

1 AN ACT

2 relating to the establishment of a home-delivered meal grant  
3 program in the Department of Agriculture.

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

5 SECTION 1. Chapter 12, Agriculture Code, is amended by  
6 adding Section 12.042 to read as follows:

7 Sec. 12.042. HOME-DELIVERED MEAL GRANT PROGRAM. (a) The  
8 department shall establish a home-delivered meal grant program to  
9 benefit homebound elderly and disabled people in this state. The  
10 program must be designed to help defray the costs of providing  
11 home-delivered meals that are not fully funded by the Department of  
12 Aging and Disability Services or an area agency on aging.

13 (b) From funds appropriated for that purpose, the  
14 department shall make grants to qualifying organizations that  
15 provide home-delivered meals to the homebound elderly and disabled.  
16 The department may use not more than five percent of those  
17 appropriated funds for the administration of the grant program.

18 (c) An organization applying to the department for a grant  
19 under this section must:

20 (1) be a governmental agency or a nonprofit private  
21 organization that is exempt from taxation under Section 501(a),  
22 Internal Revenue Code of 1986, as an organization described by  
23 Section 501(c)(3) of that code, that is a direct provider of  
24 home-delivered meals to the elderly or persons with disabilities in

1 this state;

2 (2) if it is a nonprofit private organization, have a  
3 volunteer board of directors;

4 (3) practice nondiscrimination;

5 (4) have an accounting system or fiscal agent approved  
6 by the county in which it provides meals;

7 (5) have a system to prevent the duplication of  
8 services to the organization's clients; and

9 (6) agree to use funds received under this section  
10 only to supplement and extend existing services related directly to  
11 home-delivered meal services.

12 (d) Before an organization may receive a grant from the  
13 department, the county in which the organization provides meals  
14 must make a grant to the organization. If the county makes a grant  
15 to the organization in an amount that is less than 25 cents for each  
16 person at least 60 years of age who resides in the county, according  
17 to the most recent federal decennial census, the maximum amount the  
18 department may provide to organizations in the county under  
19 Subsection (h) is reduced to an amount in proportion to the amount  
20 by which the county grant is less than 25 cents for each elderly  
21 resident.

22 (e) The department shall require an organization seeking a  
23 grant to file an application in a form approved by the department.  
24 The application must be notarized and signed by the organization's  
25 executive director and board chair, if applicable, be postmarked  
26 not later than November 1, and must include:

27 (1) the organization's name and address;

1           (2) the names and titles of the organization's  
2 executive director and board chair, if applicable;

3           (3) the name of the county in relation to which the  
4 organization is applying;

5           (4) the number of residents at least 60 years of age  
6 who reside in that county, according to the most recent federal  
7 decennial census;

8           (5) the amount of the grant awarded by that county as  
9 required by Subsection (d);

10          (6) the number of meals the organization delivered to  
11 elderly or disabled persons in that county during the preceding  
12 state fiscal year that were not fully funded for by the Department  
13 of Aging and Disability Services or an area agency on aging;

14          (7) appropriate documentation demonstrating that the  
15 organization:

16               (A) is a qualifying governmental agency or  
17 nonprofit private organization;

18               (B) has been awarded a grant by the county in  
19 relation to which the organization is applying, as required by  
20 Subsection (d); and

21               (C) has delivered the number of meals reported  
22 under Subdivision (6);

23          (8) the organization's most recent financial statement  
24 or audited financial report; and

25          (9) a list of the organization's board and officers.

26          (f) An organization that applies for a grant for meals  
27 delivered in more than one county must submit a separate

1 application in relation to each county.

2 (g) The department annually shall determine:

3 (1) the total amount of money available for grants  
4 under this section;

5 (2) the number of residents at least 60 years of age in  
6 this state, according to the most recent federal decennial census;  
7 and

8 (3) the number of residents at least 60 years of age in  
9 each county in this state, according to the most recent federal  
10 decennial census.

11 (h) Except as provided by Subsections (d), (i), and (j),  
12 grants from the department to qualifying organizations in a county  
13 in a state fiscal year may not exceed an amount determined by the  
14 formula:

$$\text{CR} \times (\text{TD}/\text{SR})$$

15 where:

16 "CR" is the number of residents at least 60 years of age in  
17 the county;

18 "TD" is the total amount of money appropriated to the  
19 department for that state fiscal year to make grants, less the  
20 department's administrative expenses; and

21 "SR" is the number of residents at least 60 years of age in  
22 this state.

23 (i) Not later than February 1 of each year, the department  
24 shall make a grant to each qualifying organization that has  
25 submitted an approved application under this section. Subject to  
26 Subsections (d) and (h), the department shall make grants in an  
27

1 amount equal to one dollar for each meal that the organization  
2 delivered to homebound elderly or disabled persons in the county in  
3 the preceding state fiscal year that was not fully funded for by the  
4 Department of Aging and Disability Services or an area agency on  
5 aging. If more than one qualifying organization delivers meals in a  
6 county, the department shall reduce the grants proportionally to  
7 each qualifying organization in that county so that the total  
8 amount of the grants to the organizations does not exceed the amount  
9 described by Subsection (h).

10 (j) If the total amount of the grants made by the department  
11 under Subsection (i) is less than the amount appropriated to fund  
12 the program under this section in a state fiscal year, the  
13 department shall use the unspent funds to proportionally increase  
14 the grants to each qualifying organization.

15 (k) The home-delivered meal fund is an account in the  
16 general revenue fund. Money in the account may be appropriated only  
17 to the department to award grants under this section and to pay for  
18 the operation of the program under this section.

19 (l) These funds shall not be considered by the Texas  
20 Department of Aging and Disability Services or the Area Agencies on  
21 Aging in setting unit rates.

22 SECTION 2. As soon as practical after the effective date of  
23 this Act, the Department of Agriculture shall adopt rules as  
24 required by Section 12.042, Agriculture Code, as added by this Act.

25 SECTION 3. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 407

1 Act does not receive the vote necessary for immediate effect, this  
2 Act takes effect September 1, 2007.

David Newkum

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 407 was passed by the House on March 14, 2007, by the following vote: Yeas 147, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 407 on May 3, 2007, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Robert Haney  
Chief Clerk of the House

I certify that H.B. No. 407 was passed by the Senate, with amendments, on May 1, 2007, by the following vote: Yeas 31, Nays 0,

Lately Spaw  
Secretary of the Senate

APPROVED: 15 MAY '07

Date

RICK PERRY  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4:20 PM O'CLOCK

Roger Williams  
Secretary of State