

BILL ANALYSIS

H.B. 3944
By: King, Tracy O.
Agriculture & Livestock
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Department of Agriculture (TDA) administers certain federal and state nutrition programs. Interested parties note that there are some program requirements for the TDA to offer administrative due process prior to finalizing and taking adverse action against a contracting entity participating in such a program but that federal law does not generally require judicial review of final administrative orders for a nutrition program administered by the TDA. The interested parties note that despite this, suits have been brought against the TDA attempting to overturn final orders that were entered following conclusion of administrative hearings. The parties note that there is evidence to suggest that a state court may interject itself in one of these administrative matters although applicable federal rules suggest that the final order entered after an administrative hearing should be the end of the matter. The parties contend that if the legislature does not clarify this issue, the TDA may face more lawsuits arising out of these nutrition programs and that the TDA and the state may be at risk of the suspension or termination of funding for the programs. H.B. 3944 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3944 amends the Agriculture Code to establish that a decision of the Department of Agriculture's (TDA) administrative review official or the State Office of Administrative Hearings under statutory provisions relating to federal and state nutrition programs is the final administrative determination of the TDA and is not subject to judicial review.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.