

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0927.01 Richard Sweetman

HOUSE BILL 10-1335

HOUSE SPONSORSHIP

Massey,

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE AUTHORIZATION OF BOARDS OF COOPERATIVE
102 SERVICES AS SCHOOL FOOD AUTHORITIES, AND, IN CONNECTION
103 THEREWITH, CREATING THE BOCES HEALTHY FOOD GRANT
104 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://www.leg.state.co.us/billsummaries>.)

The bill authorizes each board of cooperative services (BOCES) to maintain, equip, and operate a food-service facility as a school food

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

authority. The bill creates the BOCES healthy food grant program (program) in the department of education (department) to: (1) Make grants available to BOCES that maintain, equip, and operate food-service facilities as school food authorities; and (2) require each BOCES that receives a grant from the program to procure and distribute to schools of its constituent school districts only food and beverages that satisfy certain nutritional standards. The bill sets forth an application process for the program and permissible uses of grant moneys. The BOCES healthy food grant program cash fund (fund) is created, and the department is authorized to expend no more than 10% of the moneys appropriated to the fund to offset the direct and indirect costs incurred by the department in implementing the program.

The department is required to prepare and submit to the education committees of the house of representatives and the senate a report that describes the activities carried out under the program and evaluates the effectiveness of the program.

The state board of education is required to promulgate rules establishing policies and procedures for the administration of the program.

The program is repealed, effective July 1, 2015.

The bill includes conforming amendments.

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

2 **SECTION 1.** Article 5 of title 22, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF THE FOLLOWING NEW
4 SECTIONS to read:

5 **22-5-120. School food authority operations - contracts for**
6 **provision of food and beverages.** (1) EACH BOARD OF COOPERATIVE
7 SERVICES IS AUTHORIZED TO MAINTAIN, EQUIP, AND OPERATE A
8 FOOD-SERVICE FACILITY AS A SCHOOL FOOD AUTHORITY, AS DEFINED IN
9 SECTION 22-32-120 (8).

10 (2) EACH BOARD OF COOPERATIVE SERVICES THAT ELECTS TO
11 OPERATE AS A SCHOOL FOOD AUTHORITY IS ENCOURAGED TO PROCURE
12 AND DISTRIBUTE TO SCHOOLS OF ITS CONSTITUENT SCHOOL DISTRICTS
13 ONLY FOOD AND BEVERAGES THAT:

1 (a) SATISFY NUTRITIONAL STANDARDS ESTABLISHED BY THE
2 UNITED STATES DEPARTMENT OF AGRICULTURE; AND

3 (b) HAVE BEEN LOCALLY GROWN OR PRODUCED.

4 (3) EACH BOARD OF COOPERATIVE SERVICES THAT ELECTS TO
5 OPERATE AS A SCHOOL FOOD AUTHORITY MAY SEEK, ACCEPT, AND EXPEND
6 GIFTS, GRANTS, AND DONATIONS TO FACILITATE ITS OPERATIONS AS A
7 SCHOOL FOOD AUTHORITY; EXCEPT THAT A BOARD OF COOPERATIVE
8 SERVICES SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION IF IT IS
9 SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS ARTICLE OR
10 ANY OTHER LAW OF THE STATE.

11 **22-5-121. BOCES healthy food grant program - application**
12 **process - fund - rules - repeal. (1) Program created.** (a) THERE IS
13 HEREBY CREATED IN THE DEPARTMENT OF EDUCATION THE BOCES
14 HEALTHY FOOD GRANT PROGRAM, REFERRED TO IN THIS SECTION AS THE
15 "PROGRAM". THE OBJECTIVES OF THE PROGRAM ARE TO:

16 (I) MAKE GRANTS AVAILABLE TO BOARDS OF COOPERATIVE
17 SERVICES THAT MAINTAIN, EQUIP, AND OPERATE FOOD-SERVICE FACILITIES
18 AS SCHOOL FOOD AUTHORITIES PURSUANT TO SECTION 22-5-120; AND

19 (II) REQUIRE EACH BOARD OF COOPERATIVE SERVICES THAT
20 RECEIVES A GRANT FROM THE PROGRAM TO PROCURE AND DISTRIBUTE TO
21 SCHOOLS OF ITS CONSTITUENT SCHOOL DISTRICTS ONLY FOOD AND
22 BEVERAGES THAT DO NOT CONTAIN:

