

CHAPTER 396

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 08-177

BY SENATOR(S) Boyd, Groff, Isgar, Keller, Morse, Sandoval, Schwartz, Tapia, Tochtrop, Tupa, Williams, and Windels;
also REPRESENTATIVE(S) McGihon and Massey, Frangas, Green, McFadyen, Middleton, and Stafford.

AN ACT

CONCERNING CHANGES TO THE COLORADO WORKS PROGRAM, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 26-2-702 (1), Colorado Revised Statutes, is amended to read:

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~~ PUB.L. 104-193, AND THE FEDERAL "DEFICIT REDUCTION OMNIBUS RECONCILIATION ACT OF 2005", PUB.L. 109-171, gives the state a unique opportunity to develop AND MAINTAIN 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~~ PUB.L. 104-193, AND THE FEDERAL "DEFICIT REDUCTION OMNIBUS RECONCILIATION ACT OF 2005", PUB.L. 109-171, REQUIRE increased local input in developing the state plan for public assistance under ~~that law and allows~~ THESE LAWS AND ALLOW 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~~ PUB.L. 104-193, AND THE FEDERAL "DEFICIT REDUCTION OMNIBUS RECONCILIATION ACT OF 2005", PUB.L. 109-171, REQUIRE additional training for local employees in the area of case management to assist in making recipients self-sufficient.

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

SECTION 2. 26-2-703 (3), (8), (10), (17), (17.5), (17.7), (19), (21), and (22), Colorado Revised Statutes, are amended, and the said 26-2-703 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

26-2-703. Definitions. As used in this part 7, unless the context otherwise requires:

(3) "Basic CASH assistance grant" means cash assistance provided to a participant in the Colorado works program pursuant to section 26-2-709.

(8) "County department" means:

(a) The department of social services, HUMAN SERVICES, OR HEALTH AND HUMAN 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.

(8.5) "DEFICIT REDUCTION OMNIBUS RECONCILIATION ACT" MEANS THE FEDERAL "DEFICIT REDUCTION OMNIBUS RECONCILIATION ACT OF 2005", PUB.L. 109-171, AS AMENDED.

(10) ~~"Diversion grant" means a grant of assistance authorized pursuant to section 26-2-707.~~ "FEDERAL LAW" MEANS THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT, THE DEFICIT REDUCTION OMNIBUS RECONCILIATION ACT, AND ANY FEDERAL REGULATIONS ADOPTED FOR THE IMPLEMENTATION OF EITHER ACT.

(13.7) "ONGOING ASSISTANCE" MEANS ANY CASH GRANT, BENEFIT, SERVICE, OR OTHER FORM OF TEMPORARY ASSISTANCE DESIGNED TO MEET AN ELIGIBLE FAMILY'S ONGOING NEEDS.

(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~~, PUB.L. 104-193, AS AMENDED.

(17.5) "Program prohibitions" means ~~any one or more of the following circumstances~~ A CIRCUMSTANCE that, pursuant to this part 7 or federal law, renders an individual unable to participate in the Colorado works program.

~~(a) That the applicant or participant has misrepresented his or her residence to obtain TANF benefits in two or more states at the same time, pursuant to section 26-2-711 (7);~~

~~(b) That the applicant or participant is a fleeing felon;~~

~~(c) That the applicant or participant has been convicted of a drug-related felony under the laws of this state, any other state, or the federal government on or after June 3, 1997, except as otherwise provided in section 26-2-706 (3);~~

~~(d) That the applicant or participant is an alien who does not meet the definition of a qualified alien pursuant to section 26-2-103 (7.5);~~

~~(e) That the applicant or participant has been convicted of welfare fraud under the laws of this state, any other state, or the federal government; or~~

~~(f) That the applicant or participant lacks, and has failed to apply for, a social security number.~~

(17.7) "Qualified alien" means an alien, who, at the time the alien applies for, receives, or attempts to receive a federal public benefit, is: A QUALIFIED ALIEN AS DEFINED BY RULE OF THE STATE BOARD IN CONFORMANCE WITH THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT.

~~(a) An alien who is lawfully admitted for permanent residence under the federal "Immigration and Nationality Act";~~

~~(b) An alien who is granted asylum under section 208 of the federal "Immigration and Nationality Act";~~

~~(c) A refugee who is admitted to the United States under section 207 of the federal "Immigration and Nationality Act";~~

~~(d) An alien who is paroled into the United States under section 212 (d) (5) of the federal "Immigration and Nationality Act" for a period of at least one year;~~

~~(e) An alien whose deportation is being withheld under section 243 (h) or section 241 (b) (3) of the federal "Immigration and Nationality Act";~~

~~(f) An alien who is granted conditional entry pursuant to section 203 (a) (7) of the federal "Immigration and Nationality Act" as in effect prior to April 1, 1980;~~

~~(g) An alien who is a Cuban or Haitian entrant as defined in section 501(c) of the federal "Refugee Education Assistance Act of 1980"; or~~

~~(h) An alien, or an alien's child or parent, who has been battered or subjected to extreme cruelty in the United States and who otherwise satisfies the requirements of 8 U.S.C. sec. 1641 (c).~~

(18.2) "SHORT-TERM ASSISTANCE" MEANS A NONRECURRENT, SHORT-TERM BENEFIT THAT IS DESIGNED TO DEAL WITH A SPECIFIC CRISIS SITUATION OR EPISODE OF NEED, IS NOT INTENDED TO MEET RECURRENT OR ONGOING NEEDS, AND DOES NOT EXTEND BEYOND FOUR MONTHS.

(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 FEDERAL LAW.

(21) ~~(a) Except as provided in paragraph (b) of this subsection (21) and subject to the restrictions in the federal law, "work activities" means: "WORK ACTIVITIES"~~

SHALL HAVE THE SAME DEFINITION AS IS PROVIDED IN FEDERAL LAW. THE STATE BOARD SHALL PROMULGATE RULES AS NECESSARY TO FURTHER DEFINE "WORK ACTIVITIES" IN ACCORDANCE WITH THE DEFINITION PROVIDED IN FEDERAL LAW. 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.

~~(F) Unsubsidized employment;~~

~~(H) Subsidized private sector employment;~~

~~(HH) 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 equivalency, 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~~ FEDERAL LAW.

SECTION 3. 26-2-705 (1) and (2), Colorado Revised Statutes, are amended to read:

26-2-705. Works program - purposes. (1) (a) 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.

(b) EFFECTIVE JANUARY 1, 2009, THE COLORADO WORKS PROGRAM IS AMENDED TO ENSURE IMPLEMENTATION IN COMPLIANCE WITH THE DEFICIT REDUCTION OMNIBUS RECONCILIATION ACT.

(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) PROVIDE ASSISTANCE TO NEEDY FAMILIES SO THAT CHILDREN MAY BE CARED FOR IN THEIR HOMES OR IN THE HOMES OF FAMILY MEMBERS;

(c) PREVENT AND REDUCE THE INCIDENCE OF OUT-OF-WEDLOCK PREGNANCIES AND TO ESTABLISH ANNUAL NUMERICAL GOALS FOR PREVENTING AND REDUCING THE INCIDENCES OF THESE PREGNANCIES;

(d) ENCOURAGE THE FORMATION AND MAINTENANCE OF TWO-PARENT FAMILIES;

~~(b)~~ (e) 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; AND

~~(c)~~ (f) Allow the counties increased responsibility for the administration of the works program.

SECTION 4. The introductory portion to 26-2-706 (1) (a.5) and 26-2-706 (1) (a.5) (IV), Colorado Revised Statutes, are amended to read:

26-2-706. Target populations. (1) (a.5) In addition to the eligibility requirements set forth in paragraph (a) of this subsection (1), in order to receive Colorado works benefits and assistance, the assistance unit shall include a dependent child who lives in the home of a parent or a specified caretaker relative. A dependent child is considered to be living in the home of a SPECIFIED caretaker relative as long as the parent or specified caretaker relative exercises responsibility for the care and control of the child even though one or more of the following occurs:

(IV) Either the child or the SPECIFIED caretaker relative is temporarily absent from the home to receive medical treatment; or

SECTION 5. 26-2-706.5 (1) and (2), Colorado Revised Statutes, are amended

to read:

26-2-706.5. Restrictions on length of participation. (1) Unless cash assistance is provided through segregated funds pursuant to FEDERAL LAW AND section 26-2-714, as of June 3, 1997, each month of cash assistance received by an assistance unit that includes a SPECIFIED caretaker relative who has received assistance under Title IV-A of the social security act, as amended, shall count toward that SPECIFIED caretaker relative's sixty-month lifetime maximum of TANF benefits as established in ~~the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996"~~ FEDERAL LAW.

(2) Any month in which a SPECIFIED caretaker relative is determined to be a disqualified or excluded person ~~as that term is defined in section 26-2-703 (9.5);~~ from a basic CASH assistance grant shall count as a month of participation in the calculation of ~~such person's~~ THE SPECIFIED CARETAKER RELATIVE'S overall sixty-month lifetime maximum.

SECTION 6. Part 7 of article 2 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-2-706.6. Payments and services under Colorado works - rules.

(1) SUBJECT TO THE PROVISIONS OF FEDERAL LAW, RULES PROMULGATED BY THE STATE BOARD PURSUANT TO THIS SECTION, AND AVAILABLE APPROPRIATIONS, THE PAYMENT TYPES AND SERVICES SPECIFIED IN THIS SECTION ARE AVAILABLE TO PARTICIPANTS IN THE COLORADO WORKS PROGRAM.

(2) **Ongoing assistance payment.** AN ASSISTANCE UNIT THAT APPLIES AND IS ELIGIBLE FOR ONGOING ASSISTANCE SHALL, UNLESS VOLUNTARILY AND KNOWINGLY REFUSED, RECEIVE CASH ASSISTANCE, WHICH IS A RECURRENT CASH PAYMENT. IN ADDITION TO A CASH PAYMENT, AN ELIGIBLE ASSISTANCE UNIT MAY ALSO RECEIVE CASH ASSISTANCE IN THE FORM OF A CASH-EQUIVALENT PAYMENT, VOUCHER, OR OTHER FORM OF CASH BENEFIT THAT IS DESIGNED TO MEET THE BASIC ONGOING NEEDS OF THE PERSONS IN THE ASSISTANCE UNIT. BASIC ONGOING NEEDS SHALL CONSIST OF FOOD, CLOTHING, SHELTER, UTILITIES, HOUSEHOLD GOODS, PERSONAL CARE ITEMS, AND GENERAL INCIDENTAL EXPENSES. IN ADDITION TO CASH ASSISTANCE, PERSONS IN AN ASSISTANCE UNIT THAT IS ELIGIBLE FOR ONGOING ASSISTANCE MAY RECEIVE SUPPORTIVE SERVICES AS DESCRIBED IN THIS SECTION.

(3) **Short-term assistance payment.** A PARTICIPANT MAY CHOOSE TO RECEIVE A SHORT-TERM ASSISTANCE PAYMENT, FORMERLY REFERRED TO AS A DIVERSION PAYMENT, WHICH IS A NONRECURRENT, NEEDS-BASED, CASH OR CASH-EQUIVALENT PAYMENT DESIGNED TO MEET THE SHORT-TERM NEEDS OF THE PARTICIPANT. A SHORT-TERM ASSISTANCE PAYMENT IS DESIGNED TO ADDRESS A SPECIFIC CRISIS SITUATION OR EPISODE OF NEED AND IS NOT DESIGNED TO MEET THE BASIC ONGOING NEEDS OF THE PARTICIPANT. A SHORT-TERM ASSISTANCE PAYMENT MAY NOT EXTEND BEYOND FOUR MONTHS. IN ADDITION TO A SHORT-TERM ASSISTANCE PAYMENT, A PARTICIPANT WHO IS ELIGIBLE FOR SHORT-TERM ASSISTANCE MAY RECEIVE SUPPORTIVE SERVICES AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION. SHORT-TERM ASSISTANCE PAYMENTS INCLUDE THE FOLLOWING TYPES:

(a) A STANDARD SHORT-TERM ASSISTANCE PAYMENT, FORMERLY REFERRED TO

AS A STATE DIVERSION PAYMENT, IS A NONRECURRENT, NEEDS-BASED, CASH OR CASH-EQUIVALENT PAYMENT MADE TO A PARTICIPANT WHO IS ELIGIBLE FOR SHORT-TERM ASSISTANCE.

(b) AN EXPANDED SHORT-TERM ASSISTANCE PAYMENT, FORMERLY REFERRED TO AS A COUNTY DIVERSION PAYMENT, IS A NONRECURRENT, NEEDS-BASED, CASH OR CASH-EQUIVALENT PAYMENT MADE TO A PARTICIPANT WHO IS ELIGIBLE FOR ASSISTANCE PURSUANT TO THE MAXIMUM ELIGIBILITY CRITERIA FOR NONRECURRENT, SHORT-TERM BENEFITS ESTABLISHED IN THE STATE PLAN PURSUANT TO SECTION 26-2-712 (1), IN THE COUNTY-DEFINED EXPANDED ELIGIBILITY BASED ON FEDERAL POVERTY AND OTHER STANDARDIZED GUIDELINES, AND IN COUNTY POLICIES.

(4) **Supportive services.** (a) AN ELIGIBLE PARTICIPANT MAY RECEIVE SUPPORTIVE SERVICES, INCLUDING BUT NOT LIMITED TO:

(I) WORK SUBSIDIES SUCH AS PAYMENTS TO EMPLOYERS OR THIRD PARTIES TO HELP COVER THE COSTS OF EMPLOYEE WAGES, BENEFITS, SUPERVISION, AND TRAINING;

(II) SUPPORTIVE SERVICES SUCH AS CHILD CARE AND TRANSPORTATION PROVIDED TO FAMILIES WHO ARE EMPLOYED;

(III) REFUNDABLE EARNED INCOME TAX CREDITS;

(IV) CONTRIBUTIONS TO, AND DISTRIBUTIONS FROM, INDIVIDUAL DEVELOPMENT ACCOUNTS;

(V) SERVICES SUCH AS COUNSELING, CASE MANAGEMENT, PEER SUPPORT, CHILD CARE INFORMATION AND REFERRAL, TRANSITIONAL SERVICES, JOB RETENTION, JOB ADVANCEMENT, AND OTHER EMPLOYMENT-RELATED SERVICES THAT DO NOT PROVIDE BASIC INCOME SUPPORT; AND

(VI) TRANSPORTATION BENEFITS PROVIDED UNDER A JOB ACCESS OR REVERSE COMMUTE PROJECT TO AN INDIVIDUAL WHO IS NOT OTHERWISE RECEIVING ASSISTANCE.

(b) A COUNTY MAY PROVIDE SUPPORTIVE SERVICES DIRECTLY TO AN ELIGIBLE PARTICIPANT OR THROUGH A CONTRACT OR MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY DEPARTMENT AND ANOTHER AGENCY, INCLUDING BUT NOT LIMITED TO ANOTHER COUNTY DEPARTMENT OR A COMMUNITY PROVIDER.

(c) THE STATE BOARD SHALL PROMULGATE RULES PURSUANT TO WHICH A COUNTY SHALL PROVIDE REFERRALS FOR AVAILABLE SUPPORTIVE SERVICES TO PERSONS WHO APPLY FOR ASSISTANCE AND TO PARTICIPANTS WHO ARE HOMELESS OR IN NEED OF MENTAL HEALTH SERVICES OR SUBSTANCE ABUSE COUNSELING OR SERVICES. THE RULES SHALL NOT OBLIGATE THE COUNTY TO PAY FOR ANY SUPPORTIVE SERVICES TO WHICH A PERSON WHO APPLIES FOR ONGOING ASSISTANCE OR SHORT-TERM ASSISTANCE OR A PARTICIPANT IS REFERRED.

(5) **Individual development accounts.** A COUNTY DEPARTMENT MAY MAKE

AVAILABLE OPPORTUNITIES FOR PARTICIPANTS TO HAVE INDIVIDUAL DEVELOPMENT ACCOUNTS FOR HOME PURCHASE, BUSINESS CAPITALIZATION, OR HIGHER EDUCATION IN ACCORDANCE WITH FEDERAL LAW.

(6) **Child care assistance.** SUBJECT TO AVAILABLE APPROPRIATIONS AND PURSUANT TO RULES PROMULGATED BY THE STATE BOARD, 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 BOARD FOR IMPLEMENTATION OF SAID PART 8.

(7) **Substance abuse control program.** A COUNTY MAY ELECT TO IMPLEMENT A COLORADO WORKS CONTROLLED SUBSTANCE ABUSE CONTROL PROGRAM. UNDER SUCH A PROGRAM, IF THE USE OF A CONTROLLED SUBSTANCE PREVENTS THE PARTICIPANT FROM SUCCESSFULLY PARTICIPATING IN HIS OR HER WORK ACTIVITY, THE COUNTY DEPARTMENT MAY REQUIRE THE PARTICIPANT TO PARTICIPATE IN A CONTROLLED SUBSTANCE ABUSE CONTROL PROGRAM BASED IN WHOLE OR IN PART UPON A REPRESENTATION BY THE PARTICIPANT THAT HE OR SHE IS USING CONTROLLED SUBSTANCES OR UPON A FINDING BY THE COUNTY DEPARTMENT PURSUANT TO AN ASSESSMENT BY A CERTIFIED DRUG TREATMENT PROVIDER THAT THE PARTICIPANT IS OR IS LIKELY TO BE USING CONTROLLED SUBSTANCES. IF A COUNTY CHOOSES TO REQUIRE THE PARTICIPANT TO PARTICIPATE IN A CONTROLLED SUBSTANCE ABUSE CONTROL PROGRAM, THE COUNTY DEPARTMENT SHALL:

(a) REQUIRE THE PARTICIPANT TO BE ASSESSED BY A CERTIFIED DRUG TREATMENT PROVIDER AND TO FOLLOW A REHABILITATION PLAN AS A CONDITION OF CONTINUED RECEIPT OF ASSISTANCE UNDER THE WORKS PROGRAM. THE REHABILITATION PLAN SHALL BE BASED UPON THE ASSESSMENT AND DEVELOPED BY A CERTIFIED DRUG TREATMENT PROVIDER, AND MAY INCLUDE, BUT NEED NOT BE LIMITED TO, PARTICIPATION IN A CONTROLLED SUBSTANCE ABUSE TREATMENT PROGRAM. THIS PARAGRAPH (a) SHALL NOT CREATE AN ENTITLEMENT TO REHABILITATION SERVICES OR TO PAYMENT FOR REHABILITATION SERVICES.

