

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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

Finance
Appropriations

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.*

HOUSE
3rd Reading Unam ended
April 25, 2011

HOUSE
2nd Reading Unam ended
April 21, 2011

SENATE
3rd Reading Unam ended
March 15, 2011

SENATE
Am ended 2nd Reading
March 14, 2011

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

5 **26-2-714. County block grants formula - use of moneys - rules.**
6 (1.5) MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY TO THE
7 COUNTY BLOCK GRANT LINE SHALL REMAIN APPROPRIATED AND
8 AVAILABLE TO COUNTIES PURSUANT TO THE PROCEDURES SPECIFIED IN
9 THIS SECTION.

10 (3) ~~The state department shall not be authorized to reduce a~~
11 ~~county block grant pursuant to subsection (2) of this section based upon~~
12 ~~the amount of any moneys maintained by such county in a reserve account~~
13 ~~authorized pursuant to subsection (5) of this section~~ NOTHING IN
14 SUBSECTIONS (2) AND (2.5) OF THIS SECTION SHALL PREVENT A COUNTY
15 FROM TRANSFERRING AT ANY TIME DURING THE FISCAL YEAR, PURSUANT
16 TO PROCEDURES ESTABLISHED BY THE STATE DEPARTMENT AND THE
17 WORKS ALLOCATION COMMITTEE, A PORTION OF THE COUNTY'S CURRENT

1 FEDERAL TANF ALLOCATION TO ANOTHER COUNTY IN EXCHANGE FOR AN
2 AMOUNT OF COUNTY MONEYS EQUAL TO THE MAINTENANCE OF EFFORT
3 ASSOCIATED WITH THE ALLOCATION.

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

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

19 (C) Upon the conclusion of state fiscal year 2009-10, a county
20 shall remit to the Colorado long-term works reserve created in section
21 26-2-721 any unspent TANF reserves in excess of fifty-five percent of the
22 county's county block grant for the state fiscal year 2009-10. ==

23 (D) Upon the conclusion of state fiscal year 2010-11, a county
24 shall remit to the Colorado long-term works reserve created in section
25 26-2-721 any unspent TANF reserves in excess of forty percent of the
26 county's county block grant for the state fiscal year 2010-11. IF THE
27 WORKS ALLOCATION COMMITTEE TRANSFERS EXCESS UNSPENT TANF

1 RESERVES PURSUANT TO SUB-SUBPARAGRAPH (B) _____ OF THIS
2 SUBPARAGRAPH (I), THE COUNTY FROM WHICH THE RESERVES ARE
3 TRANSFERRED SHALL RECEIVE APPROPRIATE MAINTENANCE OF EFFORT
4 CREDIT FOR THOSE RESERVES. THE COUNTY RECEIVING THE TANF
5 RESERVES SHALL BE RESPONSIBLE FOR PROVIDING AN AMOUNT OF COUNTY
6 MONEYS EQUAL TO THE MAINTENANCE OF EFFORT ASSOCIATED WITH THE
7 TANF RESERVES.

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

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

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

27 (IV) ~~It is the intent of the general assembly that the amount of~~

1 unspent TANF reserves that a county may maintain shall continue to be
2 restricted in statute for state fiscal years beginning on or after July 1,
3 2012. Therefore, prior to the regular legislative session of 2012, the state
4 department, in collaboration with the county departments and persons
5 who represent Colorado works program participant advocates, shall
6 review the county reserve levels existing as of state fiscal year 2011-12
7 and make legislative recommendations regarding the appropriate levels
8 of county reserves for state fiscal years beginning on or after July 1, 2012,
9 to the health and human services committees of the senate and the house
10 of representatives, or any successor committees.

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

13 **26-2-714. County block grants formula - use of moneys - rules.**
14 (6) (c) **Actual spending levels - 1998-99 and thereafter.** (V) THE
15 WORKS ALLOCATION COMMITTEE SHALL DETERMINE THE PRIORITY
16 CRITERIA FOR TRANSFERS OF EXCESS UNSPENT TANF RESERVES TO A
17 COUNTY PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF
18 PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION AND THE AMOUNT OF
19 THE TRANSFERS. WITH THE GOAL OF INCREASING THE COUNTIES' MINIMUM
20 PERCENTAGE RESERVE BALANCES, THE WORKS ALLOCATION COMMITTEE'S
21 PRIORITY CRITERIA SHALL GIVE FIRST PRIORITY TO TRANSFERS TO
22 COUNTIES THAT HAVE NO MORE THAN A TEN PERCENT BALANCE IN THE
23 COUNTY'S TANF RESERVE ACCOUNT. IF MONEYS REMAIN AFTER
24 SATISFYING THE FIRST PRIORITY CRITERIA, SECOND PRIORITY SHALL BE
25 GIVEN TO TRANSFERS TO THOSE COUNTIES WHOSE TANF RESERVES ARE
26 MORE THAN TEN PERCENT, BUT NO MORE THAN TWENTY PERCENT.

27 **SECTION 3.** 26-2-721 (1), Colorado Revised Statutes, is

1 amended to read:

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

3 (1) There is hereby created the Colorado long-term works reserve,
4 referred to in this section as the "reserve", that shall consist of
5 unappropriated TANF block grant moneys, state general fund moneys
6 appropriated thereto by the general assembly, and moneys transferred
7 thereto pursuant to sections 26-2-714 (5) (a), 26-2-716 (4) (b), 26-2-720.5
8 (1), 26-2-721.3 (1), and 26-2-721.7 (1). A COUNTY'S EXCESS UNSPENT
9 TANF RESERVES THAT ARE TRANSFERRED TO ANOTHER COUNTY
10 PURSUANT TO SECTION 26-2-714 (5) (a) (I) (B) OR (5) (a) (I) (C) SHALL
11 NOT BE CONSIDERED UNAPPROPRIATED TANF BLOCK GRANT MONEYS FOR
12 PURPOSES OF THIS SECTION. ANY EXCESS UNSPENT TANF RESERVES FOR
13 STATE FISCAL YEAR 2009-10 SHALL BE EXCLUDED FROM THE COLORADO
14 LONG-TERM WORKS RESERVE AND SHALL BE AVAILABLE FOR TRANSFER TO
15 A COUNTY PURSUANT TO SECTION 26-2-714 (5) (a) (I) (B).

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

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