



**Legislative
Council Staff**
Nonpartisan Services for Colorado's Legislature

HB 19-1132

**FINAL
FISCAL NOTE**

Drafting Number: LLS 19-0775
Prime Sponsors: Rep. Buentello; Pelton
Sen. Coram; Bridges

Date: July 22, 2019
Bill Status: Signed into Law
Fiscal Analyst: Josh Abram | 303-866-3561
Josh.Abram@state.co.us

Bill Topic: SCHOOL INCENTIVES TO USE COLORADO FOOD & PRODUCERS

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> School District

The bill creates two grant programs in the Colorado Department of Education to promote the use of Colorado food products in school meal programs. The bill increases state expenditures beginning FY 2019-20 on an ongoing basis.

Appropriation Summary: The bill requires an appropriation of \$168,942 to the Colorado Department of Education.

Fiscal Note Status: This fiscal note reflects the enacted bill.

**Table 1
State Fiscal Impacts Under HB 19-1132**

		FY 2019-20	FY 2020-21
Revenue		-	-
Expenditures	General Fund	\$168,942	\$675,255
	Centrally Appropriated	\$3,839	\$5,251
	Total	\$172,781	\$680,506
	Total FTE	0.3 FTE	0.4 FTE
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

This bill creates two grant programs to encourage the purchase of Colorado products for use in federally subsidized meals in public schools and residential child care centers.

Colorado Food Products Purchasing Incentives Grant Program. This bill creates the purchasing incentive grant program in the Colorado Department of Education (CDE) to encourage local education providers (LEPs) or residential child care centers to purchase Colorado grown, raised, and processed products for school meal programs. Eligible grant recipients must be participants in the National School Lunch Program, which subsidizes public schools for the expense of providing low-cost or free school meals to qualified students. The State Board of Education (SBE) may adopt rules for the program, and the CDE may monitor to ensure program integrity, and to annually reallocate money among eligible participants to maximize the amount of grants awarded. No later than December 1, 2021, and biennially thereafter, the CDE must submit a report to the General Assembly concerning the effect of the incentives and the amount of Colorado products purchased.

Application and reporting - baseline year. No later than December 1, 2019, or before December 1 of any year thereafter, an eligible participant may apply to the CDE to be included in the incentive program. No later than August 1 of the year following this initial application, an eligible participant must track and report the total amount of Colorado grown, raised, and processed products it purchased, the total amount of value-added processed products it purchased, the total amount of all products purchased, and the total number of lunches served to students.

Application and reporting - subsequent years. No later than each December 1 following the initial application, an eligible participant must apply to continue in the incentive program. No later than August 1 of each year thereafter, the participant must report the total amount of Colorado grown, raised, and processed products purchased for student meals, and the total number of lunches provided to students.

Primary incentive. In October 2020, and each October thereafter, the CDE must reimburse participants for the amount spent on Colorado grown, raised, and processed products used in the meal program, up to a maximum available amount. The maximum incentive is equal to the number of school lunches provided, divided by the total number of lunches provided by all participants, multiplied by the total appropriation for primary incentive grants. The bill limits the maximum amount of reimbursements that may be awarded in any year to \$500,000. If the total of all eligible reimbursements exceeds this amount, each participating provider's reimbursement amount must be reduced proportionately.

Participants may not be reimbursed for the amount of value-added processed products exceeding 25 percent of total products purchased. Value-added processed products refers to food products that were altered from their unprocessed or minimally processed state through preservation techniques including cooking, baking, or canning.

Local school food purchasing technical assistance and education grant program. This bill also creates a technical grant program in the CDE to select a statewide nonprofit organization to develop and manage a grant program to assist with the promotion of Colorado grown, raised, and processed products to eligible school meal providers.

The nonprofit organization may award grants for training, technical assistance, and physical infrastructure to eligible providers, agricultural trade associations, or other organizations that aggregate Colorado food products from producers. Grants may support development of regional

food systems, chef training on food handling and procurement practices, small kitchen equipment purchases, good agricultural practices, certification costs, good handling practices, and training on selling to schools, among other qualified activities.

Program evaluation. The nonprofit organization must annually evaluate the program and report on the amount of grants awarded, the number of participating school districts, the amount spent on Colorado products for school meals, a breakdown of the product categories purchased, and the impact on producers, and on state and regional economies.

Data & Assumptions

The estimates in this fiscal note are based on the following data and assumptions:

- Based on a statewide needs assessment conducted by the CDE and the results of a national survey, approximately 40 percent of school districts in Colorado currently purchase local food products to serve in school meal programs.
- During the 2017-2018 school year, about 59.5 million school lunches were served, and 40 percent of these (about 23.8 million) were prepared with some amount of Colorado purchased products.
- The CDE will create the school meal purchasing grant program and take applications for participation in FY 2019-20. The first year of incentive payments to reimburse participants for actual purchases of Colorado products will be FY 2020-21. Based on a similar program in Oregon, \$0.05 per meal is required for primary reimbursements.

State Expenditures

The bill increases state expenditures by \$172,781 and 0.3 FTE in FY 2019-20, by \$680,506 and 0.4 FTE in FY 2020-21 and thereafter. New expenditures are displayed in Table 2 and discussed below.

**Table 2
 Expenditures Under HB 19-1132**

	FY 2019-20	FY 2020-21
Department of Education		
Personal Services	\$18,657	\$24,875
Operating and Capital Outlay	\$285	\$380
Technical Grant Program	\$150,000	\$150,000
Purchase Incentive Payments	-	\$500,000
Centrally Appropriated Costs*	\$3,839	\$5,251
Total Cost	\$172,781	\$680,506
Total FTE	0.3 FTE	0.4 FTE

* Centrally appropriated costs are not included in the bill's appropriation.

Personal services. The CDE requires additional staff beginning in FY 2019-20 to implement the two grant programs. The school purchasing grant program requires that the department and the SBE adopt program rules, create an application and review process, monitor and verify participant eligibility, provide technical assistance trainings to prepare eligible school lunch providers to participate, and administer payments. In FY 2019-20, the department must also manage an RFP process to select and oversee one or more non-profit organizations to administer the technical assistance grant program. Personal services costs in FY 2019-20 are prorated to reflect the bill's August 2 effective date and for the General Fund pay date shift.

Technical grant program. Based on a similar assistance program administered by the department to support equipment grants in school lunch programs, the cost of a technical assistance grant for one or more nonprofit organizations to assist with agricultural producers with marketing and additional financial supports to eligible school meal programs is estimated at \$150,000 annually, beginning with FY 2019-20.

Purchase incentive payments. The bill increases expenditures for incentive payments to schools and childcare facilities beginning with FY 2020-21, following a baseline year for participants to apply and track their purchasing. Primary incentives for the first year participants are estimated at about \$1.2 million, based on an estimated 23.8 million meals reimbursed at \$0.05 each; however, the bill limits total reimbursements to \$500,000. As more school lunch providers choose to participate, and as overall purchasing of Colorado products increases, demand for incentive payments are expected to increase in future years.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$3,839 in FY 2019-20 and \$5,251 in FY 2020-21.

School District

Participating school districts and residential childcare centers will track and report detailed purchase information to the CDE and are eligible for additional state subsidies and technical assistance for their meal programs.

Effective Date

The bill was signed into law by the Governor on May 14, 2019, and it takes effect August 2, 2019, assuming no referendum petition is filed.

State Appropriations

Consistent with this final fiscal note, for FY 2019-20, the bill includes a General Fund appropriation of \$168,942 and 0.3 FTE to the Colorado Department of Education.

State and Local Government Contacts

Agriculture Education Human Services School Districts