

BILL ANALYSIS

Senate Research Center
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S.B. 1141
By: Estes
Natural Resources
3/31/2003
As Filed

DIGEST AND PURPOSE

As proposed, S.B. 1141 clarifies the powers and duties of the Texas Department of Agriculture (TDA). This bill amends four sections of the Agriculture Code to address statutory issues of concern to TDA.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Agriculture in SECTION 4 (Section 71.051, Agriculture Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.034, Agriculture Code, as follows:

Sec. 12.034. REFUND OR WAIVER OF FEES. Authorizes the Texas Department of Agriculture (TDA) by rule to provide for the waiver of a licensing, registration, or certification fee collected by TDA, including any related fee, and the waiver of an inspection fee.

SECTION 2. Amends Sections 14.041(a) and (b), Agriculture Code, as follows:

(a) Provides that Subsection (c) is an exception, to the requirement that an applicant for a license file or have on file with TDA a certificate of insurance evidencing that the policy insures, in the name of the applicant, all grain that is or may be in public grain warehouse for its full market value against loss by or due to water or other fluid other than rising waters resulting from a flood or other than natural cause, malicious mischief, vandalism, theft by a person other than the warehouse operator, rather than intentional waste or destruction, smoke, internal explosion, lightning, hail, windstorm, hurricane, or tornado.

(b) Makes conforming changes.

SECTION 3. Amends Section 18.071, Agriculture Code, to delete the word “voluntary” from text authorizing TDA to establish voluntary certification programs under this subchapter.

SECTION 4. Amends Sections 71.051(a) and (c), Agriculture Code, as follows:

(a) Prohibits a person from shipping a nursery product or florist item into this state without first obtaining, rather than filing with TDA, a certificate of inspection issued by the proper authority of the state from which the shipment originates, except as otherwise provided by TDA rule.

(c) Requires each car, box, bale, or package of a nursery product or florist item shipped into this state to bear a tag printed with a copy of the certificate of inspection from the originating state, except as otherwise provided by TDA rule.

SECTION 5. Provides that Section 71.051, Agriculture Code, as amended by this Act, applies only to an item shipped into this state that enters the state on or after September 1, 2003.

SECTION 6. Effective date: September 1, 2003.