

1-1 By: Herrero, Cohen, Creighton H.B. No. 2925
1-2 (Senate Sponsor - Whitmire)
1-3 (In the Senate - Received from the House May 7, 2009;
1-4 May 7, 2009, read first time and referred to Committee on Natural
1-5 Resources; May 15, 2009, reported favorably by the following vote:
1-6 Yeas 10, Nays 0; May 15, 2009, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to protections provided by the Department of Agriculture
1-10 for certain consumers; providing penalties.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 13.001(a), Agriculture Code, is amended
1-13 to read as follows:

1-14 (a) In this chapter:

1-15 (1) "Weight or measure of a commodity" means the
1-16 weight or measure of a commodity as determined by a weighing or
1-17 measuring device [includes a weight, scale, beam, or measure of any
1-18 kind, an instrument or mechanical device for weighing or measuring,
1-19 and an appliance or accessory connected with an instrument or
1-20 mechanical device for weighing or measuring].

1-21 (2) "Sell" includes barter or exchange.

1-22 (3) "Weighing or measuring device" ["Pump"] means:

1-23 (A) a scale; or

1-24 (B) a mechanical or electronic device used to
1-25 dispense or deliver a commodity by weight, volume, flow rate, or
1-26 other measure [a gasoline, kerosene, or diesel fuel measuring or
1-27 dispensing device].

1-28 SECTION 2. Section 13.002(a), Agriculture Code, is amended
1-29 to read as follows:

1-30 (a) The department shall enforce the provisions of this
1-31 chapter and shall supervise all weighing or measuring devices
1-32 [weights and measures] sold or offered for sale in this state. The
1-33 department may purchase apparatus as necessary for the
1-34 administration of this chapter.

1-35 SECTION 3. Sections 13.021(a), (c), and (d), Agriculture
1-36 Code, are amended to read as follows:

1-37 (a) The legal standard for the weight or measure of a
1-38 commodity [of weights and measures] in this state is the standard
1-39 weight or measure [of weights and measures] adopted and used by the
1-40 government of the United States for that commodity. If the United
1-41 States does not provide a standard [of] weight or measure for a
1-42 commodity, the standard for that commodity is that established by
1-43 this subchapter.

1-44 (c) Except as otherwise provided by an express contract, a
1-45 contract for work or sales by weight or measure of a commodity shall
1-46 be construed in accordance with the standards of this subchapter.

1-47 (d) The standards of this subchapter shall be the guide for
1-48 making any adjustment of weighing [weights] or measuring devices
1-49 [measures] under the law of this state.

1-50 SECTION 4. Subchapter B, Chapter 13, Agriculture Code, is
1-51 amended by adding Section 13.029 to read as follows:

1-52 Sec. 13.029. EXEMPTION OF WEIGHING OR MEASURING DEVICES.

1-53 The department by rule may exempt a weighing or measuring device
1-54 from a requirement established by this chapter if the department
1-55 determines that imposing or enforcing the requirement:

1-56 (1) is not cost-effective for the department;

1-57 (2) is not feasible with current resources or
1-58 standards; or

1-59 (3) will not substantially benefit or protect
1-60 consumers.

1-61 SECTION 5. Sections 13.036, 13.037, and 13.039, Agriculture
1-62 Code, are amended to read as follows:

1-63 Sec. 13.036. FALSE REPRESENTATION OF COMMODITY QUANTITY. A
1-64 person commits an offense if the person or the person's servant or

2-1 agent:

2-2 (1) sells or offers or exposes for sale a quantity of a
2-3 commodity or service that is less than the quantity the person
2-4 represents; or

2-5 (2) as a buyer furnishing the weight or measure of a
2-6 commodity or service by which the amount of the ~~[a]~~ commodity or
2-7 service is determined, takes or attempts to take more than the
2-8 quantity the person represents.

2-9 Sec. 13.037. USE OF INCORRECT WEIGHING ~~[FALSE WEIGHT]~~ OR
2-10 MEASURING DEVICE ~~[MEASURE]~~. (a) A person commits an offense if the
2-11 person or the person's servant or agent uses an incorrect weighing
2-12 ~~[a false weight]~~ or measuring device ~~[measure]~~ in:

2-13 (1) buying or selling a commodity;

2-14 (2) computing a charge for services rendered on the
2-15 basis of weight or measure; or

2-16 (3) determining the weight or measure of a commodity,
2-17 if a charge is made for the determination.

2-18 (b) For the purpose of this section, a weighing ~~[weight]~~ or
2-19 measuring device ~~[measure]~~ is incorrect ~~[false]~~ if it:

2-20 (1) does not conform as closely as practicable to the
2-21 official standards;

2-22 (2) is not accurate;

2-23 (3) is of a construction that is not reasonably
2-24 permanent in adjustment or does not correctly repeat its
2-25 indications;

2-26 (4) facilitates the perpetration of fraud; or

2-27 (5) does not conform to the specifications and
2-28 tolerances established by the department under Section 13.114 ~~[of~~
2-29 ~~this code]~~.

