

By: Estes

S.B. No. 1086

A BILL TO BE ENTITLED

1 AN ACT
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 a royalty for the marketing
19 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 to the department for the
26 department's activities or programs relating to the marketing and
27 promotion of agriculture, horticulture, and other industries that

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

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

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

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

20 SECTION 5. This Act takes effect September 1, 2011.