23 (A) THIRTY-FIVE PERCENT OR MORE OF TOTAL CALORIES FROM
24 FAT;

25 (B) TEN PERCENT OR MORE OF TOTAL CALORIES FROM SATURATED
26 FATS;

27 (C) MORE THAN ZERO GRAMS OF TRANS FAT AS LABELED;

1 (D) MORE THAN THIRTY-FIVE PERCENT OF CALORIES FROM TOTAL
2 SUGARS; EXCEPT THAT A YOGURT MAY CONTAIN NO MORE THAN THIRTY
3 GRAMS OF TOTAL SUGARS PER PORTION AS PACKAGED; OR

4 (E) MORE THAN TWO HUNDRED GRAMS OF SODIUM PER PORTION
5 AS PACKAGED.

6 (b) THE DEPARTMENT OF EDUCATION SHALL ADMINISTER THE
7 PROGRAM IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.
8 NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY,
9 THE DEPARTMENT, THE COMMISSIONER OF EDUCATION, AND THE STATE
10 BOARD SHALL NOT BE REQUIRED TO IMPLEMENT THE PROVISIONS OF THIS
11 SECTION UNTIL SUCH TIME AS SUFFICIENT MONEYS, AS DETERMINED BY
12 THE DEPARTMENT, ARE CREDITED TO THE BOCES HEALTHY FOOD GRANT
13 PROGRAM CASH FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

14 (2) **Application process.** (a) A BOARD OF COOPERATIVE
15 SERVICES THAT IS OPERATING AS A SCHOOL FOOD AUTHORITY MAY APPLY
16 FOR A GRANT FROM THE PROGRAM IN ACCORDANCE WITH THE PROCEDURES
17 ESTABLISHED BY RULES PROMULGATED BY THE STATE BOARD PURSUANT
18 TO SUBSECTION (7) OF THIS SECTION.

19 (b) IN ACCORDANCE WITH THE RULES PROMULGATED BY THE
20 STATE BOARD PURSUANT TO SUBSECTION (7) OF THIS SECTION, THE
21 DEPARTMENT OF EDUCATION SHALL DEVELOP A STANDARD APPLICATION
22 FORM FOR A BOARD OF COOPERATIVE SERVICES TO USE IN APPLYING FOR
23 A GRANT FROM THE PROGRAM. THE DEPARTMENT SHALL MAKE THE
24 STANDARD APPLICATION FORM ELECTRONICALLY AVAILABLE TO THE
25 PUBLIC.

26 (c) EACH BOARD OF COOPERATIVE SERVICES THAT APPLIES FOR A
27 GRANT FROM THE PROGRAM SHALL USE THE STANDARD APPLICATION FORM

1 DEVELOPED BY THE DEPARTMENT OF EDUCATION PURSUANT TO
2 PARAGRAPH (b) OF THIS SUBSECTION (2). IN SUBMITTING THE STANDARD
3 APPLICATION FORM, THE BOARD OF COOPERATIVE SERVICES SHALL
4 PROVIDE ALL THE INFORMATION REQUESTED ON THE FORM AS WELL AS
5 ANY OTHER INFORMATION THAT THE DEPARTMENT MAY REQUEST.

6 (d) UPON RECEIVING AN APPLICATION FROM A BOARD OF
7 COOPERATIVE SERVICES, THE DEPARTMENT OF EDUCATION SHALL SUBMIT
8 THE APPLICATION TO THE COMMISSIONER OF EDUCATION. THE
9 COMMISSIONER OR HIS OR HER DESIGNEE SHALL REVIEW EACH
10 APPLICATION AND, SUBJECT TO THE RECEIPT OF SUFFICIENT GIFTS, GRANTS,
11 OR DONATIONS PURSUANT TO PARAGRAPH (d) OF SUBSECTION (5) OF THIS
12 SECTION, DETERMINE AND ANNOUNCE ON OR BEFORE JUNE 1, 2011, AND
13 ON OR BEFORE JUNE 1 EACH YEAR THEREAFTER, WHICH BOARDS OF
14 COOPERATIVE SERVICES, IF ANY, SHALL RECEIVE GRANTS AND THE
15 AMOUNT OF THE GRANT THAT EACH RECIPIENT BOARD OF COOPERATIVE
16 SERVICES SHALL RECEIVE. PURSUANT TO THIS DETERMINATION, THE
17 DEPARTMENT SHALL TRANSFER THE APPROPRIATE GRANT AMOUNT TO
18 EACH RECIPIENT BOARD OF COOPERATIVE SERVICES.

19 (3) **Eligibility - selection criteria.** (a) THE COMMISSIONER OF
20 EDUCATION OR HIS OR HER DESIGNEE SHALL AWARD A GRANT FROM THE
21 PROGRAM ONLY TO A BOARD OF COOPERATIVE SERVICES THAT:

22 (I) MAINTAINS, EQUIPS, AND OPERATES A FOOD-SERVICE FACILITY
23 AS A SCHOOL FOOD AUTHORITY PURSUANT TO SECTION 22-5-120; AND

24 (II) PROCURES AND DISTRIBUTES TO SCHOOLS OF ITS CONSTITUENT
25 SCHOOL DISTRICTS ONLY FOOD AND BEVERAGES THAT DO NOT CONTAIN:

26 (A) THIRTY-FIVE PERCENT OR MORE OF TOTAL CALORIES FROM
27 FAT;

1 (B) TEN PERCENT OR MORE OF TOTAL CALORIES FROM SATURATED
2 FATS;

3 (C) MORE THAN ZERO GRAMS OF TRANS FAT AS LABELED;

4 (D) MORE THAN THIRTY-FIVE PERCENT OF CALORIES FROM TOTAL
5 SUGARS; EXCEPT THAT A YOGURT MAY CONTAIN NO MORE THAN THIRTY
6 GRAMS OF TOTAL SUGARS PER PORTION AS PACKAGED; OR

7 (E) MORE THAN TWO HUNDRED GRAMS OF SODIUM PER PORTION
8 AS PACKAGED.

9 (b) IN SELECTING BOARDS OF COOPERATIVE SERVICES TO RECEIVE
10 GRANTS FROM THE PROGRAM AND IN DETERMINING THE AMOUNT OF THE
11 GRANT TO BE AWARDED TO EACH RECIPIENT BOARD OF COOPERATIVE
12 SERVICES, THE COMMISSIONER OF EDUCATION OR HIS OR HER DESIGNEE
13 SHALL USE THE CRITERIA AND PROCEDURES ESTABLISHED BY RULES
14 PROMULGATED BY THE STATE BOARD PURSUANT TO SUBSECTION (7) OF
15 THIS SECTION.

16 (c) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (II) OF
17 PARAGRAPH (a) OF SUBSECTION (1) AND SUBPARAGRAPH (II) OF
18 PARAGRAPH (a) OF THIS SUBSECTION (3), THE NUTRITIONAL
19 REQUIREMENTS DESCRIBED IN SAID PROVISIONS SHALL NOT APPLY TO
20 FRUIT WITH NO ADDED SWEETENERS, NUTS, NUT BUTTERS WITH NO ADDED
21 SWEETENERS, SEEDS, LOW-FAT CHEESE WITH NO ADDED SWEETENERS, OR
22 EGGS.

23 (4) **Permissible uses of grant moneys.** (a) EXCEPT AS PROVIDED
24 IN PARAGRAPH (b) OF THIS SUBSECTION (4), A BOARD OF COOPERATIVE
25 SERVICES THAT RECEIVES A GRANT FROM THE PROGRAM SHALL USE ALL
26 THE GRANT MONEYS TO FACILITATE ITS OPERATIONS AS A SCHOOL FOOD
27 AUTHORITY.

1 (b) A BOARD OF COOPERATIVE SERVICES THAT RECEIVES A GRANT
2 FROM THE PROGRAM MAY USE A PORTION OF THE GRANT MONEYS TO
3 GATHER, RECORD, AND ASSEMBLE DATA FOR THE PURPOSE OF PREPARING
4 THE REPORTS DESCRIBED IN SUBSECTION (6) OF THIS SECTION.

5 (5) **Fund created.** (a) THERE IS HEREBY CREATED IN THE STATE
6 TREASURY THE BOCES HEALTHY FOOD GRANT PROGRAM CASH FUND,
7 REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL CONSIST
8 OF:

9 (I) ANY GIFTS, GRANTS, OR DONATIONS RECEIVED BY THE
10 DEPARTMENT OF EDUCATION FOR THE FUND PURSUANT TO PARAGRAPH (d)
11 OF THIS SUBSECTION (5); AND

12 (II) ANY OTHER MONEYS THAT THE DEPARTMENT OF EDUCATION
13 MAY ALLOCATE TO THE FUND PURSUANT TO PARAGRAPH (e) OF THIS
14 SUBSECTION (5).

15 (b) THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL
16 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF
17 EDUCATION FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE
18 IMPLEMENTATION OF THE PROGRAM PURSUANT TO THE PROVISIONS OF THIS
19 SECTION; EXCEPT THAT ANY FEDERAL MONEYS ALLOCATED TO THE FUND
20 PURSUANT TO PARAGRAPH (e) OF THIS SUBSECTION (5) SHALL NOT BE
21 SUBJECT TO APPROPRIATION. OF THE MONEYS ANNUALLY APPROPRIATED
22 FROM THE FUND, THE DEPARTMENT OF EDUCATION MAY EXPEND NO MORE
23 THAN TEN PERCENT TO OFFSET THE DIRECT AND INDIRECT COSTS INCURRED
24 BY THE DEPARTMENT IN IMPLEMENTING THE PROGRAM PURSUANT TO THIS
25 SECTION.

26 (c) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES
27 OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS

1 PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE
2 INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED
3 TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS
4 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN
5 THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE
6 GENERAL FUND OR ANOTHER FUND; EXCEPT THAT ALL UNEXPENDED AND
7 UNENCUMBERED MONEYS REMAINING IN THE FUND AS OF JUNE 30, 2015,
8 SHALL BE TRANSFERRED TO THE GENERAL FUND.

9 (d) THE DEPARTMENT OF EDUCATION IS AUTHORIZED TO SEEK AND
10 ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES
11 FOR THE PURPOSES OF THIS SECTION; EXCEPT THAT THE DEPARTMENT
12 SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION IF IT IS SUBJECT TO
13 CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER
14 LAW OF THE STATE. THE DEPARTMENT SHALL TRANSMIT ALL PRIVATE AND
15 PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO
16 THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.
17 NOTHING IN THIS SECTION SHALL BE INTERPRETED AS REQUIRING THE
18 DEPARTMENT TO SOLICIT FUNDING FOR THE PROGRAM.

19 (e) TO THE EXTENT PERMITTED BY LAW, THE DEPARTMENT OF
20 EDUCATION MAY, AT ITS DISCRETION, ALLOCATE OTHER MONEYS TO FUND
21 THE PROGRAM.

22 (6) **Reports.** (a) NOT LATER THAN JANUARY 1, 2015, THE
23 DEPARTMENT OF EDUCATION SHALL PREPARE AND SUBMIT TO THE
24 EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
25 SENATE, OR ANY SUCCESSOR COMMITTEES, A REPORT THAT DESCRIBES THE
26 ACTIVITIES CARRIED OUT UNDER THIS SECTION AND EVALUATES THE
27 EFFECTIVENESS OF THE PROGRAM.

1 (b) THE REPORT PREPARED BY THE DEPARTMENT OF EDUCATION
2 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6) SHALL, AT A
3 MINIMUM, INCLUDE THE FOLLOWING:

4 (I) THE TOTAL NUMBER OF BOARDS OF COOPERATIVE SERVICES
5 THAT RECEIVED MONEYS AWARDED AS GRANTS UNDER THE PROGRAM;

6 (II) THE AMOUNT OF MONEYS AWARDED TO EACH BOARD OF
7 COOPERATIVE SERVICES THAT RECEIVED A GRANT UNDER THE PROGRAM;

8 (III) INFORMATION DEMONSTRATING THE DEPARTMENT'S
9 COMPLIANCE WITH THE PROVISIONS OF THIS SECTION AND ANY RULES
10 PROMULGATED BY THE STATE BOARD PURSUANT TO SUBSECTION (7) OF
11 THIS SECTION; AND

12 (IV) STATISTICAL EVIDENCE OR OTHER INFORMATION TO ASSIST
13 THE COMMITTEES IN EVALUATING THE EFFECTIVENESS OF THE PROGRAM.

14 (7) **Rules.** THE STATE BOARD SHALL PROMULGATE RULES
15 PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE
16 4 OF TITLE 24, C.R.S., ESTABLISHING POLICIES AND PROCEDURES FOR THE
17 ADMINISTRATION OF THE PROGRAM, INCLUDING BUT NOT LIMITED TO:

18 (a) PROCEDURES BY WHICH A BOARD OF COOPERATIVE SERVICES
19 MAY APPLY FOR A GRANT FROM THE PROGRAM;

20 (b) MINIMUM REQUIREMENTS FOR THE STANDARD APPLICATION
21 FORM DEVELOPED BY THE DEPARTMENT OF EDUCATION PURSUANT TO
22 PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION. AT A MINIMUM,
23 EACH APPLICATION SUBMITTED TO THE DEPARTMENT BY A BOARD OF
24 COOPERATIVE SERVICES SHALL INCLUDE:

25 (I) INFORMATION THAT IS SUFFICIENT TO DEMONSTRATE THAT THE
26 BOARD OF COOPERATIVE SERVICES IS OPERATING AS A SCHOOL FOOD
27 AUTHORITY;

1 (II) A WRITTEN CONFIRMATION FROM THE CHIEF ADMINISTRATOR
2 OF THE BOARD OF COOPERATIVE SERVICES THAT THE BOARD OF
3 COOPERATIVE SERVICES IS PROCURING AND DISTRIBUTING TO SCHOOLS OF
4 ITS CONSTITUENT SCHOOL DISTRICTS ONLY FOOD AND BEVERAGES THAT
5 SATISFY NUTRITIONAL STANDARDS ESTABLISHED BY THE UNITED STATES
6 DEPARTMENT OF AGRICULTURE; AND

7 (III) A PROPOSAL INDICATING HOW THE BOARD OF COOPERATIVE
8 SERVICES PLANS TO USE GRANT MONEYS AWARDED UNDER THE PROGRAM.
9 THE PROPOSAL SHALL ENSURE THAT THE ENTIRE AMOUNT OF THE GRANT
10 MONEYS AWARDED UNDER THE PROGRAM SHALL BE USED FOR THE
11 PURPOSES DESCRIBED IN SUBSECTION (4) OF THIS SECTION.

12 (c) CRITERIA AND PROCEDURES FOR THE COMMISSIONER OF
13 EDUCATION OR HIS OR HER DESIGNEE TO USE IN SELECTING BOARDS OF
14 COOPERATIVE SERVICES TO RECEIVE GRANTS UNDER THE PROGRAM AND
15 IN DETERMINING THE AMOUNT OF THE GRANT TO BE AWARDED TO EACH
16 RECIPIENT BOARD OF COOPERATIVE SERVICES.

17 (8) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2015.

18 **SECTION 2.** 22-5-118 (3) (b) (VI), Colorado Revised Statutes,
19 is amended, and the said 22-5-118 (3) (b) is further amended BY THE
20 ADDITION OF A NEW SUBPARAGRAPH, to read:

21 **22-5-118. Implementation and financing of regional education**
22 **and support services - plan - annual report.** (3) (b) Each plan shall
23 include but is not limited to measures concerning:

24 (VI) Agreements to act as a regional administrative unit for
25 transportation, cooperative purchasing, ~~food~~, and other noninstructional
26 support services, as may be appropriate;

27 (VI.5) AGREEMENTS PERTAINING TO THE BOARD'S OPERATIONS, IF

1 ANY, AS A SCHOOL FOOD AUTHORITY, PURSUANT TO SECTION 22-5-120;
2 AND

3 **SECTION 3.** 22-30.5-103 (6.7) (a), Colorado Revised Statutes,
4 is amended, and the said 22-30.5-103 (6.7) is further amended BY THE
5 ADDITION OF A NEW PARAGRAPH, to read:

6 **22-30.5-103. Definitions.** As used in this part 1, unless the
7 context otherwise requires:

8 (6.7) "School food authority" means:

9 (a) A school district or the state charter school institute; ~~or~~

10 (a.5) A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO
11 ARTICLE 5 OF THIS TITLE THAT ELECTS TO OPERATE AS A SCHOOL FOOD
12 AUTHORITY PURSUANT TO SECTION 22-5-120; OR

13 **SECTION 4.** 22-30.5-502 (10.5) (a), Colorado Revised Statutes,
14 is amended, and the said 22-30.5-502 (10.5) is further amended BY THE
15 ADDITION OF A NEW PARAGRAPH, to read:

16 **22-30.5-502. Definitions.** As used in this part 5, unless the
17 context otherwise requires:

18 (10.5) "School food authority" means:

19 (a) A school district or the state charter school institute; ~~or~~

20 (a.5) A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO
21 ARTICLE 5 OF THIS TITLE THAT ELECTS TO OPERATE AS A SCHOOL FOOD
22 AUTHORITY PURSUANT TO SECTION 22-5-120; OR

23 **SECTION 5.** 22-32-120 (8) (a), Colorado Revised Statutes, is
24 amended, and the said 22-32-120 (8) is further amended BY THE
25 ADDITION OF A NEW PARAGRAPH, to read:

26 **22-32-120. Food services - facilities - school food authorities -**
27 **rules - repeal.** (8) As used in this section, "school food authority"

1 means:

2 (a) A school district or the state charter school institute; ~~or~~

3 (a.5) A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO
4 ARTICLE 5 OF THIS TITLE THAT ELECTS TO OPERATE AS A SCHOOL FOOD
5 AUTHORITY PURSUANT TO SECTION 22-5-120; OR

6 **SECTION 6.** 22-54-123 (2) (a), Colorado Revised Statutes, is
7 amended, and the said 22-54-123 (2) is further amended BY THE
8 ADDITION OF A NEW PARAGRAPH, to read:

9 **22-54-123. National school lunch act - appropriation of state**
10 **matching funds.** (2) As used in this section, unless the context
11 otherwise requires, "school food authority" means:

12 (a) A school district or the state charter school institute; ~~or~~

13 (a.5) A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO
14 ARTICLE 5 OF THIS TITLE THAT ELECTS TO OPERATE AS A SCHOOL FOOD
15 AUTHORITY PURSUANT TO SECTION 22-5-120; OR

16 **SECTION 7.** 22-54-123.5 (2) (b) (I), Colorado Revised Statutes,
17 is amended, and the said 22-54-123.5 (2) (b) is further amended BY THE
18 ADDITION OF A NEW SUBPARAGRAPH, to read:

19 **22-54-123.5. School breakfast program - appropriation -**
20 **low-performing schools.** (2) As used in this section:

21 (b) "School food authority" means:

22 (I) A school district or the state charter school institute; ~~or~~

23 (I.5) A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO
24 ARTICLE 5 OF THIS TITLE THAT ELECTS TO OPERATE AS A SCHOOL FOOD
25 AUTHORITY PURSUANT TO SECTION 22-5-120; OR

26 **SECTION 8.** 22-82.7-102 (5) (a), Colorado Revised Statutes, is
27 amended, and the said 22-82.7-102 (5) is further amended BY THE

1 ADDITION OF A NEW PARAGRAPH, to read:

2 **22-82.7-102. Definitions.** As used in this article, unless the
3 context otherwise requires:

4 (5) "School food authority" means:

5 (a) A school district or the state charter school institute; ~~or~~

6 (a.5) A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO
7 ARTICLE 5 OF THIS TITLE THAT ELECTS TO OPERATE AS A SCHOOL FOOD
8 AUTHORITY PURSUANT TO SECTION 22-5-120; OR

9 **SECTION 9.** 22-82.9-103 (2.5) (a), Colorado Revised Statutes,
10 is amended, and the said 22-82.9-103 (2.5) is further amended BY THE
11 ADDITION OF A NEW PARAGRAPH, to read:

12 **22-82.9-103. Definitions.** As used in this article, unless the
13 context otherwise requires:

14 (2.5) "School food authority" means:

15 (a) A school district or the state charter school institute; ~~or~~

16 (a.5) A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO
17 ARTICLE 5 OF THIS TITLE THAT ELECTS TO OPERATE AS A SCHOOL FOOD
18 AUTHORITY PURSUANT TO SECTION 22-5-120; OR

19 **SECTION 10. Act subject to petition - effective date.** This act
20 shall take effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part shall not take effect
26 unless approved by the people at the general election to be held in

1 November 2010 and shall take effect on the date of the official
2 declaration of the vote thereon by the governor.