

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0486.02 Pierce Lively x2059

HOUSE BILL 23-1008

HOUSE SPONSORSHIP

Weissman,

SENATE SPONSORSHIP

Fields and Hinrichsen,

House Committees

Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING TAX POLICIES RELATED TO THE ACCESSIBILITY OF FOOD,**
102 **AND, IN CONNECTION THEREWITH, REQUIRING ADDITIONS TO**
103 **COLORADO TAXABLE INCOME IN AMOUNTS EQUAL TO THE**
104 **BUSINESS MEALS FEDERAL ITEMIZED DEDUCTION, CREATING A**
105 **TAX CREDIT TO SUPPORT THE SMALL BUSINESS RECOVERY AND**
106 **RESILIENCE GRANT PROGRAM, AND 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>.)

Section 2 of the bill requires the general assembly, for fiscal year

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
March 17, 2023

2023-24 through fiscal year 2030-31, to annually transfer \$1 million to the prevention services division (division) within the department of public health and environment. The bill requires the division to use this money to partner with a statewide nonprofit organization to provide healthy eating program incentives among Colorado's low-income populations.

Section 3 requires individual taxpayers to add an amount of federal taxable income equal to their federal deduction for business meals to their state income tax liability for the 2024 through 2030 income tax years. **Section 4** requires the same of corporate taxpayers. **Section 6** requires the general assembly to transfer the following amounts from the general fund to the department of agriculture to implement the small business recovery and resilience grant program (grant program):

- For fiscal years 2023-24 and 2030-31, \$2.5 million; and
- For fiscal years 2024-25 through 2029-30, \$5 million.

Section 6 also extends the repeal date of the grant program from September 1, 2027 to September 1, 2031.

Section 5 creates a tax credit for small food retailers and small family farms that purchase certain systems or equipment. The tax credit is equal to 75% of the cost of those systems or equipment. Purchasers may assign the tax credit to the seller who sells them the qualifying systems or equipment. The tax credit is available for the 2024 through 2030 tax years.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) A recent survey found that one in three Coloradans are "food
5 insecure", that is, lacking reliable access to nutritious food;

6 (b) In addition, more than one in three adults living with children
7 have reported regularly cutting back or skipping meals to allow their
8 children to have enough to eat;

9 (c) Childhood hunger can have lifetime impacts, such as
10 interfering with developmental and educational progress;

11 (d) Certain communities, including communities of color, seniors,
12 and lower-income Coloradans, are prone to higher-than-average rates of
13 food insecurity;

1 (e) Food security and housing security are closely related issues,
2 because both are basic needs that a family must account for, and the two
3 can become competing priorities on a limited budget. That is, a family's
4 ability to pay for their food is directly related to their ability to pay for
5 their housing, and improving one will necessarily improve the other.

6 (f) Improving the capacity of existing small, local retailers to store
7 and sell nutritious food can improve access, lower prices, and reduce food
8 insecurity, particularly for Colorado families most at risk of it, while
9 keeping more of the proceeds of economic activity in the local
10 community;

11 (g) Expanding the number of retailers selling fresh produce may
12 also create new market opportunities for Colorado agricultural producers;

13 (h) Therefore, the general assembly determines that enacting this
14 legislation to further support existing nutrition access efforts will improve
15 access to nutritious food for Coloradans, assist small businesses, and
16 foster Colorado's agricultural industry.

17 

18 **SECTION 2.** In Colorado Revised Statutes, 39-22-104, **add** (3)(s)
19 as follows:

20 **39-22-104. Income tax imposed on individuals, estates, and**
21 **trusts - single rate - report - legislative declaration - definitions -**
22 **repeal.** (3) There shall be added to the federal taxable income:

23 (s) (I) FOR INCOME TAX YEARS COMMENCING ON OR AFTER
24 JANUARY 1, 2024, BUT BEFORE JANUARY 1, 2031, AN AMOUNT EQUAL TO
25 A FEDERAL DEDUCTION CLAIMED FOR A BUSINESS MEAL PURSUANT TO
26 SECTION 274 (k) OF THE INTERNAL REVENUE CODE.

