

CHAPTER 385

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 08-1250

BY REPRESENTATIVE(S) Pommer, Buescher, White, Borodkin, Ferrandino, Frangas, and Middleton;
also SENATOR(S) Johnson, Keller, Morse, Kester, and Tupa.

AN ACT

CONCERNING THE PROVISION OF NECESSARY MONEYS FOR THE PROVISION OF SOCIAL SERVICES BY COUNTIES, AND, IN CONNECTION THEREWITH, CHANGING THE CALCULATION OF DISTRIBUTIONS FROM THE COUNTY TAX BASE RELIEF FUND, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Repeal. 26-1-125, Colorado Revised Statutes, is repealed.

SECTION 2. 26-1-126, Colorado Revised Statutes, is amended to read:

26-1-126. County contingency fund - county tax base relief fund - creation - repeal. (1) (a) There is hereby created a county contingency fund, which shall be expended to supplement county expenditures for public assistance, as provided in this section.

(b) (I) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JULY 1, 2008.

(II) ALL MONEYS REMAINING IN THE COUNTY CONTINGENCY FUND CREATED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) AS OF JUNE 30, 2008, SHALL BE TRANSFERRED TO THE COUNTY TAX BASE RELIEF FUND CREATED IN SUBSECTION (1.5) OF THIS SECTION.

(1.5) THERE IS HEREBY CREATED THE COUNTY TAX BASE RELIEF FUND, WHICH SHALL BE EXPENDED TO SUPPLEMENT COUNTY EXPENDITURES FOR PUBLIC ASSISTANCE, AS PROVIDED IN THIS SECTION.

(2) ~~Notwithstanding the provisions of section 26-1-125 (1), and~~ Subject to available appropriations, the state department of human services or the state

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

department of health care policy and financing shall make an advancement, in addition to that provided in section 26-1-122, out of the ~~county contingency fund~~ COUNTY TAX BASE RELIEF FUND to any county ~~if moneys equivalent to those raised by a levy as determined pursuant to subsection (2.1) of this section on the property valued for assessment in the county are less than the sum of the county's obligations pursuant to section 26-1-122 and twenty percent of the amount expended for administrative costs and program costs of medical assistance~~ THAT IS ELIGIBLE FOR A NON-ZERO AMOUNT CALCULATED BY USING THE FORMULA DESCRIBED IN SUBSECTIONS (3) AND (4) OF THIS SECTION.

(2.1) (a) ~~If the total valuation for assessment of property in a county changes as of January 1, 1987, commencing on January 1, 1988, the mill levy used to determine eligibility for an advancement from the county contingency fund shall be changed from three mills to the number of mills determined by the following formula: Divide the total valuation for assessment for the calendar year two years preceding of those counties which were entitled to advancements from the county contingency fund for the fiscal year ending June 30 of the preceding year by the total valuation for assessment of those same counties for the preceding calendar year, multiply by three mills, and round the resulting figure to the nearest one-hundredth of a mill.~~

(b) ~~For the calendar year~~ FISCAL YEAR beginning ~~January 1, 1989~~ JULY 1, 2008, and for each ~~calendar year~~ FISCAL YEAR thereafter, ~~the mill levy used to determine eligibility~~ A COUNTY'S QUALIFICATION for an advancement from the ~~county contingency fund~~ COUNTY TAX BASE RELIEF FUND during ~~such calendar year~~ THE FISCAL YEAR shall be changed to the number of mills determined by the following formula: ~~Divide the total valuation for assessment for the calendar year two years preceding such calendar year of those counties which were entitled to advancements from the county contingency fund during all or part of said second preceding calendar year by the total valuation for assessment of those same counties for the first calendar year preceding such calendar year, multiply the quotient by the number of mills used to determine eligibility for the preceding calendar year, and round the resulting figure to the nearest one-hundredth of a mill.~~ BASED UPON A THREE-TIERED SYSTEM WHEREBY A COUNTY MAY QUALIFY FOR A DISTRIBUTION OF MONEYS FROM ONE OR MORE TIERS.

(3) Subject to available appropriations, the amount of the additional advancement for each county for each month commencing on or after ~~July 1, 1975~~ JULY 1, 2008, shall be ~~fifty percent of the difference between the following~~ THE TOTAL OF AMOUNTS CALCULATED FOR EACH OF THE THREE TIERS FROM WHICH THE COUNTY QUALIFIES TO RECEIVE A DISTRIBUTION OF MONEYS PURSUANT TO SECTION 26-1-126 (2.1) (b), AS FOLLOWS:

(a) ~~The sum of the monthly amount of the county's obligations pursuant to section 26-1-122 and twenty percent of the monthly amount expended for administrative costs and program costs of medical assistance, minus~~ A DISTRIBUTION OF MONEYS FROM TIER I SHALL BE CALCULATED AS SEVENTY-FIVE PERCENT OF THE REMAINDER OF THE EQUATION X MINUS Y, WHERE:

(I) X EQUALS THE SUM OF THE MONTHLY AMOUNT OF THE COUNTY'S OBLIGATIONS PURSUANT TO SECTION 26-1-122 AND THE COUNTY SHARE OF THE MONTHLY AMOUNT EXPENDED FOR ADMINISTRATIVE COSTS OF MEDICAL ASSISTANCE

PURSUANT TO SECTION 25.5-1-122, C.R.S., AND SECTION 26-1-122; AND

(II) Y EQUALS THE AMOUNT OF MONEYS THAT WOULD BE RAISED BY A LEVY OF 3.0 MILLS ON THE PROPERTY VALUED FOR ASSESSMENT IN THE COUNTY, DIVIDED BY TWELVE.

(b) ~~The moneys equivalent to those raised by a levy of the number of mills determined pursuant to paragraph (b) of subsection (2.1) of this section on the property valued for assessment in the county divided by twelve.~~ FOR A COUNTY NOT RECEIVING A DISTRIBUTION OF MONEYS FROM TIER 1, THE DISTRIBUTION FROM TIER 2 SHALL BE CALCULATED AS FIFTY PERCENT OF THE REMAINDER OF THE EQUATION X MINUS Y, WHERE:

(I) X EQUALS THE SUM OF THE MONTHLY AMOUNT OF THE COUNTY'S OBLIGATIONS PURSUANT TO SECTION 26-1-122 AND THE COUNTY SHARE OF THE MONTHLY AMOUNT EXPENDED FOR ADMINISTRATIVE COSTS OF MEDICAL ASSISTANCE PURSUANT TO SECTION 25.5-1-122, C.R.S., AND SECTION 26-1-122; AND

(II) Y EQUALS THE AMOUNT OF MONEYS THAT WOULD BE RAISED BY A LEVY OF 2.5 MILLS ON THE PROPERTY VALUED FOR ASSESSMENT IN THE COUNTY, DIVIDED BY TWELVE.

(c) FOR A COUNTY THAT RECEIVES A DISTRIBUTION OF MONEYS FROM TIER 1, THE DISTRIBUTION FROM TIER 2 SHALL BE CALCULATED AS FIFTY PERCENT OF THE REMAINDER OF THE EQUATION X MINUS Y, WHERE:

(I) X EQUALS THE AMOUNT OF MONEYS THAT WOULD BE RAISED BY A LEVY OF 3.0 MILLS ON THE PROPERTY VALUED FOR ASSESSMENT IN THE COUNTY, DIVIDED BY TWELVE; AND

(II) Y EQUALS THE AMOUNT OF MONEYS THAT WOULD BE RAISED BY A LEVY OF 2.5 MILLS ON THE PROPERTY VALUED FOR ASSESSMENT IN THE COUNTY, DIVIDED BY TWELVE.

(d) FOR A COUNTY NOT RECEIVING A DISTRIBUTION OF MONEYS FROM TIER 2, THE DISTRIBUTION FROM TIER 3 SHALL BE CALCULATED AS TWENTY-FIVE PERCENT OF THE REMAINDER OF THE EQUATION X MINUS Y, WHERE:

(I) X EQUALS THE SUM OF THE MONTHLY AMOUNT OF THE COUNTY'S OBLIGATIONS PURSUANT TO SECTION 26-1-122 AND THE COUNTY SHARE OF THE MONTHLY AMOUNT EXPENDED FOR ADMINISTRATIVE COSTS OF MEDICAL ASSISTANCE PURSUANT TO SECTION 25.5-1-122, C.R.S., AND SECTION 26-1-122; AND

(II) Y EQUALS THE AMOUNT OF MONEYS THAT WOULD BE RAISED BY A LEVY OF 2.0 MILLS ON THE PROPERTY VALUED FOR ASSESSMENT IN THE COUNTY, DIVIDED BY TWELVE.

(e) FOR A COUNTY THAT RECEIVES A DISTRIBUTION OF MONEYS FROM TIER 2, THE DISTRIBUTION FROM TIER 3 SHALL BE CALCULATED AS TWENTY-FIVE PERCENT OF THE REMAINDER OF THE EQUATION X MINUS Y, WHERE:

(I) X EQUALS THE AMOUNT OF MONEYS THAT WOULD BE RAISED BY A LEVY OF 2.5 MILLS ON THE PROPERTY VALUED FOR ASSESSMENT IN THE COUNTY, DIVIDED BY TWELVE; AND

(II) Y EQUALS THE AMOUNT OF MONEYS THAT WOULD BE RAISED BY A LEVY OF 2.0 MILLS ON THE PROPERTY VALUED FOR ASSESSMENT IN THE COUNTY, DIVIDED BY TWELVE.

(4) (a) In the event appropriations are insufficient to cover advancements provided for in this section, all advancements shall be prorated on the basis of total claims submitted in proportion to funds available. As funds are advanced, any adjustments shall be made from subsequent monthly payments for this purpose.

