

## **BILL ANALYSIS**

Senate Research Center  
83R18549 AED-F

H.B. 2312  
By: Kacal et al. (Hegar)  
Agriculture, Rural Affairs & Homeland Security  
5/9/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interested parties note that several years ago, legislation was passed authorizing a process and procedure for conducting a state beef check off program. The parties contend that as the Texas cattle industry continues to discuss the need for a potential state beef check off program, some clarifications are needed to ensure that if and when a state beef check off program is implemented, the process is clear and efficient for cattle producers.

H.B. 2312 amends current law relating to the membership of and the beef marketing, education, research, and promotion programs of the Texas Beef Council.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 41.151(2), Agriculture Code, to redefine "council."

SECTION 2. Amends Section 41.152(b), Agriculture Code, as follows:

(b) Requires the Beef Promotion and Research Council of Texas (council) to be the certified organization to plan, implement, and operate research, education, promotion, and marketing programs under this subchapter. Requires the council, if the council establishes a state beef check off program under Section 41.1571, to administer that program. Deletes existing text providing that the council is the state beef council qualified to collect the proceeds of and administer in this state the beef check off program established by federal law.

SECTION 3. Amends Section 41.156, Agriculture Code, by amending Subsections (a) and (c) and adding Subsection (d), as follows:

(a) Requires a member of the council to be:

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

(2) appointed by the commissioner of agriculture (commission).

Deletes existing text providing that the council is composed of 20 members nominated by the council and appointed by the commissioner as follows:

(1) three representatives of the Texas and Southwestern Cattle Raisers Association;

(2) three representatives of the Texas Cattle Feeders Association;

- (3) three representatives of the Texas Farm Bureau;
- (4) two representatives of the Independent Cattlemen's Association of Texas;
- (5) two representatives of the Texas purebred cattle industry;
- (6) two representatives of the Texas dairy industry;
- (7) one representative of the Livestock Marketing Association of Texas;
- (8) one representative of meat packer and exporter associations;
- (9) one representative of Texas CattleWomen; and
- (10) two at-large directors.

(c) Requires the commissioner, rather than requires the commissioner on recommendation of the council, to fill a vacancy on the council by appointment for the unexpired term from nominations received in accordance with Subsection (a).

(d) Provides that a council member is not a state officer for purposes of Section 572.021 (Financial Statement Required), Government Code, solely because of the member's service on the council.

SECTION 4. Amends Section 41.157, Agriculture Code, as follows:

Sec. 41.157. GENERAL POWERS OF COUNCIL. Authorizes the council to 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 (Short Titles), Business Organizations Code, rather than the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., V.T.C.S.). Authorizes the council to 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. Amends Subchapter H, Chapter 41, Agriculture Code, by adding Section 41.1571, as follows:

Sec. 41.1571. STATE BEEF CHECK OFF PROGRAM. Authorizes the council to establish and operate a state beef check off program that is separate from the beef check off program established by federal law.

SECTION 6. Provides that 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. Provides that the change in law applies only to a member appointed on or after the effective date of this Act.

SECTION 7. Effective date: upon passage or September 1, 2013.