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PHOENIX, ARIZONA

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March 5, 1971

ARIZONA ATTORNEY GENERAL

DEPARTMENT OF LAW LETTER OPINION NO. 71-6-L (R-33)

REQUESTED BY: THE HONORABLE WELDON P. SHOFSTALL
Superintendent of Public Instruction
Department of Education

- QUESTIONS:
1. Does the National School Lunch Act require an appropriation from the State General Fund in an amount to match 4% of the total funds devoted to the school lunch program in Arizona.
 2. Could or would the Department of Agriculture withhold funds from Arizona for school lunch purposes if the state does not appropriate the matching funds?

- ANSWERS:
1. Yes.
 2. Yes.

Section 210.6(b-1) of the Regulations of the Department of Agriculture for the National School Lunch Program states:

"For the fiscal year beginning July 1, 1971, and the fiscal year beginning July 1, 1972, state revenue (other than sources derived from the program) appropriated or specifically utilized for program purposes . . . shall constitute at least four percentum of the matching requirement required of the state. . . ." (Emphasis added.)

This regulation is authorized by Public Law 91-248, Section 4, enacted in 1970, amending the National School Lunch Act. This amendment requires that the state must make a direct appropriation in addition to using the funds which were previously counted as matching funds.

Section 210.6(b) states:

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"In the event any state fails to match the full amount of the general cash-for-food assistance funds advanced to it, the state shall return to F.N.S. the amount of the funds which it failed to match in accordance with the requirements of this section."

This regulation is authorized by Section 10 of the National School Lunch Act.

Therefore, both of the questions are answered in the affirmative.

Respectfully submitted,



GARY K. NELSON
The Attorney General

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