

**Second 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. 20-0703.01 Jerry Barry x4341

HOUSE BILL 20-1300

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A BILL FOR AN ACT

101 **CONCERNING TECHNICAL CHANGES TO THE LOCAL SCHOOL FOOD**
102 **PURCHASING PROGRAM.**

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>.)

For the local school food purchasing program, the bill:

- ! Makes technical changes to when a local education provider may apply to the program and when the department of education (department) selects providers;
- ! Requires the department to ensure geographic and district pupil size diversity among providers;

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
March 13, 2020

HOUSE
3rd Reading Unamended
February 26, 2020

HOUSE
2nd Reading Unamended
February 24, 2020

- ! Changes the limit for the number of lunches that all local education providers provided in the prior year to 10 million;
- ! Changes the reimbursement formula to \$0.05 for every meal that the local education provider provided in the previous year; and
- ! Specifies that if the department does not spend the full appropriation for the program, up to 5% of the appropriation is available to the department in the following year to pay for the required evaluation and report.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-100-102, **amend**
 3 (2)(a), (2)(b), and (3); and **add** (6) as follows:

4 **22-100-102. Local school food purchasing program - creation**
 5 **- rules - report.** (2) (a) ~~On or before December 1, 2019, and on or before~~
 6 ~~December 1 of any year thereafter,~~ A school district, charter school, board
 7 of cooperative services that operates a public school, or residential child
 8 care center may apply to the department on a form developed by the
 9 department to participate in the school food purchasing program to
 10 receive reimbursement for the purchase of Colorado grown, raised, or
 11 processed products pursuant to this section.

12 (b) (I) ~~On or before March 1, 2020, and on or before each March~~
 13 ~~1 thereafter, the department shall select participating providers.~~ The
 14 department shall select participating providers that, in the previous year
 15 for which numbers are available, the total number of lunches provided by
 16 all participating providers was ~~seven~~ TEN million or fewer, AND NO
 17 PARTICIPATING PROVIDER MAY HAVE PROVIDED MORE THAN TWO MILLION
 18 ONE HUNDRED FIFTY THOUSAND SCHOOL LUNCHES IN THE PREVIOUS YEAR.

19 (II) The department shall give preference to applicants that:

1 ~~(H)~~(A) Demonstrate a commitment to local purchasing or food and
2 agricultural education;

3 ~~(H)~~(B) Have a kitchen with the ability to store, prepare, and serve
4 local food products;

5 ~~(H)~~(C) Have greater than twenty-five percent of ~~its~~ THEIR
6 students eligible for free or reduced-price lunch pursuant to the provisions
7 of the federal "Richard B. Russell National School Lunch Act", 42 U.S.C.
8 sec. 1751 et seq.; ~~and~~

9 (D) SERVED FEWER THAN ONE MILLION TWO HUNDRED FIFTY
10 THOUSAND SCHOOL LUNCHES IN THE PREVIOUS YEAR'S COUNT; AND

11 ~~(IV)~~(E) Satisfy any other eligibility requirements established by
12 the ~~state board of education by rule~~ DEPARTMENT.

13 (III) TO THE EXTENT POSSIBLE, IN SELECTING PARTICIPATING
14 PROVIDERS, THE DEPARTMENT SHALL ENSURE DIVERSITY IN GEOGRAPHIC
15 LOCATION AND DISTRICT PUPIL COUNT.

16 (3) (a) (I) In October 2020 and each October thereafter, the
17 department shall reimburse each participating provider participating in the
18 school food purchasing program as of the previous December 1 ~~for the~~
19 ~~amount spent for meals for students on Colorado grown, raised, or~~
20 ~~processed products, up to the maximum incentive established pursuant to~~
21 ~~subsection (3)(b) of this section;~~ FIVE CENTS FOR EVERY SCHOOL LUNCH
22 THAT THE PARTICIPATING PROVIDER PROVIDED IN THE PREVIOUS SCHOOL
23 YEAR; except that a participating provider shall not be reimbursed for the
24 amount of value-added processed products that exceeds twenty-five
25 percent of the total of the Colorado grown, raised, or processed products
26 it purchased.

27 (II) Notwithstanding the provisions of subsection (3)(a)(I) of this

1 section, the maximum amount of reimbursements that may be awarded in
2 any year is five hundred thousand dollars. ~~If the total of all eligible~~
3 ~~reimbursements as calculated under subsection (3)(a)(I) of this section~~
4 ~~exceeds five hundred thousand dollars, each participating provider's~~
5 ~~reimbursement amount must be reduced proportionately.~~

6 (b) ~~Each participating provider is entitled to be reimbursed for an~~
7 ~~amount up to the number of school lunches provided by the participating~~
8 ~~provider as reported to the department pursuant to subsection (2) of this~~
9 ~~section, divided by the total number of lunches reported by all~~
10 ~~participating providers, multiplied by the total appropriation for the~~
11 ~~school food purchasing program for participating providers.~~

12 (6) ~~IF IN ANY FISCAL YEAR THE DEPARTMENT DOES NOT EXPEND OR~~
13 ~~ENCUMBER THE FULL AMOUNT OF THE APPROPRIATION FOR THE SCHOOL~~
14 ~~FOOD PURCHASING PROGRAM, UP TO FIVE PERCENT OF THE APPROPRIATION~~
15 ~~IS AVAILABLE TO THE DEPARTMENT IN THE NEXT FISCAL YEAR TO PAY FOR~~
16 ~~THE EVALUATION REQUIRED BY SECTION 22-100-104 (1)(e).~~

17 **SECTION 2. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety.