

House File 2645 - Introduced

HOUSE FILE 2645

BY ISENHART, EHLERT,
BROWN-POWERS, McCONKEY,
STAED, BEARINGER,
GASKILL, STECKMAN, McKEAN,
LENSING, WINCKLER, FORBES,
WILBURN, HALL, R. SMITH,
NIELSEN, COHOON, KACENA,
ABDUL-SAMAD, OURTH,
KONFRST, MASCHER, OLSON,
JAMES, BENNETT, WOLFE,
OLDSON, DERRY, THEDE,
HUNTER, KURTZ, JACOBY,
M. SMITH, WILLIAMS, and
SHIPLEY

A BILL FOR

1 An Act relating to a program that assists schools and school
2 districts in purchasing fresh farm produce, making
3 appropriations, and including effective date and retroactive
4 applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 190A.11 Definitions.

2 As used in this subchapter, unless the context otherwise
3 requires:

4 1. "*Department*" means the department of agriculture and land
5 stewardship.

6 2. "*Farm source*" means a farmer who produces fresh farm
7 produce and sells directly to consumers or to a distributor or
8 broker of fresh farm produce.

9 3. "*Fresh farm produce*" means vegetables, fruits, or nuts
10 intended for inclusion as part of a school diet, including
11 school meals and snacks as described in section 190A.3, if the
12 vegetables, fruits, or nuts are not processed except for being
13 trimmed, cleaned, dried, sorted, or packaged.

14 4. "*Fund*" means the local farm produce fund created in
15 section 190A.12.

16 5. "*Program*" means the local farm produce program created
17 in section 190A.13.

18 6. "*School*" means a public school or nonpublic school, as
19 those terms are defined in section 280.2, or that portion of a
20 public school or nonpublic school that provides facilities for
21 teaching any grade from kindergarten through grade twelve.

22 7. "*School district*" means a school district as described
23 in chapter 274.

24 Sec. 2. NEW SECTION. 190A.12 Local farm produce fund.

25 1. A local farm produce fund is created in the state
26 treasury under the management and control of the department.

27 2. The fund shall include moneys appropriated to the fund
28 by the general assembly. The fund may include other moneys
29 available to and obtained or accepted by the department,
30 including moneys from public or private sources.

31 3. Moneys in the fund are appropriated to support the
32 program in a manner determined by the department, including for
33 reasonable administrative costs incurred by the department.
34 However, the department shall not use more than five percent
35 of moneys credited to the fund during a fiscal year to pay for

1 reasonable administrative costs.

2 4. *a.* Notwithstanding section 12C.7, interest or earnings
3 on moneys in the fund shall be credited to the fund.

4 *b.* Notwithstanding section 8.33, moneys credited to the
5 fund that remain unencumbered or unobligated at the end of a
6 fiscal year shall not revert but shall remain available for the
7 purposes designated.

8 Sec. 3. NEW SECTION. 190A.13 **Local farm produce program.**

9 1. A local farm produce program is created. The program
10 shall be controlled and administered by the department.

11 2. The purpose of the program is to assist schools and
12 school districts in purchasing fresh farm produce.

13 3. The department shall reimburse a school or school
14 district for expenditures incurred by the school or school
15 district for the purchase of fresh farm produce during
16 the school year in which the school or school district is
17 participating in the program.

18 4. A school or school district must apply each year to the
19 department to participate in the program according to rules
20 adopted by the department pursuant to chapter 17A.

21 5. To be eligible to participate in the program, a school or
22 school district must purchase the fresh farm produce directly
23 from a farm source as follows:

24 *a.* Except as provided in paragraph "b", the farm source must
25 be located in this state.

26 *b.* If the school district shares a border with another
27 state, or the school is part of a school district that shares
28 a border with another state, the farm source may be located
29 in the other state. However, the food source must be located
30 within thirty miles from the school district's border with that
31 state and the department must approve the purchase.

32 6. The department shall require proof of purchase prior to
33 reimbursing the school or school district for the purchase of
34 fresh farm produce.

35 7. The department may administer the program in cooperation

1 with the department of education and the participating school
2 district or school district in which a participating school is
3 located.

4 8. a. The department shall reimburse a participating
5 school or school district that submits a claim as required
6 by the department. The department shall pay the claim on a
7 matching basis with the department contributing one dollar for
8 every three dollars expended by the school or school district.
9 However, a school or school district shall not receive
10 more than five thousand dollars during any year in which it
11 participates in the program.

12 b. If the department determines that there are not
13 sufficient moneys in the fund to satisfy all applications that
14 are submitted by schools and school districts, the department
15 shall distribute available moneys after reducing the requested
16 amounts by a like percentage.

17 c. Notwithstanding paragraph "a", if the department
18 determines that there are sufficient moneys in the fund to
19 satisfy all claims that may be submitted by schools and school
20 districts, the department shall provide for the distribution of
21 the available moneys in a manner determined equitable by the
22 department to schools and school districts in counties where
23 the county board of health has identified obesity or another
24 diet-related illness in youth as a priority in the board's
25 community health needs assessment and health improvement plan.

26 Sec. 4. APPROPRIATION.

27 1. There is appropriated to the department of agriculture
28 and land stewardship for the fiscal year beginning July 1,
29 2019, and ending June 30, 2020, from the moneys available to
30 the state pursuant to the Coronavirus Aid, Relief, and Economic
31 Security Act, Pub. L. No. 116-136, the following amount, or
32 so much thereof as is necessary, to be used for the purpose
33 designated:

34 For deposit in the local farm produce fund created in section
35 190A.12, as enacted in this Act:

1 \$ 1,925,000

2 2. Notwithstanding sections 8.33 and 190A.12, moneys
3 appropriated in this section that remain unencumbered or
4 unobligated shall not revert and shall be transferred on
5 December 31, 2020, to the general fund of the state and are
6 appropriated to the economic development authority for the
7 fiscal year beginning July 1, 2020, and ending June 30, 2021,
8 for purposes related to assisting small businesses impacted by
9 the coronavirus.

10 Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate
11 importance, takes effect upon enactment.

12 Sec. 6. RETROACTIVE APPLICABILITY. This Act, if approved by
13 the governor on or after July 1, 2020, applies retroactively
14 to June 30, 2020.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill creates a local farm produce program to assist
19 schools and school districts purchasing fresh farm produce
20 directly from farmers or distributors of fresh farm produce
21 (Code chapter 190A). DALs may reimburse a school or school
22 district for expenditures on such products to the extent moneys
23 are available to support the program. The available moneys
24 would be allocated during the school year on a matching basis,
25 subject to a \$5,000 cap. The bill also creates a local farm
26 produce fund to support the program.

27 The bill appropriates to the fund moneys available to
28 the state pursuant to the federal Coronavirus Aid, Relief,
29 and Economic Security Act. However, any unencumbered or
30 unobligated moneys remaining on December 31, 2020, are
31 transferred to the general fund and appropriated to the
32 economic development authority to support small businesses.
33 The bill takes effect upon enactment, and if approved by the
34 governor after July 1, 2020, applies retroactively to July 1,
35 2020.