

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0313.01 Josh Schultz x5486

SENATE BILL 23-159

SENATE SPONSORSHIP

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Senate Committees

Agriculture & Natural Resources
Appropriations

House Committees

Agriculture, Water & Natural Resources
Appropriations

HOUSE
3rd Reading Unamended
May 3, 2023

HOUSE
Amended 2nd Reading
May 2, 2023

A BILL FOR AN ACT

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

SENATE
3rd Reading Unamended
April 3, 2023

SENATE
Amended 2nd Reading
March 31, 2023

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/>.)

Sunset Process - Senate Agriculture and Natural Resources Committee. The Colorado food systems advisory council established within Colorado state university is scheduled to repeal on September 1,

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.

2023. The bill extends the sunset date until September 1, 2030.

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

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

4 **2-3-1203. Sunset review of advisory committees - legislative**
5 **declaration - definition - repeal.** (14) (a) The following statutory
6 authorizations for the designated advisory committees are scheduled for
7 repeal on September 1, 2023:

8 (X) ~~The Colorado food systems advisory council created in part~~
9 ~~11 of article 31 of title 23;~~

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

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

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

16 **23-31-1102. Colorado food systems advisory council - created**
17 **- membership - terms - vacancies.** (2) The council consists of:

18 (a) The following six members appointed as indicated:

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

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

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

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

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

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

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

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

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

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

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

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

27 ~~(V)~~ (II) Two members who are knowledgeable about federal

1 agencies, one of whom has expertise in federal food and nutrition service
2 programs and one of whom has expertise in rural community and regional
3 development programs or community and economic development
4 programs;

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

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

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

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

15 ~~(X)~~ (VII) ~~One member who is knowledgeable about nutrition,~~
16 ~~preferably a physician licensed in this state or a registered dietician, and~~

17 TWO MEMBERS WHO REPRESENT DIFFERENT SECTORS OF AGRICULTURAL
18 PRODUCTION, ONE OF WHOM IS A SPECIALTY CROP PRODUCER AND AT
19 LEAST ONE OF WHOM SELLS AGRICULTURAL PRODUCTS TO A PUBLIC
20 SCHOOL OR SCHOOL DISTRICT;

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

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

24 (2.1) IF TWO NEW POSITIONS OR VACANCIES LISTED IN SUBSECTION
25 (2)(c) OF THIS SECTION OPEN SIMULTANEOUSLY, THE INDIVIDUAL FIRST
26 SCHEDULED TO APPOINT PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION
27 SHALL CHOOSE WHICH POSITION TO APPOINT.

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

3 **23-31-1103. Council - purpose and duties.** (1) **The purposes**
4 **PURPOSE** of the council **include** IS TO GROW LOCAL, REGIONAL, AND
5 **STATEWIDE FOOD ECONOMIES WITHIN WHICH PRODUCERS HAVE ACCESS TO**
6 **NEW MARKETS AND LOW-INCOME POPULATIONS HAVE ACCESS TO FRESH,**
7 **AFFORDABLE, AND HEALTHY FOODS. DUTIES OF THE COUNCIL INCLUDE:**

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

17 **(III) Supporting the implementation of the recommendations in**
18 **the Colorado blueprint of food and agriculture project, ensuring that the**
19 **recommendations in the blueprint, or its successor project, are updated as**
20 **needed, and ensuring alignment with other state or local food plans if**
21 **relevant.** EXAMINING BEST PRACTICES TO ADVANCE OR IMPROVE
22 **DISTRIBUTION SYSTEMS AND DEVELOP NEW MARKETS FOR COLORADO**
23 **AGRICULTURAL PRODUCERS.**

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

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

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

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

12 **23-31-1104. Subcommittees of the council.** (2) ~~The council may~~
13 ~~engage in any other activity the council determines is necessary to~~
14 ~~accomplish the purposes outlined in this part 11.~~

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

17 **23-31-1106. Reports - recommendations.** Notwithstanding
18 section 24-1-136 (11)(a)(I), no later than January 31, 2021, and January
19 31 every other year thereafter, the council shall report the information
20 specified in section 23-31-1103 (1)(d) AND PROVIDE A SUMMARY OF THE
21 COUNCIL'S ACTIVITIES FROM THE PRIOR YEAR AND A SUMMARY OF THE
22 COUNCIL'S PLANNED ACTIVITIES FOR THE UPCOMING YEAR to the house
23 ~~rural affairs and agriculture~~ AGRICULTURE, WATER, AND NATURAL
24 RESOURCES committee and the senate agriculture and natural resources
25 committee, or their successor committees.

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

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

4 **SECTION 7.** In Colorado Revised Statutes, 23-3.3-103, **add** (12)
5 as follows:

6 **23-3.3-103. Annual appropriations - repeal.** (12) (a) THE
7 PROVISIONS OF SUBSECTION (1) OF THIS SECTION CONCERNING
8 APPROPRIATIONS FOR STUDENT FINANCIAL ASSISTANCE UNDER THIS
9 ARTICLE 3.3 DO NOT APPLY TO APPROPRIATIONS MADE FOR THE PURPOSE
10 OF THE COLORADO FOOD SYSTEMS ADVISORY COUNCIL PURSUANT TO PART
11 11 OF ARTICLE 31 OF THIS TITLE 23.

12 (b) THIS SUBSECTION (12) IS REPEALED, EFFECTIVE SEPTEMBER 1,
13 2026.

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

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

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