

BILL ANALYSIS

C.S.H.B. 3496
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Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, a nursery/floral permit must be purchased annually through the Texas Department of Agriculture 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 C.S.H.B. 3496 is to generate additional money from the nursery and floral industry to help the department promote the industry's products and fund research initiatives.

C.S.H.B. 3496 establishes a Texas nursery and floral account and a Texas Nursery and Floral Advisory Council. The bill includes provisions for an additional 15 percent applied to registration and registration renewal fees paid by a florist owner, nursery owner, nursery dealer, or nursery agent, proceeds from which are to be deposited to the account. The bill requires the council to advise the department on the most effective methods for promoting and marketing the Texas nursery and floral industries.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3496 amends the Agriculture Code to establish the Texas nursery and floral account in the general revenue fund. The bill authorizes the money in the account to be used only by the Texas Department of Agriculture for making grants to promote and market the Texas nursery and floral industries and for related administration.

C.S.H.B. 3496 adds to the registration fee and registration renewal fee for a florist, nursery owner, nursery dealer, or nursery agent an optional additional 15 percent of that amount to fund the account. The bill requires the department to allow a florist, nursery owner, nursery dealer, or nursery agent applying for registration or registration renewal, as applicable, to elect whether to pay the optional amount. The bill establishes that an applicant is not required to pay such amount to apply for or to renew registration. The bill requires the optional additional amounts collected to be deposited to the credit of the account.

C.S.H.B. 3496 requires the department to establish and coordinate the Texas Nursery and Floral Advisory Council, consisting of seven members, appointed by the commissioner of agriculture, who have each been engaged in the nursery, floral, or landscaping business for at least five years. The bill requires the council to advise the department on the most effective methods for promoting and marketing the Texas nursery and floral industries. The bill establishes 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. The bill excludes the council from provisions governing state agency advisory committees.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3496 differs from the original by clarifying the options of applicants for registration or registration renewal. The substitute removes provisions of the original, following references to the Texas nursery and floral account, that a florist owner, nursery owner, or others that are required to obtain a nursery/floral certificate have the option to contribute to it but are not required. The substitute instead specifies that the amount included in the registration fee and registration renewal fee of a florist, nursery owner, nursery dealer, or nursery agent to fund the account is an optional additional amount, replacing provisions of the original that either did not characterize it as additional or did not characterize it as optional and additional. The substitute adds a provision not in the original requiring the Texas Department of Agriculture to allow a florist, nursery owner, nursery dealer, or nursery agent applying for registration or registration renewal to elect whether to pay the optional additional amount equal to 15 percent and adds a provision not in the original establishing that an applicant is not required to pay that amount to apply for or renew registration.