

**Minutes from LPAG/DBSCC Legislation Drafting Meeting**  
**Thursday April 9, 2015**  
**9 am – 11 am**  
**Colorado Educational Association – 1500 Grant Street**

**Color key for these minutes:**

Red: Remove language

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

Green: New language

**Attendees:**

DBSCC: Donna Downing, David Henninger, and Kristin Rozansky

LPAG: Robert Juchem (chair), TH Mack, Sr., and Maren Rubino

LPAG/DBSCC Liaison: Mark Simon

Attorney General's Office: LeeAnn Morrill

Governor's Office: Zach Pierce

Office of Legislative Legal Services: Jery Payne

Community Members: Dawn Howard and Sara Shirk, both from the Colorado Cross Disabilities Coalition;

Facilitator: Marty Zimmerman, ZIM Consulting

**The meeting was called to order at 9:02 m.**

Marty explained that the group would continue going forward with the Statutes and that we would skip over any major controversial issues in order to progress with the other areas. We will address these controversial items at the end of tomorrow's meeting.

**Section 42-1-404. Sale of registration numbers by group**

Maintain:

(1) The group shall raise money by auctioning to a buyer the right to use valuable letter and number combinations for a registration number.

(2) (b) Upon receiving the group's request, the department shall verify whether the plates are currently issued. If the plate is not currently issued, the department shall reserve the registration number until the group notifies the department to release the registration number.

Modify:

(2) (a) The **group DBSCC** shall study the market and determine which registration numbers are the most valuable, including both the types of plates currently issued and any type of plate that has been historically issued. Based on the study, the **DBSCC group** shall select **the most** valuable registration numbers and request the department to verify whether plates with the registration numbers are currently issued. **The group shall not send the request to the department more than**

once every six months. The DBSCC will work with the Department to request plates on an agreed upon regular basis.

(2) (c) If a registration number is not currently issued, the group DBSCC may auction sell the right to use the registration number in a manner calculated to bring the highest price; except that the department may deny the sale or use of a registration number that is offensive or inappropriate.

#### Section 42-1-405. Creation of a private market for registration numbers - fee

Modify:

(1) The group DBSCC shall raise money by creating developing a market, which may include an on-line auction site, for registration numbers using methods that are commercially reasonable, account for expenditures, and ensure the collection of the state's approval and transfer royalty facilitation fee.

(2) The facilitation fee royalty for the state's approval and transfer of the right to use a registration number is to be determined by the DBSCC. twenty-five percent of the sale price of the transfer. At the time of sale, the purchaser shall pay the royalty to the group. This payment is not in lieu of the normal registration fees or specific ownership tax.

(3) A person shall not sell a registration number and the department shall not assign a registration number as a result of the right to use the number being sold to a vehicle unless the registration number was sold using the market sale process developed by DBSCC or its contractor created by the group.

#### Section 42-1-406. Administration

Remove:

(3) The group shall transfer the moneys collected under this part 4 to the state treasurer, who shall credit them to the registration number fund created in section 42-1-407.

(5) Any moneys received by the group shall be deposited in the registration number fund.

Maintain:

(2) (a) A registration number or letter of one position; or

Modify:

(1) The group DBSCC shall notify the department when the right to use a registration number has been sold and the group has collected the state's sale proceeds or approval and transfer

royalty facilitation fee. Upon receiving the notice, the department shall create a record in the Colorado state titling and registration system, created in [section 42-1-211](#), containing the name of the buyer, the vehicle identification number, [the specific length of time that the buyer has the right to use the registration number and any other conditions that apply. if applicable, and the corresponding registration number.](#)

(2) If the registration number consists of a combination of letters and numbers that is not within the normal format of license plate currently produced for the department, the department shall issue the plates as personalized plates under [section 42-3-211](#); except that, notwithstanding [section 42-3-211](#), the [DBSCC auction group](#) may sell, and the buyer or any subsequent buyer may use:

(2) (b) Any symbol on the standard American keyboard or approved by the [group](#) department.

(4) The [group DBSCC](#) may contract with one or more public or private entities to implement [this part 4](#).

#### **Section 42-1-407. Registration number fund (Needs new name)**

Remove:

(3) (a) (I) Except as specified in paragraphs (b) and (c) of this subsection (3) and any money appropriated from the fund to implement [this part 4](#), the state treasurer shall transfer the first one million five hundred thousand dollars from the registration number fund to the disability-benefit support fund created in [section 24-30-2205, C.R.S.](#)

(II) If any moneys remain in the registration number fund at the end of the fiscal year after the transfer required by subparagraph (I) of this paragraph (a), the state treasurer shall transfer two million five hundred thousand dollars, or the balance of the fund if the balance is a lesser amount, from the registration number fund to the general fund.

(III) If any moneys remain in the registration number fund at the end of the fiscal year after the transfers required by subparagraphs (I) and (II) of this paragraph (a), the state treasurer shall transfer the balance from the registration number fund to the disability-benefit support fund created by [section 24-30-2205, C.R.S.](#)

(b) (I) The treasurer shall adjust the transfers required by paragraph (a) of this subsection (3) on July 1 of each year in proportion to the aggregate change in the United States department of labor bureau of labor statistics consumer price index for all urban consumers for the Denver-Boulder-Greeley consolidated metropolitan statistical area. The treasurer may round the dollar amount of the adjustment to the nearest ten dollars.

(II) The tax credit reimbursement account is hereby created in the fund. Upon certifying a credit under [section 42-1-403 \(5\) \(m\)](#) and receiving the money from the sale of the registration number, the group shall place twenty percent of the amount certified in this account. The money in the account is not transferred in accordance with paragraph (a) of this subsection (3), but the

treasurer shall transfer the money to the general fund at the end of the fiscal year.

(c) The treasurer shall adjust the transfers required by paragraph (a) of this subsection (3) to exclude any loans, gifts, grants, or donations made to the fund from the disability investigational and pilot support fund created in section 24-30-2205.5, C.R.S.

Modify:

(1) The **registration number fund** (Fund name to be determined) is hereby created in the state treasury. The moneys in the fund consist of the proceeds from the sale of registration numbers under **section 42-1-404**, the royalty from private sales of registration numbers under **section 42-1-405**, any gifts, grants, or loans made for the purposes of **this part 4**, and any loans, gifts, grants, or donations made to the fund. The fund is hereby authorized to seek and accept such loans, gifts, grants, or donations for the purposes of implementing and administrating this section; except that the fund shall not accept a loan, gift, grant, or donation that is subject to conditions that are inconsistent with this section or state law.

**Discussion areas to still be determined:**

(2) The general assembly shall appropriate the amounts necessary, ~~not to exceed five percent of revenue~~, to implement this part 4 from the registration number fund to ~~the department, the governor's office, and the group~~.

**Section 39-22-535. Credit for purchase of uniquely valuable motor vehicle registration numbers**

Remove:

(1) For tax years commencing on or after January 1, 2013, a person who buys a registration number under section 42-1-402, C.R.S., is allowed a credit against the income taxes imposed by this article for twenty percent of the portion of the purchase price that the license plate auction group, created in section 42-1-403, C.R.S., certifies exceeds the registration number's fair market value. This is the value the license plate auction group expects from the sale of the registration number, not the cost of registering the vehicle.

(2) If the credit allowed by this section exceeds the tax otherwise due, the taxpayer may carry it forward for up to five years but shall claim it on the earliest possible subsequent tax return.

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Begin DBSCC Legislation **24-30-2201 et seq DBSCC (2013)**

**Section 24-30-2201. Short Title.**

Maintain:

This part 22 shall be known and may be cited as The "Laura Hershey Disability-Benefit Support Act".

### **Section 24-30-2202. Definitions.**

Maintain:

As used in this part 22, unless the context otherwise requires:

(1) "Committee" means the disabled-benefit support contract committee created in section 24-30-2203.

(2) "Disability benefits" means cash payments from Social Security disability insurance under title II of the federal "Social Security Act", 42 U.S.C. Sec. 401 et seq., as amended, cash payments made by the federal government to persons who are aged, blind, or disabled under title XVI of the federal "Social Security Act", 42 U.S.C. Sec. 401 et seq., as amended, and long-term care under the "Colorado Medical Assistance Act", Articles 4 to 6 of title 25.5 C.R.S.

(4) "Recipient" means a person who receives disability benefits or long-term care services.

Modify:

(3) "Nonprofit entity" means an entity **that is incorporated under the "Colorado Revised Nonprofit Corporation Act", articles 121 to 137 of Title 7, C.R.S., or a tax-exempt entity under 26 U.S.C. Sec. 501 (c) (3) of the Federal "Internal Revenue Code Of 1986".**

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

Maintain:

(1) (b) One member of a statewide, cross-disability organization representing persons with disabilities;

(1) (c) One member who is trained to increase access to disability benefits for persons with disabilities by an organization supported by the United States Social Security Administration;

(1) (d) One member who is a medical doctor;

(1) (e) One member who is a mental health professional;

(1) (f) One member who is an expert in nonprofit management;

Modify:

(1) The disability-benefit support contract committee is hereby created within the [department of personnel \(see discussion area below\)](#). The committee consists of thirteen members appointed by the governor as follows:

(1) (a) Five members who are persons with disabilities **and currently receiving disability benefits or have received application assistance;**

(1) (g) One member appointed by the executive director of the [department of personnel](#) (see [discussion area below](#))

(1) (h) One member who has experience and expertise in business; and

(1) (i) One member who has experience with grant programs.

**Discussion areas to still be determined:**

- Do we want to change or shorten the name?
- How do we want it designated and how much autonomy should it have (e.g. Type 1 or Type 2, quasi-governmental...)?
- (1) The disability-benefit support contract committee is hereby created within the department of personnel. Is this the correct department?
- Suggested positions the DBSCC could add to support LPAG actions:
  - Permanent members:
    - One person with expertise in the areas of marketing, advertising and public relations
    - A liaison from the Governor's Advisory Committee for Persons with Disabilities who also has disabilities.
  - Ex officio officers
    - An attorney
    - One member with expertise in product sales
    - One member appointed by the executive director of the department of revenue
    - One member with online marketing expertise who understands websites and search engine optimization
    - One member appointed by the chief of the Colorado state patrol
    - One member with a background in economic development who is recommended by the director of the Colorado office of economic development
- Why the DBSCC over another department

**The meeting concluded at 11:00 am.**