

BILL ANALYSIS

C.S.H.B. 2997
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Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Urban agriculture is the practice of cultivating, processing, and distributing food in or around a town or city and can also involve animal husbandry, aquaculture, agro-forestry, and horticulture. However, although Texas is one of the largest agricultural states in terms of agricultural production, the state has fallen behind other states in the research and advancement of urban agriculture. In addition, many urban areas in Texas lack access to the resources produced by the state's agricultural industry. The lack of access to affordable fruits, vegetables, whole grains, low-fat milk, and other healthy foods in urban areas has led to the creation of so-called food deserts within the state. An increase in urban agriculture would contribute to food security and food safety in two ways: first, it increases the amount of food available to people living in cities and, second, it allows fresh vegetables and fruits and meat products to be made available to urban consumers. Additionally, urban agriculture also expands the economic base of the city through production, processing, packaging, and marketing of consumable products. This results in an increase in entrepreneurial activities and the creation of job opportunities, as well as food cost reduction and higher quality products.

C.S.H.B. 2997 seeks to promote the creation and expansion of urban agricultural projects in Texas by establishing the urban farming pilot program, which will award available grants to Texas urban farmers to establish new urban farms and increase existing urban farms. Also, the bill creates a select committee on urban farming to conduct an interim study and provide recommendations to the Texas legislature.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Agriculture in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 2997 amends the Agriculture Code to set out temporary provisions requiring the Department of Agriculture (TDA) by rule to develop and implement an urban farming pilot program through which the TDA will award grants if funding for grants is available to urban farmers in Texas to establish new urban farms and expand existing urban farms. The bill requires the TDA, not later than January 1, 2012, to implement the program established under the bill's provisions and authorizes the TDA to operate the program in an area designated as an enterprise zone under the Texas Enterprise Zone Act in a municipality with a population of at least 500,000. The bill defines "program" and requires the TDA by rule to define "urban farm" and "urban farmer" for purposes of the urban farming pilot program and select committee on urban farming.

C.S.H.B. 2997 authorizes a grant recipient to use grant money awarded under the program only to cover costs that are approved by the TDA and requires the grant recipient to report information related to the program to the TDA in the form and manner and at regular intervals as prescribed by the TDA. The bill requires the TDA to monitor and periodically evaluate the

performance of each grant recipient under the program, how each recipient uses the grant money, and the effect of the program on the recipient and on the residents of the municipality in which the grant money is used. The bill authorizes the TDA to seek, accept, and spend any funds received through grants or donations from public or private sources for the purposes of the program. The bill establishes that the TDA is not required to implement the program unless the TDA has sufficient funding from a source other than an appropriation of general revenue and prohibits state money from being used for purposes of the program.

C.S.H.B. 2997 establishes the Select Committee on Urban Farming and provides that the committee is composed of three members appointed by the president of Prairie View A&M University, three members appointed by the board of regents of The Texas A&M University System, and three members appointed by the director of the Texas AgriLife Extension Service. The bill requires the appointing entities, not later than October 1, 2011, to make those appointments. The bill requires the committee to elect a presiding officer from among its members and requires the commissioner of agriculture, not later than October 15, 2011, to call the first meeting of the committee to permit the committee to elect a presiding officer. The bill provides that a person is not entitled to compensation or reimbursement for serving as a committee member.

C.S.H.B. 2997 requires the committee to meet at the call of the presiding officer and to conduct an interim study and make recommendations to the legislature regarding specified matters set out in the bill. The bill authorizes the committee to request the assistance of state agencies, departments, or offices to carry out its duties. The bill requires the committee, not later than December 1, 2012, to submit a report based on its findings to the governor, the lieutenant governor, and the speaker of the house of representatives. The bill sets its provisions to expire and abolishes the committee on September 1, 2013. The bill defines "committee" for purposes of the bill's provisions.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2997 differs from the original by authorizing the Department of Agriculture (TDA) to operate the urban farming pilot program in an enterprise zone in a municipality with a population of at least 500,000, rather than at least one million, as in the original.

C.S.H.B. 2997 differs from the original by authorizing the TDA to seek, accept, and spend any funds received through grants or donations, rather than through appropriations, grants, or donations, as in the original.

C.S.H.B. 2997 contains provisions not included in the original establishing that the TDA is not required to implement the program unless the TDA has sufficient funding from a source other than an appropriation of general revenue and prohibiting state money from being used for purposes of the program.

C.S.H.B. 2997 differs from the original by providing that the Select Committee on Urban Farming is composed of three members appointed by the president of Prairie View A&M University, three members appointed by the board of regents of The Texas A&M University System, and three members appointed by the director of the Texas AgriLife Extension Service, whereas the original provides that the select committee is composed of four members of the senate appointed by the lieutenant governor, four members of the house of representatives appointed by the speaker of the house of representatives, and two representatives of the TDA designated by the commissioner of agriculture. The substitute differs from the original in a transition provision by reflecting the differences in appointing authority.

C.S.H.B. 2997 differs from the original by providing that a person is not entitled to compensation or reimbursement for serving as a committee member, whereas the original provides that a committee member serves without compensation but is entitled to reimbursement for certain actual and necessary expenses.

C.S.H.B. 2997 differs from the original, in provisions requiring the select committee to make recommendations to the legislature regarding specified matters set out in the bill by requiring the committee to make recommendations regarding vertical integration farming, rather than vertical farming, as in the original.