



# ADAMS COUNTY

**COLORADO**  
BOARD OF COUNTY COMMISSIONERS

Eva J. Henry - District #1  
Charles "Chaz" Tedesco - District #2  
Erik Hansen - District #3  
Steve O'Dorisio - District #4  
Mary Hodge - District #5

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STUDY SESSION AGENDA  
TUESDAY  
August 22, 2017

*ALL TIMES LISTED ON THIS AGENDA ARE SUBJECT TO CHANGE.*

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- |            |                     |  |
|------------|---------------------|--|
| 10:00 A.M. | <b>ATTENDEE(S):</b> | <b>Abel Montoya / Rebecca Zamora</b>   |
|            | <b>ITEM:</b>        | <b>Town Hall Update – Northwest Town Hall Area</b>   |
| 10:30 A.M. | <b>ATTENDEE(S):</b> | <b>Terri Lutt / Charles DuScha</b>   |
|            | <b>ITEM:</b>        | <b>2018 Health Plans Renewal &amp; Benefits</b>  |
| 11:00 A.M. | <b>ATTENDEE(S):</b> | <b>Nathan Mosley / Marc Pedrucci / Kristin Sullivan</b>  |
|            | <b>ITEM:</b>        | <b>Update on 88<sup>th</sup> Avenue Open Space Project /<br/>Potential Annexation to Thornton</b>  |
| 11:30 A.M. | <b>ATTENDEE(S):</b> | <b>Abel Montoya / Rebecca Zamora</b>   |
|            | <b>ITEM:</b>        | <b>Adams County Foundation Community Enrichment<br/>Grant Recommendations</b>  |
| 12:00 P.M. | <b>ATTENDEE(S):</b> | <b>Gabriel Rodriguez</b>   |
|            | <b>ITEM:</b>        | <b>Adams County Visual Arts Commission – Pete<br/>Mirelez Human Services Center</b>  |
| 1:00 P.M.  | <b>ATTENDEE(S):</b> | <b>Raymond Gonzales</b>  |
|            | <b>ITEM:</b>        | <b>Administrative Item Review / Commissioner<br/>Communications</b>  |
| 1:30 P.M.  | <b>ATTENDEE(S):</b> | <b>Heidi Miller</b>  |
|            | <b>ITEM:</b>        | <b>Executive Session Pursuant to C.R.S. 24-6-402(4)(b)<br/>for the Purpose of Receiving Legal Advice Regarding<br/>Bargaining Policies</b> |
| 2:30 P.M.  | <b>ATTENDEE(S):</b> | <b>Henry Sobanet, Director of the Governor’s Office of<br/>State Planning and Budgeting</b>  |
|            | <b>ITEM:</b>        | <b>Overview of Senate Bill 17-267</b>  |

(AND SUCH OTHER MATTERS OF PUBLIC BUSINESS WHICH MAY ARISE)

\*\*\*AGENDA IS SUBJECT TO CHANGE\*\*\*



## STUDY SESSION AGENDA ITEM

<b>DATE:</b> August 22, 2017
<b>SUBJECT:</b> Town Hall Neighborhood Snapshot Review
<b>FROM:</b> Rebecca Zamora
<b>AGENCY/DEPARTMENT:</b> Department of Regional Affairs
<b>ATTENDEES:</b> Abel Montoya, Rebecca Zamora
<b>PURPOSE OF ITEM:</b> Preparation for Town Hall
<b>STAFF RECOMMENDATION:</b> Informational only

### **BACKGROUND:**

Provide the BOCC with an overview of the neighborhood activity occurring in the Town Hall area.

### **AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:**

The Neighborhood Liaison Report is a multi-disciplinary report that was created with the participation of: Department of Regional Affairs, Community and Economic Development, Adams County Sheriff, Parks and Open Space, Neighborhood Services, and Public Works.

### **ATTACHED DOCUMENTS:**

Neighborhood Snapshot Report for August 23<sup>nd</sup>, 2017 Town Hall

**FISCAL IMPACT:**

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

**Fund:**

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**Cost Center:**

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	<b>Object Account</b>	<b>Subledger</b>	<b>Amount</b>
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
<b>Total Revenues:</b>			<hr/>

	<b>Object Account</b>	<b>Subledger</b>	<b>Amount</b>
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
<b>Total Expenditures:</b>			<hr/>

New FTEs requested:             YES             NO

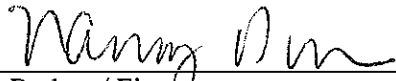
Future Amendment Needed:     YES             NO

**Additional Note:**

**APPROVAL SIGNATURES:**

**APPROVAL OF FISCAL IMPACT:**

  
Raymond H. Gonzales, Interim County Manager

  
Budget / Finance

  
Bryan Osler, Interim Deputy County Manager

\_\_\_\_\_  
Patti Duncan, Interim Deputy County Manager

# Aug 23<sup>rd</sup> 2017 Town Hall: Neighborhood Snapshot Report

*Town Hall Area: 120<sup>th</sup> to 136<sup>th</sup> Avenue and Zuni Street to York Street*



*This is Thornton Creek Golf Course on 136<sup>th</sup> & Washington Street in the Town Hall Area.  
Photo Credit: Google Maps*

Department of Regional Affairs

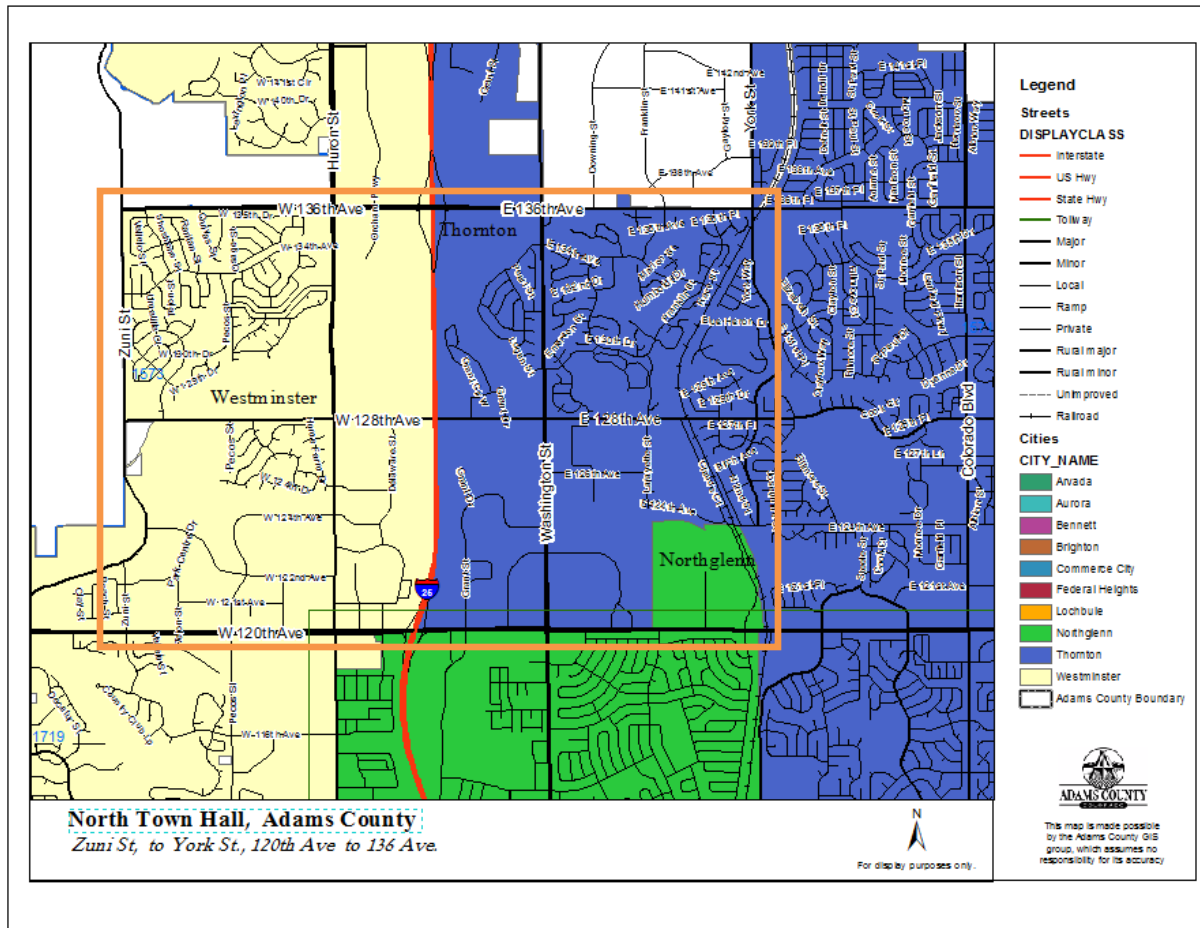
08/23/17



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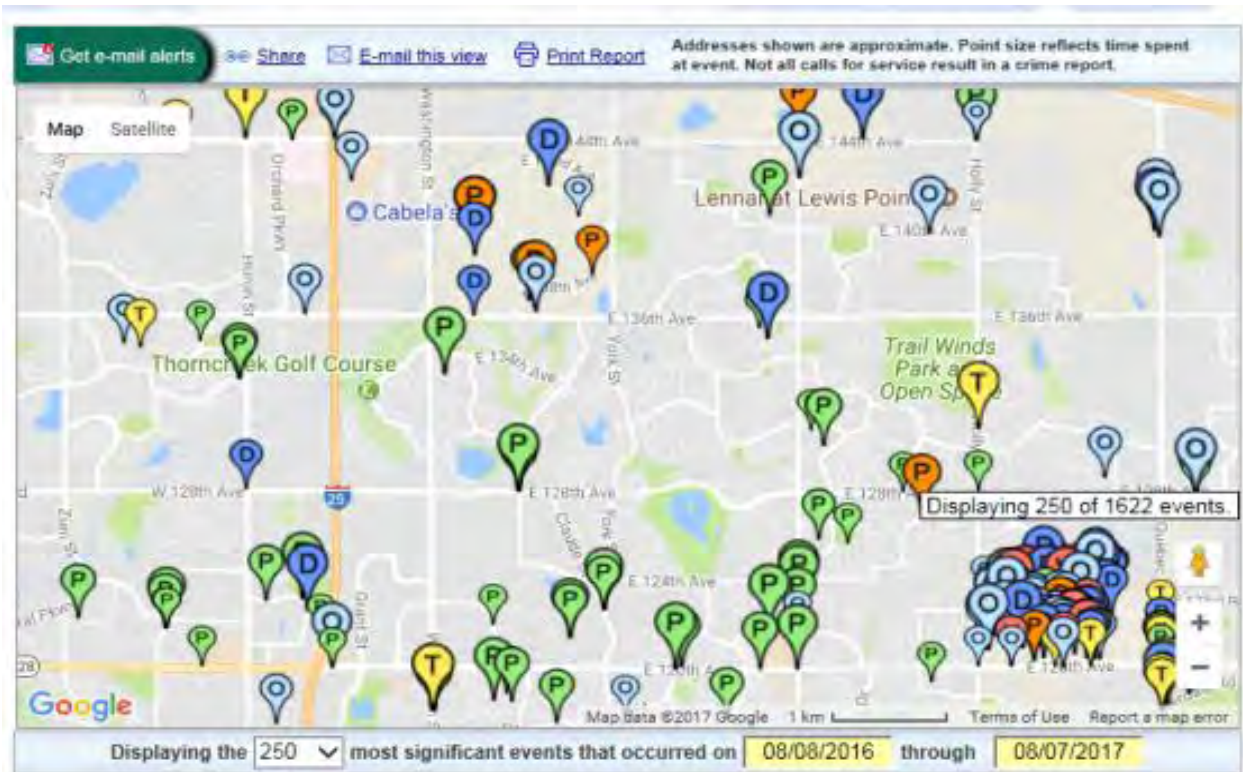
<b>Northern I-25 Corridor Area and Neighborhoods</b>	<b>2</b>
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## Neighborhood Snapshot



The North Corridor area encompasses the communities within 120<sup>th</sup> to 136<sup>th</sup> Avenue and Zuni Street to York Street. This area includes the cities of Northglenn (green), Thornton (blue) and Westminster (light yellow). This community is an eclectic mix of new development (both housing and business) and existing infrastructure and businesses. This area is also just north of the new neighborhood of the future Adams County Human Services Building, identified as a blue star on the map. This area encompasses mostly incorporated areas of the County.

## Crime and Traffic Statistics



On	Category	#
<input checked="" type="checkbox"/>	Property	99
<input checked="" type="checkbox"/>	Violent	63
<input checked="" type="checkbox"/>	Traffic	513
<input checked="" type="checkbox"/>	Proactive Policing	264
<input checked="" type="checkbox"/>	Noise	55
<input checked="" type="checkbox"/>	Disorder	343
<input checked="" type="checkbox"/>	Other	285

This report was generated by the Adams County Sheriff's Office, My Neighborhood Update tool. The main issue in this area seems to be traffic followed by disorder and other policing matters. It is important to note that "Disorder" includes matters such as: abandoned vehicles, shots fired suspicious incidents, disturbances, disorderly conduct, and animal issues. "Other" policing matters include: fire, medical assistance, civil assistance, missing persons and child welfare checks

# North Corridor Area Demographics

N. Corridor Area    Adams County



Population



Mean Resident Age



Property Value



Avg. Household Income



Avg. Commute Time

Reference: GIS Demographics Data and DataUSA website

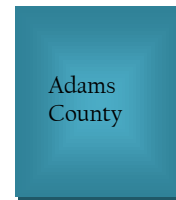
## Gender Population in Area

50.3 %



## Educational Information

81%



High School Diploma or Higher

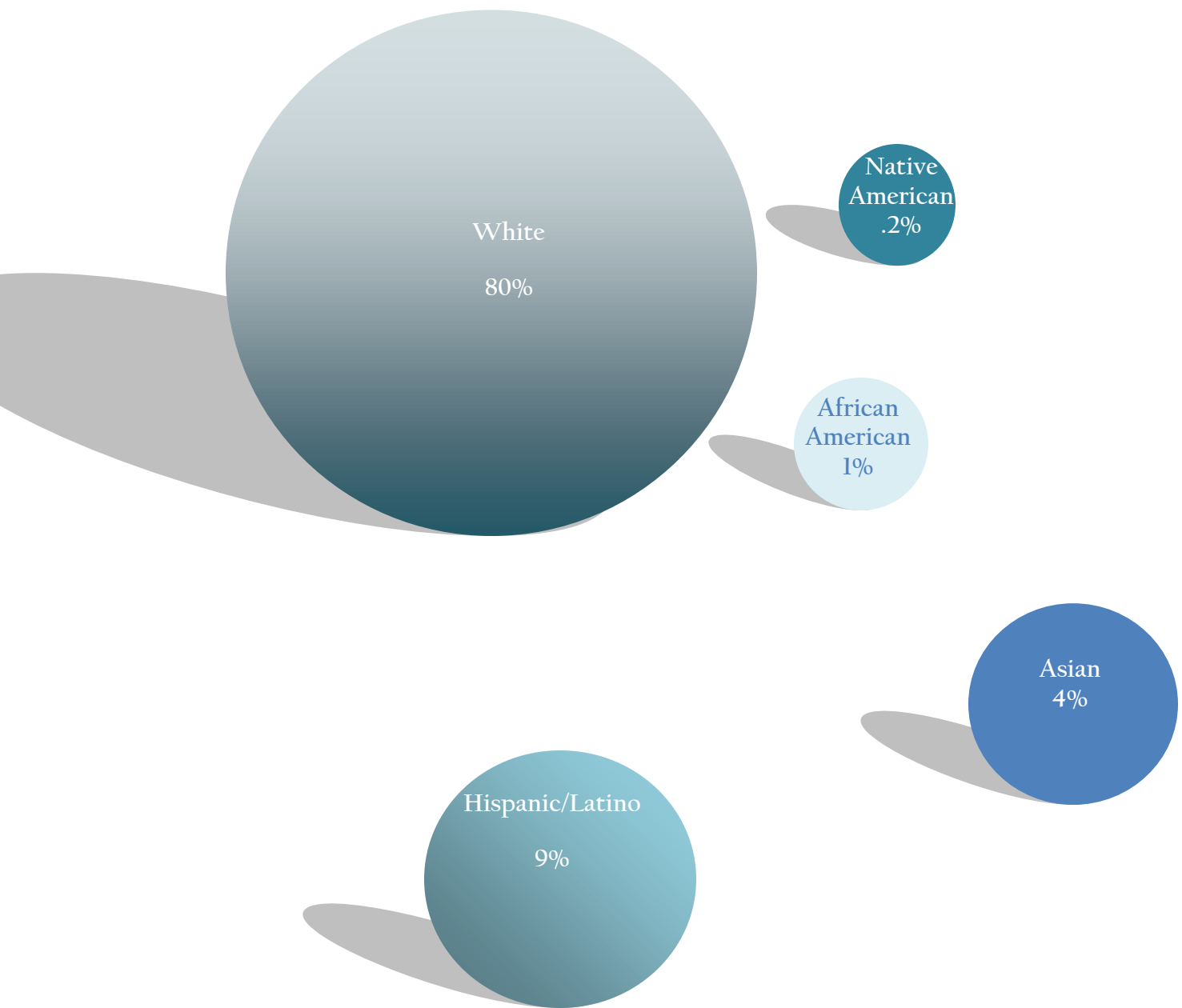
21.6%



Bachelors Degree or Higher



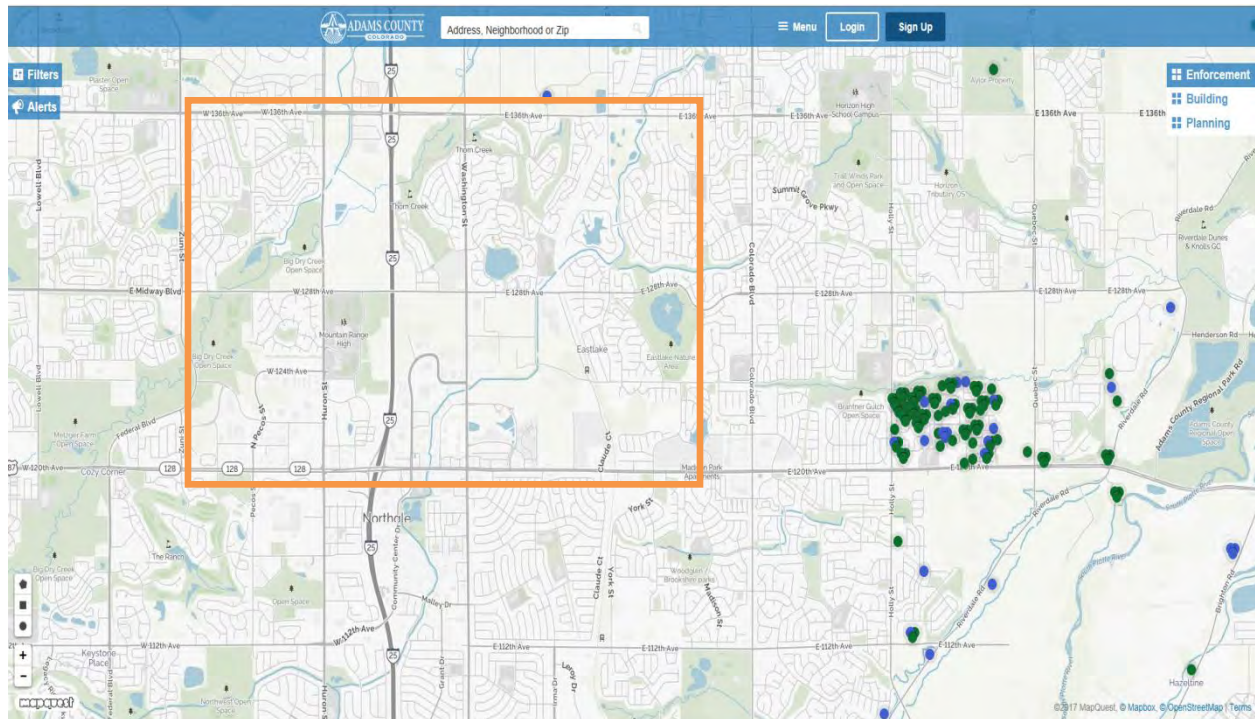
# North Corridor Area: Ethnicity Demographics



Reference: DataUSA website.

## Community and Economic Development

The North Corridor area is home to well established neighborhoods. Most of the area falls within mostly incorporated areas of Adams County including the cities of Westminster, Northglenn and Thornton. There are approximately 20 code enforcement issues just outside of the Town Hall area. Majority of the issues sited dealt with outside storage, RV parking and conversions of garages to businesses or additional homes without permits.



Eye on Adams Map: The blue dots represent active violations.

### City Code Enforcement Information

Northglenn: <https://www.northglenn.org/codereport>

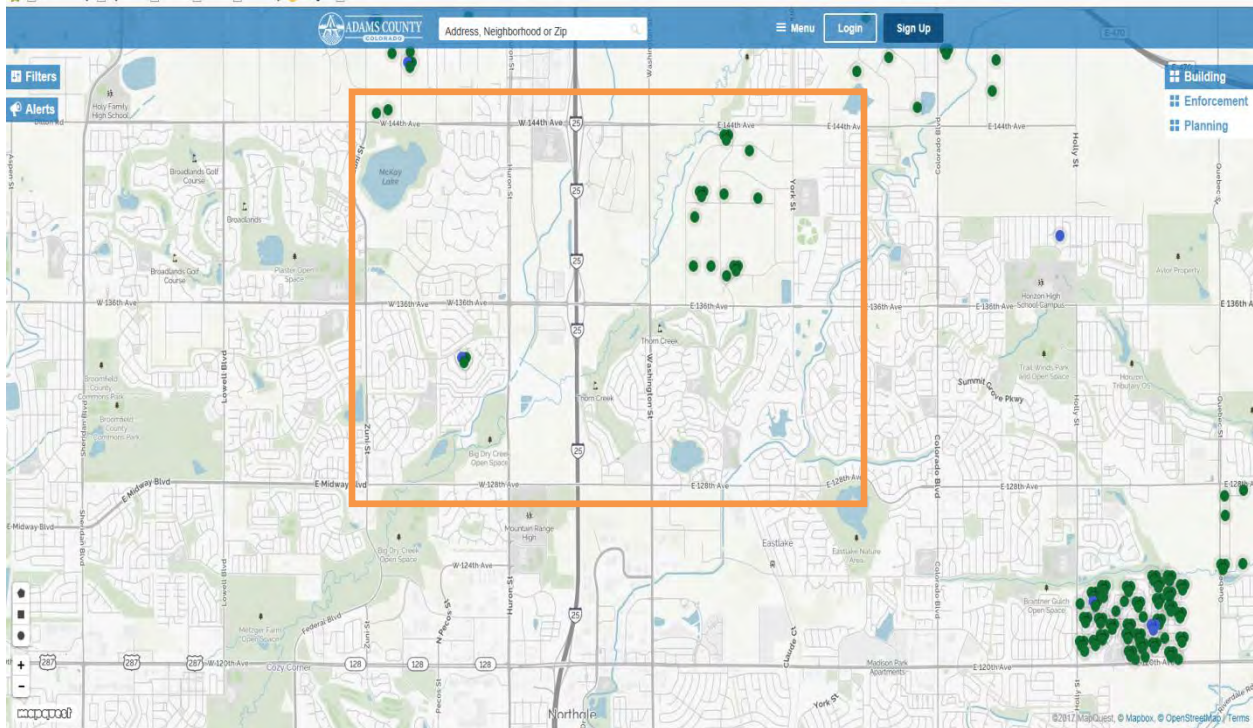
Thornton: <https://www.cityofthornton.net/neighborhood/Pages/neighborhood-preservation.aspx>

Westminster: <http://www.ci.westminster.co.us/Safety/PoliceDepartment/CodeEnforcement>

Need to contact Adams County Neighborhood Services? Got to:  
<https://www.adcogov.org/neighborhood-services>

## Building Permits

The North Corridor area is home to well established neighborhoods. Most of the area falls within incorporated areas of Adams County including the cities of Westminster, Northglenn and Thornton. There seem to be three building permits in the Town Hall area all these permits were pulled to build a single family dwelling. There are approximately 50 building permits around the Town Hall Area. They highlight mostly permits for roofing, and home improvement projects such as water heaters and fences. The current map shows data from August 2016-August 2017.



You can use the Eye on Adams! It's located on our website! Got to: [www.adcogov.org](http://www.adcogov.org) and under How Do I? Click on, [View County Maps](#). There you will find the Eye on Adams tool that will help you see what building, code, and even planning activities are going on in your area!

### City Building Permit Information

Northglenn: <https://www.northglenn.org/building>

Thornton: <https://www.cityofthornton.net/government/citydevelopment/Pages/building-inspection.aspx>

Westminster:

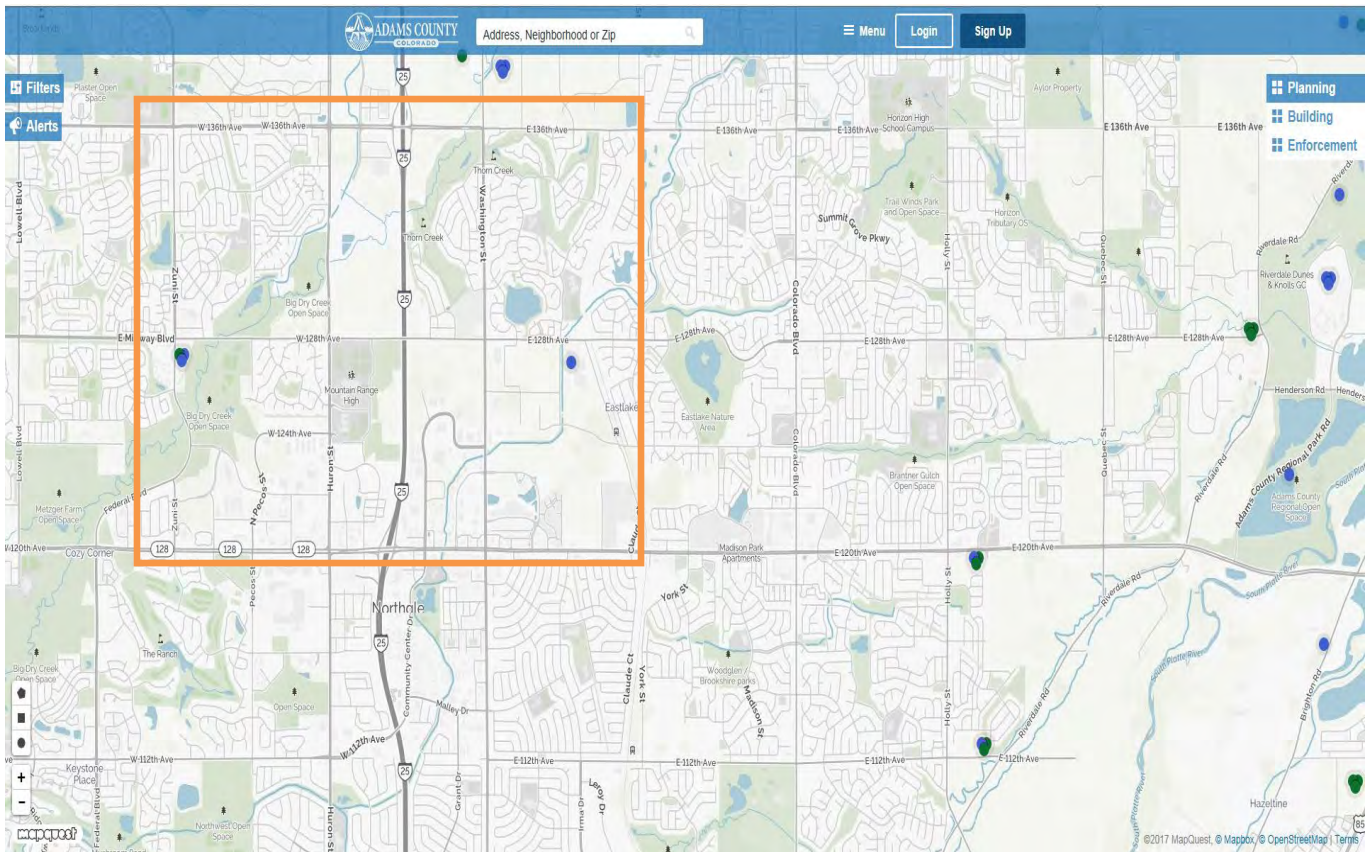
<http://www.ci.westminster.co.us/CityGovernment/CommunityDevelopment/BuildingDivision>

Need Adams County Building Permit Services? Visit our E-Permit Center Got to:

<https://permits.adcogov.org/citizenaccess/>

## Land Use Cases

There are 3 land use cases within the Town Hall Area and approximately 12 just outside the Town Hall Area. The land use cases within the boarder are requests for conditional use permits and solar farm. Just outside the area are additional cases for construction, cell tower, and utility improvements. (See Appendix for additional details on land use cases.)



### City Land Use Case Information

Northglenn: <https://www.northglenn.org/planning>

Thornton: <https://www.cityofthornton.net/government/citydevelopment/Pages/planning-zoning.aspx>

Westminster:

<http://www.ci.westminster.co.us/GetInvolved/BoardsCommissions/PlanningCommission>

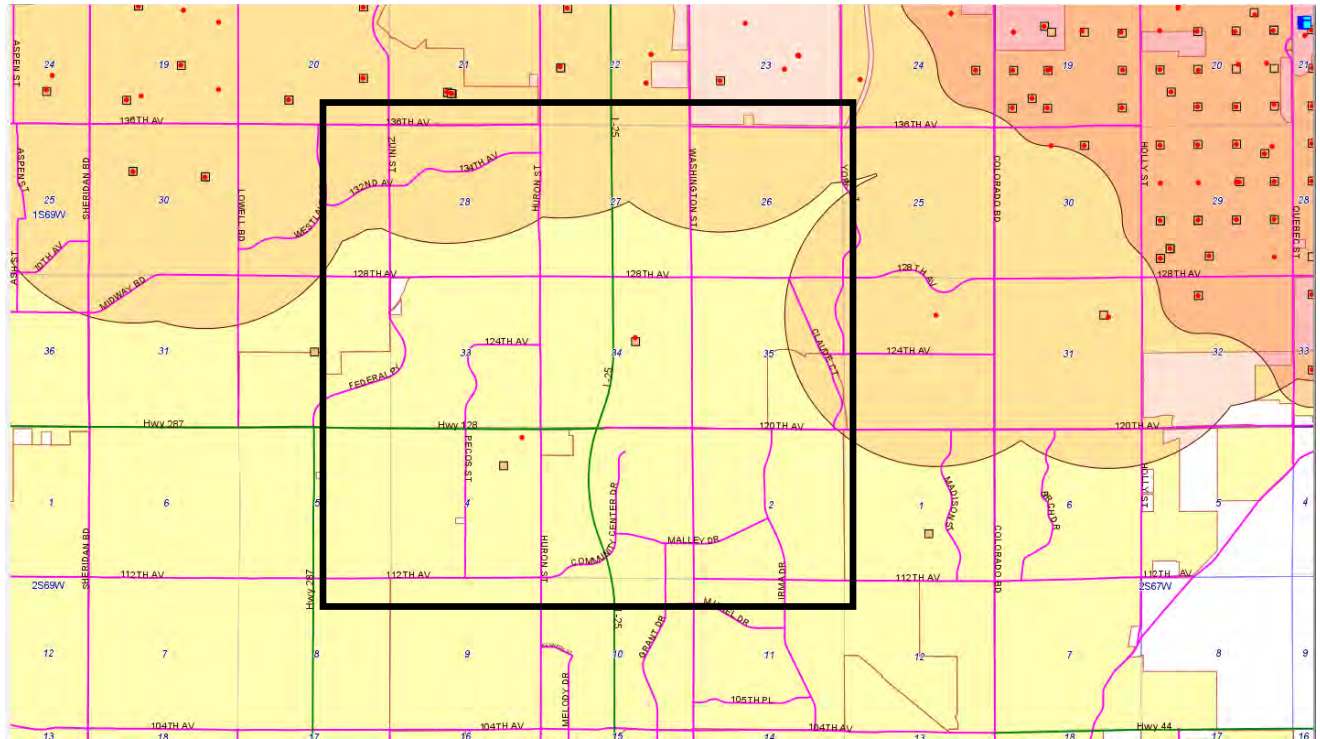
Need Adams County land use information? Visit our current land use page:

<https://www.adcogov.org/planning/currentcases>

## Oil and Gas Information

The following is current Oil and Gas GIS information from COGCC (Colorado Oil and Gas Conservation Commission) online. There seems to be one active well and one pending well within the Town Hall area. There also seems to be a lot of Oil and Gas activity surrounding the area mostly to the North. Please see the COGCC website for more information:

[https://cogccmap.state.co.us/cogcc\\_gis\\_online/](https://cogccmap.state.co.us/cogcc_gis_online/)



City Oil and Gas Information

Northglenn: [https://www.northglenn.org/d/municode/ch11/content\\_11-56.html](https://www.northglenn.org/d/municode/ch11/content_11-56.html)

Thornton: <https://www.cityofthornton.net/government/citydevelopment/Pages/oil-gas-development.aspx>

Westminster:

<http://www.ci.westminster.co.us/GetInvolved/BoardsCommissions/EnvironmentalAdvisoryBoard>

Need Adams County Oil and Gas or Marijuana Information? Visit us at:

<https://www.adcogov.org/oil-and-gas-information>  
<https://www.adcogov.org/marijuana-land-use-regulations>  
<https://www.adcogov.org/marijuana-licensing>

## Marijuana Information

The current Town Hall area resides within the cities of Northglenn, Thornton, and Westminster. Current information is as follows:

### Retail Marijuana Information

Northglenn: <https://www.northglenn.org/mbi>

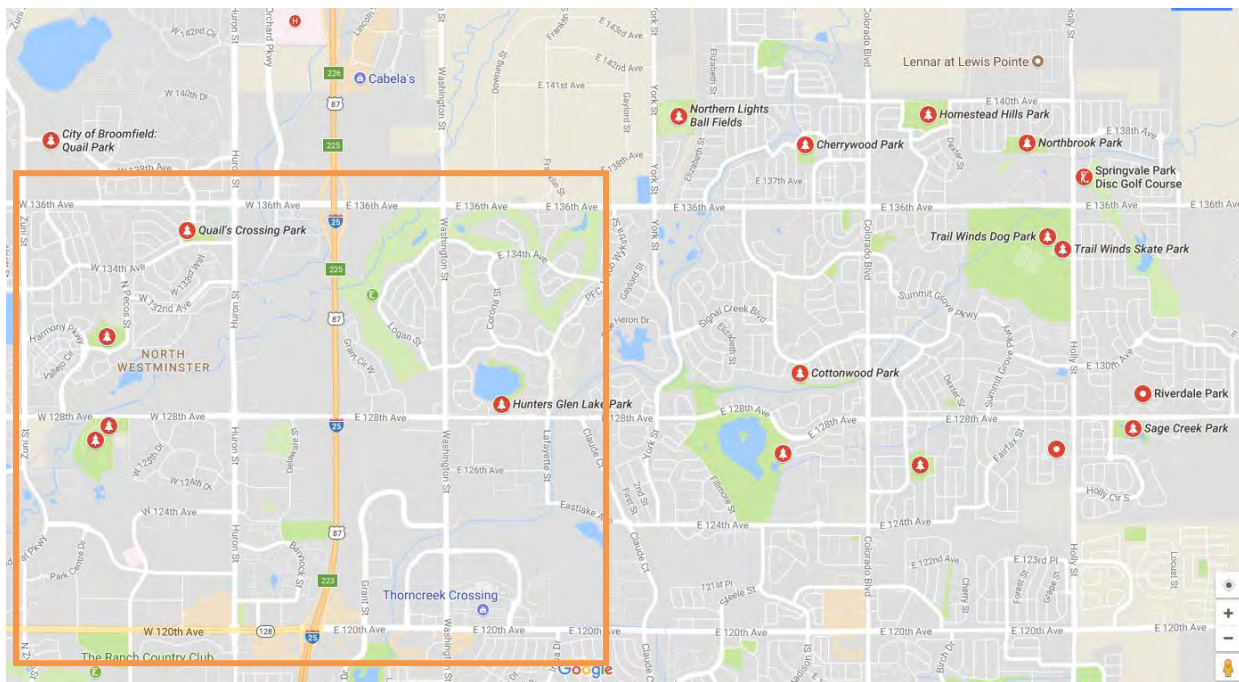
Thornton: <https://www.cityofthornton.net/government/city-clerk/Pages/marijuana-licensing-information.aspx>

Westminster:

[https://www.municode.com/library/co/westminster/codes/code\\_of\\_ordinances?nodeId=TTVLI-RE\\_CHI4FEMABEALBELISPEVPE\\_5-14-4LIAP](https://www.municode.com/library/co/westminster/codes/code_of_ordinances?nodeId=TTVLI-RE_CHI4FEMABEALBELISPEVPE_5-14-4LIAP)

## Parks and Open Space Information

While most of the area parks are maintained by the cities of Northglenn, Thornton, and Westminster, Adams County parks and trails flank and connect to city parks and open space systems. South Platte Trail is near the Town Hall area. The 14 mile Trail extends from Denver boundary north to 136th Avenue. South Platte River Trail is the major regional trail for the Denver Metro area. Following the South Platte River from the Chatfield Reservoir into Adams County, it is also part of the Colorado Front Range Trail.



### Parks and Open Space Updates and Highlights

**Northglenn** (Provided by the City of Northglenn se appendix):

- The City is undertaking a **Bike Pedestrian Mobility Project** designed to help all travelers navigate our city and connect to trails in the 120<sup>th</sup> area.

**Thornton** (Provided by City of Thornton Website):

- **Big Dry Creek Project Recreation and Floodplain Restoration Project.** The city, partnering with Adams County and a \$75,000 Great Outdoors Colorado is planning for recreation and floodplain restoration along Big Dry Creek's publically-owned open spaces through Thornton.
- **Northern Lights Playground Rehabilitation Project.** The design of the new, universally accessible, baseball-themed playground has been developed.

- The design of the **Riverdale Ball Field Complex Project** is in progress. The new community level park and open space, whose primary use is for programmed, lighted baseball and softball fields, will be located at approximately Riverdale Road and 98th Avenue.

Westminster (Provided by the City of Westminster See Appendix):

- Park 1200 – An existing private park was acquired from a developer and will be redeveloped to meet city standards in the next few years. (116<sup>th</sup> and Pecos)
- 120<sup>th</sup> at Metzger Farm – A new trail will be built this year on the north side of 120<sup>th</sup>.
- LongsView Trails – New trails and trail upgrades will be completed between 122<sup>nd</sup> and 128<sup>th</sup> along the Big Dry Creek corridor near the LongsView (now called The Brodie development)
- BDC Trail Upgrades – The main Big Dry Creek Trail will be upgraded to concrete with a gravel shoulder from 112<sup>th</sup> to 120<sup>th</sup>.

### Additional City Parks and Open Space Information

Northglenn: <https://www.northglenn.org/parks>

Thornton: <https://www.cityofthornton.net/thornton-parks/Pages/default.aspx>

Westminster: <http://www.ci.westminster.co.us/ParksRec/Parks>

Need Adams County Parks and Open Space Information? Visit us at:  
<https://www.adcogov.org/parks-open-space>



## Transportation Information

Adams County contributes funds to CDOT investments to maintain the I-25 corridor sound barrier wall. These significant investments were utilized in the I-25 corridor from 104<sup>th</sup> to 120<sup>th</sup>. The Adams County Transportation Department has reported that they will continue to invest annually as CDOT continues to expand this program past 120<sup>th</sup>. These investments add to the safety and quality of residents located near the I-25 corridor.

There are also Upcoming and Current Projects near the town hall area:

- Wadley Farms North of E 136<sup>th</sup> Ave to E 144<sup>th</sup> Ave between Washington and York
- 2018 Gravel Resurfacing Program with E 142<sup>nd</sup> on Ave from Franklin St to Colorado Blvd
- Annual Dust abatement program for the Gravel Roadways
- Downing from E 136<sup>th</sup> Ave to E 143<sup>rd</sup> Ave has been Resurfaced

## City Transportation Updates and Highlights

### Northglenn

RTD is taking commuter rail through Northglenn and we will have a station on 112<sup>th</sup> Ave. The station is being planned to accommodate the surrounding neighborhoods and develop it in the best way possible, with some retail, access for pedestrian and bike traffic, and parking. The City adopted the Northglenn at 112<sup>th</sup> Ave Station Area Master Plan on March 27<sup>th</sup>. This document will help to shape the vision for the area.

### Thornton

- **Street Rehabilitation Program.** Rehabilitation of City streets as determined by the Pavement Management System and staff recommendations. Rehabilitation includes asphalt overlays, crack seal, hot chip seals, street concrete replacement (curb, gutter, cross-pans), and accessible ramp replacement as required. Both City crews and contractors participate in the Street Rehabilitation with Street crews focusing on crack seal and pavement milling, and paving operations. **Westminster**

### Street Projects

- 121st Avenue – from: Bannock Street to: Huron Street
- Bannock Street - from: 121st Avenue to: 123rd Avenue
- Melody Drive- from:120th Avenue to: 121st Avenue
- Delaware Street – from:120th Avenue to: 121st Avenue

## Additional City Transportation Information

Northglenn: <https://www.northglenn.org/publicworks>

Thornton:

<https://www.cityofthornton.net/government/citydevelopment/planning/Pages/transportation-plan.aspx> or <https://www.cityofthornton.net/government/infrastructure/engineering/Pages/cip.aspx>

Westminster: <http://www.ci.westminster.co.us/ExploreWestminster/Transportation>

Need Adams County Transportation Information? Visit us at:  
<https://www.adcogov.org/transportation>

## Community Snapshot- Highlights, Topics and Trends

- New Businesses along I-25 continue to grow. On the East side of 144<sup>th</sup> the Grove Shopping Center has brought a variety of chain stores like Cabelas, Hobby Lobby, Boot Barn and Stine Mart. As well as restaurants and smaller specialty stores.
- This area also has established fabrication, event, and agricultural businesses throughout this area as well.
- On the West side of 144<sup>th</sup> a new St. Anthony's Campus has been built providing additional health services to the community. This organization brings services and high quality employment to the area. St. Anthony's has also just completed a Violence Prevention Report and is coordinating with community organizations, school districts, and safety professional across Adams County to continue growing capacity for programs that increase the safety and health of residents throughout the county.
- Across from the Orchard Town Mall an additional shopping area has also been built, expanding the retail and restaurant amenities for residents.
- Neighboring unincorporated area residents that live along gravel roads on 128<sup>th</sup> have reported that due to Xcel improvements and recent neighborhood development in their area their gravel road has no gravel left. The road is pure dirt and turns to mud every time it rains. Their vehicles get stuck regularly.
- Both East and West sides of 136<sup>th</sup> Avenue continues to see housing and business growth.
- School districts in this area are Adams 12, Adams 14, and Westminster 50. Adams 12 school district will be receiving many improvements as residents passed bond measures in 2016.



Neighborhood along East York Street near 128<sup>th</sup> Street



Neighborhood along West Harmony Road near Zuni Street



St. Anthony's Hospital Orchard on 144<sup>th</sup> and I-25.

## Animal Shelter

### Top Projects that Impact Town Hall Area

1. **New Adams County Animal Shelter and Public Dog Park “In Progress” (To serve all Adams County Residents)**
  - Map of Future Location, Renderings, “Frequently Asked Questions” can be found at: <http://www.adcogov.org/acasnewlocation> (website will up continually updated as the project unfolds.)
  - Questions to [animal-shelter@adcogov.org](mailto:animal-shelter@adcogov.org)
  
2. **Public Low-Cost Vaccination Clinic offered every other Wednesday at the shelter from 3-5:30 p.m.**
  - Vaccinations \$10.00 each.
  - Spanish speaking staff onsite at every clinic.
  - Increase in wildlife with rabies through front range.
  - Clinic Schedule is posted in the animal shelter section of the [www.adcogov.org](http://www.adcogov.org)  
[http://www.adcogov.org/sites/default/files/LowCostVaccineClinic Poster April-June 2017.pdf](http://www.adcogov.org/sites/default/files/LowCostVaccineClinic%20Poster%20April-June%202017.pdf)
  
3. **Volunteer Opportunities at the Animal Shelter**
  - General Volunteer Info: <http://www.adcogov.org/volunteer-program>
  - Foster Volunteers (in-home care):  
<http://www.adcogov.org/sites/default/files/Foster%20Care.jpg>
  - Must be 16 years old. (Younger children can assist adult foster volunteers in home.)
  - 6<sup>th</sup> -Month Commitment Required

### Projects Descriptions

- **New Adams County Animal Shelter Location** will be on the south end of the Adams County Regional Park (North of 120<sup>th</sup> and East of Riverdale Road in Unincorporated Adams County)
  - Map of Future Location, Renderings, “Frequently Asked Questions” can be found at: <http://www.adcogov.org/acasnewlocation>
  
- **Public Low-Cost Vaccination Clinics held at the Adams County Animal Shelter Year Round at**
  - Address:

- 10705 Fulton Street
- Brighton, CO 80022
- 303-288-3294
- Two Wednesdays per Month from 3-5:30 pm
- Clinic Schedule is posted in the animal shelter section of the [www.adcogov.org](http://www.adcogov.org)
- [http://www.adcogov.org/sites/default/files/LowCostVaccineClinic Poster April-June 2017pdf.pdf](http://www.adcogov.org/sites/default/files/LowCostVaccineClinic%20Poster%20April-June%202017.pdf)

- Onsite Volunteering also occurs at the above current shelter location

### Anticipated Impact of Projects

- Public Dog Park will bring a great new community amenity to the Regional Park.
- New shelter will improve care of animals and service delivery to public.
- Ability to hold more frequent vaccination clinics with indoor amenities during in climate weather.
- Opportunities for to engage youth/students for humane education presentations.

### Community Trends

- Increase in rabies detected in wildlife across the Front Range—puts pet animals at risk for rabies. Encouraging pet owners to vaccinate their pets.
- Some negative responses from citizens living closest to new animal shelter location. Concerned with project cost and impact on agricultural land.

### Animal Shelter Data

- In 2016 the animal shelter provided shelter for 5,683 animals, provided vaccinations for 1,432 owned pet animals in the community--serving a total of 7,115 animals.

## Online Resident Services

### Eye on Adams

Ability to look up any building permit, land use case, or code compliance case

Link: <https://adamscounty.buildingeye.com/building>

### E-Permit Center

Launched in early 2017 and allows the submission and tracking of building permits online

Link: <https://permits.adcogov.org/citizenaccess/>

### Oil and Gas Information

Weekly report uploaded here each Friday on oil and gas activity and spill report

Link: <http://www.adcogov.org/oil-and-gas-information>

### Adams County Sheriff App

Connect directly with the Sheriff on non-emergency issues 24/7. Get download link on Sheriff site. Link: <http://www.adamssheriff.org/>

### Graffiti Removal

Report and schedule free graffiti removal.

Link: <http://www.adcogov.org/graffiti-removal>

### Roads, Bridges, and Traffic

Additional information on how to contact the County in regards to infrastructure and roads.

Link: <http://www.adcogov.org/contact-reporting-information>

### Nextdoor

Connect with your neighbors and community.

Link: Available on iTunes or Google play

## Adams County Contact Information

### Community and Economic Development

Development Review	720.523.6200
Oil and Gas	720.523.6891
Neighborhood Services	720.523.6877
Building Permits	720.523.6825
Code Enforcement	720.523.6800
Graffiti	720.523.6565
Division of Long Range Planning	720.523.6992
Animal Services:	303.288.3294 or 303.288.3135

### Parks and Open Space

General Information Line	303.637.800
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### Transportation

General Information Line	720.523.6875
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### Department of Regional Affairs

Neighborhood Liaison	720.523.6991
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### Adams County Sherriff

General Information Line	303.288.1535
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Not finding the information you need? Visit Adams County online at: [www.adcogov.org](http://www.adcogov.org). Here you will find a one-stop shop with all county information as well as links for all your resident needs.



# Appendix A

## City of Northglenn- Becky Smith, Planning Manager

**Civic Center Master Plan**- The Civic Center Master Plan received final approval from City Council on April 10. The area being considered is approximately 20 acres on the southeast corner of I-25 and 120<sup>th</sup> Ave, and includes City Hall, the rec center, senior center, theater and about seven acres of additional land that could be used for mixed uses, such as retail, residential, maybe a hotel. Phase 1 of the Master Plan would include the construction of a new rec center, theater, and senior center.

The new **Justice Center** broke ground on April 14, and will be the new home of the Northglenn Police Department and Court. It will be located on 112<sup>th</sup> Ave and Community Center Drive overlooking I-25. The Justice Center will be built for under \$23 million dollars and is expected to open in August 2018.

**RTD is taking commuter rail** through Northglenn and we will have a station on 112<sup>th</sup> Ave. The station is being planned to accommodate the surrounding neighborhoods and develop it in the best way possible, with some retail, access for pedestrian and bike traffic, and parking. The City adopted the Northglenn at 112<sup>th</sup> Ave Station Area Master Plan on March 27<sup>th</sup>. This document will help to shape the vision for the area.

The City is undertaking a **Bike Pedestrian Mobility Project** designed to help all travelers navigate our city and connect to trails in the metro area.

The City of Northglenn is also undergoing a **rebranding** including a new logo and has begun a **website redesign** project. The goal is to have our image reflect the growth and change in the city.

As you may know, Northglenn is landlocked which means most of our development is re-development. We continue to work on creating a healthy business environment throughout the city. We are pleased to announce the \$7.36 million redevelopment project at the **Huron Center**, a 10.45 acre, 104,322 square foot center at 104<sup>th</sup> & Huron. The redevelopment includes an Arby's and a grocer and a retail automotive facility in the former Albertson's building.

In addition, **The Marketplace** on 104<sup>th</sup> Ave and I-25 will have a new owner that will be announced soon. This redevelopment project will bring some exciting new tenants and revitalization to the Center.

Our last green field development in Northglenn is the 65-acre **Karl's Farm** site on 120<sup>th</sup> Ave. and Irma, which was the home of a dairy farm over 40 years. A master plan for that development was adopted last year and is currently being marketed to developers.

In 2016, Northglenn's zip code 80233 was named the "**third hottest real estate market in the nation**" by realtor.com. That's quite an honor and we weren't really surprised. We have quality built home at prices that sell. I'm told most are being purchased by Millennials, which means a new generation is discovering the city I love.

## Thornton –Website Information

### Cooley East Annexation and Zoning

The City Council of the City of Thornton will hold a public hearing concerning a Zoning and Comprehensive Plan Amendment for approximately 40.875 acres of property. The property is proposed to be zoned in compliance with the Colorado Revised Statutes, which requires property to be zoned within 90 days of annexation. Petition for annexation for this property was acknowledged by the City Council on March 28, 2017. The subject property is generally located north of E. 100th Avenue and west of Brighton Road. 7 pm Tuesday, April 25, 2017 Thornton City Hall Council Chambers 9500 Civic Center Drive.

### Donation Bin Code Amendment

The City Council of the City of Thornton will conduct a public hearing concerning an ordinance amending Sections 18-17 and 18-18 of the Thornton City Code to incorporate certain temporary use permit violations as a new blighting factor and to clarify abatement and disposal requirements; and amending Section 18-370 of the Thornton City Code pertaining to temporary donation collection bins to clarify the associated violations and penalties. 7 pm Tuesday, April 25, 2017 Thornton City Hall Council Chambers 9500 Civic Center Drive.

May 2, 2017

### Skylark Lord of Life Development Permit

The Development Permits and Appeals Board of the City of Thornton will conduct a public hearing concerning a Development Permit for a proposed approximate 6,385 square-foot addition to an existing private school (Skylark Lord of Life Church). The subject property is located at 12021 Northaven Circle, north of East 120th Avenue and west of Northaven Circle. 6 pm Tuesday, May 2, 2017 Thornton City Hall Council Chambers 9500 Civic Center Drive.

## Snapshot of Collaborative Capital Improvement Projects

### Thornton Arts and Cultural Center

Construction documents are complete for landscape renovation at the Thornton Arts & Culture Center, located at 9209 Dorothy Boulevard, adjacent to the Thornton Senior Center and Lu Murray Park in original Thornton. This project includes creating an accessible outdoor courtyard space between the TACC building and the Office House and an outdoor landscaped gathering area in the TACC backyard with pedestrian walkways, lighting and a loop trail connecting to the Thornton Senior Center. ADA access to the TACC front door will be added, plus an efficient irrigation system and additional plant material. Construction is expected to begin in the summer. The project is funded in part by two Adams County Open Space grants totaling \$513,439.

For More CIP Projects go to:

<https://www.cityofthornton.net/government/infrastructure/engineering/Pages/cip.aspx>

<https://www.cityofthornton.net/thornton-parks/Pages/cip.aspx>

Community

Resident Survey Results Posted for 2017.

[https://www.cityofthornton.net/government/communications/Documents/cityvoice/cv\\_march\\_april\\_2017.pdf](https://www.cityofthornton.net/government/communications/Documents/cityvoice/cv_march_april_2017.pdf)

## Westminster – Gabriella Arismendi, Planning Manager

### Infrastructure Improvements

- Park 1200 – An existing private park was acquired from a developer and will be redeveloped to meet city standards in the next few years. (116<sup>th</sup> and Pecos)
- 120<sup>th</sup> at Metzger Farm – A new trail will be built this year on the north side of 120<sup>th</sup>.
- LongsView Trails – New trails and trail upgrades will be completed between 122<sup>nd</sup> and 128<sup>th</sup> along the Big Dry Creek corridor near the LongsView (now called The Brodie development)
- BDC Trail Upgrades – The main Big Dry Creek Trail will be upgraded to concrete with a gravel shoulder from 112<sup>th</sup> to 120<sup>th</sup>.
- Shared Lane Markings – 12st Avenue, Bannock, Melody Drive, and Delaware St
- .

### Streets Projects:

- 121st Avenue – from: Bannock Street to: Huron Street
- Bannock Street - from: 121st Avenue to: 123rd Avenue
- Melody Drive- from:120th Avenue to: 121st Avenue
- Delaware Street – from:120th Avenue to: 121st Avenue

### Some Policy/Program Efforts:

- In January 2017, Westminster created a position to address issues surrounding low-income communities, including homelessness.
- The Invest Health and Great Outdoors Colorado Inspire Planning grants are efforts dedicated to bringing more resources into low-income communities to improve educational and health outcomes. This geographic area spans from 74<sup>th</sup> to 52<sup>nd</sup> Avenues, Sheridan to Pecos, an area with over 30,000 county residents, most of whom live in unincorporated Adams County.
- Healthy, equitable food access is another focus for these two grant areas and throughout the City of Westminster. The City is participating in the Adams County-wide effort and discussions with municipalities, food banks, and food distributors.
- The City concluded a Housing Study in January and is fast-tracking a Housing Plan to address affordable housing.

## Land Use Information

PRE2017-00022

**Received Date:**

Mar 07, 2017

**Description:**

Lendlease Energy Development, LLC is currently evaluating the development of the 320-acre 50-megawatt Green Valley 1 Solar Facility located approximately 11 miles southeast of the Town of Hudson in Adams County, Colorado. The proposed point of interconnect will be the existing Public Service Company of Colorado's 230-kilovolt Green Valley Substation. The Project is located in parcel IDs 0156533400001 and 0156533300001, which are currently zoned A-3: agriculture. Control of the Project site has been secured through an executed land lease agreements with the Owners.

**Status:**

In Review

Adams County Contact: Greg Barnes      Phone: 720.523.6853

RCU2017-00035

**Received Date:**

Jul 31, 2017

**Description:**

Request for a Conditional Use Permit proposing to develop a 3 storage facility with 90,000 sqft.

**Status:**

Received

Adams County Contact: Nana Appiah      Phone: 720-523-6819

PRE2017-00042

**Received Date:**

Apr 28, 2017

**Description:**

To allow mini-storage facility equipped with both climate controlled and drive-up storage on 10 acres in A-3 (Agriculture-3).

**Status:**

In Review

Adams County Contact: Greg Barnes      Phone: 720.523.6853



## STUDY SESSION AGENDA ITEM

<b>DATE:</b> August 22, 2017
<b>SUBJECT:</b> 2018 Health Plans Renewal Recommendations
<b>FROM:</b> Terri Lutt, Interim Human Resources Director & Patti Duncan, Interim Deputy County Manager, Administrative Services, Charles DuScha, Pauline Hohn
<b>AGENCY/DEPARTMENT:</b> Human Resources
<b>ATTENDEES:</b> Patti Duncan, Terri Lutt, Charles DuScha, Pauline Hohn, Eric Rosales-Hays Companies, Sarah Manning-Hays Companies, Chris Ewing-Hays Companies
<b>PURPOSE OF ITEM:</b> To provide the Board with information and recommendations for the 2018 Health Plans renewal.
<b>STAFF RECOMMENDATION:</b> To approve the recommendations for the 2018 Health Plans renewal.

### **BACKGROUND:**

Each year the county does a comprehensive benefit renewal analysis. This presentation includes information from that analysis and recommendations for the 2018 Health Plans renewal.

### **AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:**

Human Resources  
County Manager's Office  
Budget Office

### **ATTACHED DOCUMENTS:**

Please see attached presentation document.

**FISCAL IMPACT:**

Please check if there is no fiscal impact X. If there is fiscal impact, please fully complete the section below.

**Fund:**

**Cost Center:**

	<b>Object Account</b>	<b>Subledger</b>	<b>Amount</b>
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
<b>Total Revenues:</b>			<hr/>

	<b>Object Account</b>	<b>Subledger</b>	<b>Amount</b>
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
<b>Total Expenditures:</b>			<hr/>

New FTEs requested:             YES             NO

Future Amendment Needed:     YES             NO


**Additional Note:**

Budget for 2018 has not been set.

**APPROVAL SIGNATURES:**

**APPROVAL OF FISCAL IMPACT:**

  
\_\_\_\_\_  
Raymond H. Gonzales, Interim County Manager

  
\_\_\_\_\_  
Budget / Finance

\_\_\_\_\_  
Bryan Ostler, Interim Deputy County Manager

  
\_\_\_\_\_  
Patti Duncan, Interim Deputy County Manager



# 2018 Benefit Renewal Human Resources Department August 22, 2017







## Current Program Primary Goal & Long Term Strategies

- **Primary Goal**

- To be an employer of choice by offering an outstanding benefit plan that meets or exceeds the competition

- **Long Term Strategies**

- Encourage employee partnership in health care decisions by offering smart, effective plan choices
- Manage premium increases so that they are sustainable for the County and the employees
- Solicit employee feedback through the Benefits Advisory Committee





## 2018 Renewal Projections – Medical Plans

- United HealthCare plans (Self-funded)
  - 0.5% decrease
- Kaiser Permanente (Fully insured)
  - 5.0% decrease

Plan	Current	Renewal	Decrease
United HealthCare	\$12,969,979	\$12,901,173	(\$68,806)
Kaiser Permanente	\$13,018,741	\$12,373,865	(\$644,876)
Total	\$25,988,720	\$25,275,038	(\$713,682)



# 2018 Medical Plan Renewal Options – Monthly Costs

Enrollment	Current 2017		Option 1 Apply decrease to county cost (Recommendation)			Option 2 Apply decrease to employee costs			Option 3 Apply decrease evenly			
	County	Employee	County	Employee	Impact to EE	County	Employee	Impact to EE	County	Employee	Impact to EE	
<b>United HealthCare Choice</b>												
Single	327	\$ 625.14 \$ 86.89	\$ 621.29 \$ 86.89	\$ -	\$ 625.14 \$ 83.04	\$ (3.85)	\$ 621.76 \$ 86.42	\$ (0.47)				
2 Party	200	\$ 1,243.77 \$ 250.44	\$ 1,235.70 \$ 250.44	\$ -	\$ 1,243.77 \$ 242.37	\$ (8.07)	\$ 1,237.05 \$ 249.09	\$ (1.35)				
Family	202	\$ 1,720.15 \$ 428.80	\$ 1,708.55 \$ 428.80	\$ -	\$ 1,720.15 \$ 417.19	\$ (11.61)	\$ 1,710.86 \$ 426.48	\$ (2.32)				
<b>United HealthCare Choice Plus</b>												
Single	48	\$ 552.15 \$ 82.91	\$ 548.72 \$ 82.91	\$ -	\$ 552.15 \$ 79.48	\$ (3.43)	\$ 549.17 \$ 82.46	\$ (0.45)				
2 Party	30	\$ 1,093.89 \$ 238.77	\$ 1,086.69 \$ 238.77	\$ -	\$ 1,093.89 \$ 231.57	\$ (7.20)	\$ 1,087.98 \$ 237.48	\$ (1.29)				
Family	14	\$ 1,507.82 \$ 408.83	\$ 1,497.47 \$ 408.83	\$ -	\$ 1,507.82 \$ 398.48	\$ (10.35)	\$ 1,499.67 \$ 406.62	\$ (2.21)				
<b>Kaiser Permanente</b>												
Single	508	\$ 477.82 \$ 86.89	\$ 449.85 \$ 86.89	\$ -	\$ 477.82 \$ 58.92	\$ (27.97)	\$ 454.15 \$ 82.59	\$ (4.30)				
2 Party	250	\$ 935.45 \$ 250.44	\$ 876.71 \$ 250.44	\$ -	\$ 935.45 \$ 191.70	\$ (58.74)	\$ 889.11 \$ 238.04	\$ (12.40)				
Family	292	\$ 1,276.68 \$ 428.80	\$ 1,192.21 \$ 428.80	\$ -	\$ 1,276.68 \$ 344.33	\$ (84.47)	\$ 1,213.45 \$ 407.56	\$ (21.24)				



## 2018 Renewal Projections - Dental Plans

- Delta Premier (Self-funded)
  - 1.3% decrease
- Delta Exclusive Panel Option (Fully-insured)
  - 16.7% increase

Plan	Current	Renewal	Decrease/Increase
Delta Premier	\$902,432	\$891,031	(\$11,401)
Delta Exclusive Panel Option	\$489,354	\$570,908	\$81,554
Total	\$1,391,786	\$1,461,939	\$70,153





## Recommendations - Delta Premier

- No plan design changes
- No change to employee premiums or county contribution

Delta Dental Premier		
Tier	Employee Premium	County Contribution
Single	\$27.09	\$9.04
2 Party	\$51.05	\$17.01
Family	\$87.63	\$29.22



# Recommendations - Delta Exclusive Panel Option

- No plan design changes
- Increase employee premiums and county contribution

Delta Dental Exclusive Panel Option				
Tier	Current		2018	
	Employee Premium	County Contribution	Employee Premium	County Contribution
Single	\$23.09	\$7.70	\$24.24	\$8.09
2 Party (spouse)	\$43.75	\$14.54	\$45.93	\$15.27
2 Party child/children	\$57.12	\$19.04	\$59.97	\$19.99
Family	\$88.66	\$29.55	\$93.09	\$31.03





## 2018 Renewal Projections - Vision Service Plan

- Self-funded
- 2.2% decrease

Current	Renewal	Decrease
\$248,118	\$242,757	(\$5,361)



## Recommendations - Vision Service Plan

- No plan design changes
- No change to employee premiums or county contribution

Vision Service Plan		
Tier	Employee Premium	County Contribution
Single	\$3.44	\$1.55
2 Party	\$8.43	\$3.78
Family	\$15.12	\$6.80







# 2018 Renewal Projections - Unum Life and Disability

- No changes
- Premium rate guarantee

Unum Life and Disability	
Current	2018
\$1,650,039	\$1,650,039





# Total Renewal Recommendations - Budget Impact

Plan	Current	Renewal	Increase/ Decrease
United HealthCare	\$12,969,979	\$12,901,173	(\$68,806)
Kaiser Permanente	\$13,018,741	\$12,373,865	(\$644,876)
Delta Premier	\$902,432	\$902,432	0
Delta Exclusive Panel Option	\$489,354	\$570,908	\$81,554
Vision Service Plan	\$248,118	\$248,118	0
Unum Life & Disability	\$1,650,039	\$1,650,039	0
<b>Total</b>	<b>\$29,278,663</b>	<b>\$28,646,535</b>	<b>(\$632,128)</b>

If recommendations are approved





## STUDY SESSION AGENDA ITEM

<b>DATE:</b> August 22, 2017
<b>SUBJECT:</b> Update on 88 <sup>th</sup> Avenue Open Space Project/Potential Annexation to Thornton
<b>FROM:</b> Nathan Mosley, Marc Pedrucci
<b>AGENCY/DEPARTMENT:</b> Parks & Open Space
<b>ATTENDEES:</b> Nathan Mosley, Marc Pedrucci, Kristin Sullivan
<b>PURPOSE OF ITEM:</b> Update the BoCC on the 88 <sup>th</sup> Avenue Open Space Project and discuss annexation request from City of Thornton
<b>STAFF RECOMMENDATION:</b> Sign an IGA with Thornton to annex +/-200 acres of the 88 <sup>th</sup> Avenue Open Space into Thornton's jurisdiction.

### **BACKGROUND:**

The Parks and Open Space Department (POSD) is currently working in partnership with Urban Drainage & Flood Control District (UDFCD) to develop the 88<sup>th</sup> Avenue Open Space site into a public recreational area focused on passive recreation including hiking, fishing, picnicking, and South Platte River access along with river channel improvements and natural resource restoration. A 28-acre portion of the site is already annexed into Thornton's jurisdiction, and this is the location where we have proposed a parking lot and other site amenities such as a shelter and a restroom enclosure. After meeting with Thornton staff to discuss permits for the proposed improvements, it was suggested that it may be beneficial for the entire site to be annexed into Thornton. POSD and Community and Economic Development Department (CEDD) staff feel there are benefits to the county by annexing the site into Thornton and we are recommending the county and Thornton execute an IGA to accomplish this.

An IGA to annex the site into Thornton would provides benefits to both parties as listed below.

#### ADCO Benefits:

- We would be treated similar to schools in terms of city review, where we submit the plans to City of Thornton (COT), and they have the ability to provide comments, which we could decide whether or not to consider. The exception to that rule would be if we are proposing improvements within ROW or if water and or sanitary sewer lines are involved.
- Ability to connect to COT water and sanitary sewer system if we pay the applicable connection fees.
- We would be exempt from the large majority of the COT Development Code.

- The entire park and open space area would be served by COT emergency services.

Thornton Benefits:

- Land shown in their growth area would be annexed into the City limits.
- Thornton would get ROW from the county for Thornton Parkway (96<sup>th</sup> Avenue)
- County would provide Thornton with referrals for work we would be doing on our property

**AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:**

City of Thornton, Parks & Open Space, Community & Economic Development

**ATTACHED DOCUMENTS:**

Conceptual Plan for development of the 88<sup>th</sup> Avenue Open Space site  
Map showing annexation area for 88<sup>th</sup> Avenue Open Space

**FISCAL IMPACT:**

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

**Fund:**

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**Cost Center:**

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	<b>Object Account</b>	<b>Subledger</b>	<b>Amount</b>
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
<b>Total Revenues:</b>			<hr/>

	<b>Object Account</b>	<b>Subledger</b>	<b>Amount</b>
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Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
<b>Total Expenditures:</b>			<hr/>


New FTEs requested:             YES             NO


Future Amendment Needed:     YES             NO


**Additional Note:**

**APPROVAL SIGNATURES:**

**APPROVAL OF FISCAL IMPACT:**

  
\_\_\_\_\_  
Raymond H. Gonzales, Interim County Manager

  
\_\_\_\_\_  
Manny Dur, Budget / Finance

  
\_\_\_\_\_  
Bryan Ostler, Interim Deputy County Manager

\_\_\_\_\_  
Patti Duncan, Interim Deputy County Manager



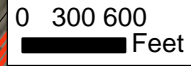
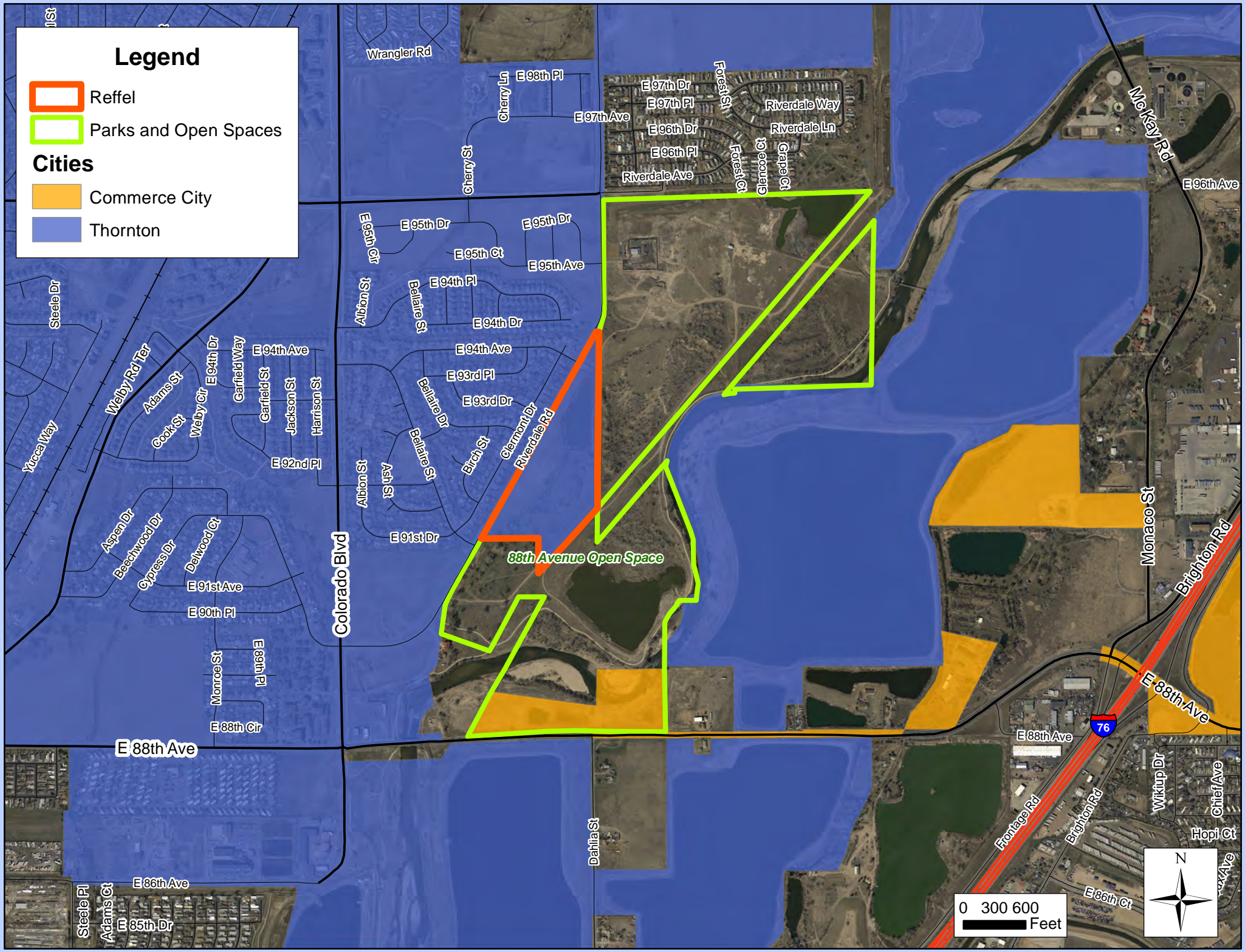
Figure 3-1: Recreation and Public Access Improvements – Page 1

### Legend

- Reffel
- Parks and Open Spaces

### Cities

- Commerce City
- Thornton





## STUDY SESSION AGENDA ITEM

<b>DATE:</b> August 22, 2017
<b>SUBJECT:</b> Adams County Foundation
<b>FROM:</b> Rebecca Zamora
<b>AGENCY/DEPARTMENT:</b> Department of Regional Affairs
<b>ATTENDEES:</b> Abel Montoya, Rebecca Zamora
<b>PURPOSE OF ITEM:</b> Discussion on awarding funding to community organizations
<b>STAFF RECOMMENDATION:</b>

### **BACKGROUND:**

Provide the BOCC with an overview of Adams County Foundation .

### **AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:**

Department of Regional Affairs and Adams County Foundation Board Members.

### **ATTACHED DOCUMENTS:**

PowerPoint Presentation



**FISCAL IMPACT:**

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

**Fund:**

**Cost Center:**

	<b>Object Account</b>	<b>Subledger</b>	<b>Amount</b>
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
<b>Total Revenues:</b>			<hr/>

	<b>Object Account</b>	<b>Subledger</b>	<b>Amount</b>
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
<b>Total Expenditures:</b>			<hr/>

New FTEs requested:             YES             NO

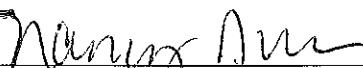
Future Amendment Needed:     YES             NO

**Additional Note:**

**APPROVAL SIGNATURES:**

**APPROVAL OF FISCAL IMPACT:**

  
Raymond H. Gonzales, Interim County Manager

  
Budget / Finance

  
Bryan Ostler, Interim Deputy County Manager

\_\_\_\_\_  
Patti Duncan, Interim Deputy County Manager

# ADAMS COUNTY FOUNDATION

Grant Award Discussion 8/22/17

# Criteria for Award Selection

- Impact to Adams County residents.
- Direct service funding asks.
- Focus on diverse and comprehensive services.
- Reach/ best practice history of programming.
- Services that increase the quality of life for a variety of populations.
- Quality of application and research behind programming.

*Adams County Foundation Board is newly formed. This does **not** reflect a formal process but only captures conversations of board and discussions while reviewing applicants. The board anticipates discussing and adopting a formal criteria in the future.*

# Awardees and Notes

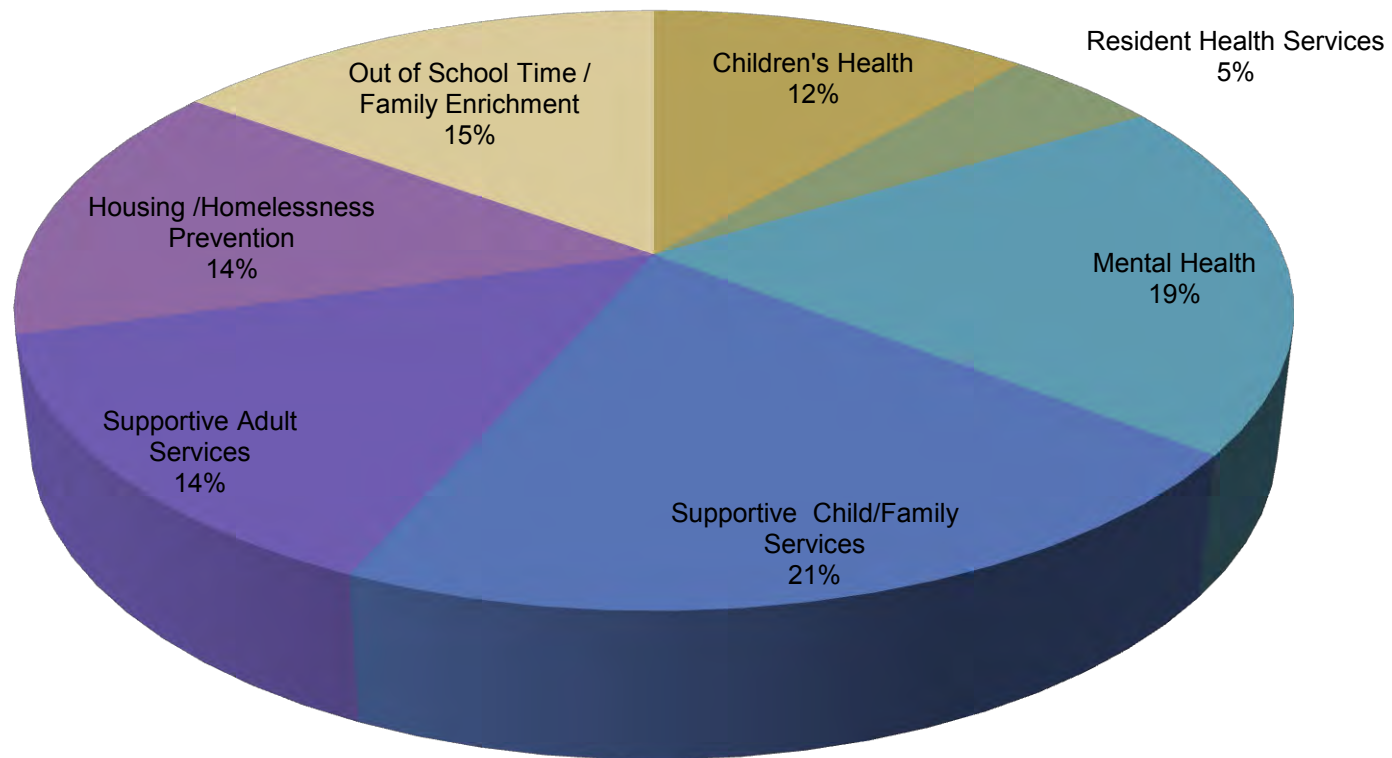
Organization	Request	Funding Awarded	Notes
Archway Housing and Service	\$ 5,000.00	\$ 5,000.00	Support Family Self-Sufficiency Program/ homelessness prevention services.
Kids First Health	\$ 16,985.58	\$ 16,985.58	Provides medical services for youth in County in school clinics. Funds are for providing direct care in school based clinics. (Adams 12/14)
Services de la Raza	\$ 28,380.00	\$ 28,380.00	Organizations provides residents with comprehensive services. Funding is for Resource Navigator.
		<b>\$ 50,365.58</b>	All awarded funds must go to direct services.
Ralston House	\$ 50,000.00	\$ 32,000.00	Provide county-wide specialized care for children in child protection.
Community Reach Center	\$ 50,000.00	\$ 32,000.00	Provide county-wide coordinated mental health support for children to adults. Detox Facility
Rocky Mountain youth Clinics	\$ 50,000.00	\$ 32,000.00	*Funds restricted to direct service expenditures. Provides medical and dental services for Medicaid youth in County.
A Precious Child	\$ 50,000.00	\$ 32,000.00	Collaborative efforts and organized networks throughout County.
Senior Hub	\$ 50,000.00	\$ 32,000.00	Enrichment/supportive senior services throughout the County.
Colfax Community Network	\$ 50,000.00	\$ 32,000.00	Afterschool programming and family supports in Aurora, CO.
Boys & Girls Club	\$ 50,000.00	\$ 32,000.00	Out of school time programming and family supports in Adams County.
CASA	\$ 49,172.00	\$ 31,470.08	Support direct service efforts to maintain and recruit volunteers whom provide supportive services to children in foster care in Adams County.
		<b>\$ 255,470.08</b>	All awarded funds must go to direct services.
ACCESS Housing	\$ 49,036.40	\$ 25,498.93	Homelessness prevention/supportive enrichment services.
Aurora Mental Health Center	\$ 35,000.00	\$ 18,200.00	Funds restricted to Refugee Services at Aurora Mental Health.
Growing Home	\$ 50,000.00	\$ 26,000.00	Supportive enrichment services and homelessness prevention/homelessness support.
		<b>\$ 69,698.93</b>	All awarded funds must go to direct services
Clinica Colorado	\$ 50,000.00	\$ 20,000.00	Expenditures for medical/counseling programs that services children-adults who are underserved.
Comitis Crisis Network	\$ 50,000.00	\$ 29,000.00	Direct Service expenditures for homeless prevention/support.
		<b>\$ 49,000.00</b>	
	<b>TOTAL</b>	<b>\$ 424,534.59</b>	All awarded funds must go to direct services

# Notes for Not to Awarding Funds

Recommending Not Funding	Request	2017	Notes
Friend First	\$ 50,000.00	\$ -	Only 30 students served. Questions about data collection and effectiveness.
Adams 12 Five Star Schools	\$ 50,000.00	\$ -	Duplication of services/possible partnership opportunities .
Westminster Public Schools Foundation	\$ 30,000.00	\$ -	Duplicative services for youth.
Low income Family Empowerment	\$ 43,490.00	\$ -	Only 30 students served.
Neighborhood Outreach of Colorado	\$ 12,000.00	\$ -	Duplicative efforts, lacking in data and number of Ad. Co. residents served and county collaborative partnerships.
Arapahoe House	\$ 50,000.00	\$ -	Questions as to why funding is needed due to Community Reach providing same services in Adams County.
Seniors Resource Center	\$ 31,350.00	\$ -	Funding request was for public relations rather than direct service. Promotions were for programs that already have marketing.
Almost Home	\$ 22,000.00	\$ -	Funding requests were for administrator salary.

# Financial Award Breakdown

## Adams County Foundation Community Organization Awards



*Overall award breakdown impact organizations that support birth to senior resident populations in Adams County.*

# 2018 Next Steps

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- Create clear funding application criteria.
- Define common grant language.
- Hold a funders workshop.
- Seek out collaborative initiatives.
- Tour applying organizations.
- Plan Fundraising endeavors such as gala.

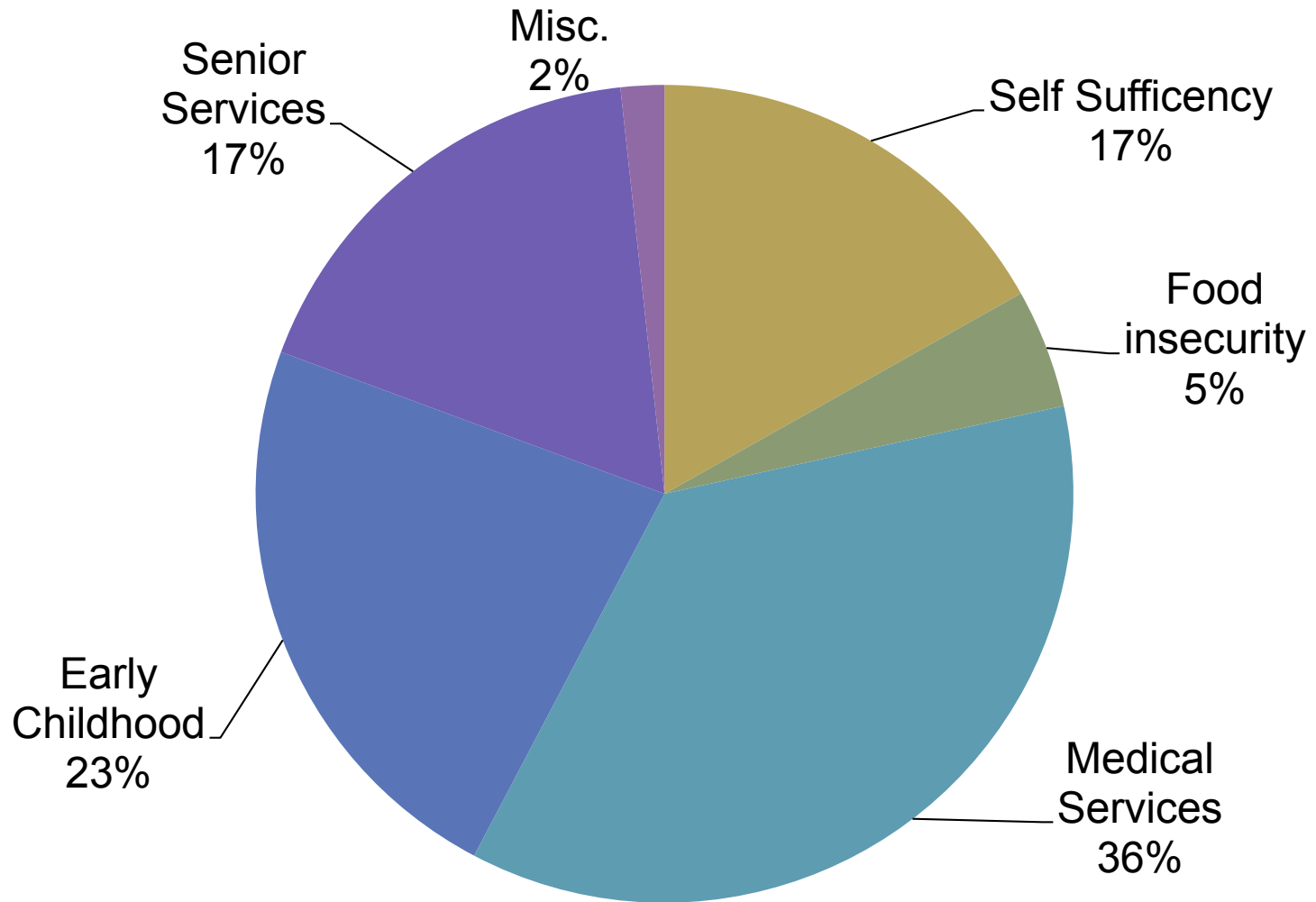
# Historical Perspective

2016 Awards



Organization	Description of Project	Funding Requested	Funding Awarded
Archway Housing & Services	Greenleaf Apartment residents; Family Service Manager and after school care supplies; 55 units and surrounding neighborhood to provide services	\$5,000	\$5,000
Neighborhood Outreach of Colorado	Food to 2 food banks serving almost 3,000 families and 11,564 individuals	\$15,000	\$10,000
Mercy Housing Mountain Plains	Holly Park Apartments residents serving 409 low income residents; expanding GED program, job training, employment skills, etc.	\$19,750	\$19,750
Arapahoe House	Direct services for 4 detox facilities serving over 1,800 residents	\$75,000	\$75,000
A Precious Child	Direct basic needs to 6,000 students in Adams County, i.e. clothing, backpacks, school supplies,	\$60,000	\$60,000
Clinica Family Health	Low income medical and dental services targeting 20,000 residents	\$60,000	\$60,000
Community Enterprise	EBT card readers to farmers markets	\$10,000	\$10,000
Adams County Human Services	Adams County Community Enrichment Plan. Printing & Distribution costs.	\$7,325	\$7,325
Senior Hub	General operating services for personnel who assist, coordinate, and facilitate direct senior service programs serving almost 6,000 seniors	\$100,000	\$75,000
Kids First Health Care	Health educator providing education on prevention and management of obesity, asthma, dental care, and referrals for treatment. Over 3,500 disadvantaged infants, children and teens.	\$25,000	\$18,750
Casa of Adams & Broomfield Counties	Funding for Sr. Dir. of Program and Strategy who oversees all programmatic areas including volunteer recruitment, training, supervision and retention.	\$40,000	\$30,000
Boys and Girls Clubs Metro Denver	Assistance for clothing, food, backpacks & for youth development professional; serving over 1800 youths..	\$50,000	\$37,500
Almost Home	Emergency family shelter, salary of case managers (2)	\$22,500	\$16,875
		<b>TOTAL</b>	<b>\$425,200</b>

# 2016 HSAG Recommendations





## STUDY SESSION AGENDA ITEM

<b>DATE:</b> August 22, 2017
<b>SUBJECT:</b> Adams County Visual Arts Commission: Pete Mirelez Human Services Center
<b>FROM:</b> Adams County Visual Arts Commission
<b>AGENCY/DEPARTMENT:</b> Office of Cultural Affairs
<b>ATTENDEES:</b> Adams County Visual Arts Commission (ACVAC)
<b>PURPOSE OF ITEM:</b> Propose current selection of the Pete Mirelez Human Services Center Public Art Project.
<b>STAFF RECOMMENDATION:</b> Make selection of Pete Mirelez Human Services Center Public Art Project based on the findings from the Adams County Visual Arts Commission

### **BACKGROUND:**

The Adams County Visual Arts Commission went out for RFP in December 2016. The Visual Arts Commission received 109 proposals for two public art sculptures to be placed at the Pete Mirelez Human Services Center. The Visual Arts Commission engaged staff from purchasing and Facilities to ensure the project meets purchasing policies and understands the new design of the Pete Mirelez Human Services Center.

The Visual Arts Commission reviewed and scored all 109 proposals and narrowed the list to 5 finalists. The 5 finalists were brought in for interviews over a period of two evenings.

The Adams County Visual Arts Commission is here to present the top five (5) finalists and provide the Board of County Commissioners with their recommendation for awarding one (1) finalist with the contract to provide sculptures at the Pete Mirelez Human Services Center.

### **AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:**

Facilities

### **ATTACHED DOCUMENTS:**

Power Point

**FISCAL IMPACT:**

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

**Fund:** 1,4

**Cost Center:** 9253, 3128

	<b>Object Account</b>	<b>Subledger</b>	<b>Amount</b>
Current Budgeted Revenue:	9253.5660		\$76,950
Additional Revenue not included in Current Budget:	9253.5660		\$25,650
<b>Total Revenues:</b>			<u>\$102,600</u>

	<b>Object Account</b>	<b>Subledger</b>	<b>Amount</b>
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:	3128.9055	31281401	\$207,400
Add'l Capital Expenditure not included in Current Budget:			
<b>Total Expenditures:</b>			<u>\$300,000</u>

**New FTEs requested:**  YES  NO

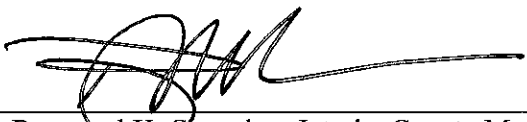
**Future Amendment Needed:**  YES  NO

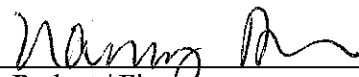
**Additional Note:**

ACVAC was awarded \$102,600 for the two sculptures at the Pete Mirelez Human Services Center. AVCAC was awarded 75% of the total amount awarded per the Adams County Cultural Council 2016-2017 Guidelines for Visual Art. The remaining 25% will be awarded once the installation is completed and received by Adams County. The Human Services Center has a budgeted amount of \$400,000 for public art. This project will leave \$192,600 left to be spent on public art at this facility for ACVAC.

**APPROVAL SIGNATURES:**

**APPROVAL OF FISCAL IMPACT:**

  
Raymond H. Gonzales, Interim County Manager

  
Nancy, Budget / Finance

  
Bryan Ostler, Interim Deputy County Manager

Patti Duncan, Interim Deputy County Manager

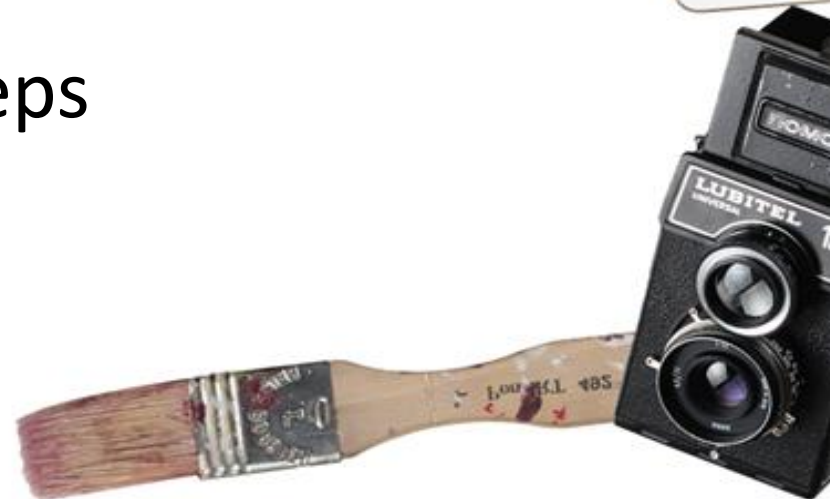


# Pete Mirelez Human Services Center

Adams County Visual Arts  
Commission



- RFP Process
- Theme / Location
  - Top 5 Finalist
- Recommendations
  - Next Steps





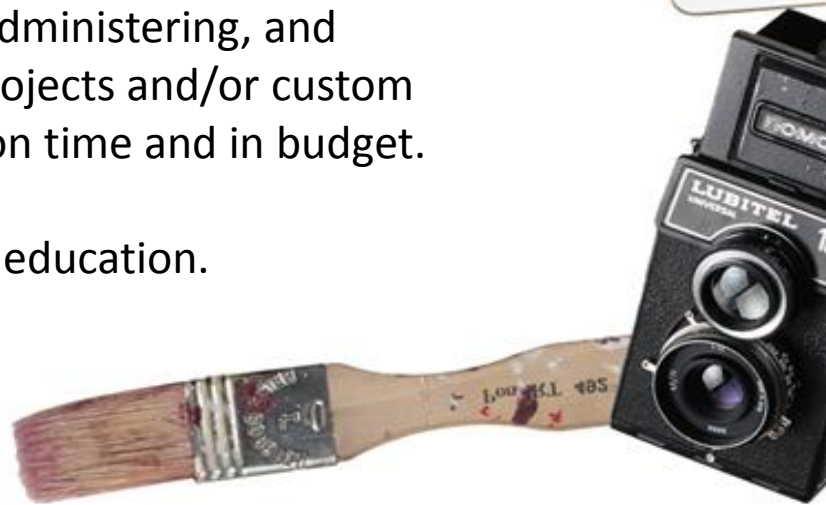
## EVALUATION CRITERIA

The conceptual basis for the Artist's body of work and the preliminary concept statement presented.

The quality – technical and aesthetic – of the artist's past work as represented in the image submissions.

The experience of the artist in successfully designing, fabricating, administering, and completing public art projects and/or custom architectural elements on time and in budget.

The artist's training and education.





Ideal submissions will create a functional art piece which will reflect the historic orchard tree farm that early settlers planted in the early 1900's in this location. Water features are highly discouraged but the selected artist may have an opportunity to collaborate with landscape architects for the project. Artist may also want to consider incorporating seating to establish a welcoming, accessible outdoor destination for the public.



Theme

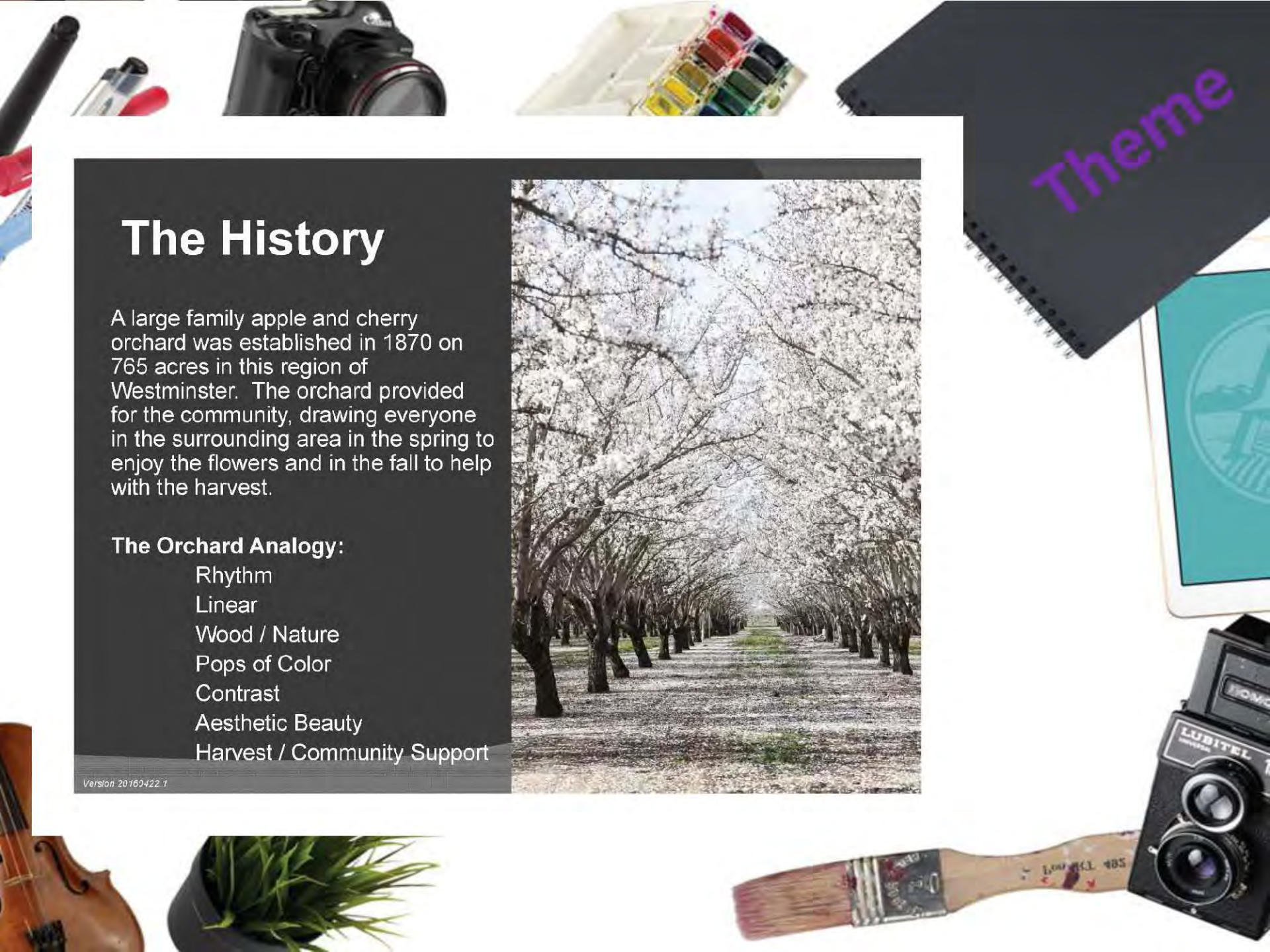
# The History

A large family apple and cherry orchard was established in 1870 on 765 acres in this region of Westminster. The orchard provided for the community, drawing everyone in the surrounding area in the spring to enjoy the flowers and in the fall to help with the harvest.

