

1-1 By: West, Blanco, Flores S.B. No. 758  
1-2 (In the Senate - Filed February 7, 2023; March 1, 2023, read  
1-3 first time and referred to Committee on Water, Agriculture & Rural  
1-4 Affairs; April 28, 2023, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 April 28, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Perry</u>	X		
1-10	<u>Hancock</u>	X		
1-11	<u>Blanco</u>	X		
1-12	<u>Flores</u>	X		
1-13	<u>Gutierrez</u>	X		
1-14	<u>Johnson</u>	X		
1-15	<u>Kolkhorst</u>	X		
1-16	<u>Sparks</u>	X		
1-17	<u>Springer</u>	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 758 By: Blanco

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to food system security and resiliency planning.  
1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-23 SECTION 1. Title 2, Agriculture Code, is amended by adding  
1-24 Chapter 23 to read as follows:  
1-25 CHAPTER 23. FOOD SYSTEM SECURITY  
1-26 Sec. 23.001. DEFINITIONS. In this chapter:  
1-27 (1) "Council" means the Texas food system security and  
1-28 resiliency planning council.  
1-29 (2) "Office" means:  
1-30 (A) the office of food system security and  
1-31 resiliency if that office is established as a division within the  
1-32 department by an Act of the 88th Legislature, Regular Session,  
1-33 2023; or  
1-34 (B) the food and nutrition division of the  
1-35 department if the office of food system security and resiliency is  
1-36 not established as a division within the department by an Act of the  
1-37 88th Legislature, Regular Session, 2023.  
1-38 Sec. 23.002. TEXAS FOOD SYSTEM SECURITY AND RESILIENCY  
1-39 PLANNING COUNCIL. (a) The office shall establish the Texas food  
1-40 system security and resiliency planning council. The council is  
1-41 composed of the following members:  
1-42 (1) three members appointed by the governor;  
1-43 (2) three members appointed by the lieutenant  
1-44 governor;  
1-45 (3) three members appointed by the speaker of the  
1-46 house of representatives;  
1-47 (4) one member of the Texas Animal Health Commission  
1-48 appointed by the governor;  
1-49 (5) one member appointed by the commissioner to  
1-50 represent food banks;  
1-51 (6) two members appointed by the commissioner to  
1-52 represent agricultural producer organizations, marketing  
1-53 associations organized under Chapter 52, or farmers' cooperative  
1-54 societies incorporated under Chapter 51;  
1-55 (7) the assistant commissioner of agriculture for the  
1-56 food and nutrition division as a nonvoting member;  
1-57 (8) the director of the Texas A&M AgriLife Extension  
1-58 Service as a nonvoting member; and  
1-59 (9) one nonvoting member appointed by the executive  
1-60 commissioner of the Health and Human Services Commission to

2-1 represent the supplemental nutrition assistance program, the  
 2-2 federal special supplemental nutrition program for women, infants,  
 2-3 and children, and the supplemental nutrition assistance  
 2-4 program-education.

2-5 (b) A person appointed under Subsection (a) must have  
 2-6 experience in an industry or economic sector involving food  
 2-7 production or food sales or in a related industry or economic  
 2-8 sector.

2-9 (c) For the purpose of Subsection (a)(6), the Texas Farm  
 2-10 Bureau is considered an agricultural producer organization.

2-11 (d) A council member serves at the pleasure of the  
 2-12 appointing authority.

2-13 (e) The governor shall designate a chair of the council from  
 2-14 the members the governor appoints. The lieutenant governor shall  
 2-15 designate a vice chair of the council from the members the  
 2-16 lieutenant governor appoints.

2-17 (f) The council shall meet at least once quarterly or more  
 2-18 frequently at the call of the chair.

2-19 (g) A member of the council is not entitled to compensation  
 2-20 or reimbursement for expenses incurred in performing council  
 2-21 duties.

2-22 (h) The council shall:

2-23 (1) give guidance to the office; and

2-24 (2) review the state food system security plan  
 2-25 developed under Section 23.003.

2-26 Sec. 23.003. STATE FOOD SYSTEM SECURITY PLAN. (a) The  
 2-27 office shall develop a state food system security plan. The plan  
 2-28 must:

2-29 (1) provide for the orderly development and management  
 2-30 of food system security throughout this state, including ensuring  
 2-31 sufficient food is available at a reasonable cost to:

2-32 (A) ensure public health, safety, and welfare;

2-33 (B) further economic development; and

2-34 (C) protect the agricultural and natural  
 2-35 resources of this state;

2-36 (2) account for times of severe drought conditions,  
 2-37 natural disasters, man-made disasters, or other calamities; and

2-38 (3) include legislative recommendations that are  
 2-39 needed or desirable to facilitate the resilience and availability  
 2-40 of food in this state.

2-41 (b) In developing the plan, the office shall seek the advice  
 2-42 of:

2-43 (1) the Department of State Health Services; and

2-44 (2) the Parks and Wildlife Department.

2-45 (c) The office shall:

2-46 (1) review and revise as necessary the plan developed  
 2-47 under Subsection (a) at least once every five years; and

2-48 (2) deliver the plan to the governor, the lieutenant  
 2-49 governor, the speaker of the house of representatives, and the  
 2-50 chair of the appropriate committees in each house of the  
 2-51 legislature.

2-52 Sec. 23.004. FOOD SYSTEM SECURITY PLANNING FUND. (a) In  
 2-53 this section, "planning fund" means the food system security  
 2-54 planning fund.

2-55 (b) The planning fund is a dedicated account in the general  
 2-56 revenue fund and consists of:

2-57 (1) appropriations of money to the planning fund by  
 2-58 the legislature;

2-59 (2) gifts, grants, including federal grants, and other  
 2-60 donations received for the planning fund; and

2-61 (3) interest earned on the investment of money in the  
 2-62 planning fund.

2-63 (c) The planning fund may be used only to administer the  
 2-64 council under Section 23.002.

2-65 (d) The office may accept gifts, grants, or donations from  
 2-66 any source that are made for the purposes of this section. Money  
 2-67 received under this subsection shall be deposited in the planning  
 2-68 fund.

2-69 Sec. 23.005. TEXAS FOOD SYSTEM SECURITY AND RESILIENCY

3-1 GRANT PROGRAM. (a) In this section:  
3-2 (1) "Eligible recipient" means:  
3-3 (A) a municipality;  
3-4 (B) a county;  
3-5 (C) a council of government;  
3-6 (D) a regional planning council;  
3-7 (E) an economic development corporation;  
3-8 (F) a transit authority;  
3-9 (G) a nonprofit or similar organization;  
3-10 (H) a farm or agricultural product or service  
3-11 cooperative;  
3-12 (I) a nonprofit farmers' market or grocery store;  
3-13 or  
3-14 (J) a micro-business as defined by Section  
3-15 2006.001, Government Code.  
3-16 (2) "Grant fund" means the Texas food system security  
3-17 and resiliency projects fund.  
3-18 (b) The grant fund is a dedicated account in the general  
3-19 revenue fund and consists of:  
3-20 (1) appropriations of money to the grant fund by the  
3-21 legislature;  
3-22 (2) gifts, grants, including federal grants, and other  
3-23 donations received for the grant fund; and  
3-24 (3) interest earned on the investment of money in the  
3-25 grant fund.  
3-26 (c) The office shall award grants to eligible recipients to  
3-27 increase food system security or resiliency in this state. To be  
3-28 eligible for a grant, a project must be related to food production,  
3-29 food system security, or food supply resiliency and have the  
3-30 ability to impact either an individual community or the production  
3-31 of a specific agricultural commodity. The department shall award  
3-32 grants to a variety of eligible recipients across this state.  
3-33 (d) The grant fund may be used by the office only to:  
3-34 (1) award grants under this section; and  
3-35 (2) administer the grant program under this section.  
3-36 (e) The amount of a grant awarded under this section may not  
3-37 be less than \$10,000 or more than \$250,000. The total amount of  
3-38 grants awarded under this section may not exceed \$10 million.  
3-39 (f) This section expires August 31, 2025.  
3-40 Sec. 23.006. BIENNIAL REPORT. (a) The department shall  
3-41 report to the legislature biannually on the activities of the  
3-42 office and council. The report must contain a description of:  
3-43 (1) the activities of the council under this chapter;  
3-44 and  
3-45 (2) grants awarded under Section 23.005.  
3-46 (b) This section expires January 14, 2025.  
3-47 Sec. 23.007. RULES. The department shall adopt rules  
3-48 necessary to administer this chapter.  
3-49 SECTION 2. (a) As soon as practicable after the effective  
3-50 date of this Act, the Department of Agriculture shall adopt rules  
3-51 and procedures as required to implement Chapter 23, Agriculture  
3-52 Code, as added by this Act.  
3-53 (b) As soon as practicable after the adoption of rules and  
3-54 procedures under Subsection (a) of this section, the governor,  
3-55 lieutenant governor, speaker of the house of representatives,  
3-56 executive commissioner of the Health and Human Services Commission,  
3-57 and commissioner of agriculture shall appoint the initial members  
3-58 of the Texas food system security and resiliency planning council  
3-59 under Section 23.002, Agriculture Code, as added by this Act.  
3-60 SECTION 3. Not later than September 1, 2025, the office, as  
3-61 that term is defined by Section 23.001, Agriculture Code, as added  
3-62 by this Act, shall deliver the initial state food system security  
3-63 plan as required by Section 23.003(c), Agriculture Code, as added  
3-64 by this Act.  
3-65 SECTION 4. (a) In this section, "office" has the meaning  
3-66 assigned by Section 23.001, Agriculture Code, as added by this Act.  
3-67 (b) The office is not required to award a grant under  
3-68 Section 23.005, Agriculture Code, as added by this Act, unless the  
3-69 legislature appropriates money specifically for that purpose

4-1 during the state fiscal biennium ending August 31, 2025.  
4-2 SECTION 5. This Act takes effect immediately if it receives  
4-3 a vote of two-thirds of all the members elected to each house, as  
4-4 provided by Section 39, Article III, Texas Constitution. If this  
4-5 Act does not receive the vote necessary for immediate effect, this  
4-6 Act takes effect September 1, 2023.

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