

By: Swinford

H.B. No. 373

Substitute the following for H.B. No. 373:

By: Anderson

C.S.H.B. No. 373

A BILL TO BE ENTITLED

AN ACT

relating to the food and fibers research grant program.

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

SECTION 1. The heading to Chapter 42, Agriculture Code, is amended to read as follows:

CHAPTER 42. [~~TEXAS~~] FOOD AND FIBERS RESEARCH
GRANT PROGRAM [~~COMMISSION~~]

SECTION 2. Section 42.001, Agriculture Code, is amended to read as follows:

Sec. 42.001. PURPOSE [~~POLICY~~]. The food and fibers research grant program [~~purpose of the Texas Food and Fibers Commission~~] is a program in the department to assist the fibers and oilseeds industries in this state by identifying and obtaining available funding from public and private entities, including federal agencies and state agencies in this and other states, for the support of applied research related to fibers and oilseeds [~~contract with universities engaged in agricultural research in the state to conduct surveys, research, and investigations relating to the production and increased use of cotton, oilseed products, wool, mohair, and other textile products~~].

SECTION 3. Chapter 42, Agriculture Code, is amended by adding Section 42.0015 to read as follows:

Sec. 42.0015. DEFINITIONS. In this chapter:

(1) "Council" means the Food and Fibers Research

1 Council.

2 (2) "Program" means the food and fibers research grant
3 program.

4 SECTION 4. Sections 42.002-42.004 and 42.008, Agriculture
5 Code, are amended to read as follows:

6 Sec. 42.002. ORGANIZATION. The ~~[Texas]~~ Food and Fibers
7 Research Council ~~[Commission]~~ is composed of the following members
8 appointed by the commissioner:

9 (1) the commissioner or the commissioner's designee
10 [~~the chancellor of The Texas A&M University System~~];

11 (2) two representatives of the Texas Cotton Producers
12 Association ~~[~~the president of The University of Texas at Austin~~];~~

13 (3) a representative of the Texas Cotton Association
14 [~~the president of Texas Tech University~~]; ~~[and]~~

15 (4) a representative of the Texas Cotton Ginners
16 Association;

17 (5) a representative of the Texas Independent Ginners
18 Association;

19 (6) a representative of the Texas Agriculture
20 Cooperative Council;

21 (7) a representative of the Mohair Council of America;

22 (8) a representative of the Texas Sheep and Goat
23 Raisers Association;

24 (9) a Texas representative of the National Cottonseed
25 Products Association;

26 (10) a Texas representative of the Southwest Peanut
27 Growers Association;

1 (11) a representative of the textile or fashion
2 industry; and

3 (12) a representative of the food processing industry
4 [the president of Texas Woman's University].

5 Sec. 42.003. ADMINISTRATION. (a) Members of the council
6 serve staggered six-year terms, with as near as possible to
7 one-third of the members' terms expiring on February 1 of each
8 odd-numbered year. [~~Each member of the commission shall serve a~~
9 ~~two-year term as chairman, rotating the service in the order in~~
10 ~~which the members are listed in Section 42.002. A person may not~~
11 ~~serve as a member of the commission or act as the general counsel to~~
12 ~~the commission if the person is required to register as a lobbyist~~
13 ~~under Chapter 305, Government Code, because of the person's~~
14 ~~activities for compensation on behalf of a profession related to~~
15 ~~the operation of the commission.]~~

16 (b) The commissioner or the commissioner's designee serves
17 as presiding officer of the council.

18 (c) The council [~~commission~~] shall meet at least once each
19 year at a time designated by the presiding officer [~~chairman~~].

20 [~~(c) Each member of the commission shall designate a person~~
21 ~~on his or her staff as a liaison officer to work with commission~~
22 ~~committees, commission staff, and agencies contracting or~~
23 ~~consulting with the commission.]~~

24 (d) Members of the council are not entitled to compensation
25 for service on the council or reimbursement for travel expenses
26 incurred by the member while conducting council business. [~~The~~
27 ~~executive director of the commission shall coordinate the~~

1 ~~operations of the committees and staff personnel and shall oversee~~
2 ~~the work done for the commission by contracting or consulting~~
3 ~~agencies.]~~

4 (e) The commissioner shall provide the council with
5 necessary staff and resources to administer the program, as
6 determined by the commissioner. The commissioner may also appoint
7 or employ consultants or other agents as necessary for the business
8 of the program.

9 (f) The commissioner may ~~[commission shall]~~ adopt rules
10 necessary to administer this chapter ~~[for commission and committee~~
11 ~~proceedings, including rules that prescribe the policies and~~
12 ~~procedures to be followed in awarding contracts].~~

13 Sec. 42.004. POWERS AND DUTIES. (a) The council
14 ~~[commission]~~ shall administer the program to provide funding for
15 ~~[conduct]~~ surveys, research, and investigations relating to the use
16 of cotton fiber, cottonseed, oilseed products, other products of
17 the cotton plant, wool, mohair, and other textile products.

18 (b) The department ~~[Rules adopted by the commission must~~
19 ~~require the submission of summaries of research being conducted or~~
20 ~~previously conducted at institutions of The Texas A & M University~~
21 ~~System or at The University of Texas at Austin, Texas Tech~~
22 ~~University, or Texas Woman's University that are similar to~~
23 ~~proposals submitted to the commission for research funding. The~~
24 ~~rules must also require the submission of reports of marketing~~
25 ~~activities of the departments of agriculture and commerce that are~~
26 ~~related to proposals submitted to the commission for research~~
27 ~~funding. To improve coordination and prevent duplication of~~

1 ~~research, the commission shall consider the summaries and reports~~
2 ~~before awarding a contract for research.~~

3 ~~[(c) In performing its functions, the commission]~~ may
4 contract with any state ~~[educational]~~ institution of higher
5 education, state agency, or federal agricultural agency to perform
6 services for the council ~~[commission]~~ or for the use of the
7 facilities of the agency. ~~[The commission may compensate the~~
8 ~~contracting agency from money appropriated for the purposes of this~~
9 ~~chapter.]~~

10 (c) [(d)] The awarding of program grant funds under this
11 chapter ~~[contracts by the commission]~~ is restricted to ~~[contracts~~
12 ~~for]~~ surveys, research, or investigations of cotton, cottonseed oil
13 or other related oilseed products, wool, mohair, or other related
14 textile products, unless otherwise specifically provided by the
15 terms of the grant.

16 ~~[(c) The commission shall give priority in the awarding of~~
17 ~~contracts under this chapter to contracts for production research,~~
18 ~~but the commission may award a research contract for marketing~~
19 ~~processes. The commission may not award a contract for a direct~~
20 ~~marketing or other promotional program.~~

21 ~~[(f) The commission shall develop and implement policies~~
22 ~~that provide the public with a reasonable opportunity to appear~~
23 ~~before the commission and to speak on any issue under the~~
24 ~~jurisdiction of the commission.]~~

25 Sec. 42.008. FINANCES. (a) The council and the department
26 ~~[commission]~~ may solicit and accept, for the purposes of this
27 chapter, gifts, donations, and grants from public ~~[the United~~

1 States] and [from] private sources, subject only to limitations
2 contained in the gift, donation, or grant.

3 (b) [~~The commission shall prepare annually a complete and~~
4 ~~detailed written report accounting for all funds received and~~
5 ~~disbursed by the commission during the preceding fiscal year. The~~
6 ~~annual report must meet the reporting requirements applicable to~~
7 ~~financial reporting provided in the General Appropriations Act.~~

8 [~~(c)~~] Funds appropriated for the purposes of this chapter
9 shall be expended at the direction of the council [~~commission~~] on
10 claims approved by the council [~~a majority of the commission~~].

11 (c) [~~(d)~~] The total amount of appropriations, exclusive of
12 legislative appropriations of gifts from private sources, expended
13 or encumbered by the council [~~commission~~] for purposes of research
14 during a fiscal biennium may not exceed the amount of private gifts,
15 donations, or grants to the council [~~commission~~] expended or
16 encumbered for research during the same period.

17 (d) [~~(e)~~] All money paid to the council [~~commission~~] under
18 this chapter is subject to Subchapter F, Chapter 404, Government
19 Code.

20 SECTION 5. Sections 42.005-42.007 and 42.009-42.011,
21 Agriculture Code, are repealed.

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

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

6 SECTION 7. As soon as practicable after the effective date
7 of this Act, the commissioner of agriculture shall appoint the
8 initial members of the Food and Fibers Research Council, as
9 required by Section 42.002, Agriculture Code, as amended by this
10 Act. At the first meeting of the initial members of the council,
11 the members shall draw lots to determine which four members will
12 serve initial two-year terms expiring February 1, 2007, which four
13 members will serve initial four-year terms expiring February 1,
14 2009, and which four members will serve initial six-year terms
15 expiring February 1, 2011.

16 SECTION 8. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2005.