(b) (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT MAY, ON OR AFTER MAY 1 OF ANY FISCAL YEAR AND BEFORE THE FORTY-FIFTH DAY AFTER THE CLOSE OF THE FISCAL YEAR:

(A) TRANSFER UNEXPENDED GENERAL FUND MONEYS IN THE COUNTY TAX BASE RELIEF FUND LINE ITEM OF THE GENERAL APPROPRIATION ACT TO OFFSET GENERAL FUND OVER-EXPENDITURES IN THE COUNTY ADMINISTRATION LINE IN THE GENERAL APPROPRIATION ACT; AND

(B) TRANSFER UNEXPENDED GENERAL FUND MONEYS IN THE COUNTY ADMINISTRATION LINE IN THE GENERAL APPROPRIATION ACT TO OFFSET GENERAL FUND OVER-EXPENDITURES IN THE COUNTY TAX BASE RELIEF FUND LINE ITEM OF THE GENERAL APPROPRIATION ACT.

(II) THE TRANSFERS AUTHORIZED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL BE IN ADDITION TO ANY OTHER TRANSFERS WITHIN THE DEPARTMENT THAT ARE AUTHORIZED BY LAW OR THAT ARE AUTHORIZED IN THE GENERAL APPROPRIATION ACT AND ARE REQUIRED TO IMPLEMENT APPROPRIATIONS CONDITIONED ON THE DISTRIBUTION OR TRANSFER OF THE APPROPRIATED AMOUNTS.

(III) THE TOTAL AMOUNT OF MONEYS TRANSFERRED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL NOT EXCEED ONE MILLION DOLLARS FOR ANY FISCAL YEAR.

(5) Each county eligible for ~~county contingency funds~~ COUNTY TAX BASE RELIEF FUND MONEYS pursuant to this section shall only be responsible for an amount equal to the county's pro rata share of the general assembly's appropriation to the ~~county contingency fund~~ COUNTY TAX BASE RELIEF FUND. If state and county appropriations are insufficient to meet the administrative and program costs of public assistance and the administrative costs of medical assistance and food stamps, then the executive director of the department of human services, the executive director of the department of health care policy and financing, and the state board of human services shall act pursuant to sections 26-1-121 (1) (c) and 26-1-122 (5) to reduce the rate of expenditure so that it matches the available funds.

SECTION 3. 25.5-1-122 (2) (a) (I) and (4), Colorado Revised Statutes, are amended to read:

25.5-1-122. County appropriation increases - limitations. (2) For the purposes of this section:

(a) "County share" means the actual amount of the county share for the previous fiscal year. "County share" shall not include:

(I) The amount expended by the county from the county contingency fund OR THE COUNTY TAX BASE RELIEF FUND pursuant to section 26-1-126, C.R.S.;

~~(4) Notwithstanding the provisions of subsection (1) of this section, a county in this state shall not be required to contribute an amount which exceeds the total social services mill levy the county may assess pursuant to section 26-1-125, C.R.S.~~

SECTION 4. 26-1-122.5 (2) (a) (I) and (4), Colorado Revised Statutes, are amended to read:

26-1-122.5. County appropriation increases - limitations. (2) For the purposes of this section:

(a) "County share" means the actual amount of the county share for the previous fiscal year. "County share" shall not include:

(I) The amount expended by the county from the county contingency fund OR THE COUNTY TAX BASE RELIEF FUND pursuant to section 26-1-126;

~~(4) Notwithstanding the provisions of subsection (1) of this section, no county in this state shall be required to contribute an amount which exceeds the total social services mill levy the county may assess pursuant to section 26-1-125.~~

SECTION 5. Appropriation - adjustments to the 2008 long bill. (1) In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, for allocation to the executive director's office, for county administration, for the fiscal year beginning July 1, 2008, the sum of three million four hundred thousand dollars (\$3,400,000), or so much thereof as may be necessary, for the implementation of this act. Of said sum, one million dollars (\$1,000,000) shall be from the general fund, and seven hundred thousand dollars (\$700,000) shall be cash funds from local funds. Said sum from the general fund shall be subject to the "(M)" notation as defined in the general appropriation act. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2008, the department of health care policy and financing will receive the sum of one million seven hundred thousand dollars (\$1,700,000) in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of human services, for allocation to the county administration division, for county administration, for the fiscal year beginning July 1, 2008, the sum of ten million two hundred thousand dollars (\$10,200,000), or so much thereof as may be necessary, for the implementation of this act. Of said sum, four million dollars

(\$4,000,000) shall be from the general fund, and one million six hundred thousand dollars (\$1,600,000) shall be cash funds from local funds. Said sum from the general fund shall be subject to the "(M)" notation as defined in the general appropriation act. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2008, the department of human services will receive the sum of four million six hundred thousand dollars (\$4,600,000) in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the county tax base relief fund created in section 26-1-126 (1.5), Colorado Revised Statutes, for the fiscal year beginning July 1, 2008, the sum of six million sixty-nine thousand three hundred twenty-one dollars (\$6,069,321), and such sum, or so much thereof as may be necessary, is further appropriated to the department of human services, for allocation to the county administration division, for county tax base relief.

(4) For the implementation of this act, the appropriation made in section 2 of the annual general appropriation act for the fiscal year beginning July 1, 2008, shall be adjusted as follows: The general fund appropriation to the department of human services, county administration division, for county contingency payments, is decreased by eleven million sixty-nine thousand three hundred twenty-one dollars (\$11,069,321).

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

Approved: June 2, 2008