

By: Muñoz, Jr.

H.B. No. 1202

Substitute the following for H.B. No. 1202:

By: González

C.S.H.B. No. 1202

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the community nutrition program policy advisory council.

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

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. In this chapter, "advisory council" means the community nutrition program policy advisory council.

Sec. 26.002. ADVISORY COUNCIL ESTABLISHED. The community nutrition program policy advisory council is an advisory council established to support the goals, initiatives, and policies of the department's food and nutrition division.

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

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

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

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

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

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

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

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

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

26           Sec. 26.004. DUTIES. (a) To improve community nutrition  
27 programs in this state, the advisory council shall:

1           (1) advise the department on policy, rules, and  
2 program operations, including program recommendations for meeting  
3 federal or state requirements;

4           (2) advise the department on program materials;

5           (3) identify training priorities for the department;

6           (4) propose solutions to address gaps, flaws,  
7 inefficiencies, or problems in the state's administration of  
8 nutrition programs;

9           (5) develop and implement a plan for improving  
10 relationships between entities that contract with the department  
11 and other state agencies in connection with the state's nutrition  
12 policies and programs, including establishing best practices for  
13 department cooperation and collaboration with entities that  
14 contract with the department;

15           (6) identify and address duplication of services  
16 provided by entities that contract with the department; and

17           (7) advise the commissioner and the department's chief  
18 administrator of food and nutrition on nutrition policy priorities,  
19 including priorities for the use and allocation of federal money  
20 and recommendations for the food and nutrition division regarding  
21 the allocation of federal money.

22           (b) The advisory council shall conduct a review of the  
23 state's nutrition policies and programs. The advisory council may  
24 meet with representatives of the state agencies that administer the  
25 nutrition programs as necessary to conduct the review.

26           (c) The commissioner may direct the advisory council to  
27 focus the advisory council's efforts in particular areas that will

1 inform the efforts of the department.

2 Sec. 26.005. LIAISON. (a) The chief administrator of the  
3 department's food and nutrition division shall appoint a staff  
4 member to serve as the advisory council's liaison.

5 (b) The liaison shall:

6 (1) facilitate communications between the advisory  
7 council and the department;

8 (2) post advisory council meeting notices and other  
9 information on the advisory council's website; and

10 (3) attend each advisory council meeting.

11 Sec. 26.006. MEETINGS OF ADVISORY COUNCIL. (a) The  
12 advisory council shall meet at times and locations as determined by  
13 the chair, not to exceed four meetings per year.

14 (b) Advisory council members may not participate remotely  
15 in a meeting by telephone conference call, videoconference, or  
16 other similar telecommunications methods permitted under Chapter  
17 551, Government Code.

18 (c) The advisory council shall keep minutes of the advisory  
19 council's meetings and any subcommittee meetings and shall post the  
20 minutes on the advisory council's website.

21 (d) The chair, in consultation with the liaison, shall  
22 prepare a meeting agenda, if necessary.

23 (e) The chair may share meeting agendas, minutes, and  
24 notices with members of the advisory council by telephone, e-mail,  
25 or fax.

26 (f) The advisory council must maintain advisory council  
27 records in accordance with state and department record retention

1 schedules.

2 (g) Records of the advisory council are public information  
3 subject to disclosure under Chapter 552, Government Code.

4 Sec. 26.007. ANNUAL REPORT. Not later than September 30 of  
5 each year, the advisory council shall submit an annual report to the  
6 commissioner on:

7 (1) current issues in the field of community nutrition  
8 programs relevant to the department's goals and strategic  
9 initiatives;

10 (2) the advisory council's efforts to support the  
11 goals and objectives of the department;

12 (3) the advisory council's review of nutrition  
13 policies and programs conducted under Section 26.004(b); and

14 (4) recommendations for the department, including any  
15 proposed legislative, rule, or policy changes for improving  
16 community nutrition programs.

17 Sec. 26.008. REIMBURSEMENT. An advisory council member is  
18 not entitled to compensation but is entitled to reimbursement for  
19 travel expenses incurred by the member while conducting the  
20 business of the advisory council.

21 Sec. 26.009. SUNSET PROVISION. The advisory council is  
22 subject to Chapter 325, Government Code (Texas Sunset Act). Unless  
23 continued in existence as provided by that chapter, the advisory  
24 council is abolished and this chapter expires September 1, 2021.

25 Sec. 26.010. APPLICABILITY OF OTHER LAW. Chapter 2110,  
26 Government Code, does not apply to the advisory council.

27 SECTION 2. Not later than October 1, 2015, the commissioner

1 of agriculture shall appoint the members of the community nutrition  
2 program policy advisory council established by Chapter 26,  
3 Agriculture Code, as added by this Act. In appointing the initial  
4 members of the advisory council, the commissioner shall appoint two  
5 persons to terms expiring October 1, 2016, two persons to terms  
6 expiring October 1, 2017, and one person to a term expiring October  
7 1, 2018.

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