

CHAPTER 45

GOVERNMENT - STATE

HOUSE BILL 23-1087

BY REPRESENTATIVE(S) Catlin and McLachlan, Amabile, Bockenfeld, Brown, Dickson, Duran, English, Jodeh, Joseph, Lindsay, Lindstedt, Lukens, McCormick, Ricks, Sharbini, Story, Titone, Valdez, Velasco, Weinberg, Young, McCluskie; also SENATOR(S) Roberts and Will, Kolker.

AN ACT

CONCERNING A REQUIREMENT THAT THE STATE CONTROLLER PROMULGATE FISCAL RULES GOVERNING ADVANCE PAYMENT FOR THE PURCHASE OF STATE AGRICULTURAL PRODUCTS BY A CHARITABLE FOOD ORGANIZATION USING STATE GRANT MONEY.

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

SECTION 1. In Colorado Revised Statutes, 24-30-202, **add** (28) as follows:

24-30-202. Procedures - vouchers, warrants, and checks - rules - penalties - definitions. (28) (a) AS USED IN THIS SUBSECTION (28):

(I) (A) "CHARITABLE FOOD ORGANIZATION" MEANS A CHARITABLE ORGANIZATION, INCLUDING A FAITH-BASED ORGANIZATION, EXEMPT FROM FEDERAL TAXATION UNDER THE PROVISIONS OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, THAT DISTRIBUTES FOOD DIRECTLY OR INDIRECTLY FOR HUNGER RELIEF IN THE COMMUNITY.

(B) "CHARITABLE FOOD ORGANIZATION" INCLUDES A SCHOOL FOOD AUTHORITY AS DEFINED IN SECTION 22-32-120 (8).

(II) "STATE AGRICULTURAL PRODUCTS" MEANS AGRICULTURAL PRODUCTS PRODUCED IN THE STATE IN ACCORDANCE WITH SECTION 24-103-907 (3)(a).

(b) THE CONTROLLER SHALL PROMULGATE FISCAL RULES TO CLARIFY THAT STATE AGENCIES MAY, UNDER REVIEW OF THE STATE CONTROLLER, PROVIDE FOR ADVANCE PAYMENT FOR THE PURCHASE OF STATE AGRICULTURAL PRODUCTS BY A CHARITABLE FOOD ORGANIZATION USING STATE GRANT MONEY, AND MAY INCLUDE, AS THE CONTROLLER DEEMS NECESSARY, RULES FOR THE IMPLEMENTATION OF THE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

ADVANCE PAYMENT POLICY INCLUDING PROPER ACCOUNTING, COMPLIANCE WITH INDUSTRY STANDARDS, AND DETERMINATION THAT THE ADVANCE PAYMENT PROVIDES A BENEFIT TO THE STATE AT LEAST EQUAL TO THE COST AND RISK OF THE ADVANCE PAYMENT.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 31, 2023