

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 15-0776.01 Jane Ritter x4342

SENATE BILL 15-240

SENATE SPONSORSHIP

Steadman, Grantham, Lambert

HOUSE SPONSORSHIP

Young, Hamner, Rankin

Senate Committees

Appropriations

House Committees

A BILL FOR AN ACT

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

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.

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

SENATE
Amended 2nd Reading
April 1, 2015

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 DISABILITIES and desires to remedy such inadequacies
8 in the delivery system through services at the community level. THE
9 GENERAL ASSEMBLY FINDS THAT INDEPENDENT LIVING CENTERS PAVE THE
10 PATHWAYS TO FULL PARTICIPATION IN PROFESSIONAL AND COMMUNITY
11 LIFE FOR ALL INDIVIDUALS WITH DISABILITIES. To advance and support the
12 independence of ~~disabled~~ individuals WITH DISABILITIES and to assist ~~such~~
13 THOSE individuals to live outside of institutions, the general assembly
14 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 DISABILITIES.

26 DISABILITIES.
27 (3) "INDEPENDENT LIVING CENTER" MEANS A

1 CONSUMER-CONTROLLED, COMMUNITY-BASED, CROSS-DISABILITY,
2 NONRESIDENTIAL, PRIVATE NONPROFIT AGENCY THAT IS DESIGNATED AS
3 AN ELIGIBLE AGENCY UNDER TITLE VII, SECTION 725 OF THE FEDERAL
4 "REHABILITATION ACT OF 1973", AS AMENDED, AND THAT:

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

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

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

10 (a) INFORMATION AND REFERRAL SERVICES;

11 (b) INDEPENDENT LIVING SKILLS TRAINING;

12 (c) PEER COUNSELING, INCLUDING CROSS-DISABILITY PEER
13 COUNSELING;

14 (d) INDIVIDUAL AND SYSTEMS ADVOCACY; AND

15 (e) TRANSITION SERVICES OR DIVERSION FROM NURSING HOMES
16 AND INSTITUTIONS TO HOME- AND COMMUNITY-BASED LIVING, OR UPON
17 LEAVING SECONDARY EDUCATION.

18 (5) "INDEPENDENT LIVING SERVICES" MEANS:

19 (a) INDEPENDENT LIVING CORE SERVICES; AND

20 (b) OTHER SERVICES AND ASSISTANCE AS DEFINED BY FEDERAL
21 REGULATIONS.

22 (6) "INDIVIDUAL WITH A ___ DISABILITY" MEANS AN INDIVIDUAL
23 WITH:

24 (a) A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY
25 LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES OF SUCH INDIVIDUAL;

26 (b) A RECORD OF SUCH AN IMPAIRMENT; OR

27 (c) BEING REGARDED AS HAVING SUCH AN IMPAIRMENT. ___

1 **SECTION 3.** In Colorado Revised Statutes, 26-8.1-103, **add** (3),
2 (4), (5), and (6) as follows:

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

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

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

13 (4) (a) THE STATE DEPARTMENT SHALL HIRE A FACILITATOR TO
14 ASSIST WITH THE FORMULATION OF THE RULE TO DISTRIBUTE MONEYS TO
15 INDEPENDENT LIVING CENTERS, AS REQUIRED BY SUBSECTION (3) OF THIS
16 SECTION.

17 (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2016.

18 (5) IF A CONSENSUS IS NOT REACHED ON THE FACTORS DESCRIBED
19 IN PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION BY JANUARY 1,
20 2016, THEN THE FORMULA REQUIRED PURSUANT TO SUBSECTION (3) OF
21 THIS SECTION MUST CONSIST OF THE BASE AMOUNT ALONE UNTIL SUCH
22 TIME AS A CONSENSUS IS REACHED ON THE OTHER FACTORS. IF A
23 CONSENSUS CANNOT BE REACHED, THE REMAINDER OF THE FACTOR
24 FORMULA FUNDING SHALL BE RETURNED TO THE GENERAL FUND AND THE
25 STATE DEPARTMENT SHALL SUBMIT A REPORT TO THE JOINT BUDGET
26 COMMITTEE ON OR BEFORE JANUARY 1, 2016, EXPLAINING THAT THE
27 INDEPENDENT LIVING CENTERS DID NOT REACH A CONSENSUS.

1 (6) THE STATE DEPARTMENT SHALL REPORT TO THE HEALTH AND
2 HUMAN SERVICES COMMITTEE OF THE SENATE AND THE PUBLIC HEALTH
3 CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
4 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, ON OR BEFORE
5 MARCH 1, 2016, REGARDING THE RULE PROMULGATED PURSUANT TO
6 SUBSECTION (3) OF THIS SECTION.

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

9 **25.5-6-303. Definitions.** As used in this part 3 and part 5 of this
10 article, unless the context otherwise requires:

11 (21) "Transition coordination service agency" means an agency
12 that is certified by the state department, as specified in rule by the state
13 board, and provides independent living core services as defined in section
14 ~~26-8.1-102(3)~~ 26-8.1-102(4), C.R.S., and community transition services.

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

17 **25.5-6-1202. Definitions.** As used in this part 12, unless the
18 context otherwise requires:

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

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

25 **26-8.1-107. Approval of independent living centers -**
26 **evaluation standards.** (2) In addition to the requirements of subsection
27 (1) of this section, each independent living center, as a condition of

1 approval of its program by the state department, shall agree to comply
2 with the following evaluation standards:

3 (e) **Independent living core services.** The independent living
4 center shall provide independent living core services and, as appropriate,
5 a combination of any of the other independent living services referred to
6 in section 26-8.1-102 (4) (b) IN TITLE VII, SECTION 725, STANDARDS AND
7 ASSURANCES, OF THE FEDERAL "REHABILITATION ACT OF 1973", AS
8 AMENDED.

9 **SECTION 7. Appropriation.** (1) For the 2015-16 state fiscal
10 year, \$2,000,000 is appropriated to the department of human services for
11 use by the division of vocational rehabilitation. This appropriation is from
12 the general fund. To implement this act, the division may use this
13 appropriation for independent living centers.

14 (2) It is the intent of the general assembly that up to \$20,000 of
15 the amount appropriated under subsection (1) of this section may be used
16 by the department of human services to contract for facilitator services.

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

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