

By: Carter

H.B. No. 3706

A BILL TO BE ENTITLED

AN ACT

relating to certain requirements for certain sponsors and other participants in the summer food service program.

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

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

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

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

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

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

(a) In this section:

(1) with respect to the Child and Adult Care Food Program, "institution" and "principal" have the meanings assigned by 7 C.F.R. Section 226.2; and

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

2 (A) "principal" means any individual who holds a
3 management position within, or is an officer of, a sponsor,
4 including all members of the sponsor's board of directors; and

5 (B) "sponsor" has the meaning assigned by
6 C.F.R. Section 225.2.

7 (b) To the extent permitted under federal law, each ~~[a]~~
8 sponsoring organization and sponsor shall maintain a performance
9 bond in an amount specified by department rule from a company
10 holding a certificate of authority as an acceptable surety on
11 federal bonds from the United States secretary of the treasury. To
12 determine whether a company holds a certificate of authority as an
13 acceptable surety on federal bonds, the department, ~~[and]~~
14 sponsoring organization, and a sponsor may rely on the list
15 published by the United States Department of the Treasury in
16 accordance with 31 C.F.R. Section 223.16.

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

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

1 (A) a driver's license issued by this state or
2 another state;

3 (B) an identification card issued by this state,
4 another state, or the federal government;

5 (C) a passport; or

6 (D) another form of identification approved by
7 the department; and

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

10 (A) official mail sent to the principal's address
11 from a utility provider, governmental agency, or financial
12 institution;

13 (B) a residential lease executed by the
14 principal; or

15 (C) any other form of proof approved by the
16 department.

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

25 (g) If a background and criminal history check authorized
26 under Subsection (e) reveals that the principal of an entity that is
27 an applicant for or participant in the Child and Adult Care Food

1 Program or summer food service program has been convicted of fraud,
2 violating an antitrust law, embezzlement, theft, forgery, bribery,
3 falsification or destruction of records, making false statements,
4 receiving stolen property, making false claims, obstructing
5 justice, or any other criminal offense that indicates a lack of
6 business integrity as determined by the department, the department:

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

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

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

17 SECTION 4. This Act takes effect September 1, 2013.