

CHAPTER 238

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 03-246

BY SENATOR(S) Owen, Reeves, and Teck;
also REPRESENTATIVE(S) Witwer, Plant, and Young.

AN ACT

CONCERNING THE AUTHORITY OF THE DEPARTMENT OF HUMAN SERVICES TO CHARGE A MONTHLY ADMINISTRATIVE FEE TO SPECIFIED PUBLIC ASSISTANCE RECIPIENTS RECEIVING BENEFITS VIA THE ELECTRONIC BENEFITS TRANSFER SERVICE.

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

SECTION 1. 26-2-104 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26-2-104. Public assistance programs - electronic benefits transfer service - rules - fund - repeal. (2) (d) (I) THE STATE DEPARTMENT IS AUTHORIZED TO CHARGE A ONE DOLLAR PER MONTH ADMINISTRATIVE FEE TO PUBLIC ASSISTANCE RECIPIENTS WHO RECEIVE ASSISTANCE PAYMENTS THROUGH THE ELECTRONIC BENEFITS TRANSFER SERVICE FOR THE COLORADO WORKS PROGRAM, OLD AGE PENSION, AID TO THE NEEDY DISABLED, AID TO THE BLIND, LOW-INCOME ENERGY ASSISTANCE, AND CHILD CARE ASSISTANCE. THE ADMINISTRATIVE FEE AUTHORIZED PURSUANT TO THIS PARAGRAPH (d) SHALL BE DEDUCTED FROM THE AGGREGATE ASSISTANCE PAYMENT TO BE RECEIVED EACH MONTH BY A PUBLIC ASSISTANCE RECIPIENT IN SUCH PROGRAMS.

(II) ALL ADMINISTRATIVE FEES DEDUCTED FROM ASSISTANCE PAYMENTS PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE ELECTRONIC BENEFITS TRANSFER SERVICE FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SUBPARAGRAPH (II) AS THE "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO DEFRAID THE COST OF ADMINISTERING THE ELECTRONIC BENEFITS TRANSFER SERVICE SYSTEM. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF ADMINISTERING THE ELECTRONIC BENEFITS TRANSFER SERVICE SYSTEM MAY BE INVESTED BY 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.

TREASURER AS PROVIDED IN SECTION 24-36-113, C.R.S. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(III) THIS PARAGRAPH (d) IS REPEALED, EFFECTIVE JULY 1, 2006.

SECTION 2. 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 2, 2003