

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Joint Budget Committee Members
FROM JBC Staff
DATE March 8, 2022
SUBJECT Potential Legislation

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

Food Distribution Program Administrative Fee LLS 22-0899 (Dermody) 1
Streamline Processing of Judicial Dept Collections LLS 22-0906 (Kemmm)..... 3

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT
3.4.22

DRAFT

LLS NO. 22-0899.01 Chelsea Princell x4335

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: "Food Distribution Program Administrative Fee"

A BILL FOR AN ACT

101 **CONCERNING THE COLLECTION OF AN ADMINISTRATIVE FEE FROM AN**
102 **AGENCY THAT RECEIVES COMMODITIES THROUGH A FOOD**
103 **DISTRIBUTION PROGRAM.**

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 current law, the department of human services (state department) may charge an administrative fee to an agency that receives commodities through a food distribution program on a monthly basis. The bill changes this to allow the state department to collect an administrative fee at least once every calendar year or when an

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Dashes through the words indicate deletions from existing statute.*

agency's account balance reaches \$100 or more.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-1-121, **amend**
3 (4)(a) as follows:

4 **26-1-121. Appropriations - food distribution programs.**

5 (4) (a) The state department is authorized to charge an administrative fee
6 for commodities delivered to agencies that receive these commodities
7 through food distribution programs authorized by the United States
8 department of agriculture pursuant to 7 CFR 250.1 et seq., as amended,
9 including the "National School Lunch Program", the "Child and Adult
10 Care Food Program", and the "Summer Food Service Program". The
11 department shall collect the administrative fee authorized pursuant to this
12 subsection (4) ~~on a monthly basis~~ AT LEAST ONCE EVERY CALENDAR
13 YEAR, OR WHEN AN AGENCY'S ACCOUNT REACHES A BALANCE OF ONE
14 HUNDRED DOLLARS OR MORE, from agencies that receive commodities
15 from such programs.

16 **SECTION 2. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly; except
19 that, if a referendum petition is filed pursuant to section 1 (3) of article V
20 of the state constitution against this act or an item, section, or part of this
21 act within such period, then the act, item, section, or part will not take
22 effect unless approved by the people at the general election to be held in
23 November 2022 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT
3.4.22

DRAFT

LLS NO. 22-0906.01 Jessica Herrera x4218

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: "Streamline Processing Of Judicial Dept Collections"

A BILL FOR AN ACT

101 **CONCERNING THE STREAMLINING OF THE PROCESSING OF CERTAIN**
102 **MONEY COLLECTED BY THE JUDICIAL DEPARTMENT.**

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. Current law allows the clerk of the court to retain 5 percent of the drug offender surcharge and the rural alcohol and substance abuse surcharge for the administration of the disbursement of the surcharges. The retained 5 percent of both surcharges are kept on a balance sheet account and expenses are identified to offset this revenue. To simplify the process by which this 5 percent of surcharge

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revenue is retained, **section 2** of the bill requires that the revenue be deposited directly into the judicial stabilization cash fund instead.

Under current law, the courts' collections investigator program is funded by the fines collection cash fund and the judicial collection enhancement fund. To eliminate the inefficiency of administering 2 cash funds, **section 1** eliminates the fines collection cash fund and requires all fines previously required to be deposited in that fund to instead be deposited in the judicial collection enhancement cash fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-401, **amend**
3 (1)(a)(III)(D) as follows:

4 **18-1.3-401. Felonies classified - presumptive penalties.**

5 (1) (a) (III) (D) All fines collected pursuant to this ~~subparagraph (HH)~~
6 ~~SUBSECTION (1)(a)(III) shall be deposited in the fines collection cash~~
7 ~~fund, which fund is hereby created. The general assembly shall make~~
8 ~~annual appropriations out of such fund for administrative and personnel~~
9 ~~costs incurred in the collection and administration of said fines. All~~
10 ~~unexpended balances shall revert to the general fund at the end of each~~
11 ~~fiscal year.~~ JUDICIAL COLLECTION ENHANCEMENT CASH FUND CREATED IN
12 SECTION 16-11-101.6 (2).

13 **SECTION 2.** In Colorado Revised Statutes, 18-19-103, **amend**
14 (3)(a) as follows:

15 **18-19-103. Source of revenues - allocation of money.** (3) The
16 clerk of the court shall disburse the surcharge required by subsection (1)
17 of this section as follows:

18 (a) Five percent shall be ~~retained~~ DEPOSITED by the clerk IN THE
19 JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (6)
20 for purposes of administering the disbursement of the surcharge pursuant to
21 this subsection (3).

1 **SECTION 3.** In Colorado Revised Statutes, 18-19-103.5, **amend**
2 (2)(a) as follows:

3 **18-19-103.5. Rural alcohol and substance abuse surcharge -**
4 **repeal.** (2) The clerk of the court shall disburse the surcharge required
5 by subsection (1) of this section as follows:

6 (a) Five percent shall be ~~retained~~ DEPOSITED by the clerk IN THE
7 JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (6)
8 for purposes of administering the disbursement of the surcharge pursuant to
9 this subsection (2);

10 **SECTION 4. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety.