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**SUBSTITUTE HOUSE BILL 2798**

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**State of Washington**

**60th Legislature**

**2008 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives Pettigrew, Hinkle, Kenney, Springer, Blake, Priest, Hunt, Linville, Newhouse, Kretz, Dunshee, Green, Hudgins, Campbell, Ericks, Walsh, McCune, Quall, Goodman, Hurst, Sequist, Hunter, Anderson, Hasegawa, Cody, Williams, Dickerson, Kagi, Roberts, Takko, Morrell, McIntire, Schual-Berke, Nelson, Rolfes, Loomis, Lias, Simpson, VanDeWege, McCoy, Warnick, Pedersen, Lantz, Appleton, Upthegrove, Sells, Conway, Sullivan, Santos, Moeller, and Ormsby)

READ FIRST TIME 02/04/08.

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 43.07 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 healthy 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 1<sup>st</sup> 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 43.07 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.

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