

By: Zaffirini

S.B. No. 786

A BILL TO BE ENTITLED

1 AN ACT

2 relating to establishing an agriculture ombudsman office in the
3 Department of Agriculture.

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

5 SECTION 1. Title 2, Agriculture Code, is amended by adding
6 Chapter 27 to read as follows:

7 CHAPTER 27. AGRICULTURE OMBUDSMAN OFFICE

8 Sec. 27.001. DEFINITIONS. In this chapter:

9 (1) "Agriculture business" means a current or aspiring
10 agriculture producer or agriculture-related business, including:

11 (A) a farmer;

12 (B) a small-scale food producer, processor, or
13 manufacturer;

14 (C) a farmers market operator; and

15 (D) an institution that purchases agricultural
16 products directly from agriculture producers.

17 (2) "Office" means the agriculture ombudsman office
18 created under this chapter.

19 (3) "Ombudsman" means the individual who has been
20 appointed under this chapter as the agriculture ombudsman.

21 Sec. 27.002. ESTABLISHMENT; PURPOSE. The commissioner
22 shall establish an agriculture ombudsman office within the
23 department for the purpose of assisting agriculture businesses.

24 Sec. 27.003. INDEPENDENCE. The ombudsman in the

1 performance of the ombudsman's duties and powers under this chapter
2 acts independently of the commissioner and any other state
3 official.

4 Sec. 27.004. QUALIFICATION; APPOINTMENT. (a) The ombudsman
5 must have expertise in local, state, or federal regulations
6 applicable to agriculture businesses.

7 (b) The governor shall appoint the ombudsman to serve at the
8 will of the governor.

9 Sec. 27.005. ASSISTANTS. (a) The ombudsman may appoint
10 assistants to, under the direction of the ombudsman, perform the
11 same duties and exercise the same powers as the ombudsman.

12 (b) The ombudsman may employ persons or contract for
13 specific services as necessary to carry out this chapter, including
14 legal counsel and other professional and administrative staff that
15 are necessary to provide services to agriculture businesses.

16 Sec. 27.006. RULES. The ombudsman shall adopt rules to
17 implement this chapter.

18 Sec. 27.007. PROMOTION OF AWARENESS OF OFFICE. The
19 ombudsman shall promote awareness to the public of:

- 20 (1) how the office may be contacted;
21 (2) the purpose of the office; and
22 (3) the services the office provides.

23 Sec. 27.008. DUTIES AND POWERS OF OFFICE. The office shall:

24 (1) respond to questions about local, state, and
25 federal regulations that apply to agriculture businesses;

26 (2) provide contact information for local, state, and
27 federal officials that may assist agriculture businesses in

1 complying with regulations;

2 (3) provide assurance to local and state regulatory
3 agencies that agriculture businesses that are receiving assistance
4 from the ombudsman are meeting applicable legal and regulatory
5 requirements; and

6 (4) ensure that agriculture businesses are treated
7 fairly and expeditiously in regulatory application and review
8 processes.

9 Sec. 27.009. ACCESS TO INFORMATION. (a) A governmental
10 entity shall allow the office access to the entity's records
11 relating to action taken by the entity that affects an agriculture
12 business.

13 (b) The ombudsman may use the information obtained under
14 this section for the purposes of assisting agriculture businesses,
15 evaluating governmental entities' application of laws affecting
16 agriculture businesses, and making recommendations for
17 legislation.

18 Sec. 27.010. CONFIDENTIALITY OF RECORDS. The office shall
19 maintain the confidentiality of personal information obtained
20 under Section 27.009 and other information obtained under that
21 section that is confidential under Chapter 552, Government Code.

22 Sec. 27.011. REPORT. On or before January 1 of each year,
23 the ombudsman shall submit to the governor, the lieutenant
24 governor, and each member of the legislature a report that
25 describes, for the one-year period preceding the report:

26 (1) the activities of the ombudsman;

27 (2) the types of and number of complaints and

1 inquiries submitted to the ombudsman;

2 (3) any recommendations the ombudsman has relating to
3 the office; and

4 (4) any legislative proposals relating to agriculture
5 businesses.

6 SECTION 2. Not later than January 1, 2016, the commissioner
7 of agriculture shall establish the agriculture ombudsman office
8 under Chapter 27, Agriculture Code, as added by this Act, and the
9 governor shall appoint the agriculture ombudsman.

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2015.