

1-1 By: Swinford (Senate Sponsor - Jackson) H.B. No. 373  
1-2 (In the Senate - Received from the House March 30, 2005;  
1-3 April 5, 2005, read first time and referred to Committee on Natural  
1-4 Resources; May 5, 2005, reported favorably by the following vote:  
1-5 Yeas 9, Nays 0; May 5, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the food and fibers research grant program.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. The heading to Chapter 42, Agriculture Code, is  
1-11 amended to read as follows:

1-12 CHAPTER 42. ~~[TEXAS]~~ FOOD AND FIBERS RESEARCH  
1-13 GRANT PROGRAM ~~[COMMISSION]~~

1-14 SECTION 2. Section 42.001, Agriculture Code, is amended to  
1-15 read as follows:

1-16 Sec. 42.001. PURPOSE ~~[POLICY]~~. The food and fibers  
1-17 research grant program ~~[purpose of the Texas Food and Fibers~~  
1-18 ~~Commission]~~ is a program in the department to assist the fibers and  
1-19 oilseeds industries in this state by identifying and obtaining  
1-20 available funding from public and private entities, including  
1-21 federal agencies and state agencies in this and other states, for  
1-22 the support of applied research related to fibers and oilseeds  
1-23 ~~[contract with universities engaged in agricultural research in the~~  
1-24 ~~state to conduct surveys, research, and investigations relating to~~  
1-25 ~~the production and increased use of cotton, oilseed products, wool,~~  
1-26 ~~mohair, and other textile products].~~

1-27 SECTION 3. Chapter 42, Agriculture Code, is amended by  
1-28 adding Section 42.0015 to read as follows:

1-29 Sec. 42.0015. DEFINITIONS. In this chapter:

1-30 (1) "Council" means the Food and Fibers Research  
1-31 Council.

1-32 (2) "Program" means the food and fibers research grant  
1-33 program.

1-34 SECTION 4. Sections 42.002-42.004 and 42.008, Agriculture  
1-35 Code, are amended to read as follows:

1-36 Sec. 42.002. ORGANIZATION. The ~~[Texas]~~ Food and Fibers  
1-37 Research Council ~~[Commission]~~ is composed of the following members  
1-38 appointed by the commissioner:

1-39 (1) the commissioner or the commissioner's designee  
1-40 [the chancellor of The Texas A&M University System];

1-41 (2) two representatives of the Texas Cotton Producers  
1-42 Association ~~[the president of The University of Texas at Austin];~~

1-43 (3) a representative of the Texas Cotton Association  
1-44 [the president of Texas Tech University]; ~~[and]~~

1-45 (4) a representative of the Texas Cotton Ginners  
1-46 Association;

1-47 (5) a representative of the Texas Independent Ginners  
1-48 Association;

1-49 (6) a representative of the Texas Agriculture  
1-50 Cooperative Council;

1-51 (7) a representative of the Mohair Council of America;

1-52 (8) a representative of the Texas Sheep and Goat  
1-53 Raisers Association;

1-54 (9) a Texas representative of the National Cottonseed  
1-55 Products Association;

1-56 (10) a Texas representative of the Southwest Peanut  
1-57 Growers Association;

1-58 (11) a representative of the textile or fashion  
1-59 industry; and

1-60 (12) a representative of the food processing industry  
1-61 [the president of Texas Woman's University].

1-62 Sec. 42.003. ADMINISTRATION. (a) Members of the council  
1-63 serve staggered six-year terms, with as near as possible to  
1-64 one-third of the members' terms expiring on February 1 of each

2-1 ~~odd-numbered year. [Each member of the commission shall serve a~~  
 2-2 ~~two-year term as chairman, rotating the service in the order in~~  
 2-3 ~~which the members are listed in Section 42.002. A person may not~~  
 2-4 ~~serve as a member of the commission or act as the general counsel to~~  
 2-5 ~~the commission if the person is required to register as a lobbyist~~  
 2-6 ~~under Chapter 305, Government Code, because of the person's~~  
 2-7 ~~activities for compensation on behalf of a profession related to~~  
 2-8 ~~the operation of the commission.]~~

2-9 (b) The commissioner or the commissioner's designee serves  
 2-10 as presiding officer of the council.

2-11 (c) The council [commission] shall meet at least once each  
 2-12 year at a time designated by the presiding officer [chairman].

2-13 ~~[(c) Each member of the commission shall designate a person~~  
 2-14 ~~on his or her staff as a liaison officer to work with commission~~  
 2-15 ~~committees, commission staff, and agencies contracting or~~  
 2-16 ~~consulting with the commission.]~~

2-17 (d) Members of the council are not entitled to compensation  
 2-18 for service on the council or reimbursement for travel expenses  
 2-19 incurred by the member while conducting council business. [The  
 2-20 executive director of the commission shall coordinate the  
 2-21 operations of the committees and staff personnel and shall oversee  
 2-22 the work done for the commission by contracting or consulting  
 2-23 agencies.]

2-24 (e) The commissioner shall provide the council with  
 2-25 necessary staff and resources to administer the program, as  
 2-26 determined by the commissioner. The commissioner may also appoint  
 2-27 or employ consultants or other agents as necessary for the business  
 2-28 of the program.

2-29 (f) The commissioner may [commission shall] adopt rules  
 2-30 necessary to administer this chapter [for commission and committee  
 2-31 proceedings, including rules that prescribe the policies and  
 2-32 procedures to be followed in awarding contracts].

