

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** HB 189

**52nd Legislature, 2nd Session, 2016**

**Tracking Number:** .203088.1

**Short Title:** NM-Grown Produce in School Meals

**Sponsor(s):** Representatives Jimmie C. Hall and Don L. Tripp

**Analyst:** Heidi L. Macdonald

**Date:** February 11, 2016 (Revised)

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**Bill Summary:**

HB 189 appropriates \$1,440,000 from the General Fund to the Public Education Department (PED) for expenditure in FY17 and subsequent years for the purchase and distribution of New Mexico-grown fresh fruits and fresh vegetables to school districts, charter schools, and juvenile detention centers through PED's school meal program and for a full-time equivalent position to administer and promote this initiative.

**Fiscal Impact (Revised):**

The bill appropriates \$1,440,000 from the General Fund to PED for expenditure in FY17 and subsequent years. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the General Fund.

FY16 appropriations to PED included \$364,300 to purchase New Mexico-grown fresh fruits and vegetables for public education students. The House Appropriations and Finance Committee Substitute for HB 2 & 4, which passed the House, appropriates \$364,300 to PED in FY17 in General Fund revenue to purchase New Mexico-grown fresh fruits and vegetables for public education students.

PED noted that in FY15, funding appropriated was distributed to all School Food Authorities participating in the National School Lunch Program on a per pupil basis and more than half went unspent. Additionally, PED stated that while the department has increased the number of students able to benefit from the state appropriation, the Legislature may wish to allow transportation costs to be part of the appropriation if the intent of the appropriation is to increase the availability of local produce statewide. Additional transportation costs for schools cannot be determined at this time, since sites have not been selected.

**Substantive Issues:**

According to PED, the Legislature has provided funding for school purchase of New Mexico-grown produce for the previous three fiscal years, but has not provided funding to coordinate the purchase of or the distribution of produce to areas of the state that are not adjacent to agricultural areas. New Mexico has a short growing season, which hinders the availability of locally grown produce during the winter season.

PED noted in its analysis for HB 115, which is similar to HB 189, that purchaser demand for locally grown produce continues to increase in interest. Currently, PED receives funding from the United States Department of Agriculture (USDA) for administration of the federal Fresh Fruits and Vegetables Program. Approximately \$2.4 million is provided to school food authorities within school districts, state charters, private schools, and Bureau of Indian Education schools for the provision of fresh fruits and vegetables as part of the school breakfast and lunch programs. USDA funds do not have a stipulation or requirement that the fruits and vegetables be locally grown.

The Children, Youth and Families Department (CYFD) states the department is responsible for the certification of the county-run juvenile detention centers in New Mexico, and for the administration of the Aztec Youth Academy and Foothill High. The Education Bureau at CYFD's Juvenile Justice Services Division (JJSD) receives funding from the School Health Bureau at PED and the National School Lunch Program based on client numbers and student demographics. JJSD contracts with Summit Foods to serve all meals, including fruits and vegetables.

CYFD also notes the juvenile justice center operations are limited by certain food service requirements. Some centers receive reimbursement monies directly from PED for eligible meals. Other centers arrange with their local school district to have the school district deliver breakfast and lunch, and when school is not in session, arrange for meals through another provider. As such, it is unclear which juvenile detention centers are best situated for accessing this program, and what mechanism would be most efficient for ensuring they are included in the distribution of either funds or produce purchased from these funds.

### **Background:**

The Department of Health noted in its analysis for HB 115, which is similar to HB 189, that eating locally grown produce is not only good for the overall health of school children but supports the community, local farmers, economy, and environment.

According to CYFD, PED distributed \$100,000 in FY13 to 39 school districts, which benefitted 40,000 students. In FY14, PED distributed \$240,000 through an application process to purchase the New Mexico-grown produce, and awarded funds to 44 school districts and charter schools, which benefitted 186,400 students. In FY15, \$364,300 was appropriated for the program, and the money was distributed through the National School Lunch Program on a per pupil basis. CYFD was only able to participate in the funding allocated in 2015.

### **Related Bills:**

HB 115 *Expand NM-Grown Produce in School Lunches*  
SB 82 *Expand NM-Grown Produce in School Lunches*