

CHAPTER 233

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 97-006

BY SENATORS Rizzuto, Coffman, and Tebedo;
also REPRESENTATIVES Anderson, Allen, Morrison, and Pffifner.

AN ACT

CONCERNING RESTRUCTURING OF HUMAN SERVICES DELIVERY SYSTEM.

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

SECTION 1. Article 1.7 of title 24, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

ARTICLE 1.7
Restructuring the Health
and Human Services Delivery System

24-1.7-101. Legislative declaration. THE GENERAL ASSEMBLY HEREBY DECLARES ITS SUPPORT FOR LOCAL FLEXIBILITY IN THE PLANNING AND DELIVERY OF HEALTH AND HUMAN SERVICES AND STATES ITS INTENT TO FOSTER CONTINUING COORDINATION, COMMUNICATION, AND COLLABORATION AT THE LOCAL LEVEL. THE GENERAL ASSEMBLY FURTHER STATES ITS SUPPORT FOR LOCAL DECISIONS TO UTILIZE PEOPLE AND RESOURCES AT THE LOCAL LEVEL IN A MORE EFFICIENT, EFFECTIVE, AND ECONOMICAL MANNER THROUGH CONSOLIDATION OF LOCAL ADVISORY BOARDS. THE GENERAL ASSEMBLY FURTHER DECLARES ITS INTENT TO STREAMLINE LOCAL PLANNING AND COMMUNITY INPUT MECHANISMS.

24-1.7-102. Local health and human services advisory boards - creation - functions. (1) IN ORDER TO ACCOMPLISH THE INTENT OF PRIOR LEGISLATION ON HUMAN SERVICES DELIVERY THAT THERE BE AN ONGOING PROCESS OR FORUM FOR CONTINUED COORDINATION AND COLLABORATION AT THE LOCAL LEVEL CONCERNING THE DELIVERY OF HUMAN SERVICES, THIS ARTICLE AUTHORIZES THE CREATION OF

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

LOCAL HEALTH AND HUMAN SERVICES ADVISORY BOARDS. A LOCAL HEALTH AND HUMAN SERVICES ADVISORY BOARD MAY SERVE A SINGLE COUNTY, TWO OR MORE COUNTIES JOINTLY, ONE OR MORE JUDICIAL DISTRICTS, OR OTHER SERVICE AREAS. MEMBERS OF AN ADVISORY BOARD SHALL BE APPOINTED BY THE GOVERNING BODY OR BODIES OF THE COUNTIES INCLUDED. MEMBERSHIP SHALL BE LOCALLY DETERMINED AND SHALL INCLUDE APPROPRIATE GEOGRAPHIC, ETHNIC, AND CULTURAL REPRESENTATION AND REPRESENTATION FROM THE PUBLIC AND FROM CONSUMERS OF SERVICES. MEMBERSHIP SHALL ALSO INCLUDE PERSONS WHO HAVE PROGRAM EXPERTISE FOR THE TYPES OF PROGRAMS THE ADVISORY BOARD ADVISES.

(2) IN ADDITION TO, IN COMBINATION WITH, OR IN LIEU OF CREATING A LOCAL HEALTH AND HUMAN SERVICES ADVISORY BOARD, A COUNTY, JUDICIAL DISTRICT, OR OTHER SERVICE AREA MAY ELECT TO CONSOLIDATE ITS ADVISORY BOARD WITH THAT OF ONE OR MORE OTHER COUNTIES, JUDICIAL DISTRICTS, OR SERVICE AREAS AS SPECIFIED IN SECTION 24-1.7-103.

24-1.7-103. Consolidation of local boards - process - requirements. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT THERE ARE MANY ADVISORY TYPES OF BOARDS IN THE HUMAN SERVICES DELIVERY SYSTEM THAT HAVE SIMILAR FUNCTIONS AND PURPOSES AND HAVE MEMBERS WITH SIMILAR QUALIFICATIONS AND EXPERTISE. THE GENERAL ASSEMBLY FINDS THAT GREATER EFFICIENCY AND FLEXIBILITY WOULD BE ACHIEVED BY ALLOWING COUNTIES, JUDICIAL DISTRICTS, AND OTHER SERVICE AREAS TO COMBINE AND CONSOLIDATE SOME OR ALL OF THESE BOARDS INTO ONE BOARD THAT SERVES AS A BROAD-BASED LOCAL PLANNING GROUP AND CARRIES OUT ALL OF THE FUNCTIONS AND RESPONSIBILITIES OF THE PREVIOUS BOARDS THROUGH A CONSOLIDATED BOARD.

(2) ANY COMBINATION OF THE FOLLOWING BOARDS OR GROUPS MAY BE CONSOLIDATED INTO A SINGLE ADVISORY BOARD:

(a) PLACEMENT ALTERNATIVES COMMISSIONS, CREATED PURSUANT TO SECTION 19-1-116 (2) (a), C.R.S.;

(b) JUVENILE COMMUNITY REVIEW BOARDS, AS DEFINED IN SECTION 19-1-103 (69), C.R.S., AND DESCRIBED IN SECTION 19-2-210, C.R.S.;

(c) LOCAL JUVENILE SERVICES PLANNING COMMITTEES, CREATED PURSUANT TO SECTION 19-2-211, C.R.S.;

(d) CHILD PROTECTION TEAMS, CREATED PURSUANT TO SECTION 19-3-308 (6), C.R.S.;

(e) FAMILY PRESERVATION COMMISSIONS, ESTABLISHED PURSUANT TO SECTION 26-5.5-106, C.R.S.;

(f) A LOCAL HEALTH AND HUMAN SERVICES ADVISORY BOARD, CREATED PURSUANT TO SECTION 24-1.7-102.

(3) THE CONSOLIDATION OF, AND APPOINTMENTS TO, LOCAL BOARDS OR GROUPS THAT HAVE DIFFERENT APPOINTING AUTHORITIES SET IN STATUTE, ARE SUBJECT TO THE AGREEMENT OF EACH APPOINTING AUTHORITY. EACH OF THE SEPARATE

FUNCTIONS AND RESPONSIBILITIES OF EACH BOARD OR GROUP AS SPECIFIED IN STATUTE MUST CONTINUE TO BE MET BY THE CONSOLIDATED BOARD.

SECTION 2. 26-1-107 (6), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-1-107. State board of human services. (6) The state board shall:

- (a) Adopt board rules;
- (b) Hold hearings relating to the formulation and revision of the policies of the state department;
- (c) Advise the executive director as to any matters that the executive director may bring before the state board;
- (d) Meet as is necessary to adjust the minimum award for old age pensions for changes in the cost of living pursuant to section 26-2-114 (1); except that the state board shall meet for such a purpose whenever the monthly index of consumer prices, prepared by the bureau of labor statistics of the United States department of labor, increases or decreases by an amount warranting an increase or decrease over the previous adjustment and the United States social security administration increases benefits similarly adjusted for changes in the cost of living. Such a meeting shall be held within twenty days of the publication of the monthly index which first exceeds the previous level by said amount.
- (e) Adopt rules and regulations for the purpose of establishing guidelines for the placement of children from locations outside of Colorado into this state for foster care or adoption pursuant to section 19-5-203, C.R.S., or section 26-6-104 or the terms of the "Interstate Compact on Placement of Children" as set forth in part 18 of article 60 of title 24, C.R.S.;
- (f) Adopt rules governing the operations of the statewide adoption resource registry as described in section 26-1-111 (4);
- (g) ADOPT RULES CONCERNING MENTAL HEALTH PROGRAMS, ALCOHOL AND DRUG ABUSE PROGRAMS, AND DEVELOPMENTAL DISABILITIES PROGRAMS.

SECTION 3. 26-1-108, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-1-108. Powers and duties of the executive director - rules. (1) Executive director rules shall be solely within the province of the executive director and shall include the following:

- (a) Rules governing matters of internal administration in the state department, including organization, staffing, records, reports, systems, and procedures, and also governing fiscal and personnel administration for the state department and establishing accounting and fiscal reporting rules and regulations for disbursement of federal funds, contingency funds, and proration of available appropriations except those determinations precluded by authority granted to the state board.

~~(b) Rules which the state board of human services is not otherwise authorized to adopt, including, but not limited to, rules concerning the implementation of the provisions of title 27, C.R.S.~~

(c) (Deleted by amendment, L. 93, p. 1109, § 23, effective July 1, 1994.)

