



**COLORADO**

**Department of  
Regulatory Agencies**

Colorado Office of Policy, Research &  
Regulatory Reform

# 2020 Sunset Review

Laura Hershey Disability Support Act



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October 15, 2020



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**Department of  
Regulatory Agencies**

Executive Director's Office

October 15, 2020

Members of the Colorado General Assembly  
c/o the Office of Legislative Legal Services  
State Capitol Building  
Denver, Colorado 80203

Dear Members of the General Assembly:

The Colorado General Assembly established the sunset review process in 1976 as a way to analyze and evaluate regulatory programs and determine the least restrictive regulation consistent with the public interest. Pursuant to section 24-34-104(5)(a), Colorado Revised Statutes (C.R.S.), the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) at the Department of Regulatory Agencies (DORA) undertakes a robust review process culminating in the release of multiple reports each year on October 15.

A national leader in regulatory reform, COPRRR takes the vision of their office, DORA and more broadly of our state government seriously. Specifically, COPRRR contributes to the strong economic landscape in Colorado by ensuring that we have thoughtful, efficient and inclusive regulations that reduce barriers to entry into various professions and that open doors of opportunity for all Coloradans.

As part of this year's review, COPRRR has completed an evaluation of the Laura Hershey Disability Support Act. I am pleased to submit this written report, which will be the basis for COPRRR's oral testimony before the 2021 legislative committee of reference.

The report discusses the question of whether there is a need for the program provided under Article 30 of Title 24, Part 22, C.R.S. The report also discusses the effectiveness of the Department of Personnel and Administration in carrying out the intent of the statutes and makes recommendations for statutory changes for the review and discussion of the General Assembly.

To learn more about the sunset review process, among COPRRR's other functions, visit [coprrr.colorado.gov](http://coprrr.colorado.gov).

Sincerely,

Patty Salazar  
Executive Director





## Sunset Review: Laura Hershey Disability Support Act

### Background

#### *What is the Disability Funding Committee?*

The Disability Funding Committee (Committee) is a 13-member committee, and was created as part of the Laura Hershey Disability Support Act. The Committee is currently located in the Department of Personnel and Administration.

#### *Why was the Committee created?*

The purpose of the Committee is to allocate grant funds to non-profit entities that provide new and innovative programs or aid to persons with disabilities in accessing disability benefits. The Committee is also authorized to utilize license plate registrations (specialty license plates) via an auctioning process to generate revenue.

#### *How many grants were awarded?*

In fiscal years 16-17 through 19-20, the Committee awarded 12 grants to non-profit entities totaling \$100,000.

#### *What is the composition of the Committee?*

The Committee is comprised of 13 members representing the disabled community, businesses, non-profits and healthcare.

#### *What does it cost?*

In fiscal year 19-20, the total program expenditures were \$47,945, and there were 0.5 full-time equivalent employees associated with the Committee.

### Key Recommendations

- **Continue the Committee for five years, until 2026.**

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## Background

### Sunset Criteria

Enacted in 1976, Colorado's sunset law was the first of its kind in the United States. A sunset provision repeals all or part of a law after a specific date, unless the legislature affirmatively acts to extend it. During the sunset review process, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) within the Department of Regulatory Agencies (DORA) conducts a thorough evaluation of such programs based upon specific statutory criteria<sup>1</sup> and solicits diverse input from a broad spectrum of stakeholders including consumers, government agencies, public advocacy groups, and professional associations.

Sunset reviews are guided by statutory criteria and sunset reports are organized so that a reader may consider these criteria while reading. While not all criteria are applicable to all sunset reviews, the various sections of a sunset report generally call attention to the relevant criteria. For example,

- In order to address the first criterion and determine whether a particular regulatory program is necessary to protect the public, it is necessary to understand the details of the profession or industry at issue. The Profile section of a sunset report typically describes the profession or industry at issue and addresses the current environment, which may include economic data, to aid in this analysis.
- To ascertain a second aspect of the first sunset criterion--whether conditions that led to initial regulation have changed--the History of Regulation section of a sunset report explores any relevant changes that have occurred over time in the regulatory environment. The remainder of the Legal Framework section addresses the third sunset criterion by summarizing the organic statute and rules of the program, as well as relevant federal, state and local laws to aid in the exploration of whether the program's operations are impeded or enhanced by existing statutes or rules.
- The Program Description section of a sunset report addresses several of the sunset criteria, including those inquiring whether the agency operates in the public interest and whether its operations are impeded or enhanced by existing statutes, rules, procedures and practices; whether the agency performs efficiently and effectively and whether the board, if applicable, represents the public interest.
- The Analysis and Recommendations section of a sunset report, while generally applying multiple criteria, is specifically designed in response to the tenth criterion, which asks whether administrative or statutory changes are necessary to improve agency operations to enhance the public interest.

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<sup>1</sup> Criteria may be found at § 24-34-104, C.R.S.

These are but a few examples of how the various sections of a sunset report provide the information and, where appropriate, analysis required by the sunset criteria. Just as not all criteria are applicable to every sunset review, not all criteria are specifically highlighted as they are applied throughout a sunset review. While not necessarily exhaustive, the table below indicates where these criteria are applied in this sunset report.

Sunset Criteria	Where Applied
(I) Whether regulation by the agency is necessary to protect the public health, safety, and welfare; whether the conditions that led to the initial regulation have changed; and whether other conditions have arisen that would warrant more, less, or the same degree of regulation;	<ul style="list-style-type: none"> <li>• Profile.</li> <li>• Legal Framework: History of Regulation.</li> <li>• Recommendation 1.</li> </ul>
(II) If regulation is necessary, whether the existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest, considering other available regulatory mechanisms, and whether agency rules enhance the public interest and are within the scope of legislative intent;	<ul style="list-style-type: none"> <li>• Legal Framework: Legal Summary.</li> </ul>
(III) Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures, and practices and any other circumstances, including budgetary, resource, and personnel matters;	<ul style="list-style-type: none"> <li>• Legal Framework: Legal Summary.</li> <li>• Program Description and Administration.</li> <li>• Program Description and Administration: Grants.</li> </ul>
(IV) Whether an analysis of agency operations indicates that the agency performs its statutory duties efficiently and effectively;	<ul style="list-style-type: none"> <li>• Program Description and Administration.</li> <li>• Program Description and Administration: Auctions.</li> </ul>
(V) Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates;	<ul style="list-style-type: none"> <li>• Program Description and Administration.</li> <li>• Legal Framework: Legal Summary.</li> <li>• Recommendation 1.</li> </ul>
(VI) The economic impact of regulation and, if national economic information is not available, whether the agency stimulates or restricts competition;	<ul style="list-style-type: none"> <li>• Not applicable.</li> </ul>
(VII) Whether complaint, investigation, and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession;	<ul style="list-style-type: none"> <li>• The Committee does not receive or investigate complaints or take disciplinary action.</li> </ul>
(VIII) Whether the scope of practice of the regulated occupation contributes to the optimum use of personnel and whether entry requirements encourage affirmative action;	<ul style="list-style-type: none"> <li>• The Committee does not regulate an occupation or profession with a scope of practice.</li> </ul>



<p>(IX) Whether the agency through its licensing or certification process imposes any sanctions or disqualifications on applicants based on past criminal history and, if so, whether the sanctions or disqualifications serve public safety or commercial or consumer protection interests. To assist in considering this factor, the analysis prepared pursuant to subsection (5)(a) of this section must include data on the number of licenses or certifications that the agency denied based on the applicant's criminal history, the number of conditional licenses or certifications issued based upon the applicant's criminal history, and the number of licenses or certifications revoked or suspended based on an individual's criminal conduct. For each set of data, the analysis must include the criminal offenses that led to the sanction or disqualification.</p>	<ul style="list-style-type: none"> <li>• The Committee does not regulate an occupation or profession.</li> </ul>
<p>(X) Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.</p>	<ul style="list-style-type: none"> <li>• No Applicable.</li> </ul>

## Sunset Process

Programs scheduled for sunset review receive a comprehensive analysis. The review includes a thorough dialogue with agency officials, representatives of the regulated profession and other stakeholders. Anyone can submit input on any upcoming sunrise or sunset review on COPRRR’s website at: [coprrr.colorado.gov](http://coprrr.colorado.gov).

The functions of the Disability Funding Committee (Committee) under the Laura Hershey Disability Support Act (Act) as enumerated in Article 30 of Title 24, Part 22, Colorado Revised Statutes (C.R.S.), shall terminate on September 1, 2021, unless continued by the General Assembly. During the year prior to this date, it is the duty of COPRRR to conduct an analysis and evaluation of the Act pursuant to section 24-34-104, C.R.S.

The purpose of this review is to determine whether the currently prescribed program should be continued and to evaluate the performance of the Department of Personnel and Administration (DPA) staff. During this review, the Committee and DPA staff must demonstrate that the program serves the public interest. COPRRR’s findings and recommendations are submitted via this report to the Office of Legislative Legal Services.

## Methodology

As part of this review, COPRRR staff attended Committee meetings, interviewed DPA staff and other stakeholders, reviewed grants, interviewed Committee members, reviewed Colorado statutes and rules, and reviewed the laws of other states.

