

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 26, 2018
Date

Committee on Agriculture, Livestock, & Natural Resources.

After consideration on the merits, the Committee recommends the following:

HB18-1236 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add with amended**
4 **and relocated provisions** part 2 to article 1 of title 35 as follows:

5 PART 2

6 COLORADO FOOD SYSTEMS ADVISORY COUNCIL

7 **35-1-201. [Formerly 24-37.3-101] Legislative declaration.**

8 (1) The general assembly hereby finds and declares that:

9 (a) In September 2009, the federal centers for disease control and
10 prevention reported that no state in the United States was meeting
11 national goals for the amount of fruits and vegetables that Americans
12 should be eating. As a result, the centers for disease control and
13 prevention identified the creation of food policy councils, consisting of
14 multi-stakeholder organizations, as an effective way to support system
15 changes to improve local, regional, and state food economies.

16 (b) Food councils formed in other states have been effective in
17 bringing together a broad array of food-related government and
18 nongovernment constituencies to employ a food systems approach that
19 facilitates evaluation and program development at every stage of the food
20 process from farm to table;

21 (c) Formation of a state food advisory council is intended to
22 benefit Colorado agriculturists and others involved in all aspects of
23 agricultural production;

1 (d) Creation of a state food advisory council will provide
2 increased focus on the economic development opportunities of Colorado's
3 food system along with improvements to agricultural production,
4 community well-being, and public health; AND

5 (e) Nothing in this ~~article~~ PART 2 is intended to impede, cause
6 harm to, or limit conventionally produced agricultural products or the
7 persons who produce them.

8 (2) The general assembly further finds that building local,
9 regional, and state food economies will create jobs, stimulate statewide
10 economic development, and circulate money from local food sales within
11 local communities. The general assembly finds that building robust,
12 resilient, and long-term local food economies in Colorado will preserve
13 and protect the natural environment, increase consumer access to fresh,
14 healthy, and safe foods, and provide greater food security for all
15 Coloradans.

16 **35-1-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE
17 CONTEXT OTHERWISE REQUIRES:

18 (1) "FARM-TO-SCHOOL PROGRAM" MEANS A PROGRAM THAT
19 ENCOURAGES THE ACQUISITION AND USE OF LOCALLY GROWN, PRODUCED,
20 AND PROCESSED AGRICULTURAL PRODUCTS BY SCHOOLS IN ORDER TO
21 PROVIDE HEALTHY, LOCAL FOOD PRODUCTS TO STUDENTS AND BENEFIT
22 THE STATE'S AGRICULTURAL INDUSTRY.

23 (2) "FOOD AND NUTRITION ASSISTANCE" MEANS FEDERAL AND
24 COMMUNITY-BASED FOOD PROGRAMS THAT PROVIDE FOOD DIRECTLY, OR
25 SUPPLEMENTAL INCOME TO PURCHASE FOOD, TO ELIGIBLE LOW-INCOME
26 CITIZENS.

27 (3) "SCHOOL" MEANS EARLY CARE INSTITUTIONS THROUGH HIGHER
28 EDUCATION.

29 **35-1-203. [Formerly 24-37.3-102] Colorado food systems**
30 **advisory council - created - membership - terms - vacancies - repeal.**

31 (1) There is hereby established in the department of ~~agriculture~~ the
32 Colorado food systems advisory council, referred to in this ~~article~~ PART
33 2 as the "council". The council is created as an advisory committee to
34 ~~foster a healthy food supply available to all Colorado residents while~~
35 ~~enhancing the state's agricultural and natural resources, encouraging~~
36 ~~economic growth, expanding the viability of agriculture, and improving~~
37 ~~the health of our communities and residents. The council's role is to make~~
38 ~~recommendations to the general assembly and to the appropriate~~
39 ~~regulatory agencies, not to create policy. The council shall use a method~~
40 ~~of dialogue and consensus decision-making to arrive at its~~ PROVIDE
41 recommendations REGARDING INCREASING HEALTHY FOOD ACCESS FOR

1 ALL COLORADO RESIDENTS, CREATING ECONOMIC OPPORTUNITIES FOR
2 COLORADO PRODUCERS AND FOOD-RELATED BUSINESSES, AND
3 STRENGTHENING LOCAL AND REGIONAL FOOD SYSTEMS.

4 (2) The council consists of: ~~fifteen members as follows:~~

5 (a) ~~The executive director, or his or her designee, of each of the~~
6 ~~following state departments~~ FOLLOWING MEMBERS APPOINTED AS
7 INDICATED:

8 (I) ONE REPRESENTATIVE OF THE DEPARTMENT OF EDUCATION,
9 APPOINTED BY THE COMMISSIONER OF EDUCATION;

10 ~~(H)~~ (II) ONE REPRESENTATIVE OF the department of public health
11 and environment, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
12 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

13 ~~(H)~~ (III) ONE REPRESENTATIVE OF the department, of agriculture
14 APPOINTED BY THE COMMISSIONER;

15 ~~(H)~~ (IV) ONE REPRESENTATIVE OF the department of human
16 services, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
17 OF HUMAN SERVICES;

18 ~~(IV)~~ (V) ~~The department~~ ONE REPRESENTATIVE of education THE
19 COLORADO STATE UNIVERSITY EXTENSION SERVICES PROGRAM,
20 APPOINTED BY THE DIRECTOR OF THE COLORADO STATE UNIVERSITY
21 EXTENSION SERVICES PROGRAM; AND

22 (VI) ONE REPRESENTATIVE OF THE COLORADO OFFICE OF
23 ECONOMIC DEVELOPMENT AND INTERNATIONAL TRADE, APPOINTED BY THE
24 EXECUTIVE DIRECTOR OF THE OFFICE OF ECONOMIC DEVELOPMENT AND
25 INTERNATIONAL TRADE;

26 (b) ~~Eleven~~ Members appointed by the governor who represent and
27 ~~have expertise in one of seven functional areas of food systems;~~ OR HIS OR
28 HER DESIGNEE as follows:

29 (I) Two members who ~~represent nutrition and health~~ ARE
30 RECIPIENTS OF A FEDERAL FOOD ASSISTANCE PROGRAM, AT LEAST ONE OF
31 WHOM IS A RECIPIENT OF THE SUPPLEMENTAL NUTRITION ASSISTANCE
32 PROGRAM;

33 (II) ~~Three~~ TWO members who represent DIFFERENT SECTORS OF
34 agricultural production, at least one of whom ~~represents a large producer~~
35 ~~and one a small producer~~ IS A FRUIT OR VEGETABLE PRODUCER AND ONE
36 OF WHOM SELLS AGRICULTURAL PRODUCTS TO A PUBLIC SCHOOL OR
37 SCHOOL DISTRICT;

38 (III) ~~One member who represents small food wholesalers or food~~
39 ~~retailers and one member who represents large food wholesalers or food~~
40 ~~retailers, of which one of the two members may represent both small and~~
41 ~~large food wholesalers or food retailers~~ TWO MEMBERS WHO REPRESENT

1 FOOD WHOLESALERS OR RETAILERS, ONE OF WHOM MUST BE A DIRECT
2 MARKET RETAILER;

3 (IV) One member who represents A STATEWIDE anti-hunger ~~and~~
4 ~~food assistance programs~~ ORGANIZATION;

5 (V) ~~One member~~ TWO MEMBERS who ~~is~~ ARE knowledgeable about
6 ~~a local, state, or federal agency and who has~~ AGENCIES, ONE OF WHOM
7 HAS EXPERTISE IN FEDERAL FOOD AND NUTRITION SERVICE PROGRAMS AND
8 ONE OF WHOM HAS expertise in rural community and regional
9 development programs or community and economic development
10 programs;

11 (VI) One member from an academic institution who specializes
12 in economic systems, agriculture, or health care;