~~(1.5) Nothing in this section shall be construed to affect any specific statutory provision granting rule-making authority in relation to a specific program to the executive director.~~

(2) The rules and regulations issued by the executive director shall be binding upon the several county departments. At any public hearing relating to a proposed rule making, interested persons shall have the right to present their data, views, or arguments orally. Proposed rules of the executive director shall be subject to the provisions of section 24-4-103, C.R.S.

(3) (Deleted by amendment, L. 93, p. 1109, § 23, effective July 1, 1994.)

SECTION 4. 26-1-119, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-1-119. County staff. The county director, with the approval of the county board, shall appoint such staff as may be necessary as determined by the appropriate state department rules to administer public assistance and welfare, medical assistance, and child welfare activities within his OR HER county. Such staff shall be appointed and shall serve in accordance with ~~the~~ A merit system ~~established and maintained by the appropriate state department~~ for the selection, retention, and promotion of county department employees ~~pursuant to~~ AS DESCRIBED IN section 26-1-120. The salaries of the members of such staff shall be fixed in accordance with the rules and salary schedules prescribed by the appropriate state department; EXCEPT THAT ONCE A COUNTY TRANSFERS ITS COUNTY EMPLOYEES TO A SUCCESSOR MERIT SYSTEM AS PROVIDED IN SECTION 26-1-120, THE SALARIES SHALL BE FIXED BY THE COUNTY COMMISSIONERS.

SECTION 5. 26-1-120, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-1-120. Merit system. ~~(1) The state department shall establish and maintain~~
a ON JANUARY 1, 2001, THE merit system for the selection, retention, and promotion of employees of the county departments, ~~except those positions exempted in sections 26-1-117 (1) and 26-1-120.5, and shall establish such rules and regulations as are necessary for the efficient administration and operation of the merit system.~~ THAT HAS BEEN OPERATED BY THE STATE DEPARTMENT PURSUANT TO THIS SECTION IS ABOLISHED. BEGINNING ON OR AFTER JULY 1, 1997, BUT NO LATER THAN JANUARY 1, 2001, EACH COUNTY SHALL PROVIDE FOR A MERIT SYSTEM FOR THE SELECTION, RETENTION, AND PROMOTION OF EMPLOYEES OF THE COUNTY DEPARTMENTS THAT COMPLIES WITH THE CRITERIA SPECIFIED IN SUBSECTION (8) OF THIS SECTION AND WITH ANY OTHER FEDERAL STANDARDS FOR A MERIT SYSTEM OF PERSONNEL ADMINISTRATION FOR EMPLOYEES, SPECIFIED AS A CONDITION OF RECEIPT OF FEDERAL FUNDS AS SET FORTH IN SUBPART F OF 5 C.F.R. SEC. 900.601, ET SEQ. A COUNTY CAN COMBINE WITH ANOTHER COUNTY OR FORM A DISTRICT TO PROVIDE SUCH A MERIT

