

CHAPTER 183

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 11-124

BY SENATOR(S) Hodge, Lambert, Steadman, Aguilar, Boyd, Foster, Guzman, Heath, Jahn, King S., Newell, Nicholson, Roberts, Tochtrop, White, Williams S.;
also REPRESENTATIVE(S) Gerou, Ferrandino, Bradford, Conti, Hamner, Hullinghorst, Labuda, Massey, Schafer S., Stephens, Summers, Todd, Vigil.

AN ACT

CONCERNING THE TRANSFER OF UNSPENT COUNTY TANF RESERVES TO A COUNTY, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 26-2-714 (3) and (5) (a), Colorado Revised Statutes, are amended, and the said 26-2-714 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

26-2-714. County block grants formula - use of moneys - rules.
(1.5) MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY TO THE COUNTY BLOCK GRANT LINE SHALL REMAIN APPROPRIATED AND AVAILABLE TO COUNTIES PURSUANT TO THE PROCEDURES SPECIFIED IN THIS SECTION.

~~(3) The state department shall not be authorized to reduce a county block grant pursuant to subsection (2) of this section based upon the amount of any moneys maintained by such county in a reserve account authorized pursuant to subsection (5) of this section~~ NOTHING IN SUBSECTIONS (2) AND (2.5) OF THIS SECTION SHALL PREVENT A COUNTY FROM TRANSFERRING AT ANY TIME DURING THE FISCAL YEAR, PURSUANT TO PROCEDURES ESTABLISHED BY THE STATE DEPARTMENT AND THE WORKS ALLOCATION COMMITTEE, A PORTION OF THE COUNTY'S CURRENT FEDERAL TANF ALLOCATION TO ANOTHER COUNTY IN EXCHANGE FOR AN AMOUNT OF COUNTY MONEYS EQUAL TO THE MAINTENANCE OF EFFORT ASSOCIATED WITH THE ALLOCATION.

(5) (a) (I) (A) A county shall be authorized to maintain a reserve account of county block grant moneys pursuant to rules promulgated by the state department.

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

(B) PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (V) OF PARAGRAPH (c) OF SUBSECTION (6) OF THIS SECTION, upon the conclusion of state fiscal year ~~2008-09~~, ~~a county shall remit to the Colorado long-term works reserve created in section 26-2-721~~ 2010-11, AND UPON THE CONCLUSION OF EACH STATE FISCAL YEAR THEREAFTER, THE WORKS ALLOCATION COMMITTEE MAY TRANSFER TO ANOTHER COUNTY ON OR BEFORE NOVEMBER 1 OF THE SUCCEEDING FISCAL YEAR, any unspent COUNTY TANF reserves in excess of ~~seventy~~ FORTY percent of the county's county block grant for the CONCLUDING state fiscal year. ~~2008-09~~ TANF RESERVES TRANSFERRED TO A COUNTY PURSUANT TO THIS SUB-SUBPARAGRAPH (B) SHALL BE AVAILABLE TO THE COUNTY IN THE SUCCEEDING STATE FISCAL YEAR.

(C) ~~Upon the conclusion of state fiscal year 2009-10, a county shall remit to the Colorado long-term works reserve created in section 26-2-721 any unspent TANF reserves in excess of fifty-five percent of the county's county block grant for the state fiscal year 2009-10.~~

(D) ~~Upon the conclusion of state fiscal year 2010-11, a county shall remit to the Colorado long-term works reserve created in section 26-2-721 any unspent TANF reserves in excess of forty percent of the county's county block grant for the state fiscal year 2010-11.~~ IF THE WORKS ALLOCATION COMMITTEE TRANSFERS EXCESS UNSPENT TANF RESERVES PURSUANT TO SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (I), THE COUNTY FROM WHICH THE RESERVES ARE TRANSFERRED SHALL RECEIVE APPROPRIATE MAINTENANCE OF EFFORT CREDIT FOR THOSE RESERVES. THE COUNTY RECEIVING THE TANF RESERVES SHALL BE RESPONSIBLE FOR PROVIDING AN AMOUNT OF COUNTY MONEYS EQUAL TO THE MAINTENANCE OF EFFORT ASSOCIATED WITH THE TANF RESERVES.

(E) ~~Upon the conclusion of state fiscal year 2011-12, and upon the conclusion of each state fiscal year thereafter, a county shall remit to the Colorado long-term works reserve created in section 26-2-721 any unspent TANF reserves in excess of thirty percent of the county's county block grant for the concluding state fiscal year. This sub-subparagraph (E) is repealed, effective July 1, 2012.~~

(II) Notwithstanding any provision of subparagraph (I) of this paragraph (a) to the contrary, in state fiscal year 2008-09, and in each state fiscal year thereafter, a county with an annual county block grant amount of two hundred thousand dollars or less shall ~~remit to the Colorado long-term works reserve~~ MAKE AVAILABLE TO THE WORKS ALLOCATION COMMITTEE FOR TRANSFER TO ANOTHER COUNTY PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (V) OF PARAGRAPH (c) OF SUBSECTION (6) OF THIS SECTION any unspent TANF reserves in excess of one hundred thousand dollars.

(III) As used in this subsection (5), "unspent TANF reserves" means the amount deposited in a county reserve account plus any unspent TANF transfers authorized pursuant to THIS SUBSECTION (5) AND subsections (7) and (9) of this section.

(IV) ~~It is the intent of the general assembly that the amount of unspent TANF reserves that a county may maintain shall continue to be restricted in statute for state fiscal years beginning on or after July 1, 2012. Therefore, prior to the regular legislative session of 2012, the state department, in collaboration with the county~~

~~departments and persons who represent Colorado works program participant advocates, shall review the county reserve levels existing as of state fiscal year 2011-12 and make legislative recommendations regarding the appropriate levels of county reserves for state fiscal years beginning on or after July 1, 2012, to the health and human services committees of the senate and the house of representatives, or any successor committees.~~

SECTION 2. 26-2-714 (6) (c), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

26-2-714. County block grants formula - use of moneys - rules. (6) (c) **Actual spending levels - 1998-99 and thereafter.** (V) THE WORKS ALLOCATION COMMITTEE SHALL DETERMINE THE PRIORITY CRITERIA FOR TRANSFERS OF EXCESS UNSPENT TANF RESERVES TO A COUNTY PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION AND THE AMOUNT OF THE TRANSFERS. WITH THE GOAL OF INCREASING THE COUNTIES' MINIMUM PERCENTAGE RESERVE BALANCES, THE WORKS ALLOCATION COMMITTEE'S PRIORITY CRITERIA SHALL GIVE FIRST PRIORITY TO TRANSFERS TO COUNTIES THAT HAVE NO MORE THAN A TEN PERCENT BALANCE IN THE COUNTY'S TANF RESERVE ACCOUNT. IF MONEYS REMAIN AFTER SATISFYING THE FIRST PRIORITY CRITERIA, SECOND PRIORITY SHALL BE GIVEN TO TRANSFERS TO THOSE COUNTIES WHOSE TANF RESERVES ARE MORE THAN TEN PERCENT, BUT NO MORE THAN TWENTY PERCENT.

SECTION 3. 26-2-721 (1), Colorado Revised Statutes, is amended to read:

26-2-721. Colorado long-term works reserve - creation - use. (1) There is hereby created the Colorado long-term works reserve, referred to in this section as the "reserve", that shall consist of unappropriated TANF block grant moneys, state general fund moneys appropriated thereto by the general assembly, and moneys transferred thereto pursuant to sections 26-2-714 (5) (a), 26-2-716 (4) (b), 26-2-720.5 (1), 26-2-721.3 (1), and 26-2-721.7 (1). A COUNTY'S EXCESS UNSPENT TANF RESERVES THAT ARE TRANSFERRED TO ANOTHER COUNTY PURSUANT TO SECTION 26-2-714 (5) (a) (I) (B) OR (5) (a) (I) (C) SHALL NOT BE CONSIDERED UNAPPROPRIATED TANF BLOCK GRANT MONEYS FOR PURPOSES OF THIS SECTION. ANY EXCESS UNSPENT TANF RESERVES FOR STATE FISCAL YEAR 2009-10 SHALL BE EXCLUDED FROM THE COLORADO LONG-TERM WORKS RESERVE AND SHALL BE AVAILABLE FOR TRANSFER TO A COUNTY PURSUANT TO SECTION 26-2-714 (5) (a) (I) (B).

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of human services, for Colorado works county block grants, for the fiscal year beginning July 1, 2010, the sum of six hundred eighty-five thousand seven hundred seventy-two dollars (\$685,772), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from federal Temporary Assistance for Needy Families block grant funds.

SECTION 5. 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: May 19, 2011