

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

**REVISED**

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

LLS NO. 19-0065.01 Conrad Imel x2313

**HOUSE BILL 19-1171**

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**A BILL FOR AN ACT**

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

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**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>.)*

Current law specifies an annual appropriation for the child nutrition school lunch protection program (program) to provide lunches at no charge to children in state-subsidized early childhood education programs administered by public schools or in kindergarten through fifth grade who would otherwise have to pay for a reduced-price lunch.

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  
2nd Reading Unamended  
April 25, 2019

HOUSE  
3rd Reading Unamended  
April 16, 2019

HOUSE  
Amended 2nd Reading  
April 12, 2019

Current law also authorizes an annual appropriation to provide lunches at no charge to students in sixth through eighth grades in schools that elect to participate in the expanded program.

The bill requires the general assembly to make an appropriation for the program but removes the specified amounts, clarifies that all students in sixth through eighth grade participating in the federal reduced price school lunch program are eligible for the program, and extends the grades of eligibility for the program to students through the twelfth grade.

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

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

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

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

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

13 **22-82.9-105. Program funding.** (1) FOR EACH FISCAL YEAR, the  
14 general assembly shall ~~annually appropriate~~ MAKE AN APPROPRIATION by  
15 separate line item in the annual general appropriation bill ~~an amount of~~  
16 ~~not less than eight hundred fifty thousand dollars and not more than two~~  
17 ~~million five hundred thousand dollars to the department~~ to allow school  
18 food authorities to provide lunches at no charge for children in  
19 state-subsidized early childhood education programs administered by  
20 public schools or in kindergarten through ~~fifth~~ TWELFTH grade,  
21 participating in the school lunch program, who would otherwise be

1 required to pay a reduced price for lunch. The appropriation to the  
2 department for the program shall MUST be in addition to any appropriation  
3 made by the general assembly pursuant to section 22-54-123 or  
4 22-54-123.5 (1). The department may expend not more than two percent  
5 of the moneys MONEY annually appropriated for the program to offset the  
6 direct and indirect costs incurred by the department in implementing the  
7 program pursuant to this article ARTICLE 82.9.

8 (1.5) Commencing in fiscal year 2018-19 and for each fiscal year  
9 thereafter, the general assembly shall annually appropriate to the separate  
10 line item in the annual general appropriation act for the program an  
11 amount of not less than five hundred thousand dollars and not more than  
12 seven hundred fifty thousand dollars to the department to allow school  
13 food authorities to provide lunches at no charge for children in sixth  
14 grade through eighth grade who are participating in the school lunch  
15 program and who would otherwise be required to pay a reduced price for  
16 lunch. This subsection (1.5) only applies to school food authorities that  
17 elect to eliminate the reduced price paid by Colorado students in sixth  
18 grade through eighth grade. The appropriation to the department for this  
19 subsection (1.5) shall be in addition to any appropriation made by the  
20 general assembly pursuant to section 22-54-123 or 22-54-123.5 (1) and  
21 pursuant to subsection (1) of this section. In addition to the authority  
22 granted the department to expend money appropriated pursuant to  
23 subsection (1) of this section to offset the direct and indirect costs  
24 incurred by the department in implementing the program, the general  
25 assembly may authorize the department to expend a portion of the money  
26 appropriated pursuant to this subsection (1.5) to offset any increase in the  
27 department's direct and indirect costs incurred by the expansion of the

1 ~~program pursuant to this subsection (1.5).~~

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

7           **SECTION 4. Act subject to petition - effective date.** This act  
8 takes effect at 12:01 a.m. on the day following the expiration of the  
9 ninety-day period after final adjournment of the general assembly (August  
10 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
11 referendum petition is filed pursuant to section 1 (3) of article V of the  
12 state constitution against this act or an item, section, or part of this act  
13 within such period, then the act, item, section, or part will not take effect  
14 unless approved by the people at the general election to be held in  
15 November 2020 and, in such case, will take effect on the date of the  
16 official declaration of the vote thereon by the governor.