

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

REREVISED

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

LLS NO. 19-0827.01 Yelana Love x2295

HOUSE BILL 19-1202

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A BILL FOR AN ACT

101 **CONCERNING THE FOOD SYSTEMS ADVISORY COUNCIL, AND, IN**
102 **CONNECTION THEREWITH, 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>.)

The bill relocates the Colorado food systems advisory council (council) from the department of agriculture to Colorado state university.

The bill ends the terms of current members of the council and provides for the appointment of new members to the council.

As updated in the bill, the council's duties are to:

! Grow local, regional, and statewide food economies within

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

SENATE
3rd Reading Unamended
April 27, 2019

SENATE
Amended 2nd Reading
April 26, 2019

HOUSE
3rd Reading Unamended
April 16, 2019

HOUSE
Amended 2nd Reading
April 12, 2019

1 ~~prevention identified the creation of food policy councils, consisting of~~
2 ~~multi-stakeholder organizations, as an effective way to support system~~
3 ~~changes to improve local, regional, and state food economies~~ IN
4 SEPTEMBER 2009, THE FEDERAL CENTERS FOR DISEASE CONTROL AND
5 PREVENTION REPORTED THAT NO STATE IN THE COUNTRY WAS MEETING
6 NATIONAL GOALS FOR THE AMOUNT OF FRUITS AND VEGETABLES THAT
7 AMERICANS SHOULD BE EATING. AS A RESULT, THE CENTERS FOR DISEASE
8 CONTROL AND PREVENTION IDENTIFIED, AS A FIRST STRATEGY, THE
9 CREATION OF FOOD POLICY COUNCILS TO IMPROVE THE FOOD
10 ENVIRONMENT AND ECONOMIES AT THE LOCAL, REGIONAL, AND STATE
11 LEVELS.

12 (b) ~~Food councils formed in other states have been effective in~~
13 ~~bringing together a broad array of food-related government and~~
14 ~~nongovernment constituencies to employ a food systems approach that~~
15 ~~facilitates evaluation and program development at every stage of the food~~
16 ~~process from farm to table;~~ FOOD POLICY COUNCILS CONSIST OF
17 MULTISTAKEHOLDER ORGANIZATIONS THAT EMPLOY A FOOD SYSTEMS
18 APPROACH THAT FACILITATES EVALUATION AND PROGRAM DEVELOPMENT
19 AT EVERY STAGE OF THE FOOD PROCESS FROM FARM TO TABLE. BY 2016,
20 THERE WERE OVER TWO HUNDRED TWENTY FOOD POLICY COUNCILS
21 THROUGHOUT THE UNITED STATES ADDRESSING ISSUES SUCH AS HEALTHY
22 FOOD ACCESS, ECONOMIC DEVELOPMENT, AND FOOD PROCUREMENT.
23 COLORADO'S FOOD SYSTEMS ADVISORY COUNCIL, WHICH WAS CREATED IN
24 2010, HAS FOCUSED PRIMARILY ON STRENGTHENING HEALTHY FOOD
25 ACCESS FOR ALL COLORADANS THROUGH THE GROWTH OF COLORADO
26 AGRICULTURE AND LOCAL FOOD SYSTEMS AND ECONOMIES.

27 (c) ~~Formation of a state food advisory council is intended to~~

1 ~~benefit Colorado agriculturists and others involved in all aspects of~~
2 ~~agricultural production;~~ IN 2017, COLORADO STATE UNIVERSITY, IN
3 PARTNERSHIP WITH THE COUNCIL AND OTHERS, RELEASED THE COLORADO
4 BLUEPRINT OF FOOD AND AGRICULTURE THAT IDENTIFIED KEY ASSETS,
5 EMERGING ISSUES, AND SHARED PRIORITIES FOR FUTURE INVESTMENTS IN
6 FOOD AND AGRICULTURE THROUGHOUT COLORADO. THE BLUEPRINT AND
7 THE EXISTING WORK OF THE COUNCIL DEMONSTRATE THAT BUILDING
8 LOCAL, REGIONAL, AND STATE FOOD ECONOMIES WILL CREATE JOBS,
9 STIMULATE STATEWIDE ECONOMIC DEVELOPMENT, AND CIRCULATE MONEY
10 FROM LOCAL FOOD SALES WITHIN LOCAL COMMUNITIES.

11 (d) ~~Creation of a state food advisory council will provide~~
12 ~~increased focus on the economic development opportunities of Colorado's~~
13 ~~food system along with improvements to agricultural production,~~
14 ~~community well-being, and public health~~ THE CONTINUATION AND
15 ENHANCEMENT OF THE COUNCIL IS NECESSARY TO ADDRESS THE
16 RECOMMENDATIONS IN THE BLUEPRINT TO SUPPORT FOOD SYSTEM
17 CHANGES DESIGNED TO GROW LOCAL, REGIONAL, AND STATEWIDE FOOD
18 ECONOMIES WITHIN WHICH AGRICULTURAL PRODUCERS HAVE ACCESS TO
19 NEW MARKETS AND COLORADO'S POPULATION HAS IMPROVED ACCESS TO
20 FRESH, AFFORDABLE, AND HEALTHY FOODS; AND

21 (e) ~~Nothing in this article is intended to impede, cause harm to, or~~
22 ~~limit conventionally produced agricultural products or the persons who~~
23 ~~produce them~~ BUILDING ROBUST, RESILIENT, AND LONG-TERM LOCAL AND
24 REGIONAL FOOD ECONOMIES IN COLORADO WILL PRESERVE AND PROTECT
25 THE NATURAL ENVIRONMENT; INCREASE CONSUMER ACCESS TO FRESH,
26 HEALTHY, AND SAFE FOODS; AND PROVIDE GREATER FOOD SECURITY FOR
27 ALL COLORADANS.

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

9 **23-31-1102. [Formerly 24-37.3-102] Colorado food systems**
10 **advisory council - created - membership - terms - vacancies - repeal.**

11 (1) There is hereby established ~~in the department of agriculture~~ WITHIN
12 COLORADO STATE UNIVERSITY the Colorado food systems advisory
13 council, referred to in this ~~article~~ PART 11 as the "council". The council
14 is created as an advisory committee to ~~foster a healthy food supply~~
15 ~~available to all Colorado residents while enhancing the state's agricultural~~
16 ~~and natural resources, encouraging economic growth, expanding the~~
17 ~~viability of agriculture, and improving the health of our communities and~~
18 ~~residents. The council's role is to make recommendations to the general~~
19 ~~assembly and to the appropriate regulatory agencies, not to create policy.~~
20 ~~The council shall use a method of dialogue and consensus~~
21 ~~decision-making to arrive at its~~ PROVIDE recommendations REGARDING
22 INCREASING HEALTHY FOOD ACCESS FOR ALL COLORADO RESIDENTS,
23 CREATING ECONOMIC OPPORTUNITIES FOR COLORADO AGRICULTURAL
24 PRODUCERS AND FOOD-RELATED BUSINESSES, AND STRENGTHENING LOCAL
25 AND REGIONAL FOOD SYSTEMS.

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

27 (a) ~~The executive director, or his or her designee, of each of the~~

1 ~~following state departments~~ FOLLOWING SIX MEMBERS APPOINTED AS
2 INDICATED:

3 (I) ONE REPRESENTATIVE OF THE DEPARTMENT OF EDUCATION,
4 APPOINTED BY THE COMMISSIONER OF EDUCATION;

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

8 ~~(H)~~ (III) ONE REPRESENTATIVE OF the department of agriculture,
9 APPOINTED BY THE COMMISSIONER OF AGRICULTURE;

10 ~~(H)~~ (IV) ONE REPRESENTATIVE OF the department of human
11 services, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
12 OF HUMAN SERVICES;

13 ~~(IV)~~ (V) ~~The department~~ ONE REPRESENTATIVE of ~~education~~ THE
14 COLORADO STATE UNIVERSITY EXTENSION, APPOINTED BY THE DIRECTOR
15 OF THE COLORADO STATE UNIVERSITY EXTENSION; AND

16 (VI) ONE REPRESENTATIVE OF THE COLORADO OFFICE OF
17 ECONOMIC DEVELOPMENT, CREATED IN SECTION 24-48.5-101, APPOINTED
18 BY THE DIRECTOR OF THE OFFICE OF ECONOMIC DEVELOPMENT; AND

19 (b) ~~Eleven~~ SIXTEEN members appointed by the governor ~~who~~
20 ~~represent and have expertise in one of seven functional areas of food~~
21 ~~systems~~; OR THE GOVERNOR'S DESIGNEE as follows:

22 (I) Two members who ~~represent nutrition and health~~ ARE
23 RECIPIENTS OF A FEDERAL FOOD ASSISTANCE PROGRAM, AT LEAST ONE OF
24 WHOM IS A RECIPIENT OF THE SUPPLEMENTAL NUTRITION ASSISTANCE
25 PROGRAM;

26 (II) ~~Three~~ TWO members who represent DIFFERENT SECTORS OF
27 agricultural production, ~~at least one of whom represents a large producer~~

1 ~~and one a small producer~~ IS A SPECIALTY CROP PRODUCER AND AT LEAST
2 ONE OF WHOM SELLS AGRICULTURAL PRODUCTS TO A PUBLIC SCHOOL OR
3 SCHOOL DISTRICT;

4 (III) ~~One member who represents small food wholesalers or food~~
5 ~~retailers and one member who represents large food wholesalers or food~~
6 ~~retailers, of which one of the two members may represent both small and~~
7 ~~large food wholesalers or food retailers~~ TWO MEMBERS WHO REPRESENT
8 FOOD WHOLESALERS OR FOOD RETAILERS, ONE OF WHOM MUST BE A
9 DIRECT MARKET RETAILER;

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

12 (V) ~~One member~~ TWO MEMBERS who ~~is~~ ARE knowledgeable about
13 ~~a local, state, or federal agency and who has~~ AGENCIES, ONE OF WHOM
14 HAS EXPERTISE IN FEDERAL FOOD AND NUTRITION SERVICE PROGRAMS AND
15 ONE OF WHOM HAS expertise in rural community and regional
16 development programs or community and economic development
17 programs;

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

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

24 (VIII) ONE MEMBER WHO REPRESENTS A LOCAL, NONPROFIT,
25 COMMUNITY ORGANIZATION ENGAGED IN A FARM-TO-SCHOOL PROGRAM
26 OR LOCAL FOOD SYSTEMS;

27 (IX) ONE MEMBER WHO REPRESENTS A FOOD DISTRIBUTOR OR A

1 FOOD HUB;

2 (X) ONE MEMBER WHO IS KNOWLEDGEABLE ABOUT NUTRITION,
3 PREFERABLY A PHYSICIAN LICENSED IN THIS STATE OR A REGISTERED
4 DIETICIAN; AND

5 (XI) ONE MEMBER WHO IS A REPRESENTATIVE OF A STATEWIDE
6 HEALTHY FOOD SYSTEMS ORGANIZATION.

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

16 (4) Each member of the council ~~who is appointed pursuant to~~
17 ~~subsection (2) of this section shall serve~~ SERVES at the pleasure of the
18 appointing authority who appointed the member. Each member of the
19 council ~~shall serve~~ SERVES a three-year term; except that the governor OR
20 THE GOVERNOR'S DESIGNEE shall appoint ~~four~~ SIX members to serve
21 two-year terms AND FOUR MEMBERS TO SERVE FOUR-YEAR TERMS. AN
22 APPOINTING AUTHORITY MAY REAPPOINT THE MEMBER FOR ONE
23 ADDITIONAL THREE-YEAR TERM.

24 (5)(a) THE TERMS OF THE COUNCIL MEMBERS APPOINTED PRIOR TO
25 THE EFFECTIVE DATE OF THIS PART 11 EXPIRE ON AUGUST 30, 2019. The
26 appointing authorities shall make their ~~initial~~ appointments to the council
27 AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION no later than ~~October 1,~~

1 ~~2010~~ AUGUST 31, 2019.

2 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE SEPTEMBER 1,
3 2020.

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

8 (7) A majority of the members of the council shall elect a chair
9 and a vice-chair, who shall serve for two-year terms. A member of the
10 council who is an executive director OR COMMISSIONER of a state
11 department or ~~his or her~~ THE EXECUTIVE DIRECTOR'S OR COMMISSIONER'S
12 designee may be elected to be a chair or a vice-chair of the council, but
13 both positions shall not be held at the same time by members who are
14 executive directors OR COMMISSIONERS of state departments or their
15 designees.

16 (8) Each member of the council ~~shall serve~~ SERVES without
17 compensation but may be reimbursed from the food systems advisory
18 council fund created in section ~~24-37.3-105~~ 23-31-1105 for actual and
19 necessary subsistence and travel expenses incurred in the performance of
20 ~~his or her~~ THE MEMBER'S duties as a member of the council.

21 (9) ~~The chair shall call the meetings and notify the members of~~
22 ~~each meeting being called at least seven days in advance.~~ THE CHAIR
23 SHALL HOLD meetings ~~shall be held~~ as often as the chair deems necessary
24 but not less than four times each calendar year. ~~A quorum for the~~
25 ~~transaction of business consists of seven members of~~ The council SHALL
26 ADOPT POLICIES AND PROCEDURES NECESSARY TO CARRY OUT ITS DUTIES.
27 IF NEEDED, AND IF FUNDING IS AVAILABLE, COLORADO STATE UNIVERSITY

1 MAY STAFF THE COUNCIL.

2 **23-31-1103. [Formerly 24-37.3-103] Council - purpose and**
3 **duties.** (1) The ~~purpose~~ PURPOSES of the council ~~is to~~ INCLUDE:

4 (a) ~~Identify and use existing studies of the food system and~~
5 ~~examples of best practices, whenever possible;~~ GROWING LOCAL,
6 REGIONAL, AND STATEWIDE FOOD ECONOMIES WITHIN WHICH PRODUCERS
7 HAVE ACCESS TO NEW MARKETS AND LOW-INCOME POPULATIONS HAVE
8 ACCESS TO FRESH, AFFORDABLE, AND HEALTHY FOODS. THE COUNCIL WILL
9 COLLABORATE AND COORDINATE WITH AGRICULTURAL PRODUCERS,
10 RELEVANT STATE AND FEDERAL EDUCATIONAL INSTITUTIONS,
11 NONGOVERNMENTAL ORGANIZATIONS, AND CONSUMERS TO CONNECT
12 STATE AND FEDERAL AGENCIES AND TO PROVIDE COLORADO
13 AGRICULTURAL PRODUCERS, INCLUDING FRUIT AND VEGETABLE
14 PRODUCERS, WITH VIABLE MARKET OPPORTUNITIES. AREAS OF FOCUS
15 INCLUDE:

16 (I) CONNECTING COLORADO AGRICULTURAL PRODUCERS TO
17 FEDERAL FOOD ASSISTANCE PROGRAMS BY FUNCTIONING AS AN
18 INTERAGENCY LIAISON BETWEEN RELEVANT STATE AND FEDERAL
19 AGENCIES;

20 (II) LEVERAGING THE PURCHASING POWER OF THE STATE'S
21 INSTITUTIONS TO CREATE NEW AND RELIABLE MARKETS FOR COLORADO
22 AGRICULTURAL PRODUCTS AND SUPPORT THE GROWTH OF ROBUST AND
23 RESILIENT FOOD SYSTEMS WHILE PROVIDING FRESH, AFFORDABLE, AND
24 HEALTHY FOODS TO VULNERABLE POPULATIONS; AND

25 (III) SUPPORTING THE IMPLEMENTATION OF THE
26 RECOMMENDATIONS IN THE COLORADO BLUEPRINT OF FOOD AND
27 AGRICULTURE PROJECT, ENSURING THAT THE RECOMMENDATIONS IN THE

1 BLUEPRINT, OR ITS SUCCESSOR PROJECT, ARE UPDATED AS NEEDED, AND
2 ENSURING ALIGNMENT WITH OTHER STATE OR LOCAL FOOD PLANS IF
3 RELEVANT;

4 ~~(b) Work with other task forces, committees, or organizations that~~
5 ~~are pursuing initiatives or studies similar to the purposes and duties~~
6 ~~outlined in this article and develop relationships with other task forces,~~
7 ~~committees, or organizations to collaborate on similar efforts~~

8 CONDUCTING RESEARCH REGARDING NATIONAL BEST PRACTICES
9 REGARDING FOOD AND NUTRITION ASSISTANCE, DIRECT AND
10 INTERMEDIATED MARKET DEVELOPMENT, INSTITUTIONAL PROCUREMENT,
11 AND FARM-TO-SCHOOL PROGRAMS AS WELL AS OTHER PRIORITIES
12 DETERMINED BY THE COUNCIL;

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

15 ~~(d) Develop recommendations regarding hunger and food access;~~

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

19 (d) EXPLORING METHODS OF COLLECTING AND ASSESSING
20 STATEWIDE DATA RELATING TO COUNCIL ACTIVITIES AND REPORTING THE
21 RELEVANT INFORMATION AND DATA REGARDING COUNCIL ACTIVITIES AS
22 REQUIRED BY SECTION 23-31-1106.

23 ~~(f) Collaborate with the department of agriculture in promoting~~
24 ~~the marketing program known as "Colorado Proud", which helps~~
25 ~~consumers, restaurants, and retailers to identify and purchase Colorado~~
26 ~~food and agricultural products; and~~

27 ~~(g) Develop recommendations for actions that state and local~~

1 governments, businesses, agriculturists, and consumers can take to build
2 robust, resilient, and long-term local food economies.

3 (2) ~~In developing its recommendations, the council shall consider,~~
4 ~~but not be limited to, the following areas of interest:~~ THE DEPARTMENT OF
5 AGRICULTURE, DEPARTMENT OF EDUCATION, DEPARTMENT OF HUMAN
6 SERVICES, AND DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
7 SHALL COOPERATE WITH THE COUNCIL WITH RESPECT TO THE COUNCIL'S
8 DUTIES SPECIFIED IN SUBSECTION (1) OF THIS SECTION.

9 (a) (I) ~~An examination of foods made available to children,~~
10 ~~including those in public schools, and consideration of ways to improve~~
11 ~~the nutritional quality of those foods and increase children's access to~~
12 ~~locally grown foods.~~

13 (II) ~~In designing recommendations to improve school nutrition~~
14 ~~and increase access to locally grown foods, the council shall incorporate~~
15 ~~input from, and coordinate with the work of, the Colorado campaign to~~
16 ~~end childhood hunger by 2015, initiated by executive order of the~~
17 ~~governor.~~

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

23 (c) ~~An in-depth examination of local and regional efforts to~~
24 ~~strengthen and develop robust, resilient, and long-term local food~~
25 ~~economies by supporting and promoting urban, suburban, and rural~~
26 ~~agricultural production; identifying and developing solutions to regulatory~~
27 ~~and policy barriers; and strengthening local infrastructure and~~

1 entrepreneurial efforts;

2 (d) ~~The potential impacts that the production of local, healthy, and~~
3 ~~safe foods would have on economic development in Colorado, including~~
4 ~~both the direct impacts for the producers of local food and the actual and~~
5 ~~potential indirect impacts, such as encouraging restaurants to feature~~
6 ~~locally raised agricultural products and promoting food and wine tourism;~~
7 and

8 (e) ~~Any other issues the council, by consensus, considers~~
9 ~~pertinent.~~

10 **23-31-1104. [Formerly 24-37.3-104] Subcommittees of the**
11 **council.** (1) (a) The council may create subcommittees, as the council
12 deems necessary, to carry out the work of the council. ~~These~~
13 ~~subcommittees may include but are not limited to:~~

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

15 (II) ~~Local government;~~

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

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

22 (b) IF CREATED, the subcommittees shall MUST include
23 representatives of the council and may include persons appointed by the
24 chair and the vice-chair of the council who are not members of the
25 council.

26 (2) The council may engage in any other activity the council
27 determines is necessary to accomplish the purposes outlined in this article

1 PART 11.

2 **23-31-1105. [Formerly 24-37.3-105] Fund - acceptance of gifts,**
3 **grants, or donations.** (1) For the purposes of carrying out the duties of
4 the council, the council is authorized to seek and accept gifts, grants, or
5 donations, including in-kind donations, from private or public sources for
6 the purposes of this ~~article~~ PART 11; except that the council may not
7 accept a gift, grant, or donation that is subject to conditions that are
8 inconsistent with this ~~article~~ PART 11 or any other law of the state. The
9 council may accept in-kind donations of staff services from the private
10 sector to staff the council. The council is also authorized to accept and
11 expend federal ~~funds~~ MONEY available for ~~food policy councils~~ ITS
12 ACTIVITIES. All private and public ~~moneys~~ MONEY received through gifts,
13 grants, or donations shall be transmitted to the state treasurer, who shall
14 credit ~~the same~~ IT to the food systems advisory council fund, which fund
15 is ~~hereby~~ created IN THE STATE TREASURY and referred to in this section
16 as the "fund". The ~~moneys~~ MONEY in the fund ~~must be~~ IS continuously
17 appropriated ~~by the general assembly to the department of agriculture~~ TO
18 COLORADO STATE UNIVERSITY for allocation to the council for the direct
19 and indirect costs associated with implementing this ~~article~~ PART 11. Any
20 ~~moneys~~ MONEY in the fund not expended for the purpose of this ~~article~~
21 PART 11 may be invested by the state treasurer as provided by law. THE
22 STATE TREASURER SHALL CREDIT all interest and income derived from the
23 investment and deposit of ~~moneys~~ MONEY in the fund ~~shall be credited~~ to
24 the fund. ~~Any unexpended and unencumbered moneys remaining in the~~
25 ~~fund at the end of a fiscal year shall remain in the fund and shall not~~
26 ~~revert or be credited or transferred to the general fund or another fund;~~
27 ~~except that, if, at the time this article is repealed pursuant to section~~

1 ~~24-37.3-107, the fund contains a balance of unencumbered and~~
2 ~~unexpended moneys, those moneys shall revert to the general fund.~~

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

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

7 (b) The costs of staffing the council, IF STAFFED BY COLORADO
8 STATE UNIVERSITY; and

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

12 (3) ~~It is the intent of the general assembly that no moneys from the~~
13 ~~general fund be appropriated for the council. It is also the intent of the~~
14 ~~general assembly that no state employees be hired to implement this~~
15 ~~article and that the administrative costs of providing fiscal support to the~~
16 ~~council be absorbed by the department of agriculture.~~

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

22 **23-31-1106. [Formerly 24-37.3-106] Reports -**
23 **recommendations.** ~~Commencing October 1, 2011, and on or before~~
24 ~~October 1 of each year thereafter, the council shall report its findings and~~
25 ~~recommendations, including any legislative proposals or proposals for~~
26 ~~administrative action, to the general assembly, the governor, and the~~
27 ~~commissioner of agriculture pursuant to section 24-1-136 (9).~~

1 NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), no later than January 31,
2 ~~2012~~ 2021, and every January 31 EVERY OTHER YEAR thereafter, the
3 council shall also report its findings and recommendations, including any
4 legislative proposals; THE INFORMATION SPECIFIED IN SECTION 23-31-1103
5 (1)(d) to ~~the house health and human services committee; the senate~~
6 ~~health and human services committee;~~ the house RURAL AFFAIRS AND
7 agriculture livestock, and natural resources committee and the senate
8 agriculture and natural resources committee, or their successor
9 committees.

