

1-1 By: Hegar S.B. No. 1070  
 1-2 (In the Senate - Filed March 4, 2013; March 12, 2013, read  
 1-3 first time and referred to Committee on Agriculture, Rural Affairs,  
 1-4 and Homeland Security; April 22, 2013, reported adversely, with  
 1-5 favorable Committee Substitute by the following vote: Yeas 4,  
 1-6 Nays 0; April 22, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10				
1-11			X	
1-12	X			
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1070 By: Estes

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. Subdivision (2), Section 41.151, Agriculture  
 1-21 Code, is amended 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. Subsection (b), Section 41.152, Agriculture  
 1-25 Code, is amended 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.~~]

2-1 (c) The commissioner [~~on recommendation of the council,~~  
2-2 shall fill a vacancy on the council by appointment for the unexpired  
2-3 term from nominations received in accordance with Subsection (a).

2-4 (d) A council member is not a state officer for purposes of  
2-5 Section 572.021, Government Code, solely because of the member's  
2-6 service on the council.

2-7 SECTION 4. Section 41.157, Agriculture Code, is amended to  
2-8 read as follows:

2-9 Sec. 41.157. GENERAL POWERS OF COUNCIL. The council may  
2-10 take action or exercise other authority as necessary to execute any  
2-11 act authorized by this chapter or the Texas Nonprofit Corporation  
2-12 Law as described by Section 1.008, Business Organizations Code  
2-13 [Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's  
2-14 Texas Civil Statutes)]. The council may contract or enter into  
2-15 agreements with the entity qualified to collect the proceeds of and  
2-16 administer the beef check off program established by federal law in  
2-17 this state.

2-18 SECTION 5. Subchapter H, Chapter 41, Agriculture Code, is  
2-19 amended by adding Section 41.1571 to read as follows:

2-20 Sec. 41.1571. STATE BEEF CHECK OFF PROGRAM. The council may  
2-21 establish and operate a state beef check off program that is  
2-22 separate from the beef check off program established by federal  
2-23 law.

2-24 SECTION 6. The change in law made by this Act regarding the  
2-25 appointment of members of the Texas Beef Council does not affect the  
2-26 entitlement of a member serving on the council immediately before  
2-27 the effective date of this Act to continue to serve as a member of  
2-28 the Beef Promotion and Research Council of Texas for the remainder  
2-29 of the member's term. The change in law applies only to a member  
2-30 appointed on or after the effective date of this Act.

2-31 SECTION 7. This Act takes effect immediately if it receives  
2-32 a vote of two-thirds of all the members elected to each house, as  
2-33 provided by Section 39, Article III, Texas Constitution. If this  
2-34 Act does not receive the vote necessary for immediate effect, this  
2-35 Act takes effect September 1, 2013.

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