## The Orchard Analogy:

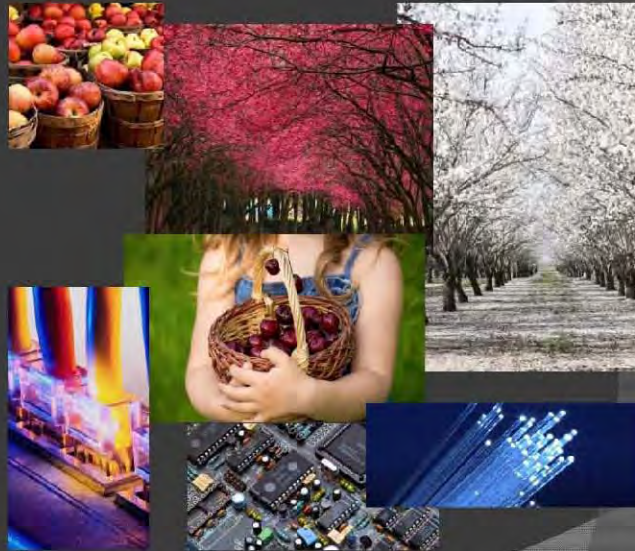
- Rhythm
- Linear
- Wood / Nature
- Pops of Color
- Contrast
- Aesthetic Beauty
- Harvest / Community Support

Version: 20160422.1

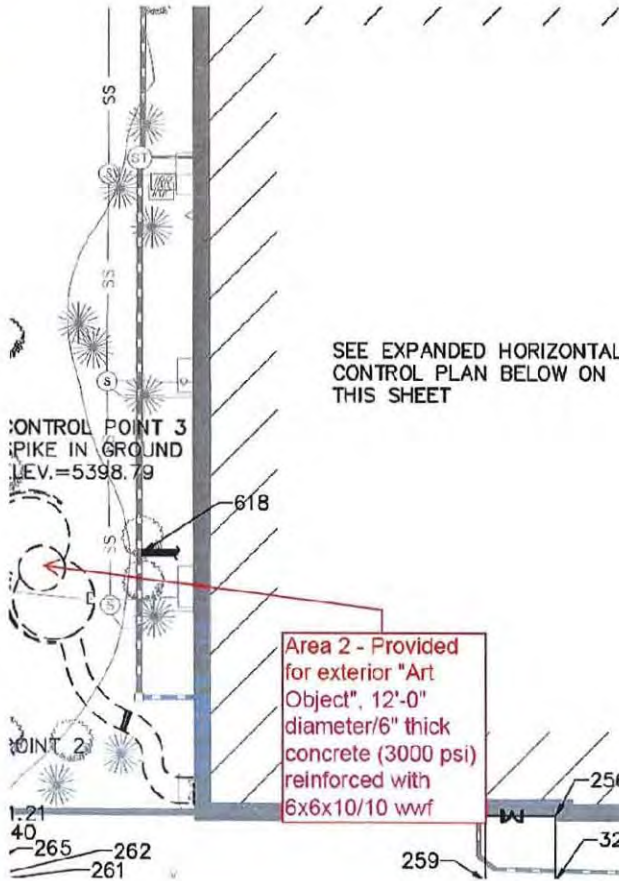


# History, Community & Context

- In 1870 was an Apple & Cherry Orchard
- Most Recently was Technology Center (Western Bell through Avaya)
- **Context:** *From Orchard to Innovation: Respecting the past, embracing the future*



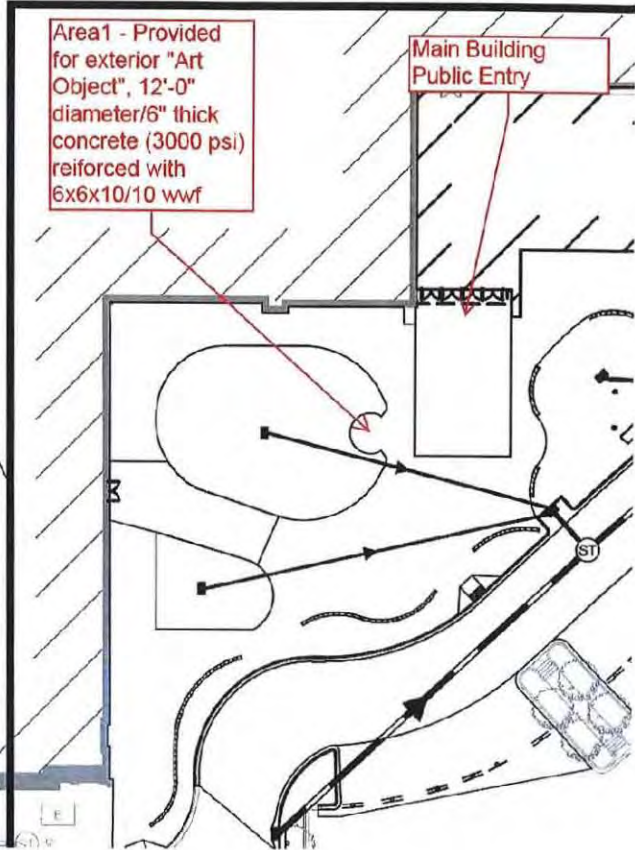
Theme



Area 2 - Provided  
for exterior "Art  
Object", 12'-0"  
diameter/6" thick  
concrete (3000 psi)  
reinforced with  
6x6x10/10 wwf

Area 1 - Provided  
for exterior "Art  
Object", 12'-0"  
diameter/6" thick  
concrete (3000 psi)  
reinforced with  
6x6x10/10 wwf

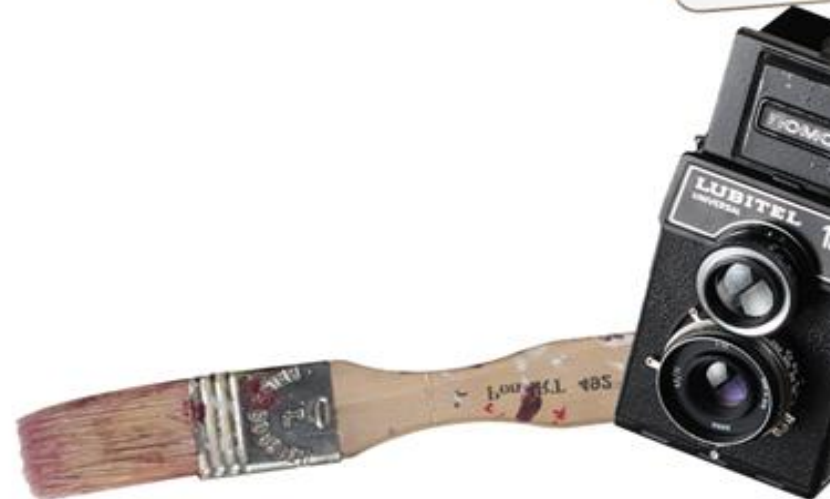
Main Building  
Public Entry





# Top 5 Proposals

- David Dahlquist
- DiBari & Associates
- Douwe Blumberg
- Mid-Ocean Studio
- Thomas Sayre























# Confluence I



Douwe

# Confluence I



Confluence I  
Alternate Treatment



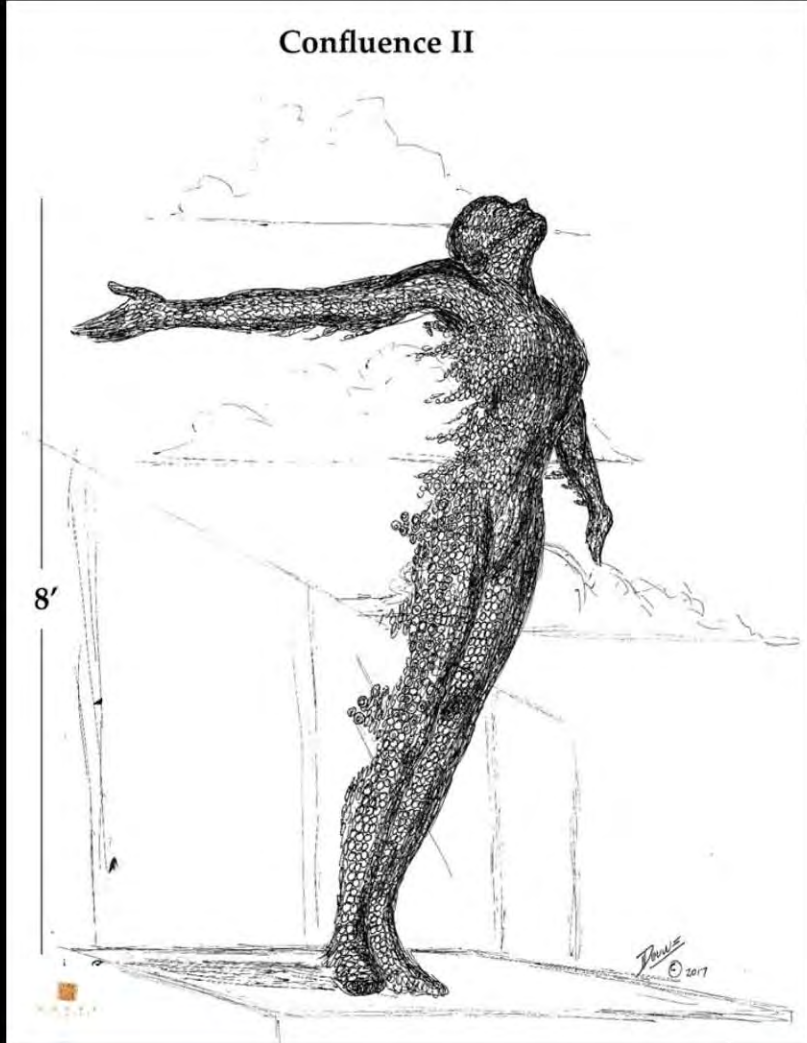
Douwe





Douwe

### Confluence II



8'

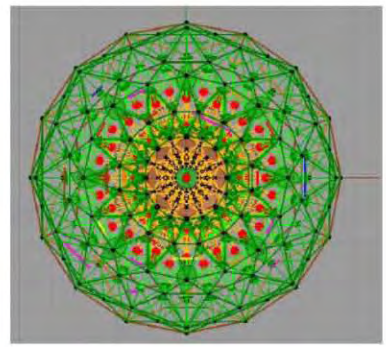
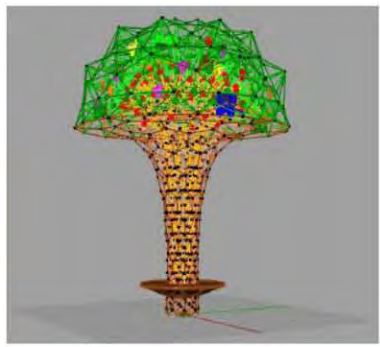
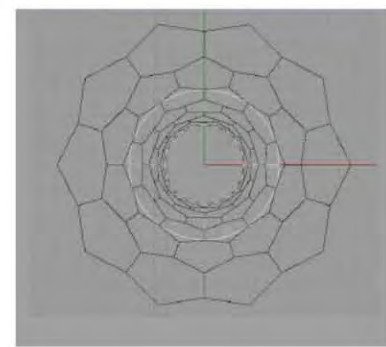
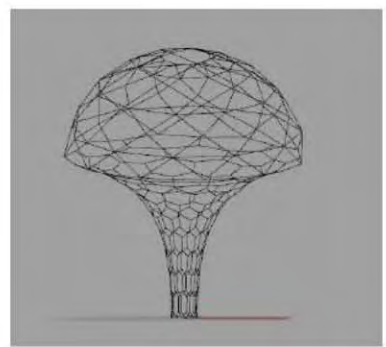
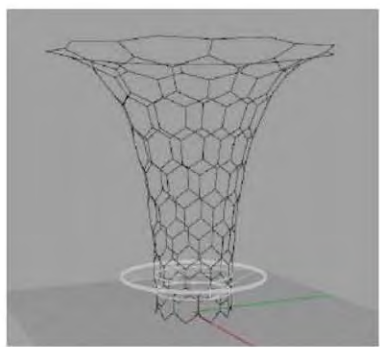
Douwe  
© 2017





# COMMUNITY ORCHARD

Adams County, Colorado



# COMMUNITY ORCHARD

Adams County, Colorado

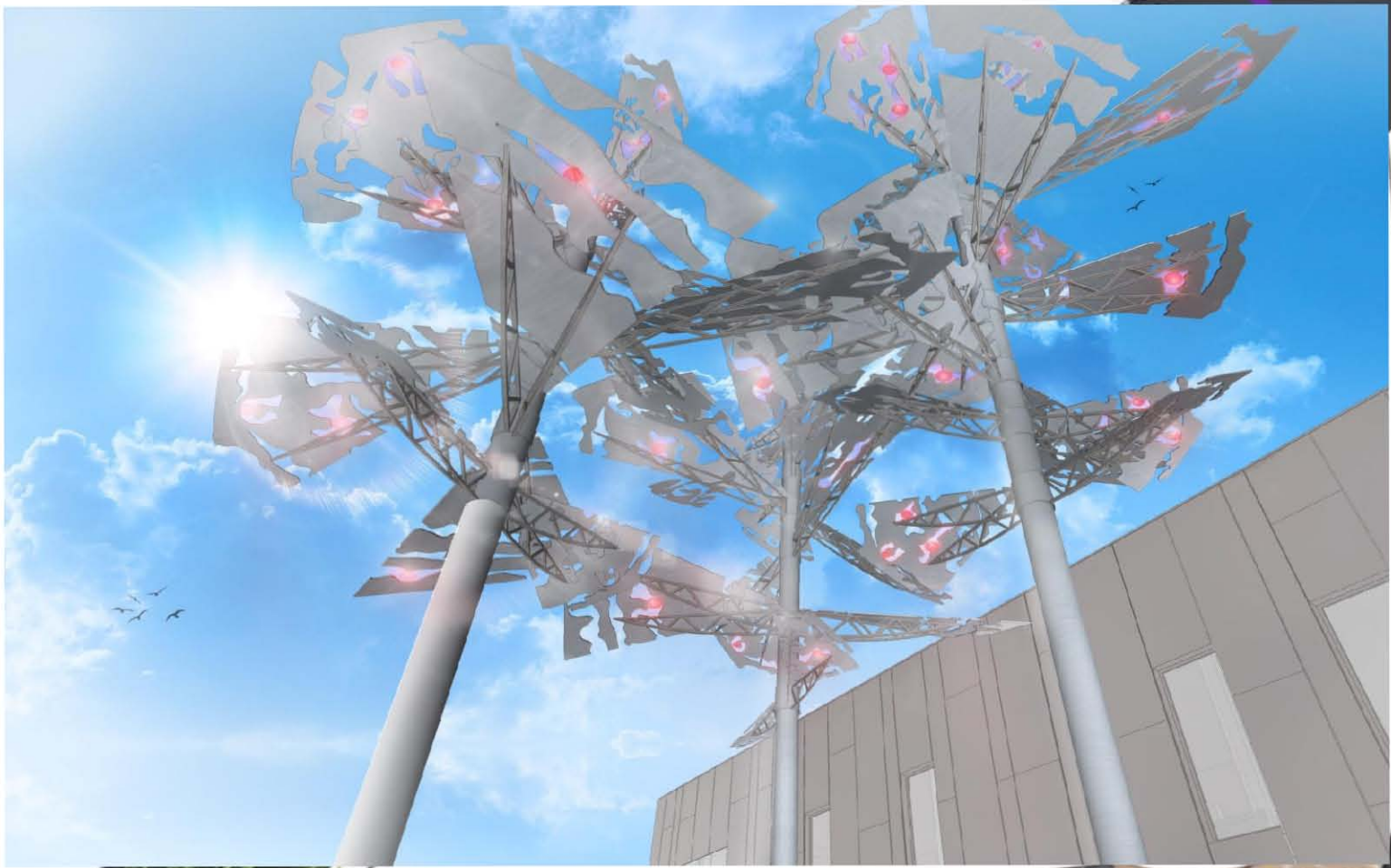
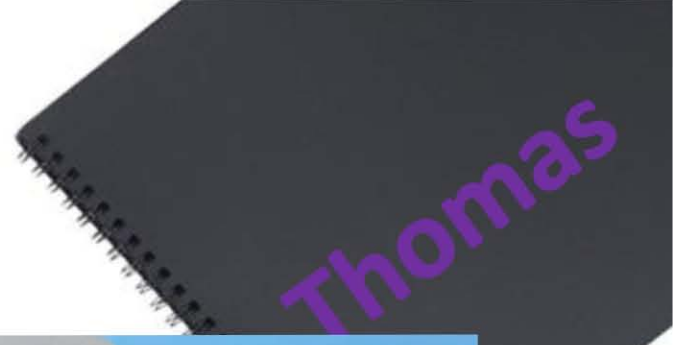
## Embedments

The embedded objects within the structure create a narrative of the pioneers that settled in Adams County. Additional images refer to Human Services. The selection of these images would be developed in collaboration with representatives of the Human Services Center.

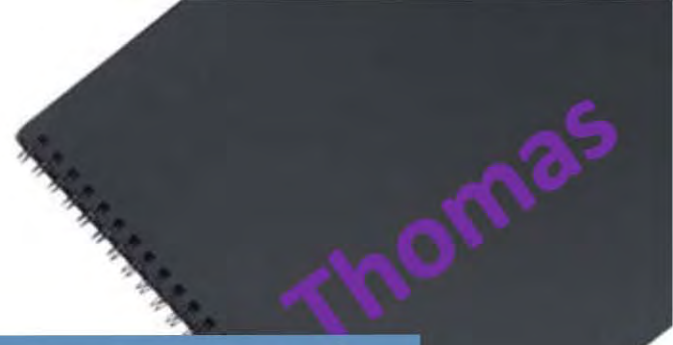


















# Recommendations

Visual Arts Commission recommends

David Dahlquist: RDG Dahlquist Art Studio



## Next Steps

- Award contract
- Funding provided by
  - Adams County  $\frac{1}{2}$  of 1% of the total cost of construction on any new county owned building: \$197,400
  - SCFD 2017 Visual Art Grant: \$102,600



## STUDY SESSION AGENDA ITEM

<b>DATE:</b> August 22, 2017
<b>SUBJECT:</b> Overview of Senate Bill 17-267
<b>FROM:</b> Abel Montoya, Director, Regional Affairs
<b>AGENCY/DEPARTMENT:</b> County Manager's Office
<b>ATTENDEES:</b> Abel Montoya, Eliza Schultz, John Karakoulakis, Rebecca Zamora, Henry Sobanet, Director of the Governor's Office of State Planning and Budgeting
<b>PURPOSE OF ITEM:</b> Overview of Senate Bill 17-267
<b>STAFF RECOMMENDATION:</b> Informational only

### **BACKGROUND:**

Henry Sobanet, Director of the Governor's Office of State Planning and Budgeting will be providing an overview of the bill and affects to certain budgets.

### **AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:**

### **ATTACHED DOCUMENTS:**

Senate Bill 17-267

**FISCAL IMPACT:**

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

**Fund:**

**Cost Center:**

	<b>Object Account</b>	<b>Subledger</b>	<b>Amount</b>
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
<b>Total Revenues:</b>			

	<b>Object Account</b>	<b>Subledger</b>	<b>Amount</b>
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
<b>Total Expenditures:</b>			

New FTEs requested:             YES             NO


Future Amendment Needed:     YES             NO

**Additional Note:**

**APPROVAL SIGNATURES:**

**APPROVAL OF FISCAL IMPACT:**

  
\_\_\_\_\_  
Raymond H. Gonzales, Interim County Manager

  
\_\_\_\_\_  
Nancy Dunc, Budget / Finance

\_\_\_\_\_  
Bryan Ostler, Interim Deputy County Manager

\_\_\_\_\_  
Patti Duncan, Interim Deputy County Manager

# An Act

SENATE BILL 17-267

BY SENATOR(S) Sonnenberg and Guzman, Aguilar, Coram, Crowder, Donovan, Fenberg, Fields, Garcia, Jahn, Kagan, Kefalas, Kerr, Merrifield, Todd, Williams A.;

also REPRESENTATIVE(S) Becker K. and Becker J., Arndt, Bridges, Buckner, Catlin, Coleman, Covarrubias, Danielson, Esgar, Exum, Garnett, Ginal, Gray, Hamner, Hansen, Herod, Hooton, Jackson, Kennedy, Kraft-Tharp, Lee, Lontine, McLachlan, Melton, Michaelson Jenet, Mitsch Bush, Navarro, Pabon, Pettersen, Rankin, Rosenthal, Valdez, Weissman, Wilson, Winter, Young, Duran.

CONCERNING THE SUSTAINABILITY OF RURAL COLORADO.

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

**SECTION 1. Legislative declaration.** (1) The general assembly hereby finds and declares that:

(a) In comparison to the urban and suburban areas of the state, rural Colorado, on average and with some exceptions, faces complex demographic, economic, and geographical challenges including:

(I) An older population that requires more medical care;

(II) Less robust and diverse economic activity and associated lower average wages and household incomes; and

(III) Greater challenges, due to distance and less adequate transportation infrastructure, in accessing critical services such as health care; and

(b) The purpose of this legislation is to ensure and perpetuate the sustainability of rural Colorado by addressing some of these demographic, economic, and geographical challenges and by such other means as the general assembly, in its considered judgment, finds necessary and appropriate.

(2) The general assembly further finds and declares that the sustainability of rural Colorado is directly connected to the economic vitality of the state as a whole, and that all of the provisions of this act, including provisions that on their face apply to and affect all areas of the state but that especially benefit rural Colorado, relate to and serve and are necessarily and properly connected to the general assembly's purpose of ensuring and perpetuating the sustainability of rural Colorado.

**SECTION 2.** In Colorado Revised Statutes, amend 2-3-119 as follows:

**2-3-119. Audit of healthcare affordability and sustainability fee - cost shift.** ~~Starting with the second full state fiscal year following the receipt of the notice from the executive director of the department of health care policy and financing pursuant to section 25.5-4-402.3 (7), C.R.S., and thereafter~~ At the discretion of the legislative audit committee, the state auditor shall conduct or cause to be conducted a performance and fiscal audit of the ~~hospital-provider~~ HEALTHCARE AFFORDABILITY AND SUSTAINABILITY fee established pursuant to ~~section 25.5-4-402.3, C.R.S.~~ SECTION 25.5-4-402.4.

**SECTION 3.** In Colorado Revised Statutes, 2-3-1203, repeal (8)(a)(V) as follows:

**2-3-1203. Sunset review of advisory committees - legislative declaration - definition - repeal.** (8) (a) The following statutory authorizations for the designated advisory committees will repeal on July

1, 2019:

(V) ~~The hospital provider fee oversight and advisory board created in section 25.5-4-402.3, C.R.S.;~~

**SECTION 4.** In Colorado Revised Statutes, add 22-54-139 as follows:

**22-54-139. Additional funding for schools - use of retail marijuana sales tax revenue transferred to state public school fund - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "LARGE RURAL DISTRICT" MEANS A DISTRICT IN COLORADO THAT THE DEPARTMENT OF EDUCATION DETERMINES IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF THE DISTRICT AND THE DISTANCE OF THE DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT HAD A FUNDED PUPIL COUNT FOR THE PRIOR BUDGET YEAR OF ONE THOUSAND PUPILS OR MORE BUT FEWER THAN SIX THOUSAND FIVE HUNDRED PUPILS.

(b) "PER PUPIL DISTRIBUTION AMOUNT" MEANS:

(I) FOR A LARGE RURAL DISTRICT, AN AMOUNT EQUAL TO THIRTY MILLION DOLLARS MULTIPLIED BY THE PERCENTAGE SPECIFIED IN SUBSECTION (2)(a) OF THIS SECTION AND THEN DIVIDED BY THE SUM OF THE TOTAL FUNDED PUPIL COUNT FOR THE PRIOR BUDGET YEAR OF ALL LARGE RURAL DISTRICTS; AND

(II) FOR A SMALL RURAL DISTRICT, AN AMOUNT EQUAL TO THIRTY MILLION DOLLARS MULTIPLIED BY THE PERCENTAGE SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION AND THEN DIVIDED BY THE SUM OF THE TOTAL FUNDED PUPIL COUNT FOR THE PRIOR BUDGET YEAR OF ALL SMALL RURAL DISTRICTS;

(c) "SMALL RURAL DISTRICT" MEANS A DISTRICT IN COLORADO THAT THE DEPARTMENT OF EDUCATION DETERMINES IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF THE DISTRICT AND THE DISTANCE OF THE DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT HAD A FUNDED PUPIL COUNT FOR THE PRIOR BUDGET YEAR OF FEWER THAN ONE THOUSAND PUPILS.

(2) FOR THE 2017-18 BUDGET YEAR, ALL OF THE GROSS RETAIL MARIJUANA SALES TAX PROCEEDS TRANSFERRED FROM THE GENERAL FUND TO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114 (1) AS REQUIRED BY SECTION 39-28.8-203 (1)(b)(I.3)(B) IS APPROPRIATED FROM THE STATE PUBLIC SCHOOL FUND TO THE DEPARTMENT FOR MONTHLY DISTRIBUTION TO EACH LARGE RURAL DISTRICT AND EACH SMALL RURAL DISTRICT FOR THE PURPOSE OF IMPROVING STUDENT LEARNING AND THE EDUCATIONAL ENVIRONMENT, INCLUDING BUT NOT LIMITED TO LOAN FORGIVENESS FOR EDUCATORS AND STAFF, TECHNOLOGY, AND TRANSPORTATION, AS FOLLOWS:

(a) FIFTY-FIVE PERCENT OF THE MONEY IS ALLOCATED TO LARGE RURAL DISTRICTS AND DISTRIBUTED TO EACH LARGE RURAL DISTRICT IN AN AMOUNT EQUAL TO THE PER PUPIL DISTRIBUTION AMOUNT MULTIPLIED BY THE LARGE RURAL DISTRICT'S FUNDED PUPIL COUNT FOR THE PRIOR BUDGET YEAR FOR PROPORTIONAL APPORTIONMENT TO EVERY SCHOOL IN THE DISTRICT BASED ON THE NUMBER OF STUDENTS ENROLLED IN EACH SCHOOL FOR THE PRIOR BUDGET YEAR; AND

(b) FORTY-FIVE PERCENT OF THE MONEY IS ALLOCATED TO SMALL RURAL SCHOOL DISTRICTS AND DISTRIBUTED TO EACH SMALL RURAL DISTRICT IN AN AMOUNT EQUAL TO THE PER PUPIL DISTRIBUTION AMOUNT MULTIPLIED BY THE SMALL RURAL DISTRICT'S FUNDED PUPIL COUNT FOR THE PRIOR BUDGET YEAR FOR PROPORTIONAL APPORTIONMENT TO EVERY SCHOOL IN THE DISTRICT BASED ON THE NUMBER OF STUDENTS ENROLLED IN EACH SCHOOL FOR THE PRIOR BUDGET YEAR.

(3) FOR THE 2018-19 BUDGET YEAR AND FOR EACH BUDGET YEAR THEREAFTER, ALL OF THE GROSS RETAIL MARIJUANA SALES TAX PROCEEDS TRANSFERRED FROM THE GENERAL FUND TO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114 (1) AS REQUIRED BY SECTION 39-28.8-203 (1)(b)(I.5)(B) IS APPROPRIATED FROM THE STATE PUBLIC SCHOOL FUND TO THE DEPARTMENT TO MEET THE STATE'S SHARE OF THE TOTAL PROGRAM OF ALL DISTRICTS AND FUNDING FOR INSTITUTE CHARTER SCHOOLS.

**SECTION 5.** In Colorado Revised Statutes, 23-1-106, **amend** (10.2)(a) as follows:

**23-1-106. Duties and powers of the commission with respect to**



**capital construction and long-range planning - legislative declaration - definitions.** (10.2) (a) (I) Notwithstanding any law to the contrary AND EXCEPT AS PROVIDED IN SUBSECTION (10.2)(a)(III) OF THIS SECTION, all academic facilities acquired or constructed, or an auxiliary facility repurposed for use as an academic facility, solely from cash funds held by the state institution of higher education and operated and maintained from such cash funds or from state moneys MONEY appropriated for such purpose, or both, including, but not limited to, those facilities described in ~~paragraph (b) of subsection (9)~~ SUBSECTION (9)(b) of this section, that did not previously qualify for state controlled maintenance funding will qualify for state controlled maintenance funding, subject to funding approval by the capital development committee and the eligibility guidelines described in section 24-30-1303.9. ~~C.R.S.~~

(II) For purposes of this ~~paragraph (a)~~ SUBSECTION (10.2)(a), the eligibility for state controlled maintenance funding commences on the date of the acceptance of the construction or repurposing of the facility or the closing date of any acquisition. The date of the acceptance of construction or repurposing shall be determined by the office of the state architect.

(III) IF AN ACADEMIC FACILITY IS ACQUIRED OR CONSTRUCTED, OR IF AN AUXILIARY FACILITY IS REPURPOSED FOR USE AS AN ACADEMIC FACILITY, SOLELY FROM CASH FUNDS HELD BY THE STATE INSTITUTION OF HIGHER EDUCATION AND OPERATED AND MAINTAINED FROM SUCH CASH FUNDS, THEN AS OF THE DATE OF THE ACCEPTANCE OF CONSTRUCTION OR REPURPOSING THAT OCCURS ON OR AFTER JULY 1, 2018, THE FACILITY IS NOT ELIGIBLE FOR CONTROLLED MAINTENANCE FUNDING.

**SECTION 6.** In Colorado Revised Statutes, 24-1-119.5, **add** (9) as follows:

**24-1-119.5. Department of health care policy and financing - creation.** (9) THE COLORADO HEALTHCARE AFFORDABILITY AND SUSTAINABILITY ENTERPRISE CREATED IN SECTION 25.5-4-402.4 (3) SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS IF THE SAME WERE TRANSFERRED BY A TYPE 2 TRANSFER, AS DEFINED IN SECTION 24-1-105, TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

**SECTION 7.** In Colorado Revised Statutes, 24-4-103, **amend** (8)(c)(I) as follows:

**24-4-103. Rule-making - procedure - definitions - repeal.**  
(8) (c) (I) Notwithstanding any other provision of law to the contrary and the provisions of section 24-4-107, all rules adopted or amended on or after January 1, 1993, and before November 1, 1993, shall expire at 11:59 p.m. on May 15 of the year following their adoption unless the general assembly by bill acts to postpone the expiration of a specific rule, and commencing with rules adopted or amended on or after November 1, 1993, all rules adopted or amended during any one-year period that begins each November 1 and continues through the following October 31 shall expire at 11:59 p.m. on the May 15 that follows such one-year period unless the general assembly by bill acts to postpone the expiration of a specific rule; except that a rule adopted pursuant to ~~section 25.5-4-402.3 (5) (b) (III), C.R.S.;~~ shall expire SECTION 25.5-4-402.4 (6)(b)(III) EXPIRES at 11:59 p.m. on the May 15 following the adoption of the rule unless the general assembly acts by bill to postpone the expiration of a specific rule. The general assembly, in its discretion, may postpone such expiration, in which case, the provisions of section 24-4-108 or 24-34-104 shall apply, and the rules shall expire or be ARE subject to review as provided in said THOSE sections. The postponement of the expiration of a rule shall DOES not constitute legislative approval of the rule nor be AND IS NOT admissible in any court as evidence of legislative intent. The postponement of the expiration date of a specific rule shall DOES not prohibit any action by the general assembly pursuant to the provisions of ~~paragraph (d) of this subsection (8)~~ SUBSECTION (8)(d) OF THIS SECTION with respect to such THE rule.

**SECTION 8.** In Colorado Revised Statutes, 24-30-1303.9, amend (7)(a)(II), (7)(a)(III), and (7)(a)(IV); and add (7)(a)(V) as follows:

**24-30-1303.9. Eligibility for state controlled maintenance funding - legislative declaration.** (7) (a) Controlled maintenance funds may not be used for:

(II) Auxiliary facilities as defined in section 23-1-106 (10.3);  
~~C.R.S.;~~

(III) Leasehold interests in real property; or

(IV) Any work properly categorized as capital construction; OR

(V) FACILITIES DESCRIBED IN SECTION 23-1-106 (10.2)(a)(III).

**SECTION 9.** In Colorado Revised Statutes, add 24-37-305 as follows:

**24-37-305. 2018-19 fiscal year - required reductions in departmental and executive branch budget requests.** (1)(a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, FOR THE 2018-19 BUDGET YEAR, EACH PRINCIPAL DEPARTMENT OF STATE GOVERNMENT THAT SUBMITS A BUDGET REQUEST TO THE OFFICE OF STATE PLANNING AND BUDGETING SHALL REQUEST, WHEN SUBMITTING THE BUDGET REQUEST, A TOTAL BUDGET FOR THE DEPARTMENT THAT IS AT LEAST TWO PERCENT LOWER THAN ITS ACTUAL BUDGET FOR THE 2017-18 FISCAL YEAR.

(b) THE REQUIREMENT SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION DOES NOT APPLY TO THE DEPARTMENT OF EDUCATION CREATED IN SECTION 24-1-115 (1) OR THE DEPARTMENT OF TRANSPORTATION CREATED IN SECTION 24-1-128.7 (1).

(2) THE OFFICE OF STATE PLANNING AND BUDGETING SHALL STRONGLY CONSIDER THE BUDGET REDUCTION PROPOSALS MADE BY EACH PRINCIPAL DEPARTMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION WHEN PREPARING THE ANNUAL EXECUTIVE BUDGET PROPOSALS TO THE GENERAL ASSEMBLY FOR THE GOVERNOR AS REQUIRED BY SECTION 24-37-302 (1)(g) AND SHALL SEEK TO ENSURE, SUBJECT TO SECTION 24-37-303, THAT THE EXECUTIVE BUDGET PROPOSAL FOR EACH DEPARTMENT IS AT LEAST TWO PERCENT LOWER THAN THE DEPARTMENT'S ACTUAL BUDGET FOR THE 2017-18 FISCAL YEAR.

**SECTION 10.** In Colorado Revised Statutes, 24-75-219, **repeal as added by Senate Bill 17-262 (2)(c.3)(I) and (2)(c.7)(I)** as follows:

**24-75-219. Transfers - transportation - capital construction - definitions.** (2)(c.3) On June 30, 2019, the state treasurer shall transfer:

(I) ~~One hundred sixty million dollars from the general fund to the highway users tax fund, and~~

(c.7) On June 30, 2020, the state treasurer shall transfer:

(I) ~~One hundred sixty million dollars from the general fund to the~~

highway users tax fund; and

**SECTION 11.** In Colorado Revised Statutes, 24-77-103.6, amend (6)(b)(I) as follows:

**24-77-103.6. Retention of excess state revenues - general fund exempt account - required uses - excess state revenues legislative report.** (6) As used in this section:

(b) (I) "Excess state revenues cap" for a given fiscal year means: ~~either of the following:~~

~~(A) If the voters of the state approve a ballot issue to authorize the state to incur multiple-fiscal year obligations at the November 2005 statewide election, an amount that is equal to the highest total state revenues for a fiscal year from the period of the 2005-06 fiscal year through the 2009-10 fiscal year, adjusted each subsequent fiscal year for inflation and the percentage change in state population, plus one hundred million dollars, and adjusting such sum for the qualification or disqualification of enterprises and debt service changes; or~~

~~(B) If the voters of the state do not approve a ballot issue to authorize the state to incur multiple-fiscal year obligations at the November 2005 statewide election; FOR EACH FISCAL YEAR UP TO AND INCLUDING THE 2016-17 FISCAL YEAR, an amount that is equal to the highest total state revenues for a fiscal year from the period of the 2005-06 fiscal year through the 2009-10 fiscal year, adjusted each subsequent fiscal year for inflation, the percentage change in state population, the qualification or disqualification of enterprises, and debt service changes;~~

~~(C) FOR THE 2017-18 FISCAL YEAR, AN AMOUNT THAT IS EQUAL TO THE EXCESS STATE REVENUES CAP FOR THE 2016-17 FISCAL YEAR CALCULATED PURSUANT TO SUBSECTION (6)(b)(I)(B) OF THIS SECTION, ADJUSTED FOR INFLATION, THE PERCENTAGE CHANGE IN STATE POPULATION, THE QUALIFICATION OR DISQUALIFICATION OF ENTERPRISES, AND DEBT SERVICE CHANGES, LESS TWO HUNDRED MILLION DOLLARS; AND~~

~~(D) FOR THE 2018-19 FISCAL YEAR AND EACH SUCCEEDING FISCAL YEAR, THE AMOUNT OF THE EXCESS STATE REVENUES CAP FOR THE 2017-18 FISCAL YEAR CALCULATED PURSUANT TO SUBSECTION (6)(b)(I)(C) OF THIS~~

SECTION, ADJUSTED EACH SUBSEQUENT FISCAL YEAR FOR INFLATION, THE PERCENTAGE CHANGE IN STATE POPULATION, THE QUALIFICATION OR DISQUALIFICATION OF ENTERPRISES, AND DEBT SERVICE CHANGES.

**SECTION 12.** In Colorado Revised Statutes, add part 13 to article 82 of title 24 as follows:

**PART 13**  
**LEASE-PURCHASE AGREEMENTS FOR STATE PROPERTY**

**24-82-1301. Legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) DUE TO INSUFFICIENT FUNDING, NECESSARY HIGH-PRIORITY STATE HIGHWAY PROJECTS AND STATE CAPITAL CONSTRUCTION PROJECTS, INCLUDING PROJECTS AT STATE INSTITUTIONS OF HIGHER EDUCATION, IN ALL AREAS OF THE STATE HAVE BEEN DELAYED, AND THE STATE HAS ALSO DELAYED CRITICAL CONTROLLED MAINTENANCE AND UPKEEP OF STATE CAPITAL ASSETS;

(b) BY ISSUING LEASE-PURCHASE AGREEMENTS USING STATE BUILDINGS AS COLLATERAL AS AUTHORIZED BY THIS PART 13, THE STATE CAN GENERATE SUFFICIENT FUNDS TO ACCELERATE THE COMPLETION OF MANY OF THE NECESSARY HIGH-PRIORITY STATE HIGHWAY PROJECTS AND CAPITAL CONSTRUCTION PROJECTS THAT HAVE BEEN DELAYED AND BETTER MAINTAIN AND PRESERVE EXISTING STATE CAPITAL ASSETS;

(c) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT A MAJORITY OF THE ADDITIONAL FUNDING FOR STATE CAPITAL CONSTRUCTION PROJECTS REALIZED FROM ISSUING LEASE-PURCHASE AGREEMENTS BE USED FOR CONTROLLED MAINTENANCE AND UPKEEP OF STATE CAPITAL ASSETS.

**24-82-1302. Definitions.** AS USED IN THIS PART 13, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CAPITAL CONSTRUCTION" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-30-1301 (2).

(2) "CONTROLLED MAINTENANCE" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-30-1301 (4).

(3) "ELIGIBLE STATE FACILITY" MEANS ANY FINANCIALLY UNENCUMBERED BUILDING, STRUCTURE, OR FACILITY THAT IS OWNED BY THE STATE, INCLUDING A BUILDING, STRUCTURE, OR FACILITY DETERMINED TO BE ELIGIBLE BY A GOVERNING BOARD OF A STATE INSTITUTION OF HIGHER EDUCATION, AND DOES NOT INCLUDE ANY BUILDING, STRUCTURE, OR FACILITY THAT IS PART OF THE STATE EMERGENCY RESERVE FOR ANY STATE FISCAL YEAR AS DESIGNATED IN THE ANNUAL GENERAL APPROPRIATION ACT.

(4) "STATE INSTITUTION OF HIGHER EDUCATION" MEANS A STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-18-102 (10), AND THE AURARIA HIGHER EDUCATION CENTER CREATED IN ARTICLE 70 OF TITLE 23.

**24-82-1303. Lease-purchase agreements for capital construction and transportation projects.** (1) ON OR BEFORE DECEMBER 31, 2017, THE STATE ARCHITECT, THE DIRECTOR OF THE OFFICE OF STATE PLANNING AND BUDGETING OR HIS OR HER DESIGNEE, AND THE STATE INSTITUTIONS OF HIGHER EDUCATION SHALL IDENTIFY AND PREPARE A COLLABORATIVE LIST OF ELIGIBLE STATE FACILITIES THAT CAN BE COLLATERALIZED AS PART OF THE LEASE-PURCHASE AGREEMENTS FOR CAPITAL CONSTRUCTION AND TRANSPORTATION PROJECTS AUTHORIZED IN THIS PART 13. THE TOTAL CURRENT REPLACEMENT VALUE OF THE IDENTIFIED BUILDINGS MUST EQUAL AT LEAST TWO BILLION DOLLARS.

(2)(a) NOTWITHSTANDING THE PROVISIONS OF SECTIONS 24-82-102 (1)(b) AND 24-82-801, AND PURSUANT TO SECTION 24-36-121, NO SOONER THAN JULY 1, 2018, THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, SHALL EXECUTE LEASE-PURCHASE AGREEMENTS, EACH FOR NO MORE THAN TWENTY YEARS OF ANNUAL PAYMENTS, FOR THE PROJECTS DESCRIBED IN SUBSECTION (4) OF THIS SECTION. THE STATE SHALL EXECUTE THE LEASE-PURCHASE AGREEMENTS ONLY IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

(I) DURING THE 2018-19 STATE FISCAL YEAR, THE STATE SHALL EXECUTE LEASE-PURCHASE AGREEMENTS IN AN AMOUNT UP TO FIVE HUNDRED MILLION DOLLARS;

(II) DURING THE 2019-20 STATE FISCAL YEAR, THE STATE SHALL EXECUTE LEASE-PURCHASE AGREEMENTS IN AN AMOUNT UP TO FIVE

HUNDRED MILLION DOLLARS;

(III) DURING THE 2020-21 STATE FISCAL YEAR, THE STATE SHALL EXECUTE LEASE-PURCHASE AGREEMENTS IN AN AMOUNT UP TO FIVE HUNDRED MILLION DOLLARS; AND

(IV) DURING THE 2021-22 FISCAL YEAR, THE STATE SHALL EXECUTE LEASE-PURCHASE AGREEMENTS IN AN AMOUNT UP TO FIVE HUNDRED MILLION DOLLARS.

(b) THE ANTICIPATED ANNUAL STATE-FUNDED PAYMENTS FOR THE PRINCIPAL AND INTEREST COMPONENTS OF THE AMOUNT PAYABLE UNDER ALL LEASE-PURCHASE AGREEMENTS ENTERED INTO PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION SHALL NOT EXCEED ONE HUNDRED FIFTY MILLION DOLLARS.

(c) THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, AT THE STATE TREASURER'S SOLE DISCRETION, MAY ENTER INTO ONE OR MORE LEASE-PURCHASE AGREEMENTS AUTHORIZED BY SUBSECTION (2)(a) OF THIS SECTION WITH ANY FOR-PROFIT OR NONPROFIT CORPORATION, TRUST, OR COMMERCIAL BANK AS A TRUSTEE AS THE LESSOR.

(d) ANY LEASE-PURCHASE AGREEMENT EXECUTED AS REQUIRED BY SUBSECTION (2)(a) OF THIS SECTION SHALL PROVIDE THAT ALL OF THE OBLIGATIONS OF THE STATE UNDER THE AGREEMENT ARE SUBJECT TO THE ACTION OF THE GENERAL ASSEMBLY IN ANNUALLY MAKING MONEY AVAILABLE FOR ALL PAYMENTS THEREUNDER. PAYMENTS UNDER ANY LEASE-PURCHASE AGREEMENT MUST BE MADE, SUBJECT TO ANNUAL ALLOCATION PURSUANT TO SECTION 43-1-113 BY THE TRANSPORTATION COMMISSION CREATED IN SECTION 43-1-106 (1) OR SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, AS APPLICABLE, FROM THE FOLLOWING SOURCES OF MONEY:

(I) FIRST, NINE MILLION DOLLARS ANNUALLY, OR ANY LESSER AMOUNT THAT IS SUFFICIENT TO MAKE EACH FULL PAYMENT DUE, SHALL BE PAID FROM THE GENERAL FUND OR ANY OTHER LEGALLY AVAILABLE SOURCE OF MONEY FOR THE PURPOSE OF FULLY FUNDING THE CONTROLLED MAINTENANCE AND CAPITAL CONSTRUCTION PROJECTS IN THE STATE TO BE FUNDED WITH THE PROCEEDS OF LEASE-PURCHASE AGREEMENTS AS SPECIFIED IN SUBSECTION (4)(a) OF THIS SECTION;

(II) NEXT, FIFTY MILLION DOLLARS ANNUALLY, OR ANY LESSER AMOUNT THAT IS SUFFICIENT TO MAKE EACH FULL PAYMENT DUE, SHALL BE PAID FROM ANY LEGALLY AVAILABLE MONEY UNDER THE CONTROL OF THE TRANSPORTATION COMMISSION SOLELY FOR THE PURPOSE OF ALLOWING THE CONSTRUCTION, SUPERVISION, AND MAINTENANCE OF STATE HIGHWAYS TO BE FUNDED WITH THE PROCEEDS OF LEASE-PURCHASE AGREEMENTS AS SPECIFIED IN SUBSECTION (4)(b) OF THIS SECTION AND SECTION 43-4-206 (1)(b)(V); AND

(III) THE REMAINDER OF THE AMOUNT NEEDED, IN ADDITION TO THE AMOUNTS SPECIFIED IN SUBSECTIONS (2)(d)(I) AND (2)(d)(II) OF THIS SECTION, TO MAKE EACH FULL PAYMENT DUE SHALL BE PAID FROM THE GENERAL FUND OR ANY OTHER LEGALLY AVAILABLE SOURCE OF MONEY.

(e) EACH AGREEMENT MUST ALSO PROVIDE THAT THE OBLIGATIONS OF THE STATE DO NOT CREATE STATE DEBT WITHIN THE MEANING OF ANY PROVISION OF THE STATE CONSTITUTION OR STATE LAW CONCERNING OR LIMITING THE CREATION OF STATE DEBT AND ARE NOT A MULTIPLE FISCAL-YEAR DIRECT OR INDIRECT DEBT OR OTHER FINANCIAL OBLIGATION OF THE STATE WITHIN THE MEANING OF SECTION 20 (4) OF ARTICLE X OF THE STATE CONSTITUTION. IF THE STATE DOES NOT RENEW A LEASE-PURCHASE AGREEMENT EXECUTED AS REQUIRED BY SUBSECTION (2)(a) OF THIS SECTION, THE SOLE SECURITY AVAILABLE TO THE LESSOR IS THE PROPERTY THAT IS THE SUBJECT OF THE NONRENEWED LEASE-PURCHASE AGREEMENT.

(f) A LEASE-PURCHASE AGREEMENT EXECUTED AS REQUIRED BY SUBSECTION (2)(a) OF THIS SECTION MAY CONTAIN SUCH TERMS, PROVISIONS, AND CONDITIONS AS THE STATE TREASURER, ACTING ON BEHALF OF THE STATE, DEEMS APPROPRIATE, INCLUDING ALL OPTIONAL TERMS; EXCEPT THAT EACH LEASE-PURCHASE AGREEMENT MUST SPECIFICALLY AUTHORIZE THE STATE OR THE GOVERNING BOARD OF THE APPLICABLE STATE INSTITUTION OF HIGHER EDUCATION TO RECEIVE FEE TITLE TO ALL REAL AND PERSONAL PROPERTY THAT IS THE SUBJECT OF THE LEASE-PURCHASE AGREEMENT ON OR BEFORE THE EXPIRATION OF THE TERMS OF THE AGREEMENT.

(g) ANY LEASE-PURCHASE AGREEMENT EXECUTED AS REQUIRED BY SUBSECTION (2)(a) OF THIS SECTION MAY PROVIDE FOR THE ISSUANCE, DISTRIBUTION, AND SALE OF INSTRUMENTS EVIDENCING RIGHTS TO RECEIVE RENTALS AND OTHER PAYMENTS MADE AND TO BE MADE UNDER THE



LEASE-PURCHASE AGREEMENT. THE INSTRUMENTS MAY BE ISSUED, DISTRIBUTED, OR SOLD ONLY BY THE LESSOR OR ANY PERSON DESIGNATED BY THE LESSOR AND NOT BY THE STATE. THE INSTRUMENTS DO NOT CREATE A RELATIONSHIP BETWEEN THE PURCHASERS OF THE INSTRUMENTS AND THE STATE OR CREATE ANY OBLIGATION ON THE PART OF THE STATE TO THE PURCHASERS. THE INSTRUMENTS ARE NOT NOTES, BONDS, OR ANY OTHER EVIDENCE OF STATE DEBT WITHIN THE MEANING OF ANY PROVISION OF THE STATE CONSTITUTION OR STATE LAW CONCERNING OR LIMITING THE CREATION OF STATE DEBT AND ARE NOT A MULTIPLE FISCAL-YEAR DIRECT OR INDIRECT DEBT OR OTHER FINANCIAL OBLIGATION OF THE STATE WITHIN THE MEANING OF SECTION 20 (4) OF ARTICLE X OF THE STATE CONSTITUTION.

(h) INTEREST PAID UNDER A LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, INCLUDING INTEREST REPRESENTED BY THE INSTRUMENTS, IS EXEMPT FROM COLORADO INCOME TAX.

(i) THE STATE, ACTING BY AND THROUGH THE STATE TREASURER AND THE GOVERNING BOARDS OF THE INSTITUTIONS OF HIGHER EDUCATION, IS AUTHORIZED TO ENTER INTO ANCILLARY AGREEMENTS AND INSTRUMENTS THAT ARE NECESSARY OR APPROPRIATE IN CONNECTION WITH A LEASE-PURCHASE AGREEMENT, INCLUDING BUT NOT LIMITED TO DEEDS, GROUND LEASES, SUB-LEASES, EASEMENTS, OR OTHER INSTRUMENTS RELATING TO THE REAL PROPERTY ON WHICH THE FACILITIES ARE LOCATED.

(j) THE PROVISIONS OF SECTION 24-30-202 (5)(b) DO NOT APPLY TO A LEASE-PURCHASE AGREEMENT EXECUTED AS REQUIRED BY OR TO ANY ANCILLARY AGREEMENT OR INSTRUMENT ENTERED INTO PURSUANT TO THIS SUBSECTION (2). THE STATE CONTROLLER OR HIS OR HER DESIGNEE SHALL WAIVE ANY PROVISION OF THE FISCAL RULES PROMULGATED PURSUANT TO SECTION 24-30-202 (1) AND (13) THAT THE STATE CONTROLLER FINDS INCOMPATIBLE OR INAPPLICABLE WITH RESPECT TO A LEASE-PURCHASE AGREEMENT OR AN ANCILLARY AGREEMENT OR INSTRUMENT.

(3) (a) BEFORE EXECUTING A LEASE-PURCHASE AGREEMENT REQUIRED BY SUBSECTION (2)(a) OF THIS SECTION, IN ORDER TO PROTECT AGAINST FUTURE INTEREST RATE INCREASES, THE STATE, ACTING BY AND THROUGH THE STATE TREASURER AND AT THE DISCRETION OF THE STATE TREASURER, MAY ENTER INTO AN INTEREST RATE EXCHANGE AGREEMENT

PURSUANT TO ARTICLE 59.3 OF TITLE 11. A LEASE-PURCHASE AGREEMENT EXECUTED AS REQUIRED BY SUBSECTION (2)(a) OF THIS SECTION IS A PROPOSED PUBLIC SECURITY FOR THE PURPOSES OF ARTICLE 59.3 OF TITLE 11. ANY PAYMENTS MADE BY THE STATE UNDER AN AGREEMENT ENTERED INTO PURSUANT TO THIS SUBSECTION (3) MUST BE MADE SOLELY FROM MONEY MADE AVAILABLE TO THE STATE TREASURER FROM THE EXECUTION OF A LEASE-PURCHASE AGREEMENT OR FROM MONEY DESCRIBED IN SUBSECTIONS (2)(d)(I) AND (2)(d)(II) OF THIS SECTION.

(b) ANY AGREEMENT ENTERED INTO PURSUANT TO THIS SUBSECTION (3) MUST ALSO PROVIDE THAT THE OBLIGATIONS OF THE STATE DO NOT CREATE STATE DEBT WITHIN THE MEANING OF ANY PROVISION OF THE STATE CONSTITUTION OR STATE LAW CONCERNING OR LIMITING THE CREATION OF STATE DEBT AND ARE NOT A MULTIPLE FISCAL-YEAR DIRECT OR INDIRECT DEBT OR OTHER FINANCIAL OBLIGATION OF THE STATE WITHIN THE MEANING OF SECTION 20 (4) OF ARTICLE X OF THE STATE CONSTITUTION.

(c) ANY MONEY RECEIVED BY THE STATE UNDER AN AGREEMENT ENTERED INTO PURSUANT TO THIS SUBSECTION (3) SHALL BE USED TO MAKE PAYMENTS ON LEASE-PURCHASE AGREEMENTS ENTERED INTO PURSUANT TO SUBSECTION (2) OF THIS SECTION OR TO PAY THE COSTS OF THE PROJECT FOR WHICH A LEASE-PURCHASE AGREEMENT WAS EXECUTED.

(4) PROCEEDS OF LEASE-PURCHASE AGREEMENTS EXECUTED AS REQUIRED BY SUBSECTION (2)(a) OF THIS SECTION SHALL BE USED AS FOLLOWS:

(a) (I) THE FIRST ONE HUNDRED TWENTY MILLION DOLLARS OF THE PROCEEDS OF LEASE-PURCHASE AGREEMENTS ISSUED DURING THE 2018-19 STATE FISCAL YEAR SHALL BE USED FOR CONTROLLED MAINTENANCE AND CAPITAL CONSTRUCTION PROJECTS IN THE STATE AS FOLLOWS:

(A) THIRTEEN MILLION SIX THOUSAND EIGHTY-ONE DOLLARS FOR LEVEL I CONTROLLED MAINTENANCE;

(B) SIXTY MILLION SIX HUNDRED THIRTY-SEVEN THOUSAND THREE HUNDRED FIVE DOLLARS FOR LEVEL II CONTROLLED MAINTENANCE;

(C) FORTY MILLION TWO HUNDRED NINE THOUSAND FIVE HUNDRED THIRTY-FIVE DOLLARS FOR LEVEL III CONTROLLED MAINTENANCE; AND

(D) THE REMAINDER FOR CAPITAL CONSTRUCTION PROJECTS AS PRIORITIZED BY THE CAPITAL DEVELOPMENT COMMITTEE.

(II) THE CAPITAL DEVELOPMENT COMMITTEE SHALL POST THE LIST OF SPECIFIC CONTROLLED MAINTENANCE PROJECTS AND THE COST OF EACH PROJECT FUNDED PURSUANT TO SUBSECTION (4)(a)(I)(A), (4)(a)(I)(B), or (4)(a)(I)(C) OF THIS SECTION ON ITS OFFICIAL WEBSITE NO LATER THAN MAY 11, 2017.

(b) THE REMAINDER OF THE PROCEEDS SHALL BE CREDITED TO THE STATE HIGHWAY FUND CREATED IN SECTION 43-1-219 AND USED BY THE DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH SECTION 43-4-206 (1)(b)(V).

**SECTION 13.** In Colorado Revised Statutes, 25.5-3-108, amend (17) as follows:

**25.5-3-108. Responsibility of the department of health care policy and financing - provider reimbursement.** (17) Subject to adequate funding BEING made available under section ~~25.5-4-402.3~~ SECTION 25.5-4-402.4, the ~~state department~~ COLORADO HEALTHCARE AFFORDABILITY AND SUSTAINABILITY ENTERPRISE CREATED IN SECTION 25.5-4-402.4 (3) shall increase hospital reimbursements up to one hundred percent of hospital costs for providing medical care under the program.

**SECTION 14.** In Colorado Revised Statutes, 25.5-4-209, amend (1)(b); and add (1)(c) and (1)(d) as follows:

**25.5-4-209. Payments by third parties - copayments by recipients - review - appeal - children's waiting list reduction fund.** (1) (b) Subject to any limitations imposed by Title XIX AND THE REQUIREMENTS SET FORTH IN SUBSECTION (1)(c) OF THIS SECTION, a recipient ~~shall be required to~~ MUST pay at the time of service a portion of the cost of any medical benefit rendered to the recipient or to the recipient's dependents pursuant to this ~~article~~ ARTICLE 4 or article 5 or 6 of this title TITLE 25.5, as determined by ~~rule~~ RULES of the state department.

(c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1)(c)(II) OF THIS SECTION, ON AND AFTER JANUARY 1, 2018, FOR PHARMACY AND FOR HOSPITAL OUTPATIENT SERVICES, INCLUDING URGENT CARE CENTERS

AND FACILITIES AND EMERGENCY SERVICES, THE RULES OF THE STATE DEPARTMENT REQUIRED BY SUBSECTION (1)(b) OF THIS SECTION MUST REQUIRE THE RECIPIENT TO PAY:

(A) FOR PHARMACY, AT LEAST DOUBLE THE AVERAGE AMOUNT PAID BY RECIPIENTS IN STATE FISCAL YEAR 2015-16; OR

(B) FOR HOSPITAL OUTPATIENT SERVICES, AT LEAST DOUBLE THE AMOUNT REQUIRED TO BE PAID AS SPECIFIED IN THE RULES AS OF JANUARY 1, 2017.

(II) FOR BOTH PHARMACY AND HOSPITAL OUTPATIENT SERVICES, THE AMOUNT REQUIRED TO BE PAID BY THE RECIPIENT SHALL NOT EXCEED ANY SPECIFIED MAXIMUM DOLLAR AMOUNT ALLOWED BY FEDERAL LAW OR REGULATIONS AS OF JANUARY 1, 2017.

(d) THE STATE DEPARTMENT SHALL EVALUATE OPTIONS TO EXEMPT INDIVIDUALS WHO ARE QUALIFIED FOR INSTITUTIONAL CARE BUT ARE INSTEAD ENROLLED IN HOME- AND COMMUNITY-BASED SERVICE WAIVERS FROM THE INCREASED PAYMENT REQUIREMENTS SPECIFIED IN SUBSECTION (1)(c) OF THIS SECTION.

**SECTION 15.** In Colorado Revised Statutes, 25.5-4-402, amend (3)(a) as follows:

**25.5-4-402. Providers - hospital reimbursement - rules.**  
(3) (a) In addition to the reimbursement rate process described in subsection (1) of this section and subject to adequate funding BEING made available pursuant to ~~section 25.5-4-402.3~~ SECTION 25.5-4-402.4, the ~~state department~~ COLORADO HEALTHCARE AFFORDABILITY AND SUSTAINABILITY ENTERPRISE CREATED IN SECTION 25.5-4-402.4 (3) shall pay an additional amount based upon performance to those hospitals that provide services that improve health care outcomes for their patients. ~~This amount shall be determined by~~ The state department SHALL DETERMINE THIS AMOUNT based upon nationally recognized performance measures established in rules adopted by the state board. The state quality standards ~~shall~~ MUST be consistent with federal quality standards published by an organization with expertise in health care quality, including but not limited to, the centers for medicare and medicaid services, the agency for healthcare research and quality, or the national quality forum.

**SECTION 16.** In Colorado Revised Statutes, repeal as amended by Senate Bill 17-256 25.5-4-402.3.

**SECTION 17.** In Colorado Revised Statutes, add 25.5-4-402.4 as follows:

**25.5-4-402.4. Hospitals - healthcare affordability and sustainability fee - legislative declaration - Colorado healthcare affordability and sustainability enterprise - federal waiver - fund created - rules.** (1) **Short title.** THE SHORT TITLE OF THIS SECTION IS THE "COLORADO HEALTHCARE AFFORDABILITY AND SUSTAINABILITY ENTERPRISE ACT OF 2017".

(2) **Legislative declaration.** THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) THE STATE AND THE PROVIDERS OF PUBLICLY FUNDED MEDICAL SERVICES, AND HOSPITALS IN PARTICULAR, SHARE A COMMON COMMITMENT TO COMPREHENSIVE HEALTH CARE REFORM;

(b) HOSPITALS WITHIN THE STATE INCUR SIGNIFICANT COSTS BY PROVIDING UNCOMPENSATED EMERGENCY DEPARTMENT CARE AND OTHER UNCOMPENSATED MEDICAL SERVICES TO LOW-INCOME AND UNINSURED POPULATIONS;

(c) THIS SECTION IS ENACTED AS PART OF A COMPREHENSIVE HEALTH CARE REFORM AND IS INTENDED TO PROVIDE THE FOLLOWING SERVICES AND BENEFITS TO HOSPITALS AND INDIVIDUALS:

(I) PROVIDING A PAYER SOURCE FOR SOME LOW-INCOME AND UNINSURED POPULATIONS WHO MAY OTHERWISE BE CARED FOR IN EMERGENCY DEPARTMENTS AND OTHER SETTINGS IN WHICH UNCOMPENSATED CARE IS PROVIDED;

(II) REDUCING THE UNDERPAYMENT TO COLORADO HOSPITALS PARTICIPATING IN PUBLICLY FUNDED HEALTH INSURANCE PROGRAMS;

(III) REDUCING THE NUMBER OF PERSONS IN COLORADO WHO ARE WITHOUT HEALTH CARE BENEFITS;

(IV) REDUCING THE NEED OF HOSPITALS AND OTHER HEALTH CARE PROVIDERS TO SHIFT THE COST OF PROVIDING UNCOMPENSATED CARE TO OTHER PAYERS;

(V) EXPANDING ACCESS TO HIGH-QUALITY, AFFORDABLE HEALTH CARE FOR LOW-INCOME AND UNINSURED POPULATIONS; AND

(VI) PROVIDING THE ADDITIONAL BUSINESS SERVICES SPECIFIED IN SUBSECTION (4)(a)(IV) OF THIS SECTION TO HOSPITALS THAT PAY THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE CHARGED AND COLLECTED AS AUTHORIZED BY SUBSECTION (4) OF THIS SECTION BY THE COLORADO HEALTHCARE AFFORDABILITY AND SUSTAINABILITY ENTERPRISE CREATED IN SUBSECTION (3)(a) OF THIS SECTION;

(d) THE COLORADO HEALTHCARE AFFORDABILITY AND SUSTAINABILITY ENTERPRISE PROVIDES BUSINESS SERVICES TO HOSPITALS WHEN, IN EXCHANGE FOR PAYMENT OF HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEES BY HOSPITALS, IT:

(I) OBTAINS FEDERAL MATCHING MONEY AND RETURNS BOTH THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE AND THE FEDERAL MATCHING MONEY TO HOSPITALS TO INCREASE REIMBURSEMENT RATES TO HOSPITALS FOR PROVIDING MEDICAL CARE UNDER THE STATE MEDICAL ASSISTANCE PROGRAM AND THE COLORADO INDIGENT CARE PROGRAM AND TO INCREASE THE NUMBER OF INDIVIDUALS COVERED BY PUBLIC MEDICAL ASSISTANCE; AND

(II) PROVIDES ADDITIONAL BUSINESS SERVICES TO HOSPITALS AS SPECIFIED IN SUBSECTION (4)(a)(IV) OF THIS SECTION;

(e) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF THE STATE TO ACKNOWLEDGE THAT BY PROVIDING THE BUSINESS SERVICES SPECIFIED IN SUBSECTIONS (2)(d)(I) AND (2)(d)(II) OF THIS SECTION, THE COLORADO HEALTHCARE AFFORDABILITY AND SUSTAINABILITY ENTERPRISE ENGAGES IN AN ACTIVITY CONDUCTED IN THE PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD AND THEREFORE OPERATES AS A BUSINESS;

(f) CONSISTENT WITH THE DETERMINATION OF THE COLORADO SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS

INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL ASSEMBLY THAT THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE CHARGED AND COLLECTED BY THE COLORADO HEALTHCARE AFFORDABILITY AND SUSTAINABILITY ENTERPRISE IS A FEE, NOT A TAX, BECAUSE THE FEE IS IMPOSED FOR THE SPECIFIC PURPOSES OF ALLOWING THE ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE BUSINESS SERVICES SPECIFIED IN SUBSECTIONS (2)(d)(I) AND (2)(d)(II) OF THIS SECTION TO HOSPITALS THAT PAY THE FEE AND IS COLLECTED AT RATES THAT ARE REASONABLY CALCULATED BASED ON THE BENEFITS RECEIVED BY THOSE HOSPITALS; AND

(g) SO LONG AS THE COLORADO HEALTHCARE AFFORDABILITY AND SUSTAINABILITY ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE REVENUES FROM THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE CHARGED AND COLLECTED BY THE ENTERPRISE ARE NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION 24-77-103.6 (6)(c), AND DO NOT COUNT AGAINST EITHER THE STATE FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I).

(3) (a) **Colorado healthcare affordability and sustainability enterprise.** THE COLORADO HEALTHCARE AFFORDABILITY AND SUSTAINABILITY ENTERPRISE, REFERRED TO IN THIS SECTION AS THE "ENTERPRISE", IS CREATED. THE ENTERPRISE IS AND OPERATES AS A GOVERNMENT-OWNED BUSINESS WITHIN THE STATE DEPARTMENT FOR THE PURPOSE OF CHARGING AND COLLECTING THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE, LEVERAGING HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE REVENUE TO OBTAIN FEDERAL MATCHING MONEY, AND UTILIZING AND DEPLOYING THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE REVENUE AND FEDERAL MATCHING MONEY TO PROVIDE THE BUSINESS SERVICES SPECIFIED IN SUBSECTIONS (2)(d)(I) AND (2)(d)(II) OF THIS SECTION TO HOSPITALS THAT PAY THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE.

(b) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS

THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (3)(b), THE ENTERPRISE IS NOT SUBJECT TO ANY PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(c) (I) THE REPEAL OF THE HOSPITAL PROVIDER FEE PROGRAM, AS IT EXISTED PURSUANT TO SECTION 25.5-4-402.3 BEFORE ITS REPEAL, EFFECTIVE JULY 1, 2017, BY SENATE BILL 17-267, ENACTED IN 2017, AND THE CREATION OF THE COLORADO HEALTHCARE AFFORDABILITY AND SUSTAINABILITY ENTERPRISE AS A NEW ENTERPRISE TO CHARGE AND COLLECT A NEW HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE AS AUTHORIZED BY SUBSECTION (4) OF THIS SECTION AND PROVIDE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE-FUNDED BUSINESS SERVICES TO HOSPITALS THAT REPLACE AND SUPPLEMENT SERVICES PREVIOUSLY FUNDED BY HOSPITAL PROVIDER FEES IS THE CREATION OF A NEW GOVERNMENT-OWNED BUSINESS THAT PROVIDES BUSINESS SERVICES TO HOSPITALS AS A NEW ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, DOES NOT CONSTITUTE THE QUALIFICATION OF AN EXISTING GOVERNMENT-OWNED BUSINESS AS AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR SECTION 24-77-103.6 (6)(b)(II), AND, THEREFORE, DOES NOT REQUIRE OR AUTHORIZE ADJUSTMENT OF THE STATE FISCAL YEAR SPENDING LIMIT CALCULATED PURSUANT TO SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I).

(II) NOTWITHSTANDING SUBSECTION (3)(c)(I) OF THIS SECTION, BECAUSE THE REPEAL OF THE HOSPITAL PROVIDER FEE PROGRAM, AS IT EXISTED PURSUANT TO SECTION 25.5-4-402.3 BEFORE ITS REPEAL BY SENATE BILL 17-267, ENACTED IN 2017, WILL ALLOW THE STATE TO SPEND MORE GENERAL FUND MONEY FOR GENERAL GOVERNMENTAL PURPOSES THAN IT WOULD OTHERWISE BE ABLE TO SPEND BELOW THE EXCESS STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I), IT IS APPROPRIATE TO RESTRAIN THE GROWTH OF GOVERNMENT BY LOWERING THE BASE AMOUNT USED TO CALCULATE THE EXCESS STATE REVENUES CAP FOR THE 2017-18 STATE FISCAL YEAR BY TWO HUNDRED MILLION DOLLARS.

(d) THE ENTERPRISE'S PRIMARY POWERS AND DUTIES ARE:



(I) TO CHARGE AND COLLECT THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE AS SPECIFIED IN SUBSECTION (4) OF THIS SECTION;

(II) TO LEVERAGE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE REVENUE COLLECTED TO OBTAIN FEDERAL MATCHING MONEY, WORKING WITH OR THROUGH THE STATE DEPARTMENT AND THE STATE BOARD TO THE EXTENT REQUIRED BY FEDERAL LAW OR OTHERWISE NECESSARY;

(III) TO EXPEND HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE REVENUE, MATCHING FEDERAL MONEY, AND ANY OTHER MONEY FROM THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE CASH FUND AS SPECIFIED IN SUBSECTIONS (4) AND (5) OF THIS SECTION;

(IV) TO ISSUE REVENUE BONDS PAYABLE FROM THE REVENUES OF THE ENTERPRISE;

(V) TO ENTER INTO AGREEMENTS WITH THE STATE DEPARTMENT TO THE EXTENT NECESSARY TO COLLECT AND EXPEND HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE REVENUE;

(VI) TO ENGAGE THE SERVICES OF PRIVATE PERSONS OR ENTITIES SERVING AS CONTRACTORS, CONSULTANTS, AND LEGAL COUNSEL FOR PROFESSIONAL AND TECHNICAL ASSISTANCE AND ADVICE AND TO SUPPLY OTHER SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE, INCLUDING THE PROVISION OF ADDITIONAL BUSINESS SERVICES TO HOSPITALS AS SPECIFIED IN SUBSECTION (4)(a)(IV) OF THIS SECTION; AND

(VII) TO ADOPT AND AMEND OR REPEAL POLICIES FOR THE REGULATION OF ITS AFFAIRS AND THE CONDUCT OF ITS BUSINESS CONSISTENT WITH THE PROVISIONS OF THIS SECTION.

(e) THE ENTERPRISE SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS IF THE SAME WERE TRANSFERRED TO THE STATE DEPARTMENT BY A TYPE 2 TRANSFER, AS DEFINED IN SECTION 24-1-105.

**(4) Healthcare affordability and sustainability fee.** (a) FOR THE FISCAL YEAR COMMENCING JULY 1, 2017, AND FOR EACH FISCAL YEAR THEREAFTER, THE ENTERPRISE IS AUTHORIZED TO CHARGE AND COLLECT A HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE, AS DESCRIBED IN

42 CFR 433.68 (b), ON OUTPATIENT AND INPATIENT SERVICES PROVIDED BY ALL LICENSED OR CERTIFIED HOSPITALS, REFERRED TO IN THIS SECTION AS "HOSPITALS", FOR THE PURPOSE OF OBTAINING FEDERAL FINANCIAL PARTICIPATION UNDER THE STATE MEDICAL ASSISTANCE PROGRAM AS DESCRIBED IN THIS ARTICLE 4 AND ARTICLES 5 AND 6 OF THIS TITLE 25.5, REFERRED TO IN THIS SECTION AS THE "STATE MEDICAL ASSISTANCE PROGRAM", AND THE COLORADO INDIGENT CARE PROGRAM DESCRIBED IN PART 1 OF ARTICLE 3 OF THIS TITLE 25.5, REFERRED TO IN THIS SECTION AS THE "COLORADO INDIGENT CARE PROGRAM". THE ENTERPRISE SHALL USE THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE REVENUE TO:

(I) PROVIDE A BUSINESS SERVICE TO HOSPITALS BY INCREASING REIMBURSEMENT TO HOSPITALS FOR PROVIDING MEDICAL CARE UNDER:

(A) THE STATE MEDICAL ASSISTANCE PROGRAM; AND

(B) THE COLORADO INDIGENT CARE PROGRAM;

(II) PROVIDE A BUSINESS SERVICE TO HOSPITALS BY INCREASING THE NUMBER OF INDIVIDUALS COVERED BY PUBLIC MEDICAL ASSISTANCE AND THEREBY REDUCING THE AMOUNT OF UNCOMPENSATED CARE THAT THE HOSPITALS MUST PROVIDE;

(III) PAY THE ADMINISTRATIVE COSTS TO THE ENTERPRISE IN IMPLEMENTING AND ADMINISTERING THIS SECTION SUBJECT TO THE LIMITATION THAT ADMINISTRATIVE COSTS OF THE ENTERPRISE ARE LIMITED TO THREE PERCENT OF THE ENTERPRISE'S EXPENDITURES BASED ON A METHODOLOGY APPROVED BY THE OFFICE OF STATE PLANNING AND BUDGETING AND THE STAFF OF THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY; AND

(IV) PROVIDE OR CONTRACT FOR OR ARRANGE THE PROVISION OF ADDITIONAL BUSINESS SERVICES TO HOSPITALS BY:

(A) CONSULTING WITH HOSPITALS TO HELP THEM IMPROVE BOTH COST EFFICIENCY AND PATIENT SAFETY IN PROVIDING MEDICAL SERVICES AND THE CLINICAL EFFECTIVENESS OF THOSE SERVICES;

(B) ADVISING HOSPITALS REGARDING POTENTIAL CHANGES TO FEDERAL AND STATE LAWS AND REGULATIONS THAT GOVERN THE

PROVISION OF AND REIMBURSEMENT PAID FOR MEDICAL SERVICES UNDER THE PROGRAMS ADMINISTERED PURSUANT TO THIS ARTICLE 4 AND ARTICLES 5 AND 6 OF THIS TITLE 25.5;

(C) PROVIDING COORDINATED SERVICES TO HOSPITALS TO HELP THEM ADAPT AND TRANSITION TO ANY NEW OR MODIFIED PERFORMANCE TRACKING AND PAYMENT SYSTEMS FOR THE PROGRAMS ADMINISTERED PURSUANT TO THIS ARTICLE 4 AND ARTICLES 5 AND 6 OF THIS TITLE 25.5, WHICH MAY INCLUDE DATA SHARING, TELEHEALTH COORDINATION AND SUPPORT, ESTABLISHMENT OF PERFORMANCE METRICS, BENCHMARKING TO SUCH METRICS, AND CLINICAL AND ADMINISTRATIVE PROCESS CONSULTING AND OTHER APPROPRIATE SERVICES;

(D) PROVIDING ANY OTHER SERVICES TO HOSPITALS THAT AID THEM IN EFFICIENTLY AND EFFECTIVELY PARTICIPATING IN THE PROGRAMS ADMINISTERED PURSUANT TO THIS ARTICLE 4 AND ARTICLES 5 AND 6 OF THIS TITLE 25.5; AND

(E) PROVIDING FUNDING FOR, AND IN COOPERATION WITH THE STATE DEPARTMENT AND HOSPITALS SUPPORTING THE IMPLEMENTATION OF, A HEALTH CARE DELIVERY SYSTEM REFORM INCENTIVE PAYMENTS PROGRAM AS DESCRIBED IN SUBSECTION (8) OF THIS SECTION.

(b) THE ENTERPRISE SHALL RECOMMEND FOR APPROVAL AND ESTABLISHMENT BY THE STATE BOARD THE AMOUNT OF THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE THAT IT INTENDS TO CHARGE AND COLLECT. THE STATE BOARD MUST ESTABLISH THE FINAL AMOUNT OF THE FEE BY RULES PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24. THE STATE BOARD SHALL NOT ESTABLISH ANY AMOUNT THAT EXCEEDS THE FEDERAL LIMIT FOR SUCH FEES. THE STATE BOARD MAY DEVIATE FROM THE RECOMMENDATIONS OF THE ENTERPRISE, BUT SHALL EXPRESS IN WRITING THE REASONS FOR ANY DEVIATIONS. IN ESTABLISHING THE AMOUNT OF THE FEE AND IN PROMULGATING THE RULES GOVERNING THE FEE, THE STATE BOARD SHALL:

(I) CONSIDER RECOMMENDATIONS OF THE ENTERPRISE;

(II) ESTABLISH THE AMOUNT OF THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE SO THAT THE AMOUNT COLLECTED FROM THE FEE AND FEDERAL MATCHING FUNDS ASSOCIATED WITH THE FEE ARE SUFFICIENT

TO PAY FOR THE ITEMS DESCRIBED IN SUBSECTION (4)(a) OF THIS SECTION, BUT NOTHING IN THIS SUBSECTION (4)(b)(II) REQUIRES THE STATE BOARD TO INCREASE THE FEE ABOVE THE AMOUNT RECOMMENDED BY THE ENTERPRISE; AND

(III) FOR THE 2017-18 FISCAL YEAR, ESTABLISH THE AMOUNT OF THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE SO THAT THE AMOUNT COLLECTED FROM THE FEE IS APPROXIMATELY EQUAL TO THE SUM OF THE AMOUNTS OF THE APPROPRIATIONS SPECIFIED FOR THE FEE IN THE GENERAL APPROPRIATION ACT, SENATE BILL 17-254, ENACTED IN 2017, AND ANY OTHER SUPPLEMENTAL APPROPRIATION ACT.

(c) (I) IN ACCORDANCE WITH THE REDISTRIBUTIVE METHOD SET FORTH IN 42 CFR 433.68 (e)(1) AND (e)(2), THE ENTERPRISE, ACTING IN CONCERT WITH OR THROUGH AN AGREEMENT WITH THE STATE DEPARTMENT IF REQUIRED BY FEDERAL LAW, MAY SEEK A WAIVER FROM THE BROAD-BASED HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE REQUIREMENT OR THE UNIFORM HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE REQUIREMENT, OR BOTH. IN ADDITION, THE ENTERPRISE, ACTING IN CONCERT WITH OR THROUGH AN AGREEMENT WITH THE STATE DEPARTMENT IF REQUIRED BY FEDERAL LAW, SHALL SEEK ANY FEDERAL WAIVER NECESSARY TO FUND AND, IN COOPERATION WITH THE STATE DEPARTMENT AND HOSPITALS, SUPPORT THE IMPLEMENTATION OF A HEALTH CARE DELIVERY SYSTEM REFORM INCENTIVE PAYMENTS PROGRAM AS DESCRIBED IN SUBSECTION (8) OF THIS SECTION. SUBJECT TO FEDERAL APPROVAL AND TO MINIMIZE THE FINANCIAL IMPACT ON CERTAIN HOSPITALS, THE ENTERPRISE MAY EXEMPT FROM PAYMENT OF THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE CERTAIN TYPES OF HOSPITALS, INCLUDING BUT NOT LIMITED TO:

(A) PSYCHIATRIC HOSPITALS, AS LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

(B) HOSPITALS THAT ARE LICENSED AS GENERAL HOSPITALS AND CERTIFIED AS LONG-TERM CARE HOSPITALS BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

(C) CRITICAL ACCESS HOSPITALS THAT ARE LICENSED AS GENERAL HOSPITALS AND ARE CERTIFIED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT UNDER 42 CFR PART 485, SUBPART F;

(D) INPATIENT REHABILITATION FACILITIES; OR

(E) HOSPITALS SPECIFIED FOR EXEMPTION UNDER 42 CFR 433.68  
(e).

(II) IN DETERMINING WHETHER A HOSPITAL MAY BE EXCLUDED, THE ENTERPRISE SHALL USE ONE OR MORE OF THE FOLLOWING CRITERIA:

(A) A HOSPITAL THAT IS LOCATED IN A RURAL AREA;

(B) A HOSPITAL WITH WHICH THE STATE DEPARTMENT DOES NOT CONTRACT TO PROVIDE SERVICES UNDER THE STATE MEDICAL ASSISTANCE PROGRAM;

(C) A HOSPITAL WHOSE INCLUSION OR EXCLUSION WOULD NOT SIGNIFICANTLY AFFECT THE NET BENEFIT TO HOSPITALS PAYING THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE; OR

(D) A HOSPITAL THAT MUST BE INCLUDED TO RECEIVE FEDERAL APPROVAL.

(III) THE ENTERPRISE MAY REDUCE THE AMOUNT OF THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE FOR CERTAIN HOSPITALS TO OBTAIN FEDERAL APPROVAL AND TO MINIMIZE THE FINANCIAL IMPACT ON CERTAIN HOSPITALS. IN DETERMINING FOR WHICH HOSPITALS THE ENTERPRISE MAY REDUCE THE AMOUNT OF THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE, THE ENTERPRISE SHALL USE ONE OR MORE OF THE FOLLOWING CRITERIA:

(A) THE HOSPITAL IS A TYPE OF HOSPITAL DESCRIBED IN SUBSECTION (4)(c)(I) OF THIS SECTION;

(B) THE HOSPITAL IS LOCATED IN A RURAL AREA;

(C) THE HOSPITAL SERVES A HIGHER PERCENTAGE THAN THE AVERAGE HOSPITAL OF PERSONS COVERED BY THE STATE MEDICAL ASSISTANCE PROGRAM, MEDICARE, OR COMMERCIAL INSURANCE OR PERSONS ENROLLED IN A MANAGED CARE ORGANIZATION;

(D) THE HOSPITAL DOES NOT CONTRACT WITH THE STATE

DEPARTMENT TO PROVIDE SERVICES UNDER THE STATE MEDICAL ASSISTANCE PROGRAM;

(E) IF THE HOSPITAL PAID A REDUCED HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE, THE REDUCED FEE WOULD NOT SIGNIFICANTLY AFFECT THE NET BENEFIT TO HOSPITALS PAYING THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE; OR

(F) THE HOSPITAL IS REQUIRED NOT TO PAY A REDUCED HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE AS A CONDITION OF FEDERAL APPROVAL.

(IV) THE ENTERPRISE MAY CHANGE HOW IT PAYS HOSPITAL REIMBURSEMENT OR QUALITY INCENTIVE PAYMENTS, OR BOTH, IN WHOLE OR IN PART, UNDER THE AUTHORITY OF A FEDERAL WAIVER IF THE TOTAL REIMBURSEMENT TO HOSPITALS IS EQUAL TO OR ABOVE THE FEDERAL UPPER PAYMENT LIMIT CALCULATION UNDER THE WAIVER.

(d) THE ENTERPRISE MAY ALTER THE PROCESS PRESCRIBED IN THIS SUBSECTION (4) TO THE EXTENT NECESSARY TO MEET THE FEDERAL REQUIREMENTS AND TO OBTAIN FEDERAL APPROVAL.

(e) (I) THE ENTERPRISE SHALL ESTABLISH POLICIES ON THE CALCULATION, ASSESSMENT, AND TIMING OF THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE. THE ENTERPRISE SHALL ASSESS THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE ON A SCHEDULE TO BE SET BY THE ENTERPRISE BOARD AS PROVIDED IN SUBSECTION (7)(d) OF THIS SECTION. THE PERIODIC HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE PAYMENTS FROM A HOSPITAL AND THE ENTERPRISE'S REIMBURSEMENT TO THE HOSPITAL UNDER SUBSECTIONS (5)(b)(I) AND (5)(b)(II) OF THIS SECTION ARE DUE AS NEARLY SIMULTANEOUSLY AS FEASIBLE; EXCEPT THAT THE ENTERPRISE'S REIMBURSEMENT TO THE HOSPITAL IS DUE NO MORE THAN TWO DAYS AFTER THE PERIODIC HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE PAYMENT IS RECEIVED FROM THE HOSPITAL. THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE MUST BE IMPOSED ON EACH HOSPITAL EVEN IF MORE THAN ONE HOSPITAL IS OWNED BY THE SAME ENTITY. THE FEE MUST BE PRORATED AND ADJUSTED FOR THE EXPECTED VOLUME OF SERVICE FOR ANY YEAR IN WHICH A HOSPITAL OPENS OR CLOSES.

(II) THE ENTERPRISE IS AUTHORIZED TO REFUND ANY UNUSED PORTION OF THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE. FOR ANY PORTION OF THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE THAT HAS BEEN COLLECTED BY THE ENTERPRISE BUT FOR WHICH THE ENTERPRISE HAS NOT RECEIVED FEDERAL MATCHING FUNDS, THE ENTERPRISE SHALL REFUND BACK TO THE HOSPITAL THAT PAID THE FEE THE AMOUNT OF THAT PORTION OF THE FEE WITHIN FIVE BUSINESS DAYS AFTER THE FEE IS COLLECTED.

(III) THE ENTERPRISE SHALL ESTABLISH REQUIREMENTS FOR THE REPORTS THAT HOSPITALS MUST SUBMIT TO THE ENTERPRISE TO ALLOW THE ENTERPRISE TO CALCULATE THE AMOUNT OF THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE. NOTWITHSTANDING THE PROVISIONS OF PART 2 OF ARTICLE 72 OF TITLE 24 OR SUBSECTION (7)(f) OF THIS SECTION, INFORMATION PROVIDED TO THE ENTERPRISE PURSUANT TO THIS SECTION IS CONFIDENTIAL AND IS NOT A PUBLIC RECORD. NONETHELESS, THE ENTERPRISE MAY PREPARE AND RELEASE SUMMARIES OF THE REPORTS TO THE PUBLIC.

(f) A HOSPITAL SHALL NOT INCLUDE ANY AMOUNT OF THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE AS A SEPARATE LINE ITEM IN ITS BILLING STATEMENTS.

(g) THE STATE BOARD SHALL PROMULGATE ANY RULES PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, NECESSARY FOR THE ADMINISTRATION AND IMPLEMENTATION OF THIS SECTION. PRIOR TO SUBMITTING ANY PROPOSED RULES CONCERNING THE ADMINISTRATION OR IMPLEMENTATION OF THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE TO THE STATE BOARD, THE ENTERPRISE SHALL CONSULT WITH THE STATE BOARD ON THE PROPOSED RULES AS SPECIFIED IN SUBSECTION (7)(d) OF THIS SECTION.

**(5) Healthcare affordability and sustainability fee cash fund.**

(a) ANY HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE COLLECTED PURSUANT TO THIS SECTION BY THE ENTERPRISE MUST BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE FEE TO THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE CASH FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO

THE FUND. THE STATE TREASURER SHALL INVEST ANY MONEY IN THE FUND NOT EXPENDED FOR THE PURPOSES SPECIFIED IN SUBSECTION (5)(b) OF THIS SECTION AS PROVIDED BY LAW. MONEY IN THE FUND SHALL NOT BE TRANSFERRED TO ANY OTHER FUND AND SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN THE PURPOSES SPECIFIED IN THIS SUBSECTION (5) AND IN SUBSECTION (4) OF THIS SECTION.

(b) ALL MONEY IN THE FUND IS SUBJECT TO FEDERAL MATCHING AS AUTHORIZED UNDER FEDERAL LAW AND IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE FOLLOWING PURPOSES:

(I) TO MAXIMIZE THE INPATIENT AND OUTPATIENT HOSPITAL REIMBURSEMENTS TO UP TO THE UPPER PAYMENT LIMITS AS DEFINED IN 42 CFR 447.272 AND 42 CFR 447.321;

(II) TO INCREASE HOSPITAL REIMBURSEMENTS UNDER THE COLORADO INDIGENT CARE PROGRAM TO UP TO ONE HUNDRED PERCENT OF THE HOSPITAL'S COSTS OF PROVIDING MEDICAL CARE UNDER THE PROGRAM;

(III) TO PAY THE QUALITY INCENTIVE PAYMENTS PROVIDED IN SECTION 25.5-4-402 (3);

(IV) SUBJECT TO AVAILABLE REVENUE FROM THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE AND FEDERAL MATCHING FUNDS, TO EXPAND ELIGIBILITY FOR PUBLIC MEDICAL ASSISTANCE BY:

(A) INCREASING THE ELIGIBILITY LEVEL FOR PARENTS AND CARETAKER RELATIVES OF CHILDREN WHO ARE ELIGIBLE FOR MEDICAL ASSISTANCE, PURSUANT TO SECTION 25.5-5-201 (1)(m), FROM SIXTY-ONE PERCENT TO ONE HUNDRED THIRTY-THREE PERCENT OF THE FEDERAL POVERTY LINE;

(B) INCREASING THE ELIGIBILITY LEVEL FOR CHILDREN AND PREGNANT WOMEN UNDER THE CHILDREN'S BASIC HEALTH PLAN TO UP TO TWO HUNDRED FIFTY PERCENT OF THE FEDERAL POVERTY LINE;

(C) PROVIDING ELIGIBILITY UNDER THE STATE MEDICAL ASSISTANCE PROGRAM FOR A CHILDLESS ADULT OR AN ADULT WITHOUT A DEPENDENT CHILD IN THE HOME, PURSUANT TO SECTION 25.5-5-201 (1)(p), WHO EARNS UP TO ONE HUNDRED THIRTY-THREE PERCENT OF THE FEDERAL POVERTY



LINE; AND

(D) PROVIDING A BUY-IN PROGRAM IN THE STATE MEDICAL ASSISTANCE PROGRAM FOR DISABLED ADULTS AND CHILDREN WHOSE FAMILIES HAVE INCOME OF UP TO FOUR HUNDRED FIFTY PERCENT OF THE FEDERAL POVERTY LINE;

(V) TO PROVIDE CONTINUOUS ELIGIBILITY FOR TWELVE MONTHS FOR CHILDREN ENROLLED IN THE STATE MEDICAL ASSISTANCE PROGRAM;

(VI) TO PAY THE ENTERPRISE'S ACTUAL ADMINISTRATIVE COSTS OF IMPLEMENTING AND ADMINISTERING THIS SECTION, INCLUDING BUT NOT LIMITED TO THE FOLLOWING COSTS:

(A) ADMINISTRATIVE EXPENSES OF THE ENTERPRISE;

(B) THE ENTERPRISE'S ACTUAL COSTS RELATED TO IMPLEMENTING AND MAINTAINING THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE, INCLUDING PERSONAL SERVICES, OPERATING, AND CONSULTING EXPENSES;

(C) THE ENTERPRISE'S ACTUAL COSTS FOR THE CHANGES AND UPDATES TO THE MEDICAID MANAGEMENT INFORMATION SYSTEM FOR THE IMPLEMENTATION OF SUBSECTIONS (5)(b)(I) TO (5)(b)(III) OF THIS SECTION;

(D) THE ENTERPRISE'S PERSONAL SERVICES AND OPERATING COSTS RELATED TO PERSONNEL, CONSULTING SERVICES, AND FOR REVIEW OF HOSPITAL COSTS NECESSARY TO IMPLEMENT AND ADMINISTER THE INCREASES IN INPATIENT AND OUTPATIENT HOSPITAL PAYMENTS MADE PURSUANT TO SUBSECTION (5)(b)(I) OF THIS SECTION, INCREASES IN THE COLORADO INDIGENT CARE PROGRAM PAYMENTS MADE PURSUANT TO SUBSECTION (5)(b)(II) OF THIS SECTION, AND QUALITY INCENTIVE PAYMENTS MADE PURSUANT TO SUBSECTION (5)(b)(III) OF THIS SECTION;

(E) THE ENTERPRISE'S ACTUAL COSTS FOR THE CHANGES AND UPDATES TO THE COLORADO BENEFITS MANAGEMENT SYSTEM AND MEDICAID MANAGEMENT INFORMATION SYSTEM TO IMPLEMENT AND MAINTAIN THE EXPANDED ELIGIBILITY PROVIDED FOR IN SUBSECTIONS (5)(b)(IV) AND (5)(b)(V) OF THIS SECTION;

(F) THE ENTERPRISE'S PERSONAL SERVICES AND OPERATING COSTS RELATED TO PERSONNEL NECESSARY TO IMPLEMENT AND ADMINISTER THE EXPANDED ELIGIBILITY FOR PUBLIC MEDICAL ASSISTANCE PROVIDED FOR IN SUBSECTIONS (5)(b)(IV) AND (5)(b)(V) OF THIS SECTION, INCLUDING BUT NOT LIMITED TO ADMINISTRATIVE COSTS ASSOCIATED WITH THE DETERMINATION OF ELIGIBILITY FOR PUBLIC MEDICAL ASSISTANCE BY COUNTY DEPARTMENTS; AND

(G) THE ENTERPRISE'S PERSONAL SERVICES, OPERATING, AND SYSTEMS COSTS RELATED TO EXPANDING THE OPPORTUNITY FOR INDIVIDUALS TO APPLY FOR PUBLIC MEDICAL ASSISTANCE DIRECTLY AT HOSPITALS OR THROUGH ANOTHER ENTITY OUTSIDE THE COUNTY DEPARTMENTS, IN CONNECTION WITH SECTION 25.5-4-205, THAT WOULD INCREASE ACCESS TO PUBLIC MEDICAL ASSISTANCE AND REDUCE THE NUMBER OF UNINSURED SERVED BY HOSPITALS;

(VII) TO OFFSET THE LOSS OF ANY FEDERAL MATCHING MONEY DUE TO A DECREASE IN THE CERTIFICATION OF THE PUBLIC EXPENDITURE PROCESS FOR OUTPATIENT HOSPITAL SERVICES FOR MEDICAL SERVICES PREMIUMS THAT WERE IN EFFECT AS OF JULY 1, 2008;

(VIII) SUBJECT TO ANY NECESSARY FEDERAL WAIVERS BEING OBTAINED, TO PROVIDE FUNDING FOR A HEALTH CARE DELIVERY SYSTEM REFORM INCENTIVE PAYMENTS PROGRAM AS DESCRIBED IN SUBSECTION (8) OF THIS SECTION; AND

(IX) TO PROVIDE ADDITIONAL BUSINESS SERVICES TO HOSPITALS AS SPECIFIED IN SUBSECTION (4)(a)(IV) OF THIS SECTION.

**(6) Appropriations.** (a) (I) THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE IS TO SUPPLEMENT, NOT SUPPLANT, GENERAL FUND APPROPRIATIONS TO SUPPORT HOSPITAL REIMBURSEMENTS. GENERAL FUND APPROPRIATIONS FOR HOSPITAL REIMBURSEMENTS SHALL BE MAINTAINED AT THE LEVEL OF APPROPRIATIONS IN THE MEDICAL SERVICES PREMIUM LINE ITEM MADE FOR THE FISCAL YEAR COMMENCING JULY 1, 2008; EXCEPT THAT GENERAL FUND APPROPRIATIONS FOR HOSPITAL REIMBURSEMENTS MAY BE REDUCED IF AN INDEX OF APPROPRIATIONS TO OTHER PROVIDERS SHOWS THAT GENERAL FUND APPROPRIATIONS ARE REDUCED FOR OTHER PROVIDERS. IF THE INDEX SHOWS THAT GENERAL FUND APPROPRIATIONS ARE REDUCED FOR OTHER PROVIDERS, THE GENERAL FUND APPROPRIATIONS

FOR HOSPITAL REIMBURSEMENTS SHALL NOT BE REDUCED BY A GREATER PERCENTAGE THAN THE REDUCTIONS OF APPROPRIATIONS FOR THE OTHER PROVIDERS AS SHOWN BY THE INDEX.

(II) IF GENERAL FUND APPROPRIATIONS FOR HOSPITAL REIMBURSEMENTS ARE REDUCED BELOW THE LEVEL OF APPROPRIATIONS IN THE MEDICAL SERVICES PREMIUM LINE ITEM MADE FOR THE FISCAL YEAR COMMENCING JULY 1, 2008, THE GENERAL FUND APPROPRIATIONS WILL BE INCREASED BACK TO THE LEVEL OF APPROPRIATIONS IN THE MEDICAL SERVICES PREMIUM LINE ITEM MADE FOR THE FISCAL YEAR COMMENCING JULY 1, 2008, AT THE SAME PERCENTAGE AS THE APPROPRIATIONS FOR OTHER PROVIDERS AS SHOWN BY THE INDEX. THE GENERAL ASSEMBLY IS NOT OBLIGATED TO INCREASE THE GENERAL FUND APPROPRIATIONS BACK TO THE LEVEL OF APPROPRIATIONS IN THE MEDICAL SERVICES PREMIUM LINE ITEM IN A SINGLE FISCAL YEAR AND SUCH INCREASES MAY OCCUR OVER NONCONSECUTIVE FISCAL YEARS.

(III) FOR PURPOSES OF THIS SUBSECTION (6)(a), THE "INDEX OF APPROPRIATIONS TO OTHER PROVIDERS" OR "INDEX" MEANS THE AVERAGE PERCENT CHANGE IN REIMBURSEMENT RATES THROUGH APPROPRIATIONS OR LEGISLATION ENACTED BY THE GENERAL ASSEMBLY TO HOME HEALTH PROVIDERS, PHYSICIAN SERVICES, AND OUTPATIENT PHARMACIES, EXCLUDING DISPENSING FEES. THE STATE BOARD, AFTER CONSULTATION WITH THE ENTERPRISE BOARD, IS AUTHORIZED TO CLARIFY THIS DEFINITION AS NECESSARY BY RULE.

(b) IF THE REVENUE FROM THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE IS INSUFFICIENT TO FULLY FUND ALL OF THE PURPOSES DESCRIBED IN SUBSECTION (5)(b) OF THIS SECTION:

(I) THE GENERAL ASSEMBLY IS NOT OBLIGATED TO APPROPRIATE GENERAL FUND REVENUES TO FUND SUCH PURPOSES;

(II) THE HOSPITAL PROVIDER REIMBURSEMENT AND QUALITY INCENTIVE PAYMENT INCREASES DESCRIBED IN SUBSECTIONS (5)(b)(I) TO (5)(b)(III) OF THIS SECTION AND THE COSTS DESCRIBED IN SUBSECTION (5)(b)(VI) OF THIS SECTION SHALL BE FULLY FUNDED USING REVENUE FROM THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE AND FEDERAL MATCHING FUNDS BEFORE ANY ELIGIBILITY EXPANSION IS FUNDED; AND

(III) (A) IF THE STATE BOARD PROMULGATES RULES THAT EXPAND ELIGIBILITY FOR MEDICAL ASSISTANCE TO BE PAID FOR PURSUANT TO SUBSECTION (5)(b)(IV) OF THIS SECTION, AND THE STATE DEPARTMENT THEREAFTER NOTIFIES THE ENTERPRISE BOARD THAT THE REVENUE AVAILABLE FROM THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE AND THE FEDERAL MATCHING FUNDS WILL NOT BE SUFFICIENT TO PAY FOR ALL OR PART OF THE EXPANDED ELIGIBILITY, THE ENTERPRISE BOARD SHALL RECOMMEND TO THE STATE BOARD REDUCTIONS IN MEDICAL BENEFITS OR ELIGIBILITY SO THAT THE REVENUE WILL BE SUFFICIENT TO PAY FOR ALL OF THE REDUCED BENEFITS OR ELIGIBILITY. AFTER RECEIVING THE RECOMMENDATIONS OF THE ENTERPRISE BOARD, THE STATE BOARD SHALL ADOPT RULES PROVIDING FOR REDUCED BENEFITS OR REDUCED ELIGIBILITY FOR WHICH THE REVENUE WILL BE SUFFICIENT AND SHALL FORWARD ANY ADOPTED RULES TO THE JOINT BUDGET COMMITTEE. NOTWITHSTANDING THE PROVISIONS OF SECTION 24-4-103 (8) AND (12), FOLLOWING THE ADOPTION OF RULES PURSUANT TO THIS SUBSECTION (6)(b)(III)(A), THE STATE BOARD SHALL NOT SUBMIT THE RULES TO THE ATTORNEY GENERAL AND SHALL NOT FILE THE RULES WITH THE SECRETARY OF STATE UNTIL THE JOINT BUDGET COMMITTEE APPROVES THE RULES PURSUANT TO SUBSECTION (6)(b)(III)(B) OF THIS SECTION.

(B) THE JOINT BUDGET COMMITTEE SHALL PROMPTLY CONSIDER ANY RULES ADOPTED BY THE STATE BOARD PURSUANT TO SUBSECTION (6)(b)(III)(A) OF THIS SECTION. THE JOINT BUDGET COMMITTEE SHALL PROMPTLY NOTIFY THE STATE DEPARTMENT, THE STATE BOARD, AND THE ENTERPRISE BOARD OF ANY ACTION ON THE RULES. IF THE JOINT BUDGET COMMITTEE DOES NOT APPROVE THE RULES, THE JOINT BUDGET COMMITTEE SHALL RECOMMEND A REDUCTION IN BENEFITS OR ELIGIBILITY SO THAT THE REVENUE FROM THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE AND THE MATCHING FEDERAL FUNDS WILL BE SUFFICIENT TO PAY FOR THE REDUCED BENEFITS OR ELIGIBILITY. AFTER APPROVING THE RULES PURSUANT TO THIS SUBSECTION (6)(b)(III)(B), THE JOINT BUDGET COMMITTEE SHALL REQUEST THAT THE COMMITTEE ON LEGAL SERVICES, CREATED PURSUANT TO SECTION 2-3-501, EXTEND THE RULES AS PROVIDED FOR IN SECTION 24-4-103 (8) UNLESS THE COMMITTEE ON LEGAL SERVICES FINDS AFTER REVIEW THAT THE RULES DO NOT CONFORM WITH SECTION 24-4-103 (8)(a).

(C) AFTER THE STATE BOARD HAS RECEIVED NOTIFICATION OF THE APPROVAL OF RULES ADOPTED PURSUANT TO SUBSECTION (6)(b)(III)(A) OF

THIS SECTION, THE STATE BOARD SHALL SUBMIT THE RULES TO THE ATTORNEY GENERAL PURSUANT TO SECTION 24-4-103 (8)(b) AND SHALL FILE THE RULES AND THE OPINION OF THE ATTORNEY GENERAL WITH THE SECRETARY OF STATE PURSUANT TO SECTION 24-4-103 (12) AND WITH THE OFFICE OF LEGISLATIVE LEGAL SERVICES. PURSUANT TO SECTION 24-4-103 (5), THE RULES ARE EFFECTIVE TWENTY DAYS AFTER PUBLICATION OF THE RULES AND ARE ONLY EFFECTIVE UNTIL THE FOLLOWING MAY 15 UNLESS THE RULES ARE EXTENDED PURSUANT TO A BILL ENACTED PURSUANT TO SECTION 24-4-103 (8).

(c) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF, AFTER RECEIPT OF AUTHORIZATION TO RECEIVE FEDERAL MATCHING FUNDS FOR MONEY IN THE FUND, THE AUTHORIZATION IS WITHDRAWN OR CHANGED SO THAT FEDERAL MATCHING FUNDS ARE NO LONGER AVAILABLE, THE ENTERPRISE SHALL CEASE COLLECTING THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE AND SHALL REPAY TO THE HOSPITALS ANY MONEY RECEIVED BY THE FUND THAT IS NOT SUBJECT TO FEDERAL MATCHING FUNDS.

**(7) Colorado healthcare affordability and sustainability enterprise board.** (a) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(a)(II) OF THIS SECTION, THE ENTERPRISE BOARD CONSISTS OF THIRTEEN MEMBERS APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE, AS FOLLOWS:

(A) FIVE MEMBERS WHO ARE EMPLOYED BY HOSPITALS IN COLORADO, INCLUDING AT LEAST ONE PERSON WHO IS EMPLOYED BY A HOSPITAL IN A RURAL AREA, ONE PERSON WHO IS EMPLOYED BY A SAFETY-NET HOSPITAL FOR WHICH THE PERCENT OF MEDICAID-ELIGIBLE INPATIENT DAYS RELATIVE TO ITS TOTAL INPATIENT DAYS IS EQUAL TO OR GREATER THAN ONE STANDARD DEVIATION ABOVE THE MEAN, AND ONE PERSON WHO IS EMPLOYED BY A HOSPITAL IN AN URBAN AREA;

(B) ONE MEMBER WHO IS A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF HOSPITALS;

(C) ONE MEMBER WHO REPRESENTS A STATEWIDE ORGANIZATION OF HEALTH INSURANCE CARRIERS OR A HEALTH INSURANCE CARRIER LICENSED PURSUANT TO TITLE 10 AND WHO IS NOT A REPRESENTATIVE OF A HOSPITAL;

(D) ONE MEMBER OF THE HEALTH CARE INDUSTRY WHO DOES NOT REPRESENT A HOSPITAL OR A HEALTH INSURANCE CARRIER;

(E) ONE MEMBER WHO IS A CONSUMER OF HEALTH CARE AND WHO IS NOT A REPRESENTATIVE OR AN EMPLOYEE OF A HOSPITAL, HEALTH INSURANCE CARRIER, OR OTHER HEALTH CARE INDUSTRY ENTITY;

(F) ONE MEMBER WHO IS A REPRESENTATIVE OF PERSONS WITH DISABILITIES, WHO IS LIVING WITH A DISABILITY, AND WHO IS NOT A REPRESENTATIVE OR AN EMPLOYEE OF A HOSPITAL, HEALTH INSURANCE CARRIER, OR OTHER HEALTH CARE INDUSTRY ENTITY;

(G) ONE MEMBER WHO IS A REPRESENTATIVE OF A BUSINESS THAT PURCHASES OR OTHERWISE PROVIDES HEALTH INSURANCE FOR ITS EMPLOYEES; AND

(H) TWO EMPLOYEES OF THE STATE DEPARTMENT.

(II) THE INITIAL MEMBERS OF THE ENTERPRISE BOARD ARE THE MEMBERS OF THE HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD THAT WAS CREATED AND EXISTED PURSUANT TO SECTION 25.5-4-402.3 (6), PRIOR TO JULY 1, 2017, AND SUCH MEMBERS SHALL SERVE ON AND AFTER JULY 1, 2017, FOR THE REMAINDER OF THE TERMS FOR WHICH THEY WERE APPOINTED AS MEMBERS OF THE ADVISORY BOARD. THE POWERS, DUTIES, AND FUNCTIONS OF THE HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD ARE TRANSFERRED BY A TYPE 3 TRANSFER, AS DEFINED IN SECTION 24-1-105, TO THE ENTERPRISE, AND THE HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD IS ABOLISHED.

(III) THE GOVERNOR SHALL CONSULT WITH REPRESENTATIVES OF A STATEWIDE ORGANIZATION OF HOSPITALS IN MAKING THE APPOINTMENTS PURSUANT TO SUBSECTIONS (7)(a)(I)(A) AND (7)(a)(I)(B) OF THIS SECTION. NO MORE THAN SIX MEMBERS OF THE ENTERPRISE BOARD MAY BE MEMBERS OF THE SAME POLITICAL PARTY.

(IV) MEMBERS OF THE ENTERPRISE BOARD SERVE AT THE PLEASURE OF THE GOVERNOR. ALL TERMS ARE FOR FOUR YEARS. A MEMBER WHO IS APPOINTED TO FILL A VACANCY SHALL SERVE THE REMAINDER OF THE UNEXPIRED TERM OF THE FORMER MEMBER.

(V) THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE MEMBERS OF THE ENTERPRISE BOARD APPOINTED PURSUANT TO SUBSECTIONS (7)(a)(I)(A) TO (7)(a)(I)(G) OF THIS SECTION. THE ENTERPRISE BOARD SHALL ELECT A VICE-CHAIR FROM AMONG ITS MEMBERS.

(b) MEMBERS OF THE ENTERPRISE BOARD SERVE WITHOUT COMPENSATION BUT MUST BE REIMBURSED FROM MONEY IN THE FUND FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS SECTION.

(c) THE ENTERPRISE BOARD MAY CONTRACT FOR A GROUP FACILITATOR TO ASSIST THE MEMBERS OF THE ENTERPRISE BOARD IN PERFORMING THEIR REQUIRED DUTIES.

(d) THE ENTERPRISE BOARD HAS, AT A MINIMUM, THE FOLLOWING DUTIES:

(I) TO DETERMINE THE TIMING AND METHOD BY WHICH THE ENTERPRISE ASSESSES THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE AND THE AMOUNT OF THE FEE;

(II) IF REQUESTED BY THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE OR THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, TO CONSULT WITH THE COMMITTEES ON ANY LEGISLATION THAT MAY IMPACT THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE OR HOSPITAL REIMBURSEMENTS ESTABLISHED PURSUANT TO THIS SECTION;

(III) TO DETERMINE CHANGES IN THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE THAT INCREASE THE NUMBER OF HOSPITALS BENEFITTING FROM THE USES OF THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE DESCRIBED IN SUBSECTIONS (5)(b)(I) TO (5)(b)(IV) OF THIS SECTION OR THAT MINIMIZE THE NUMBER OF HOSPITALS THAT SUFFER LOSSES AS A RESULT OF PAYING THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE;

(IV) TO RECOMMEND TO THE STATE DEPARTMENT REFORMS OR CHANGES TO THE INPATIENT HOSPITAL AND OUTPATIENT HOSPITAL REIMBURSEMENTS AND QUALITY INCENTIVE PAYMENTS MADE UNDER THE

STATE MEDICAL ASSISTANCE PROGRAM TO INCREASE PROVIDER ACCOUNTABILITY, PERFORMANCE, AND REPORTING;

(V) TO DIRECT AND OVERSEE THE ENTERPRISE IN SEEKING, IN CONCERT WITH OR THROUGH AN AGREEMENT WITH THE STATE DEPARTMENT IF REQUIRED BY FEDERAL LAW, ANY FEDERAL WAIVER NECESSARY TO FUND AND, IN COOPERATION WITH THE STATE DEPARTMENT AND HOSPITALS, SUPPORT THE IMPLEMENTATION OF A HEALTH CARE DELIVERY SYSTEM REFORM INCENTIVE PAYMENTS PROGRAM AS DESCRIBED IN SUBSECTION (8) OF THIS SECTION;

(VI) TO RECOMMEND TO THE STATE DEPARTMENT THE SCHEDULE AND APPROACH TO THE IMPLEMENTATION OF SUBSECTIONS (5)(b)(IV) AND (5)(b)(V) OF THIS SECTION;

(VII) IF MONEY IN THE FUND IS INSUFFICIENT TO FULLY FUND ALL OF THE PURPOSES SPECIFIED IN SUBSECTION (5)(b) OF THIS SECTION, TO RECOMMEND TO THE STATE BOARD CHANGES TO THE EXPANDED ELIGIBILITY PROVISIONS DESCRIBED IN SUBSECTION (5)(b)(IV) OF THIS SECTION;

(VIII) TO PREPARE THE REPORTS SPECIFIED IN SUBSECTION (7)(e) OF THIS SECTION;

(IX) TO MONITOR THE IMPACT OF THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE ON THE BROADER HEALTH CARE MARKETPLACE;

(X) TO ESTABLISH REQUIREMENTS FOR THE REPORTS THAT HOSPITALS MUST SUBMIT TO THE ENTERPRISE TO ALLOW THE ENTERPRISE TO CALCULATE THE AMOUNT OF THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE; AND

(XI) TO PERFORM ANY OTHER DUTIES REQUIRED TO FULFILL THE ENTERPRISE BOARD'S CHARGE OR THOSE ASSIGNED TO IT BY THE STATE BOARD OR THE EXECUTIVE DIRECTOR.

(e) ON OR BEFORE JANUARY 15, 2018, AND ON OR BEFORE JANUARY 15 EACH YEAR THEREAFTER, THE ENTERPRISE BOARD SHALL SUBMIT A WRITTEN REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, THE



JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, THE GOVERNOR, AND THE STATE BOARD. THE REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(I) THE RECOMMENDATIONS MADE TO THE STATE BOARD PURSUANT TO THIS SECTION;

(II) A DESCRIPTION OF THE FORMULA FOR HOW THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE IS CALCULATED AND THE PROCESS BY WHICH THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE IS ASSESSED AND COLLECTED;

(III) AN ITEMIZATION OF THE TOTAL AMOUNT OF THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE PAID BY EACH HOSPITAL AND ANY PROJECTED REVENUE THAT EACH HOSPITAL IS EXPECTED TO RECEIVE DUE TO:

(A) THE INCREASED REIMBURSEMENTS MADE PURSUANT TO SUBSECTIONS (5)(b)(I) AND (5)(b)(II) OF THIS SECTION AND THE QUALITY INCENTIVE PAYMENTS MADE PURSUANT TO SUBSECTION (5)(b)(III) OF THIS SECTION; AND

(B) THE INCREASED ELIGIBILITY DESCRIBED IN SUBSECTIONS (5)(b)(IV) AND (5)(b)(V) OF THIS SECTION;

(IV) AN ITEMIZATION OF THE COSTS INCURRED BY THE ENTERPRISE IN IMPLEMENTING AND ADMINISTERING THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE;

(V) ESTIMATES OF THE DIFFERENCES BETWEEN THE COST OF CARE PROVIDED AND THE PAYMENT RECEIVED BY HOSPITALS ON A PER-PATIENT BASIS, AGGREGATED FOR ALL HOSPITALS, FOR PATIENTS COVERED BY EACH OF THE FOLLOWING:

(A) MEDICAID;

(B) MEDICARE; AND

(C) ALL OTHER PAYERS; AND

(VI) A SUMMARY OF:

(A) THE EFFORTS MADE BY THE ENTERPRISE, ACTING IN CONCERT WITH OR THROUGH AN AGREEMENT WITH THE STATE DEPARTMENT IF REQUIRED BY FEDERAL LAW, TO SEEK ANY FEDERAL WAIVER NECESSARY TO FUND AND, IN COOPERATION WITH THE STATE DEPARTMENT AND HOSPITALS, SUPPORT THE IMPLEMENTATION OF A HEALTH CARE DELIVERY SYSTEM REFORM INCENTIVE PAYMENTS PROGRAM AS DESCRIBED IN SUBSECTION (8) OF THIS SECTION; AND

(B) THE PROGRESS ACTUALLY MADE BY THE ENTERPRISE, IN COOPERATION WITH THE STATE DEPARTMENT AND HOSPITALS, TOWARDS THE GOAL OF IMPLEMENTING SUCH A PROGRAM.

(f) (I) THE ENTERPRISE IS SUBJECT TO THE OPEN MEETINGS PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", CONTAINED IN PART 4 OF ARTICLE 6 OF TITLE 24, AND THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

(II) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED.

(III) THE ENTERPRISE IS A PUBLIC ENTITY FOR PURPOSES OF PART 2 OF ARTICLE 57 OF TITLE 11.

**(8) Health care delivery system reform incentive payments program - funding and implementation.** THE ENTERPRISE, ACTING IN CONCERT WITH OR THROUGH AN AGREEMENT WITH THE STATE DEPARTMENT IF REQUIRED BY FEDERAL LAW, SHALL SEEK ANY FEDERAL WAIVER NECESSARY TO FUND AND, IN COOPERATION WITH THE STATE DEPARTMENT AND HOSPITALS, SUPPORT THE IMPLEMENTATION, NO EARLIER THAN OCTOBER 1, 2019, OF A HEALTH CARE DELIVERY SYSTEM REFORM INCENTIVE PAYMENTS PROGRAM THAT WILL IMPROVE HEALTH CARE ACCESS AND OUTCOMES FOR INDIVIDUALS SERVED BY THE STATE DEPARTMENT

WHILE EFFICIENTLY UTILIZING AVAILABLE FINANCIAL RESOURCES. SUCH A PROGRAM MUST, AT A MINIMUM:

(a) INCLUDE AN INITIAL PLANNING PHASE TO:

(I) ASSESS NEEDS; AND

(II) DEVELOP ACHIEVABLE OUTCOME-BASED METRICS TO BE USED TO MEASURE PROGRESS TOWARDS PROGRAM GOALS, INCLUDING THE GOALS OF HEALTH CARE DELIVERY SYSTEM INTEGRATION, IMPROVED PATIENT OUTCOMES, AND MORE EFFICIENT PROVISION OF CARE; AND

(b) ADDRESS THE FOLLOWING FOCUS AREAS:

(I) CARE COORDINATION AND CARE TRANSITION MANAGEMENT;

(II) INTEGRATION OF PHYSICAL AND BEHAVIORAL HEALTH CARE SERVICES;

(III) CHRONIC CONDITION MANAGEMENT;

(IV) TARGETED POPULATION HEALTH; AND

(V) DATA-DRIVEN ACCOUNTABILITY AND OUTCOME MEASUREMENT.

**SECTION 18.** In Colorado Revised Statutes, add 25.5-4-402.7 as follows:

**25.5-4-402.7. Unexpended hospital provider fee cash fund - creation - transfer from hospital provider fee cash fund - use of fund - repeal.** (1) THE UNEXPENDED HOSPITAL PROVIDER FEE CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY. ON JUNE 30, 2017, THE STATE TREASURER SHALL TRANSFER TO THE FUND ALL MONEY IN THE HOSPITAL PROVIDER FEE CASH FUND CREATED IN SECTION 25.5-4-402.3 (4)(a), AS THAT SECTION EXISTED BEFORE ITS REPEAL BY SENATE BILL 17-267, ENACTED IN 2017. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE GENERAL FUND. MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE STATE DEPARTMENT THROUGH OCTOBER 30, 2018, FOR THE PURPOSE OF PAYING

CLAIMS INCURRED BEFORE JULY 1, 2017, THAT WERE PAYABLE PURSUANT TO SECTION 25.5-5-402.3 (4), AS THAT SECTION EXISTED BEFORE ITS REPEAL BY SENATE BILL 17-267, ENACTED IN 2017. THE STATE DEPARTMENT SHALL REFUND ANY MONEY IN THE FUND DERIVED FROM HOSPITAL PROVIDER FEES THAT IS NOT EXPENDED FOR THE PURPOSE OF PAYING CLAIMS TO THE HOSPITALS THAT PAID THE FEES.

(2) THIS SECTION IS REPEALED, EFFECTIVE NOVEMBER 1, 2018.

**SECTION 19.** In Colorado Revised Statutes, 25.5-5-201, amend (1) introductory portion, (1)(o)(II), and (1)(r)(II) as follows:

**25.5-5-201. Optional provisions - optional groups - repeal.**

(1) The federal government allows the state to select optional groups to receive medical assistance. Pursuant to federal law, any person who is eligible for medical assistance under the optional groups specified in this section shall receive both the mandatory services specified in sections 25.5-5-102 and 25.5-5-103 and the optional services specified in sections 25.5-5-202 and 25.5-5-203. Subject to the availability of federal financial aid funds, the following are the individuals or groups that Colorado has selected as optional groups to receive medical assistance pursuant to this article and articles 4 and 6 of this title TITLE 25.5:

(o) (II) Notwithstanding the provisions of ~~subparagraph (f) of this paragraph (o)~~, SUBSECTION (1)(o)(I) OF THIS SECTION, if the ~~moneys~~ MONEY in the ~~hospital provider~~ HEALTHCARE AFFORDABILITY AND SUSTAINABILITY fee cash fund established pursuant to ~~section 25.5-4-402.3 (4)~~ SECTION 25.5-4-402.4, together with the corresponding federal matching funds, are IS insufficient to fully fund all of the purposes described in ~~section 25.5-4-402.3 (4) (b)~~ SECTION 25.5-4-402.4 (5)(b), after receiving recommendations from the ~~hospital provider fee oversight and advisory board~~ COLORADO HEALTHCARE AFFORDABILITY AND SUSTAINABILITY ENTERPRISE established pursuant to ~~section 25.5-4-402.3 (6)~~ SECTION 25.5-4-402.4 (3), for individuals with disabilities who are participating in the medicaid buy-in program established in part 14 of article 6 of this title TITLE 25.5, the state board by rule adopted pursuant to the provisions of ~~section 25.5-4-402.3 (5) (b) (III)~~ SECTION 25.5-4-402.4 (6)(b)(III) may reduce the medical benefits offered or the percentage of the federal poverty line to below four hundred fifty percent or may eliminate this eligibility group.

(r) (II) Notwithstanding the provisions of ~~subparagraph (I) of this paragraph (r);~~ SUBSECTION (1)(r)(I) OF THIS SECTION, if the moneys MONEY in the ~~hospital provider~~ HEALTHCARE AFFORDABILITY AND SUSTAINABILITY fee cash fund established pursuant to ~~section 25.5-4-402.3 (4)~~ SECTION 25.5-4-402.4, together with the corresponding federal matching funds, are IS insufficient to fully fund all of the purposes described in ~~section 25.5-4-402.3 (4) (b)~~ SECTION 25.5-4-402.4 (5)(b), after receiving recommendations from the ~~hospital provider fee oversight and advisory board~~ COLORADO HEALTHCARE AFFORDABILITY AND SUSTAINABILITY ENTERPRISE established pursuant to ~~section 25.5-4-402.3 (6)~~ SECTION 25.5-4-402.4 (3), for persons eligible for a medicaid buy-in program established pursuant to section 25.5-5-206, the state board by rule adopted pursuant to the provisions of ~~section 25.5-4-402.3 (5) (b) (III)~~ SECTION 25.5-4-402.4 (6)(b)(III) may reduce the medical benefits offered, or the percentage of the federal poverty line, or may eliminate this eligibility group.

**SECTION 20.** In Colorado Revised Statutes, 25.5-5-204.5, amend (2) as follows:

**25.5-5-204.5. Continuous eligibility - children - repeal.** (2) Notwithstanding the provisions of subsection (1) of this section, if the moneys MONEY in the ~~hospital provider~~ HEALTHCARE AFFORDABILITY AND SUSTAINABILITY fee cash fund established pursuant to ~~section 25.5-4-402.3 (4)~~ SECTION 25.5-4-402.4, together with the corresponding federal matching funds, are IS insufficient to fully fund all of the purposes described in ~~section 25.5-4-402.3 (4) (b)~~ SECTION 25.5-4-402.4 (5)(b), after receiving recommendations from the ~~hospital provider fee oversight and advisory board~~ COLORADO HEALTHCARE AFFORDABILITY AND SUSTAINABILITY ENTERPRISE established pursuant to ~~section 25.5-4-402.3 (6)~~ SECTION 25.5-4-402.4 (3), the state board by rule adopted pursuant to the provisions of ~~section 25.5-4-402.3 (5) (b) (III)~~ SECTION 25.5-4-402.4 (6)(b)(III) may eliminate the continuous enrollment requirement pursuant to this section.

**SECTION 21.** In Colorado Revised Statutes, add 25.5-5-420 as follows:

**25.5-5-420. Advancing care for exceptional kids.** WITHIN ONE HUNDRED TWENTY DAYS OF THE ENACTMENT OF THE FEDERAL "ADVANCING

CARE FOR EXCEPTIONAL KIDS ACT", SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE DEPARTMENT SHALL SEEK ANY FEDERAL APPROVAL NECESSARY TO FUND, IN COOPERATION WITH HOSPITALS THAT MEET THE SPECIFIED REQUIREMENTS, THE IMPLEMENTATION OF AN ENHANCED PEDIATRIC HEALTH HOME FOR CHILDREN WITH COMPLEX MEDICAL CONDITIONS. REQUIREMENTS FOR PARTICIPATION BY THE STATE DEPARTMENT, ALONG WITH THE REQUIREMENT OF AN ENHANCED PEDIATRIC HEALTH HOME, ARE STIPULATED BY THE "ADVANCING CARE FOR EXCEPTIONAL KIDS ACT" AND SHALL BE COMPLIED WITH ACCORDINGLY.

**SECTION 22.** In Colorado Revised Statutes, 25.5-8-103, amend the introductory portion, (4)(a)(II), and (4)(b)(II) as follows:

**25.5-8-103. Definitions - repeal.** As used in this article ARTICLE 8, unless the context otherwise requires:

(4) "Eligible person" means:

(a) (II) Notwithstanding the provisions of subparagraph (I) of this paragraph (a); SUBSECTION (4)(a)(I) OF THIS SECTION, if the moneys MONEY in the hospital provider HEALTHCARE AFFORDABILITY AND SUSTAINABILITY fee cash fund established pursuant to ~~section 25.5-4-402.3 (4)~~ SECTION 25.5-4-402.4 (5), together with the corresponding federal matching funds, are IS insufficient to fully fund all of the purposes described in ~~section 25.5-4-402.3 (4) (b)~~ SECTION 25.5-4-402.4 (5)(b), after receiving recommendations from the hospital provider fee oversight and advisory board COLORADO HEALTHCARE AFFORDABILITY AND SUSTAINABILITY ENTERPRISE established pursuant to ~~section 25.5-4-402.3 (6)~~ SECTION 25.5-4-402.4 (3), for persons less than nineteen years of age, the state board may by rule adopted pursuant to the provisions of ~~section 25.5-4-402.3 (5) (b) (II)~~ SECTION 25.5-4-402.4 (6)(b)(III) reduce the percentage of the federal poverty line to below two hundred fifty percent, but the percentage shall not be reduced to below two hundred five percent.

(b) (II) Notwithstanding the provisions of subparagraph (I) of this paragraph (b) SUBSECTION (4)(b)(I) OF THIS SECTION, if the moneys MONEY in the hospital provider HEALTHCARE AFFORDABILITY AND SUSTAINABILITY fee cash fund established pursuant to ~~section 25.5-4-402.3 (4)~~ SECTION 25.5-4-402.4 (5), together with the corresponding federal matching funds, are IS insufficient to fully fund all of the purposes described in ~~section~~

~~25.5-4-402.3 (4)~~ (b) SECTION 25.5-4-402.4 (5)(b), after receiving recommendations from the ~~hospital provider fee oversight and advisory board~~ COLORADO HEALTHCARE AFFORDABILITY AND SUSTAINABILITY ENTERPRISE established pursuant to ~~section 25.5-4-402.3 (6)~~ SECTION 25.5-4-402.4 (3), for pregnant women, the state board by rule adopted pursuant to the provisions of ~~section 25.5-4-402.3 (5) (b) (III)~~ SECTION 25.5-4-402.4 (6)(b)(III) may reduce the percentage of the federal poverty line to below two hundred fifty percent, but the percentage shall not be reduced to below two hundred five percent.

**SECTION 23.** In Colorado Revised Statutes, 29-2-105, amend (1) introductory portion and (1)(d)(I) introductory portion; and add (1)(d)(I)(O) as follows:

**29-2-105. Contents of sales tax ordinances and proposals - repeal.** (1) The sales tax ordinance or proposal of any incorporated town, city, or county adopted pursuant to this article shall be imposed on the sale of tangible personal property at retail or the furnishing of services, as provided in ~~paragraph (d) of this subsection (1)~~ SUBSECTION (1)(d) OF THIS SECTION. Any countywide or incorporated town or city sales tax ordinance or proposal shall include the following provisions:

(d) (I) A provision that the sale of tangible personal property and services taxable pursuant to this article shall be the same as the sale of tangible personal property and services taxable pursuant to section 39-26-104, ~~C.R.S.~~, except as otherwise provided in this ~~paragraph (d)~~ SUBSECTION (1)(d). The sale of tangible personal property and services taxable pursuant to this article shall be subject to the same sales tax exemptions as those specified in part 7 of article 26 of title 39 ~~C.R.S.~~; except that the sale of the following may be exempted from a town, city, or county sales tax only by the express inclusion of the exemption either at the time of adoption of the initial sales tax ordinance or resolution or by amendment thereto:

(O) THE EXEMPTION FOR RETAIL SALES OF MARIJUANA UPON WHICH THE RETAIL MARIJUANA SALES TAX IS IMPOSED PURSUANT TO SECTION 39-28.8-202 AS SPECIFIED IN SECTION 39-26-729.