13 (VII) ~~The director of the Colorado state university extension~~
14 ~~services program or his or her designee.~~ TWO MEMBERS WHO REPRESENT
15 INSTITUTIONAL PROCUREMENT, ONE OF WHOM IS FROM AN EDUCATIONAL
16 SETTING AND ONE OF WHOM IS FROM A HEALTH CARE SETTING;

17 (VIII) ONE MEMBER WHO REPRESENTS A LOCAL, NONPROFIT,
18 COMMUNITY ORGANIZATION ENGAGED IN FARM-TO-SCHOOL OR LOCAL
19 FOOD SYSTEMS;

20 (IX) ONE MEMBER WHO REPRESENTS A FOOD DISTRIBUTOR OF A
21 FOOD HUB;

22 (X) ONE MEMBER WHO IS KNOWLEDGEABLE ABOUT NUTRITION,
23 PREFERABLY A PHYSICIAN LICENSED PURSUANT TO ARTICLE 36 OF TITLE 12
24 OR A REGISTERED DIETICIAN; AND

25 (XI) ONE STATEWIDE HEALTHY FOOD SYSTEM ORGANIZATION
26 REPRESENTATIVE.

27 (3) In making appointments to the council, the ~~governor~~
28 APPOINTING AUTHORITIES shall ensure, TO THE EXTENT POSSIBLE, that the
29 membership of the council includes geographic ~~representation from all~~
30 ~~areas of the state. The governor shall also consider appointing persons~~
31 ~~who have expertise in more than one functional area. No more than five~~
32 ~~members of the council appointed by the governor shall be members of~~
33 ~~the same political party~~ AND SOCIAL DIVERSITY, AS WELL AS A BALANCE
34 OF EXPERTISE, BOTH GOVERNMENTAL AND NONGOVERNMENTAL, IN ISSUES
35 RELATING TO COLORADO'S FOOD SYSTEMS.

36 (4) Each member of the council who is appointed pursuant to
37 subsection (2) of this section shall serve at the pleasure of the appointing
38 authority who appointed the member. Each member of the council shall
39 serve a three-year term; except that the governor shall appoint four
40 members to serve two-year terms. THE APPOINTING AUTHORITY MAY
41 REAPPOINT THE MEMBER FOR ONE ADDITIONAL THREE-YEAR TERM.

1 (5) (a) THE TERMS OF THE COUNCIL MEMBERS APPOINTED PRIOR TO
2 THE EFFECTIVE DATE OF THIS SECTION EXPIRE ON AUGUST 30, 2018. The
3 appointing authorities shall make their ~~initial~~ appointments to the council
4 AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION no later than ~~October 1,~~
5 ~~2010~~ AUGUST 31, 2018.

6 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE SEPTEMBER 1,
7 2020.

8 (6) Any vacancy on the council shall be filled in the same manner
9 in which the original appointment was made, and the term ~~shall be~~ IS for
10 the balance of the unexpired term of the member whose ~~term~~ POSITION ON
11 THE COUNCIL is vacant.

12 (7) A majority of the members of the council shall elect a chair
13 and a vice-chair, who shall serve for two-year terms. A member of the
14 council who is an executive director of a state department or his or her
15 designee may be elected to be a chair or a vice-chair of the council, but
16 both positions shall not be held at the same time by members who are
17 executive directors of state departments or their designees.

18 (8) Each member of the council shall serve without compensation
19 but may be reimbursed from the food systems advisory council fund
20 created in section ~~24-37.3-105~~ 35-1-206 for actual and necessary
21 subsistence and travel expenses incurred in the performance of his or her
22 duties as a member of the council.

23 (9) ~~The chair shall call the meetings and notify the members of~~
24 ~~each meeting being called at least seven days in advance.~~ Meetings shall
25 MUST be held as often as the chair deems necessary but not less than four
26 times each calendar year. ~~A quorum for the transaction of business~~
27 ~~consists of seven members of the council~~ THE COUNCIL SHALL ADOPT
28 POLICIES AND PROCEDURES NECESSARY TO CARRY OUT ITS DUTIES.