2-33 Sec. 42.004. POWERS AND DUTIES. (a) The council  
 2-34 [commission] shall administer the program to provide funding for  
 2-35 [conduct] surveys, research, and investigations relating to the use  
 2-36 of cotton fiber, cottonseed, oilseed products, other products of  
 2-37 the cotton plant, wool, mohair, and other textile products.

2-38 (b) The department [Rules adopted by the commission must  
 2-39 require the submission of summaries of research being conducted or  
 2-40 previously conducted at institutions of The Texas A & M University  
 2-41 System or at The University of Texas at Austin, Texas Tech  
 2-42 University, or Texas Woman's University that are similar to  
 2-43 proposals submitted to the commission for research funding. The  
 2-44 rules must also require the submission of reports of marketing  
 2-45 activities of the departments of agriculture and commerce that are  
 2-46 related to proposals submitted to the commission for research  
 2-47 funding. To improve coordination and prevent duplication of  
 2-48 research, the commission shall consider the summaries and reports  
 2-49 before awarding a contract for research.

2-50 ~~[(c) In performing its functions, the commission] may~~  
 2-51 contract with any state [educational] institution of higher  
 2-52 education, state agency, or federal agricultural agency to perform  
 2-53 services for the council [commission] or for the use of the  
 2-54 facilities of the agency. [The commission may compensate the  
 2-55 contracting agency from money appropriated for the purposes of this  
 2-56 chapter.]

2-57 (c) ~~[(d)]~~ The awarding of program grant funds under this  
 2-58 chapter [contracts by the commission] is restricted to [contracts  
 2-59 for] surveys, research, or investigations of cotton, cottonseed oil  
 2-60 or other related oilseed products, wool, mohair, or other related  
 2-61 textile products, unless otherwise specifically provided by the  
 2-62 terms of the grant.

2-63 ~~[(e) The commission shall give priority in the awarding of~~  
 2-64 contracts under this chapter to contracts for production research,  
 2-65 but the commission may award a research contract for marketing  
 2-66 processes. The commission may not award a contract for a direct  
 2-67 marketing or other promotional program.

2-68 ~~[(f) The commission shall develop and implement policies~~  
 2-69 that provide the public with a reasonable opportunity to appear

3-1 ~~before the commission and to speak on any issue under the~~  
 3-2 ~~jurisdiction of the commission.]~~

3-3 Sec. 42.008. FINANCES. (a) The council and the  
 3-4 department [~~commission~~] may solicit and accept, for the purposes of  
 3-5 this chapter, gifts, donations, and grants from public [~~the United~~  
 3-6 ~~States~~] and [~~from~~] private sources, subject only to limitations  
 3-7 contained in the gift, donation, or grant.

3-8 (b) [~~The commission shall prepare annually a complete and~~  
 3-9 ~~detailed written report accounting for all funds received and~~  
 3-10 ~~disbursed by the commission during the preceding fiscal year. The~~  
 3-11 ~~annual report must meet the reporting requirements applicable to~~  
 3-12 ~~financial reporting provided in the General Appropriations Act.~~

3-13 [~~(c)~~] Funds appropriated for the purposes of this chapter  
 3-14 shall be expended at the direction of the council [~~commission~~] on  
 3-15 claims approved by the council [~~a majority of the commission~~].

3-16 (c) [~~(d)~~] The total amount of appropriations, exclusive of  
 3-17 legislative appropriations of gifts from private sources, expended  
 3-18 or encumbered by the council [~~commission~~] for purposes of research  
 3-19 during a fiscal biennium may not exceed the amount of private gifts,  
 3-20 donations, or grants to the council [~~commission~~] expended or  
 3-21 encumbered for research during the same period.

3-22 (d) [~~(e)~~] All money paid to the council [~~commission~~] under  
 3-23 this chapter is subject to Subchapter F, Chapter 404, Government  
 3-24 Code.

3-25 SECTION 5. Sections 42.005-42.007 and 42.009-42.011,  
 3-26 Agriculture Code, are repealed.

3-27 SECTION 6. (a) The Texas Food and Fibers Commission is  
 3-28 abolished on January 1, 2006. On that date, all contracts, records,  
 3-29 employees, property, and unspent and unobligated appropriations  
 3-30 and other funds of the Texas Food and Fibers Commission are  
 3-31 transferred to the Department of Agriculture for administration of  
 3-32 the food and fibers research grant program.

3-33 (b) The abolishment of the Texas Food and Fibers Commission  
 3-34 does not affect the validity of a right, privilege, or obligation  
 3-35 accrued, a contract or acquisition made, a liability incurred, or  
 3-36 other action taken by or in connection with the Texas Food and  
 3-37 Fibers Commission.

3-38 SECTION 7. As soon as practicable after the effective date  
 3-39 of this Act, the commissioner of agriculture shall appoint the  
 3-40 initial members of the Food and Fibers Research Council, as  
 3-41 required by Section 42.002, Agriculture Code, as amended by this  
 3-42 Act. At the first meeting of the initial members of the council,  
 3-43 the members shall draw lots to determine which four members will  
 3-44 serve initial two-year terms expiring February 1, 2007, which four  
 3-45 members will serve initial four-year terms expiring February 1,  
 3-46 2009, and which four members will serve initial six-year terms  
 3-47 expiring February 1, 2011.

3-48 SECTION 8. This Act takes effect immediately if it receives  
 3-49 a vote of two-thirds of all the members elected to each house, as  
 3-50 provided by Section 39, Article III, Texas Constitution. If this  
 3-51 Act does not receive the vote necessary for immediate effect, this  
 3-52 Act takes effect September 1, 2005.

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