

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT
3.14.22

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LLS NO. 22-0927.01 Shelby Ross x4510

COMMITTEE BILL

Joint Technology Committee

BILL TOPIC: "Retaining Percentage Of Fed Child Support Payments"
DEADLINES: File by: 3/17/2022

A BILL FOR AN ACT

101 CONCERNING AUTHORIZING THE DEPARTMENT OF HUMAN SERVICES TO
102 RETAIN A PERCENTAGE OF THE FEDERAL CHILD SUPPORT
103 INCENTIVE PAYMENTS THE STATE RECEIVES.

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://leg.colorado.gov/>.)

Current law requires the department of human services (state department) to pass through 100% of the federal child support incentive payments received by the state to county departments of human or social services. Beginning in federal fiscal year 2024-25, the bill allows the state department to retain a percentage of the federal incentives the state

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

receives.

Beginning July 1, 2024, the bill requires the state department to report on each project funded by the federal incentive money the state retained to the joint technology committee of the general assembly.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend with**
3 **relocated provisions** 26-13-112.5 as follows:

4 **26-13-112.5. Child support incentive payments - report -**
5 **repeal.** (1) ~~In~~ FROM federal fiscal year 2000 ~~and each federal fiscal year~~
6 ~~thereafter~~ THROUGH FEDERAL FISCAL YEAR 2023, one hundred percent of
7 the federal incentives received by the state shall be passed through to the
8 county departments. ~~The state board shall promulgate rules specifying~~
9 ~~performance measures pursuant to which incentives shall be distributed~~
10 ~~to the county departments.~~

11 (2) BEGINNING IN FEDERAL FISCAL YEAR 2024, AND EACH FEDERAL
12 FISCAL YEAR THEREAFTER, THE STATE MAY RETAIN A PERCENTAGE OF THE
13 FEDERAL INCENTIVES THE STATE RECEIVES, WHICH PERCENTAGE IS
14 CALCULATED BY DETERMINING THE INCREASE IN INCENTIVES RECEIVED IN
15 FEDERAL FISCAL YEAR 2024 OVER AND ABOVE THE BASE AMOUNT. THE
16 BASE AMOUNT IS EQUAL TO THE AVERAGE OF THE INCENTIVES RECEIVED
17 IN FEDERAL FISCAL YEARS 2018 THROUGH 2022. ANY FEDERAL
18 INCENTIVES NOT RETAINED BY THE STATE SHALL BE PASSED THROUGH TO
19 THE COUNTY DEPARTMENTS.

20 (3) THE STATE BOARD SHALL PROMULGATE RULES:
21 (I) SPECIFYING PERFORMANCE MEASURES IN WHICH INCENTIVES
22 SHALL BE DISTRIBUTED TO THE COUNTY DEPARTMENTS; AND
23 (II) IMPLEMENTING A PROCESS FOR COUNTY AND STATE JOINT

1 APPROVAL OF THE USE OF THE INCENTIVE MONEY RETAINED BY THE STATE.

2 ~~(2)~~ (4) A county DEPARTMENT to which a payment is made
3 pursuant to this section shall expend the full amount of the payment to
4 supplement, and not supplant, other funds used by the county department
5 for any of the following purposes:

6 (a) To carry out the approved state plan; or

7 (b) For any activity, including cost-effective contracts, approved
8 by the state division of child support enforcement, whether or not the
9 expenditures for the activity are eligible for federal reimbursement, that
10 may contribute to improving the effectiveness or efficiency of the child
11 support program.

12 ~~(3)~~ (5) If federal incentives paid to any county department are
13 greater than ~~its~~ THE COUNTY DEPARTMENT'S share of child support
14 administrative costs, then that county department shall demonstrate how
15 the federal incentive money is expended and contributes to the program
16 as defined in ~~paragraph (b) of subsection (2)~~ SUBSECTION (4)(b) of this
17 section.

18 ~~(4)~~ (6) All federal and state incentives paid to ~~counties~~ COUNTY
19 DEPARTMENTS pursuant to section 26-13-108 shall be divided and
20 distributed to the county departments according to the distribution
21 formula as promulgated in state rule by the state board. ~~to be promulgated~~
22 ~~no later than January 1, 2000.~~

23 ~~(5)~~ (7) The state department shall pay incentives to county
24 departments on a quarterly basis.

25 (8) BEGINNING JULY 1, 2024, AND EACH YEAR THEREAFTER, THE
26 STATE DEPARTMENT SHALL REPORT ON EACH PROJECT FUNDED BY THE
27 FEDERAL INCENTIVE MONEY THE STATE RETAINED PURSUANT TO

1 SUBSECTION (2) OF THIS SECTION TO THE JOINT TECHNOLOGY COMMITTEE
2 OF THE GENERAL ASSEMBLY.

3 ~~(6) This section shall take effect January 1, 2000.~~

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