

AN ACT

relating to the enforcement and administration of certain programs by the Department of Agriculture.

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

SECTION 1. Chapter 12, Agriculture Code, is amended by adding Section 12.0025 to read as follows:

Sec. 12.0025. NUTRITION PROGRAMS. The department shall administer the following federal and state nutrition programs:

(1) the commodity supplemental food program under 7 U.S.C. Section 612c;

(2) the food distribution program under 7 U.S.C. Section 612c;

(3) the emergency food assistance program under 7 U.S.C. Section 7501 et seq.;

(4) the school lunch program under 42 U.S.C. Section 1751 et seq.;

(5) the summer food service program under 42 U.S.C. Section 1761;

(6) the child and adult care food program under 42 U.S.C. Section 1766;

(7) the special milk program under 42 U.S.C. Section 1772; and

(8) the school breakfast program under 42 U.S.C. Section 1773.

1 SECTION 2. Section 12.020(c), Agriculture Code, as amended  
2 by Chapter 374 and 1124, Acts of the 77th Legislature, Regular  
3 Session, 2001, is reenacted to read as follows:

4 (c) The provisions of this code subject to this section and  
5 the applicable penalty amounts are as follows:

6 Provision	Amount of Penalty
7 Chapter 41	\$1,000
8 Chapters 13, 14A, 18, 46, 61, 94, 9 95, 101, 102, 103, 121, 125, 132, 10 and 134	not more than \$500
11 Subchapter B, Chapter 71	
12 Chapter 19	
13 Chapter 76	not more than \$2,000
14 Subchapters A and C, Chapter 71	
15 Chapters 72, 73, and 74	not more than \$5,000
16 Chapter 14	not more than \$10,000.

17 SECTION 3. Chapter 12, Agriculture Code, is amended by  
18 adding Section 12.042 to read as follows:

19 Sec. 12.042. TRANS-FATTY ACID STUDY. (a) Not later than  
20 December 1, 2008, the department shall prepare and submit a report  
21 to the governor, lieutenant governor, speaker of the house of  
22 representatives, and appropriate standing committees of the  
23 legislature containing information on the department's and the  
24 United States Department of Agriculture's steps to reduce  
25 trans-fatty acids from all school meals and nutrition programs.  
26 The report shall detail all initiatives, proposals, and programs  
27 that the department and the United States Department of Agriculture

1 are then currently conducting or planning to conduct and include  
2 the department's recommendations for legislative action to assist  
3 in reducing trans-fatty acids from school meals.

4 (b) This section expires December 2, 2008.

5 SECTION 4. Chapter 12, Agriculture Code, is amended by  
6 adding Section 12.043 to read as follows:

7 Sec. 12.043. STUDY REGARDING PARTICIPATION IN BREAKFAST  
8 PROGRAM. (a) In this section, "breakfast program" means the  
9 national school breakfast program provided for by the Child  
10 Nutrition Act of 1966 (42 U.S.C. Section 1773).

11 (b) The department shall identify methods for increasing  
12 the number of students who eat breakfast, including:

13 (1) conducting a cost-benefit analysis in a sample of  
14 school districts in which 60 percent or more of the students qualify  
15 for free or reduced-price breakfast to determine the impact of  
16 providing a free breakfast to:

17 (A) students who would otherwise pay a reduced  
18 price for breakfast; and

19 (B) all students in the district regardless of  
20 family income;

21 (2) identifying programs and practices in school  
22 districts in this state and other states that are effective in  
23 increasing participation in the breakfast program; and

24 (3) providing information at the beginning of the  
25 school year to students and parents about the importance of eating  
26 breakfast.

27 (c) The cost-benefit analysis required under Subsection (b)

1 must assess:

- 2 (1) administrative costs to a school district;  
3 (2) federal reimbursement made to a school district  
4 for free or reduced-price breakfast;  
5 (3) cost per breakfast to a school district; and  
6 (4) participation of students in the breakfast  
7 program.

8 (d) Not later than October 31, 2008, the commissioner shall  
9 prepare and deliver a report describing the results of the study to  
10 the governor, the lieutenant governor, and the speaker of the house  
11 of representatives. The report must:

- 12 (1) include the cost-benefit analysis required under  
13 Subsection (b);  
14 (2) outline effective programs and practices  
15 identified under Subsection (b); and  
16 (3) recommend to the legislature methods for  
17 increasing participation in the breakfast program.

18 (e) This section expires January 1, 2009.

19 SECTION 5. Chapter 33, Human Resources Code, is amended by  
20 adding Sections 33.0005 and 33.0006 to read as follows:

21 Sec. 33.0005. DEFINITIONS. In this chapter:

- 22 (1) "Department" means:  
23 (A) with respect to the food stamp program, the  
24 Health and Human Services Commission; and  
25 (B) with respect to any other nutritional  
26 assistance program or special nutrition program listed in  
27 Subdivision (3), the Health and Human Services Commission or the

1 agency of this state that operates the program, as applicable.

2 (2) "Executive commissioner" means the executive  
3 commissioner of the Health and Human Services Commission, or the  
4 chief administrative officer of an agency of this state operating a  
5 nutritional assistance program, as applicable.

6 (3) "Nutritional assistance program" or "special  
7 nutrition program" includes the following programs authorized by  
8 federal law that provide nutritional assistance to needy  
9 individuals in this state:

10 (A) the food stamp program;

11 (B) the child and adult care food program;

12 (C) the summer food service program;

13 (D) the food distribution program;

14 (E) the emergency food assistance program; and

15 (F) the commodity supplemental food program.

16 Sec. 33.0006. OPERATION OF FOOD STAMP PROGRAM. The Health  
17 and Human Services Commission operates the food stamp program.

18 SECTION 6. Sections 33.002(b) and (e), Human Resources  
19 Code, are amended to read as follows:

20 (b) The department may enter into agreements with federal  
21 agencies that are required as a prerequisite to the allocation of  
22 the commodities or food stamps. The department may enter into  
23 agreements with eleemosynary institutions, schools, and other  
24 eligible agencies and recipients of the commodities and food  
25 stamps. The department administering the distribution of federal  
26 surplus commodities and other resources may cooperate with a  
27 municipality or county as necessary to properly administer that

1 distribution.

2 (e) The department [~~Texas Department of Human Services~~]  
3 shall screen all applicants for expedited issuance on a priority  
4 basis within one working day. Applicants who meet the federal  
5 criteria for expedited issuance and have an immediate need for food  
6 assistance shall receive either a manual Authorization-to-Purchase  
7 card or the immediate issuance of food stamp coupons within one  
8 working day.

9 SECTION 7. Section 33.004(b), Human Resources Code, is  
10 amended to read as follows:

11 (b) The advisory boards shall be of the size, membership,  
12 and experience that the executive commissioner determines to be  
13 essential for the accomplishment of the purposes of this chapter  
14 and not in conflict with or duplicative of other laws on this  
15 subject.

16 SECTION 8. Section 33.013(c), Human Resources Code, is  
17 amended to read as follows:

18 (c) Where emergency food programs do not exist, the  
19 department [~~Texas Department of Human Services~~] office shall assist  
20 community groups in establishing emergency food assistance  
21 programs.

22 SECTION 9. Section 33.024(e), Human Resources Code, is  
23 amended to read as follows:

24 (e) School district facilities shall be utilized for the  
25 summer program unless:

26 (1) the district provides documentation, verified by  
27 the department and the agency, showing that the cost to the district

1 exceeds the funds available for the summer program; or

2 (2) the department [~~Department of Human Services~~]  
3 verifies that the program will operate at adequate alternative  
4 facilities.

5 SECTION 10. Section 12.0012, Agriculture Code, as added by  
6 Chapter 369, Acts of the 78th Legislature, Regular Session, 2003,  
7 is repealed.

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

13 SECTION 12. A rule or form adopted by the Health and Human  
14 Services Commission for the administration of a federal or state  
15 nutrition program transferred by this Act is a rule or form of the  
16 Department of Agriculture until changed by the Department of  
17 Agriculture.

18 SECTION 13. If before implementing any provision of this  
19 Act an agency of this state determines that a waiver or  
20 authorization from a federal agency is necessary for implementation  
21 of that provision, the agency affected by the provision shall  
22 request the waiver or authorization and may delay the  
23 implementation of that provision until the waiver or authorization  
24 is granted.

25 SECTION 14. This Act takes effect immediately if it  
26 receives a vote of two-thirds of all the members elected to each  
27 house, as provided by Section 39, Article III, Texas Constitution.

H.B. No. 4062

1 If this Act does not receive the vote necessary for immediate  
2 effect, this Act takes effect September 1, 2007.



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President of the Senate

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Speaker of the House

I certify that H.B. No. 4062 was passed by the House on April 25, 2007, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 4062 on May 24, 2007, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 4062 was passed by the Senate, with amendments, on May 22, 2007, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor