

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 12-0631.01 Jerry Barry x4341

SENATE BILL 12-139

SENATE SPONSORSHIP

Boyd,

HOUSE SPONSORSHIP

Fields and Summers,

Senate Committees

Health and Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 CONCERNING THE "COLORADO JOB SUPPORT ACT", AND, IN
102 CONNECTION THEREWITH, REQUIRING A POST-ENACTMENT
103 REVIEW OF THE IMPLEMENTATION OF THIS ACT.

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>.)

Currently, under the Colorado works program, the state board of human services defines "work activities" by rule. The bill expands the description of work activities to include financial education classes, participation in microenterprise training and self-employment, and time

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
April 23, 2012

spent on agency appointments as well as travel to and from those appointments.

When a person first applies for benefits under the Colorado works program, current law directs the county department of social services (county department) to conduct an assessment of the person's needs and abilities. The bill directs the county departments as part of the assessment to determine the person's employability and eligibility for benefits under social security programs. It encourages the county departments to collaborate with others in completing the assessment.

Following the assessment, an individual responsibility contract (IRC) is developed. The bill specifies that the person is to take the lead in developing goals for the IRC. If the case manager does not include the person's goals in the IRC, the case manager must provide a written rationale for doing so. As part of the IRC, county departments are encouraged to include financial education.

After the completion of the IRC, the bill directs the county departments to allow the person to select a single case manager for all meetings who will coordinate all services.

Currently, the department of human services (state department) by rule specifies what may be disregarded for purposes of determining a person's income. The bill directs the state department to extend the income disregards to the fullest extent allowed by federal law.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 26-2-138 as**
3 **follows:**

4 **26-2-138. Colorado job support act - pilot program -**
5 **legislative declaration - definitions - fund - notice of funding through**
6 **gifts, grants, and donations - repeal. (1) Short title. THIS SECTION**
7 **SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO JOB SUPPORT**
8 **ACT".**

9 **(2) Legislative declaration. THE GENERAL ASSEMBLY HEREBY**
10 **FINDS AND DECLARES THAT:**

11 **(a) A PARADOX EXISTS FOR COLORADO'S LOW-WAGE WORKERS**
12 **WHO SEEK SERVICES FROM THE STATE'S SAFETY NET PROGRAMS IN THAT,**
13 **WHILE THEY MAY INITIALLY QUALIFY FOR PUBLIC ASSISTANCE OR "WORK**

1 SUPPORT" BENEFITS THROUGH TEMPORARY ASSISTANCE FOR NEEDY
2 FAMILIES, THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM,
3 MEDICAID, OR THE COLORADO CHILD CARE ASSISTANCE PROGRAM TO HELP
4 COVER THE COST OF BASIC NECESSITIES, AS THEY INCREASE THEIR
5 EARNINGS THEY BEGIN TO LOSE THESE SUBSIDIES. THE LOSS OF A SUBSIDY
6 IS GENERALLY MORE OF A FINANCIAL SETBACK THAN THE VALUE
7 OBTAINED FROM AN INCREASE IN PAY. UNDER THESE CIRCUMSTANCES,
8 WORKERS CAN EARN MORE WHILE SEEING THEIR FINANCIAL SITUATION
9 DETERIORATE. THIS PHENOMENON IS CHARACTERIZED AS THE "CLIFF
10 EFFECT", AND IT IS A BARRIER TO ECONOMIC SELF-SUFFICIENCY AS WELL
11 AS A PERVERSE INCENTIVE TO MAINTAIN EMPLOYMENT AT AN ECONOMIC
12 LEVEL OF POVERTY.

13 (b) IT IS IN THE PUBLIC INTEREST FOR LOW-WAGE WORKERS TO
14 PURSUE ECONOMIC OPPORTUNITY, WHICH BENEFITS THE INDIVIDUAL, THE
15 FAMILY, THE COMMUNITY, AND THE STATE.

16 (c) IT IS IMPORTANT FOR THE DEPARTMENT OF HUMAN SERVICES TO
17 CREATE FOR THE STATE-SUPERVISED, COUNTY ADMINISTERED COLORADO
18 WORKS PROGRAM A PERFORMANCE MEASUREMENT SYSTEM OF DESIRED
19 GOALS, SPECIFIC MEASURES, PERFORMANCE TARGETS, REVIEW
20 PROCEDURES, IDENTIFIABLE OUTCOMES, AND, WHEN AVAILABLE,
21 INCENTIVES.

22 (d) CURRENTLY, THE COLORADO WORKS PROGRAM LISTS THE
23 FEDERAL WORK PARTICIPATION AS THE PRIMARY PERFORMANCE MEASURE,
24 SO THERE IS A NEED TO ADD OTHER PERFORMANCE MEASURES BASED UPON
25 CULTURALLY RELEVANT, LOCALLY GENERATED, PROMISING PRACTICES
26 THAT LEAD TO PARTICIPANT SUCCESS IN THE LABOR MARKET, IN FAMILY
27 STABILIZATION, IN THE INTERRUPTION OF THE CYCLE OF POVERTY, AND IN

1 OTHER EVIDENCE-BASED RESULTS STEMMING FROM THE USE OF
2 GOVERNMENTAL DOLLARS OR SERVICES.

3 (e) THE PROVISIONS OF THIS SECTION ARE DESIGNED TO SUPPORT
4 LOW-WAGE WORKERS AS THEY MOVE FROM THE NEED FOR WORK SUPPORT
5 TOWARD ECONOMIC SELF-SUFFICIENCY, WHICH IS THE AMOUNT OF INCOME
6 REQUIRED FOR FAMILIES AND INDIVIDUALS TO MEET THEIR BASIC NEEDS.
7 THE PILOT PROGRAM ESTABLISHED PURSUANT TO THIS SECTION WILL
8 PREPARE THESE WORKERS AS THEY MAKE THE TRANSITION AWAY FROM
9 PUBLIC ASSISTANCE AND WILL CREATE OPPORTUNITIES FOR THEM TO PLAN
10 AND IMPLEMENT THEIR INDIVIDUAL PATHS TO ECONOMIC
11 SELF-SUFFICIENCY.

12 (3) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
13 OTHERWISE REQUIRES:

14 (a) "CLIFF EFFECT" MEANS THE PARADOX THAT DISCOURAGES
15 PERSONS WHO ARE RECEIVING PUBLIC ASSISTANCE OR SERVICES FROM
16 ACCEPTING INCREASES IN WAGES OR INCOME BECAUSE THEY MAY LOSE
17 CONSIDERABLY MORE IN PUBLIC ASSISTANCE OR SERVICES THAN THE
18 INCREASE IN WAGES OR INCOME.

19 (b) "COMMITTEE" MEANS THE COLORADO JOB SUPPORT ACT
20 COMMITTEE ESTABLISHED PURSUANT TO SUBSECTION (5) OF THIS SECTION.

21 (c) "FUND" MEANS THE COLORADO JOB SUPPORT PROGRAM FUND
22 ESTABLISHED PURSUANT TO SUBSECTION (7) OF THIS SECTION.

23 (d) "PILOT PROGRAM" MEANS THE COLORADO JOB SUPPORT PILOT
24 PROGRAM ESTABLISHED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

25 (4) **Pilot program.** SUBJECT TO THE RECEIPT OF SUFFICIENT GIFTS,
26 GRANTS, OR DONATIONS, THERE IS HEREBY ESTABLISHED IN THE STATE
27 DEPARTMENT THE COLORADO JOB SUPPORT PILOT PROGRAM TO PROVIDE

1 GRANTS TO COUNTIES, NONPROFIT ENTITIES, OR OTHER
2 COMMUNITY-BASED ORGANIZATIONS TO ESTABLISH PILOT PROGRAMS TO
3 ADDRESS ONE OR BOTH OF THE FOLLOWING:

4 (a) POST-EMPLOYMENT TRANSITION PROGRAMS THAT ADDRESS
5 THE CLIFF EFFECT AS A SIGNIFICANT BARRIER FOR LOW-WAGE WORKERS
6 MAKING A TRANSITION AWAY FROM THE COLORADO WORKS PROGRAM; OR

7 (b) SUBSIDIZED JOB-TRAINING PROGRAMS DESIGNED TO ASSIST
8 UNEMPLOYED AND LOW-SKILLED AND MIDDLE-SKILLED WORKERS TO GAIN
9 NECESSARY JOB SKILLS THROUGH ON-THE-JOB TRAINING AND WORK
10 EXPERIENCE.

11 (5) **Committee.** (a) THERE IS HEREBY CREATED IN THE STATE
12 DEPARTMENT THE COLORADO JOB SUPPORT PROGRAM COMMITTEE THAT
13 SHALL CONSIST OF THE FOLLOWING NINE MEMBERS:

14 (I) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT, OR HIS
15 OR HER DESIGNEE, WHO SHALL SERVE AS THE CHAIR OF THE COMMITTEE,
16 AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND
17 EMPLOYMENT, OR HIS OR HER DESIGNEE. THE EXECUTIVE DIRECTORS
18 SHALL SERVE AS EX OFFICIO AND NONVOTING MEMBERS OF THE
19 COMMITTEE.

20 (II) SEVEN MEMBERS APPOINTED, PURSUANT TO PARAGRAPH (b)
21 OF THIS SUBSECTION (5), BY THE STATE BOARD AS FOLLOWS:

22 (A) THREE MEMBERS WHO REPRESENT COUNTIES, AT LEAST ONE OF
23 WHOM IS A COUNTY COMMISSIONER; AND

24 (B) FOUR MEMBERS WHO REPRESENT PARTICIPANT ADVOCATES,
25 PARTICIPANTS, OR FORMER PARTICIPANTS OF THE COLORADO WORKS
26 PROGRAM, AT LEAST ONE OF WHOM IS A CURRENT OR FORMER PARTICIPANT
27 OF THE COLORADO WORKS PROGRAM.

1 (b) IN MAKING APPOINTMENTS TO THE COMMITTEE, THE STATE
2 BOARD SHALL SOLICIT APPLICATIONS FROM COUNTY DEPARTMENTS,
3 ADVOCACY AGENCIES, AND OTHER INTERESTED PERSONS THROUGHOUT
4 THE STATE. THE STATE DEPARTMENT SHALL ASSIST THE STATE BOARD IN
5 REVIEWING THE APPLICATIONS RECEIVED AND IN SELECTING APPOINTEES.
6 THE STATE BOARD SHALL ALSO SEEK APPOINTMENT RECOMMENDATIONS
7 FROM A STATEWIDE ASSOCIATION THAT REPRESENTS COUNTIES IN
8 COLORADO AND FROM PARTICIPANT ADVOCATES OF THE COLORADO
9 WORKS PROGRAM. THE STATE BOARD SHALL, TO THE EXTENT
10 PRACTICABLE, ENSURE THAT THE PERSONS APPOINTED TO THE COMMITTEE
11 ARE SELECTED FROM AREAS THROUGHOUT THE STATE AND REPRESENT THE
12 STATE'S RACIAL, ETHNIC, AND GENDER DIVERSITY. THE STATE BOARD MAY
13 PROMULGATE RULES AS NECESSARY FOR THE IMPLEMENTATION OF THIS
14 SECTION.

15 (c) (I) THE APPOINTED MEMBERS OF THE COMMITTEE SHALL SERVE
16 FIVE-YEAR TERMS. THE STATE BOARD MAY APPOINT THE SAME PERSON TO
17 SERVE MULTIPLE CONSECUTIVE TERMS.

18 (II) THE COMMITTEE SHALL MEET AS OFTEN AS NECESSARY TO
19 COMPLETE ITS DUTIES AND SHALL ADOPT SUCH OPERATIONAL PROCEDURES
20 AS MAY BE NECESSARY.

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

26 (IV) THE APPOINTED MEMBERS OF THE COMMITTEE MAY BE
27 REMOVED BY THE STATE BOARD FOR CAUSE. IF A VACANCY ARISES AMONG

1 THE APPOINTED MEMBERS OF THE COMMITTEE, THE STATE BOARD SHALL
2 FILL THE VACANCY BY APPOINTMENT FOR THE REMAINDER OF THE TERM.

3 (d) THE COMMITTEE SHALL ADVISE THE STATE DEPARTMENT
4 REGARDING THE PROCESS AND PROCEDURES FOR AWARDING GRANTS FROM
5 THE FUND. THE COMMITTEE SHALL ALSO RECOMMEND ENTITIES TO
6 RECEIVE GRANTS AND THE AMOUNT OF THE GRANTS.

7 (e) (I) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2018.

8 (II) PRIOR TO THE REPEAL OF THIS SUBSECTION (5), THE
9 COMMITTEE SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203,
10 C.R.S.

11 (6) **Process.** (a) AFTER RECEIVING RECOMMENDATIONS FROM THE
12 COMMITTEE, THE STATE DEPARTMENT SHALL DEVELOP AN APPLICATION
13 PROCESS FOR COUNTIES, NONPROFIT ENTITIES, OR OTHER COMMUNITY
14 ORGANIZATIONS INTERESTED IN PARTICIPATING IN THE PILOT PROGRAM
15 AND THE CRITERIA TO BE USED TO SELECT WHICH ENTITIES RECEIVE
16 GRANTS. THE CRITERIA SHALL GIVE PREFERENCE TO AN APPLICATION
17 THAT:

18 (I) MEETS AT LEAST ONE OF THE PURPOSES OF THE COLORADO
19 WORKS PROGRAM SPECIFIED IN SECTION 26-2-705;

20 (II) UTILIZES EVIDENCE-BASED STRATEGIES THAT HAVE
21 DEMONSTRATED EFFECTIVENESS IN ACHIEVING ONE OF MORE OF THE
22 FOLLOWING GOALS:

23 (A) JOB ACQUISITION, RETENTION, AND ADVANCEMENT;

24 (B) MITIGATION OR AVOIDANCE OF THE CLIFF EFFECT;

25 (C) FINANCIAL LITERACY; OR

26 (D) EFFECTIVE CASE MANAGEMENT;

27 (III) SUPPORTS STRATEGIC ALLIANCES BETWEEN COUNTIES,

1 NONPROFIT SERVICE PROVIDERS, ENGAGED EMPLOYERS, JOB TRAINING
2 ORGANIZATIONS, THE DEPARTMENT OF LABOR AND EMPLOYMENT, AND
3 THE COLORADO WORK FORCE INVESTMENT PROGRAM; AND

4 (IV) CONTAINS A SYSTEM TO MEASURE AND DEMONSTRATE
5 PERFORMANCE IN ADDITION TO THE FEDERAL WORK PARTICIPATION RATE.

6 (b) THE COMMITTEE SHALL REVIEW ALL APPLICATIONS RECEIVED
7 AND SHALL MAKE RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR FOR
8 AWARDS OF GRANTS FROM THE FUND. THE COMMITTEE SHALL
9 RECOMMEND ONLY THOSE APPLICATIONS THAT HAVE BEEN APPROVED BY
10 AT LEAST FIVE MEMBERS OF THE COMMITTEE.

11 (c) AFTER RECEIVING THE RECOMMENDATIONS OF THE
12 COMMITTEE, THE EXECUTIVE DIRECTOR SHALL AWARD GRANTS TO
13 RECIPIENTS.

14 (7) Fund. (a) (I) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK
15 AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC
16 SOURCES FOR THE PURPOSES OF THIS SECTION; EXCEPT THAT THE STATE
17 DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS
18 SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR
19 ANY OTHER LAW OF THE STATE. THE STATE DEPARTMENT SHALL TRANSMIT
20 ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR
21 DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO
22 THE COLORADO JOB SUPPORT FUND, WHICH FUND IS HEREBY CREATED.
23 THE MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE
24 STATE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED
25 WITH IMPLEMENTING THIS SECTION.

26 (II) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND
27 NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW.

1 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
2 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE
3 FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN
4 THE FUND AT THE END OF A FISCAL YEAR REMAIN IN THE FUND AND SHALL
5 NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER
6 FUND.

7 (b) (I) IN SEEKING OR ACCEPTING A GIFT, GRANT, OR DONATION,
8 THE STATE DEPARTMENT SHALL NOTIFY THE LEGISLATIVE COUNCIL STAFF
9 WHEN IT HAS RECEIVED ADEQUATE FUNDING THROUGH GIFTS, GRANTS, OR
10 DONATIONS FOR THE PILOT PROGRAM AND SHALL INCLUDE IN THE
11 NOTIFICATION THE INFORMATION SPECIFIED IN SECTION 24-75-1303 (3),
12 C.R.S.

13 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2015.

14 **SECTION 2.** In Colorado Revised Statutes, 2-3-1203, add (3)

15 (ee) (V) as follows:

16 **2-3-1203. Sunset review of advisory committees.** (3) The
17 following dates are the dates for which the statutory authorization for the
18 designated advisory committees is scheduled for repeal:

19 (ee) July 1, 2018:

20 (V) **THE COLORADO JOB SUPPORT ACT COMMITTEE CREATED**
21 **PURSUANT TO SECTION 26-2-138 (5), C.R.S.**

22 **SECTION 2. Accountability.** Five years after this act becomes
23 law and in accordance with section 2-2-1201, Colorado Revised Statutes,
24 the legislative service agencies of the Colorado General Assembly shall
25 conduct a post-enactment review of the implementation of this act
26 utilizing the information contained in the legislative declaration set forth
27 in section 1 of this act.

1 **SECTION 3. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.