

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB23-1008 be amended as follows:

1 Amend printed bill, page 5, line 15, after "**equipment** - " insert
2 "**community food consortium duties and responsibilities** - ".

3 Page 5, line 26, strike "EQUIPMENT;" and substitute "EQUIPMENT AND THE
4 INCREASE OF ACTIVITIES OF THE COMMUNITY FOOD CONSORTIUM FOR
5 SMALL FOOD RETAILERS AND COLORADO-OWNED AND
6 COLORADO-OPERATED FARMS;".

7 Page 6, strike line 3 and substitute: "RETAILERS AND SMALL FAMILY
8 FARMS.".

9 Page 6, after line 13 insert:

10 "(a) "AMOUNT CERTAIN SPENT BY THE MEMBER OF THE
11 CONSORTIUM ON COMPLETING ITS DUTIES AND RESPONSIBILITIES" MEANS
12 THE AMOUNT SPENT ON PALLET. PALLET BREAK, DISTRIBUTION, AND
13 DELIVERY FEES THAT IS ELIGIBLE FOR A SUBSIDY FROM THE CONSORTIUM
14 BUT IS NOT OTHERWISE COVERED BY THE CONSORTIUM.

15 (b) "DUTIES AND RESPONSIBILITIES" MEANS THE DUTIES AND
16 RESPONSIBILITIES OF THE MEMBERS OF CONSORTIUM PURSUANT TO
17 SECTION 35-1-117 (2)(a).

18 (c) "MEMBER OF THE CONSORTIUM" MEANS ANY MEMBER OF THE
19 COMMUNITY FOOD CONSORTIUM FOR SMALL FOOD RETAILERS AND
20 COLORADO-OWNED AND COLORADO-OPERATED FARMS CREATED IN
21 SECTION 35-1-117 (2)(a).".

22 Reletter succeeding paragraphs accordingly.

23 Page 6, strike lines 22 through 24.

24 Reletter succeeding paragraphs accordingly.

25 Page 7, line 5, strike "(I)".

26 Page 7, line 7, strike "2031, ANY PURCHASER OF SMALL FOOD" and
27 substitute "2031:

28 (I) ANY MEMBER OF THE FOOD CONSORTIUM IS ALLOWED A CREDIT
29 AGAINST THE TAX IMPOSED BY THIS ARTICLE 22 IN AN AMOUNT EQUAL TO
30 SEVENTY-FIVE PERCENT OF THE AMOUNT CERTAIN SPENT BY THE MEMBER
31 OF THE CONSORTIUM ON COMPLETING ITS DUTIES AND RESPONSIBILITIES
32 MINUS ANY AMOUNT AWARDED TO THE MEMBER OF THE CONSORTIUM

1 PURSUANT TO SECTION 35-1-117 (2) FOR THE COMPLETION OF ITS DUTIES
2 AND RESPONSIBILITIES; AND
3 (II) ANY PURCHASER OF SMALL FOOD".

4 Page 7, strike lines 16 through 18.

5 Page 7, line 20, after "WHICH A" insert "MEMBER OF THE CONSORTIUM
6 SPENT AN AMOUNT CERTAIN ON COMPLETING ITS DUTIES AND
7 RESPONSIBILITIES OR A".

8 Page 7, strike lines 23 through 27.

9 Strike page 8.

10 Page 9, strike lines 1 through 18 and substitute:

11 "(4) (a) A MEMBER OF THE CONSORTIUM OR A PURCHASER OF
12 SMALL FOOD BUSINESS RECOVERY GRANT PROGRAM EQUIPMENT MAY
13 SUBMIT AN APPLICATION TO THE DEPARTMENT OF AGRICULTURE FOR THE
14 ISSUANCE OF A LETTER OF ELIGIBILITY FOR A TAX CREDIT CERTIFICATE
15 ALLOWED IN THIS SECTION BY THE DEADLINES ESTABLISHED IN THE RULES
16 PROMULGATED BY THE DEPARTMENT OF AGRICULTURE. THE APPLICATION
17 MUST INCLUDE:

18 (I) A CERTIFICATION THAT THE APPLICANT IS EITHER:
19 (A) A PURCHASER WHO IS A SMALL FOOD RETAILER OR SMALL
20 FAMILY FARM THAT PURCHASED SMALL FOOD BUSINESS RECOVERY AND
21 RESILIENCE GRANT PROGRAM EQUIPMENT; OR
22 (B) A MEMBER OF THE CONSORTIUM THAT SPENT AN AMOUNT
23 CERTAIN ON COMPLETING ITS DUTIES AND RESPONSIBILITIES; AND

24 (II) DETAILED INFORMATION REGARDING:
25 (A) THE PURCHASE PRICE THAT WOULD BE INCURRED BY A
26 PURCHASER OF SMALL FOOD BUSINESS RECOVERY AND RESILIENCE GRANT
27 PROGRAM EQUIPMENT AND THE DATE ON WHICH THE PURCHASE WOULD BE
28 MADE; OR
29 (B) AN ITEMIZED TOTAL OF THE AMOUNT CERTAIN THAT WOULD
30 BE SPENT BY A MEMBER OF THE CONSORTIUM ON COMPLETING ITS DUTIES
31 AND RESPONSIBILITIES, AND THE DATE OR DATES ON WHICH THE MEMBER
32 OF THE CONSORTIUM WOULD SPEND THE AMOUNTS.

33 (b) IF THE DEPARTMENT OF AGRICULTURE DETERMINES THAT THE
34 APPLICATION FILED PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION IS
35 COMPLETE, THE DEPARTMENT OF AGRICULTURE SHALL DETERMINE
36 WHETHER THE APPLICANT WOULD QUALIFY FOR THE CREDIT ALLOWED
37 PURSUANT TO THIS SECTION IF THE APPLICANT MADE THE PURCHASE

1 DESCRIBED IN THE APPLICATION AND THE DEPARTMENT OF AGRICULTURE
2 HAD NOT ISSUED TAX CREDIT CERTIFICATES IN EXCESS OF A TOTAL OF SIX
3 MILLION FIVE HUNDRED THOUSAND DOLLARS FOR THE INCOME TAX YEAR.
4 IF THE DEPARTMENT OF AGRICULTURE APPROVES THE APPLICATION, THE
5 DEPARTMENT OF AGRICULTURE SHALL ISSUE A LETTER OF ELIGIBILITY TO
6 THE APPLICANT THAT INDICATES THE AMOUNT OF THE TAX CREDIT THAT
7 THE PURCHASER OR MEMBER OF THE CONSORTIUM COULD CLAIM FOR THE
8 SPECIFIED INCOME TAX YEAR IF THEY WERE TO MAKE THE PURCHASE
9 DESCRIBED IN THE APPLICATION AND IF THE DEPARTMENT OF
10 AGRICULTURE HAS NOT ISSUED TAX CREDIT CERTIFICATES IN EXCESS OF A
11 TOTAL OF SIX MILLION FIVE HUNDRED THOUSAND DOLLARS FOR THE
12 INCOME TAX YEAR.

13 (5)(a) A MEMBER OF THE CONSORTIUM OR A PURCHASER OF SMALL
14 FOOD BUSINESS RECOVERY GRANT PROGRAM EQUIPMENT SHALL SUBMIT
15 AN APPLICATION TO THE DEPARTMENT OF AGRICULTURE FOR THE
16 ISSUANCE OF A TAX CREDIT CERTIFICATE ALLOWED IN THIS SECTION BY
17 THE DEADLINES ESTABLISHED IN THE RULES PROMULGATED BY THE
18 DEPARTMENT OF AGRICULTURE. THE APPLICATION MUST INCLUDE:

19 (I) A CERTIFICATION THAT THE APPLICANT IS EITHER:

20 (A) A PURCHASER WHO IS A SMALL FOOD RETAILER OR SMALL
21 FAMILY FARM THAT PURCHASED SMALL FOOD BUSINESS RECOVERY AND
22 RESILIENCE GRANT PROGRAM EQUIPMENT; OR

23 (B) A MEMBER OF THE CONSORTIUM THAT SPENT AN AMOUNT
24 CERTAIN ON COMPLETING ITS DUTIES AND RESPONSIBILITIES; AND

25 (II) DETAILED INFORMATION REGARDING:

26 (A) THE PURCHASE PRICE INCURRED BY A PURCHASER OF SMALL
27 FOOD BUSINESS RECOVERY AND RESILIENCE GRANT PROGRAM EQUIPMENT
28 AND THE DATE THAT THE PURCHASE WAS MADE; OR

29 (B) AN ITEMIZED TOTAL OF THE AMOUNT CERTAIN SPENT BY A
30 MEMBER OF THE CONSORTIUM ON COMPLETING ITS DUTIES AND
31 RESPONSIBILITIES, AND THE DATE OR DATES THAT THE MEMBER OF THE
32 CONSORTIUM SPENT THE AMOUNTS.

33 (b) IF THE DEPARTMENT OF AGRICULTURE DETERMINES THAT THE
34 APPLICATION FILED PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION IS
35 COMPLETE, THE DEPARTMENT OF AGRICULTURE SHALL DETERMINE
36 WHETHER THE APPLICANT QUALIFIES FOR THE CREDIT ALLOWED PURSUANT
37 TO THIS SECTION. IF THE DEPARTMENT OF AGRICULTURE APPROVES THE
38 APPLICATION, THE DEPARTMENT OF AGRICULTURE SHALL ISSUE A TAX
39 CREDIT CERTIFICATE TO THE APPLICANT THAT INDICATES THE AMOUNT OF
40 THE TAX CREDIT THAT THE PURCHASER OR MEMBER OF THE CONSORTIUM
41 MAY CLAIM FOR THE SPECIFIED INCOME TAX YEAR; EXCEPT THAT THE
42 TOTAL AMOUNT OF TAX CREDIT CERTIFICATES ISSUED BY THE
43 DEPARTMENT OF AGRICULTURE IN A GIVEN INCOME TAX YEAR MUST NOT

1 EXCEED A TOTAL OF SIX MILLION FIVE HUNDRED THOUSAND DOLLARS.

2 (c) THE DEPARTMENT OF AGRICULTURE SHALL ISSUE TAX CREDIT
3 CERTIFICATES ALLOWED IN THIS SECTION IN AN ORDER THAT ACCORDS
4 WITH THE RULES PROMULGATED BY THE DEPARTMENT OF AGRICULTURE.
5 THE DEPARTMENT OF AGRICULTURE SHALL REVIEW AND APPROVE OR
6 DISAPPROVE AN APPLICATION FILED PURSUANT TO SUBSECTION (5)(a) OF
7 THIS SECTION WITHIN A REASONABLE TIME, NOT TO EXCEED NINETY DAYS
8 AFTER THE FILING OF A COMPLETED APPLICATION.

9 (6) TO CLAIM THE INCOME TAX CREDIT ALLOWED PURSUANT TO
10 THIS SECTION, THE PURCHASER OR MEMBER OF THE CONSORTIUM SHALL
11 ATTACH A COPY OF THE TAX CREDIT CERTIFICATE TO ITS STATE INCOME
12 TAX RETURN. NO TAX CREDIT IS ALLOWED PURSUANT TO THIS SECTION
13 UNLESS THE PURCHASER OR MEMBER OF THE CONSORTIUM PROVIDES A
14 COPY OF THE TAX CREDIT CERTIFICATE WITH ITS FILED STATE INCOME TAX
15 RETURN. THE AMOUNT OF THE CREDIT THAT THE PURCHASER OR MEMBER
16 OF THE CONSORTIUM MAY CLAIM PURSUANT TO THIS SECTION IS THE
17 AMOUNT STATED ON THE TAX CREDIT CERTIFICATE.

18 (7) IN A SUFFICIENTLY TIMELY MANNER TO ALLOW THE
19 DEPARTMENT OF REVENUE TO PROCESS RETURNS CLAIMING THE INCOME
20 TAX CREDIT ALLOWED PURSUANT TO THIS SECTION, THE DEPARTMENT OF
21 AGRICULTURE SHALL PROVIDE THE DEPARTMENT OF REVENUE WITH AN
22 ELECTRONIC REPORT OF EACH PURCHASER OR MEMBER OF THE
23 CONSORTIUM THAT THE DEPARTMENT OF AGRICULTURE APPROVED FOR
24 THE INCOME TAX CREDIT ALLOWED PURSUANT TO THIS SECTION FOR THE
25 PRECEDING CALENDAR YEAR THAT INCLUDES THE FOLLOWING
26 INFORMATION:

27 (a) THE TAXPAYER'S NAME; AND

28 (b) THE TAXPAYER'S SOCIAL SECURITY NUMBER, COLORADO
29 ACCOUNT NUMBER, OR FEDERAL EMPLOYER IDENTIFICATION NUMBER.".

30

31 Renumber succeeding subsections accordingly.

32 Page 9, line 20, strike "SELLER" and substitute "MEMBER OF THE
33 CONSORTIUM".

34 Page 9, line 22, strike "SELLER" and substitute "MEMBER OF THE
35 CONSORTIUM".

36 Page 9, strike lines 23 through 27 and substitute:

37 "(9) THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF
38 REVENUE MAY PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF
39 TITLE 24 AS MAY BE NECESSARY TO EFFECTUATE THE PURPOSES OF THIS

1 SECTION."

2 Renumber succeeding subsection accordingly.

3 Page 10, line 2, after "**amend**" insert "(2)(b)(III), (3)(a) introductory
4 portion, (3)(c)(I), (3)(c)(III), (8)(e)(I), and".

5 Page 10, after line 7 insert:

6 "(2) (b) (III) Money spent pursuant to this subsection ~~(2)~~ (2)(b)
7 must conform with the allowable purposes set forth in the federal
8 "American Rescue Plan Act of 2021", Pub.L. 117-2, as amended. The
9 department shall either spend or obligate such appropriation prior to
10 December 30, 2024, and expend the appropriation on or before December
11 31, 2026.

12 (3) (a) As part of the program, the department shall create and
13 manage the small food business recovery and resilience grant program.
14 The department shall award ~~one-time~~ grants, not to exceed ~~twenty-five~~
15 FIFTY thousand dollars, out of the grant program, to participating small
16 food retailers and small family farms. THE DEPARTMENT MAY AWARD THE
17 OWNER OF A SMALL FOOD RETAILER OR SMALL FAMILY FARM ONE SUCH
18 GRANT EACH CALENDAR YEAR FOR EVERY SMALL FOOD RETAILER OR
19 SMALL FAMILY FARM OWNED BY THE OWNER. THE DEPARTMENT SHALL
20 AWARD THESE GRANTS for:

21 (c) (I) For the 2022-23 state fiscal year, the general assembly shall
22 appropriate seven million dollars from the economic recovery and relief
23 cash fund created in section 24-75-228 to the department for the purposes
24 of implementing ~~this subsection (3) and subsection (4)~~ of this section.

25 (III) Money spent pursuant to this subsection ~~(3)~~ (3)(c) must
26 conform with the allowable purposes set forth in the federal "American
27 Rescue Plan Act of 2021", Pub.L. 117-2, as amended. The department
28 shall either spend or obligate such appropriation prior to December 30,
29 2024, and expend the appropriation on or before December 31, 2026."

30 Page 10, after line 15 insert:

31 "(8) As used in this section, unless the context otherwise requires:

32 (e) "Small food retailer" means:

33 (I) An independent or nonprofit-managed, Colorado-owned, and
34 Colorado-operated small food retail business, defined as a food retailer
35 with less than ~~five~~ TEN thousand square feet of retail space that carries at
36 least three categories of federally defined staple foods, as described in the
37 federal "Food and Nutrition Act of 2008", secs. 3 and 9, the

1 "Consolidated Appropriations Act of 2017", sec. 76, and the federal
2 "Enhancing Retailer Standards in the Supplemental Nutrition Assistance
3 Program", 81 Fed. Reg. 90675, and be located in or provide food to local,
4 state, or federally defined low-income, low-access neighborhoods; or".

5 Page 1, line 107, strike "**PROGRAM,**" and substitute "**PROGRAM AND FOR**
6 **ACTIVITIES BY THE COMMUNITY FOOD CONSORTIUM FOR SMALL FOOD**
7 **RETAILERS AND COLORADO-OWNED AND COLORADO-OPERATED**
8 **FARMS,**".

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