SYSTEM FOR ITS EMPLOYEES. THE COUNTY DEPARTMENT SHALL CERTIFY TO THE STATE DEPARTMENT THAT THE SUCCESSOR MERIT SYSTEM OF PERSONNEL ADMINISTRATION USED BY THE COUNTY IS IN CONFORMANCE WITH THE FEDERAL STANDARDS. PRIOR TO TRANSFERRING COUNTY EMPLOYEES TO A SUCCESSOR MERIT SYSTEM, EACH COUNTY SHALL SUBMIT A TRANSITION PLAN TO THE STATE DEPARTMENT OUTLINING ITS PLAN FOR TRANSFERRING SUCH EMPLOYEES AND FOR ADDRESSING ISSUES THAT MAY ARISE DURING THE TRANSFER, SUCH AS SALARY ISSUES, RETENTION, SENIORITY RIGHTS, AND APPEAL PROCESSES. THE STATE DEPARTMENT SHALL EXAMINE AND APPROVE THE TRANSITION PLAN IF THE STATE DEPARTMENT DETERMINES THAT THE TRANSITION PLAN IS REASONABLE AND THAT THE MERIT SYSTEM MEETS THE FEDERAL STANDARDS. THE COUNTY MAY NOT IMPLEMENT THE TRANSITION PLAN OR TRANSFER EMPLOYEES TO THE SUCCESSOR MERIT SYSTEM UNTIL THE STATE DEPARTMENT HAS APPROVED THE TRANSITION PLAN. THE STATE SHALL NOT UNREASONABLY WITHHOLD APPROVAL. ANY TRANSITION PLAN FOR TRANSFERRING COUNTY EMPLOYEES FROM THE STATE MERIT SYSTEM TO A SUCCESSOR MERIT SYSTEM SHALL INCLUDE PROTECTIONS FOR EMPLOYEES THAT ALLOW THEM TO RETAIN ANY ACCRUED ANNUAL OR SICK LEAVE BENEFITS AND THAT COMPENSATE SUCH EMPLOYEES AT THE SAME OR HIGHER RATE OF SALARY. THE STATE DEPARTMENT SHALL PROVIDE ASSISTANCE TO COUNTIES REGARDING THE TRANSITION OF COUNTY EMPLOYEES FROM THE STATE MERIT SYSTEM TO A SUCCESSOR MERIT SYSTEM. NOTHING IN THIS SECTION SHALL PRECLUDE A COUNTY FROM REORGANIZING EMPLOYEE STAFF FUNCTIONS OR ABOLISHING POSITIONS TO ACHIEVE GREATER EFFICIENCIES IN OPERATIONS.

(1.5) ANY MONEYS SAVED AS A RESULT OF ELIMINATING THE STATE MERIT SYSTEM SHALL BE AVAILABLE TO COUNTIES TO IMPLEMENT THE TRANSITION FROM THE STATE MERIT SYSTEM TO A SUCCESSOR MERIT SYSTEM.

(2) (a) The STATE merit system shall consist of a merit system council, a merit system supervisor, and such other employees as may be necessary for the efficient performance of the duties prescribed by this title.

(b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JANUARY 1, 2001.

(3) (a) The merit system council shall consist of three members appointed by the governor to serve for three-year overlapping terms. Appointments shall be made on the basis of known interest in public assistance and welfare activities and the merit system and on a nonpartisan basis.

(b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JANUARY 1, 2001.

(4) (a) It is the duty of the merit system council, within the scope of the rules and regulations of the state department AND WITH RESPECT ONLY TO THE STATE MERIT SYSTEM, to:

(a) (I) Establish general policies for the administration of merit examinations;

(b) (II) Establish policies for the fair hearing of personnel appeals;

(c) (III) Advise and make recommendations to the state board on personnel matters;

~~(d)~~ (IV) Provide an annual budget and report for submission to the state department covering all costs of THE STATE merit system activities and the operation of the STATE merit system of county departments;

~~(e)~~ (V) Promote public understanding for the purposes, policies, and practices of the STATE merit system for county department employees.

(b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JANUARY 1, 2001.

(5) (a) The rules and regulations adopted by the state department for the STATE merit system shall provide for:

~~(a)~~ (I) Minimum qualifications for merit system employees of county departments WHO ARE IN THE STATE MERIT SYSTEM;

~~(b)~~ (II) Statewide competitive examinations for STATE merit system positions in the county departments;

~~(c)~~ (III) Statewide promotional examinations for STATE merit system employees in the county departments based on qualifications, examinations, and service ratings;

~~(d)~~ (IV) Appointments to merit positions in the county departments to be made from registers of eligible persons certified in the order of merit with due consideration of veterans' preference. A list of all candidates who score ninety or above shall be submitted to the county department, and selection by the appointing authority shall be made from that list. In instances where fewer than ten eligible candidates with scores of ninety or above are available, selection shall be made from a sufficient number of eligible candidates not to exceed ten, which shall be taken from those names of eligible candidates on the register receiving the highest scores below ninety; but, when the state department does not furnish a county department with a register of eligible persons for an available position within sixty calendar days of formal request by a county for said register, the county appointing authority may proceed to appoint an otherwise qualified person to fill the position, and said person shall be deemed certified, as if he OR SHE had appeared on a register of eligibles, with all the rights of any other probationary employee under the merit system.

