

Minutes from LPAG/DBSCC Legislation Drafting Meeting

Friday April 10, 2015

9 am – 11 am

Colorado Educational Association – 1500 Grant Street

Color key for these minutes:

Red: Remove language

Blue: Reference to other statutes that will be checked by Jery

Green: New language

Attendees:

DBSCC: Donna Downing, David Henninger

LPAG: Bob Gall, Bobby Juchem, TH Mack, Sr., Peter Pike, Maren Rubino,

LPAG/DBSCC Liaison: Mark Simon

Attorney General's Office: John Lizza and LeeAnn Morrill

Community Members: Sara Shirk from the Colorado Cross Disabilities Coalition; Nia Matthews

Facilitator: Marty Zimmerman, ZIM Consulting

The meeting was called to order at 9:03 am.

Marty began by continuing with Section 24-30-2203 and stated that the meeting will conclude with outstanding issues.

Section 24-30-2203. Disability-benefit support contract committee.

Remove:

(4) The committee shall implement section 24-30-2204 using the disability-benefit support fund created in section 24-30-2205. See funding change at the bottom

(4.5) The committee shall implement section 24-30-2204.5 using the disability investigational and pilot support fund created in section 24-30-2205.5. See funding change at the bottom

Maintain:

(6) (a) To sue and be sued and otherwise assert or defend the committee's legal interests;

(6) (b) To prepare and sign contracts;

(6) (c) To have and exercise all rights and powers necessary or incidental to, or implied from, the specific powers granted in this part 22; and

(6) (d) To fix the time and place at which meetings may be held.

(8) The attorney general is the legal counsel for the committee.

Modify:

(2) Members of the committee serve three-year terms; except that members appointed under paragraph

(a) of subsection (1) of this section serve an initial term of one year, and members appointed under paragraphs (b), (c), and (d) of subsection (1) of this section serve an initial term of two years. (send to Jery to modify language to 3 three-year terms.

(3) An act of the committee is void unless a majority of the appointed members has have voted in favor of the act. A quorum must be present for committee to vote

(4.5) *Need to add language here for*

- *doing registration number sales.*
- *Allowing DBSCC to use 2204.5 (grants) funds for implementation of registration number sales if need be.*
- *Allow that if there is a surplus in the proceeds from the auctions after allocations to a non-profit to implement their contracts, it can be transferred to the Benefit Support Fund for allocation via the grant process.– leave to drafter*

(5) The committee is authorized to seek and accept grants or donations from private or public sources for the purposes of this part 22; except that the committee shall not accept a gift, grant, or donation that is subject to conditions that are inconsistent with this part 22 or part 13 of article 75 of this title regarding the status of grants and donations made to state agencies. The committee shall transmit the moneys to the disability-benefit support fund for the line item of grant allocations – Leave to drafter to be consistent with LPAG verbiage

(6) The committee has the following duties and powers: Do we need legislative authorization to have standing committees with members appointed by the chair of DBSCC or someone else (e.g. rep from state agencies selected by their ED)? Authorization or mandate to have by-laws? Rule making authority? Do we want to give them the authority/ability to do contracting for other state entities/agencies? What else do we need to address under powers and duties? Leave for the drafter – Runs into COMA issues.

(6) (e) Ask Jery to draft sample language for reimbursement for those with special transportation needs per state rules.

(6) (f) To create interdepartmental agreements with the Department and the CDPS prior to implementing the sales of any registration numbers. As part of these agreements, the CDPS will have veto power over actions requested by the DBSCC or its contractor if these actions are a detriment to public safety.

(7) The committee may hire employees or obtain the services of professional advisors or contractors.

Section 24-30-2204. Program to assist persons to obtain disability benefits - repeal.

Remove:

Maintain:

(1) Within six months after the first transfer to the disability-benefit support fund from the registration number fund created in section 42-1-407, C.R.S., the committee shall invite nonprofit entities to submit a proposal for a program to aid persons with disabilities in accessing disability benefits. To qualify, the nonprofit organization must be based in Colorado and governed by a board that:

- (a) Is composed of persons with a demonstrated commitment to improving the lives of recipients with disabilities;
- (b) Contains members who understand a range of significant disabilities, including physical and mental; and
- (c) Contains a majority of either:
 - (i) Recipients with disabilities; or
 - (ii) Family members of recipients with disabilities who have experience in representing the interests of a person with a disability.

