
SECOND SUBSTITUTE SENATE BILL 6483

State of Washington

60th Legislature

2008 Regular Session

By Senate Ways & Means (originally sponsored by Senators Hatfield, Honeyford, Rasmussen, Haugen, Swecker, Tom, Morton, Rockefeller, Fraser, Hargrove, Keiser, Kohl-Welles, Brandland, Kilmer, Shin, McDermott, Kauffman, Murray, Hobbs, Kastama, Fairley, Pridemore, Regala, McAuliffe, Jacobsen, Kline, Brown, Franklin, Hewitt, Spanel, Parlette, Oemig, and Roach)

READ FIRST TIME 02/12/08.

1 AN ACT Relating to local food production; amending RCW 43.19.1906;
2 reenacting and amending RCW 43.19.1905 and 28A.335.190; adding a new
3 section to chapter 15.64 RCW; adding a new section to chapter 28A.235
4 RCW; adding a new section to chapter 43.41 RCW; adding a new section to
5 chapter 43.70 RCW; adding a new section to chapter 28A.320 RCW;
6 creating new sections; repealing RCW 43.19.706; and providing
7 expiration dates.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) The legislature
10 recognizes that the benefits of local food production include
11 stewardship of working agricultural lands; direct and indirect jobs in
12 agricultural production, food processing, tourism, and support
13 industries; energy conservation and greenhouse gas reductions; and
14 increased food security through access to locally grown foods.

15 (2) The legislature finds there is a direct correlation between
16 adequate nutrition and a child's development and school performance.
17 Children who are hungry or malnourished are at risk of lower
18 achievement in school.

1 (3) The legislature further finds that adequate nutrition is also
2 necessary for the physical health of adults, and that some communities
3 have limited access to healthful fruits and vegetables and quality meat
4 and dairy products, a lack of which may lead to high rates of diet-
5 related diseases.

6 (4) The legislature believes that expanding market opportunities
7 for Washington farmers will preserve and strengthen local food
8 production and increase the already significant contribution that
9 agriculture makes to the state and local economies.

10 (5) The legislature finds that the state's existing procurement
11 requirements and practices may inhibit the purchase of locally produced
12 food.

13 (6) The legislature intends that the local farms-healthy kids act
14 strengthen the connections between the state's agricultural industry
15 and the state's food procurement procedures in order to expand local
16 agricultural markets, improve the nutrition of children and other at-
17 risk consumers, and have a positive impact on the environment.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 15.64 RCW
19 to read as follows:

20 FARM-TO-SCHOOL PROGRAM. (1) A farm-to-school program is created
21 within the department to facilitate increased procurement of Washington
22 grown food by the common schools.

23 (2) The department, in consultation with the department of health,
24 the office of the superintendent of public instruction, the department
25 of general administration, and Washington State University, shall, in
26 order of priority:

27 (a) Identify and develop policies and procedures to implement and
28 evaluate the farm-to-school program, including coordinating with school
29 procurement officials, buying cooperatives, and other appropriate
30 organizations to develop uniform procurement procedures and materials,
31 and practical recommendations to facilitate the purchase of Washington
32 grown food by the common schools. These policies, procedures, and
33 recommendations shall be made available to school districts to adopt at
34 their discretion;

35 (b) Assist food producers, distributors, and food brokers to market
36 Washington grown food to schools by informing them of food procurement

1 opportunities, bid procedures, school purchasing criteria, and other
2 requirements;

3 (c) Assist school districts to connect with local producers by
4 informing them of the sources and availability of Washington grown food
5 as well as the nutritional, environmental, and economic benefits of
6 purchasing Washington grown food;

7 (d) Identify and recommend mechanisms that will increase the
8 predictability of sales for producers and the adequacy of supply for
9 purchasers;

10 (e) Identify and make available existing curricula, programs and
11 publications that educate students on the nutritional, environmental,
12 and economic benefits of preparing and consuming locally grown food;

13 (f) Support efforts to advance other farm-to-school connections
14 such as farmers markets on school grounds, school gardens, and farm
15 visits; and

16 (g) As resources allow, seek additional funds to leverage state
17 expenditures.

