

1-1 By: Kacal, Cook, King of Hemphill H.B. No. 2312
1-2 (Senate Sponsor - Hegar)
1-3 (In the Senate - Received from the House May 6, 2013;
1-4 May 7, 2013, read first time and referred to Committee on
1-5 Agriculture, Rural Affairs, and Homeland Security; May 15, 2013,
1-6 reported favorably by the following vote: Yeas 5, Nays 0;
1-7 May 15, 2013, sent to printer.)

1-8 COMMITTEE VOTE

| 1-9 | | Yea | Nay | Absent | PNV |
|------|------------|-----|-----|--------|-----|
| 1-10 | Estes | X | | | |
| 1-11 | Uresti | X | | | |
| 1-12 | Hegar | X | | | |
| 1-13 | Hinojosa | X | | | |
| 1-14 | Schwertner | X | | | |

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the membership of and the beef marketing, education,
1-18 research, and promotion programs of the Texas Beef Council.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 41.151(2), Agriculture Code, is amended
1-21 to read as follows:

1-22 (2) "Council" means the Beef Promotion and Research
1-23 Council of Texas [~~Beef Council~~].

1-24 SECTION 2. Section 41.152(b), Agriculture Code, is amended
1-25 to read as follows:

1-26 (b) The council shall be the certified organization to plan,
1-27 implement, and operate research, education, promotion, and
1-28 marketing programs under this subchapter. If the council
1-29 establishes a state beef check off program under Section 41.1571,
1-30 the council shall administer that program. [~~The council is the~~
1-31 ~~state beef council qualified to collect the proceeds of and~~
1-32 ~~administer in this state the beef check off program established by~~
1-33 ~~federal law.~~]

1-34 SECTION 3. Section 41.156, Agriculture Code, is amended by
1-35 amending Subsections (a) and (c) and adding Subsection (d) to read
1-36 as follows:

1-37 (a) A member of the council must be:

1-38 (1) nominated by the entity qualified to collect the
1-39 proceeds of and administer the beef check off program established
1-40 by federal law in this state or, in the entity's absence, the
1-41 certified organizations that composed the entity; and

1-42 (2) appointed by the commissioner. [~~The council is~~
1-43 ~~composed of 20 members nominated by the council and appointed by the~~
1-44 ~~commissioner as follows:~~

1-45 [~~(1) three representatives of the Texas and~~
1-46 ~~Southwestern Cattle Raisers Association;~~

1-47 [~~(2) three representatives of the Texas Cattle Feeders~~
1-48 ~~Association;~~

1-49 [~~(3) three representatives of the Texas Farm Bureau;~~

1-50 [~~(4) two representatives of the Independent~~
1-51 ~~Cattlemen's Association of Texas;~~

1-52 [~~(5) two representatives of the Texas purebred cattle~~
1-53 ~~industry;~~

1-54 [~~(6) two representatives of the Texas dairy industry;~~

1-55 [~~(7) one representative of the Livestock Marketing~~
1-56 ~~Association of Texas;~~

1-57 [~~(8) one representative of meat packer and exporter~~
1-58 ~~associations;~~

1-59 [~~(9) one representative of Texas CattleWomen; and~~

1-60 [~~(10) two at-large directors.~~]

1-61 (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 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.

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