

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0927.01 Richard Sweetman

HOUSE BILL 10-1335

HOUSE SPONSORSHIP

Massey and Scanlan,

SENATE SPONSORSHIP

Sandoval,

House Committees

Education
Appropriations

Senate Committees

Education
Appropriations

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.

HOUSE
3rd Reading Unamended
March 17, 2010

HOUSE
Amended 2nd Reading
March 16, 2010

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 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 SATISFY NUTRITIONAL STANDARDS FOR FOOD AND
23 BEVERAGES SERVED TO CHILDREN DURING THE SCHOOL DAY, WHICH
24 STANDARDS ARE ESTABLISHED BY A RESEARCH INSTITUTION NOT LESS
25 THAN FORTY YEARS OLD THAT EXAMINES POLICY MATTERS PERTAINING TO
26 THE HEALTH OF THE PUBLIC AND IS CHARTERED BY THE UNITED STATES
27 CONGRESS TO ADVISE THE FEDERAL GOVERNMENT REGARDING SCIENTIFIC

1 AND TECHNICAL MATTERS, WHICH RESEARCH INSTITUTION IS IDENTIFIED
2 BY RULES PROMULGATED BY THE STATE BOARD PURSUANT TO PARAGRAPH
3 (d) OF SUBSECTION (7) OF THIS SECTION.

4 ==
5 (b) THE DEPARTMENT OF EDUCATION SHALL ADMINISTER THE
6 PROGRAM IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.
7 NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY,
8 THE DEPARTMENT, THE COMMISSIONER OF EDUCATION, AND THE STATE
9 BOARD SHALL NOT BE REQUIRED TO IMPLEMENT THE PROVISIONS OF THIS
10 SECTION UNTIL SUCH TIME AS SUFFICIENT MONEYS, AS DETERMINED BY
11 THE DEPARTMENT, ARE CREDITED TO THE BOCES HEALTHY FOOD GRANT
12 PROGRAM CASH FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

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

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

25 (c) EACH BOARD OF COOPERATIVE SERVICES THAT APPLIES FOR A
26 GRANT FROM THE PROGRAM SHALL USE THE STANDARD APPLICATION FORM
27 DEVELOPED BY THE DEPARTMENT OF EDUCATION PURSUANT TO

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

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

18 (II) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
19 CONTRARY, IF THE DEPARTMENT OF EDUCATION DOES NOT RECEIVE
20 SUFFICIENT GIFTS, GRANTS, OR DONATIONS ON OR BEFORE MARCH 1 OF
21 ANY YEAR, THE DEPARTMENT SHALL NOT BE REQUIRED TO DETERMINE AND
22 ANNOUNCE GRANT RECIPIENTS ON OR BEFORE JUNE 1 OF THAT YEAR, AS
23 DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (d). IF THE
24 DEPARTMENT OF EDUCATION RECEIVES SUFFICIENT GIFTS, GRANTS, OR
25 DONATIONS ONLY AFTER MARCH 1 OF ANY YEAR, THE DEPARTMENT SHALL
26 DETERMINE AND ANNOUNCE GRANT RECIPIENTS, AS DESCRIBED IN SAID
27 SUBPARAGRAPH (I), NO MORE THAN NINETY DAYS AFTER THE DATE UPON

1 WHICH THE DEPARTMENT RECEIVED SUFFICIENT GIFTS, GRANTS, OR
2 DONATIONS.

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

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

8 (II) PROCURES AND DISTRIBUTES TO SCHOOLS OF ITS CONSTITUENT
9 SCHOOL DISTRICTS ONLY FOOD AND BEVERAGES THAT SATISFY
10 NUTRITIONAL STANDARDS FOR FOOD AND BEVERAGES SERVED TO
11 CHILDREN DURING THE SCHOOL DAY, WHICH STANDARDS ARE
12 ESTABLISHED BY A RESEARCH INSTITUTION NOT LESS THAN FORTY YEARS
13 OLD THAT EXAMINES POLICY MATTERS PERTAINING TO THE HEALTH OF THE
14 PUBLIC AND IS CHARTERED BY THE UNITED STATES CONGRESS TO ADVISE
15 THE FEDERAL GOVERNMENT REGARDING SCIENTIFIC AND TECHNICAL
16 MATTERS, WHICH RESEARCH INSTITUTION IS IDENTIFIED BY RULES
17 PROMULGATED BY THE STATE BOARD PURSUANT TO PARAGRAPH (d) OF
18 SUBSECTION (7) OF THIS SECTION.