(b) IF REQUIRED BY THE REHABILITATION PLAN, CONDUCT RANDOM TESTING OF THE PARTICIPANT TO DETERMINE WHETHER HE OR SHE IS REMAINING FREE OF CONTROLLED SUBSTANCES; AND

(c) IMPOSE ON THE PARTICIPANT ANY APPLICABLE ADVERSE ACTION FOR NONPARTICIPATION IN A WORK ACTIVITY IF THE PARTICIPANT FAILS TO FOLLOW THE REHABILITATION PLAN, WHICH NONPARTICIPATION MAY BE EVIDENCED BY HAVING A POSITIVE RESULT ON A RANDOM TEST OR REFUSING TO PARTICIPATE IN A RANDOM TEST PURSUANT TO THIS SUBSECTION (7). A COUNTY MAY NOT TAKE ADVERSE ACTION AGAINST A PARTICIPANT FOR FAILING TO MEET THE REQUIREMENTS OF THE REHABILITATION PLAN IF THE SERVICES REQUIRED UNDER THE PLAN ARE NOT AVAILABLE, IF TRANSPORTATION OR CHILD CARE IS NOT AVAILABLE, OR IF THE COSTS OF THE SERVICES ARE PROHIBITIVE.

(8) **Job skills education voucher.** A COUNTY DEPARTMENT MAY PROVIDE A VOUCHER CREATED PURSUANT TO THE PROVISIONS OF SECTION 26-2-712 (11) TO A PARTICIPANT FOR USE AT ONE OF THE COMMUNITY OR TECHNICAL COLLEGES ADMINISTERED PURSUANT TO THE PROVISIONS OF ARTICLE 60 OF TITLE 23, C.R.S., FOR THE PURPOSE OF SECURING SHORT-TERM EDUCATIONAL AND ACADEMIC SKILLS

TRAINING AND JOB PLACEMENT SERVICES.

SECTION 7. Repeal. 26-2-707, Colorado Revised Statutes, is repealed, as follows:

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.~~

SECTION 8. 26-2-707.5 (1), Colorado Revised Statutes, is amended to read:

26-2-707.5. Community resources investment assistance. (1) A county department may use county block grant moneys to invest in the development of community resources that support the purposes of the federal "Personal Responsibility and Work Opportunity Reconciliation Act", Public Law 104-193, and that are designed to assist eligible applicants or participants under section 26-2-706 or ~~26-2-707~~ 26-2-706.6. An eligible applicant or participant may receive benefits or services from such a community resource without completing an application pursuant to section 26-2-106 ~~or a written agreement pursuant to section 26-2-707 (1) (d)~~, or an individual responsibility contract pursuant to section 26-2-708 (2). However, nothing in this subsection (1) precludes a county department from requiring such applications ~~written agreements~~; and individual responsibility contracts in a county's individual contracting procedures established pursuant to subsection (2) of this section.

SECTION 9. 26-2-708 (1), (2), (3) (d), (5.5), and (6), Colorado Revised Statutes, are amended to read:

26-2-708. Assistance - assessment - individual responsibility contract - waivers 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 June 3, 1997,~~ who is eighteen years of age or older, or who is sixteen years of age or older but has not yet attained the age of eighteen years of age and has not completed high school or obtained a certificate of high school equivalency and is not attending high school or participating in a high school equivalency program. The initial assessment shall be completed no more than thirty days after the submission of the application for assistance under the works program. Updated assessments may be conducted at the discretion of the county department.

(2) A county department shall develop an individual responsibility contract ~~(IRC)~~ for a new participant ~~on or after June 3, 1997,~~ who has been assessed pursuant to subsection (1) of this section, within thirty days after completing the initial 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. The county department shall seek the input and involvement of the participant when developing the IRC.

(3) The IRC shall contain provisions in bold print at the beginning of the document that notify the participant of the following:

(d) For a county that has elected to implement a Colorado works controlled substance abuse control program described in ~~section 26-2-708.5~~ SECTION 26-2-706.6 (7), that the IRC may require the participant to participate in ~~such~~ THE Colorado works controlled substance abuse control program, based upon the participant's use of a controlled substance, by requiring the participant to take action toward rehabilitation consistent with the recommendations of the assessment pursuant to ~~section 26-2-708.5~~ SECTION 26-2-706.6 (7). The program may be included as a county-defined work activity. The rehabilitation plan may include random drug testing, drug treatment, or other rehabilitation activities. The participant may be subject to any sanctions for nonparticipation in a work activity if the participant fails to meet the requirements of the rehabilitation plan; except that a participant may not be sanctioned for failing to meet the requirements of the rehabilitation plan if services required under ~~such~~ THE plan are not available, if transportation or child care is not available, or if the costs of the services are prohibitive.

(5.5) (a) ~~In order to facilitate the proper identification, screening, and assessment of past and present victims of domestic violence applying for or participating in the Colorado works program and to assist counties in complying with the provisions of this subsection (5.5) and subsection (5) of this section, the state board of human services shall promulgate rules that require the state department to provide ongoing domestic violence training and appropriate domestic violence training materials to county staff and to:~~

~~(f) Assist counties in developing local resources and utilizing available community resources to provide counseling and supportive services to past and present victims of domestic violence; and~~

~~(H) Require counties to make applicants to and participants of the Colorado works program aware of the services and assistance provided by the state department pursuant to this subsection (5.5) and by the county.~~

~~(b) The state department shall have the authority to contract with any individual or entity that has demonstrated expertise in the area of domestic violence for the provision of the services specified in this subsection (5.5).~~

~~(c) Implementation of this subsection (5.5) shall be conditioned upon the availability of appropriations from the Colorado long-term works reserve fund created in section 26-2-721.~~

~~(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.~~

SECTION 10. Repeal. 26-2-708.5, Colorado Revised Statutes, is repealed as follows:

26-2-708.5. Colorado works controlled substance abuse control program.

~~(1) A county may elect to implement a Colorado works controlled substance abuse control program pursuant to the provisions of this section. Under such a program, if the use of a controlled substance prevents the participant from successfully participating in his or her work activity, then a county department may require the participant to participate in a substance abuse control program based in whole or in part upon a representation by the participant that the participant is using controlled substances or upon a finding by the county department pursuant to an assessment by a certified drug treatment provider that the participant is or is likely to be using controlled substances. If a county chooses to require the participant to participate in a controlled substance abuse control program, then the county department shall:~~

~~(a) Require the participant to have an assessment by a certified drug treatment provider and to follow a rehabilitation plan, based upon the assessment, developed by a certified drug treatment provider, including, but not limited to, participation in a controlled substance treatment program as a condition of continued receipt of assistance under the works program. This paragraph (a) shall not create an entitlement to rehabilitation services or payment for such services.~~

~~(b) If required by the rehabilitation plan, conduct random testing on such participant to determine if he or she is remaining free of controlled substances; and~~

~~(c) Impose any applicable sanctions for nonparticipation in a work activity on such participant in the event that he or she fails to follow the rehabilitation plan, including testing positive on a random test if conducted pursuant to paragraph (b) of this subsection (1) or refusal to participate in a random test if conducted pursuant to paragraph (b) of this subsection (1).~~

~~(2) A participant may not be sanctioned for failing to meet the requirements of the rehabilitation plan pursuant to paragraph (c) of subsection (1) of this section if~~

the services required under such plan are not available, if transportation or child care is not available, or if the costs of the services are prohibitive.

SECTION 11. 26-2-709 (1) (a), the introductory portion to 26-2-709 (1) (a.5), and 26-2-709 (1) (c), (2), and (3), Colorado Revised Statutes, are amended to read:

26-2-709. Ongoing assistance - cash assistance - programs. (1) **Basic cash assistance grant.** (a) (I) The state board shall promulgate rules defining what constitutes countable income and what constitutes excludable income for the purposes of determining the amount of a participant's basic CASH assistance grant. Except as provided in this part 7 and subject to available appropriations, a participant shall receive a basic CASH assistance grant based on the following standard of need:

STANDARD OF NEED

Number of Dependent Children	Number of Caretaker Relatives		
	None	One	Two
0	--	\$ 253	\$ 357
1	\$117	\$ 331	\$ 439
2	\$245	\$ 421	\$ 533
3	\$368	\$ 510	\$ 628
4	\$490	\$ 605	\$ 716
5	\$587	\$ 697	\$ 787
6	\$678	\$ 770	\$ 861
7	\$755	\$ 844	\$ 937
8	\$830	\$ 920	\$1009
9	\$904	\$ 992	\$1082
10	\$977	\$1065	\$1155
Each additional child	\$ 67	\$ 67	\$ 67

(II) AN APPLICANT'S ELIGIBILITY TO RECEIVE A BASIC CASH ASSISTANCE GRANT SHALL BE DETERMINED PURSUANT TO THIS SUBPARAGRAPH (II). In determining whether an applicant is eligible to receive a basic CASH assistance grant, the need standard for the household size as set forth in the table in subparagraph (I) of this paragraph (a) shall be ~~multiplied by one hundred eighty-five percent. That calculation shall be compared to the gross countable income of the assistance unit. If the gross countable income of the assistance unit exceeds one hundred eighty-five percent of the need standard for the household size, the assistance unit is not eligible for cash assistance.~~ If the gross countable income of the assistance unit is:

(A) LESS THAN THE NEED STANDARD FOR A SIMILARLY SIZED HOUSEHOLD, THE ASSISTANCE UNIT IS ELIGIBLE FOR CASH ASSISTANCE. IN SUCH CIRCUMSTANCE, THE AMOUNT OF THE BASIC CASH ASSISTANCE GRANT SHALL BE CALCULATED PURSUANT TO THE PROVISIONS OF SUBPARAGRAPHS (III) AND (IV) OF THIS PARAGRAPH (a).

