CHILDHOOD COUNCILS AND OTHER LOCAL PROVIDERS FOR THE OPERATION OF EARLY CHILDHOOD PROGRAMS OR CONCERNING INTERPRETATION OR APPLICATION OF PROGRAM RULES AND GUIDELINES.

(3) EACH OF THE DEPARTMENT LEADERS SHALL REPORT TO HIS OR HER POLICY BOARD CONCERNING THE IMPLEMENTATION AND COORDINATION OF EARLY CHILDHOOD PROGRAMS ACROSS THE VARIOUS STATE DEPARTMENTS. EACH POLICY BOARD SHALL TAKE INTO ACCOUNT THE RULES AND GUIDELINES FOR EARLY CHILDHOOD PROGRAMS PROMULGATED BY THE OTHER POLICY BOARDS AND, TO THE GREATEST EXTENT PRACTICABLE AND APPROPRIATE, ALIGN ITS EARLY CHILDHOOD PROGRAM RULES AND GUIDELINES TO FACILITATE COORDINATION IN THE IMPLEMENTATION OF EARLY CHILDHOOD PROGRAMS BY EACH STATE DEPARTMENT.

**26-6.1-107. Reporting.** (1) AS PART OF ITS ANNUAL PRESENTATION TO A COMMITTEE OF REFERENCE IN ACCORDANCE WITH SECTION 2-7-203, C.R.S., THE STATE DEPARTMENT SHALL SPECIFICALLY REPORT ON THE CREATION, REVIEW, AND IMPLEMENTATION OF THE STATE PLAN. AT A MINIMUM, THE STATE DEPARTMENT'S REPORT SHALL ADDRESS:

(a) THE PRIORITIES FOR PROVIDING EARLY CHILDHOOD SERVICES AND FOR USING MONEYS AVAILABLE FOR EARLY CHILDHOOD SERVICES;

(b) THE OUTCOMES EXPECTED AND THE OUTCOMES ACHIEVED DUE TO EARLY CHILDHOOD SERVICES PROVIDED IN THE PRECEDING FISCAL YEAR;

© THE MANNER IN WHICH AND DEGREE TO WHICH EARLY CHILDHOOD PROGRAMS ARE COMPLYING WITH THE STATE PLAN AND SUCCESSFULLY COORDINATING THE DELIVERY OF EARLY CHILDHOOD SERVICES AND THE USE OF AVAILABLE MONEYS THROUGHOUT THE STATE;

(d) THE LEVEL OF COORDINATION BETWEEN EARLY CHILDHOOD PROGRAMS AT THE STATE LEVEL AND AT THE LOCAL LEVEL; AND

(e) THE LEVEL OF FUNDING FOR AND THE SOURCES OF MONEYS ALLOCATED TO THE EARLY CHILDHOOD COUNCILS.

**SECTION 2.** In Colorado Revised Statutes, **add with amended and relocated provisions** article 6.4 to title 26 as follows:

**ARTICLE 6.4**

**Colorado Nurse Home Visitor Program**

**26-6.4-101. [Formerly 25-31-101] Short title.** This article shall be known and may be cited as the "Colorado Nurse Home Visitor Program Act".

**26-6.4-102. [Formerly 25-31-102] Legislative declaration.**

(1) The general assembly hereby finds that, in order to adequately care for their newborns and young children, new mothers may often benefit from receiving professional assistance and information. Without such assistance and information, a young mother may develop habits or practices that are detrimental to her health and well-being and the health and well-being of her child. The general assembly further finds that inadequate prenatal care and inadequate care in infancy and early childhood often inhibit a child's ability to learn and develop throughout his or her childhood and may have lasting, adverse effects on the child's ability to function as an adult. The general assembly recognizes that implementation of a nurse home visitor program that provides educational, health, and other resources for new young mothers during pregnancy and the first years of their infants' lives has been proven to significantly reduce the amount of drug, including nicotine, and alcohol use and abuse by mothers, the occurrence of criminal activity committed by mothers and their children under fifteen years of age, and the number of reported incidents of child abuse and neglect. Such a program has also been proven to reduce the number of subsequent births, increase the length of time between subsequent births, and reduce the mother's need for other forms of public assistance. It is the intent of the general assembly that such a program be established for the state of Colorado,

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beginning with a limited number of participants and expanding by the year 2010 to be available to all low-income, first-time mothers in the state who consent to receiving services.

(2) The general assembly further finds that, to implement such a program efficiently and effectively and to promote the successful implementation of partnerships between state public entities and the private sector, responsibility for the program should be divided between the STATE department, which shall be responsible for financial administration of the program, and a health sciences facility at the university of Colorado, which shall be responsible for programmatic and clinical support, evaluation, and monitoring for the program, and such other responsibilities as described in this article. It is the intent of the general assembly that the STATE department and the health sciences facility work collaboratively to share information in order to promote efficient and effective program implementation; however, neither entity is responsible for the other entity's statutorily prescribed duties.

**26-6.4-103. [Formerly 25-31-103] Definitions.** As used in this article, unless the context otherwise requires:

~~(1) "Department" means the department of public health and environment created in section 25-1-102.~~

~~(2)~~ (1) "Entity" means any nonprofit, not-for-profit, or for-profit corporation, religious or charitable organization, institution of higher education, visiting nurse association, existing visiting nurse program, county, district, or municipal public health agency, county department of social services, political subdivision of the state, or other governmental agency or any combination thereof.

~~(3)~~ (2) "Health sciences facility" means the Anschutz medical campus or a successor facility located at the university of Colorado health sciences center that is selected by the president of the university of Colorado pursuant to ~~section 25-31-105~~ SECTION 26-6.4.105 to assist the state board in administering the program.

~~(4)~~ (3) "Low-income" means an annual income that does not exceed two hundred percent of the federal poverty line.

~~(5)~~ (4) "Master settlement agreement" means the master settlement agreement, the smokeless tobacco master settlement agreement, and the consent decree approved and entered by the court in the case denominated *State of Colorado, ex rel. Gale A. Norton, Attorney General v. R.J. Reynolds Tobacco Co.; American Tobacco Co., Inc.; Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard Tobacco Co., Inc.; Philip Morris, Inc.; United States Tobacco Co.; B.A.T. Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and Tobacco Institute, Inc.*, Case No. 97 CV 3432, in the district court for the city and county of Denver.

~~(6)~~ (5) "Nurse" means a person licensed as a professional nurse pursuant to article 38 of title 12, C.R.S., or accredited by another state or voluntary agency that the state board of nursing has identified by rule pursuant to section 12-38-108 (1) (a), C.R.S., as one whose accreditation may be accepted in lieu of board approval.

(6) "OFFICE" MEANS THE OFFICE OF EARLY CHILDHOOD CREATED IN ARTICLE 6.1 OF THIS TITLE IN THE DEPARTMENT OF HUMAN SERVICES.

(7) "Program" means the nurse home visitor program established in this article.

(8) "State board" means the state board of ~~health created in section 25-1-103~~ HUMAN SERVICES CREATED IN SECTION 26-1-107.

(9) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF HUMAN SERVICES CREATED IN SECTION 26-1-105.

**26-6.4-104. [Formerly 25-31-104] Nurse home visitor program - created - rules.** (1) (a) There is hereby established the nurse home visitor program to provide regular, in-home, visiting nurse services to low-income, first-time mothers, with their consent, during their pregnancies and through their children's second birthday. The program shall provide trained visiting nurses to help educate mothers on the importance of nutrition and avoiding alcohol and drugs, including nicotine, and to assist and educate mothers in providing general care for their children and in improving health outcomes for their children. In addition, visiting nurses may help mothers in locating assistance with educational achievement and employment. Any assistance provided through the program shall be provided only with the consent of the low-income, first-time mother, and she may refuse further services at any

time.

(b) THE NURSE HOME VISITOR PROGRAM CREATED IN ARTICLE 31 OF TITLE 25, C.R.S., AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE, IS HEREBY TRANSFERRED TO THE OFFICE OF EARLY CHILDHOOD IN THE DEPARTMENT OF HUMAN SERVICES. ALL GRANTS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THIS ARTICLE SHALL CONTINUE TO BE VALID THROUGH JUNE 30, 2013, AND MAY BE EXTENDED OR RENEWED BEYOND SAID DATE.

(2) The program shall be administered in communities throughout the state by entities selected on a competitive basis by the state board. Any entity that seeks to administer the program shall submit an application to the ~~department~~ OFFICE as provided in ~~section 25-31-106~~ SECTION 26-6.4-106. The entities selected pursuant to ~~section 25-31-107~~ SECTION 26-6.4-107 shall be expected to provide services to a minimum of one hundred low-income, first-time mothers in the community in which the entity administers the program; except that the state board may grant a waiver of this requirement if the population base of the community does not have the capacity to enroll one hundred eligible families. The state board shall consult with the health sciences facility prior to granting the waiver to ensure that the entity can implement the program within the smaller community and maintain compliance with the program requirements. A mother shall be eligible to receive services through the program if she is pregnant with her first child, or her first child is less than one month old, and her gross annual income does not exceed two hundred percent of the federal poverty line.

(3) The state board shall promulgate, pursuant to the provisions of article 4 of title 24, C.R.S., rules for the implementation of the program. The state board shall base the rules establishing program training requirements, program protocols, program management information systems, and program evaluation requirements on research-based model programs that have been implemented in one or more other states for a period of at least five years and have shown significant reductions in:

(a) The occurrence among families receiving services through the model program of infant behavioral impairments due to use of alcohol and other drugs, including nicotine;

(b) The number of reported incidents of child abuse and neglect among families receiving services through the model program;

(c) The number of subsequent pregnancies by mothers receiving services through the model program;

(d) The receipt of public assistance by mothers receiving services through the model program;

(e) Criminal activity engaged in by mothers receiving services through the model program and their children.

(4) Notwithstanding the provisions of subsection (3) of this section, the board shall adopt rules pursuant to which a nurse home visitation program that is in operation in the state as of July 1, 1999, may qualify for participation in the program if it can demonstrate that it has been in operation in the state for a minimum of five years and that it has achieved a reduction in the occurrences specified in subsection (3) of this section. Any program so approved shall be exempt from the rules adopted regarding program training requirements, program protocols, program management information systems, and program evaluation requirements so long as said program continues to demonstrate a reduction in the occurrences specified in subsection (3) of this section.

(5) The ~~department~~ OFFICE may propose to the state board rules concerning program applications under ~~section 25-31-106 (1)~~ SECTION 26-6.4-106. Any such proposal shall be made in consultation with the health sciences facility.

**26-6.4-105. [Formerly 25-31-105] Health sciences facility - duties.** (1) The president of the university of Colorado shall identify a facility at the university of Colorado health sciences center with the knowledge and expertise necessary to:

(a) Assist the state board in selecting entities from among the applications submitted pursuant to ~~section 25-31-106~~ SECTION 26-6.4-106;

(b) Provide programmatic and clinical support, evaluation, and monitoring for the program, including nurse practice support and training, clinical and programmatic technical assistance, compliance monitoring

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and support, program development and implementation support, and performance improvement monitoring and support, in communities throughout the state;

© Cooperate with the ~~department~~ OFFICE in connection with the ~~department's~~ OFFICE'S financial administration of the program; and

(d) Work with the state auditor's office as required in section 2-3-113 (4), C.R.S.

(1.5) The health sciences facility is not responsible for the duties assigned to the ~~department~~ OFFICE with respect to the program under ~~section 25-31-107 (2) (a.5)~~ SECTION 26-6.4-107 (2) (a.5).

(2) The health sciences facility shall perform the duties set forth in subsection (1) of this section to ensure that the program is implemented and operated according to the program training requirements, protocols, management information systems, and evaluation requirements established by rule of the state board. The health sciences facility shall evaluate overall program implementation, operation, and effectiveness, and include that evaluation, along with any recommendations concerning the program's selected entities or changes in the program's implementation, operation, and effectiveness, including program training requirements, protocols, management information systems, or evaluation requirements, in the annual report submitted to the ~~department~~ OFFICE pursuant to ~~section 25-31-108~~ SECTION 26-6.4-108.

(3) The ~~department~~ OFFICE shall compensate the health sciences facility for the health sciences facility's actual costs incurred in performing its duties under this article, as determined by the health sciences facility. Such duties and actual costs shall be included in the scope of work in the agreement between the ~~department~~ OFFICE and the health sciences facility for implementation of those duties and shall include the costs incurred by any contractor or subcontractor of the health sciences facility for those duties. Such compensation shall be paid out of the amount allocated for the health sciences facility's costs, in accordance with the maximum allocation of three percent of the amount annually allocated for the program under ~~section 25-31-107 (2)~~ SECTION 26-6.4-107 (2).

**26-6.4-106. [Formerly 25-31-106] Program applications - requirements.** (1) An entity that seeks to administer the program in a community shall submit an application to the ~~department~~ OFFICE in accordance with rules adopted by the state board, in consultation with the ~~department~~ OFFICE and the health sciences facility. At a minimum, the application shall specify the basic elements and procedures that the entity shall use in administering the program. Basic program elements shall include the following:

(a) The specific training to be received by each nurse employed by the entity to provide home nursing services through the program, which training shall meet or exceed the visiting nurse training requirements established by rule of the state board;

(b) The protocols to be followed by the entity in administering the program, which protocols at a minimum shall comply with the program protocols established by rule of the state board;

© The management information system to be used by the entity in administering the program, which at a minimum shall comply with the management information system requirements established by rule of the state board;

(d) The reporting and evaluation system to be used by the entity in measuring the effectiveness of the program in assisting low-income, first-time mothers, which at a minimum shall meet the reporting and evaluation requirements specified by rule of the state board;

(e) An annual report to both the health sciences facility and the community in which the entity administers the program that reports on the effectiveness of the program within the community and is written in a manner that is understandable for both the health sciences facility and members of the community.

(2) Any program application submitted pursuant to this section shall demonstrate strong, bipartisan public support for and a long-time commitment to operation of the program in the community.

(3) The ~~department~~ OFFICE shall initially review the applications received pursuant to this section and submit to the health sciences facility for review those applications that include the basic program elements as required by the rules adopted by the state board. Following its review, the

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health sciences facility shall submit to the state board a list of the applying entities that the health sciences facility recommends to administer the program in communities throughout the state.

**26-6.4-107. [Formerly 25-31-107] Selection of entities to administer the program - grants - nurse home visitor program fund - created.**

(1) On receipt of the list of entities recommended by the health sciences facility, the state board shall select the entities that will administer the program in communities throughout the state. In selecting entities, the state board shall give special consideration to entities that are proposing to administer the program as a collaborative effort among multiple entities.

(2) (a) The entities selected to operate the program shall receive grants in amounts specified by the state board. The grants may include operating costs and additional amounts for training and development of any infrastructure, including but not limited to development of the information management system necessary to administer the program. ~~For the 2000-01 fiscal year, the state board shall award grants to no more than twelve entities in at least eight communities.~~ THE STATE BOARD SHALL DETERMINE the number of entities selected and the number of communities in which the program shall be IS implemented in subsequent fiscal years shall be determined by BASED ON THE moneys available in the nurse home visitor program fund created in paragraph (b) of this subsection (2).

(a.5) Except as otherwise provided in ~~section 25-31-108~~ SECTION 26-6.4-108, the ~~department shall be~~ OFFICE IS responsible for financial administration of this article, which shall include compensating the health sciences facility pursuant to ~~section 25-31-105 (3)~~ SECTION 26-6.4-105 (3); paying grants to entities selected to administer the program; monitoring financial, contractual, and regulatory compliance; providing medicaid financing oversight; managing accounting and budgeting; and, in cooperation with the health sciences facility, managing grant applications as set forth in ~~section 25-31-106~~ SECTION 26-6.4-106. The ~~department~~ OFFICE shall also cooperate with the health sciences facility's administration of programmatic and clinical support, evaluation, and monitoring of the program. The ~~department shall not be~~ OFFICE IS NOT responsible for any duties assigned to the health sciences facility with respect to the program, as described in ~~section 25-31-105~~ SECTION 26-6.4-105.

(b) Grants awarded pursuant to paragraph (a) of this subsection (2) shall be ARE payable from the nurse home visitor program fund, which fund is hereby created in the state treasury. The nurse home visitor program fund, referred to in this section as the "fund", shall be IS administered by the ~~department~~ OFFICE and shall consist CONSISTS of moneys transferred thereto by the state treasurer from moneys received pursuant to the master settlement agreement in the amount described in paragraph (d) of this subsection (2). In addition, the state treasurer shall credit to the fund any public or private gifts, grants, or donations received by the ~~department~~ OFFICE for implementation of the program, including any moneys received from the United States federal government for the program. The fund shall be IS subject to annual appropriation by the general assembly to the ~~department~~ OFFICE for grants to entities for operation of the program. The ~~department~~ OFFICE may retain a total of up to five percent of the amount annually appropriated from the fund for the program, in order to compensate the health sciences facility pursuant to ~~section 25-31-105 (3)~~ SECTION 26-6.4-105 (3), as set forth in the scope of work in the agreement between the ~~department~~ OFFICE and the health sciences facility, and to compensate the ~~department~~ OFFICE for the actual costs incurred by the ~~department~~ OFFICE in implementing the provisions of paragraph (a.5) of this subsection (2), as determined by the ~~department~~ OFFICE; except that the portion of the costs to compensate the ~~department~~ OFFICE for implementing the provisions of paragraph (a.5) of this subsection (2) shall not exceed two percent of the amount annually appropriated from the fund for the program, and the portion of such costs to compensate the health sciences facility under ~~section 25-31-105 (3)~~ SECTION 26-6.4-105 (3), as set forth in the scope of work in the contract between the ~~department~~ OFFICE and the health sciences facility, shall not exceed three percent of the amount annually appropriated from the fund for the program. In addition, if the total amount annually appropriated from the fund for the program exceeds nineteen million dollars, the

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department OFFICE and the health sciences facility shall assess whether a smaller percentage of the appropriated funds exceeding nineteen million dollars is adequate to cover their actual costs and shall jointly submit to the general assembly a report articulating their conclusions on this subject. The actual costs of the department OFFICE include department personnel and operating costs and any necessary transfers to the department of health care policy and financing for administrative costs incurred for the medicaid program associated with the program. The actual costs of the health sciences facility include the facility's own actual program costs and those of its contractors and subcontractors. Any costs for time studies required to obtain medicaid reimbursement for the program may be paid from program funds and shall not be subject to the five percent limit in this section. Notwithstanding section 24-36-114, C.R.S., all interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any unencumbered moneys appropriated from moneys received pursuant to the master settlement agreement remaining in the fund at the end of any fiscal year shall be transferred to the tobacco litigation settlement trust fund created in section 24-22-115.5, C.R.S.

© It is the intent of the general assembly that general fund moneys not be appropriated for implementation of the program.

(d) (I) Pursuant to section 24-75-1104.5 (1) (a), C.R.S., and except as otherwise provided in section 24-75-1104.5 (5), C.R.S., beginning with the 2006-07 fiscal year and for each fiscal year thereafter so long as the state receives moneys pursuant to the master settlement agreement, the state treasurer shall transfer to the fund the amounts specified in subparagraph (III) of this paragraph (d) from the master settlement agreement moneys received by the state, other than attorney fees and costs, during the preceding fiscal year, not to exceed nineteen million dollars in any fiscal year. The transfer shall be from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S.

(II) Repealed.

(III) (A) For the 2004-05 fiscal year, the general assembly shall appropriate to the fund nine percent of the total amount of moneys received by the state.

(A.5) For the 2005-06 fiscal year, the general assembly shall appropriate to the fund ten percent of the total amount of moneys received by the state.

(A.7) For the 2006-07 fiscal year, the state treasurer shall transfer from the moneys received by the state pursuant to the master settlement agreement to the fund eleven percent of the total amount of moneys received by the state.

(B) Beginning with the 2007-08 fiscal year and for each fiscal year thereafter through the 2010-11 fiscal year, the state treasurer shall increase the percentage transferred to the fund pursuant to sub-subparagraph (A.7) of this subparagraph (III) by one percent; except that the percentage transferred to the fund for the 2009-10 fiscal year shall be the same as the percentage transferred to the fund for the 2008-09 fiscal year.

© For the 2011-12 and 2012-13 fiscal years, the state treasurer shall transfer to the fund the greater of twelve million seven hundred thirty-seven thousand three hundred fifty dollars or the same percentage of the total amount of moneys received by the state as was transferred to the fund for the 2010-11 fiscal year.

(D) For the 2013-14 fiscal year, the state treasurer shall transfer to the fund fifteen percent of the total amount of moneys received by the state.

(E) For the 2014-15 fiscal year and for each fiscal year thereafter through the 2016-17 fiscal year, the state treasurer shall increase the percentage transferred to the fund by one percent over the percentage transferred to the fund in the preceding fiscal year.

(F) For the 2017-18 fiscal year and for each fiscal year thereafter, the state treasurer shall transfer to the fund nineteen percent of the total amount of moneys received by the state.

(IV) In addition to all other moneys transferred to the fund pursuant to this paragraph (d), the state treasurer shall transfer moneys from the general fund to the fund as specified in section 24-75-1104.5 (5) (a) (I) (B), C.R.S.

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**26-6.4-108. [Formerly 25-31-108] Annual program review - audit.** (1) The health sciences facility shall annually prepare and submit to the department OFFICE a report including an evaluation of the implementation of the program, the results achieved by the program based on the annual reports submitted by the administering entities pursuant to ~~section 25-31-106 (1) (e)~~ SECTION 26-6.4-106 (1) (e), the extent to which the program serves medicaid-eligible persons and provides services that may be provided in part through medicaid funding, and any recommendations concerning changes to the program, including any changes that may be appropriate to enable the program to receive medicaid funding. The department OFFICE shall include the report in the annual report on the program prepared pursuant to section 25-1-108.5 (3), C.R.S. Each program contractor and subcontractor and each entity that administers the program shall work with the health sciences facility and the department OFFICE to prepare the reports required under this section and sections 2-3-113 (2) and 25-1-108.5 (3), C.R.S. Any entity that is administering the program is subject to a reduction in or cessation of funding if the state board, based on recommendations from the health sciences facility, determines that the entity is not operating the program in accordance with the program requirements established by rule of the state board or is operating the program in such a manner that the program does not demonstrate positive results.

(2) The state auditor's office, pursuant to section 2-3-113, C.R.S., shall audit each entity administering the program to determine whether the entity is administering the program in compliance with the program requirements and in an effective manner. The audit shall be conducted and reported in accordance with the provisions of section 2-3-113, C.R.S.

**SECTION 3.** In Colorado Revised Statutes, add article 6.7 to title 26 as follows:

**ARTICLE 6.7**

**Division of Youth and Community Development**

**26-6.7-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DIVISION" MEANS THE DIVISION OF YOUTH AND COMMUNITY DEVELOPMENT CREATED IN SECTION 26-6.7-102.

(2) "YOUTH DEVELOPMENT PROGRAM" MEANS A PROGRAM THAT PROVIDES SERVICES TO OLDER CHILDREN AND THEIR FAMILIES, WHICH SERVICES MAY INCLUDE BUT NEED NOT BE LIMITED TO, FAMILY SUPPORT AND PARENT EDUCATION, HEALTH, MENTAL HEALTH, MENTORING, AND BEFORE-AND-AFTER-SCHOOL PROGRAMS.

**26-6.7-102. Division of youth and community development - created.** (1) THERE IS HEREBY CREATED WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES THE DIVISION OF YOUTH AND COMMUNITY DEVELOPMENT. THE DIVISION IS HEADED BY THE DIRECTOR OF YOUTH DEVELOPMENT SERVICES APPOINTED BY THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OF HUMAN SERVICES IN ACCORDANCE WITH SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION.

(2) THE DIVISION SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS SPECIFIED IN THIS ARTICLE UNDER THE STATE DEPARTMENT OF HUMAN SERVICES AS IF IT WERE TRANSFERRED TO THE STATE DEPARTMENT BY A **TYPE 2** TRANSFER AS SUCH TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

**26-6.7-103. Division of youth and community development - functions.** (1) THE DIVISION HAS THE FOLLOWING FUNCTIONS:

(a) TO OPERATE THE YOUTH DEVELOPMENT PROGRAMS TRANSFERRED TO THE DIVISION BY THE EXECUTIVE DIRECTOR AND SUCH OTHER YOUTH DEVELOPMENT PROGRAMS THAT MAY BE CREATED IN OR TRANSFERRED TO THE DIVISION BY EXECUTIVE ORDER TO BE FUNDED SOLELY BY NONSTATE MONEYS;

(b) TO COORDINATE WITH THE OFFICE OF EARLY CHILDHOOD IN THE STATE DEPARTMENT AND WITH THE OFFICE WITHIN THE STATE DEPARTMENT THAT OVERSEES DELIVERY OF SERVICES TO CHILDREN, YOUTH, AND FAMILIES TO HELP ENSURE THE AVAILABILITY OF A CONTINUUM OF SERVICES FOR CHILDREN AND YOUTH AND THEIR FAMILIES;

© TO ACT AS A LIAISON WITH COMMUNITIES THROUGHOUT THE STATE TO ASSIST THEM IN ASSESSING THE NEEDS OF THE COMMUNITIES WITH REGARD TO YOUTH DEVELOPMENT PROGRAMS AND TO PROVIDE INFORMATION THAT WILL ASSIST COMMUNITIES IN OBTAINING FUNDING

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FOR APPROPRIATE YOUTH DEVELOPMENT PROGRAMS;  
 (d) TO PROVIDE TECHNICAL ASSISTANCE TO COMMUNITIES AND TO ENTITIES THAT PROVIDE YOUTH DEVELOPMENT PROGRAMS;  
 (e) TO SOLICIT AND ACCEPT GRANTS FROM THE FEDERAL GOVERNMENT AND TO SOLICIT AND ACCEPT CONTRIBUTIONS, GRANTS, GIFTS, BEQUESTS, AND DONATIONS FROM INDIVIDUALS, PRIVATE ORGANIZATIONS, AND FOUNDATIONS FOR THE OPERATION OF ANY YOUTH DEVELOPMENT PROGRAMS UNDER THE AUTHORITY OF THE DIVISION; AND  
 (f) TO PERIODICALLY REVIEW THE FEDERAL FUNDING GUIDELINES FOR FEDERAL YOUTH DEVELOPMENT PROGRAMS AND TO SEEK THE MAXIMUM FLEXIBILITY IN THE USE OF FEDERAL MONEYS IN FUNDING YOUTH DEVELOPMENT PROGRAMS.

**SECTION 4.** In Colorado Revised Statutes, **add with amended and relocated provisions** article 6.8 to title 26 as follows:

**ARTICLE 6.8**

**Tony Grampsas Youth Services Program**

**26-6.8-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BOARD" MEANS THE TONY GRAMPSAS YOUTH SERVICES BOARD CREATED IN SECTION 26-6.8-103.

(2) "ENTITY" MEANS A LOCAL GOVERNMENT, A COLORADO PUBLIC OR NONSECTARIAN SECONDARY SCHOOL, A GROUP OF PUBLIC OR NONSECTARIAN SECONDARY SCHOOLS, A SCHOOL DISTRICT OR GROUP OF SCHOOL DISTRICTS, A BOARD OF COOPERATIVE SERVICES, AN INSTITUTION OF HIGHER EDUCATION, THE COLORADO NATIONAL GUARD, A STATE AGENCY, A STATE-OPERATED PROGRAM, OR A PRIVATE NONPROFIT OR NOT-FOR-PROFIT COMMUNITY-BASED ORGANIZATION.

(3) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OF HUMAN SERVICES.

(4) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF HUMAN SERVICES.

**26-6.8-102. [Formerly 25-20.5-201] Tony Grampsas youth services program - creation - standards - applications.** (1) (a) ~~The youth crime prevention and intervention program created in part 28 of article 32 of title 24, C.R.S., as it existed prior to August 1, 2000, is hereby transferred to the division and is renamed the Tony Grampsas youth services program. All program grants in existence as of July 1, 2000, shall continue to be valid through July 31, 2001. Persons appointed to the youth crime prevention and intervention program board, hereby renamed the Tony Grampsas youth services board, shall continue serving until completion of their terms and may be reappointed as provided in section 25-20.5-202.~~ THE TONY GRAMPSAS YOUTH SERVICES PROGRAM IS HEREBY TRANSFERRED TO THE DIVISION OF YOUTH AND COMMUNITY DEVELOPMENT WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES. ALL PROGRAM GRANTS IN EXISTENCE AS OF JULY 1, 2012, SHALL CONTINUE TO BE VALID THROUGH JUNE 30, 2014. PERSONS APPOINTED TO THE TONY GRAMPSAS YOUTH SERVICES BOARD SHALL CONTINUE SERVING UNTIL COMPLETION OF THEIR TERMS AND MAY BE REAPPOINTED AS PROVIDED IN SECTION 26-6.8-103.

(b) The Tony Grampsas youth services program is established to provide state funding for community-based programs that target youth and their families for intervention services in an effort to reduce incidents of youth crime and violence. In addition, the Tony Grampsas youth services program shall promote prevention and education programs that are designed to reduce the occurrence and reoccurrence of child abuse and neglect and to reduce the need for state intervention in child abuse and neglect prevention and education.

(2) (a) ~~The Tony Grampsas youth services program shall be administered through the division.~~ Subject to the designation in paragraph (b) of this subsection (2), the Tony Grampsas youth services board created in ~~section 25-20.5-202~~ SECTION 26-6.8-103 shall choose those entities that will receive grants through the Tony Grampsas youth services program and the amount of each grant. ~~In addition, the division~~ THE STATE DEPARTMENT shall monitor the effectiveness of programs that receive funds through the Tony Grampsas youth services program.

(b) Any grant awarded through the Tony Grampsas youth services program shall be paid from moneys appropriated pursuant to paragraph © of this subsection (2) or out of the general fund for such program. Each year, no less than twenty percent of the appropriation shall be designated

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and used exclusively for programs designed for children younger than nine years of age. THE DIVISION OF YOUTH AND COMMUNITY DEVELOPMENT CREATED IN ARTICLE 6.7 OF THIS TITLE IN THE STATE DEPARTMENT OF HUMAN SERVICES SHALL ADMINISTER THE GRANTS AWARDED TO PROGRAMS DESCRIBED IN THIS PARAGRAPH (b) AND SHALL MONITOR THE EFFECTIVENESS OF THE PROGRAMS.

© ANY GRANT AWARDED THROUGH THE TONY GRAMPSAS YOUTH SERVICES PROGRAM SHALL BE PAID FROM MONEYS APPROPRIATED PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (2) OR OUT OF THE GENERAL FUND FOR SUCH PROGRAM. The board, in accordance with the timelines adopted pursuant to ~~section 25-20.5-202(3)~~ SECTION 26-6.8-103 (3), shall submit a list of the entities chosen to receive grants to the governor for approval. The governor shall either approve or disapprove the entire list of entities by responding to the board within twenty days. If the governor ~~has~~ DOES not ~~responded~~ RESPOND to the board within twenty days after receipt of the list, the list ~~shall be deemed~~ IS approved. ~~No grants shall be awarded~~ THE BOARD SHALL NOT AWARD A GRANT through the Tony Grampsas youth services program without the prior approval of the governor.

⊕ (d) Pursuant to section 24-75-1104.5 (1) (I), C.R.S., and except as otherwise provided in section 24-75-1104.5 (5), C.R.S., beginning in the 2004-05 fiscal year, and for each fiscal year thereafter so long as the state receives moneys pursuant to the master settlement agreement, the general assembly shall appropriate to the ~~division~~ STATE DEPARTMENT for the Tony Grampsas youth services program four percent of the amount of moneys transmitted to the state treasurer in accordance with the master settlement agreement, other than attorney fees and costs, for the preceding fiscal year; except that the amount so appropriated to the ~~division~~ STATE DEPARTMENT in any fiscal year shall not exceed five million dollars. The general assembly shall appropriate the amount specified in this ~~paragraph~~ ⊕ PARAGRAPH (d) from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S.

(3) To participate in the Tony Grampsas youth services program, an entity may apply to the board in accordance with timelines and guidelines adopted by the board pursuant to ~~section 25-20.5-202~~ SECTION 26-6.8-103.

~~(4) For purposes of this part 2 "entity" means any local government, Colorado public or nonsectarian secondary school, including charter schools, group of public or nonsectarian secondary schools, school district or group of school districts, board of cooperative services, institution of higher education, the Colorado National Guard, state agency, or state-operated program or any private nonprofit or not-for-profit community-based organization.~~

~~(5)~~ (4) Entities seeking to provide youth mentoring services or to enhance existing youth mentoring programs are encouraged to submit an application to the board for grants directly from the Tony Grampsas youth services program, in addition to any funding the entities may be seeking from the youth mentoring services cash fund pursuant to ~~section 25-20.5-203(6)~~ SECTION 26-6.8-104 (6), to establish or enhance youth mentoring programs. Entities submitting applications for grants directly from the Tony Grampsas youth services program pursuant to this section need not meet the requirements of ~~section 25-20.5-203(5)(b)~~ SECTION 26-6.8-104 (5) (b).

**26-6.8-103. [Formerly 25-20.5-202] Tony Grampsas youth services board - members - duties.** (1) (a) There is hereby created the Tony Grampsas youth services board ~~referred to in this part 2 as the "board"~~, consisting of four members appointed by the governor, three members appointed by the speaker of the house of representatives, and two members appointed by the president of the senate and one member appointed by the minority leader of the senate. For the initial appointments, the governor shall appoint members to the board after the speaker of the house of representatives and the president and the minority leader of the senate have made appointments. No more than six of the members appointed to the board shall be members of the same political party.

(b) In addition to the appointed board members, the executive director shall serve as a member of the board.

© At the first meeting of the board, the members of the board shall choose a chairperson and a vice-chairperson.

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(d) (I) In appointing members to the board, the governor, the speaker of the house of representatives, and the president and the minority leader of the senate shall:

(A) Choose persons who have a knowledge and awareness of innovative strategies for youth crime prevention and intervention services and for reducing the occurrence and reoccurrence of child abuse and neglect; AND

~~(H) (B) In appointing members of the board, the governor, the speaker of the house of representatives, and the president and the minority leader of the senate shall~~ Appoint one or more persons who possess knowledge and awareness of early childhood care and education. FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (B), "EARLY CHILDHOOD" MEANS YOUNGER THAN NINE YEARS OF AGE.

(II) In ~~addition~~ APPOINTING MEMBERS TO THE BOARD, the speaker of the house of representatives and the president of the senate shall each appoint at least one person who has a knowledge and awareness of student issues, including the causes of student dropout in secondary schools, as well as innovative strategies for reducing the dropout rate among secondary school students. ~~For purposes of this subparagraph (H); "early childhood" means younger than nine years of age.~~

(III) In appointing members TO THE BOARD, the governor shall:

(A) Appoint at least one ~~member to the board~~ PERSON who is representative of a minority community;

~~(B) Beginning with the members appointed to terms beginning July 1, 2001, the governor, in appointing members, shall~~ Appoint at least one person who is knowledgeable in the area of child abuse prevention; and

© APPOINT at least one person who is knowledgeable in the area of community planning for youth violence prevention.

(e) The appointed members of the board shall serve three-year terms; except that, of the members first appointed, one of the members appointed by the governor shall serve a two-year term, two of the members appointed by the governor shall serve one-year terms, one of the members appointed by the speaker of the house of representatives shall serve a two-year term, and one of the members appointed by the president of the senate shall serve a two-year term. The respective appointing person shall choose those members who shall serve initial shortened terms. If a vacancy arises in one of the appointed offices, the authority making the original appointment shall fill the vacancy for the remainder of the term. Members of the board shall serve without compensation but shall be reimbursed out of available appropriations for all actual and necessary expenses incurred in the performance of their duties.

(f) The board is authorized to meet, when necessary, via telecommunications.

(2) (a) The board shall develop and make available program guidelines, including but not limited to:

(I) Guidelines for proposal design;

(II) Local public-to-private funding match requirements; and

(III) Processes for local review and prioritization of program applications.

(b) In addition to the guidelines developed pursuant to paragraph (a) of this subsection (2), the board shall develop criteria for awarding grants under the Tony Grampas youth services program, including but not limited to the following requirements:

(I) That the program is operated in cooperation with a local government, a local governmental agency, or a local nonprofit or not-for-profit agency;

(II) That the program is community-based, receiving input from organizations in the community such as schools, community mental health centers, local nonprofit or not-for-profit agencies, local law enforcement agencies, businesses, and individuals within the community; and

(III) (A) That the program is directed at providing intervention services to youth and their families in an effort to decrease incidents of crime and violence or that the program is directed at providing services to at-risk students and their families in an effort to reduce the dropout rate in secondary schools pursuant to ~~section 25-20.5-204~~ SECTION 26-6.8-105.

(B) If an entity is seeking a grant from the board for a student

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dropout prevention and intervention program pursuant to ~~section 25-20.5-204~~ SECTION 26-6.8-105, one of the criteria that the board shall consider is whether the program has been implemented elsewhere, if known, and, if so, the relative success of the program. It shall not be required, however, that the program be previously implemented for the board to award a grant to the entity.

© If an entity is seeking a grant from the board for a program directed at providing intervention services to youth and their families in an effort to decrease incidents of crime and violence, one of the criteria that the board shall consider is whether the program includes restorative justice components. It shall not be required, however, that the program include restorative justice components for the board to award a grant to the entity.

© In addition to the guidelines and criteria developed pursuant to paragraphs (a) and (b) of this subsection (2), the board shall develop result-oriented criteria for measuring the effectiveness of programs that receive grants under the Tony Grampsas youth services program as deemed appropriate to the nature of each program including, but not limited to, requiring grantees to evaluate the impact of the services provided by the program. Any criteria developed pursuant to this paragraph © for measuring the effectiveness of student dropout prevention and intervention programs established pursuant to ~~section 25-20.5-204~~ SECTION 26-6.8-105 shall include the implementation of a method by which to track the students served by the program to evaluate the impact of the services provided, which tracking shall continue, if possible, for at least two years or through graduation from a secondary school, whichever occurs first.

(3) ~~(a)~~ In addition to the guidelines and criteria developed pursuant to subsection (2) of this section, the board shall establish timelines for submission and review of applications for grants through the Tony Grampsas youth services program. The board shall also adopt timelines for submission to the governor of the list of entities chosen to receive grants. If the governor disapproves the list, the board may submit a replacement list within thirty days after such disapproval.

~~(b) Repeated.~~

(4) The board shall review all applications received pursuant to ~~section 25-20.5-201~~ SECTION 26-6.8-102 for grants from the Tony Grampsas youth services program and choose those entities that shall receive grants through the Tony Grampsas youth services program and the amount of each grant.

(5) In addition to the duties relating specifically to the Tony Grampsas youth services program specified in this section, the board shall operate the prevention, intervention, and treatment programs specified in this ~~part 2~~ ARTICLE and such other prevention, intervention, and treatment programs as may be assigned to the board by executive order to be funded solely by federal funds.

**26-6.8-104. [Formerly 25-20.5-203] Colorado Youth Mentoring Services Act.** (1) **Short title.** This section shall be known and may be cited as the "Colorado Youth Mentoring Services Act".

(2) **Legislative declaration.** (a) The general assembly hereby finds and declares that mentoring programs such as big brothers, big sisters, and partners have been active in Colorado for many years. The general assembly finds that national research has indicated that structured mentoring programs are effective tools in combating youth substance abuse and youth crime and violence. The general assembly further finds, based upon recent national research results, that at-risk youth who are matched in a minimum of year-long mentoring relationships are less likely to become involved in substance and alcohol abuse, less likely to be truant, less likely to commit violent acts against other persons, and more likely to show improvements in academic performance and positive peer relations.

(b) The general assembly further finds that, despite the positive results that may be achieved through structured youth mentoring programs, as many as thirty-eight counties in the state of Colorado do not have the organizational resources necessary to carry out successful mentoring programs or lack the adult volunteers to establish such programs or both. The general assembly finds that even counties in which there are established youth mentoring programs, such programs are unable to meet the demand for mentors and that such established

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programs have waiting lists that exceed two thousand youths.

© The general assembly therefore declares and determines that the provision of youth mentoring services that would use public and private entities to recruit, train, screen, and supervise adult volunteers to serve as mentors for at-risk youth would be beneficial and in the best interests of the citizens of the state of Colorado.

(3) **Definition.** For purposes of this section, "at-risk youth" means a person who is at least five years of age but who is less than eighteen years of age and who is challenged by such risk factors as poverty, residence in a substance-abusing household, family conflict, association with peers who commit crimes, residence in a single-parent household, exhibition of indicia of delinquent behavior, or being the victim of child abuse.

(4) **Provision of youth mentoring services.** There is hereby created the Colorado youth mentoring program for the purpose of providing state funding for the provision of community-based youth mentoring services that target at-risk youths in an effort to reduce substance abuse and to decrease the incidents of youth crime and violence. Such funding shall be used to provide new mentoring services in communities that do not have existing mentoring programs as well as to enhance established community-based youth mentoring programs that are already in existence.

(5) **Administration - duties of contracting entities.** (a) To be eligible for moneys from the youth mentoring services cash fund created in subsection (6) of this section for the provision of youth mentoring services, an entity shall apply to the board in accordance with the timelines and guidelines adopted by the board pursuant to ~~section 25-20.5-202~~ SECTION 26-6.8-103 and shall meet the requirements of paragraph (b) of this subsection (5).

(b) The entities that ~~are selected by~~ the board SELECTS to provide community-based youth mentoring services shall be responsible for:

(I) Actively recruiting qualified and appropriate adult volunteers who are willing to serve as youth mentors for a period of not less than one year and to commit to spending an average of three hours per week with the at-risk youth;

(II) Effectively screening adult volunteers to serve as mentors, including but not limited to conducting criminal background checks of such adult volunteers;

(III) Providing training and ongoing support to adult volunteers to prepare them to serve in one-year mentoring relationships with at-risk youths;

(IV) Carefully matching each adult volunteer with an at-risk youth based upon the unique qualifications of the adult volunteer and the specific needs of the youth;

(V) Supervising closely and through case managers the activities of the adult volunteer and the mutual benefits and effectiveness of the mentoring relationship;

(VI) Making available life skill workshops, recreational activities, and community service opportunities to the at-risk youth and adult volunteer;

(VII) Implementing a method of evaluating the effectiveness of the community-based youth mentoring program and tracking the youths served by the program to evaluate the impact of the services provided through the program; and

(VIII) Reporting annually to the board concerning the results of the entity's evaluation of youths served by the community-based youth mentoring program as well as the fiscal contributions made by the entity to the program and such other information that the board may require.

© Community-based organizations may obtain private and public funds, grants, gifts, or donations for youth mentoring programs. The executive director is authorized to accept and expend on behalf of the state any funds, grants, gifts, or donations from any private or public source for the purpose of implementing this section; except that no grant or donation shall be accepted if the conditions attached to the grant or donation require the expenditure thereof in a manner contrary to law.

(d) Entities selected to receive grants pursuant to this section for the provision of youth mentoring services shall match any grant received with a contribution that is the equivalent of twenty percent of the grant awarded.

(6) **Youth mentoring services cash fund.** (a) There is hereby created in the state treasury the youth mentoring services cash fund. The moneys in the youth mentoring services cash fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs associated with the implementation of this section. The executive director is authorized to accept on behalf of the state any grants, gifts, or donations from any private or public source for the purpose of this section. All private and public funds received through grants, gifts, or donations shall be transmitted to the state treasurer, who shall credit the same to the youth mentoring services cash fund. All investment earnings derived from the deposit and investment of moneys in the fund shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

(b) Notwithstanding any provision of paragraph (a) of this subsection (6) to the contrary, on April 20, 2009, the state treasurer shall transfer the balance of moneys in the youth mentoring services cash fund to the general fund.

**26-6.8-105. [Formerly 25-20.5-204] Colorado student dropout prevention and intervention program.** (1) **Short title.** This section shall be known and may be cited as the "Colorado Student Dropout Prevention and Intervention Act".

(2) **Legislative declaration.** The general assembly hereby finds that:

(a) During the last decade, over one hundred thousand students in Colorado left school without successfully completing a high school program;

(b) In 1996, three million six hundred thousand young adults in the United States were neither enrolled in school nor had they completed a high school program;

(c) In the 1995-1996 academic year, approximately thirteen thousand students withdrew from Colorado schools prior to receiving a diploma, resulting in a four percent dropout rate;

(d) Of those students who withdrew from Colorado schools prior to receiving a diploma, approximately five thousand nine hundred were minority students;

(e) The dropout rate of minority students in Colorado is significantly greater than that of nonminority students;

(f) Numerous factors, including socioeconomic background, lack of adult support, and the inability to communicate well in English, influence a student's decision to drop out of school;

(g) Research has shown that, compared with high school graduates, relatively more dropouts are unemployed, and those dropouts who do succeed in finding work tend to earn less money than high school graduates; and

(h) High school dropouts are more likely to apply for and receive public assistance than high school graduates.

(3) **Definitions.** For purposes of this section:

(a) "At-risk students" means students in secondary schools who are at risk of dropping out of school because of their socioeconomic background, lack of adult support, language barriers, or other identified indicators that cause students to drop out of school.

(b) ~~"Entity" means any local government, Colorado public or nonsectarian secondary school, including charter schools, group of public or nonsectarian secondary schools, school district or group of school districts, board of cooperative services, institution of higher education, the Colorado National Guard, state agency, or state-operated program or any private nonprofit or not-for-profit community-based organization.~~

(4) **Colorado student dropout prevention and intervention program.** There is hereby created the Colorado student dropout prevention and intervention program in the Tony Grampsas youth services program for the purpose of providing services to at-risk students and their families in an effort to reduce the dropout rate in secondary schools through an appropriate combination of academic and extracurricular activities designed to enhance the overall education and edification of students in secondary schools.

(5) **Administration.** (a) The student dropout prevention and intervention program shall be administered through the division OF YOUTH AND COMMUNITY DEVELOPMENT IN THE STATE DEPARTMENT. Subject to the designation in paragraph (b) of this subsection (5), the

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~~Tony Grampsas youth services board created in section 25-20.5-202 shall select those entities that will receive grants through the student dropout prevention and intervention program and the amount of each grant. In addition, the division OF YOUTH AND COMMUNITY DEVELOPMENT shall monitor the effectiveness of programs that receive funds through the student dropout prevention and intervention program. To be eligible for grants from the Tony Grampsas youth services board for the provision of student dropout prevention and intervention programs targeting at-risk students, an entity shall apply to the board in accordance with the timelines and guidelines adopted by the board pursuant to section 25-20.5-202 SECTION 26-6.8-103.~~

(b) Any moneys awarded by the ~~Tony Grampsas youth services board~~ shall be paid from moneys appropriated out of the general fund for ~~such~~ THE TONY GRAMPSAS YOUTH SERVICES program. Each year no less than ten percent of the total appropriation from the general fund shall be designated and used exclusively for programs specifically designed to prevent students from dropping out of secondary schools; except that, commencing in fiscal year 2004-05 and in each fiscal year thereafter, no less than twenty percent of the total appropriation shall be designated and used exclusively for such purpose.

(6) **Receipt of moneys.** (a) The executive director is authorized to accept on behalf of the state any funds, grants, gifts, or donations from any private or public source for the purpose of implementing student dropout prevention and intervention programs pursuant to this ~~article~~ SECTION; except that no funds, grants, gifts, or donations shall be accepted if the conditions attached thereto require the expenditure thereof in a manner contrary to law.

(b) (I) All private and public moneys received through funds, grants, gifts, or donations pursuant to this subsection (6) shall be transmitted to the state treasurer, who shall credit the same to the student dropout prevention and intervention fund, which fund is hereby created. The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs associated with the administration of this ~~article~~ SECTION. The executive director may expend moneys appropriated to the STATE department from the fund for purposes of providing a grant for the implementation and administration of a student dropout prevention and intervention program. All investment earnings derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any moneys not appropriated shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

(II) Notwithstanding any provision of subparagraph (I) of this paragraph (b) to the contrary, on April 20, 2009, the state treasurer shall transfer the balance of moneys in the student dropout prevention and intervention fund to the general fund.

**26-6.8-106. [Formerly 25-20.5-205] Colorado student before-and-after-school project - creation - funding. (1) Definitions.**

As used in this section, unless the context otherwise requires:

(a) "Before-and-after-school program" means a program that meets before regular school hours or after regular school hours or during a period when school is not in session.

