

By: Campbell

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. Sections 14.041(a) and (b), Agriculture Code, are amended to read as follows:

(a) Except as provided by Subsection (c), 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 1.14-2, Insurance Code, and rules adopted by the commissioner under

1 that article; and

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

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

25 SECTION 3. Section 18.071, Agriculture Code, is amended to
26 read as follows:

27 Sec. 18.071. AGRICULTURAL CERTIFICATION. The department

1 may establish [~~voluntary~~] certification programs under this
2 subchapter relating to the protection, sale, advertising,
3 marketing, or related production processes in this state.

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

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

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

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

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