

## CHAPTER 215

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**HUMAN SERVICES - SOCIAL SERVICES**

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HOUSE BILL 05-1324

BY REPRESENTATIVE(S) Riesberg;  
also SENATOR(S) Kester and Bacon.**AN ACT****CONCERNING THE AUTHORITY OF THE DEPARTMENT OF HUMAN SERVICES TO CHARGE AN ADMINISTRATIVE FEE TO ELIGIBLE AGENCIES RECEIVING COMMODITIES THROUGH FOOD DISTRIBUTION PROGRAMS AUTHORIZED BY FEDERAL LAW.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** 26-1-121, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**26-1-121. Appropriations - food distribution programs.** (4) (a) THE STATE DEPARTMENT IS AUTHORIZED TO CHARGE AN ADMINISTRATIVE FEE FOR COMMODITIES DELIVERED TO AGENCIES THAT RECEIVE THESE COMMODITIES THROUGH FOOD DISTRIBUTION PROGRAMS AUTHORIZED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE PURSUANT TO 7 CFR 250.1 ET SEQ., AS AMENDED, INCLUDING THE "NATIONAL SCHOOL LUNCH PROGRAM", THE "CHILD AND ADULT CARE FOOD PROGRAM", AND THE "SUMMER FOOD SERVICE PROGRAM". THE DEPARTMENT SHALL COLLECT THE ADMINISTRATIVE FEE AUTHORIZED PURSUANT TO THIS SUBSECTION (4) ON A MONTHLY BASIS FROM AGENCIES THAT RECEIVE COMMODITIES FROM SUCH PROGRAMS.

(b) ALL ADMINISTRATIVE FEES COLLECTED FROM AGENCIES PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FOOD DISTRIBUTION PROGRAM SERVICE FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS PARAGRAPH (b) AS THE "FUND". THE MONEYS IN THE FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE STATE DEPARTMENT TO DEFRAY THE COST OF ADMINISTERING THE FOOD DISTRIBUTION PROGRAMS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (4). ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF ADMINISTERING THE FOOD DISTRIBUTION PROGRAMS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION

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

(4) MAY BE INVESTED BY THE STATE AS PROVIDED IN SECTION 24-36-113, C.R.S. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. THE FUND BALANCES SHALL COMPLY WITH ANY APPLICABLE FEDERAL LAWS OR REGULATIONS. AT THE END OF EACH FISCAL YEAR, ANY UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

**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: June 1, 2005