

CHAPTER 328

AGRICULTURE

SENATE BILL 23-159

BY SENATOR(S) Hinrichsen and Pelton B., Pelton R., Priola, Simpson, Buckner, Cutter, Exum, Ginal, Gonzales, Hansen, Marchman, Mullica, Winter F.;
also REPRESENTATIVE(S) Boesenecker and Lindsay, Bird, Bockenfeld, Brown, Dickson, Duran, English, Garcia, Gonzales-Gutierrez, Herod, Jodeh, Joseph, Kipp, Lieder, Lukens, Marshall, McCormick, McLachlan, Michaelson Jenet, Ricks, Sharbini, Snyder, Story, Titone, Velasco, Willford, Woodrow, Young, McCluskie.

AN ACT

CONCERNING THE CONTINUATION OF THE COLORADO FOOD SYSTEMS ADVISORY COUNCIL, AND, IN CONNECTION THEREWITH, EXTENDING THE SUNSET DATE BY THREE YEARS AND MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 2-3-1203, **repeal** (14)(a)(X); and **add** (17)(a)(VII) as follows:

2-3-1203. Sunset review of advisory committees - legislative declaration - definition - repeal. (14) (a) The following statutory authorizations for the designated advisory committees are scheduled for repeal on September 1, 2023:

~~(X) The Colorado food systems advisory council created in part 11 of article 31 of title 23;~~

(17) (a) The following statutory authorizations for the designated advisory committees will repeal on September 1, 2026:

(VII) THE COLORADO FOOD SYSTEMS ADVISORY COUNCIL CREATED IN SECTION 23-31-1102.

SECTION 2. In Colorado Revised Statutes, 23-31-1102, **amend** (2); and **add** (2.1) as follows:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

23-31-1102. Colorado food systems advisory council - created - membership - terms - vacancies. (2) The council consists of:

(a) The following six members appointed as indicated:

(I) One representative of the department of education, appointed by the commissioner of education;

(II) One representative of the department of public health and environment, appointed by the executive director of the department of public health and environment;

(III) One representative of the department of agriculture, appointed by the commissioner of agriculture;

(IV) One representative of the department of human services, appointed by the executive director of the department of human services;

(V) One representative of the Colorado state university extension, appointed by the director of the Colorado state university extension; and

(VI) One representative of the Colorado office of economic development, created in section 24-48.5-101, appointed by the director of the office of economic development; ~~and~~

(b) ~~Sixteen~~ FIVE members appointed by the governor or the governor's designee as follows:

(I) Two members who are recipients of a federal food assistance program, at least one of whom is a recipient of the supplemental nutrition assistance program;

(II) ~~Two members who represent different sectors of agricultural production, one of whom is a specialty crop producer and at least one of whom sells agricultural products to a public school or school district~~ ONE MEMBER WHO IS KNOWLEDGEABLE ABOUT NUTRITION, PREFERABLY A PHYSICIAN LICENSED IN THIS STATE OR A REGISTERED DIETITIAN; AND

(III) Two members who represent food wholesalers or food retailers, one of whom must be a direct market retailer; AND

(c) TWELVE MEMBERS ON A ROTATING BASIS IN THE ORDER LISTED IN THIS SUBSECTION (2)(c), AS NEW POSITIONS OR VACANCIES ARISE, APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, AND THE MINORITY LEADER OF THE SENATE, AS FOLLOWS:

~~(IV)~~ (I) One member who represents a statewide anti-hunger organization;

~~(V)~~ (II) Two members who are knowledgeable about federal agencies, one of whom has expertise in federal food and nutrition service programs and one of whom

has expertise in rural community and regional development programs or community and economic development programs;

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

~~(VII)~~ (IV) Two members who represent institutional procurement, one of whom is from an educational setting and one of whom is from a health-care setting;

~~(VIII)~~ (V) One member who represents a local, nonprofit, community organization engaged in a farm-to-school program or local food systems;

~~(IX)~~ (VI) One member who represents a food distributor or a food hub;

~~(X)~~ (VII) ~~One member who is knowledgeable about nutrition, preferably a physician licensed in this state or a registered dietician; and~~ TWO MEMBERS WHO REPRESENT DIFFERENT SECTORS OF AGRICULTURAL PRODUCTION, ONE OF WHOM IS A SPECIALTY CROP PRODUCER AND AT LEAST ONE OF WHOM SELLS AGRICULTURAL PRODUCTS TO A PUBLIC SCHOOL OR SCHOOL DISTRICT;

~~(XI)~~ (VIII) One member who is a representative of a statewide healthy food systems organization; AND

(IX) ONE MEMBER WHO IS A REPRESENTATIVE OF A FOOD BANK.

(2.1) IF TWO NEW POSITIONS OR VACANCIES LISTED IN SUBSECTION (2)(c) OF THIS SECTION OPEN SIMULTANEOUSLY, THE INDIVIDUAL FIRST SCHEDULED TO APPOINT PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION SHALL CHOOSE WHICH POSITION TO APPOINT.

SECTION 3. In Colorado Revised Statutes, 23-31-1103, **amend** (1) introductory portion, (1)(a) introductory portion, (1)(a)(III), and (1)(b); and **add** (1)(b.5) and (3) as follows:

23-31-1103. Council - purpose and duties. (1) ~~The purposes~~ PURPOSE of the council ~~include~~ IS TO GROW LOCAL, REGIONAL, AND STATEWIDE FOOD ECONOMIES WITHIN WHICH PRODUCERS HAVE ACCESS TO NEW MARKETS AND LOW-INCOME POPULATIONS HAVE ACCESS TO FRESH, AFFORDABLE, AND HEALTHY FOODS. DUTIES OF THE COUNCIL INCLUDE:

(a) ~~Growing local, regional, and statewide food economies within which producers have access to new markets and low-income populations have access to fresh, affordable, and healthy foods. The council will collaborate and coordinate~~ COLLABORATING AND COORDINATING with agricultural producers, relevant state and federal educational institutions, nongovernmental organizations, and consumers to connect state and federal agencies and to provide Colorado agricultural producers, including fruit and vegetable producers, with viable market opportunities. Areas of focus include:

(III) ~~Supporting the implementation of the recommendations in the Colorado blueprint of food and agriculture project, ensuring that the recommendations in the~~

~~blueprint, or its successor project, are updated as needed, and ensuring alignment with other state or local food plans if relevant.~~ EXAMINING BEST PRACTICES TO ADVANCE OR IMPROVE DISTRIBUTION SYSTEMS AND DEVELOP NEW MARKETS FOR COLORADO AGRICULTURAL PRODUCERS.

(b) Conducting research regarding national best practices regarding food and nutrition assistance, direct and intermediated market development, institutional procurement, and farm-to-school programs; ~~as well as other priorities determined by the council;~~

(b.5) SERVING AS A RESOURCE FOR RESEARCH AND SUPPORT AT THE REQUEST OF THE GOVERNOR, MEMBERS OF THE GENERAL ASSEMBLY, OR ANY STATE AGENCY IN CONNECTION WITH THE COUNCIL'S PURPOSE AND DUTIES IN SUBSECTIONS (1)(a) AND (1)(b) OF THIS SECTION;

(3) THE COUNCIL SHALL ACCEPT AND CONSIDER PUBLIC COMMENT REGARDING ANY RESEARCH OR REPORTS CREATED BY THE COUNCIL PURSUANT TO SUBSECTIONS (1)(b) AND (1)(b.5) OF THIS SECTION. THE COUNCIL SHALL RECEIVE PUBLIC COMMENT FOR A MINIMUM OF SIXTY DAYS.

SECTION 4. In Colorado Revised Statutes, 23-31-1104, **repeal** (2) as follows:

~~**23-31-1104. Subcommittees of the council.** (2) The council may engage in any other activity the council determines is necessary to accomplish the purposes outlined in this part 11.~~

SECTION 5. In Colorado Revised Statutes, **amend** 23-31-1106 as follows:

23-31-1106. Reports - recommendations. Notwithstanding section 24-1-136 (1)(a)(I), no later than January 31, 2021, and January 31 every other year thereafter, the council shall report the information specified in section 23-31-1103 (1)(d) AND PROVIDE A SUMMARY OF THE COUNCIL'S ACTIVITIES FROM THE PRIOR YEAR AND A SUMMARY OF THE COUNCIL'S PLANNED ACTIVITIES FOR THE UPCOMING YEAR to the house rural affairs and agriculture AGRICULTURE, WATER, AND NATURAL RESOURCES committee and the senate agriculture and natural resources committee, or their successor committees.

SECTION 6. In Colorado Revised Statutes, **amend** 23-31-1107 as follows:

23-31-1107. Repeal of part. This part 11 is repealed, effective ~~September 1, 2023~~ SEPTEMBER 1, 2026. Before the repeal, this part 11 is scheduled for review in accordance with section 2-3-1203.

SECTION 7. In Colorado Revised Statutes, 23-3.3-103, **add** (17) as follows:

23-3.3-103. Annual appropriations - repeal. (17) (a) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION CONCERNING APPROPRIATIONS FOR STUDENT FINANCIAL ASSISTANCE UNDER THIS ARTICLE 3.3 DO NOT APPLY TO APPROPRIATIONS MADE FOR THE PURPOSE OF THE COLORADO FOOD SYSTEMS ADVISORY COUNCIL PURSUANT TO PART 11 OF ARTICLE 31 OF THIS TITLE 23.

(b) THIS SUBSECTION (17) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2026.

SECTION 8. Appropriation. (1) For the 2023-24 state fiscal year, \$151,068 is appropriated to the department of higher education. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the college opportunity fund program to be used for limited purpose fee-for-service contracts with state institutions.

(2) For the 2023-24 state fiscal year, \$151,068 is appropriated to the department of higher education. This appropriation is from reappropriated funds received from the limited purpose fee-for-service contracts with state institutions under subsection (1) of this section. To implement this act, the department may use this appropriation for the board of governors of the Colorado state university system for the food systems advisory council, which amount is based on an assumption that the board of governors will require an additional 1.0 FTE.

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

Approved: June 2, 2023