



**Dora**  
Department of Regulatory Agencies

**Office of Policy, Research and Regulatory Reform**

# **2011 Sunset Review:**

**Advisory Committee on Covering All Children**

**Colorado Commission for Individuals Who Are Blind or Visually Impaired**

**Forest Restoration Pilot Program Technical Advisory Panel**

October 14, 2011





**Executive Director's Office**

Barbara J. Kelley  
Executive Director

John W. Hickenlooper  
Governor

October 14, 2011

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 mission of the Department of Regulatory Agencies (DORA) is consumer protection. As a part of the Executive Director's Office within DORA, the Office of Policy, Research and Regulatory Reform seeks to fulfill its statutorily mandated responsibility to conduct sunset reviews with a focus on protecting the health, safety and welfare of all Coloradans.

DORA has completed its evaluations of the Advisory Committee on Covering All Children, the Colorado Commission for Individuals Who Are Blind or Visually Impaired, and the Forest Restoration Pilot Program Technical Advisory Panel. I am pleased to submit this written report, which will be the basis for my office's oral testimony before the 2012 legislative committees of reference. The report is submitted pursuant to section 2-3-1203(2)(b)(III), Colorado Revised Statutes, which states in part:

The department of regulatory agencies shall conduct an analysis of the performance of each division, board or agency or each function scheduled for termination under this section. The department of regulatory agencies shall submit a report to the office of legislative legal services by October 15 of the year preceding the date established for termination.

The report discusses the effectiveness of the committees in carrying out the intention of the statutes and makes recommendations as to whether the advisory committees should be continued.

Sincerely,

Barbara J. Kelley  
Executive Director



John W. Hickenlooper  
Governor

Barbara J. Kelley  
Executive Director

## **2010 Sunset Review:**

### **Advisory Committee on Covering All Children**

### **Colorado Commission for Individuals Who Are Blind or Visually Impaired**

### **Forest Restoration Pilot Program Technical Advisory Panel**

#### **Key Recommendations**

##### **Sunset the Advisory Committee on Covering All Children.**

The Advisory Committee on Covering All Children (Advisory Committee) has worked diligently to fulfill its statutory mandate of increasing health care coverage to Colorado's children via Medicaid and the Child Health Plan Plus. However, much of what the Advisory Committee does is also performed by advocacy groups working on the same issues. To avoid this duplication of efforts, the Advisory Committee should be sunset.

##### **Continue the Colorado Commission for Individuals Who Are Blind or Visually Impaired.**

The 15-member Colorado Commission for Individuals Who Are Blind or Visually Impaired (Commission) was created to make recommendations regarding the provision of services to those who are blind or visually impaired, to serve as an information resource and to serve as a liaison between government and the blind and visually impaired community. The Commission has ambitious plans moving forward and should be continued.

##### **Sunset the Forest Restoration Pilot Program Technical Advisory Panel.**

The purpose of the eight-member Forest Restoration Pilot Program Technical Advisory Panel (Advisory Panel) is to evaluate the proposals for forest restoration demonstration grants received by the Director of the State Forest Service, and to make recommendations to the Director as to which proposals would best meet the objectives of the Colorado Forest Restoration Act (Restoration Act). The Advisory Panel has been an active participant in the pilot program and most of its recommendations have resulted in grant awards. The Restoration Act and the Advisory Panel were both parts of a pilot program that is now complete. If the Restoration Act is allowed to sunset, the Advisory Panel should be repealed. Conversely, if the underlying program is retained and funded, then the Advisory Panel should similarly be continued.

##### ***Where Do I Get the Full Report?***

The full sunset review can be found on the internet at: [www.dora.state.co.us/opr/oprpublications.htm](http://www.dora.state.co.us/opr/oprpublications.htm)

## **Major Contacts Made During These Reviews**

Colorado Department of Health Care Policy and Financing  
Colorado Department of Human Services  
Colorado State Forest Service

### **What is a Sunset Review?**

A sunset review is a periodic assessment of state boards, programs, and functions to determine whether or not they should be continued by the legislature. Sunset reviews focus on creating the least restrictive form of regulation consistent with protecting the public. In formulating recommendations, sunset reviews consider the public's right to consistent, high quality professional or occupational services and the ability of businesses to exist and thrive in a competitive market, free from unnecessary regulation.

