AN ACT

relating to the operation by the Department of Agriculture of
programs for rural economic development and the marketing and
promotion of agricultural and other products grown, processed, or
produced in this state.

BE IT ENACTED

BY
THE
LEGISLATURE OF
THE
STATE OF TEXAS:

SECTION 1. Section 12.027, Agriculture Code, is amended by
adding Subsections (d), (e), and (f) to read as follows:

(d) The department by rule may charge a membership fee to
each participant in the program.

(e) The department may adopt rules as necessary to
administer the program, including rules regarding the use of any
state or federally registered trademarks, certification marks, or
service marks of the department.

(f) The department may revoke a participant's certificate
of registration or license issued under the program if the
participant fails to comply with a rule adopted by the department.

SECTION 2. The heading to Section 12.031, Agriculture Code,
is amended to read as follows:

Sec. 12.031. ADVERTISING, PUBLICATIONS, AND [PUBLICATION] FEES.

SECTION 3. Section 12.031, Agriculture Code, is amended by
adding Subsections (a-1) and (c-1) and amending Subsections (b),
(c), and (d) to read as follows:
(a-1) In order to market and promote agricultural and other products grown, processed, or produced in this state, the department may create, distribute, and provide informational materials to the public in any type of media format.

(b) In order to recover the costs of administering activities under Sections 12.002, 12.0175, 46.0095, 47.052, and 50B.001, the department may sell advertising and assess and collect fees, revenues, and royalties on department-owned content, information, or materials described by Subsections (a) and (a-1), including the department's state or federally registered certification marks, service marks, and trademarks that are sold or supplied to others by the department for publication.

(c) The department may enter into contractual agreements with private entities and local, state, federal, or foreign governmental entities for publication of information concerning agriculture, horticulture, or related industries.

(c-1) The department may collect an event fee or a royalty for the marketing and promotional activities authorized by:

(1) this chapter;
(2) Chapter 46;
(3) Chapter 47; or
(4) Chapter 50B.

(d) Money received under this section shall be deposited in the State Treasury and may be appropriated only to the department for the department's activities or programs relating to the marketing and promotion of agriculture, horticulture, and other
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1 industries that grow, process, or produce products in this state
2 [to the credit of the fund from which expenses for the publication
3 were paid].

SECTION 4. Section 46.0095, Agriculture Code, is amended to
read as follows:

Sec. 46.0095. SALE OF PROMOTIONAL ITEMS OR PROGRAM

MERCHANDISE. (a) The department may sell or contract for the sale
of "Go Texan" promotional items and program merchandise, including
clothing, posters, and banners, in order [designed] to encourage
the marketing and promotion of [promote Texas] agricultural and
other products grown, processed, or produced in this state. The
department may use any available means, including direct marketing,
mail, the [site] Internet, and any other media format [website] to
advertise and sell those items.

(b) Money received from the sale of promotional items and
program merchandise under this section [may be] appropriated only to
the department for the department's activities or programs relating
to the marketing and promotion of agricultural and other products
grown, processed, or produced in this state [shall be deposited to
the credit of the "Go Texan" partner program account in the general
revenue fund].

SECTION 5. This Act takes effect immediately if it receives
a vote of two-thirds of all the members elected to each house, as
provided by Section 39, Article III, Texas Constitution. If this
Act does not receive the vote necessary for immediate effect, this
Act takes effect September 1, 2011 ____________________________

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President of the Senate

I hereby certify that S.B. No. 1086 passed the Senate on April 19, 2011, by the following vote: Yeas 29, Nays 2

I hereby certify that S.B. No. 1086 passed the House on May 4, 2011, by the following vote: Yeas 110, Nays 28, one present not voting

Governor

Approved: 17 May '11

Chief Clerk of the House

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5:30 o'clock
MAY 17 2011
Secretary of State