

By: Hardcastle

H.B. No. 2008

A BILL TO BE ENTITLED

AN ACT

relating to certain powers and duties of the Department of
Agriculture and other entities engaged in agricultural activities.

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

SECTION 1. The following provisions of the Agriculture Code
are repealed:

(1) Sections 12.004, 12.008, 12.009, 12.030, 13.005,
13.006, 13.106, 13.108(b) and (c), 15.004, 77.004, 77.005, and
104.044(d);

(2) Subchapter B, Chapter 104; and

(3) Chapters 49, 53, 96, 145, and 252.

SECTION 2. Section 13.107(a), Agriculture Code, is amended
to read as follows:

(a) Two or more counties [~~or a county and one or more cities
located in that county~~] may combine the whole or any part of their
political subdivisions for the purpose of maintaining one set of
standards and one sealer. The agreement to combine districts must
be approved by the governing body of each participating political
subdivision.

SECTION 3. Section 13.122, Agriculture Code, is amended to
read as follows:

Sec. 13.122. PENALTIES. An offense under Section 13.103,
[~~13.106,~~] 13.114, or each of Sections 13.116 through 13.121 [~~of
this code~~] is a Class C misdemeanor.

1 SECTION 4. Section 104.041(c), Agriculture Code, is amended
2 to read as follows:

3 (c) The petition must be signed by a number of [~~25 percent or~~
4 ~~more of the persons whom the department lists as~~] producers of the
5 agricultural commodity and [~~25 percent or more of the persons whom~~
6 ~~the department lists as~~] handlers of the agricultural commodity
7 determined by the department, provided that [~~and~~]:

8 (1) the producers who sign the petition must have
9 collectively produced during the preceding marketing season 25
10 percent or more of the state's total production of the agricultural
11 commodity; and

12 (2) the handlers who sign the petition must have
13 collectively handled 25 percent or more of the state's total
14 production of the agricultural commodity handled during the
15 preceding marketing season.

16 SECTION 5. Section 104.042(b), Agriculture Code, is amended
17 to read as follows:

18 (b) The notice must state:

19 (1) the time and place of the hearing;

20 (2) the agricultural commodity and the territory to be
21 affected by the proposed order; and

22 (3) that at the hearing the department will receive
23 testimony and evidence [~~concerning the accuracy of the department's~~
24 ~~lists of producers and handlers in addition to testimony~~]
25 concerning the appropriateness of the proposed marketing order.

26 SECTION 6. Section 104.044(c), Agriculture Code, is amended
27 to read as follows:

1 (c) At the public hearing the department shall receive
2 evidence concerning:

3 (1) [~~the accuracy of the department's lists of~~
4 ~~producers and handlers,~~

5 [~~2~~] the appropriateness of the proposed marketing
6 order and the resulting marketing program;

7 (2) [~~3~~] the method of voting on the proposed marketing
8 order; and

9 (3) [~~4~~] other necessary and relevant matters.

10 SECTION 7. (a) The agricultural technology account created
11 under Section 49.003, Agriculture Code, is abolished, and the
12 comptroller shall transfer any balance in the fund on September 1,
13 2003, to the general revenue fund.

14 (b) The farm and ranch loan security fund created under
15 Section 252.081, Agriculture Code, is abolished.

16 SECTION 8. This Act takes effect September 1, 2003.