

1-1 By: Estes S.B. No. 1086
1-2 (In the Senate - Filed March 2, 2011; March 16, 2011, read
1-3 first time and referred to Committee on Agriculture and Rural
1-4 Affairs; April 7, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 April 7, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1086 By: Estes

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the operation by the Department of Agriculture of
1-11 programs for rural economic development and the marketing and
1-12 promotion of agricultural and other products grown, processed, or
1-13 produced in this state.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Section 12.027, Agriculture Code, is amended by
1-16 adding Subsections (d), (e), and (f) to read as follows:

1-17 (d) The department by rule may charge a membership fee to
1-18 each participant in the program.

1-19 (e) The department may adopt rules as necessary to
1-20 administer the program, including rules regarding the use of any
1-21 state or federally registered trademarks, certification marks, or
1-22 service marks of the department.

1-23 (f) The department may revoke a participant's certificate
1-24 of registration or license issued under the program if the
1-25 participant fails to comply with a rule adopted by the department.

1-26 SECTION 2. The heading to Section 12.031, Agriculture Code,
1-27 is amended to read as follows:

1-28 Sec. 12.031. ADVERTISING, PUBLICATIONS, AND [PUBLICATION]
1-29 FEEES.

1-30 SECTION 3. Section 12.031, Agriculture Code, is amended by
1-31 adding Subsections (a-1) and (c-1) and amending Subsections (b),
1-32 (c), and (d) to read as follows:

1-33 (a-1) In order to market and promote agricultural and other
1-34 products grown, processed, or produced in this state, the
1-35 department may create, distribute, and provide informational
1-36 materials to the public in any type of media format.

1-37 (b) In order to recover the costs of administering
1-38 activities under Sections 12.002, 12.0175, 46.0095, 47.052, and
1-39 50B.001, the [The] department may sell advertising and assess and
1-40 collect fees, revenues, and [receive] royalties on
1-41 department-owned content, information, or materials described by
1-42 Subsections (a) and (a-1), including the department's state or
1-43 federally registered certification marks, service marks, and
1-44 trademarks [that are sold or supplied to others by the department
1-45 for publication].

1-46 (c) The department may enter into [contractual] agreements
1-47 with private entities and local, state, federal, or foreign
1-48 governmental entities for publication of information concerning
1-49 agriculture, horticulture, or related industries.

1-50 (c-1) The department may collect an event fee or a royalty
1-51 for the marketing and promotional activities authorized by:

- 1-52 (1) this chapter;
1-53 (2) Chapter 46;
1-54 (3) Chapter 47; or
1-55 (4) Chapter 50B.

1-56 (d) Money received under this section shall be deposited in
1-57 the State Treasury and may be appropriated only to the department
1-58 for the department's activities or programs relating to the
1-59 marketing and promotion of agriculture, horticulture, and other
1-60 industries that grow, process, or produce products in this state
1-61 [to the credit of the fund from which expenses for the publication
1-62 were paid].

1-63 SECTION 4. Section 46.0095, Agriculture Code, is amended to

2-1 read as follows:

2-2 Sec. 46.0095. SALE OF PROMOTIONAL ITEMS OR PROGRAM
2-3 MERCHANDISE. (a) The department may sell or contract for the sale
2-4 of "Go Texan" promotional items and program merchandise, including
2-5 clothing, posters, and banners, in order ~~[designed]~~ to encourage
2-6 the marketing and promotion of ~~[promote Texas]~~ agricultural and
2-7 other products grown, processed, or produced in this state. The
2-8 department may use any available means, including direct marketing,
2-9 mail, the ~~[its]~~ Internet, and any other media format ~~[website]~~ to
2-10 advertise and sell those items.

2-11 (b) Money received from the sale of promotional items and
2-12 program merchandise under this section may be appropriated only to
2-13 the department for the department's activities or programs relating
2-14 to the marketing and promotion of agricultural and other products
2-15 grown, processed, or produced in this state ~~[shall be deposited to~~
2-16 ~~the credit of the "Go Texan" partner program account in the general~~
2-17 ~~revenue fund]~~.

2-18 SECTION 5. This Act takes effect immediately if it receives
2-19 a vote of two-thirds of all the members elected to each house, as
2-20 provided by Section 39, Article III, Texas Constitution. If this
2-21 Act does not receive the vote necessary for immediate effect, this
2-22 Act takes effect September 1, 2011.

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