

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 338

51st Legislature, 1st Session, 2013

Tracking Number: .192081.1

Short Title: NM Grown Fresh Produce for Meals

Sponsor(s): Representative Jimmie C. Hall and Others

Analyst: James Ball

Date: February 7, 2013

Bill Summary:

HB 338 makes an appropriation to:

- purchase New Mexico-grown fresh fruits and vegetables; and
- distribute the purchased produce to school districts and charter schools for school meal programs.

The bill also requires the Public Education Department (PED), in coordination with the New Mexico Department of Agriculture (NMDA), to ensure that the appropriated funds be expended for the stated purpose.

Fiscal Impact:

\$1.44 million is appropriated from the General Fund to PED for FY 14 and subsequent fiscal years. Unexpended or unencumbered funds do not revert to the General Fund.

Substantive Issues:

According to PED's analysis of a companion bill (SB 80a, *NM-Grown Produce in School Meals*), since HB 338 does not specifically identify how allocations to school districts and charter schools would be determined, PED would need to develop department rules and procedures for the distribution of funds.

Background:

The PED bill analysis of the companion bill (SB 80a, *NM-Grown Produce in School Meals*) states that:

- the US Department of Agriculture (USDA) Fresh Fruits and Vegetables Program provides funding for the purchase of fresh produce in New Mexico schools, including funds benefitting around 40,000 students in 39 school districts in FY 13; and
- the appropriation in HB 338 would supplement the federal funds by providing resources for schools that do not meet federal eligibility requirements¹.

¹ According to the USDA website relating to the federal Fresh Fruit and Vegetable Program, the "requirements in the law for school selection are very prescriptive and require that schools with the highest level of free and reduced price enrollment receive priority in selection." In addition, beginning in

According to NMDA's analysis of a companion bill (SB 76, *NM-Grown Produce in School Lunches*):

- initiatives that link New Mexico farmers to school meal programs provide additional outlets for farm products produced locally; and
- both large- and small-scale farms are thereby able to take advantage of opportunities to secure additional income and provide economic development statewide.

Committee Referrals:

HAGC/HAFC

Related Bills:

HB 59 *School Meal Program Commodities Deliveries*
SB 75 *Healthy School Lunch Rules*
SB 76 *NM-Grown Produce in School Lunches*
SB 80a *NM-Grown Produce in School Meals* (Identical)

school year 2010-2011, only elementary schools will be eligible to participate in the federal program. As a result, secondary schools will no longer be allowed to participate.