

HOUSE AMENDMENTS TO HOUSE BILL 2800

By COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

April 13

1 On page 1 of the printed bill, delete lines 5 through 28 and delete pages 2 and 3 and insert:

2 “**SECTION 1.** ORS 336.426 is amended to read:

3 “336.426. (1) The Department of Education shall establish the Oregon Farm-to-School and School
4 Garden Program. Through the program, the department shall:

5 “(a) Assist school districts that participate in the United States Department of Agriculture’s
6 National School Lunch Program or School Breakfast Program in [*utilizing*] **using** Oregon food pro-
7 ducts and produce from school gardens;

8 “(b) Promote [*food-*] **food-based, agriculture-based** and garden-based educational activities in
9 school districts [*that participate in the United States Department of Agriculture’s National School*
10 *Lunch Program or School Breakfast Program*];

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

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

15 “(e) Work with the State Department of Agriculture to develop farm-to-school related programs;
16 and

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

19 “(2) The State Board of Education may adopt any rules necessary for the administration of this
20 section.

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

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

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

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

31 “(b) **Fund food-based, agriculture-based and garden-based educational activities in school**
32 **districts.**

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

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

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

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

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

7 “(B) Produced or processed in Oregon; and

8 “(C) Used in meals that are part of the United States Department of Agriculture’s Na-
9 tional School Lunch Program.

10 “(b) For Oregon food products that satisfy the requirements of paragraph (a) of this
11 subsection, reimbursements shall be in an amount that equals the lesser of:

12 “(A) The amount paid per meal by the school district to purchase the Oregon food prod-
13 uct; or

14 “(B) Fifteen cents for every school lunch.

15 “(c) A school district that receives moneys for reimbursement as provided by paragraph
16 (b) of this subsection:

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

18 “(B) May not use the moneys to supplant purchases of food products with federal mon-
19 eys, but may use the moneys to pay for the difference in cost between food products that
20 are of higher quality and food products that are allowed to be purchased with federal moneys.

21 “(4) For the portion of a grant that is allocated for educational activities, a school dis-
22 trict shall use the moneys for costs directly associated with the educational activities, in-
23 cluding staff time, travel costs and equipment purchased for the activities.

24 “(5) The Department of Education shall consult with the State Department of Agriculture
25 to determine the recipients and amounts of grants awarded under this section. Preference
26 shall be given to school districts that:

27 “(a) Propose farm-to-school projects or school garden projects that:

28 “(A) Are well designed;

29 “(B) Incorporate positive changes in food purchasing;

30 “(C) Promote healthy food activities;

31 “(D) Have clear educational objectives;

32 “(E) Involve parents or the community; and

33 “(F) Have high potential for job creation;

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

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

37 “(6) The Department of Education must award at least three grants per biennium under
38 this section.

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

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

44 “SECTION 3. (1) There is allocated to the State Department of Agriculture from the
45 Administrative Services Economic Development Fund the amount identified in subsection (2)

1 of this section.

2 “(2) Notwithstanding any other law limiting expenditures, the amount of \$2 million is
3 established for the biennium beginning July 1, 2011, as the maximum limit for payment of
4 expenses by the State Department of Agriculture and the Department of Education from the
5 Administrative Services Economic Development Fund for the grant program described in
6 section 2 of this 2011 Act.

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

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

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

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

19 “SECTION 4. This 2011 Act being necessary for the immediate preservation of the public
20 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
21 July 1, 2011.”

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