

By: Estes
(Hardcastle)

S.B. No. 1086

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the operation by the Department of Agriculture of
3 programs for rural economic development and the marketing and
4 promotion of agricultural and other products grown, processed, or
5 produced in this state.

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

7 SECTION 1. Section 12.027, Agriculture Code, is amended by
8 adding Subsections (d), (e), and (f) to read as follows:

9 (d) The department by rule may charge a membership fee to
10 each participant in the program.

11 (e) The department may adopt rules as necessary to
12 administer the program, including rules regarding the use of any
13 state or federally registered trademarks, certification marks, or
14 service marks of the department.

15 (f) The department may revoke a participant's certificate
16 of registration or license issued under the program if the
17 participant fails to comply with a rule adopted by the department.

18 SECTION 2. The heading to Section 12.031, Agriculture Code,
19 is amended to read as follows:

20 Sec. 12.031. ADVERTISING, PUBLICATIONS, AND [PUBLICATION]
21 FEES.

22 SECTION 3. Section 12.031, Agriculture Code, is amended by
23 adding Subsections (a-1) and (c-1) and amending Subsections (b),
24 (c), and (d) to read as follows:

1 (a-1) In order to market and promote agricultural and other
2 products grown, processed, or produced in this state, the
3 department may create, distribute, and provide informational
4 materials to the public in any type of media format.

5 (b) In order to recover the costs of administering
6 activities under Sections 12.002, 12.0175, 46.0095, 47.052, and
7 50B.001, the [The] department may sell advertising and assess and
8 collect fees, revenues, and [receive] royalties on
9 department-owned content, information, or materials described by
10 Subsections (a) and (a-1), including the department's state or
11 federally registered certification marks, service marks, and
12 trademarks [that are sold or supplied to others by the department
13 for publication].

14 (c) The department may enter into [~~contractual~~] agreements
15 with private entities and local, state, federal, or foreign
16 governmental entities for publication of information concerning
17 agriculture, horticulture, or related industries.

18 (c-1) The department may collect an event fee or a royalty
19 for the marketing and promotional activities authorized by:

- 20 (1) this chapter;
- 21 (2) Chapter 46;
- 22 (3) Chapter 47; or
- 23 (4) Chapter 50B.

24 (d) Money received under this section shall be deposited in
25 the State Treasury and may be appropriated only to the department
26 for the department's activities or programs relating to the
27 marketing and promotion of agriculture, horticulture, and other

1 industries that grow, process, or produce products in this state
2 ~~[to the credit of the fund from which expenses for the publication~~
3 ~~were paid].~~

4 SECTION 4. Section 46.0095, Agriculture Code, is amended to
5 read as follows:

6 Sec. 46.0095. SALE OF PROMOTIONAL ITEMS OR PROGRAM
7 MERCHANDISE. (a) The department may sell or contract for the sale
8 of "Go Texan" promotional items and program merchandise, including
9 clothing, posters, and banners, in order ~~[designed]~~ to encourage
10 the marketing and promotion of ~~[promote Texas]~~ agricultural and
11 other products grown, processed, or produced in this state. The
12 department may use any available means, including direct marketing,
13 mail, the ~~[its]~~ Internet, and any other media format ~~[website]~~ to
14 advertise and sell those items.

15 (b) Money received from the sale of promotional items and
16 program merchandise under this section may be appropriated only to
17 the department for the department's activities or programs relating
18 to the marketing and promotion of agricultural and other products
19 grown, processed, or produced in this state ~~[shall be deposited to~~
20 ~~the credit of the "Go Texan" partner program account in the general~~
21 ~~revenue fund]~~.

22 SECTION 5. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2011.