10 **23-31-1107. [Formerly 24-37.3-107] Repeal of part.** This article
11 37.3 PART 11 is repealed, effective September 1, 2023. ~~Prior to such~~
12 BEFORE THE repeal, ~~the food systems advisory council shall be reviewed~~
13 ~~as provided for in~~ THIS PART 11 IS SCHEDULED FOR REVIEW IN
14 ACCORDANCE WITH section 2-3-1203.

15 **SECTION 2.** In Colorado Revised Statutes, 2-3-1203, **amend**
16 (14)(a)(X) as follows:

17 **2-3-1203. Sunset review of advisory committees - legislative**
18 **declaration - definition - repeal.** (14) (a) The following statutory
19 authorizations for the designated advisory committees are scheduled for
20 repeal on September 1, 2023:

21 (X) The Colorado food systems advisory council created in
22 ~~section 24-37.3-102~~ PART 11 OF ARTICLE 31 OF TITLE 23.

23 **SECTION 3.** In Colorado Revised Statutes, **23-3.3-103, add (4)**
24 **as follows:**

25 **23-3.3-103. Annual appropriations - repeal.** (4) (a) **THE**
26 **PROVISIONS OF SUBSECTION (1) OF THIS SECTION CONCERNING**
27 **APPROPRIATIONS FOR STUDENT FINANCIAL ASSISTANCE UNDER THIS**

1 ARTICLE 3.3 DO NOT APPLY TO APPROPRIATIONS MADE FOR THE PURPOSE
2 OF THE COLORADO FOOD SYSTEMS ADVISORY COUNCIL PURSUANT TO PART
3 11 OF ARTICLE 31 OF THIS TITLE 23.

4 (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2020.

5 **SECTION 4.** In Colorado Revised Statutes, 23-18-308, **amend**
6 (1)(b) and (1)(c); and **add** (1)(d) as follows:

7 **23-18-308. Fee-for-service contracts - limited purpose.**

8 (1) Subject to available appropriations, the department shall enter into
9 fee-for-service contracts for the following purposes:

10 (b) The inclusive higher education pilot program pursuant to
11 section 23-75-104; and

12 (c) Cybersecurity and distributed ledger technologies, such as
13 blockchains, as set forth in sections 24-33.5-1904 and 24-33.5-1905; AND

14 (d) THE FOOD SYSTEMS ADVISORY COUNCIL PURSUANT TO PART 11
15 TO ARTICLE 31 OF TITLE 23.

16 **SECTION 5. Repeal of relocated provisions in this act.** In
17 Colorado Revised Statutes, **repeal** article 37.3 of title 24.

18 **SECTION 6.** In Colorado Revised Statutes, **repeal** article 82.6
19 of title 22.

20 **SECTION 7. Appropriation.** (1) For the 2019-20 state fiscal
21 year, \$100,317 is appropriated to the department of higher education. This
22 appropriation is from the general fund. To implement this act, the
23 department may use this appropriation for the college opportunity fund
24 program to be used for limited purpose fee-for-service contracts with
25 state institutions.

26 (2) For the 2019-20 state fiscal year, \$100,317 is appropriated to
27 the department of higher education. This appropriation is from

1 reappropriated funds received from the limited purpose fee-for-service
2 contracts with state institutions under subsection (1) of this section. To
3 implement this act, the department may use this appropriation for the
4 board of governors of the Colorado state university system for allocation
5 to the food systems advisory council. This amount is based on an
6 assumption that the system will require an additional 0.9 FTE.

7 **SECTION 8. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.