

1 **EMERGENCY FOOD AGENCY AMENDMENTS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Peter C. Knudson**

5 House Sponsor: Ronda Rudd Menlove

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the definition of qualified emergency food agency in the State
10 Community Services Act to include a food pantry operated by a municipality located
11 within the state.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ provides that a food pantry operated by a municipality within the state is a qualified
15 emergency food agency for purposes of the State Community Services Act.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **9-4-1409**, as last amended by Laws of Utah 2009, Chapter 385

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section **9-4-1409** is amended to read:

26 **9-4-1409. Qualified Emergency Food Agencies Fund -- Expenditure of revenues.**

27 (1) As used in this section:

28 (a) "Association of governments" means the following created under the authority of
29 Title 11, Chapter 13, Interlocal Cooperation Act:

- 30 (i) an association of governments; or
- 31 (ii) a regional council that acts as an association of governments.
- 32 (b) "Food and food ingredients" is as defined in Section 59-12-102.
- 33 (c) "Pounds of food donated" means the aggregate number of pounds of food and food
- 34 ingredients that are donated:
 - 35 (i) to a qualified emergency food agency; and
 - 36 (ii) by a person, other than an organization that as part of its activities operates a
 - 37 program that has as the program's primary purpose to:
 - 38 (A) warehouse and distribute food to other agencies and organizations providing food
 - 39 and food ingredients to low-income persons; or
 - 40 (B) provide food and food ingredients directly to low-income persons.
 - 41 (d) "Qualified emergency food agency" means an organization that:
 - 42 (i) is:
 - 43 (A) exempt from federal income taxation under Section 501(c)(3), Internal Revenue
 - 44 Code; [~~or~~]
 - 45 (B) an association of governments; or
 - 46 (C) a food pantry operated by a municipality located within the state;
 - 47 (ii) as part of its activities operates a program that has as the program's primary purpose
 - 48 to:
 - 49 (A) warehouse and distribute food to other agencies and organizations providing food
 - 50 and food ingredients to low-income persons; or
 - 51 (B) provide food and food ingredients directly to low-income persons; and
 - 52 (iii) the office determines to be a qualified emergency food agency.
 - 53 (2) There is created a restricted special revenue fund known as the Qualified
 - 54 Emergency Food Agencies Fund.
 - 55 (3) (a) The Qualified Emergency Food Agencies Fund shall be funded by the sales and
 - 56 use tax revenues described in:
 - 57 (i) Section 59-12-103;

58 (ii) Section 59-12-204; and

59 (iii) Section 59-12-1102.

60 (b) Any interest earned on the Qualified Emergency Food Agencies Fund shall be
61 deposited into the General Fund.

62 (4) The office shall for a fiscal year distribute monies deposited into the Qualified
63 Emergency Food Agencies Fund to qualified emergency food agencies within the state as
64 provided in this section.

65 (5) A qualified emergency food agency shall file an application with the office before
66 the qualified emergency food agency may receive a distribution under this section.

67 (6) Except as provided in Subsection (7), the office shall for a fiscal year distribute to a
68 qualified emergency food agency an amount equal to the product of:

69 (a) the pounds of food donated to the qualified emergency food agency during that
70 fiscal year; and

71 (b) \$.12.

72 (7) If the monies deposited into the Qualified Emergency Food Agencies Fund are
73 insufficient to make the distributions required by Subsection (6), the office shall make
74 distributions to qualified emergency food agencies in the order that the office receives
75 applications from the qualified emergency food agencies until all of the monies deposited into
76 the Qualified Emergency Food Agencies Fund for the fiscal year are expended.

77 (8) A qualified emergency food agency may expend a distribution received in
78 accordance with this section only for a purpose related to:

79 (a) warehousing and distributing food and food ingredients to other agencies and
80 organizations providing food and food ingredients to low-income persons; or

81 (b) providing food and food ingredients directly to low-income persons.

82 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
83 Division of Housing and Community Development may make rules providing procedures for
84 implementing the distributions required by this section, including:

85 (a) standards for determining and verifying the amount of a distribution that a qualified

86 emergency food agency may receive;

87 (b) procedures for a qualified emergency food agency to apply for a distribution,
88 including the frequency with which a qualified emergency food agency may apply for a
89 distribution; and

90 (c) consistent with Subsection (1)(d), determining whether an entity is a qualified
91 emergency food agency.