

AN ACT

relating to the membership of and the beef marketing, education, research, and promotion programs of the Texas Beef Council.

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

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

1 by federal law in this state or, in the entity's absence, the  
2 certified organizations that composed the entity; and

3 (2) appointed by the commissioner. [~~The council is~~  
4 ~~composed of 20 members nominated by the council and appointed by the~~  
5 ~~commissioner as follows:~~

6 [~~(1) three representatives of the Texas and~~  
7 ~~Southwestern Cattle Raisers Association;~~

8 [~~(2) three representatives of the Texas Cattle Feeders~~  
9 ~~Association;~~

10 [~~(3) three representatives of the Texas Farm Bureau;~~

11 [~~(4) two representatives of the Independent~~  
12 ~~Cattlemen's Association of Texas;~~

13 [~~(5) two representatives of the Texas purebred cattle~~  
14 ~~industry;~~

15 [~~(6) two representatives of the Texas dairy industry;~~

16 [~~(7) one representative of the Livestock Marketing~~  
17 ~~Association of Texas;~~

18 [~~(8) one representative of meat packer and exporter~~  
19 ~~associations;~~

20 [~~(9) one representative of Texas CattleWomen; and~~

21 [~~(10) two at-large directors.]~~

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

25 (d) A council member is not a state officer for purposes of  
26 Section 572.021, Government Code, solely because of the member's  
27 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 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

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1 Act does not receive the vote necessary for immediate effect, this  
2 Act takes effect September 1, 2013.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2312 was passed by the House on May 2, 2013, by the following vote: Yeas 146, Nays 1, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2312 was passed by the Senate on May 20, 2013, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor