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

HB19-1132 be amended as follows, and as so amended, be referred to the Committee on Education with favorable recommendation:

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

"SECTION 1. In Colorado Revised Statutes, add article 99 to title 22 as follows:

ARTICLE 99

Local School Food Purchasing Programs

22-99-101. Definitions. As used in this article 99, unless the context otherwise requires:

(1) "COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS" means all fruits, vegetables, grains, meats, and dairy products, except liquid milk, grown or raised in Colorado and minimally processed products or value-added processed products that meet the standards for the COLORADO PROUD DESIGNATION, established by the Colorado Department of Agriculture, even if the product does not have the COLORADO PROUD DESIGNATION.

(2) "DEPARTMENT" means the Department of Education created pursuant to section 24-1-115.

(3) "MINIMALLY PROCESSED PRODUCTS" means raw or frozen fabricated products; products that retain their inherent character, such as shredded carrots or diced onions; and dried products, such as beans, but does not include any products that are heated, cooked, or canned.

(4) "PARTICIPATING PROVIDER" means a school district, charter school, board of cooperative services that operates a
PUBLIC SCHOOL, OR RESIDENTIAL CHILD CARE CENTER AS DEFINED IN
SECTION 26-6-102 (5) THAT PARTICIPATES IN THE FEDERAL "RICHARD B.
RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.,
AND THAT HAS BEEN SELECTED BY THE DEPARTMENT TO PARTICIPATE IN
THE SCHOOL FOOD PURCHASING PROGRAM PURSUANT TO SECTION
22-99-102 (2)(b).

(5) "SCHOOL FOOD PURCHASING PROGRAM" MEANS THE LOCAL
SCHOOL FOOD PURCHASING PROGRAM CREATED PURSUANT TO SECTION
22-99-102.

(6) "TECHNICAL ASSISTANCE AND EDUCATION PROGRAM" MEANS
THE LOCAL SCHOOL FOOD PURCHASING TECHNICAL ASSISTANCE AND
EDUCATION GRANT PROGRAM CREATED PURSUANT TO SECTION 22-99-103.

(7) "VALUE-ADDED PROCESSED PRODUCTS" MEANS PRODUCTS
THAT ARE ALTERED FROM THEIR UNPROCESSED OR MINIMALLY PROCESSED
STATE THROUGH PRESERVATION TECHNIQUES, INCLUDING COOKING,
BAKING, OR CANNING.

22-99-102. Local school food purchasing program - creation
- rules - report. (1) THERE IS CREATED IN THE DEPARTMENT THE LOCAL
SCHOOL FOOD PURCHASING PROGRAM TO REIMBURSE PARTICIPATING
PROVIDERS FOR THE PURCHASE OF COLORADO GROWN, RAISED, OR
PROCESSED PRODUCTS.

(2) (a) ON OR BEFORE DECEMBER 1, 2019, AND ON OR BEFORE
DECEMBER 1 OF ANY YEAR THEREAFTER, A SCHOOL DISTRICT, CHARTER
SCHOOL, BOARD OF COOPERATIVE SERVICES THAT OPERATES A PUBLIC
SCHOOL, OR RESIDENTIAL CHILD CARE CENTER MAY APPLY TO THE
DEPARTMENT ON A FORM DEVELOPED BY THE DEPARTMENT TO
PARTicipate in the school food purchasing program to receive
reimbursement for the purchase of Colorado grown, raised, or
processed products pursuant to this section.

(b) ON OR BEFORE MARCH 1, 2020, AND ON OF BEFORE EACH
MARCH 1 THEREAFTER, THE DEPARTMENT SHALL SELECT PARTICIPATING
PROVIDERS. THE DEPARTMENT SHALL SELECT PARTICIPATING PROVIDERS
THAT IN THE PREVIOUS YEAR FOR WHICH NUMBERS ARE AVAILABLE THE
TOTAL NUMBER OF LUNCHES PROVIDED BY ALL PARTICIPATING PROVIDERS
WAS SEVEN MILLION OR FEWER. THE DEPARTMENT SHALL GIVE
PREFERENCE TO APPLICANTS THAT:

(I) DEMONSTRATE A COMMITMENT TO LOCAL PURCHASING OR
FOOD AND AGRICULTURAL EDUCATION;

(II) HAVE A KITCHEN WITH THE ABILITY TO STORE, PREPARE, AND
SERVE LOCAL FOOD PRODUCTS;

(III) HAVE GREATER THAN TWENTY-FIVE PERCENT OF ITS

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STUDENTS ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCH PURSUANT TO
THE PROVISIONS OF THE FEDERAL "RICHARD B. RUSSELL NATIONAL
SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.; AND
(IV) SATISFY ANY OTHER ELIGIBILITY REQUIREMENTS
ESTABLISHED BY THE STATE BOARD OF EDUCATION BY RULE.
(c) ON OR BEFORE AUGUST 1 OF THE YEAR FOLLOWING THE
PARTICIPATING PROVIDER’S APPLICATION, THE PARTICIPATING PROVIDER
SHALL TRACK AND REPORT TO THE DEPARTMENT ON A FORM DEVELOPED
BY THE DEPARTMENT FOR THE SCHOOL YEAR IN WHICH IT APPLIED, AND
FOR THE PRIOR YEAR, THE TOTAL AMOUNT OF COLORADO GROWN, RAISED,
OR PROCESSED PRODUCTS IT PURCHASED FOR STUDENT MEALS, THE TOTAL
AMOUNT OF VALUE-ADDED PROCESSED PRODUCTS IT PURCHASED FOR
SCHOOL MEALS, AND THE TOTAL NUMBER OF LUNCHES THAT IT PROVIDED
TO STUDENTS.
(3) (a) IN OCTOBER 2020 AND EACH OCTOBER THEREAFTER, THE
DEPARTMENT SHALL REIMBURSE EACH PARTICIPATING PROVIDER
PARTICIPATING IN THE SCHOOL FOOD PURCHASING PROGRAM AS OF THE
PREVIOUS DECEMBER 1 FOR THE AMOUNT SPENT FOR MEALS FOR
STUDENTS ON COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS, UP
TO THE MAXIMUM INCENTIVE ESTABLISHED PURSUANT TO SUBSECTION
(3)(b) OF THIS SECTION; EXCEPT THAT A PARTICIPATING PROVIDER SHALL
NOT BE REIMBURSED FOR THE AMOUNT OF VALUE-ADDED PROCESSED
PRODUCTS THAT EXCEEDS TWENTY-FIVE PERCENT OF THE TOTAL OF THE
COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS IT PURCHASED.
(b) EACH PARTICIPATING PROVIDER IS ENTITLED TO BE
REIMBURSED FOR AN AMOUNT UP TO THE NUMBER OF SCHOOL LUNCHES
PROVIDED BY THE PARTICIPATING PROVIDER AS REPORTED TO THE
DEPARTMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION, DIVIDED BY
THE TOTAL NUMBER OF LUNCHES REPORTED BY ALL PARTICIPATING
PROVIDERS, MULTIPLIED BY THE TOTAL APPROPRIATION FOR THE SCHOOL
FOOD PURCHASING PROGRAM FOR PARTICIPATING PROVIDERS.
(4) REIMBURSEMENT PAYMENTS PURSUANT TO THIS SECTION
ACCRUE TO THE PARTICIPATING PROVIDER’S NONPROFIT SCHOOL FOOD
ACCOUNT.
(5) (a) THE STATE BOARD OF EDUCATION IS AUTHORIZED TO ADOPT
RULES TO IMPLEMENT THE SCHOOL FOOD PURCHASING PROGRAM.
(b) THE DEPARTMENT IS AUTHORIZED TO MONITOR THE SCHOOL
FOOD PURCHASING PROGRAM TO ENSURE PROGRAM INTEGRITY AND TO
ANNUALLY REALLOCATE MONEY AMONG PARTICIPATING PROVIDERS TO
MAXIMIZE THE AMOUNT OF THE MONEY GIVEN.
22-99-103. Local school food purchasing technical assistance
and education grant program - created - report. (1) There is
created in the department the local school food purchasing
technical assistance and education grant program to issue a
grant to a statewide nonprofit organization to develop and
manage a grant program to assist with the promotion of
Colorado grown, raised, or processed products to participating
providers.

(2) Subject to available appropriations, the nonprofit
organization may award grants for the following:

(a) Training, technical assistance, and physical
infrastructure grants to participating providers, grower
associations, or other organizations that aggregate products
from producers for:

(I) Professional contracting services to support the
development and sustainability of local and regional food
systems;

(II) Chef training on food handling and procurement
practices and small kitchen equipment purchases;

(III) Good agricultural practices certification costs and
good handling practices certification costs and training on
selling to schools; and

(IV) Capacity building for local value-added processed
products; and

(b) Education, outreach, and promotion for:

(I) Schools to engage families and communities around the
benefits of farm-to-school and ways to support farm-to-school;
and

(II) Grower associations and growers to communicate to
schools and school communities about the multiple benefits of
purchasing local products.

(3) The nonprofit organization shall annually report to
the department on the technical assistance and education
program including:

(a) The number and types of entities receiving grants;

(b) The number, types, and purposes of the grants awarded
pursuant to subsection (2)(a) of this section; and

(c) The types of education and outreach conducted by
participating providers and others pursuant to subsection (2)(b)
of this section.

22-99-104. Evaluation - report. (1) On or before December
1, 2021, and on or before December 1 of each year thereafter, the
DEPARTMENT SHALL SUBMIT A REPORT TO THE EDUCATION COMMITTEES
OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, THE RURAL AFFAIRS
AND AGRICULTURE COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND
THE AGRICULTURE AND NATURAL RESOURCES COMMITTEE OF THE SENATE,
OR ANY SUCCESSOR COMMITTEES, ON THE EFFECT OF THE SCHOOL FOOD
PURCHASING PROGRAM ON THE AMOUNT OF COLORADO GROWN, RAISED,
OR PROCESSED PRODUCTS PURCHASED BY PARTICIPATING PROVIDERS,
INCLUDING:

(a) NAMES AND DEMOGRAPHIC DATA OF PARTICIPATING PROVIDERS;
(b) DOLLAR AMOUNT SPENT ON COLORADO PRODUCTS DURING THE
SCHOOL FOOD PURCHASING PROGRAM, INCLUDING LOCAL PURCHASING
DATA FROM THE YEAR PRIOR TO THE SCHOOL FOOD PURCHASING PROGRAM
INCLUDED IN THE APPLICATION;
(c) PRODUCT CATEGORIES PURCHASED;
(d) NUMBER OF COLORADO PRODUCERS OR BUSINESSES
PARTICIPATING BY PARTICIPATING PROVIDER AND IN TOTAL;
(e) ECONOMIC IMPACT ON PARTICIPATING PROVIDERS, PRODUCERS,
AND ECONOMIES; AND
(f) QUALITATIVE PRODUCER AND PARTICIPATING PROVIDER
SURVEYS.

(2) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136
(11)(a)(I), THE REPORTING REQUIREMENT PURSUANT TO SUBSECTION (1)
OF THIS SECTION CONTINUES INDEFINITELY.

22-99-105. Repeal. This article 99 is repealed, effective
January 1, 2023:

SECTION 2. 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 (August
2, 2019, if adjournment sine die is on May 3, 2019); 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 2020 and, in such case, will take effect on the date of the
official declaration of the vote thereon by the governor.".

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