

CHAPTER 234

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 97-120

BY SENATORS Coffin, Hopper, Pascoe, Reeves, and Wham;
also REPRESENTATIVES C. Berry, Schwarz, Arrington, Dyer, Epps, Grampsas, Hagedorn, Lamborn, Lawrence, Musgrave,
Owen, Pankey, Salaz, Smith, Snyder, and Young.

AN ACT

CONCERNING WELFARE REFORM, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Article 2 of title 26, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW PARTS to read:

**PART 7
COLORADO WORKS PROGRAM**

26-2-701. Short title. THIS PART 7 SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO WORKS PROGRAM ACT".

26-2-702. Legislative intent. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) PASSAGE OF THE FEDERAL "PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996", PUBLIC LAW 104-193, GIVES THE STATE A UNIQUE OPPORTUNITY TO DEVELOP A PUBLIC ASSISTANCE PROGRAM THAT EMPHASIZES PLACING RECIPIENTS IN WORK AND SUPPORTING THEM IN SUSTAINED EMPLOYMENT WITH FOOD STAMPS, CHILD CARE ASSISTANCE, AND MEDICAID;

(b) THE FEDERAL "PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996", PUBLIC LAW 104-193, REQUIRES INCREASED LOCAL

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

INPUT IN DEVELOPING THE STATE PLAN FOR PUBLIC ASSISTANCE UNDER THAT LAW AND ALLOWS INCREASED LOCAL CONTROL OVER THE IMPLEMENTATION OF SUCH STATE PLAN;

(c) THE FEDERAL "PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996", PUBLIC LAW 104-193, REQUIRES ADDITIONAL TRAINING FOR LOCAL EMPLOYEES IN THE AREA OF CASE MANAGEMENT TO ASSIST IN MAKING RECIPIENTS SELF-SUFFICIENT.

(2) THEREFORE, THE GENERAL ASSEMBLY FINDS AND DECLARES THAT IT IS IN THE STATE'S BEST INTERESTS TO ADOPT THE COLORADO WORKS PROGRAM SET FORTH IN THIS PART 7.

26-2-703. Definitions. AS USED IN THIS PART 7, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AID TO FAMILIES WITH DEPENDENT CHILDREN" OR "AFDC" MEANS THE STATE PROGRAM OF AID TO FAMILIES WITH DEPENDENT CHILDREN APPROVED UNDER PART A OF TITLE IV OF THE SOCIAL SECURITY ACT, AS THE PROGRAM AND THE PART WERE IN EFFECT ON JULY 16, 1996.

(2) "ASSISTANCE" MEANS ANY CASH GRANT, BENEFIT, SERVICE, OR OTHER FORM OF TEMPORARY ASSISTANCE OFFERED BY A COUNTY DEPARTMENT TO A PARTICIPANT THAT IS FUNDED BY THE COUNTY BLOCK GRANT PURSUANT TO THE PROVISIONS OF THIS PART 7 AND ANY RULES PROMULGATED PURSUANT TO THIS PART 7.

(3) "BASIC ASSISTANCE GRANT" MEANS CASH ASSISTANCE PROVIDED TO A PARTICIPANT IN THE COLORADO WORKS PROGRAM PURSUANT TO SECTION 26-2-709.

(4) "COLORADO CHILD CARE ASSISTANCE PROGRAM" MEANS THE STATE PROGRAM OF CHILD CARE ASSISTANCE IMPLEMENTED PURSUANT TO THE PROVISIONS OF PART 8 OF THIS ARTICLE AND RULES OF THE STATE DEPARTMENT.

(5) "COLORADO WORKS PROGRAM" OR "WORKS PROGRAM" MEANS THE PROGRAM OF PUBLIC ASSISTANCE CREATED IN THIS PART 7.

(6) "COUNTY" MEANS A COUNTY OR A CITY AND COUNTY.

(7) "COUNTY BLOCK GRANT" MEANS A BLOCK GRANT PROVIDED TO A COUNTY PURSUANT TO THE PROVISIONS OF SECTION 26-2-712.

(8) "COUNTY DEPARTMENT" MEANS:

(a) THE DEPARTMENT OF SOCIAL SERVICES OF A COUNTY OR A CITY AND COUNTY;
OR

(b) ANY COMBINATION OF DEPARTMENTS OF SOCIAL SERVICES OF A COUNTY OR A CITY AND COUNTY THAT ARE APPROVED BY THE STATE DEPARTMENT TO IMPLEMENT A COUNTY BLOCK GRANT JOINTLY PURSUANT TO THE PROVISIONS OF SECTION 26-2-718.

(9) "DEPENDENT CHILD" MEANS A PERSON WHO RESIDES WITH A PARENT OR A SPECIFIED CARETAKER RELATIVE AND WHO IS UNDER THE AGE OF EIGHTEEN YEARS OR, IF THE PERSON IS A FULL-TIME STUDENT AT A SECONDARY SCHOOL OR VOCATIONAL OR TECHNICAL EQUIVALENT AND IS REASONABLY EXPECTED TO COMPLETE THE SCHOOL OR VOCATIONAL OR TECHNICAL EQUIVALENT BEFORE ATTAINING THE AGE OF NINETEEN YEARS, IS UNDER NINETEEN YEARS.

(10) "DIVERSION GRANT" MEANS A GRANT OF ASSISTANCE AUTHORIZED PURSUANT TO SECTION 26-2-707.

(11) "INDIAN TRIBE" MEANS A FEDERALLY RECOGNIZED INDIAN TRIBE WITH PART OR ALL OF ITS RESERVATION LOCATED IN THE STATE OF COLORADO.

(12) "INDIVIDUAL RESPONSIBILITY CONTRACT" OR "IRC" MEANS THE CONTRACT ENTERED INTO BY THE PARTICIPANT AND THE COUNTY DEPARTMENT PURSUANT TO SECTION 26-2-708.

(13) "JOBS" MEANS THE JOB OPPORTUNITY AND BASIC SKILLS PROGRAM APPROVED UNDER PART A OF TITLE IV OF THE SOCIAL SECURITY ACT, AS THE PROGRAM AND THE PART WERE IN EFFECT ON JULY 16, 1996.

(14) "PARENT" MEANS EITHER A BIOLOGICAL PARENT OR A PARENT BY ADOPTION.

(15) "PARTICIPANT" MEANS AN INDIVIDUAL WHO RECEIVES ANY ASSISTANCE OR WHO PARTICIPATES IN A SPECIFIC COMPONENT OF THE COLORADO WORKS PROGRAM.

(16) "PERFORMANCE CONTRACT" MEANS THE PERFORMANCE-BASED CONTRACT EXECUTED BY THE STATE DEPARTMENT AND THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY OR THE BOARDS OF COUNTY COMMISSIONERS OF A GROUP OF COUNTIES PURSUANT TO SECTION 26-2-715.

(17) "PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT" OR "FEDERAL LAW" MEANS THE FEDERAL "PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996", PUBLIC LAW 104-193.

(18) "RESERVATION" MEANS THE UTE MOUNTAIN UTE INDIAN RESERVATION AND THE SOUTHERN UTE INDIAN RESERVATION IN COLORADO.

(19) "TEMPORARY ASSISTANCE FOR NEEDY FAMILIES" OR "TANF" MEANS THE PROGRAM OF BLOCK GRANTS FROM THE FEDERAL GOVERNMENT TO THE STATES TO IMPLEMENT ASSISTANCE PROGRAMS PURSUANT TO THE PROVISIONS OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT.

(20) "TRIBAL MEMBER" MEANS AN ENROLLED MEMBER OF EITHER THE UTE MOUNTAIN UTE OR SOUTHERN UTE INDIAN TRIBES.

(21) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (21) AND SUBJECT TO THE RESTRICTIONS IN THE FEDERAL LAW, "WORK ACTIVITIES" MEANS:

(I) UNSUBSIDIZED EMPLOYMENT;

(II) SUBSIDIZED PRIVATE SECTOR EMPLOYMENT;

(III) SUBSIDIZED PUBLIC SECTOR EMPLOYMENT;

(IV) WORK EXPERIENCE (INCLUDING WORK ASSOCIATED WITH THE REFURBISHING OF PUBLICLY ASSISTED HOUSING) IF SUFFICIENT PRIVATE SECTOR EMPLOYMENT IS NOT AVAILABLE;

(V) ON-THE-JOB TRAINING;

(VI) JOB SEARCH AND JOB READINESS ASSISTANCE;

(VII) COMMUNITY SERVICE PROGRAMS;

(VIII) VOCATIONAL EDUCATIONAL TRAINING (NOT TO EXCEED TWELVE MONTHS WITH RESPECT TO ANY PARTICIPANT);

(IX) JOB SKILLS TRAINING DIRECTLY RELATED TO EMPLOYMENT;

(X) EDUCATION DIRECTLY RELATED TO EMPLOYMENT, IN THE CASE OF A PARTICIPANT WHO HAS NOT RECEIVED A HIGH SCHOOL DIPLOMA OR A CERTIFICATE OF HIGH SCHOOL EQUIVALENCY;

(XI) SATISFACTORY ATTENDANCE AT SECONDARY SCHOOL OR IN A COURSE OF STUDY LEADING TO A CERTIFICATE OF GENERAL EQUIVALENCE, IN THE CASE OF A PARTICIPANT WHO HAS NOT COMPLETED SECONDARY SCHOOL OR RECEIVED SUCH A CERTIFICATE; AND

(XII) THE PROVISION OF CHILD CARE SERVICES TO A PARTICIPANT IN A COMMUNITY SERVICE PROGRAM.

(b) "WORK ACTIVITIES" ALSO MEANS MAINTENANCE OF SATISFACTORY ATTENDANCE AT SECONDARY SCHOOL OR THE EQUIVALENT OR PARTICIPATION IN EDUCATION DIRECTLY RELATED TO EMPLOYMENT FOR AT LEAST THE MINIMUM AVERAGE NUMBER OF HOURS PER WEEK SPECIFIED BY THE STATE DEPARTMENT FOR A PARTICIPANT WHO IS THE HEAD OF A HOUSEHOLD AND HAS NOT ATTAINED TWENTY YEARS OF AGE.

(c) PARTICIPANTS SHALL BE CONSIDERED TO BE ENGAGED IN WORK IF THEY ARE PARTICIPATING IN WORK ACTIVITIES AS DESCRIBED IN THE FEDERAL LAW OR IF THEY ARE PARTICIPATING IN OTHER WORK ACTIVITIES DESIGNED TO LEAD TO SELF-SUFFICIENCY AS DETERMINED BY THE COUNTY AND AS OUTLINED IN THEIR IRC.

(22) "WORK PARTICIPATION RATE" MEANS THE PERCENTAGE OF PARTICIPANTS WHO ARE INVOLVED IN WORK ACTIVITIES AS REQUIRED STATEWIDE UNDER THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT.

26-2-704. No individual entitlement. (1) NOTHING IN THIS PART 7 OR IN ANY RULES PROMULGATED PURSUANT TO THIS PART 7 SHALL BE INTERPRETED TO CREATE A LEGAL ENTITLEMENT IN ANY PARTICIPANT TO ASSISTANCE PROVIDED PURSUANT TO THE WORKS PROGRAM.

(2) NO COUNTY ADMINISTERING OR IMPLEMENTING THE WORKS PROGRAM WITH MONEYS FROM A COUNTY BLOCK GRANT AS PROVIDED IN SECTION 26-2-714 MAY CREATE OR SHALL BE DEEMED TO CREATE A LEGAL ENTITLEMENT IN ANY PARTICIPANT TO ASSISTANCE PROVIDED PURSUANT TO THE WORKS PROGRAM.

26-2-705. Works program - purposes. (1) EFFECTIVE JULY 1, 1997, THE COLORADO WORKS PROGRAM IS IMPLEMENTED PURSUANT TO THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT AND IS INTENDED TO COMPLY WITH THE EXPRESS REQUIREMENTS FOR PARTICIPATION IN THE TANF BLOCK GRANT PROGRAM.

(2) THE PURPOSES OF THE WORKS PROGRAM ARE TO:

(a) ASSIST PARTICIPANTS TO TERMINATE THEIR DEPENDENCE ON GOVERNMENT BENEFITS BY PROMOTING JOB PREPARATION, WORK, AND MARRIAGE;

(b) DEVELOP STRATEGIES AND POLICIES THAT FOCUS ON ENSURING THAT PARTICIPANTS ARE IN WORK ACTIVITIES AS SOON AS POSSIBLE SO THAT THE STATE IS ABLE TO MEET OR EXCEED WORK PARTICIPATION RATES SPECIFIED IN THE FEDERAL LAW;

(c) ALLOW THE COUNTIES INCREASED RESPONSIBILITY FOR THE ADMINISTRATION OF THE WORKS PROGRAM.

(3) NOTHING IN THIS PART 7 IS INTENDED TO PREVENT A COUNTY OR MUNICIPALITY FROM IMPLEMENTING A PUBLIC ASSISTANCE OR GENERAL ASSISTANCE PROGRAM WITH LOCAL FUNDS.

26-2-706. Target populations. (1) (a) SUBJECT TO THE PROVISIONS OF THIS SECTION AND RESTRICTIONS IN THE FEDERAL LAW, ANY PERSON OR FAMILY ELIGIBLE TO RECEIVE AFDC IN COLORADO BASED UPON ELIGIBILITY CRITERIA IN EFFECT ON JULY 16, 1996, MAY RECEIVE ASSISTANCE UNDER THE COLORADO WORKS PROGRAM.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1), THE STATE BOARD SHALL PROMULGATE RULES TO PROVIDE THAT TWO-PARENT FAMILIES SHALL BE TREATED THE SAME AS SINGLE-PARENT FAMILIES UNDER THE PROVISIONS OF THIS SECTION.

(2) THE STATE BOARD SHALL PROMULGATE RULES TO IDENTIFY WITH SPECIFICITY WHO MAY BE A PARTICIPANT IN THE WORKS PROGRAM. THE RULES SHALL:

(a) ALLOW AN APPLICANT OR A PARTICIPANT TO OWN A MOTOR VEHICLE AND A HOMESTEAD PROPERTY;

(b) EXEMPT A MAXIMUM RESOURCE LEVEL FOR AN APPLICANT THAT SHALL BE NOT LESS THAN ONE THOUSAND DOLLARS PER FAMILY NOR GREATER THAN TWO THOUSAND DOLLARS PER FAMILY OR THE RESOURCE LEVEL FOR THE FOOD STAMP PROGRAM, WHICHEVER IS GREATER;

(c) PROVIDE THAT A PARENT WHO HAS NOT YET ATTAINED THE AGE OF EIGHTEEN YEARS, WHO IS NOT MARRIED, AND WHO DOES NOT RESIDE WITH HIS OR HER PARENT

OR ANOTHER ADULT RELATIVE IN AN ADULT-SUPERVISED HOME, OR IN ANY OTHER ARRANGEMENT APPROVED BY THE COUNTY DEPARTMENT, SHALL NOT RECEIVE SERVICES OR BENEFITS PROVIDED THROUGH FEDERAL FUNDS UNDER THE WORKS PROGRAM.

(3) A PERSON CONVICTED OF A DRUG-RELATED FELONY OFFENSE UNDER THE LAWS OF THIS STATE, ANY OTHER STATE, OR THE FEDERAL GOVERNMENT ON OR AFTER THE EFFECTIVE DATE OF THIS PART 7 SHALL NOT BE ELIGIBLE FOR ASSISTANCE UNDER THE WORKS PROGRAM, UNLESS SUCH PERSON IS DETERMINED BY THE COUNTY DEPARTMENT TO HAVE TAKEN ACTION TOWARD REHABILITATION SUCH AS, BUT NOT LIMITED TO, PARTICIPATION IN A DRUG TREATMENT PROGRAM.

(4) THE STATE BOARD SHALL PROMULGATE RULES TO SIMPLIFY THE REQUIREMENTS THAT WERE IN EFFECT FOR THE AFDC PROGRAM ON JULY 16, 1996, RELATING TO DETERMINATION AND VERIFICATION OF ELIGIBILITY CRITERIA. NOTHING IN THIS SUBSECTION (4) SHALL AUTHORIZE THE STATE BOARD TO AMEND OR DELETE ELIGIBILITY CRITERIA FOR PARTICIPATION IN THE WORKS PROGRAM THAT THE BOARD IS NOT OTHERWISE AUTHORIZED TO AMEND OR DELETE.

(5) (a) THE STATE DEPARTMENT SHALL ANALYZE THE EXTENT TO WHICH THE BIRTH OF ADDITIONAL CHILDREN TO A PARTICIPANT UNDER THIS PART 7 MAY AFFECT THE PARTICIPANT'S ABILITY TO ATTAIN SELF-SUFFICIENCY.

(b) THE STATE DEPARTMENT SHALL SUBMIT A REPORT TO THE MEMBERS OF THE GENERAL ASSEMBLY NO LATER THAN JULY 1, 1998.

26-2-707. Diversion grant. (1) AN APPLICANT OR A PARTICIPANT MAY RECEIVE A DIVERSION GRANT PURSUANT TO THE PROVISIONS OF THIS SECTION AND RULES PROMULGATED BY THE STATE BOARD IF SUCH APPLICANT OR PARTICIPANT:

(a) MEETS THE REQUIREMENTS OF SECTION 26-2-706;

(b) DOES NOT NEED LONG-TERM CASH ASSISTANCE OR A BASIC ASSISTANCE GRANT PROVIDED PURSUANT TO SECTION 26-2-709;

(c) HAS A DEMONSTRABLE NEED FOR A SPECIFIC ITEM OR TYPE OF ASSISTANCE. SUCH ASSISTANCE MAY BE IN THE FORM OF A ONE-TIME LUMP SUM CASH AMOUNT FOR A SPECIFIC NEED; AND

(d) ENTERS INTO A WRITTEN AGREEMENT THAT SHALL DEFINE THE EXPECTATIONS FOR THE RECIPIENT OF THE DIVERSION GRANT AND SHALL CONSTITUTE THE INDIVIDUAL RESPONSIBILITY CONTRACT DESCRIBED IN SECTION 26-2-708 WITH THE COUNTY DEPARTMENT CONCERNING THE NEED FOR, AND THE SPECIFIC TYPE OF, ASSISTANCE BEING DELIVERED IN THE DIVERSION GRANT AND IN WHICH THE APPLICANT OR PARTICIPANT AGREES NOT TO APPLY FOR ANY FURTHER ASSISTANCE UNDER THE WORKS PROGRAM IN THAT COUNTY OR ANY OTHER COUNTY FOR A PERIOD OF TIME TO BE ESTABLISHED BY THE COUNTY DEPARTMENT IN THE AGREEMENT.

(2) A COUNTY MAY ESTABLISH A SEPARATE DIVERSION PROGRAM USING COUNTY BLOCK GRANT MONEYS FOR APPLICANTS WHO ARE NOT ELIGIBLE UNDER SECTION 26-2-706 BUT WHO MEET THE CRITERIA SET FORTH IN PARAGRAPHS (b), (c), AND (d)

OF SUBSECTION (1) OF THIS SECTION. A COUNTY SHALL ESTABLISH ANY OTHER ELIGIBILITY CRITERIA FOR SUCH A DIVERSION PROGRAM BASED UPON FAIR AND OBJECTIVE CRITERIA THAT SHALL INCLUDE THE MAXIMUM INCOME ALLOWED FOR PARTICIPATION IN SUCH A DIVERSION PROGRAM.

26-2-708. Benefits - assessment - individual responsibility contract - screening for domestic violence. (1) SUBJECT TO THE PROVISIONS OF THE FEDERAL LAW, THE PROVISIONS OF THIS SECTION, AND AVAILABLE APPROPRIATIONS, A COUNTY DEPARTMENT SHALL PERFORM AN ASSESSMENT FOR A NEW PARTICIPANT ON OR AFTER THE EFFECTIVE DATE OF THIS PART 7 WHO IS EIGHTEEN YEARS OF AGE OR OLDER OR WHO HAS NOT COMPLETED HIGH SCHOOL OR OBTAINED A CERTIFICATE OF HIGH SCHOOL EQUIVALENCY AND IS NOT ATTENDING HIGH SCHOOL. THE ASSESSMENT SHALL BE COMPLETED NO MORE THAN THIRTY DAYS AFTER THE SUBMISSION OF THE APPLICATION FOR ASSISTANCE UNDER THE WORKS PROGRAM.

(2) A COUNTY DEPARTMENT SHALL DEVELOP AN INDIVIDUAL RESPONSIBILITY CONTRACT (IRC) FOR A NEW PARTICIPANT ON OR AFTER THE EFFECTIVE DATE OF THIS PART 7 WITHIN THIRTY DAYS AFTER COMPLETING THE ASSESSMENT OF THE PARTICIPANT AS REQUIRED IN SUBSECTION (1) OF THIS SECTION, SUBJECT TO THE PROVISIONS OF THE FEDERAL LAW AND THIS SECTION. THE IRC SHALL BE LIMITED IN SCOPE TO MATTERS RELATING TO SECURING AND MAINTAINING TRAINING, EDUCATION, OR WORK.

(3) THE IRC SHALL CONTAIN PROVISIONS IN BOLD PRINT AT THE BEGINNING OF THE DOCUMENT THAT NOTIFY THE PARTICIPANT OF THE FOLLOWING:

(a) THAT NO INDIVIDUAL IS LEGALLY ENTITLED TO ANY FORM OF ASSISTANCE UNDER THE COLORADO WORKS PROGRAM;

(b) THAT THE IRC IS A CONTRACT THAT CONTAINS TERMS AND CONDITIONS GOVERNING THE PARTICIPANT'S RECEIPT OF ASSISTANCE UNDER THE COLORADO WORKS PROGRAM AND THAT NOTHING IN SUCH CONTRACT MAY BE DEEMED TO CREATE A LEGAL ENTITLEMENT TO ASSISTANCE UNDER THE COLORADO WORKS PROGRAM; AND

(c) THAT THE PARTICIPANT'S FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THE IRC MAY RESULT IN SANCTIONS, INCLUDING BUT NOT LIMITED TO THE TERMINATION OF ANY CASH ASSISTANCE.

(4) (a) EACH COUNTY DEPARTMENT SHALL NOTIFY PERSONS AND FAMILIES RECEIVING AFDC IMMEDIATELY PRIOR TO THE EFFECTIVE DATE OF THIS PART 7 OF THE IMPLEMENTATION OF THE WORKS PROGRAM AND ENCOURAGE SUCH PERSONS AND MEMBERS OF SUCH FAMILIES TO INITIATE A JOB SEARCH OR ENTER INTO AN APPROPRIATE TRAINING PROGRAM. THE COUNTY DEPARTMENT SHALL ALSO ADVISE AND REASONABLY ASSIST SUCH INDIVIDUALS IN APPLYING FOR THOSE MEDICAL ASSISTANCE BENEFITS TO WHICH THEY MAY BE ENTITLED.

(b) SUBJECT TO THE PROVISIONS OF THE FEDERAL LAW, A COUNTY DEPARTMENT SHALL PROVIDE ASSESSMENTS FOR PERSONS WHO ARE RECEIVING AFDC IMMEDIATELY PRIOR TO THE EFFECTIVE DATE OF THIS PART 7 NO LATER THAN NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS PART 7.

(c) A COUNTY DEPARTMENT SHALL DEVELOP AN IRC FOR ANY PERSON RECEIVING AFDC IMMEDIATELY PRIOR TO THE EFFECTIVE DATE OF THIS PART 7 NO LATER THAN NINETY DAYS AFTER THE COMPLETION OF THE ASSESSMENT REQUIRED IN PARAGRAPH (b) OF THIS SUBSECTION (4).

(5) THE STATE BOARD SHALL ESTABLISH THROUGH RULES, AFTER CONSULTATION WITH DOMESTIC VIOLENCE SERVICE PROVIDERS, STATEWIDE STANDARDS AND PROCEDURES THAT:

(a) REQUIRE COUNTIES TO PROVIDE NOTICE TO ALL PAST OR PRESENT VICTIMS OF DOMESTIC VIOLENCE AS DESCRIBED IN THE FEDERAL LAW OR THOSE AT RISK OF FURTHER DOMESTIC VIOLENCE OF THE REFERRALS REQUIRED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (5), THE POSSIBLE WAIVERS PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (5), AND THE APPLICABLE PROCEDURES DESCRIBED IN PARAGRAPH (e) OF THIS SUBSECTION (5);

(b) REQUIRE COUNTIES TO PROVIDE FOR REFERRALS TO ANY AVAILABLE COUNSELING AND SUPPORTIVE SERVICES TO PAST OR PRESENT VICTIMS OF DOMESTIC VIOLENCE AS DESCRIBED IN THE FEDERAL LAW OR THOSE AT RISK OF FURTHER VIOLENCE, BUT THE RULES SHALL NOT OBLIGATE A COUNTY TO PAY FOR ANY COUNSELING OR SUPPORTIVE SERVICES TO WHICH A PARTICIPANT IS REFERRED;

(c) ALLOW COUNTIES UPON A SHOWING OF GOOD CAUSE, AS DETERMINED BY RULES OF THE STATE BOARD, TO PROVIDE WAIVERS FROM ANY PROGRAM REQUIREMENTS, EXCEPT AS PROVIDED IN PARAGRAPH (d) OF THIS SUBSECTION (5), THAT WILL MAKE IT MORE DIFFICULT FOR AN APPLICANT OR A PARTICIPANT TO ESCAPE DOMESTIC VIOLENCE OR THAT WOULD UNFAIRLY PENALIZE SUCH INDIVIDUALS WHO ARE OR HAVE BEEN VICTIMIZED BY SUCH VIOLENCE OR WHO ARE AT RISK OF FURTHER VIOLENCE;

(d) REQUIRE COUNTIES TO SUBMIT REQUESTS FOR WAIVERS OF WORK REQUIREMENTS TO THE STATE DEPARTMENT TO DETERMINE WHETHER GOOD CAUSE EXISTS TO GRANT SUCH WAIVERS AND REQUIRE THE STATE DEPARTMENT TO REPORT THE NUMBER OF SUCH WAIVERS THAT IT GRANTS IN EACH COUNTY TO THE WELFARE OVERSIGHT COMMITTEE CREATED IN SECTION 26-2-722;

(e) REQUIRE COUNTIES TO ASSURE THE VOLUNTARINESS AND CONFIDENTIALITY OF THE PROCEDURES FOR IDENTIFYING ELIGIBILITY FOR REFERRALS TO SUPPORTIVE SERVICES AND WAIVERS, THE PROCEDURES FOR APPLYING FOR WAIVERS, AND THE PROCEDURES BY WHICH AN APPLICANT OR A PARTICIPANT WHO IS DENIED A WAIVER MAY APPEAL SUCH DECISION.

(6) THE STATE BOARD SHALL ESTABLISH RULES PURSUANT TO WHICH THE COUNTIES SHALL PROVIDE REFERRALS FOR ANY AVAILABLE SUPPORTIVE SERVICES TO APPLICANTS AND PARTICIPANTS WHO ARE HOMELESS OR IN NEED OF MENTAL HEALTH SERVICES OR SUBSTANCE ABUSE COUNSELING OR SERVICES, BUT THE RULES SHALL NOT OBLIGATE A COUNTY TO PAY FOR ANY SUPPORTIVE SERVICES TO WHICH ANY APPLICANT OR PARTICIPANT IS REFERRED.

26-2-709. Benefits - cash assistance - programs. (1) Basic assistance grant.

(a) EXCEPT AS PROVIDED IN THIS PART 7 AND SUBJECT TO AVAILABLE APPROPRIATIONS, A PARTICIPANT SHALL RECEIVE A BASIC ASSISTANCE GRANT IN THE

AMOUNT OF THE AFDC CASH GRANT THAT SUCH PARTICIPANT WOULD HAVE RECEIVED UNDER RULES GOVERNING THE AFDC PROGRAM IN COLORADO THAT WERE IN EFFECT ON JULY 16, 1996, INCLUDING THE RULES ALLOWING INCOME DISREGARDS EXCEPT FOR THE CHILD CARE DISREGARD WHICH SHALL BE PAID PURSUANT TO THE PROVISIONS OF PART 8 OF THIS ARTICLE. NO INCREASE IN THE AMOUNT OF THE BASIC ASSISTANCE GRANT APPROVED BY THE STATE BOARD SHALL TAKE EFFECT UNLESS THE FUNDING FOR SUCH INCREASE IS INCLUDED AND IDENTIFIED SPECIFICALLY IN THE ANNUAL GENERAL APPROPRIATIONS ACT OR A SUPPLEMENTAL APPROPRIATIONS ACT.

(b) THE STATE BOARD SHALL PROMULGATE RULES TO INCREASE ASSET LIMITATIONS FOR PARTICIPANTS SO THAT PARTICIPANTS ARE ENCOURAGED TO ACCUMULATE PERSONAL SAVINGS.

(c) THE BASIC ASSISTANCE GRANT PROVIDED PURSUANT TO THE PROVISIONS OF THIS SECTION MAY, AT THE DISCRETION OF THE COUNTY, BE PAID TO THE PARTICIPANT, TO VENDORS ON BEHALF OF THE PARTICIPANT FOR PROTECTIVE PAYMENT PURSUANT TO SECTION 26-2-125, OR TO VENDORS ON BEHALF OF THE PARTICIPANT AT THE VOLUNTARY AGREEMENT OF THE PARTICIPANT. A COUNTY MAY AUTHORIZE PAYMENT OF THE BASIC ASSISTANCE GRANT ON A MONTHLY BASIS OR AS A LUMP SUM PAYMENT BASED UPON THE RULES OF THE STATE BOARD.

(2) **Other assistance.** (a) SUBJECT TO AVAILABLE APPROPRIATIONS, A COUNTY DEPARTMENT MAY PROVIDE ASSISTANCE, INCLUDING BUT NOT LIMITED TO CASH ASSISTANCE, IN ADDITION TO THE BASIC ASSISTANCE GRANT DESCRIBED IN SUBSECTION (1) OF THIS SECTION THAT WAS PROVIDED TO RECIPIENTS OF AFDC OR JOBS OR IS AUTHORIZED PURSUANT TO THE PROVISIONS OF THE FEDERAL LAW. SUCH OTHER ASSISTANCE SHALL BE INTENDED TO PROMOTE SUSTAINABLE EMPLOYMENT FOR THE PARTICIPANTS IN THE COUNTY.

(b) A COUNTY DEPARTMENT SHALL PROVIDE ASSISTANCE TO HELP PARTICIPANTS APPLY FOR AND RECEIVE THE EARNED INCOME TAX CREDIT UNDER APPLICABLE RULES OF THE FEDERAL INTERNAL REVENUE SERVICE.

(3) **Child care.** SUBJECT TO AVAILABLE APPROPRIATIONS AND PURSUANT TO RULES PROMULGATED BY THE STATE DEPARTMENT, A COUNTY MAY PROVIDE CHILD CARE ASSISTANCE TO A PARTICIPANT PURSUANT TO THE PROVISIONS OF PART 8 OF THIS ARTICLE AND RULES PROMULGATED BY THE STATE DEPARTMENT.

26-2-710. Administrative review. (1) THE STATE DEPARTMENT SHALL PROMULGATE RULES FOR AN ADMINISTRATIVE REVIEW PROCESS.

(2) ALL DECISIONS OF THE STATE DEPARTMENT SHALL BE BINDING UPON THE COUNTY DEPARTMENT INVOLVED AND SHALL BE COMPLIED WITH BY SUCH COUNTY DEPARTMENT.

(3) IF A PARTICIPANT DOES NOT AGREE WITH OR FAILS TO PARTICIPATE IN A PROGRAM OR SERVICE IDENTIFIED IN THE IRC, THE PARTICIPANT SHALL CONTINUE TO RECEIVE THE BASIC CASH ASSISTANCE GRANT THAT THE PARTICIPANT RECEIVED AT THE TIME THE APPEAL IS REQUESTED DURING THE PENDENCY OF ANY APPEAL PROCESS.

26-2-711. Works program sanctions against participants. (1) (a) THE STATE

BOARD SHALL PROMULGATE RULES FOR THE IMPOSITION OF SANCTIONS AFFECTING THE BASIC ASSISTANCE GRANT AS DESCRIBED IN SECTION 26-2-709 (1). THE RULES SHALL REQUIRE:

(I) IMPOSITION OF SANCTIONS UPON A PARTICIPANT WHO FAILS, WITHOUT GOOD CAUSE AS DETERMINED BY THE COUNTY, TO COMPLY WITH THE TERMS AND CONDITIONS OF HIS OR HER IRC;

(II) A PERCENTAGE REDUCTION IN THE BASIC ASSISTANCE GRANT UPON THE FIRST IMPOSITION OF A SANCTION AFFECTING SUCH BASIC ASSISTANCE GRANT, WITH THE PERCENTAGE TO BE SPECIFIED IN THE RULES BUT NOT LESS THAN TWENTY-FIVE PERCENT;

(III) SPECIFIC REDUCTIONS IN THE BASIC ASSISTANCE GRANT FOR SECOND AND SUBSEQUENT SANCTIONS AFFECTING THE BASIC ASSISTANCE GRANT;

(IV) IMPOSITION OF SANCTIONS EITHER IN THE MONTH FOLLOWING THE DECISION TO SANCTION AND IN SUBSEQUENT MONTHS THEREAFTER UNTIL THE FULL AMOUNT OF ANY SANCTIONS HAVE BEEN WITHHELD OR, IN THE EVENT THAT A PARTICIPANT HAS APPEALED THE IMPOSITION OF A SANCTION, IN THE MONTH FOLLOWING THE FINAL DECISION OF THE APPEAL PROCESS AND IN SUBSEQUENT MONTHS THEREAFTER UNTIL THE FULL AMOUNT OF ANY SANCTIONS HAVE BEEN WITHHELD.

(b) NOTHING IN THE STATE BOARD RULES PROMULGATED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL PREVENT A COUNTY FROM DENYING THE BASIC ASSISTANCE GRANT IN ITS ENTIRETY TO A PARTICIPANT WHO REFUSES, AS EVIDENCED BY AN AFFIRMATIVE STATEMENT BY THE PARTICIPANT OR DEMONSTRABLE EVIDENCE, TO PARTICIPATE IN TRAINING, EDUCATION, OR WORK.

(c) THE STATE BOARD RULES PROMULGATED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL ESTABLISH THE PERIOD OF TIME THAT SANCTIONS AFFECTING THE BASIC ASSISTANCE GRANT SHALL BE IN EFFECT AND THE PERIOD OF TIME WITHIN WHICH A PARTICIPANT WHO HAS BEEN DENIED THE BASIC ASSISTANCE GRANT BY A COUNTY PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1) MAY TAKE ACTION FOR REINSTATEMENT INTO THE WORKS PROGRAM.

(2) A COUNTY SHALL HAVE THE AUTHORITY TO DETERMINE AND IMPOSE SANCTIONS AFFECTING OTHER ASSISTANCE AS DESCRIBED IN SECTION 26-2-709 (2). SUCH SANCTIONS SHALL BE BASED UPON FAIR AND OBJECTIVE CRITERIA THAT HAVE BEEN DEVELOPED AND ADOPTED BY THE COUNTY AND ARE CONSISTENT WITH STATE AND FEDERAL LAW.

(3) IF A COUNTY DEPARTMENT ELECTS TO SUSPEND PAYMENT OF CHILD CARE ASSISTANCE, IT MAY SUSPEND SUCH ASSISTANCE IN ITS ENTIRETY.

(4) IN NO EVENT SHALL A COUNTY DEPARTMENT IMPOSE ANY SANCTION ON A PARTICIPANT THAT ADVERSELY AFFECTS THE PARTICIPANT'S RECEIPT OF FOOD STAMPS BEYOND THOSE ALLOWABLE SANCTIONS PROVIDED FOR IN FEDERAL AND STATE REGULATIONS OR MEDICAL ASSISTANCE PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF THIS TITLE.

(5) A PERSON SHALL NOT BE REQUIRED TO PARTICIPATE IN WORK ACTIVITIES IF GOOD CAUSE EXISTS AS DETERMINED BY THE COUNTY. GOOD CAUSE DOES NOT CONSTITUTE AN EXEMPTION FROM WORK OR TIME LIMITS. GOOD CAUSE IS, HOWEVER, A PROPER BASIS FOR NOT IMPOSING A SANCTION FOR NONPARTICIPATION IN A WORK ACTIVITY.

(6) IF A PARTICIPANT FAILS TO BECOME INVOLVED IN WORK WITHIN TWENTY-FOUR CUMULATIVE MONTHS OF RECEIPT OF ASSISTANCE UNDER THE WORKS PROGRAM, THE COUNTY DEPARTMENT IS AUTHORIZED TO TERMINATE ALL ASSISTANCE UNDER THIS PART 7 AND PART 8 OF THIS ARTICLE TO THE PARTICIPANT.

(7) IF A PARTICIPANT OR AN APPLICANT HAS MISREPRESENTED RESIDENCE TO OBTAIN BENEFITS IN TWO OR MORE STATES AT THE SAME TIME, SUCH PERSON SHALL BE INELIGIBLE FOR BENEFITS UNDER THE WORKS PROGRAM FOR A PERIOD OF TEN YEARS.

26-2-712. State department duties - authority. (1) Plan submission. THE STATE DEPARTMENT SHALL SUBMIT AND AMEND AS NECESSARY A PLAN TO THE SECRETARY OF THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES THAT IS CONSISTENT WITH THE PROVISIONS OF THIS PART 7 AND THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT.

(2) **County block grant allocation.** (a) THE STATE DEPARTMENT SHALL ALLOCATE THE AMOUNT OF MONEYS THAT SHALL BE PROVIDED TO A COUNTY AS A COUNTY BLOCK GRANT FOR THE PURPOSES OF A COUNTY'S ADMINISTRATION AND IMPLEMENTATION OF THE WORKS PROGRAM PURSUANT TO THE FORMULAS DESCRIBED IN SECTION 26-2-714.

(b) EXCEPT AS PROVIDED IN SECTION 26-2-720, THE COUNTY BLOCK GRANT SHALL REPRESENT THE TOTAL AMOUNT THAT A COUNTY SHALL RECEIVE FROM THE STATE FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE COLORADO WORKS PROGRAM.

(3) **Maintenance of effort.** THE STATE DEPARTMENT SHALL MONITOR THE STATE'S PROGRESS TOWARD MEETING THE LEVELS OF SPENDING REQUIRED UNDER THE FEDERAL LAW AND SECTION 26-2-713.

(4) **Performance measurements.** (a) THE STATE DEPARTMENT SHALL DEVELOP PERFORMANCE GOALS AND A FORMULA FOR MEASURING A COUNTY'S PROGRESS TOWARD MEETING SUCH PERFORMANCE GOALS IN ADMINISTERING AND IMPLEMENTING THE WORKS PROGRAM WITH COUNTY BLOCK GRANTS.

(b) THE FORMULA MAY BE BASED UPON THE FORMULA DEVELOPED BY THE SECRETARY OF THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES AFTER CONSULTATION WITH THE NATIONAL GOVERNORS' ASSOCIATION AND THE AMERICAN PUBLIC WELFARE ASSOCIATION FOR MEASURING STATES' PERFORMANCE UNDER THE TANF BLOCK GRANTS.

(5) **Oversight.** IN CONNECTION WITH OVERSEEING THE WORKS PROGRAM, THE STATE DEPARTMENT SHALL HAVE THE SPECIFIC DUTIES TO:

(a) OVERSEE THE IMPLEMENTATION OF THE WORKS PROGRAM STATEWIDE AND, IN

CONNECTION WITH SUCH OVERSIGHT, DEVELOP STANDARDIZED FORMS, IN ADDITION TO THE REPORTING FORM DESCRIBED IN SUBSECTION (6) OF THIS SECTION, FOR THE COUNTIES' USE IN STREAMLINING THE APPLICATION PROCESS, DELIVERY OF SERVICES, AND TRACKING OF PARTICIPANTS;

(b) MONITOR THE STATE'S PROGRESS IN MEETING THE WORK PARTICIPATION REQUIREMENTS SET FORTH IN THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT;

(c) ESTABLISH A PROCESS TO IMPLEMENT THE PROVISIONS FOR REGIONALIZATION SET FORTH IN SECTION 26-2-718 PURSUANT TO WHICH ANY COMBINATION OF COUNTY DEPARTMENTS MAY BE APPROVED BY THE STATE DEPARTMENT TO ADMINISTER AND IMPLEMENT THE WORKS PROGRAM PURSUANT TO THE PROVISIONS OF THIS PART 7;

(d) ESTABLISH STATEWIDE GOALS AND MONITOR THE STATE'S PROGRESS TOWARD MEETING SUCH GOALS FOR THE REDUCTION IN THE INCIDENCE OF OUT-OF-WEDLOCK PREGNANCIES;

(e) MONITOR THE COUNTIES' PROVISION OF BASIC ASSISTANCE GRANTS PURSUANT TO SECTION 26-2-709 AND, IF NECESSARY DUE TO INCREASED CASELOADS OR ECONOMIC DOWNTURNS, DO THE FOLLOWING TO ASSURE THAT THE BASIC ASSISTANCE GRANT IS PROVIDED IN A CONSISTENT MANNER STATEWIDE:

(I) GRANT FUNDS TO ONE OR MORE COUNTIES FROM THE SHORT-TERM WORKS EMERGENCY FUND ADMINISTERED PURSUANT TO SECTION 26-2-720; OR

(II) IF NO FUNDS ADMINISTERED PURSUANT TO SECTION 26-2-720 ARE AVAILABLE:

(A) REQUEST SUPPLEMENTAL APPROPRIATIONS FROM THE GENERAL ASSEMBLY, INCLUDING BUT NOT LIMITED TO AN APPROPRIATION FROM THE LONG-TERM WORKS RESERVE FUND CREATED PURSUANT TO SECTION 26-2-721; OR

(B) REDUCE THE COUNTY BLOCK GRANT OF ANY COUNTY THAT MAINTAINS FUNDS IN A COUNTY RESERVE ACCOUNT PURSUANT TO SECTION 26-2-714 (5) IN ORDER THAT MONEYS MAY BE MADE AVAILABLE TO ONE OR MORE COUNTIES TO AVOID THE NEED TO REDUCE OR ELIMINATE THE BASIC ASSISTANCE GRANT STATEWIDE. IF THE STATE DEPARTMENT MAKES A REDUCTION IN A COUNTY'S RESERVE ACCOUNT PURSUANT TO THIS SUB-SUBPARAGRAPH (B), THE STATE DEPARTMENT SHALL INCREASE SUCH COUNTY'S BLOCK GRANT FOR THE FOLLOWING FISCAL YEAR BY THE AMOUNT OF THE REDUCTION AUTHORIZED PURSUANT TO THIS SUB-SUBPARAGRAPH (B); OR

(III) AFTER TAKING THE ACTIONS DESCRIBED IN SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (e), TAKE ANY ACTIONS NECESSARY TO REDUCE THE COSTS OF, OR REDUCE OR ELIMINATE, THE BASIC ASSISTANCE GRANT STATEWIDE.

(6) **Reporting.** (a) THE STATE DEPARTMENT SHALL DEVELOP A UNIFORM REPORTING FORM FOR THE COUNTIES TO USE IN ORDER TO FULFILL THE REPORTING REQUIREMENTS SET FORTH IN SECTION 26-2-717.

(b) THE STATE DEPARTMENT SHALL DEVELOP A REQUEST FOR PROPOSAL PURSUANT TO THE PROVISIONS OF SECTION 26-2-719 TO AWARD A CONTRACT OR CONTRACTS TO

AN ENTITY OR ENTITIES TO SATISFY THE REPORTING REQUIREMENTS SET FORTH IN SECTION 26-2-717.

(c) IN THE EVENT THAT THE STATE DEPARTMENT IS NOT ABLE TO AWARD A CONTRACT PURSUANT TO THE PROVISIONS OF PARAGRAPH (b) OF THIS SUBSECTION (6), IT SHALL DEVELOP PROCEDURES TO ENSURE THAT THE STATE COMPLIES WITH THE REPORTING REQUIREMENTS SET FORTH IN SECTION 26-2-717.

(7) **Case management.** THE STATE DEPARTMENT SHALL DEVELOP TRAINING FOR CASE WORKERS SO THAT THEY ARE KNOWLEDGEABLE AND MAY ASSIST PARTICIPANTS IN:

(a) IDENTIFYING GOALS, INCLUDING WORK ACTIVITIES, TIME FRAMES FOR ACHIEVING SELF-SUFFICIENCY, AND THE MEANS REQUIRED TO MEET THESE BENCHMARKS;

(b) OBTAINING SUPPORTIVE SERVICES SUCH AS MENTAL HEALTH COUNSELING, SUBSTANCE ABUSE COUNSELING, LIFE SKILLS TRAINING, AND MONEY MANAGEMENT OR PARENTING CLASSES;

(c) UTILIZING THE FAMILY'S EXISTING STRENGTHS;

(d) PROVIDING ONGOING SUPPORT AND ASSISTANCE TO THE FAMILY IN OVERCOMING BARRIERS TO TRAINING AND EMPLOYMENT; AND

(e) MONITORING THE PROGRESS OF THE FAMILY TOWARD ATTAINING SELF-SUFFICIENCY.

(8) **Migration monitoring.** THE STATE DEPARTMENT SHALL WORK WITH THE COUNTIES TO DEVELOP AND COLLECT DATA ON INTERSTATE AND INTRASTATE MIGRATION OF PARTICIPANTS. THE MIGRATION DATA SHALL INCLUDE THE NUMBER OF PARTICIPANTS WHO HAVE MOVED INTO A COUNTY, THE COUNTY FROM WHICH SUCH PARTICIPANTS HAVE MIGRATED, AND THE REASON FOR MOVING, AND, TO THE EXTENT FEASIBLE, THE NUMBER OF PARTICIPANTS WHO HAVE MOVED FROM A COUNTY, THE COUNTY TO WHICH SUCH PARTICIPANTS ARE MOVING, AND THE REASON FOR MOVING.

(9) **Waiver process.** (a) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (9), THE GOVERNOR AND THE STATE DEPARTMENT, ACTING JOINTLY, MAY GRANT A COUNTY'S APPLICATION FOR A WAIVER OF ANY REQUIREMENT OF THIS PART 7 OR THE RULES PROMULGATED PURSUANT TO THIS PART 7. ANY WAIVER GRANTED PURSUANT TO THIS SUBSECTION (9) SHALL BE DESIGNED TO IMPROVE METHODS OF ACHIEVING PARTICIPANTS' SELF-SUFFICIENCY, MEETING WORK PARTICIPATION RATES AND PERFORMANCE GOALS, OR REDUCING DEPENDENCY.

(b) ANY APPLICATION FOR A WAIVER SHALL INCLUDE A STATEMENT OF THE PURPOSE OF THE WAIVER. THE APPLICATION SHALL BE SUBMITTED TO THE GOVERNOR AND THE STATE DEPARTMENT NO LATER THAN OCTOBER 1 OF THE YEAR IMMEDIATELY PRECEDING THE YEAR IN WHICH THE COUNTY INTENDS TO IMPLEMENT THE WAIVER. THE COUNTY SHALL PROVIDE NOTICE OF ITS APPLICATION TO ALL ADJACENT COUNTIES. THE COUNTY SHALL ALSO PROVIDE A COPY OF ITS APPLICATION TO THE WELFARE OVERSIGHT COMMITTEE CREATED IN SECTION 26-2-722. THE GOVERNOR

AND THE STATE DEPARTMENT SHALL GRANT OR DENY THE COUNTY'S APPLICATION NO LATER THAN DECEMBER 1 OF THE YEAR IN WHICH THE COUNTY APPLIED. A WAIVER GRANTED PURSUANT TO THIS SUBSECTION (9) SHALL TAKE EFFECT ON JANUARY 1 OF THE YEAR IMMEDIATELY FOLLOWING APPROVAL OF SUCH WAIVER. THE GOVERNOR AND THE STATE DEPARTMENT SHALL SPECIFY THE DURATION OF SUCH WAIVERS.

(c) THE STATE DEPARTMENT AND THE GOVERNOR SHALL NOT APPROVE AN APPLICATION UNDER THIS SUBSECTION (9) THAT PROPOSES TO WAIVE ANY STATUTE OR RULE GOVERNING STATEWIDE ELIGIBILITY, THE AMOUNT OF THE BASIC ASSISTANCE GRANT, THE COUNTY MAINTENANCE OF EFFORT, OR ANY REQUIREMENT OF THE FEDERAL LAW. THE GOVERNOR AND THE STATE DEPARTMENT SHALL NOT APPROVE AN APPLICATION UNDER THIS SUBSECTION (9) THAT PROPOSES TO WAIVE A PARTICIPANT'S RIGHT TO APPEAL A COUNTY DETERMINATION UNDER THE WORKS PROGRAM, BUT THEY MAY APPROVE THE WAIVER OF STATUTES OR RULES GOVERNING THE METHOD OR PROCEDURE FOR SUCH APPEAL.

(d) THE GOVERNOR AND THE STATE DEPARTMENT MAY APPROVE ANY NUMBER OF APPLICATIONS FOR WAIVERS OF ONE OR MORE PROVISIONS OF THIS PART 7 OR OF THE RULES PROMULGATED PURSUANT TO THIS PART 7, SO LONG AS SUCH WAIVERS MEET THE REQUIREMENTS OF PARAGRAPHS (a), (b), AND (c) OF THIS SUBSECTION (9).

(e) IN THE EVENT THAT THE GOVERNOR HAS REASON TO BELIEVE THAT A COUNTY'S IMPLEMENTATION OF THE WORKS PROGRAM PURSUANT TO A WAIVER GRANTED UNDER THIS SUBSECTION (9) FAILS TO SATISFY THE REQUIREMENTS OF THE FEDERAL LAW OR IS INCONSISTENT WITH THE PURPOSES OF THE WORKS PROGRAM AS SET FORTH IN SECTION 26-2-705, THE GOVERNOR MAY REVOKE THE WAIVER GRANTED TO THE COUNTY AND REQUIRE THE COUNTY TO RESUME IMPLEMENTATION OF THE WORKS PROGRAM PURSUANT TO THE PROVISIONS OF THIS PART 7 AND THE RULES PROMULGATED PURSUANT TO THIS PART 7.

(f) IN THE EVENT THAT THE GOVERNOR AND THE STATE DEPARTMENT GRANT WAIVERS TO A COUNTY PURSUANT TO THIS SUBSECTION (9), THE PERFORMANCE CONTRACT ENTERED INTO BETWEEN THE COUNTY AND THE STATE DEPARTMENT PURSUANT TO SECTION 26-2-715 SHALL BE AMENDED TO REFLECT THE COUNTY'S AUTHORITY TO IMPLEMENT THE WORKS PROGRAM IN ACCORDANCE WITH THE WAIVERS GRANTED AND THE GOVERNOR'S AUTHORITY TO REVOKE THE WAIVERS IN ACCORDANCE WITH PARAGRAPH (e) OF THIS SUBSECTION (9).

26-2-713. State maintenance of effort. THE GENERAL ASSEMBLY SHALL MAKE ANNUAL APPROPRIATIONS FROM STATE AND FEDERAL FUNDS FOR THE WORKS PROGRAM WHICH, TOGETHER WITH THE EXPENDITURES MADE BY COUNTIES UNDER THE WORKS PROGRAM, SHALL BE APPLIED TOWARD THE STATE'S MAINTENANCE OF HISTORIC EFFORT AS SPECIFIED IN SECTION 409 (a) (7) OF THE SOCIAL SECURITY ACT.

26-2-714. County block grants formula - use of moneys. (1) SUBJECT TO AVAILABLE APPROPRIATIONS, A COUNTY'S BLOCK GRANT FOR THE COLORADO WORKS PROGRAM FOR STATE FISCAL YEAR 1997-98 SHALL BE EQUAL TO ONE HUNDRED PERCENT OF THE TOTAL STATE AND FEDERAL MONEYS THAT THE COUNTY RECEIVED IN STATE FISCAL YEAR 1994-95 TO ADMINISTER AND IMPLEMENT THE AFDC PROGRAM, THE COLORADO PERSONAL RESPONSIBILITY AND EMPLOYMENT DEMONSTRATION PROGRAM, AND THE JOBS PROGRAM, INCLUDING THE

ADMINISTRATIVE COSTS RELATED TO SUCH PROGRAMS.

(2) SUBJECT TO AVAILABLE APPROPRIATIONS, IN STATE FISCAL YEAR 1998-99 AND IN EACH FISCAL YEAR THEREAFTER, THE STATE DEPARTMENT MAY ADJUST THE COUNTY BLOCK GRANT IDENTIFIED IN SUBSECTION (1) OF THIS SECTION BY INCREASING OR REDUCING THE AMOUNT OF SUCH GRANT BASED UPON FACTORS THAT SHALL INCLUDE BUT NOT BE LIMITED TO:

(a) THE COUNTY'S POPULATION AND THE COLORADO WORKS PROGRAM CASELOAD;

(b) THE UNEMPLOYMENT RATE IN THE COUNTY BASED UPON THE STATE DEPARTMENT OF LABOR AND EMPLOYMENT ASSESSMENT OF COUNTY UNEMPLOYMENT RATES FOR THE PRIOR YEAR;

(c) THE COUNTY'S PERFORMANCE IN MEETING THE OBLIGATIONS UNDER THE PERFORMANCE CONTRACT WITH THE STATE DEPARTMENT PURSUANT TO THE PROVISIONS OF SECTION 26-2-715;

(d) A COUNTY'S FAILURE TO MAINTAIN ITS HISTORIC EFFORT AS REQUIRED PURSUANT TO SUBSECTION (6) OF THIS SECTION;

(e) OTHER FACTORS DETERMINED BY THE STATE DEPARTMENT THAT DIRECTLY AFFECT THE POPULATION OF NEEDY FAMILIES IN A COUNTY.

(3) THE STATE DEPARTMENT SHALL NOT BE AUTHORIZED TO REDUCE A COUNTY BLOCK GRANT PURSUANT TO SUBSECTION (2) OF THIS SECTION BASED UPON THE AMOUNT OF ANY MONEYS MAINTAINED BY SUCH COUNTY IN A RESERVE ACCOUNT AUTHORIZED PURSUANT TO SUBSECTION (5) OF THIS SECTION.

(4) THE STATE DEPARTMENT SHALL IDENTIFY THE PORTION OF MONEYS IN THE COUNTY BLOCK GRANT THAT MAY BE SPENT ON ADMINISTRATIVE COSTS.

(5) A COUNTY SHALL BE AUTHORIZED TO MAINTAIN A RESERVE ACCOUNT OF COUNTY BLOCK GRANT FUNDS PURSUANT TO RULES PROMULGATED BY THE STATE DEPARTMENT. AT THE END OF EACH STATE FISCAL YEAR, A COUNTY SHALL REMIT TO THE SHORT-TERM WORKS EMERGENCY FUND CREATED IN SECTION 26-2-720 FIFTY PERCENT OF ANY AMOUNT IN SUCH COUNTY RESERVE ACCOUNT THAT IS IN EXCESS OF TWENTY PERCENT OF THE TOTAL COUNTY BLOCK GRANT FOR SUCH STATE FISCAL YEAR.

(6) (a) FOR STATE FISCAL YEAR 1997-98, A COUNTY SHALL BE REQUIRED TO MEET LEVELS OF SPENDING ON THE WORKS PROGRAM THAT MEET OR EXCEED ONE HUNDRED PERCENT OF THE COUNTY'S SPENDING ON AFDC, JOBS, AND THE ADMINISTRATIVE COSTS RELATED TO THOSE PROGRAMS IN STATE FISCAL YEAR 1995-96.

(b) FOR STATE FISCAL YEAR 1998-99 AND FOR EACH FISCAL YEAR THEREAFTER, A COUNTY SHALL BE REQUIRED TO MEET THE LEVELS OF SPENDING ON THE WORKS PROGRAM THAT ARE IDENTIFIED IN THE PERFORMANCE CONTRACT WITH THE STATE DEPARTMENT ENTERED INTO PURSUANT TO SECTION 26-2-715.

(7) THE COUNTY MAY TRANSFER ANY AMOUNT OF THE COUNTY BLOCK GRANT THAT

IS DESIGNATED AS FEDERAL FUNDS AND THAT IS SPECIFIED BY THE STATE DEPARTMENT AS BEING AVAILABLE FOR TRANSFER WITHIN THE LIMITATION IMPOSED BY THE FEDERAL LAW ON TRANSFERS OF FEDERAL FUNDS FROM THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT TO THE CHILD CARE AND DEVELOPMENT BLOCK GRANT IF CHILD CARE FUNDS ARE NOT AVAILABLE.

26-2-715. Performance contracts. (1) (a) AN ANNUAL PERFORMANCE CONTRACT SHALL BE ENTERED INTO BETWEEN A COUNTY OR GROUP OF COUNTIES AND THE STATE DEPARTMENT THAT SHALL IDENTIFY THE COUNTY'S OR GROUP OF COUNTIES' DUTIES AND RESPONSIBILITIES IN IMPLEMENTING THE WORKS PROGRAM AND THE COLORADO CHILD CARE ASSISTANCE PROGRAM, DESCRIBED IN PART 8 OF THIS ARTICLE. THE PERFORMANCE CONTRACT SHALL INCLUDE BUT NOT BE LIMITED TO:

(I) REQUIREMENTS AND PROVISIONS THAT ADDRESS THE COUNTY'S OR GROUP OF COUNTIES' DUTY TO ADMINISTER AND IMPLEMENT THE WORKS PROGRAM AND THE COLORADO CHILD CARE ASSISTANCE PROGRAM USING FAIR AND OBJECTIVE CRITERIA;

(II) PROVISIONS THAT PROHIBIT THE COUNTY OR GROUP OF COUNTIES FROM REDUCING THE BASIC ASSISTANCE GRANT ADMINISTERED PURSUANT TO SECTION 26-2-709 AND MONITORED BY THE STATE DEPARTMENT PURSUANT TO SECTION 26-2-711 AND PROVISIONS THAT PROHIBIT THE COUNTY OR GROUP OF COUNTIES FROM RESTRICTING ELIGIBILITY OR THE PROVISION OF SERVICES OR IMPOSING SANCTIONS IN A MANNER INCONSISTENT WITH THE PROVISIONS OF THIS PART 7 OR THE PROVISIONS IN THE STATE PLAN SUBMITTED TO THE SECRETARY OF THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES PURSUANT TO SECTION 26-2-712;

(III) WORK PARTICIPATION RATES FOR THE COUNTY OR GROUP OF COUNTIES THAT SHALL ENSURE THAT THE STATE WILL BE ABLE TO MEET OR EXCEED ITS WORK PARTICIPATION RATES UNDER THE FEDERAL LAW.

(b) A COUNTY OR GROUP OF COUNTIES MAY BE SANCTIONED FOR NOT MEETING ANY OBLIGATION UNDER SUCH PERFORMANCE CONTRACT. SUCH SANCTIONS MUST BE IDENTIFIED IN THE PERFORMANCE CONTRACT AND MAY INCLUDE A REDUCTION IN A FUTURE COUNTY BLOCK GRANT ALLOCATION.

(2) THE PERFORMANCE CONTRACT SHALL SET FORTH THE CIRCUMSTANCES UNDER WHICH THE STATE DEPARTMENT MAY ELECT THAT IT OR ITS AGENT ASSUME THE COUNTY'S OR GROUP OF COUNTIES' ADMINISTRATION AND IMPLEMENTATION OF THE WORKS PROGRAM AND THE COLORADO CHILD CARE ASSISTANCE PROGRAM.

(3) IF THE STATE DEPARTMENT AND THE COUNTY OR GROUP OF COUNTIES ARE UNABLE TO REACH AGREEMENT ON THE CONTRACT, EITHER PARTY MAY REQUEST THE STATE BOARD TO CONSIDER THE MATTER, AND THE STATE BOARD SHALL SCHEDULE THE MATTER FOR HEARING WITHIN THIRTY DAYS AFTER RECEIPT OF THE REQUEST. THE STATE BOARD SHALL ISSUE A DECISION ON THE MATTER WHICH SHALL BE CONSIDERED BINDING ON ALL PARTIES. IF NECESSARY TO ASSURE SERVICES ARE AVAILABLE WITHIN THE COUNTY OR GROUP OF COUNTIES, THE STATE DEPARTMENT MAY ENTER INTO A TEMPORARY AGREEMENT WITH THE COUNTY OR GROUP OF COUNTIES OR WITH ANOTHER PUBLIC OR PRIVATE AGENT UNTIL THE MATTER IS RESOLVED BY THE STATE BOARD.

26-2-716. County duties - appropriations - penalties - incentives.

(1) (a) (I) THE BOARD OF COUNTY COMMISSIONERS IN EACH COUNTY OF THIS STATE SHALL ANNUALLY APPROPRIATE AS PROVIDED BY LAW SUCH MONEYS AS REQUIRED PURSUANT TO SECTION 26-1-122 (6).

(II) IN THE CASE OF TWO OR MORE COUNTIES JOINTLY ADMINISTERING A COUNTY BLOCK GRANT UNDER THE PROVISIONS OF THIS PART 7, EACH COUNTY INVOLVED SHALL APPROPRIATE THE FUNDS NECESSARY TO DEFRAY ITS PROPORTIONATE COSTS OF IMPLEMENTING THE WORKS PROGRAM.

(b) A COUNTY DEPARTMENT SHALL KEEP SUCH RECORDS AND ACCOUNTS IN RELATION TO THE COSTS OF ADMINISTERING AND IMPLEMENTING THE WORKS PROGRAM.

(c) WHENEVER ANY COUNTY ANTICIPATES THAT IT MAY BE FINANCIALLY UNABLE TO MEET REQUESTS FOR ASSISTANCE FROM PARTICIPANTS, THE COUNTY MAY SEEK ADDITIONAL MONEYS FROM THE SHORT-TERM WORKS EMERGENCY FUND ADMINISTERED BY THE STATE DEPARTMENT PURSUANT TO SECTION 26-2-720.

(2) IN CONNECTION WITH ADMINISTERING A COUNTY BLOCK GRANT, A COUNTY DEPARTMENT SHALL:

(a) MEET THE WORK PARTICIPATION RATE AS SET FORTH IN THE PERFORMANCE CONTRACT WITH THE STATE DEPARTMENT PURSUANT TO SECTION 26-2-715;

(b) REPORT TO THE STATE DEPARTMENT THE INFORMATION REQUIRED TO ENABLE THE STATE DEPARTMENT TO TRACK PARTICIPANTS' LENGTH OF TIME FOR RECEIPT OF ASSISTANCE AND TO ENABLE THE STATE DEPARTMENT TO PROVIDE WRITTEN NOTICE TO APPLICANTS AND PARTICIPANTS OF THEIR RIGHTS;

(c) PROVIDE WRITTEN NOTIFICATION TO APPLICANTS AND RECIPIENTS OF THEIR RESPONSIBILITIES AND OPTIONS AVAILABLE UNDER THE WORKS PROGRAM, INCLUDING BUT NOT LIMITED TO TIME LIMITS, DOMESTIC VIOLENCE WAIVERS, EXTENSIONS OR EXEMPTIONS, AND SERVICES AVAILABLE. VERBAL NOTICE SHALL BE PROVIDED WHEN REQUESTED.

(d) SUBMIT THE REPORTS REQUIRED PURSUANT TO SECTION 26-2-717;

(e) USE AN INCOME ELIGIBILITY VERIFICATION SYSTEM (IEVS) TO VERIFY ELIGIBILITY INFORMATION AGAINST FEDERAL SOCIAL SECURITY ADMINISTRATION AND INTERNAL REVENUE SERVICE FILES;

(f) PROVIDE TITLE IV-D SERVICES TO PARTICIPANTS AND REQUIRE ASSIGNMENT OF RIGHTS TO CHILD SUPPORT BY PARTICIPANTS AND PARTICIPANT COOPERATION WITH ESTABLISHMENT AND COLLECTION OF CHILD SUPPORT;

(g) MAKE AVAILABLE OPPORTUNITIES FOR PARTICIPANTS TO HAVE INDIVIDUAL DEVELOPMENT ACCOUNTS FOR HOME PURCHASE, BUSINESS CAPITALIZATION, OR HIGHER EDUCATION IN ACCORDANCE WITH FEDERAL LAW;

(h) MEET THE REQUIRED MAINTENANCE OF EFFORT AS IDENTIFIED IN SECTION

26-2-714.

(3) (a) NO PERSON IN A WORK ACTIVITY DESCRIBED IN SECTION 26-2-703 (21) SHALL BE EMPLOYED BY, OR ASSIGNED TO, AN EMPLOYER IF:

(I) ANY OTHER PERSON IS ON LAYOFF FROM THE SAME OR ANY SUBSTANTIALLY EQUIVALENT JOB WITH SUCH EMPLOYER; OR

(II) SUCH EMPLOYER HAS TERMINATED THE EMPLOYMENT OF ANY REGULAR EMPLOYEE OR OTHERWISE CAUSED AN INVOLUNTARY REDUCTION OF THE WORKFORCE IN ORDER TO FILL THE VACANCY WITH A PARTICIPANT; OR

(III) PLACEMENT OF THE PERSON WITH THE EMPLOYER WILL RESULT IN A REDUCTION OF HOURS, REGULAR OR OVERTIME, WAGES, OR BENEFITS OF PERSONS CURRENTLY EMPLOYED BY THE EMPLOYER; OR

(IV) THE POSITION IS AVAILABLE DUE TO A LABOR DISPUTE, STRIKE, LOCKOUT, OR VIOLATION OF A COLLECTIVE BARGAINING AGREEMENT.

(b) A UNIFORM STATEWIDE GRIEVANCE PROCEDURE FOR RESOLVING COMPLAINTS OF ALLEGED VIOLATIONS OF DISPLACEMENTS SHALL BE ESTABLISHED BY THE DEPARTMENT OF LABOR AND EMPLOYMENT.

(c) ALL STATE AND FEDERAL LAWS AFFECTING WORKERS AND EMPLOYERS SHALL APPLY TO ALL PARTICIPANTS, INCLUDING BUT NOT LIMITED TO STATE AND FEDERAL MINIMUM AND PREVAILING WAGE LAWS, WORKERS' COMPENSATION, UNEMPLOYMENT INSURANCE, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION COVERAGE WHERE APPLICABLE, THE FEDERAL "FAIR LABOR STANDARDS ACT OF 1938", AS AMENDED, ALL FEDERAL, STATE, AND LOCAL ANTIDISCRIMINATION LAWS, AND ALL LABOR LAWS AFFECTING THE RIGHTS OF EMPLOYEES TO ORGANIZE.

(d) ALL PARTICIPANTS SHALL BE ENTITLED TO THE SAME WAGES AND BENEFITS, INCLUDING BUT NOT LIMITED TO SICK LEAVE AND HOLIDAY AND VACATION PAY, AS ARE OFFERED TO EMPLOYEES WHO ARE NOT PARTICIPANTS AND WHO HAVE SIMILAR TRAINING OR EXPERIENCE PERFORMING THE SAME OR SIMILAR WORK AT A SPECIFIC WORK PLACE.

(4) (a) A COUNTY MAY NOT USE COUNTY BLOCK GRANT MONEYS EXCEPT AS SPECIFICALLY AUTHORIZED PURSUANT TO THE PROVISIONS OF THIS PART 7 AND RULES PROMULGATED BY THE STATE BOARD OR STATE DEPARTMENT TO IMPLEMENT THE PROVISIONS OF THIS PART 7. IF THE STATE DEPARTMENT HAS REASON TO BELIEVE THAT A COUNTY HAS MISUSED COUNTY BLOCK GRANT MONEYS AND HAS GIVEN THE COUNTY AN OPPORTUNITY TO CURE THE MISUSE AND THE COUNTY HAS FAILED TO CURE, THE STATE DEPARTMENT MAY REDUCE THE COUNTY'S BLOCK GRANT FOR THE SUCCEEDING STATE FISCAL YEAR BY AN AMOUNT EQUAL TO THE AMOUNT OF MONEYS MISUSED BY THE COUNTY.

(b) ANY COUNTY FOUND OUT OF COMPLIANCE WITH ITS PERFORMANCE CONTRACT OR ANY PROVISION OF THE WORKS PROGRAM MAY BE ASSESSED A FINANCIAL SANCTION. THE FINANCIAL SANCTION MUST BE REPLACED BY COUNTY FUNDS. THE STATE BOARD SHALL PROMULGATE RULES FOR COUNTY SANCTIONS THAT INCLUDE

FINANCIAL SANCTIONS AND MAY INCLUDE OTHER SANCTIONS.

(5) A COUNTY MAY APPLY FOR HARDSHIP EXEMPTIONS FOR NEEDY FAMILIES THAT HAVE EXCEEDED THE SIXTY-MONTH LIFETIME LIMIT FOR RECEIPT OF ASSISTANCE SET FORTH IN THE FEDERAL LAW. APPROVAL OF SUCH HARDSHIP EXEMPTIONS SHALL BE GRANTED BY THE STATE DEPARTMENT PURSUANT TO FAIR AND OBJECTIVE CRITERIA AS ESTABLISHED BY THE STATE BOARD.

(6) IN THE EVENT THAT A COUNTY IS UNABLE TO MEET THE NEED FOR ASSISTANCE PURSUANT TO SECTION 26-2-709 (2), IT MAY IMPOSE COST-REDUCING MEASURES, INCLUDING BUT NOT LIMITED TO PROPORTIONATE REDUCTIONS IN SUCH ASSISTANCE, ESTABLISHMENT OF WAITING LISTS FOR SUCH ASSISTANCE, OR ELIMINATION OF SUCH ASSISTANCE.

(7) A COUNTY THAT ENCOMPASSES AN INDIAN RESERVATION SHALL CONSULT WITH THE RESPECTIVE INDIAN TRIBE CONCERNING THE ADMINISTRATION AND IMPLEMENTATION OF THE WORKS PROGRAM BY THAT COUNTY. SUCH CONSULTATION SHALL INCLUDE BUT NOT BE LIMITED TO:

(a) POSSIBLE EXEMPTION OF THE INDIAN TRIBE FROM THE SIXTY-MONTH TIME LIMIT OF THE FEDERAL LAW IF THAT TRIBE HAS MORE THAN ONE THOUSAND MEMBERS AND AN UNEMPLOYMENT RATE THAT EXCEEDS FIFTY PERCENT;

(b) COLLECTION OF STATISTICAL DATA ON PARTICIPANTS, FUNDING FOR TRIBAL DATA COLLECTION AND TRIBAL ADMINISTRATION OF FEDERALLY AND TRIBALLY FUNDED PROGRAMS;

(c) COOPERATION AND AGREEMENT CONCERNING WHEN A TRIBAL MEMBER SHALL BE REFERRED TO HIS OR HER RESPECTIVE TRIBE FOR ASSISTANCE IN FINDING WORK AND HOW THE COSTS FOR SUCH ASSISTANCE MAY BE REIMBURSED BY OR OTHERWISE SHARED WITH THE COUNTY.

26-2-717. Reporting requirements. (1) THE STATE DEPARTMENT SHALL SUBMIT THE FOLLOWING GENERAL CASE RECORD INFORMATION ON PARTICIPANTS TO THE FEDERAL GOVERNMENT AS REQUIRED BY THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT AND AS REPORTED BY A COUNTY DEPARTMENT PURSUANT TO SECTION 26-2-716 (2) (d):

(a) THE COUNTY OF RESIDENCE OF THE FAMILY;

(b) WHETHER A CHILD RECEIVING SUCH ASSISTANCE OR AN ADULT IN THE FAMILY IS DISABLED;

(c) THE AGES OF THE MEMBERS OF SUCH FAMILIES;

(d) THE NUMBER OF INDIVIDUALS IN THE FAMILY, AND THE RELATION OF EACH FAMILY MEMBER TO THE YOUNGEST CHILD IN THE FAMILY;

(e) THE EMPLOYMENT STATUS OF ALL ADULTS IN THE FAMILY AND, IF EMPLOYED, THE EARNINGS THEREOF;

(f) THE MARITAL STATUS OF THE ADULTS IN THE FAMILY, INCLUDING WHETHER SUCH ADULTS HAVE NEVER MARRIED, ARE WIDOWED, OR ARE DIVORCED;

(g) THE RACE AND EDUCATIONAL STATUS OF EACH ADULT AND CHILD IN THE FAMILY;

(h) WHETHER THE FAMILY HAS RECEIVED SUBSIDIZED HOUSING, MEDICAL ASSISTANCE PURSUANT TO ARTICLE 4 OF THIS TITLE, FOOD STAMPS, OR SUBSIDIZED CHILD CARE, AND IF THE LATTER TWO, THE AMOUNT RECEIVED;

(i) THE NUMBER OF MONTHS THAT THE FAMILY HAS RECEIVED EACH TYPE OF ASSISTANCE UNDER THE WORKS PROGRAM;

(j) IF THE ADULTS IN THE FAMILY PARTICIPATED IN, AND THE NUMBER OF HOURS PER WEEK OF PARTICIPATION IN, THE FOLLOWING ACTIVITIES:

(I) EDUCATION;

(II) SUBSIDIZED PRIVATE SECTOR EMPLOYMENT;

(III) UNSUBSIDIZED EMPLOYMENT;

(IV) PUBLIC SECTOR EMPLOYMENT, WORK EXPERIENCE, OR COMMUNITY SERVICE;

(V) JOB SEARCH;

(VI) JOB SKILLS TRAINING OR ON-THE-JOB TRAINING;

(VII) VOCATIONAL EDUCATION;

(k) INFORMATION NECESSARY TO CALCULATE WORK PARTICIPATION RATES;

(l) THE TYPE AND AMOUNT OF ASSISTANCE RECEIVED UNDER THE WORKS PROGRAM, INCLUDING THE AMOUNT OF AND REASON FOR ANY REDUCTION OF ASSISTANCE, INCLUDING SANCTIONS;

(m) ANY AMOUNT OF UNEARNED INCOME RECEIVED BY ANY MEMBER OF THE FAMILY;

(n) THE CITIZENSHIP OF THE MEMBERS OF THE FAMILY;

(o) FROM A SAMPLE OF CLOSED CASES, WHETHER THE FAMILY LEFT THE WORKS PROGRAM, AND IF SO, WHETHER THE FAMILY LEFT DUE TO EMPLOYMENT, MARRIAGE, THE LIFETIME LIMIT FOR RECEIPT OF ASSISTANCE, SANCTION, OR STATE POLICY; AND

(p) THE NUMBER OF NONCUSTODIAL PARENTS WHO PARTICIPATED IN WORK ACTIVITIES.

(2) THE STATE DEPARTMENT SHALL REPORT NAMES AND ADDRESSES OF UNLAWFUL ALIENS TO THE FEDERAL IMMIGRATION AND NATURALIZATION SERVICE AT LEAST FOUR TIMES PER YEAR, EXCEPT WITH RESPECT TO INDIVIDUALS WHOSE ONLY FEDERAL

BENEFIT IS MEDICAID.

(3) THE STATE DEPARTMENT SHALL REPORT ON USE OF COUNTY BLOCK GRANT MONEYS, INCLUDING A STATEMENT OF THE PERCENTAGE OF THE MONEYS THAT ARE USED TO COVER ADMINISTRATIVE COSTS.

(4) THE STATE DEPARTMENT SHALL REPORT ON THE TOTAL AMOUNT EXPENDED BY THE STATE DURING THE QUARTER TO PROVIDE TRANSITIONAL SERVICES TO A FAMILY THAT HAS CEASED TO RECEIVE ASSISTANCE UNDER THIS PART 7 BECAUSE OF EMPLOYMENT, ALONG WITH A DESCRIPTION OF SUCH SERVICES.

26-2-718. Regionalization. (1) IN THE EVENT THAT TWO OR MORE COUNTIES AGREE TO ADMINISTER AND IMPLEMENT THE COLORADO WORKS PROGRAM JOINTLY, SUCH COUNTIES SHALL SUBMIT RESOLUTIONS FROM THEIR BOARDS OF COUNTY COMMISSIONERS TO THE STATE DEPARTMENT THAT REFLECT THEIR INTENTION TO ADMINISTER AND IMPLEMENT THE COLORADO WORKS PROGRAM JOINTLY.

(2) THE STATE DEPARTMENT SHALL MAKE A DETERMINATION TO APPROVE OR DENY THE RESOLUTIONS AND NOTIFY THE COUNTIES WITHIN THIRTY DAYS AFTER THE RECEIPT OF THE RESOLUTIONS.

(3) THE STATE DEPARTMENT, IN CONJUNCTION WITH THE BOARDS OF COUNTY COMMISSIONERS OF THE AFFECTED COUNTIES, SHALL DETERMINE ADMINISTRATIVE, PROGRAMMATIC, AND REPORTING REQUIREMENTS IN CONNECTION WITH THE JOINT OPERATION OF THE WORKS PROGRAM BY THE COUNTIES.

26-2-719. Private contracting. THE STATE DEPARTMENT AND ANY COUNTY DEPARTMENT ARE AUTHORIZED TO AWARD CONTRACTS FOR THE ADMINISTRATION, IMPLEMENTATION, OR OPERATION OF ANY ASPECT OF THE WORKS PROGRAM TO ANY APPROPRIATE PUBLIC, PRIVATE, OR NONPROFIT ENTITY IN ACCORDANCE WITH APPLICABLE COUNTY REGULATIONS, FEDERAL LAW, AND THE PROVISIONS OF THE STATE PROCUREMENT CODE, ARTICLES 101 TO 112 OF TITLE 24, C.R.S.; EXCEPT THAT THE STATE DEPARTMENT MAY SPEND UP TO THREE MILLION DOLLARS IN STATE FISCAL YEAR 1997-98 TO IMPLEMENT AUTOMATED SYSTEMS TO COMPLY WITH SPECIFIC REQUIREMENTS OF THE FEDERAL LAW WITHOUT BEING SUBJECT TO THE PROVISIONS OF THE STATE PROCUREMENT CODE.

26-2-720. Short-term works emergency fund. (1) THE STATE DEPARTMENT SHALL CREATE A SHORT-TERM WORKS EMERGENCY FUND THAT SHALL CONSIST OF MONEYS REMITTED BY A COUNTY PURSUANT TO SECTION 26-2-714 (5) AND MONEYS APPROPRIATED FOR THE SHORT-TERM WORKS EMERGENCY FUND BY THE GENERAL ASSEMBLY.

(2) THE STATE DEPARTMENT SHALL BE AUTHORIZED TO ALLOCATE MONEYS IN THE SHORT-TERM WORKS EMERGENCY FUND:

(a) FOR STATE FISCAL YEAR 1997-98, TO COUNTIES THAT DID NOT MAINTAIN A JOBS PROGRAM IN STATE FISCAL YEAR 1994-95;

(b) FOR STATE FISCAL YEAR 1997-98, TO COUNTIES WITH GREATER COSTS FOR AFDC IN STATE FISCAL YEAR 1996-97 THAN IN STATE FISCAL YEAR 1994-95;

(c) TO COUNTIES THAT NEGOTIATE A HIGHER WORK PARTICIPATION RATE THAN THE WORK PARTICIPATION RATE REQUIRED BY THE FEDERAL LAW;

(d) FOR STATE FISCAL YEAR 1997-98, TO COUNTIES FOR COSTS FOR BASIC ASSISTANCE GRANTS THAT ARE IN EXCESS OF FIVE PERCENT MORE THAN THE COST FOR ASSISTANCE UNDER THE AFDC PROGRAM IN STATE FISCAL YEAR 1996-97;

(e) BEGINNING IN STATE FISCAL YEAR 1998-99, TO COUNTIES FOR COSTS FOR BASIC ASSISTANCE GRANTS THAT ARE IN EXCESS OF FIVE PERCENT MORE THAN THE COSTS FOR BASIC ASSISTANCE GRANTS IN THE PREVIOUS STATE FISCAL YEAR;

(f) TO COUNTIES FOR THE CORRECTION OF ERRORS IN THE DETERMINATION OF THE AMOUNT OF THE COUNTY BLOCK GRANT THAT ARE IN EXCESS OF FIVE PERCENT OF THE TOTAL AMOUNT OF THE COUNTY BLOCK GRANT.

(3) A COUNTY SHALL NOT BE REQUIRED TO DEplete ANY MONEYS IN A COUNTY RESERVE ACCOUNT BEFORE SEEKING MONEYS FROM THE SHORT-TERM WORKS EMERGENCY FUND FOR THE PURPOSES IDENTIFIED IN PARAGRAPH (c) OR (f) OF SUBSECTION (2) OF THIS SECTION.

(4) THE STATE DEPARTMENT SHALL REALLOCATE TO COUNTIES ANY FUNDS IN THE SHORT-TERM WORKS EMERGENCY FUND IN EXCESS OF TWENTY PERCENT OF THE CURRENT STATE FISCAL YEAR FEDERAL BLOCK GRANT.

26-2-721. Long-term works reserve fund - creation - use. THERE IS HEREBY CREATED THE COLORADO WORKS PROGRAM RESERVE FUND THAT SHALL CONSIST OF TANF BLOCK GRANT OR STATE GENERAL FUNDS APPROPRIATED THERETO BY THE GENERAL ASSEMBLY. MONEYS IN THE RESERVE FUND SHALL BE USED ONLY FOR THE PURPOSE OF IMPLEMENTING THE WORKS PROGRAM AND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY. ALL INTEREST DERIVED FROM THE DEPOSIT OR INVESTMENT OF THE MONEYS IN THE RESERVE FUND SHALL BE CREDITED TO THE RESERVE FUND.

26-2-722. Legislative oversight committee - created - repeal. (1) (a) THE HOUSE AND SENATE COMMITTEES ON HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS SHALL ACT AS THE WELFARE OVERSIGHT COMMITTEE. SUCH COMMITTEES SHALL MEET, STARTING ON OR AFTER SEPTEMBER 1, 1997, AND SHALL HAVE THE RESPONSIBILITY OF OVERSEEING THE WORKS PROGRAM AND ITS IMPLEMENTATION BY THE COUNTIES.

(b) THE TWO CHAIRS AND VICE-CHAIRS OF THE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEES AND A MINORITY PARTY MEMBER OF EACH COMMITTEE DESIGNATED BY THE MINORITY LEADER OF EACH HOUSE SHALL HAVE THE RESPONSIBILITY OF PREPARING AN ANNUAL REPORT TO THE GENERAL ASSEMBLY CONCERNING THE REVIEW OF THE WORKS PROGRAM. THE ANNUAL REPORT SHALL BE SUBMITTED TO THE GENERAL ASSEMBLY NO LATER THAN JANUARY 15 OF EACH YEAR AND SHALL SUMMARIZE THE ASPECTS OF THE WORKS PROGRAM THAT HAVE BEEN CONSIDERED AND ANY RECOMMENDED LEGISLATIVE CHANGES.

(c) NO LATER THAN JANUARY 15, 1999, THE WELFARE OVERSIGHT COMMITTEE SHALL MAKE RECOMMENDATIONS CONCERNING HOW TO ALLOCATE ANY FUNDS THAT

THE STATE RECEIVES AS AN ILLEGITIMACY BONUS REWARD FROM THE FEDERAL GOVERNMENT. IN MAKING ITS RECOMMENDATIONS ON THIS ISSUE, THE WELFARE OVERSIGHT COMMITTEE SHALL CONSIDER HOW TO MAKE ALLOCATIONS BASED UPON INDIVIDUAL COUNTIES' SUCCESS IN REDUCING ILLEGITIMACY.

(2) (a) THE WELFARE OVERSIGHT COMMITTEE IS AUTHORIZED TO RECEIVE CONTRIBUTIONS, GRANTS, SERVICES, AND IN-KIND DONATIONS FROM ANY PRIVATE ENTITY TO BE EXPENDED FOR ANY DIRECT OR INDIRECT COSTS ASSOCIATED WITH ITS DUTIES SET FORTH IN THIS SECTION.

(b) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL, THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES, AND THE DIRECTOR OF THE STAFF OF THE JOINT BUDGET COMMITTEE SHALL SUPPLY STAFF ASSISTANCE TO THE WELFARE OVERSIGHT COMMITTEE AS THEY DEEM APPROPRIATE WITHIN EXISTING APPROPRIATIONS.