The major contacts made during this review include, but are not limited to:

- Brain Injury Alliance of Colorado

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- Chandra Plan Foundation
  - Colorado Attorney General's Office
  - Colorado Cross Disability Coalition
  - Department of Personnel and Administration
  - Disability Law Colorado
  - Home Builders Foundation
  - Lieutenant Governor's Office

## Profile of the Program

In a sunset review, COPRRR is guided by the sunset criteria located in section 24-34-104(6)(b), C.R.S. The first criterion asks whether regulation by the agency is necessary to protect the public health, safety and welfare; whether the conditions which led to the initial regulation have changed; and whether other conditions have arisen which would warrant more, less or the same degree of regulation.

In order to understand the need for the Committee, it is first necessary to understand what it does and who it serves.

The Committee was created by the General Assembly in 2016, via House Bill 16-1362, and is comprised of 13 voting members. All members of the Committee are appointed by the Governor. The Committee is housed in DPA.

The purpose of the Committee is to provide grants to non-profit entities that provide services to the disabled community. Specifically, the Committee is authorized to allocate grant funds to non-profit entities that provide new and innovative programs or aid to persons with disabilities in accessing disability benefits. In the last four fiscal years, the Committee has allocated grant funds to non-profit entities that provided new and innovative programs only. Some examples of grants include:

- In fiscal year 19-20, the Rocky Mountain Down Syndrome Association (RMDSA) requested \$2,500 from the Committee, and the grant was awarded. RMDSA's mission is to assure inclusion and enhance independence of people with Down Syndrome by providing education, resources, and support in partnership with individuals, families, professionals, and the community. The funding request was to expand RMDSA's outreach in rural areas and to expand a continued education and independent living skills training program for young adults with Down syndrome.
- In fiscal year 19-20, the Brain Injury Alliance of Colorado (BIAC) requested \$5,500 from the Committee, and the grant was awarded. BIAC serves over 1,500 survivors of brain injuries annually in Colorado. Services provided are for adults and children with brain injuries, their families, and providers. The funding request was to conduct a needs assessment for people with non-traumatic brain injuries to understand the unique challenges and barriers they face.



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The Committee meets on a monthly basis.

The Committee is also authorized to utilize license plate registrations (specialty license plates) via an auctioning process to generate revenue. These specialty configurations are alphanumeric characters that are custom ordered for a license plate.<sup>2</sup> Examples of specialty license plate configurations included in an auction are:<sup>3</sup>

- Jaguar,
- Rocket,
- Quick,
- Itsfast, and
- GTI.

Auctions can be either live or online, but are most often online. All revenue generated is maintained in the Disability Support Fund within the State Treasury.

The auction process was created to ensure a consistent funding stream for the Committee to allocate grants to the non-profit entities that provide new and innovative services to the disabled community. In calendar year 2019, there were seven auctions which generated approximately \$26,640. During an auction, there are typically 20 to 30 license plate configurations available. The Department of Revenue provides available license plate configurations, and the Committee maintains a database listing those configurations.

Online auctions are typically open to the public for two weeks via a website that is administered by a third-party vendor. At the end of the two-week period, the highest bidder is awarded the specific license plate configuration.

The Committee utilizes two subcommittees to accomplish its duties: 1) a grant subcommittee, and 2) an auction subcommittee. Currently, the grant subcommittee is comprised of four members, generally meeting on a monthly basis. This subcommittee is responsible for, among other things, providing an initial review of grant applications to ensure they are complete. The subcommittee also works with the grant applicant to clarify any outstanding issues or concerns with the proposed program requesting funds. Upon review of the grant application and addressing any outstanding issues, the subcommittee provides a recommendation to the Committee during its monthly meeting.

The auction subcommittee also currently consists of four members (different members from the grant subcommittee) within the Committee. The auction subcommittee meets

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<sup>2</sup> Colorado Politics. *Want a Colorado license Plate that Says Bentley or Jaguar? It'll Cost You.* Retrieved May 9, 2020, from [https://www.coloradopolitics.com/quick-hits/want-a-colorado-license-plate-that-says-bentley-or-jaguar-itll-cost-you/article\\_5efd1056-e46d-11e9-9300-c7b1a69b6a42.html](https://www.coloradopolitics.com/quick-hits/want-a-colorado-license-plate-that-says-bentley-or-jaguar-itll-cost-you/article_5efd1056-e46d-11e9-9300-c7b1a69b6a42.html)

<sup>3</sup> Colorado Politics. *Want a Colorado license Plate that Says Bentley or Jaguar? It'll Cost You.* Retrieved May 9, 2020, from [https://www.coloradopolitics.com/quick-hits/want-a-colorado-license-plate-that-says-bentley-or-jaguar-itll-cost-you/article\\_5efd1056-e46d-11e9-9300-c7b1a69b6a42.html](https://www.coloradopolitics.com/quick-hits/want-a-colorado-license-plate-that-says-bentley-or-jaguar-itll-cost-you/article_5efd1056-e46d-11e9-9300-c7b1a69b6a42.html)

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monthly, and is responsible for, among other things, maintaining the current database for available license plate configurations. The subcommittee is also tasked with researching specific marketplaces where online auctions could generate funds to serve the disabled community. For example, one of the online auctions in 2019 focused on a “pet lovers” theme, during which time license plate configurations were associated with various kinds of pets.

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## Legal Framework

### History of Regulation

In a sunset review, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) is guided by the sunset criteria located in section 24-34-104(6)(b), Colorado Revised Statutes (C.R.S.). The first sunset criterion questions whether regulation by the agency is necessary to protect the public health, safety and welfare; whether the conditions which led to the initial regulation have changed; and whether other conditions have arisen that would warrant more, less or the same degree of regulation.

One way that COPRRR addresses this is by examining why the program was established and how it has evolved over time.

The Laura Hershey Disability Support Act (Act) was originally created by the General Assembly via House Bill 11-1216. The Act created the Disabled Benefit Support Contract Committee (DBSCC), and it was comprised of nine members, all of whom were appointed by the Governor. The DBSCC was housed in the Department of Personnel and Administration (DPA).

The purpose of the DBSC was to provide grants for non-profit entities that provide services to the disabled community.

House Bill 11-1216 also created the License Plate Auction Group (LPAG), and it was compromised of seven members, all of whom were appointed by the Governor. The LPAG was housed in the Governor's Office.

The purpose of the LPAG was to raise money by auctioning license plate configurations. Proceeds generated from auctions were utilized to provide grants to non-profit entities that serve the disabled community.

In 2016, the General Assembly, via House Bill 16-1362, combined the DBSCC and the LPAG into the Disability Funding Committee (Committee). The Committee consists of 13 voting members, and is charged with continuing the aforementioned duties of the DBSCC and LPAG. While the statute placed the Committee in DPA, a 2020 interagency agreement transferred the administration of the Act to the Lieutenant Governor's Office.

### Legal Summary

The second, third and fifth sunset criteria question:

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Whether the existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest, considering other available regulatory mechanisms, and whether agency rules enhance the public interest and are within the scope of legislative intent;

Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures and practices and any other circumstances, including budgetary, resource and personnel matters; and

Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates.

A summary of the current statutes and rules is necessary to understand whether regulation is set at the appropriate level and whether the current laws are impeding or enhancing the agency's ability to operate in the public interest.

The Act is codified in section 24-30-2201, *et seq.*, C.R.S. It establishes the Committee, which is housed in DPA.<sup>4</sup>

The Committee is comprised of 13 members, and all Committee members are appointed by the Governor.<sup>5</sup> Seven members must be either a person with a disability, a caregiver of a person with a disability or a person who lives in a household with a person with a disability.<sup>6</sup> Additionally, the Committee must include members with experience in the following areas:<sup>7</sup>

- Business and business management,
- Non-profit entities and managing non-profit entities,
- Advocacy for persons with disabilities,
- Practice of medicine, and
- Practice of law in working with persons with disabilities.

The Governor's Council for Disabilities (Council) is authorized, in consultation with the Committee, to appoint a representative to serve on the Committee in an *ex officio* capacity.<sup>8</sup> During the 2020 legislative session, the General Assembly, via House Bill 20-1362 repealed the Council.

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<sup>4</sup> § 24-30-2203(1), C.R.S.

<sup>5</sup> § 24-30-2203(1), C.R.S.

<sup>6</sup> § 24-30-2203(1), C.R.S.

<sup>7</sup> § 24-30-2203(1), C.R.S.

<sup>8</sup> § 24-30-2203(1), C.R.S.

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Members of the Committee serve three-year terms, and no member can serve more than two consecutive terms.<sup>9</sup> Committee members do not receive compensation, but are authorized to receive per diem or reimbursement for travel or other reasonable expenses associated with performing official duties of the Committee.<sup>10</sup>

The Committee is responsible for auctioning vehicle registration numbers (license plates). Registration numbers are the unique combination of letters and numbers assigned to a vehicle.<sup>11</sup> The Committee studies the market and determines which registration numbers have the most value.<sup>12</sup>

Based on the study by the Committee, it then selects the most valuable registration numbers and requests the Department of Revenue (DOR) to verify whether those registration numbers are available.<sup>13</sup> If the registration numbers are available, the Committee requests DOR to release those numbers to the Committee for auctioning. DOR may deny the sale or use of a registration number that is offensive or inappropriate.<sup>14</sup>

