

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Buckner

1 Amend reengrossed bill, page 439, after line 21 insert:

2 "SECTION 28. In Colorado Revised Statutes, 13-54.5-101,
3 **amend** (2)(d) as follows:

4 **13-54.5-101. Definitions.** As used in this article 54.5, unless the
5 context otherwise requires:

6 (2) (d) For the purposes of writs of garnishment issued by a
7 county department of human or social services responsible for
8 administering the state public assistance programs AND THE COLORADO
9 CHILD CARE ASSISTANCE PROGRAM, which writs are issued as a result of
10 a judgment for a debt for fraudulently obtained public assistance OR
11 CHILD CARE ASSISTANCE, fraudulently obtained overpayments of public
12 assistance OR CHILD CARE ASSISTANCE, or excess public assistance OR
13 CHILD CARE ASSISTANCE paid for which the recipient was ineligible,
14 "earnings" includes workers' compensation benefits.

15 **SECTION 29.** In Colorado Revised Statutes, 13-54.5-104,
16 **amend** (1)(c)(II) as follows:

17 **13-54.5-104. Priority between multiple garnishments.**
18 (1) (c) (II) Notwithstanding any other provision of this subsection (1), a
19 continuing garnishment obtained pursuant to section 26-2-128 (1)(a)
20 ~~C.R.S.~~, OR SECTION 26.5-4-113 (1)(a) for the satisfaction of a judgment
21 for fraudulently obtained public assistance OR CHILD CARE ASSISTANCE or
22 fraudulently obtained overpayments has priority over any other continuing
23 garnishment other than a garnishment for collection of child support
24 ~~under subparagraph (f) of this paragraph (c)~~ PURSUANT TO SUBSECTION
25 (1)(c)(I) OF THIS SECTION.

26 **SECTION 30.** In Colorado Revised Statutes, **amend**
27 14-10-107.7 as follows:

28 **14-10-107.7. Required notice of involvement with state**
29 **department of human services.** When filing a petition for dissolution of
30 marriage or legal separation, a petition in support or proceedings for the
31 allocation of parental responsibilities with respect to the children of the
32 marriage, or any other matter pursuant to this article 10 with the court, if
33 the parties have joint legal responsibility for a child for whom the petition
34 seeks an order of child support, the parties are required to indicate on a
35 form prepared by the court whether or not the parties or the dependent
36 children of the parties have received within the last five years or are
37 currently receiving benefits or public assistance, INCLUDING CHILD CARE
38 ASSISTANCE, from **either** the state department of human services or A
39 county department of human or social services. If the parties indicate that
40 they have received such benefits or assistance, the court shall inform the

1 appropriate delegate child support enforcement unit so that the unit can
2 determine whether any support enforcement services are required. There
3 is no penalty for failure to report as specified in this section.

4 **SECTION 31.** In Colorado Revised Statutes, 14-14-102, **amend**
5 (7) as follows:

6 **14-14-102. Definitions.** As used in this article 14, unless the
7 context otherwise requires:

8 (7) "Public assistance" means assistance payments and social
9 services provided to or on behalf of eligible recipients through programs
10 administered or supervised by the state department of human services,
11 either in cooperation with the federal government or independently
12 without federal aid, pursuant to article 2 of title 26, ~~C.R.S.~~ OR BY THE
13 DEPARTMENT OF EARLY CHILDHOOD PURSUANT TO PART 1 OF ARTICLE 4 OF
14 TITLE 26.5.

15 **SECTION 32.** In Colorado Revised Statutes, 15-12-805, **amend**
16 (1)(f.7) as follows:

17 **15-12-805. Classification of claims.** (1) The personal
18 representative shall pay allowed claims against the estate of a decedent in
19 the following order:

20 (f.7) The claim of a county department of human or social
21 services, ~~or~~ the state department of human services, ~~OR THE DEPARTMENT~~
22 ~~OF EARLY CHILDHOOD~~ for the excess public assistance, ~~INCLUDING CHILD~~
23 ~~CARE ASSISTANCE,~~ paid ~~OR PROVIDED~~ for which the recipient was
24 ineligible;"

25 Renumber succeeding sections accordingly.

26 Page 473, after line 5 insert:

27 **"SECTION 76.** In Colorado Revised Statutes, 25.5-4-301, **amend**
28 (1)(b) as follows:

29 **25.5-4-301. Recoveries - overpayments - penalties - interest -**
30 **adjustments - liens - review or audit procedures.** (1) (b) Recipient
31 income applied pursuant to section 25.5-4-209 (1) ~~shall~~ DOES not
32 disqualify any recipient, as defined in section 26-2-103 (8), ~~C.R.S.~~, from
33 receiving benefits ~~under this article~~ PURSUANT TO THIS ARTICLE 4, article
34 5 or 6 of this ~~title~~ TITLE 25.5, or public assistance ~~under article 2 of title~~
35 ~~26, C.R.S.~~ PURSUANT TO ARTICLE 2 OF TITLE 26, AND DOES NOT
36 DISQUALIFY AN INDIVIDUAL FROM RECEIVING CHILD CARE ASSISTANCE
37 PURSUANT TO PART 1 OF ARTICLE 4 OF TITLE 26.5. If, at any time during
38 the continuance of medical benefits, the recipient becomes possessed of
39 property having a value in excess of that amount set by law or by the rules
40 of the state department or receives any increase in income, it is the duty
41 of the recipient to notify the county department thereof, and the county

1 department may, after investigation, either revoke such medical benefits
2 or alter the amount thereof, as the circumstances may require."

3 Renumber succeeding sections accordingly.

4 Page 476, line 21 strike "(2)(d)(II)(C) and (2)(f);" and substitute
5 "(2)(d)(II)(C), (2)(f), and (2)(u);".

6 Page 478, after line 24 insert:

7 "(u) Coordinate prevention and intervention programs, OTHER
8 THAN PROGRAMS CREATED IN TITLE 26.5, focused on positive youth
9 development in accordance with state law and rules. The coordination
10 must include the state youth development plan developed pursuant to
11 ~~section 26-6.8-103.5~~ SECTION 26-1-111.3 that identifies key issues
12 affecting youth to align strategic efforts and achieve positive outcomes
13 for youth.

14 **SECTION 83.** In Colorado Revised Statutes, 26-1-114.5, **amend**
15 (3) introductory portion as follows:

16 **26-1-114.5. Records - access by county auditor.** (3) Information
17 required to be kept confidential or exempt from public disclosure
18 pursuant to any other law or rule of the state department of human
19 services OR THE DEPARTMENT OF EARLY CHILDHOOD or upon subpoena,
20 search warrant, discovery proceedings, or otherwise, including personal
21 identifying information, that is obtained by an auditor pursuant to
22 subsection (1) of this section must not be:

23 **SECTION 84.** In Colorado Revised Statutes, 26-1-116, **amend**
24 (3) as follows:

25 **26-1-116. County boards - district boards.** (3) The county
26 board may hold a meeting to address the public assistance and welfare
27 duties, responsibilities, and activities of the county department in
28 conjunction with a meeting of the board of county commissioners, upon
29 full and timely notice given pursuant to the provisions of section
30 24-6-402. ~~C.R.S.~~ The county board shall act in accordance with rules
31 adopted by the state board when addressing public assistance, and welfare
32 duties, responsibilities, and activities of the county department. THE
33 COUNTY BOARD SHALL ACT IN ACCORDANCE WITH RULES ADOPTED BY THE
34 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY CHILDHOOD WHEN
35 ADDRESSING CHILD CARE ASSISTANCE DUTIES, RESPONSIBILITIES, AND
36 ACTIVITIES OF THE COUNTY DEPARTMENT.

37 **SECTION 85.** In Colorado Revised Statutes, 26-1-117, **amend**
38 (1) as follows:

39 **26-1-117. County director - district director.** (1) It is the duty
40 of the county board to appoint a county director, who ~~shall be~~ IS charged

1 with the executive and administrative duties and responsibilities of the
2 county department, subject to the policies ~~and rules, and regulations~~ AND
3 RULES of the state department AND THE DEPARTMENT OF EARLY
4 CHILDHOOD, and who ~~shall serve~~ SERVES as secretary to the county board,
5 unless a secretary is otherwise appointed by the board. The BOARD OF
6 COUNTY COMMISSIONERS OF THE COUNTY SHALL ESTABLISH THE salary of
7 the county director. ~~shall be established by the board of county~~
8 ~~commissioners of the county.~~ The state department shall reimburse the
9 salary of the county director as provided in section 26-1-120.

10 **SECTION 86.** In Colorado Revised Statutes, 26-1-118, **amend**
11 (1) and (2) as follows:

12 **26-1-118. Duties of county departments, county directors, and**
13 **district attorneys.** (1) (a) The county departments or other state
14 designated agencies, where applicable, shall serve as agents of the state
15 department and ~~shall be~~ ARE charged with the administration of public
16 assistance, and welfare and related activities in the respective counties in
17 accordance with the rules ~~and regulations~~ of the state department.

18 (b) THE COUNTY DEPARTMENTS OR OTHER STATE DESIGNATED
19 AGENCIES, WHERE APPLICABLE, SHALL SERVE AS AGENTS OF THE
20 DEPARTMENT OF EARLY CHILDHOOD AND ARE CHARGED WITH THE
21 ADMINISTRATION OF CHILD CARE ASSISTANCE AND RELATED ACTIVITIES IN
22 THE RESPECTIVE COUNTIES IN ACCORDANCE WITH THE RULES OF THE
23 DEPARTMENT OF EARLY CHILDHOOD.

24 (2) The county departments or other state designated agencies,
25 where applicable, shall report to the state department AND THE
26 DEPARTMENT OF EARLY CHILDHOOD at such times and in such manner and
27 form as the state department AND THE DEPARTMENT OF EARLY CHILDHOOD
28 may from time to time direct. The state department AND THE DEPARTMENT
29 OF EARLY CHILDHOOD may require a county department to report
30 information concerning county employees, including but not limited to
31 qualifications, work schedules, pay, duties, evaluations, training, and
32 corrective and disciplinary actions. A county department may provide
33 ~~such~~ THE information by use of a unique identifier for each employee that
34 provides the information without identifying the name of the employee.
35 However, nothing in this section ~~shall be construed to prevent~~ PREVENTS
36 access by the state department OR THE DEPARTMENT OF EARLY CHILDHOOD
37 to individual employee files, to the extent permitted by state and federal
38 law, for purposes of carrying out the responsibility of the state department
39 for the supervision and administration of programs funded in whole or in
40 part by the state department OR FOR PURPOSES OF CARRYING OUT THE
41 RESPONSIBILITY OF THE DEPARTMENT OF EARLY CHILDHOOD FOR THE
42 SUPERVISION AND ADMINISTRATION OF PUBLIC CHILD CARE ASSISTANCE.
43 The state department AND THE DEPARTMENT OF EARLY CHILDHOOD shall

1 maintain the confidentiality of such records in a manner consistent with
2 state and federal law."

3 Renumber succeeding sections accordingly.

4 Page 480, after line 5 insert:

5 "SECTION 88. In Colorado Revised Statutes, 26-1-123, **amend**
6 (2) and (3)(a) as follows:

7 **26-1-123. County social services fund.** (2) The county social
8 services fund ~~shall consist~~ CONSISTS of all ~~moneys~~ MONEY appropriated
9 by the board of county commissioners for public assistance and welfare
10 and related purposes; all ~~moneys~~ MONEY allotted, allocated, or
11 apportioned to the county by the state department OR THE DEPARTMENT
12 OF EARLY CHILDHOOD; such funds as are granted to the state of Colorado
13 by the federal government for public assistance and welfare and related
14 purposes and allocated to the county by the state department OR THE
15 DEPARTMENT OF EARLY CHILDHOOD; and such other ~~moneys~~ MONEY as
16 may be provided from time to time from other sources. The fund ~~shall be~~
17 IS available for the program and administrative costs of the county
18 department.

19 (3) (a) The county board shall administer the fund pursuant to
20 rules adopted by the state department AND BY THE DEPARTMENT OF EARLY
21 CHILDHOOD FOR PURPOSES OF THE CHILD CARE ASSISTANCE. The county
22 treasurer ~~shall be~~ IS the treasurer and custodian of the fund and shall
23 disburse money from the fund only upon special county social services
24 warrants drawn by the person duly appointed by the county board. The
25 county treasurer shall not collect any fee as provided in section 30-1-102
26 C.R.S., for the collection or deposit of any ~~moneys~~ MONEY in the county
27 social services fund. Warrants ~~shall~~ MUST be signed by one member of the
28 county board, who shall be designated by resolution for that purpose, and
29 also signed by the person duly appointed by the county board. Such
30 signatures ~~shall~~ indicate the approval of the board of county
31 commissioners and the county board of social services. At such time as
32 Title XVI of the ~~social security act~~ FEDERAL "SOCIAL SECURITY ACT", as
33 amended by Public Law 92-603, becomes effective, the state board by
34 rule may make other provision for the issuance and signing of warrants
35 under the old age pension, aid to the blind, and aid to the needy
36 disabled."

37 Renumber succeeding sections accordingly.

38 Page 483, after line 9 insert:

39 "SECTION 92. In Colorado Revised Statutes, 26-2-103, **amend**

1 (11)(b) as follows:
2 **26-2-103. Definitions.** As used in this article 2 and article 1 of
3 this title 26, unless the context otherwise requires:
4 (11) (b) "Social services" does not include medicaid services
5 unless those services are delegated to the state department. "Social
6 services" does not include medical services covered by the old age
7 pension health and medical care program, the children's basic health plan,
8 or the Colorado indigent care program. "SOCIAL SERVICES" DOES NOT
9 INCLUDE CHILD CARE ASSISTANCE PROVIDED THROUGH THE COLORADO
10 CHILD CARE ASSISTANCE PROGRAM PURSUANT TO PART 1 OF ARTICLE 4 OF
11 TITLE 26.5."

12 Renumber succeeding sections accordingly.

13 Page 488, after line 22 insert:

14 **"SECTION 105.** In Colorado Revised Statutes, 26-13-125,
15 **amend** (8)(b) as follows:

16 **26-13-125. State directory of new hires - definitions.**
17 (8) (b) Information contained within the reports ~~shall~~ MUST be made
18 available to the administrators of the following programs for purposes of
19 establishing or verifying eligibility or benefit amounts: Public assistance
20 pursuant to the Colorado works program, as defined in section 26-2-703
21 (5); medicaid; food stamps; supplemental security income benefits; cash
22 assistance programs ~~under~~ PURSUANT TO this title; public assistance as
23 defined in section 26-2-103 (7); CHILD CARE ASSISTANCE PURSUANT TO
24 PART 1 OF ARTICLE 4 OF TITLE 26.5, and unemployment compensation."

25 Renumber succeeding sections accordingly.

26 Page 497, after line 18 insert:

27 **"SECTION 120.** In Colorado Revised Statutes, **amend**
28 38-10-111.5 as follows:

29 **38-10-111.5. Trusts to establish or maintain eligibility for**
30 **certain public assistance void - exceptions.** Any trust established by or
31 for a person that consists of the person's individual assets, income, or
32 property of any kind ~~shall be~~ IS void for the purpose of establishing or
33 maintaining eligibility for any public assistance as provided by article 2
34 of title 26, ~~C.R.S.~~, CHILD CARE ASSISTANCE AS PROVIDED BY PART 1 OF
35 ARTICLE 4 OF TITLE 26.5, or medical assistance as provided by articles 4,
36 5, and 6 of title 25.5, ~~C.R.S.~~, unless the trust is established in accordance
37 with the provisions of sections 15-14-412.6 to 15-14-412.9. ~~C.R.S.~~"

38 Page 499, after line 8 insert:

1 **"SECTION126.** In Colorado Revised Statutes, 39-21-108, **amend**
2 (3)(a)(I)(A) and (3)(b); and **add** (3)(a)(IX) as follows:
3 **39-21-108. Refunds.** (3) (a) (I) (A) Whenever it is established
4 that any taxpayer has, for any period open under the statutes, overpaid a
5 tax covered by articles 22 and 26 to 29 of this title 39, article 60 of title
6 34, and article 3 of title 42 and that: There is an unpaid balance of tax and
7 interest accrued, according to the records of the executive director, owing
8 by such taxpayer for any other period; there is an amount required to be
9 repaid to the unemployment compensation fund pursuant to section
10 8-81-101 (4), the amount of which has been determined to be owing as a
11 result of a final agency determination or judicial decision or that has been
12 reduced to judgment by the division of unemployment insurance in the
13 department of labor and employment; there is any unpaid child support
14 debt as set forth in section 14-14-104, or child support arrearages that are
15 the subject of enforcement services provided pursuant to section
16 26-13-106, as certified by the department of human services; there are any
17 unpaid obligations owing to the state as set forth in section 26-2-133, for
18 overpayment of public assistance or medical assistance benefits, the
19 amount of which has been determined to be owing as a result of final
20 agency determination or judicial decision or that has been reduced to
21 judgment, as certified by the department of human services; THERE ARE
22 ANY UNPAID OBLIGATIONS OWING TO THE STATE AS SET FORTH IN SECTION
23 26.5-4-119, FOR OVERPAYMENT OF CHILD CARE ASSISTANCE, THE AMOUNT
24 OF WHICH HAS BEEN DETERMINED TO BE OWING AS A RESULT OF FINAL
25 AGENCY DETERMINATION OR JUDICIAL DECISION OR THAT HAS BEEN
26 REDUCED TO JUDGMENT AS CERTIFIED BY THE DEPARTMENT OF EARLY
27 CHILDHOOD; there is any unpaid loan or other obligation due to a
28 state-supported institution of higher education as set forth in section
29 23-5-115, the amount of which has been determined to be owing as a
30 result of a final agency determination or judicial decision or that has been
31 reduced to judgment, as certified by the appropriate institution; there is
32 any unpaid loan due to the student loan division of the department of
33 higher education as set forth in section 23-3.1-104 (1)(p), the amount of
34 which has been determined to be owing as a result of a final agency
35 determination or judicial decision or that has been reduced to judgment,
36 as certified by the division; there is any unpaid loan due to the
37 collegeinvest division of the department of higher education as set forth
38 in section 23-3.1-206, the amount of which has been determined to be
39 owing as a result of a final agency determination or judicial decision or
40 that has been reduced to judgment; there is any outstanding judicial fine,
41 fee, cost, or surcharge as set forth in section 16-11-101.8, or judicial
42 restitution as set forth in section 16-18.5-106.8, the amount of which has
43 been determined to be owing as a result of a final judicial department

1 determination or certified by the judicial department as a judgment owed
2 the state or a victim; there is any unpaid debt owing to the state or any
3 agency thereof by such taxpayer, and that is found to be owing as a result
4 of a final agency determination or the amount of which has been reduced
5 to judgment and as certified by the state agency; or the taxpayer is a
6 qualified individual identified pursuant to section 39-22-120 (10) or
7 39-22-2003 (9), so much of the overpayment of tax plus interest
8 allowable thereon as does not exceed the amount of such unpaid balance
9 or unpaid debt must be credited first to the unpaid balance of tax and
10 interest accrued and then to the unpaid debt, and any excess of the
11 overpayment must be refunded. If the taxpayer elects to designate his or
12 her refund as a credit against a subsequent year's tax liability, the amount
13 allowed to be so credited must be reduced first by the unpaid balance of
14 tax and interest accrued and then by the unpaid debt. If the taxpayer filed
15 a joint return, the executive director shall notify the other taxpayer named
16 on the joint return that the portion of the overpayment that is generated by
17 the other taxpayer's income will be refunded upon receipt of a request
18 detailing said amount.

19 (IX) ANY MONEY WITHHELD FOR PAYMENT OF OBLIGATIONS OWED
20 TO THE DEPARTMENT OF EARLY CHILDHOOD FOR OVERPAYMENT OF CHILD
21 CARE ASSISTANCE BENEFITS PURSUANT TO THIS SUBSECTION (3) SHALL BE
22 DEPOSITED WITH THE STATE TREASURER FOR DISBURSEMENT BY THE
23 DEPARTMENT OF EARLY CHILDHOOD. FOR ALL NAMES AND ASSOCIATED
24 AMOUNTS CERTIFIED BY THE DEPARTMENT OF EARLY CHILDHOOD
25 PURSUANT TO SECTION 26.5-4-119, THE EXECUTIVE DIRECTOR OF THE
26 DEPARTMENT OF REVENUE SHALL PROVIDE TO THE DEPARTMENT OF EARLY
27 CHILDHOOD THE NAMES OF TAXPAYERS AND THE ASSOCIATED AMOUNTS
28 DEPOSITED WITH THE STATE TREASURER AND ANY OTHER IDENTIFYING
29 INFORMATION AS REQUIRED BY THE DEPARTMENT OF EARLY CHILDHOOD.

30 (b) In the event there are debts for overpayments of
31 unemployment insurance pursuant to section 8-81-101 (4), ~~C.R.S.~~, debts
32 for unpaid child support, as set forth in section 26-13-111, ~~C.R.S.~~, debts
33 for overpayment of public assistance or medical assistance benefits, as set
34 forth in section 26-2-133, ~~C.R.S.~~, DEBTS FOR OVERPAYMENT OF CHILD
35 CARE ASSISTANCE, AS SET FORTH IN SECTION 26.5-4-119, debts for any
36 unpaid loan or other obligation due to a state-supported institution of
37 higher education, as set forth in section 23-5-115, ~~C.R.S.~~, debts for any
38 unpaid loan due to the student loan division of the department of higher
39 education, as set forth in section 23-3.1-104 (1)(p), ~~C.R.S.~~, any amounts
40 owed for judicial fines, fees, costs, or surcharges, as set forth in section
41 16-11-101.8, ~~C.R.S.~~, any amounts owed for judicial restitution, as set
42 forth in section 16-18.5-106.8, ~~C.R.S.~~, and other unpaid debts owing to
43 the state or any agency thereof, as set forth in this subsection (3), then

1 credit to the unpaid debts shall be prorated on the basis of the ratio of the
2 amount of each such unpaid debt as compared to the total amount of
3 unpaid debts."

4 Renumber succeeding sections accordingly.

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