(B) Equal to or ~~less~~ GREATER than ~~one hundred eighty-five percent~~ of the need standard for A SIMILARLY SIZED household, ~~size~~, an earnings income disregard of ninety dollars shall be deducted from the earned income of each employed member

in the assistance unit and the remaining amount shall be the net countable earned income of the assistance unit FOR PURPOSES OF DETERMINING ELIGIBILITY. The net countable earned income of the assistance unit plus unearned income received by or expected to be received by members of the assistance unit shall be totaled to determine the net countable income of the assistance unit FOR PURPOSES OF DETERMINING ELIGIBILITY. If the net countable income of the assistance unit does not equal or exceed the need standard for ~~the~~ A SIMILARLY SIZED household, ~~size~~, the assistance unit is eligible for cash assistance. In such circumstance, the amount of the basic CASH assistance grant shall be calculated pursuant to the provisions of subparagraphs (III) and (IV) of this paragraph (a).

(III) TO CALCULATE THE AMOUNT OF THE BASIC CASH ASSISTANCE GRANT, an earnings income disregard shall be applied to the gross countable earned income of participants who are employed. To determine the net countable earned income, the earnings income disregard for Colorado works shall be two-thirds of the participant's gross countable earned income and shall be applied for twelve cumulative months. The gross income test shall not apply to a participant of Colorado works during those months. After the receipt of twelve cumulative months of disregard, the earnings income disregard for Colorado works shall consist of earnings income disregards as established in rules adopted by the state board ~~which THAT shall be based upon the amount~~ NOT BE LESS THAN THE EARNINGS INCOME DISREGARD a participant would have received under STATE BOARD rules ~~governing the former AFDC program in Colorado that were in effect on July 16, 1996~~ IN EFFECT AS OF JANUARY 1, 2008, except for the child care disregard ~~which THAT shall be paid pursuant to the provisions of part 8 of this article.~~

(IV) The ~~authorized~~ BASIC CASH ASSISTANCE grant amount shall be the net countable earned income as determined under subparagraph (III) of this paragraph (a) plus countable unearned income deducted from the need standard for ~~the~~ A SIMILARLY SIZED household ~~size and ratably reduced by a factor of .8475~~ AND MULTIPLIED BY A PERCENTAGE DETERMINED BY RULE OF THE STATE BOARD. THE STATE BOARD, IN ESTABLISHING THE PERCENTAGE, SHALL ENSURE THAT THE AMOUNT OF THE BASIC CASH ASSISTANCE GRANT THAT A PARTICIPANT RECEIVES IS EQUAL TO OR EXCEEDS ONE HUNDRED TWO PERCENT OF THE NEED STANDARD FOR A PARTICIPANT IN A SIMILARLY SIZED HOUSEHOLD ON JANUARY 1, 2008. IN SETTING THE PERCENTAGE, THE STATE BOARD IS ENCOURAGED TO SET A PERCENTAGE THAT WILL RESULT IN A BASIC CASH ASSISTANCE GRANT THAT IS EQUAL TO OR EXCEEDS ONE HUNDRED TWELVE PERCENT OF THE NEED STANDARD FOR A PARTICIPANT IN A SIMILARLY SIZED HOUSEHOLD ON JANUARY 1, 2008.

(V) ~~No~~ AN increase in the amount of the basic CASH assistance grant approved by the state board shall NOT take effect unless the funding for ~~such~~ THE increase is included ~~and identified specifically~~ in the annual general appropriations act or a supplemental appropriations act.

(VI) ~~Any county that operates a manual or electronic system for increasing earned income disregards that was in place as of December 31, 2000, may continue with that calculation or shall follow the requirements of this paragraph (a):~~

(a.5) Subject to available appropriations, a county department may provide to a grandchild who was in foster care, as defined in section 19-1-103 (51.3), C.R.S.,

and who exited foster care into the legal custody or legal guardianship of a grandparent, a basic CASH assistance grant, eligibility for which is based on either of the following:

(c) The basic CASH 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 CASH 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 CASH 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 or this section. 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.~~

~~(c) (I) A county department may provide a voucher created pursuant to the provisions of this paragraph (c) to a participant for use at one of the community colleges administered pursuant to the provisions of article 60 of title 23, C.R.S., for the purpose of securing short-term educational and academic skills training and job placement services.~~

~~(II) The state department, the state department of labor and employment, and the state board for community colleges and occupational education created in section 23-60-104 (1) (b), C.R.S., shall annually analyze job market information in order to establish a compilation of the types of jobs most appropriate and likely to lead to long-term self-sufficiency for participants. As used in this subparagraph (II), "job market information" means any state or regional job market or labor data or statistics or any information related to state or regional labor trends that the state department of labor and employment may have or to which it may have access.~~

~~(III) The state department shall collaborate with the state board for community colleges and occupational education, created in section 23-60-104 (1) (b), C.R.S., to develop a tuition voucher system pursuant to which a participant may attend courses at an institution in the state's system of community and technical colleges by using a tuition voucher.~~

~~(IV) The state department and the state board for community colleges and occupational education, created in section 23-60-104 (1) (b), C.R.S., shall enter into a cooperative arrangement to make available appropriate educational and academic training programs for participants who receive tuition vouchers.~~

(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.

SECTION 12. 26-2-709.5 (1), Colorado Revised Statutes, is amended to read:

26-2-709.5. Exit interviews and follow-up interviews of participants. (1) In order to follow the legislative intent declared in section 26-2-702 (1) (a), a county department is strongly encouraged to conduct exit and follow-up interviews upon case closure, either in person or by telephone, with all participants of the Colorado works program, including participants who are or have been receiving ~~a state diversion grant pursuant to section 26-2-707 (1), or a county diversion pursuant to section 26-2-707 (2).~~ ~~Such~~ SHORT-TERM ASSISTANCE PAYMENTS PURSUANT TO SECTION 26-2-706.6. THE interviews shall be for the purpose of providing information to the participant and offering assistance with applications for or continuance of assistance under medicaid, food stamps, the Colorado child care assistance program, the earned income tax credit, or other programs such as welfare-to-work or other county benefits or services.

SECTION 13. The introductory portion to 26-2-711 (1) (a) and 26-2-711 (1) (b), (1) (c), (2), (5) (b), and (6), Colorado Revised Statutes, are amended to read:

26-2-711. Works program - sanctions against participants. (1) (a) The state board shall promulgate rules for the imposition of sanctions affecting the basic CASH assistance grant as described in section 26-2-709 (1). The rules shall require:

(b) Nothing in the state board rules promulgated pursuant to paragraph (a) of this subsection (1) shall prevent a county from denying the basic CASH 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 CASH assistance grant shall be in effect and the period of time within which a participant who has been denied the basic CASH 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~~ SECTION 26-2-706.6. THE 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.

(5) (b) 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 and may include, but need not be limited to, participation in a Colorado works controlled substance abuse control program pursuant to ~~section 26-2-708.5~~ SECTION 26-2-706.6 (7).

(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:

SECTION 14. 26-2-712 (1), (2), (5) (a), (5) (b), (5) (e), (6), (7), (8), and (9) (c), Colorado Revised Statutes, are amended, and the said 26-2-712 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

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~~ FEDERAL LAW.

(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~~ SECTION 26-2-720.5, 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.

(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~~ FEDERAL LAW;

(e) Monitor the counties' provision of basic CASH assistance grants pursuant to ~~section 26-2-709~~ SECTION 26-2-706.6 and, if necessary due to increased caseloads or economic downturns, do the following to ~~assure~~ ENSURE that the basic CASH assistance grant is provided in a consistent manner statewide:

(I) Grant ~~funds~~ MONEYS to one or more counties from the ~~short-term works emergency~~ COUNTY BLOCK GRANT SUPPORT fund administered pursuant to ~~section 26-2-720~~ SECTION 26-2-720.5; or

(II) If no funds administered pursuant to ~~section 26-2-720~~ SECTION 26-2-720.5 are available:

(A) Request supplemental appropriations from the general assembly, including but not limited to an appropriation from the COLORADO 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~~ MONEYS

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 CASH 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~~ THE 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 CASH 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) Colorado works program capacity building. The state department shall develop training for case workers AND OTHER SERVICE PROVIDERS so that they are knowledgeable and may assist ~~participants~~ PERSONS WHO RECEIVE ASSISTANCE THROUGH THE COLORADO WORKS PROGRAM 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, DOMESTIC VIOLENCE SERVICES, life skills training, and money management ~~or~~ AND 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;

(f) UNDERSTANDING AND PROPERLY UTILIZING DATA REPORTING SYSTEMS TO REPORT PARTICIPATION DATA AND OUTCOMES REQUIRED BY THE STATE DEPARTMENT; AND

(g) PROVIDING OPPORTUNITIES FOR PERSONS WORKING WITH COLORADO WORKS PARTICIPANTS TO ACCESS PROFESSIONAL-LEVEL CURRICULUM TO BECOME PROFICIENT IN ASSESSING PARTICIPANT NEEDS AND DEVELOPING INDIVIDUAL PLANS

TO ADDRESS THOSE NEEDS.

(8) Domestic violence services training - rules. ~~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.~~ (a) TO FACILITATE THE PROPER IDENTIFICATION, SCREENING, AND ASSESSMENT OF PAST AND PRESENT VICTIMS OF DOMESTIC VIOLENCE WHO APPLY FOR OR PARTICIPATE IN THE COLORADO WORKS PROGRAM AND TO ASSIST COUNTIES IN COMPLYING WITH THE PROVISIONS OF THIS SUBSECTION (8) AND SECTION 26-2-708 (5), THE STATE BOARD SHALL PROMULGATE RULES THAT REQUIRE THE STATE DEPARTMENT TO PROVIDE ONGOING DOMESTIC VIOLENCE TRAINING AND APPROPRIATE DOMESTIC VIOLENCE TRAINING MATERIALS TO COUNTY STAFF AND TO:

(I) ASSIST COUNTIES IN DEVELOPING LOCAL RESOURCES AND USING AVAILABLE COMMUNITY RESOURCES TO PROVIDE COUNSELING AND SUPPORTIVE SERVICES TO PAST AND PRESENT VICTIMS OF DOMESTIC VIOLENCE; AND

(II) REQUIRE COUNTIES TO MAKE APPLICANTS TO AND PARTICIPANTS IN THE COLORADO WORKS PROGRAM AWARE OF THE SERVICES AND ASSISTANCE PROVIDED BY THE STATE DEPARTMENT PURSUANT TO THIS SUBSECTION (8) AND BY THE COUNTY.

(b) THE STATE DEPARTMENT MAY CONTRACT WITH AN INDIVIDUAL OR ENTITY THAT HAS DEMONSTRATED EXPERTISE IN THE AREA OF DOMESTIC VIOLENCE ASSISTANCE FOR THE PROVISION OF THE SERVICES SPECIFIED IN THIS SUBSECTION (8).

(9) Waiver process. (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 CASH 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.

(10) Job market analysis. THE STATE DEPARTMENT, THE DEPARTMENT OF LABOR AND EMPLOYMENT, AND THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION CREATED IN SECTION 23-60-104 (1) (b), C.R.S., SHALL ANNUALLY ANALYZE JOB MARKET INFORMATION IN ORDER TO ESTABLISH A COMPILATION OF THE TYPES OF JOBS MOST APPROPRIATE AND LIKELY TO LEAD TO LONG-TERM SELF-SUFFICIENCY FOR PARTICIPANTS. AS USED IN THIS SUBSECTION (10), "JOB MARKET INFORMATION" MEANS ANY STATE OR REGIONAL JOB MARKET OR LABOR DATA OR STATISTICS OR ANY INFORMATION RELATED TO STATE OR REGIONAL LABOR TRENDS THAT THE DEPARTMENT OF LABOR AND EMPLOYMENT MAY HAVE OR TO WHICH IT MAY HAVE ACCESS.

(11) Tuition voucher system. (a) THE STATE DEPARTMENT SHALL

COLLABORATE WITH THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION, CREATED IN SECTION 23-60-104 (1) (b), C.R.S., TO DEVELOP A TUITION VOUCHER SYSTEM PURSUANT TO WHICH A PARTICIPANT MAY ATTEND COURSES AT AN INSTITUTION IN THE STATE'S SYSTEM OF COMMUNITY AND TECHNICAL COLLEGES BY USING A TUITION VOUCHER.

(b) THE STATE DEPARTMENT AND THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION, CREATED IN SECTION 23-60-104 (1) (b), C.R.S., SHALL ENTER INTO A COOPERATIVE ARRANGEMENT TO MAKE AVAILABLE APPROPRIATE EDUCATIONAL AND ACADEMIC TRAINING PROGRAMS FOR PARTICIPANTS WHO RECEIVE TUITION VOUCHERS.

SECTION 15. 26-2-714 (1), (2), (2.5), and (5) (a), Colorado Revised Statutes, are amended to read:

26-2-714. County block grants formula - use of moneys - rules - repeal.

(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~~ 2009-10 and in each fiscal year thereafter, the state department, with input from the works allocation committee, ~~created pursuant to the provisions of subsection (6) of this section, may adjust the~~ SHALL SET THE AMOUNT OF 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: GRANTS BASED ON DEMOGRAPHIC AND ECONOMIC FACTORS WITHIN THE COUNTIES.

(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;~~

(d.5) ~~The fact that the county received funds from the short-term works emergency fund in the previous fiscal year for works program expenditures, which may indicate that the previous fiscal year's allocation was insufficient to meet the county's needs;~~

(e) ~~Other factors determined by the state department that directly affect the population of needy families in a county.~~

(2.5) In the event that the state department and the works allocation committee

do not reach an agreement ~~on adjustments to~~ IN SETTING THE AMOUNTS OF the county block grants pursuant to the provisions of subsection (2) of this section on or before June 15 of each state fiscal year, the works allocation committee shall submit alternatives to the joint budget committee of the general assembly from which ~~such~~ THE joint budget committee shall identify each individual county's block grant for the state fiscal year commencing on the immediately succeeding July 1.

(5) (a) (I) (A) A county shall be authorized to maintain a reserve account of county block grant ~~funds~~ MONEYS pursuant to rules promulgated by the state department. ~~At the end of each state fiscal year, a county may retain the balance of the county block grant remaining in the county's reserve account.~~

(B) UPON THE CONCLUSION OF STATE FISCAL YEAR 2008-09, A COUNTY SHALL REMIT TO THE COLORADO LONG-TERM WORKS RESERVE CREATED IN SECTION 26-2-721 ANY UNSPENT TANF RESERVES IN EXCESS OF SEVENTY PERCENT OF THE COUNTY'S COUNTY BLOCK GRANT FOR THE STATE FISCAL YEAR 2008-09.

(C) UPON THE CONCLUSION OF STATE FISCAL YEAR 2009-10, A COUNTY SHALL REMIT TO THE COLORADO LONG-TERM WORKS RESERVE CREATED IN SECTION 26-2-721 ANY UNSPENT TANF RESERVES IN EXCESS OF FIFTY-FIVE PERCENT OF THE COUNTY'S COUNTY BLOCK GRANT FOR THE STATE FISCAL YEAR 2009-10.

(D) UPON THE CONCLUSION OF STATE FISCAL YEAR 2010-11, A COUNTY SHALL REMIT TO THE COLORADO LONG-TERM WORKS RESERVE CREATED IN SECTION 26-2-721 ANY UNSPENT TANF RESERVES IN EXCESS OF FORTY PERCENT OF THE COUNTY'S COUNTY BLOCK GRANT FOR THE STATE FISCAL YEAR 2010-11.

(E) UPON THE CONCLUSION OF STATE FISCAL YEAR 2011-12, AND UPON THE CONCLUSION OF EACH STATE FISCAL YEAR THEREAFTER, A COUNTY SHALL REMIT TO THE COLORADO LONG-TERM WORKS RESERVE CREATED IN SECTION 26-2-721 ANY UNSPENT TANF RESERVES IN EXCESS OF THIRTY PERCENT OF THE COUNTY'S COUNTY BLOCK GRANT FOR THE CONCLUDING STATE FISCAL YEAR. THIS SUB-SUBPARAGRAPH (E) IS REPEALED, EFFECTIVE JULY 1, 2012.

(II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) TO THE CONTRARY, IN STATE FISCAL YEAR 2008-09, AND IN EACH STATE FISCAL YEAR THEREAFTER, A COUNTY WITH AN ANNUAL COUNTY BLOCK GRANT AMOUNT OF TWO HUNDRED THOUSAND DOLLARS OR LESS SHALL REMIT TO THE COLORADO LONG-TERM WORKS RESERVE ANY UNSPENT TANF RESERVES IN EXCESS OF ONE HUNDRED THOUSAND DOLLARS.

(III) AS USED IN THIS SUBSECTION (5), "UNSPENT TANF RESERVES" MEANS THE AMOUNT DEPOSITED IN A COUNTY RESERVE ACCOUNT PLUS ANY UNSPENT TANF TRANSFERS AUTHORIZED PURSUANT TO SUBSECTIONS (7) AND (9) OF THIS SECTION.

(IV) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE AMOUNT OF UNSPENT TANF RESERVES THAT A COUNTY MAY MAINTAIN SHALL CONTINUE TO BE RESTRICTED IN STATUTE FOR STATE FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2012. THEREFORE, PRIOR TO THE REGULAR LEGISLATIVE SESSION OF 2012, THE STATE DEPARTMENT, IN COLLABORATION WITH THE COUNTY DEPARTMENTS AND PERSONS WHO REPRESENT COLORADO WORKS PROGRAM PARTICIPANT ADVOCATES,

SHALL REVIEW THE COUNTY RESERVE LEVELS EXISTING AS OF STATE FISCAL YEAR 2011-12 AND MAKE LEGISLATIVE RECOMMENDATIONS REGARDING THE APPROPRIATE LEVELS OF COUNTY RESERVES FOR STATE FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2012, TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

SECTION 16. 26-2-714.7 (1) (b) and (1) (f), Colorado Revised Statutes, are amended to read:

26-2-714.7. Work participation rates - increases - county strategies - report - repeal. (1) Each county or group of counties and the state department shall adopt strategies to engage participants in meeting the work participation rate requirements specified in section 26-2-714.5. The strategies adopted by the counties and the state department may include, but need not be limited to:

(b) Developing ~~an intake diversion~~ A SHORT-TERM ASSISTANCE program for applicants to provide family economic stabilization support and employment-related services for not more than four consecutive months. The supports and services shall include the provision of enhanced assessment and case managed job placement services and other supports as indicated by the assessment.

(f) Providing, to the family of a participant who is working a sufficient number of hours to meet the applicable work participation rate requirement, post-employment assistance and services through ~~diversion~~ SHORT-TERM ASSISTANCE programs to support the family during its transition from welfare to work and to increase job retention and earnings gains; and

SECTION 17. The introductory portion to 26-2-715 (1) (a) and 26-2-715 (1) (a) (II), Colorado Revised Statutes, are amended to read:

26-2-715. Performance contracts. (1) (a) EACH COUNTY, EITHER ACTING SINGLY OR WITH A GROUP OF COUNTIES, SHALL ENTER INTO ~~an annual performance contract shall be entered into between a county or group of counties and~~ WITH 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:

(II) Provisions that prohibit the county or group of counties from reducing the basic CASH 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;

SECTION 18. 26-2-716 (1) (c), (2) (f), (4) (b), (5) (a), and (8), Colorado Revised Statutes, are amended, and the said 26-2-716 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

26-2-716. County duties - appropriations - penalties - hardship extensions

- domestic violence extensions - incentives - rules. (1) (c) Whenever ~~any~~ A 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~~ COUNTY BLOCK GRANT SUPPORT fund administered by the state department pursuant to ~~section 26-2-720~~ SECTION 26-2-720.5.

(2) In connection with administering a county block grant, a county department shall:

(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, except as to participants receiving a ~~diversion grant as that term is defined in section 26-2-703~~ (10) SHORT-TERM ASSISTANCE PURSUANT TO SECTION 26-2-706.6;

(4) (b) ~~Any~~ A 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~~ MONEYS. The state board shall promulgate rules for county sanctions that include financial sanctions and may include other sanctions. Any ~~funds~~ MONEYS resulting from ~~such~~ THE IMPOSITION OF A financial sanction shall be transmitted to the COLORADO long-term works reserve ~~fund~~ created in section 26-2-721, but only if the state has not incurred a federal sanction for the same act that gave rise to the county sanction.

(5) (a) County departments are authorized to administer hardship and domestic violence extensions for needy families that have exceeded the sixty-month lifetime limit for receipt of assistance set forth in the federal law. ~~Approval or denial of~~ THE COUNTY DEPARTMENTS SHALL APPROVE OR DENY hardship extensions or domestic violence extensions ~~shall be determined by the county departments~~ pursuant to fair and objective criteria established by the state board. THE STATE BOARD, BY RULE, SHALL ESTABLISH hardship criteria, ~~shall be established by state board rules and applied~~ AND EACH COUNTY SHALL APPLY THE HARDSHIP CRITERIA to all participants seeking extensions. A COUNTY, IN ITS WRITTEN COUNTY POLICIES, MAY DEFINE additional reasons for granting hardship extensions. ~~may be defined by the county departments and included in their written county plan.~~ A COUNTY MAY NOT GRANT hardship or domestic violence extensions ~~may not be granted~~ for a duration longer than six months.

(8) ~~A county may administer a Colorado works controlled substance abuse control program pursuant to section 26-2-708.5.~~

(10) A COUNTY DEPARTMENT SHALL ASSIST PARTICIPANTS IN APPLYING FOR AND RECEIVING THE EARNED INCOME TAX CREDIT UNDER APPLICABLE RULES OF THE FEDERAL INTERNAL REVENUE SERVICE.

SECTION 19. 26-2-717, Colorado Revised Statutes, is amended to read:

26-2-717. Reporting requirements. (1) The state department shall submit, ~~the following general~~ IN A TIMELY AND ACCURATE MANNER, 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): FEDERAL LAW.

- ~~(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 articles 4, 5, and 6 of title 25.5, C.R.S., 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.~~

SECTION 20. 26-2-719, Colorado Revised Statutes, is amended to read:

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.~~

SECTION 21. 26-2-720 (1), Colorado Revised Statutes, is amended to read:

26-2-720. Short-term works emergency fund - repeal. (1) (a) The state department shall create a short-term works emergency fund that shall consist of moneys annually appropriated to such fund by the general assembly.

(b) THE SHORT-TERM WORKS EMERGENCY FUND IS REPEALED, EFFECTIVE JULY 1, 2008. ANY MONEYS REMAINING IN THE FUND AS OF JUNE 30, 2008, SHALL BE TRANSFERRED TO THE COUNTY BLOCK GRANT SUPPORT FUND CREATED PURSUANT TO SECTION 26-2-720.5.

(c) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2008.

SECTION 22. Part 7 of article 2 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-2-720.5. County block grant support fund - created. (1) (a) THE STATE DEPARTMENT SHALL CREATE A COUNTY BLOCK GRANT SUPPORT FUND THAT SHALL

CONSIST OF MONEYS ANNUALLY APPROPRIATED THERETO BY THE GENERAL ASSEMBLY. ANY UNEXPENDED MONEYS REMAINING IN THE COUNTY BLOCK GRANT SUPPORT FUND AT THE END OF A FISCAL YEAR SHALL BE REMITTED TO THE COLORADO LONG-TERM WORKS RESERVE.

(2) THE STATE DEPARTMENT, WITH INPUT FROM THE WORKS ALLOCATION COMMITTEE, SHALL ALLOCATE MONEYS IN THE COUNTY BLOCK GRANT SUPPORT FUND TO COUNTIES ACCORDING TO CRITERIA AND PROCEDURES ESTABLISHED BY THE STATE DEPARTMENT AND THE WORKS ALLOCATION COMMITTEE.

(3) A COUNTY THAT MEETS THE CRITERIA ESTABLISHED BY THE STATE DEPARTMENT AND THE WORKS ALLOCATION COMMITTEE PURSUANT TO SUBSECTION (2) OF THIS SECTION MAY REQUEST MONEYS FROM THE COUNTY BLOCK GRANT SUPPORT FUND. PRIORITY SHALL BE GIVEN TO ANY COUNTY THAT EXHAUSTS ALL MONEYS AVAILABLE IN THE COUNTY'S BLOCK GRANT FOR THE COLORADO WORKS PROGRAM FOR THAT FISCAL YEAR.

(4) THE STATE DEPARTMENT, WITH INPUT FROM THE WORKS ALLOCATION COMMITTEE, MAY ALLOCATE MONEYS TO COUNTIES OUT OF THE COUNTY BLOCK GRANT SUPPORT FUND DURING THE STATE FISCAL YEAR OR AT THE END OF A STATE FISCAL YEAR.

(5) THE STATE DEPARTMENT SHALL ANNUALLY REPORT TO THE JOINT BUDGET COMMITTEE ON ANY ALLOCATIONS MADE FROM THE COUNTY BLOCK GRANT SUPPORT FUND, INCLUDING THE AMOUNT REQUESTED BY EACH COUNTY AND THE COUNTY'S REASON FOR REQUESTING THE MONEYS, AND THE AMOUNT ALLOCATED TO EACH COUNTY AND THE REASONS FOR THE STATE DEPARTMENT'S DECISION REGARDING EACH REQUEST.

SECTION 23. 26-2-721, Colorado Revised Statutes, is amended to read:

26-2-721. Colorado long-term works reserve - creation - use. (1) (a) There is hereby created the Colorado long-term works reserve, ~~fund~~, REFERRED TO IN THIS SECTION AS THE "RESERVE", that shall consist of UNAPPROPRIATED TANF block grant moneys, state general ~~funds~~ FUND MONEYS appropriated thereto by the general assembly, ~~or~~ AND moneys transferred THERETO pursuant to ~~section 26-2-716 (4) (b) or 26-2-720 (4)~~ SECTIONS 26-2-714 (5) (a), 26-2-716 (4) (b), 26-2-720.5 (1), 26-2-721.3 (1), AND 26-2-721.7 (1).

(2) THE GENERAL ASSEMBLY, UPON REQUEST OF THE STATE DEPARTMENT, MAY APPROPRIATE THE moneys in the reserve ~~fund shall be used only~~ for the ~~purpose~~ PURPOSES of:

(a) Implementing the works program, including but not limited to: ~~the provisions set forth in section 26-2-708 (5.5) if sufficient funds are available, or for the purpose of making~~

(I) FUNDING THE COLORADO WORKS PROGRAM MAINTENANCE FUND CREATED IN SECTION 26-2-721.3; AND

(II) FUNDING THE COLORADO WORKS STATEWIDE STRATEGIC USE FUND CREATED

IN SECTION 26-2-721.7; AND

(b) Transfers that are allowed under the federal law for transfers to programs funded by Title XX of the social security act or for transfers to the child care development fund. ~~and shall be subject to annual appropriation by the general assembly; except that moneys in the long-term works reserve fund that have been transferred from county reserve accounts prior to July 1, 2004, pursuant to section 26-2-714 (5) (a) shall be used only for the purpose of implementing the works program at the county level.~~

(3) Prior to requesting any appropriations ~~out of~~ FROM the reserve fund for the purpose of making transfers, the state department shall consult with counties and provide information to the joint budget committee for the purposes of ~~insuring~~ ENSURING that all transfers of TANF funds do not exceed the federal limits for transfers and ~~insuring~~ ENSURING that the needs of counties to make transfers authorized pursuant to section 26-2-714 (7) and (9) are considered. ~~Federal funds available to the state under the TANF block grant not otherwise appropriated shall be appropriated to the Colorado long-term works reserve fund. All interest derived from the deposit or investment of the moneys in the reserve fund shall be credited to the reserve fund.~~

SECTION 24. Part 7 of article 2 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

26-2-721.3. Colorado works program maintenance fund - creation - use - report. (1) THERE IS HEREBY CREATED THE COLORADO WORKS PROGRAM MAINTENANCE FUND, REFERRED TO IN THIS SECTION AS THE "MAINTENANCE FUND". THE MAINTENANCE FUND SHALL CONSIST OF MONEYS APPROPRIATED THERETO BY THE GENERAL ASSEMBLY FROM THE COLORADO LONG-TERM WORKS RESERVE. THE MONEYS IN THE MAINTENANCE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE EXECUTIVE DIRECTOR FOR USE IN RESPONDING TO EMERGENCY OR OTHERWISE UNFORESEEN PURPOSES THAT ARE AUTHORIZED BY THIS PART 7 OR BY FEDERAL LAW AND THAT ARE NECESSARY FOR THE EFFICIENT AND EFFECTIVE IMPLEMENTATION OF THE COLORADO WORKS PROGRAM AT THE STATE AND COUNTY LEVELS. ANY UNEXPENDED MONEYS REMAINING IN THE MAINTENANCE FUND AT THE END OF A FISCAL YEAR SHALL REVERT TO THE COLORADO LONG-TERM WORKS RESERVE.

(2) ON OR BEFORE FEBRUARY 15, 2009, AND ON OR BEFORE FEBRUARY 15 EACH YEAR THEREAFTER, THE EXECUTIVE DIRECTOR SHALL REPORT TO THE JOINT BUDGET COMMITTEE AND THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, CONCERNING THE USE OF MONEYS APPROPRIATED TO THE MAINTENANCE FUND IN THE PRECEDING FISCAL YEAR.

26-2-721.5. Strategic allocation committee - created - duties - repeal. (1) THERE IS HEREBY CREATED IN THE STATE DEPARTMENT THE STRATEGIC ALLOCATION COMMITTEE, REFERRED TO IN THIS SECTION AS THE "COMMITTEE", THAT SHALL CONSIST OF THIRTEEN MEMBERS, AS FOLLOWS:

(a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT,

OR HIS OR HER DESIGNEE;

(b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, OR HIS OR HER DESIGNEE; AND

(c) ELEVEN MEMBERS APPOINTED, PURSUANT TO SUBSECTION (2) OF THIS SECTION, BY THE STATE BOARD AS FOLLOWS:

(I) FOUR MEMBERS WHO REPRESENT COUNTIES, AT LEAST TWO OF WHOM ARE MEMBERS OF THE WORKS ALLOCATION COMMITTEE;

(II) FOUR MEMBERS WHO REPRESENT COLORADO WORKS PROGRAM PARTICIPANT ADVOCATES, PARTICIPANTS OR FORMER PARTICIPANTS, AND NONPROFIT SERVICE PROVIDERS; AND

(III) THREE MEMBERS WHO REPRESENT INTERESTS IN EARLY CHILDHOOD DEVELOPMENT, CHILD WELFARE, COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION, WORKFORCE DEVELOPMENT, OR MENTAL HEALTH.

(2) IN MAKING APPOINTMENTS TO THE COMMITTEE, THE STATE BOARD SHALL SOLICIT APPLICATIONS FROM COUNTY DEPARTMENTS, ADVOCACY AGENCIES, AND OTHER INTERESTED PERSONS THROUGHOUT THE STATE. THE STATE DEPARTMENT SHALL ASSIST THE STATE BOARD IN REVIEWING THE APPLICATIONS RECEIVED AND IN SELECTING APPOINTEES. THE STATE BOARD MAY ALSO SEEK APPOINTMENT RECOMMENDATIONS FROM A STATEWIDE ASSOCIATION THAT REPRESENTS COUNTIES IN COLORADO AND FROM COLORADO WORKS PROGRAM PARTICIPANT ADVOCATES. THE STATE BOARD SHALL, TO THE EXTENT PRACTICABLE, ENSURE THAT THE PERSONS APPOINTED TO THE COMMITTEE ARE SELECTED FROM AREAS THROUGHOUT THE STATE AND ARE REPRESENTATIVE OF THE RACIAL, ETHNIC, AND GENDER DIVERSITY WITHIN THE STATE. THE STATE BOARD MAY PROMULGATE RULES AS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

(3) (a) THE APPOINTED MEMBERS OF THE COMMITTEE SHALL SERVE FOUR-YEAR TERMS; EXCEPT THAT, OF THE MEMBERS INITIALLY APPOINTED, FIVE SHALL SERVE TWO-YEAR TERMS. THE STATE BOARD MAY APPOINT THE SAME PERSON TO SERVE MULTIPLE CONSECUTIVE TERMS.

(b) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT, OR HIS OR HER DESIGNEE, SHALL SERVE AS AN EX OFFICIO AND NONVOTING MEMBER OF THE COMMITTEE AND AS THE CHAIR OF THE COMMITTEE. THE COMMITTEE SHALL MEET AS OFTEN AS NECESSARY TO COMPLETE ITS DUTIES AND SHALL ADOPT SUCH OPERATIONAL PROCEDURES AS MAY BE NECESSARY.

(c) THE MEMBERS OF THE COMMITTEE SHALL SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES; EXCEPT THAT THE COMMITTEE MEMBERS WHO ARE NOT PUBLIC EMPLOYEES MAY RECEIVE REIMBURSEMENT FOR REASONABLE AND NECESSARY EXPENSES INCURRED IN SERVING AS MEMBERS OF THE COMMITTEE.

(d) THE APPOINTED MEMBERS OF THE COMMITTEE MAY BE REMOVED FOR CAUSE. IF A VACANCY ARISES AMONG THE APPOINTED MEMBERS OF THE COMMITTEE, THE

STATE BOARD SHALL FILL THE VACANCY BY APPOINTMENT FOR THE REMAINDER OF THE TERM.

(4) THE COMMITTEE SHALL ADVISE THE EXECUTIVE DIRECTOR REGARDING CRITERIA AND PROCEDURES FOR MAKING ALLOCATIONS FROM THE COLORADO WORKS STATEWIDE STRATEGIC USE FUND CREATED IN SECTION 26-2-721.7 (1). IN ADDITION, THE COMMITTEE SHALL MAKE RECOMMENDATIONS AS PROVIDED IN SECTION 26-2-721.7 (2) AND (3) REGARDING ALLOCATIONS FROM THE COLORADO WORKS STATEWIDE STRATEGIC USE FUND.

(5) (a) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2018.

(b) PRIOR TO THE REPEAL OF THIS SECTION, THE STRATEGIC ALLOCATION COMMITTEE SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203, C.R.S.

26-2-721.7. Colorado works statewide strategic use fund - created - allocations - rules - report. (1) (a) THERE IS HEREBY CREATED THE COLORADO WORKS STATEWIDE STRATEGIC USE FUND, REFERRED TO IN THIS SECTION AS THE "STATEWIDE STRATEGIC USE FUND", WHICH SHALL CONSIST OF THE MONEYS ANNUALLY APPROPRIATED THERETO BY THE GENERAL ASSEMBLY FROM THE COLORADO LONG-TERM WORKS RESERVE. THE MONEYS IN THE STATEWIDE STRATEGIC USE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE STATE DEPARTMENT FOR THE PURPOSES SPECIFIED IN THIS SECTION. ANY UNEXPENDED MONEYS REMAINING IN THE STATEWIDE STRATEGIC USE FUND AT THE END OF A FISCAL YEAR SHALL REVERT TO THE COLORADO LONG-TERM WORKS RESERVE.

(b) THE STATE DEPARTMENT MAY ANNUALLY USE UP TO TEN THOUSAND DOLLARS OF THE MONEYS ANNUALLY APPROPRIATED FROM THE STATEWIDE STRATEGIC USE FUND TO OFFSET THE COSTS INCURRED BY THE STRATEGIC ALLOCATION COMMITTEE.

(2) (a) BASED ON THE APPROVED RECOMMENDATIONS OF THE STRATEGIC ALLOCATION COMMITTEE, THE STATE DEPARTMENT SHALL ALLOCATE THE MONEYS APPROPRIATED TO THE STATEWIDE STRATEGIC USE FUND TO SUPPORT INITIATIVES AND PROGRAMS THAT:

(I) MEET AT LEAST ONE OF THE PURPOSES OF THE COLORADO WORKS PROGRAM, AS SPECIFIED IN SECTION 26-2-705; AND

(II) EITHER HAVE DEMONSTRATED EFFECTIVENESS IN ACHIEVING, OR REPRESENT AN EVIDENCE-BASED, INNOVATIVE APPROACH THAT IS LIKELY TO ACHIEVE, ONE OR MORE OF THE FOLLOWING GOALS:

(A) ENHANCING THE LONG-TERM SELF-SUFFICIENCY OF ELIGIBLE, LOW-INCOME COLORADO FAMILIES;

(B) REDUCING THE NUMBER OF CHILDREN AND FAMILIES LIVING IN POVERTY;

(C) STRENGTHENING FAMILIES WHO ARE LIVING IN POVERTY; OR

(D) INCREASING THE PARTICIPATION OF COLORADO WORKS PARTICIPANTS IN

MEANINGFUL WORK ACTIVITIES.

