

House Bill 2800

Sponsored by Representatives CLEM, KOTEK; Representatives BAILEY, BOONE, CANNON, GARRETT, GELSER, GILLIAM, GREENLICK, HARKER, HOLVEY, KAHL, KRIEGER, MATTHEWS, NATHANSON, READ, ROBLAN, SCHAUFLEER, SHIELDS, J SMITH, TOMEI

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Department of Education to provide reimbursements to school districts that serve Oregon food products as part of United States Department of Agriculture's National School Lunch Program or School Breakfast Program. Directs department to award grants for development of food-based and garden-based educational activities.

Allocates moneys from Administrative Services Economic Development Fund to State Department of Agriculture for purposes of reimbursements and grants.

Declares emergency, effective July 1, 2009.

A BILL FOR AN ACT

1
2 Relating to Oregon Farm-to-School and School Garden Program; creating new provisions; amending
3 section 1, chapter 21, Oregon Laws 2008; limiting expenditures; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** Section 1, chapter 21, Oregon Laws 2008, is amended to read:

6 **Sec. 1.** (1) The Department of Education shall establish the Oregon Farm-to-School and School
7 Garden Program. Through the program, the department shall:

8 **(a) Provide reimbursements to school districts that serve Oregon food products as part**
9 **of the United States Department of Agriculture's National School Lunch Program or School**
10 **Breakfast Program;**

11 [(a)] **(b)** Assist school districts that participate in the United States Department of Agriculture's
12 National School Lunch Program or School Breakfast Program in *[utilizing]* **using** Oregon food pro-
13 ducts *[and produce]* from school gardens;

14 [(b)] **(c)** Promote *[food-]* **food-based** and garden-based educational activities in **schools and**
15 school districts *[that participate in the United States Department of Agriculture's National School*
16 *Lunch Program or School Breakfast Program];*

17 [(c)] **(d)** Provide information to school districts on how farm-to-school and school garden projects
18 may help implement wellness policies mandated by the United States Department of Agriculture;

19 [(d)] **(e)** Assist school districts in incorporating farm-to-school and school garden projects into
20 wellness policies mandated by the United States Department of Agriculture;

21 [(e)] **(f)** Work with the State Department of Agriculture, **agricultural organizations, state in-**
22 **stitutions of higher education and other regional organizations and community-based organ-**
23 **izations** to develop farm-to-school related programs; and

24 [(f)] **(g)** Perform other activities necessary to facilitate the success of the Oregon Farm-to-School
25 and School Garden Program.

26 **(2)(a) A school district may be reimbursed for purchasing Oregon food products by ap-**
27 **plying to the Department of Education for reimbursement and showing that food for which**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 **the district seeks reimbursement:**

2 **(A) Was produced, packaged, packed or processed in Oregon;**

3 **(B) Was used in meals that are part of the United States Department of Agriculture's**
4 **National School Lunch Program or School Breakfast Program; and**

5 **(C) Met or exceeded federal standards for the nutritional content of school meals.**

6 **(b) The Department of Education shall provide reimbursement in an amount equal to 15**
7 **cents for every school lunch and seven cents for every school breakfast.**

8 **(c) A school district may not use any moneys received under this subsection to supplant**
9 **purchases of food products with federal moneys.**

10 **(d) The Department of Education shall consult with the State Department of Agriculture**
11 **to develop rules and standards related to the implementation of the reimbursements de-**
12 **scribed in this subsection.**

13 **(3)(a) A school or school district may apply to the Department of Education for a grant**
14 **to be used for food-based and garden-based educational activities in schools and school dis-**
15 **tricts.**

16 **(b) The Department of Education shall consult with the State Department of Agriculture**
17 **to determine the recipients and amounts of grants awarded under this subsection.**

18 **(c) An applicant for a grant may not receive more than \$20,000 in grants per biennium**
19 **under this subsection.**

20 **(d) The Department of Education may not award more than 150 grants per biennium**
21 **under this subsection.**

22 **[(2)] (4) The State Board of Education shall adopt rules that establish the criteria to de-**
23 **termine the eligibility for a grant awarded under subsection (3) of this section and may adopt**
24 **any other rules necessary for the administration of this section.**

25 **[(3)(a)] (5)(a) For the purpose of paying the costs of the Department of Education of adminis-**
26 **tering the Oregon Farm-to-School and School Garden Program, the department may accept contri-**
27 **butions of moneys and assistance from any source, public or private, and agree to conditions placed**
28 **on the moneys not inconsistent with the duties of the department under this section.**

29 **(b) Any moneys received by the department under this subsection shall be placed in the De-**
30 **partment of Education Account. Moneys specifically received for reimbursements described in**
31 **subsection (2) of this section and for grants described in subsection (3) of this section shall**
32 **be credited for those purposes.**

33 **SECTION 2. The amendments to section 1, chapter 21, Oregon Laws 2008, by section 1**
34 **of this 2009 Act first apply to food purchased on or after the effective date of this 2009 Act.**

35 **SECTION 3. (1) There is allocated to the State Department of Agriculture from the Ad-**
36 **ministrative Services Economic Development Fund the amount identified in subsection (2)**
37 **of this section.**

38 **(2) Notwithstanding any other law limiting expenditures, the amount of \$22,580,000 is es-**
39 **tablished for the biennium beginning July 1, 2009, as the maximum limit for payment of ex-**
40 **penses by the State Department of Agriculture and the Department of Education from the**
41 **Administrative Services Economic Development Fund for the following purposes:**

42 **(a) \$19,580,000 for the reimbursements described in section 1 (2), chapter 21, Oregon Laws**
43 **2008.**

44 **(b) \$3,000,000 for grants to be used for food-based and garden-based educational activities,**
45 **as described in section 1 (3), chapter 21, Oregon Laws 2008.**

1 **(3) The allocation of moneys from the Administrative Services Economic Development**
2 **Fund under this section is subject to the requirements in section 4, Article XV of the Oregon**
3 **Constitution, for deposit of specified amounts of the net proceeds from the Oregon State**
4 **Lottery into the Education Stability Fund and into the Parks and Natural Resources Fund**
5 **and shall be made only after satisfaction or payment of:**

6 **(a) Amounts allocated to Westside lottery bonds issued under ORS 391.140 or to the re-**
7 **serves or any refunding related to the Westside lottery bonds in accordance with the priority**
8 **for allocation and disbursement established by ORS 391.130;**

9 **(b) All liens, pledges or other obligations relating to lottery bonds or refunding lottery**
10 **bonds that are due or payable during the biennium beginning July 1, 2009; and**

11 **(c) Amounts required by any other pledges of, or liens on, net proceeds from the Oregon**
12 **State Lottery.**

13 **SECTION 4. This 2009 Act being necessary for the immediate preservation of the public**
14 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
15 **July 1, 2009.**