

BILL ANALYSIS

Senate Research Center
77R10524 YDB-D

C.S.S.B. 1454
By: Lucio
Natural Resources
4/4/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

C.S.S.B. 1454 creates the Food for Health Advisory Council (council) under the Texas Agriculture Code. The purpose of the council is to develop better coordination among food for health research programs in Texas, including research to create more nutritious produce and to assist in improved utilization of these programs by fruit and vegetable growers and state agencies. The council will promote increased consumption of Texas fruits and vegetables, specifically as it relates to the benefit of avoiding heart disease, stroke, atherosclerosis, diabetes mellitus, periodontal disease, certain kinds of cancer, obesity, and other nutrition-related diseases. The council will focus on enhancing the health benefits of fruit and vegetables grown in Texas, developing and disseminating health messages to the public, providing health benefit training and education, and assisting with applied research for growers.

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 Title 3, Agriculture Code, by adding Chapter 50A, as follows:

CHAPTER 50A. TEXAS FOOD FOR HEALTH ADVISORY COUNCIL

Sec. 50A.001. **PURPOSE.** Provides that the purpose of the Texas Food for Health Advisory Council is to coordinate food-for-health programs in this state, promote the use of food-for-health research programs by fruit and vegetable growers and state and federal agencies, promote increased consumption of fruits and vegetables grown in this state, and coordinate research in an effort to produce more nutritious fruits and vegetables.

Sec. 50A.002. **DEFINITION.** Defines "council" to mean the Texas Food for Health Advisory Council.

Sec. 50A.003. **SUNSET.** Provides that the council is subject to Chapter 325 (Texas Sunset Act), Government Code. Provides that unless in existence as provided by that chapter, the council is abolished and this chapter expires September 1, 2005.

Sec. 50A.004. **COMPOSITION.** Sets forth the composition of the council.

Sec. 50A.005. **TERMS.** Provides that members of the council serve staggered six-year terms with the terms of three members expiring on January 1 of each odd-numbered year.

Sec. 50A.006. **PRESIDING OFFICER.** Authorizes the commissioner of public health and the vice chancellor for the Texas A&M University System Agriculture Program to jointly appoint the presiding officer or authorize the council members to elect a presiding officer from among the members of the council.

Sec. 50A.007. MEETINGS. Requires the council to meet at least once each calendar quarter at a time and place designated by the presiding officer.

Sec. 50A.008. STAFF; ADMINISTRATION. (a) Provides that the council is administratively attached to the Texas Agriculture Experiment Station (station).

(b) Requires the station to provide support staff to serve the council.

(c) Authorizes the council to retain general counsel to assist in the organization of the council and the adoption of procedures for awarding contracts.

Sec. 50A.009. APPLICABLE LAW. Provides that the council is subject to the open meeting law, Chapter 551, Government Code, and the administrative procedure law, Chapter 2001, Government Code.

Sec. 50A.010. DUTIES. Sets forth the duties the council is required to carry out and those the council is authorized to undertake.

Sec. 50A.011. FINANCES. (a) Authorizes the council to accept, for the purposes of this chapter, gifts and grants from public and private sources, subject only to limitations contained in the gift or grant.

(b) Requires funds appropriated for the purposes of this chapter to be expended at the direction of the council on grants approved by a majority of the council.

Sec. 50A.012. REPORTING. (a) Requires the station to prepare annually a complete and detailed written report about certain aspects of the council and its progress.

(b) Requires the part of the annual report required by Subsection (a)(1) to meet the reporting requirements applicable to financial reporting provided in the General Appropriations Act.

(c) Requires the annual report to be submitted to the governor, the lieutenant governor, the speaker of the house of representatives, the commissioner of agriculture, the commissioner of public health, and the vice chancellor for The Texas A&M University System Agriculture Program.

Sec. 50A.013. DEPARTMENT OF AGRICULTURE. Requires the Department of Agriculture to serve as a resource and in an advisory capacity to the council.

SECTION 2. (a) Effective date: September 1, 2001.

(b) Requires the commissioner of public health and the vice chancellor for The Texas A&M University System Agriculture Program, as soon as practicable after the effective date of this Act, to jointly appoint eight members and the commissioner of agriculture to appoint one member to serve on the council created under Chapter 50A, Agriculture Code, as added by this Act. Provides that the terms of three members, determined by lot, expire January 1, 2003; the terms of three members, determined by lot, expire January 1, 2005; and the terms of the remaining three members expire January 1, 2007.

SUMMARY OF COMMITTEE CHANGES

Differs from original in SECTION 1 as follows:

- In Section 50A.003, Agriculture Code, it adds language providing that Chapter 50A

expires on September 1, 2005, when the Texas Food for Health Advisory Council (council) is abolished unless continued under Chapter 325 (Texas Sunset Act) of the Government Code.

- In Section 50A.004, it adds language relating to the composition of the council to specify where the nine members are appointed from, and it makes a conforming change.
- Breaks Section 50A.011 of the original into two separate sections, Sections 50A.011 and 50A.012. Section 50A.011 relates only to the finances of the council while the original related to both finance and an annual report to be made by the council. Section 50A.012 relates to the annual report and adds language specifying more information to be included in the report.
- Adds a new Section 50A.013 requiring the Department of Agriculture to serve as a resource and in an advisory capacity to the council.
- Differs from the original as follows:
Makes a conforming change to reflect that one council member is to be appointed by the commissioner of agriculture, rather than all nine members being appointed jointly by the commissioner of public health and the vice chancellor for the Texas A& M University System Agriculture Program.