

BILL ANALYSIS

Senate Research Center
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S.B. 758
By: West
Water, Agriculture & Rural Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 758 establishes the Food System Security and Resiliency Planning Council to address food system security and planning in Texas.

This legislation is partially in response to the Texas Food Access Study conducted by The University of Texas Rio Grande Valley and the Texas Department of Agriculture. This study was funded via a rider in the General Appropriations Act passed by the 87th Texas Legislature.

This legislation is also in response to various supply chain issues, issues related to various disease outbreaks in animals over the last several years, and other issues that threaten the state's food supply.

The COVID-19 pandemic and subsequent long-lasting supply chain issues resulting from the pandemic, the 2022 baby formula shortage, and the 2023 egg shortage, have shown that the food supply chain in our state and our nation are vulnerable to a variety of disruptions.

To ensure that Texas has a secure and resilient food supply for future generations, S.B. 758 tasks the Food Security and Resiliency Planning Council with reviewing and developing a state food system security plan, which must:

- Ensure sufficient food is available at reasonable cost to ensure public health, safety and welfare of the state; further economic development; and protect the agricultural and natural resources of this state.
- Account for times of severe drought conditions, natural disaster, man-made disaster, and other calamities.
- Include legislative recommendations that are needed or desirable to facilitate the resilience and availability of food supplies in this state.

The Food Security and Resiliency Planning Council established under this legislation would include:

- Seven members appointed by the governor;
- Seven members appointed by the lieutenant governor;
- Six members appointed by the speaker of the house of representatives;
- One member appointed by the Commissioner of Agriculture to represent food banks; and
- Additional nonvoting members representing the Health and Human Services Commission, AgriLife Extension, and the assistant commissioner of agriculture for food and nutrition.

S.B. 758 also establishes the Texas Good System Security and Resiliency Grant Program, which shall award grants to increase food system security and resiliency in this state. Projects must be

related to food production, food system security, or food supply resiliency, and have the ability to either impact an individual community or the production of a specific agricultural commodity.

As proposed, S.B. 758 amends current law relating to food system security and resiliency planning.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Agriculture in SECTION 1 (Section 23.006, Agriculture Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 2, Agriculture Code, by adding Chapter 23, as follows:

CHAPTER 23. FOOD SYSTEM SECURITY

Sec. 23.001. DEFINITIONS. Defines "council" and "office."

Sec. 23.002. TEXAS FOOD SYSTEM SECURITY AND RESILIENCY PLANNING COUNCIL. (a) Requires the Office of Food Security and Resiliency or the food and nutrition division of the Texas Department of Agriculture (office) to establish the Texas food system security and resiliency planning council (council). Provides that the council is composed of the following members:

- (1) seven members appointed by the governor;
- (2) seven members appointed by the lieutenant governor;
- (3) six members appointed by the speaker of the house of representatives;
- (4) one member appointed by the commissioner of agriculture to represent food banks;
- (5) the assistant commissioner of agriculture for the food and nutrition division as a nonvoting member;
- (6) the director of the Texas A&M AgriLife Extension Service as a nonvoting member; and
- (7) one nonvoting member appointed by the executive commissioner of the Health and Human Services Commission (executive commissioner) to represent the supplemental nutrition assistance program, the federal special supplemental nutrition program for women, infants, and children, and the supplemental nutrition assistance program-education.

(b) Provides that a council member serves at the pleasure of the appointing authority.

(c) Requires the governor to designate a chair of the council from the members that the governor appoints. Requires the lieutenant governor to designate a vice chair of the council from the members that the lieutenant governor appoints.

(d) Requires the council to meet at least once quarterly or more frequently at the call of the chair.

(e) Provides that a member of the council is not entitled to compensation or reimbursement for expenses incurred in performing council duties.

(f) Requires the council to:

(1) give guidance to the office; and

(2) review the state food system security plan developed under Section 23.003.

Sec. 23.003. STATE FOOD SYSTEM SECURITY PLAN. (a) Requires the office to develop a state food system security plan. Requires the plan to:

(1) provide for the orderly development and management of food system security throughout this state, including ensuring sufficient food is available at a reasonable cost to ensure public health, safety, and welfare, further economic development, and protect the agricultural and natural resources of this state;

(2) account for times of severe drought conditions, natural disaster, man-made disaster, or other calamities; and

(3) include legislative recommendations that are needed or desirable to facilitate the resilience and availability of food in this state.

(b) Requires the office, in developing the plan, to seek the advice of the Department of State Health Services and the Texas Parks and Wildlife Department.

(c) Requires the office to:

(1) review and revise as necessary the plan developed under Subsection (a) at least once every five years; and

(2) deliver the plan to the governor, the lieutenant governor, the speaker of the house of representatives, and the chair of the appropriate committees in each house of the legislature.

Sec. 23.004. FOOD SYSTEM SECURITY PLANNING FUND. (a) Defines "planning fund."

(b) Provides that the planning fund is a dedicated account in the general revenue fund and consists of:

(1) appropriations of money to the planning fund by the legislature;

(2) gifts, grants, including federal grants, and other donations received for the planning fund; and

(3) interest earned on the investment of money in the planning fund.

(c) Authorizes the planning fund to be used only to administer the council under Section 23.002.

(d) Authorizes the office to accept grants, gifts, or donations from any source that are made for the purposes of this section. Requires that money received under this subsection be deposited in the planning fund.

Sec. 23.005. TEXAS FOOD SYSTEM SECURITY AND RESILIENCY GRANT PROGRAM. (a) Defines "eligible recipient" and "grant fund."

(b) Provides that the Texas food system security and resiliency project fund (grant fund) is a dedicated account in the general revenue fund and consists of:

- (1) appropriations of money to the grant fund by the legislature;
- (2) gifts, grants, including federal grants, and other donations received for the grant fund; and
- (3) interest earned on the investment of money in the grant fund.

(c) Requires the office to award grants to eligible recipients to increase food system security or resiliency in this state. Provides that to be eligible for a grant, a project is required to be related to food production, food system security, or food supply resiliency and have the ability to impact either an individual community or the production of a specific agricultural commodity.

(d) Authorizes the grant fund to be used by the office only to award grants under this section, and administer the grant program under this section.

Sec. 23.006. RULES. Requires the Texas Department of Agriculture (TDA) to adopt rules necessary to administer this chapter.

SECTION 2. (a) Requires TDA to adopt rules and procedures as required to implement Chapter 23, Agriculture Code, as added by this Act, as soon as practicable after the effective date of this Act.

(b) Requires the governor, lieutenant governor, speaker of the house of representatives, executive commissioner, and commissioner of agriculture to appoint the initial members of the council under Section 23.002, Agriculture Code, as added by this Act, as soon as practicable after the adoption of rules and procedures under Subsection (a) of this section.

SECTION 3. Requires the office, as that term is defined by Section 23.001, Agriculture Code, as added by this Act, to deliver the initial state food system security plan as required by Section 23.003(c), Agriculture Code, as amended by this Act, not later than September 1, 2025.

SECTION 4. Effective date: upon passage or September 1, 2023.