29 **35-1-204. [Formerly 24-37.3-103] Council - purpose and**
30 **duties.** (1) The ~~purpose~~ PURPOSES of the council ~~is~~ INCLUDE, BUT ARE
31 NOT LIMITED to:

32 (a) ~~Identify and use existing studies of the food system and~~
33 ~~examples of best practices, whenever possible;~~ GROWING LOCAL,
34 REGIONAL, AND STATEWIDE FOOD ECONOMIES WITHIN WHICH PRODUCERS
35 HAVE ACCESS TO NEW MARKETS AND LOW-INCOME POPULATIONS HAVE
36 ACCESS TO FRESH, AFFORDABLE, AND HEALTHY FOODS. THE COUNCIL WILL
37 COLLABORATE AND COORDINATE WITH PRODUCERS, RELEVANT STATE AND
38 FEDERAL EDUCATIONAL INSTITUTIONS, NONGOVERNMENTAL
39 ORGANIZATIONS, AND CONSUMERS TO CONNECT AGENCIES AND
40 COLORADO PRODUCERS, INCLUDING FRUIT AND VEGETABLE PRODUCERS,
41 TO VIABLE MARKET OPPORTUNITIES. AREAS OF FOCUS INCLUDE:

1 (I) CONNECTING COLORADO AGRICULTURE TO FEDERAL FOOD
2 ASSISTANCE PROGRAMS BY FUNCTIONING AS AN INTERAGENCY LIAISON
3 BETWEEN RELEVANT STATE AND FEDERAL AGENCIES;

4 (II) LEVERAGING THE PURCHASING POWER OF THE STATE'S
5 INSTITUTIONS TO CREATE NEW AND RELIABLE MARKETS FOR COLORADO
6 PRODUCERS AND SUPPORT THE GROWTH OF ROBUST AND RESILIENT FOOD
7 SYSTEMS WHILE PROVIDING FRESH, AFFORDABLE, AND HEALTHY FOOD TO
8 VULNERABLE POPULATIONS; AND

9 ~~(b) (III) Work with other task forces, committees, or organizations~~
10 ~~that are pursuing initiatives or studies similar to the purposes and duties~~
11 ~~outlined in this article and develop relationships with other task forces,~~
12 ~~committees, or organizations to collaborate on similar efforts~~ SUPPORTING
13 THE IMPLEMENTATION OF THE RECOMMENDATIONS IN THE COLORADO
14 BLUEPRINT OF FOOD AND AGRICULTURE, AND ENSURING THAT THE
15 BLUEPRINT, OR ITS SUCCESSOR, IS UPDATED AS NEEDED;

16 ~~(c) Develop local food recommendations that promote the~~
17 ~~building of robust, resilient, and long-term local food economies;~~

18 ~~(d) (b) Develop recommendations regarding hunger and food~~
19 ~~access~~ CONDUCTING RESEARCH REGARDING NATIONAL BEST PRACTICES
20 REGARDING FOOD AND NUTRITION ASSISTANCE, DIRECT AND
21 INTERMEDIATED MARKET DEVELOPMENT, INSTITUTIONAL PROCUREMENT,
22 AND FARM-TO-SCHOOL PROGRAMS AS WELL AS OTHER PRIORITIES
23 DETERMINED BY THE COUNCIL;

24 ~~(e) (c) Collaborate~~ COLLABORATING with, ~~serve~~ SERVING as a
25 resource to, and ~~receive~~ RECEIVING input from local and regional food
26 policy councils in the state;

27 (d) EXPLORING METHODS OF COLLECTING AND ASSESSING
28 STATEWIDE DATA RELATING TO COUNCIL ACTIVITIES AND REPORTING THE
29 RELEVANT INFORMATION AND DATA REGARDING COUNCIL ACTIVITIES AS
30 REQUIRED BY SECTION 35-1-207.