(b) "Fund" means the Colorado student before-and-after-school project fund created in subsection (4) of this section.

© "Project" means the Colorado before-and-after-school project created in subsection (2) of this section.

(2) **Colorado student before-and-after-school project.** There is hereby created, in the Tony Grampsas youth services program, the Colorado student before-and-after-school project for the purpose of providing grants to entities to provide high-quality before-and-after-school programs that may include an alcohol or drug abuse prevention and education component. Entities that receive grants pursuant to this section shall apply the grants to creating and implementing before-and-after-school programs that primarily serve youth enrolled in grades six through eight or youth who are twelve to fourteen years of age. The before-and-after-school programs shall be designed to help youth develop their interests and skills in the areas of sports and fitness, character and leadership, or arts and culture and may provide education regarding the dangers of the use of alcohol and drugs. Before-and-after-school programs that are designed primarily to increase

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academic achievement or that provide religious instruction are not eligible for funding pursuant to this section.

(3) **Administration.** (a) The division OF YOUTH AND COMMUNITY DEVELOPMENT IN THE STATE DEPARTMENT shall administer the project. The board shall select the entities that will receive grants through the project and the amount of each grant. In addition, the division OF YOUTH AND COMMUNITY DEVELOPMENT shall monitor the effectiveness of before-and-after-school programs that receive moneys through the project. To be eligible for grants through the project, an entity shall apply to the board in accordance with the timelines and guidelines adopted by the board pursuant to ~~section 25-20.5-202~~ SECTION 26-6.8-103. Notwithstanding any provision of this ~~part 2~~ ARTICLE or any criteria for awarding grants adopted by the board pursuant to ~~section 25-20.5-202 (2)~~ (b) SECTION 26-6.8-103 (2) (b) to the contrary, an entity may be eligible to receive a grant pursuant to this section regardless of whether the before-and-after-school program to which the grant would apply serves youth who are eligible for free or reduced-cost lunch pursuant to the "National School Lunch Act", 42 U.S.C. sec. 1751 et seq.

(b) The grants awarded through the project shall be paid from moneys appropriated from the fund to the ~~division~~ STATE DEPARTMENT. The board and grant recipients are encouraged to apply moneys awarded through the project to leverage additional funding as matching funds from private and federal sources.

(4) **Colorado student before-and-after-school project fund.** There is hereby created in the state treasury the Colorado student before-and-after-school project fund that shall consist of moneys that may be appropriated by the general assembly to the fund. The moneys in the fund shall be subject to annual appropriation by the general assembly to the ~~division~~ STATE DEPARTMENT for the purpose of providing grants as provided in this section and the direct and indirect costs associated with the implementation of this section. Any moneys in the fund not expended for the purpose of this section may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of moneys in the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund.

**SECTION 5. Repeal of provisions being relocated in this act.** In Colorado Revised Statutes, **repeal** part 2 of article 20.5 of title 25 and article 31 of title 25.

**SECTION 6.** In Colorado Revised Statutes, 19-3.5-104, **amend** (1) as follows:

**19-3.5-104. Colorado children's trust fund board - creation - members.** (1) (a) There is hereby created, in the department of public health and environment, the Colorado children's trust fund board. The board shall exercise its powers and duties as if transferred by a **type 2** transfer.

(b) THE COLORADO CHILDREN'S TRUST FUND BOARD IS HEREBY TRANSFERRED TO THE OFFICE OF EARLY CHILDHOOD CREATED IN ARTICLE 6.1 OF TITLE 26, C.R.S., IN THE DEPARTMENT OF HUMAN SERVICES. THE BOARD SHALL EXERCISE ITS POWERS AND DUTIES AS IF TRANSFERRED BY A **TYPE 2** TRANSFER. PERSONS APPOINTED TO THE COLORADO CHILDREN'S TRUST FUND BOARD SHALL CONTINUE SERVING UNTIL COMPLETION OF THEIR TERMS AND MAY BE REAPPOINTED AS PROVIDED IN THIS SECTION.

**SECTION 7.** In Colorado Revised Statutes, 26-18-102, **repeal** (3.5); and **add** (7) as follows:

**26-18-102. Definitions.** As used in this article, unless the context otherwise requires:

(3.5) ~~"Division" means the prevention services division in the department of public health and environment.~~

(7) "OFFICE" MEANS THE OFFICE OF EARLY CHILDHOOD CREATED IN ARTICLE 6.1 OF THIS TITLE IN THE DEPARTMENT OF HUMAN SERVICES.

**SECTION 8.** In Colorado Revised Statutes, 26-18-104, **amend** (1) (a), (1) (b), and (1) © (III); and **add** (1) (a.5) as follows:

**26-18-104. Program created.** (1) (a) There is hereby established in the prevention services division in the department of public health and environment a family resource center program. The purposes of said program shall be to provide grants to community applicants for the creation of family resource centers or to provide grants to family resource

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centers for the continued operation of such centers through which services for vulnerable families, individuals, children, and youth who live in communities or in at-risk neighborhoods are accessible and coordinated through a single point of entry.

(a.5) THE FAMILY RESOURCE CENTER PROGRAM IS TRANSFERRED TO THE OFFICE OF EARLY CHILDHOOD IN THE DEPARTMENT OF HUMAN SERVICES. ALL PROGRAM GRANTS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH (a.5) SHALL CONTINUE TO BE VALID THROUGH JUNE 30, 2013, AND MAY BE CONTINUED AFTER SAID DATE.

(b) The ~~division~~ OFFICE shall operate the family resource center program in accordance with the provisions of this article. ~~the requirements for prevention, intervention, and treatment programs specified in article 20.5 of title 25, C.R.S., and the rules for prevention, intervention, and treatment programs adopted by the state board of health pursuant to section 25-20.5-106, C.R.S.~~ In addition, the ~~division~~ OFFICE may establish any other procedures necessary to implement the program, including establishing the procedure for the submittal of grant applications by community applicants seeking to establish a family resource center or by a family resource center applying for a grant for continued operation of a family resource center.

© (III) The ~~division~~ OFFICE is authorized to accept and expend any grants from any public or private source for the purpose of making grants to community applicants for the establishment or continued operation of family resource centers and for the purpose of evaluating the effectiveness of the family resource center program. Nothing in this article shall be construed to prohibit a family resource center from accepting and expending funds received through an authorized contract, grants, or donations from public or private sources.

**SECTION 9.** In Colorado Revised Statutes, 26-18-105, **amend** (1) introductory portion, (2), and (3) as follows:

**26-18-105. Selection of centers - grants.** (1) The ~~division~~ OFFICE may award a grant for the purpose of establishing a family resource center based on a plan submitted to the ~~division~~ OFFICE by the applicant or for the continued operation of a family resource center. The plan shall meet specific criteria which the ~~division~~ OFFICE is hereby authorized to set, but the criteria shall include at least the following provisions:

(2) The local advisory council for a community applicant awarded a grant pursuant to subsection (1) of this section shall evaluate the overall effectiveness of the family resource center annually and shall submit an annual report to the ~~division~~ in accordance with ~~section 25-20.5-108, C.R.S.~~ OFFICE.

(3) In the event the ~~division~~ OFFICE determines, from any report submitted by a local advisory council or any other source, that the operation of a family resource center is not in compliance with this article or any rule adopted pursuant to the provisions of this article, the ~~division~~ OFFICE may impose sanctions including termination of the grant.

**SECTION 10.** In Colorado Revised Statutes, 25-20.5-101, **amend** (1) (a), (1) ©, and (2) as follows:

**25-20.5-101. Legislative declaration.** (1) The general assembly hereby finds that:

(a) The state operates or state agencies provide funding for a wide variety of prevention, intervention, and treatment programs designed to assist ~~children and~~ youth in achieving an education, in making informed choices about their health and well-being, in avoiding the juvenile and criminal justice systems, and, generally, in becoming healthy, law-abiding, contributing members of society;

© There is some overlap among prevention, intervention, and treatment programs, sometimes resulting in the potentially inefficient use of state resources which may result in the provision of fewer services to ~~children and~~ youth;

(2) The general assembly therefore finds that it is in the best interests of the ~~children,~~ youth and families of the state to create a single division in the department of public health and environment to operate prevention and intervention programs and to oversee the provision of prevention, intervention, and treatment services through federally and state-funded prevention, intervention, and treatment programs to ensure collaboration among programs and the availability of a continuum of services for ~~children and~~ youth.

**SECTION 11.** In Colorado Revised Statutes, 25-20.5-102,

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amend (5) and (6) as follows:

**25-20.5-102. Definitions.** As used in this article, unless the context otherwise requires:

(5) "Prevention, intervention, and treatment services" means services that are designed to promote the well-being of children and youth and their families by decreasing high-risk behaviors, strengthening healthy behaviors, and promoting family stability.

(6) "State plan" means the state plan for delivery of prevention, intervention, and treatment services to children and youth throughout the state adopted by the division pursuant to section 25-20.5-105.

**SECTION 12.** In Colorado Revised Statutes, 25-20.5-104, amend (1) (a) and (2) as follows:

**25-20.5-104. Functions of division.** (1) The division has the following functions:

(a) On or before February 1, 2001, to submit to the executive director to the ~~Tony Grampas youth services board~~; and to the governor for approval a state plan for delivery of prevention, intervention, and treatment services to children and youth throughout the state as provided in section 25-20.5-105, and to biennially review the state plan and submit revisions as provided by rule of the state board of health to the executive director ~~the Tony Grampas youth services board~~; and the governor for approval;

(2) In addition to any prevention and intervention programs created in or transferred to the division by executive order and any prevention and intervention programs transferred to the division by the executive director pursuant to subsection (4) of this section, the division shall operate the following prevention and intervention programs:

(a) ~~The Tony Grampas youth services program created in section 25-20.5-201;~~

(b) ~~The Colorado youth mentoring services program created in section 25-20.5-203;~~

(c) ~~The Colorado student dropout prevention and intervention program created in section 25-20.5-204;~~

(d) ~~The Colorado children's trust fund created in article 3.5 of title 19, C.R.S.;~~

(e) ~~The family resource center program created in section 26-18-104, C.R.S.;~~

(f) The school-based health center grant program created in part 5 of this article.