(b) INITIATIVES AND PROGRAMS THAT RECEIVE ALLOCATIONS FROM THE STATEWIDE STRATEGIC USE FUND MAY INCLUDE, BUT NEED NOT BE LIMITED TO, THOSE THAT SUPPORT REGIONAL PUBLIC-PRIVATE PARTNERSHIPS TO ACCOMPLISH THE PURPOSES SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2).

(3) (a) THE STRATEGIC ALLOCATION COMMITTEE MAY CONSIDER APPLICATIONS FROM, AND RECOMMEND ALLOCATIONS FROM THE STATEWIDE STRATEGIC USE FUND TO, ANY ONE OR MORE OF THE FOLLOWING ENTITIES, REFERRED TO IN THIS SECTION AS "AN ELIGIBLE ENTITY":

(I) A COUNTY DEPARTMENT;

(II) A NONPROFIT OR NOT-FOR-PROFIT ENTITY;

(III) A STATE AGENCY;

(IV) ANY OTHER APPROPRIATE ENTITY SPECIFIED BY RULE OF THE STATE BOARD.

(b) AN ELIGIBLE ENTITY, SINGLY OR JOINTLY WITH ONE OR MORE OTHER ELIGIBLE ENTITIES, THAT SEEKS AN ALLOCATION FROM THE STATEWIDE STRATEGIC USE FUND SHALL SUBMIT AN APPLICATION TO THE STRATEGIC ALLOCATION COMMITTEE, AS PROVIDED BY RULE OF THE STATE BOARD. IN REVIEWING APPLICATIONS, THE STRATEGIC ALLOCATION COMMITTEE SHALL TAKE INTO ACCOUNT THE DEGREE OF COLLABORATION AND COOPERATION BETWEEN THE APPLYING ELIGIBLE ENTITY AND THE COUNTY DEPARTMENT FOR THE COUNTY IN WHICH THE INITIATIVE OR PROGRAM WOULD BE IMPLEMENTED, AS DEMONSTRATED IN MATERIALS SUBMITTED WITH THE APPLICATION.

(c) THE STRATEGIC ALLOCATION COMMITTEE SHALL REVIEW ALL APPLICATIONS RECEIVED AND SHALL MAKE RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR FOR ALLOCATIONS FROM THE STATEWIDE STRATEGIC USE FUND. EACH RECOMMENDATION BY THE STRATEGIC ALLOCATION COMMITTEE SHALL REQUIRE THE APPROVAL OF AT LEAST NINE OF THE COMMITTEE MEMBERS.

(d) THE EXECUTIVE DIRECTOR SHALL APPROVE THE RECOMMENDATIONS OF THE STRATEGIC ALLOCATION COMMITTEE FOR ALLOCATION BY THE STATE DEPARTMENT OF THE MONEYS IN THE STATEWIDE STRATEGIC USE FUND. IF THE EXECUTIVE DIRECTOR DOES NOT APPROVE A RECOMMENDATION OF THE STRATEGIC ALLOCATION COMMITTEE, THE COMMITTEE MAY SUBMIT THE RECOMMENDATION TO THE STATE BOARD FOR APPROVAL. IF THE STATE BOARD APPROVES THE RECOMMENDATION, THE STATE DEPARTMENT SHALL ALLOCATE THE MONEYS AS RECOMMENDED BY THE STRATEGIC ALLOCATION COMMITTEE.

(4) IF AN ALLOCATION TO A NONPROFIT OR NOT-FOR-PROFIT ENTITY IS APPROVED PURSUANT TO THIS SECTION, THE STATE DEPARTMENT IN ALLOCATING THE MONEYS SHALL COMPLY WITH ANY APPLICABLE REQUIREMENTS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S.

(5) EACH ELIGIBLE ENTITY OR GROUP OF ELIGIBLE ENTITIES THAT RECEIVES AN

ALLOCATION FROM THE STATEWIDE STRATEGIC USE FUND PURSUANT TO THIS SECTION SHALL COMPLY WITH ALL REPORTING AND MONITORING REQUIREMENTS ESTABLISHED BY RULE OF THE STATE BOARD FOR PURPOSES OF OVERSEEING THE EFFECTIVENESS OF THE PROGRAMS AND INITIATIVES IMPLEMENTED WITH ALLOCATIONS FROM THE FUND. THE STATE DEPARTMENT, IN ACCORDANCE WITH STATE BOARD RULES, SHALL REVIEW THE IMPLEMENTATION OF THE PROGRAMS AND INITIATIVES THAT RECEIVE ALLOCATIONS FROM THE STATEWIDE STRATEGIC USE FUND.

(6) THE STATE BOARD SHALL PROMULGATE RULES PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., AS SPECIFIED IN THIS SECTION AND AS MAY OTHERWISE BE NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

(7) ON OR BEFORE FEBRUARY 15, 2009, AND ON OR BEFORE FEBRUARY 15 EACH YEAR THEREAFTER, THE EXECUTIVE DIRECTOR SHALL SUBMIT TO THE JOINT BUDGET COMMITTEE AND TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, A REPORT CONCERNING THE PROGRAMS AND INITIATIVES THAT RECEIVED ALLOCATIONS FROM THE STATEWIDE STRATEGIC USE FUND IN THE PRECEDING FISCAL YEAR.

SECTION 25. 23-60-304 (4) (b) (I), Colorado Revised Statutes, is amended to read:

23-60-304. Plans - development and implementation. (4) (b) The board shall enter into a cooperative arrangement with the state department of human services to develop:

(I) Appropriate educational and academic training programs for participants in the Colorado works program, created in part 7 of article 2 of title 26, C.R.S., based upon the job market analysis prepared in accordance with ~~section 26-2-709 (2) (c)~~ SECTION 26-2-712 (10), C.R.S.; and

SECTION 26. 26-2-804 (2) (d), Colorado Revised Statutes, is amended to read:

26-2-804. Funding - allocation - maintenance of effort. (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:

(d) The fact that the county received funds from the ~~short-term works emergency~~ COUNTY BLOCK GRANT SUPPORT fund, CREATED IN SECTION 26-2-720.5, in the previous fiscal year for allowable child care expenditures, which may indicate that the previous fiscal year's allocation was insufficient to meet the county's needs.

SECTION 27. 40-8.7-109 (1) (e), Colorado Revised Statutes, is amended to read:

40-8.7-109. Low-income energy assistance program. (1) The organization shall provide energy assistance to individuals and organizations in Colorado. Such

assistance shall give priority to households where one or more persons are recipients of:

(e) Colorado works PROGRAM assistance as set forth in ~~sections 26-2-706 and 26-2-707~~ SECTION 26-2-706.6, C.R.S.

SECTION 28. 2-3-1203 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(ee) JULY 1, 2018: THE STRATEGIC ALLOCATION COMMITTEE CREATED PURSUANT TO SECTION 26-2-721.5, C.R.S.

SECTION 29. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated to the department of human services, for the fiscal year beginning July 1, 2008, the sum of three million dollars (\$3,000,000), or so much thereof as may be necessary, for the Colorado works program maintenance fund created in section 26-2-721.3, Colorado Revised Statutes. Said sum shall be from federal Temporary Assistance for Needy Families block grant funds in the Colorado long-term works reserve created in section 26-2-721, Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated to the department of human services, for the fiscal year beginning July 1, 2008, the sum of ten million dollars (\$10,000,000), or so much thereof as may be necessary, for the Colorado works statewide strategic use fund created in section 26-2-721.7, Colorado Revised Statutes. Said sum shall be from federal Temporary Assistance for Needy Families block grant funds in the Colorado long-term works reserve created in section 26-2-721, Colorado Revised Statutes.

(3) In addition to any other appropriation, there is hereby appropriated, to the department of human services, for allocation to the office of self sufficiency, for Colorado Works program, for administration, for the fiscal year beginning July 1, 2008, the sum of sixty-five thousand seventy-one dollars (\$65,071) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from federal Temporary Assistance for Needy Families block grant funds.

(4) In addition to any other appropriation, there is hereby appropriated, to the department of human services, for allocation to the office of self sufficiency, for Colorado Works program, for county training, for the fiscal year beginning July 1, 2008, the sum of one hundred forty thousand dollars (\$140,000), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from federal Temporary Assistance for Needy Families block grant funds.

(5) In addition to any other appropriation, there is hereby appropriated, to the department of human services, for allocation to the office of self sufficiency, for Colorado Works program, for federal TANF reauthorization CBMS changes, for the fiscal year beginning July 1, 2008, the sum of one hundred sixty-eight thousand four hundred dollars (\$168,400), or so much thereof as may be necessary, for the

implementation of this act. Said sum shall be from federal Temporary Assistance for Needy Families block grant funds.

SECTION 30. Effective date. This act shall take effect January 1, 2009; except that this section and sections 21 through 24, 29, and 31 of this act and section 26-2-712 (7), Colorado Revised Statutes, as amended in section 14 of this act, shall take effect upon passage.

SECTION 31. 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 2, 2008