

**First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 09-0674.01 Jane Ritter

**HOUSE BILL 09-1211**

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**HOUSE SPONSORSHIP**

**Gardner B.,**

**SENATE SPONSORSHIP**

**Boyd,**

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**House Committees**

Health and Human Services

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE ESTABLISHMENT OF A PROCESS FOR THE**  
102             **DEPARTMENT OF HUMAN SERVICES TO AUTHORIZE EXEMPTIONS**  
103             **FROM REQUIREMENTS ON CERTAIN COMMUNITY CENTERED**  
104             **BOARDS THAT ARE INTENDED TO IMPROVE EFFICIENCY WHILE**  
105             **MAINTAINING QUALITY SERVICES TO PERSONS WITH**  
106             **DEVELOPMENTAL DISABILITIES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Allows a designated community centered board (CCB) or the division for developmental disabilities (division) in the department of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

human services (department) to apply for an exemption from certain requirements of law. Requires the division to review exemption applications and make recommendations to the executive director of the department and state board of human services (board). Grants the board the authority to grant any exemptions requested that, in the board's discretion, will assist either an individual CCB or the CCB system to provide efficient and cost-effective services and supports to persons with developmental disabilities. Grants the board the authority to revoke any previously granted exemption for good cause and with sufficient notice to the affected CCB.

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

2           **SECTION 1. Legislative declaration.** (1) The General  
3 Assembly hereby finds and declares that:

4           (a) Community centered boards are a valuable resource for  
5 persons with developmental disabilities and their families, providing  
6 multiple services and supports to those individuals and families;

7           (b) The division for developmental disabilities in the department  
8 of human services is in the process of conducting a study of how the  
9 community centered boards function as a system. The ultimate goal of  
10 the study is to find ways to increase and enhance the efficiency and  
11 cost-effectiveness of the community centered board system.

12           (c) As an outcome of the study, the division for developmental  
13 disabilities may wish to implement pilot programs to experiment with  
14 various statutory exemptions, either on an individual or systemic level,  
15 and is hereby encouraged to do so.

16           (2) Therefore, the General Assembly hereby declares that it is for  
17 the good of the state of Colorado to allow the state board of human  
18 services and the department of human services to work collaboratively  
19 with the division for developmental disabilities and community centered  
20 boards throughout the state to grant exemptions to state law in certain

1 cases.

2 **SECTION 2.** 27-10.5-105, Colorado Revised Statutes, is  
3 amended BY THE ADDITION OF A NEW SUBSECTION to read:

4 **27-10.5-105. Community centered boards - designation -**  
5 **purchase of services and supports by community centered boards -**  
6 **exemptions.** (4) (a) THE DIVISION FOR DEVELOPMENTAL DISABILITIES IN  
7 THE DEPARTMENT, REFERRED TO IN THIS SUBSECTION (4) AS THE  
8 "DIVISION", SHALL WORK WITH COMMUNITY CENTERED BOARDS TO  
9 DETERMINE WHICH, IF ANY, REQUIREMENTS OF STATE LAW A COMMUNITY  
10 CENTERED BOARD MAY NEED AN EXEMPTION FROM TO ALLOW THE  
11 COMMUNITY CENTERED BOARD TO OPERATE INDEPENDENTLY,  
12 EFFICIENTLY, AND EFFECTIVELY WITHOUT DUPLICATION OF SERVICES.

13 (b) A COMMUNITY CENTERED BOARD MAY APPLY TO THE DIVISION  
14 FOR AN EXEMPTION OR THE DIVISION MAY APPLY FOR AN EXEMPTION ON  
15 BEHALF OF AN INDIVIDUAL COMMUNITY CENTERED BOARD, A GROUP OF  
16 COMMUNITY CENTERED BOARDS, OR THE COMMUNITY CENTERED BOARD  
17 SYSTEM. IF A COMMUNITY CENTERED BOARD IS MAKING AN APPLICATION  
18 ON ITS OWN BEHALF, IT SHALL INCLUDE IN ITS APPLICATION, AT A  
19 MINIMUM, A DETAILED RATIONALE FOR THE REQUEST AND A DESCRIPTION  
20 OF WHETHER THE EXEMPTION WOULD ALSO BENEFIT MULTIPLE  
21 COMMUNITY CENTERED BOARDS OR THE SYSTEM AS A WHOLE.

22 (c) THE DIVISION SHALL REVIEW EACH EXEMPTION APPLICATION  
23 RECEIVED FROM A COMMUNITY CENTERED BOARD AND SUBSEQUENTLY  
24 MAKE A RECOMMENDATION TO THE EXECUTIVE DIRECTOR CONCERNING  
25 THE EXEMPTION APPLICATION. THE EXECUTIVE DIRECTOR SHALL REVIEW  
26 EACH EXEMPTION APPLICATION RECEIVED FROM A COMMUNITY CENTERED  
27 BOARD, WITH THE DIVISION'S RECOMMENDATION, AND EACH APPLICATION

1 RECEIVED FROM THE DIVISION AND MAKE A RECOMMENDATION TO THE  
2 STATE BOARD OF HUMAN SERVICES CONCERNING EACH EXEMPTION  
3 APPLICATION.

4 (d) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE STATE  
5 BOARD OF HUMAN SERVICES IS AUTHORIZED, FOR GOOD CAUSE, TO GRANT  
6 AN EXEMPTION FROM ANY REQUIREMENT OF STATE STATUTE THAT, IN ITS  
7 DISCRETION, IT DEEMS NECESSARY TO ACCOMPLISH THE PURPOSES OF THIS  
8 SECTION. THE STATE BOARD OF HUMAN SERVICES IS FURTHER  
9 AUTHORIZED TO REVOKE FOR GOOD CAUSE AND UPON SUFFICIENT NOTICE  
10 TO AFFECTED COMMUNITY CENTERED BOARDS ANY EXEMPTION GRANTED  
11 PURSUANT TO THIS SUBSECTION (4).

12 **SECTION 3. Safety clause.** The general assembly hereby finds,  
13 determines, and declares that this act is necessary for the immediate  
14 preservation of the public peace, health, and safety.