

By: Larson

H.B. No. 3646

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of the commissioner of agriculture.

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

SECTION 1. Section 11.004, Agriculture Code, is amended to read as follows:

Sec. 11.004. APPOINTMENT ~~[ELECTION]~~ AND TERM OF COMMISSIONER. (a) The governor shall appoint the commissioner with the advice and consent of the senate ~~[is elected for a term of four years]~~.

(b) The commissioner's term of office runs concurrently with the governor's.

(c) The governor shall appoint another person as commissioner, with the advice and consent of the senate, to fill a vacancy in the office of commissioner.

(d) The governor shall appoint the commissioner without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

SECTION 2. Section 11.005(a), Agriculture Code, is amended to read as follows:

(a) To be eligible for appointment ~~[election]~~ as commissioner ~~[or appointment to fill a vacancy in the office of commissioner]~~, a person must satisfy the requirements for holding elective office under Section 141.001, Election Code, and must:

(1) have been engaged, for at least five of the 10

1 years preceding the year in which the person is ~~[elected or]~~  
2 appointed to the person's initial term, in the business of  
3 agriculture;

4 (2) have worked, for the five-year period preceding  
5 the calendar year in which the person is ~~[elected or]~~ appointed to  
6 the person's initial term, for a state or federal agency in a  
7 position directly related to agriculture;

8 (3) have owned or operated, for at least five of the 10  
9 years preceding the year in which the person is ~~[elected or]~~  
10 appointed to the person's initial term, farm, ranch, or timber land  
11 that qualifies for agricultural use appraisal under Subchapter C,  
12 Chapter 23, Tax Code, and be participating, in the calendar year in  
13 which the person is ~~[elected or]~~ appointed to the person's initial  
14 term, in a farm program administered by the federal Farm Service  
15 Agency ~~[Agricultural Stabilization and Conservation Service]~~; or

16 (4) have worked, for at least five years at any time  
17 before the calendar year in which the person is ~~[elected or]~~  
18 appointed to the person's initial term, for the Texas Agriculture  
19 ~~[Agricultural]~~ Council, an organization that is a member of the  
20 Texas Agriculture ~~[Agricultural]~~ Council, or another agricultural  
21 producer association.

22 SECTION 3. Section 58.025, Agriculture Code, is amended to  
23 read as follows:

24 Sec. 58.025. PUBLIC HEARINGS. The administrator, the  
25 commissioner, or an individual designated by the commissioner may  
26 conduct public hearings relating to issuance of the authority's  
27 bonds or the implementation of financial assistance, and the

1 governor [~~commissioner~~] may act as the applicable elected  
2 representative for purposes of approving any bonds or financial  
3 assistance required to be approved, including any approval required  
4 under Section 147(f), [~~of the~~] Internal Revenue Code of 1986.

5 SECTION 4. Section 52.092(c), Election Code, is amended to  
6 read as follows:

7 (c) Statewide offices of the state government shall be  
8 listed in the following order:

- 9 (1) governor;
- 10 (2) lieutenant governor;
- 11 (3) attorney general;
- 12 (4) comptroller of public accounts;
- 13 (5) commissioner of the General Land Office;
- 14 (6) [~~commissioner of agriculture,~~
- 15 [~~7~~] railroad commissioner;
- 16 (7) (8) [~~8~~] chief justice, supreme court;
- 17 (8) (9) [~~9~~] justice, supreme court;
- 18 (9) (10) [~~10~~] presiding judge, court of criminal
- 19 appeals;
- 20 (10) (11) [~~11~~] judge, court of criminal appeals.

21 SECTION 5. (a) The term of office of the commissioner of  
22 agriculture expires on the effective date of this Act.

23 (b) As soon as practicable on or after the effective date of  
24 this Act, the governor shall appoint a person to the office of  
25 commissioner of agriculture in the manner provided by Section  
26 11.004, Agriculture Code, as amended by this Act.

27 SECTION 6. This Act takes effect September 1, 2017.