

BILL ANALYSIS

C.S.H.B. 407
By: Chisum
Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, about one percent of the population aged 65 through 75 reside in a nursing home. The proportion increases among older age groups with nursing home residents accounting for nearly 10 percent of persons between the ages 75 through 85. To the extent possible, and as a matter of prudent public policy, every effort should be made to ensure that older Texans are able to live in their own homes as long as possible, because by doing so they generally maintain a higher quality of life and delay or avoid the need for expensive institutional care.

One key element of maintaining an independent lifestyle is the delivery of meals to the homes of the elderly or disabled. The purpose of this bill is to stimulate some revenue through a partnership between services providing home meal deliveries, counties, and the state.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to Texas Department of Agriculture in SECTION 2 of this bill.

ANALYSIS

SECTION 1.

Amends the Agriculture Code by adding Section 12.042 requiring the Texas Department of Agriculture (TDA) to establish a grant program to benefit homebound elderly and disabled people in this state.

The TDA will make the grants available to qualifying organizations and may not use more than 5% of the funds for administrative cost of the grant program.

The organizations applying for the grants must be either 501(a) governmental agency or a non-profit corporation 501(c)(3) exempt from taxation by the IRS; be a direct provider of home-delivered meals; have a volunteer board of directors if a non-profit organization; have an accounting system or fiscal officer approved by the county where meals are provided; do not duplicate other existing services, and use the funds solely for the purpose of supplementing or extending existing services for home-delivery of meals.

The applying organization currently must be funded by the county for the home-delivery of meals to the elderly and disabled. If the rate of county funding is less than 25 cents per person over the age of 59, the department will reduce the amount of the grant proportionate to the amount below 25 cents per person.

Requirements for agency and organization qualifications are stipulated as are the requirements for applying for a grant.

TDA shall annually determine the total amount of money available for grants; the number of residents 60 years or older in the state and in each county according to most recent federal census.

Grants to qualifying agencies in a state fiscal year may not exceed an amount determined by the specified formula.

TDA shall issue grants to each qualifying organization submitting an approved application in an amount equal to \$1.00 for each meal delivered in the preceding fiscal year not paid for by the Department of Aging. If two or more organization in a county qualifies, the grant money for that county shall be proportionately divided but may not exceed the amount determined in the formula.

If the amount issued by the TDA is less than the amount determined in the formula, TDA shall use the unspent funds to proportionately increase the grants to each qualifying organization.

The home-delivered meal fund is an account in the general revenue fund and may be apportioned only to TDA to award grants for supplementing the costs of home-delivered meals.

SECTION 2.
Rulemaking authority.

SECTION 3.
Effective date. Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

Section 12.042 (a), (e)(6) and (i) of the original bill states that the program "must be designed to help defray the costs of providing home-delivered meals that are not paid by the Department of Aging . . ."

Section 12.042 (a), (e)(6) and (i) of the substitute makes a slight change to read that the program "must be designed to help defray the costs of providing home-delivered meals that are not fully funded by the Department of Aging . . ."

Section 12.042 (d) the substitute clarifies that the resident of the county that receives a grant be an "elderly" resident.

Section 12.042 (h) of the substitute makes a correction to include Subsection (j) along with (d) and (i).

Section 12.042 (i) changes the date by which the department is required to make a grant to each qualifying organization. The original bill set the date at December 1 each year; the substitute changes it to February 1 each year.

The substitute changes the date that the Department of Agriculture shall adopt rules as required by section 12.042, Agriculture code, as added by this act, from no later than October 1, 2007 to as soon as practical after the effective date.