

A-Engrossed
House Bill 2649

Ordered by the House March 11
Including House Amendments dated March 11

Sponsored by Representatives KOTEK, CLEM; Representatives REARDON, UNGER (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.

[Removes requirement that grant to purchase Oregon food products and to fund certain educational activities be allocated in specified percentage.] **Allows Department of Education to have limited discretion in determining percentages of grant moneys to be awarded to purchase Oregon food products and to fund certain educational activities.** Removes requirement that at least two grants be awarded per biennium under grant program.

Appropriates moneys from General Fund to Department of Education for grant program.

Declares emergency, effective July 1, 2013.

A BILL FOR AN ACT

1
2 Relating to grants awarded to schools for food programs; amending ORS 336.431; appropriating
3 money; and declaring an emergency.

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

5 **SECTION 1.** ORS 336.431 is amended to read:

6 336.431. (1) A school district may apply to the Department of Education for a grant to be used
7 by the school district to:

8 (a) Reimburse the school district for costs incurred by the school district to purchase Oregon
9 food products described in subsection (3) of this section; *[and]* **or**

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

11 (2) *[For a grant received under this section]* **The Department of Education shall distribute**
12 **grant moneys under this section in a manner that ensures that:**

13 (a) *[87.5]* **At least 80** percent of the moneys *[of the grant must be]* **distributed are** used for re-
14 imbursements as described in subsection (1)(a) of this section; and

15 (b) *[12.5]* **At least 10** percent of the moneys *[of the grant must be]* **distributed are** used for the
16 educational activities described in subsection (1)(b) of this section.

17 (3)(a) *[For the portion of a grant that is allocated for reimbursements, a]* **If a school district**
18 **receives any grant moneys under this section for reimbursements, the** school district shall
19 *[be reimbursed]* **use the moneys** for the costs incurred by the school district to purchase Oregon
20 food products that were:

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

22 (B) Produced or processed in Oregon; and

23 (C) Used in meals that are part of the United States Department of Agriculture's National
24 School Lunch Program.

25 (b) For Oregon food products that satisfy the requirements of paragraph (a) of this subsection,

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 reimbursements shall be in an amount that equals the lesser of:

2 (A) The amount paid per meal by the school district to purchase the Oregon food [*product*]
3 **products**; or

4 (B) Fifteen cents for every school lunch **that is served as part of the United States Depart-**
5 **ment of Agriculture's National School Lunch Program and that uses Oregon food products.**

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

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

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

12 (4) [*For the portion of a grant that is allocated for educational activities, a*] **If a school district**
13 **receives any moneys under this section for educational activities, the** school district shall use
14 the moneys for costs directly associated with the educational activities, including staff time, travel
15 costs and equipment purchased for the activities.

16 (5) The Department of Education shall consult with the State Department of Agriculture to de-
17 termine the recipients and amounts of grants awarded under this section.

18 **(6) The Department of Education may award a grant to a school district under this sec-**
19 **tion only if the school district can demonstrate that the school district:**

20 **(a) Has a program to purchase Oregon food products and a program to provide food-**
21 **based, agriculture-based or garden-based educational activities; or**

22 **(b) Is developing the programs described in paragraph (a) of this subsection that the**
23 **school district does not have at the time of application.**

24 **(7) When awarding grants under this section,** preference shall be given to school districts
25 that:

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

27 (A) Are well designed;

28 (B) Incorporate positive changes in food purchasing;

29 (C) Promote healthy food activities;

30 (D) Have clear educational objectives;

31 (E) Involve parents or the community; and

32 (F) Have high potential for job creation;

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

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

36 [*(6) The Department of Education must award at least two grants per biennium under this*
37 *section.*]

38 [(7)] **(8)** The Department of Education shall consult with the State Department of Agriculture
39 to develop rules and standards related to the grants awarded under this section.

40 [(8)] **(9)** The Department of Education may expend for the administrative costs incurred under
41 this section no more than two percent of all moneys received by the department for the grant pro-
42 gram.

43 **SECTION 2. In addition to and not in lieu of any other appropriation, there is appropri-**
44 **ated to the Department of Education, for the biennium beginning July 1, 2013, out of the**
45 **General Fund, the amount of \$5,000,000 for the grant program described in ORS 336.431.**

1 **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**
2 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
3 **July 1, 2013.**

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