

BILL ANALYSIS

Senate Research Center
79R3835 BDH-F

H.B. 373
By: Swinford (Jackson)
Natural Resources
5/2/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current Texas law establishes the Texas Food and Fiber Commission (commission) as a separate entity from the Texas Department of Agriculture (TDA).

The commission prefers to consolidate with TDA under their terms, rather than at the request of the legislature. H.B. 373 transfers the commission to TDA, creating the Food and Fiber Research Council as a component of TDA.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Food and Fibers Commission is rescinded and expressly granted to the commissioner of agriculture in SECTION 4 (Section 42.003, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Chapter 42, Agriculture Code, to read as follows:

CHAPTER 42. FOOD AND FIBERS RESEARCH GRANT PROGRAM

SECTION 2. Amends Section 42.001, Agriculture Code, as follows:

Sec. 42.001. New heading: PURPOSE. Provides that the food and fibers research program is a program in the Department of Agriculture (department) to assist the fibers and oilseeds industries in this state by identifying and obtaining available funding from public and private entities, including federal and state agencies in this and other states, for the support of applied research to fibers and oilseeds. Deletes text relating to the purpose of the Texas Food and Fibers Commission.

SECTION 3. Amends Chapter 42, Agriculture Code, by adding Section 42.0015, as follows:

Sec. 42.0015. DEFINITIONS. Defines "council" and "program."

SECTION 4. Amends Sections 42.002-42.004 and 42.008, Agriculture Code, as follows:

Sec. 42.002. ORGANIZATION. Provides that the Food and Fibers Research Council (council) is composed of certain members appointed by the commissioner of agriculture (commissioner). Deletes text relating to the composition of the Texas Food and Fibers Commission. Makes conforming and nonsubstantive changes.

Sec. 42.003. ADMINISTRATION. (a) Provides that the members of the council serve staggered six-year terms, with as near as possible to one-third of the members' terms expiring on February 1 of each odd-numbered year. Deletes text relating to terms of committee membership.

(b) Provides that the commissioner or the commissioner's designee serves as presiding officer of the council.

(c) Requires the council to meet at least once each year at a time designated by the presiding officer, rather than by the chairman. Deletes text relating to commission procedures. Makes a conforming change.

(d) Provides that members of the council are not entitled to compensation for service on the council or reimbursement for travel expenses incurred by the member while conducting council business. Deletes text relating to commission operations.

(e) Requires the commissioner to provide the council with the necessary staff and resources to administer the program, as determined by the commissioner. Authorizes the commissioner to also appoint or employ consultants or other agents as necessary for the business of the program.

(f) Authorizes the commissioner to adopt rules necessary to administer this chapter. Deletes text relating to commission rules, policies, and procedures.

Sec. 42.004. POWERS AND DUTIES. Requires the council to adopt and administer the program to provide funding for surveys, research and investigations relating to the use of certain textile products. Authorizes the department to contract with any state agency, federal agricultural agency or state institution of higher education, rather than educational institution, to perform services for the council or for the use of the facilities of the agency. Deletes text relating to commission compensation. Makes a conforming change. Provides that the awarding of program grant funds is restricted to surveys, research, or investigation of certain textile products, unless otherwise specifically provided by the terms of the grant. Deletes text relating to awarding contracts by the commission. Deletes text relating to contracts and to implementation of policies.

Sec. 42.008. FINANCES. Authorizes the council and the department to solicit and accept, rather than only accept, gifts, donations, and grants from public, rather than the United States, and private sources, subject only to limitations contained in the gift or grant and to include donation. Requires funds appropriated to be expended at the direction of the council on claims approved by the council. Deletes text relating to the commission's written reports. Deletes existing text relating to the funding approval procedure of the commission. Makes conforming changes.

SECTION 5. Repealer: Sections 42.005-42.007 and 42.009-42.011 (Natural Fibers Committee, Food Protein Committee; Executive Advisory Committee; Personnel; Restrictions On Employment; and Public Interest), Agriculture Code.

SECTION 6. (a) Provides that the Texas Food and Fibers Commission is abolished on January 1, 2006. Provides that on that date all contracts, records, employees, property, and unspent and unobligated appropriations and other funds of the Texas Food and Fibers Commission are transferred to the Department of Agriculture for administration of the food and fibers research grant program.

(b) Provides the abolishment of the Texas Food and Fibers Commission does not affect the validity of a right, privilege, or obligation accrued, a contract or acquisition made, a liability incurred, or other action taken by or in connection with the Texas Food and Fibers Commission.

SECTION 7. Requires the commissioner of agriculture, as soon as practicable after the effective date, to appoint the initial members of the Food and Fibers Research Council. Requires the members, at the first meeting of the initial members of the council, to draw lots to determine which four members will serve initial two-year terms expiring February 1, 2007, which four members will serve initial four-year terms expiring February 1, 2009, and which four members will serve initial six-year terms expiring February 1, 2011.

SECTION 8. Effective date: upon passage or September 1, 2005.