

By: Muñoz, Jr.

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 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 day care home providers; and

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

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

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

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

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

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

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

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

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

27 (c) The commissioner, in consultation with the chief

1 administrator of the food and nutrition division of the department,
2 shall appoint a chair from among the members. The advisory council
3 members may elect a vice chair.

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

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

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

11 (2) advise the department on program materials;

12 (3) identify training priorities for the department;

13 (4) propose solutions to address gaps, flaws,
14 inefficiencies, or problems in the state's administration of
15 nutrition programs;

16 (5) develop and implement a plan for improving
17 relationships between entities that contract with the department
18 and other state agencies in connection with the state's nutrition
19 policies and programs, including establishing best practices for
20 department cooperation and collaboration with entities that
21 contract with the department;

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

24 (7) advise the commissioner and the department's chief
25 administrator of food and nutrition on nutrition policy priorities,
26 including priorities for the use and allocation of federal money
27 and recommendations for the food and nutrition division regarding

1 the allocation of federal money.

2 (b) The advisory council shall conduct a review of the
3 state's nutrition policies and programs. The advisory council may
4 meet with representatives of the state agencies that administer the
5 nutrition programs as necessary to conduct the review.

6 (c) The commissioner may direct the advisory council to
7 focus the advisory council's efforts in particular areas that will
8 inform the efforts of the department.

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

12 (b) The liaison shall:

13 (1) facilitate communications between the advisory
14 council and the department;

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

17 (3) attend each advisory council meeting.

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

21 (b) Advisory council members may not participate remotely
22 in a meeting by telephone conference call, videoconference, or
23 other similar telecommunications methods permitted under Chapter
24 551, Government Code.

25 (c) The advisory council shall keep minutes of the advisory
26 council's meetings and any subcommittee meetings and shall post the
27 minutes on the advisory council's website.

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

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

6 (f) The advisory council must maintain advisory council
7 records in accordance with state and department record retention
8 schedules.

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

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

14 (1) current issues in the field of community nutrition
15 programs relevant to the department's goals and strategic
16 initiatives;

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

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

21 (4) recommendations for the department, including any
22 proposed legislative, rule, or policy changes for improving
23 community nutrition programs.

24 Sec. 26.008. REIMBURSEMENT. An advisory council member is
25 not entitled to compensation but is entitled to reimbursement for
26 travel expenses incurred by the member while conducting the
27 business of the advisory council.

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

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

7 SECTION 2. Not later than October 1, 2015, the commissioner
8 of agriculture shall appoint the members of the community nutrition
9 program policy advisory council established by Chapter 26,
10 Agriculture Code, as added by this Act. In appointing the initial
11 members of the advisory council, the commissioner shall appoint six
12 persons to terms expiring October 1, 2016, six persons to terms
13 expiring October 1, 2017, and six persons to terms expiring October
14 1, 2018.

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