The monies raised through auctions are maintained in the Disability Support Fund (Fund) within the State Treasury.<sup>15</sup>

The Committee is tasked with reviewing proposals to fund projects or programs that study or pilot new and innovative ideas that lead to an improved quality of life of increased independence for the disability community.<sup>16</sup> The Committee accepts grant proposals throughout the year and grants are awarded to recipients at the Committee's regular meetings.<sup>17</sup>

In order to be eligible for grant funding by the Committee, a project or program that provides aid to persons with disabilities in accessing disability benefits must:<sup>18</sup>

- Demonstrate a capability to be self-sustaining or otherwise able to develop long-term independent funding, and
- Have a governing body or board that is comprised of persons with a demonstrated commitment to improving the lives of persons with disabilities and have a majority be persons with disabilities or family members of persons with disabilities.

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<sup>9</sup> § 24-30-2203(2), C.R.S.

<sup>10</sup> § 24-30-2203(9), C.R.S.

<sup>11</sup> § 24-30-2202(7), C.R.S.

<sup>12</sup> § 24-30-2208(2)(a), C.R.S.

<sup>13</sup> § 24-30-2208(2)(a), C.R.S.

<sup>14</sup> § 24-30-2208(2)(c), C.R.S.

<sup>15</sup> § 24-30-2205.5(1), C.R.S.

<sup>16</sup> § 24-30-2204.5(1), C.R.S.

<sup>17</sup> § 24-30-2204.5(1), C.R.S.

<sup>18</sup> § 24-30-2204.5(2), C.R.S.

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Additionally, the Committee may utilize the Fund to provide grants to non-profit entities that provide aid to persons with disabilities in accessing disability benefits.<sup>19</sup> Non-profit entities must be based in Colorado and governed by a board that:<sup>20</sup>

- Is comprised of persons with a demonstrated commitment to improving the lives of recipients with disabilities;
- Contains members who understand a range of significant disabilities, including physical and mental; and
- Contains a majority of either recipients with disabilities, or family members of recipients with disabilities who have experience in representing the interests of persons with disabilities.

The Committee reviews proposed programs to aid persons with disabilities in accessing disability benefits offered by non-profit entities.<sup>21</sup> Specifically, the Committee reviews proposals to fund projects or programs; grants are awarded for one year, but the Committee may renew a grant annually for up to five years.<sup>22</sup>

Grant proposals to provide aid to persons with disabilities in accessing disability benefits must include the following:<sup>23</sup>

- A system for evaluating whether a person with a disability is reasonably able to navigate the application process to obtain disability benefits, health care and employment;
- A system for prioritizing the need of applications based on evaluations;
- A plan for assisting persons with disabilities in navigating the process of obtaining and retaining disability benefits, health care and employment;
- A plan for establishing working relationships with state agencies, county departments of human or social services, health-care providers, the United States Social Security Administration, and the business community;
- A policy of preferential hiring of persons with disabilities;
- Reasonable standards for accounting control of expenditures;
- Metrics to evaluate the program's quality and cost-effectiveness; and
- The ability to serve persons with disabilities statewide.

Non-profit entities that are awarded grant funds to provide aid to persons with disabilities in accessing disability benefits are required to produce quarterly expenditure reports to DPA and the Committee.<sup>24</sup>

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<sup>19</sup> § 24-30-2204(1), C.R.S.

<sup>20</sup> § 24-30-2204(1), C.R.S.

<sup>21</sup> § 24-30-(2)(a)(I), C.R.S.

<sup>22</sup> §§ 24-30-2204(2)(a)(II) and (III), C.R.S.

<sup>23</sup> § 24-30-2204(2)(b)(I-VIII), C.R.S.

<sup>24</sup> § 24-30-2204(3), C.R.S.

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## Program Description and Administration

In a sunset review, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) is guided by sunset criteria located in section 24-34-104(6)(b), Colorado Revised Statutes (C.R.S.). The third, fourth and fifth sunset criteria question:

Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures practices and any other circumstances, including budgetary, resource and personnel matters;

Whether an analysis of agency operations indicates that the agency performs its statutory duties efficiently and effectively; and

Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates.

In part, COPRRR utilizes this section of the report to evaluate the agency according to these criteria.

The Disability Funding Committee (Committee) is created as part of the Laura Hershey Disability Support Act (Act) in section 24-30-2201, *et seq.*, C.R.S., and is housed in the Department of Personnel and Administration (DPA). However, in April 2020, DPA entered into an interagency agreement (IA) with the Lieutenant Governor's Office to transfer administrative duties related to the Committee from DPA staff to the Lieutenant Governor's Office.