31 ~~(f) Collaborate with the department of agriculture in promoting~~
32 ~~the marketing program known as "Colorado Proud", which helps~~
33 ~~consumers, restaurants, and retailers to identify and purchase Colorado~~
34 ~~food and agricultural products; and:~~

35 ~~(g) Develop recommendations for actions that state and local~~
36 ~~governments, businesses, agriculturists, and consumers can take to build~~
37 ~~robust, resilient, and long-term local food economies.~~

38 (2) In developing its recommendations, the council shall consider,
39 but not be limited to, the following areas of interest:

40 (a) (I) ~~An examination of foods made available to children,~~
41 ~~including those in public schools, and consideration of ways to improve~~

1 the nutritional quality of those foods and increase children's access to
2 locally grown foods.

3 ~~(H) In designing recommendations to improve school nutrition
4 and increase access to locally grown foods, the council shall incorporate
5 input from, and coordinate with the work of, the Colorado campaign to
6 end childhood hunger by 2015, initiated by executive order of the
7 governor.~~

8 ~~(b) A study of efforts to make local, healthy, and safe foods
9 available under public assistance programs, including the possibility of
10 using electronic benefit cards for the supplemental nutrition assistance
11 program (SNAP) and federal farmers' market nutrition program (FMNP)
12 coupons at local farmers' markets;~~

13 ~~(c) An in-depth examination of local and regional efforts to
14 strengthen and develop robust, resilient, and long-term local food
15 economies by supporting and promoting urban, suburban, and rural
16 agricultural production; identifying and developing solutions to regulatory
17 and policy barriers; and strengthening local infrastructure and
18 entrepreneurial efforts;~~

19 ~~(d) The potential impacts that the production of local, healthy, and
20 safe foods would have on economic development in Colorado, including
21 both the direct impacts for the producers of local food and the actual and
22 potential indirect impacts, such as encouraging restaurants to feature
23 locally raised agricultural products and promoting food and wine tourism;
24 and~~

25 ~~(e) Any other issues the council, by consensus, considers
26 pertinent.~~

27 **35-1-205. [Formerly 24-37.3-104] Subcommittees of the**
28 **council.** (1) (a) The council may create subcommittees, as the council
29 deems necessary, to carry out the work of the council. These
30 subcommittees may include but are not limited to:

31 ~~(I) Local and regional food councils;~~

32 ~~(II) Local government;~~

33 ~~(III) School districts, the members of which shall include persons
34 with expertise in nutrition and in school financing; and~~

35 ~~(IV) A coordination subcommittee to collaborate with other task
36 forces, committees, and organizations, including the interagency
37 farm-to-school coordination task force created in section 22-82.6-104,
38 C.R.S.~~

39 (b) The subcommittees shall include representatives of the council
40 and may include persons appointed by the chair and the vice-chair of the
41 council who are not members of the council.

1 (2) The council may engage in any other activity the council
2 determines is necessary to accomplish the purposes outlined in this ~~article~~
3 PART 2.

4 **35-1-206. [Formerly 24-37.3-105] Fund - acceptance of gifts,**
5 **grants, or donations.** (1) For the purposes of carrying out the duties of
6 the council, the council is authorized to seek and accept gifts, grants, or
7 donations, including in-kind donations, from private or public sources for
8 the purposes of this ~~article~~ PART 2; except that the council may not accept
9 a gift, grant, or donation that is subject to conditions that are inconsistent
10 with this ~~article~~ PART 2 or any other law of the state. The council may
11 accept in-kind donations of staff services from the private sector to staff
12 the council. The council is also authorized to accept and expend federal
13 funds available for ~~food policy councils~~ ITS ACTIVITIES. All private and
14 public ~~moneys~~ MONEY received through gifts, grants, or donations shall
15 be transmitted to the state treasurer, who shall credit ~~the same~~ IT to the
16 food systems advisory council fund, which fund is hereby created and
17 referred to in this section as the "fund". The ~~moneys~~ MONEY in the fund
18 ~~must be~~ IS continuously appropriated by the general assembly to the
19 department of ~~agriculture~~ for allocation to the council for the direct and
20 indirect costs associated with implementing this ~~article~~ PART 2. Any
21 ~~moneys~~ MONEY in the fund not expended for the purpose of this ~~article~~
22 PART 2 may be invested by the state treasurer as provided by law. All
23 interest and income derived from the investment and deposit of ~~moneys~~
24 MONEY in the fund ~~shall~~ MUST be credited to the fund. Any unexpended
25 and unencumbered ~~moneys~~ MONEY remaining in the fund at the end of a
26 fiscal year ~~shall~~ MUST remain in the fund and ~~shall~~ MUST not revert or be
27 credited or transferred to the general fund or another fund. ~~except that, if,~~
28 ~~at the time this article is repealed pursuant to section 24-37.3-107, the~~
29 ~~fund contains a balance of unencumbered and unexpended moneys, those~~
30 ~~moneys shall revert to the general fund.~~

31 (2) ~~Moneys~~ MONEY in the fund may be used for the following
32 purposes:

33 (a) The actual and necessary expenses incurred by members of the
34 council for serving on the council;

35 (b) The costs of staffing the council; and

36 (c) The costs of ~~preparing and submitting the annual report~~
37 ~~required by section 24-37.3-106~~ FUNDING PROGRAMS INITIATED BY THE
38 COUNCIL OR COUNCIL STAFF.

39 (3) ~~It is the intent of the general assembly that no moneys from the~~
40 ~~general fund be appropriated for the council. It is also the intent of the~~
41 ~~general assembly that no state employees be hired to implement this~~

1 article and that the administrative costs of providing fiscal support to the
2 council be absorbed by the department of agriculture.

3 (4) If the council does not receive sufficient moneys through gifts,
4 grants, and donations pursuant to subsection (1) of this section to carry
5 out the duties of the council, the council shall not meet and shall not
6 prepare an annual report pursuant to section 24-37.3-106 until such time
7 as sufficient moneys become available.

8 **35-1-207. [Formerly 24-37.3-106] Reports - recommendations.**
9 Commencing October 1, 2011, and on or before October 1 of each year
10 thereafter, the council shall report its findings and recommendations,
11 including any legislative proposals or proposals for administrative action,
12 to the general assembly, the governor, and the commissioner of
13 agriculture pursuant to section 24-1-136(9). NOTWITHSTANDING SECTION
14 24-1-136 (11)(a)(I), no later than January 31, 2012 2020, and every
15 January 31 EVERY OTHER YEAR thereafter, the council shall also report its
16 findings and recommendations, including any legislative proposals; THE
17 INFORMATION SPECIFIED IN SECTION 35-1-204 (1)(d) to the house health
18 and human services committee; the senate health and human services
19 committee; the house agriculture, livestock, and natural resources
20 committee and the senate agriculture, and natural resources, AND ENERGY
21 committee, or their successor committees.

22 **SECTION 2. Repeal of relocated and nonrelocated provisions**
23 **in this act.** In Colorado Revised Statutes, **repeal** article 37.3 of title 24;
24 except that 24-37.3-107 is not relocated.

25 **SECTION 3.** In Colorado Revised Statutes, 2-3-1203, **repeal**
26 (7)(a)(I) as follows:

27 **2-3-1203. Sunset review of advisory committees - legislative**
28 **declaration - definition - repeal.** (7) (a) The following statutory
29 authorizations for the designated advisory committees will repeal on
30 September 1, 2018:

31 (I) ~~The Colorado food systems advisory council created in section~~
32 ~~24-37.3-102, C.R.S.;~~

33 **SECTION 4.** In Colorado Revised Statutes, **repeal** article 82.6
34 of title 22.

35 **SECTION 5.** In Colorado Revised Statutes, **amend** 35-1-101 as
36 follows:

37 **35-1-101. Short title.** ~~This article shall be known and may be~~
38 ~~cited as~~ THE SHORT TITLE OF THIS PART 1 IS the "State Department of
39 Agriculture Act of 1949".

40 **SECTION 6. Act subject to petition - effective date.** This act
41 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2018 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor."

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