

By: Jackson S.B. No. 161
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COMMITTEE SUBSTITUTE FOR S.B. No. 161 By: Jackson

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 Council.

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

SECTION 4. Sections 42.002, 42.003, 42.004, and 42.008, Agriculture Code, are amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

(11) a representative of the textile or fashion

industry; and

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

Sec. 42.003. ADMINISTRATION. (a) 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 [Each member of the commission shall serve a two-year term as chairman, rotating the service in the order in which the members are listed in Section 42.002. A person may not serve as a member of the commission or act as the general counsel to the commission if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the commission].

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

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

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

(d) 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 [The executive director of the commission shall coordinate the operations of the committees and staff personnel and shall oversee the work done for the commission by contracting or consulting agencies].

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

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

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

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

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

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

[(e) The commission shall give priority in the awarding of

~~contracts under this chapter to contracts for production research, but the commission may award a research contract for marketing processes. The commission may not award a contract for a direct marketing or other promotional program.~~

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

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

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

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

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

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

SECTION 5. Sections 42.005, 42.006, 42.007, 42.009, 42.010, and 42.011, Agriculture Code, are repealed.

SECTION 6. (a) The Texas Food and Fibers Commission is abolished on January 1, 2006. 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) 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. As soon as practicable after the effective date of this Act, the commissioner of agriculture shall appoint the initial members of the Food and Fibers Research Council, as required by Section 42.002, Agriculture Code, as amended by this Act. At the first meeting of the initial members of the council, the members shall 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. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

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