

## **BILL ANALYSIS**

Senate Research Center  
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C.S.H.B. 4062  
By: Miller, Aycock (Nelson)  
Health & Human Services  
5/10/2007  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Texas Department of Agriculture (TDA) currently administers child nutritional programs within the Texas public school system. These programs include the national school lunch and school breakfast programs. C.S.H.B. 4062 clarifies the authority of TDA to administer state and federal nutritional programs and requires TDA to conduct studies relating to reducing the amount of trans-fatty acids in school meals and increasing the number of students participating in the national school breakfast program. C.S.H.B. 4062 transfers all records, contracts, assets, personal property, and personnel of the Health and Human Services Commission associated with the administration of a nutrition program transferred to TDA by this Act to TDA. C.S.H.B. 4062 also updates the Human Resources Code to provide that the Health and Human Services Commission operates the food stamp program and makes conforming changes to that effect.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 12, Agriculture Code, by adding Section 12.0025, as follows:

Sec. 12.0025. NUTRITION PROGRAMS. Requires the Texas Department of Agriculture (TDA) to administer certain federal and state nutrition programs.

SECTION 2. Reenacts Section 12.020(c), Agriculture Code, as amended by Chapters 374 and 1124, Acts of the 77th Legislature, Regular Session, 2001, to set forth the provisions of the Agriculture Code subject to this section and the applicable penalty amounts.

SECTION 3. Amends Chapter 12, Agriculture Code, by adding Section 12.042, as follows:

Sec. 12.042. TRANS-FATTY ACID STUDY. Requires TDA, not later than December 1, 2008, to prepare and submit a report to the governor, lieutenant governor, speaker of the house of representatives, and appropriate standing committees of the legislature containing information on TDA's and the United States Department of Agriculture's steps to reduce trans-fatty acids from all school meals and nutrition programs. Requires the report to detail all initiatives, proposals, and programs that TDA and the United States Department of Agriculture are then currently conducting or planning to conduct and to include TDA's recommendations for legislative action to assist in reducing trans-fatty acids from school meals. Provides that this section expires December 2, 2008.

SECTION 4. Amends Chapter 12, Agriculture Code, by adding Section 12.043, as follows:

Sec. 12.043. STUDY REGARDING PARTICIPATION IN BREAKFAST PROGRAM.  
(a) Defines "breakfast program."

(b) Requires TDA to identify methods for increasing the number of students who eat breakfast, including conducting a cost-benefit analysis in certain school districts to determine the impact of providing a free breakfast to students who would otherwise pay a reduced price for breakfast and to all students in the district regardless of family income, identifying programs and practices in school

districts that are effective in increasing participation in the breakfast program, and providing information at the beginning of the school year to students and parents about the importance of eating breakfast.

(c) Requires the cost-benefit analysis required under Subsection (b) to assess certain costs, federal reimbursement made to a school district for free or reduced-price breakfast, and participation of students in the breakfast program.

(d) Requires the commissioner of agriculture, not later than October 31, 2008, to prepare and deliver a report describing the results of the study to the governor, the lieutenant governor, and the speaker of the house of representatives. Requires the report to include the cost-benefit analysis required under Subsection (b), to outline effective programs and practices identified under Subsection (b), and recommend to the legislature methods for increasing participation in the breakfast program.

(e) Provides that this section expires January 1, 2009.

SECTION 5. Amends Chapter 33, Human Resources Code, by adding Sections 33.0005 and 33.0006, as follows:

Sec. 33.0005. DEFINITIONS. Defines "department," "executive commissioner," and "nutritional assistance program."

Sec. 33.0006. OPERATION OF FOOD STAMP PROGRAM. Provides that the Health and Human Services Commission operates the food stamp program.

SECTION 6. Amends Sections 33.002(b) and (e), Human Resources Code, as follows:

(b) Authorizes the Health and Human Services Commission, with respect to the food stamp program, or the Health and Human Services Commission or the agency of this state that operates a program, with respect to any other nutritional assistance program or special nutrition program listed in Subdivision (3) (department), administering the distribution of federal surplus commodities and other resources to cooperate with a municipality or county as necessary to properly administer that distribution, in addition to entering into agreements with certain agencies and other recipients of the commodities and food stamps.

(e) Updates a reference to the Texas Department of Human Services to refer to the department.

SECTION 7. Amends Section 33.004(b), Human Resources Code, to update a reference to the commissioner to refer to the executive commissioner.

SECTION 8. Amends Section 33.013(c), Human Resources Code, to make a conforming change.

SECTION 9. Amends Section 33.024(e), Human Resources Code, to make a conforming change.

SECTION 10. Repealer: Section 12.0012 (Notice of Quarantine), Agriculture Code, as added by Chapter 369, Acts of the 78th Legislature, Regular Session, 2003.

SECTION 11. Provides that all records, contracts, assets, personal property, and personnel of the Health and Human Services Commission associated with or engaged in the administration of a nutrition program transferred to the Department of Agriculture by this Act are transferred to the Department of Agriculture.

SECTION 12. Provides that a rule or form adopted by the Health and Human Services Commission for the administration of a federal or state nutrition program transferred by this Act is a rule or form of the Department of Agriculture until changed by the Department of Agriculture.

SECTION 13. Authorizes a state agency to delay implementing a provision of this Act until a requested federal waiver or authorization necessary to implement that provision is obtained.

SECTION 14. Effective date: upon passage or September 1, 2007.