

## **BILL ANALYSIS**

Senate Research Center  
77R3127 BDH-F

C.S.S.B. 571  
By: Lucio  
Natural Resources  
2/28/2001  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Currently, the Texas Agriculture Code encourages but does not require the promotion of agriculture and the administration of the Go Texan and the Go Texan Partner Program (GOTEPP) and does not provide for the marketing of agriculture, horticulture and related industries. C.S.S.B. 571 authorizes the Texas Department of Agriculture (TDA) to market the Go Texan program through the sales of promotional merchandise and the conducting of promotional events, to change the membership criteria for the Go Texan Partner Program (GOTEPP) Advisory Board, and to allow a greater variety of vehicles to legally display Texas Agricultural Products License Plates.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Department of Agriculture in SECTION 2 (Section 12.0175, Agriculture Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 12.002, Agriculture Code, to require the Department of Agriculture (department) to encourage the proper development and promotion of agriculture, horticulture, and related industries.

SECTION 2. Amends Section 12.0175, Agriculture Code, to require the department by rule to establish a program to promote and market agriculture products grown or processed in the state or products made from ingredients grown in the state. Authorizes the department to charge a membership fee, as provided by department rule, for each participant, rather than producer that participates, in the program. Requires the fee to be used, rather than designed, to recover the costs of administering the program, rather than promotion. Authorizes the department to adopt rules necessary to administer a program established under this section, including rules governing the use of any registered logo of the department. Authorizes the department to revoke or cancel a certificate of registration or license issued under a program established under this section of a participant fails to comply with a rule adopted by the department. Deletes text regarding membership fee not to exceed \$50. Makes conforming changes.

SECTION 3. Amends Section 46.002, Agriculture Code, as added by Section 2, Chapter 186, Acts of the 76th Legislature, Regular Session, 1999, to redefine "Texas agricultural product."

SECTION 4. Amends Sections 46.008(a) and (b), Agriculture Code, as added by Section 2, Chapter 186, Acts of the 76th Legislature, Regular Session, 1999, to provide that the account is composed of gifts, grants, donations, and matching funds received under Subsection (b). Makes a conforming change.

SECTION 5. Amends Sections 46.009(a) and (c), Agriculture Code, as added by Section 2, Chapter 186, Acts of the 76th Legislature, Regular Session, 1999, to authorize the department to use the funds in an amount not to exceed \$5,000 in a state fiscal year for the purchase of food and beverage refreshments at "Go Texan" partner program account, rather than balance for the fiscal year. Makes a conforming change.

SECTION 6. Amends Chapter 46, Agriculture Code, as added by Section 2, Chapter 186, Acts of the 76th Legislature, Regular Session, 1999, by adding Section 46.0095, as follows:

Sec. 46.0095. SALE OF PROMOTIONAL ITEMS. Authorizes the department to sell or contract for the sale of "Go Texan" promotional and certain other items, designed to promote Texas agricultural products. Authorizes the department to use its Internet website to advertise and sell those items. Requires money received from the sale of promotional items under this section to be deposited to the credit of the "Go Texan" partner program account in the general revenue fund.

SECTION 7. Amends Section 46.010(b), Agriculture Code, as added by Section 2, Chapter 186, Acts of the 76th Legislature, Regular Session, 1999, to require the board to include one representative, rather than two representatives, from the department, one representative from the United States Department of Agriculture (USDA) Commodity Credit Corporation, involved in the promotion of agricultural commodities, who is required to serve as a nonvoting member of the board and is not a member for purposes of establishing a quorum and certain other representatives.

SECTION 8. Amends Section 502.2761(a), Transportation Code, to require the department to issue specially designed license plates for certain vehicles. Makes a conforming change.

SECTION 9. Effective date: upon passage or September 1, 2001.

#### **SUMMARY OF COMMITTEE CHANGES**

SECTION 8. Amends As Filed S.B. 571, Agriculture Code, to add language which includes "truck tractors, semitrailors, and other commercial motor vehicles" among the vehicles for which the department shall issue special license plates. Deletes previously proposed language pertaining to commercial motor vehicles other than light trucks.