

MEMORANDUM



TO Joint Budget Committee Members
FROM JBC Staff
DATE March 6, 2024
SUBJECT Potential Legislation Packet 8

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

Community Food Assistance Provider Grant Program LLS 24-0831 (Dermody)	1
Changes to Just Transition Office LLS 24-1029 (Magnus)	8

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/3/24

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LLS NO. 24-0831.01 Chelsea Princell x4335

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Community Food Assistance Provider Grant Program

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE COMMUNITY FOOD ASSISTANCE**
102 **PROVIDER GRANT PROGRAM, AND, IN CONNECTION THEREWITH,**
103 **MAKING AN 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 combines the food pantry assistance program and the food bank assistance program into a single program named the community food assistance provider grant program (grant program) in the department of human services (state department). The purpose of the program is to provide grants to procure and distribute

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

nutritious foods that meet the needs of eligible entities' clientele. The state department may contract with a third-party vendor to solicit, vet, award, and monitor grants. The state department shall include information regarding the grant program at its "SMART Act" hearing.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 26-2-145 as
3 follows:

4 **26-2-145. Community food assistance provider grant program**
5 **- creation - grants - definitions - repeal.** (1) AS USED IN THIS SECTION,
6 UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "COLORADO AGRICULTURAL PRODUCTS" MEANS ALL FRUITS,
8 VEGETABLES, GRAINS, MEATS, AND DAIRY PRODUCTS GROWN OR RAISED
9 IN COLORADO AND MINIMALLY PROCESSED PRODUCTS OR VALUE-ADDED
10 PROCESSED PRODUCTS THAT MEET THE STANDARDS FOR THE COLORADO
11 PROUD DESIGNATION ESTABLISHED BY THE STATE DEPARTMENT OF
12 AGRICULTURE.

13 (b) (I) "ELIGIBLE ENTITY" MEANS EITHER A FOOD BANK OR FOOD
14 PANTRY.

15 (II) "ELIGIBLE ENTITY" INCLUDES A FAITH-BASED ORGANIZATION.

16 (c) "FOOD BANK" MEANS A NONPROFIT CHARITABLE
17 ORGANIZATION THAT IS EXEMPT FROM FEDERAL INCOME TAXATION
18 PURSUANT TO THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS
19 AMENDED, WHOSE PRIMARY PURPOSE IS TO PROCURE FOOD FROM
20 RETAILERS, MANUFACTURERS, FARMERS AND AGRICULTURAL PRODUCERS,
21 INDIVIDUAL DONORS, GROCERY STORES, RESTAURANTS, AND GOVERNMENT
22 CHANNELS AND TO STORE, TRANSPORT, AND DISTRIBUTE THE PROCURED
23 FOOD TO OTHER NONPROFIT CHARITABLE HUNGER RELIEF ORGANIZATIONS,
24 INCLUDING FOOD PANTRIES AND HUNGER RELIEF PARTNER AGENCIES IN A

1 DEFINED GEOGRAPHIC SERVICE AREA.

2 (d) "FOOD PANTRY" MEANS A NONPROFIT CHARITABLE
3 ORGANIZATION THAT IS EXEMPT FROM FEDERAL INCOME TAXATION
4 PURSUANT TO THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS
5 AMENDED, WHOSE PRIMARY PURPOSE IS TO DISTRIBUTE FOOD AT NO COST
6 DIRECTLY TO INDIVIDUALS IN NEED IN THE FOOD PANTRY'S LOCAL
7 COMMUNITY AND THAT TYPICALLY RECEIVES MOST OR ALL OF ITS FOOD
8 FROM A PARTNER FOOD BANK, INCLUDING NONPROFIT PARTNER AGENCIES
9 SUCH AS SOUP KITCHENS AND HOMELESS SHELTERS.

10 (e) "GRANT PROGRAM" MEANS THE COMMUNITY ASSISTANCE
11 PROVIDER GRANT PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.

12 (2) THERE IS CREATED IN THE STATE DEPARTMENT THE
13 COMMUNITY FOOD ASSISTANCE PROVIDER GRANT PROGRAM. THE PURPOSE
14 OF THE GRANT PROGRAM IS TO AID ELIGIBLE ENTITIES IN THE
15 PROCUREMENT AND DISTRIBUTION OF NUTRITIOUS FOODS THAT MEET THE
16 NEEDS OF THE ELIGIBLE ENTITY'S CLIENTELE.

17 (3) (a) THE STATE DEPARTMENT MAY CONTRACT WITH A
18 THIRD-PARTY VENDOR TO SOLICIT, VET, AWARD, AND MONITOR GRANTS.
19 THE SELECTION OF ANY VENDOR PURSUANT TO THIS SUBSECTION (3)(a) IS
20 EXEMPT FROM THE REQUIREMENTS OF THE "PROCUREMENT CODE",
21 ARTICLES 101 TO 112 OF TITLE 24.

22 (b) THE STATE DEPARTMENT IS AUTHORIZED TO USE UP TO FIVE
23 PERCENT OF THE TOTAL FUNDS APPROPRIATED TO THE GRANT PROGRAM
24 FOR THE DIRECT AND INDIRECT COSTS OF ADMINISTERING AND
25 MONITORING THE GRANT PROGRAM.

26 (4)(a) THE STATE DEPARTMENT OR A THIRD-PARTY VENDOR SHALL
27 AWARD ONE OR MORE GRANTS TO ELIGIBLE ENTITIES AS SOON AS

1 PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS SECTION USING MONEY
2 APPROPRIATED TO THE GRANT PROGRAM. IN AWARDING GRANTS, THE
3 STATE DEPARTMENT SHALL, AT A MINIMUM, CONSIDER:

4 (I) PROVIDING MONEY TO A WIDE ARRAY OF ELIGIBLE ENTITIES OF
5 DIFFERENT TYPES AND SIZES;

6 (II) ENSURING THAT MONEY GOES DIRECTLY TO ELIGIBLE ENTITIES
7 THAT OPERATE IN A VARIETY OF REGIONS THROUGHOUT THE STATE;

8 (III) THE ABILITY OF EACH ELIGIBLE ENTITY TO RESPONSIBLY
9 DISTRIBUTE THE GRANT MONEY IN A TIMELY MANNER;

10 (IV) THE ELIGIBLE ENTITY'S WILLINGNESS TO ADMINISTER A
11 CLIENT-NEEDS SURVEY AS A VEHICLE FOR COLLECTING INPUT ON THE
12 EFFICACY OF ITS GRANT AWARD; AND

13 (V) THE ABILITY OF THE ELIGIBLE ENTITY TO SOLICIT AND ACCEPT
14 FEEDBACK FROM THE STATE DEPARTMENT TO INFORM IMPLEMENTATION
15 OF THE GRANT PROGRAM IN THE FUTURE.

16 (b) GRANT AWARDS, INCLUDING THOSE TO JOINT APPLICANTS,
17 MUST BE AT LEAST TWO THOUSAND FIVE HUNDRED DOLLARS.

18 (c) (I) TO THE EXTENT PRACTICABLE, FOOD PURCHASED BY A
19 GRANT RECIPIENT USING GRANT MONEY MUST BE EITHER:

20 (A) A COLORADO AGRICULTURAL PRODUCT; OR

21 (B) AN AGRICULTURAL PRODUCT THAT HOLDS CULTURAL
22 SIGNIFICANCE FOR INDIGENOUS PEOPLE, OR FOR OTHER CULTURES OR
23 SUBCULTURAL GROUPS, INCLUDING THE WAYS IN WHICH THOSE
24 AGRICULTURAL PRODUCTS ARE PRODUCED.

25 (II) A GRANT RECIPIENT MAY USE UP TO TEN PERCENT OF THE
26 GRANT AWARD TO COVER THE DIRECT EXPENSES ASSOCIATED WITH THE
27 DISTRIBUTION OF FOOD, INCLUDING:

- 1 (A) TRANSPORTATION;
2 (B) FOOD DELIVERY;
3 (C) STAFF COSTS;
4 (D) REFRIGERATION; AND
5 (E) STORAGE.

6 (III) A GRANT RECIPIENT SHALL NOT RESELL OR APPLY OTHER
7 ASSOCIATED FEES TO THE DISTRIBUTION OF PRODUCTS PURCHASED WITH
8 MONEY MADE AVAILABLE THROUGH A GRANT.

9 (5) BEGINNING IN STATE FISCAL YEAR 2024-25, AND EACH STATE
10 FISCAL YEAR THEREAFTER, THE STATE DEPARTMENT SHALL INCLUDE AS
11 PART OF ITS "SMART ACT" HEARING REQUIRED BY SECTION 2-7-203 A
12 REPORT THAT INCLUDES, AT A MINIMUM:

13 (a) THE TOTAL NUMBER OF ELIGIBLE ENTITIES THAT APPLIED FOR
14 GRANTS PURSUANT TO THIS SECTION;

15 (b) THE TOTAL NUMBER OF ELIGIBLE ENTITIES THAT RECEIVED A
16 GRANT PURSUANT TO THIS SECTION;

17 (c) THE TOTAL AMOUNT OF MONEY AWARDED TO EACH ELIGIBLE
18 ENTITY THAT RECEIVED A GRANT PURSUANT TO THIS SECTION;

19 (d) THE GEOGRAPHIC LOCATIONS OF THE ELIGIBLE ENTITIES THAT
20 RECEIVED A GRANT PURSUANT TO THIS SECTION; AND

21 (e) THE ESTIMATED AMOUNT OF FOOD PURCHASED AND
22 DISTRIBUTED TO CLIENTELE FOR EACH ELIGIBLE ENTITY THAT RECEIVED A
23 GRANT PURSUANT TO THIS SECTION.

24 (6) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2029.

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

27 **26-1-121. Appropriations - food distribution programs.**

1 (1) (a) For carrying out the duties and obligations of the state department
2 ~~of human services~~ and county departments pursuant to this title 26 and for
3 matching ~~such~~ federal funds or meeting maintenance of effort
4 requirements as may be available for public assistance and welfare
5 activities in the state, including but not limited to assistance payments,
6 food stamps (except the value of food stamp coupons), ~~the food pantry~~
7 ~~assistance grant program created in section 26-2-139~~, social services,
8 child welfare services, rehabilitation, programs for the aging and for
9 veterans, and related activities, the general assembly, ~~in accordance with~~
10 PURSUANT TO the constitution and laws of the state of Colorado, shall
11 make adequate appropriations for the payment of ~~such~~ THE costs, pursuant
12 to the budget prepared by the executive director.

13 (2) (a) The general assembly shall appropriate from the general
14 fund for the costs of administering assistance payments, food stamps,
15 social services, ~~the food pantry assistance grant program created in~~
16 ~~section 26-2-139~~, and other public assistance and welfare functions of the
17 state department and the state's share of the costs of administering ~~such~~
18 THOSE functions by the county departments amounts sufficient for the
19 proper and efficient performance of the duties imposed upon them by law,
20 including a legal advisor appointed by the attorney general. The general
21 assembly shall make two separate appropriations, one for the
22 administrative costs of the state department and another for the
23 administrative costs of the county departments. Any applicable matching
24 federal funds must be apportioned in accordance with the federal
25 regulations accompanying ~~such~~ THE funds. Any unobligated and
26 unexpended balances of ~~such~~ state funds so appropriated remaining at the
27 end of each fiscal year must be credited to the state general fund.

1 (3) The expenses of training personnel for special skills relating
2 to public assistance and welfare activities, including, but not limited to,
3 assistance payments, food stamps, ~~the food pantry assistance grant~~
4 ~~program created in section 26-2-139~~, social services, child welfare
5 services, rehabilitation, and programs for the aging, as ~~such~~ THE expenses
6 are determined and approved by the state department, may be paid from
7 whatever state and federal funds are available for ~~such~~ training purposes.

8 **SECTION 3.** In Colorado Revised Statutes, **repeal** 26-2-139.

9 **SECTION 4.** In Colorado Revised Statutes, **repeal** 26-2-144.

10 **SECTION 5. Appropriation.** For the 2024-25 state fiscal year,
11 \$3,000,000 is appropriated to the department of human services for use
12 by the office of adults, aging, and disability services. This appropriation
13 is from the general fund. To implement this act, the office of adults,
14 aging, and disability services may use this appropriation for the
15 community food assistance provider grant program.

16 **SECTION 6. Effective date.** This act takes effect July 1, 2024.

17 **SECTION 7. Safety clause.** The general assembly finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety or for appropriations for
20 the support and maintenance of the departments of the state and state
21 institutions.

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/4/24

DRAFT

LLS NO. 24-1029.01 Josh Schultz x5486

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Changes to Just Transition Office

A BILL FOR AN ACT

101 **CONCERNING ADMINISTRATIVE CHANGES TO THE JUST TRANSITION**
102 **OFFICE IN THE DEPARTMENT OF LABOR AND EMPLOYMENT.**

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/>.)

The bill relocates the just transition office (office) from the division of employment and training in the department of labor and employment to the office of the executive director of the department of labor and employment. The bill changes the deadline for the office to expend money in the just transition cash fund (fund) from state fiscal year 2023-24 to state fiscal year 2029-30. Any unexpended money in the fund

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at the end of state fiscal year 2029-30, including unexpended money in the coal transition workforce assistance program account in the fund, shall be transferred to the general fund.

The bill modifies the types of programs that the office supports using money from the fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-83-502, **amend** (7);
3 and **add** (5.5) as follows:

4 **8-83-502. Definitions.** As used in this part 5, unless the context
5 otherwise requires:

6 (5.5) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
7 THE DEPARTMENT OF LABOR AND EMPLOYMENT.

8 (7) "Just transition plan" means the plan, in draft or final form,
9 prepared by the just transition advisory committee as outlined in section
10 8-83-503 (6) and submitted by the director as outlined in section 8-83-503
11 (4), OR ANY SUBSEQUENT VERSION OF THE PLAN DEVELOPED THROUGH A
12 SIMILAR PROCESS.

13 **SECTION 2.** In Colorado Revised Statutes, 8-83-503, **amend** (1),
14 (2), and (4) introductory portion as follows:

15 **8-83-503. Just transition office - advisory committee - repeal.**

16 (1) ~~There is hereby created within the division a~~ THE just transition office
17 IS CREATED IN THE OFFICE OF THE EXECUTIVE DIRECTOR. The JUST
18 TRANSITION office ~~shall exercise~~ IS A **TYPE 2** ENTITY, AS DEFINED IN
19 SECTION 24-1-105, AND EXERCISES its powers and ~~perform~~ PERFORMS its
20 duties and functions under the department ~~as if the office were transferred~~
21 ~~to the department by a type 2 transfer as defined in section 24-1-105 OF~~
22 LABOR AND EMPLOYMENT.

23 (2) ~~The director of the division~~ EXECUTIVE DIRECTOR shall appoint

1 the director of the office. The director shall manage the operations of the
2 office.

3 (4) Based on the draft just transition plan recommended by the
4 advisory committee pursuant to subsection (6) of this section, and with
5 the approval of the executive director of the department and the executive
6 director of the department of local affairs, on or before December 31,
7 2020, the director shall submit to the governor and the general assembly
8 a ~~final~~ just transition plan for Colorado. This ~~final~~ plan must include, at
9 a minimum:

10 **SECTION 3.** In Colorado Revised Statutes, 8-83-504, **amend** (1),
11 (4)(a)(II), and (4)(b)(III); and **repeal** (4)(a)(III) as follows:

12 **8-83-504. Just transition cash fund - transfer from general**
13 **fund - transfer from account - definition.** (1) ~~There is hereby created~~
14 ~~in the state treasury the just transition cash fund~~ THE JUST TRANSITION
15 CASH FUND IS CREATED IN THE STATE TREASURY. The fund consists of
16 money credited to the fund in accordance with section 39-29-108 (2)(d)
17 and any other money that the general assembly may appropriate or
18 transfer to the fund. The state treasurer shall credit all interest and income
19 derived from the deposit and investment of money in the fund to the fund.
20 Subject to annual appropriation by the general assembly, the office may
21 expend money from the fund and the department may expend money from
22 the coal transition workforce assistance program account of the fund
23 created in section 8-83-504.5 (1) for purposes specified in this part 5,
24 including paying for the office's direct and indirect costs in administering
25 this part 5. Any unexpended and unencumbered money in the fund at the
26 end of any fiscal year remains in the fund and shall not be credited or
27 transferred to the general fund; EXCEPT THAT AT THE END OF STATE FISCAL

1 YEAR 2029-30, ANY UNEXPENDED AND UNENCUMBERED MONEY SHALL BE
2 TRANSFERRED TO THE GENERAL FUND.

3 (4) (a) (II) Subject to annual appropriation by the general
4 assembly, the office shall expend the money transferred to the fund
5 pursuant to this subsection (4)(a) to implement the ~~final~~ just transition
6 plan for Colorado prepared as required by section 8-83-503 (4), ~~and~~ to
7 provide supplemental funding for existing state programs that the office
8 identifies as the most effective vehicles for targeted investment in coal
9 transition communities, AND TO PROVIDE GRANTS AND OTHER SUPPORT
10 DIRECTLY TO COAL TRANSITION COMMUNITIES AND OTHER ELIGIBLE
11 ENTITIES. ~~In providing such supplemental funding~~ EXPENDING MONEY
12 FROM THE FUND, the office shall place a heavy emphasis on investment in
13 tier one transition communities and shall support programs that:

14 (A) Support targeted economic development, INCLUDING
15 EXPANSION ASSISTANCE FOR EXISTING LOCAL BUSINESSES, PROGRAMS
16 EXPANDING PRIVATE FINANCIAL INVESTMENT, AND SITE SELECTOR AND
17 TECHNICAL ASSISTANCE ENGAGEMENTS;

18 (B) Assist with regional capacity for coordination of economic
19 development programs and worker assistance programs;

20 (C) Support infrastructure projects and workforce development
21 programs; or

22 (D) Are consistent with the goals and strategies outlined in the
23 ~~final~~ just transition plan.

24 (III) ~~For purposes of the money transferred to the fund pursuant~~
25 ~~to subsection (4)(a)(I)(C) of this section, the office shall use the money~~
26 ~~to support targeted economic development for the following:~~

27 (A) ~~Expansion assistance for existing local businesses;~~

1 ~~(B) Expanding private financial investment; and~~

2 ~~(C) Site selector and technical assistance engagements.~~

3 (b) In addition to the requirements set forth in subsection (4)(a) of
4 this section, the office shall expend money transferred to the fund
5 pursuant to subsection (4)(a) of this section in accordance with the
6 following requirements and limitations:

7 (III) ~~(A)~~ The office shall expend OR ENCUMBER the money
8 transferred to the fund pursuant to ~~subsections (4)(a)(I)(A) and~~
9 ~~(4)(a)(I)(B)~~ of this section by the close of state fiscal year ~~2023-24~~
10 2029-30.

