

## **BILL ANALYSIS**

C.S.H.B. 2133  
By: Campbell  
Agriculture & Livestock  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The purpose of this legislation is to amend four sections of the Agriculture Code to address statutory issues of concern to the Texas Department of Agriculture (TDA). The four issues include fees charged by TDA regulatory programs, insurance provisions governing public grain warehouses, establishment of a voluntary certification program for producers transitioning to organic production practices and maintenance of phytosanitary certificates.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Agriculture in SECTION 1 (Sec.12.034)(Agriculture Code) and SECTION 4 (Sec. 71.051(a) and (c) (Agriculture Code) of this bill.

### **ANALYSIS**

C.S.H.B.2133 allows the TDA to provide a waiver of a licensing, registration, or certification fee collected by the department. The bill clarifies that only the grain placed by depositors is insured, as opposed to coverage including both the depositor's grain and grain owned by the grain storage company. The bill clarifies that the grain is insured from certain water and other fluid damages that are insurable. Floods and other rising waters resulting from natural disasters are exempted. The bill allows TDA to establish a voluntary transition organic program. C.S.H.B. 2133 requires the shipper of a nursery or floral product to obtain a phytosanitary certificate, but eliminates the requirement that the certification be filed with TDA.

### **EFFECTIVE DATE**

September 1, 2003.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The original bill as filed was unclear as to what grain was insured. It was also unclear as to the types of water and fluid disasters that were insurable. The substitute clarifies that only the depositor's grain is insured, and that it is insured from insurable types of disasters. The substitute also places in statute current practices for the temporary storage of grain.

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