

# An Act

HOUSE BILL 20B-1003

BY REPRESENTATIVE(S) Cutter and Bockenfeld, Arndt, Baisley, Benavidez, Bird, Buck, Buckner, Buentello, Caraveo, Carver, Champion, Coleman, Duran, Esgar, Exum, Froelich, Garnett, Geitner, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Kraft-Tharp, Liston, Lontine, McCluskie, McLachlan, Melton, Michaelson Jenet, Mullica, Roberts, Saine, Sandridge, Singer, Sirota, Snyder, Soper, Sullivan, Tipper, Titone, Valdez A., Valdez D., Van Winkle, Weissman, Will, Woodrow, Young, Becker, Larson; also SENATOR(S) Story and Hisey, Bridges, Cooke, Danielson, Donovan, Fenberg, Fields, Foote, Gardner, Ginal, Gonzales, Hansen, Holbert, Lee, Lundeen, Moreno, Pettersen, Priola, Rankin, Rodriguez, Scott, Smallwood, Sonnenberg, Tate, Todd, Williams A., Winter, Woodward, Zenzinger, Garcia.

CONCERNING CHANGES TO THE FOOD PANTRY ASSISTANCE GRANT PROGRAM,  
AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

**SECTION 1. Legislative declaration.** (1) The general assembly finds that:

*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.*

(a) Since March 2020, the state of Colorado has been dealing with the health and economic impacts of the COVID-19 public health emergency;

(b) The expenditures in the bill are necessary to respond to the COVID-19 public health emergency;

(c) The expenditures in the bill were not accounted for in the Colorado state budget most recently approved as of March 27, 2020, and all of the expenses will be incurred on or before August 2021; and

(d) Any state department that receives expenditures in the bill for community programs and services shall:

(I) Distribute funding in a manner that utilizes existing infrastructure and contracts in the most expedited way possible; and

(II) Consider the needs of underserved populations and communities, including African American communities, indigenous communities, and other communities of people of color.

(2) The general assembly further finds and declares that:

(a) The COVID-19 public health emergency has created an exponential need for emergency food resources for all emergency food providers. The COVID-19 public health emergency has upended many Colorado families' economic security and resulted in hunger insecurity, which has increased by three times the pre-pandemic level. Since the beginning of the COVID-19 public health emergency, food pantries across the state have seen two to six times the number of people coming in for food assistance, with many coming to a food pantry for the first time.

(b) Funding from this legislation will help more than 150 local food pantries purchase healthy, local food for more than 300,000 Coloradans. Funding for these grants provides critical resources for food pantries to meet the increased demand, while also helping to purchase the types of food their communities need from local food producers.

(c) Food banks and food pantries need to have additional funding to allow for the increased indirect costs they are facing, such as increased

capacity, need for refrigeration, decreased numbers of elderly volunteers, heating for people waiting outside, and increased delivery needs.

(3) Therefore, the general assembly determines that funding from this legislation will help people in communities throughout Colorado access nutritious food and support local economies as we enter the years-long economic impact of the COVID-19 public health emergency.

**SECTION 2.** In Colorado Revised Statutes, 26-2-139, amend (1)(b), (2), (3)(b), (4)(a) introductory portion, (4)(b), (4)(c), and (5) as follows:

**26-2-139. Food pantry assistance grant program - created - timeline and criteria - grants - definitions - repeal.** (1) As used in this section, unless the context otherwise requires:

(b) (I) "Eligible entity" means, for the purposes of a food PANTRY ASSISTANCE grant, either a food bank or food pantry, as defined in this subsection (1). Hunger-relief charitable organizations, as defined in section 39-22-536 (1), are not eligible entities for purposes of this section.

(II) "ELIGIBLE ENTITY" FOR THE PURPOSES OF A FOOD PANTRY ASSISTANCE GRANT INCLUDES A FAITH-BASED ORGANIZATION.

(2) There is created in the state department the food pantry assistance grant program. The purpose of the grant program is to aid Colorado food pantries and food banks in the purchase of foods that better meet the needs of their clientele, which has expanded significantly as a result of the COVID-19 public health emergency. ~~A secondary purpose of the grant program is to create new market opportunities for Colorado agricultural products and producers~~ IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT ALL MONEY AWARDED BY THE GRANT PROGRAM IS EXPENDED BY JULY 31, 2021.

(3) (b) The state department is authorized to use ~~twenty-five~~ SEVENTY thousand dollars ~~or up to five percent~~ of the total funds appropriated to the grant program for the direct and indirect costs of administering and monitoring the grant program.

(4) (a) On or before December 30, 2020, but as soon as practicable

after the effective date of this section, the state department shall award one or more grants OUT OF THE FEDERAL CARES ACT to eligible entities. ON OR BEFORE MARCH 31, 2021, BUT AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS SECTION, THE STATE DEPARTMENT SHALL AWARD ONE OR MORE GRANTS TO ELIGIBLE ENTITIES USING STATE MONEY APPROPRIATED TO THE GRANT PROGRAM. In awarding grants, the state department shall, at a minimum, consider:

(b) ~~(F)~~ Grant awards, INCLUDING THOSE TO JOINT APPLICANTS, must be at least two thousand five hundred dollars; ~~but not more than twenty thousand dollars.~~

~~(H) Food pantries and food banks may submit a joint application for a grant award. If an application is received from two or more eligible entities, the grant award must be at least two thousand five hundred dollars but not more than thirty-five thousand dollars.~~

(c) (I) TO THE EXTENT PRACTICABLE, food purchased by a grant recipient using grant money ~~must~~ be designated as a Colorado agricultural product.

(II) A grant recipient may use up to ~~ten~~ TWENTY percent of its grant award to cover the direct and indirect ~~costs~~ EXPENSES associated with the ~~implementation of its mission~~ DISTRIBUTION OF FOOD, including:

- (A) Transportation;
- (B) FOOD DELIVERY;
- (C) EXPANDING staff costs;
- (D) REFRIGERATION; and
- (E) Storage.

(III) A grant recipient shall not resell or apply other associated fees to the distribution of products purchased with money made available through a grant.


(5) This section is repealed, effective ~~June 30, 2022~~ JUNE 30, 2023.


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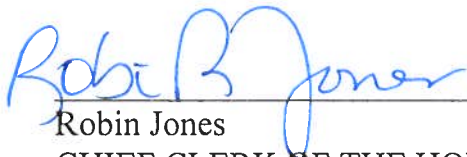
**SECTION 3. Appropriation.** For the 2020-21 state fiscal year, \$5,000,000 is appropriated to the department of human services. This appropriation is from the general fund and is based on an assumption that the department will require an additional 0.5 FTE. To implement this act, the department may use this appropriation for the food pantry assistance grant program created in section 26-2-139, C.R.S.

**SECTION 4. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

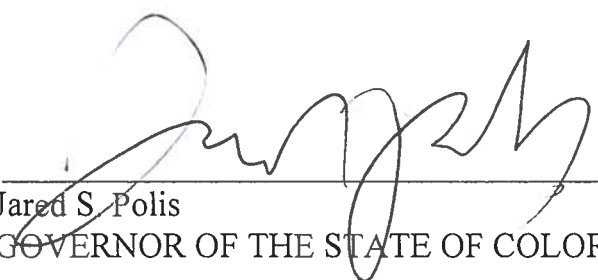
  
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KC Becker  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

  
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Leroy M. Garcia  
PRESIDENT OF  
THE SENATE

  
\_\_\_\_\_  
Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

  
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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED December 07, 2020 at 3:48 pm  
(Date and Time)

  
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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO