

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 1070  
By: Hegar  
Agriculture, Rural Affairs & Homeland Security  
4/18/2013  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 2003, the legislature passed legislation authorizing a process and procedures for conducting a state beef check off program.

To date, no state beef check off program has been implemented in Texas; however, 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 that the process is clear and efficient for cattle producers.

C.S.S.B. 1070 clarifies that any potential state beef check off program is separate from the national beef check off program, and simplifies the nomination and appointment process for producers who may serve on a state beef check off council.

C.S.S.B. 1070 amends current law relating to the membership of and the beef marketing, education, research, and promotion programs of the Texas Beef Council.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 41.151(2), Agriculture Code, to redefine "council."

SECTION 2. Amends Section 41.152(b), Agriculture Code, as follows:

(b) Requires the Beef Promotion and Research Council of Texas (council), if the council establishes a state beef check off program under Section 41.1571, to administer that program. Deletes existing text providing that 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. Amends Section 41.156, Agriculture Code, by amending Subsections (a) and (c) and adding Subsection (d), as follows:

(a) Requires a member of the council to be 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 appointed by the commissioner of agriculture (commissioner). Deletes existing text providing that the council is composed of 20 members nominated by the council and appointed by the commissioner. Deletes existing text setting forth the composition of the council.

(c) Requires the commissioner, rather than the commissioner on recommendation of the council, to fill a vacancy on the council by appointment for the unexpired term from nominations received in accordance with Subsection (a).

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

SECTION 4. Amends Section 41.157, Agriculture Code, as follows:

Sec. 41.157. GENERAL POWERS OF COUNCIL. Authorizes the council to 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 (Short Titles), Business Organizations Code, rather than by this chapter or the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., V.T.C.S.). 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 this state.

SECTION 5. Amends Subchapter H, Chapter 41, Agriculture Code, by adding Section 41.1571, as follows:

Sec. 41.1571. STATE BEEF CHECK OFF PROGRAM. Authorizes 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.

SECTION 6. Provides that 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 and Research Council of Texas for the remainder of the member's term. Provides that the change in law applies only to a member appointed on or after the effective date of this Act.

SECTION 7. Effective date: upon passage or September 1, 2013.