

**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

SENATE BILL 09-033

BY SENATOR(S) Sandoval, Bacon, Boyd, Carroll M., Foster, Gibbs, Groff, Heath, Hudak, Isgar, Morse, Newell, Shaffer B., Tochtrop, Veiga, Williams;

also REPRESENTATIVE(S) Solano, Casso, Curry, Fischer, Green, Hullinghorst, Kefalas, Labuda, Looper, Merrifield, Middleton, Miklosi, Peniston, Primavera, Priola, Ryden, Todd.

CONCERNING EXPANDING THE LIST OF STUDENTS WHO QUALIFY TO RECEIVE A FREE LUNCH IN COLORADO TO INCLUDE CHILDREN IN PUBLIC SCHOOL EARLY CHILDHOOD EDUCATION PROGRAMS WHO ARE ELIGIBLE TO RECEIVE A REDUCED-COST LUNCH UNDER THE FEDERAL "NATIONAL SCHOOL LUNCH ACT".

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

**SECTION 1.** 22-82.9-104 (4) (a), Colorado Revised Statutes, is amended to read:

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

(a) Eliminate the reduced price paid by Colorado students WHO ARE

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

ENROLLED IN STATE-SUBSIDIZED EARLY CHILDHOOD EDUCATION PROGRAMS ADMINISTERED BY PUBLIC SCHOOLS OR in kindergarten through second grade AND who are participating in the school lunch program;

**SECTION 2.** 22-82.9-105 (1), Colorado Revised Statutes, is amended to read:

**22-82.9-105. Program funding - appropriation.** (1) The general assembly shall annually appropriate by separate line item in the annual general appropriation bill an amount of not less than eight hundred fifty thousand dollars and not more than one million five hundred thousand dollars to the department of education to allow school districts to provide lunches at no charge for children IN STATE-SUBSIDIZED EARLY CHILDHOOD EDUCATION PROGRAMS ADMINISTERED BY PUBLIC SCHOOLS OR in kindergarten through second grade, participating in the school lunch program, who would otherwise be required to pay a reduced price for lunch. The appropriation to the department of education for the program shall be in addition to any appropriation made by the general assembly pursuant to section 22-54-123 or 22-54-123.5 (1). The department may expend not more than two percent of the moneys annually appropriated for the program to offset the direct and indirect costs incurred by the department in implementing the program pursuant to this article.

**SECTION 3. Act subject to petition - effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 4, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item,

section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

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Peter C. Groff  
PRESIDENT OF  
THE SENATE

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Terrance D. Carroll  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Karen Goldman  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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Bill Ritter, Jr.  
GOVERNOR OF THE STATE OF COLORADO