~~(e)~~ (V) A probationary period to be served prior to certification as a permanent employee with security of tenure for satisfactory performance;

~~(f)~~ (VI) Discipline, dismissal, separation, reinstatement, and transfers;

~~(g)~~ (VII) The right of every applicant to or employee in the STATE merit system to an appeal and to a fair hearing, in accordance with the rules and regulations of the state department, on matters concerning the status of such applicant or employee. The administrative law judge for the state department may preside over any such fair hearing, prepare a record, take evidence, and make findings of fact and recommendations; but, notwithstanding the provisions of section 26-1-106, the merit system council shall make a decision concerning the applicant's or the employee's status, which shall be final agency action and which shall be reviewable in accordance with section 24-4-106, C.R.S., at the instance of an applicant, an employee, or a county department, each of which shall have standing for such

purpose. In any case that review is taken by either an applicant or an employee in accordance with section 24-4-106, C.R.S., the county department shall be timely served by the plaintiff with a copy of its complaint, and the county may intervene as a party for such review.

~~(h)~~ (VIII) A classification plan based upon the duties and responsibilities of the merit system position;

~~(i)~~ (IX) A compensation plan;

~~(j)~~ (X) Annual leave, sick leave, and other approved leaves including military and educational leaves;

~~(k)~~ (XI) Emergency and provisional appointments;

~~(l)~~ (XII) Prohibition of political activity;

~~(m)~~ (XIII) No discrimination;

~~(n)~~ (XIV) Service ratings;

~~(o)~~ (XV) Such other rules and regulations as the state department shall deem necessary for the efficient administration and operation of the STATE merit system;

~~(p)~~ (XVI) Exemption of employees from the STATE merit system as provided in section 26-1-120.5.

(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JANUARY 1, 2001.

(6) Repealed.

(7) (a) The merit system council, as provided in section 24-32-2115, C.R.S., shall provide services described in this section to civil defense employees of the political subdivisions of the state, except where such employees are covered by another federally approved merit system.

(b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JANUARY 1, 2001.

(8) THE MERIT SYSTEM PROVIDED BY THE COUNTIES SHALL MEET THE FOLLOWING FEDERAL CRITERIA:

(a) THE RECRUITMENT, SELECTION, AND ADVANCEMENT OF EMPLOYEES SHALL BE ON THE BASIS OF RELATIVE ABILITIES, KNOWLEDGE, AND SKILLS, INCLUDING OPEN CONSIDERATION OF QUALIFIED APPLICANTS FOR INITIAL APPOINTMENT;

(b) THE SYSTEM SHALL PROVIDE EQUITABLE AND ADEQUATE COMPENSATION;

(c) THE EMPLOYEES SHALL BE TRAINED AS NEEDED TO ASSURE HIGH QUALITY OF PERFORMANCE;

(d) THE SYSTEM SHALL PROVIDE FOR RETAINING EMPLOYEES ON THE BASIS OF THE

ADEQUACY OF THEIR PERFORMANCE, CORRECTING INADEQUATE PERFORMANCE, AND SEPARATING EMPLOYEES WHOSE INADEQUATE PERFORMANCE CANNOT BE CORRECTED;

(e) THE SYSTEM SHALL ASSURE FAIR TREATMENT OF APPLICANTS AND EMPLOYEES IN ALL ASPECTS OF PERSONNEL ADMINISTRATION WITHOUT REGARD TO POLITICAL AFFILIATION, RACE, COLOR, NATIONAL ORIGIN, SEX, RELIGIOUS CREED, AGE, OR DISABILITY AND WITH PROPER REGARD FOR THE PRIVACY AND CONSTITUTIONAL RIGHTS OF SUCH PERSONS AS CITIZENS. THIS FAIR TREATMENT PRINCIPLE SHALL INCLUDE COMPLIANCE WITH ALL FEDERAL EQUAL OPPORTUNITY AND NONDISCRIMINATION LAWS.

(f) THE SYSTEM SHALL ASSURE THAT EMPLOYEES ARE PROTECTED AGAINST COERCION FOR PARTISAN POLITICAL PURPOSES AND ARE PROHIBITED FROM USING THEIR OFFICIAL AUTHORITY FOR THE PURPOSE OF INTERFERING WITH OR AFFECTING THE RESULTS OF AN ELECTION OR A NOMINATION FOR OFFICE.

(9) WITH RESPECT TO THE MERIT SYSTEM PROVIDED BY THE COUNTIES, THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES ON THE FOLLOWING:

(a) MINIMUM STANDARDS FOR QUALIFICATIONS OF CERTAIN POSITIONS THAT ARE DETERMINED BY THE STATE BOARD TO NECESSITATE UNIFORM STANDARDS;

(b) ESTABLISHMENT OF MAXIMUM STATE REIMBURSEMENT LEVELS FOR THE SALARIES OF COUNTY DEPARTMENT EMPLOYEES AND COUNTY DIRECTORS.

(10) ON JANUARY 1, 2001, THE MERIT SYSTEM COUNCIL IS ABOLISHED. THE MERIT SYSTEM COUNCIL SHALL FINALIZE AS MANY APPEALS FILED PRIOR TO JANUARY 1, 2001, AS POSSIBLE. ANY APPEALS THAT ARE PENDING ON JANUARY 1, 2001, SHALL BE TRANSFERRED TO THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE FOR FINAL AGENCY ACTION PURSUANT TO SECTION 26-1-106 OR 25.5-1-107, C.R.S., AND SHALL BE DECIDED BASED UPON THE LAW AND REGULATIONS IN EXISTENCE AT THE TIME THE APPEALED ACTION WAS TAKEN. ON AND AFTER JANUARY 1, 2001, OR ON AND AFTER THE DATE UPON WHICH THE COUNTY TAKES OVER RESPONSIBILITY FOR A SUCCESSOR MERIT SYSTEM, WHICHEVER OCCURS FIRST, THE RESOLUTION OF ANY PERSONNEL ISSUES OTHER THAN A PENDING APPEAL FILED AT THE STATE LEVEL SHALL BE HANDLED BY THE COUNTY PURSUANT TO THE POLICIES AND STANDARDS ADOPTED FOR THE COUNTY'S SUCCESSOR MERIT SYSTEM.

(11) THE COUNTY DIRECTOR OF A COUNTY DEPARTMENT SHALL BE EXEMPT FROM THE MERIT SYSTEM ESTABLISHED AND MAINTAINED BY THE STATE DEPARTMENT PURSUANT TO THIS SECTION AS IT EXISTED PRIOR TO JULY 1, 1997. EACH COUNTY SHALL DETERMINE WHETHER TO EXEMPT ITS COUNTY DIRECTOR FROM THE SUCCESSOR MERIT SYSTEM DESIGNED PURSUANT TO THIS SECTION. UNTIL THE COUNTY PROVIDES FOR A SUCCESSOR MERIT SYSTEM AS PROVIDED IN THIS SECTION, THE STATE DEPARTMENT SHALL REIMBURSE ONLY EIGHTY PERCENT OF THE SALARY ESTABLISHED IN THE COMPENSATION PLAN PURSUANT TO RULES OF THE STATE DEPARTMENT OR EIGHTY PERCENT OF THE ACTUAL SALARY, WHICHEVER IS LESS. AFTER THE COUNTY PROVIDES FOR A SUCCESSOR MERIT SYSTEM AS PROVIDED IN THIS SECTION, THE STATE DEPARTMENT SHALL REIMBURSE ONLY EIGHTY PERCENT OF THE ACTUAL SALARY; EXCEPT THAT SUCH REIMBURSEMENT SHALL NOT EXCEED THE MAXIMUM STATE REIMBURSEMENT LEVEL ESTABLISHED BY THE STATE BOARD PURSUANT TO

SUBSECTION (9) OF THIS SECTION.

SECTION 6. Part 1 of article 1 of title 26, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

26-1-120.3. Merit system transition - progress report - repeal. (1) THE STATE DEPARTMENT SHALL SUBMIT A PROGRESS REPORT TO THE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND THE STATE BOARD ON THE IMPLEMENTATION OF THE TRANSITION BY COUNTIES FROM THE STATE MERIT SYSTEM TO SUCCESSOR COUNTY MERIT SYSTEMS AS PROVIDED IN SECTION 26-1-120. SUCH REPORT SHALL BE SUBMITTED TO THE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND TO THE STATE BOARD ON OR BEFORE JANUARY 1, 2000. THE REPORT SHALL INCLUDE THE PROGRESS OF COUNTIES IN IMPLEMENTING THE TRANSITION TO SUCCESSOR MERIT SYSTEMS, IDENTIFY THE COUNTIES THAT HAVE MADE THE TRANSITION, IDENTIFY THE COUNTIES THAT HAVE NOT YET MADE THE TRANSITION, AND LIST THE ADVANTAGES IDENTIFIED BY COUNTIES OF OPERATING UNDER A SUCCESSOR MERIT SYSTEM INSTEAD OF THE STATE MERIT SYSTEM, THE EXPERIENCES OF AND THE PROBLEMS ENCOUNTERED BY COUNTIES IN MAKING SUCH A TRANSITION, AND ANY RECOMMENDATIONS FROM COUNTIES ABOUT HOW TO MAKE A SMOOTH TRANSITION FROM THE STATE MERIT SYSTEM TO A SUCCESSOR MERIT SYSTEM.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2000.

SECTION 7. 26-1-117 (1), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-1-117. County director - district director. (1) It is the duty of the county board to appoint a county director, who shall be charged with the executive and administrative duties and responsibilities of the county department, subject to the policies, rules, and regulations of the state department, and who shall serve as secretary to the county board, unless a secretary is otherwise appointed by the board. ~~The county director shall be exempt from the merit system established and maintained pursuant to section 26-1-120.~~ The salary of the county director shall be established by the board of county commissioners of the county. The state department shall ~~only~~ reimburse ~~eighty percent of the salary established in the compensation plan pursuant to~~ OF THE COUNTY DIRECTOR AS PROVIDED IN section 26-1-120. ~~(5) (i) or eighty percent of the actual salary, whichever is less.~~

SECTION 8. 26-1-120.5, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-1-120.5. Positions exempted from merit system - repeal. (1) In addition to county directors, exempted from the county department of social services personnel merit system pursuant to section 26-1-117, the following persons may be exempted from the merit system established and maintained pursuant to section 26-1-120:

- (a) Attorneys serving as legal counsel for a county department;
- (b) Part-time professional health and related personnel;

(c) Time-limited appointments of less than one year for the purposes of conducting special studies, investigations, or specific projects such as in-service training;

(d) Physical support positions such as unskilled labor, janitorial, or security; and

(e) Student interns and public assistance applicants or recipients under time-limited appointments not to exceed two years for the purpose of developing basic skills through on-the-job training programs.

(2) The merit system supervisor for the county department of social services shall determine specific county department positions which shall be exempted pursuant to subsection (1) of this section. The supervisor's determination shall be subject to appeal to the merit system council as provided in section 26-1-120 (5) (a) (VII).

(3) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2001.

SECTION 9. 24-32-2115, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-32-2115. Merit system. ~~The merit system council of the department of human services shall~~ ON AND AFTER JANUARY 1, 2000, IN ACCORDANCE WITH SECTION 13 (4) OF ARTICLE XII OF THE STATE CONSTITUTION, THE STATE PERSONNEL BOARD MAY provide personnel services ~~as described in section 26-1-120 (4) and (5), C.R.S.,~~ PURSUANT TO CONTRACT to civil defense employees of the political subdivisions of the state, except where such employees are covered by another federally approved merit system.

SECTION 10. 25.5-1-107 (1) (b), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25.5-1-107. Final agency action - administrative law judge - authority of executive director - direction to seek waiver of single state agency requirement - repeal. (1) (b) (I) Nothing in paragraph (a) of this subsection (1) shall be construed to authorize review of decisions rendered pursuant to section 26-1-120, C.R.S.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JANUARY 1, 2001.

SECTION 11. 26-1-106 (1) (b), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-1-106. Final agency action - administrative law judge - authority of executive director - direction to seek waiver of single state agency requirement - repeal. (1) (b) (I) Nothing in paragraph (a) of this subsection (1) shall be construed to authorize review of decisions rendered pursuant to section 26-1-120.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JANUARY 1, 2001.