**SECTION 13.** In Colorado Revised Statutes, 25-20.5-105, amend (1) introductory portion and (2) as follows:

**25-20.5-105. State plan for delivery of prevention, intervention, and treatment services to children and youth - contents.**

(1) On or before February 1, 2001, the division shall submit to the governor ~~the Tony Grampas youth services board~~; and the executive director for approval a state plan for delivery of prevention, intervention, and treatment services to children and youth throughout the state. The state plan shall apply to all prevention, intervention, and treatment programs that receive state or federal funds and are operated within the state. The state plan shall be designed to coordinate and provide direction for the delivery of prevention, intervention, and treatment services through the various prevention and intervention programs operated by the division and the prevention, intervention, and treatment programs operated by other state departments and to ensure collaboration among programs that results in a continuum of services available to children and youth throughout the state. At a minimum, the state plan shall:

(2) The division shall biennially review and revise the state plan as necessary to ensure the most efficient and effective delivery of prevention, intervention, and treatment services throughout the state. The division shall submit any revised state plan as provided by rule of the state board of health to the governor ~~the Tony Grampas youth services board~~; and the executive director for approval.

**SECTION 14.** In Colorado Revised Statutes, 25-20.5-106, amend (1) and (3) as follows:

**25-20.5-106. State board of health - rules - program duties.**

(1) The state board of health created in section 25-1-103 shall promulgate rules as necessary for the operation of the division, including but not limited to rules establishing the time frames for review of the state plan and submittal of any revised state plan to the governor ~~the Tony~~

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~~Grampsas youth services board~~, and the executive director and to the entities specified in section 25-20.5-105 (4).

(3) The state board of health shall act as the program board for the oversight of the prevention and intervention programs operated by the division. ~~except that the Tony Grampsas youth services board shall act as the program board for the programs specified in part 2 of this article and for any additional programs specified by executive order.~~

**SECTION 15.** In Colorado Revised Statutes, 2-3-113, **amend** (1) (a) as follows:

**2-3-113. Programs that receive tobacco settlement moneys - program review - repeal.** (1) As used in this section:

(a) "Health sciences facility" has the meaning set forth in ~~section 25-31-103, C.R.S.~~ SECTION 26-6.4-103 (2), C.R.S. For purposes of this section, "health sciences facility" includes any contractor or subcontractor engaged by the health sciences facility to assist in the implementation and monitoring of the nurse home visitor program established under ~~article 31 of title 25, C.R.S.~~ ARTICLE 6.4 OF TITLE 26, C.R.S.

**SECTION 16.** In Colorado Revised Statutes, 13-3-113, **amend** (3) (a) as follows:

**13-3-113. "Family-friendly Courts Act".** (3) **Definitions.** For purposes of this section:

(a) "At-risk youth" shall have the same meaning as set forth in ~~section 25-20.5-203 (3), C.R.S.~~ SECTION 26-6.8-104 (3), C.R.S.

**SECTION 17.** In Colorado Revised Statutes, 24-1-119, **repeal** (9) as follows:

**24-1-119. Department of public health and environment - creation.** (9) ~~The powers, duties, and functions of the Colorado children's trust fund board, created in section 19-3.5-104, C.R.S., are transferred by a type 2 transfer to the department of public health and environment.~~

**SECTION 18.** In Colorado Revised Statutes, 24-1-120, **add** (6) (f), (6) (g), and (10) as follows:

**24-1-120. Department of human services - creation - repeal.**(6) The department shall consist of the following divisions and units:

(f) THE OFFICE OF EARLY CHILDHOOD CREATED PURSUANT TO SECTION 26-6.1-103, C.R.S. THE OFFICE OF EARLY CHILDHOOD AND ALL OF ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES AS AN OFFICE THEREOF.

(g) THE DIVISION OF YOUTH AND COMMUNITY DEVELOPMENT CREATED PURSUANT TO SECTION 26-6.7-103, C.R.S. THE DIVISION OF YOUTH AND COMMUNITY DEVELOPMENT AND ALL OF ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES AS A DIVISION THEREOF.

(10) THE POWERS, DUTIES, AND FUNCTIONS OF THE COLORADO CHILDREN'S TRUST FUND BOARD, CREATED IN SECTION 19-3.5-104, C.R.S., ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES.

**SECTION 19.** In Colorado Revised Statutes, 24-75-1104.5, **amend** (1) (a) introductory portion, (1) (I), (3), and (5) (a) (I) (B) as follows:

**24-75-1104.5. Use of settlement moneys - programs - repeal.**

(1) Except as otherwise provided in subsection (5) of this section, for the 2004-05 fiscal year and for each fiscal year thereafter, the following programs, services, or funds shall receive the following specified amounts from the settlement moneys received by the state in the preceding fiscal year; except that fifteen million four hundred thousand dollars of strategic contribution fund moneys and, for the 2010-11 fiscal year and for each fiscal year thereafter only, the lesser of sixty-five million dollars of other settlement moneys or all other settlement moneys shall be allocated in each fiscal year in which they are received by the state and except that, of the other settlement moneys received by the state in the 2009-10 fiscal year, the lesser of sixty-five million dollars or all of such moneys shall be transferred to the general fund on June 30, 2010, and shall not be allocated:

(a) The Colorado nurse home visitor program created in ~~article 31 of title 25, C.R.S.~~ ARTICLE 6.4 OF TITLE 26, C.R.S., shall receive the following amounts, not to exceed nineteen million dollars in any fiscal

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year, as provided in ~~section 25-31-107, C.R.S.~~ SECTION 26-6.4-107, C.R.S.:

(I) The Tony Grampsas youth services program created in ~~part 2 of article 20.5 of title 25, C.R.S.~~ ARTICLE 6.8 OF TITLE 26, C.R.S., shall receive four percent of the total amount of settlement moneys annually received by the state, not to exceed five million dollars in any fiscal year, as provided in ~~section 25-20.5-201, C.R.S.~~ SECTION 26-6.8-101, C.R.S.

(3) Notwithstanding the provisions of subsections (1) and (1.5) of this section, for purposes of sections 22-7-908 (3), 23-20-136 (3.5) (a), 25-4-1411 (6) (a), 25-4-1415 (2), ~~25-20.5-201 (2) ©~~, 25-23-104 (2), ~~25-31-107 (2) (d) (I)~~, 25.5-6-805 (2), 25.5-8-105 (3), 26-6.4-107 (2) (d) (I), 26-6.8-201 (2) (d), 27-67-106 (2) (b), and 28-5-709 (2) (a), C.R.S., settlement moneys received and allocated by the state pursuant to said subsections (1) and (1.5) during the same fiscal year shall be deemed to be moneys received for or during the preceding fiscal year.

(5) (a) (I) The state treasurer shall credit all disputed payments upon receipt, or if received prior to June 1, 2009, on June 1, 2009, to the general fund. On June 1, 2009, the state treasurer shall transfer the following amounts from the general fund:

(B) Four hundred seventy-eight thousand dollars to the nurse home visitor program fund created in ~~section 25-31-107 (2) (b), C.R.S.~~ SECTION 26-6.4-107 (2) (b), C.R.S.

**SECTION 20.** In Colorado Revised Statutes, 25-1-108.5, **amend**

(1) (a), (1) ©, and (2) introductory portion as follows:  
**25-1-108.5. Additional powers and duties of state board of health and department - programs that receive tobacco settlement moneys - monitoring - annual report.** (1) As used in this section:

(a) "Health sciences facility" has the meaning set forth in ~~section 25-31-103~~ SECTION 26-6.4-103, C.R.S.

© "Nurse home visitor program" means the tobacco settlement program established in ~~article 31 of this title~~ ARTICLE 6.4 OF TITLE 26, C.R.S.

(2) Except for the nurse home visitor program, which shall be monitored by the health sciences facility in accordance with ~~section 25-31-105 (1)~~ SECTION 26-6.4-105 (1), the state board and the department shall monitor the operation and effectiveness of tobacco settlement programs. Each tobacco settlement program shall annually submit to the department, in accordance with rules promulgated by the state board, the following information:

**SECTION 21.** In Colorado Revised Statutes, 25-3.5-804, **amend**

(3) (a) as follows:  
**25-3.5-804. Tobacco education, prevention, and cessation programs - review committee - grants.** (3) (a) The division shall

review the applications received pursuant to this part 8 and make recommendations to the state board regarding those entities that may receive grants and the amounts of said grants. On and after October 1, 2005, the review committee shall review the applications received pursuant to this part 8 and submit to the state board and the director of the department recommended grant recipients, grant amounts, and the duration of each grant. Within thirty days after receiving the review committee's recommendations, the director shall submit his or her recommendations to the state board. The review committee's recommendations regarding grantees of the Tony Grampsas youth services program, ~~section 25-20.5-201~~ SECTION 26-6.8-101, C.R.S., pursuant to section 25-3.5-805 (5) shall be submitted to the state board and the Tony Grampsas youth services board. Within thirty days after receiving the review committee's recommendations, the Tony Grampsas youth services board shall submit its recommendations to the state board. The state board shall have the final authority to approve the grants under this part 8. If the state board disapproves a recommendation for a grant recipient, the review committee may submit a replacement recommendation within thirty days. In reviewing grant applications for programs to provide tobacco education, prevention, and cessation programs for persons with mental illness, the division or the review committee shall consult with the programs for public psychiatry at the university of Colorado health sciences center, the national alliance for the mentally ill, the mental health association of Colorado, and the department of human services.

