

A-Engrossed
House Bill 2800

Ordered by the House April 13
Including House Amendments dated April 13

Sponsored by Representatives CLEM, KOTEK; Representatives BARNHART, BOONE, DEMBROW, FREDERICK, GARRETT, HOLVEY, KOMP, MATTHEWS, READ, SCHAUFLEER, J SMITH, Senator EDWARDS (Pre-session filed.)

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.

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]* **award grants to school districts for reimbursement of costs incurred in purchasing Oregon food products that meet certain criteria and for funding** food-based, agriculture-based and garden-based educational activities.

Allocates moneys from Administrative Services Economic Development Fund to *[Oregon Business Development Department for purposes of reimbursements and]* **State Department of Agriculture for purpose of awarding** grants.

Declares emergency, effective July 1, 2011.

A BILL FOR AN ACT

1
2 Relating to Oregon Farm-to-School and School Garden Program; creating new provisions; amending
3 ORS 336.426; limiting expenditures; and declaring an emergency.

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

5 **SECTION 1.** ORS 336.426 is amended to read:

6 336.426. (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) Assist school districts that participate in the United States Department of Agriculture's
9 National School Lunch Program or School Breakfast Program in *[utilizing]* **using** Oregon food pro-
10 ducts and produce from school gardens;

11 (b) Promote *[food-]* **food-based, agriculture-based** and garden-based educational activities in
12 school districts *[that participate in the United States Department of Agriculture's National School*
13 *Lunch Program or School Breakfast Program];*

14 (c) Provide information to school districts on how farm-to-school and school garden projects may
15 help implement wellness policies mandated by the United States Department of Agriculture;

16 (d) Assist school districts in incorporating farm-to-school and school garden projects into
17 wellness policies mandated by the United States Department of Agriculture;

18 (e) Work with the State Department of Agriculture to develop farm-to-school related programs;
19 and

20 (f) Perform other activities necessary to facilitate the success of the Oregon Farm-to-School and
21 School Garden Program.

22 (2) The State Board of Education may adopt any rules necessary for the administration of this

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 section.

2 (3)(a) For the purpose of paying the costs of the Department of Education of administering the
3 Oregon Farm-to-School and School Garden Program, the department may accept contributions of
4 moneys and assistance from any source, public or private, and agree to conditions placed on the
5 moneys not inconsistent with the duties of the department under this section.

6 (b) Any moneys received by the department under this subsection shall be placed in the De-
7 partment of Education Account.

8 **SECTION 2. (1) A school district may apply to the Department of Education for a grant**
9 **to be used by the school district to:**

10 (a) **Reimburse the school district for costs incurred by the school district to purchase**
11 **Oregon food products described in subsection (3) of this section; and**

12 (b) **Fund food-based, agriculture-based and garden-based educational activities in school**
13 **districts.**

14 (2) **For a grant received under this section:**

15 (a) **87.5 percent of the moneys of the grant must be used for reimbursements as de-**
16 **scribed in subsection (1)(a) of this section; and**

17 (b) **12.5 percent of the moneys of the grant must be used for the educational activities**
18 **described in subsection (1)(b) of this section.**

19 (3)(a) **For the portion of a grant that is allocated for reimbursements, a school district**
20 **shall be reimbursed for the costs incurred by the school district to purchase Oregon food**
21 **products that were:**

22 (A) **Purchased on or after the date the school district received the moneys for the grant;**

23 (B) **Produced or processed in Oregon; and**

24 (C) **Used in meals that are part of the United States Department of Agriculture's Na-**
25 **tional School Lunch Program.**

26 (b) **For Oregon food products that satisfy the requirements of paragraph (a) of this sub-**
27 **section, reimbursements shall be in an amount that equals the lesser of:**

28 (A) **The amount paid per meal by the school district to purchase the Oregon food product;**
29 **or**

30 (B) **Fifteen cents for every school lunch.**

31 (c) **A school district that receives moneys for reimbursement as provided by paragraph**
32 **(b) of this subsection:**

33 (A) **Must use the moneys to purchase foods produced or processed in Oregon; and**

34 (B) **May not use the moneys to supplant purchases of food products with federal moneys,**
35 **but may use the moneys to pay for the difference in cost between food products that are of**
36 **higher quality and food products that are allowed to be purchased with federal moneys.**

37 (4) **For the portion of a grant that is allocated for educational activities, a school district**
38 **shall use the moneys for costs directly associated with the educational activities, including**
39 **staff time, travel costs and equipment purchased for the activities.**

40 (5) **The Department of Education shall consult with the State Department of Agriculture**
41 **to determine the recipients and amounts of grants awarded under this section. Preference**
42 **shall be given to school districts that:**

43 (a) **Propose farm-to-school projects or school garden projects that:**

44 (A) **Are well designed;**

45 (B) **Incorporate positive changes in food purchasing;**

1 (C) Promote healthy food activities;

2 (D) Have clear educational objectives;

3 (E) Involve parents or the community; and

4 (F) Have high potential for job creation;

5 (b) Represent a variety of sizes and geographic locations; and

6 (c) Serve a high percentage of children who qualify for free or reduced price school meals
7 under the United States Department of Agriculture's National School Lunch Program.

8 (6) The Department of Education must award at least three grants per biennium under
9 this section.

10 (7) The Department of Education shall consult with the State Department of Agriculture
11 to develop rules and standards related to the grants awarded under this section.

12 (8) The Department of Education and the State Department of Agriculture may expend
13 for the administrative costs incurred by the departments under this section no more than
14 two percent of all moneys received by the departments for the grant program.

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

18 (2) Notwithstanding any other law limiting expenditures, the amount of \$2 million is es-
19 tablished for the biennium beginning July 1, 2011, as the maximum limit for payment of ex-
20 penses by the State Department of Agriculture and the Department of Education from the
21 Administrative Services Economic Development Fund for the grant program described in
22 section 2 of this 2011 Act.

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

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

31 (b) All liens, pledges or other obligations relating to lottery bonds or refunding lottery
32 bonds that are due or payable during the biennium beginning July 1, 2011; and

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

35 **SECTION 4.** This 2011 Act being necessary for the immediate preservation of the public
36 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
37 July 1, 2011.

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