The purpose of the Committee is twofold: 1) generate revenue through the auctioning of vehicle registration numbers (specialized license plates), and 2) provide grants to non-profit entities that provide new and innovative or benefit application services to the disabled community.

The Committee consists of 13 voting members, and all Committee members are appointed by the Governor. Committee members serve three-year terms and cannot serve more than two consecutive terms. The Committee meets monthly. Importantly, in fiscal years 18-19 and 19-20, the Committee failed to establish a quorum six times for voting purposes—two in fiscal year 18-19 and four in fiscal year 19-20.

The Committee utilizes two subcommittees, which are established by the Committee Chair, to accomplish its duties. Currently, there is a grant subcommittee and an auction subcommittee. The grant subcommittee is comprised of four members, and generally meets on a monthly basis. This subcommittee is responsible for, among other things, providing an initial review of grant applications to ensure they are complete.



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The auction subcommittee also consists of four members (different members from the grant subcommittee) of the Committee. The auction subcommittee meets monthly, and is responsible for, among other things, maintaining the current database for available license plate configurations that will be auctioned to raise money to fund the grants awarded by the grants subcommittee.

Table 1 shows DPA’s expenditures and full-time equivalent (FTE) employees associated with the Committee in the past four fiscal years. The 0.5 FTE utilized for oversight of the program is a Marketing and Communications Specialist V. The FTE is responsible for, among other duties, providing administrative support to the Committee, such as creating meeting agendas, communicating and interfacing with the public, grant management, and assisting with the coordination of license plate auctions.

Typically, during a sunset review, COPRRR staff requests data for the past five fiscal years. In 2016, the General Assembly consolidated two predecessor committees into the Committee. As such, only four years of data were available for this sunset review.

**Table 1**  
**Total Program Expenditures in Fiscal Years 16-17 through 19-20**

Fiscal Year	Total Program Expenditure	FTE
16-17	\$28,440	0.5
17-18	\$29,994	0.5
18-19	\$61,902	0.5
19-20	\$47,745	0.5

As illustrated in Table 1, the total program expenditures increased in fiscal year 18-19. The increase is attributable to the Committee contracting with a marketing/personal relations consultant. The main purpose of the consultant was to successfully market a live, in-person license plate auction. The expenditures highlighted in Table 1 do not include the grants awarded to non-profit entities that provide services to the disabled community.

## Auctions

The fourth sunset criterion asks whether an analysis of agency operations indicates that the agency performs its statutory duties effectively and efficiently.

In part, COPRRR utilizes this section of the report to evaluate the program according to this criterion.

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The Committee is authorized to utilize license plate registrations (specialized license plates) via an auctioning process to generate revenue. Auctions may be live or on-line, but online auctions are most common.

Table 2 highlights the number of auctions conducted (live and online) in fiscal years 16-17 through 19-20.

**Table 2**  
**Total Auctions Conducted**  
**in Fiscal Years 16-17 through 19-20**

Fiscal Year	Auctions	Total Revenue
16-17	14 (Direct Sales)	\$3,900
17-18	0	\$0
18-19	2	\$850
19-20	4	\$25,790

As indicated in Table 2, fiscal year 16-17 included 14 direct sales of license plate configurations (specialized license plates). The Committee authorized 14 individuals who allowed their specialized license plates to expire a one-time opportunity to retain their expired plates by paying a \$325 fee.

Also, there were zero auctions conducted in fiscal years 16-17 and 17-18. The absence of auctions is explained, at least partially, by the relatively new Committee configuration and its attempts to establish its vision and direction related to auctions and grant administration to non-profit entities.

Table 2 shows that in fiscal year 19-20, a substantial increase in revenue was generated from auctions. The Committee hired a consultant to market a live auction, and the marketing was successful, ultimately generating the most funds during the last four fiscal years.

## Grants

The third sunset criterion asks whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures and practices and any other circumstances, including budgetary, resource and personnel matters.

In part, COPRRR utilizes this section of the report to evaluate the program according to this criterion.

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The Committee allocates grant funds to non-profit entities that provide new and innovative programs benefiting Colorado’s disabled community. When a non-profit submits a grant application, the grant subcommittee reviews it to ensure, among other things, that the application is complete. The subcommittee also works with the grant applicant to clarify any outstanding issues or concerns with the proposed program.

Once the grant application is reviewed and any outstanding issues are rectified, the subcommittee forwards the application to the entire committee with a favorable or unfavorable recommendation.

The Committee awards one-year grants that can be renewed for up to five years. Non-profit entities that are awarded grants must provide quarterly reports of expenditures to DPA and the Committee to ensure that the non-profit entity is expending funds consistent with the grant proposal.

Table 3 illustrates the total grant payouts and the number of grants allocated in fiscal years 16-17 through 19-20.

**Table 3**  
**Total Grant Payouts and Total Number of Grantees**  
**in Fiscal Years 16-17 through 19-20**

Fiscal Year	Grant Payouts	Grantees
16-17	0	0
17-18	\$20,000	2
18-19	\$30,000	4
19-20	\$50,000	6

As indicated in Table 3, the amount of grants issued and the total number of grants issued to non-profit entities increased in each of the last three fiscal years. Although the total funds raised through auctions is lower than the grant payouts in the past three fiscal years, the Committee had reserve funds from a one-time allocation from the General Fund. As such, more funds were utilized to help the disabled community throughout Colorado.

Some examples of grants include:

- In fiscal years, 18-19 and 19-20, the Rocky Mountain Down Syndrome Association (RMDSA) requested \$2,500 each year from the Committee, and the grants were awarded. RMDSA’s mission is to assure inclusion and enhance independence of people with Down syndrome by providing education, resources, and support in partnership with individuals, families, professionals, and the community. The funding request was to expand RMDSA’s outreach in rural areas and to expand a

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continued education and independent living skills training program for young adults with Down syndrome.

- In fiscal year 19-20, the Brain Injury Alliance of Colorado (BIAC) requested \$5,500 from the Committee, and the grant was awarded. BIAC serves over 1,500 survivors of brain injuries annually in Colorado. Services provided are for adults and children with brain injuries, their families, and providers. The funding request was to conduct a needs assessment for people with non-traumatic brain injuries to understand the unique challenges and barriers they face.
- In fiscal year 17-18, 18-19 and 19-20, the Home Builders Foundation (HBF) requested \$10,000 in each fiscal year from the Committee, and the grants were awarded. HBF's mission is to build independence, provide opportunities, and elevate lives for individuals and families with disabilities. They provide home modifications for people with physical disabilities with their networks in the construction industry. The funding request was to provide home modifications to additional people.
- In fiscal years, 18-19 and 19-20, the Chanda Plan requested \$5,000 from the Committee in each fiscal year, and the grants were awarded. The Chanda Plan Foundation delivers and advocates for integrative therapies, primary care, and other complimentary services to improve health outcomes and reduce health-care costs for people with physical disabilities through the Chanda Center for Health. The funding request was to fund direct services for the population served.
- In fiscal years 17-18, 18-19 and 19-20, the Association for Community Living (ACL) requested \$15,000, \$12,500 and \$10,000, respectively, from the Committee, and the grants were awarded. The ACL serves people with intellectual and developmental disabilities (IDD) in the Boulder area and is a local Arc chapter. The funding request was focused on multi-generational family support for parents of children with IDD to break the cycle of these children ending up in the child welfare system.
- In fiscal year 19-20, Boulder Treasures requested \$15,000 from the Committee, and was awarded \$12,000. Boulder Treasures, and its thrift store, Ramble on Pearl, train individuals with intellectual and developmental disabilities and assist them in obtaining jobs in the community. The funding request was to expand their training service capacity, help secure a lease on an independent living housing complex, and start a new social enterprise program.

## **Collateral Consequences - Criminal Convictions**

The ninth sunset criterion requires COPRRR to examine whether the agency under review, through its licensing processes, imposes any sanctions or disqualifications based on past criminal history, and if so, whether the disqualifications serve public safety or commercial or consumer protection interests.

In part, COPRRR utilizes this section of the report to evaluate the program according to this criterion.

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Since the purpose of the Committee is to generate revenue through the auctioning of vehicle registration numbers and to provide grants to non-profit entities that provide services to the disabled community, this criterion is not applicable.

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## Analysis and Recommendations

The final sunset criterion questions whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest. The recommendations that follow are offered in consideration of this criterion, in general, and any criteria specifically referenced in those recommendations.

### **Recommendation 1 - Continue the Disability Funding Committee for five years, until 2026.**

The Disability Funding Committee (Committee) is created in section 24-30-2201, *et seq.*, Colorado Revised Statutes, (C.R.S.). The purpose of the Committee is twofold: generate revenue through the auctioning of vehicle registration numbers and to provide grants to non-profit entities that provide new and innovative or benefit assistance services to the disabled community.

The Committee consists of 13 voting members; it meets monthly. It should be noted that in fiscal years 18-19 and 19-20, the Committee failed to establish a quorum six times for voting purposes, (two in fiscal year 18-19 and four in 19-20).

The Committee utilizes two subcommittees to accomplish its duties. There is a grant subcommittee and an auction subcommittee. The grant subcommittee is comprised of four members. This subcommittee is responsible for, among other things, providing an initial review of grant applications to ensure they are complete. The grant subcommittee generally meets on a monthly basis.

The auction subcommittee also consists of four members (different members from the grant subcommittee). The auction subcommittee meets monthly, and is responsible for, among other things, maintaining the current database for available license plate configurations.

The Committee awards grants to non-profit entities that provide services to the disabled community. In the past five fiscal years, the Committee awarded 12 grants to a variety of non-profit entities. Some examples of grants include:

- In fiscal year 19-20, the Rocky Mountain Down Syndrome Association (RMDSA) requested \$2,500 from the Committee, and the grant was awarded. RMDSA's mission is to assure inclusion and enhance independence of people with Down syndrome by providing education, resources, and support in partnership with individuals, families, professionals, and the community. The funding request was to expand RMDSA's outreach in rural areas and to expand a continued education and independent living skills training program for young adults with Down syndrome.
- In fiscal year 19-20, the Brain Injury Alliance of Colorado (BIAC) requested \$5,500 from the Committee, and the grant was awarded. BIAC serves over 1,500

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survivors of brain injuries annually in Colorado. Services provided are for adults and children with brain injuries, their families, and providers. The funding request was to conduct a needs assessment for people with non-traumatic brain injuries to understand the unique challenges and barriers they face.

Section 24-30-2203(1), C.R.S., states that the Committee is created within the Department of Personnel and Administration (DPA). DPA staff, among other duties, is responsible for providing administrative support to the Committee, such as creating meeting agendas, communicating and interfacing with the public, grant management, and assisting with the coordination of license plate auctions.

The first sunset criterion asks whether the program under review is necessary to protect the public health, safety and welfare.

The Committee has been only marginally effective in achieving its statutorily mandated duty of generating revenue through the auctioning of vehicle registration numbers. During the past five fiscal years, the Committee had only six auctions, one live and five online. The six auctions generated \$27,640 combined. A live auction in October 2019 generated the vast majority of funds. Specifically, \$23,540 was generated from the live auction.

The low number of auctions is explained, at least partially, by the relatively new Committee configuration (established in 2016) and its attempts to establish its vision and direction related to auctions and grant administration to non-profit entities.

Further, the Committee, at times, had difficulty obtaining a quorum, which was attributable to Committee vacancies and low Committee member attendance. The absence of a quorum prevented the Committee from approving additional auctions. For example, twice in fiscal year 18-19 and four times in fiscal year 19-20, the Committee failed to have a quorum at monthly meetings.

As mentioned earlier, the Committee has been only marginally effective in holding auctions. Therefore, the number of funds has been limited. However, the transfer of administrative duties from DPA to the Lieutenant Governor's Office via an interagency agreement (IA) may serve to enhance the effectiveness of the Committee.

On April 4, 2020, an IA was entered into between DPA and the Lieutenant Governor's Office to transfer the administrative functions of DPA staff to the Lieutenant Governor's Office. Under the terms of the IA, the Committee itself remains housed within DPA.

The authority to enter into the IA exists in State Fiscal Rule 3-5, and all IAs must include:

- Identification of the state agencies or institutions of higher education involved in the IA,
- A description of the work to be performed,
- A description of the amounts to be paid or how those amounts will be determined,



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- The effective date and termination date of the IA, and
  - Any applicable special terms and conditions required under a grant or by federal or state laws, regulations or policies.

Interviews with administrators within the Lieutenant Governor’s Office and among staff indicate that new, viable candidates to fill vacant Committee positions have been contacted. Filling vacant positions with candidates who are committed to enhancing the mission of the Committee will serve to generate additional funds from live and on-line auctions. Generating additional funds should enable the Committee to allocate more funds to serve the disabled community.

In August 2020, all Committee positions were filled.

The fifth sunset criterion asks whether the current composition of the board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates.

The Committee includes members with experience in the following areas:<sup>25</sup>

- Business and business management,
- Non-profit entities and managing non-profit entities,
- Advocacy for persons with disabilities,
- Practice of medicine, and
- Practice of law in working with persons with disabilities.

As highlighted above, the Committee is diverse, and represents a wide variety of experience, which illustrates that the Committee satisfies the fifth sunset criterion.

Also, interviews with various stakeholders indicate that in the past four fiscal years, public participation in the Committee was constant. Consequently, there were a variety of ideas and opinions expressed during Committee meetings.

The Committee has the potential to provide great benefits to the disabled community through auctions and providing grants to the community. As such, the General Assembly should continue the Committee for five years, until 2026. The five-year continuation is justified because of the marginal performance of the Committee, and the opportunity for improvement that the IA presents.

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<sup>25</sup> § 24-30-2203(1), C.R.S.