19 ==
20 (b) IN SELECTING BOARDS OF COOPERATIVE SERVICES TO RECEIVE
21 GRANTS FROM THE PROGRAM AND IN DETERMINING THE AMOUNT OF THE
22 GRANT TO BE AWARDED TO EACH RECIPIENT BOARD OF COOPERATIVE
23 SERVICES, THE COMMISSIONER OF EDUCATION OR HIS OR HER DESIGNEE
24 SHALL USE THE CRITERIA AND PROCEDURES ESTABLISHED BY RULES
25 PROMULGATED BY THE STATE BOARD PURSUANT TO SUBSECTION (7) OF
26 THIS SECTION.

27 (c) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (II) OF

1 PARAGRAPH (a) OF SUBSECTION (1) AND SUBPARAGRAPH (II) OF
2 PARAGRAPH (a) OF THIS SUBSECTION (3), THE NUTRITIONAL
3 REQUIREMENTS DESCRIBED IN SAID PROVISIONS SHALL NOT APPLY TO
4 FRUIT WITH NO ADDED SWEETENERS, NUTS, NUT BUTTERS WITH NO ADDED
5 SWEETENERS, SEEDS, LOW-FAT CHEESE WITH NO ADDED SWEETENERS, OR
6 EGGS.

7 (4) **Permissible uses of grant moneys.** (a) EXCEPT AS PROVIDED
8 IN PARAGRAPH (b) OF THIS SUBSECTION (4), A BOARD OF COOPERATIVE
9 SERVICES THAT RECEIVES A GRANT FROM THE PROGRAM SHALL USE ALL
10 THE GRANT MONEYS TO FACILITATE ITS OPERATIONS AS A SCHOOL FOOD
11 AUTHORITY, WHICH OPERATIONS INCLUDE, BUT ARE NOT LIMITED TO,
12 ADMINISTRATIVE FUNCTIONS RELATING TO ITS OPERATIONS AS A SCHOOL
13 FOOD AUTHORITY.

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

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

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

25 (II) ANY OTHER MONEYS THAT THE DEPARTMENT OF EDUCATION
26 MAY ALLOCATE TO THE FUND PURSUANT TO PARAGRAPH (e) OF THIS
27 SUBSECTION (5).

1 (b) THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL
2 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF
3 EDUCATION FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE
4 IMPLEMENTATION OF THE PROGRAM PURSUANT TO THE PROVISIONS OF THIS
5 SECTION; EXCEPT THAT ANY FEDERAL MONEYS ALLOCATED TO THE FUND
6 PURSUANT TO PARAGRAPH (e) OF THIS SUBSECTION (5) SHALL NOT BE
7 SUBJECT TO APPROPRIATION. OF THE MONEYS ANNUALLY APPROPRIATED
8 FROM THE FUND, THE DEPARTMENT OF EDUCATION MAY EXPEND NO MORE
9 THAN TEN PERCENT TO OFFSET THE DIRECT AND INDIRECT COSTS INCURRED
10 BY THE DEPARTMENT IN IMPLEMENTING THE PROGRAM PURSUANT TO THIS
11 SECTION.

12 (c) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES
13 OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS
14 PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE
15 INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED
16 TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS
17 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN
18 THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE
19 GENERAL FUND OR ANOTHER FUND; EXCEPT THAT ALL UNEXPENDED AND
20 UNENCUMBERED MONEYS REMAINING IN THE FUND AS OF JUNE 30, 2015,
21 SHALL BE TRANSFERRED TO THE GENERAL FUND.

22 (d) THE DEPARTMENT OF EDUCATION IS AUTHORIZED TO SEEK AND
23 ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES
24 FOR THE PURPOSES OF THIS SECTION; EXCEPT THAT THE DEPARTMENT
25 SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION IF IT IS SUBJECT TO
26 CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER
27 LAW OF THE STATE. THE DEPARTMENT SHALL TRANSMIT ALL PRIVATE AND

1 PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO
2 THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.
3 NOTHING IN THIS SECTION SHALL BE INTERPRETED AS REQUIRING THE
4 DEPARTMENT TO SOLICIT FUNDING FOR THE PROGRAM.

5 (e) TO THE EXTENT PERMITTED BY LAW, THE DEPARTMENT OF
6 EDUCATION MAY, AT ITS DISCRETION, ALLOCATE OTHER MONEYS TO FUND
7 THE PROGRAM.

8 (6) **Reports.** (a) NOT LATER THAN JANUARY 1, 2015, THE
9 DEPARTMENT OF EDUCATION SHALL PREPARE AND SUBMIT TO THE
10 EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
11 SENATE, OR ANY SUCCESSOR COMMITTEES, A REPORT THAT DESCRIBES THE
12 ACTIVITIES CARRIED OUT UNDER THIS SECTION AND EVALUATES THE
13 EFFECTIVENESS OF THE PROGRAM.

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

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

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

21 (III) INFORMATION DEMONSTRATING THE DEPARTMENT'S
22 COMPLIANCE WITH THE PROVISIONS OF THIS SECTION AND ANY RULES
23 PROMULGATED BY THE STATE BOARD PURSUANT TO SUBSECTION (7) OF
24 THIS SECTION; AND

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

27 (7) **Rules.** THE STATE BOARD SHALL PROMULGATE RULES

1 PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE
2 4 OF TITLE 24, C.R.S., ESTABLISHING POLICIES AND PROCEDURES FOR THE
3 ADMINISTRATION OF THE PROGRAM, INCLUDING BUT NOT LIMITED TO:

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

6 (b) MINIMUM REQUIREMENTS FOR THE STANDARD APPLICATION
7 FORM DEVELOPED BY THE DEPARTMENT OF EDUCATION PURSUANT TO
8 PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION. AT A MINIMUM,
9 EACH APPLICATION SUBMITTED TO THE DEPARTMENT BY A BOARD OF
10 COOPERATIVE SERVICES SHALL INCLUDE:

11 (I) INFORMATION THAT IS SUFFICIENT TO DEMONSTRATE THAT THE
12 BOARD OF COOPERATIVE SERVICES IS OPERATING AS A SCHOOL FOOD
13 AUTHORITY;

14 (II) A WRITTEN CONFIRMATION FROM THE CHIEF ADMINISTRATOR
15 OF THE BOARD OF COOPERATIVE SERVICES THAT THE BOARD OF
16 COOPERATIVE SERVICES IS PROCURING AND DISTRIBUTING TO SCHOOLS OF
17 ITS CONSTITUENT SCHOOL DISTRICTS ONLY FOOD AND BEVERAGES THAT
18 SATISFY NUTRITIONAL STANDARDS ESTABLISHED BY THE UNITED STATES
19 DEPARTMENT OF AGRICULTURE; AND

20 (III) A PROPOSAL INDICATING HOW THE BOARD OF COOPERATIVE
21 SERVICES PLANS TO USE GRANT MONEYS AWARDED UNDER THE PROGRAM.
22 THE PROPOSAL SHALL ENSURE THAT THE ENTIRE AMOUNT OF THE GRANT
23 MONEYS AWARDED UNDER THE PROGRAM SHALL BE USED FOR THE
24 PURPOSES DESCRIBED IN SUBSECTION (4) OF THIS SECTION.

25 (c) CRITERIA AND PROCEDURES FOR THE COMMISSIONER OF
26 EDUCATION OR HIS OR HER DESIGNEE TO USE IN SELECTING BOARDS OF
27 COOPERATIVE SERVICES TO RECEIVE GRANTS UNDER THE PROGRAM AND

1 IN DETERMINING THE AMOUNT OF THE GRANT TO BE AWARDED TO EACH
2 RECIPIENT BOARD OF COOPERATIVE SERVICES.

3 (d) FOR THE PURPOSES OF SUBPARAGRAPH (II) OF PARAGRAPH (a)
4 OF SUBSECTION (1) OF THIS SECTION AND SUBPARAGRAPH (II) OF
5 PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION, THE IDENTIFICATION
6 OF A RESEARCH INSTITUTION NOT LESS THAN FORTY YEARS OLD THAT
7 EXAMINES POLICY MATTERS PERTAINING TO THE HEALTH OF THE PUBLIC
8 AND IS CHARTERED BY THE UNITED STATES CONGRESS TO ADVISE THE
9 FEDERAL GOVERNMENT REGARDING SCIENTIFIC AND TECHNICAL MATTERS.

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

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

14 **22-5-118. Implementation and financing of regional education**
15 **and support services - plan - annual report.** (3) (b) Each plan shall
16 include but is not limited to measures concerning:

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

20 (VI.5) AGREEMENTS PERTAINING TO THE BOARD'S OPERATIONS, IF
21 ANY, AS A SCHOOL FOOD AUTHORITY, PURSUANT TO SECTION 22-5-120;
22 AND

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

26 **22-30.5-103. Definitions.** As used in this part 1, unless the
27 context otherwise requires:

1 (6.7) "School food authority" 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 4.** 22-30.5-502 (10.5) (a), Colorado Revised Statutes,
7 is amended, and the said 22-30.5-502 (10.5) is further amended BY THE
8 ADDITION OF A NEW PARAGRAPH, to read:

9 **22-30.5-502. Definitions.** As used in this part 5, unless the
10 context otherwise requires:

11 (10.5) "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 5.** 22-32-120 (8) (a), Colorado Revised Statutes, is
17 amended, and the said 22-32-120 (8) is further amended BY THE
18 ADDITION OF A NEW PARAGRAPH, to read:

19 **22-32-120. Food services - facilities - school food authorities -**
20 **rules - repeal.** (8) As used in this section, "school food authority"
21 means:

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

23 (a.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 6.** 22-54-123 (2) (a), Colorado Revised Statutes, is
27 amended, and the said 22-54-123 (2) is further amended BY THE

1 ADDITION OF A NEW PARAGRAPH, to read:

2 **22-54-123. National school lunch act - appropriation of state**
3 **matching funds.** (2) As used in this section, unless the context
4 otherwise requires, "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 7.** 22-54-123.5 (2) (b) (I), Colorado Revised Statutes,
10 is amended, and the said 22-54-123.5 (2) (b) is further amended BY THE
11 ADDITION OF A NEW SUBPARAGRAPH, to read:

12 **22-54-123.5. School breakfast program - appropriation -**
13 **low-performing schools.** (2) As used in this section:

14 (b) "School food authority" means:

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

16 (I.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 8.** 22-82.7-102 (5) (a), Colorado Revised Statutes, is
20 amended, and the said 22-82.7-102 (5) is further amended BY THE
21 ADDITION OF A NEW PARAGRAPH, to read:

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

24 (5) "School food authority" means:

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

26 (a.5) A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO
27 ARTICLE 5 OF THIS TITLE THAT ELECTS TO OPERATE AS A SCHOOL FOOD

1 AUTHORITY PURSUANT TO SECTION 22-5-120; OR

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

5 **22-82.9-103. Definitions.** As used in this article, unless the
6 context otherwise requires:

7 (2.5) "School food authority" means:

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

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

12 **SECTION 10. Act subject to petition - effective date.** This act
13 shall take effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part shall not take effect
19 unless approved by the people at the general election to be held in
20 November 2010 and shall take effect on the date of the official
21 declaration of the vote thereon by the governor.