11 ~~(B) The office shall expend the money transferred to the fund~~
12 ~~pursuant to subsection (4)(a)(I)(C) of this section by the close of state~~
13 ~~fiscal year 2025-26.~~

14 **SECTION 4.** In Colorado Revised Statutes, 8-83-504.5, **amend**
15 **(1)(a)(III) and (1)(f); and repeal (1)(a)(IV) as follows:**

16 **8-83-504.5. Additional coal transition workforce assistance**
17 **program funding - coal transition workforce assistance program**
18 **account.** (1) (a) (III) Subject to annual appropriation by the general
19 assembly, the department shall expend money from the account for coal
20 transition workforce assistance programs that directly assist coal
21 transition workers, ~~or~~ their family members, and other household
22 members, INCLUDING THOSE COAL TRANSITION WORKERS, THEIR FAMILY
23 MEMBERS, AND THEIR HOUSEHOLD MEMBERS WHO ARE MEMBERS OF A
24 DISPROPORTIONATELY IMPACTED COMMUNITY, including programs that:

25 (A) Establish or expand existing apprenticeship programs, the
26 training capacity of such programs, and the placement of coal transition
27 workers into such programs, prioritizing programs that are recognized as

1 registered apprenticeship programs by the department or a state
2 apprenticeship agency recognized by the United States department of
3 labor;

4 (B) Aid implementation of the ~~final~~ just transition plan;

5 (C) Provide tuition ~~reimbursement~~ ASSISTANCE;

6 (D) Provide job search assistance;

7 (E) Provide ~~individualized financial and transition~~ CAREER
8 planning SERVICES AND FINANCIAL COUNSELING;

9 (F) SUPPORT CHILD CARE ASSISTANCE;

10 (G) SUPPORT HOUSING ASSISTANCE;

11 (H) SUPPORT HEALTH CARE AND BEHAVIORAL HEALTH
12 ASSISTANCE;

13 (I) SUPPORT RETIREMENT ASSISTANCE;

14 (J) PROVIDE BUSINESS START-UP ASSISTANCE;

15 ~~(F)~~ (K) Provide other services authorized by the federal
16 "Workforce Innovation and Opportunity Act", Pub.L. 113-128, such as
17 on-the-job training, subsidized employment, and other strategies that aid
18 in the implementation of individual transition plans; OR

19 ~~(G) Support family members or other household members of coal~~
20 ~~transition workers; or~~

21 ~~(H)~~ (L) Test innovative coal transition work support programs
22 through a pilot program. The department is encouraged to limit any pilot
23 program to no more than forty total participants who are coal transition
24 workers, coal transition worker family members, coal transition worker
25 households, or a combination of coal transition workers, family members,
26 and households.

27 (IV) ~~For purposes of the money transferred to the account~~

1 ~~pursuant to subsection (1)(a)(H)(B) of this section, the office shall use the~~
2 ~~money for the following purposes that directly assist coal transition~~
3 ~~workers, their family members, and other household members, including~~
4 ~~coal transition workers, their family members, and their household~~
5 ~~members who are members of a disproportionately impacted community:~~

6 ~~(A) Tuition assistance and apprenticeships;~~

7 ~~(B) Expanded child care assistance;~~

8 ~~(C) Career planning services;~~

9 ~~(D) Financial counseling; and~~

10 ~~(E) Housing assistance.~~

11 (f) Any unexpended and unencumbered money in the account at
12 the end of any fiscal year remains in the account and shall not be credited
13 or transferred to the general fund; EXCEPT THAT AT THE END OF STATE
14 FISCAL YEAR 2029-30, ANY UNEXPENDED AND UNENCUMBERED MONEY
15 SHALL BE TRANSFERRED TO THE GENERAL FUND.

16 **SECTION 5. Safety clause.** The general assembly finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, or safety or for appropriations for
19 the support and maintenance of the departments of the state and state
20 institutions.