
SECOND SUBSTITUTE HOUSE BILL 2798

State of Washington

60th Legislature

2008 Regular Session

By House Appropriations (originally sponsored by Representatives Pettigrew, Hinkle, Kenney, Springer, Blake, Priest, Hunt, Linville, Newhouse, Kretz, Dunshee, Green, Hudgins, Campbell, Ericks, Walsh, McCune, Quall, Goodman, Hurst, Seaquist, 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 02/12/08.

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 28A.320 RCW; creating new
5 sections; repealing RCW 43.19.706; and providing expiration dates.

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

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

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

17 (3) The legislature further finds that adequate nutrition is also
18 necessary for the physical health of adults, and that some communities

1 have limited access to healthy fruits and vegetables and quality meat
2 and dairy products, a lack of which may lead to high rates of diet-
3 related diseases.

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

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

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

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

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

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

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

33 (b) Assist food producers, distributors, and food brokers to market
34 Washington grown food to schools by informing them of food procurement
35 opportunities, bid procedures, school purchasing criteria, and other
36 requirements;

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

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

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

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

14 (g) As resources allow, seek additional funds to leverage state
15 expenditures.

16 (3) The department in cooperation with the office of the
17 superintendent of public instruction shall collect data on the
18 activities conducted pursuant to this act and communicate such data
19 biennially to the appropriate committees of the legislature beginning
20 November 15, 2009. Data collected may include the numbers of schools
21 and farms participating and any increases in the procurement of
22 Washington grown food by the common schools.

23 (4) As used in this section, RCW 43.19.1905, 43.19.1906,
24 28A.335.190, and section 3 of this act, "Washington grown" means grown
25 and packed or processed in Washington.

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

28 WASHINGTON GROWN FRESH FRUIT AND VEGETABLE GRANTS. (1) The
29 Washington grown fresh fruit and vegetable grant program is created in
30 the office of the superintendent of public instruction. The purpose of
31 the program is to facilitate consumption of Washington grown nutritious
32 snacks in order to improve student health and expand the market for
33 locally grown fresh produce.

34 (2) For purposes of this section, "fresh fruit and vegetables"
35 includes perishable produce that is unprocessed, minimally processed,
36 frozen, dried, or otherwise prepared, stored, and handled to maintain

1 its fresh nature while providing convenience to the user. Producing
2 minimally processed food involves cleaning, washing, cutting, or
3 portioning.

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

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

16 (b) When evaluating applications and selecting grantees, the
17 superintendent of public instruction shall consider and prioritize the
18 following factors:

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

21 (ii) The applicant's plan for incorporating nutrition, agricultural
22 stewardship education, and environmental education into the snack
23 program;

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

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

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

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

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

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

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

14 (1) The director of general administration shall establish overall
15 state policy for compliance by all state agencies, including
16 educational institutions, regarding the following purchasing and
17 material control functions:

18 ~~((+1))~~ (a) Development of a state commodity coding system,
19 including common stock numbers for items maintained in stores for
20 reissue;

21 ~~((+2))~~ (b) Determination where consolidations, closures, or
22 additions of stores operated by state agencies and educational
23 institutions should be initiated;

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

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

28 ~~((+5))~~ (e) Formulation of an overall distribution and
29 redistribution system for stock items which establishes sources of
30 supply support for all agencies, including interagency supply support;

31 ~~((+6))~~ (f) Determination of what function data processing
32 equipment, including remote terminals, shall perform in statewide
33 purchasing and material control for improvement of service and
34 promotion of economy;

35 ~~((+7))~~ (g) Standardization of records and forms used statewide for
36 supply system activities involving purchasing, receiving, inspecting,
37 storing, requisitioning, and issuing functions, including a standard

1 notification form for state agencies to report cost-effective direct
2 purchases, which shall at least identify the price of the goods as
3 available through the division of purchasing, the price of the goods as
4 available from the alternative source, the total savings, and the
5 signature of the notifying agency's director or the director's
6 designee;

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

10 ~~((+9))~~ (i) Establishment of warehouse operation and storage
11 standards to achieve uniform, effective, and economical stores
12 operations;

13 ~~((+10))~~ (j) Establishment of time limit standards for the issuing
14 of material in store and for processing requisitions requiring
15 purchase;

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

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

22 ~~((+13))~~ (m) Institution of standard criteria for purchase and
23 placement of state furnished materials, carpeting, furniture, fixtures,
24 and nonfixed equipment, in newly constructed or renovated state
25 buildings;

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

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

32 ~~((+16))~~ (p) Development of performance measures for the reduction
33 of total overall expense for material, supplies, equipment, and
34 services used each biennium by the state;

35 ~~((+17))~~ (q) Establishment of a standard system for all state
36 organizations to record and report dollar savings and cost avoidance
37 which are attributable to the establishment and implementation of
38 improved purchasing and material control procedures;

1 ~~((18))~~ (r) Development of procedures for mutual and voluntary
2 cooperation between state agencies, including educational institutions,
3 and political subdivisions for exchange of purchasing and material
4 control services;

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

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

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

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

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

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

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

34 Insofar as practicable, all purchases and sales shall be based on
35 competitive bids, and a formal sealed, electronic, or web-based bid
36 procedure, subject to RCW 43.19.1911, shall be used as standard
37 procedure for all purchases and contracts for purchases and sales

1 executed by the state purchasing and material control director and
2 under the powers granted by RCW 43.19.190 through 43.19.1939. This
3 requirement also applies to purchases and contracts for purchases and
4 sales executed by agencies, including educational institutions, under
5 delegated authority granted in accordance with provisions of RCW
6 43.19.190 or under RCW 28B.10.029. However, formal sealed, electronic,
7 or web-based competitive bidding is not necessary for:

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

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

1 without competitive bids based on buyer experience and knowledge of the
2 market in achieving maximum quality at minimum cost;

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

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

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

18 (6) Purchases by universities for hospital operation or biomedical
19 teaching or research purposes and by the state purchasing and material
20 control director, as the agent for state hospitals as defined in RCW
21 72.23.010, and for health care programs provided in state correctional
22 institutions as defined in RCW 72.65.010(3) and veterans' institutions
23 as defined in RCW 72.36.010 and 72.36.070, made by participating in
24 contracts for materials, supplies, and equipment entered into by
25 nonprofit cooperative hospital group purchasing organizations;

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

31 (8) Purchases by institutions of higher education not exceeding
32 thirty-five thousand dollars: PROVIDED, That for purchases between
33 three thousand dollars and thirty-five thousand dollars quotations
34 shall be secured from at least three vendors to assure establishment of
35 a competitive price and may be obtained by telephone or written
36 quotations, or both. For purchases between three thousand dollars and
37 thirty-five thousand dollars, each institution of higher education
38 shall invite at least one quotation each from a certified minority and

1 a certified women-owned vendor who shall otherwise qualify to perform
2 such work. A record of competition for all such purchases made from
3 three thousand to thirty-five thousand dollars shall be documented for
4 audit purposes; (~~and~~)

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

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

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

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

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

34 (1) When, in the opinion of the board of directors of any school
35 district, the cost of any furniture, supplies, equipment, building,
36 improvements, or repairs, or other work or purchases, except books,
37 will equal or exceed the sum of fifty thousand dollars, complete plans

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

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

28 (3) Any school district may purchase goods produced or provided in
29 whole or in part from class II inmate work programs operated by the
30 department of corrections pursuant to RCW 72.09.100, including but not
31 limited to furniture, equipment, or supplies. School districts are
32 encouraged to set as a target to contract, beginning after June 30,
33 2006, to purchase up to one percent of the total goods required by the
34 school districts each year, goods produced or provided in whole or in
35 part from class II inmate work programs operated by the department of
36 corrections.

37 (4) Every building, improvement, repair or other public works
38 project, the cost of which is estimated to be in excess of forty

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

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

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

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

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

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

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

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

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

5 NEW SECTION. **Sec. 8.** FARMERS MARKET TECHNOLOGY IMPROVEMENT PILOT
6 PROGRAM. (1) If funds are provided for this specific purpose, the
7 Washington state farmers market technology improvement pilot program to
8 lend technological hardware to farmers markets is created in the
9 department of social and health services to assist farmers markets and
10 Washington farmers develop the capability to accept electronic payment
11 cards, including electronic benefits transfers. The purpose of this
12 program is to increase access to fresh fruits and vegetables and
13 quality meat and dairy for all Washington residents and to increase the
14 number of food stamp recipients using food stamp benefits through
15 electronic benefits transfer at farmers markets.

16 (2) The department shall work with farmers markets and appropriate
17 associations to determine criteria for participation in the pilot
18 program under subsection (1) of this section, ensuring that the program
19 serves a balance of rural and urban farmers markets. Criteria for
20 participation shall prioritize the following factors:

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

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

25 (c) The applicant's ability to establish partnerships with local
26 public and private organizations to further local outreach and to
27 coordinate with existing programs through the department of social and
28 health services and the department of health.

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

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

1 NEW SECTION. **Sec. 9.** FARMERS TO FOOD BANKS PILOT PROGRAM. (1) If
2 funds are provided for this specific purpose, the farmers to food banks
3 pilot program is created. In implementing this program, the department
4 of community, trade, and economic development shall conduct a request
5 for proposals to select pilot site communities statewide. Any
6 nonprofit entity qualified under section 501(c)(3) of the internal
7 revenue code that is in the business of delivering social services may
8 submit a proposal. Pilot communities shall be selected based on, but
9 not limited to, the following criteria:

10 (a) The percentage of the population suffering from hunger and food
11 insecurity;

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

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

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

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

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

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

26 NEW SECTION. **Sec. 10.** RCW 43.19.706 (Purchase of Washington
27 agricultural products--Report to the legislature) and 2002 c 166 s 2
28 are each repealed.

29 NEW SECTION. **Sec. 11.** This act may be known and cited as the
30 local farms-healthy kids act.

31 NEW SECTION. **Sec. 12.** Captions used in this act are not any part
32 of the law.

33 NEW SECTION. **Sec. 13.** If any part of this act is found to be in
34 conflict with federal requirements that are a prescribed condition to

1 the allocation of federal funds to the state, the conflicting part of
2 this act is inoperative solely to the extent of the conflict and with
3 respect to the agencies directly affected, and this finding does not
4 affect the operation of the remainder of this act in its application to
5 the agencies concerned. Rules adopted under this act must meet federal
6 requirements that are a necessary condition to the receipt of federal
7 funds by the state.

8 NEW SECTION. **Sec. 14.** If specific funding for the purposes of
9 this act, referencing this act by bill or chapter number, is not
10 provided by June 30, 2008, in the omnibus appropriations act, this act
11 is null and void.

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