

BILL ANALYSIS

Senate Research Center
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H.B. 3496
By: Miller, Sid, Christian (Elife)
Agriculture & Rural Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, a nursery/floral permit must be purchased annually through the Texas Department of Agriculture (TDA) in order for a business to sell, lease, or distribute nursery products or floral items. There are five different classifications and the fees range from \$75 to \$180 depending on which category a business falls under. The purpose of H.B. 3496 is to generate additional money from the nursery and floral industry to help TDA promote the industry's products and fund research initiatives.

H.B. 3496 establishes a Texas nursery and floral account and a Texas Nursery and Floral Advisory Council (council). The bill allows for an optional 15 percent fee on registration and registration renewals paid by a florist owner, nursery owner, nursery dealer, or nursery agent, with the proceeds to be deposited to the account. The bill requires the council to advise TDA on the most effective methods for promoting and marketing the Texas nursery and floral industries.

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 Chapter 12, Agriculture Code, by adding Sections 12.0177 and 12.0178, as follows:

Sec. 12.0177. TEXAS NURSERY AND FLORAL ACCOUNT. Requires that amounts collected under Sections 71.043(b)(2) and 71.057(e)(2) be deposited to the credit of the Texas nursery and floral account (account). Provides that the account is an account in the general revenue fund. Authorizes money in the account to be used only by the Texas Department of Agriculture (TDA) for making grants to promote and market the Texas nursery and floral industries, and administering this section.

Sec. 12.0178. TEXAS NURSERY AND FLORAL ADVISORY COUNCIL. (a) Requires TDA to establish and coordinate the Texas Nursery and Floral Advisory Council (council). Provides that the council consists of seven members appointed by the commissioner of agriculture (commissioner) who have each been engaged in the nursery, floral, or landscaping business for at least five years.

(b) Requires the council to advise TDA on the most effective methods for promoting and marketing the Texas nursery and floral industries.

(c) Provides that a member of the council receives no additional compensation for serving on the council and prohibits a member from being reimbursed for travel or other expenses incurred while conducting the business of the council.

(d) Provides that the council is not subject to Chapter 2110 (State Agency Advisory Committees), Government Code.

SECTION 2. Amends Section 71.043, Agriculture Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Requires that the annual fee submitted with an application by a florist or nursery owner be the sum of:

(1) an amount based on the size and type of a location, as defined by TDA rule, where a florist or nursery owner grows for sale or lease or offers for sale or lease a florist item or nursery product; and

(2) an optional additional amount equal to 15 percent of the amount described by Subdivision (1), to fund the account.

(b-1) Requires TDA to allow an applicant to elect whether to pay the amount described by Subsection (b)(2). Provides that an applicant is not required to pay that amount to apply for or renew registration.

SECTION 3. Amends Section 71.057, Agriculture Code, by amending Subsection (e) and adding Subsection (e-1), as follows:

(e) Requires that the annual fee submitted with an application by a nursery dealer or nursery agent be the sum of:

(1) an amount based on the size and type of a location, as defined by TDA rule, where a nursery dealer or nursery agent offers a nursery product for sale or lease; and

(2) an optional additional amount equal to 15 percent of the amount described by Subdivision (1), to fund the account.

(b-1) Requires TDA to allow an applicant to elect whether to pay the amount described by Subsection (e)(2). Provides that an applicant is not required to pay that amount to apply for or renew registration.

SECTION 4. Makes application of Sections 71.043 and 71.057, Agriculture Code, as amended by this Act, prospective.

SECTION 5. Effective date: upon passage or September 1, 2009.