SECTION 12. 19-1-116 (2) (a), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-1-116. Funding - alternatives to placement out of the home. (2) (a) The county commissioners in each county may appoint a placement alternatives commission consisting, where possible, of a physician or a licensed health professional, an attorney, representatives of a local law enforcement agency, representatives recommended by the court and probation department, representatives from the county department of social services, a local mental health clinic, and the local public health department, a representative of a local school district specializing in special education, a representative of a local community centered board, representatives of a local residential child care facility and a private not for profit agency providing nonresidential services for children and families, a representative specializing in occupational training or employment programs, a foster parent, and one or more representatives of the lay community. At least fifty percent of the commission members shall represent the private sector. The county commissioners of two or more counties may jointly establish a district placement alternatives commission. A PLACEMENT ALTERNATIVES COMMISSION MAY BE CONSOLIDATED WITH OTHER LOCAL ADVISORY BOARDS PURSUANT TO SECTION 24-1.7-103, C.R.S.

SECTION 13. 19-2-210, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

19-2-210. Juvenile community review board. (1.5) A JUVENILE COMMUNITY REVIEW BOARD MAY BE CONSOLIDATED WITH OTHER LOCAL ADVISORY BOARDS PURSUANT TO SECTION 24-1.7-103, C.R.S.

SECTION 14. 19-2-211, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-2-211. Local juvenile services planning committee - creation - duties. If all of the boards of commissioners of each county or the city council of each city and county in a judicial district agree, there shall be created in such judicial district a local juvenile services planning committee that shall be appointed by the chief judge of the judicial district or, for the second judicial district, the presiding judge of the Denver juvenile court from persons recommended by the boards of commissioners of each county or the city council of each city and county within the judicial district. The committee, if practicable, shall include but not be limited to a representative from the county department of social services, a local school district, a local law enforcement agency, a local probation department, the division of youth corrections, private citizens, the district attorney's office, and the public defender's office and a community mental health representative and a representative of the concerns of municipalities. The committee, if created, shall meet as necessary to develop a plan for the allocation of resources for local juvenile services within the judicial district for the fiscal year. Such plan shall be approved by the department of human services. A LOCAL JUVENILE SERVICES PLANNING COMMITTEE MAY BE CONSOLIDATED WITH OTHER LOCAL ADVISORY BOARDS PURSUANT TO SECTION 24-1.7-103, C.R.S.

SECTION 15. 19-3-308 (6) (a), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-3-308. Action upon report of intrafamilial, institutional, or third-party abuse - child protection team. (6) (a) It is the intent of the general assembly to encourage the creation of one or more child protection teams in each county or

contiguous group of counties. A CHILD PROTECTION TEAM MAY BE CONSOLIDATED WITH OTHER LOCAL ADVISORY BOARDS PURSUANT TO SECTION 24-1.7-103, C.R.S. In each county in which reports of fifty or more incidents of known or suspected child abuse have been made to the county department or the local law enforcement agency in any one year, the county director shall cause a child protection team to be inaugurated in the next following year.

SECTION 16. 26-5.5-106 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-5.5-106. Family preservation commission - establishment or designation - duties. (1) The governing body of each county or city and county shall establish a family preservation commission for the county or city and county to carry out the duties described in subsection (2) of this section. The commission shall be interdisciplinary and multiagency in composition; except that such commission shall include at least two members from the public at large. The governing body may designate an existing board or group to act as the commission. A group of counties may agree to designate a regional commission to act collectively as the commission for all of such counties. A FAMILY PRESERVATION COMMISSION MAY BE CONSOLIDATED WITH OTHER LOCAL ADVISORY BOARDS PURSUANT TO SECTION 24-1.7-103, C.R.S.

SECTION 17. 26-8-104, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-8-104. Administration. (1) The ~~executive director of the~~ state department shall, in accordance with section 26-1-108:

(a) Make rules and regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, the investigation and determination of eligibility for vocational rehabilitation services, procedures for fair hearings, the establishment and operation of rehabilitation facilities and workshops, and such other rules and regulations as may be necessary to carry out the purposes of this article;

(b) Make certification for disbursement, in accordance with rules and regulations, of funds available for carrying out the purposes of this article;

(c) Accept and use gifts made unconditionally, by will or otherwise, for carrying out the purposes of this article. Gifts made under such conditions as in the judgment of the executive director are proper and consistent with the provisions of this article may be accepted and shall be held, invested, reinvested, and used in accordance with the conditions of the gift.

SECTION 18. Effective date. This act shall take effect July 1, 1997.

SECTION 19. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 28, 1997