

BILL ANALYSIS

Senate Research Center

H.B. 2719
By: Swinford (Lucio)
Natural Resources
4/26/1999
Engrossed

DIGEST

Currently, in Texas, a specific program to promote Texas agricultural products is needed. This bill creates the “Go Texan” Partner Program and the oyster advisory committee, provides penalties, and creates a specially designed license plate for the promotion of Texas agricultural products.

PURPOSE

As proposed, H.B. 2719 creates the “Go Texas” Partner program and the oyster advisory committee, provides penalties, and creates a specially designed license plate for the promotion of Texas agricultural products.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Department of Agriculture in SECTION 2 (Sections 46.009(a) and (b), 46.011, and 46.012, Agriculture Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.020(c), Agriculture Code, to include Chapter 46, Title 3, Agriculture Code, in the provisions of this code subject to this section and the applicable penalty amounts.

SECTION 2. Amends Title 3, Agriculture Code, by adding Chapter 46, as follows:

CHAPTER 46. “GO TEXAN” PARTNER PROGRAM

Sec. 46.001. FINDINGS. Sets forth legislative findings concerning the need in this state for a Texas agricultural product promotion program, and the proper department to implement such a program.

Sec. 46.002. DEFINITION. Defines “Texas agricultural product.”

Sec. 46.003. GENERAL AUTHORITY. Requires the Texas Department of Agriculture (TDA) to establish and maintain the “Go Texan” Partner Program (program).

Sec. 46.004. ELIGIBLE APPLICANT. Sets forth eligibility requirements for an applicant to the program.

Sec. 46.005. DEPARTMENT POWERS AND DUTIES. Requires TDA to administer the program. Sets forth the duties of TDA in administering the program.

Sec. 46.006. REQUIREMENTS FOR PARTICIPATION. Sets forth the requirements for an organization to be eligible for participation in the program through the use of matching funds.

Sec. 46.007. PROJECT REQUESTS. Requires a project request submitted by an eligible participant to describe the advertising or other market-oriented promotional activities to be carried out by TDA using matching funds. Prohibits TDA from approving a project request unless the request contains certain information.

Sec. 46.008. “GO TEXAN” PARTNER PROGRAM ACCOUNT. Provides that the “Go Texan” partner program account (account) is a general revenue fund account. Sets forth the

composition of the account. Authorizes TDA to solicit and accept gifts in kind and grants of money from certain governmental entities to be used for the purposes of this chapter. Authorizes money in the account to be appropriated to TDA only for the purpose of implementing and maintaining the program. Requires income from money in the account to be credited to the account. Provides that the account is exempt from the application of Section 403.095, Government Code.

Sec. 46.009. USE OF FUNDS. Authorizes funds received under this chapter to be used only for activities which promote the sale of Texas agricultural products. Authorizes TDA to allocate funds, by rule, to categories of eligible participants and to general or product-specific promotional activities. Requires TDA to adopt rules to ensure that money in the account is used only for the prescribed purposes. Prohibits the payment of administrative expenses under the program from exceeding seven percent of the average account balance for the fiscal year.

Sec. 46.010. "GO TEXAN" PARTNER PROGRAM ADVISORY BOARD. Provides that the "Go Texan" Partner Program Advisory Board (board) is composed of at least eight members appointed by the agriculture commissioner (commissioner) to assist TDA in the implementation of the program. Sets forth the requirements for the composition of the board. Provides that a member of the board serves at the pleasure of the commissioner. Provides that a member serves without compensation but is entitled to reimbursement for actual expenses incurred in the performance of official board duties, subject to the approval of the commissioner. Requires money for expense reimbursement to be deducted from the account. Provides that Chapter 2110, Government Code, does not apply to the board, except as provided by Subsection (d). Provides that an eligible applicant is not ineligible to participate in the program solely because the board member is also an officer, director, or employee of the applicant organization, provided that the board member shall be recused from an action taken by the board on an application involving the applicant organization with which the board member serves as an officer, director, or employee. Requires the board to perform certain duties. Requires the commissioner to provide the board with the necessary staff to assist the board in carrying out its duties.

Sec. 46.011. CRITERIA FOR ALLOCATION OF FUNDS. Requires TDA, by rule, and with the advice of the board, to establish criteria for the allocation of funds to participant projects. Sets forth requirements for the adopted rules.

Sec. 46.012. RULEMAKING AUTHORITY. Requires TDA to adopt rules to administer this chapter, including rules for the use of the "Go Texan" logo.

Sec. 46.013. ADMINISTRATIVE PENALTIES; CIVIL PENALTIES; INJUNCTIVE RELIEF. Sets forth the conditions under which a person violates this chapter. Sets forth administrative penalties for violating this chapter. Authorizes TDA to assess an administrative penalty as provided by Section 12.020, Agriculture Code, against a person who violates this chapter. Provides that a person who violates this chapter is subject to a civil penalty not to exceed \$500 for each violation. Authorizes each day that a violation continues to be considered a separate violation for assessing civil penalties. Requires the attorney general or the county attorney or district attorney of the county in which the violation is alleged to have occurred, at the request of TDA, to file suit to collect the civil penalty. Requires a civil penalty collected to be deposited to the credit of the general revenue fund. Requires the attorney general or the county attorney or district attorney of the county in which the violation is alleged to have occurred, at the request of TDA, to file suit for the appropriate injunctive relief to prevent or abate a violation of this chapter. Provides that venue for an action brought under this subsection is in Travis County.

SECTION 3. Amends Chapter 502F, Transportation Code, by adding Section 502.2761, as follows:

Sec. 502.2761. TEXAS AGRICULTURAL PRODUCTS LICENSE PLATES. Requires the Texas Department of Transportation (department) to issue specially designed license plates for certain vehicles to support the promotion of Texas agricultural products. Requires the license plates to include certain words and the "Go Texan" logo and be of a certain color, quality, and design. Requires the department to issue license plates to a person who meets certain requirements. Requires the department to deposit \$25 of each fee collected to the credit of the account. Requires the remainder of each fee collected to be deposited in the state highway fund and may be used only to defray the cost of administering this section. Requires the owner of a

vehicle registered under this section, upon disposal of the vehicle during the registration year, to return the special license plates to the department.

SECTION 4. Amends Title 3, Agriculture Code, by adding Chapter 47, as follows:

CHAPTER 47. TEXAS OYSTER PROGRAM

Sec. 47.001. PROMOTION AND ADVERTISEMENT. Authorizes TDA to promote and advertise the Texas oyster industry in certain ways. Authorizes TDA to use a portion of the oyster sales fee funds for administrative purposes, under certain conditions.

Sec. 47.002. OYSTER ADVISORY COMMITTEE. Requires the commissioner of agriculture to appoint an oyster advisory committee (oyster team) to provide certain functions. Provides that oyster team members serve without compensation or reimbursement. Requires the oyster team to meet and elect a chairperson, and requires the oyster team to conduct other meetings as necessary, to benefit TDA. Sets forth the nine members of the oyster team. Requires the oyster team to develop bylaws, and sets forth bylaw requirements. Sets forth oyster team member terms, and authorizes the reappointment of a member.

SECTION 5. Requires the commissioner of agriculture to follow a certain procedure in the process of appointing the first oyster team members.

SECTION 6. Effective date: September 1, 1999.

SECTION 7. Emergency clause.