

1 TO THE HONORABLE SENATE:

2 The Committee on Agriculture and Forestry to which was referred Senate
3 Bill No. 273 entitled “An act relating to creating incentives for schools and
4 establishing a goal for correctional facilities to purchase locally produced
5 foods” respectfully reports that it has considered the same and recommends
6 that the bill be amended by striking out all after the enacting clause and
7 inserting in lieu thereof the following:

8 Sec. 1. 16 V.S.A. § 1262a is amended to read:

9 § 1262a. AWARD OF GRANTS

10 * * *

11 (d) The Agency shall, from funds appropriated for this subsection to the
12 Agency, award grants to supervisory unions and supervisory districts in
13 accordance with section 1264a of this title (Locally Produced Foods). If the
14 amount appropriated for this purpose is insufficient to fully fund the grants
15 under that section, then the grant amounts that are awarded shall be prorated.

16 Sec. 2. 16 V.S.A. § 1264 is amended to read:

17 § 1264. FOOD PROGRAM

18 * * *

19 ~~(d) It is a goal of the State that by the year 2022 school boards operating a~~
20 ~~school lunch, breakfast, or summer meals program shall purchase at least 20~~
21 ~~percent of all food for those programs from local producers.~~

1 ~~(e)(1) On or before December 31, 2020, and annually thereafter, a school~~
2 ~~board operating a school lunch, breakfast, or summer meals program shall~~
3 ~~submit to the Agency of Education an estimate of the percentage of locally~~
4 ~~produced foods that were purchased by the school board for those programs.~~

5 ~~(2) On or before January 31, 2021, and annually thereafter, the Agency~~
6 ~~of Education shall submit to the Senate Committees on Agriculture and on~~
7 ~~Education and the House Committees on Agriculture and Forestry and on~~
8 ~~Education in an aggregated form the information received from school boards~~
9 ~~regarding the percentage of locally produced foods that are purchased as part~~
10 ~~of a school lunch, breakfast, or summer meals program. The provisions of 2~~
11 ~~V.S.A. § 20(d) regarding expiration of required reports shall not apply to the~~
12 ~~report required by this subdivision.~~

13 Sec. 3. 16 V.S.A. § 1264a is added to read:

14 § 1264a. LOCALLY PRODUCED FOODS

15 (a) It is a goal of the State that by the year 2022 at least 20 percent of all
16 foods purchased by supervisory unions and supervisory districts, together
17 referred to in this section as “supervisory unions,” be locally produced foods.
18 School boards have the discretion to define what foods are included within the
19 definition of “locally produced foods” for the purposes of this subsection and
20 subsection (b) of this section.

1 (b) On or before December 31, 2020 and annually thereafter, a school
2 board operating a school lunch, breakfast, or summer meals program shall
3 report to the Agency of Education an estimate of the percentage of the cost of
4 all foods purchased by the school board for those programs that were locally
5 produced foods during the one-year period ending on June 30 of that year.

6 (c)(1) Beginning with the 2020–21 school year and thereafter, supervisory
7 unions shall be eligible for a local foods incentive grant (grant) from funds
8 appropriated to the Agency of Education for this purpose.

9 (2) A supervisory union may apply for the grant if it has:

10 (A) developed a locally produced foods’ purchasing plan, which
11 describes the supervisory union’s goals for purchasing locally produced foods
12 and its plan to achieve those goals;

13 (B) designated an individual as the food coordinator for locally
14 produced foods who shall be responsible for implementing the locally
15 produced foods’ purchasing plan;

16 (C) developed a process for tracking the purchase of locally produced
17 foods; and

18 (D) complied with the reporting requirement under subsection (b) of
19 this section.

20 (3) A supervisory union that has satisfied the conditions under
21 subdivision (2) of this subsection may, on or before January 15, 2021 or

1 January 15 of any year thereafter, apply to the Agency for the grant by
2 submitting a certification, signed by the business manager for the supervisory
3 union, that the supervisory union satisfies the conditions under subdivision (2)
4 of this subsection.

5 (4) If a supervisory union is eligible for a grant under subdivision (3) of
6 this subsection, then the Agency shall make the grant payment, subject to
7 appropriation, on or before the following March 31 after submission of the
8 supervisory union's application (which is due on or before January 15 of that
9 year), which shall be equal to 15 cents per reimbursable school lunch served by
10 the supervisory union in the prior school year through the National School
11 Lunch Program. A supervisory union may apply for this grant and receive this
12 grant funding only once.

13 (5)(A) A supervisory union that has received a grant under subdivision
14 (4) of this subsection (c) may, on or before January 15, 2022 or January 15 of
15 any year thereafter, apply for a further grant by submitting to the Agency of
16 Education information that demonstrates that at least 15 percent of the cost of
17 all foods purchased or grown, raised, or produced by the supervisory union
18 during the one year period ending on June 30 of the previous year, excluding
19 foods purchased or grown, raised, or produced by the supervisory union that
20 were used to provide catering services for which the supervisory union
21 received compensation, was in aggregate:

1 (i) fruits, vegetables, meat, poultry, dairy (except fluid milk),
2 maple syrup, honey, legumes, grains, or eggs that were grown, raised, or
3 produced in Vermont or within 30 miles of the Vermont border; and

4 (ii) foods processed in Vermont with at least 75 percent Vermont-
5 grown, Vermont-raised, or Vermont-produced ingredients, with fluid milk
6 counted as a processed food.

7 (B) If a supervisory union grows, raises, or produces food, it shall
8 assign a fair market value to that food for the purpose of reporting its cost.

9 (6) If a supervisory union is eligible for a grant under subdivision (5) of
10 this subsection, the Agency shall, on or before the following March 31 after
11 submission of the supervisory union’s application (which is due on or before
12 January 15 of that year), make the grant payment, subject to appropriation,
13 which shall be determined as follows:

14 (A) 15 cents per reimbursable school lunch served in the prior school
15 year through the National School Lunch Program for supervisory unions
16 purchasing at least 15 percent or more locally produced foods;

17 (B) 20 cents per reimbursable school lunch served in the prior school
18 year through the National School Lunch Program for supervisory unions
19 purchasing at least 20 percent or more locally produced foods; or

1 (C) 25 cents per reimbursable school lunch served in the prior school
2 year through the National School Lunch Program for supervisory unions
3 purchasing at least 25 percent or more locally produced foods.

4 (7) A supervisory union may apply for and receive grant funding under
5 subdivisions (5) and (6) under this subsection (c) for each year that it qualifies
6 for this grant funding.

7 (8) The Agency of Education may perform sample audits for any year
8 that grant funds are paid to supervisory unions under subdivision (6) under this
9 subsection (c) to verify that information provided to the Agency under
10 subdivision (5) under this subsection (c) is accurate. If the Agency makes a
11 grant payment under subdivision (6) to a supervisory union that was based on
12 inaccurate information reported by the supervisory union, the Agency may
13 seek reimbursement from the supervisory union for an overpayment or
14 reimburse the supervisory union for an underpayment, or may adjust future
15 grant amounts under this section to reflect the over- or underpayment.

16 (d)(1) On or before January 31, 2021 and annually thereafter, the Agency
17 of Education shall submit to the Senate Committees on Agriculture and on
18 Education and the House Committees on Agriculture and Forestry and on
19 Education in an aggregated form:

1 (A) the information received from supervisory unions regarding the
2 percentage of locally produced foods, as the supervisory unions define them,
3 that were reported under subsection (b) of this section; and

4 (B) the percentage of locally produced foods, using the grant funding
5 definition, that were reported under subdivision (c)(5) of this section, and the
6 amount of grant funding paid to supervisory unions under subdivision (c)(6) in
7 the prior school year.

8 (2) The provisions of 2 V.S.A. § 20(d) regarding expiration of required
9 reports shall not apply to the reports required by this subsection.

10 Sec. 4. ADMINISTRATIVE SUPPORT

11 (a) The Agency of Education shall collaborate with the Agency of
12 Agriculture, Food and Markets to promote the local foods program under
13 16 V.S.A. § 1264a to supervisory unions and supervisory districts, farmers,
14 food processors, and distributors.

15 (b) The following position is created in the Agency of Education: one full-
16 time, classified position specializing in the administration of federal child
17 nutrition programs in order to expand access to these programs and to assist
18 with the implementation of the local foods incentive grant under 16 V.S.A §
19 1264a created under this act. The position established in this subsection shall
20 be transferred and converted from an existing vacant position in the Executive
21 Branch of State government. There is appropriated to the Agency of Education

1 from the General Fund for fiscal year 2021 the amount of \$125,000.00 for
2 salary, benefits, and operating expenses.

3 Sec. 5. APPROPRIATIONS FOR FOOD PROGRAMS

4 (a) There is appropriated to the Agency of Education from the General
5 Fund for fiscal year 2021 the amount of \$75,000.00 for the summer food
6 service program under 16 V.S.A. § 1264(a)(2).

7 (b) There is appropriated to the Agency of Education from the General
8 Fund for fiscal year 2021 the amount of \$500,000.00 for local foods incentive
9 grants under 16 V.S.A. § 1264a (Locally Produced Foods) as added by this act.

10 Sec. 6. CORRECTIONAL FACILITIES

11 (a) It is a goal of the State that by the year 2023 at least 20 percent of all
12 foods purchased for meals served in correctional facilities shall be locally
13 produced foods, measured either by cost or volume, and that correctional
14 facilities pay fair market value for food purchased from farmers. As used in
15 this section, “locally produced foods” means:

16 (1) fruits, vegetables, meat, poultry, dairy (except fluid milk), maple
17 syrup, honey, legumes, grains, or eggs that are grown, raised, or produced in
18 Vermont or within 30 miles of the Vermont border; and

19 (2) foods processed in Vermont with at least 75 percent Vermont-grown,
20 Vermont-raised, or Vermont-produced ingredients, with fluid milk counted as
21 a processed food.

1 (b) On or before January 31, 2021 and annually thereafter, the Department
2 of Corrections shall report to the House Committees on Agriculture and
3 Forestry and on Corrections and Institutions and the Senate Committees on
4 Agriculture and on Institutions the estimated percentage of locally produced
5 foods purchased by correctional facilities during the previous fiscal year. If a
6 correctional facility grows, raises, or produces food, it shall assign a fair
7 market value to that food for purposes of reporting its cost if cost rather than
8 volume is used to measure the percentage of locally produced foods.

9 Sec. 7. EFFECTIVE DATE

10 This act shall take effect on passage.

11 (Committee vote: _____)

12 _____

13 Senator _____

14 FOR THE COMMITTEE