

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Joint Budget Committee Members
FROM JBC Staff
DATE March 15, 2024
SUBJECT Potential Legislation Packet 13

This packet includes bill drafts and related memos for the Committee’s consideration. Each individual item has page numbers but also a packet page number to help navigate the whole document. The page numbers below refer to the packet page number.

POTENTIAL LEGISLATION

Create Healthy Eating Incentives Program LLS 24-1073 (Magnus)	1
Broadband Infrastructure Cash Fund for DOC LLS 24-1097 (Brakke)	5
DOC Caseload Supplemental Approp Request Deadline LLS 24-0986 (Brakke)	8

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/11/24

DRAFT

LLS NO. 24-1073.01 Brita Darling x2241

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Create the Healthy Eating Incentives Program

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE HEALTHY EATING INCENTIVES**
102 **PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

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://leg.colorado.gov/>.)

Joint Budget Committee. The bill creates the healthy eating incentives program (program) in the department of public health and environment to be administered by the prevention services division (division).

The division shall partner with a statewide nonprofit organization

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

that has experience in supporting healthy eating incentives programs to provide healthy eating incentives that benefit Colorado's low-income populations. The healthy eating incentives must attempt to improve access to fresh Colorado-grown fruits and vegetables within Colorado's low-income communities.

The bill limits the division's and the nonprofit organization's administrative expenses.

For the 2024-25 state fiscal year, the bill appropriates \$500,000 to the department of public health and environment for use by the division to implement the program.

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

SECTION 1. In Colorado Revised Statutes, **add** part 22 to article 20.5 of title 25 as follows:

PART 22

HEALTHY EATING INCENTIVES PROGRAM

25-20.5-2201. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) A RECENT SURVEY FOUND THAT ONE IN THREE COLORADANS ARE "FOOD INSECURE", THAT IS, LACKING RELIABLE ACCESS TO NUTRITIOUS FOOD;

(b) IN ADDITION, MORE THAN ONE IN THREE ADULTS LIVING WITH CHILDREN HAVE REPORTED REGULARLY CUTTING BACK OR SKIPPING MEALS TO ALLOW THEIR CHILDREN TO HAVE ENOUGH TO EAT;

(c) CHILDHOOD HUNGER CAN HAVE LIFELONG IMPACTS, SUCH AS INTERFERING WITH DEVELOPMENTAL AND EDUCATIONAL PROGRESS;

(d) CERTAIN COMMUNITIES, INCLUDING COMMUNITIES OF COLOR, SENIORS, AND LOWER-INCOME COLORADANS, ARE PRONE TO HIGHER-THAN-AVERAGE RATES OF FOOD INSECURITY;

(e) FOOD SECURITY AND HOUSING SECURITY ARE CLOSELY RELATED ISSUES: BOTH ARE BASIC NEEDS THAT A FAMILY MUST ACCOUNT

1 FOR, AND THE TWO CAN BECOME COMPETING PRIORITIES ON A LIMITED
2 BUDGET. A FAMILY'S ABILITY TO PAY FOR FOOD IS DIRECTLY RELATED TO
3 THE FAMILY'S ABILITY TO PAY FOR HOUSING, AND IMPROVING ONE WILL
4 NECESSARILY IMPROVE THE OTHER.

5 (f) IMPROVING THE CAPACITY OF EXISTING SMALL, LOCAL
6 RETAILERS TO STORE AND SELL NUTRITIOUS FOOD CAN IMPROVE ACCESS,
7 LOWER PRICES, AND REDUCE FOOD INSECURITY, PARTICULARLY FOR
8 COLORADO FAMILIES MOST AT RISK OF FOOD INSECURITY, WHILE KEEPING
9 MORE OF THE PROCEEDS OF ECONOMIC ACTIVITY IN THE LOCAL
10 COMMUNITY; AND

11 (g) EXPANDING THE NUMBER OF RETAILERS SELLING FRESH
12 PRODUCE MAY ALSO CREATE NEW MARKET OPPORTUNITIES FOR
13 COLORADO AGRICULTURAL PRODUCERS.

14 (2) THEREFORE, THE GENERAL ASSEMBLY DETERMINES THAT
15 ENACTING LEGISLATION TO FURTHER SUPPORT EXISTING NUTRITION
16 ACCESS EFFORTS WILL IMPROVE ACCESS TO NUTRITIOUS FOOD FOR
17 COLORADANS, ASSIST SMALL BUSINESSES, AND FOSTER COLORADO'S
18 AGRICULTURAL INDUSTRY.

19 **25-20.5-2202. Healthy eating incentives program - creation -**
20 **nonprofit organization.** (1) THERE IS CREATED THE HEALTHY EATING
21 INCENTIVES PROGRAM IN THE DEPARTMENT TO BE ADMINISTERED BY THE
22 DIVISION.

23 (2) THE DIVISION SHALL PARTNER WITH A STATEWIDE NONPROFIT
24 ORGANIZATION TO PROVIDE HEALTHY EATING INCENTIVES THAT BENEFIT
25 COLORADO'S LOW-INCOME POPULATIONS. THE INCENTIVES PROVIDED
26 PURSUANT TO THE HEALTHY EATING INCENTIVES PROGRAM MUST ATTEMPT
27 TO IMPROVE ACCESS TO FRESH COLORADO-GROWN FRUITS AND

1 VEGETABLES WITHIN COLORADO'S LOW-INCOME COMMUNITIES.

2 (3) THE STATEWIDE NONPROFIT ORGANIZATION SELECTED BY THE
3 DIVISION FOR THE PARTNERSHIP DESCRIBED IN SUBSECTION (2) OF THIS
4 SECTION MUST HAVE EXPERIENCE SUPPORTING PROGRAMS THAT PROVIDE
5 HEALTHY EATING INCENTIVES, SUCH AS PROGRAMS AT LOCAL FARMERS'
6 MARKETS, AND EXPERIENCE WITH COORDINATING HEALTHY EATING
7 PROGRAMS AND COORDINATING FUNDING BETWEEN LOCAL, STATE, AND
8 FEDERAL PROGRAMS.

9 (4) IN PROVIDING THE PROGRAM INCENTIVES, BOTH THE DIVISION
10 AND THE NONPROFIT ORGANIZATION SHALL MINIMIZE ADMINISTRATIVE
11 EXPENSES. THE DIVISION SHALL NOT USE MORE THAN TEN THOUSAND
12 DOLLARS OF, AND THE NONPROFIT ORGANIZATION SHALL NOT USE MORE
13 THAN FIVE PERCENT OF, THE AMOUNT APPROPRIATED FOR THE PROGRAM
14 TO PAY FOR ADMINISTRATIVE EXPENSES.

15 **SECTION 2. Appropriation.** For the 2024-25 state fiscal year,
16 \$500,000 is appropriated to the department of public health and
17 environment for use by the prevention services division. This
18 appropriation is from the general fund. To implement this act, the division
19 may use this appropriation for the healthy eating incentives program
20 related to chronic disease prevention programs.

21 **SECTION 3. Safety clause.** The general assembly finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety or for appropriations for
24 the support and maintenance of the departments of the state and state
25 institutions.

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/13/24

DRAFT

LLS NO. 24-1097.01 Nicole Myers x4326

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Broadband Infrastructure Cash Fund for DOC

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE BROADBAND INFRASTRUCTURE**
102 **CASH FUND IN THE STATE TREASURY TO BE USED BY THE**
103 **DEPARTMENT OF CORRECTIONS TO INSTALL BROADBAND**
104 **INFRASTRUCTURE AT CERTAIN CORRECTIONAL FACILITIES.**

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://leg.colorado.gov/>.)

Joint Budget Committee. The majority of correctional facilities in the state that are operated by the department of corrections (department) have broadband connectivity to the perimeter of the facility

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

but lack the broadband infrastructure needed to access the broadband connection within the facility. The bill creates the broadband infrastructure cash fund (fund) in the state treasury and directs the state treasurer to transfer \$5,602,704 from the general fund to the fund on July 1, 2024. For the 2024-25 through 2026-27 state fiscal years, the money in the fund is subject to annual appropriation to the department to be used to install broadband infrastructure at specified correctional facilities.

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

SECTION 1. In Colorado Revised Statutes, **add** 17-1-168 as follows:

17-1-168. Broadband infrastructure cash fund - repeal.

(1) (a) THE BROADBAND INFRASTRUCTURE CASH FUND, REFERRED TO IN THIS SECTION AS THE FUND, IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE, TRANSFER, OR REQUIRE BY LAW TO BE CREDITED TO THE FUND.

(b) ON JULY 1, 2024, THE STATE TREASURER SHALL TRANSFER FIVE MILLION SIX HUNDRED TWO THOUSAND SEVEN HUNDRED FOUR DOLLARS FROM THE GENERAL FUND TO THE FUND.

(2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

(3) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND TO INSTALL BROADBAND INFRASTRUCTURE AT THE FOLLOWING CORRECTIONAL FACILITIES:

(a) DENVER RECEPTION AND DIAGNOSTIC CENTER;

(b) FREMONT CORRECTIONAL FACILITY;

- 1 (c) DENVER WOMEN'S CORRECTIONAL FACILITY;
2 (d) BUENA VISTA CORRECTIONAL COMPLEX;
3 (e) SAN CARLOS CORRECTIONAL FACILITY; AND
4 (f) COLORADO TERRITORIAL CORRECTIONAL FACILITY.

5 (4) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
6 AND UNENCUMBERED MONEY IN THE FUND ON JULY 1, 2027, TO THE
7 GENERAL FUND.

8 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2027.

9 **SECTION 2. Safety clause.** The general assembly finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety or for appropriations for
12 the support and maintenance of the departments of the state and state
13 institutions.

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
1/24/24

DRAFT

LLS NO. 24-0986.01 Conrad Imel x2313

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: DOC Caseload Supplemental Approp Request Deadline

A BILL FOR AN ACT

101 **CONCERNING THE DEADLINE FOR THE DEPARTMENT OF CORRECTIONS**
102 **TO SUBMIT A REQUEST FOR AN APPROPRIATION RELATED TO**
103 **CHANGES IN CASELOAD.**

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://leg.colorado.gov/>.)

Joint Budget Committee. Under existing law, a state agency must submit a budget request amendment or supplemental appropriation request by January 2. Existing law includes exceptions to this deadline, including that the department of corrections (department) must submit a request related to changes in caseload to the joint budget committee by

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

January 15. The bill repeals that exemption so that a department request for a budget request amendment or supplemental appropriation request related to changes in caseload is subject to the January 2 deadline.

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

SECTION 1. In Colorado Revised Statutes, 2-3-208, **amend** (3)(b)(I) as follows:

2-3-208. Budget requests - amendments - supplemental appropriation requests - deadlines - definitions. (3) (b) (I) The department of education shall submit a request for a supplemental appropriation pursuant to section 22-54-106 (4)(b) to the joint budget committee by January 15. ~~The department of corrections and the division of youth services in the department of human services shall each submit~~ a request for a supplemental appropriation related to changes in caseload to the joint budget committee by January 15.

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.