2-30 Sec. 13.039. TESTING OF PACKAGE BY DEPARTMENT ~~[SEALER]~~.

2-31 (a) ~~The department [A sealer appointed under Subchapter C of this~~
2-32 ~~chapter]~~ shall from time to time weigh or measure a package~~[r]~~ or an
2-33 amount of any commodity~~[r]~~ that is kept or offered for sale, sold,
2-34 or in the process of delivery, in order to determine:

2-35 (1) if the commodity is of the amount or quantity
2-36 represented; or

2-37 (2) if the commodity is being offered for sale or sold
2-38 in accordance with law.

2-39 (b) If ~~the department [a sealer]~~ finds that a package or any
2-40 lot of a commodity contains less of the commodity than the amount
2-41 represented, ~~the department [sealer]~~ may seize the package or the
2-42 commodity as evidence.

2-43 (c) A person commits an offense if the person or the
2-44 person's employee or agent refuses to exhibit a commodity being
2-45 sold or offered for sale at a given weight or quantity, or
2-46 ordinarily sold in that manner, to ~~the department [a sealer]~~ for
2-47 testing and proving as to quantity.

2-48 SECTION 6. The heading to Subchapter C, Chapter 13,
2-49 Agriculture Code, is amended to read as follows:

2-50 SUBCHAPTER C. INSPECTION AND REGISTRATION OF WEIGHING OR MEASURING
2-51 DEVICES ~~[WEIGHTS AND MEASURES]~~

2-52 SECTION 7. Section 13.101, Agriculture Code, is amended to
2-53 read as follows:

2-54 Sec. 13.101. REQUIRED INSPECTION. (a) At least once every
2-55 four years, or more often as required by the department, a weighing
2-56 ~~[weight]~~ or measuring device ~~[measure]~~ shall be inspected and
2-57 tested for correctness by ~~the department [a sealer]~~ if it:

2-58 (1) is kept for sale, sold, or used by a proprietor,
2-59 agent, lessee, or employee in proving the weight or measure,
2-60 including the size, quantity, extent, or area, of any item; or

2-61 (2) is purchased, offered, or submitted by a
2-62 proprietor, agent, lessee, or employee for sale, hire, or award.

2-63 (b) The department shall, to the extent necessary to ensure
2-64 compliance with the official standards, require additional
2-65 inspection and testing of ~~weighing or measuring devices [weights~~
2-66 ~~and measures]~~.

2-67 (c) A person who uses or keeps for use, or has or offers for
2-68 sale, a weighing ~~[weight]~~ or measuring device ~~[measure]~~ is
2-69 responsible for having the ~~device [weight or measure]~~ inspected and

3-1 tested as required by this section.

3-2 (d) Unless the department requires an additional
3-3 inspection, a weighing [weight] or measuring device [measure] that
3-4 is inspected and found correct by the department [a sealer] may be
3-5 kept for use, used, kept or offered for sale, or sold without
3-6 further testing.

3-7 (e) The department may inspect and test a weighing or
3-8 measuring device less frequently than required by Subsection (a):

3-9 (1) to accommodate complaint-based and risk-based
3-10 inspection schedules; or

3-11 (2) in response to an emergency or a limitation in
3-12 department funding.

3-13 SECTION 8. Sections 13.1011(a) and (c), Agriculture Code,
3-14 are amended to read as follows:

3-15 (a) A person who operates a weighing or measuring [pump,
3-16 scale, or bulk or liquefied petroleum gas metering] device for a
3-17 commercial transaction shall [must] register annually with the
3-18 department.

3-19 (c) If a person fails to register as required by this
3-20 section and pay the fee required under Section 13.1151 [~~of this~~
3-21 ~~code~~], the department may assess a late fee against the person,
3-22 prohibit the operation of the weighing or measuring [pump, scale,
3-23 or metering] device, or both assess the fee and prohibit the
3-24 operation of the [~~pump, scale, or metering]~~ device.

3-25 SECTION 9. Section 13.1012(e), Agriculture Code, is amended
3-26 to read as follows:

3-27 (e) The department may conduct an inspection of an
3-28 applicant's or registrant's:

3-29 (1) facilities;

3-30 (2) inspecting and testing equipment and procedures;

3-31 (3) repair and calibration equipment, records, and
3-32 procedures; and

3-33 (4) transportation equipment.

3-34 SECTION 10. The heading to Section 13.111, Agriculture
3-35 Code, is amended to read as follows:

3-36 Sec. 13.111. REPAIR OR DESTRUCTION OF INCORRECT WEIGHING
3-37 [WEIGHTS] OR MEASURING DEVICES [MEASURES].

3-38 SECTION 11. Sections 13.111(a) and (b), Agriculture Code,
3-39 are amended to read as follows:

3-40 (a) If, in the judgment of the department [sealer], a
3-41 weighing [weight] or measuring device [measure] found to be
3-42 incorrect is not capable of being repaired, the department [sealer]
3-43 may condemn, seize, and destroy the device [weight or measure].

