

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

REVISED

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

LLS NO. 13-0454.01 Debbie Haskins x2045

HOUSE BILL 13-1084

HOUSE SPONSORSHIP

DelGrosso,

SENATE SPONSORSHIP

Newell,

House Committees

Public Health Care & Human Services

Senate Committees

Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING THE LICENSING STATUS OF ENTITIES UNDER THE "CHILD**
102 **CARE LICENSING ACT" WHEN A NEW FEDERAL EMPLOYEE**
103 **IDENTIFICATION NUMBER IS ISSUED.**

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/billsummaries>.)

Under current law, when an entity licensed under the "Child Care Licensing Act" (a child care center, children's resident camp, secure residential treatment center, residential child care facility, homeless youth shelter, day treatment center, specialized group facility, or child

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
March 5, 2013

HOUSE
3rd Reading Unamended
February 4, 2013

HOUSE
2nd Reading Unamended
February 1, 2013

placement agency) is issued a new federal employee identification number (FEIN), the entity is required to fill out an original application for a license from the state department of human services (state department), thus triggering new inspections of the facility and criminal background checks of employees.

This bill requires the state department to treat a previously licensed entity that is issued a new FEIN as a renewal instead of requiring submission of an original application when the following occur:

- ! The reason for the new FEIN is solely due to a change in the corporate structure;
- ! The management or governing body of the entity remains the same as originally licensed; and
- ! The facility or facilities are the same as those originally licensed.

The bill requires that only newly hired employees undergo criminal background checks.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-6-105, **amend** (2)
3 (b) (I) (C); and **add** (2) (b) (I) (C.5) as follows:

4 **26-6-105. Fees - when original applications, reapplications,**
5 **and renewals for licensure are required - creation of child care**
6 **licensing cash fund.** (2) (b) (I) An original application and fee ~~shall be~~
7 IS required:

8 (C) When the management or governing body of a child care
9 center, children's resident camp, secure residential treatment center,
10 residential child care facility, homeless youth shelter, day treatment
11 center, specialized group facility, or child placement agency is acquired
12 by a different individual, association, partnership, or corporation; ~~or a~~
13 ~~change occurs in the operating entity resulting in a new federal employee~~
14 ~~identification number;~~

15 (C.5) WHEN A CHANGE OCCURS IN THE OPERATING ENTITY OF A
16 CHILD CARE CENTER, CHILDREN'S RESIDENT CAMP, SECURE RESIDENTIAL

1 TREATMENT CENTER, RESIDENTIAL CHILD CARE FACILITY, HOMELESS
2 YOUTH SHELTER, DAY TREATMENT CENTER, SPECIALIZED GROUP FACILITY,
3 OR CHILD PLACEMENT AGENCY RESULTING IN A NEW FEDERAL EMPLOYEE
4 IDENTIFICATION NUMBER; EXCEPT THAT IF THE REASON FOR THE ISSUANCE
5 OF A NEW FEDERAL EMPLOYEE IDENTIFICATION NUMBER IS SOLELY DUE TO
6 A CHANGE IN THE CORPORATE STRUCTURE OF THE OPERATING ENTITY AND
7 EITHER THE MANAGEMENT OR GOVERNING BODY OF THE ENTITY REMAINS
8 THE SAME AS ORIGINALLY LICENSED AND THE ENTITY IS OPERATING IN THE
9 SAME FACILITY OR FACILITIES AS ORIGINALLY LICENSED, THE STATE
10 DEPARTMENT SHALL TREAT THE ENTITY'S STATUS AS A RENEWAL AND
11 ASSESS THE APPLICABLE RENEWAL FEE. ONLY NEWLY HIRED EMPLOYEES
12 SHALL BE REQUIRED TO UNDERGO CRIMINAL BACKGROUND CHECKS AS
13 REQUIRED IN SECTION 26-6-107.

14 **SECTION 2. Act subject to petition - effective date -**
15 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
16 the expiration of the ninety-day period after final adjournment of the
17 general assembly (August 7, 2013, if adjournment sine die is on May 8,
18 2013); except that, if a referendum petition is filed pursuant to section 1
19 (3) of article V of the state constitution against this act or an item, section,
20 or part of this act within such period, then the act, item, section, or part
21 will not take effect unless approved by the people at the general election
22 to be held in November 2014 and, in such case, will take effect on the
23 date of the official declaration of the vote thereon by the governor.

24 (2) This act applies to licenses issued or renewed by the state
25 department of human services on or after the applicable effective date of
26 this act.