27 (II) THIS SUBSECTION (3)(s) IS REPEALED, EFFECTIVE DECEMBER

1 31, 2035.

2 **SECTION 3.** In Colorado Revised Statutes, 39-22-304, **add**
3 (2)(k) as follows:

4 **39-22-304. Net income of corporation - legislative declaration**
5 **- definitions - repeal.** (2) There shall be added to federal taxable income:

6 (k) (I) FOR INCOME TAX YEARS COMMENCING ON OR AFTER
7 JANUARY 1, 2024, BUT BEFORE JANUARY 1, 2031, AN AMOUNT EQUAL TO
8 A FEDERAL DEDUCTION CLAIMED FOR A BUSINESS MEAL PURSUANT TO
9 SECTION 274 (k) OF THE INTERNAL REVENUE CODE.

10 (II) THIS SUBSECTION (2)(k) IS REPEALED, EFFECTIVE DECEMBER
11 31, 2035.

12 **SECTION 4.** In Colorado Revised Statutes, **add** 39-22-549 as
13 follows:

14 **39-22-549. Credit against tax - small food business recovery**
15 **and resilience grant program equipment - community food**
16 **consortium duties and responsibilities - tax preference performance**
17 **statement - legislative declaration - definitions - repeal.** (1) (a) THE
18 GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, IN ACCORDANCE
19 WITH SECTION 39-21-304 (1), WHICH REQUIRES EACH BILL THAT CREATES
20 A NEW TAX EXPENDITURE TO INCLUDE A TAX PREFERENCE PERFORMANCE
21 STATEMENT AS PART OF A STATUTORY LEGISLATIVE DECLARATION, THE
22 GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE PURPOSES
23 OF THE TAX EXPENDITURE CREATED IN SUBSECTION (3) OF THIS SECTION
24 ARE TO:

25 (I) INDUCE CERTAIN DESIGNATED BEHAVIOR BY TAXPAYERS,
26 SPECIFICALLY THE PURCHASE AND USE OF SMALL FOOD BUSINESS
27 RECOVERY AND RESILIENCE GRANT PROGRAM **EQUIPMENT AND THE**

1 INCREASE OF ACTIVITIES OF THE COMMUNITY FOOD CONSORTIUM FOR
2 SMALL FOOD RETAILERS AND COLORADO-OWNED AND
3 COLORADO-OPERATED FARMS; AND

4 (II) CONTRIBUTE TO THE STATE'S EFFORT TO IMPROVE ACCESS TO
5 AND LOWER PRICES FOR HEALTHY FOODS IN LOW-INCOME AND
6 UNDERSERVED AREAS OF THE STATE BY SUPPORTING SMALL FOOD
7 RETAILERS AND SMALL FAMILY FARMS.

8 (b) THE GENERAL ASSEMBLY AND THE STATE AUDITOR SHALL
9 MEASURE THE EFFECTIVENESS OF THE TAX CREDITS IN ACHIEVING THE
10 PURPOSES SPECIFIED IN SUBSECTION (1)(a)(I) OF THIS SECTION BASED ON
11 THE NUMBER OF THE TAX CREDITS CREATED IN THIS SECTION THAT
12 TAXPAYERS CLAIM. THE DEPARTMENT OF AGRICULTURE AND THE
13 DEPARTMENT OF REVENUE SHALL PROVIDE THE STATE AUDITOR WITH ANY
14 AVAILABLE INFORMATION THAT WOULD ASSIST THE STATE AUDITOR IN
15 THIS MEASUREMENT.

16 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
17 REQUIRES:

18 (a) "AMOUNT CERTAIN SPENT BY THE MEMBER OF THE
19 CONSORTIUM ON COMPLETING ITS DUTIES AND RESPONSIBILITIES" MEANS
20 THE AMOUNT SPENT ON PALLET, PALLET BREAK, DISTRIBUTION, AND
21 DELIVERY FEES THAT IS ELIGIBLE FOR A SUBSIDY FROM THE CONSORTIUM
22 BUT IS NOT OTHERWISE COVERED BY THE CONSORTIUM.

23 (b) "DUTIES AND RESPONSIBILITIES" MEANS THE DUTIES AND
24 RESPONSIBILITIES OF THE MEMBERS OF CONSORTIUM PURSUANT TO
25 SECTION 35-1-117 (2)(a).

26 (c) "MEMBER OF THE CONSORTIUM" MEANS ANY MEMBER OF THE
27 COMMUNITY FOOD CONSORTIUM FOR SMALL FOOD RETAILERS AND

1 COLORADO-OWNED AND COLORADO-OPERATED FARMS CREATED IN
2 SECTION 35-1-117 (2)(a).

3 (d) "PURCHASE PRICE" MEANS THE AMOUNT ACTUALLY PAID BY
4 THE PURCHASER FOR THE SMALL FOOD BUSINESS RECOVERY AND
5 RESILIENCE GRANT PROGRAM EQUIPMENT, INCLUDING CHARGES FOR SALES
6 TAX AND FREIGHT, BUT NOT INCLUDING ANY CHARGES FOR ASSEMBLY,
7 INSTALLATION, OTHER CONSTRUCTION SERVICES, OR PERMIT FEES.

8 (e) "PURCHASER" MEANS A SMALL FOOD RETAILER OR SMALL
9 FAMILY FARM THAT PURCHASES SMALL FOOD BUSINESS RECOVERY AND
10 RESILIENCE GRANT PROGRAM EQUIPMENT.

11
12 (f) "SMALL FAMILY FARM" HAS THE SAME MEANING AS SET FORTH
13 IN SECTION 35-1-117 (8)(d).

14 (g) "SMALL FOOD BUSINESS RECOVERY AND RESILIENCE GRANT
15 PROGRAM EQUIPMENT" MEANS THE ITEMS LISTED IN SECTION 35-1-117
16 (3)(a)(II) AND (3)(a)(IV).

17 (h) "SMALL FOOD RETAILER" HAS THE SAME MEANING AS SET
18 FORTH IN SECTION 35-1-117 (8)(e).

19 (3) (a) SUBJECT TO THE PROVISIONS OF SUBSECTION (4) OF THIS
20 SECTION, FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY
21 1, 2024, BUT BEFORE JANUARY 1, 2031:

22 (I) ANY MEMBER OF THE FOOD CONSORTIUM IS ALLOWED A CREDIT
23 AGAINST THE TAX IMPOSED BY THIS ARTICLE 22 IN AN AMOUNT EQUAL TO
24 SEVENTY-FIVE PERCENT OF THE AMOUNT CERTAIN SPENT BY THE MEMBER
25 OF THE CONSORTIUM ON COMPLETING ITS DUTIES AND RESPONSIBILITIES
26 MINUS ANY AMOUNT AWARDED TO THE MEMBER OF THE CONSORTIUM
27 PURSUANT TO SECTION 35-1-117 (2) FOR THE COMPLETION OF ITS DUTIES

1 AND RESPONSIBILITIES; AND

2 (II) ANY PURCHASER OF SMALL FOOD BUSINESS RECOVERY AND
3 RESILIENCE GRANT PROGRAM EQUIPMENT IS ALLOWED A CREDIT AGAINST
4 THE TAX IMPOSED BY THIS ARTICLE 22 IN AN AMOUNT EQUAL TO
5 SEVENTY-FIVE PERCENT OF THE PURCHASE PRICE OF THE RELEVANT SMALL
6 FOOD BUSINESS RECOVERY AND RESILIENCE GRANT PROGRAM EQUIPMENT
7 MINUS THE AMOUNT OF ANY GRANT AWARDED UNDER THE SMALL FOOD
8 BUSINESS RECOVERY AND RESILIENCE GRANT PROGRAM FOR THE
9 PURCHASE OF THE SAME SMALL FOOD BUSINESS RECOVERY AND
10 RESILIENCE GRANT PROGRAM EQUIPMENT.

11

12 (b) THE CREDIT ALLOWED PURSUANT TO THIS SECTION IS FOR THE
13 INCOME TAX YEAR IN WHICH A MEMBER OF THE CONSORTIUM SPENT AN
14 AMOUNT CERTAIN ON COMPLETING ITS DUTIES AND RESPONSIBILITIES OR
15 A PURCHASER PURCHASES THE RELEVANT SMALL FOOD BUSINESS
16 RECOVERY AND RESILIENCE GRANT PROGRAM EQUIPMENT.

17

18 (4) (a) A MEMBER OF THE CONSORTIUM OR A PURCHASER OF SMALL
19 FOOD BUSINESS RECOVERY GRANT PROGRAM EQUIPMENT MAY SUBMIT AN
20 APPLICATION TO THE DEPARTMENT OF AGRICULTURE FOR THE ISSUANCE OF
21 A LETTER OF ELIGIBILITY FOR A TAX CREDIT CERTIFICATE ALLOWED IN THIS
22 SECTION BY THE DEADLINES ESTABLISHED IN THE RULES PROMULGATED BY
23 THE DEPARTMENT OF AGRICULTURE. THE APPLICATION MUST INCLUDE:

24 (I) A CERTIFICATION THAT THE APPLICANT IS EITHER:
25 (A) A PURCHASER WHO IS A SMALL FOOD RETAILER OR SMALL
26 FAMILY FARM THAT PURCHASED SMALL FOOD BUSINESS RECOVERY AND
27 RESILIENCE GRANT PROGRAM EQUIPMENT; OR

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

3 (II) DETAILED INFORMATION REGARDING:

4 (A) THE PURCHASE PRICE THAT WOULD BE INCURRED BY A
5 PURCHASER OF SMALL FOOD BUSINESS RECOVERY AND RESILIENCE GRANT
6 PROGRAMEQUIPMENT AND THE DATE ON WHICH THE PURCHASE WOULD BE
7 MADE; OR

8 (B) AN ITEMIZED TOTAL OF THE AMOUNT CERTAIN THAT WOULD
9 BE SPENT BY A MEMBER OF THE CONSORTIUM ON COMPLETING ITS DUTIES
10 AND RESPONSIBILITIES, AND THE DATE OR DATES ON WHICH THE MEMBER
11 OF THE CONSORTIUM WOULD SPEND THE AMOUNTS.

12 (b) IF THE DEPARTMENT OF AGRICULTURE DETERMINES THAT THE
13 APPLICATION FILED PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION IS
14 COMPLETE, THE DEPARTMENT OF AGRICULTURE SHALL DETERMINE
15 WHETHER THE APPLICANT WOULD QUALIFY FOR THE CREDIT ALLOWED
16 PURSUANT TO THIS SECTION IF THE APPLICANT MADE THE PURCHASE
17 DESCRIBED IN THE APPLICATION AND THE DEPARTMENT OF AGRICULTURE
18 HAD NOT ISSUED TAX CREDIT CERTIFICATES IN EXCESS OF A TOTAL OF TEN
19 MILLION DOLLARS FOR THE INCOME TAX YEAR. IF THE DEPARTMENT OF
20 AGRICULTURE APPROVES THE APPLICATION, THE DEPARTMENT OF
21 AGRICULTURE SHALL ISSUE A LETTER OF ELIGIBILITY TO THE APPLICANT
22 THAT INDICATES THE AMOUNT OF THE TAX CREDIT THAT THE PURCHASER
23 OR MEMBER OF THE CONSORTIUM COULD CLAIM FOR THE SPECIFIED
24 INCOME TAX YEAR IF THEY WERE TO MAKE THE PURCHASE DESCRIBED IN
25 THE APPLICATION AND IF THE DEPARTMENT OF AGRICULTURE HAS NOT
26 ISSUED TAX CREDIT CERTIFICATES IN EXCESS OF A TOTAL OF TEN MILLION
27 DOLLARS FOR THE INCOME TAX YEAR.

1 (5)(a) A MEMBER OF THE CONSORTIUM OR A PURCHASER OF SMALL
2 FOOD BUSINESS RECOVERY GRANT PROGRAM EQUIPMENT SHALL SUBMIT
3 AN APPLICATION TO THE DEPARTMENT OF AGRICULTURE FOR THE
4 ISSUANCE OF A TAX CREDIT CERTIFICATE ALLOWED IN THIS SECTION BY
5 THE DEADLINES ESTABLISHED IN THE RULES PROMULGATED BY THE
6 DEPARTMENT OF AGRICULTURE. THE APPLICATION MUST INCLUDE:

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

8 (A) A PURCHASER WHO IS A SMALL FOOD RETAILER OR SMALL
9 FAMILY FARM THAT PURCHASED SMALL FOOD BUSINESS RECOVERY AND
10 RESILIENCE GRANT PROGRAM EQUIPMENT; OR

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

13 (II) DETAILED INFORMATION REGARDING:

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

17 (B) AN ITEMIZED TOTAL OF THE AMOUNT CERTAIN SPENT BY A
18 MEMBER OF THE CONSORTIUM ON COMPLETING ITS DUTIES AND
19 RESPONSIBILITIES, AND THE DATE OR DATES THAT THE MEMBER OF THE
20 CONSORTIUM SPENT THE AMOUNTS.

21 (b) IF THE DEPARTMENT OF AGRICULTURE DETERMINES THAT THE
22 APPLICATION FILED PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION IS
23 COMPLETE, THE DEPARTMENT OF AGRICULTURE SHALL DETERMINE
24 WHETHER THE APPLICANT QUALIFIES FOR THE CREDIT ALLOWED PURSUANT
25 TO THIS SECTION. IF THE DEPARTMENT OF AGRICULTURE APPROVES THE
26 APPLICATION, THE DEPARTMENT OF AGRICULTURE SHALL ISSUE A TAX
27 CREDIT CERTIFICATE TO THE APPLICANT THAT INDICATES THE AMOUNT OF

1 THE TAX CREDIT THAT THE PURCHASER OR MEMBER OF THE CONSORTIUM
2 MAY CLAIM FOR THE SPECIFIED INCOME TAX YEAR; EXCEPT THAT THE
3 TOTAL AMOUNT OF TAX CREDIT CERTIFICATES ISSUED BY THE
4 DEPARTMENT OF AGRICULTURE IN A GIVEN INCOME TAX YEAR MUST NOT
5 EXCEED A TOTAL OF TEN MILLION DOLLARS.

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

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

22 (7) IN A SUFFICIENTLY TIMELY MANNER TO ALLOW THE
23 DEPARTMENT OF REVENUE TO PROCESS RETURNS CLAIMING THE INCOME
24 TAX CREDIT ALLOWED PURSUANT TO THIS SECTION, THE DEPARTMENT OF
25 AGRICULTURE SHALL PROVIDE THE DEPARTMENT OF REVENUE WITH AN
26 ELECTRONIC REPORT OF EACH PURCHASER OR MEMBER OF THE
27 CONSORTIUM THAT THE DEPARTMENT OF AGRICULTURE APPROVED FOR

1 THE INCOME TAX CREDIT ALLOWED PURSUANT TO THIS SECTION FOR THE
2 PRECEDING CALENDAR YEAR THAT INCLUDES THE FOLLOWING
3 INFORMATION:

4 (a) THE TAXPAYER'S NAME; AND

5 (b) THE TAXPAYER'S SOCIAL SECURITY NUMBER, COLORADO
6 ACCOUNT NUMBER, OR FEDERAL EMPLOYER IDENTIFICATION NUMBER.

7 (8) IF A CREDIT AUTHORIZED IN THIS SECTION EXCEEDS THE
8 INCOME TAX DUE ON THE INCOME OF THE MEMBER OF THE CONSORTIUM OR
9 PURCHASER FOR THE TAXABLE YEAR, THE EXCESS CREDIT MAY NOT BE
10 CARRIED FORWARD AND IS REFUNDABLE TO THE MEMBER OF THE
11 CONSORTIUM OR PURCHASER.

12 (9) THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF
13 REVENUE MAY PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF
14 TITLE 24 AS MAY BE NECESSARY TO EFFECTUATE THE PURPOSES OF THIS
15 SECTION.

16 (10) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2035.

17 **SECTION 5.** In Colorado Revised Statutes, 35-1-117, **amend**
18 (2)(b)(III), (3)(a) introductory portion, (3)(c)(I), (3)(c)(III), (8)(e)(I), and
19 (9); and **repeal** (2)(b)(V) as follows:

20 **35-1-117. Community food access program - creation -**
21 **purpose - duties and responsibilities - grant program - funding -**
22 **reporting - rules - definitions - repeal.** (2) (b) (III) Money spent
23 pursuant to this subsection ~~(2)~~ (2)(b) must conform with the allowable
24 purposes set forth in the federal "American Rescue Plan Act of 2021",
25 Pub.L. 117-2, as amended. The department shall either spend or obligate
26 such appropriation prior to December 30, 2024, and expend the
27 appropriation on or before December 31, 2026.

1 (V) This subsection (2) is repealed, effective September 1, 2027.

2 (3) (a) As part of the program, the department shall create and
3 manage the small food business recovery and resilience grant program.

4 The department shall award ~~one-time~~ grants, not to exceed ~~twenty-five~~
5 FIFTY thousand dollars, out of the grant program, to participating small
6 food retailers and small family farms. THE DEPARTMENT MAY AWARD THE
7 OWNER OF A SMALL FOOD RETAILER OR SMALL FAMILY FARM ONE SUCH
8 GRANT EACH CALENDAR YEAR FOR EVERY SMALL FOOD RETAILER OR
9 SMALL FAMILY FARM OWNED BY THE OWNER. THE DEPARTMENT SHALL
10 AWARD THESE GRANTS for:

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

15 (III) Money spent pursuant to this subsection ~~(3)~~ (3)(c) must
16 conform with the allowable purposes set forth in the federal "American
17 Rescue Plan Act of 2021", Pub.L. 117-2, as amended. The department
18 shall either spend or obligate such appropriation prior to December 30,
19 2024, and expend the appropriation on or before December 31, 2026.

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

21 (e) "Small food retailer" means:

22 (I) An independent or nonprofit-managed, Colorado-owned, and
23 Colorado-operated small food retail business, defined as a food retailer
24 with less than ~~five~~ TEN thousand square feet of retail space that carries at
25 least three categories of federally defined staple foods, as described in the
26 federal "Food and Nutrition Act of 2008", secs. 3 and 9, the
27 "Consolidated Appropriations Act of 2017", sec. 76, and the federal

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

4 (9) This section is repealed, effective ~~September 1, 2027~~
5 SEPTEMBER 1, 2031.

6 **SECTION 6. Appropriation.** (1) For the 2023-24 state fiscal
7 year, \$337,878 General Fund is appropriated to the department of
8 agriculture. To implement this act, the department may use this
9 appropriation as follows:

10 (a) \$88,286 for use by the commissioner's office for personal
11 services, which amount is based on an assumption that the commissioner's
12 office will require an additional 1.0 FTE;

13 (b) \$44,411 for use by the commissioner's office for legal
14 services;

15 (c) \$205,181 for use by the agricultural markets division for the
16 community food access program, which amount is based on an
17 assumption that the department will require an additional 1.8 FTE.

18 (2) For the 2023-24 state fiscal year, \$44,411 is appropriated to the
19 department of law. This appropriation is from reappropriated funds
20 received from the department of agriculture under subsection (1)(b) of
21 this section. To implement this act, the department of law may use this
22 appropriation to provide legal services for the department of agriculture.

23 (3) For the 2023-24 state fiscal year, \$162,477 is appropriated to
24 the department of revenue for use by the taxation business group. This
25 appropriation is from the general fund. To implement this act, the division
26 may use this appropriation as follows:

27 (a) \$64,862 for personal services related to taxation services,

1 which amount is based on an assumption that the division will require an
2 additional 0.7 FTE;

3 (b) \$7,615 for operating expense related to taxation services; and

4 (c) \$90,000 tax administration IT system (gentax) support.

5 **SECTION 7. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly; except
8 that, if a referendum petition is filed pursuant to section 1 (3) of article V
9 of the state constitution against this act or an item, section, or part of this
10 act within such period, then the act, item, section, or part will not take
11 effect unless approved by the people at the general election to be held in
12 November 2024 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.