

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0776.01 Jane Ritter x4342

SENATE BILL 15-240

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SENATE SPONSORSHIP

Steadman, Grantham, Lambert

HOUSE SPONSORSHIP

Young, Hamner, Rankin

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Senate Committees  
Appropriations

House Committees

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A BILL FOR AN ACT

101 CONCERNING A FUNDING FORMULA FOR INDEPENDENT LIVING  
102 CENTERS, AND, IN CONNECTION THEREWITH, MAKING AN  
103 APPROPRIATION.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)*

**Joint Budget Committee.** The bill instructs the state department of human services to promulgate a rule for the distribution of state moneys to independent living centers.

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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.*

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 26-8.1-101  
3 as follows:

4 **26-8.1-101. Legislative declaration.** The general assembly  
5 ~~hereby determines and declares that it~~ recognizes omissions in the  
6 delivery of independent living services to ~~significantly disabled~~  
7 individuals WITH SIGNIFICANT DISABILITIES and desires to remedy such  
8 inadequacies in the delivery system through services at the community  
9 level. THE GENERAL ASSEMBLY FINDS THAT INDEPENDENT LIVING CENTERS  
10 PAVE THE PATHWAYS TO FULL PARTICIPATION IN PROFESSIONAL AND  
11 COMMUNITY LIFE FOR ALL INDIVIDUALS WITH DISABILITIES. To advance  
12 and support the independence of ~~disabled~~ individuals WITH DISABILITIES  
13 and to assist ~~such~~ THOSE individuals to live outside of institutions, the  
14 general assembly hereby enacts this article.

15 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**  
16 **with amendments,** 26-8.1-102 as follows:

17 **26-8.1-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
18 CONTEXT OTHERWISE REQUIRES:

19 (1) "BASE AMOUNT" MEANS THE EQUAL AMOUNT OF FUNDING AN  
20 INDEPENDENT LIVING CENTER WOULD RECEIVE TO PROVIDE THE FIVE  
21 INDEPENDENT LIVING CORE SERVICES THROUGHOUT ITS SERVICE  
22 CATCHMENT AREA, REGARDLESS OF ANY OTHER FACTORS.

23 (2) "CROSS-DISABILITY" MEANS, WITH RESPECT TO AN  
24 INDEPENDENT LIVING CENTER, THAT THE CENTER PROVIDES INDEPENDENT  
25 LIVING SERVICES TO INDIVIDUALS REPRESENTING A RANGE OF SIGNIFICANT  
26 DISABILITIES AND DOES NOT REQUIRE SPECIFIC SIGNIFICANT DISABILITIES  
27 BEFORE DETERMINING THAT AN INDIVIDUAL IS ELIGIBLE FOR INDEPENDENT

1 LIVING SERVICES.

2 (3) "INDEPENDENT LIVING CENTER" MEANS A  
3 CONSUMER-CONTROLLED, COMMUNITY-BASED, CROSS-DISABILITY,  
4 NONRESIDENTIAL, PRIVATE NONPROFIT AGENCY THAT IS DESIGNATED AS  
5 AN ELIGIBLE AGENCY UNDER TITLE VII, SECTION 725 OF THE FEDERAL  
6 "REHABILITATION ACT OF 1973", AS AMENDED, AND THAT:

7 (a) IS DESIGNED AND OPERATED WITHIN A LOCAL COMMUNITY BY  
8 INDIVIDUALS WITH DISABILITIES; AND

9 (b) PROVIDES REQUIRED INDEPENDENT LIVING CORE SERVICES AND  
10 PROGRAMS AND AN ARRAY OF EXPANDED SERVICES.

11 (4) "INDEPENDENT LIVING CORE SERVICES" MEANS:

12 (a) INFORMATION AND REFERRAL SERVICES;

13 (b) INDEPENDENT LIVING SKILLS TRAINING;

14 (c) PEER COUNSELING, INCLUDING CROSS-DISABILITY PEER  
15 COUNSELING;

16 (d) INDIVIDUAL AND SYSTEMS ADVOCACY; AND

17 (e) TRANSITION SERVICES FROM NURSING HOMES AND  
18 INSTITUTIONS TO HOME- AND COMMUNITY-BASED LIVING, OR UPON  
19 LEAVING SECONDARY EDUCATION OR FOR INDIVIDUALS AT RISK OF  
20 INSTITUTIONALIZATION, TO REMAIN IN HOME- AND COMMUNITY-BASED  
21 LIVING.

22 (5) "INDEPENDENT LIVING SERVICES" MEANS:

23 (a) INDEPENDENT LIVING CORE SERVICES; AND

24 (b) OTHER SERVICES AND ASSISTANCE AS DEFINED IN 34 CFR  
25 364.4.

26 (6) "INDIVIDUAL WITH A SIGNIFICANT DISABILITY" MEANS AN  
27 INDIVIDUAL WITH A SEVERE PHYSICAL, MENTAL, COGNITIVE, OR SENSORY

1 IMPAIRMENT WHOSE ABILITY TO FUNCTION INDEPENDENTLY IN THE FAMILY  
2 OR COMMUNITY OR WHOSE ABILITY TO OBTAIN, MAINTAIN, OR ADVANCE  
3 IN EMPLOYMENT IS SUBSTANTIALLY LIMITED AND FOR WHOM THE  
4 DELIVERY OF INDEPENDENT LIVING SERVICES WILL IMPROVE THE ABILITY  
5 TO FUNCTION, CONTINUE FUNCTIONING, OR MOVE TOWARD FUNCTIONING  
6 INDEPENDENTLY IN THE FAMILY OR COMMUNITY OR TO CONTINUE IN  
7 EMPLOYMENT.

8 **SECTION 3.** In Colorado Revised Statutes, 26-8.1-103, **add** (3),  
9 (4), and (5) as follows:

10 **26-8.1-103. Functions of state department - appropriations -**  
11 **rules.** (3) ON OR BEFORE JULY 1, 2016, THE STATE DEPARTMENT SHALL  
12 PROMULGATE A RULE FOR THE DISTRIBUTION OF STATE MONEYS TO  
13 INDEPENDENT LIVING CENTERS. THE RULE MUST INCLUDE AT LEAST:

14 (a) A BASE AMOUNT OF NOT LESS THAN SIX HUNDRED THOUSAND  
15 DOLLARS; AND

16 (b) OTHER FACTORS AGREED TO BY THE INDEPENDENT LIVING  
17 CENTERS, WHICH MAY INCLUDE A PER CAPITA ADJUSTMENT, A PER COUNTY  
18 ADJUSTMENT, OR OTHER ADJUSTMENTS.

19 (4) IF A CONSENSUS IS NOT REACHED ON THE FACTORS DESCRIBED  
20 IN PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION BY JANUARY 1,  
21 2016, THEN THE FORMULA REQUIRED PURSUANT TO SUBSECTION (3) OF  
22 THIS SECTION MUST CONSIST OF THE BASE AMOUNT ALONE UNTIL SUCH  
23 TIME AS A CONSENSUS IS REACHED ON THE OTHER FACTORS.

24 (5) THE STATE DEPARTMENT SHALL REPORT TO THE HEALTH AND  
25 HUMAN SERVICES COMMITTEE OF THE SENATE AND THE PUBLIC HEALTH  
26 CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF  
27 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, ON OR BEFORE

1 MARCH 1, 2016, REGARDING THE RULE PROMULGATED PURSUANT TO  
2 SUBSECTION (3) OF THIS SECTION.

3 **SECTION 4.** In Colorado Revised Statutes, 25.5-6-303, **amend**  
4 (21) as follows:

5 **25.5-6-303. Definitions.** As used in this part 3 and part 5 of this  
6 article, unless the context otherwise requires:

7 (21) "Transition coordination service agency" means an agency  
8 that is certified by the state department, as specified in rule by the state  
9 board, and provides independent living core services as defined in section  
10 ~~26-8.1-102(3)~~ 26-8.1-102(4), C.R.S., and community transition services.

11 **SECTION 5.** In Colorado Revised Statutes, 25.5-6-1202, **amend**  
12 (5) as follows:

13 **25.5-6-1202. Definitions.** As used in this part 12, unless the  
14 context otherwise requires:

15 (5) "In-home support service agency" means an agency that is  
16 certified by the state department and provides independent living core  
17 services as defined in section ~~26-8.1-102(3)~~ 26-8.1-102(4), C.R.S., and  
18 in-home support services.

19 **SECTION 6.** In Colorado Revised Statutes, 26-8.1-107, **amend**  
20 (2) (e) as follows:

21 **26-8.1-107. Approval of independent living centers -**  
22 **evaluation standards.** (2) In addition to the requirements of subsection  
23 (1) of this section, each independent living center, as a condition of  
24 approval of its program by the state department, shall agree to comply  
25 with the following evaluation standards:

26 (e) **Independent living core services.** The independent living  
27 center shall provide independent living core services and, as appropriate,

1 a combination of any of the other independent living services referred to  
2 in section ~~26-8.1-102 (4) (b)~~ 26-8.1-102 (5) (b).

3 **SECTION 7. Appropriation.** For the 2015-16 state fiscal year,  
4 \$2,000,000 is appropriated to the department of human services for use  
5 by the division of vocational rehabilitation. This appropriation is from the  
6 general fund. To implement this act, the division may use this  
7 appropriation for independent living centers.

8 **SECTION 8. Effective date.** This act takes effect July 1, 2015.

9 **SECTION 9. Safety clause.** The general assembly hereby finds,  
10 determines, and declares that this act is necessary for the immediate  
11 preservation of the public peace, health, and safety.