(2) (a) (ii) The term of the contract is one year. Before the contract expires, the committee shall evaluate whether the nonprofit entity and the contract are reasonably meeting the requirements of this section, including objective and quantitative evaluations, whenever possible, of the satisfaction of program participants, the program's success in obtaining disability benefits for program participants, the program's effectiveness at helping program participants obtain jobs, and improvements in the quality of life of program participants. The committee shall include the evaluation criteria in the contract.

(iii) The committee may renew the contract annually for up to five years. After five years, the committee shall reopen the contract to a competitive bid process.

(b) The committee shall not award the contract unless the proposal includes:

(i) A system for evaluating whether a person with a disability is reasonably able to navigate the application process to obtain disability benefits, health care, and employment;

(ii) A system for prioritizing the need of applicants based upon the evaluations;

(iii) A plan for assisting persons with disabilities in navigating the processes of obtaining and retaining disability benefits, health care, and employment;

(iv) A plan for establishment of working relationships with state agencies, county departments of human services, health care providers, the United States Social Security Administration, and the business community;

(v) A policy of preferential hiring of persons with disabilities;

(vi) Reasonable standards for accounting control of expenditures;

(vii) Metrics to evaluate the program's quality and cost-effectiveness;

(viii) Effective July 1, 2016, the ability to serve persons with disabilities statewide; and

(ix) A plan for serving persons with disabilities statewide within five years. This subparagraph (ix) is repealed, effective July 1, 2016.

(c) The committee shall not discriminate against a contracting entity for advocacy concerning persons with disabilities.

(3) The entity awarded a contract under this section shall make quarterly reports of expenditures to the department of personnel, which shall make the reports available to the committee. The committee shall include in the contract a method and format for making the reports.

Modify:

(2) (a) (i) The committee shall review the proposed programs and shall award a contract to the nonprofit entity that best meets the requirements of this section in accordance with the "Procurement Code", Articles 101 to 112 of this title. *Use similar language for license plate letter/number sales. Also see section for LPAG statute. – For the Drafter*

Section 24-30-2204.5. Program to investigate, fund, and pilot projects or programs to benefit persons with disabilities.

Maintain:

(2) To be eligible for funding pursuant to this section, a project or program must:

(a) (i) Demonstrate a capability to be self-sustaining or otherwise be able to develop long-term independent funding; and

(ii) Have a governing body or board that is composed of persons with a demonstrated commitment to improving the lives of persons with disabilities and have a majority be persons with disabilities or family members of persons with disabilities;

Modify:

(1) The committee shall accept and review proposals to fund projects or programs that study or pilot new and innovative ideas that will lead to an improved quality of life or increased independence for persons with disabilities. Proposals may be accepted throughout the year, and grants or loans may be made by the committee at its regular meetings. **The disability investigational and pilot support fund created in section 24-30-2205.5 shall be the sole source to fund any grants or loans made pursuant to this section. The drafting committee would like to expand the authority/ability for DBSCC to manage grants for other agencies, private sector, and other sources (e.g. donor designated funds). They want the drafter to manage this and ensure the language is structured appropriately – Leave to Jery to draft**

Section 24-30-2205. Disability-benefit support fund. (fold 24-30-2205 and 2205.5 together and remove registration number fund)

Remove:

The disability-benefit support fund is hereby created in the state treasury. The moneys in the fund consist of amounts transferred to the fund under section 42-1-407, C.R.S., or transferred to the fund under section 24-30-2203 (5). The committee shall use the moneys in the fund to implement this part 22; except that the committee may direct the state treasurer to transfer moneys in the fund to the Registration number fund created in section 42-1-407, C.R.S., to fund the implementation of part 4 of article 1 of title 42, C.R.S. the committee shall not use more than five percent of the money in the fund to administer this part 22. The state treasurer shall credit all interest earned on the investment of moneys in the fund to the fund. At the end of each fiscal year, the moneys in the fund, including income earned from investment, remain in the fund. The general assembly shall appropriate the moneys in the fund to the department of personnel or Governor's office to implement this part 22.

Section 24-30-2205.5. Disability investigational and pilot support fund. (fold 24-30-2205 and 2205.5 together and remove registration number fund)

Remove:

There is hereby created in the state treasury the disability investigational and pilot support fund, referred to in this section as the "fund", that shall consist of moneys transferred to the fund pursuant to section 25.5-5-308 (8), C.R.S., any moneys that may be appropriated to the fund by the general assembly, and any gifts, grants, or donations received by the department of personnel for the purpose of implementing this section. The moneys in the fund are subject to annual appropriation by the general assembly for the direct and indirect costs associated with the implementation of the pilot program. 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 must be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year must remain in the fund and shall not be credited or transferred to the general fund or another fund. If this section is repealed, prior to its repeal, all unexpended and unencumbered moneys remaining in the fund must be transferred to the general fund.

Section 24-30-2206. Implementation.

Remove:

(2) The department of personnel shall begin implementation of section 24-30-2204.5 at such time as the Disability Investigational and Pilot Support Fund contains sufficient funds for implementation, as determined by the committee.

Modify:

(1) Except as provided for in subsection (2) of this section, the general assembly does not intend to require the department of personnel (whatever department the Governor's office chooses to place DBSCC in) to expend moneys to implement this part 22. Notwithstanding any other section of this part 22, the department of personnel and the committee need not implement this part 22 until the disability-benefit support fund contains enough money to implement this Part 22.

Section 24-30-2207. Sunset - repeal.

Maintain:

- (1) This part 22 is repealed, effective September 1, 2021.
- (2) Prior to such repeal, the department of regulatory agencies shall review the assistance program for disability benefits as provided for in Section 24-34-104.

24-34-104. General assembly review of regulatory agencies and functions for Termination, continuation, or reestablishment.

Maintain:

- (52.5) The following agencies, functions, or both, shall terminate on September 1, 2021:
- (a) The assistance program for disability benefits under part 22 of Article 30 of this title.

Revisited areas that still need to be discussed:

Section 42-1-403. License plate auction group

- (5) The group has the following duties and powers:
 - (1) The DBSCC or its contractor may offer additional options for design as subject to TABOR if approved by the DOR and the CDPS.

Section 24-30-2203. Disability-benefit support contract committee.

- Do we want to change or shorten the name?
 - Marty will send out an email to the DBSCC and LPAG member stating a contest for the best name.
 - One version was the Disability Advancement Philanthropic Committee
- How do we want it designated and how much autonomy should it have (e.g. Type 1 or Type 2, quasi-governmental...)? The Governor's office will decide for us.
- (1) The disability-benefit support contract committee is hereby created within the department of personnel. Is this the correct department? The Governor's office will decide for us.
- Positions the DBSCC will add to support LPAG.
 - New Permanent members:
 - One person with expertise in the areas of marketing, advertising and public relations
 - One person to serve as a liaison from the Governor's Advisory Committee for Persons with Disabilities who also has disabilities.
- Can the DBSCC have an advisory group with experts who will help with the registration number sales? If yes, who appoints them?
 - The drafting committee agreed that an advisory group of some sort is necessary with the following skills:
 - Expertise in product sales
 - Online marketing expertise who understands websites and search engine optimization
 - Someone with a background in economic development who is recommended by the director of the Colorado Office of Economic Development
 - Someone with auction house expertise
 - A liaison to the community of potential buyers
 - The drafting committee would like to ask the Governor's Office as to who approves these people: them, the DBSCC, or both entities.
- Funding structure
 - The drafting committee agreed that a ll of the funding stream (Breast & Cervical Cancer Prevention and Treatment Program Fund and Coordinated Care for People with a Disability Fund) plus the DIPS and Registration Number Funds should be transferred to the Benefit Support Fund. Requests for delineations of spending authority out of the sole remaining fund, Benefit Support Fund, can then be addressed through the JBC process.
 - The drafting committee was also notified of and agreed to the fiscal impact of DBSCC remaining within DPA. There will be an additional administrative workload to handle the

surviving fund, disperse grants and loans and work with the facilitator and auction vendor. DPA estimates this to be around 0.3 FTE and would need to be GF.

The meeting concluded at 11:25 am.