

2SSB 6483 - H COMM AMD

By Committee on Agriculture & Natural Resources

ADOPTED 03/04/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) The legislature
4 recognizes that the benefits of local food production include
5 stewardship of working agricultural lands; direct and indirect jobs in
6 agricultural production, food processing, tourism, and support
7 industries; energy conservation and greenhouse gas reductions; and
8 increased food security through access to locally grown foods.

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

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

18 (4) The legislature believes that expanding market opportunities
19 for Washington farmers will preserve and strengthen local food
20 production and increase the already significant contribution that
21 agriculture makes to the state and local economies.

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

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

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

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

6 (2) The department, in consultation with the department of health,
7 the office of the superintendent of public instruction, the department
8 of general administration, and Washington State University, shall, in
9 order of priority:

10 (a) Identify and develop policies and procedures to implement and
11 evaluate the farm-to-school program, including coordinating with school
12 procurement officials, buying cooperatives, and other appropriate
13 organizations to develop uniform procurement procedures and materials,
14 and practical recommendations to facilitate the purchase of Washington
15 grown food by the common schools. These policies, procedures, and
16 recommendations shall be made available to school districts to adopt at
17 their discretion;

18 (b) Assist food producers, distributors, and food brokers to market
19 Washington grown food to schools by informing them of food procurement
20 opportunities, bid procedures, school purchasing criteria, and other
21 requirements;

22 (c) Assist schools in connecting with local producers by informing
23 them of the sources and availability of Washington grown food as well
24 as the nutritional, environmental, and economic benefits of purchasing
25 Washington grown food;

26 (d) Identify and recommend mechanisms that will increase the
27 predictability of sales for producers and the adequacy of supply for
28 purchasers;

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

32 (f) Support efforts to advance other farm-to-school connections
33 such as farmers markets on school grounds, school gardens, and farm
34 visits; and

35 (g) As resources allow, seek additional funds to leverage state
36 expenditures.

37 (3) The department in cooperation with the office of the
38 superintendent of public instruction shall collect data on the

1 activities conducted pursuant to this act and communicate such data
2 biennially to the appropriate committees of the legislature beginning
3 November 15, 2009. Data collected may include the numbers of schools
4 and farms participating and any increases in the procurement of
5 Washington grown food by the common schools.

6 (4) As used in this section, RCW 43.19.1905, 43.19.1906,
7 28A.335.190, and section 3 of this act, "Washington grown" means grown
8 and packed or processed in Washington.

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

11 WASHINGTON GROWN FRESH FRUIT AND VEGETABLE GRANTS. (1) The
12 Washington grown fresh fruit and vegetable grant program is created in
13 the office of the superintendent of public instruction. The purpose of
14 the program is to facilitate consumption of Washington grown nutritious
15 snacks in order to improve student health and expand the market for
16 locally grown fresh produce.

17 (2) For purposes of this section, "fresh fruit and vegetables"
18 includes perishable produce that is unprocessed, minimally processed,
19 frozen, dried, or otherwise prepared, stored, and handled to maintain
20 its fresh nature while providing convenience to the user. Producing
21 minimally processed food involves cleaning, washing, cutting, or
22 portioning.

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

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

35 (b) When evaluating applications and selecting grantees, the
36 superintendent of public instruction shall consider and prioritize the
37 following factors:

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

3 (ii) The applicant's plan for incorporating nutrition, agricultural
4 stewardship education, and environmental education into the snack
5 program;

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

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

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

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

23 (7) With assistance from the Washington department of agriculture,
24 the office of the superintendent of public instruction shall develop
25 and track specific, quantifiable outcome measures of the grant program
26 such as the number of students served by the program, the dollar value
27 of purchases of Washington grown fruits and vegetables resulting from
28 the program, and development of state, local, and private partnerships
29 that extend beyond the cafeteria.

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

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

34 (1) The director of general administration shall establish overall
35 state policy for compliance by all state agencies, including
36 educational institutions, regarding the following purchasing and
37 material control functions:

- 1 ~~((1))~~ (a) Development of a state commodity coding system,
2 including common stock numbers for items maintained in stores for
3 reissue;
- 4 ~~((2))~~ (b) Determination where consolidations, closures, or
5 additions of stores operated by state agencies and educational
6 institutions should be initiated;
- 7 ~~((3))~~ (c) Institution of standard criteria for determination of
8 when and where an item in the state supply system should be stocked;
- 9 ~~((4))~~ (d) Establishment of stock levels to be maintained in state
10 stores, and formulation of standards for replenishment of stock;
- 11 ~~((5))~~ (e) Formulation of an overall distribution and
12 redistribution system for stock items which establishes sources of
13 supply support for all agencies, including interagency supply support;
- 14 ~~((6))~~ (f) Determination of what function data processing
15 equipment, including remote terminals, shall perform in statewide
16 purchasing and material control for improvement of service and
17 promotion of economy;
- 18 ~~((7))~~ (g) Standardization of records and forms used statewide for
19 supply system activities involving purchasing, receiving, inspecting,
20 storing, requisitioning, and issuing functions, including a standard
21 notification form for state agencies to report cost-effective direct
22 purchases, which shall at least identify the price of the goods as
23 available through the division of purchasing, the price of the goods as
24 available from the alternative source, the total savings, and the
25 signature of the notifying agency's director or the director's
26 designee;
- 27 ~~((8))~~ (h) Screening of supplies, material, and equipment excess
28 to the requirements of one agency for overall state need before sale as
29 surplus;
- 30 ~~((9))~~ (i) Establishment of warehouse operation and storage
31 standards to achieve uniform, effective, and economical stores
32 operations;
- 33 ~~((10))~~ (j) Establishment of time limit standards for the issuing
34 of material in store and for processing requisitions requiring
35 purchase;
- 36 ~~((11))~~ (k) Formulation of criteria for determining when
37 centralized rather than decentralized purchasing shall be used to

- 1 obtain maximum benefit of volume buying of identical or similar items,
2 including procurement from federal supply sources;
- 3 ~~((+12+))~~ (l) Development of criteria for use of leased, rather than
4 state owned, warehouse space based on relative cost and accessibility;
- 5 ~~((+13+))~~ (m) Institution of standard criteria for purchase and
6 placement of state furnished materials, carpeting, furniture, fixtures,
7 and nonfixed equipment, in newly constructed or renovated state
8 buildings;
- 9 ~~((+14+))~~ (n) Determination of how transportation costs incurred by
10 the state for materials, supplies, services, and equipment can be
11 reduced by improved freight and traffic coordination and control;
- 12 ~~((+15+))~~ (o) Establishment of a formal certification program for
13 state employees who are authorized to perform purchasing functions as
14 agents for the state under the provisions of chapter 43.19 RCW;
- 15 ~~((+16+))~~ (p) Development of performance measures for the reduction
16 of total overall expense for material, supplies, equipment, and
17 services used each biennium by the state;
- 18 ~~((+17+))~~ (q) Establishment of a standard system for all state
19 organizations to record and report dollar savings and cost avoidance
20 which are attributable to the establishment and implementation of
21 improved purchasing and material control procedures;
- 22 ~~((+18+))~~ (r) Development of procedures for mutual and voluntary
23 cooperation between state agencies, including educational institutions,
24 and political subdivisions for exchange of purchasing and material
25 control services;
- 26 ~~((+19+))~~ (s) Resolution of all other purchasing and material
27 matters which require the establishment of overall statewide policy for
28 effective and economical supply management;
- 29 ~~((+20+))~~ (t) Development of guidelines and criteria for the
30 purchase of vehicles, high gas mileage vehicles, alternate vehicle
31 fuels and systems, equipment, and materials that reduce overall energy-
32 related costs and energy use by the state, including investigations
33 into all opportunities to aggregate the purchasing of clean
34 technologies by state and local governments, and including the
35 requirement that new passenger vehicles purchased by the state meet the
36 minimum standards for passenger automobile fuel economy established by
37 the United States secretary of transportation pursuant to the energy
38 policy and conservation act (15 U.S.C. Sec. 2002);

1 (~~(+21+)~~) (u) Development of goals for state use of recycled or
2 environmentally preferable products through specifications for products
3 and services, processes for requests for proposals and requests for
4 qualifications, contractor selection, and contract negotiations;

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

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

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

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

17 Insofar as practicable, all purchases and sales shall be based on
18 competitive bids, and a formal sealed, electronic, or web-based bid
19 procedure, subject to RCW 43.19.1911, shall be used as standard
20 procedure for all purchases and contracts for purchases and sales
21 executed by the state purchasing and material control director and
22 under the powers granted by RCW 43.19.190 through 43.19.1939. This
23 requirement also applies to purchases and contracts for purchases and
24 sales executed by agencies, including educational institutions, under
25 delegated authority granted in accordance with provisions of RCW
26 43.19.190 or under RCW 28B.10.029. However, formal sealed, electronic,
27 or web-based competitive bidding is not necessary for:

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

31 (2) Purchases not exceeding thirty-five thousand dollars, or
32 subsequent limits as calculated by the office of financial management:
33 PROVIDED, That the state director of general administration shall
34 establish procedures to assure that purchases made by or on behalf of
35 the various state agencies shall not be made so as to avoid the thirty-
36 five thousand dollar bid limitation, or subsequent bid limitations as
37 calculated by the office of financial management: PROVIDED FURTHER,

1 That the state purchasing and material control director is authorized
2 to reduce the formal sealed bid limits of thirty-five thousand dollars,
3 or subsequent limits as calculated by the office of financial
4 management, to a lower dollar amount for purchases by individual state
5 agencies if considered necessary to maintain full disclosure of
6 competitive procurement or otherwise to achieve overall state
7 efficiency and economy in purchasing and material control. Quotations
8 from three thousand dollars to thirty-five thousand dollars, or
9 subsequent limits as calculated by the office of financial management,
10 shall be secured from at least three vendors to assure establishment of
11 a competitive price and may be obtained by telephone or written
12 quotations, or both. The agency shall invite at least one quotation
13 each from a certified minority and a certified women-owned vendor who
14 shall otherwise qualify to perform such work. Immediately after the
15 award is made, the bid quotations obtained shall be recorded and open
16 to public inspection and shall be available by telephone inquiry. A
17 record of competition for all such purchases from three thousand
18 dollars to thirty-five thousand dollars, or subsequent limits as
19 calculated by the office of financial management, shall be documented
20 for audit purposes. Purchases up to three thousand dollars may be made
21 without competitive bids based on buyer experience and knowledge of the
22 market in achieving maximum quality at minimum cost;

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

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

29 (5) Purchases and contracts for vocational rehabilitation clients
30 of the department of social and health services: PROVIDED, That this
31 exemption is effective only when the state purchasing and material
32 control director, after consultation with the director of the division
33 of vocational rehabilitation and appropriate department of social and
34 health services procurement personnel, declares that such purchases may
35 be best executed through direct negotiation with one or more suppliers
36 in order to expeditiously meet the special needs of the state's
37 vocational rehabilitation clients;

1 (6) Purchases by universities for hospital operation or biomedical
2 teaching or research purposes and by the state purchasing and material
3 control director, as the agent for state hospitals as defined in RCW
4 72.23.010, and for health care programs provided in state correctional
5 institutions as defined in RCW 72.65.010(3) and veterans' institutions
6 as defined in RCW 72.36.010 and 72.36.070, made by participating in
7 contracts for materials, supplies, and equipment entered into by
8 nonprofit cooperative hospital group purchasing organizations;

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

14 (8) Purchases by institutions of higher education not exceeding
15 thirty-five thousand dollars: PROVIDED, That for purchases between
16 three thousand dollars and thirty-five thousand dollars quotations
17 shall be secured from at least three vendors to assure establishment of
18 a competitive price and may be obtained by telephone or written
19 quotations, or both. For purchases between three thousand dollars and
20 thirty-five thousand dollars, each institution of higher education
21 shall invite at least one quotation each from a certified minority and
22 a certified women-owned vendor who shall otherwise qualify to perform
23 such work. A record of competition for all such purchases made from
24 three thousand to thirty-five thousand dollars shall be documented for
25 audit purposes; ((and))

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

35 (10) Negotiation of a contract by the department of transportation,
36 valid until June 30, 2001, with registered tow truck operators to
37 provide roving service patrols in one or more Washington state patrol
38 tow zones whereby those registered tow truck operators wishing to

1 participate would cooperatively, with the department of transportation,
2 develop a demonstration project upon terms and conditions negotiated by
3 the parties.

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

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

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

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

1 (2) Every purchase of furniture, equipment or supplies, except
2 books, the cost of which is estimated to be in excess of forty thousand
3 dollars, shall be on a competitive basis. The board of directors shall
4 establish a procedure for securing telephone and/or written quotations
5 for such purchases. Whenever the estimated cost is from forty thousand
6 dollars up to seventy-five thousand dollars, the procedure shall
7 require quotations from at least three different sources to be obtained
8 in writing or by telephone, and recorded for public perusal. Whenever
9 the estimated cost is in excess of seventy-five thousand dollars, the
10 public bidding process provided in subsection (1) of this section shall
11 be followed.

12 (3) Any school district may purchase goods produced or provided in
13 whole or in part from class II inmate work programs operated by the
14 department of corrections pursuant to RCW 72.09.100, including but not
15 limited to furniture, equipment, or supplies. School districts are
16 encouraged to set as a target to contract, beginning after June 30,
17 2006, to purchase up to one percent of the total goods required by the
18 school districts each year, goods produced or provided in whole or in
19 part from class II inmate work programs operated by the department of
20 corrections.

21 (4) Every building, improvement, repair or other public works
22 project, the cost of which is estimated to be in excess of forty
23 thousand dollars, shall be on a competitive bid process. Whenever the
24 estimated cost of a public works project is one hundred thousand
25 dollars or more, the public bidding process provided in subsection (1)
26 of this section shall be followed unless the contract is let using the
27 small works roster process in RCW 39.04.155 or under any other
28 procedure authorized for school districts. One or more school
29 districts may authorize an educational service district to establish
30 and operate a small works roster for the school district under the
31 provisions of RCW 39.04.155.

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

1 (6) In the event of any emergency when the public interest or
2 property of the district would suffer material injury or damage by
3 delay, upon resolution of the board declaring the existence of such an
4 emergency and reciting the facts constituting the same, the board may
5 waive the requirements of this section with reference to any purchase
6 or contract: PROVIDED, That an "emergency", for the purposes of this
7 section, means a condition likely to result in immediate physical
8 injury to persons or to property of the school district in the absence
9 of prompt remedial action.

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

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

15 (9) At the discretion of the board, a school district may develop
16 and implement policies and procedures to facilitate and maximize to the
17 extent practicable, purchases of Washington grown food; such policies
18 and procedures may include, but are not limited to, local preferences.

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

21 NEW SECTION. Sec. 7. A new section is added to chapter 28A.320
22 RCW to read as follows:

23 (1) School districts may operate school gardens or farms, as
24 appropriate, for the purpose of growing fruits and vegetables to be
25 used for educational purposes and, where appropriate, to be offered to
26 students through the district nutrition services meal and snack
27 programs. All such foods used in the district's meal and snack
28 programs shall meet appropriate safety standards.

29 (2) If a school operates a school garden or farm, students
30 representing various student organizations, including but not limited
31 to vocational programs such as the FFA and 4-H, shall be given the
32 opportunity to be involved in the operation of a school garden or farm.

33 (3) When school gardens or farms are used to educate students about
34 agricultural practices, students shall be afforded the opportunity to
35 learn about both organic and conventional growing methods.

1 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.70 RCW
2 to read as follows:

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

12 NEW SECTION. **Sec. 9.** FARMERS MARKET TECHNOLOGY IMPROVEMENT PILOT
13 PROGRAM. (1) If funds are provided for this specific purpose, the
14 Washington state farmers market technology improvement pilot program to
15 lend technological hardware to farmers markets is created in the
16 department of social and health services to assist farmers markets and
17 Washington farmers develop the capability to accept electronic payment
18 cards, including electronic benefits transfers. The purpose of this
19 program is to increase access to fresh fruits and vegetables and
20 quality meat and dairy for all Washington residents and to increase the
21 number of food stamp recipients using food stamp benefits through
22 electronic benefits transfer at farmers markets.

23 (2) The department shall work with farmers markets and appropriate
24 associations to ensure that the program serves a balance of rural and
25 urban farmers markets.

26 (3) The department shall collect data on the activities conducted
27 pursuant to this section and communicate biennially to the appropriate
28 committees of the legislature beginning on November 15, 2009. Data
29 collected may include information illustrating the demand for the
30 technology and numbers of people using the technology for electronic
31 benefits transfer.

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

33 NEW SECTION. **Sec. 10.** FARMERS TO FOOD BANKS PILOT PROGRAM. (1)
34 If funds are provided for this specific purpose, the farmers to food
35 banks pilot program is created. In implementing this program, the
36 department of community, trade, and economic development shall conduct

1 a request for proposals to select pilot site communities statewide.
2 Any nonprofit entity qualified under section 501(c)(3) of the internal
3 revenue code that is in the business of delivering social services may
4 submit a proposal. No more than five pilot communities shall be
5 selected based on the following:

6 (a) One pilot shall be designated in an urban area that has been
7 negatively impacted by a mass transit infrastructure program, is
8 ethnically diverse, and is located in a city with over five hundred
9 thousand residents;

10 (b) At least two pilots must be located east of the crest of the
11 Cascades; and

12 (c) At least one pilot must be in a rural county as defined in RCW
13 43.160.020.

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

18 (3) The department shall collect data on the activities conducted
19 pursuant to this section and communicate biennially to the appropriate
20 committees of the legislature beginning November 15, 2009. Data
21 collected may include information illustrating the demand and numbers
22 of people served.

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

24 NEW SECTION. **Sec. 11.** RCW 43.19.706 (Purchase of Washington
25 agricultural products--Report to the legislature) and 2002 c 166 s 2
26 are each repealed.

27 NEW SECTION. **Sec. 12.** This act may be known and cited as the
28 local farms-healthy kids act.

29 NEW SECTION. **Sec. 13.** Captions used in this act are not any part
30 of the law.

31 NEW SECTION. **Sec. 14.** If any part of this act is found to be in
32 conflict with federal requirements that are a prescribed condition to
33 the allocation of federal funds to the state, the conflicting part of
34 this act is inoperative solely to the extent of the conflict and with

1 respect to the agencies directly affected, and this finding does not
2 affect the operation of the remainder of this act in its application to
3 the agencies concerned. Rules adopted under this act must meet federal
4 requirements that are a necessary condition to the receipt of federal
5 funds by the state.

6 NEW SECTION. **Sec. 15.** If specific funding for the purposes of
7 this act, referencing this act by bill or chapter number, is not
8 provided by June 30, 2008, in the omnibus appropriations act, this act
9 is null and void."

10 Correct the title.

--- END ---