

BILL ANALYSIS

Senate Research Center

H.B. 3944
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Agriculture, Water & Rural Affairs
5/19/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Department of Agriculture (TDA) administers certain federal and state nutrition programs. Interested parties note that there are some program requirements for TDA to offer administrative due process prior to finalizing and taking adverse action against a contracting entity participating in such a program but that federal law does not generally require judicial review of final administrative orders for a nutrition program administered by TDA. The interested parties note that despite this, suits have been brought against TDA attempting to overturn final orders that were entered following conclusion of administrative hearings. The parties note that there is evidence to suggest that a state court may interject itself in one of these administrative matters although applicable federal rules suggest that the final order entered after an administrative hearing should be the end of the matter. The parties contend that if the legislature does not clarify this issue, TDA may face more lawsuits arising out of these nutrition programs and that TDA and the state may be at risk of the suspension or termination of funding for the programs. H.B. 3944 seeks to address this issue.

H.B. 3944 amends current law relating to judicial review of final orders arising out of nutritional programs administered by the Texas Department of Agriculture.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.0025, Agriculture Code, as follows:

Sec. 12.0025. NUTRITION PROGRAMS. (a) Creates this subsection from existing text. Requires the Texas Department of Agriculture (TDA) to administer certain federal and state nutrition programs as set forth.

(b) Provides that a decision of TDA's administrative review official or the State Office of Administrative Hearings is the final administrative determination of TDA and not subject to judicial review.

SECTION 2. Effective date: upon passage or September 1, 2015.