**SECTION 24.** In Colorado Revised Statutes, add 39-3-209 as follows:

**39-3-209. State expenditure for property tax exemptions - mechanism for refunding of excess state revenue - legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) ALTHOUGH THE EXEMPTIONS ALLOWED BY THIS PART 2 ARE EXEMPTIONS FROM LOCAL GOVERNMENT PROPERTY TAXES, THE STATE MUST REIMBURSE LOCAL GOVERNMENTS FOR THE NET AMOUNT OF PROPERTY TAX REVENUES LOST AS A RESULT OF THE EXEMPTIONS AND THEREFORE BEARS THE FULL COST OF THE EXEMPTIONS;

(b) SECTION 3.5 OF ARTICLE X OF THE STATE CONSTITUTION AUTHORIZES THE GENERAL ASSEMBLY TO RAISE OR LOWER THE MAXIMUM AMOUNT OF ACTUAL VALUE OF RESIDENTIAL REAL PROPERTY OF WHICH FIFTY PERCENT IS EXEMPT PURSUANT TO THIS PART 2;

(c) IN ORDER TO ELIMINATE THE COST OF THE EXEMPTION AND FUND OTHER STATE NEEDS, THE GENERAL ASSEMBLY, AS AUTHORIZED BY SECTION 3.5 OF ARTICLE X OF THE STATE CONSTITUTION, HAS AT TIMES TEMPORARILY SUSPENDED THE EXEMPTION FOR QUALIFYING SENIORS ALLOWED BY THIS PART 2 BY LOWERING TO ZERO THE MAXIMUM AMOUNT OF ACTUAL VALUE OF RESIDENTIAL REAL PROPERTY OF WHICH FIFTY PERCENT IS EXEMPT;

(d) THE GENERAL ASSEMBLY INTENDS TO ALLOW SENIORS TO RELY ON PREDICTABLE AND SUSTAINABLE EXEMPTIONS BY FULLY FUNDING THE PROPERTY TAX EXEMPTION FOR QUALIFYING SENIORS IN THE FUTURE, AND IT IS MORE LIKELY TO BE ABLE TO DO SO IF THE COST OF THE EXEMPTION, WHICH EXCLUSIVELY BENEFITS TAXPAYERS WHO RESIDE IN COLORADO, CONSTITUTES A REFUND OF EXCESS STATE REVENUES FOR STATE FISCAL YEARS FOR WHICH SUCH REFUNDS ARE REQUIRED; AND

(e) SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AUTHORIZES THE STATE TO USE ANY REASONABLE METHOD TO MAKE REQUIRED REFUNDS OF EXCESS STATE REVENUES, AND THE PAYMENT BY THE STATE OF REIMBURSEMENT TO LOCAL GOVERNMENTS FOR THE NET AMOUNT OF PROPERTY TAX REVENUES LOST AS A RESULT OF THE PROPERTY TAX EXEMPTIONS ALLOWED BY THIS PART 2, WHICH EXEMPTIONS DIRECTLY REDUCE THE TAX LIABILITY OF TAXPAYING COLORADO RESIDENTS THROUGHOUT THE STATE, IS A REASONABLE METHOD OF MAKING SUCH



REFUNDS.

(2) FOR ANY STATE FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2017, FOR WHICH STATE REVENUES, AS DEFINED IN SECTION 24-77-103.6 (6)(c), EXCEED THE EXCESS STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(C) OR (6)(b)(I)(D), AND ARE REQUIRED TO BE REFUNDED IN ACCORDANCE WITH SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE LESSER OF ALL REIMBURSEMENT PAID BY THE STATE TREASURER TO EACH TREASURER AS REQUIRED BY SECTION 39-3-207 (4) FOR THE PROPERTY TAX YEAR THAT COMMENCED DURING THE STATE FISCAL YEAR OR AN AMOUNT OF SUCH REIMBURSEMENT EQUAL TO THE AMOUNT OF EXCESS STATE REVENUES FOR THE STATE FISCAL YEAR THAT ARE REQUIRED TO BE REFUNDED IS A REFUND OF SUCH EXCESS STATE REVENUES.

**SECTION 25.** In Colorado Revised Statutes, 39-22-537, amend (3)(a) introductory portion and (6) as follows:

**39-22-537. Credit for personal property taxes paid - legislative declaration - definitions - repeal.** (3) (a) For any income tax year commencing on or after January 1, 2015, but prior to ~~January 1, 2020~~ JANUARY 1, 2019, a taxpayer who qualifies under ~~paragraph (b) of this subsection~~ (3) SUBSECTION (3)(b) OF THIS SECTION is allowed a credit against the tax imposed by this ~~article~~ ARTICLE 22 that is equal to a percentage of the property taxes paid for personal property in Colorado during the income tax year. For a given income tax year, a taxpayer's percentage is equal to one hundred percent minus the sum of the taxpayer's federal marginal income tax rate for the year and the state income tax rate for the year; except that the percentage is equal to one hundred percent for an organization that:

(6) This section is repealed, effective ~~July 1, 2022~~ JULY 1, 2021.

**SECTION 26.** In Colorado Revised Statutes, add 39-22-537.5 as follows:

**39-22-537.5. Credit for personal property taxes paid - legislative declaration - definitions - repeal.** (1) THE GENERAL ASSEMBLY DECLARES THAT THE PURPOSE OF THE TAX EXPENDITURE IN THIS SECTION IS TO MINIMIZE THE NEGATIVE IMPACT OF THE BUSINESS PERSONAL PROPERTY TAX ON BUSINESSES.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "PROPERTY TAX" MEANS THE AD VALOREM TAX IMPOSED PURSUANT TO SECTION 3 OF ARTICLE X OF THE STATE CONSTITUTION BUT DOES NOT INCLUDE PUBLIC UTILITIES ASSESSED PURSUANT TO SECTION 39-4-102, AND DOES NOT INCLUDE THE GRADUATED ANNUAL SPECIFIC OWNERSHIP TAX IMPOSED PURSUANT TO SECTION 6 OF ARTICLE X OF THE STATE CONSTITUTION.

(b) "TAXPAYER" INCLUDES AN ORGANIZATION EXEMPT FROM FEDERAL TAXATION PURSUANT TO SECTION 501 (c) OF THE INTERNAL REVENUE CODE.

(3) (a) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2019, A TAXPAYER IS ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE 22 EQUAL TO THE PROPERTY TAX PAID IN COLORADO DURING THE INCOME TAX YEAR ON UP TO EIGHTEEN THOUSAND DOLLARS OF THE TOTAL ACTUAL VALUE OF THE TAXPAYER'S PERSONAL PROPERTY.

(b) A TAXPAYER MAY NOT CLAIM A TAX CREDIT UNDER THIS SECTION FOR THE PAYMENT OF DELINQUENT PROPERTY TAXES THAT WERE OWED FOR A PRIOR PROPERTY TAX YEAR.

(c) THE AMOUNT OF THE CREDIT UNDER THIS SECTION THAT EXCEEDS THE TAXPAYER'S INCOME TAXES DUE IS REFUNDED TO THE TAXPAYER.

(4) TO CLAIM A CREDIT UNDER THIS SECTION, A TAXPAYER MUST SUBMIT TO THE DEPARTMENT OF REVENUE A COPY OF A PROPERTY TAX STATEMENT DESCRIBED IN SECTION 39-10-103 FOR ALL OF THE TAXPAYER'S PERSONAL PROPERTY FOR THE PROPERTY TAX YEAR FOR WHICH THE CREDIT IS CLAIMED.

**SECTION 27.** In Colorado Revised Statutes, 39-22-627, amend (1)(b), (3), and (6); and repeal (9) as follows:

**39-22-627. Temporary adjustment of rate of income tax - refund of excess state revenues - authority of executive director.**

(1) (b) In order for the provisions of ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION to take effect, the amount of state revenues required to be refunded for the specified state fiscal year shall ~~shall~~ MUST exceed the total of the ~~adjusted amount set forth in section 39-22-123~~ (4) (c); OF REIMBURSEMENT FOR PROPERTY TAX REVENUES LOST AS A RESULT OF THE PROPERTY TAX EXEMPTIONS ALLOWED BY PART 2 OF ARTICLE 3 OF THIS TITLE 39 PAID BY THE STATE TREASURER TO EACH COUNTY TREASURER AS REQUIRED BY SECTION 39-3-207 (4) FOR THE PROPERTY TAX YEAR THAT COMMENCED DURING THE SPECIFIED STATE FISCAL YEAR plus the estimated amount by which state revenues would be decreased as the result of a reduction in the state income tax rate from four and sixty-three one-hundredths percent to four and one-half percent of federal taxable income, as determined pursuant to this section.

(3) If one or more ballot questions are submitted to the voters at a statewide election to be held in November of any given calendar year that seek authorization for the state to retain and spend all or any portion of the amount of excess state revenues for the state fiscal year ending during said calendar year, the executive director shall not reduce the state income tax rate until the results of said election are known so that the state income tax rate may be reduced only if, after the results of said election, the amount of excess state revenues required to be refunded for the state fiscal year exceeds the total of the ~~adjusted amount set forth in section 39-22-123~~ (4) (c); OF REIMBURSEMENT FOR PROPERTY TAX REVENUES LOST AS A RESULT OF THE PROPERTY TAX EXEMPTIONS ALLOWED BY PART 2 OF ARTICLE 3 OF THIS TITLE 39 PAID BY THE STATE TREASURER TO EACH COUNTY TREASURER AS REQUIRED BY SECTION 39-3-207 (4) FOR THE PROPERTY TAX YEAR THAT COMMENCED DURING THE SPECIFIED STATE FISCAL YEAR plus the estimated amount by which state revenues would be decreased as a result of a reduction in the state income tax rate from four and sixty-three one-hundredths percent to four and one-half percent of federal taxable income pursuant to this section.

(6) If, based on the financial report prepared by the controller in accordance with section 24-77-106.5, ~~C.R.S.~~, the controller certifies that the amount of the state revenues for any state fiscal year commencing on or after ~~July 1, 2010~~ JULY 1, 2017, exceeds the limitation on state fiscal year spending imposed by section 20 (7)(a) of article X of the state constitution for that state fiscal year and exceeds the amount of excess state revenues that the voters statewide have authorized the state to retain and

spend for that state fiscal year by less than the total of the adjusted amount set forth in ~~section 39-22-123 (4)(c)~~, OF REIMBURSEMENT FOR PROPERTY TAX REVENUES LOST AS A RESULT OF THE PROPERTY TAX EXEMPTIONS ALLOWED BY PART 2 OF ARTICLE 3 OF THIS TITLE 39 PAID BY THE STATE TREASURER TO EACH COUNTY TREASURER AS REQUIRED BY SECTION 39-3-207 (4) FOR THE PROPERTY TAX YEAR THAT COMMENCED DURING THE SPECIFIED STATE FISCAL YEAR plus the estimated amount by which state revenues would be decreased as the result of a reduction in the state income tax rate from four and sixty-three one-hundredths percent to four and one-half percent of federal taxable income as calculated by the executive director pursuant to subsection (2) of this section, then the reduction in the state income tax rate allowed pursuant to subsection (1) of this section shall not be allowed for the income tax year commencing during the calendar year in which the state fiscal year ended.

(9) ~~If, by operation of section 39-22-123 (6), excess state revenues are no longer refunded through an earned income tax credit, the total of the adjusted amount set forth in section 39-22-123 (4)(c) is not added to the estimated amount by which state revenues would be decreased as the result of a reduction in the state income tax rate for purposes of the calculations set forth in paragraph (b) of subsection (1) and subsections (3) and (6) of this section.~~

**SECTION 28.** In Colorado Revised Statutes, add 39-26-729 as follows:

**39-26-729. Retail sales of marijuana.** ON AND AFTER JULY 1, 2017, ALL RETAIL SALES OF MARIJUANA UPON WHICH THE RETAIL MARIJUANA SALES TAX IS IMPOSED PURSUANT TO SECTION 39-28.8-202 ARE EXEMPT FROM TAXATION UNDER PART 1 OF THIS ARTICLE 26.

**SECTION 29.** In Colorado Revised Statutes, 39-28.8-202, amend (1)(a)(I) as follows:

**39-28.8-202. Retail marijuana sales tax.** (1) (a) (I) In addition to the tax imposed pursuant to part 1 of article 26 of this title TITLE 39 and the sales tax imposed by a local government pursuant to title 29, 30, 31, or 32, but except as otherwise set forth in subparagraphs (II) and (III) of this paragraph (a) SUBSECTIONS (1)(a)(II) AND (1)(a)(III) OF THIS SECTION, beginning January 1, 2014, and through June 30, 2017 AND THROUGH JUNE

30, 2017, there is imposed upon all sales of retail marijuana and retail marijuana products by a retailer a tax at the rate of ten percent of the amount of the sale. ~~and beginning July 1, 2017, there is imposed upon all sales of retail marijuana and retail marijuana products by a retailer a tax at the rate of eight percent of the amount of the sale.~~ BEGINNING JULY 1, 2017, THERE IS IMPOSED UPON ALL SALES OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS BY A RETAILER A TAX AT THE RATE OF FIFTEEN PERCENT OF THE AMOUNT OF THE SALE. The tax imposed by this section is computed in accordance with schedules or forms prescribed by the executive director of the department; except that a retail marijuana store is not allowed to retain any portion of the retail marijuana sales tax collected pursuant to this part 2 to cover the expenses of collecting and remitting the tax and except that the department of revenue may require a retailer to make returns and remit the tax described in this part 2 by electronic means.

**SECTION 30.** In Colorado Revised Statutes, 39-28.8-203, **amend** (1) introductory portion, (1)(a)(I), and (1)(b)(I); **repeal** (1)(a)(I.5); and **add** (1)(b)(I.3) and (1)(b)(I.5) as follows:

**39-28.8-203. Disposition of collections - definitions.** (1) The proceeds of all ~~monneys~~ MONEY collected from the retail marijuana sales tax are INITIALLY credited to the old age pension fund created in section 1 of article XXIV of the state constitution in accordance with paragraphs (a) and (f) of section 2 of article XXIV of the state constitution AND THEREAFTER ARE TRANSFERRED TO THE GENERAL FUND IN ACCORDANCE WITH SECTION 7 OF ARTICLE XXIV OF THE STATE CONSTITUTION. For each fiscal year in which a tax is collected pursuant to this part 2, an amount shall be appropriated or distributed from the general fund as follows:

(a) (I) ~~Except as otherwise set forth in subparagraph (I.5) of this paragraph (a)~~ BEFORE JULY 1, 2017, an amount equal to fifteen percent of the gross retail marijuana sales tax ~~revenues~~ REVENUE collected by the department is apportioned to local governments. ON AND AFTER JULY 1, 2017, AN AMOUNT EQUAL TO TEN PERCENT OF THE GROSS RETAIL MARIJUANA SALES TAX REVENUE COLLECTED BY THE DEPARTMENT IS APPORTIONED TO LOCAL GOVERNMENTS. The city or town share is apportioned according to the percentage that retail marijuana sales tax ~~revenues~~ REVENUE collected by the department within the boundaries of the city or town bear to the total retail marijuana sales tax ~~revenues~~ REVENUE

collected by the department. The county share is apportioned according to the percentage that retail marijuana sales tax revenues REVENUE collected by the department in the unincorporated area of the county bear to total retail marijuana sales tax revenues REVENUE collected by the department.

~~(I.5) If the ballot issue is placed on the November 3, 2015, ballot and a majority of the electors voting thereon vote "No/Against", then beginning January 1, 2016, the amount that would otherwise be distributed to a local government through subparagraph (f) of this paragraph (a) is halved until the total reduction that results from this subparagraph (I.5) is greater than or equal to the amount that was distributed to the local government under this paragraph (a) for the fiscal year 2014-15. Thereafter, the local government receives the full apportioned amount required by subparagraph (f) of this paragraph (a). The reduction in a local government's distribution does not increase the amount apportioned to other local governments.~~

(b) (I) UNTIL JULY 1, 2017, the state treasurer shall transfer from the general fund to the marijuana tax cash fund an amount equal to eighty-five percent of the gross retail marijuana sales tax revenues REVENUE collected by the department.

(I.3) ON AND AFTER JULY 1, 2017, BUT BEFORE JULY 1, 2018, OF THE NINETY PERCENT OF THE GROSS RETAIL MARIJUANA SALES TAX REVENUE IN THE GENERAL FUND REMAINING AFTER THE ALLOCATION TO LOCAL GOVERNMENTS REQUIRED BY SUBSECTION (1)(a)(I) OF THIS SECTION IS MADE, THE STATE TREASURER SHALL RETAIN TWENTY-EIGHT AND FIFTEEN ONE-HUNDREDTHS PERCENT LESS THIRTY MILLION DOLLARS IN THE GENERAL FUND FOR USE FOR ANY LAWFUL PURPOSE AND SHALL TRANSFER FROM THE GENERAL FUND:

(A) SEVENTY-ONE AND EIGHTY-FIVE ONE-HUNDREDTHS PERCENT TO THE MARIJUANA TAX CASH FUND; AND

(B) THIRTY MILLION DOLLARS TO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114 (1) FOR USE AS SPECIFIED IN SECTION 22-54-139 (2).

(I.5) ON AND AFTER JULY 1, 2018, OF THE NINETY PERCENT OF THE GROSS RETAIL MARIJUANA SALES TAX REVENUE IN THE GENERAL FUND

REMAINING AFTER THE ALLOCATION TO LOCAL GOVERNMENTS REQUIRED BY SUBSECTION (1)(a)(I) OF THIS SECTION IS MADE, THE STATE TREASURER SHALL RETAIN FIFTEEN AND FIFTY-SIX ONE-HUNDREDTHS PERCENT IN THE GENERAL FUND FOR USE FOR ANY LAWFUL PURPOSE AND SHALL TRANSFER FROM THE GENERAL FUND:

(A) SEVENTY-ONE AND EIGHTY-FIVE ONE-HUNDREDTHS PERCENT TO THE MARIJUANA TAX CASH FUND; AND

(B) TWELVE AND FIFTY-NINE ONE-HUNDREDTHS PERCENT TO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114 (1) FOR USE AS SPECIFIED IN SECTION 22-54-139 (3).

**SECTION 31.** In Colorado Revised Statutes, 43-4-206, amend (1) introductory portion, (1)(b) introductory portion, (1)(b)(V), (2)(a) introductory portion, (2)(b), and (3) as follows:

**43-4-206. State allocation.** (1) Except as otherwise provided in ~~subsection (2)~~ SUBSECTIONS (1)(a)(V), (2), AND (3) of this section, after paying the costs of the Colorado state patrol and ~~such~~ ANY other costs of the department, exclusive of highway construction, highway improvements, or highway maintenance, ~~as THAT~~ are appropriated by the general assembly, ~~sixty-five percent of the balance of~~ MONEY IN the highway users tax fund shall be paid to the state highway fund and ~~shall be~~ expended for the following purposes:

(b) Except as otherwise provided in subsection (2) of this section, all ~~moneys~~ MONEY in the state highway fund not required for the creation, maintenance, and application of the highway anticipation or sinking fund and all ~~moneys~~ MONEY in the state highway supplementary fund are available to pay for:

(V) The construction, reconstruction, repairs, improvement, planning, supervision, and maintenance of the state highway system and other public highways, including any county and municipal roads and highways, together with the acquisition of rights-of-way and access rights for the same. ANY PROCEEDS OF LEASE-PURCHASE AGREEMENTS EXECUTED AS REQUIRED BY SECTION 24-82-1303 (2)(a) THAT ARE CREDITED TO THE STATE HIGHWAY FUND PURSUANT TO SECTION 24-82-1303 (4)(b) SHALL BE USED ONLY FOR QUALIFIED FEDERAL AID HIGHWAY PROJECTS THAT ARE

INCLUDED IN THE STRATEGIC TRANSPORTATION PROJECT INVESTMENT PROGRAM OF THE DEPARTMENT OF TRANSPORTATION AND THAT ARE DESIGNATED FOR TIER 1 FUNDING AS TEN-YEAR DEVELOPMENT PROGRAM PROJECTS ON THE DEPARTMENT'S DEVELOPMENT PROGRAM PROJECT LIST, WITH AT LEAST TWENTY-FIVE PERCENT OF THE MONEY BEING USED FOR PROJECTS THAT ARE LOCATED IN COUNTIES WITH POPULATIONS OF FIFTY THOUSAND OR LESS AS OF JULY 2015 AS REPORTED BY THE STATE DEMOGRAPHY OFFICE OF THE DEPARTMENT OF LOCAL AFFAIRS. NO MORE THAN NINETY PERCENT OF THE PROCEEDS SHALL BE EXPENDED FOR HIGHWAY PURPOSES OR HIGHWAY-RELATED CAPITAL IMPROVEMENTS, AND AT LEAST TEN PERCENT OF THE PROCEEDS SHALL BE EXPENDED FOR TRANSIT PURPOSES OR FOR TRANSIT-RELATED CAPITAL IMPROVEMENTS.

(2) (a) ~~Notwithstanding the provisions of subsection (1) of this section, the revenues~~ REVENUE accrued to and transferred to the highway users tax fund pursuant to section 39-26-123 (4)(a) ~~or 24-75-219, C.R.S., or appropriated to the highway users tax fund pursuant to House Bill 02-1389, enacted at the second regular session of the sixty-third general assembly, and credited to the state highway fund pursuant to section 43-4-205 (6.5) shall be expended by the department of transportation for the implementation of the strategic transportation project investment program: in the following manner:~~

(b) Beginning in 1998, the department of transportation shall report annually to the transportation committee of the senate and the transportation and energy committee of the house of representatives concerning the ~~revenues~~ REVENUE expended by the department pursuant to ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION AND, BEGINNING IN 2018, ANY PROCEEDS OF LEASE-PURCHASE AGREEMENTS EXECUTED AS REQUIRED BY SECTION 24-82-1303 (2)(a) THAT ARE CREDITED TO THE STATE HIGHWAY FUND PURSUANT TO SECTION 24-82-1303 (4)(b) AND EXPENDED BY THE DEPARTMENT PURSUANT TO SUBSECTION (1)(b)(V) OF THIS SECTION. THE DEPARTMENT SHALL PRESENT the report ~~shall be presented~~ at the joint meeting required under section 43-1-113 (9)(a) and THE REPORT shall describe for each fiscal year, if applicable:

(I) The projects on which the ~~revenues credited to the state highway fund pursuant to paragraph (a) of this subsection (2)~~ REVENUE AND NET PROCEEDS are to be expended, including the estimated cost of each project, the aggregate amount of revenue actually spent on each project, and the



amount of revenue allocated for each project in such fiscal year. The department of transportation shall submit a prioritized list of such projects as part of the report.

(II) The status of such projects that the department has undertaken in any previous fiscal year;

(III) The projected amount AMOUNTS of revenue AND NET PROCEEDS that the department expects to receive under this subsection (2) AND SUBSECTION (1)(b)(V) OF THIS SECTION during such THE fiscal year;

(IV) The amount of revenue AND NET PROCEEDS that the department has already received under this subsection (2) AND SUBSECTION (1)(b)(V) OF THIS SECTION during such THE fiscal year; and

(V) How the revenues REVENUE AND NET PROCEEDS expended under this subsection (2) AND SUBSECTION (1)(b)(V) OF THIS SECTION during such THE fiscal year relate RELATES to the total funding of the FEDERAL AID TRANSPORTATION PROJECTS THAT ARE INCLUDED IN THE strategic transportation project investment program.

(3) ~~Notwithstanding the provisions of subsection (1) of this section, the revenues~~ THE REVENUE credited to the highway users tax fund pursuant to section 43-4-205 (6.3) shall be expended by the department of transportation only for road safety projects, as defined in section 43-4-803 (21); except that the department shall, in furtherance of its duty to supervise state highways and as a consequence in compliance with section 43-4-810, expend ten million dollars per year of the revenues for the planning, designing, engineering, acquisition, installation, construction, repair, reconstruction, maintenance, operation, or administration of transit-related projects, including, but not limited to, designated bicycle or pedestrian lanes of highway and infrastructure needed to integrate different transportation modes within a multimodal transportation system, that enhance the safety of state highways for transit users.

### **SECTION 32. Appropriation - adjustments to 2017 long bill.**

(1) To implement this act, the general fund appropriations made in the annual general appropriation act for the 2017-18 state fiscal year to the department of health care policy and financing are decreased by \$320,035 for medical services premiums.

(2) To implement this act, cash funds appropriations made in the annual general appropriation act for the 2017-18 state fiscal year from the hospital provider fee cash fund, created in section 25.5-4-402.3 (4)(a), C.R.S., to the department of health care policy and financing are decreased by \$597,380,996 as follows:

<b>Executive director's office, general administration</b>	
Personal services	\$2,480,099
Health, life, and dental	\$278,894
Short-term disability	\$3,870
S.B. 04-257 amortization equalization disbursement	\$107,750
S.B. 06-235 supplemental amortization equalization disbursement	\$107,748
Salary survey	\$26,618
Merit pay	\$13,447
Operating expenses	\$57,372
Legal services	\$123,811
Administrative law judge services	\$72,169
Leased space	\$247,365
Payments to OIT	\$378,109
CORE operations	\$148,145
General professional services and special projects	\$1,202,500
<b>Executive director's office, information technology contracts and projects</b>	
Medicaid management information system maintenance and projects	\$3,794,276
Medicaid management information system procurement contracts	\$708,606
Colorado benefits management systems, operating and contract expenses	\$3,450,954
Colorado benefits management systems, health care and economic security staff development center	\$95,832
<b>Executive director's office, eligibility determinations and client services</b>	
Medical identification cards	\$43,200
Contracts for special eligibility determinations	\$4,338,468
Hospital provider fee county administration	\$4,945,446
Medical assistance sites	\$402,984

Customer outreach	\$336,621
Centralized eligibility vendor contract project	\$1,745,342
<b>Executive director's office, utilization and quality review contracts</b>	
Professional services contracts	\$372,339
<b>Executive director's office, provider audits and services</b>	
Professional audit contracts	\$250,000
<b>Executive director's office, indirect cost recoveries</b>	
Indirect cost assessment	\$218,771
<b>Medical services premiums</b>	
Medical and long-term care services for medicaid eligible individuals	\$380,854,898
<b>Behavioral health community programs</b>	
Behavioral health capitation payments	\$25,785,121
Behavioral health fee-for-service payments	\$373,007
<b>Office of community living</b>	
Support level administration	\$221
Adult supported living services	\$133,235
Case management	\$28,272
<b>Indigent care program</b>	
Safety net provider payments	\$155,648,093
Children's basic health plan administration	\$2,416
Children's basic health plan medical and dental costs	\$8,604,997

(3) For the 2017-18 state fiscal year, \$861,416,161 is appropriated to the department of health care policy and financing. This appropriation is from the healthcare affordability and sustainability fee cash fund created in section 25.5-4-402.4 (5), C.R.S. To implement this act, the department may use this appropriation as follows:

<b>Executive director's office, general administration</b>	
Personal services	\$2,480,099

Health, life, and dental	\$278,894
Short-term disability	\$3,870
S.B. 04-257 amortization equalization disbursement	\$107,750
S.B. 06-235 supplemental amortization equalization disbursement	\$107,748
Salary survey	\$26,618
Merit pay	\$13,447
Operating expenses	\$57,372
Legal services	\$123,811
Administrative law judge services	\$72,169
Leased space	\$247,365
Payments to OIT	\$378,109
CORE operations	\$148,145
General professional services and special projects	\$1,202,500

**Executive director's office, information technology**

**Contracts and projects**

Medicaid management information system maintenance and projects	\$3,794,276
Medicaid management information system reprocurement contracts	\$708,606
Colorado benefits management systems, operating and contract expenses	\$3,450,954
Colorado benefits management systems, health care and economic security staff development center	\$95,832

**Executive director's office, eligibility determinations and  
client services**

Medical identification cards	\$43,200
Contracts for special eligibility determinations	\$4,338,468
Hospital provider fee county administration	\$4,945,446
Medical assistance sites	\$402,984
Customer outreach	\$336,621
Centralized eligibility vendor contract project	\$1,745,342

**Executive director's office, utilization and quality review  
contracts**

Professional services contracts	\$372,339
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**Executive director's office, provider audits and services**

Professional audit contracts	\$250,000
<b>Executive director's office, indirect cost recoveries</b>	
Indirect cost assessment	\$218,771
<b>Medical services premiums</b>	
Medical and long-term care services for medicaid eligible individuals	\$644,809,063
<b>Behavioral health community programs</b>	
Behavioral health capitation payments	\$25,785,121
Behavioral health fee-for-service payments	\$373,007
<b>Office of community living</b>	
Support level administration	\$221
Adult supported living services	\$133,235
Case management	\$28,272
<b>Indigent care program</b>	
Safety net provider payments	\$155,648,093
Children's basic health plan administration	\$2,416
Children's basic health plan medical and dental costs	\$8,604,997

(4) For the 2017-18 state fiscal year, the general assembly anticipates that the department of health care policy and financing will receive \$262,665,969 in federal funds to implement this act. The appropriation in subsection (2) of this section is based on the assumption that the department will receive this amount of federal funds to be used for medical services premiums.

**SECTION 33. Appropriation.** For the 2016-17 state fiscal year, \$3,750 is appropriated to the department of revenue. This appropriation is from the general fund. To implement this act, the department may use this appropriation for tax administration IT system (GenTax) support.

**SECTION 34. Effective date.** (1) Except as otherwise provided in this section, this act takes effect upon passage.

(2) Sections 2, 3, 6, 7, 11, 13, 15 through 20, 22, and 32 of this act

take effect July 1, 2017.

(3) (a) Sections 2, 3, 6, 7, 11, 13, 15 through 20, 22, and 32 of this act do not take effect if the centers for medicare and medicaid services determine that the amendments set forth in sections 2, 3, 6, 7, 11, 13, 15 through 20, 22, and 32 of this act do not comply with federal law.

(b) If the centers for medicare and medicaid services make the determination described in subsection (3)(a) of this section, the executive director of the department of health care policy and financing shall, no later than June 1, 2017, notify the revisor of statutes in writing of that determination by e-mailing the notice to [revisorofstatutes.ga@state.co.us](mailto:revisorofstatutes.ga@state.co.us).

**SECTION 35. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



Kevin J. Grantham  
PRESIDENT OF  
THE SENATE



Crisanta Duran  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Effie Ameen  
SECRETARY OF  
THE SENATE

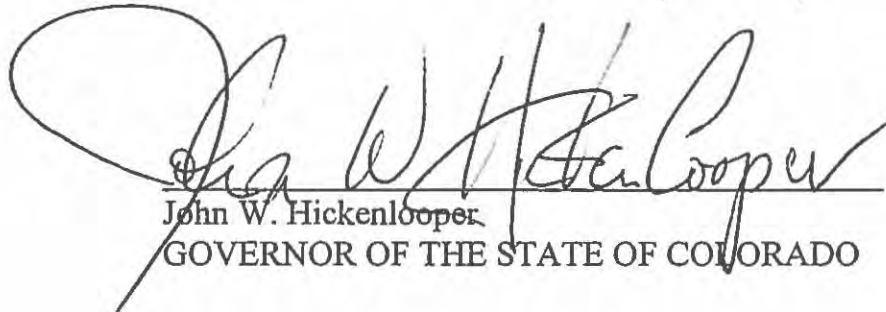


Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED

12:20 PM

5/30/17



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO