

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

DRAFT
2.11.13

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LLS NO. 13-0691.01 Jane Ritter x4342

COMMITTEE BILL

Joint Budget Committee

SHORT TITLE: "Title IV-E Waiver Demonstration Project"

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE TITLE IV-E WAIVER**
102 **DEMONSTRATION PROJECT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Joint Budget Committee. The bill creates the Title IV-E waiver demonstration project (project) in the department of human services (department). The department is authorized to enter into performance agreements with individual counties or groups of counties for the purpose of the project. The Title IV-E waiver demonstration project cash fund is

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

created. The state board of human services is authorized to promulgate rules for the implementation of the project.

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

2 **SECTION 1.** In Colorado Revised Statutes, add 26-5-105.4 as
3 follows:

4 **26-5-105.4. Title IV-E waiver demonstration project - county**
5 **performance agreements - Title IV-E waiver demonstration project**
6 **cash fund created - rules - repeal.** (1) THERE IS HEREBY CREATED IN
7 THE STATE DEPARTMENT THE TITLE IV-E WAIVER DEMONSTRATION
8 PROJECT, REFERRED TO IN THIS SECTION AS THE "PROJECT". IN
9 ADMINISTERING THE PROJECT, THE STATE DEPARTMENT SHALL DEVELOP,
10 BY RULE, A PROCESS BY WHICH COUNTIES OR GROUPS OF COUNTIES WILL
11 PARTICIPATE IN THE PROJECT. INDIVIDUAL COUNTIES OR GROUPS OF
12 COUNTIES MAY PARTICIPATE IN THE PROJECT FOR THE DELIVERY OF CHILD
13 WELFARE SERVICES.

14 (2) (a) THE STATE DEPARTMENT IS HEREBY AUTHORIZED TO ENTER
15 INTO PERFORMANCE AGREEMENTS WITH INDIVIDUAL COUNTIES OR GROUPS
16 OF COUNTIES. AN INDIVIDUAL COUNTY OR GROUP OF COUNTIES THAT
17 ENTERS INTO A PERFORMANCE AGREEMENT WITH THE STATE DEPARTMENT
18 IS EXEMPT FROM THE RULES OF THE STATE DEPARTMENT AND STATE
19 BOARD GOVERNING THE DELIVERY OF CHILD WELFARE SERVICES, AS SUCH
20 EXEMPTIONS ARE IDENTIFIED IN THE PERFORMANCE AGREEMENT. AN
21 EXEMPTION IN A PERFORMANCE AGREEMENT MUST NOT IMPACT CHILD
22 SAFETY.

23 (b) ANY MONEYS PROVIDED TO AN INDIVIDUAL COUNTY OR A
24 GROUP OF COUNTIES THROUGH A PERFORMANCE AGREEMENT MAY BE
25 AWARDED TO THE INDIVIDUAL COUNTY OR GROUP OF COUNTIES SEPARATE

1 FROM AND IN ADDITION TO THE CAPPED OR TARGETED ALLOCATION
2 RECEIVED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (4) OF THIS
3 SECTION.

4 (3) AN INDIVIDUAL COUNTY OR GROUP OF COUNTIES THAT HAS
5 ENTERED INTO A PERFORMANCE AGREEMENT WITH THE STATE
6 DEPARTMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION IS REQUIRED
7 TO PARTICIPATE IN AN EVALUATION OF THE PROJECT.

8 (4) (a) AN INDIVIDUAL COUNTY OR GROUP OF COUNTIES THAT HAS
9 ENTERED INTO A PERFORMANCE AGREEMENT WITH THE STATE
10 DEPARTMENT AND THAT UNDERSPENDS IN ANY STATE FISCAL YEAR THE
11 TITLE IV-E PORTION OF ITS CAPPED OR TARGETED ALLOCATION OR THE
12 MONEYS AWARDED TO THE INDIVIDUAL COUNTY OR GROUP OF COUNTIES
13 THROUGH THE PROJECT SHALL USE FIFTY PERCENT OF THE UNDERSPENT
14 MONEYS FOR ADDITIONAL CHILD WELFARE SERVICES AS DEFINED IN
15 SECTION 26-5-101 (3) AND IN A MANNER AND TIME FRAME AS DESCRIBED
16 IN THEIR PERFORMANCE AGREEMENT. THE BALANCE OF SUCH UNDERSPENT
17 COUNTY TITLE IV-E MONEYS SHALL BE TRANSMITTED TO THE STATE
18 TREASURER WHO SHALL CREDIT THE SAME TO THE TITLE IV-E WAIVER
19 DEMONSTRATION PROJECT CASH FUND, CREATED IN PARAGRAPH (b) OF
20 THIS SUBSECTION (4).

21 (b) THERE IS HEREBY CREATED THE TITLE IV-E WAIVER
22 DEMONSTRATION PROJECT CASH FUND, REFERRED TO IN THIS SUBSECTION
23 AS THE "FUND". MONEYS CREDITED TO THE FUND SHALL BE SUBJECT TO
24 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE STATE
25 DEPARTMENT FOR ALLOCATION TO COUNTIES TO HELP DEFRAY THE COSTS
26 OF PERFORMING FUNCTIONS RELATED TO THE IMPLEMENTATION OF THE
27 TITLE IV-E WAIVER DEMONSTRATION PROJECT. ANY MONEYS IN THE FUND

1 NOT EXPENDED FOR THE PURPOSES SPECIFIED IN THIS SECTION MAY BE
2 INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST
3 AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS
4 IN THE FUND MUST BE CREDITED TO THE FUND. ANY UNEXPENDED AND
5 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A
6 FISCAL YEAR MUST REMAIN IN THE FUND AND MUST NOT BE CREDITED OR
7 TRANSFERRED OR REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

8 (c) THE GENERAL FUND PORTION OF THE CAPPED OR TARGETED
9 ALLOCATION OF ANY INDIVIDUAL COUNTY OR GROUP OF COUNTIES THAT
10 HAS ENTERED INTO A PERFORMANCE AGREEMENT WITH THE STATE
11 DEPARTMENT AND UNDERSPENDS MUST CONTINUE TO BE DISTRIBUTED IN
12 ACCORDANCE WITH SECTIONS 26-5-104 (7), 26-5-105.5, AND 24-1.9-102
13 (2) (h), C.R.S. GENERAL FUND SAVINGS DISTRIBUTED IN ACCORDANCE
14 WITH EITHER SECTION 26-5-105.5 OR 24-1.9-102 (2) (h), C.R.S., SHALL BE
15 REINVESTED IN CHILD WELFARE SERVICES AS STIPULATED IN THE
16 PERFORMANCE AGREEMENT.

17 (5) SUBSECTION (4) OF THIS SECTION SUPERSEDES THE
18 REQUIREMENTS FOUND IN SECTION 26-1-111 (2) (d) (II) (A) CONCERNING
19 FEDERAL REVENUES EARNED BY THE STATE PURSUANT TO TITLE IV-E OF
20 THE FEDERAL "SOCIAL SECURITY ACT", AS AMENDED, THAT EXCEED THE
21 AMOUNT NECESSARY TO FULLY FUND PROGRAM, TRAINING, AND
22 ADMINISTRATIVE COSTS.

23 (6) THE STATE DEPARTMENT IS AUTHORIZED TO CONTRACT FOR AN
24 EXTERNAL EVALUATION OF THE PROJECT, INCLUDING THE PROJECT
25 ACTIVITIES COMPLETED BY INDIVIDUAL COUNTIES OR GROUPS OF COUNTIES
26 THAT HAVE ENTERED INTO PERFORMANCE AGREEMENTS WITH THE STATE
27 DEPARTMENT PURSUANT TO THIS SECTION.

1 (7) THE STATE BOARD SHALL PROMULGATE RULES AS NECESSARY
2 FOR THE IMPLEMENTATION OF THIS SECTION.

3 (8) THIS SECTION IS REPEALED ON THE DATE THE EXECUTIVE
4 DIRECTOR NOTIFIES THE REVISOR OF STATUTES THAT THE STATE IS NO
5 LONGER PARTICIPATING IN THE TITLE IV-E WAIVER DEMONSTRATION
6 PROJECT.

7 **SECTION 2. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety. <{Safety clause
10 OK?}>