Sunset Reviews are Prepared by:  
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## Background

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### Introduction

As part of the sunset review of an advisory committee, the advisory committee that is scheduled to repeal must submit to Department of Regulatory Agencies (DORA), on or before July 1 of the year preceding the year in which the advisory committee is scheduled to repeal:<sup>1</sup>

- The names of current members of the advisory committee;
- All revenues and all expenditures, including advisory committee expenses, *per diem* paid to members, and any travel expenses;
- The dates all advisory committee meetings were held and the number of members attending the meetings;
- A listing of all proposals made by the advisory committee, together with an indication as to whether each proposal was acted upon, implemented or enacted into statute; and
- The reasons why the advisory committee should be continued.

Importantly, sunset reviews of advisory committees do not, generally, analyze the underlying program to which the committee is expected to render advice or recommendations. If an advisory committee is sunset, the underlying program will continue.

### Sunset Process

As with sunset reviews of programs, agency officials and other stakeholders can submit input regarding an advisory committee through a variety of means, including at [www.dora.state.co.us/pls/real/OPR\\_Review\\_Comments.Main](http://www.dora.state.co.us/pls/real/OPR_Review_Comments.Main).

The Advisory Committee on Covering All Children, the Colorado Commission for Individuals Who Are Blind or Visually Impaired, and the Forest Restoration Pilot Program Technical Advisory Panel shall each terminate on July 1, 2012, unless continued by the General Assembly. It is the duty of DORA to conduct an analysis and evaluation of these advisory committees pursuant to section 2-3-1203, Colorado Revised Statutes.

The purpose of this review is to determine whether these committees should be continued for the protection of the public and to evaluate their performance. DORA's findings and recommendations are submitted via this report to the Office of Legislative Legal Services.

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<sup>1</sup> §§ 2-3-1203(2)(b)(I) and (II), C.R.S.

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## **Advisory Committee on Covering All Children**

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### ***Creation, Mission and Make-Up***

The General Assembly created the Advisory Committee on Covering All Children (Advisory Committee) in Senate Bill 07-211 (SB 211) as part of a larger effort to increase the number of children receiving health coverage and to improve the quality of the health care available for children.<sup>2</sup>

The Advisory Committee was created to assist the Colorado Department of Health Care Policy and Financing (HCPF) in streamlining the application methods and requirements for Medicaid and the Children's Basic Health Plan,<sup>3</sup> which is marketed in Colorado as the Child Health Plan Plus (CHP+).

The goal of the Committee is to improve outreach, enrollment and retention in Medicaid and CHP+ through increased communication, collaboration and accountability with HCPF. The Committee established a mechanism for community partners and stakeholders to address and approach issues with HCPF.

The Advisory Committee is to comprise no more than 15 members with the President of the Senate and the Speaker of the House of Representatives each appointing two members, the minority leader of the Senate and the minority leader of the House of Representatives each appointing one member; and the Governor appointing no more than nine members.<sup>4</sup> As of this writing, the Advisory Committee comprised 12 members.

### ***Responsibilities of the Advisory Committee***

The Advisory Committee is charged with:<sup>5</sup>

- Developing and overseeing the implementation of a plan to ensure that all low-income children have health coverage by the end of 2010;
- Making recommendations for changes in legislation and rules to increase the enrollment of children in Medicaid and CHP+;
- Reviewing the marketing and enrollment practices, and the expenditure of money, related to the Tobacco Taxes for Health Related Purposes, as outlined in the State's Constitution;
- Analyzing enrollment and re-enrollment barriers to Medicaid and CHP+, and methods to overcome those barriers;
- Investigating the feasibility of expanding the number of sites with direct access to the State's system for enrollment in Medicaid and CHP+;

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<sup>2</sup> Senate Bill 07-211, Legislative Declaration.

<sup>3</sup> Senate Bill 07-211, Legislative Declaration.

<sup>4</sup> § 25.5-1-202(2)(b), C.R.S.

<sup>5</sup> §§ 25.5-1-202(3)(a and b), C.R.S.

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- Investigating the feasibility of centralizing enrollment in Medicaid and CHP+;
  - Investigating the feasibility of combining Medicaid and CHP+;
  - Analyzing methods to improve communication among HCPF, the Colorado Department of Human Services (DHS) and county departments of social services;
  - Investigating the feasibility of sharing income eligibility information and verification with other benefit programs; and
  - Considering other issues identified by the Advisory Committee.

Beginning on November 1, 2007, and on each November 1 thereafter, the Advisory Committee was required to submit a report and recommendations to the health and human services committees of both houses of the General Assembly, as well as the Joint Budget Committee.<sup>6</sup>

### ***Revenues and Expenditures***

In 2008, HCPF received a \$50,000 grant from The Colorado Trust, to cover the expenses of the Advisory Committee.

In 2009, HCPF spent approximately \$12,000 of this grant money on strategic planning consulting services, conference calls and limited refreshments at the Advisory Committee's initial meetings.

### ***Meetings of the Advisory Committee***

The Advisory Committee has met 33 times since its creation. Meetings were, for the most part, held on a monthly basis until August 2010, at which time the Advisory Committee opted to begin meeting on a quarterly basis. All meetings have been held in Denver.

According to Advisory Committee meeting minutes posted on HCPF's website, on average, seven or eight Advisory Committee members attend each meeting.

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<sup>6</sup> § 25.5-1-202(3)(c), C.R.S.

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## ***Proposals and Their Status***

As of this writing, the Advisory Committee has produced four annual reports. The Advisory Committee's recommendations and the results are as follows:

### **2007 Recommendations**

1. Provide HCPF with the necessary financing, staffing, and technology resources to provide relevant data on children and public insurance programs, to include:
  - a. The total number of eligible but not enrolled children in Medicaid and CHP+ by county.
  - b. The number of children enrolled in Medicaid and CHP+ by county.
  - c. The number of children currently enrolled in Medicaid and CHP+ with an analysis of who among them have been previously enrolled in Medicaid and CHP+ at any time during their lives. Specifically this would allow for detailed analysis of churning<sup>7</sup> and the fact that CHP+ permits 12 months continuous enrollment.
  - d. The number of providers accepting Medicaid and CHP+ children. Data should be made available by county.

*Status: HCPF partnered with the Colorado Health Institute to analyze and provide the requested data.*

2. Provide HCPF with the necessary financial, staffing, and technology resources to create a real-time eligibility system that allows clients, providers, and stakeholders to immediately access Medicaid and CHP+ eligibility status updates.

*Status: No progress to date.*

### **2008 Recommendations**

1. The Advisory Committee submitted recommendations to HCPF for short-term outreach activities to increase enrollment and retention of children in Medicaid and CHP+. The recommendations were:
  - a. Fund documentation assistance (acquisition of birth certificates) in connection with federal citizenship and identity requirements under the Deficit Reduction Act.

*Status: Not implemented due to restrictions.*

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<sup>7</sup> Churning refers to individuals entering and leaving a particular program. In this instance, it refers to the fact that children enter and drop off the rolls of Medicaid and CHP+.

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- b. Provide consistent training and support for community-based organizations.

*Status: Annual, regional training hosted by HCPF is now offered.*

- c. Strengthen the Early and Periodic Screening, Diagnosis and Treatment Coordinator (Coordinator) program.

*Status: The Healthy Communities program was designed and implemented to address the Coordinator's role.*

- d. Release new hardcopy application to address CHP+/HMO issues, and translate it into Spanish.

*Status: A new hardcopy application was released in 2010 with modifications to address the above issues. The application is being reviewed again to address the Spanish translation.*

- e. Fix client correspondence.

*Status: HCPF continues to work with the Governor's Office of Information Technology (OIT) to correct and enhance the Colorado Benefit Management System (CBMS) in multiple areas, including, but not limited to, document verification issues, redeterminations and client correspondence.*

- 2. Provide new fiscal analysis related to the cost of streamlining Medicaid and CHP+.

*Status: HCPF staff reported state and national partner analyses.*

- 3. Facilitate prolonged Medicaid eligibility to keep children in Medicaid for 12 months of continuous enrollment, as with CHP+.

*Status: See 2010 recommendation.*

- 4. Adopt administrative enrollment and passive re-enrollment using data that the State already collects.

*Status: See 2010 recommendation.*

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## **2009 Recommendations**

1. Align the redetermination dates among the programs to streamline tasks.

*Status: See 2010 recommendations.*

2. Allow for rolling renewals.

*Status: See 2010 recommendations.*

3. Allow for administrative auto-renewals to enhance current proactive renewal strategies.

*Status: See 2010 recommendations.*

4. Provide 12-month continuous eligibility for Medicaid and CHP+.

*Status: See 2010 recommendations.*

5. Require supervisory approval of every denial, including denied renewal applications.

*Status: The Advisory Committee researched the feasibility of this recommendation and agreed to withdraw the recommendation and revisit it at a future date based on current eligibility determination processes and environment.*

## **2010 Recommendations**

1. Accelerate implementation of 12-month continuous eligibility for Medicaid.

*Status: No Action. Twelve-month continuous eligibility in Medicaid was included in Colorado's 2009 Health Care Affordability Act to be implemented in 2013. The Advisory Committee requested HCPF to accelerate the implementation timeline. HCPF informed the Advisory Committee that other CBMS issues had to be prioritized before the implementation of this policy.*

2. Prioritize the required change in CBMS to align redetermination dates among public programs and allow families to renew their enrollment in Medicaid and CHP+ at any time, regardless of whether it is their renewal period.

*Status: HCPF and DHS are currently developing a plan to implement this CBMS change.*

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3. Adopt administrative enrollment and passive re-enrollment techniques using data the State already collects.

*Status: Effective August 28, 2011, re-enrollment procedures had been automated and simplified. This included the automation of the ex parte review process, implementation of a passive renewal procedure for families with no reported changes to their respective Medicaid cases, and training eligibility staff on the use of phone communication for re-enrollment information.*

4. Correct CBMS and other system problems to ensure the State has an accurate and efficient system by which to determine and verify eligibility.

*Status: HCPF continues to work with OIT to correct and enhance CBMS, including, but not limited to, document verification issues, redeterminations and client correspondence.*

5. Support the successful implementation of federal health care reform by creating a seamless and effective system for families to apply for Medicaid, CHP+, subsidies, and private insurance that builds on existing systems.

*Status: The members of the Colorado Health Benefits Exchange Board were appointed in summer 2011 to address these issues.*

### **Ongoing Data Request**

1. Determine the number of children currently enrolled in Medicaid and CHP+ with an analysis of who among them have been previously enrolled in Medicaid and CHP+ at any time during their lives, including time intervals between coverage periods and frequency of disruptions. This should include the reasons why children are enrolled in CHP+ for an average of 10 months despite the fact that CHP+ permits 12 months as well as reasons why Medicaid children churn off.

*Status: No action. Data is not available at this time.*

### **Reasons to Sunset the Advisory Committee**

The Advisory Committee has worked diligently to fulfill its statutory mandate of increasing health care coverage to Colorado's children via Medicaid and CHP+. It has created a forum at which various stakeholders and experts can exchange ideas, and has served as a valuable resource for HCPF, particularly during lean budgetary times.

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However, much of what the Advisory Committee does is also performed by advocacy groups working on the same issues. Some of these groups include:

- Eligibility Modernization Task Force, which is a statewide partnership consisting of HCPF staff, advocates, community-based organizations and county departments of social/human services working to solicit stakeholder feedback regarding HCPF's plan to centralize certain eligibility and enrollment processes for all public health insurance programs.
- All Kids Covered Colorado, which, is a grant-funded advocacy initiative and non-partisan coalition that has worked with policymakers, providers, and various stakeholders to make Colorado's Medicaid and CHP+ programs work better for children and families, with the goal of providing access to affordable health coverage and quality care to every child in Colorado.
- Colorado Covering Kids and Families, which is a statewide coalition working to ensure that all children and families that are eligible for Medicaid and CHP+ are enrolled.

With multiple efforts underway similar to the Advisory Committee's role, it is difficult to identify a unique function for the Advisory Committee.

Further, HCPF continues to work with community partners to increase outreach and enrollment of children and families in Medicaid and CHP+.

The Advisory Committee's recommendations have been met with varying degrees of success. Some of these recommendations were made multiple times with little change. Admittedly, most of the obstacles to recommendation implementation have been resource-driven.

### ***Analysis and Recommendation***

Since advocacy groups perform many of the same functions as the Advisory Committee and since HCPF continues to engage in outreach, the Advisory Committee should be repealed.

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# Colorado Commission for Individuals Who Are Blind or Visually Impaired

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## ***Creation, Mission and Make-Up***

The Colorado Commission for Individuals Who Are Blind or Visually Impaired (Commission) was created by House Bill 07-1274 as part of the Colorado Commission for Individuals Who Are Blind or Visually Impaired Act (Act).

The legislative declaration of the Act states that the General Assembly recognizes the need for individuals who are blind or visually impaired to have access to services benefiting such individuals and that the establishment of a commission to make recommendations concerning provisions of services to aid such individuals is in the best interests of the citizens of Colorado.<sup>8</sup>

Housed in the Colorado Department of Human Services (DHS), the Commission is to comprise no more than 15 Governor-appointed members, including:<sup>9</sup>

- The Executive Director of DHS, or his or her designee;
- An individual who is blind or visually impaired, and also deaf;
- Three members who represent national advocacy organizations for individuals who are blind or visually impaired, one of whom represents blind or visually impaired veterans;<sup>10</sup>
- An individual who is a licensed blind manager involved in the federal Randolph-Sheppard Program;<sup>11</sup>
- An individual who is blind or visually impaired and uses a service dog;
- A representative of an independent living center;
- A young adult who is at least 18 years old and is blind or visually impaired;
- A parent of a child who is blind or visually impaired;
- A senior who is blind or visually impaired;
- An individual who is blind or visually impaired and lives independently; and
- A professional from each of the following who specializes in low-vision and works with individuals who are blind or visually impaired:
  - An ophthalmologist, low-vision optometrist, or other qualified low-vision specialist;
  - A vocational rehabilitation counselor who works with individuals who are blind or visually impaired; and
  - A professional who works directly with seniors who are blind or visually impaired.

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<sup>8</sup> § 26-8.7-102, C.R.S.

<sup>9</sup> §§ 26-8.7-104(2) and 26-8.7-104(3)(a), C.R.S.

<sup>10</sup> No more than one of these individuals may be from the same organization.

<sup>11</sup> Under the Randolph-Sheppard Program, state vocational rehabilitation agencies recruit, train, license and place individuals who are blind as operators of vending facilities on federal and other property.

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## **Responsibilities of the Commission**

The Commission is charged with making recommendations that address the fiscal impact, possible funding mechanisms, and the maximization of federal and state dollars<sup>12</sup> concerning:<sup>13</sup>

- The provision of vocational rehabilitation services for individuals who are blind or visually impaired;
- The provision of independent living services for individuals who are blind or visually impaired;
- The provision of pre-vocational and other training to prepare individuals who are blind or visually impaired for vocational training, job placement and independence;
- The responsibilities of and evaluations of business enterprise programs for individuals who are blind or visually impaired; and
- The responsibilities for developing and administering any other program that will further the provision of services to individuals who are blind or visually impaired.

Additionally, the Commission is required to:

- Serve as a liaison between the blind and visually impaired community and State government;<sup>14</sup>
- Serve as an information resource to the state and the blind and visually impaired community;<sup>15</sup> and
- On or before December 1, 2008, and on or before each December 1 thereafter, submit a report with its recommendations to the Governor, the health and human services committees of both houses of the General Assembly and the State Independent Living Council at DHS.<sup>16</sup>

## **Revenues and Expenditures**

The Commission is funded through annual appropriations from the Colorado Disabled Telephone Users Fund, which cannot exceed \$112,067.<sup>17</sup>

Commission members are entitled to receive a *per diem* of \$50 for attending Commission meetings, as well as reimbursement for travel expenses related to attending Commission meetings.<sup>18</sup>

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<sup>12</sup> § 26-8.7-106(2), C.R.S.

<sup>13</sup> § 26-8.7-106(1), C.R.S.

<sup>14</sup> § 26-8.7-106(1)(f), C.R.S.

<sup>15</sup> § 26-8.7-106(1)(g), C.R.S.

<sup>16</sup> § 26-8.7-106(3), C.R.S.

<sup>17</sup> § 40-17-104(4)(d), C.R.S.

<sup>18</sup> § 26-8.7-105(3), C.R.S.

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In fiscal year 09-10, the Commission spent \$98,821.72. Of this, \$1,750 was spent on Commission *per diems* and \$2,982.99 was spent on travel reimbursement to Commissioners. The remaining funds were spent on personal services and operating expenses.

In fiscal year 10-11, the Commission spent \$98,088.99. Of this, \$2,000 was spent on Commission *per diems* and \$4,819.41 was spent on travel reimbursement to Commissioners. The remaining funds were spent on personal services and operating expenses.

### **Meetings of the Commission**

The Commission is required to meet at least quarterly.<sup>19</sup> For the most part, the Commission has complied with this requirement, meeting four times in 2008, three times in 2009, four times in 2010 and twice in 2011 (as of this writing).

On average, 11 or 12 Commissioners attend each meeting.

### **Proposals and Their Status**

The Commission has submitted its required annual reports in 2008, 2009 and 2010.

In 2009, the Commission made one recommendation, and in 2010, it made five. These recommendations and the results are summarized below:

#### **2009 Recommendation**

1. All State websites should be made fully accessible to blind and visually impaired users, including making all information and documents available in formats that can be understood and read by adaptive software.

*Status: See 2010 Recommendations.*

#### **2010 Recommendations**

1. All public transportation should be made available throughout the state in both urban and rural areas to ensure that individuals who are blind or visually impaired have equal access to transportation.

*Status: This recommendation was made to the Governor and the General Assembly, but no legislation has been introduced. However, Commissioners have consulted with the Regional Transportation District on this issue.*

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<sup>19</sup> § 26-8.7-105(1)(c), C.R.S.

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2. Services and supports for employment and employment readiness programs, including vocational rehabilitation, job development, pre-vocational training and services for adults and teens approaching employment age, should be substantially increased.

*Status: This recommendation was made to DHS's Division of Vocational Rehabilitation (DVR), which subsequently increased its utilization of such programs. The Commission and DVR will work more closely in coming years to develop plans to meet future needs.*

3. Ensure that Medicaid dollars spent for Home and Community Based Services Waiver programs support independence and prevent placement of individuals who are blind or visually impaired in long-term care facilities or other institutional settings.

*Status: No legislation has been introduced and no policy changes have been implemented.*

4. Money allocated for services to individuals who are blind or visually impaired follow the individual who needs services, rather than making the individual reapply for a series of different programs and services to meet his or her varying needs.

*Status: This recommendation was made to support the ongoing efforts of the Colorado Department of Health Care Policy and Financing (HCPF) in its bid to obtain Medicaid waivers to accomplish the same goal. HCPF was awarded a five-year, \$22 million federal grant to implement a "Money Follows the Person" program, with enrollment expected to begin in July 2012.*

5. All State websites should be made fully accessible to blind and visually impaired users, including making all information and documents available in formats that can be understood and read by adaptive software.

*Status: The Commission made this recommendation again because it found that the difficulty and inconsistent accessibility had not been addressed. As a result of efforts made after this second recommendation, the Commission recognizes that extensive progress has occurred, particularly with respect to State of Colorado web pages, the Governor's application to serve on boards and commissions and with the Colorado Benefits Management System. A major result of this recommendation was the conversion of the application for state employment to a version that is compatible with adaptive software. As a result of all of these efforts, Colorado state government, in general, and Colorado state employment, in particular, is now more accessible to the state's blind and visually impaired community.*

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## **Reasons to Continue the Commission**

Blindness is a low-incidence, high-need disability. Accessible housing and transportation are necessary to facilitate employment and independence, and these are not widely available throughout Colorado.

The Commission estimates that the unemployment rate of the adult blind and visually impaired population is approximately 70 percent. Additionally, vision loss is a primary reason for inability to remain independent and self-sufficient through the aging process.

As Colorado's population ages, it is reasonable to conclude that its population of visually impaired, or blind, seniors will increase as well. As a result, the issues the Commission was created to explore and help resolve will become more, not less pressing.

## **Analysis and Recommendation**

The Commission was created to perform three basic tasks:

- Make recommendations to the Governor and the General Assembly on issues pertaining to the independence and employability of individuals who are blind or visually impaired;
- Serve as a liaison between Colorado State government on the one hand, and the blind and visually impaired community on the other hand; and
- Serve as an information resource to the Governor, the General Assembly and the blind and visually impaired community.

The Commission has attempted to fulfill its mission, but with limited results. It has essentially made five recommendations, but only two seem to have resulted in actual change.

Finally, the Commission, unlike many advisory committees that undergo sunset review, realizes revenues and expenditures.

Ordinarily, all of this would argue in favor of sunseting the Commission: it has had limited success and it costs the State money.

However, several factors argue, persuasively, in favor of continuing the Commission, at least for a time.

First, the Commission was created just as the economy began to lag and a State hiring freeze was imposed. As a result, the Commission did not have a permanent administrator until September 2009. Even so, the Commission managed to produce its required annual reports in 2008 and 2009, and even made a recommendation in 2009.

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Second, and perhaps more importantly, the Commission was given a relatively short timeframe in which to prove itself. Although the other sunset reviews presented in this sunset report would tend to show otherwise, sunset reviews of advisory committees are typically scheduled such that the advisory committee has between 5 and 10 years to establish itself and realize its mission. Thus, it is not surprising that the Commission has little progress to show; it remains in its infancy.

Next, the Commission has ambitious plans moving forward. For example, the Commission is working to:

- Develop a website that will serve as a central repository of referral information. Currently, individuals who are blind or visually impaired, or their family members, must make numerous phone calls to various agencies in an attempt to obtain services. When the Commission's website is complete, all of this referral information will be available in a single location.
- Provide education to medical providers so that providers can refer patients who are losing their vision to the proper resources in an attempt to maintain their quality of life and keep them in their homes.
- Continue outreach to underserved communities, particularly to seniors who are losing their vision and do not know where to turn for help.
- Increase public education on what it means to be blind or visually impaired, and how this community can continue to play a meaningful role in society.

Therefore, the General Assembly should continue the Commission for five years, until 2017, and schedule the next sunset review to be conducted pursuant to the Sunset Act in section 24-34-104, Colorado Revised Statutes. This will enable a more thorough and comprehensive analysis of not just the Commission, but also its wider impact on the services offered to, and other issues surrounding, individuals who are blind or visually impaired.

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## **Forest Restoration Pilot Program Technical Advisory Panel**

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### ***Creation, Mission and Make-Up***

The General Assembly created the Forest Restoration Pilot Program Technical Advisory Panel (Advisory Panel), through House Bill 07-1130, as part of the Colorado Forest Restoration Act (Restoration Act). The Restoration Act and the Advisory Panel, originally scheduled to sunset in 2008, were continued until 2012 in Senate Bill 08-071.

In enacting the Restoration Act, the General Assembly created a program whereby the Colorado State Forest Service (Forest Service) solicits requests for proposals for cost-share grants to fund projects that are designed through a collaborative community process. Such projects may be entirely on, or on any combination of, private, federal, state, county or municipal forestlands.<sup>20</sup>

The Advisory Panel is appointed by the Director of the Forest Service (Director) and must consist of between 7 and 11 members representing the following interests:<sup>21</sup>

- One member to represent the Colorado Department of Natural Resources;
- At least one member to represent federal land management agencies;
- At least two members who are independent scientists with experience in forest ecosystem restoration; and
- Equal representation from:
  - Conservation interests;
  - Local communities; and
  - Commodity interests.

The Advisory Panel received additional responsibilities under Senate Bill 09-1199, the Colorado Healthy Forests and Vibrant Communities Act of 2009 (2009 Act). One of the goals of the 2009 Act was:

To support communities and local managers in moving from risk reduction to long-term ecological restoration so that the underlying condition of Colorado's forests supports a variety of values, particularly public water supply and high-quality wildlife habitat.<sup>22</sup>

### ***Responsibilities of the Advisory Panel***

The role of the Advisory Panel is to evaluate the proposals for grants under the Restoration Act and under the 2009 Act. The Advisory Panel recommends to the Director which grants should be funded.

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<sup>20</sup> § 23-31-310(3), C.R.S.

<sup>21</sup> § 23-31-310(5), C.R.S.

<sup>22</sup> § 23-31-313(6)(a), C.R.S.

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Under the Restoration Act, each project must:<sup>23</sup>

- Be located in an area with an approved community wildfire protection plan;
- Address one or more of the following objectives for the purpose of protecting water supplies:
  - Reducing the threat of large, high-density wildfires and the negative effects of excessive competition between trees by restoring ecosystem functions, structures, and species composition, including the reduction of non-native species;
  - Preserving old and large trees to the extent consistent with ecological values and science;
  - Replanting trees in deforested areas if such areas exist in the proposed project area; and
  - Improving the use of, or add value to, small diameter trees;
- Comply with all applicable federal and state environmental laws;
- Include a diverse and balanced group of stakeholders as well as appropriate federal, state, county, and municipal government representatives in the design, implementation, and monitoring of the project;
- Incorporate current scientific forest restoration information;
- Include an assessment to:
  - Identify both the existing ecological condition of the proposed project area and the desired future condition; and
  - Report, upon project completion, to the Forest Service on the positive or negative impact, including cost-effectiveness of the project; and
- Leverage state funding through in-kind, stumpage, or cash matching contributions.

The 2009 Act requires grant recipients to meet the same eligibility requirements as under the Restoration Act, but additional emphasis is to be given to projects that substantially leverage additional financial resources that provide an opportunity to implement Colorado's Good Neighbor Authority,<sup>24</sup> or that have been identified through a community-based collaborative process.<sup>25</sup>

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<sup>23</sup> § 23-31-310(4), C.R.S.

<sup>24</sup> Colorado's Good Neighbor Authority, as granted by the U.S. Forest Service, allows the Forest Service to treat insect-infected trees, reduce hazardous fuels and engage in other activities to improve forest, rangeland and watershed health, including fish and wildlife habitat, on U.S. Forest Service land.

<sup>25</sup> § 23-31-313(6)(a)(I)(B), C.R.S.

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## **Revenues and Expenditures**

To enable the Advisory Panel's grant awarding activities, the General Assembly has allocated funds from two sources:

- Senate Bill 07-122 provided the initial \$1 million, from the Colorado Water Conservation Board, for the initial round of grants to be awarded under the Restoration Act; and
- Senate Bill 08-071 provided a continual stream of \$1 million per year, through 2013, from the Severance Tax Trust Fund for grants to be awarded under the Restoration Act<sup>26</sup> and subsequently, the 2009 Act.

No *per diem* or travel expenses were paid to Advisory Panel members. No other expenditures were generated.

## **Meetings of the Advisory Panel**

The Advisory Panel has met four times since it was created in 2007, has reviewed 176 grant applications and recommended awarding 69 grants:

- August 10, 2007
  - The eight Advisory Panel members present reviewed 43 applications and recommended awarding 12 grants.
- December 15, 2008
  - The nine Advisory Panel members present reviewed 58 applications and recommended awarding 28 grants.
- February 4, 2010
  - The nine Advisory Panel members present reviewed 38 applications and recommended awarding 17 grants.
- March 2, 2011
  - The eight Advisory Panel members present reviewed 37 applications and recommended awarding 12 grants.

## **Proposals and Their Status**

In 2007, the Advisory Panel's recommendations resulted in the awarding of 12 grants totaling \$1,004,800<sup>27</sup> to projects in 11 counties.

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<sup>26</sup> § 39-29-109.3(2)(k), C.R.S.

<sup>27</sup> Although the General Assembly appropriated \$1 million, the Forest Service contributed \$4,800 as well.

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In 2008, the Advisory Panel's recommendations resulted in the awarding of 28 grants totaling \$1,970,000<sup>28</sup> to projects in 15 counties.

In 2010, the Advisory Panel's recommendations resulted in the awarding of 17 grants totaling \$970,000 to projects in 13 counties.

Finally, in 2011, the Advisory Panel's recommendations resulted in the awarding of 12 grants totaling \$1,132,825<sup>29</sup> to projects in 12 counties.

### ***Reasons to Sunset the Advisory Panel***

The Restoration Act and the pilot program it created, which are not evaluated in this sunset review, are scheduled for repeal by operation of law on July 1, 2012, (there is no provision for a sunset review of the Restoration Act or its pilot program). If the General Assembly appropriates additional funds to support grants similar to those already awarded by recommendation of the Advisory Panel, then the Advisory Panel's function should be continued. If not, there would be no programmatic basis to continue the Advisory Panel, and, accordingly, it should be allowed to sunset.

### ***Analysis and Recommendation***

The Restoration Act and the Advisory Panel were both parts of a pilot program that is now complete. In fact, the Restoration Act itself is scheduled to sunset by operation of law on July 1, 2012. If the Restoration Act is allowed to sunset, the Advisory Panel should be repealed.

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<sup>28</sup> Although the General Assembly appropriated \$1 million, the Forest Service distributed only \$970,000. The remaining \$1 million in grants came from money the Forest Service received from the U.S. Forest Service.

<sup>29</sup> Funds in excess of the \$1 million appropriation represent unspent funds from prior years.