

By: Bernal

H.B. No. 4746

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the eligibility of a school district or open-enrollment  
3 charter school to receive a grant from the Department of  
4 Agriculture to provide surplus agricultural products to certain  
5 students.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 21.001, Agriculture Code, is amended to  
8 read as follows:

9 Sec. 21.001. CREATION. The department by rule shall  
10 develop a program to award grants to:

11 (1) nonprofit organizations for the purpose of  
12 collecting and distributing surplus agricultural products to food  
13 banks and other charitable organizations that serve needy or  
14 low-income individuals; and

15 (2) public schools for the purpose of collecting and  
16 distributing surplus agricultural products to educationally  
17 disadvantaged students.

18 SECTION 2. Section 21.002, Agriculture Code, is amended to  
19 read as follows:

20 Sec. 21.002. ELIGIBILITY. (a) For the purposes of this  
21 chapter:

22 (1) "Educationally disadvantaged" has the meaning  
23 assigned by Section 5.001, Education Code.

24 (2) "Public school" means a school district or an

1 open-enrollment charter school established under Subchapter D,  
2 Chapter 12, Education Code.

3 (b) Subject to available funds:

4 (1) [~~7~~] a nonprofit organization is eligible to  
5 receive a grant under this chapter if the organization:

6 (A) [~~1~~] has at least five years of experience  
7 coordinating a statewide network of food banks and charitable  
8 organizations that serve each county of this state;

9 (B) [~~2~~] operates a program that coordinates  
10 the collection and transportation of surplus agricultural products  
11 to a statewide network of food banks that provide food to needy or  
12 low-income individuals; and

13 (C) [~~3~~] submits to the department, in the  
14 manner and time prescribed by the department, a proposal for the  
15 collection and distribution to food banks or other charitable  
16 organizations for use in providing food to needy or low-income  
17 individuals of surplus agricultural products, including:

18 (i) [~~A~~] a description of the proposal;

19 (ii) [~~B~~] a schedule of projected costs  
20 for the proposal;

21 (iii) [~~C~~] measurable goals for the  
22 proposal; and

23 (iv) [~~D~~] a plan for evaluating the  
24 success of the proposal; and

25 (2) a public school is eligible to receive a grant  
26 under this chapter if the school submits to the department, in the  
27 manner and time prescribed by the department, a proposal for the

1 collection and distribution of surplus agricultural products to  
2 educationally disadvantaged students that includes the information  
3 required to be provided under Subdivisions (1)(C)(i)-(iv).

4 SECTION 3. Section 21.003, Agriculture Code, is amended to  
5 read as follows:

6 Sec. 21.003. REPORT. A nonprofit organization or public  
7 school that receives a grant under this chapter must report the  
8 results of the project to the department in the manner prescribed by  
9 the department.

10 SECTION 4. Section 33.907, Education Code, is amended by  
11 amending Subsection (a) and adding Subsection (e-1) to read as  
12 follows:

13 (a) In this section:

14 (1) "Donate" has the meaning assigned by Section  
15 76.001, Civil Practice and Remedies Code.

16 (2) "Educationally disadvantaged" has the meaning  
17 assigned by Section 5.001.

18 (3) "Nonprofit organization" has the meaning assigned  
19 by Section 76.001, Civil Practice and Remedies Code.

20 (e-1) A school district or open-enrollment charter school  
21 may:

22 (1) adopt a policy allowing a campus in the district or  
23 school to collect surplus agricultural products that are eligible  
24 for donation under Subsection (b) and donate the products to the  
25 families of educationally disadvantaged students enrolled at the  
26 campus; and

27 (2) apply to receive a grant under the grant program

1 established under Chapter 21, Agriculture Code, for a campus that  
2 makes the election under Subdivision (1).

3 SECTION 5. This Act applies beginning with the 2023-2024  
4 school year.

5 SECTION 6. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2023.