

BILL ANALYSIS

C.S.H.B. 2312
By: Kacal
Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that several years ago, legislation was passed authorizing a process and procedure for conducting a state beef check off program. The parties contend that as the Texas cattle industry continues to discuss the need for a potential state beef check off program, some clarifications are needed to ensure that if and when a state beef check off program is implemented, the process is clear and efficient for cattle producers. C.S.H.B. 2312 seeks to address this need.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2312 amends the Agriculture Code to rename the Texas Beef Council as the Beef Promotion and Research Council of Texas and revise the council's composition, to authorize the council to establish and operate a state beef check off program that is separate from the beef check off program established by federal law, and to require the council to administer the state beef check off program if the council establishes such a state program. The bill removes a provision designating the council as the state beef council qualified to collect the proceeds of and administer in Texas the beef check off program established by federal law. The bill authorizes the council to contract or enter into agreements with the entity qualified to collect the proceeds of and administer the beef check off program established by federal law in Texas.

C.S.H.B. 2312 removes provisions establishing the composition of the Texas Beef Council as composed of 20 members serving as representatives of certain entities or industries or serving as at-large directors, all of whom who are nominated by the council and appointed by the commissioner, and instead requires a member of the Beef Promotion and Research Council of Texas to be nominated by the entity qualified to collect the proceeds of and administer the beef check off program established by federal law in Texas or, in the entity's absence, the certified organizations that composed the entity and to be appointed by the commissioner of agriculture. The bill specifies that a council member is not a state officer for purposes of a certain personal financial statement filing requirement solely because of the member's service on the council. The bill provides for a member serving on the Texas Beef Council immediately before the effective date of the bill to continue to serve as a member of the Beef Promotion and Research Council of Texas for the remainder of the member's term.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2312 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

SECTION 1. Section 41.152(b), Agriculture Code, is amended to read as follows:
(b) The council shall be the certified organization to plan, implement, and operate research, education, promotion, and marketing programs under this subchapter. The council shall ~~[is the state beef council qualified to]~~ collect the proceeds of and administer in this state the beef check off program established by federal law. If the council establishes a beef check off program under Section 41.1571, the council shall administer that program.

SECTION 2. Sections 41.156(a) and (c), Agriculture Code, are amended to read as follows:

(a) The council is composed of 20 members ~~[nominated by the council and appointed by the commissioner]~~ as follows:
(1) three representatives appointed by [øf] the Texas and Southwestern Cattle Raisers Association;
(2) three representatives appointed by [øf] the Texas Cattle Feeders Association;
(3) three representatives appointed by [øf] the Texas Farm Bureau;
(4) two representatives appointed by [øf] the Independent Cattlemen's Association of Texas;
(5) two representatives appointed by [øf] the Texas purebred cattle industry;

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 41.151(2), Agriculture Code, is amended to read as follows:
(2) "Council" means the Beef Promotion and Research Council of Texas ~~[Beef Council]~~.

SECTION 2. Section 41.152(b), Agriculture Code, is amended to read as follows:
(b) The council shall be the certified organization to plan, implement, and operate research, education, promotion, and marketing programs under this subchapter. If the council establishes a state beef check off program under Section 41.1571, the council shall administer that program. ~~[The council is the state beef council qualified to collect the proceeds of and administer in this state the beef check off program established by federal law.]~~

SECTION 3. Section 41.156, Agriculture Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:
(a) A member of the council must be:
(1) nominated by the entity qualified to collect the proceeds of and administer the beef check off program established by federal law in this state or, in the entity's absence, the certified organizations that composed the entity; and
(2) appointed by the commissioner. ~~[The council is composed of 20 members nominated by the council and appointed by the commissioner as follows;~~
~~[(1) three representatives of the Texas and Southwestern Cattle Raisers Association;~~
~~[(2) three representatives of the Texas Cattle Feeders Association;~~
~~[(3) three representatives of the Texas Farm Bureau;~~
~~[(4) two representatives of the Independent Cattlemen's Association of Texas;~~
~~[(5) two representatives of the Texas purebred cattle industry;~~

(6) two representatives appointed by [of] the Texas dairy industry; [redacted]
(7) one representative appointed by [of] the Livestock Marketing Association of Texas; [redacted]
(8) one representative appointed by [of] meat packer and exporter associations; [redacted]
(9) one representative appointed by [of] Texas CattleWomen; and [redacted]
(10) two at-large directors appointed by the chair of the council. [redacted]

(c) The original appointing authority [commissioner, on recommendation of the council,] shall fill a vacancy on the council by appointment for the unexpired term.

No equivalent provision.

No equivalent provision.

SECTION 3. Subchapter H, Chapter 41, Agriculture Code, is amended by adding Section 41.1571 to read as follows:
Sec. 41.1571. STATE BEEF CHECK OFF PROGRAM. The council may establish and operate a beef check off program.

SECTION 4. The change in law made by this Act regarding the appointment of members of the council does not affect the entitlement of a member serving on the committee immediately before the effective date of this Act to continue to serve as a member of the committee for the remainder

~~[(6) two representatives of the Texas dairy industry; [redacted]
[(7) one representative of the Livestock Marketing Association of Texas; [redacted]
[(8) one representative of meat packer and exporter associations; [redacted]
[(9) one representative of Texas CattleWomen; and [redacted]
[(10) two at-large directors.]~~

(c) The commissioner~~[, on recommendation of the council,]~~ shall fill a vacancy on the council by appointment for the unexpired term from nominations received in accordance with Subsection (a).

(d) A council member is not a state officer for purposes of Section 572.021, Government Code, solely because of the member's service on the council.

SECTION 4. Section 41.157, Agriculture Code, is amended to read as follows:
Sec. 41.157. GENERAL POWERS OF COUNCIL. The council may take action or exercise other authority as necessary to execute any act authorized by this chapter or the Texas Nonprofit Corporation Law as described by Section 1.008, Business Organizations Code [Non-Profit Corporation Act (Article 1396 1.01 et seq., Vernon's Texas Civil Statutes)]. The council may contract or enter into agreements with the entity qualified to collect the proceeds of and administer the beef check off program established by federal law in this state.

SECTION 5. Subchapter H, Chapter 41, Agriculture Code, is amended by adding Section 41.1571 to read as follows:
Sec. 41.1571. STATE BEEF CHECK OFF PROGRAM. The council may establish and operate a state beef check off program that is separate from the beef check off program established by federal law.

SECTION 6. The change in law made by this Act regarding the appointment of members of the Texas Beef Council does not affect the entitlement of a member serving on the council immediately before the effective date of this Act to continue to serve as a member of the Beef Promotion

of the member's term. The change in law applies only to a member appointed on or after the effective date of this Act.

SECTION 5. This Act takes effect September 1, 2013.

and Research Council of Texas for the remainder of the member's term. The change in law applies only to a member appointed on or after the effective date of this Act.

SECTION 7. 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, 2013.