(3) BY SEPTEMBER 1, 1997, THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL SHALL DETERMINE WHETHER SUFFICIENT FUNDS ARE AVAILABLE WITHIN THE LEGISLATIVE APPROPRIATION TO THE GENERAL ASSEMBLY FOR THE 1997-98 FISCAL YEAR TO PAY FOR THE ADDITIONAL PER DIEM AND ACTUAL AND NECESSARY EXPENSE COSTS INCURRED PURSUANT TO THIS SECTION. THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL SHALL ALSO IDENTIFY IN SUCH PLAN ANY PERMANENT SOURCES OF FUNDING FOR SUCH COSTS. AMONG THE OPTIONS CONSIDERED BY THE EXECUTIVE COMMITTEE TO FUND THIS SECTION FOR THE 1997-98 FISCAL YEAR, THE EXECUTIVE COMMITTEE MAY CONSIDER REDUCING THE NUMBER OF DAYS OF SPECIAL SESSION BUDGETED WITHIN THE LEGISLATIVE APPROPRIATION. UPON A DETERMINATION THAT SUFFICIENT FUNDS ARE AVAILABLE WITHIN BUDGET LINE ITEMS IN THE LEGISLATIVE APPROPRIATION TO THE GENERAL ASSEMBLY FOR THE 1997-98 FISCAL YEAR, SUCH PLAN SHALL BE IMPLEMENTED BY A BUDGET AMENDMENT ADOPTED BY THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL FOR SUCH FISCAL YEAR.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2001.

PART 8 COLORADO CHILD CARE ASSISTANCE PROGRAM

26-2-801. Short title. THIS PART 8 SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO CHILD CARE ASSISTANCE PROGRAM ACT".

26-2-802. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE STATE'S POLICIES IN CONNECTION WITH THE PROVISION OF CHILD CARE ASSISTANCE AND THE EFFECTIVE DELIVERY OF SUCH ASSISTANCE ARE CRITICAL TO THE ULTIMATE SUCCESS OF ANY WELFARE REFORM PROGRAM.

(2) THEREFORE, THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT IT IS IN THE BEST INTERESTS OF THE STATE TO ADOPT THE COLORADO CHILD CARE ASSISTANCE PROGRAM SET FORTH IN THIS PART 8.

26-2-803. State department authority. (1) THE STATE DEPARTMENT SHALL REVIEW EXISTING RULES CONCERNING THE COLORADO CHILD CARE ASSISTANCE PROGRAM AND SHALL REPORT TO THE COMMITTEE ON LEGAL SERVICES NO LATER

THAN SEPTEMBER 15, 1997, CONCERNING THE CHANGES TO THE EXISTING RULES THAT ARE NECESSARY AS A RESULT OF THE ENACTMENT OF THIS PART 8.

(2) THE STATE DEPARTMENT SHALL ESTABLISH PROVIDER RATES FOR THE COUNTIES. AFTER NOTICE TO THE STATE DEPARTMENT, A COUNTY MAY OPT OUT OF ADHERING TO THE STATE DEPARTMENT PROVIDER RATES AND NEGOTIATE ITS OWN RATES WITH SUCH PROVIDERS.

26-2-804. Funding - allocation - maintenance of effort. (1) SUBJECT TO AVAILABLE APPROPRIATIONS, A COUNTY'S BLOCK GRANT FOR THE COLORADO CHILD CARE ASSISTANCE PROGRAM FOR STATE FISCAL YEAR 1997-98 SHALL BE DETERMINED BY THE STATE DEPARTMENT AND SHALL BE BASED UPON NOT LESS THAN ONE HUNDRED PERCENT OF THE STATE AND FEDERAL MONEYS THAT THE COUNTY RECEIVED IN STATE FISCAL YEAR 1996-97 TO ADMINISTER AND IMPLEMENT JOBS-RELATED CHILD CARE AND THE COLORADO CHILD CARE ASSISTANCE PROGRAM, INCLUDING THE ADMINISTRATIVE COSTS RELATED TO SUCH PROGRAMS. THE STATE DEPARTMENT SHALL CONSIDER FACTORS THAT INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:

(a) HISTORICAL EXPENDITURES ON THE COLORADO CHILD CARE ASSISTANCE PROGRAM;

(b) THE NUMBER OF CHILDREN IN THE COUNTY UNDER THIRTEEN YEARS OF AGE;

(c) THE NUMBER OF LOW-INCOME FAMILIES IN THE COUNTY; AND

(d) PROVIDER RATES IN THE COUNTY, AS ESTABLISHED PURSUANT TO SECTION 26-2-803 (2).

(2) IN STATE FISCAL YEARS 1998-99 AND THEREAFTER, THE STATE DEPARTMENT MAY ADJUST THE COUNTY BLOCK GRANT IDENTIFIED IN SUBSECTION (1) OF THIS SECTION BY INCREASING OR REDUCING THE AMOUNT OF SUCH GRANTS BASED UPON FACTORS THAT SHALL INCLUDE BUT NOT BE LIMITED TO:

(a) THE COUNTY'S POPULATION AND THE COLORADO WORKS PROGRAM CASELOAD;

(b) THE UNEMPLOYMENT RATE IN THE COUNTY BASED UPON THE STATE DEPARTMENT OF LABOR AND EMPLOYMENT ASSESSMENT OF COUNTY UNEMPLOYMENT RATES FOR THE PRIOR YEAR;

(c) THE COUNTY'S PERFORMANCE IN MEETING THE OBLIGATIONS UNDER THE PERFORMANCE CONTRACT WITH THE STATE DEPARTMENT PURSUANT TO THE PROVISIONS OF SECTION 26-2-715.

(3) THE MONEYS IN A COUNTY BLOCK GRANT ALLOCATED TO A COUNTY PURSUANT TO SUBSECTION (1) OF THIS SECTION MAY ONLY BE USED FOR THE PROVISION OF CHILD CARE SERVICES UNDER RULES PROMULGATED BY THE STATE DEPARTMENT.

(4) FOR STATE FISCAL YEAR 1997-98 AND EACH STATE FISCAL YEAR THEREAFTER, EACH COUNTY SHALL BE REQUIRED TO MEET A LEVEL OF COUNTY SPENDING FOR THE COLORADO CHILD CARE ASSISTANCE PROGRAM THAT IS EQUAL TO THE COUNTY'S PROPORTIONATE SHARE OF THE TOTAL COUNTY FUNDS REFERENCED IN THE STATE

FISCAL YEAR 1996-97 GENERAL APPROPRIATION BILL FOR EMPLOYMENT-RELATED CHILD CARE.

26-2-805. Services - assistance provided. (1) (a) SUBJECT TO AVAILABLE APPROPRIATIONS, AND PURSUANT TO RULES PROMULGATED BY THE STATE DEPARTMENT, A COUNTY SHALL PROVIDE CHILD CARE ASSISTANCE TO A PARTICIPANT OR ANY PERSON OR FAMILY WHOSE INCOME IS NOT MORE THAN ONE HUNDRED THIRTY PERCENT OF THE FEDERAL POVERTY LEVEL.

(b) SUBJECT TO AVAILABLE APPROPRIATIONS AND PURSUANT TO RULES PROMULGATED BY THE STATE DEPARTMENT, A COUNTY MAY PROVIDE CHILD CARE ASSISTANCE FOR A FAMILY TRANSITIONING OFF THE WORKS PROGRAM OR FOR ANY OTHER FAMILY WHOSE INCOME IS BELOW ONE HUNDRED EIGHTY-FIVE PERCENT OF THE FEDERAL POVERTY LEVEL. A RECIPIENT OF CHILD CARE ASSISTANCE SHALL BE RESPONSIBLE FOR PAYING A PORTION OF SUCH CHILD CARE BASED UPON THE RECIPIENT'S INCOME AND THE FORMULA DEVELOPED BY RULES OF THE STATE BOARD.

(c) A PARTICIPANT WHO IS EMPLOYED SHALL PAY A PORTION OF HIS OR HER INCOME FOR CHILD CARE ASSISTANCE UNDER THE COLORADO CHILD CARE ASSISTANCE PROGRAM. THE AMOUNT THAT SUCH A PARTICIPANT SHALL BE REQUIRED TO PAY UNDER THE PROVISIONS OF THIS PARAGRAPH (c) SHALL BE DETERMINED BY A FORMULA THAT SHALL BE ESTABLISHED BY RULES OF THE STATE BOARD.

(2) A COUNTY SHALL HAVE THE AUTHORITY TO DEVELOP A VOUCHER SYSTEM FOR PARTICIPANTS PURSUANT TO WHICH PARTICIPANTS COULD SECURE RELATIVE OR UNLICENSED CHILD CARE.

(3) AS USED IN THIS SECTION, "PARTICIPANT" MEANS A PARTICIPANT IN THE COLORADO WORKS PROGRAM AS DEFINED IN SECTION 26-2-703 (15).

26-2-806. No individual entitlement. (1) NOTHING IN THIS PART 8 OR ANY RULES PROMULGATED PURSUANT TO THIS PART 8 SHALL BE INTERPRETED TO CREATE A LEGAL ENTITLEMENT IN ANY PERSON TO CHILD CARE ASSISTANCE.

(2) NO COUNTY MAY CREATE OR SHALL BE DEEMED TO CREATE A LEGAL ENTITLEMENT IN ANY PERSON TO ASSISTANCE UNDER THIS PART 8.

SECTION 2. 26-1-107 (5), (7), and (10), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

26-1-107. State board of human services. (5) "Board rules" are rules ~~and regulations~~ promulgated by the state board governing:

(a) Program scope and content;

(b) Requirements, obligations, and rights of clients, recipients, vendors, providers, and other persons affected by acts of the state department.

(7) When federal statute or regulation requires, as a condition for the receipt of federal participation in any state department administered or supervised public assistance or welfare program, that specific forms of income to recipients and

applicants or other persons whose income would otherwise be considered be disregarded, such income shall be disregarded and the rules ~~and regulations~~ of the state board shall include provisions to effect such requirements.

(10) The state board shall fix minimum standards and qualifications for county department personnel based upon training and experience deemed necessary to fulfill the requirements and responsibilities for each position and establish salary schedules based upon prevailing wages for comparable work within each county or district or region where such data is available and is collected and compiled in a manner approved by the state personnel director. The rules ~~and regulations~~ issued by the state board 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 state board shall be subject to the provisions of section 24-4-103, C.R.S.

SECTION 3. 26-1-109 (1) and (5), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

26-1-109. Cooperation with federal government - grants-in-aid. (1) The state department of human services shall be the sole state agency for administering the state plans for public assistance and welfare, including but not limited to assistance payments; food stamps; social services; health and medical assistance other than the home care allowance program, the adult foster care program, and programs established pursuant to the "Colorado Medical Assistance Act" set forth in article 4 of this title; child welfare services; rehabilitation; and programs for the aging in cooperation with the federal government; THE COLORADO WORKS PROGRAM; and any other state plan relating to such public assistance and welfare that requires state action ~~which~~ THAT is not specifically the responsibility of some other state department, division, section, board, commission, or committee under the provisions of federal or state law.

(5) The rules ~~and regulations~~ of the state department may include provisions to accommodate requirements of contracts entered into between the state department and the federal department of health, education, and welfare for studies of guaranteed annual income or other forms of income maintenance research projects; and for such purpose the requirements of this title as to eligibility for public assistance shall not apply for the term of and in accordance with the contract for such purpose. No program shall be initiated or carried out under the authorization contained in this subsection (5) in a manner ~~which~~ THAT will increase the welfare burden upon any county or city and county, and, if such a program is conducted in the Denver area, it shall be conducted within an area no smaller than the Denver S.M.S.A. (standard metropolitan statistical area) as defined by the United States bureau of the census.

SECTION 4. 26-1-111 (2) (a) and (2) (m), Colorado Revised Statutes, 1989 Repl. Vol., are amended to read:

26-1-111. Activities of the state department under the supervision of the executive director. (2) The state department, under the supervision of the executive director, shall:

- (a) Administer or supervise all forms of public assistance and welfare, including

but not limited to assistance payments, food stamps, and social services under programs for old age pensions, ~~aid to families with dependent children~~ THE COLORADO WORKS PROGRAM, aid to the blind, aid to the needy disabled, food stamps supplementation to households not receiving public assistance found eligible for food stamps under rules adopted by the state board, and such other public assistance and welfare activities as may be vested in the state department pursuant to law;

~~(m) Administer the state JOBS program in compliance with the "Family Support Act of 1988" (P.L. 100-485) and any federal regulations promulgated thereunder.~~

SECTION 5. 26-1-112 (3) (b), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-1-112. Locating violators - recoveries. (3) (b) Whenever a county department, a county board, a district attorney, or a state department on behalf of the county recovers any amount of public assistance payments or medical assistance funds ~~which~~ THAT were obtained through unintentional client error, the federal government shall be entitled to a share proportionate to the amount of federal funds paid, unless a different amount is provided for by federal law, the state shall be entitled to a share proportionate to seventy-five percent of the amount of state funds paid, the county shall be entitled, except for the ~~aid to families with dependent children~~ COLORADO WORKS program, to a share proportionate to the amount of county funds paid, if any, and, in addition, a share proportionate to twenty-five percent of the amount of state funds paid. In the ~~aid to dependent children~~ COLORADO WORKS program, the county shall be entitled to a share proportionate to the amount of county funds paid and, in addition, a share proportionate to one-half the amount of state funds paid.

SECTION 6. 26-1-118 (2.5), Colorado Revised Statutes, 1989 Repl. Vol., is repealed as follows:

26-1-118. Duties of county departments, county directors, and district attorneys. (2.5) ~~Upon implementation of the JOBS program in the county as required under section 26-2-406, the county department shall submit to the state department an action plan which outlines implementation of the JOBS program in the county. Such action plan shall meet the criteria set forth in section 26-2-406.~~

SECTION 7. 26-1-121 (1) (a), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-1-121. Appropriations. (1) (a) For carrying out the duties and obligations of the state department of human services, the state department of health care policy and financing, and county departments under the provisions of this title and for matching such federal funds OR MEETING MAINTENANCE OF EFFORT REQUIREMENTS as may be available for public assistance and welfare activities in the state, including but not limited to assistance payments, food stamps (except the value of food stamp coupons), social services, medical assistance, child welfare services, rehabilitation, programs for the aging and for veterans, and related activities, the general assembly, in accordance with the constitution and laws of the state of Colorado, shall make adequate appropriations for the payment of such costs, pursuant to the budget prepared by the respective executive director.

SECTION 8. 26-1-122, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-1-122. County appropriations and expenditures - advancements - procedures. (1) (a) Except as provided in SUBSECTION (6) OF THIS SECTION AND section 26-1-122.5, the board of county commissioners in each county of this state shall annually appropriate as provided by law such funds as shall be necessary to defray the county department's twenty percent share of the overall cost of providing the assistance payments, food stamps (except the value of food stamp coupons), and social services activities delivered in the county, including the costs allocated to the administration of each, and shall include in the tax levy for such county the sums appropriated for that purpose. Such appropriation shall be based upon the county social services budget prepared by the county department pursuant to section 26-1-124, after taking into account state advancements provided for in this section.

(b) In the case of a district department, each county forming a part of said district shall appropriate the funds necessary to defray its proportionate share of the costs of assistance payments, food stamps (except the value of food stamp coupons), and social services activities of such individual county based on the ratio set out in paragraph (a) of this subsection (1).

(c) Additional funds shall be made available by the board of county commissioners if the county funds so appropriated prove insufficient to defray the county department's twenty percent share of actual costs for assistance payments, food stamps (except the value of food stamp coupons), and social services activities, including the administrative costs of each.

(d) Under no circumstances shall any county expend county funds in an amount to exceed its twenty percent share of actual costs for assistance payments, food stamps (except the value of food stamp coupons), and social services activities, including the administrative costs of each, except as provided in paragraph (i) of subsection (4) of this section.

(2) (a) The county boards, in accordance with the rules ~~and regulations~~ of the state department, shall file requests with the state department for advancement of funds for the program costs of assistance payments, food stamps (except the value of food stamp coupons), and social services and for the administrative costs of each. The state department shall determine the requirements of each county for such program costs and administrative costs, taking into consideration available funds and all pertinent facts and circumstances, and shall certify by voucher to the controller the amounts to be paid to each county. The amounts so certified shall be paid from the state treasury upon voucher of the state department and warrant of the controller and shall be credited by the county treasurer to the county social services fund in accordance with the law and rules of the state department.

(b) For purposes of operating the electronic benefits transfer service as authorized in section 26-2-104 once the service has been fully developed and implemented in any county, the state department shall determine the program costs and administrative costs related to assistance payments and food stamps for each county. Upon implementation of the electronic benefits transfer service in any county, the county share of the program and administrative costs shall either be billed to the county or

deducted from appropriate advances to the county OR FROM THE COUNTY BLOCK GRANT ALLOCATION FOR IMPLEMENTATION OF THE COLORADO WORKS PROGRAM PURSUANT TO PART 7 OF ARTICLE 2 OF THIS TITLE. The cost of administering the electronic benefits transfer service shall not exceed the proportional cost per client that would have been paid by counties to issue benefits through the nonelectronic benefits system for the same fiscal year. Any savings that result from the use of the electronic benefits transfer service shall be shared among the state and local governments in proportion to such entities' contribution to the electronic benefits transfer service.

(3) (a) County departments shall keep such records and accounts in relation to the costs of administering assistance payments, the costs of administering food stamps, and the costs of administering social services as the state department shall prescribe by rules ~~and regulations~~. EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION, all administrative costs shall be allocated, under rules of the state department, to either the performance of assistance payments functions, the performance of food stamp functions, or the performance of social services functions.

(b) Except as provided in SUBSECTION (6) OF THIS SECTION AND section 26-1-122.5, if the county departments are administered in accordance with the policies and rules of the state department for the administration of county departments, eighty percent of the costs of administering assistance payments, food stamps, and social services in the county departments shall be advanced to the county by the state treasurer from funds appropriated or made available for such purpose, upon authorization of the state department, but in no event shall the state department authorize expenditures greater than the annual appropriation by the general assembly for the state's share of such administrative costs of the county departments. As funds are advanced, adjustment shall be made from subsequent monthly payments for those purposes.

(c) For purposes of this article, AND EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF THIS SECTION, under rules of the state department, administrative costs shall include: Salaries of the county director and employees of the county department staff engaged in the performance of assistance payments, food stamps, and social services activities; the county's payments on behalf of such employees for old age and survivors' insurance or pursuant to a county officers' and employees' retirement plan and for any health insurance plan, if approved by the state department; the necessary travel expenses of the county board and the administrative staff of the county department in the performance of their duties; necessary telephone and telegraph; necessary equipment and supplies; necessary payments for postage and printing, including the printing and preparation of county warrants required for the administration of the county department; and such other administrative costs as may be approved by the state department; but advancements for office space, utilities, and fixtures may be made from state funds only if federal matching funds are available.

(4) (a) County departments shall keep such records and accounts in relation to assistance payments program costs and social services program costs as the state department shall prescribe by rules ~~and regulations~~ AND AS MAY BE REQUIRED IN PART 7 OF ARTICLE 2 OF THIS TITLE. All program costs shall be allocated, under rules of the state department, to either assistance payments or social services.

(b) Except as provided in paragraph (d) of this subsection (4) AND SUBSECTION (6) OF THIS SECTION, eighty percent of the amount expended for assistance payments program costs and social services program costs or the amount equal to the state's share of the amount expended as determined pursuant to section 26-1-122.5 shall be advanced to the county by the state treasurer from funds appropriated or made available for such purpose upon authorization of the state department pursuant to the provisions of this title. As funds are advanced, adjustment shall be made from subsequent monthly payments for those purposes.

(c) For purposes of this article AND EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF THIS SECTION, under rules of the state department, program costs shall include: Amounts expended for assistance payments and social services (except for items enumerated in subsection (3) (c) of this section) under programs for ~~aid to families with dependent children~~, aid to the needy disabled, aid to the blind, child welfare services, expenses of treatment to prevent blindness or restore eyesight as defined in section 26-2-121, funeral and burial expenses as defined in section 26-2-129, and state supplementation under part 2 of article 2 of this title.

(d) Whenever any county, by reason of an emergency or other temporary condition, shall be unable to meet its necessary financial obligations for other public assistance purposes, and at the same time meet its requirements for assistance payments and social services under the program for aid to the needy disabled, ~~or the program for aid to families with dependent children~~, the state department may in its discretion, upon consideration of the conditions and requirements of this title, reimburse such county in excess of eighty percent of the amount expended for assistance payments and social services under such program. The state department shall determine the amount of such excess reimbursement and the period of time during which such excess reimbursement shall be made. For such purpose, the state department may use not to exceed five percent of the total amount allocated to it by the state for administrative and program costs for assistance payments and social services under the program for which the excess reimbursement is provided.

(e) When a county department provides or purchases certain specialized social services for public assistance applicants, recipients, or others to accomplish self-support, self-care, or better family life, including but not limited to day care, homemaker services, foster care, and services to mentally retarded persons, in accordance with applicable rules, the state may advance funds to such county department at a rate in excess of eighty percent within available appropriations, but not to exceed the amount expended by the county department for such services. The county department contribution shall be for the period from January 1, 1981, through June 30, 1981, ten percent, and beginning July 1, 1981, five percent for the aid to the needy disabled home care program, the special needs of the disabled program, aid to the blind home care program, the special needs of the blind program, the adult foster care program, and other programs providing public assistance in the form of social services required by the federal "Social Security Act", as amended, for the purpose of establishing services which promote self-sufficiency for adult clients. As funds are advanced, adjustment shall be made from subsequent monthly payments for those purposes. The expenses of training personnel to provide these services as determined and approved by the state department shall be paid from whatever state and federal funds are available for such training purposes.

(f) County departments shall provide or contract to provide a central information and referral service for all available services in the county which may prevent or reduce inappropriate institutional care through the use of community-based or home-based care.

(g) The state department is authorized to provide not more than ten additional homemaker positions to be located in Adams, Larimer, Garfield, Otero, and Morgan counties. Reimbursement to each county for one hundred percent homemaker costs shall be based on a minimum case load of ten clients per reimbursed position which clients are currently in or would be admitted to skilled or intermediate care facilities or hospitals and who would not otherwise be served by current county staffing. Reports shall be provided monthly to the joint budget committee.

(h) Notwithstanding any other provision of this article, the county department may spend in excess of twenty percent of actual costs for the purpose of matching federal funds for the administration of the child support enforcement program or for the administrative costs of activities involving food stamp, public assistance, or medical assistance fraud investigations or prosecutions.

(i) Notwithstanding any other provision of this article, the county department may receive and spend federal funds to which it is entitled by reason of the county's expenditures in excess of the twenty percent required by subsection (1) of this section for any social services activity that has been approved by the department as an activity that is eligible for reimbursement under any federal program. Acceptance and expenditure of such federal funds shall in no way affect the state's share of and contribution to such payments, and the county shall be solely responsible for the provision of the nonfederal share that is in excess of the twenty percent.

(5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF THIS SECTION, if in any fiscal year the annual appropriation by the general assembly for the state's share, together with any available federal funds for any income maintenance or social services program, or the administration of either, is not sufficient to advance to the counties the full applicable state share of costs, said program or the administration thereof shall be temporarily reduced by the state board so that all available state and federal funds shall continue to constitute eighty percent of the costs.

(6) (a) THE BOARD OF COUNTY COMMISSIONERS IN EACH COUNTY OF THIS STATE SHALL ANNUALLY APPROPRIATE AS PROVIDED BY LAW SUCH FUNDS AS SHALL BE NECESSARY TO DEFRAY THE COUNTY DEPARTMENT'S MAINTENANCE OF EFFORT REQUIREMENT FOR THE COLORADO WORKS PROGRAM, CREATED IN PART 7 OF ARTICLE 2 OF THIS TITLE, AND THE COLORADO CHILD CARE ASSISTANCE PROGRAM, CREATED IN PART 8 OF ARTICLE 2 OF THIS TITLE, INCLUDING THE COSTS ALLOCATED TO THE ADMINISTRATION OF EACH, AND SHALL INCLUDE IN THE TAX LEVY FOR SUCH COUNTY THE SUMS APPROPRIATED FOR THAT PURPOSE. SUCH APPROPRIATION SHALL BE BASED UPON THE COUNTY SOCIAL SERVICES BUDGET PREPARED BY THE COUNTY DEPARTMENT PURSUANT TO SECTION 26-1-124, AFTER TAKING INTO ACCOUNT STATE ADVANCEMENTS PROVIDED FOR IN THIS SECTION.

(b) ADDITIONAL FUNDS SHALL BE MADE AVAILABLE BY THE BOARD OF COUNTY COMMISSIONERS IF THE COUNTY FUNDS SO APPROPRIATED PROVE INSUFFICIENT TO DEFRAY THE COUNTY DEPARTMENT'S MAINTENANCE OF EFFORT REQUIREMENTS FOR

THE COLORADO WORKS PROGRAM AND THE COLORADO CHILD CARE ASSISTANCE PROGRAM, INCLUDING THE COSTS ALLOCATED TO THE ADMINISTRATION OF EACH.

(c) THE STATE DEPARTMENT SHALL ESTABLISH RULES CONCERNING WHAT SHALL CONSTITUTE ADMINISTRATIVE COSTS AND PROGRAM COSTS FOR THE COLORADO WORKS PROGRAM. THE STATE TREASURER SHALL MAKE ADVANCEMENTS TO COUNTY DEPARTMENTS FOR THE COSTS OF ADMINISTERING THE COLORADO WORKS PROGRAM AND THE COLORADO CHILD CARE ASSISTANCE PROGRAM FROM FUNDS APPROPRIATED OR MADE AVAILABLE FOR SUCH PURPOSE, UPON AUTHORIZATION OF THE STATE DEPARTMENT; EXCEPT THAT, IN NO EVENT SHALL THE STATE DEPARTMENT AUTHORIZE EXPENDITURES GREATER THAN THE ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR SUCH ADMINISTRATIVE COSTS OF THE COUNTY DEPARTMENTS. AS FUNDS ARE ADVANCED, ADJUSTMENT SHALL BE MADE FROM SUBSEQUENT MONTHLY PAYMENTS FOR THOSE PURPOSES.

SECTION 9. 26-1-123 (1) and (3) (a), Colorado Revised Statutes, 1989 Repl. Vol., are amended to read:

26-1-123. County social services fund. (1) A fund to be known as the "county social services fund" is hereby created and established in each of the counties of the state of Colorado, which fund shall consist of such accounts as may from time to time be established pursuant to rules ~~and regulations~~ of the state board.

(3) (a) The county board shall administer the fund pursuant to rules ~~and regulations~~ adopted by the state department. The county treasurer shall be the treasurer and custodian of the fund and shall disburse money from the fund only upon special county social services warrants drawn by the person duly appointed by the county board. The county treasurer shall not collect any fee as provided in section 30-1-102, C.R.S., for the collection or deposit of any moneys in the county social services fund. Warrants shall be signed by one member of the county board, who shall be designated by resolution for that purpose, and also signed by the person duly appointed by the county board. Such signatures shall indicate the approval of the board of county commissioners and the county board of social services. At such time as Title XVI of the social security act, as amended by Public Law 92-603, becomes effective, the state board by rule may make other provision for the issuance and signing of warrants under the old age pension, aid to the blind, and aid to the needy disabled.

SECTION 10. 26-1-124, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-1-124. County social services budget. (1) As a part of the county budget and in conformity with the county budget law and the rules of the state board, a county social services budget shall be prepared by the county director and reviewed by the county board.

(2) Before such budget is adopted by the board of county commissioners, it shall be submitted by the county board to the state department for review. THE STATE DEPARTMENT REVIEW SHALL INCLUDE AN ASSESSMENT AS TO WHETHER THE COUNTY BUDGET INCLUDES ADEQUATE FUNDING FOR THE COUNTY'S MAINTENANCE OF EFFORT FOR THE COLORADO WORKS PROGRAM CREATED IN PART 7 OF ARTICLE 2 OF THIS TITLE

AND THE COLORADO CHILD CARE ASSISTANCE PROGRAM CREATED IN PART 8 OF ARTICLE 2 OF THIS TITLE.

(3) THE STATE DEPARTMENT SHALL PRESCRIBE budget forms ~~shall be prescribed~~ and SHALL FURNISH a sufficient number of SUCH forms ~~furnished~~ TO the county board without charge. ~~by the state department.~~

SECTION 11. 26-1-126, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-1-126. County contingency fund - creation. (1) There is hereby created a county contingency fund which shall be expended to supplement county expenditures for public assistance, as provided in this section.

(2) Notwithstanding the provisions of section 26-1-125 (1), and subject to available appropriations, the state department of human services or the state department of health care policy and financing shall make an advancement, in addition to that provided in section 26-1-122, out of the county contingency fund to any county if moneys equivalent to those raised by a levy as determined pursuant to subsection (2.1) of this section on the property valued for assessment in the county are less than THE SUM OF THE COUNTY'S OBLIGATIONS PURSUANT TO SECTION 26-1-122 AND twenty percent of the amount expended for administrative costs and program costs of ~~public assistance, medical assistance, and food stamps.~~

(2.1) (a) If the total valuation for assessment of property in a county changes as of January 1, 1987, commencing on January 1, 1988, the mill levy used to determine eligibility for an advancement from the county contingency fund shall be changed from three mills to the number of mills determined by the following formula: Divide the total valuation for assessment for the calendar year two years preceding of those counties which were entitled to advancements from the county contingency fund for the fiscal year ending June 30 of the preceding year by the total valuation for assessment of those same counties for the preceding calendar year, multiply by three mills, and round the resulting figure to the nearest one-hundredth of a mill.

(b) For the calendar year beginning January 1, 1989, and for each calendar year thereafter, the mill levy used to determine eligibility for an advancement from the county contingency fund during such calendar year shall be changed to the number of mills determined by the following formula: Divide the total valuation for assessment for the calendar year two years preceding such calendar year of those counties which were entitled to advancements from the county contingency fund during all or part of said second preceding calendar year by the total valuation for assessment of those same counties for the first calendar year preceding such calendar year, multiply the quotient by the number of mills used to determine eligibility for the preceding calendar year, and round the resulting figure to the nearest one-hundredth of a mill.

(3) Subject to available appropriations, the amount of the additional advancement for each county for each month commencing on or after July 1, 1975, shall be fifty percent of the difference between the following:

(a) ~~Twenty percent of the monthly amount expended for the purposes named in~~

~~subsection (2) of this section, minus;~~ THE SUM OF THE MONTHLY AMOUNT OF THE COUNTY'S OBLIGATIONS PURSUANT TO SECTION 26-1-122 AND TWENTY PERCENT OF THE MONTHLY AMOUNT EXPENDED FOR ADMINISTRATIVE COSTS AND PROGRAM COSTS OF MEDICAL ASSISTANCE, MINUS;

(b) The moneys equivalent to those raised by a levy of the number of mills determined pursuant to paragraph (b) of subsection (2.1) of this section on the property valued for assessment in the county divided by twelve.

(4) In the event appropriations are insufficient to cover advancements provided for in this section, all advancements shall be prorated on the basis of total claims submitted in proportion to funds available. As funds are advanced, any adjustments shall be made from subsequent monthly payments for this purpose.

(5) Each county eligible for county contingency funds pursuant to this section shall only be responsible for an amount equal to the county's pro rata share of the general assembly's appropriation to the county contingency fund. If state and county appropriations are insufficient to meet the administrative and program costs of public assistance and the administrative costs of medical assistance and food stamps, then the executive director of the department of human services, the executive director of the department of health care policy and financing, and the state board of human services shall act pursuant to sections 26-1-121 (1) (c) and 26-1-122 (5) to reduce the rate of expenditure so that it matches the available funds.

SECTION 12. Part 1 of article 2 of title 26, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

26-2-102.5. Foster care - Title IV-E of the Social Security Act.

(1) ELIGIBILITY OF A CHILD FOR TITLE IV-E FOSTER CARE SHALL BE BASED ON THE AFDC RULES IN EFFECT ON JUNE 1, 1995.

(2) SUCH CHILD SHALL MEET ALL OF THE FOLLOWING CONDITIONS:

(a) THE PLACEMENT AND CARE OF SUCH CHILD ARE THE RESPONSIBILITY OF THE STATE DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF SOCIAL SERVICES;

(b) SUCH CHILD HAS BEEN PLACED IN A FOSTER HOME OR CHILD CARE INSTITUTION AS A RESULT OF A JUDICIAL DETERMINATION OR VOLUNTARY PLACEMENT AGREEMENT;

(c) COURT PROCEEDINGS LEADING TO THE JUDICIAL DETERMINATION WERE INITIATED IN A MONTH IN WHICH SUCH CHILD WOULD HAVE BEEN ELIGIBLE TO RECEIVE AFDC UNDER THE RULES IN EFFECT ON JUNE 1, 1995, OR WOULD HAVE BEEN ELIGIBLE EXCEPT THAT SUCH CHILD WAS NOT LIVING WITH A CARETAKER RELATIVE. IF SUCH CHILD LIVED WITH A CARETAKER RELATIVE WITHIN SIX MONTHS PRIOR TO THE MONTH IN WHICH COURT PROCEEDINGS WERE INITIATED, SUCH CHILD SHALL BE ELIGIBLE.

SECTION 13. 26-1-127 (1) and (1.5), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

26-1-127. Fraudulent acts. (1) Any person who obtains or any person who willfully aids or abets another to obtain public assistance or vendor payments or medical assistance as defined in this title to which the person is not entitled or in an amount greater than that to which the person is justly entitled or payment of any forfeited installment grants or benefits to which the person is not entitled or in a greater amount than that to which the person is entitled, by means of a willfully false statement or representation, or by impersonation, or by any other fraudulent device, commits the crime of theft, which crime shall be classified in accordance with section 18-4-401 (2), C.R.S., and which crime shall be punished as provided in section 18-1-105, C.R.S., if the crime is classified as a felony, or section 18-1-106, C.R.S., if the crime is classified as a misdemeanor. To the extent not otherwise prohibited by state or federal law, any person violating the provisions of this subsection (1) is disqualified from participation in any public assistance program under article 2 of this title for ~~six months~~ ONE YEAR for a first offense, ~~one year~~ TWO YEARS for a second offense, and permanently for a third or subsequent offense. Such disqualification is mandatory and is in addition to any other penalty imposed by law.

(1.5) To the extent not otherwise prohibited by state or federal law, any person against whom a county department of social services or the state department obtains a civil judgment in a state or federal court of record in this state based on allegations that the person obtained or willfully aided and abetted another to obtain public assistance or vendor payments or medical assistance as defined in this title to which the person is not entitled or in an amount greater than that to which the person is justly entitled or payment of any forfeited installment grants or benefits to which the person is not entitled or in a greater amount than that to which the person is entitled, by means of a willfully false statement or representation, or by impersonation, or by any other fraudulent device, is disqualified from participation in any public assistance program under article 2 of this title for ~~six months~~ ONE YEAR for a first incident, ~~one year~~ TWO YEARS for a second incident, and permanently for a third or subsequent incident. Such disqualification is mandatory and is in addition to any other remedy available to a judgment creditor.

SECTION 14. 26-2-103 (5.5) and (7), Colorado Revised Statutes, 1989 Repl. Vol., are amended to read:

26-2-103. Definitions. As used in this article, unless the context otherwise requires:

(5.5) "JOBS program" means the employment, training, and education program set forth in part 4 of this article.

(7) "Public assistance" means assistance payments, food stamps, and social services provided to or on behalf of eligible recipients through programs administered or supervised by the state department, either in cooperation with the federal government or independently without federal aid, pursuant to the provisions of this article. Public assistance includes programs for old age pensions, ~~aid to families with dependent children~~ THE COLORADO WORKS PROGRAM, aid to the needy disabled, aid to the blind, child welfare services, food stamps supplementation to households not receiving public assistance found eligible for food stamps under rules adopted by the state board, expenses of treatment to prevent blindness or restore eyesight as defined in section 26-2-121, and funeral and burial expenses as defined in section 26-2-129.

SECTION 15. 26-2-104 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-2-104. Public assistance programs - electronic benefits transfer service - rules. (1) The state department is hereby designated as the single state agency to administer or supervise the administration of public assistance programs in this state in cooperation with the federal government pursuant to the social security act and this article. The state department shall establish public assistance programs consisting of assistance payments and social services to be made available to eligible individuals, including but not limited to old age pensions, ~~aid to families with dependent children~~ THE COLORADO WORKS PROGRAM, aid to the needy disabled, and aid to the blind.

SECTION 16. 26-2-106 (1) and (4) (a), Colorado Revised Statutes, 1989 Repl. Vol., are amended to read:

26-2-106. Applications for public assistance. (1) Any individual wishing to make application for any of the public assistance programs administered or supervised by the state department under this article shall have the opportunity to do so, and, EXCEPT AS OTHERWISE PROVIDED IN PART 7 OF THIS ARTICLE, such public assistance shall be furnished with reasonable promptness to each eligible individual in accordance with rules of the state department. The county department shall consider an application for public assistance to be for any category of public assistance for which the applicant may be eligible.

(4) (a) ~~If the public assistance sought is aid to families with dependent children, the application shall be made by the parent or other eligible relative with whom the dependent child is living. One application may be made for several children of the same family if they reside with the same person.~~

SECTION 17. 26-2-108, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-2-108. Granting of assistance payments and social services. (1)(a) Upon completion of the verification and record of each application for assistance payments, the county department, pursuant to the rules ~~and regulations~~ of the state department, shall determine whether the applicant is eligible for assistance payments, the amount of such assistance payments to be granted, and the date upon which such assistance payments shall begin.

(b) In determining the amount of assistance payments to be granted, due account shall be taken of any income or property available to the applicant and any support, either in cash or in kind, which ~~he~~ THE APPLICANT may receive from other sources, pursuant to rules ~~and regulations~~ of the state department. For the purposes of determining eligibility for public assistance or the amount of assistance payments, compensation received by the applicant pursuant to the "Colorado Crime Victim Compensation Act", part 1 of article 4.1 of title 24, C.R.S., shall not be considered as income, property, or support available to such applicant.

(c) When the eligibility, amount, and date for beginning assistance payments have been established, the county department shall make an award to or on behalf of the

applicant in accordance with rules ~~and regulations~~ of the state department, which award shall be binding upon the county and shall be complied with by the county until it is modified or vacated.

(d) (I) Except as provided in subparagraph (II) of this paragraph (d) ~~AND PART 7 OF THIS ARTICLE~~, assistance payments under public assistance programs shall be paid at least monthly to or on behalf of the applicant upon order of the county department from funds appropriated to the county department for this purpose and pursuant to the rules ~~and regulations~~ of the state department.

(II) Assistance in the form of aid to the needy disabled for persons who are disabled as a result of a primary diagnosis of alcoholism or a controlled substance addiction shall be paid on the person's behalf to the treatment program in which the person is participating as required pursuant to section 26-2-111 (4) (d) (I) or to the person directly upon the person providing the documentation required pursuant to section 26-2-111 (4) (d) (II).

(e) The county department shall at once notify the applicant and the state department, in writing, of its decisions on assistance payments and the reasons therefor.

(2) The state department, by its rules, ~~and regulations~~, shall prescribe procedures for handling applications or requests for social services. Such rules ~~and regulations~~ may include, but need not be limited to, the determination of eligibility for social services, the services to be provided, the verification and record, and notice to applicants and the state department.

SECTION 18. 26-2-110, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-2-110. Repayment not required. ~~(†)~~ No person shall be required, in order to receive public assistance, to repay or promise to repay the state of Colorado any money properly paid to him OR HER as public assistance pursuant to the provisions of this article and the rules ~~and regulations~~ of the state department; except that the state may recoup

~~(a)~~ interim assistance authorized under section 26-2-206, concerning blind and disabled individuals.

~~(b)~~ Conditional payments provided pursuant to the aid to families with dependent children program, which payments are conditional upon a written agreement by the recipient to make a good faith effort to dispose of real property not used as a home, which property would otherwise render the recipient ineligible.

SECTION 19. 26-2-111 (3) and (3.5) (b), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

26-2-111. Eligibility for public assistance. (3) **Colorado works program.** ~~(a)~~ Except as provided in paragraph (c) of this subsection (3), public assistance in the form of aid to families with dependent children shall be granted to or on behalf of any dependent child who meets the requirements of subsection (1) of this section

and is living in a place of residence with relatives as defined in section 26-2-103 (4) (a) or is under foster care under conditions prescribed in section 26-2-103 (4) (b).

~~(b) Notwithstanding any provision to the contrary, aid to families with dependent children may be granted under this article, pursuant to rules and regulations of the state department, to any expectant mother beginning with the sixth month of the mother's pregnancy, if a determination has been made that, if said child were born at the time of making application, it would be a dependent child and the pregnancy and the estimated date of delivery have been medically verified.~~

~~(c) to (f) Repealed.~~

~~(g) (f) (a) A person by signing an application for aid to families with dependent children~~ THE WORKS PROGRAM CREATED IN PART 7 OF THIS ARTICLE assigns, by operation of law, to the state department, all rights the applicant may have to support from any other person on his OR HER own behalf or on behalf of any other family member for whom application is made. For the purposes of this paragraph ~~(g)~~ SUBSECTION (3), the assignment:

~~(A) (I) Is effective for both current and accrued support;~~

~~(B) (II) Takes effect upon a determination that the applicant is eligible for aid to families with dependent children~~ THE WORKS PROGRAM; and

~~(C) (III) Shall remain in effect with respect to the amounts of any unpaid support obligation accrued under the assignment that was owed prior to the termination of aid to families with dependent children~~ WORKS PROGRAM ASSISTANCE to a recipient.

~~(H) (b) The application shall contain a statement explaining this assignment.~~

~~(h) Aid to families with dependent children based on the unemployment of the principal wage earner shall be granted for a period of time which is not to exceed six months in any twelve-month period.~~

~~(3.5) (b) On and after October 1, 1992, all applicants and recipients of aid to families with dependent children shall be required to participate in the JOBS program set forth in part 4 of this article unless participation is exempt pursuant to the provisions of section 26-2-408.~~

SECTION 20. 26-2-118, Colorado Revised Statutes, 1989 Repl. Vol., is repealed as follows:

26-2-118. Amount of assistance payments - aid to families with dependent children. ~~(1) Assistance payments under a program for aid to families with dependent children shall include:~~

~~(a) Assistance payments with respect to or on behalf of a dependent child, with due consideration given to the budgetary needs of the eligible relative with whom such child resides; and~~

~~(b) Assistance payments or other financial assistance for or on behalf of a~~

dependent child receiving foster care pursuant to rules and regulations of the state department.

~~(2) The amount of assistance payments which shall be granted to a recipient under the program for aid to families with dependent children shall be on the basis of budgetary need as determined by the county department, with due regard to any income, property, or other resources available to the recipient, within available appropriations, and in accordance with rules and regulations of the state department which may include the use of statistics, averages, tables, standards, and other criteria with respect to such determination of budgetary need.~~

~~(3) Any special payment by the federal government in the form of a one-time-only credit against or refund of federal income taxes shall not be considered as income for purposes of this title unless required by federal law.~~

SECTION 21. 26-2-122 (4), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-2-122. Public assistance in the form of social services. (4) The state department shall prepare and submit to the ~~secretary of health, education, and welfare~~ SECRETARY OF THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES a state plan for services that meets the requirements of the social security act, federal regulations, and this section. The state department shall administer the program for services in accordance with the social security act, federal regulations, and this section.

SECTION 22. 26-2-122.5, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-2-122.5. Acceptance of available moneys to finance the low-income energy assistance program - rules. (1) ~~The general assembly hereby finds, determines, and declares that federal moneys are available to the state pursuant to the federal "Emergency Assistance Program" under Title IV of the "Social Security Act"; that an appropriate use of such funds is to supplement the state low-income energy assistance program; that such moneys can be maximized when matched by moneys that are available for low-income energy assistance pursuant to section 40-8.5-104, C.R.S.; and that it is appropriate to enact this section authorizing the executive director of the state department to accept private contributions or federal grants to be expended for the low-income energy assistance program.~~

(2) The executive director of the state department, or said director's designee, is hereby authorized to accept any private contributions, including contributions from the fund created in section 40-8.5-104, C.R.S., and any federal grants, and to expend the same, subject to appropriation, for the purpose of increasing available funds under the low-income energy assistance program. ~~Under no circumstances shall state general funds be used to match the funds received pursuant to this section.~~

(3) Notwithstanding the availability of additional moneys pursuant to ~~subsections (1) and~~ SUBSECTION (2) of this section, the low-income energy assistance program shall be administered within the staffing structure, in existence on July 1, 1991, of the state department of human services and county departments of social services,

without additional FTE.

SECTION 23. 26-2-123, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-2-123. Removal to another county. (1) Any recipient who becomes a resident of another county in this state shall be entitled to receive all forms of public assistance that are provided in the county to which ~~he~~ THE RECIPIENT transfers and for which he OR SHE is eligible, and the county department of the county from which ~~he~~ THE RECIPIENT has moved shall transfer all necessary records relating to the recipient to the county department of the county to which he OR SHE has moved, pursuant to the rules ~~and regulations~~ of the state department.

(2) THE COUNTY TO WHICH A RECIPIENT MOVES IS REQUIRED TO PROVIDE ONLY THOSE SERVICES AND BENEFITS UNDER THE COLORADO WORKS PROGRAM CREATED IN PART 7 OF THIS ARTICLE AS ARE STIPULATED IN THE RECEIVING COUNTY'S PERFORMANCE CONTRACT.

SECTION 24. 26-2-125, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-2-125. Colorado works cases - vendor payments. The county department, upon reconsideration in cases involving ~~aid to families with dependent children~~ THE COLORADO WORKS PROGRAM as provided in section 26-2-124, may authorize direct payment to vendors of the portion of the assistance grant budgeted for essential services and subsistence items for the children, if evidence has been accumulated that the relative payee is using that portion of the grant provided for the care, maintenance, and welfare of the children for other purposes.

SECTION 25. 26-2-127 (1) (a) (I), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-2-127. Appeals. (1) (a) (I) EXCEPT AS PROVIDED IN PART 7 OF THIS ARTICLE, if an application for assistance payments is not acted upon by the county department within a reasonable time after filing of the same, or if an application is denied in whole or in part, or if a grant of assistance payments is suspended, terminated, or modified, the applicant or recipient, as the case may be, may appeal to the state department in the manner and form prescribed by the rules ~~and regulations~~ of the state department. A hearing need not be granted when either state or federal law requires or results in an automatic grant adjustment for classes of recipients, unless the reason for an individual appeal is incorrect grant computation.

SECTION 26. 26-2-133 (5), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-2-133. State income tax refund offset. (5) The home addresses and social security numbers of persons subject to the income tax refund offset, provided to the state department by the department of revenue, shall be sent to the respective county department of social services. ~~or the state district food stamp office.~~

SECTION 27. 26-2-305 (1) and (1.5), Colorado Revised Statutes, 1989 Repl.

Vol., as amended, are amended to read:

26-2-305. Fraudulent acts - penalties. (1) (a) Any person who obtains, or any person who aids or abets another to obtain, food stamp coupons or authorization to purchase cards or an electronic benefits transfer card or similar credit card-type device through which food stamp benefits may be delivered to which the person is not entitled, or food stamp coupons or authorization to purchase cards or an electronic benefits transfer card or similar credit card-type device through which food stamp benefits may be delivered the value of which is greater than that to which the person is justly entitled by means of a willfully false statement or representation, or by impersonation, or by any other fraudulent device with intent to defeat the purposes of the food stamp program commits the crime of theft, which crime shall be classified in accordance with section 18-4-401 (2), C.R.S., and which crime shall be punished as provided in section 18-1-105, C.R.S., if the crime is classified as a felony, or section 18-1-106, C.R.S., if the crime is classified as a misdemeanor. Any person violating the provisions of this subsection (1) is disqualified from participation in the food stamp program for ~~six months~~ ONE YEAR for a first offense, ~~one year~~ TWO YEARS for a second offense, and permanently for a third or subsequent offense. ANY PERSON CONVICTED OF TRAFFICKING IN FOOD STAMP COUPONS AS DESCRIBED IN THIS SUBSECTION (1) HAVING A VALUE OF FIVE HUNDRED DOLLARS OR MORE SHALL BE PERMANENTLY DISQUALIFIED FROM THE FOOD STAMP PROGRAM.

(b) ANY PERSON FOUND BY THE AGENCY OR CONVICTED IN A COURT OF LAW OF HAVING MADE A FRAUDULENT STATEMENT OR REPRESENTATION WITH RESPECT TO THE IDENTITY OR PLACE OF RESIDENCE OF THE PERSON IN ORDER TO RECEIVE MULTIPLE BENEFITS SIMULTANEOUSLY UNDER THE FOOD STAMP PROGRAM SHALL BE DISQUALIFIED FROM PARTICIPATING FOR A TEN-YEAR PERIOD.

(c) ANY PERSON FOUND GUILTY BY A COURT OF LAW OF PURCHASING CONTROLLED SUBSTANCES, AS DEFINED IN SECTION 18-18-102 (5), C.R.S., WITH FOOD STAMP BENEFITS SHALL BE DISQUALIFIED FROM PARTICIPATION IN THE FOOD STAMP PROGRAM FOR TWO YEARS FOR A FIRST OFFENSE AND PERMANENTLY DISQUALIFIED FOR THE SECOND OFFENSE. THE DISQUALIFICATION PERIODS SHALL APPLY ALSO TO INDIVIDUALS WITH A FELONY CONVICTION ENTERED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT FOR POSSESSION, USE, OR DISTRIBUTION OF CONTROLLED SUBSTANCES IF THE CONVICTION IS DIRECTLY RELATED TO THE MISUSE OF FOOD STAMP BENEFITS. AN INDIVIDUAL SHALL NOT BE INELIGIBLE DUE TO A DRUG CONVICTION UNLESS MISUSE OF FOOD STAMP BENEFITS IS PART OF THE COURT FINDINGS.

(d) ANY PERSON WHO IS FOUND GUILTY BY A COURT OF LAW OF TRADING AMMUNITION OR EXPLOSIVES FOR FOOD STAMP BENEFITS IS DISQUALIFIED PERMANENTLY FROM PARTICIPATING IN THE FOOD STAMP PROGRAM.

(e) A STATE OR FEDERAL COURT MAY EXTEND A DISQUALIFICATION FOR UP TO AN ADDITIONAL EIGHTEEN MONTHS. ~~Such disqualification is~~ DISQUALIFICATIONS ARE mandatory and ~~is~~ ARE in addition to any other penalty imposed by law.

(1.5) Any person against whom a county department of social services or the state department obtains a civil judgment in a state or federal court of record in this state based on allegations that the person obtained or willfully aided and abetted another

to obtain food stamp coupons or authorization to purchase cards or an electronic benefits transfer card or similar credit card-type device through which food stamp benefits may be delivered the value of which is greater than that to which the person is justly entitled by means of a willfully false statement or representation, or by impersonation, or by any other fraudulent device with intent to defeat the purposes of the food stamp program, is disqualified from participation in the food stamp program for ~~six months~~ ONE YEAR for a first incident, ~~one year~~ TWO YEARS for a second incident, and permanently for a third or subsequent incident. Such ~~disqualification is~~ DISQUALIFICATIONS ARE mandatory and ~~is~~ ARE in addition to any other remedy available to a judgment creditor.

SECTION 28. 26-4-201 (1) (a), (1) (b), (1) (c), (1) (d), (1) (e), (1) (f), and (1) (p), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

26-4-201. Mandatory provisions - eligible groups. (1) In order to participate in the medicaid program, the federal government requires the state to provide medical assistance to certain eligible groups. Pursuant to federal law, any person who is eligible for medical assistance under the mandated groups specified in this section shall receive both the mandatory services that are specified in sections 26-4-202 and 26-4-203 and the optional services that are specified in sections 26-4-302 and 26-4-303. Subject to the availability of federal financial aid funds, the following are the individuals or groups which are mandated under federal law to receive benefits under this article:

(a) ~~Individuals who are receiving aid to families with dependent children;~~ INDIVIDUALS WHO MEET THE ELIGIBILITY CRITERIA FOR THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM PURSUANT TO RULES THAT WERE IN EFFECT ON JULY 16, 1996;

(b) ~~Families who have been terminated from aid to families with dependent children because of increased earnings or increased hours of employment whose eligibility is specified for a period of time by the federal government;~~ FAMILIES WHO MEET THE ELIGIBILITY CRITERIA FOR THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM ESTABLISHED IN RULES THAT WERE IN EFFECT ON JULY 16, 1996, AND WHO SUBSEQUENTLY WOULD HAVE BECOME INELIGIBLE UNDER SUCH ELIGIBILITY CRITERIA BECAUSE OF INCREASED EARNINGS OR INCREASED HOURS OF EMPLOYMENT WHOSE ELIGIBILITY IS SPECIFIED FOR A PERIOD OF TIME BY THE FEDERAL GOVERNMENT;

(c) ~~Individuals who are ineligible for aid to families with dependent children, because of requirements that do not apply under Title XIX of the social security act;~~

(d) ~~Individuals who would be eligible for aid to families with dependent children except for an increase in old-age, survivors, and disability insurance income under P.L. 92-336;~~

(e) ~~Individuals deemed to be receiving aid to families with dependent children;~~

(f) Qualified pregnant women, and children under the age of seven, who meet the income resource requirements of the state's ~~approved~~ aid to families with dependent children ~~plan~~ PROGRAM PURSUANT TO RULES THAT WERE IN EFFECT ON JULY 16, 1996;

~~(p) Individuals who are eligible for aid to families with dependent children by reason of the unemployment of a parent.~~

SECTION 29. Part 1 of article 4 of title 26, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

26-4-110.5. Transitional-plus medicaid buy-in program. (1) THE STATE DEPARTMENT SHALL APPLY TO THE FEDERAL GOVERNMENT FOR WAIVERS TO PERMIT THE STATE DEPARTMENT TO CREATE A TRANSITIONAL-PLUS MEDICAID BUY-IN PROGRAM, REFERRED TO IN THIS SECTION AS THE "PROGRAM", PURSUANT TO WHICH A PERSON MAY PURCHASE MEDICAL ASSISTANCE UNDER THIS ARTICLE FOR A PERIOD OF TIME AFTER THE PERSON IS NO LONGER ELIGIBLE FOR TRANSITIONAL MEDICAL ASSISTANCE UNDER THE PROVISIONS OF THIS ARTICLE UNTIL THE PERSON IS ENTIRELY SELF-SUFFICIENT.

(2) THE MEDICAL SERVICES BOARD SHALL ADOPT RULES TO IMPLEMENT THE PROGRAM CONSISTENT WITH THE WAIVERS RECEIVED FROM THE FEDERAL GOVERNMENT THAT SHALL INCLUDE BUT NEED NOT BE LIMITED TO:

(a) QUALIFICATIONS FOR PERSONS TO BE ELIGIBLE FOR ASSISTANCE UNDER THE PROGRAM; AND

(b) A SLIDING SCALE OF PREMIUMS AND OTHER COST SHARING TO BE COLLECTED FROM THE PARTICIPANTS;

(c) CRITERIA FOR DETERMINING WHEN A PROGRAM RECIPIENT HAS BECOME ENTIRELY SELF-SUFFICIENT AND PROGRAM BENEFITS SHOULD THEREFORE CEASE; AND

(d) THE DEFINITION OF PROGRAM BENEFITS, WHICH MAY BE BASED UPON THE STANDARD AND BASIC HEALTH BENEFITS PLANS DESCRIBED IN ARTICLE 16 OF TITLE 10, C.R.S.

(3) THE STATE DEPARTMENT MAY ESTABLISH PROCEDURES FOR BUYING HEALTH CARE INSURANCE WITH SUBSTANTIALLY SIMILAR BENEFITS THROUGH OTHER HEALTH CARE PURCHASERS.

(4) NO PERSON SHALL BE ELIGIBLE TO RECEIVE BENEFITS UNDER THE TRANSITIONAL-PLUS MEDICAID BUY-IN PROGRAM BEFORE HE OR SHE HAS EXHAUSTED THE BENEFITS PROVIDED IN SECTION 26-4-201 (1) (b).

(5) THE DEPARTMENT MAY CONTRACT WITH ONE OR MORE ENTITIES FOR THE PURPOSE OF ADMINISTERING THE PROGRAM UNDER THIS SECTION.

SECTION 30. 26-4-301 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

26-4-301. Optional provisions - optional groups. (1) The federal government allows the state to select optional groups to receive medical assistance. Pursuant to federal law, any person who is eligible for medical assistance under the optional

groups specified in this section shall receive both the mandatory services specified in sections 26-4-202 and 26-4-203 and the optional services specified in sections 26-4-302 and 26-4-303. Subject to the availability of federal financial aid funds, the following are the individuals or groups which Colorado has selected as optional groups to receive medical assistance pursuant to this article:

(n) INDIVIDUALS TRANSITIONING BETWEEN PUBLIC ASSISTANCE AND SELF-SUFFICIENCY IN THE BUY-IN PROGRAM ESTABLISHED IN SECTION 26-4-110.5;

(o) PERSONS WHO ARE ELIGIBLE FOR CASH ASSISTANCE UNDER THE WORKS PROGRAM PURSUANT TO SECTION 26-2-706.

SECTION 31. Repeal. Parts 4 and 5 of article 2 of title 26, Colorado Revised Statutes, 1989 Repl. Vol., as amended, are repealed.

SECTION 32. 26-2-603 (2) (c) (I), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-2-603. Neighbors program - pilot established - awards. (2) Training and education programs that may be qualified to receive a grant pursuant to the provisions of this section shall demonstrate the following features:

(c) **Participant recruitment.** The training and education program shall recruit persons who are eighteen years of age or older and who are recipients of one or more of the following forms of public assistance:

(I) Aid to families with dependent children, as described in part 1 of THIS article ~~2 of this title~~ OR ASSISTANCE UNDER THE COLORADO WORKS PROGRAM, AS DESCRIBED IN PART 7 OF THIS ARTICLE;

SECTION 33. 1-1-104 (33.5) (d), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-1-104. Definitions. As used in this code, unless the context otherwise requires:

(33.5) "Public assistance" includes, but is not necessarily limited to, assistance provided under the following programs:

(d) ~~Aid to families with dependent children, as provided in article 2 of title 26, C.R.S.~~ ASSISTANCE UNDER THE COLORADO WORKS PROGRAM, AS DESCRIBED IN PART 7 OF ARTICLE 2 OF TITLE 26, C.R.S.

SECTION 34. 8-1-107 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

8-1-107. Powers and duties of director. (2) In addition to any other duties prescribed by law, the director has the duty and the power to:

(r) PROMULGATE RULES TO IMPLEMENT THE PROVISIONS OF SECTION 26-2-716 (3) (b), C.R.S.

SECTION 35. 8-40-202 (1) (a) (III), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

8-40-202. Employee. (1) "Employee" means:

(a) (III) Any person who, as part of a rehabilitation program of the social services department of any county or city and county, is placed with a private employer for the purpose of training or learning trades or occupations shall be deemed while so engaged to be an employee of such private employer. Any person who receives a work experience assignment to a position in any department or agency of any county or municipality, in any school district, in the office of any state agency or political subdivision thereof, or in any private for profit or any nonprofit agency pursuant to the provisions of ~~part 4~~ PART 7 of article 2 of title 26, C.R.S., shall be deemed while so assigned to be an employee of the respective department, agency, office, political subdivision, private for profit or nonprofit agency, or school district to which said person is assigned or, IF SO NEGOTIATED BETWEEN THE COUNTY AND THE ENTITY TO WHICH THE PERSON IS ASSIGNED, of the county arranging the work experience assignment. Any person who receives a work experience assignment to a position in any federal office or agency pursuant to ~~part 4~~ PART 7 of article 2 of title 26, C.R.S., shall be deemed while so assigned to be an employee of the county arranging the work experience assignment. The rate of compensation for such persons if accidentally injured or, if killed, for their dependents shall be based upon the wages normally paid in the community in which they reside for the type of work in which they are engaged at the time of such injury or death; except that, if any such person is a minor, compensation to such minor for permanent disability, if any, or death benefits to such minor's dependents shall be paid at the maximum rate of compensation payable under articles 40 to 47 of this title at the time of the determination of such disability or of such death.

SECTION 36. 14-6-109 (2), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

14-6-109. Forfeiture of bond - disposition of fines. (2) Any moneys collected or paid upon any such execution or in any case upon said bond shall be turned over to the clerk of the court in which the bond is given to be applied to the child support obligation, including where the obligation is assigned to the department of human services pursuant to section ~~26-2-111 (3) (g)~~ 26-2-111 (3), C.R.S.

SECTION 37. 14-10-115 (7) (a) (I) (B), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

14-10-115. Child support - guidelines - schedule of basic child support obligations. (7) **Determination of income.** (a) For the purposes of the guideline specified in subsections (3) to (14) of this section, "income" means actual gross income of a parent, if employed to full capacity, or potential income, if unemployed or underemployed. Gross income of each parent shall be determined according to the following guidelines:

(I) (B) "Gross income" does not include benefits received from means-tested public assistance programs, including but not limited to ~~aid to families with dependent children~~ ASSISTANCE PROVIDED UNDER THE COLORADO WORKS PROGRAM, AS

DESCRIBED IN PART 7 OF ARTICLE 2 OF TITLE 26, C.R.S., supplemental security income, food stamps, and general assistance.

SECTION 38. 14-14-104 (5) and (9), Colorado Revised Statutes, 1987 Repl. Vol., as amended, are amended to read:

14-14-104. Recovery for child support debt. (5) No child support debt under this section shall be created in the case of, or at any time collected from, a parent who receives ~~aid to families with dependent children on behalf of his or her dependent child or children, pursuant to section 26-2-111, C.R.S.~~ ASSISTANCE UNDER THE COLORADO WORKS PROGRAM AS DESCRIBED IN PART 7 OF ARTICLE 2 OF TITLE 26, C.R.S., for the period such parent is ~~eligible for and~~ receiving such assistance, unless by order of a court of competent jurisdiction.

(9) A copy of the computer printout obtained from the state department of human services of the record of payments of ~~aid to families with dependent children~~ ASSISTANCE UNDER THE COLORADO WORKS PROGRAM AS DESCRIBED IN PART 7 OF ARTICLE 2 OF TITLE 26, C.R.S., made on behalf of a child whose custodian has been receiving child support enforcement services pursuant to section 26-13-106, C.R.S., shall be admissible into evidence as proof of such payments in any proceeding to establish child support debt and shall be prima facie evidence of the amount of child support debt owing on behalf of said child.

SECTION 39. 14-14-106, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

14-14-106. Interest. Interest per annum at four percent greater than the statutory rate set forth in section 5-12-101, C.R.S., on any arrearages and child support debt due and owing may be compounded monthly and may be collected by the judgment creditor; however, such interest may be waived by the judgment creditor, and such creditor shall not be required to maintain interest balance due accounts. In cases in which the delegate child support enforcement unit is providing support enforcement services pursuant to section 26-13-106, C.R.S., interest collected on arrearages and child support debt shall be treated as a child support collection and distributed in accordance with federal regulations. Interest collected on obligations due recipients receiving ~~aid to families with dependent children~~ ASSISTANCE UNDER THE COLORADO WORKS PROGRAM, AS DESCRIBED IN PART 7 OF ARTICLE 2 OF TITLE 26, C.R.S., shall be deposited in the county social services fund and shall be distributed in accordance with the provisions of section 26-13-108, C.R.S.

SECTION 40. 14-14-110 (5), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

14-14-110. Contempt of court. (5) Any moneys collected or paid upon any such execution or in any case upon said bond shall be turned over to the clerk of the court in which the bond is given to be applied to the child support obligation, including where the obligation is assigned to the department of human services pursuant to section ~~26-2-111(3)(g)~~ 26-2-111 (3), C.R.S.

SECTION 41. 25.5-1-202 (3) (d), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25.5-1-202. Birth-related cost recovery program - legislative declaration - waiver - duties of state department - repeal. (3) (d) The following obligations of the noncustodial parent shall have priority over the debt prescribed by subparagraph (II) of paragraph (a) of subsection (2) of this section: Current monthly child support obligations; child support debt; maintenance obligations; child support arrearages; insurance premiums to purchase insurance covering the health of the noncustodial parent's children; payments to reimburse the state for ~~AFDC benefits~~ ASSISTANCE received UNDER THE COLORADO WORKS PROGRAM AS DESCRIBED IN PART 7 OF ARTICLE 2 OF TITLE 26, C.R.S.; and payments to reimburse the state for medical assistance costs, other than birth-related costs, expended pursuant to article 4 of title 26, C.R.S.

SECTION 42. 26-4-302 (1) (s) (I), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-302. Basic services for the categorically needy - optional services. (1) The following are services for which federal financial participation is available and which Colorado has selected to provide as optional services under the medical assistance program:

(s) (I) For any pregnant woman who is enrolled for services pursuant to section 26-4-508, or ~~section 26-2-118~~, WHO WOULD BE ELIGIBLE FOR AID TO FAMILIES WITH DEPENDENT CHILDREN PURSUANT TO RULES IN EFFECT ON JULY 16, 1996, alcohol and drug counseling and treatment, including outpatient and residential care but not including room and board while receiving residential care.

SECTION 43. 26-4-508 (3) (a) (I) and (3) (c) (I), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

26-4-508. Baby and kid care program - creation - eligibility. (3) (a) On and after April 1, 1990, children under the age of six years and pregnant women shall be eligible for benefits under the baby and kid care program; except that, for the purpose of eligibility under this subsection (3) only:

(I) Such individual's family income shall exceed the eligibility threshold used in determining eligibility for aid to families with dependent children assistance pursuant to ~~section 26-2-118~~ RULES IN EFFECT ON JULY 16, 1996, but shall not exceed the equivalent of the percentage level of the federal poverty line that is specified pursuant to paragraph (b) of this subsection (3);

(c) (I) On and after July 1, 1991, children born after September 30, 1983, who have attained age six but have not attained age nineteen shall be eligible for benefits under the baby and kid care program; except that, for the purpose of eligibility under this paragraph (c) only, such individual's family income shall exceed the eligibility threshold used in determining eligibility for aid to families with dependent children assistance pursuant to ~~section 26-2-118~~ RULES IN EFFECT ON JULY 16, 1996, but shall not exceed the equivalent of the percentage level of the federal poverty line that is specified pursuant to subparagraph (II) of this paragraph (c).

SECTION 44. 26-4-508.2 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-508.2. Pregnant women - needs assessment - referral to treatment program. (1) The health care practitioner for each pregnant woman who is enrolled for services pursuant to section 26-4-508 or ~~section 26-2-118~~ WHO WOULD BE ELIGIBLE FOR AID TO FAMILIES WITH DEPENDENT CHILDREN PURSUANT TO RULES IN EFFECT ON JULY 16, 1996, shall be encouraged to identify as soon as possible after such woman is determined to be pregnant whether such woman is at risk of a poor birth outcome due to substance abuse during the prenatal period and in need of special assistance in order to reduce such risk. If the health care practitioner makes such a determination regarding any pregnant woman, the health care practitioner shall be encouraged to refer such woman to any entity approved and certified by the department of health for the performance of a needs assessment. Any pregnant woman who is eligible for services pursuant to section 26-4-508 or ~~section 26-2-118~~ WHO WOULD BE ELIGIBLE FOR AID TO FAMILIES WITH DEPENDENT CHILDREN PURSUANT TO RULES IN EFFECT ON JULY 16, 1996, may refer herself for such needs assessment.

SECTION 45. 26-4-513 (4), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-4-513. Clinic services. (4) "Clinic services" also means preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services that are furnished to a pregnant woman who is enrolled for services pursuant to ~~section 26-2-118~~ or section 26-4-508 OR WHO IS ELIGIBLE FOR AID TO FAMILIES WITH DEPENDENT CHILDREN PURSUANT TO RULES IN EFFECT ON JULY 16, 1996, in a facility which is not a part of a hospital but is organized and operated as a freestanding alcohol or drug treatment program approved and certified by the division of alcohol and drug abuse of the department of human services pursuant to section 25-1-207 (1) (c), C.R.S.

SECTION 46. 26-5-103, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-5-103. Coordination with other programs. The program of child welfare services established pursuant to this article shall be coordinated with other social services and assistance payments programs for children of this state and shall be rendered in complement of, and not in duplication of or contrary to, legal processes provided by the "Colorado Children's Code" and services rendered under any public assistance law or other law for the benefit of children, including ~~aid to families with dependent children~~ ASSISTANCE UNDER THE COLORADO WORKS PROGRAM, AS DESCRIBED IN PART 7 OF ARTICLE 2 OF THIS TITLE.

SECTION 47. 26-5.3-103 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is repealed as follows:

26-5.3-103. Definitions. As used in this article, unless the context otherwise requires:

(1) ~~"AFDC" means the federal "Aid to Families with Dependent Children Program"~~.

SECTION 48. 26-5.3-104, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-5.3-104. Emergency assistance for families with children at imminent risk of being placed out of the home. (1) The executive director of the state department is hereby authorized to ~~amend~~ INCLUDE IN the state ~~Title IV-A~~ TEMPORARY ASSISTANCE FOR NEEDY FAMILIES plan ~~by providing for~~ the establishment and implementation of an emergency assistance program for families with children at imminent risk of being placed out of the home. The purpose of the program shall be to meet the needs of the family in crisis due to the imminent risk of out-of-home placement by providing emergency assistance in the form of intake, assessment, counseling, treatment, and other family preservation services that meet the needs of the family which are attributable to the emergency or crisis situation.

~~(2) The state department is hereby designated as the single state agency to administer the emergency assistance program in accordance with Title IV-A of the federal "Social Security Act" and this article. Such program shall be uniform to the extent required by the federal act.~~

~~(3) (2) Nothing in this article shall prevent the state department from complying with federal requirements for a program of emergency assistance in order for the state of Colorado to qualify for federal funds under Title IV-A of the federal "Social Security Act" and to use such federal funds for families with children at imminent risk of immediate out-of-home placement and to reunite children with their families, within the limits of available appropriations.~~

SECTION 49. 26-5.3-105 (3) (f), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-5.3-105. Eligibility requirements - period of eligibility - services available. (3) Emergency assistance provided pursuant to this article shall be used for, but shall not be limited to, the following:

(f) Services used to develop and implement a discrete case plan, as provided by ~~Title IV-A~~ of the federal "Social Security Act";

SECTION 50. 26-12-304 (1), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-12-304. Vacancies - additional admissions. (1) In the event that vacancies occur in the center and there are no applications for admission from persons eligible under section 26-12-303, the center shall be open for temporary occupancy in accordance with the rules ~~and regulations~~ of the state board to all persons, male or female, who are citizens of the state of Colorado and who are receiving categorical assistance under programs supervised and controlled by the state department. ~~with the exception of recipients of aid to families with dependent children under this title.~~ Recipients of said categorical assistance shall be eligible for occupancy in the center without meeting any further requirements; except that they shall be ambulatory, physically and mentally able to care for themselves upon being admitted to the center, and financially able, with said categorical assistance, to pay the sum determined applicable by rules ~~and regulations~~ of the state board promulgated pursuant to section 26-12-305.

SECTION 51. 30-11-107 (1) (v), Colorado Revised Statutes, 1986 Repl. Vol.,

is amended to read:

30-11-107. Powers of the board. (1) The board of county commissioners of each county has power at any meeting:

(v) To provide a job diversion program directing persons making application for or receiving ~~aid to families with dependent children~~ ASSISTANCE UNDER THE COLORADO WORKS PROGRAM, AS DESCRIBED IN PART 7 OF ARTICLE 2 OF TITLE 26, C.R.S., into bona fide public or private sector employment;

SECTION 52. Part 5 of article 22 of title 39, Colorado Revised Statutes, 1994 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

39-22-521. Credits against tax - employer expenses - public assistance recipients. (1) WITH RESPECT TO TAXABLE YEARS COMMENCING ON OR AFTER JANUARY 1, 1998, THERE SHALL BE ALLOWED TO AN EMPLOYER OF ANY PERSON RECEIVING PUBLIC ASSISTANCE PURSUANT TO THE COLORADO WORKS PROGRAM SET FORTH IN PART 7 OF ARTICLE 2 OF TITLE 26, C.R.S., A CREDIT, FOR NOT MORE THAN TWO YEARS, AGAINST THE TAX IMPOSED BY THIS ARTICLE IN THE AMOUNT OF TWENTY PERCENT OF THE EMPLOYER'S ANNUAL INVESTMENT IN ANY ONE OR MORE OF THE FOLLOWING SERVICES THAT ARE INCIDENTAL TO THE EMPLOYER'S BUSINESS:

(a) THE PROVISION OF CHILD CARE SERVICES OR THE PAYMENT OF THE COSTS ASSOCIATED WITH CHILD CARE SERVICES FOR CHILDREN OF EMPLOYEES RECEIVING PUBLIC ASSISTANCE;

(b) THE PROVISION OF HEALTH OR DENTAL INSURANCE FOR EMPLOYEES RECEIVING PUBLIC ASSISTANCE, WHICH HEALTH OR DENTAL INSURANCE COVERAGE, IF LESS THAN THE COVERAGE PROVIDED THROUGH MEDICAID, SHALL BE SUPPLEMENTED BY MEDICAID TO PROVIDE FULL MEDICAID BENEFITS TO THE EMPLOYEE;

(c) THE PROVISION OF JOB TRAINING OR BASIC EDUCATION OF EMPLOYEES RECEIVING PUBLIC ASSISTANCE;

(d) THE PROVISION OF PROGRAMS FOR THE TRANSPORTATION OF PUBLIC ASSISTANCE EMPLOYEES TO AND FROM WORK.

(2) THE TAX CREDIT DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL BE IN ADDITION TO ANY OTHER CREDITS FOR WHICH THE EMPLOYER MAY BE ELIGIBLE PURSUANT TO THE PROVISIONS OF ARTICLE 30 OF THIS TITLE.

(3) THE CREDIT ALLOWED BY THIS SECTION FOR ANY INCOME TAX YEAR SHALL NOT EXCEED THE EMPLOYER'S ACTUAL TAX LIABILITY FOR SUCH TAXABLE YEAR. IF THE AMOUNT OF THE CREDIT ALLOWED BY THIS SECTION EXCEEDS THE EMPLOYER'S ACTUAL TAX LIABILITY FOR ANY INCOME TAX YEAR IN WHICH THE CREDIT AUTHORIZED IN THIS SECTION IS CLAIMED, SUCH EXCESS SHALL BE A TAX CREDIT CARRYOVER TO EACH OF THE THREE INCOME TAX YEARS FOLLOWING THE UNUSED CREDIT YEAR AND SHALL BE APPLIED FIRST TO THE EARLIEST INCOME TAX YEARS POSSIBLE.

SECTION 53. Footnote number 77, in part VII of section 2 of Senate Bill 97-215, is repealed as follows:

~~77 — Department of Human Services, Children, Youth and Families, Child Care, Employment-related Child Care -- It is the intent of the General Assembly that the eligibility income ceiling for the Colorado Child Care Assistance Program remain at the level authorized as of January 1, 1997. It is also the intent of the General Assembly to allow the Department, within available appropriations, to authorize exceptions to this policy for the purpose of providing a reasonable transition period for families which become ineligible due to increased income.~~

SECTION 54. Appropriations in long bill to be adjusted. (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of human services for the fiscal year beginning July 1, 1997, shall be adjusted as follows:

(a) The appropriation to the executive director's office is increased by one million five hundred seventy-four thousand three hundred dollars (\$1,574,300). Said sum shall be from federal funds.

(b) The appropriation to county administration is decreased by twenty million three hundred ninety-six thousand six hundred ninety-six dollars (\$20,396,696). Of said sum, five million six hundred ninety-six thousand one hundred sixteen dollars (\$5,696,116) shall be from the general fund, three million seven hundred ninety-seven thousand four hundred ten dollars (\$3,797,410) shall be from cash funds exempt, and ten million nine hundred three thousand one hundred seventy dollars (\$10,903,170) shall be from federal funds.

(c) The appropriation to county administration is increased by four million one hundred nine thousand three hundred fifty-seven dollars (\$4,109,357). Said sum shall be from the general fund and shall be for the payment of county incentive payments.

(d) The appropriation to self-sufficiency, for the state program to replace aid to families with dependent children, is decreased by ninety-five million six hundred seventy-seven thousand nine hundred thirty-four dollars (\$95,677,934). Of said sum, thirteen million one hundred seventy-two thousand four hundred forty-five dollars (\$13,172,445) shall be from the general fund, eighteen million three hundred ninety-six thousand three hundred seventy-four dollars (\$18,396,374) shall be from cash funds exempt, and sixty-four million one hundred nine thousand one hundred fifteen dollars (\$64,109,115) shall be from federal funds.

(e) The appropriation to self-sufficiency, for employment and training programs, is decreased by four million thirty-three thousand one hundred fifty-one dollars (\$4,033,151). Of said sum, one million two hundred nine thousand nine hundred forty-five dollars (\$1,209,945) shall be from the general fund, eight hundred six thousand six hundred thirty dollars (\$806,630) shall be from cash funds exempt, and two million sixteen thousand five hundred seventy-six dollars (\$2,016,576) shall be from federal funds.

(f) The appropriation to self-sufficiency, for the personal responsibility and

employment demonstration program, is decreased by one million three hundred nine thousand three hundred seventy-five dollars (\$1,309,375). Of said sum, three hundred sixty-seven thousand eighty-nine dollars (\$367,089) shall be from the general fund, two hundred eleven thousand seven hundred ten dollars (\$211,710) shall be from cash funds exempt, and seven hundred thirty thousand five hundred seventy-six dollars (\$730,576) shall be from federal funds.

(g) The appropriation to self-sufficiency is increased by one hundred seventy million seven hundred forty-seven thousand eight hundred forty dollars (\$170,747,840). Of said sum, sixteen million three hundred thirty-six thousand two hundred thirty-nine dollars (\$16,336,239) shall be from the general fund, twenty-nine million four hundred sixty-seven thousand eight hundred fifty-three dollars (\$29,467,853) shall be from cash funds exempt, and one hundred twenty-four million nine hundred forty-three thousand seven hundred forty-eight dollars (\$124,943,748) shall be from federal funds. Said sum shall be for Colorado works program county block grants.

(h) The appropriation to self-sufficiency is increased by three million dollars (\$3,000,000). Said sum shall be from federal funds. Said sum shall be for the short-term works emergency fund created in section 26-2-720, Colorado Revised Statutes.

(i) The appropriation to self-sufficiency, for the temporary assistance for needy families reserve fund, is decreased by twenty-nine million nine hundred thirty-two thousand nine hundred twenty-eight dollars (\$29,932,928). Said sum shall be from federal funds. The line item shall be renamed the long-term works reserve fund.

SECTION 55. Appropriations in long bill to be adjusted. (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of human services for the fiscal year beginning July 1, 1997, shall be adjusted as follows:

(a) The appropriation to the executive director's office is increased by one million five hundred seventy-four thousand three hundred dollars (\$1,574,300). Said sum shall be from federal funds.

(b) The appropriation to county administration is decreased by twenty million three hundred ninety-six thousand six hundred ninety-six dollars (\$20,396,696). Of said sum, five million six hundred ninety-six thousand one hundred sixteen dollars (\$5,696,116) shall be from the general fund, three million seven hundred ninety-seven thousand four hundred ten dollars (\$3,797,410) shall be from cash funds exempt, and ten million nine hundred three thousand one hundred seventy dollars (\$10,903,170) shall be from federal funds.

(c) The appropriation to county administration is increased by four million one hundred nine thousand three hundred fifty-seven dollars (\$4,109,357). Said sum shall be from the general fund and shall be for the payment of county incentive payments.

(d) The appropriation to self-sufficiency, for the state program to replace aid to families with dependent children, is decreased by ninety-five million six hundred seventy-seven thousand nine hundred thirty-four dollars (\$95,677,934). Of said sum,

thirteen million one hundred seventy-two thousand four hundred forty-five dollars (\$13,172,445) shall be from the general fund, eighteen million three hundred ninety-six thousand three hundred seventy-four dollars (\$18,396,374) shall be from cash funds exempt, and sixty-four million one hundred nine thousand one hundred fifteen dollars (\$64,109,115) shall be from federal funds.

(e) The appropriation to self-sufficiency, for employment and training programs, is decreased by four million thirty-three thousand one hundred fifty-one dollars (\$4,033,151). Of said sum, one million two hundred nine thousand nine hundred forty-five dollars (\$1,209,945) shall be from the general fund, eight hundred six thousand six hundred thirty dollars (\$806,630) shall be from cash funds exempt, and two million sixteen thousand five hundred seventy-six dollars (\$2,016,576) shall be from federal funds.

(f) The appropriation to self-sufficiency, for the personal responsibility and employment demonstration program, is decreased by one million three hundred nine thousand three hundred seventy-five dollars (\$1,309,375). Of said sum, three hundred sixty-seven thousand eighty-nine dollars (\$367,089) shall be from the general fund, two hundred eleven thousand seven hundred ten dollars (\$211,710) shall be from cash funds exempt, and seven hundred thirty thousand five hundred seventy-six dollars (\$730,576) shall be from federal funds.

(g) The appropriation to self-sufficiency is increased by one hundred seventy million seven hundred forty-seven thousand eight hundred forty dollars (\$170,747,840). Of said sum, nineteen million seven hundred eighty-one thousand seven hundred fifty-three dollars (\$19,781,753) shall be from the general fund, twenty-nine million four hundred sixty-seven thousand eight hundred fifty-three dollars (\$29,467,853) shall be from cash funds exempt, and one hundred twenty-one million four hundred ninety-eight thousand two hundred thirty-four dollars (\$121,498,234) shall be from federal funds. Said sum shall be for Colorado works program county block grants.

(h) The appropriation to self-sufficiency is increased by three million dollars (\$3,000,000). Said sum shall be from federal funds. Said sum shall be for the short-term works emergency fund created in section 26-2-720, Colorado Revised Statutes.

(i) The appropriation to self-sufficiency, for the temporary assistance for needy families reserve fund, is decreased by twenty-six million four hundred eighty-seven thousand four hundred fourteen dollars (\$26,487,414). Said sum shall be from federal funds. The line item shall be renamed the long-term works reserve fund.

SECTION 56. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, medical programs, medical services, for the fiscal year beginning July 1, 1997, the sum of four million ninety thousand seven hundred twelve dollars (\$4,090,712), or so much thereof as may be necessary, for the implementation of this act. Of said sum, one million nine hundred sixty-two thousand three hundred fourteen dollars (\$1,962,314) shall be from the general fund and two million one hundred twenty-eight thousand three hundred ninety-eight dollars (\$2,128,398) shall be from federal funds. The moneys hereby appropriated shall be for the medicaid costs under section 26-4-301

(1) (l), Colorado Revised Statutes, also referred to as the Colorado works program, which shall be the name by which the line item expenditures shall be categorized and reported by the department. The amount from the general fund shall be subject to the "(M)" notation as defined in the general appropriation act.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of labor, executive director's office, for the fiscal year beginning July 1, 1997, the sum of forty thousand one hundred seventy-five dollars (\$40,175) and 0.8 FTE, or so much thereof as may be necessary, for the implementation of this act. Said amount shall be from the general fund.

(3) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 1997, the sum of four thousand two hundred seventy-one dollars (\$4,271), or so much thereof as may be necessary, for the provision of legal services to the department of labor related to the implementation of this act. Said sum shall be from cash funds exempt received from the department of labor out of the appropriation made in subsection (2) of this section.

SECTION 57. Effective date. (1) (a) Sections 1, 57, and 58 of this act shall take effect upon passage; except that section 26-2-716 (3) (b), Colorado Revised Statutes, shall take effect upon passage, but only if Senate Bill 97-42, enacted at the First Regular Session of the Sixty-first General Assembly, does become law.

(b) Section 54 of this act shall take effect upon passage, but only if Senate Bill 97-42, enacted at the First Regular Session of the Sixty-first General Assembly, does not become law. Sections 55 and 56 of this act as well as section 26-4-301 (1) (o), Colorado Revised Statutes, shall take effect upon passage, but only if Senate Bill 97-42, enacted at the First Regular Session of the Sixty-first General Assembly, does become law.

(c) The remaining sections of this act shall take effect on July 1, 1997.

(2) Sections 13 and 27 of this act shall apply to acts committed on or after July 1, 1997.

SECTION 58. 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: June 3, 1997