

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0623.01 Brita Darling

SENATE BILL 11-124

SENATE SPONSORSHIP

Hodge, Lambert, Steadman

HOUSE SPONSORSHIP

Gerou, Ferrandino

Senate Committees

Finance
Appropriations

House Committees

A BILL FOR AN ACT

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

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>.)

For state fiscal year 2010-11, and each state fiscal year thereafter, the bill caps county temporary aid to needy families (TANF) reserves at 70% of a county's block grant; except that TANF reserves for a county with a block grant of \$142,857 or less are capped at \$100,000.

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.*

The bill gives the works allocation committee the authority for year-end transfers of any unspent county TANF reserves in excess of the county reserve cap to a county that needs TANF reserves, subject to priority criteria determined by the works allocation committee, and in an amount determined by the works allocation committee. The priority criteria must give first priority for a transfer to a county with zero TANF reserves. Any unspent TANF reserves that are not allocated by the works allocation committee shall be remitted to the Colorado long-term works reserve. If the works allocation committee transfers unspent TANF reserves, the county from which the reserves are transferred shall receive appropriate maintenance of effort credit for those reserves.

For state fiscal year 2009-10, excess unspent county TANF reserves shall be excluded from the Colorado long-term works reserve and shall be available for transfer by the works allocation committee to another county.

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

2 **SECTION 1.** 26-2-714 (5) (a), Colorado Revised Statutes, is
3 amended to read:

4 **26-2-714. County block grants formula - use of moneys - rules.**

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

8 (B) Upon the conclusion of state fiscal year ~~2008-09~~, a county
9 ~~shall remit to the Colorado long-term works reserve created in section~~
10 ~~26-2-721~~ 2010-11, AND UPON THE CONCLUSION OF EACH STATE FISCAL
11 YEAR THEREAFTER, THE WORKS ALLOCATION COMMITTEE CREATED
12 PURSUANT TO SUBPARAGRAPH (IV) OF PARAGRAPH (c) OF SUBSECTION (6)
13 OF THIS SECTION MAY TRANSFER TO ANOTHER COUNTY, PURSUANT TO THE
14 PROVISIONS OF SUBPARAGRAPH (V) OF PARAGRAPH (c) OF SUBSECTION (6)
15 OF THIS SECTION, any unspent COUNTY TANF reserves in excess of
16 seventy percent of the county's county block grant for the CONCLUDING
17 state fiscal year. ~~2008-09~~. MONEYS TRANSFERRED TO A COUNTY

1 PURSUANT TO THIS SUB-SUBPARAGRAPH (B) SHALL BE AVAILABLE TO THE
2 COUNTY IN THE SUCCEEDING STATE FISCAL YEAR. ANY UNSPENT COUNTY
3 TANF RESERVES THAT ARE ELIGIBLE TO BE TRANSFERRED BY THE WORKS
4 ALLOCATION COMMITTEE, BUT ARE NOT TRANSFERRED BY THE WORKS
5 ALLOCATION COMMITTEE, SHALL BE REMITTED TO THE COLORADO
6 LONG-TERM WORKS RESERVE CREATED IN SECTION 26-2-721.

7 (C) ~~Upon the conclusion of state fiscal year 2009-10, a county~~
8 ~~shall remit to the Colorado long-term works reserve created in section~~
9 ~~26-2-721 any unspent TANF reserves in excess of fifty-five percent of the~~
10 ~~county's county block grant for the state fiscal year 2009-10.~~

11 NOTWITHSTANDING THE PROVISIONS OF SUB-SUBPARAGRAPH (B) OF THIS
12 SUBPARAGRAPH (I) TO THE CONTRARY, FOR A COUNTY WITH AN ANNUAL
13 COUNTY BLOCK GRANT AMOUNT OF ONE HUNDRED FORTY-TWO THOUSAND
14 EIGHT HUNDRED FIFTY-SEVEN DOLLARS OR LESS, ONLY THE COUNTY'S
15 UNSPENT TANF RESERVES IN EXCESS OF ONE HUNDRED THOUSAND
16 DOLLARS SHALL BE ELIGIBLE FOR TRANSFER BY THE WORKS ALLOCATION
17 COMMITTEE.

18 (D) ~~Upon the conclusion of state fiscal year 2010-11, a county~~
19 ~~shall remit to the Colorado long-term works reserve created in section~~
20 ~~26-2-721 any unspent TANF reserves in excess of forty percent of the~~
21 ~~county's county block grant for the state fiscal year 2010-11.~~ IF THE
22 WORKS ALLOCATION COMMITTEE TRANSFERS EXCESS UNSPENT TANF
23 RESERVES PURSUANT TO SUB-SUBPARAGRAPH (B) _____ OF THIS
24 SUBPARAGRAPH (I), THE COUNTY FROM WHICH THE RESERVES ARE
25 TRANSFERRED SHALL RECEIVE APPROPRIATE MAINTENANCE OF EFFORT
26 CREDIT FOR THOSE RESERVES TO THE EXTENT THAT THE COUNTY OR
27 COUNTIES RECEIVING THE RESERVES ACCEPT RESPONSIBILITY FOR THE

1 MAINTENANCE OF EFFORT.

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

8 (II) ~~Notwithstanding any provision of subparagraph (I) of this~~
9 ~~paragraph (a) to the contrary, in state fiscal year 2008-09, and in each~~
10 ~~state fiscal year thereafter, a county with an annual county block grant~~
11 ~~amount of two hundred thousand dollars or less shall remit to the~~
12 ~~Colorado long-term works reserve any unspent TANF reserves in excess~~
13 ~~of one hundred thousand dollars.~~

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

18 (IV) ~~It is the intent of the general assembly that the amount of~~
19 ~~unspent TANF reserves that a county may maintain shall continue to be~~
20 ~~restricted in statute for state fiscal years beginning on or after July 1,~~
21 ~~2012. Therefore, prior to the regular legislative session of 2012, the state~~
22 ~~department, in collaboration with the county departments and persons~~
23 ~~who represent Colorado works program participant advocates, shall~~
24 ~~review the county reserve levels existing as of state fiscal year 2011-12~~
25 ~~and make legislative recommendations regarding the appropriate levels~~
26 ~~of county reserves for state fiscal years beginning on or after July 1, 2012,~~
27 ~~to the health and human services committees of the senate and the house~~

1 of representatives, or any successor committees.

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

4 **26-2-714. County block grants formula - use of moneys - rules.**

5 (6) (c) **Actual spending levels - 1998-99 and thereafter.** (V) THE
6 WORKS ALLOCATION COMMITTEE SHALL DETERMINE THE PRIORITY
7 CRITERIA FOR TRANSFERS OF EXCESS UNSPENT TANF RESERVES TO A
8 COUNTY PURSUANT TO SUB-SUBPARAGRAPHS (B) AND (C) OF
9 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION
10 AND THE AMOUNT OF THE TRANSFERS. THE WORKS ALLOCATION
11 COMMITTEE'S PRIORITY CRITERIA SHALL GIVE FIRST PRIORITY TO
12 TRANSFERS TO COUNTIES THAT HAVE A ZERO BALANCE IN THE COUNTY'S
13 TANF RESERVE ACCOUNT.

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

16 **26-2-721. Colorado long-term works reserve - creation - use.**

17 (1) There is hereby created the Colorado long-term works reserve,
18 referred to in this section as the "reserve", that shall consist of
19 unappropriated TANF block grant moneys, state general fund moneys
20 appropriated thereto by the general assembly, and moneys transferred
21 thereto pursuant to sections 26-2-714 (5) (a), 26-2-716 (4) (b), 26-2-720.5
22 (1), 26-2-721.3 (1), and 26-2-721.7 (1). A COUNTY'S EXCESS UNSPENT
23 TANF RESERVES THAT ARE TRANSFERRED TO ANOTHER COUNTY
24 PURSUANT TO SECTION 26-2-714 (5) (a) (I) (B) OR (5) (a) (I) (C) SHALL
25 NOT BE CONSIDERED UNAPPROPRIATED TANF BLOCK GRANT MONEYS FOR
26 PURPOSES OF THIS SECTION. ANY EXCESS UNSPENT TANF RESERVES FOR
27 STATE FISCAL YEAR 2009-10 SHALL BE EXCLUDED FROM THE COLORADO

1 LONG-TERM WORKS RESERVE AND SHALL BE AVAILABLE FOR TRANSFER TO
2 A COUNTY PURSUANT TO SECTION 26-2-714 (5) (a) (I) (B).

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

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