

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Buckner

1 Amend reengrossed bill, page 165, line 23, after "the" insert "PUBLIC
2 ASSISTANCE PROGRAM FOR CHILD CARE KNOWN AS THE".

3 Page 167, after line 4 insert:

4 "(9) "RECIPIENT" MEANS AN INDIVIDUAL OR A FAMILY WHO IS
5 RECEIVING OR HAS RECEIVED BENEFITS FROM THE COLORADO CHILD CARE
6 ASSISTANCE PROGRAM PURSUANT TO THE PROVISIONS OF THIS PART 1."

7 Page 167, line 5, strike "~~(8)~~ (9)" and substitute "~~(8)~~ (10)".

8 Page 167, line 12, strike "(10)" and substitute "~~(10)~~ (11)".

9 Page 167, after line 13 insert:

10 **"26.5-4-104. Colorado child care assistance program -**
11 **department authority - cooperation with federal government -**
12 **acceptance and administration of money.** (1) THE DEPARTMENT IS THE
13 SOLE STATE AGENCY FOR ADMINISTERING THE STATE PLAN FOR THE
14 COLORADO CHILD CARE ASSISTANCE PROGRAM. THE DEPARTMENT, UNDER
15 THE SUPERVISION OF THE EXECUTIVE DIRECTOR, SHALL ADMINISTER AND
16 SUPERVISE THE COLORADO CHILD CARE ASSISTANCE PROGRAM, WHICH
17 PROGRAM IS DECLARED TO BE A STATE AS WELL AS A COUNTY PURPOSE.

18 (2) (a) THE DEPARTMENT MAY ACCEPT ON BEHALF OF THE STATE
19 OF COLORADO THE PROVISIONS AND BENEFITS OF ACTS OF CONGRESS
20 DESIGNED TO PROVIDE MONEY OR OTHER PROPERTY FOR THE COLORADO
21 CHILD CARE ASSISTANCE PROGRAM, WHICH MONEY OR OTHER PROPERTY
22 IS DESIGNATED FOR PURPOSES WITHIN THE FUNCTION OF THE DEPARTMENT,
23 AND MAY ACCEPT ON BEHALF OF THE STATE ANY OFFERS THAT HAVE BEEN
24 OR MAY FROM TIME TO TIME BE MADE OF MONEY OR OTHER PROPERTY BY
25 ANY PERSONS, AGENCIES, OR ENTITIES FOR THE COLORADO CHILD CARE
26 ASSISTANCE PROGRAM, WHICH MONEY OR OTHER PROPERTY IS
27 DESIGNATED FOR PURPOSES WITHIN THE FUNCTION OF THE STATE
28 DEPARTMENT; EXCEPT THAT, UNLESS OTHERWISE EXPRESSLY PROVIDED BY
29 LAW, THE DEPARTMENT SHALL NOT ACCEPT SAID MONEY OR OTHER
30 PROPERTY UNLESS THE DEPARTMENT HAS RECOMMENDED ACCEPTANCE TO
31 AND RECEIVED THE WRITTEN APPROVAL OF THE GOVERNOR AND THE
32 ATTORNEY GENERAL. APPROVAL OF THE GOVERNOR AND THE ATTORNEY
33 GENERAL AUTHORIZES THE ACCEPTANCE OF THE MONEY OR PROPERTY IN
34 ACCORDANCE WITH THE RESTRICTIONS AND CONDITIONS AND FOR THE
35 PURPOSES FOR WHICH THE MONEY OR PROPERTY ARE INTENDED.

36 (b) THE STATE TREASURER IS DESIGNATED AS EX OFFICIO
37 CUSTODIAN OF ALL MONEY THAT THE DEPARTMENT RECEIVES PURSUANT

1 TO THIS SUBSECTION (2) FROM THE FEDERAL GOVERNMENT AND FROM ANY
2 OTHER SOURCE FOR WHICH THE APPROVAL REQUIRED IN SUBSECTION (2)(a)
3 OF THIS SECTION IS OBTAINED.

4 (c) THE STATE TREASURER SHALL HOLD MONEY RECEIVED
5 PURSUANT TO THIS SUBSECTION (2) SEPARATE AND DISTINCT FROM STATE
6 MONEY AND IS AUTHORIZED TO MAKE DISBURSEMENTS OF THE MONEY FOR
7 THE DESIGNATED PURPOSE OR FOR ADMINISTRATIVE COSTS, WHICH MAY
8 BE PROVIDED IN GRANTS, UPON WARRANTS ISSUED BY THE STATE
9 CONTROLLER UPON THE VOUCHER OF THE DEPARTMENT.

10 (3) THE DEPARTMENT SHALL COOPERATE WITH THE FEDERAL
11 DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER FEDERAL
12 AGENCIES IN ANY REASONABLE MANNER, IN CONFORMITY WITH THE LAWS
13 OF THIS STATE, WHICH MAY BE NECESSARY TO QUALIFY FOR FEDERAL AID,
14 INCLUDING THE PREPARATION OF STATE PLANS, THE MAKING OF REPORTS
15 IN SUCH FORM AND CONTAINING SUCH INFORMATION AS A FEDERAL
16 AGENCY MAY FROM TIME TO TIME REQUIRE, AND THE COMPLIANCE WITH
17 SUCH PROVISIONS AS THE FEDERAL GOVERNMENT MAY FROM TIME TO TIME
18 FIND NECESSARY TO ASSURE THE CORRECTNESS AND VERIFICATION OF THE
19 REPORTS.

20 (4) IN ADMINISTERING MONEY APPROPRIATED OR MADE AVAILABLE
21 TO THE DEPARTMENT FOR THE COLORADO CHILD CARE ASSISTANCE
22 PROGRAM, THE DEPARTMENT IS AUTHORIZED TO:

23 (a) REQUIRE AS A CONDITION FOR RECEIVING GRANTS-IN-AID THAT
24 EACH COUNTY IN THIS STATE BEAR THE PROPORTION OF THE TOTAL
25 EXPENSE OF FURNISHING CHILD CARE ASSISTANCE AS IS FIXED BY LAW;

26 (b) TERMINATE GRANTS-IN-AID TO A COUNTY OF THIS STATE IF THE
27 COUNTY DOES NOT COMPLY WITH THE LAWS AND RULES PROVIDING THE
28 GRANTS-IN-AID AND THE MINIMUM STANDARDS PRESCRIBED BY
29 DEPARTMENT RULES;

30 (c) UNDERTAKE IMMEDIATELY THE ADMINISTRATION OF CHILD
31 CARE ASSISTANCE WITHIN A COUNTY OF THIS STATE THAT HAS HAD ANY OR
32 ALL OF ITS GRANTS-IN-AID TERMINATED PURSUANT TO SUBSECTION (4)(b)
33 OF THIS SECTION; EXCEPT THAT THE COUNTY SHALL CONTINUE TO MEET
34 THE REQUIREMENTS OF SUBSECTION (4)(a) OF THIS SECTION;

35 (d) RECOVER ANY MONEY OWED BY A COUNTY TO THE STATE BY
36 REDUCING THE AMOUNT OF ANY PAYMENTS DUE FROM THE STATE IN
37 CONNECTION WITH CCCAP; AND

38 (e) TAKE ANY OTHER ACTION THAT MAY BE NECESSARY OR
39 DESIRABLE FOR CARRYING OUT THE PROVISIONS OF THIS PART 1.

40 **26.5-4-105. Colorado child care assistance program -**
41 **department duties.** (1) IN ADDITION TO ANY OTHER DUTIES SPECIFIED IN
42 THIS PART 1, THE DEPARTMENT, UNDER THE SUPERVISION OF THE
43 EXECUTIVE DIRECTOR, SHALL:

1 (a) ADMINISTER OR SUPERVISE THE ESTABLISHMENT, EXTENSION,
2 AND STRENGTHENING OF THE COLORADO CHILD CARE ASSISTANCE
3 PROGRAM IN COOPERATION WITH THE FEDERAL DEPARTMENT OF HEALTH
4 AND HUMAN SERVICES AND OTHER STATE OR FEDERAL AGENCIES;

5 (b) PROVIDE SERVICES TO COUNTY DEPARTMENTS, INCLUDING THE
6 ORGANIZATION AND SUPERVISION OF COUNTY DEPARTMENTS FOR THE
7 EFFECTIVE ADMINISTRATION OF CCCAP, AS SET OUT IN DEPARTMENT
8 RULES AS TO PROGRAM SCOPE AND CONTENT, INCLUDING PROVISION OF
9 CHILD CARE ASSISTANCE AND COMPILATION OF STATISTICS AND
10 NECESSARY INFORMATION RELATIVE TO CHILD CARE ASSISTANCE;

11 (c) PRESCRIBE FORMS NECESSARY FOR APPLICATIONS, REPORTS,
12 AFFIDAVITS, AND SUCH OTHER FORMS AS IT MAY DEEM NECESSARY AND
13 ADVISABLE;

14 (d) COOPERATE WITH OTHER DEPARTMENTS, AGENCIES, AND
15 INSTITUTIONS OF THE STATE AND FEDERAL GOVERNMENTS IN THE
16 PERFORMANCE OF ACTIVITIES IN CONFORMITY WITH THE PURPOSES OF THIS
17 PART 1; AND

18 (e) ACT AS THE AGENT OF THE FEDERAL GOVERNMENT IN
19 ACTIVITIES RELATED TO THE COLORADO CHILD CARE ASSISTANCE
20 PROGRAM IN MATTERS OF MUTUAL CONCERN IN CONFORMITY WITH THIS
21 PART 1 AND IN THE ADMINISTRATION OF ANY FEDERAL MONEY GRANTED
22 TO THE STATE TO AID IN THE FURTHERANCE OF CCCAP.

23 (2) THE DEPARTMENT MAY REVIEW ANY DECISION OF A COUNTY
24 DEPARTMENT AND MAY CONSIDER ANY APPLICATION FOR CHILD CARE
25 ASSISTANCE UPON WHICH A DECISION HAS NOT BEEN MADE BY THE
26 COUNTY DEPARTMENT WITHIN A REASONABLE TIME TO DETERMINE THE
27 PROPRIETY OF THE ACTION OR FAILURE TO TAKE TIMELY ACTION ON AN
28 APPLICATION FOR CHILD CARE ASSISTANCE. THE DEPARTMENT SHALL
29 MAKE SUCH ADDITIONAL INVESTIGATION AS IT DEEMS NECESSARY AND
30 SHALL, AFTER GIVING THE COUNTY DEPARTMENT AN OPPORTUNITY TO
31 REBUT ANY FINDINGS OR CONCLUSIONS OF THE DEPARTMENT THAT THE
32 ACTION OR DELAY IN TAKING ACTION WAS A VIOLATION OF OR CONTRARY
33 TO DEPARTMENT RULES, MAKE SUCH DECISION AS TO THE GRANTING OF
34 CHILD CARE ASSISTANCE AND THE AMOUNT THEREOF AS IN ITS OPINION IS
35 JUSTIFIABLE PURSUANT TO THE PROVISIONS OF THIS PART 1 AND
36 DEPARTMENT RULES. APPLICANTS OR RECIPIENTS AFFECTED BY THE
37 DECISIONS OF THE DEPARTMENT, UPON REQUEST, SHALL BE GIVEN
38 REASONABLE NOTICE AND OPPORTUNITY FOR A FAIR HEARING BY THE
39 DEPARTMENT.

40 **26.5-4-106. Applications for child care assistance - verification**
41 **- award - not assignable - limitation.** (1) (a) AN INDIVIDUAL WISHING
42 TO APPLY FOR CHILD CARE ASSISTANCE MAY DO SO, AND THE ASSISTANCE
43 SHALL BE FURNISHED WITH REASONABLE PROMPTNESS TO EACH ELIGIBLE

1 INDIVIDUAL IN ACCORDANCE WITH DEPARTMENT RULES.

2 (b) THE DEPARTMENT RULES MAY PROVIDE FOR A SIMPLIFIED
3 APPLICATION IN ORDER THAT CHILD CARE ASSISTANCE MAY BE FURNISHED
4 TO ELIGIBLE PERSONS AS SOON AS POSSIBLE AND SHALL PROVIDE
5 ADEQUATE SAFEGUARDS AND CONTROLS TO ENSURE THAT ONLY ELIGIBLE
6 PERSONS RECEIVE CHILD CARE ASSISTANCE UNDER THIS PART 1. THE
7 UNIFIED APPLICATION THAT THE DEPARTMENT DEVELOPS PURSUANT TO
8 SECTION 26.5-1-110 MUST AT SOME POINT INCLUDE APPLICATION FOR
9 CHILD CARE ASSISTANCE THROUGH CCCAP.

10 (c) A PERSON SEEKING CHILD CARE ASSISTANCE MUST SUBMIT AN
11 APPLICATION IN ACCORDANCE WITH DEPARTMENT RULE, AND THE
12 DEPARTMENT SHALL ENSURE THAT THE APPLICATION IS ROUTED TO THE
13 APPLICANT'S COUNTY OF RESIDENCE. AN APPLICATION FOR CHILD CARE
14 ASSISTANCE MUST:

15 (I) BE IN WRITING OR REDUCED TO WRITING IN THE MANNER AND
16 UPON THE FORM PRESCRIBED BY THE DEPARTMENT;

17 (II) INCLUDE THE NAME, AGE, AND RESIDENCE OF THE APPLICANT
18 AND A STATEMENT OF THE AMOUNT OF PROPERTY, BOTH REAL AND
19 PERSONAL, IN WHICH THE APPLICANT HAS AN INTEREST AND OF ALL
20 INCOME THE APPLICANT MAY HAVE AT THE TIME OF THE FILING OF THE
21 APPLICATION, AND SUCH OTHER INFORMATION AS MAY BE REQUIRED BY
22 DEPARTMENT RULE; AND

23 (III) BE VERIFIED BY THE SIGNATURE OF THE APPLICANT.

24 (2) (a) WHEN A COUNTY DEPARTMENT RECEIVES AN APPLICATION
25 FOR CHILD CARE ASSISTANCE, IT SHALL PROMPTLY MAKE A RECORD
26 CONCERNING THE CIRCUMSTANCES OF THE APPLICANT TO VERIFY THE
27 FACTS SUPPORTING THE APPLICATION AND SHALL EXAMINE ALL PERTINENT
28 RECORDS AND SHALL MAKE A DILIGENT EFFORT TO EXAMINE ALL RECORDS
29 PRIOR TO GRANTING ASSISTANCE. THE COUNTY DEPARTMENT SHALL ALSO
30 VERIFY SUCH OTHER INFORMATION AS MAY BE REQUIRED BY DEPARTMENT
31 RULE.

32 (b) IN VERIFYING AN APPLICATION RECEIVED PURSUANT TO THIS
33 SECTION, THE COUNTY DEPARTMENT SHALL CONFIRM THAT THE APPLICANT
34 MEETS THE ELIGIBILITY REQUIREMENTS FOR RECEIVING PUBLIC
35 ASSISTANCE SPECIFIED IN SECTION 26-2-111 (1).

36 (c) IF THE INFORMATION IS REASONABLY AVAILABLE, THE COUNTY
37 DEPARTMENT SHALL COMPLETE THE VERIFICATION BEFORE APPROVING OR
38 CONTINUING CHILD CARE ASSISTANCE.

39 (d) WITHIN TEN WORKING DAYS AFTER THE COUNTY DEPARTMENT
40 DISCOVERS A DISCREPANCY RELATING TO A FRAUDULENT OR SUSPECTED
41 FRAUDULENT ACT AFFECTING ELIGIBILITY, THE COUNTY DEPARTMENT
42 SHALL REFER THE MATTER TO THE APPROPRIATE INVESTIGATORY AGENCY
43 FOR INVESTIGATION. THE INVESTIGATORY AGENCY SHALL TAKE ACTION

1 WITHIN THIRTY DAYS FOLLOWING RECEIPT OF THE INFORMATION FROM THE
2 COUNTY DEPARTMENT.

3 (e) THE COUNTY DEPARTMENT, THE DEPARTMENT, AND THE
4 OFFICERS AND AUTHORIZED EMPLOYEES OF EACH MAY CONDUCT VISITS TO
5 THE HOME OF THE APPLICANT AT REASONABLE TIMES, MAKE
6 INVESTIGATIONS AND REQUIRE THE ATTENDANCE AND TESTIMONY OF
7 WITNESSES AND THE PRODUCTION OF BOOKS, RECORDS, AND PAPERS BY
8 SUBPOENA, AND MAKE APPLICATION TO THE DISTRICT COURT TO COMPEL
9 AND ENFORCE SUCH ATTENDANCE AND TESTIMONY OF WITNESSES AND THE
10 PRODUCTION OF SUCH BOOKS, RECORDS, AND PAPERS. OFFICERS AND
11 EMPLOYEES DESIGNATED BY THE COUNTY DEPARTMENT OR THE
12 DEPARTMENT MAY ADMINISTER OATHS AND AFFIRMATIONS.

13 (3) (a) UPON COMPLETION OF THE VERIFICATION AND RECORD OF
14 EACH APPLICATION FOR CHILD CARE ASSISTANCE, THE COUNTY
15 DEPARTMENT, PURSUANT TO DEPARTMENT RULES, SHALL DETERMINE
16 WHETHER THE APPLICANT IS ELIGIBLE FOR CHILD CARE ASSISTANCE, THE
17 AMOUNT OF CHILD CARE ASSISTANCE TO BE GRANTED, AND THE BEGINNING
18 DATE OF THE ASSISTANCE. IN DETERMINING THE AMOUNT OF CHILD CARE
19 ASSISTANCE TO BE GRANTED, THE COUNTY DEPARTMENT SHALL TAKE DUE
20 ACCOUNT, PURSUANT TO DEPARTMENT RULES, OF ANY INCOME OR
21 PROPERTY AVAILABLE TO THE APPLICANT AND ANY SUPPORT, EITHER IN
22 CASH OR IN KIND, THAT THE APPLICANT MAY RECEIVE FROM OTHER
23 SOURCES.

24 (b) WHEN THE ELIGIBILITY, AMOUNT, AND DATE FOR BEGINNING
25 CHILD CARE ASSISTANCE HAVE BEEN ESTABLISHED, THE COUNTY
26 DEPARTMENT SHALL MAKE AN AWARD TO OR ON BEHALF OF THE
27 APPLICANT IN ACCORDANCE WITH DEPARTMENT RULES, WHICH AWARD IS
28 BINDING ON THE COUNTY AND SHALL BE COMPLIED WITH BY THE COUNTY
29 UNTIL IT IS MODIFIED OR VACATED. THE COUNTY DEPARTMENT SHALL AT
30 ONCE NOTIFY THE APPLICANT AND THE DEPARTMENT, IN WRITING, OF ITS
31 DECISIONS ON CHILD CARE ASSISTANCE AND THE REASONS FOR THOSE
32 DECISIONS.

33 (4) (a) A COUNTY DEPARTMENT SHALL NOT DENY CHILD CARE
34 ASSISTANCE FOR A PERSON WHO IS OTHERWISE QUALIFIED TO RECEIVE
35 CHILD CARE ASSISTANCE BY REASON OF THE FACT THAT:

36 (I) THE PERSON IS THE OWNER OF REAL ESTATE OCCUPIED BY THE
37 PERSON AS A RESIDENCE; OR

38 (II) THE PERSON IS THE OWNER OF PERSONAL PROPERTY THAT IS
39 EXEMPT BY THE LAWS OF COLORADO FROM EXECUTION OR ATTACHMENT.

40 (b) THE EXECUTIVE DIRECTOR BY RULE MAY ESTABLISH
41 LIMITATIONS ON THE VALUE OF REAL AND PERSONAL PROPERTY AND
42 OTHER RESOURCES, NOT INCLUDED IN SUBSECTION (4)(a) OF THIS SECTION,
43 THAT MAY BE AVAILABLE TO AN APPLICANT OR RECIPIENT WITHOUT

1 AFFECTING ELIGIBILITY FOR CHILD CARE ASSISTANCE.

2 (c) FOR CHILD CARE ASSISTANCE PURPOSES, THE VALUE OF
3 RESIDENTIAL OR OTHER REAL PROPERTY IS EQUAL TO THE ACTUAL VALUE
4 OF THE PROPERTY, AS DETERMINED BY THE COUNTY ASSESSOR PURSUANT
5 TO ARTICLE 1 OF TITLE 39.

