

## **BILL ANALYSIS**

C.S.H.B. 1202  
By: Muñoz, Jr.  
Agriculture & Livestock  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that the relationship between the food and nutrition division of the Department of Agriculture and associated sponsors and contractors has suffered in recent years. The parties contend that there is a need to develop a medium to improve communication between the division and sponsors and contractors, especially as laws, rules, and policies change. The parties assert that the establishment of a dedicated advisory council would help solve these problems. C.S.H.B. 1202 seeks to address this issue.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1202 amends the Agriculture Code to establish the Community Nutrition Program Policy Advisory Council to support the goals, initiatives, and policies of the food and nutrition division of the Department of Agriculture (TDA). The bill establishes that the advisory council is composed of five members appointed by the commissioner of agriculture with four members representing community organizations that contract with certain food programs and one member who serves as president of the Texas CACFP Sponsor's Association. The bill requires the commissioner to appoint the members of the advisory council not later than October 1, 2015, and provides for the staggered terms of the initial members. The bill, among other provisions, requires the commissioner, in consultation with the chief administrator of the food and nutrition division of the TDA, to appoint a chair from among the members, authorizes advisory council members to elect a vice chair, and establishes staggered three-year terms for members.

C.S.H.B. 1202 requires the advisory council, in order to improve community nutrition programs in Texas, to advise the TDA on policy, rules, program operations, and program materials; identify training priorities for the TDA; propose solutions to address gaps, flaws, inefficiencies, or problems in the state's administration of nutrition programs; develop and implement a plan for improving relationships between entities that contract with the TDA and other state agencies in connection with the state's nutrition policies and programs; identify and address duplication of services provided by entities that contract with the TDA; and advise the commissioner and the TDA's chief administrator of food and nutrition on nutrition policy priorities. The bill requires the advisory council to conduct a review of the state's nutrition policies and programs and authorizes the advisory council to meet with representatives of the state agencies that administer the nutrition programs as necessary to conduct the review. The bill authorizes the commissioner

to direct the advisory council to focus the council's efforts in particular areas that will inform the TDA's efforts. The bill requires the chief administrator of the TDA's food and nutrition division to appoint a staff member to serve as the advisory council's liaison and sets out the liaison's duties. The bill requires the advisory council to meet at times and locations as determined by the chair, not to exceed four meetings per year, and sets out provisions relating to these meetings and to the retention of council records, which are subject to state public information law.

C.S.H.B. 1202 requires the advisory council, not later than September 30 of each year, to submit an annual report to the commissioner on current issues in the field of community nutrition programs relevant to the TDA's goals and strategic initiatives, the advisory council's efforts to support the TDA's goals and objectives, the advisory council's review of the state's nutrition policies and programs, and recommendations for the TDA. The bill establishes that an advisory council member is not entitled to compensation but is entitled to reimbursement for travel expenses incurred by the member while conducting the business of the advisory council. The bill makes the advisory council subject to the Texas Sunset Act and, unless continued in existence as provided by the act, abolishes the advisory council and sets the bill's provisions to expire September 1, 2021. The bill exempts the advisory council from statutory provisions relating to state agency advisory committees.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1202 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Title 2, Agriculture Code, is amended by adding Chapter 26 to read as follows:

CHAPTER 26. COMMUNITY NUTRITION PROGRAM POLICY ADVISORY COUNCIL

Sec. 26.001. DEFINITION.

Sec. 26.002. ADVISORY COUNCIL ESTABLISHED.

Sec. 26.003. APPOINTMENT OF MEMBERS; TERMS. (a) The advisory council is composed of **18 members** appointed by the commissioner as follows:  
(1) six members representing the community organizations that contract with the Child and Adult Care Food Program, including:  
(A) two members that provide services to child care centers;  
(B) two members that provide services to

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Title 2, Agriculture Code, is amended by adding Chapter 26 to read as follows:

CHAPTER 26. COMMUNITY NUTRITION PROGRAM POLICY ADVISORY COUNCIL

Sec. 26.001. DEFINITION.

Sec. 26.002. ADVISORY COUNCIL ESTABLISHED.

Sec. 26.003. APPOINTMENT OF MEMBERS; TERMS. (a) The advisory council is composed of **five members** appointed by the commissioner as follows:  
(1) two members representing the community organizations that contract with the Child and Adult Care Food Program, including:  
(A) one member that provides services to child care centers; and  
(B) one member that provides services to

day care home providers; and

(C) two members that provide services to adult day care centers;

(2) two members representing the community organizations that contract with the summer food service program under 42 U.S.C. Section 1761;

(3) two members representing the community organizations that contract with the special milk program under 42 U.S.C. Section 1772;

(4) two members representing the community organizations that contract with the commodity supplemental food program under 7 C.F.R. Part 247;

(5) two members of the Texas CACFP Sponsor's Association; and

(6) four members that represent the state's other nutrition programs.

(b) In making the appointments required under Subsection (a), the commissioner shall:

(1) give preference to individuals who are professional educators or child care providers, individuals who have experience and expertise in an area of interest to the advisory council, and individuals who display a commitment to excellence in the administration of community nutrition programs; and

(2) attempt to appoint a balance of members representing business, labor, civic, educational, parental, and professional groups, while striving for diversity and geographic representation.

(c) The commissioner, in consultation with the chief administrator of the food and nutrition division of the department, shall appoint a chair from among the members. The advisory council members may elect a vice chair.

(d) Members of the advisory council serve staggered terms of three years.

Sec. 26.004. DUTIES.

Sec. 26.005. LIAISON.

Sec. 26.006. MEETINGS OF ADVISORY COUNCIL.

Sec. 26.007. ANNUAL REPORT.

Sec. 26.008. REIMBURSEMENT.

day care home providers; and

(2) one member representing the community organizations that contract with the summer food service program under 42 U.S.C. Section 1761;

(3) one member representing the community organizations that contract with the commodity supplemental food program under 7 C.F.R. Part 247; and

(4) one member who serves as the president of the Texas CACFP Sponsor's Association.

(b) In making the appointments required under Subsection (a), the commissioner shall:

(1) give preference to individuals who are professional educators or child care providers, individuals who have experience and expertise in an area of interest to the advisory council, and individuals who display a commitment to excellence in the administration of community nutrition programs; and

(2) attempt to appoint a balance of members representing business, labor, civic, educational, parental, and professional groups, while striving for diversity and geographic representation.

(c) The commissioner, in consultation with the chief administrator of the food and nutrition division of the department, shall appoint a chair from among the members. The advisory council members may elect a vice chair.

(d) Members of the advisory council serve staggered terms of three years.

Sec. 26.004. DUTIES.

Sec. 26.005. LIAISON.

Sec. 26.006. MEETINGS OF ADVISORY COUNCIL.

Sec. 26.007. ANNUAL REPORT.

Sec. 26.008. REIMBURSEMENT.

Sec. 26.009. SUNSET PROVISION.

Sec. 26.010. APPLICABILITY OF OTHER LAW.

SECTION 2. Not later than October 1, 2015, the commissioner of agriculture shall appoint the members of the community nutrition program policy advisory council established by Chapter 26, Agriculture Code, as added by this Act. In appointing the initial members of the advisory council, the commissioner shall appoint **six persons** to terms expiring October 1, 2016, **six persons** to terms expiring October 1, 2017, and **six persons** to terms expiring October 1, 2018.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Sec. 26.009. SUNSET PROVISION.

Sec. 26.010. APPLICABILITY OF OTHER LAW.

SECTION 2. Not later than October 1, 2015, the commissioner of agriculture shall appoint the members of the community nutrition program policy advisory council established by Chapter 26, Agriculture Code, as added by this Act. In appointing the initial members of the advisory council, the commissioner shall appoint **two persons** to terms expiring October 1, 2016, **two persons** to terms expiring October 1, 2017, and **one person** to a term expiring October 1, 2018.

SECTION 3. Same as introduced version.