

1-1 By: Miller, et al. (Senate Sponsor - Nelson) H.B. No. 4062
1-2 (In the Senate - Received from the House April 26, 2007;
1-3 May 1, 2007, read first time and referred to Committee on Health
1-4 and Human Services; May 11, 2007, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 7,
1-6 Nays 0; May 11, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 4062 By: Nelson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the enforcement and administration of certain programs
1-11 by the Department of Agriculture.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 12, Agriculture Code, is amended by
1-14 adding Section 12.0025 to read as follows:

1-15 Sec. 12.0025. NUTRITION PROGRAMS. The department shall
1-16 administer the following federal and state nutrition programs:

1-17 (1) the commodity supplemental food program under 7
1-18 U.S.C. Section 612c;

1-19 (2) the food distribution program under 7 U.S.C.
1-20 Section 612c;

1-21 (3) the emergency food assistance program under 7
1-22 U.S.C. Section 7501 et seq.;

1-23 (4) the school lunch program under 42 U.S.C. Section
1-24 1751 et seq.;

1-25 (5) the summer food service program under 42 U.S.C.
1-26 Section 1761;

1-27 (6) the child and adult care food program under 42
1-28 U.S.C. Section 1766;

1-29 (7) the special milk program under 42 U.S.C. Section
1-30 1772; and

1-31 (8) the school breakfast program under 42 U.S.C.
1-32 Section 1773.

1-33 SECTION 2. Section 12.020(c), Agriculture Code, as amended
1-34 by Chapter 374 and 1124, Acts of the 77th Legislature, Regular
1-35 Session, 2001, is reenacted to read as follows:

1-36 (c) The provisions of this code subject to this section and
1-37 the applicable penalty amounts are as follows:

1-38 Provision	Amount of Penalty
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1-39 Chapter 41	\$1,000
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1-40 Chapters 13, 14A, 18, 46, 61, 94,	
1-41 95, 101, 102, 103, 121, 125, 132,	
1-42 and 134	not more than \$500

1-43 Subchapter B, Chapter 71	
1-44 Chapter 19	
1-45 Chapter 76	not more than \$2,000

1-46 Subchapters A and C, Chapter 71	
1-47 Chapters 72, 73, and 74	not more than \$5,000

1-48 Chapter 14	not more than \$10,000.
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1-49 SECTION 3. Chapter 12, Agriculture Code, is amended by
1-50 adding Section 12.042 to read as follows:

1-51 Sec. 12.042. TRANS-FATTY ACID STUDY. (a) Not later than
1-52 December 1, 2008, the department shall prepare and submit a report
1-53 to the governor, lieutenant governor, speaker of the house of
1-54 representatives, and appropriate standing committees of the
1-55 legislature containing information on the department's and the
1-56 United States Department of Agriculture's steps to reduce
1-57 trans-fatty acids from all school meals and nutrition programs.
1-58 The report shall detail all initiatives, proposals, and programs
1-59 that the department and the United States Department of Agriculture
1-60 are then currently conducting or planning to conduct and include
1-61 the department's recommendations for legislative action to assist
1-62 in reducing trans-fatty acids from school meals.

1-63 (b) This section expires December 2, 2008.

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

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

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

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

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

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

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

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

(c) The cost-benefit analysis required under Subsection (b) must assess:

(1) administrative costs to a school district;

(2) federal reimbursement made to a school district for free or reduced-price breakfast;

(3) cost per breakfast to a school district; and

(4) participation of students in the breakfast program.

(d) Not later than October 31, 2008, the commissioner shall 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. The report must:

(1) include the cost-benefit analysis required under Subsection (b);

(2) outline effective programs and practices identified under Subsection (b); and

(3) recommend to the legislature methods for increasing participation in the breakfast program.

(e) This section expires January 1, 2009.

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

Sec. 33.0005. DEFINITIONS. In this chapter:

(1) "Department" means:

(A) with respect to the food stamp program, the Health and Human Services Commission; and

(B) with respect to any other nutritional assistance program or special nutrition program listed in Subdivision (3), the Health and Human Services Commission or the agency of this state that operates the program, as applicable.

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

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

(A) the food stamp program;

(B) the child and adult care food program;

(C) the summer food service program;

(D) the food distribution program;

(E) the emergency food assistance program; and

(F) the commodity supplemental food program.

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

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

3-1 (b) The department may enter into agreements with federal
3-2 agencies that are required as a prerequisite to the allocation of
3-3 the commodities or food stamps. The department may enter into
3-4 agreements with eleemosynary institutions, schools, and other
3-5 eligible agencies and recipients of the commodities and food
3-6 stamps. The department administering the distribution of federal
3-7 surplus commodities and other resources may cooperate with a
3-8 municipality or county as necessary to properly administer that
3-9 distribution.

3-10 (e) The department [~~Texas Department of Human Services~~]
3-11 shall screen all applicants for expedited issuance on a priority
3-12 basis within one working day. Applicants who meet the federal
3-13 criteria for expedited issuance and have an immediate need for food
3-14 assistance shall receive either a manual Authorization-to-Purchase
3-15 card or the immediate issuance of food stamp coupons within one
3-16 working day.

3-17 SECTION 7. Section 33.004(b), Human Resources Code, is
3-18 amended to read as follows:

3-19 (b) The advisory boards shall be of the size, membership,
3-20 and experience that the executive commissioner determines to be
3-21 essential for the accomplishment of the purposes of this chapter
3-22 and not in conflict with or duplicative of other laws on this
3-23 subject.

3-24 SECTION 8. Section 33.013(c), Human Resources Code, is
3-25 amended to read as follows:

3-26 (c) Where emergency food programs do not exist, the
3-27 department [~~Texas Department of Human Services~~] office shall assist
3-28 community groups in establishing emergency food assistance
3-29 programs.

3-30 SECTION 9. Section 33.024(e), Human Resources Code, is
3-31 amended to read as follows:

3-32 (e) School district facilities shall be utilized for the
3-33 summer program unless:

3-34 (1) the district provides documentation, verified by
3-35 the department and the agency, showing that the cost to the district
3-36 exceeds the funds available for the summer program; or

3-37 (2) the department [~~Department of Human Services~~]
3-38 verifies that the program will operate at adequate alternative
3-39 facilities.

3-40 SECTION 10. Section 12.0012, Agriculture Code, as added by
3-41 Chapter 369, Acts of the 78th Legislature, Regular Session, 2003,
3-42 is repealed.

3-43 SECTION 11. All records, contracts, assets, personal
3-44 property, and personnel of the Health and Human Services Commission
3-45 associated with or engaged in the administration of a nutrition
3-46 program transferred to the Department of Agriculture by this Act
3-47 are transferred to the Department of Agriculture.

3-48 SECTION 12. A rule or form adopted by the Health and Human
3-49 Services Commission for the administration of a federal or state
3-50 nutrition program transferred by this Act is a rule or form of the
3-51 Department of Agriculture until changed by the Department of
3-52 Agriculture.

3-53 SECTION 13. If before implementing any provision of this
3-54 Act an agency of this state determines that a waiver or
3-55 authorization from a federal agency is necessary for implementation
3-56 of that provision, the agency affected by the provision shall
3-57 request the waiver or authorization and may delay the
3-58 implementation of that provision until the waiver or authorization
3-59 is granted.

3-60 SECTION 14. This Act takes effect immediately if it
3-61 receives a vote of two-thirds of all the members elected to each
3-62 house, as provided by Section 39, Article III, Texas Constitution.
3-63 If this Act does not receive the vote necessary for immediate
3-64 effect, this Act takes effect September 1, 2007.

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