

House Bill 2800

Sponsored by Representatives CLEM, KOTEK; Representatives DEMBROW, FREDERICK, GARRETT, HOLVEY, KOMP, MATTHEWS, SCHAUFLE, J SMITH, Senator EDWARDS (Presession 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 **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, 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 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) 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, agriculture-based** and garden-based educational activities
15 in **schools and** school districts *[that participate in the United States Department of Agriculture's*
16 *National School 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**
28 **the district seeks reimbursement:**

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

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

4 (b) The Department of Education shall provide reimbursement for purchases of Oregon
5 food products that satisfy the requirements of paragraph (a) of this subsection. Reimburse-
6 ments shall be in an amount that equals the lesser of:

7 (A) The amount paid per meal by the school district to purchase the Oregon food product;
8 or

9 (B) Fifteen cents for every school lunch and seven cents for every school breakfast.

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

12 (A) Must use the moneys to purchase food produced, packaged, packed or processed in
13 Oregon; and

14 (B) May not use the moneys to supplant purchases of food products with federal moneys.

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

18 (3)(a) A school or school district may apply to the Department of Education for a grant
19 to be used for food-based, agriculture-based and garden-based educational activities in
20 schools and school districts.

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

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

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

27 [(2)] (4) The State Board of Education shall adopt rules that establish the criteria to de-
28 termine the eligibility for a grant awarded under subsection (3) of this section and may adopt
29 any other rules necessary for the administration of this section.

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

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

38 (6) The Department of Education may expend for the administrative costs incurred by
39 the department under this section no more than two percent of all moneys received by the
40 department for the Oregon Farm-to-School and School Garden Program.

41 **SECTION 2.** The amendments to ORS 336.426 by section 1 of this 2011 Act first apply to
42 food purchased on or after the effective date of this 2011 Act.

43 **SECTION 3.** (1) There is allocated to the Oregon Business Development Department from
44 the Administrative Services Economic Development Fund the amount identified in subsection
45 (2) of this section.

1 **(2) Notwithstanding any other law limiting expenditures, the amount of \$22,580,000 is es-**
2 **tablished for the biennium beginning July 1, 2011, as the maximum limit for payment of ex-**
3 **penditures by the Oregon Business Development Department and the Department of Education**
4 **from the Administrative Services Economic Development Fund for the following purposes:**

5 **(a) \$19,580,000 for the reimbursements described in ORS 336.426 (2).**

6 **(b) \$3,000,000 for grants to be used for food-based, agriculture-based and garden-based**
7 **educational activities, as described in ORS 336.426 (3).**

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

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

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

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

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