

By: Carter

H.B. No. 3706

Substitute the following for H.B. No. 3706:

By: Kacal

C.S.H.B. No. 3706

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to certain requirements for certain sponsors and other  
3 participants in the summer food service program.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 411.1146(a), Government Code, as added  
6 by Chapter 870 (S.B. 77), Acts of the 82nd Legislature, Regular  
7 Session, 2011, is amended to read as follows:

8 (a) The Department of Agriculture is entitled to obtain  
9 criminal history record information maintained by the Department of  
10 Public Safety that relates to a person who is a principal of a  
11 nongovernmental entity that is a participant in or applicant for  
12 participation in the Child and Adult Care Food Program or the summer  
13 food service program as provided by Section 33.0271(e), Human  
14 Resources Code.

15 SECTION 2. The heading to Section 33.0271, Human Resources  
16 Code, is amended to read as follows:

17 Sec. 33.0271. [~~CHILD AND ADULT CARE FOOD PROGRAM:~~] PROGRAM  
18 PARTICIPANT REQUIREMENTS: CERTAIN NUTRITIONAL ASSISTANCE PROGRAMS.

19 SECTION 3. Sections 33.0271(a), (c), (d), (g), and (h),  
20 Human Resources Code, are amended to read as follows:

21 (a) In this section:

22 (1) with respect to the Child and Adult Care Food  
23 Program:

24 (A) [~~7~~] "institution" has [~~and "principal" have~~]

1 the meaning [~~meanings~~] assigned by 7 C.F.R. Section 226.2; and

2 (B) "principal" means any individual who holds a  
3 management position with, or is an officer of, an institution,  
4 other than a person whose only role for the institution is serving  
5 as a member, other than the chair, of the institution's board of  
6 directors; and

7 (2) with respect to the summer food service program:

8 (A) "principal" means any individual who holds a  
9 management position with, or is an officer of, a sponsor, other than  
10 a person whose only role for the sponsor is serving as a member,  
11 other than the chair, of the sponsor's board of directors; and

12 (B) "sponsor" has the meaning assigned by 7  
13 C.F.R. Section 225.2.

14 (c) To the extent permitted under federal law, on  
15 application for or renewal of participation in the Child and Adult  
16 Care Food Program or summer food service program, a nongovernmental  
17 entity applying to participate or to renew participation in the  
18 Child and Adult Care Food Program [~~program~~] as a sponsoring  
19 organization or other institution, or in the summer food service  
20 program as a sponsor, must submit to the department the following  
21 with respect to each of the entity's principals for use in  
22 conducting a background and criminal history check:

23 (1) a copy of a government-issued form of  
24 identification of the principal, which may include a copy of:

25 (A) a driver's license issued by this state or  
26 another state;

27 (B) an identification card issued by this state,

1 another state, or the federal government;

2 (C) a passport; or

3 (D) another form of identification approved by  
4 the department; and

5 (2) proof of the principal's residential mailing  
6 address, which may include:

7 (A) official mail sent to the principal's address  
8 from a utility provider, governmental agency, or financial  
9 institution;

10 (B) a residential lease executed by the  
11 principal; or

12 (C) any other form of proof approved by the  
13 department.

14 (d) If there is a change in a principal or the residential  
15 mailing address of a principal of a nongovernmental entity  
16 participating in the Child and Adult Care Food Program as a  
17 sponsoring organization or other institution, or in the summer food  
18 service program as a sponsor, the entity must submit to the  
19 department the same information required under Subsection (c) with  
20 respect to the principal for use in conducting a background and  
21 criminal history check.

22 (g) If a background and criminal history check authorized  
23 under Subsection (e) reveals that the principal of an entity that is  
24 an applicant for or participant in the Child and Adult Care Food  
25 Program or summer food service program has been convicted of fraud,  
26 violating an antitrust law, embezzlement, theft, forgery, bribery,  
27 falsification or destruction of records, making false statements,

1 receiving stolen property, making false claims, obstructing  
2 justice, or any other criminal offense that indicates a lack of  
3 business integrity as determined by the department, the department:

4           (1) shall deny the entity's application for  
5 participation in the program; or

6           (2) may, at the department's discretion, revoke the  
7 entity's authority to participate in the program.

8           (h) The executive commissioner by rule may establish  
9 procedures that would allow an entity that had the entity's  
10 application to participate in the Child and Adult Care Food Program  
11 or summer food service program denied or authority to participate  
12 in the program revoked under Subsection (g) to appeal the  
13 department's determination under that subsection.

14           SECTION 4. This Act takes effect September 1, 2014.