

SUBJECT: Certain duties and responsibilities of the Department of Agriculture

COMMITTEE: Agriculture and Livestock — favorable, without amendment

VOTE: 7 ayes — Miller, Anderson, B. Brown, Aycock, Gallego, Garcia, Heflin
0 nays

WITNESSES: None

BACKGROUND: The Texas Department of Agriculture (TDA) works with the Texas Education Agency (TEA) to administer state and federal child nutrition programs, including the U.S. Department of Agriculture's (USDA) School Lunch, School Breakfast, Summer and After School Snack Programs.

Agriculture Code, sec. 12.020(c) sets penalty amounts for violations of various parts of the code. Subsec. (c) was amended twice by the 77th Legislature in 2001 — in HB 2354 and HB 2586, both by Swinford — and both versions appear in current law.

Sec. 12.020(c), amended by HB 2354, sets a maximum fine of \$500 for a violation of Agriculture Code, ch. 14, which regulates public grain warehouse operators. This subsection also sets a maximum fine of \$1,000 for a violation of Agriculture Code, ch. 41, which regulates commodity producers boards.

Sec. 12.020(c), amended by HB 2586, sets a maximum fine of \$10,000 for a violation of Agriculture Code, ch.14 but contains no fine for a violation of ch. 41.

The 78th Legislature also twice amended Agriculture Code, sec. 12.0012 by enacting SB 1413 by Deuell and HB 2320 by Flores. Two versions of sec. 12.0012 appear in current law, and both require TDA to notify the division of emergency management when the department adopts a quarantine and cooperate with the division to protect the state's agricultural resources from a quarantined pest or disease.

DIGEST: HB 4062 would add Agriculture Code, sec. 12.0025 to require TDA to administer federal and state nutrition programs.

The bill also would reenact Agriculture Code, sec. 12.020(c) to set a maximum fine of \$10,000 for a violation of Agriculture Code, ch. 14 and a maximum fine of \$1,000 for a violation of ch. 41.

HB 4062 also would repeal Agriculture Code, sec. 12.0012, as added by SB 1413 by Deuell, 77th Legislature.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

**SUPPORTERS
SAY:**

HB 4062 specifically would authorize TDA to administer state and federal nutrition programs while removing conflicting and redundant sections of statute elsewhere in the Agriculture Code.

TDA already oversees the provision of free and reduced lunches and ensures that federal guidelines are met. Currently, TEA receives USDA funding for nutrition programs at the state's public schools and charter schools. This money is assigned to TDA in a waiver letter, as requested by the governor and approved by USDA. TDA is in the second year of a second three-year term to administer these nutrition programs. Since assuming this role, the department has increased the number of lunches served and elevated nutritional standards by implementing the Texas Public School Nutrition Policy. The current lack of official authority assigned to TDA to administer nutrition programs poses certain problems during litigation procedures, and HB 4062 simply would update the Agriculture Code to remove any confusion about the department's administrative role.

Other agencies, such as the Health and Human Services Commission (HHSC), also administer federally funded nutrition programs under separate sections of the law. The bill would not affect the duties and administrative roles assigned to other state agencies.

The bill also would clean up the Agriculture Code by removing duplicate sections. It would reenact sec. 12.020(c) to set the maximum fine for violating ch. 14 at \$10,000 and the maximum fine for violating ch. 41 at \$1,000, as intended by the 77th Legislature.

Also, one version of sec. 12.0012 in current law refers to the division of emergency management housed in DPS. The bill would repeal this

section, leaving a nearly identical version of sec. 12.0012 that more accurately reflects the current organizational structure by referring to the division of emergency management in the Office of the Governor.

OPPONENTS
SAY:

No apparent opposition.