**SECTION 22.** In Colorado Revised Statutes, 25-3.5-805, **amend**

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(5) as follows:

**25-3.5-805. Tobacco education, prevention, and cessation programs - requirements.** (5) Up to fifteen percent of the moneys annually awarded pursuant to this section shall be allocated to grantees of the Tony Grampsas youth services program, ~~section 25-20.5-201~~ SECTION 26-6.8-101, C.R.S., for proven tobacco prevention and cessation programs.

**SECTION 23.** In Colorado Revised Statutes, 24-44.7-102, **amend** (2) (g) as follows:

**24-44.7-102. Early childhood leadership commission - created - mission.** (2) The commission shall consist of up to thirty-five members as follows:

(g) Four legislative members appointed as follows:

(I) Two representatives, one ~~each~~ appointed by the speaker OF THE HOUSE OF REPRESENTATIVES, WHICH APPOINTEE IS A MEMBER OF THE EDUCATION COMMITTEE, OR ANY SUCCESSOR COMMITTEE, and ONE APPOINTED BY the minority leader of the house of representatives, WHICH APPOINTEE IS A MEMBER OF THE HEALTH AND ENVIRONMENT COMMITTEE, OR ANY SUCCESSOR COMMITTEE; and

(II) Two senators, one ~~each~~ appointed by the president OF THE SENATE, WHICH APPOINTEE IS A MEMBER OF THE HEALTH AND HUMAN SERVICES COMMITTEE, OR ANY SUCCESSOR COMMITTEE, and ONE APPOINTED BY the minority leader of the senate, WHICH APPOINTEE IS A MEMBER OF THE EDUCATION COMMITTEE, OR ANY SUCCESSOR COMMITTEE.

**SECTION 24. Accountability.** Five years after this act becomes law and in accordance with section 2-2-1201, Colorado Revised Statutes, the legislative service agencies of the Colorado General Assembly shall conduct a post-enactment review of the implementation of this act utilizing the information contained in the legislative declaration set forth in section 25-6.1-101, Colorado Revised Statutes, enacted in section 1 of this act.

**SECTION 25. Effective date.** This act takes effect July 1, 2012.

**SECTION 26. 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."

Health & Human Services

After consideration on the merits, the Committee recommends that **HB12-1177** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 2, line 12, strike "IN DECEMBER" and substitute "AT ANY TIME DURING THE PERIOD BEGINNING SEPTEMBER 1, 2011, AND ENDING DECEMBER 31,".

Page 3, line 1, strike "IN DECEMBER" and substitute "AT ANY TIME DURING THE PERIOD BEGINNING SEPTEMBER 1, 2011, AND ENDING DECEMBER 31,".

Health & Human Services

After consideration on the merits, the Committee recommends that **SB12-134** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute:

**"SECTION 1.** In Colorado Revised Statutes, **add** 25-3-112 as follows:

**25-3-112. Hospitals - charges for the uninsured - collections protection - charity care information.** (1) EACH HOSPITAL SHALL MAKE INFORMATION AVAILABLE TO EACH PATIENT ABOUT THE HOSPITAL'S FINANCIAL ASSISTANCE, CHARITY CARE, AND PAYMENT PLAN POLICIES. EACH HOSPITAL SHALL COMMUNICATE THIS INFORMATION IN A CLEAR AND UNDERSTANDABLE MANNER AND IN LANGUAGES APPROPRIATE TO THE COMMUNITIES AND PATIENTS THE HOSPITAL SERVES. THE HOSPITAL SHALL:

(a) POST THE INFORMATION CONSPICUOUSLY ON ITS WEB SITE;

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(b) MAKE THE INFORMATION AVAILABLE IN PATIENT WAITING AREAS;

(c) MAKE THE INFORMATION AVAILABLE TO EACH PATIENT, WHEN POSSIBLE, BEFORE THE PATIENT'S DISCHARGE FROM THE HOSPITAL; AND

(d) INCLUDE THE INFORMATION IN EACH PATIENT'S BILLING STATEMENT.

(2) (a) WHEN POSSIBLE, EACH HOSPITAL SHALL OFFER TO SCREEN EACH UNINSURED PATIENT FOR ELIGIBILITY FOR FINANCIAL ASSISTANCE AS DESCRIBED BY THIS SUBSECTION (2). EACH HOSPITAL SHALL OFFER FINANCIAL ASSISTANCE FOR QUALIFIED PATIENTS ON A COMMUNITY-SPECIFIC BASIS. IN DETERMINING ELIGIBILITY FOR FINANCIAL ASSISTANCE, EACH HOSPITAL SHALL TAKE INTO CONSIDERATION FEDERAL, STATE, AND LOCAL GOVERNMENT REQUIREMENTS.

(b) FOR PURPOSES OF THIS SECTION, A QUALIFIED PATIENT IS AN INDIVIDUAL:

(I) WHO IS UNINSURED;

(II) WHOSE ANNUAL FAMILY INCOME IS NOT MORE THAN TWO HUNDRED FIFTY PERCENT OF THE FEDERAL POVERTY GUIDELINES; AND

(III) WHO DOES NOT QUALIFY FOR THE "COLORADO INDIGENT CARE PROGRAM" ESTABLISHED IN PART 1 OF ARTICLE 3 OF TITLE 25.5, C.R.S.

(3) HOSPITALS SHALL LIMIT THE AMOUNTS CHARGED FOR EMERGENCY OR OTHER MEDICALLY NECESSARY CARE PROVIDED TO INDIVIDUALS ELIGIBLE FOR ASSISTANCE UNDER THE FINANCIAL ASSISTANCE POLICY DESCRIBED IN SUBSECTION (2) OF THIS SECTION TO NOT MORE THAN THE LOWEST NEGOTIATED RATE FROM A PRIVATE PAYER.

(4) BEFORE INITIATING COLLECTION PROCEEDINGS, A HOSPITAL SHALL:

(a) OFFER A QUALIFIED PATIENT A REASONABLE PAYMENT PLAN; AND

(b) ALLOW FOR AT LEAST THIRTY DAYS PAST THE DUE DATE OF ANY SCHEDULED PAYMENT THAT IS NOT PAID IN FULL. A HOSPITAL MUST ALLOW THE THIRTY-DAY PERIOD ONLY FOR THE FIRST LATE PAYMENT.

(5) NOTHING IN THIS SECTION LIMITS OR AFFECTS A HOSPITAL'S RIGHT TO PURSUE THE COLLECTION OF PERSONAL INJURY, BODILY INJURY, LIABILITY, UNINSURED, UNDERINSURED, MEDICAL PAYMENT REHABILITATION, DISABILITY, HOMEOWNER'S, BUSINESS OWNER'S, WORKERS' COMPENSATION, OR FAULT-BASED INSURANCE.

(6) FOR THE PURPOSES OF THIS SECTION, "HOSPITAL" MEANS A HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101 (1).

**SECTION 2. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor."

Health & Human Services

After consideration on the merits, the Committee recommends that **HB12-1054** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1301** be referred to the Committee of the Whole with favorable recommendation.

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Appropriations

After consideration on the merits, the Committee recommends that **SB12-091** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, after line 5 insert:

**"SECTION 5. No appropriation.** The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act."

Renumber succeeding sections accordingly.

Appropriations

After consideration on the merits, the Committee recommends that **SB12-060** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, after line 15 insert:

**"SECTION 4. Appropriation - adjustments in 2012 long bill.** For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing for the fiscal year beginning July 1, 2012, are adjusted as follows:

(1) The appropriation for the executive director's office, general administration, personal services, is increased by \$5,216 and 0.1 FTE. Of said sum, \$2,608 shall be from the general fund and \$2,608 shall be from federal funds.

(2) The appropriation for medical services premiums, medical and long-term care services for medicaid eligible individuals, is decreased by \$54,156. Of said sum, \$2,608 shall be from the general fund, \$24,470 shall be from cash funds from recoveries and recoupments, and \$27,078 shall be from federal funds."

Renumber succeeding section accordingly.

Page 1, line 101, strike "**PROSECUTION.**" and substitute "**PROSECUTION, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.**"

Appropriations

After consideration on the merits, the Committee recommends that **SB12-041** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations

After consideration on the merits, the Committee recommends that **SB12-021** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Local Government Committee Report, dated February 14, 2012, page 7, after line 19 insert:

**"SECTION 3. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the financial literacy pilot program cash fund created in section 24-32-3404 (6) (a), Colorado Revised Statutes, not otherwise appropriated, for the fiscal year beginning July 1, 2012, the sum of \$68,433 and 1.8 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, \$25,933 and 0.3 FTE, or so much thereof as may be necessary, is appropriated to the department of local affairs for allocation to the division of local government, and \$42,500 and 1.5 FTE, or so much thereof as may be necessary, is appropriated to the department of higher education for allocation to the board of governors of the Colorado state university system."

Renumber succeeding section accordingly.

Page 7 of the committee report, after line 22, insert:

"Page 1 of the printed bill, line 102, strike "COUNTIES." and substitute "COUNTIES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.".

Appropriations After consideration on the merits, the Committee recommends that **SB12-143** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **SB12-126** be postponed indefinitely.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB12-1032** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 5, strike lines 11 through 13.

Renumber succeeding section accordingly.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB12-1158** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB12-1022** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB12-1010** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB12-1147** be referred to the Committee of the Whole with favorable recommendation.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB12-142** be postponed indefinitely.

**SENATE SERVICES REPORT**

Correctly Engrossed: SB12-034, 057, 077, 087 and 122.

Correctly Reengrossed: SB12-092, 099 and 147.

Correctly Revised: HB12-1055, 1073, 1100 and 1198.

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On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Friday, February 24 was laid over until Monday, February 27, retaining its place on the calendar.

Consideration of Resolutions: SJR12-006, SJR12-015, SJR12-016, SJR12-017, HJR12-1010.

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On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, February 27, 2012.

Approved:

Brandon C. Shaffer  
President of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate

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