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H.B. No. 482

A BILL TO BE ENTITLED

AN ACT

relating to programs to increase the availability of fresh produce
to, and the purchase and consumption of fresh produce by, certain
low-income individuals.

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

SECTION 1. Title 2, Agriculture Code, is amended by adding
Chapters 23 and 24 to read as follows:

CHAPTER 23. SMALL RETAILERS COMPETITIVE GRANT PILOT PROGRAM

Sec. 23.001. DEFINITIONS. In this chapter:

(1) "Fresh produce" means fresh fruits and vegetables.

(2) "Program" means the small retailers competitive
grant pilot program established under this chapter.

(3) "Rural county" has the meaning assigned by Section
487.701, Government Code, as added by Chapter 712 (H.B. 2235), Acts
of the 80th Legislature, Regular Session, 2007.

Sec. 23.002. ESTABLISHMENT OF SMALL RETAILERS COMPETITIVE
GRANT PILOT PROGRAM. (a) Subject to available funding, the
department shall develop and implement a small retailers
competitive grant pilot program through which the department will
award grants to small retailers in certain low-income communities
in this state to increase the access to fresh produce by individuals
in those communities.

(b) The department by rule shall define "small retailer" for
purposes of this chapter.

1 (c) The department shall select at least two urban and at
2 least two rural counties in which to operate the program. To be
3 selected, a county must:

4 (1) have at least 75,000 residents who have net family
5 incomes below 100 percent of the federal poverty level; or

6 (2) have a poverty rate above the statewide average.

7 Sec. 23.003. ADVERTISEMENT. Before issuing a request for
8 proposals or awarding a grant under this chapter, the department
9 shall advertise the program by:

10 (1) posting information about the program on the
11 department's Internet website; and

12 (2) as the department determines appropriate,
13 distributing information about the program to food retailer
14 associations, fresh produce associations, chambers of commerce,
15 and other membership organizations with members that are small
16 retailers.

17 Sec. 23.004. ELIGIBILITY. (a) A small retailer is eligible
18 to apply for a grant under the program if:

19 (1) the small retailer's place of business is located
20 within a county in which the department operates the program;

21 (2) there is no other retailer of fresh produce within
22 a one-mile radius of the small retailer's place of business on the
23 date of the application; and

24 (3) each owner of the small retailer who is a natural
25 person is a United States citizen or legal resident of the United
26 States.

27 (b) In determining eligibility under Subsection (a)(3) the

1 department is not authorized to enforce federal immigration laws.

2 Sec. 23.005. USE OF AWARDED GRANT MONEY. A grant recipient
3 may use grant money awarded under the program only to cover costs
4 that are approved by the department, which may include costs
5 related to:

6 (1) training employees regarding the proper storage of
7 fresh produce;

8 (2) training employees regarding the marketing of
9 fresh produce;

10 (3) obtaining marketing materials, including signage
11 and flyers;

12 (4) obtaining refrigeration units for the storage of
13 fresh produce; and

14 (5) obtaining technical assistance regarding
15 refrigeration units and other equipment required to store fresh
16 produce.

17 Sec. 23.006. GRANT RECIPIENT REPORTING REQUIREMENTS. A
18 grant recipient shall report information related to the program to
19 the department in the form and manner and at regular intervals as
20 prescribed by the department. Each report must include the
21 following information for the period covered by the report:

22 (1) the amount of fresh produce that was added to the
23 recipient's inventory as a result of the grant;

24 (2) the amount of monthly gross receipts earned from
25 the sale of fresh produce; and

26 (3) a detailed accounting of how the grant money was
27 spent.

1 Sec. 23.007. EVALUATION BY DEPARTMENT. The department
2 shall monitor and periodically evaluate:

3 (1) the performance of each grant recipient under the
4 program;

5 (2) how each grant recipient uses the grant money
6 awarded under the program; and

7 (3) the effect of the program on the ability of the
8 grant recipient to include fresh produce in the grant recipient's
9 inventory.

10 Sec. 23.008. FUNDING. (a) The department shall seek and
11 apply for any available federal funding, including federal matching
12 funds, to assist with financing the program.

13 (b) The department may solicit and accept grants, gifts, and
14 donations from any public or private source for the purposes of this
15 chapter.

16 Sec. 23.009. REPORT TO LEGISLATURE. Not later than
17 December 1, 2010, the department shall submit an initial report to
18 the legislature that includes:

19 (1) an evaluation of the performance and operation of
20 the program; and

21 (2) recommendations on the continuation, elimination,
22 or expansion of the program.

23 Sec. 23.010. EXPIRATION. This chapter expires September 1,
24 2011.

25 CHAPTER 24. FARMERS' MARKET NUTRITION PROGRAM FOR SENIORS

26 Sec. 24.001. DEFINITION. In this chapter, "program" means
27 the farmers' market nutrition program for seniors established under

1 this chapter.

2 Sec. 24.002. ESTABLISHMENT OF FARMERS' MARKET NUTRITION
3 PROGRAM FOR SENIORS. Subject to available federal funding, the
4 department shall establish and implement a farmers' market
5 nutrition program for seniors in accordance with 7 U.S.C. Section
6 3007 to provide low-income persons who are 60 years of age or older
7 with fresh fruits, vegetables, and herbs through farmers' markets
8 and other local venues.

9 Sec. 24.003. FUNDING. The department shall seek and apply
10 for any available federal funding to finance the program.

11 Sec. 24.004. RULES. The department shall adopt rules
12 necessary to implement the program.

13 SECTION 2. If funding is available, not later than January
14 1, 2010, the Department of Agriculture shall implement the small
15 retailers competitive grant pilot program established under
16 Chapter 23, Agriculture Code, as added by this Act.

17 SECTION 3. As soon as practicable after the completion of
18 the small retailers competitive grant pilot program implemented
19 under Chapter 23, Agriculture Code, as added by this Act, but not
20 later than November 1, 2011, if that program is implemented, the
21 Department of Agriculture shall submit a final report to the
22 legislature that includes an overall evaluation of the performance
23 and operation of the program.

24 SECTION 4. As soon as practicable, the Department of
25 Agriculture shall apply for and actively pursue federal funding to
26 implement the farmers' market nutrition program for seniors
27 established under Chapter 24, Agriculture Code, as added by this

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1 Act. The department shall delay implementing the program until the
2 federal funding applied for under this section is granted.

3 SECTION 5. This Act takes effect September 1, 2009.