

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**



HOUSE BILL 19-1171

BY REPRESENTATIVE(S) Michaelson Jenet, Arndt, Benavidez, Bird, Buckner, Buentello, Caraveo, Coleman, Cutter, Duran, Esgar, Exum, Froelich, Galindo, Gonzales-Gutierrez, Gray, Hansen, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Lontine, McCluskie, McLachlan, Melton, Mullica, Roberts, Singer, Sirota, Snyder, Tipper, Titone, Valdez A., Valdez D., Weissman, Becker;  
also SENATOR(S) Fields and Priola, Bridges, Court, Donovan, Fenberg, Ginal, Gonzales, Lee, Moreno, Pettersen, Story, Todd, Williams A., Winter, Zenzinger, Garcia.

CONCERNING EXPANDING THE GRADES ELIGIBLE FOR THE CHILD NUTRITION SCHOOL LUNCH PROTECTION PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

**SECTION 1.** In Colorado Revised Statutes, 22-82.9-104, **amend** (4)(a) as follows:

**22-82.9-104. Child nutrition school lunch protection program - creation - administration - objectives.** (4) The objectives of the program are to:

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*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.*

(a) Eliminate the reduced price paid by Colorado students who are enrolled in state-subsidized early childhood education programs administered by public schools or in kindergarten through ~~eighth~~ TWELFTH grade and who are participating in the school lunch program;

**SECTION 2.** In Colorado Revised Statutes, 22-82.9-105, **amend** (1); and **repeal** (1.5) as follows:

**22-82.9-105. Program funding.** (1) FOR EACH FISCAL YEAR, the general assembly shall ~~annually appropriate~~ MAKE AN APPROPRIATION by separate line item in the annual general appropriation bill ~~an amount of not less than eight hundred fifty thousand dollars and not more than two million five hundred thousand dollars to the department~~ to allow school food authorities to provide lunches at no charge for children in state-subsidized early childhood education programs administered by public schools or in kindergarten through ~~fifth~~ TWELFTH grade, participating in the school lunch program, who would otherwise be required to pay a reduced price for lunch. The appropriation to the department for the program shall ~~shall~~ MUST be in addition to any appropriation made by the general assembly pursuant to section 22-54-123 or 22-54-123.5 (1). The department may expend not more than two percent of the ~~moneys~~ MONEY annually appropriated for the program to offset the direct and indirect costs incurred by the department in implementing the program pursuant to this ~~article~~ ARTICLE 82.9.

(1.5) ~~Commencing in fiscal year 2018-19 and for each fiscal year thereafter, the general assembly shall annually appropriate to the separate line item in the annual general appropriation act for the program an amount of not less than five hundred thousand dollars and not more than seven hundred fifty thousand dollars to the department to allow school food authorities to provide lunches at no charge for children in sixth grade through eighth grade who are participating in the school lunch program and who would otherwise be required to pay a reduced price for lunch. This subsection (1.5) only applies to school food authorities that elect to eliminate the reduced price paid by Colorado students in sixth grade through eighth grade. The appropriation to the department for this subsection (1.5) shall be in addition to any appropriation made by the general assembly pursuant to section 22-54-123 or 22-54-123.5 (1) and pursuant to subsection (1) of this section. In addition to the authority granted the department to expend money appropriated pursuant to~~

~~subsection (1) of this section to offset the direct and indirect costs incurred by the department in implementing the program, the general assembly may authorize the department to expend a portion of the money appropriated pursuant to this subsection (1.5) to offset any increase in the department's direct and indirect costs incurred by the expansion of the program pursuant to this subsection (1.5).~~

**SECTION 3. Appropriation.** For the 2019-20 state fiscal year, \$463,729 is appropriated to the department of education. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the child nutrition school lunch protection program.

**SECTION 4. 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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KC Becker  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Leroy M. Garcia  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_  
(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO