

By: Campbell

H.B. No. 2133

Substitute the following for H.B. No. 2133:

By: Swinford

C.S.H.B. No. 2133

A BILL TO BE ENTITLED

AN ACT

relating to agriculture and the powers and duties of the Department of Agriculture.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 12.034, Agriculture Code, is amended to read as follows:

Sec. 12.034. REFUND OR WAIVER OF FEES. The department by rule may provide for:

(1) the full or partial refund of a fee collected by the department;

(2) the waiver of a licensing, registration, or certification fee collected by the department, including any related late fee; and

(3) the waiver of an inspection fee.

SECTION 2. Section 14.041, Agriculture Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsections [~~Subsection~~] (c) and (d), an applicant for a license must file or have on file with the department a certificate of insurance evidencing that:

(1) the applicant has an effective policy of insurance issued by an insurance company authorized to do business in this state or, with the approval of the department, by an eligible surplus lines insurer that meets the requirements of Article

1 1.14-2, Insurance Code, and rules adopted by the commissioner under
2 that article; and

3 (2) the policy insures, in the name of the applicant,
4 all depositor grain that is or may be in the public grain warehouse
5 for its full market value against loss by or due to water or other
6 fluid resulting from an insured peril, excluding flood and other
7 rising waters resulting from natural causes, malicious mischief,
8 vandalism, [~~theft, intentional waste or destruction,~~] smoke, fire,
9 internal explosion, lightning, hail, windstorm, hurricane, or
10 tornado.

11 (b) If water or other fluid resulting from an insured peril,
12 excluding flood and other rising waters resulting from natural
13 causes, malicious mischief, vandalism, [~~theft, intentional waste~~
14 ~~or destruction,~~] smoke, fire, internal explosion, lightning, hail,
15 windstorm, hurricane, or tornado destroys or damages grain in a
16 public grain warehouse, the warehouse operator shall, on demand by
17 the depositor and presentation of a receipt or other evidence of
18 ownership, make settlement with the depositor of the grain. The
19 amount of the settlement shall be the average price paid for grain
20 of the same grade and quality on the date of the loss at the location
21 of the warehouse, minus the warehouse operator's charges and
22 advances. If a settlement is not made before the 31st day following
23 the date of demand, the depositor is entitled to seek recovery from
24 the insurance company.

25 (d) An applicant for a license shall insure depositor grain
26 for its full market value against loss by or due to fire or
27 windstorm if the grain is in temporary or emergency storage. The

1 certificate required under Subsection (a) must evidence that the
2 applicant has an effective policy of insurance under this
3 subsection before the applicant may store depositor grain in
4 temporary or emergency storage.

5 SECTION 3. Section 18.071, Agriculture Code, is amended to
6 read as follows:

7 Sec. 18.071. AGRICULTURAL CERTIFICATION. The department
8 may establish [~~voluntary~~] certification programs under this
9 subchapter relating to the protection, sale, advertising,
10 marketing, or related production processes in this state.

11 SECTION 4. Sections 71.051(a) and (c), Agriculture Code,
12 are amended to read as follows:

13 (a) Except as otherwise provided by department rule, a [A]
14 person may not ship a nursery product or florist item into this
15 state without first obtaining [~~filing with the department~~] a
16 certificate of inspection issued by the proper authority of the
17 state from which the shipment originates.

18 (c) Except as otherwise provided by department rule, each
19 [~~Each~~] car, box, bale, or package of a nursery product or florist
20 item shipped into this state shall bear a tag printed with a copy of
21 the certificate of inspection from the originating state.

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

25 SECTION 6. This Act takes effect September 1, 2003.