

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 25-0133.01 Pierce Lively x2059

HOUSE BILL 25-1274

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A BILL FOR AN ACT

101 **CONCERNING THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill refers 2 ballot issues to the voters at the November 2025 statewide election concerning funding for the healthy school meals for all program.

Section 2 of the bill refers a ballot issue to the voters at the November 2025 statewide election to allow the state to retain and spend state revenue that would otherwise need to be refunded for exceeding the estimate in the ballot information booklet analysis for Proposition FF and to allow the state to maintain the increases in state taxable income

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
Amended 2nd Reading
May 2, 2025

HOUSE
3rd Reading Unamended
April 21, 2025

HOUSE
Amended 2nd Reading
April 16, 2025

established in Proposition FF that would otherwise need to be decreased. If voters reject the ballot issue, the state will both:

- Refund \$26,265,621 to individuals who have a federal taxable income of \$300,000 or more and claimed itemized or standard state income tax deductions greater than \$12,000 for single tax return filers and \$16,000 for joint tax return filers; and
- Adjust the limit on itemized deductions established in Proposition FF to a level that would have reduced the amount of income tax revenue attributable to these itemized deductions by \$26,265,621.

If voters approve the ballot measure:

- The state will not refund \$26,265,621 to individuals who have a federal taxable income of \$300,000 or more and claimed itemized or standard state income tax deductions greater than \$12,000 for single tax return filers and \$16,000 for joint tax return filers; and
- The increases in federal taxable income as a result of Proposition FF will stay at the levels established by Proposition FF.

Section 3 refers a ballot issue to the voters at the November 2025 statewide election to allow the state to increase taxes by \$95 million annually by increasing state taxable income to support the healthy school meals for all program. If voters approve the ballot issue:

- Income tax deductions for individuals who have a federal taxable income of \$300,000 or more will be reduced from current levels to \$1,000 for single filers and \$2,000 for joint filers; and
- The state will allocate the additional revenue generated by the reduction in income tax deductions to the healthy school meals for all program.

If voters reject the ballot issue, income tax deductions will not be reduced.

In addition to the income tax changes and potential refunds that may result from voters approving or rejecting the ballot issues described in **sections 2 and 3**, the bill also changes the healthy school meals for all program cash fund (fund) and healthy school meals for all programs. If voters approve the ballot issue submitted pursuant to **section 2** and reject the ballot issue submitted pursuant to **section 3**, \$1 million is transferred annually from the fund to local school food purchasing programs. If voters approve the ballot issue submitted pursuant to **section 3**, regardless of whether the voters approve the ballot issue submitted pursuant to **section 2**:

- The permissible distribution of local food purchasing grants is modified;

- Certain school food authorities are allowed to collaborate to implement advisory committees;
- The duties of an advisory committee are clarified; and
- The distribution of funds from the fund is changed so that the amounts distributed through local food purchasing grants for increasing wages or providing stipends for individuals whom the participating school food authority employs to directly prepare and serve food for school meals and through the local school food purchasing technical assistance and education grant program are modified based on the amount of money in the fund.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) No child in Colorado should experience hunger;

5 (b) Every public school student should benefit from access to
6 healthy, locally sourced, and freshly prepared meals to support their
7 academic success and physical and mental well-being;

8 (c) Investing in nutritious school meals for all public school
9 students, free from stigma or stress, enables those students to focus on
10 learning and is a critical investment in the success of Colorado's public
11 schools;

12 (d) Investing in nutritious school meals also supports Colorado
13 farmers and ranchers, strengthening Colorado's local food systems;

14 (e) That is why, in 2022, the general assembly enacted House Bill
15 22-1414, which limited itemized and standard income tax deductions for
16 taxpayers who have a federal adjusted gross income of \$300,000 to
17 \$12,000 for single filers and \$16,000 for joint filers to fund the
18 implementation of a healthy school meals for all program, and
19 subsequently referred Proposition FF, which sought voter approval for

1 these portions of House Bill 22-1414 to take effect;

2 (f) Proposition FF was approved by the voters, with 56.7% of the
3 votes in favor of the proposition;

4 (g) Yet, in state fiscal year 2023-24 the revenue the state recorded
5 exceeded the ballot information booklet estimate for state revenue from
6 the new tax deduction limits in Proposition FF, and the state is required
7 to refund revenues related to Proposition FF and proportionally reduce
8 future revenue by changing the tax deduction limits in Proposition FF;

9 (h) The refund is because section 20 (3)(c) of article X of the state
10 constitution, commonly known as TABOR, requires the combined
11 amount of state revenue in excess of the ballot information booklet
12 estimate to be refunded, unless there is later voter approval to retain these
13 excess revenues;

14 (i) The potential increase in the tax deduction limits in Proposition
15 FF is because paragraph (3)(c) of TABOR also requires a percentage
16 reduction in the rate of a newly increased tax equal to the amount of
17 revenue in excess of the ballot information booklet estimates as a
18 percentage of the total state revenue from the increased tax, unless there
19 is later voter approval;

20 (j) Consequently, this act includes the referral of a new ballot
21 issue to the voters at the first possible election to seek the voter approval
22 necessary to avoid a refund under TABOR and to avoid increasing the tax
23 deduction limits in Proposition FF;

24 (k) If the voters approve that new ballot issue, the refund and tax
25 deduction limit increases will be unnecessary, the money that would have
26 otherwise been refunded will be retained and remain in the healthy school
27 meals for all program cash fund, and the tax deduction limits will not be

1 raised;

2 (l) Since voters approved Proposition FF, the healthy school meals
3 for all program went into effect in the 2023-24 state fiscal year and is
4 reducing stigma, improving student physical and mental health and
5 well-being, boosting academic success, and saving families money;

6 (m) The healthy school meals for all program has been embraced
7 by Colorado schools and students, with all 190 eligible school food
8 authorities electing to participate in the program and meal participation
9 increasing by more than 30% compared to the previous school year;

10 (n) The healthy school meals for all program has proven to be an
11 effective strategy for the goal of ending child hunger in Colorado;

12 (o) Access to free school meals for all public school students,
13 investment in local food purchasing, local food purchasing training and
14 technical assistance, parent and student advisory committees, and wage
15 boosts or stipends for fronting school nutrition professionals who are
16 serving more students than ever, are all core components of the healthy
17 school meals for all program established in Proposition FF and are critical
18 for its effective implementation;

19 (p) With high participation and rising food costs causing the
20 healthy school meals for all program's expenditures to exceed available
21 revenue, the general assembly finds it necessary to raise additional funds
22 to continue to support all students' ability to access free, quality, nutritious
23 meals at school and to fully implement all components of the healthy
24 school meals for all program, including those that have not yet been
25 implemented; and

26 (q) Collecting additional tax revenue would also allow the state
27 to build a reserve in the healthy school meals for all program cash fund

1 to ensure the fiscal health and sustainability of the healthy school meals
2 for all program.

3 (2) Therefore, it is the general assembly's intent to include in this
4 act the referral of a second ballot issue to raise additional revenue by
5 lowering the tax deduction limits originally approved by the voters in
6 Proposition FF, only on taxpayers with a federal taxable income of
7 \$300,000 or more, to fully fund and implement the healthy school meals
8 for all program.

9 **SECTION 2.** In Colorado Revised Statutes, **add** 22-82.9-212 as
10 follows:

11 **22-82.9-212. Ballot issue related to Proposition FF refunds -**
12 **repeal - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
13 OTHERWISE REQUIRES:

14 (a) "BALLOT ISSUE" MEANS THE BALLOT ISSUE REFERRED TO THE
15 VOTERS PURSUANT TO SUBSECTION (2) OF THIS SECTION.

16 (b) "PROPOSITION FF REFUND" MEANS AN AMOUNT EQUAL TO
17 TWELVE MILLION FOUR HUNDRED THIRTY THOUSAND THREE HUNDRED
18 EIGHTY-EIGHT DOLLARS.

19 (c) "PROPOSITION FF TAXES" MEANS THE INCREASE IN STATE
20 TAXABLE INCOME RESULTING FROM SECTION 39-22-104 (3)(p.5)(I).

21 (2) (a) AT THE STATEWIDE ELECTION HELD IN NOVEMBER 2025,
22 THE SECRETARY OF STATE SHALL SUBMIT TO THE REGISTERED ELECTORS
23 OF THE STATE FOR THEIR APPROVAL OR REJECTION THE FOLLOWING
24 BALLOT ISSUE: "WITHOUT RAISING TAXES, MAY THE STATE KEEP AND
25 SPEND ALL REVENUE GENERATED BY THE 2022 VOTER-APPROVED STATE
26 TAX DEDUCTION LIMITS ON INDIVIDUALS WITH INCOMES OF \$300,000 OR
27 MORE AND MAINTAIN THESE DEDUCTION LIMITS IN ORDER TO CONTINUE

1 FUNDING THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM, WHICH PAYS
2 FOR PUBLIC SCHOOLS TO OFFER FREE BREAKFAST AND LUNCH TO ALL
3 STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE?"

4 (b) FOR PURPOSES OF SECTION 1-5-407, THE BALLOT ISSUE IS A
5 PROPOSITION. SECTION 1-40-106 (3)(d) DOES NOT APPLY TO THE BALLOT
6 ISSUE.

7 (3) IF A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE
8 VOTE "No/AGAINST":

9 (a) THE DEPARTMENT OF REVENUE SHALL DETERMINE A
10 REASONABLE METHOD TO DISTRIBUTE THE PROPOSITION FF REFUND IN
11 ACCORDANCE WITH SECTION 20 (3)(c) OF ARTICLE X OF THE STATE
12 CONSTITUTION. THIS METHOD MUST INCLUDE THE DISTRIBUTION OF THE
13 PROPOSITION FF REFUND TO TAXPAYERS WITH A FEDERAL ADJUSTED
14 GROSS INCOME OF THREE HUNDRED THOUSAND OR MORE DOLLARS WHO
15 PAID THE PROPOSITION FF TAXES.

16 (b) ON OR BEFORE JUNE 30, 2026, THE STATE TREASURER SHALL
17 REFUND AN AMOUNT EQUAL TO THE PROPOSITION FF REFUND IN THE
18 MANNER DETERMINED BY THE DEPARTMENT OF REVENUE PURSUANT TO
19 SUBSECTION (3)(a) OF THIS SECTION.

20 (4) IF A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE
21 VOTE "Yes/FOR" THEN THIS SECTION IS REPEALED, EFFECTIVE JULY 1,
22 2026.

23 **SECTION 3.** In Colorado Revised Statutes, **add** 22-82.9-213 as
24 follows:

25 **22-82.9-213. Ballot issue related to Proposition FF revenue**
26 **increase - repeal.** (1) AT THE STATEWIDE ELECTION HELD IN NOVEMBER
27 2025, THE SECRETARY OF STATE SHALL SUBMIT TO THE REGISTERED

1 ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION THE
2 FOLLOWING BALLOT ISSUE: "SHALL STATE TAXES BE INCREASED BY \$95
3 MILLION ANNUALLY BY A CHANGE TO THE COLORADO REVISED STATUTES
4 THAT, TO SUPPORT THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM,
5 INCREASES STATE TAXABLE INCOME ONLY FOR INDIVIDUALS WHO HAVE A
6 FEDERAL TAX INCOME OF \$300,000 OR MORE BY LIMITING ITEMIZED OR
7 STANDARD STATE INCOME TAX DEDUCTIONS TO \$1,000 FOR SINGLE TAX
8 RETURN FILERS AND \$2,000 FOR JOINT TAX RETURN FILERS FOR THE
9 PURPOSES OF FULLY FUNDING THE HEALTHY SCHOOL MEALS FOR ALL
10 PROGRAM TO CONTINUE PAYING FOR PUBLIC SCHOOLS TO OFFER FREE
11 BREAKFAST AND LUNCH TO ALL PUBLIC SCHOOL STUDENTS WHILE ALSO
12 INCREASING WAGES FOR EMPLOYEES WHO PREPARE AND SERVE SCHOOL
13 MEALS, HELPING SCHOOLS USE BASIC, NUTRITIOUS INGREDIENTS, INSTEAD
14 OF PROCESSED PRODUCTS, AND ENSURING THAT COLORADO GROWN AND
15 RAISED PRODUCTS ARE PART OF SCHOOL MEALS; AND SHALL THE STATE BE
16 ALLOWED TO RETAIN AND SPEND AS A VOTER-APPROVED REVENUE
17 CHANGE ALL ADDITIONAL TAX REVENUE GENERATED BY THESE TAX
18 DEDUCTION CHANGES?"

19 **Changes in Income Taxes Owed by Income Category**

20 Income Category	Proposed Change in Average Income Tax Owed
21 \$299,999 or less	\$0
22 \$300,000 or more	+\$486

23 (2) FOR PURPOSES OF SECTION 1-5-407, THE BALLOT ISSUE
24 DESCRIBED IN SUBSECTION (1) OF THIS SECTION IS A PROPOSITION. SECTION
25 1-40-106 (3)(d) DOES NOT APPLY TO THE BALLOT ISSUE.

26 (3) IF A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE
27 DESCRIBED IN SUBSECTION (1) OF THIS SECTION VOTE "Yes/For", THIS

1 CONSTITUTES A VOTER-APPROVED REVENUE CHANGE TO ALLOW THE
2 RETENTION AND EXPENDITURE OF STATE REVENUES IN EXCESS OF THE
3 LIMITATION ON STATE FISCAL YEAR SPENDING.

4 (4) IF A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE
5 DESCRIBED IN SUBSECTION (1) OF THIS SECTION VOTE "No/AGAINST",
6 THEN THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026.

7 **SECTION 4.** In Colorado Revised Statutes, 22-82.9-203, **add**
8 (5.5) as follows:

9 **22-82.9-203. Definitions.** As used in this part 2, unless the
10 context otherwise requires:

11 (5.5) "FUND" MEANS THE HEALTHY SCHOOL MEALS FOR ALL
12 PROGRAM CASH FUND CREATED IN SECTION 22-82.9-211.

13 **SECTION 5.** In Colorado Revised Statutes, 22-82.9-204, **amend**
14 (7)(a)(IV) as follows:

15 **22-82.9-204. Healthy school meals for all program - created -**
16 **advisory group - report - rules - definition - repeal.** (7) (a) The healthy
17 school meals for all program technical advisory group is created in the
18 department. As soon as practicable, the department shall convene the
19 advisory group and the advisory group shall collaborate with school
20 districts, the office of state planning and budgeting, and a representative
21 from the department of agriculture to:

22 (IV) Strengthen the long-term resiliency of the ~~healthy school~~
23 ~~meals for all cash fund~~;

24 **SECTION 6.** In Colorado Revised Statutes, 22-82.9-205, **amend**
25 (1)(a), (2)(a)(I), and (3)(a); and **add** (3)(c), (3)(d), and (3)(e) as follows:

26 **22-82.9-205. Local food purchasing grant - amount - advisory**
27 **committee - verification of invoices.** (1) (a) Subject to subsection (5) of

1 this section, each participating school food authority that ~~creates~~ COMMITS
2 TO OPERATING an advisory committee as described in subsection (3) of
3 this section is eligible to receive a local food purchasing grant pursuant
4 to this section to purchase Colorado grown, raised, or processed products.
5 IT IS THE GENERAL ASSEMBLY'S INTENT THAT THESE GRANTS BE USED
6 PRIMARILY TO SUPPORT SMALL- AND MEDIUM-SIZED FARMS AND RANCHES.

7 (2) (a) (I) Subject to ~~the provisions of~~ subsection (2)(b) of this
8 section, at the beginning of each budget year the department, subject to
9 available appropriations, shall distribute to each participating school food
10 authority that is eligible to receive a grant pursuant to this section ~~the~~
11 ~~greater of five thousand dollars or an amount equal to twenty-five cents~~
12 ~~multiplied by the number of lunches that qualified as an eligible meal that~~
13 ~~the participating school food authority served to students in the preceding~~
14 ~~school year~~ AN AMOUNT ESTABLISHED PURSUANT TO SECTION 22-82.9-211
15 (3).

16 (3) (a) To receive a local food purchasing grant pursuant to this
17 section, a participating school food authority must HAVE OR establish an
18 advisory committee made up of students and parents of students enrolled
19 in the public schools served by the participating school food authority. In
20 selecting students and parents to serve on the advisory committee, the
21 participating school food authority shall ensure that the membership of
22 the advisory committee reflects the racial, ethnic, and socioeconomic
23 demographics of the student population enrolled by the participating
24 school food authority. The advisory committee shall advise the
25 participating school food authority concerning the selection of foods to
26 ensure that meals are culturally relevant, healthy, and appealing to all
27 ages of the student population.

1 (c) A SCHOOL FOOD AUTHORITY THAT PROVIDED ONE MILLION OR
2 FEWER LUNCHES IN THE 2023-24 SCHOOL YEAR MAY, SUBJECT TO
3 APPROVAL BY THE DEPARTMENT, WORK WITH OTHER SCHOOL FOOD
4 AUTHORITIES TO IMPLEMENT AN ADVISORY COMMITTEE THAT
5 COLLABORATES WITH MULTIPLE SCHOOL FOOD AUTHORITIES.

6 (d) AN ADVISORY COMMITTEE ESTABLISHED PURSUANT TO THIS
7 SUBSECTION (3) IS NOT LIMITED TO, BUT MAY:

8 (I) SCHEDULE AND HOLD MEETINGS AS NECESSARY FOR THE
9 ADVISORY COMMITTEE TO HAVE ONGOING COLLABORATION WITH THE
10 PARTICIPATING SCHOOL FOOD AUTHORITY AND ACHIEVE THE ADVISORY
11 COMMITTEE'S GOALS;

12 (II) THROUGH STUDENT SURVEYS OR OTHER METHODS AS
13 NECESSARY, GATHER STUDENT FEEDBACK ON MEALS AND MEAL
14 PREFERENCES;

15 (III) SUGGEST THE TYPES OF PURCHASES OF LOCAL INGREDIENTS
16 TO THE SCHOOL FOOD AUTHORITY THAT WOULD SUPPORT LOCAL FARMERS
17 AND RANCHERS IN THE SCHOOL FOOD AUTHORITY'S REGION;

18 (IV) INFORM THE SCHOOL FOOD AUTHORITY OF RECIPES THAT ARE
19 BOTH NUTRITIOUS AND REFLECT THE CULTURES OF THE STUDENT
20 POPULATION ENROLLED BY THE PARTICIPATING SCHOOL FOOD AUTHORITY;

21 (V) TASTE TEST HEALTHY MEAL OPTIONS;

22 (VI) DEVELOP SOLUTIONS TO REDUCE FOOD WASTE;

23 (VII) ASSIST THE SCHOOL FOOD AUTHORITY IN DEVELOPING PLANS
24 TO SUPPORT MORE SCRATCH COOKING;

25 (VIII) ASSIST THE SCHOOL FOOD AUTHORITY IN OBTAINING THE
26 NECESSARY RESOURCES TO PROVIDE MEALS THAT ARE CULTURALLY
27 RELEVANT, HEALTHY, AND APPEALING TO ALL AGES OF THE STUDENT

1 POPULATION;

2 (IX) INFORM THE SCHOOL FOOD AUTHORITY OF, AND ASSIST IN THE
3 IMPLEMENTATION OF, STRATEGIES TO MAXIMIZE THE COLLECTION AND
4 COMPLETION OF HOUSEHOLD INCOME APPLICATION FORMS FOR NATIONAL
5 SCHOOL LUNCH PROGRAMS;

6 (X) EVALUATE THE EFFECTIVENESS OF THE ADVISORY COMMITTEE
7 IN SUPPORTING THE SCHOOL FOOD AUTHORITY IN IMPROVING MEAL
8 QUALITY AND STUDENT SATISFACTION WITH THE MEALS PROVIDED BY THE
9 SCHOOL FOOD AUTHORITY; AND

10 (XI) LEARN FROM A SCHOOL FOOD AUTHORITY ABOUT THE
11 LOGISTICS OF LOCAL FOOD PROCUREMENT, MENU REQUIREMENTS, AND
12 OPERATIONAL MANAGEMENT TO SUPPORT THE ADVISORY COMMITTEE IN
13 SUGGESTING REALISTIC AND ATTAINABLE CHANGES TO SCHOOL MEALS.

14 (e) A SCHOOL FOOD AUTHORITY MAY CONTRACT WITH AN
15 EXTERNAL NONPROFIT ORGANIZATION TO CONVENE AND FACILITATE AN
16 ADVISORY COMMITTEE PURSUANT TO THIS SUBSECTION (3).

17 **SECTION 7.** In Colorado Revised Statutes, 22-82.9-206, **amend**
18 (1) as follows:

19 **22-82.9-206. School meals food preparation and service**
20 **employees - wage increase or stipend.** (1) Subject to subsection (2) of
21 this section, in addition to the amounts received pursuant to sections
22 22-82.9-204 and 22-82.9-205, a participating school food authority may
23 receive ~~the greater of three thousand dollars or an amount equal to twelve~~
24 ~~cents multiplied by the number of school lunches that qualify as eligible~~
25 ~~meals that the participating school food authority provided in the previous~~
26 ~~budget year~~ AN AMOUNT DESCRIBED IN SECTION 22-82.9-211 (3), so long
27 as the participating school food authority uses one hundred percent of the

1 amount received pursuant to this section to increase wages or provide
2 stipends for individuals whom the participating school food authority
3 employs to directly prepare and serve food for school meals. To receive
4 the amount described in this section, a participating school food authority
5 must submit documentation to the department as required by rules of the
6 state board to demonstrate that the increase in wages or provision of
7 stipends using the amount received pursuant to this section is
8 implemented for the budget year in which the amount is received.

9 **SECTION 8.** In Colorado Revised Statutes, 22-82.9-207, **amend**
10 (2)(b) as follows:

11 **22-82.9-207. Local school food purchasing technical assistance**
12 **and education grant program - created - report.** (2) Subject to
13 available appropriations, the nonprofit organization may award grants for:

14 (b) Education, outreach, and promotion for:

15 (I) Schools to engage families and communities on the benefits of
16 farm-to-school and ways to support farm-to-school; ~~and~~

17 (II) Grower associations and growers to communicate to schools
18 and school communities about the multiple benefits of purchasing local
19 products; AND

20 (III) OTHER ACTIVITIES THAT SUPPORT THE DEVELOPMENT AND
21 USE OF LOCALLY PRODUCED PRODUCTS IN MEALS SERVED AT SCHOOL.

22 **SECTION 9.** In Colorado Revised Statutes, 22-82.9-208, **amend**
23 (1)(a)(II) as follows:

24 **22-82.9-208. Report - audit.** (1) (a) On or before December 1,
25 2024, and on or before December 1 every two years thereafter, the
26 department shall prepare a report concerning the implementation of
27 section 22-82.9-204 and sections 22-82.9-205, 22-82.9-206, and

1 22-82.9-207, to the extent those sections are in effect as provided in
2 section 22-82.9-204 (4)(b). At a minimum, the report must describe:

3 (II) The effect of the use of local food purchasing grants on the
4 ~~amount~~ QUANTITY of Colorado grown, raised, or processed products
5 purchased by participating school food authorities, THE COST OF THESE
6 PURCHASES, and ~~include~~ a compilation of the information reported by
7 participating school food authorities pursuant to section 22-82.9-205
8 (1)(b);

9 **SECTION 10.** In Colorado Revised Statutes, 22-82.9-211,
10 **amend** (1)(b), (2), (3)(a) introductory portion, (3)(b), (4)(a), (4)(b), and
11 (5); **repeal** (1)(a) and (7); and **add** (1)(a.5), (1)(c), (1)(d), (3)(a.5), (3)(c),
12 (3)(d), (3)(e), (3)(f), (3)(g), (3)(h), (3)(i), and (4.5) as follows:

13 **22-82.9-211. Healthy school meals for all program cash fund**
14 **- creation - uses - reporting requirements - legislative declaration -**
15 **definitions.** (1) As used in this section, unless the context otherwise
16 requires:

17 (a) ~~"Cash fund" means the healthy school meals for all program~~
18 ~~cash fund created in this section.~~

19 (a.5) "ACCOUNT" MEANS THE HEALTHY SCHOOL MEALS FOR ALL
20 PROGRAM FUND ACCOUNT CREATED IN SUBSECTION (2)(b) OF THIS
21 SECTION.

22 (b) "Healthy school meals for all program revenue" means:

23 (I) FOR TAX YEARS COMMENCING BEFORE JANUARY 1, 2026, the
24 revenue generated by the addition to federal taxable income in section
25 39-22-104 (3)(p.5), which revenue is a voter approved revenue change;
26 AND

27 (II) FOR TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2026,

1 THE REVENUE GENERATED BY THE ADDITION TO FEDERAL TAXABLE
2 INCOME IN SECTION 39-22-104 (3)(p.7), WHICH REVENUE IS A VOTER
3 APPROVED REVENUE CHANGE.

4 (c) "RESERVE CALCULATION" MEANS A CALCULATION THAT
5 DETERMINES THE AMOUNT EXPENDED BY THE DEPARTMENT FOR THE
6 PURPOSES DESCRIBED IN SUBSECTIONS (3)(a)(II), (3)(a)(III), (3)(a)(IV),
7 AND (3)(a.5) OF THIS SECTION IN ACCORDANCE WITH SUBSECTIONS (3)(c)
8 TO (3)(g) OF THIS SECTION. THE RESERVE CALCULATION SHALL
9 INDEPENDENTLY BE COMPUTED FOR SUBSECTIONS (3)(c) TO (3)(g) OF THIS
10 SECTION BY LEGISLATIVE COUNCIL, IN CONSULTATION WITH THE
11 DEPARTMENT, AND BASED ON THE RELEVANT PROJECTIONS IN THE MARCH
12 ECONOMIC AND REVENUE FORECAST PREPARED BY LEGISLATIVE COUNCIL
13 STAFF. THE COMPUTATION OF THE RESERVE CALCULATION FOR EACH OF
14 SUBSECTIONS (3)(c) TO (3)(g) OF THIS SECTION SHALL RESULT IN A
15 PERCENTAGE EQUAL TO THE ANTICIPATED BALANCE IN THE FUND AS OF
16 THE BEGINNING OF THE FISCAL YEAR PLUS ANY ADDITIONAL MONEY THAT
17 WILL BE DEPOSITED IN OR TRANSFERRED TO THE FUND OVER THE COURSE
18 OF THE FISCAL YEAR MINUS THE ESTIMATED AMOUNT OF MONEY
19 EXPENDED BY THE DEPARTMENT FOR THE PURPOSES DESCRIBED IN
20 SUBSECTIONS (3)(a) AND (3)(a.5) OF THIS SECTION IN ACCORDANCE WITH
21 THE SUBSECTION OF THIS SECTION FOR WHICH THE RESERVE CALCULATION
22 IS COMPUTED DIVIDED BY THE ESTIMATED AMOUNT EXPENDED BY THE
23 DEPARTMENT FOR THE PURPOSES DESCRIBED IN SUBSECTIONS (3)(a)(I) AND
24 (3)(a)(V) OF THIS SECTION IN ACCORDANCE WITH THE SUBSECTION OF THIS
25 SECTION FOR WHICH THE RESERVE CALCULATION IS COMPUTED.

26 (d) "STATE EDUCATION FUND HEALTHY SCHOOL MEALS FOR ALL
27 REVENUE" MEANS THE AMOUNT OF ADDITIONAL TAX REVENUE DEPOSITED

1 IN THE STATE EDUCATION FUND AS A RESULT OF LIMITING, FOR INCOME
2 TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2026, THE AMOUNT OF
3 DEDUCTIONS THAT TAXPAYERS WHO CLAIM ITEMIZED DEDUCTIONS AS
4 DEFINED IN SECTION 63 (d) OF THE INTERNAL REVENUE CODE OR THE
5 STANDARD DEDUCTION AS DEFINED IN SECTION 63 (c) OF THE INTERNAL
6 REVENUE CODE AND WHO HAVE A FEDERAL ADJUSTED GROSS INCOME IN
7 THE INCOME TAX YEAR EQUAL TO OR GREATER THAN THREE HUNDRED
8 THOUSAND DOLLARS MAY CLAIM TO THE FOLLOWING:

9 (I) FOR A TAXPAYER WHO FILES A SINGLE RETURN, THE AMOUNT
10 BY WHICH THE ITEMIZED DEDUCTIONS DEDUCTED FROM GROSS INCOME
11 UNDER SECTION 63 (a) OF THE INTERNAL REVENUE CODE EXCEED, OR THE
12 STANDARD DEDUCTION DEDUCTED FROM GROSS INCOME UNDER SECTION
13 63 (c) OF THE INTERNAL REVENUE CODE EXCEEDS ONE THOUSAND
14 DOLLARS, RATHER THAN TWELVE THOUSAND DOLLARS; AND

15 (II) FOR TAXPAYERS WHO FILE A JOINT RETURN, THE AMOUNT BY
16 WHICH THE ITEMIZED DEDUCTIONS DEDUCTED FROM GROSS INCOME UNDER
17 SECTION 63 (a) OF THE INTERNAL REVENUE CODE EXCEED, OR THE
18 STANDARD DEDUCTION DEDUCTED FROM GROSS INCOME UNDER SECTION
19 63 (c) OF THE INTERNAL REVENUE CODE EXCEEDS, TWO THOUSAND
20 DOLLARS, RATHER THAN SIXTEEN THOUSAND DOLLARS.

21 (2) (a) The healthy school meals for all program ~~cash~~ fund is
22 created in the state treasury. The ~~cash~~ fund consists of healthy school
23 meals for all program revenue deposited in the cash fund in accordance
24 with subsection (4)(a) of this section AND ANY OTHER MONEY THAT THE
25 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. The
26 state treasurer shall credit all interest and income derived from the deposit
27 and investment of money in the ~~cash~~ fund to the ~~cash~~ fund.

1 (b) THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM FUND
2 ACCOUNT IS CREATED IN THE FUND. THE ACCOUNT CONSISTS OF MONEY
3 TRANSFERRED BY THE TREASURER FROM THE STATE EDUCATION FUND IN
4 ACCORDANCE WITH SUBSECTION (4.5) OF THIS SECTION AND ANY OTHER
5 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
6 TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
7 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
8 ACCOUNT TO THE ACCOUNT.

9 (3) (a) Subject to annual appropriation by the general assembly,
10 the department may expend money from the ~~cash~~ fund THAT IS NOT IN THE
11 ACCOUNT for the following purposes:

12 (a.5) (I) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
13 ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE ACCOUNT
14 FOR THE FOLLOWING PURPOSES:

15 (A) AWARDING LOCAL FOOD PURCHASING GRANTS PURSUANT TO
16 SECTIONS 22-82.9-205 AND 22-82.9-302;

17 (B) DISTRIBUTING MONEY TO A PARTICIPATING SCHOOL FOOD
18 AUTHORITY TO INCREASE WAGES OR PROVIDE STIPENDS FOR INDIVIDUALS
19 WHOM THE PARTICIPATING SCHOOL FOOD AUTHORITY EMPLOYS TO
20 DIRECTLY PREPARE AND SERVE FOOD FOR SCHOOL MEALS PURSUANT TO
21 SECTION 22-82.9-206 (1);

22 (C) AWARDING LOCAL SCHOOL FOOD PURCHASING TECHNICAL
23 ASSISTANCE AND EDUCATION GRANTS PURSUANT TO SECTIONS
24 22-82.9-207 AND 22-82.9-303; AND

25 (D) THE DIRECT AND INDIRECT COSTS OF ADMINISTERING THE
26 PROGRAMS DESCRIBED IN THIS SUBSECTION (3)(a.5), SO LONG AS THESE
27 COSTS DO NOT EXCEED ONE AND ONE-HALF PERCENT OF THE TOTAL

1 AMOUNT THE GENERAL ASSEMBLY ANNUALLY APPROPRIATES IN THE SAME
2 FISCAL YEAR FOR THE OTHER PURPOSES DESCRIBED IN SUBSECTION (3)(a)
3 OF THIS SECTION AND THIS SUBSECTION (3)(a.5).

4 (II) THE DEPARTMENT SHALL, AS PRACTICABLE, EXPEND ALL OF
5 THE ESTIMATED AMOUNT OF MONEY IN THE ACCOUNT FOR THE PURPOSES
6 DESCRIBED IN THIS SUBSECTION (3)(a.5) AND IN ACCORDANCE WITH THE
7 DISTRIBUTION METHODS ESTABLISHED IN SUBSECTIONS (3)(c) THROUGH
8 (3)(h) OF THIS SECTION.

9 (b) Money in the ~~cash~~ fund shall not be used for the purposes
10 described in subsections (3)(a)(II), (3)(a)(III), and (3)(a)(IV) of this
11 section if the sum of the annual tax year revenue recorded in the ~~cash~~
12 fund and the balance in the ~~cash~~ fund, as calculated pursuant to
13 subsection (4) of this section, is less than, or is anticipated to be less than,
14 the annual expenditure anticipated to be required for the purposes
15 described in subsections (3)(a)(I) and (3)(a)(V) of this section.

16 (c) NOTWITHSTANDING SUBSECTION (3)(b) OF THIS SECTION, IF THE
17 DEPARTMENT EXPENDING MONEY FROM THE FUND AS FOLLOWS WOULD
18 RESULT IN A RESERVE CALCULATION AMOUNT EQUAL TO LESS THAN TEN
19 PERCENT, THEN THE DEPARTMENT SHALL EXPEND MONEY FROM THE
20 ACCOUNT AS FOLLOWS:

21 (I) AWARDING LOCAL SCHOOL FOOD PURCHASING GRANTS
22 PURSUANT TO SECTION 22-82.9-302 IN AMOUNTS DETERMINED BY THE
23 DEPARTMENT THAT, IN COMBINATION WITH THE EXPENDITURES FROM THE
24 ACCOUNT DESCRIBED IN SUBSECTIONS (3)(c)(II) AND (3)(c)(III) OF THIS
25 SECTION, RESULT IN EXPENDING ALL OF THE ESTIMATED AMOUNT IN THE
26 ACCOUNT;

27 (II) DISTRIBUTING THE GREATER OF THREE THOUSAND DOLLARS OR

1 AN AMOUNT EQUAL TO SIX CENTS MULTIPLIED BY THE NUMBER OF SCHOOL
2 LUNCHES THAT QUALIFIED AS ELIGIBLE MEALS THAT THE PARTICIPATING
3 SCHOOL FOOD AUTHORITY PROVIDED IN THE SCHOOL YEAR TWO SCHOOL
4 YEARS PRIOR TO A PARTICIPATING SCHOOL FOOD AUTHORITY TO INCREASE
5 WAGES OR PROVIDE STIPENDS FOR INDIVIDUALS WHOM THE PARTICIPATING
6 SCHOOL FOOD AUTHORITY EMPLOYS TO DIRECTLY PREPARE AND SERVE
7 FOOD FOR SCHOOL MEALS PURSUANT TO SECTION 22-82.9-206 (1); AND

8 (III) AWARDING TWO HUNDRED FIFTY THOUSAND DOLLARS IN
9 LOCAL SCHOOL FOOD PURCHASING TECHNICAL ASSISTANCE AND
10 EDUCATION GRANTS PURSUANT TO SECTION 22-82.9-303.

11 (d) IF THE DEPARTMENT EXPENDING MONEY FROM THE FUND AS
12 FOLLOWS WOULD RESULT IN A RESERVE CALCULATION AMOUNT EQUAL TO
13 OR GREATER THAN TEN PERCENT AND LESS THAN TWENTY-FIVE PERCENT,
14 THEN THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND,
15 INCLUDING MONEY IN THE ACCOUNT IN ACCORDANCE WITH SUBSECTION
16 (3)(a.5)(II) OF THIS SECTION, AS FOLLOWS:

17 (I) AWARDING LOCAL FOOD PURCHASING GRANTS PURSUANT TO
18 SECTION 22-82.9-205 IN AN AMOUNT EQUAL TO THE GREATER OF FIVE
19 THOUSAND DOLLARS OR AN AMOUNT, AS DETERMINED BY THE
20 DEPARTMENT, EQUAL TO OR GREATER THAN TEN AND EQUAL TO OR LESS
21 THAN TWELVE AND ONE-HALF CENTS MULTIPLIED BY THE NUMBER OF
22 LUNCHES THAT QUALIFIED AS AN ELIGIBLE MEAL THAT THE PARTICIPATING
23 SCHOOL FOOD AUTHORITY SERVED TO STUDENTS IN THE SCHOOL YEAR
24 TWO SCHOOL YEARS PRIOR;

25 (II) DISTRIBUTING THE GREATER OF THREE THOUSAND DOLLARS OR
26 AN AMOUNT EQUAL TO SIX CENTS MULTIPLIED BY THE NUMBER OF SCHOOL
27 LUNCHES THAT QUALIFIED AS ELIGIBLE MEALS THAT THE PARTICIPATING

1 SCHOOL FOOD AUTHORITY PROVIDED IN THE SCHOOL YEAR TWO SCHOOL
2 YEARS PRIOR TO A PARTICIPATING SCHOOL FOOD AUTHORITY TO INCREASE
3 WAGES OR PROVIDE STIPENDS FOR INDIVIDUALS WHOM THE PARTICIPATING
4 SCHOOL FOOD AUTHORITY EMPLOYS TO DIRECTLY PREPARE AND SERVE
5 FOOD FOR SCHOOL MEALS PURSUANT TO SECTION 22-82.9-206 (1); AND

6 (III) AWARDING TWO MILLION FIVE HUNDRED THOUSAND DOLLARS
7 IN LOCAL SCHOOL FOOD PURCHASING TECHNICAL ASSISTANCE AND
8 EDUCATION GRANTS PURSUANT TO SECTION 22-82.9-207.

9 (e) IF THE DEPARTMENT EXPENDING MONEY FROM THE FUND AS
10 FOLLOWS WOULD RESULT IN A RESERVE CALCULATION AMOUNT EQUAL TO
11 OR GREATER THAN TWENTY-FIVE PERCENT AND LESS THAN FORTY
12 PERCENT, THEN THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND,
13 INCLUDING MONEY IN THE ACCOUNT IN ACCORDANCE WITH SUBSECTION
14 (3)(a.5)(II) OF THIS SECTION, AS FOLLOWS:

15 (I) AWARDING LOCAL FOOD PURCHASING GRANTS PURSUANT TO
16 SECTION 22-82.9-205 IN AN AMOUNT EQUAL TO THE GREATER OF FIVE
17 THOUSAND DOLLARS OR AN AMOUNT, AS DETERMINED BY THE
18 DEPARTMENT, EQUAL TO OR GREATER THAN SIXTEEN AND LESS THAN OR
19 EQUAL TO EIGHTEEN AND THREE-QUARTERS CENTS MULTIPLIED BY THE
20 NUMBER OF LUNCHESES THAT QUALIFIED AS AN ELIGIBLE MEAL THAT THE
21 PARTICIPATING SCHOOL FOOD AUTHORITY SERVED TO STUDENTS IN THE
22 SCHOOL YEAR TWO SCHOOL YEARS PRIOR;

23 (II) DISTRIBUTING THE GREATER OF THREE THOUSAND DOLLARS OR
24 AN AMOUNT EQUAL TO NINE CENTS MULTIPLIED BY THE NUMBER OF
25 SCHOOL LUNCHESES THAT QUALIFIED AS ELIGIBLE MEALS THAT THE
26 PARTICIPATING SCHOOL FOOD AUTHORITY PROVIDED IN THE SCHOOL YEAR
27 TWO SCHOOL YEARS PRIOR TO A PARTICIPATING SCHOOL FOOD AUTHORITY

1 TO INCREASE WAGES OR PROVIDE STIPENDS FOR INDIVIDUALS WHOM THE
2 PARTICIPATING SCHOOL FOOD AUTHORITY EMPLOYS TO DIRECTLY PREPARE
3 AND SERVE FOOD FOR SCHOOL MEALS PURSUANT TO SECTION 22-82.9-206
4 (1); AND

5 (III) AWARDING THREE MILLION SEVEN HUNDRED FIFTY THOUSAND
6 DOLLARS IN LOCAL SCHOOL FOOD PURCHASING TECHNICAL ASSISTANCE
7 AND EDUCATION GRANTS PURSUANT TO SECTION 22-82.9-207.

8 (f) IF THE DEPARTMENT EXPENDING MONEY FROM THE FUND AS
9 FOLLOWS WOULD RESULT IN A RESERVE CALCULATION AMOUNT EQUAL TO
10 OR GREATER THAN FORTY PERCENT AND, FOR STATE FISCAL YEARS
11 COMMENCING ON OR AFTER JULY 1, 2029, LESS THAN FIFTY PERCENT, THEN
12 THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, INCLUDING
13 MONEY IN THE ACCOUNT IN ACCORDANCE WITH SUBSECTION (3)(a.5)(II)
14 OF THIS SECTION, AS FOLLOWS:

15 (I) AWARDING LOCAL FOOD PURCHASING GRANTS PURSUANT TO
16 SECTION 22-82.9-205 IN AN AMOUNT EQUAL TO THE GREATER OF FIVE
17 THOUSAND DOLLARS OR AN AMOUNT EQUAL TO TWENTY-FIVE CENTS
18 MULTIPLIED BY THE NUMBER OF LUNCHESES THAT QUALIFIED AS AN ELIGIBLE
19 MEAL THAT THE PARTICIPATING SCHOOL FOOD AUTHORITY SERVED TO
20 STUDENTS IN THE SCHOOL YEAR TWO SCHOOL YEARS PRIOR;

21 (II) DISTRIBUTING THE GREATER OF THREE THOUSAND DOLLARS OR
22 AN AMOUNT EQUAL TO TWELVE CENTS MULTIPLIED BY THE NUMBER OF
23 SCHOOL LUNCHESES THAT QUALIFIED AS ELIGIBLE MEALS THAT THE
24 PARTICIPATING SCHOOL FOOD AUTHORITY PROVIDED IN THE SCHOOL YEAR
25 TWO SCHOOL YEARS PRIOR TO A PARTICIPATING SCHOOL FOOD AUTHORITY
26 TO INCREASE WAGES OR PROVIDE STIPENDS FOR INDIVIDUALS WHOM THE
27 PARTICIPATING SCHOOL FOOD AUTHORITY EMPLOYS TO DIRECTLY PREPARE

1 AND SERVE FOOD FOR SCHOOL MEALS PURSUANT TO SECTION 22-82.9-206
2 (1); AND

3 (III) AWARDING FIVE MILLION DOLLARS IN LOCAL SCHOOL FOOD
4 PURCHASING TECHNICAL ASSISTANCE AND EDUCATION GRANTS PURSUANT
5 TO SECTION 22-82.9-207.

6 (g) FOR FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2029,
7 IF THE DEPARTMENT DETERMINES THAT DOING SO WOULD RESULT IN A
8 RESERVE CALCULATION AMOUNT EQUAL TO FIFTY PERCENT OR MORE,
9 THEN THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND,
10 INCLUDING MONEY IN THE ACCOUNT IN ACCORDANCE WITH SUBSECTION
11 (3)(a.5)(II) OF THIS SECTION, BY INCREASING THE AMOUNTS AWARDED
12 AND DISTRIBUTED FROM THE FUND TO AMOUNTS GREATER THAN THOSE
13 DESCRIBED IN SUBSECTION (3)(f) OF THIS SECTION.

14 (h) (I) NOTWITHSTANDING SUBSECTIONS (3)(d) THROUGH (3)(f) OF
15 THIS SECTION, THE DEPARTMENT SHALL NOT REDUCE FROM ONE STATE
16 FISCAL YEAR TO THE NEXT THE AMOUNT MULTIPLIED BY THE NUMBER OF
17 LUNCHES THAT QUALIFY AS ELIGIBLE MEALS OR THE DOLLAR AMOUNT
18 ALTERNATIVE USED TO CALCULATE THE AMOUNT THE DEPARTMENT
19 AWARDS FOR THE PURPOSES DESCRIBED IN SUBSECTION (3)(a)(II),
20 (3)(a)(III), (3)(a.5)(I)(A), AND (3)(a.5)(I)(B) OF THIS SECTION OR THE
21 TOTAL AMOUNT THE DEPARTMENT AWARDS FOR THE PURPOSE DESCRIBED
22 IN SUBSECTION (3)(a)(IV) AND (3)(a.5)(I)(C) OF THIS SECTION. THIS
23 SUBSECTION (3)(h)(I) DOES NOT APPLY IN A FISCAL YEAR WHEN THE
24 DEPARTMENT EXPENDS MONEY FROM THE FUND, INCLUDING MONEY IN THE
25 ACCOUNT, PURSUANT TO SUBSECTIONS (3)(c) AND (3)(g) OF THIS SECTION.

26 (II) NOTWITHSTANDING SUBSECTIONS (3)(c) AND (3)(h)(I) OF THIS
27 SECTION, IF, OVER THREE FISCAL YEARS, THE RESULT OF THE RESERVE

1 CALCULATION FOR A SUBSECTION OF THIS SECTION (3) ACCORDING TO
2 WHICH THE DEPARTMENT EXPENDED MONEY FROM THE FUND DECREASES
3 BY TEN PERCENTAGE POINTS FROM THE FIRST TO THE THIRD FISCAL YEAR,
4 EQUALS AN AMOUNT EQUAL TO FORTY PERCENT OR LESS IN BOTH THE
5 SECOND AND THIRD FISCAL YEAR, AND DECREASES IN BOTH THE SECOND
6 AND THIRD FISCAL YEAR, FOR THE THIRD FISCAL YEAR:

7 (A) IF THE DEPARTMENT WOULD OTHERWISE EXPEND MONEY FROM
8 THE FUND IN THE AMOUNTS DESCRIBED IN SUBSECTION (3)(f) OF THIS
9 SECTION, THE DEPARTMENT SHALL INSTEAD EXPEND MONEY FROM THE
10 FUND IN THE AMOUNTS DESCRIBED IN SUBSECTION (3)(e) OF THIS SECTION;

11 (B) IF THE DEPARTMENT WOULD OTHERWISE EXPEND MONEY FROM
12 THE FUND IN THE AMOUNTS DESCRIBED IN SUBSECTION (3)(e) OF THIS
13 SECTION, EXCEPT FOR WHEN DOING SO PURSUANT TO THIS SUBSECTION
14 (3)(h)(II), THE DEPARTMENT SHALL INSTEAD EXPEND MONEY FROM THE
15 FUND IN THE AMOUNTS DESCRIBED IN SUBSECTION (3)(d) OF THIS SECTION;
16 AND

17 (C) IF THE DEPARTMENT WOULD OTHERWISE EXPEND MONEY FROM
18 THE FUND IN THE AMOUNTS DESCRIBED IN SUBSECTION (3)(d) OF THIS
19 SECTION, EXCEPT FOR WHEN DOING SO PURSUANT TO THIS SUBSECTION
20 (3)(h)(II), THE DEPARTMENT SHALL INSTEAD EXPEND MONEY FROM THE
21 FUND IN THE AMOUNTS DESCRIBED IN SUBSECTION (3)(c) OF THIS SECTION.

22 (i) IF LEGISLATIVE COUNCIL'S COMPUTATIONS OF THE RESERVE
23 CALCULATION DO NOT RESULT IN AN AMOUNT THAT ALLOWS FOR THE
24 EXPENDITURE OF MONEY BY THE DEPARTMENT IN ACCORDANCE WITH
25 SUBSECTIONS (3)(c) TO (3)(g) OF THIS SECTION, THE DEPARTMENT SHALL
26 EXPEND MONEY IN ACCORDANCE WITH THE SUBSECTION OF THIS SECTION
27 THAT REQUIRES THE HIGHEST MAXIMUM RESERVE CALCULATION AMOUNT

1 AMONG THE SUBSECTIONS OF THIS SECTION FOR WHICH, WHEN
2 LEGISLATIVE COUNCIL COMPUTES THE RESERVE CALCULATION FOR THE
3 RELEVANT SUBSECTION, THE RESERVE CALCULATION AMOUNT IS GREATER
4 THAN THE MAXIMUM PERMISSIBLE RESERVE CALCULATION AMOUNT FOR
5 THE SUBSECTION.

6 (4) (a) The department of revenue shall, on a monthly basis,
7 record revenues and deposit money in the ~~cash~~ fund in a manner that is
8 aligned with exempt revenues determined pursuant to subsection (4)(b)
9 of this section.

10 (b) The department of revenue shall, on a monthly basis, report
11 the amount of healthy school meals for all program revenue identified
12 from tax returns to the office of state planning and budgeting and the
13 legislative council staff. The office of state planning and budgeting shall
14 calculate the amount of healthy school meals for all program revenue both
15 projected to be received and actually received by the department of
16 revenue based on income tax return data and other relevant factors. The
17 office of state planning and budgeting shall also identify, in collaboration
18 with the department of revenue, the revenue to be recorded and deposited
19 on a monthly basis by the department of revenue in the ~~cash~~ fund
20 pursuant to subsection (4)(a) of this section, and the total revenue to be
21 recorded and deposited by the department of revenue in the ~~cash~~ fund for
22 the fiscal year.

23 (4.5) (a) ON JULY 1, 2026, AND EACH JULY 1 THEREAFTER, THE
24 STATE TREASURER SHALL TRANSFER AN AMOUNT FROM THE STATE
25 EDUCATION FUND TO THE ACCOUNT EQUAL TO THE AMOUNT REPORTED BY
26 THE OFFICE OF STATE PLANNING AND BUDGETING PURSUANT TO
27 SUBSECTION (4.5)(b) OF THIS SECTION.

1 (b) BEFORE JULY 1, 2026, AND BEFORE EACH JULY 1 THEREAFTER,
2 THE OFFICE OF STATE PLANNING AND BUDGETING SHALL, IN
3 COLLABORATION WITH THE DEPARTMENT OF REVENUE, PREPARE AN
4 ESTIMATE OF THE AMOUNT OF STATE EDUCATION FUND HEALTHY SCHOOL
5 MEALS FOR ALL REVENUE FOR THE FOLLOWING FISCAL YEAR AND REPORT
6 THAT ESTIMATE TO THE STATE TREASURER.

7 (c) (I) ON JULY 1, 2026, IN ADDITION TO THE AMOUNT DESCRIBED
8 IN SUBSECTION (4.5)(a) OF THIS SECTION, THE STATE TREASURER SHALL
9 TRANSFER AN AMOUNT FROM THE STATE EDUCATION FUND TO THE FUND
10 EQUAL TO THE AMOUNT REPORTED BY THE OFFICE OF STATE PLANNING
11 AND BUDGETING PURSUANT TO SUBSECTION (4.5)(c)(II) OF THIS SECTION.

12 (II) BEFORE JULY 1, 2026, THE OFFICE OF STATE PLANNING AND
13 BUDGETING SHALL, IN COLLABORATION WITH THE DEPARTMENT OF
14 REVENUE, PREPARE AN ESTIMATE OF THE AMOUNT OF STATE EDUCATION
15 FUND HEALTHY SCHOOL MEALS FOR ALL REVENUE FOR THE IMMEDIATELY
16 PRECEDING FISCAL YEAR AND REPORT THAT ESTIMATE TO THE STATE
17 TREASURER.

18 (d) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT FOR
19 PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION,
20 HEALTHY SCHOOL MEALS ARE AN ESSENTIAL COMPONENT TO STUDENT
21 LEARNING. THE PROGRAMS DESCRIBED IN SUBSECTION (3)(a.5) OF THIS
22 SECTION ARE AN IMPORTANT COMPONENT OF AN ACCOUNTABLE PROGRAM
23 TO MEET STATE ACADEMIC STANDARDS, AND MAY THEREFORE RECEIVE
24 MONEY FROM THE STATE EDUCATION FUND CREATED IN SECTION 17(4) OF
25 ARTICLE IX OF THE STATE CONSTITUTION.

26 (5) If the department determines that there is an insufficient
27 amount of money in the ~~cash~~ fund, EXCLUDING THE MONEY IN THE

1 ACCOUNT, to provide for an expenditure authorized by the annual
2 appropriation from the ~~cash~~ fund for the purposes described in subsection
3 (3)(a)(I) of this section, the department may make the expenditure from
4 the general fund.

5 (7) ~~On July 1, 2024, the state treasurer shall transfer the balance~~
6 ~~from the healthy school meals for all program general fund exempt~~
7 ~~account defined in section 22-82.9-210 to the cash fund pursuant to~~
8 ~~section 22-82.9-210 (8).~~

9 **SECTION 11.** In Colorado Revised Statutes, 22-82.9-211,
10 **amend** (3)(a)(IV), (3)(a)(V), and (3)(b); and **add** (3)(a)(VI) and (5.5) as
11 follows:

12 **22-82.9-211. Healthy school meals for all program cash fund**
13 **- creation - uses - reporting requirements - definitions.** (3) (a) Subject
14 to annual appropriation by the general assembly, the department may
15 expend money from the cash fund for the following purposes:

16 (IV) Awarding local school food purchasing technical assistance
17 and education grants pursuant to section 22-82.9-207; ~~and~~

18 (V) The direct and indirect costs of administering the programs
19 described in this subsection (3)(a), so long as these costs do not exceed
20 one and five-tenths percent of the total amount the general assembly
21 annually appropriates in the same fiscal year for the other purposes
22 described in this subsection (3)(a); AND

23 (VI) PROVIDING REIMBURSEMENTS PURSUANT TO THE LOCAL
24 SCHOOL FOOD PURCHASING PROGRAM CREATED IN SECTION 22-82.9-302
25 AND GRANT AWARDS PURSUANT TO THE LOCAL SCHOOL FOOD PURCHASING
26 TECHNICAL ASSISTANCE AND EDUCATION ASSISTANCE GRANT PROGRAM
27 CREATED IN SECTION 22-82.9-303.

1 (b) Money in the cash fund shall not be used for the purposes
2 described in subsections (3)(a)(II), (3)(a)(III), and (3)(a)(IV), of this
3 section if the sum of the annual tax year revenue recorded in the cash
4 fund and the balance in the cash fund, as calculated pursuant to
5 subsection (4) of this section, is less than, or is anticipated to be less than,
6 the annual expenditure anticipated to be required for the purposes
7 described in subsections (3)(a)(I), ~~and~~ (3)(a)(V), AND (3)(a)(VI) of this
8 section.

9 (5.5) THE DEPARTMENT SHALL, SUBJECT TO ANNUAL
10 APPROPRIATION, ANNUALLY EXPEND ONE MILLION DOLLARS FROM THE
11 CASH FUND FOR THE PURPOSE DESCRIBED IN SUBSECTION (3)(a)(VI) OF
12 THIS SECTION.

13 **SECTION 12.** In Colorado Revised Statutes, 22-82.9-302,
14 **amend** (2)(b)(I), (2)(b)(II)(D), and (2)(c) as follows:

15 **22-82.9-302. Local school food purchasing program - creation**
16 **- rules.** (2) (b) (I) The department shall select participating providers that
17 served fewer than two million one hundred fifty thousand school lunches
18 in the ~~2023-24~~ school year TWO YEARS PRIOR TO THE SCHOOL YEAR FOR
19 WHICH THE PARTICIPATING PROVIDER IS APPLYING FOR REIMBURSEMENT
20 PURSUANT TO THIS SECTION. The department shall create a form for
21 participating providers to track and report the Colorado grown, raised, or
22 processed products purchased.

23 (II) The department shall give preference to applicants that:

24 (D) Served fewer than one million two hundred fifty thousand
25 school lunches in the ~~2023-24~~ school year ~~count~~ TWO YEARS PRIOR TO THE
26 SCHOOL YEAR FOR WHICH THE PARTICIPATING PROVIDER IS APPLYING FOR
27 REIMBURSEMENT PURSUANT TO THIS SECTION; and

1 (c) On or before August 1 of the year following the participating
2 provider's application, the participating provider shall track and report to
3 the department for the school year in which it applied, and for the
4 ~~2023-24~~ school year TWO YEARS PRIOR TO THE SCHOOL YEAR FOR WHICH
5 THE PARTICIPATING PROVIDER IS APPLYING FOR REIMBURSEMENT
6 PURSUANT TO THIS SECTION, the total amount of Colorado grown, raised,
7 or processed products it purchased for student meals and the total number
8 of lunches that it provided to students.

9 **SECTION 13. In Colorado Revised Statutes, 22-82.9-302,**
10 **amend as amended by Senate Bill 25-214 (2)(b)(I), (2)(b)(II)(D), and**
11 **(2)(c) as follows:**

12 **22-82.9-302. Local school food purchasing program - creation**
13 **- rules. (2) (b) (I) The department shall select participating providers that**
14 **served fewer than two million one hundred fifty thousand school lunches**
15 **in the immediately preceding school year TWO YEARS PRIOR TO THE**
16 **SCHOOL YEAR FOR WHICH THE PARTICIPATING PROVIDER IS APPLYING FOR**
17 **REIMBURSEMENT PURSUANT TO THIS SECTION. The department shall create**
18 **a form for participating providers to track and report the Colorado grown,**
19 **raised, or processed products purchased.**

20 **(II) The department shall give preference to applicants that:**

21 **(D) Served fewer than one million two hundred fifty thousand**
22 **school lunches in the immediately preceding school year count TWO**
23 **YEARS PRIOR TO THE SCHOOL YEAR FOR WHICH THE PARTICIPATING**
24 **PROVIDER IS APPLYING FOR REIMBURSEMENT PURSUANT TO THIS SECTION;**
25 **and**

26 **(c) On or before August 1 of the year following the participating**
27 **provider's application, and August 1 of each year thereafter through the**

1 year after when the participating provider stops participating in the
2 purchasing program, the participating provider shall track and report to
3 the department for the school year in which it applied, and for the
4 immediately preceding school year TWO YEARS PRIOR TO THE SCHOOL
5 YEAR FOR WHICH THE PARTICIPATING PROVIDER IS APPLYING FOR
6 REIMBURSEMENT PURSUANT TO THIS SECTION, the total amount of
7 Colorado grown, raised, or processed products it purchased for student
8 meals and the total number of lunches that it provided to students.

9 **SECTION 14.** In Colorado Revised Statutes, 22-82.9-302,
10 **amend** (2)(b)(I), (2)(b)(II)(D), and (2)(c); and **add** (2)(b)(I.5) and (3.5)
11 as follows:

12 **22-82.9-302. Local school food purchasing program - creation**
13 **- rules.** (2) (b) (I) The department shall select participating providers that
14 served ~~fewer than two million one hundred fifty thousand~~ A NUMBER OF
15 school lunches DETERMINED BY THE DEPARTMENT PURSUANT TO
16 SUBSECTION (2)(b)(I.5) OF THIS SECTION in the ~~2023-24~~ school year TWO
17 YEARS PRIOR TO THE SCHOOL YEAR FOR WHICH THE PARTICIPATING
18 PROVIDER IS APPLYING FOR REIMBURSEMENT PURSUANT TO THIS SECTION.
19 The department shall create a form for participating providers to track and
20 report the Colorado grown, raised, or processed products purchased.

21 (I.5) THE DEPARTMENT SHALL ONLY SELECT PARTICIPATING
22 PROVIDERS THAT SERVED FEWER THAN TWO MILLION ONE HUNDRED FIFTY
23 THOUSAND SCHOOL LUNCHES IN THE SCHOOL YEAR TWO YEARS PRIOR TO
24 THE SCHOOL YEAR FOR WHICH A PARTICIPATING PROVIDER IS APPLYING
25 FOR REIMBURSEMENT PURSUANT TO THIS SECTION, UNLESS THE
26 DEPARTMENT DETERMINES THAT IT CAN AWARD REIMBURSEMENTS TO
27 THOSE PARTICIPATING PROVIDERS OF AT LEAST FIVE CENTS FOR EVERY

1 SCHOOL LUNCH THAT THE PARTICIPATING PROVIDER PREPARED IN THE
2 SCHOOL YEAR TWO YEARS PRIOR TO THE SCHOOL YEAR FOR WHICH THE
3 PARTICIPATING PROVIDER IS APPLYING FOR REIMBURSEMENT PURSUANT TO
4 THIS SECTION OR A MINIMUM OF ONE THOUSAND DOLLARS, WHICHEVER IS
5 GREATER, IN WHICH CASE THE DEPARTMENT MAY SELECT ANY
6 PARTICIPATING PROVIDER FOR REIMBURSEMENT PURSUANT TO THIS
7 SECTION.

8 (II) The department shall give preference to applicants that:

9 (D) Served fewer than one million two hundred fifty thousand
10 school lunches in the ~~2023-24~~ school year ~~count~~ TWO YEARS PRIOR TO THE
11 SCHOOL YEAR FOR WHICH THE PARTICIPATING PROVIDER IS APPLYING FOR
12 REIMBURSEMENT PURSUANT TO THIS SECTION; and

13 (c) On or before August 1 of the year following the participating
14 provider's application, the participating provider shall track and report to
15 the department for the school year in which it applied, and for the
16 ~~2023-24~~ school year TWO YEARS PRIOR TO THE SCHOOL YEAR FOR WHICH
17 THE PARTICIPATING PROVIDER IS APPLYING FOR REIMBURSEMENT
18 PURSUANT TO THIS SECTION, the total amount of Colorado grown, raised,
19 or processed products it purchased for student meals and the total number
20 of lunches that it provided to students.

21 (3.5) DURING EACH OCTOBER AFTER OCTOBER 2024 IN WHICH THE
22 DEPARTMENT REIMBURSES PROVIDERS PARTICIPATING IN THE PURCHASING
23 PROGRAM, THE DEPARTMENT SHALL REIMBURSE PARTICIPATING
24 PROVIDERS IN AN AMOUNT ESTABLISHED PURSUANT TO SECTION
25 22-82.9-211 (3)(c)(I).

26 **SECTION 15. In Colorado Revised Statutes, 22-82.9-302,**
27 **amend as amended by Senate Bill 25-214 (2)(b)(I), (2)(b)(II)(D), and**

1 (2)(c); and add (2)(b)(I.5) and (3.5) as follows:

2 **22-82.9-302. Local school food purchasing program - creation**

3 **- rules.** (2) (b) (I) The department shall select participating providers that
4 served fewer than two million one hundred fifty thousand A NUMBER OF
5 school lunches DETERMINED BY THE DEPARTMENT PURSUANT TO
6 SUBSECTION (2)(b)(I.5) OF THIS SECTION in the immediately preceding
7 school year TWO YEARS PRIOR TO THE SCHOOL YEAR FOR WHICH THE
8 PARTICIPATING PROVIDER IS APPLYING FOR REIMBURSEMENT PURSUANT TO
9 THIS SECTION. The department shall create a form for participating
10 providers to track and report the Colorado grown, raised, or processed
11 products purchased.

12 (I.5) THE DEPARTMENT SHALL ONLY SELECT PARTICIPATING
13 PROVIDERS THAT SERVED FEWER THAN TWO MILLION ONE HUNDRED FIFTY
14 THOUSAND SCHOOL LUNCHES IN THE SCHOOL YEAR TWO YEARS PRIOR TO
15 THE SCHOOL YEAR FOR WHICH A PARTICIPATING PROVIDER IS APPLYING
16 FOR REIMBURSEMENT PURSUANT TO THIS SECTION, UNLESS THE
17 DEPARTMENT DETERMINES THAT IT CAN AWARD REIMBURSEMENTS TO
18 THOSE PARTICIPATING PROVIDERS OF AT LEAST FIVE CENTS FOR EVERY
19 SCHOOL LUNCH THAT THE PARTICIPATING PROVIDER PREPARED IN THE
20 SCHOOL YEAR TWO YEARS PRIOR TO THE SCHOOL YEAR FOR WHICH THE
21 PARTICIPATING PROVIDER IS APPLYING FOR REIMBURSEMENT PURSUANT TO
22 THIS SECTION OR A MINIMUM OF ONE THOUSAND DOLLARS, WHICHEVER IS
23 GREATER, IN WHICH CASE THE DEPARTMENT MAY SELECT ANY
24 PARTICIPATING PROVIDER FOR REIMBURSEMENT PURSUANT TO THIS
25 SECTION.

26 (II) The department shall give preference to applicants that:

27 (D) Served fewer than one million two hundred fifty thousand

1 school lunches in the immediately preceding school year count TWO
2 YEARS PRIOR TO THE SCHOOL YEAR FOR WHICH THE PARTICIPATING
3 PROVIDER IS APPLYING FOR REIMBURSEMENT PURSUANT TO THIS SECTION;
4 and

5 (c) On or before August 1 of the year following the participating
6 provider's application, and August 1 of each year thereafter through the
7 year after when the participating provider stops participating in the
8 purchasing program, the participating provider shall track and report to
9 the department for the school year in which it applied, and for the
10 immediately preceding school year TWO YEARS PRIOR TO THE SCHOOL
11 YEAR FOR WHICH THE PARTICIPATING PROVIDER IS APPLYING FOR
12 REIMBURSEMENT PURSUANT TO THIS SECTION, the total amount of
13 Colorado grown, raised, or processed products it purchased for student
14 meals and the total number of lunches that it provided to students.

15 (3.5) DURING EACH OCTOBER AFTER OCTOBER 2024 IN WHICH THE
16 DEPARTMENT REIMBURSES PROVIDERS PARTICIPATING IN THE PURCHASING
17 PROGRAM, THE DEPARTMENT SHALL REIMBURSE PARTICIPATING
18 PROVIDERS IN AN AMOUNT ESTABLISHED PURSUANT TO SECTION
19 22-82.9-211 (3)(c)(I).

20 **SECTION 16.** In Colorado Revised Statutes, 22-82.9-304,
21 **amend** (1) introductory portion as follows:

22 **22-82.9-304. Evaluation - report.** (1) On or before December 1,
23 2025, AND EACH DECEMBER 1 THEREAFTER, the department shall submit
24 a report to the education committees of the house of representatives and
25 the senate, the house of representatives agriculture, water, and natural
26 resources committee, the senate agriculture and natural resources
27 committee, or their successor committees, on the effect of the purchasing

1 program on the ~~amount~~ QUANTITY of Colorado grown, raised, or
2 processed products purchased by participating providers, including:

3 **SECTION 17.** In Colorado Revised Statutes, **repeal** 22-82.9-306
4 as follows:

5 **22-82.9-306. Repeal of part.** ~~This part 3 is repealed, effective~~
6 ~~July 1, 2026.~~

7 **SECTION 18.** In Colorado Revised Statutes, 39-22-104, **amend**
8 (3)(p.5)(I) introductory portion and (3)(p.5)(II); and **add** (3)(p.5)(III) and
9 (3)(p.7) as follows:

10 **39-22-104. Income tax imposed on individuals, estates, and**
11 **trusts - single rate - report - tax preference performance statement**
12 **- legislative declaration - definitions - repeal.** (3) There shall be added
13 to the federal taxable income:

14 (p.5) (I) For income tax years commencing on or after January 1,
15 2023, BUT BEFORE JANUARY 1, 2026, for taxpayers who claim itemized
16 deductions as defined in section 63 (d) of the internal revenue code or the
17 standard deduction as defined in section 63 (c) of the internal revenue
18 code and who have federal adjusted gross income in the income tax year
19 equal to or exceeding three hundred thousand dollars:

20 (II) For the 2023-24 state fiscal year and state fiscal years
21 thereafter, the general assembly shall annually appropriate an amount at
22 least equal to the amount of revenue generated by the addition to federal
23 taxable income described in subsection (3)(p.5)(I) of this section,
24 calculated without regard to any temporary rate reduction pursuant to
25 section 39-22-627, ~~but not more than the amount required, to fully fund~~
26 ~~the direct and indirect costs of implementing the healthy school meals for~~
27 ~~all program as provided in section 22-82.9-209. The provisions of~~ TO THE

1 HEALTHY SCHOOL MEALS FOR ALL PROGRAM CASH FUND CREATED IN
2 SECTION 22-82.9-211. Subsection (3)(p.5)(I) of this section ~~constitute~~
3 CONSTITUTES a voter-approved revenue change, approved by the voters
4 at the statewide election in November of 2022, and the revenue generated
5 by this voter-approved revenue change may be collected, retained,
6 appropriated, and spent without subsequent voter approval,
7 notwithstanding any other limits in the state constitution or law. The
8 addition to federal taxable income described in subsection (3)(p.5)(I) of
9 this section does not apply for an income tax year that commences after
10 the healthy school meals for all program, or any successor program, is
11 repealed. Upon repeal of the healthy school meals for all program, or any
12 successor program, the commissioner of education shall promptly notify
13 the executive director in writing that the program is repealed.

14 (III) THIS SUBSECTION (3)(p.5) IS REPEALED, EFFECTIVE
15 DECEMBER 31, 2028.

16 (p.7) (I) FOR INCOME TAX YEARS COMMENCING ON OR AFTER
17 JANUARY 1, 2026, FOR TAXPAYERS WHO CLAIM ITEMIZED DEDUCTIONS AS
18 DEFINED IN SECTION 63 (d) OF THE INTERNAL REVENUE CODE OR THE
19 STANDARD DEDUCTION AS DEFINED IN SECTION 63 (c) OF THE INTERNAL
20 REVENUE CODE AND WHO HAVE A FEDERAL ADJUSTED GROSS INCOME IN
21 THE INCOME TAX YEAR EQUAL TO OR EXCEEDING THREE HUNDRED
22 THOUSAND DOLLARS:

23 (A) FOR A TAXPAYER WHO FILES A SINGLE RETURN, THE AMOUNT
24 BY WHICH THE ITEMIZED DEDUCTIONS DEDUCTED FROM GROSS INCOME
25 UNDER SECTION 63 (a) OF THE INTERNAL REVENUE CODE EXCEED, OR THE
26 STANDARD DEDUCTION DEDUCTED FROM GROSS INCOME UNDER SECTION
27 63 (c) OF THE INTERNAL REVENUE CODE EXCEEDS ONE THOUSAND

1 DOLLARS; AND

2 (B) FOR TAXPAYERS WHO FILE A JOINT RETURN, THE AMOUNT BY
3 WHICH THE ITEMIZED DEDUCTIONS DEDUCTED FROM GROSS INCOME UNDER
4 SECTION 63 (a) OF THE INTERNAL REVENUE CODE EXCEED, OR THE
5 STANDARD DEDUCTION DEDUCTED FROM GROSS INCOME UNDER SECTION
6 63 (c) OF THE INTERNAL REVENUE CODE EXCEEDS TWO THOUSAND
7 DOLLARS.

8 (II) IN ADDITION TO THE FUNDING APPROPRIATED IN SUBSECTION
9 (3)(p.5) OF THIS SECTION, FOR THE 2026-27 STATE FISCAL YEAR AND
10 EVERY STATE FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL
11 ANNUALLY APPROPRIATE AN AMOUNT AT LEAST EQUAL TO THE AMOUNT
12 OF REVENUE GENERATED BY THE ADDITION TO FEDERAL TAXABLE INCOME
13 DESCRIBED IN THIS SUBSECTION (3)(p.7) TO THE HEALTHY SCHOOL MEALS
14 FOR ALL PROGRAM CASH FUND CREATED IN SECTION 22-82.9-211. THE
15 PROVISIONS OF THIS SUBSECTION (3)(p.7) CONSTITUTE A VOTER-APPROVED
16 REVENUE CHANGE, APPROVED BY THE VOTERS AT THE STATEWIDE
17 ELECTION IN NOVEMBER 2025, AND THE REVENUE GENERATED BY THIS
18 VOTER-APPROVED REVENUE CHANGE MAY BE COLLECTED, RETAINED,
19 APPROPRIATED, AND SPENT WITHOUT SUBSEQUENT VOTER APPROVAL,
20 NOTWITHSTANDING ANY OTHER LIMITS IN THE STATE CONSTITUTION OR
21 LAW. THE ADDITION TO FEDERAL TAXABLE INCOME DESCRIBED IN THIS
22 SUBSECTION (3)(p.7) DOES NOT APPLY FOR AN INCOME TAX YEAR THAT
23 COMMENCES AFTER THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM, OR
24 ANY SUCCESSOR PROGRAM, IS REPEALED. UPON REPEAL OF THE HEALTHY
25 SCHOOL MEALS FOR ALL PROGRAM, OR ANY SUCCESSOR PROGRAM, THE
26 COMMISSIONER OF EDUCATION SHALL PROMPTLY NOTIFY THE EXECUTIVE
27 DIRECTOR IN WRITING THAT THE PROGRAM IS REPEALED.

1 **SECTION 19.** In Colorado Revised Statutes, 39-22-104, **amend**
2 (3)(p.5)(I) introductory portion and (3)(p.5)(II); and **add** (3)(p.5)(I.5) as
3 follows:

4 **39-22-104. Income tax imposed on individuals, estates, and**
5 **trusts - single rate - report - tax preference performance statement**
6 **- legislative declaration - definitions - repeal.** (3) There shall be added
7 to the federal taxable income:

8 (p.5) (I) For income tax years commencing on or after January 1,
9 2023, BUT BEFORE JANUARY 1, 2026, for taxpayers who claim itemized
10 deductions as defined in section 63 (d) of the internal revenue code or the
11 standard deduction as defined in section 63 (c) of the internal revenue
12 code and who have federal adjusted gross income in the income tax year
13 equal to or exceeding three hundred thousand dollars:

14 (I.5) FOR INCOME TAX YEARS COMMENCING ON OR AFTER
15 JANUARY 1, 2026, FOR TAXPAYERS WHO CLAIM ITEMIZED DEDUCTIONS AS
16 DEFINED IN SECTION 63 (d) OF THE INTERNAL REVENUE CODE OR THE
17 STANDARD DEDUCTION AS DEFINED IN SECTION 63 (c) OF THE INTERNAL
18 REVENUE CODE AND WHO HAVE A FEDERAL ADJUSTED GROSS INCOME IN
19 THE INCOME TAX YEAR EQUAL TO OR EXCEEDING THREE HUNDRED
20 THOUSAND DOLLARS:

21 (A) FOR A TAXPAYER WHO FILES A SINGLE RETURN, THE AMOUNT
22 BY WHICH THE ITEMIZED DEDUCTIONS DEDUCTED FROM GROSS INCOME
23 UNDER SECTION 63 (a) OF THE INTERNAL REVENUE CODE EXCEED, OR THE
24 STANDARD DEDUCTION DEDUCTED FROM GROSS INCOME UNDER SECTION
25 63 (c) OF THE INTERNAL REVENUE CODE EXCEEDS, AN AMOUNT THAT IS
26 GREATER THAN TWELVE THOUSAND DOLLARS, IS THREE-QUARTERS OF THE
27 AMOUNT DESCRIBED IN SUBSECTION (3)(p.5)(I.5)(B) OF THIS SECTION, AND

1 THAT THE DEPARTMENT OF REVENUE DETERMINES THAT, IN COMBINATION
2 WITH THE AMOUNT DESCRIBED IN SUBSECTION (3)(p.5)(I.5)(B) OF THIS
3 SECTION, HAD IT BEEN USED INSTEAD OF THE ADDITION TO FEDERAL
4 TAXABLE INCOME REQUIRED BY SUBSECTION (3)(p.5)(I) OF THIS SECTION,
5 WOULD HAVE REDUCED THE AMOUNT OF ADDITIONAL STATE INCOME TAX
6 REVENUE FOR THE 2023-24 STATE FISCAL YEAR GENERATED BY THAT
7 ADDITION TO ONE HUNDRED MILLION SEVEN HUNDRED TWENTY-SEVEN
8 THOUSAND EIGHT HUNDRED TWENTY DOLLARS; AND

9 (B) FOR TAXPAYERS WHO FILE A JOINT RETURN, THE AMOUNT BY
10 WHICH THE ITEMIZED DEDUCTIONS DEDUCTED FROM GROSS INCOME UNDER
11 SECTION 63 (a) OF THE INTERNAL REVENUE CODE EXCEED, OR THE
12 STANDARD DEDUCTION DEDUCTED FROM GROSS INCOME UNDER SECTION
13 63 (c) OF THE INTERNAL REVENUE CODE EXCEEDS, AN AMOUNT THAT IS
14 GREATER THAN SIXTEEN THOUSAND DOLLARS, IS ONE-THIRD GREATER
15 THAN THE AMOUNT DESCRIBED IN SUBSECTION (3)(p.5)(I.5)(A) OF THIS
16 SECTION, AND THAT THE DEPARTMENT OF REVENUE DETERMINES THAT, IN
17 COMBINATION WITH THE AMOUNT DESCRIBED IN SUBSECTION
18 (3)(p.5)(I.5)(A) OF THIS SECTION, HAD IT BEEN USED INSTEAD OF THE
19 ADDITION TO FEDERAL TAXABLE INCOME REQUIRED BY SUBSECTION
20 (3)(p.5)(I) OF THIS SECTION, WOULD HAVE REDUCED THE AMOUNT OF
21 ADDITIONAL STATE INCOME TAX REVENUE FOR THE 2023-24 STATE FISCAL
22 YEAR GENERATED BY THAT ADDITION TO ONE HUNDRED MILLION SEVEN
23 HUNDRED TWENTY-SEVEN THOUSAND EIGHT HUNDRED TWENTY DOLLARS.

24 (II) For the 2023-24 state fiscal year and state fiscal years
25 thereafter, the general assembly shall annually appropriate an amount at
26 least equal to the amount of revenue generated by the addition to federal
27 taxable income described in ~~subsection (3)(p.5)(I)~~ SUBSECTIONS

1 (3)(p.5)(I) AND (3)(p.5)(I.5) of this section, calculated without regard to
2 any temporary rate reduction pursuant to section 39-22-627, but not more
3 than the amount required, to fully fund the direct and indirect costs of
4 implementing the healthy school meals for all program as provided in
5 section 22-82.9-209. ~~The provisions of subsection (3)(p.5)(I)~~
6 SUBSECTIONS (3)(p.5)(I) AND (3)(p.5)(I.5) of this section constitute a
7 voter-approved revenue change, approved by the voters at the statewide
8 election in November of 2022, and the revenue generated by this
9 voter-approved revenue change may be collected, retained, appropriated,
10 and spent without subsequent voter approval, notwithstanding any other
11 limits in the state constitution or law. The addition to federal taxable
12 income described in ~~subsection (3)(p.5)(I)~~ SUBSECTIONS (3)(p.5)(I) AND
13 (3)(p.5)(I.5) of this section does not apply for an income tax year that
14 commences after the healthy school meals for all program, or any
15 successor program, is repealed. Upon repeal of the healthy school meals
16 for all program, or any successor program, the commissioner of education
17 shall promptly notify the executive director in writing that the program is
18 repealed.

19 **SECTION 20. Effective date - applicability.** (1) Section 11 _____
20 of this act takes effect only if the ballot issue described in section
21 22-82.9-212 is approved by the people at the next statewide election and
22 the ballot issue described in section 22-82.9-213 is rejected by the people
23 at the next statewide election, in which case section 11 takes effect on the
24 date of the official declaration of the vote thereon by the governor.

25 (2) Section 12 of this act takes effect only if the ballot issue
26 described in section 22-82.9-212 is approved by the people at the next
27 statewide election, the ballot issue described in section 22-82.9-213 is

1 rejected by the people at the next statewide election, and Senate Bill
2 25-214 does not become law, in which case section 12 takes effect on the
3 date of the official declaration of the vote thereon by the governor.

4 (3) Section 13 of this act takes effect only if the ballot issue
5 described in section 22-82.9-212 is approved by the people at the next
6 statewide election, the ballot issue described in section 22-82.9-213 is
7 rejected by the people at the next statewide election, and Senate Bill
8 25-214 becomes law, in which case section 13 takes effect on the date of
9 the official declaration of the vote thereon by the governor.

10 (4) Section 19 of this act takes effect only if the ballot issue
11 described in section 22-82.9-212 and the ballot issue described in section
12 22-82.9-213 are rejected by the people at the next statewide election, in
13 which case section 19 of this act takes effect on the date of the official
14 declaration of the vote thereon by the governor.

15 (5) Sections 16 and 17 of this act take effect only if one or both
16 of the ballot issue described in section 22-82.9-212 and the ballot issue
17 described in section 22-82.9-213 are approved by the people at the next
18 statewide election, in which case sections 16 and 17 of this act take effect
19 on the date of the official declaration of the vote thereon by the governor.

20 (6) Sections 4, 5, 6, 7, 8, 9, 10, and 18 of this act take effect only
21 if the ballot issue described in section 22-82.9-213 is approved by the
22 people at the next statewide election, in which case sections 4, 5, 6, 7, 8,
23 9, 10, and 18 take effect on the date of the official declaration of the vote
24 thereon by the governor.

25 (7) Section 14 of this act takes effect only if the ballot issue
26 described in section 22-82.9-213 is approved by the people at the next
27 statewide election and Senate Bill 25-214 does not become law, in which

1 case section 14 takes effect on the date of the official declaration of the
2 vote thereon by the governor.

3 (8) Section 15 of this act takes effect only if the ballot issue
4 described in section 22-82.9-213 is approved by the people at the next
5 statewide election and Senate Bill 25-214 becomes law, in which case
6 section 15 takes effect on the date of the official declaration of the vote
7 thereon by the governor.

8 (9) Sections 1, 2, 3, 20, and 21 of this act take effect upon
9 passage.

10 **SECTION 21. Safety clause.** The general assembly finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety or for appropriations for
13 the support and maintenance of the departments of the state and state
14 institutions.