18 (3) To the extent that funds are appropriated for this purpose, the
19 center for sustaining agriculture and natural resources at Washington
20 State University shall research and prepare a report to recommend
21 options for improving the ability of producers to supply Washington
22 grown food to schools, as well as to state agencies and institutions of
23 higher education. The center shall work with the department, state
24 agencies, the office of the superintendent of public instruction,
25 commodity commissions, and other appropriate associations. The report
26 is due to the appropriate committees of the legislature by June 30,
27 2009.

28 (4) As used in this section, RCW 43.19.1905, 43.19.1906,
29 28A.335.190, and sections 3 and 11 of this act, "Washington grown"
30 means grown and packed or processed in Washington.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.235
32 RCW to read as follows:

33 WASHINGTON GROWN FRESH FRUIT AND VEGETABLE GRANTS. (1) The
34 Washington grown fresh fruit and vegetable grant program is created in
35 the office of the superintendent of public instruction. The purpose of
36 the program is to facilitate consumption of Washington grown nutritious

1 snacks in order to improve student health and expand the market for
2 locally grown fresh produce.

3 (2) For purposes of this section, "fresh fruit and vegetables"
4 includes perishable produce that is unprocessed, minimally processed,
5 frozen, dried, or otherwise prepared, stored, and handled to maintain
6 its fresh nature while providing convenience to the user. Producing
7 minimally processed food involves cleaning, washing, cutting, or
8 portioning.

9 (3) The program shall increase the number of school children with
10 access to Washington grown fresh fruits and vegetables and shall be
11 modeled after the United States department of agriculture fresh fruit
12 and vegetable program, as described in 42 U.S.C. Sec. 1769(g). Schools
13 receiving funds under the federal program are not eligible for grants
14 under the Washington grown fresh fruit and vegetable grant program.

15 (4)(a) To the extent that state funds are appropriated specifically
16 for this purpose, the office of the superintendent of public
17 instruction shall solicit applications, conduct a competitive process,
18 and make one or two-year grants to a mix of urban and rural schools to
19 enable eligible schools to provide free Washington grown fresh fruits
20 and vegetables throughout the school day.

21 (b) When evaluating applications and selecting grantees, the
22 superintendent of public instruction shall consider and prioritize the
23 following factors:

24 (i) The applicant's plan for ensuring the use of Washington grown
25 fruits and vegetables within the program;

26 (ii) The applicant's plan for incorporating nutrition, agricultural
27 stewardship education, and environmental education into the snack
28 program;

29 (iii) The applicant's plan for establishing partnerships with
30 state, local, and private entities to further the program's objectives,
31 such as helping the school acquire, handle, store, and distribute
32 Washington grown fresh fruits and vegetables.

33 (5)(a) The office of the superintendent of public instruction shall
34 give funding priority to applicant schools with any of grades
35 kindergarten through eight that: Participate in the national school
36 lunch program and have fifty percent or more of their students eligible
37 for free or reduced price meals under the federal national school lunch
38 act, 42 U.S.C. Sec. 1751 et seq.

1 (b) If any funds remain after all eligible priority applicant
2 schools have been awarded grants, the office of the superintendent of
3 public instruction may award grants to applicant schools having less
4 than fifty percent of the students eligible for free or reduced price
5 meals.

6 (6) The office of the superintendent of public instruction may
7 adopt rules to carry out the grant program.

8 (7) With assistance from the Washington department of agriculture,
9 the office of the superintendent of public instruction shall develop
10 and track specific, quantifiable outcome measures of the grant program
11 such as the number of students served by the program, the dollar value
12 of purchases of Washington grown fruits and vegetables resulting from
13 the program, and development of state, local, and private partnerships
14 that extend beyond the cafeteria.

15 (8) As used in this section, "Washington grown" has the definition
16 in section 2 of this act.

17 **Sec. 4.** RCW 43.19.1905 and 2002 c 299 s 5 and 2002 c 285 s 1 are
18 each reenacted and amended to read as follows:

19 (1) The director of general administration shall establish overall
20 state policy for compliance by all state agencies, including
21 educational institutions, regarding the following purchasing and
22 material control functions:

23 ~~((1))~~ (a) Development of a state commodity coding system,
24 including common stock numbers for items maintained in stores for
25 reissue;

26 ~~((2))~~ (b) Determination where consolidations, closures, or
27 additions of stores operated by state agencies and educational
28 institutions should be initiated;

29 ~~((3))~~ (c) Institution of standard criteria for determination of
30 when and where an item in the state supply system should be stocked;

31 ~~((4))~~ (d) Establishment of stock levels to be maintained in state
32 stores, and formulation of standards for replenishment of stock;

33 ~~((5))~~ (e) Formulation of an overall distribution and
34 redistribution system for stock items which establishes sources of
35 supply support for all agencies, including interagency supply support;

36 ~~((6))~~ (f) Determination of what function data processing

1 equipment, including remote terminals, shall perform in statewide
2 purchasing and material control for improvement of service and
3 promotion of economy;

4 ~~((7))~~ (g) Standardization of records and forms used statewide for
5 supply system activities involving purchasing, receiving, inspecting,
6 storing, requisitioning, and issuing functions, including a standard
7 notification form for state agencies to report cost-effective direct
8 purchases, which shall at least identify the price of the goods as
9 available through the division of purchasing, the price of the goods as
10 available from the alternative source, the total savings, and the
11 signature of the notifying agency's director or the director's
12 designee;

13 ~~((8))~~ (h) Screening of supplies, material, and equipment excess
14 to the requirements of one agency for overall state need before sale as
15 surplus;

16 ~~((9))~~ (i) Establishment of warehouse operation and storage
17 standards to achieve uniform, effective, and economical stores
18 operations;

19 ~~((10))~~ (j) Establishment of time limit standards for the issuing
20 of material in store and for processing requisitions requiring
21 purchase;

22 ~~((11))~~ (k) Formulation of criteria for determining when
23 centralized rather than decentralized purchasing shall be used to
24 obtain maximum benefit of volume buying of identical or similar items,
25 including procurement from federal supply sources;

26 ~~((12))~~ (l) Development of criteria for use of leased, rather than
27 state owned, warehouse space based on relative cost and accessibility;

28 ~~((13))~~ (m) Institution of standard criteria for purchase and
29 placement of state furnished materials, carpeting, furniture, fixtures,
30 and nonfixed equipment, in newly constructed or renovated state
31 buildings;

32 ~~((14))~~ (n) Determination of how transportation costs incurred by
33 the state for materials, supplies, services, and equipment can be
34 reduced by improved freight and traffic coordination and control;

35 ~~((15))~~ (o) Establishment of a formal certification program for
36 state employees who are authorized to perform purchasing functions as
37 agents for the state under the provisions of chapter 43.19 RCW;

1 (~~(16)~~) (p) Development of performance measures for the reduction
2 of total overall expense for material, supplies, equipment, and
3 services used each biennium by the state;

4 (~~(17)~~) (q) Establishment of a standard system for all state
5 organizations to record and report dollar savings and cost avoidance
6 which are attributable to the establishment and implementation of
7 improved purchasing and material control procedures;

8 (~~(18)~~) (r) Development of procedures for mutual and voluntary
9 cooperation between state agencies, including educational institutions,
10 and political subdivisions for exchange of purchasing and material
11 control services;

12 (~~(19)~~) (s) Resolution of all other purchasing and material
13 matters which require the establishment of overall statewide policy for
14 effective and economical supply management;

15 (~~(20)~~) (t) Development of guidelines and criteria for the
16 purchase of vehicles, high gas mileage vehicles, alternate vehicle
17 fuels and systems, equipment, and materials that reduce overall energy-
18 related costs and energy use by the state, including investigations
19 into all opportunities to aggregate the purchasing of clean
20 technologies by state and local governments, and including the
21 requirement that new passenger vehicles purchased by the state meet the
22 minimum standards for passenger automobile fuel economy established by
23 the United States secretary of transportation pursuant to the energy
24 policy and conservation act (15 U.S.C. Sec. 2002);

25 (~~(21)~~) (u) Development of goals for state use of recycled or
26 environmentally preferable products through specifications for products
27 and services, processes for requests for proposals and requests for
28 qualifications, contractor selection, and contract negotiations;

29 (v) Development of food procurement procedures and materials that
30 encourage and facilitate the purchase of Washington grown food by state
31 agencies and institutions to the maximum extent practicable and
32 consistent with international trade agreement commitments; and

33 (w) Development of policies requiring all food contracts to include
34 a plan to maximize to the extent practicable and consistent with
35 international trade agreement commitments the availability of
36 Washington grown food purchased through the contract.

37 (2) As used in this section, "Washington grown" has the definition
38 in section 2 of this act.

1 **Sec. 5.** RCW 43.19.1906 and 2006 c 363 s 1 are each amended to read
2 as follows:

3 Insofar as practicable, all purchases and sales shall be based on
4 competitive bids, and a formal sealed, electronic, or web-based bid
5 procedure, subject to RCW 43.19.1911, shall be used as standard
6 procedure for all purchases and contracts for purchases and sales
7 executed by the state purchasing and material control director and
8 under the powers granted by RCW 43.19.190 through 43.19.1939. This
9 requirement also applies to purchases and contracts for purchases and
10 sales executed by agencies, including educational institutions, under
11 delegated authority granted in accordance with provisions of RCW
12 43.19.190 or under RCW 28B.10.029. However, formal sealed, electronic,
13 or web-based competitive bidding is not necessary for:

14 (1) Emergency purchases made pursuant to RCW 43.19.200 if the
15 sealed bidding procedure would prevent or hinder the emergency from
16 being met appropriately;

17 (2) Purchases not exceeding thirty-five thousand dollars, or
18 subsequent limits as calculated by the office of financial management:
19 PROVIDED, That the state director of general administration shall
20 establish procedures to assure that purchases made by or on behalf of
21 the various state agencies shall not be made so as to avoid the thirty-
22 five thousand dollar bid limitation, or subsequent bid limitations as
23 calculated by the office of financial management: PROVIDED FURTHER,
24 That the state purchasing and material control director is authorized
25 to reduce the formal sealed bid limits of thirty-five thousand dollars,
26 or subsequent limits as calculated by the office of financial
27 management, to a lower dollar amount for purchases by individual state
28 agencies if considered necessary to maintain full disclosure of
29 competitive procurement or otherwise to achieve overall state
30 efficiency and economy in purchasing and material control. Quotations
31 from three thousand dollars to thirty-five thousand dollars, or
32 subsequent limits as calculated by the office of financial management,
33 shall be secured from at least three vendors to assure establishment of
34 a competitive price and may be obtained by telephone or written
35 quotations, or both. The agency shall invite at least one quotation
36 each from a certified minority and a certified women-owned vendor who
37 shall otherwise qualify to perform such work. Immediately after the
38 award is made, the bid quotations obtained shall be recorded and open

1 to public inspection and shall be available by telephone inquiry. A
2 record of competition for all such purchases from three thousand
3 dollars to thirty-five thousand dollars, or subsequent limits as
4 calculated by the office of financial management, shall be documented
5 for audit purposes. Purchases up to three thousand dollars may be made
6 without competitive bids based on buyer experience and knowledge of the
7 market in achieving maximum quality at minimum cost;

8 (3) Purchases which are clearly and legitimately limited to a
9 single source of supply and purchases involving special facilities,
10 services, or market conditions, in which instances the purchase price
11 may be best established by direct negotiation;

12 (4) Purchases of insurance and bonds by the risk management
13 division under RCW 43.41.310;

14 (5) Purchases and contracts for vocational rehabilitation clients
15 of the department of social and health services: PROVIDED, That this
16 exemption is effective only when the state purchasing and material
17 control director, after consultation with the director of the division
18 of vocational rehabilitation and appropriate department of social and
19 health services procurement personnel, declares that such purchases may
20 be best executed through direct negotiation with one or more suppliers
21 in order to expeditiously meet the special needs of the state's
22 vocational rehabilitation clients;

23 (6) Purchases by universities for hospital operation or biomedical
24 teaching or research purposes and by the state purchasing and material
25 control director, as the agent for state hospitals as defined in RCW
26 72.23.010, and for health care programs provided in state correctional
27 institutions as defined in RCW 72.65.010(3) and veterans' institutions
28 as defined in RCW 72.36.010 and 72.36.070, made by participating in
29 contracts for materials, supplies, and equipment entered into by
30 nonprofit cooperative hospital group purchasing organizations;

31 (7) Purchases for resale by institutions of higher education to
32 other than public agencies when such purchases are for the express
33 purpose of supporting instructional programs and may best be executed
34 through direct negotiation with one or more suppliers in order to meet
35 the special needs of the institution;

36 (8) Purchases by institutions of higher education not exceeding
37 thirty-five thousand dollars: PROVIDED, That for purchases between
38 three thousand dollars and thirty-five thousand dollars quotations

1 shall be secured from at least three vendors to assure establishment of
2 a competitive price and may be obtained by telephone or written
3 quotations, or both. For purchases between three thousand dollars and
4 thirty-five thousand dollars, each institution of higher education
5 shall invite at least one quotation each from a certified minority and
6 a certified women-owned vendor who shall otherwise qualify to perform
7 such work. A record of competition for all such purchases made from
8 three thousand to thirty-five thousand dollars shall be documented for
9 audit purposes; (~~and~~)

10 (9) Off-contract purchases of Washington grown food when such food
11 is not available from Washington sources through an existing contract.
12 However, Washington grown food purchased under this subsection must be
13 of an equivalent or better quality than similar food available through
14 the contract and be able to be paid from the agency's existing budget.
15 This requirement also applies to purchases and contracts for purchases
16 executed by state agencies, including institutions of higher education,
17 under delegated authority granted in accordance with RCW 43.19.190 or
18 under RCW 28B.10.029; and

19 (10) Negotiation of a contract by the department of transportation,
20 valid until June 30, 2001, with registered tow truck operators to
21 provide roving service patrols in one or more Washington state patrol
22 tow zones whereby those registered tow truck operators wishing to
23 participate would cooperatively, with the department of transportation,
24 develop a demonstration project upon terms and conditions negotiated by
25 the parties.

26 Beginning on July 1, 1995, and on July 1st of each succeeding odd-
27 numbered year, the dollar limits specified in this section shall be
28 adjusted as follows: The office of financial management shall
29 calculate such limits by adjusting the previous biennium's limits by
30 the appropriate federal inflationary index reflecting the rate of
31 inflation for the previous biennium. Such amounts shall be rounded to
32 the nearest one hundred dollars. However, the three thousand dollar
33 figure in subsections (2) and (8) of this section may not be adjusted
34 to exceed five thousand dollars.

35 As used in this section, "Washington grown" has the definition in
36 section 2 of this act.

1 **Sec. 6.** RCW 28A.335.190 and 2005 c 346 s 2 and 2005 c 286 s 1 are
2 each reenacted and amended to read as follows:

3 (1) When, in the opinion of the board of directors of any school
4 district, the cost of any furniture, supplies, equipment, building,
5 improvements, or repairs, or other work or purchases, except books,
6 will equal or exceed the sum of fifty thousand dollars, complete plans
7 and specifications for such work or purchases shall be prepared and
8 notice by publication given in at least one newspaper of general
9 circulation within the district, once each week for two consecutive
10 weeks, of the intention to receive bids and that specifications and
11 other information may be examined at the office of the board or any
12 other officially designated location: PROVIDED, That the board without
13 giving such notice may make improvements or repairs to the property of
14 the district through the shop and repair department of such district
15 when the total of such improvements or repair does not exceed the sum
16 of forty thousand dollars. The cost of any public work, improvement or
17 repair for the purposes of this section shall be the aggregate of all
18 amounts to be paid for labor, material, and equipment on one continuous
19 or interrelated project where work is to be performed simultaneously or
20 in close sequence. The bids shall be in writing and shall be opened
21 and read in public on the date and in the place named in the notice and
22 after being opened shall be filed for public inspection.

23 (2) Every purchase of furniture, equipment or supplies, except
24 books, the cost of which is estimated to be in excess of forty thousand
25 dollars, shall be on a competitive basis. The board of directors shall
26 establish a procedure for securing telephone and/or written quotations
27 for such purchases. Whenever the estimated cost is from forty thousand
28 dollars up to seventy-five thousand dollars, the procedure shall
29 require quotations from at least three different sources to be obtained
30 in writing or by telephone, and recorded for public perusal. Whenever
31 the estimated cost is in excess of seventy-five thousand dollars, the
32 public bidding process provided in subsection (1) of this section shall
33 be followed.

34 (3) Any school district may purchase goods produced or provided in
35 whole or in part from class II inmate work programs operated by the
36 department of corrections pursuant to RCW 72.09.100, including but not
37 limited to furniture, equipment, or supplies. School districts are
38 encouraged to set as a target to contract, beginning after June 30,

1 2006, to purchase up to one percent of the total goods required by the
2 school districts each year, goods produced or provided in whole or in
3 part from class II inmate work programs operated by the department of
4 corrections.

5 (4) Every building, improvement, repair or other public works
6 project, the cost of which is estimated to be in excess of forty
7 thousand dollars, shall be on a competitive bid process. Whenever the
8 estimated cost of a public works project is one hundred thousand
9 dollars or more, the public bidding process provided in subsection (1)
10 of this section shall be followed unless the contract is let using the
11 small works roster process in RCW 39.04.155 or under any other
12 procedure authorized for school districts. One or more school
13 districts may authorize an educational service district to establish
14 and operate a small works roster for the school district under the
15 provisions of RCW 39.04.155.

16 (5) The contract for the work or purchase shall be awarded to the
17 lowest responsible bidder as defined in RCW 43.19.1911 but the board
18 may by resolution reject any and all bids and make further calls for
19 bids in the same manner as the original call. On any work or purchase
20 the board shall provide bidding information to any qualified bidder or
21 the bidder's agent, requesting it in person.

22 (6) In the event of any emergency when the public interest or
23 property of the district would suffer material injury or damage by
24 delay, upon resolution of the board declaring the existence of such an
25 emergency and reciting the facts constituting the same, the board may
26 waive the requirements of this section with reference to any purchase
27 or contract: PROVIDED, That an "emergency", for the purposes of this
28 section, means a condition likely to result in immediate physical
29 injury to persons or to property of the school district in the absence
30 of prompt remedial action.

31 (7) This section does not apply to the direct purchase of school
32 buses by school districts and educational services in accordance with
33 RCW 28A.160.195.

34 (8) This section does not apply to the purchase of Washington grown
35 food.

36 (9) At the discretion of the board, a school district may develop
37 and implement policies and procedures to facilitate and maximize to the

1 extent practicable, purchases of Washington grown food; such policies
2 and procedures may include, but are not limited to, local preferences.

3 (10) As used in this section, "Washington grown" has the definition
4 in section 2 of this act.

5 NEW SECTION. Sec. 7. A new section is added to chapter 43.70 RCW
6 to read as follows:

7 The department shall adopt rules authorizing individual farms to
8 participate in either the women, infants, and children program, or the
9 women, infant, and children farmers market nutrition program, as
10 appropriate to provide locally grown, nutritious, unprepared fruits and
11 vegetables to eligible program participants. Such rules must meet the
12 provisions of 7 C.F.R. part 3016, uniform administrative requirements
13 for grants and cooperative agreements to state and local governments,
14 as it existed on the effective date of this section, or such subsequent
15 date as may be provided by the department by rule, consistent with the
16 purposes of this section.

17 NEW SECTION. Sec. 8. A new section is added to chapter 28A.320
18 RCW to read as follows:

19 School districts may operate school gardens or farms as appropriate
20 for the purpose of growing fruits and vegetables to be used for
21 educational purposes and, where appropriate, to be offered to students
22 through the district nutrition services meal and snack programs.

23 NEW SECTION. Sec. 9. FARMERS MARKET TECHNOLOGY IMPROVEMENT PILOT
24 PROGRAM. (1) If funds are provided for this specific purpose, the
25 Washington state farmers market technology improvement pilot program to
26 lend technological hardware to farmers markets is created in the
27 department of social and health services to assist farmers markets and
28 Washington farmers develop the capability to accept electronic payment
29 cards, including electronic benefits transfers. The purpose of this
30 program is to increase access to fresh fruits and vegetables and
31 quality meat and dairy for all Washington residents and to increase the
32 number of food stamp recipients using food stamp benefits through
33 electronic benefits transfer at farmers markets.

34 (2) The department shall work with farmers markets and appropriate
35 associations to determine criteria for participation in the pilot

1 program under subsection (1) of this section, ensuring that the program
2 serves a balance of rural and urban farmers markets. Criteria for
3 participation shall prioritize the following factors:

4 (a) The applicant farmers market's ability to complete required
5 paperwork and implement participation requirements;

6 (b) The applicant's location with regard to the number of residents
7 in the area who are using food stamps; and

8 (c) The applicant's ability to establish partnerships with local
9 public and private organizations to further local outreach and to
10 coordinate with existing programs through the department of social and
11 health services and the department of health.

12 (3) The joint legislative audit and review committee shall report
13 to the appropriate committees of the legislature by November 15, 2009,
14 on the outcomes of the program and make recommendations on whether to
15 continue the program.

16 (4) This section expires July 1, 2010.

17 NEW SECTION. **Sec. 10.** FARMERS TO FOOD BANKS PILOT PROGRAM. (1)
18 If funds are provided for this specific purpose, the farmers to food
19 banks pilot program is created. In implementing this program, the
20 department of community, trade, and economic development shall conduct
21 a request for proposals to select pilot site communities statewide.
22 Any nonprofit entity qualified under section 501(c)(3) of the internal
23 revenue code that is in the business of delivering social services may
24 submit a proposal. Pilot communities shall be selected based on, but
25 not limited to, the following criteria:

26 (a) The percentage of the population suffering from hunger and food
27 insecurity;

28 (b) The existence and success of the local emergency food system;

29 (c) The potential to engage and contract with local farmers; and

30 (d) The capacity to leverage private sector funding and in-kind
31 contributions.

32 (2) Funds shall be used in pilot communities for the food bank
33 system to contract with local farmers to provide fruits, vegetables,
34 dairy, and meat products for distribution to low-income people at local
35 designated food banks.

36 (3) The joint legislative audit and review committee shall report

1 to the appropriate committees of the legislature by November 15, 2009,
2 on the outcomes of the program and make recommendations on whether to
3 continue the program.

4 (4) This section expires July 1, 2010.

5 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.41 RCW
6 to read as follows:

7 TRACKING. (1) Beginning with the 2009 fiscal year, the office of
8 financial management shall work with the department of general
9 administration, the department of agriculture, and the office of the
10 superintendent of public instruction to develop measures for reporting
11 on changes and trends in the purchasing of Washington grown food by
12 state agencies, institutions of higher education, and schools, and
13 provide a report biennially to the appropriate committees of the
14 legislature.

15 (2) As used in this section, "Washington grown" has the definition
16 in section 2 of this act.

17 NEW SECTION. **Sec. 12.** RCW 43.19.706 (Purchase of Washington
18 agricultural products--Report to the legislature) and 2002 c 166 s 2
19 are each repealed.

20 NEW SECTION. **Sec. 13.** This act may be known and cited as the
21 local farms-healthy kids act.

22 NEW SECTION. **Sec. 14.** Captions used in this act are not any part
23 of the law.

24 NEW SECTION. **Sec. 15.** If any part of this act is found to be in
25 conflict with federal requirements that are a prescribed condition to
26 the allocation of federal funds to the state, the conflicting part of
27 this act is inoperative solely to the extent of the conflict and with
28 respect to the agencies directly affected, and this finding does not
29 affect the operation of the remainder of this act in its application to
30 the agencies concerned. Rules adopted under this act must meet federal
31 requirements that are a necessary condition to the receipt of federal

1 funds by the state.

--- END ---