6 (5) A COUNTY DEPARTMENT SHALL NOT REQUIRE A PERSON, AS A
7 CONDITION OF RECEIVING CHILD CARE ASSISTANCE, TO REPAY OR PROMISE
8 TO REPAY THE STATE OF COLORADO ANY MONEY PROPERLY PAID TO THE
9 PERSON AS CHILD CARE ASSISTANCE PURSUANT TO THE PROVISIONS OF
10 THIS PART 1 AND DEPARTMENT RULES OR AS PUBLIC ASSISTANCE
11 PURSUANT TO ARTICLE 2 OF TITLE 26 AND THE RULES OF THE STATE
12 DEPARTMENT OF HUMAN SERVICES.

13 **26.5-4-107. Reconsideration and changes.** (1) A COUNTY
14 DEPARTMENT SHALL RECONSIDER CHILD CARE ASSISTANCE AWARDED
15 PURSUANT TO THIS PART 1 AS FREQUENTLY AS AND IN THE MANNER
16 REQUIRED BY DEPARTMENT RULES. AFTER SUCH FURTHER VERIFICATION
17 AND RECORD AS THE COUNTY DEPARTMENT MAY DEEM NECESSARY OR
18 DEPARTMENT RULES MAY REQUIRE, THE AMOUNT OF CHILD CARE
19 ASSISTANCE PROVIDED MAY BE CHANGED, OR CHILD CARE ASSISTANCE
20 MAY BE TERMINATED, IF THE DEPARTMENT OR THE COUNTY DEPARTMENT
21 FINDS THAT THE RECIPIENT'S CIRCUMSTANCES HAVE ALTERED
22 SUFFICIENTLY TO WARRANT SUCH ACTION OR IF CHANGES IN STATE OR
23 FEDERAL LAW HAVE BEEN MADE THAT WOULD WARRANT SUCH ACTION.

24 (2) IN ACCORDANCE WITH DEPARTMENT RULES, A COUNTY
25 DEPARTMENT MAY TERMINATE CHILD CARE ASSISTANCE AT ANY TIME FOR
26 CAUSE, OR IT MAY, FOR CAUSE, SUSPEND CHILD CARE ASSISTANCE FOR
27 SUCH PERIOD AS IT MAY DEEM PROPER. TIMELY NOTICE TO PERSONS WHO
28 ARE RECEIVING CHILD CARE ASSISTANCE, BUT WHO ARE NOT ELIGIBLE DUE
29 TO FRAUDULENT ACTS, MAY BE GIVEN FIVE DAYS BEFORE THE DATE OF A
30 PROPOSED ACTION, IN ACCORDANCE WITH FEDERAL REGULATIONS.

31 (3) WHENEVER CHILD CARE ASSISTANCE IS TERMINATED,
32 SUSPENDED, OR IN ANY WAY CHANGED, THE COUNTY DEPARTMENT SHALL
33 AT ONCE REPORT THE DECISION TO THE RECIPIENT AND TO THE
34 DEPARTMENT, SETTING FORTH THE REASON FOR THE ACTION. ALL SUCH
35 DECISIONS ARE SUBJECT TO REVIEW BY THE DEPARTMENT IN ACCORDANCE
36 WITH DEPARTMENT RULES.

37 **26.5-4-108. Appeals.** (1) (a) IF A COUNTY DEPARTMENT DOES NOT
38 ACT ON AN APPLICATION FOR CHILD CARE ASSISTANCE WITHIN A
39 REASONABLE TIME AFTER THE APPLICATION IS FILED, OR IF A COUNTY
40 DEPARTMENT DENIES AN APPLICATION IN WHOLE OR IN PART, OR IF A
41 COUNTY DEPARTMENT SUSPENDS, TERMINATES, OR MODIFIES A GRANT OF
42 CHILD CARE ASSISTANCE, THE APPLICANT OR RECIPIENT, AS THE CASE MAY
43 BE, MAY APPEAL TO THE DEPARTMENT IN THE MANNER AND FORM

1 PRESCRIBED BY DEPARTMENT RULES. EVERY COUNTY DEPARTMENT SHALL
2 ADOPT PROCEDURES FOR THE RESOLUTION OF DISPUTES ARISING BETWEEN
3 THE COUNTY DEPARTMENT AND AN APPLICANT FOR OR RECIPIENT OF CHILD
4 CARE ASSISTANCE PRIOR TO APPEAL TO THE DEPARTMENT. THE
5 PROCEDURES ARE REFERRED TO IN THIS SECTION AS THE "DISPUTE
6 RESOLUTION PROCESS". TWO OR MORE COUNTIES MAY JOINTLY ESTABLISH
7 THE DISPUTE RESOLUTION PROCESS. THE DISPUTE RESOLUTION PROCESS
8 MUST BE CONSISTENT WITH DEPARTMENT RULES. THE DISPUTE
9 RESOLUTION PROCESS MUST INCLUDE AN OPPORTUNITY FOR ALL CLIENTS
10 TO HAVE A COUNTY CONFERENCE, UPON THE APPLICANT'S OR RECIPIENT'S
11 REQUEST. THIS REQUIREMENT MAY BE MET THROUGH A TELEPHONIC
12 CONFERENCE UPON THE AGREEMENT OF THE APPLICANT OR RECIPIENT AND
13 THE COUNTY DEPARTMENT. THE DISPUTE RESOLUTION PROCESS NEED NOT
14 CONFORM TO THE REQUIREMENTS OF SECTION 24-4-105, AS LONG AS THE
15 DEPARTMENT RULES INCLUDE PROVISIONS SPECIFICALLY SETTING FORTH
16 EXPEDITIOUS TIME FRAMES, NOTICE, AND AN OPPORTUNITY TO BE HEARD
17 AND TO PRESENT INFORMATION. IF THE DISPUTE IS NOT RESOLVED, THE
18 APPLICANT OR RECIPIENT MAY APPEAL TO THE DEPARTMENT IN THE
19 MANNER AND FORM PRESCRIBED BY DEPARTMENT RULES. COUNTY
20 NOTICES TO APPLICANTS OR RECIPIENTS MUST INFORM THEM OF THE BASIS
21 FOR THE COUNTY'S DECISION OR ACTION AND MUST INFORM THEM OF THEIR
22 RIGHTS TO A COUNTY CONFERENCE UNDER THE DISPUTE RESOLUTION
23 PROCESS AND OF THEIR RIGHTS TO STATE-LEVEL APPEAL AND THE PROCESS
24 FOR MAKING THE APPEAL.

25 (b) UPON RECEIPT OF AN APPEAL, THE DEPARTMENT SHALL GIVE
26 THE APPELLANT REASONABLE NOTICE AND AN OPPORTUNITY FOR A FAIR
27 HEARING IN ACCORDANCE WITH DEPARTMENT RULES. THE HEARING MUST
28 COMPLY WITH SECTION 24-4-105, AND AN ADMINISTRATIVE LAW JUDGE
29 MUST PRESIDE.

30 (c) THE APPELLANT MUST HAVE AN OPPORTUNITY TO EXAMINE ALL
31 APPLICATIONS AND PERTINENT RECORDS CONCERNING THE APPELLANT
32 THAT CONSTITUTE A BASIS FOR THE DENIAL, SUSPENSION, TERMINATION,
33 OR MODIFICATION OF CHILD CARE ASSISTANCE.

34 (d) THE APPELLANT MAY REPRESENT HIMSELF OR HERSELF OR MAY
35 BE REPRESENTED BY LEGAL COUNSEL, OR BY A RELATIVE, FRIEND, OR
36 OTHER SPOKESPERSON. REPRESENTATION BY A NONLAWYER IN THIS
37 CIRCUMSTANCE DOES NOT CONSTITUTE THE PRACTICE OF LAW.

38 (2) ALL DECISIONS OF THE DEPARTMENT ARE BINDING ON THE
39 COUNTY DEPARTMENT INVOLVED AND THE COUNTY DEPARTMENT SHALL
40 COMPLY WITH SAID DECISIONS."

41 Renumber succeeding C.R.S. sections accordingly.

1 Page 169, line 6, strike "26.5-4-104." and substitute "26.5-4-109."

2 Page 185, line 18, strike "26.5-4-106" and substitute "26.5-4-111".

3 Page 186, after line 15 insert:

4 "(3) CHILD CARE ASSISTANCE AWARDED PURSUANT TO THIS PART
5 IS AWARDED AND HELD SUBJECT TO THE PROVISIONS OF ANY AMENDING
6 OR REPEALING LAW, AND A RECIPIENT DOES NOT HAVE A CLAIM FOR
7 COMPENSATION OR OTHERWISE BY REASON OF THE RECIPIENT'S CHILD
8 CARE ASSISTANCE BEING AFFECTED IN ANY WAY BY AN AMENDING OR
9 REPEALING LAW."

10 Page 189, after line 2 insert:

11 **"26.5-4-116. Recovery from recipient - estate.** (1) IF, AT ANY
12 TIME DURING THE CONTINUANCE OF CHILD CARE ASSISTANCE, THE
13 RECIPIENT BECOMES POSSESSED OF PROPERTY HAVING A VALUE IN EXCESS
14 OF THAT AMOUNT SET PURSUANT TO THE PROVISIONS OF SECTION
15 26.5-4-106 (4) AND DEPARTMENT RULES OR RECEIVES ANY INCREASE IN
16 INCOME, THE RECIPIENT SHALL NOTIFY THE COUNTY DEPARTMENT OF THE
17 POSSESSION OF THE PROPERTY OR RECEIPT OF THE INCOME, AND THE
18 COUNTY DEPARTMENT MAY EITHER TERMINATE THE CHILD CARE
19 ASSISTANCE OR ALTER THE AMOUNT OF CHILD CARE ASSISTANCE IN
20 ACCORDANCE WITH THE CIRCUMSTANCES AND DEPARTMENT RULES. TO
21 THE EXTENT NOT OTHERWISE PROHIBITED BY STATE OR FEDERAL LAW, IF
22 THE RECIPIENT IS FOUND TO HAVE COMMITTED AN INTENTIONAL PROGRAM
23 VIOLATION, THE RECIPIENT IS DISQUALIFIED FROM PARTICIPATION IN
24 CCCAP FOR TWELVE MONTHS FOR THE FIRST INCIDENT, TWENTY-FOUR
25 MONTHS FOR A SECOND INCIDENT, AND PERMANENTLY FOR A THIRD OR
26 SUBSEQUENT INCIDENT. THIS DISQUALIFICATION IS MANDATORY AND IS IN
27 ADDITION TO ANY OTHER PENALTY IMPOSED BY LAW. EXCEPT AS
28 PROVIDED IN SUBSECTIONS (3) AND (4) OF THIS SECTION, ANY PREVIOUSLY
29 PROVIDED EXCESS CHILD CARE ASSISTANCE TO WHICH THE RECIPIENT WAS
30 NOT ENTITLED IS RECOVERABLE BY THE COUNTY AS A DEBT DUE TO THE
31 STATE AND THE COUNTY IN PROPORTION TO THE AMOUNT OF CHILD CARE
32 ASSISTANCE PAID BY EACH RESPECTIVELY; EXCEPT THAT INTEREST IS
33 CHARGED AND PAID TO THE COUNTY DEPARTMENT ON ANY SUM
34 FRAUDULENTLY OBTAINED, CALCULATED AT THE LEGAL RATE AND
35 CALCULATED FROM THE DATE THE SUM WAS PAID TO A PROVIDER ON
36 BEHALF OF THE RECIPIENT TO THE DATE THE SUM IS RECOVERED. IF THE
37 DEBT FOR FRAUDULENTLY OBTAINED CHILD CARE ASSISTANCE,
38 FRAUDULENTLY OBTAINED OVERPAYMENTS OF CHILD CARE ASSISTANCE,
39 OR EXCESS CHILD CARE ASSISTANCE PAID FOR WHICH THE RECIPIENT WAS
40 INELIGIBLE HAS BEEN REDUCED TO A JUDGMENT IN A COURT OF RECORD IN

1 THIS STATE, THE COUNTY DEPARTMENT MAY SEEK A CONTINUING
2 GARNISHMENT TO COLLECT THE DEBT UNDER ARTICLE 54.5 OF TITLE 13.

3 (2) IF, UPON THE DEATH OR MENTAL INCOMPETENCY OF ANY
4 RECIPIENT, THE INVENTORY OF THE RECIPIENT'S ESTATE SHOWS ASSETS IN
5 EXCESS OF THE AMOUNT THAT THE RECIPIENT WAS ALLOWED TO HAVE IN
6 ORDER TO RECEIVE CHILD CARE ASSISTANCE, OR IF IT BE SHOWN THAT THE
7 RECIPIENT WAS OTHERWISE INELIGIBLE FOR CHILD CARE ASSISTANCE, THEN
8 THE CLAIM OF THE COUNTY AND STATE FOR THE EXCESS CHILD CARE
9 ASSISTANCE PAID FOR WHICH THE RECIPIENT WAS INELIGIBLE, IF FILED AS
10 REQUIRED BY SECTION 15-12-804, HAS PRIORITY AS A DEBT GIVEN
11 PREFERENCE UNDER SECTION 15-12-805 (1)(f.7).

12 (3) WHEN A RECIPIENT WAS INELIGIBLE FOR CHILD CARE
13 ASSISTANCE SOLELY BECAUSE OF PROPERTY IN EXCESS OF THAT
14 PERMITTED BY DEPARTMENT RULES PURSUANT TO SECTION 26.5-4-106(4),
15 THE AMOUNT FOR WHICH THE RECIPIENT IS LIABLE IS THE AMOUNT BY
16 WHICH THE PROPERTY EXCEEDED THE AMOUNT ALLOWABLE UNDER SAID
17 RULES OR THE TOTAL AMOUNT OF CHILD CARE ASSISTANCE RECEIVED,
18 WHICHEVER IS THE LESSER AMOUNT. EXCEPT AS PROVIDED IN SUBSECTION
19 (4) OF THIS SECTION, ACTIONS FOR THE RECOVERY OF THESE SUMS MUST
20 BE PROSECUTED BY THE COUNTY DEPARTMENT OR THE DEPARTMENT IN A
21 COURT OF RECORD THAT HAS JURISDICTION.

22 (4) THE DEPARTMENT AND A COUNTY DEPARTMENT MAY ELECT
23 NOT TO ATTEMPT RECOVERY OF AN OVERPAYMENT OF CHILD CARE
24 ASSISTANCE FROM AN INDIVIDUAL WHO IS NO LONGER RECEIVING PUBLIC
25 ASSISTANCE OR CHILD CARE ASSISTANCE IF THE OVERPAYMENT AMOUNT
26 IS LESS THAN THIRTY-FIVE DOLLARS. IF THE OVERPAYMENT AMOUNT OWED
27 BY AN INDIVIDUAL WHO IS NO LONGER RECEIVING PUBLIC ASSISTANCE OR
28 CHILD CARE ASSISTANCE IS THIRTY-FIVE DOLLARS OR MORE, THE
29 DEPARTMENT AND THE COUNTY DEPARTMENT MAY DETERMINE,
30 CONSISTENT WITH THE SIX-YEAR TIME LIMITATION FOR THE EXECUTION ON
31 JUDGMENTS INVOLVING STATE DEBT, THAT IT IS NO LONGER
32 COST-EFFECTIVE TO CONTINUE TO PURSUE RECOVERY OF THE
33 OVERPAYMENT.

34 **26.5-4-117. Locating violators - recoveries.** (1) THE EXECUTIVE
35 DIRECTOR OR DISTRICT ATTORNEYS MAY REQUEST AND RECEIVE FROM
36 DEPARTMENTS, BOARDS, BUREAUS, OR OTHER AGENCIES OF THE STATE OR
37 ANY OF ITS POLITICAL SUBDIVISIONS, AND THE SAME ARE REQUIRED TO
38 PROVIDE, SUCH ASSISTANCE AND DATA AS WILL ENABLE THE DEPARTMENT
39 AND COUNTY DEPARTMENTS PROPERLY TO CARRY OUT THEIR POWERS AND
40 DUTIES TO LOCATE AND PROSECUTE ANY PERSON WHO FRAUDULENTLY
41 OBTAINS PUBLIC CHILD CARE ASSISTANCE PURSUANT TO THIS PART 1. ANY
42 RECORDS ESTABLISHED PURSUANT TO THE PROVISIONS OF THIS SECTION
43 ARE AVAILABLE ONLY TO THE DEPARTMENT, THE COUNTY DEPARTMENTS,

1 THE ATTORNEY GENERAL, AND THE DISTRICT ATTORNEYS, COUNTY
2 ATTORNEYS, AND COURTS HAVING JURISDICTION IN FRAUD OR RECOVERY
3 PROCEEDINGS OR ACTIONS.

4 (2) ALL DEPARTMENTS AND AGENCIES OF THE STATE AND LOCAL
5 GOVERNMENTS SHALL COOPERATE IN THE LOCATION AND PROSECUTION OF
6 A PERSON WHO FRAUDULENTLY OBTAINS PUBLIC CHILD CARE ASSISTANCE
7 PURSUANT TO THIS PART 1, AND, ON REQUEST OF THE COUNTY OR DISTRICT
8 BOARD OF HUMAN OR SOCIAL SERVICES, THE COUNTY DIRECTOR, THE
9 DEPARTMENT, OR THE DISTRICT ATTORNEY OF ANY JUDICIAL DISTRICT IN
10 THIS STATE, SHALL SUPPLY ALL INFORMATION ON HAND RELATIVE TO THE
11 LOCATION, EMPLOYMENT, INCOME, AND PROPERTY OF SAID PERSONS,
12 NOTWITHSTANDING ANY OTHER PROVISION OF LAW MAKING THE
13 INFORMATION CONFIDENTIAL, EXCEPT THE LAWS PERTAINING TO
14 CONFIDENTIALITY OF TAX RETURNS FILED PURSUANT TO LAW WITH THE
15 DEPARTMENT OF REVENUE. THE DEPARTMENT OF REVENUE SHALL FURNISH
16 AT NO COST TO INQUIRING DEPARTMENTS AND AGENCIES SUCH
17 INFORMATION AS MAY BE NECESSARY TO EFFECTUATE THE PURPOSES OF
18 THIS PART 1. THE EXECUTIVE DIRECTOR SHALL, BY RULE, ESTABLISH THE
19 PROCEDURES WHEREBY THIS INFORMATION IS REQUESTED AND PROVIDED.
20 THE DEPARTMENT OR COUNTY DEPARTMENTS SHALL USE SUCH
21 INFORMATION ONLY FOR THE PURPOSES OF ADMINISTERING THE
22 COLORADO CHILD CARE ASSISTANCE PROGRAM PURSUANT TO THIS PART
23 1, AND A DISTRICT ATTORNEY SHALL USE IT ONLY FOR THE PROSECUTION
24 OF PERSONS WHO FRAUDULENTLY OBTAIN PUBLIC CHILD CARE ASSISTANCE
25 PURSUANT TO THIS PART 1, AND SHALL NOT USE THE INFORMATION, OR
26 DISCLOSE IT, FOR ANY OTHER PURPOSE.

27 (3) A DISTRICT ATTORNEY SHALL BILL THE ACTUAL COSTS AND
28 EXPENSES INCURRED BY THE DISTRICT ATTORNEY'S OFFICE IN CARRYING
29 OUT THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION TO COUNTIES OR
30 A COUNTY WITHIN THE JUDICIAL DISTRICT IN THE PROPORTIONS SPECIFIED
31 IN SECTION 20-1-302. EACH COUNTY SHALL MAKE AN ANNUAL
32 ACCOUNTING TO THE DEPARTMENT ON ALL AMOUNTS RECOVERED.

33 **26.5-4-118. Records confidential - authorization to obtain**
34 **records of assets - release of location information to law enforcement**
35 **agencies - outstanding felony arrest warrants.** (1) THE EXECUTIVE
36 DIRECTOR MAY ESTABLISH REASONABLE RULES TO PROVIDE SAFEGUARDS
37 RESTRICTING THE USE OR DISCLOSURE OF INFORMATION CONCERNING
38 APPLICANTS, RECIPIENTS, AND FORMER AND POTENTIAL RECIPIENTS OF
39 FEDERALLY AIDED PUBLIC CHILD CARE ASSISTANCE TO PURPOSES
40 DIRECTLY CONNECTED WITH THE ADMINISTRATION OF THE COLORADO
41 CHILD CARE ASSISTANCE PROGRAM AND RELATED DEPARTMENT
42 ACTIVITIES AND COVERING THE CUSTODY, USE, AND PRESERVATION OF THE
43 RECORDS, PAPERS, FILES, AND COMMUNICATIONS OF THE DEPARTMENT

1 AND COUNTY DEPARTMENTS. WHENEVER, UNDER PROVISIONS OF LAW,
2 NAMES AND ADDRESSES OF APPLICANTS FOR, RECIPIENTS OF, OR FORMER
3 AND POTENTIAL RECIPIENTS OF PUBLIC CHILD CARE ASSISTANCE ARE
4 FURNISHED TO OR HELD BY ANOTHER AGENCY, DEPARTMENT OF
5 GOVERNMENT, OR AN AUDITOR CONDUCTING A FINANCIAL OR
6 PERFORMANCE AUDIT OF A COUNTY DEPARTMENT PURSUANT TO SECTION
7 26-1-114.5, THE AGENCY, DEPARTMENT, OR AUDITOR IS REQUIRED TO
8 PREVENT THE PUBLICATION OF LISTS AND USES OF THE LISTS FOR PURPOSES
9 NOT DIRECTLY CONNECTED WITH THE ADMINISTRATION OF THE COLORADO
10 CHILD CARE ASSISTANCE PROGRAM.

11 (2) (a) (I) EXCEPT AS PROVIDED IN SUBSECTIONS (2)(a)(II) AND
12 (2)(a)(III) OF THIS SECTION, OR EXCEPT AS DISCLOSURE IS OTHERWISE
13 REQUIRED BY STATUTE OR BY RULE OF CIVIL PROCEDURE FOR CHILD
14 SUPPORT ESTABLISHMENT OR ENFORCEMENT PURPOSES, IT IS UNLAWFUL
15 FOR A PERSON TO SOLICIT, DISCLOSE, OR MAKE USE OF OR TO AUTHORIZE,
16 KNOWINGLY PERMIT, PARTICIPATE IN, OR ACQUIESCE IN THE USE OF ANY
17 LISTS OR NAMES OF OR ANY INFORMATION CONCERNING PERSONS
18 APPLYING FOR OR RECEIVING PUBLIC CHILD CARE ASSISTANCE DIRECTLY
19 OR INDIRECTLY DERIVED FROM THE RECORDS, PAPERS, FILES, OR
20 COMMUNICATIONS OF THE DEPARTMENT OR COUNTY DEPARTMENTS OR
21 SUBDIVISIONS OR AGENCIES THEREOF OR ACQUIRED IN THE COURSE OF THE
22 PERFORMANCE OF OFFICIAL DUTIES. A FINANCIAL INSTITUTION OR
23 INSURANCE COMPANY THAT PROVIDES THE DATA, WHETHER CONFIDENTIAL
24 OR NOT, REQUIRED BY THE DEPARTMENT, IN ACCORDANCE WITH THE
25 PROVISIONS OF THIS SUBSECTION (2), IS NOT LIABLE FOR PROVIDING THE
26 DATA TO THE DEPARTMENT NOR FOR ANY USE THE DEPARTMENT MAKES OF
27 THE DATA.

28 (II) THE INFORMATION DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS
29 SECTION MAY BE DISCLOSED FOR PURPOSES DIRECTLY CONNECTED WITH
30 THE ADMINISTRATION OF THE COLORADO CHILD CARE ASSISTANCE
31 PROGRAM AND IN ACCORDANCE WITH THIS SUBSECTION (2) AND WITH
32 DEPARTMENT RULES.

33 (III) (A) NOTWITHSTANDING ANY PROVISION OF STATE LAW TO
34 THE CONTRARY AND TO THE EXTENT ALLOWABLE UNDER FEDERAL LAW,
35 AT THE REQUEST OF THE COLORADO BUREAU OF INVESTIGATION, THE
36 DEPARTMENT SHALL PROVIDE THE BUREAU WITH INFORMATION
37 CONCERNING THE LOCATION OF ANY PERSON WHOSE NAME APPEARS IN THE
38 DEPARTMENT'S RECORDS WHO IS THE SUBJECT OF AN OUTSTANDING
39 FELONY ARREST WARRANT. UPON RECEIPT OF THE INFORMATION, IT IS THE
40 RESPONSIBILITY OF THE BUREAU TO PROVIDE APPROPRIATE LAW
41 ENFORCEMENT AGENCIES WITH LOCATION INFORMATION OBTAINED FROM
42 THE DEPARTMENT. LOCATION INFORMATION PROVIDED PURSUANT TO THIS
43 SECTION MUST BE USED SOLELY FOR LAW ENFORCEMENT PURPOSES. THE

1 DEPARTMENT AND THE BUREAU SHALL DETERMINE AND EMPLOY THE MOST
2 COST-EFFECTIVE METHOD FOR OBTAINING AND PROVIDING LOCATION
3 INFORMATION PURSUANT TO THIS SECTION. NEITHER THE DEPARTMENT
4 NOR ITS EMPLOYEES OR AGENTS ARE LIABLE IN A CIVIL ACTION FOR
5 PROVIDING INFORMATION IN ACCORDANCE WITH THE PROVISIONS OF THIS
6 SUBSECTION (2)(a)(III)(A).

7 (B) AS USED IN SUBSECTION (2)(a)(III)(A) OF THIS SECTION, "LAW
8 ENFORCEMENT AGENCY" MEANS AN AGENCY OF THE STATE OR ITS
9 POLITICAL SUBDIVISIONS THAT IS RESPONSIBLE FOR ENFORCING THE LAWS
10 OF THIS STATE. "LAW ENFORCEMENT AGENCY" INCLUDES BUT IS NOT
11 LIMITED TO A POLICE DEPARTMENT, A SHERIFF'S DEPARTMENT, A DISTRICT
12 ATTORNEY'S OFFICE, THE OFFICE OF THE STATE ATTORNEY GENERAL, AND
13 THE COLORADO BUREAU OF INVESTIGATION.

14 (b) BY SIGNING AN APPLICATION OR REDETERMINATION OF
15 ELIGIBILITY FORM FOR PUBLIC CHILD CARE ASSISTANCE, AN APPLICANT
16 AUTHORIZES THE DEPARTMENT TO OBTAIN RECORDS PERTAINING TO
17 INFORMATION PROVIDED IN THAT APPLICATION OR REDETERMINATION OF
18 ELIGIBILITY FORM FROM A FINANCIAL INSTITUTION, AS DEFINED IN SECTION
19 15-15-201 (4), OR FROM AN INSURANCE COMPANY. THE APPLICATION OR
20 REDETERMINATION OF ELIGIBILITY FORM MUST CONTAIN LANGUAGE
21 CLEARLY INDICATING THAT SIGNING CONSTITUTES SUCH AN
22 AUTHORIZATION.

23 (c) A COUNTY DEPARTMENT SHALL NOT DENY AN APPLICANT OR
24 DISCONTINUE A RECIPIENT DUE TO THE DISCLOSURE OF ASSETS UNLESS
25 AND UNTIL THE COUNTY DEPARTMENT HAS ASSURED THAT THE ASSETS
26 TAKEN TOGETHER WITH OTHER ASSETS EXCEED THE LIMIT FOR ELIGIBILITY
27 OF COUNTABLE ASSETS.

28 (3) THE APPLICANT FOR OR RECIPIENT OF PUBLIC CHILD CARE
29 ASSISTANCE, OR THE APPLICANT'S OR RECIPIENT'S REPRESENTATIVE, MUST
30 HAVE AN OPPORTUNITY TO EXAMINE ALL APPLICATIONS AND PERTINENT
31 RECORDS CONCERNING THE APPLICANT OR RECIPIENT THAT CONSTITUTE
32 A BASIS FOR DENIAL, MODIFICATION, OR TERMINATION OF PUBLIC CHILD
33 CARE ASSISTANCE OR TO EXAMINE THE RECORDS IN THE CASE OF A FAIR
34 HEARING.

35 (4) A PERSON WHO VIOLATES SUBSECTION (1) OR (2) OF THIS
36 SECTION COMMITS A PETTY OFFENSE.

37 **26.5-4-119. State income tax refund offset - rules.** (1) (a) AT
38 ANY TIME PRESCRIBED BY THE DEPARTMENT OF REVENUE, BUT NOT LESS
39 FREQUENTLY THAN ANNUALLY, THE DEPARTMENT SHALL CERTIFY TO THE
40 DEPARTMENT OF REVENUE INFORMATION REGARDING PERSONS WHO ARE
41 OBLIGATED TO THE STATE FOR OVERPAYMENT OF CHILD CARE ASSISTANCE.
42 THE INFORMATION MUST INCLUDE CERTIFICATION OF THE AMOUNT OF
43 OVERPAYMENT, WHICH HAS BEEN DETERMINED BY FINAL AGENCY ACTION

1 OR HAS BEEN ORDERED BY A COURT AS RESTITUTION OR HAS BEEN
2 REDUCED TO JUDGMENT.

3 (b) THE INFORMATION MUST ALSO INCLUDE THE NAME AND THE
4 SOCIAL SECURITY NUMBER OR TAX IDENTIFICATION NUMBER OF THE
5 PERSON OBLIGATED TO THE STATE FOR THE OVERPAYMENT, THE AMOUNT
6 OF THE OBLIGATION, AND ANY OTHER IDENTIFYING INFORMATION THE
7 DEPARTMENT OF REVENUE MAY REQUIRE.

8 (2) AS A CONDITION OF CERTIFYING AN OVERPAYMENT TO THE
9 DEPARTMENT OF REVENUE AS PROVIDED IN SUBSECTION (1) OF THIS
10 SECTION, THE DEPARTMENT SHALL ENSURE THAT THE OBLIGATED PERSON
11 HAS BEEN AFFORDED THE OPPORTUNITY FOR A CONFERENCE AT THE
12 COUNTY DEPARTMENT LEVEL AND THE OPPORTUNITY FOR AN APPEAL TO
13 THE DEPARTMENT PURSUANT TO SECTION 26.5-4-108. IN ADDITION, THE
14 DEPARTMENT, PRIOR TO FINAL CERTIFICATION OF THE INFORMATION
15 SPECIFIED IN SUBSECTION (1) OF THIS SECTION TO THE DEPARTMENT OF
16 REVENUE, SHALL NOTIFY THE OBLIGATED PERSON, IN WRITING, AT THE
17 PERSON'S LAST KNOWN ADDRESS, THAT THE STATE INTENDS TO REFER THE
18 PERSON'S NAME TO THE DEPARTMENT OF REVENUE IN AN ATTEMPT TO
19 OFFSET THE OBLIGATION AGAINST THE PERSON'S STATE INCOME TAX
20 REFUND. THE NOTIFICATION MUST INFORM THE OBLIGATED PERSON OF THE
21 OPPORTUNITY FOR A CONFERENCE WITH THE COUNTY DEPARTMENT AND
22 OF THE OPPORTUNITY FOR AN APPEAL TO THE STATE DEPARTMENT
23 PURSUANT TO SECTION 26.5-4-108. IN ADDITION, THE NOTICE MUST
24 SPECIFY ISSUES THAT THE OBLIGATED PERSON MAY RAISE AT AN
25 EVIDENTIARY CONFERENCE OR ON APPEAL, AS PROVIDED BY THIS
26 SUBSECTION (2), IN OBJECTING TO THE OFFSET AND MUST SPECIFY THAT
27 THE OBLIGATED PERSON MAY NOT OBJECT TO THE FACT THAT AN
28 OVERPAYMENT OCCURRED. IF THE OBLIGATED PERSON DESIRES AN
29 EVIDENTIARY CONFERENCE OR APPEAL AS PROVIDED IN THIS SUBSECTION
30 (2), THE PERSON MUST REQUEST THE CONFERENCE OR APPEAL WITHIN
31 THIRTY DAYS AFTER THE DATE ON WHICH THE NOTICE WAS MAILED.

32 (3) UPON RECEIVING NOTICE FROM THE DEPARTMENT OF REVENUE
33 OF AMOUNTS DEPOSITED WITH THE STATE TREASURER PURSUANT TO
34 SECTION 39-21-108, THE STATE DEPARTMENT SHALL DISBURSE THE
35 AMOUNTS TO THE APPROPRIATE COUNTY TO PROCESS FOR DISTRIBUTION
36 TO THE STATE OR LOCAL AGENCY TO WHOM THE PERSON IS OBLIGATED.

37 (4) THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES
38 ESTABLISHING PROCEDURES TO IMPLEMENT THIS SECTION.

39 (5) THE DEPARTMENT SHALL PROVIDE THE HOME ADDRESSES AND
40 SOCIAL SECURITY NUMBERS OR TAX IDENTIFICATION NUMBERS OF PERSONS
41 SUBJECT TO THE INCOME TAX REFUND OFFSET, PROVIDED TO THE
42 DEPARTMENT BY THE DEPARTMENT OF REVENUE, TO THE APPROPRIATE
43 COUNTY DEPARTMENT."

- 1 Page 339, line 19, strike "26.5-4-107 (2)." and substitute "26.5-4-112
- 2 (2)."

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