3-44 (b) If, in the judgment of the department [sealer], an
3-45 incorrect weighing [weight] or measuring device [measure] is
3-46 capable of being repaired, the department [sealer] shall place on
3-47 the device [weight or measure] a tag or other mark with the words
3-48 "Out of Order." The owner or user of the weighing [weight] or
3-49 measuring device [measure] may have it repaired within 30 days, but
3-50 may not use or dispose of it until it is reinspected and released
3-51 for use by the department or inspected and released for use in any
3-52 other manner authorized by department rule [sealed. After repair,
3-53 the owner or user shall notify the sealer and the sealer shall
3-54 reinspect the weight or measure. If it is found to be correct, the
3-55 sealer shall remove the out-of-order tag and seal the weight or
3-56 measure as provided by Section 13.110 of this code].

3-57 SECTION 12. Section 13.112, Agriculture Code, is amended to
3-58 read as follows:

3-59 Sec. 13.112. TESTS FOR STATE INSTITUTIONS. As requested by
3-60 the comptroller or the governing body of a state institution, the
3-61 department shall test each weighing [weight] or measuring device
3-62 [measure] used by a state institution for any purpose, including a
3-63 weighing or measuring device [weight or measure] used in checking
3-64 the receipt and distribution of supplies. The department shall
3-65 report results of the test to the chairman of the governing body of
3-66 the institution.

3-67 SECTION 13. Sections 13.113(a), (c), (d), and (e),
3-68 Agriculture Code, are amended to read as follows:

3-69 (a) The standards of weights and measures received from the

4-1 United States and certified by the National Institute of Standards
 4-2 and Technology are the state's standards by which all state and
 4-3 local standards of weights and measures are tried, authenticated,
 4-4 proved, and certified [~~sealed~~].

4-5 (c) In addition to the standards kept by the state, the
 4-6 department shall maintain a complete set of copies of the original
 4-7 standards for use in adjusting local standards or in the
 4-8 performance of other official duties. The department may purchase
 4-9 additional sets of standards as necessary for use by a department
 4-10 inspector or other department personnel [~~state sealers~~].

4-11 (d) At the request of a city, the department shall furnish
 4-12 the city with copies of the state's standards or test and approve
 4-13 other standards acquired by the city. The city shall reimburse the
 4-14 state for the actual cost of the standards furnished, plus the costs
 4-15 of freight and certification. All standards furnished to or tested
 4-16 for a city shall be true and correct, [~~sealed and~~] certified by the
 4-17 department [~~commissioner~~], and stamped with the letter "C". The
 4-18 copies used by a city may be of any suitable material or
 4-19 construction that the city requests, subject to approval by the
 4-20 department.

4-21 (e) The department shall inspect and correct the standards
 4-22 used by a department inspector, other department employee, or
 4-23 individual or business licensed by the department to perform
 4-24 private maintenance, repairs, or calibration of weighing or
 4-25 measuring devices [~~a local sealer~~] at least once every year [~~two~~
 4-26 ~~years~~]. The department shall keep a record of the inspection and
 4-27 character of weights and measures inspected under this subsection.
 4-28 [~~The city shall pay all expenses incurred in inspections under this~~
 4-29 ~~subsection.~~]

4-30 SECTION 14. Section 13.114(a), Agriculture Code, is amended
 4-31 to read as follows:

4-32 (a) The department shall establish tolerances and
 4-33 specifications for commercial weighing or [~~and~~] measuring devices
 4-34 [~~apparatus~~] used in this state. The tolerances and specifications
 4-35 shall be similar to those recommended by the National Institute of
 4-36 Standards and Technology.

4-37 SECTION 15. Sections 13.115(a) and (f), Agriculture Code,
 4-38 are amended to read as follows:

4-39 (a) The department shall collect a fee in accordance with
 4-40 this section for each test of a weighing [~~weight~~] or measuring
 4-41 device [~~measure~~] required by this subchapter or performed on
 4-42 request of the owner.

4-43 (f) The department shall charge a fee, as provided by
 4-44 department rule, for precision testing of tapes, rules, glassware,
 4-45 and other weighing or measuring devices performed by the
 4-46 department's metrology laboratory.

4-47 SECTION 16. Sections 13.1151, 13.117, 13.118, and 13.119,
 4-48 Agriculture Code, are amended to read as follows:

4-49 Sec. 13.1151. FEES FOR REGISTRATION AND INSPECTION. The
 4-50 department may charge the owner or operator of a weighing or
 4-51 measuring device a fee, as provided by department rule, to recover
 4-52 the costs of registration and inspection of a weighing or [~~pump,~~
 4-53 ~~scale, bulk or liquefied petroleum gas metering device, or other~~]
 4-54 measuring [~~or dispensing~~] device required to be registered or
 4-55 inspected under this chapter.

4-56 Sec. 13.117. REFUSING TO ALLOW [~~PERMIT~~] TEST OF WEIGHING
 4-57 [~~WEIGHT~~] OR MEASURING DEVICE [~~MEASURE~~]. A person commits an offense
 4-58 if the person neglects or refuses to allow [~~exhibit~~] a weighing
 4-59 [~~weight~~] or measuring device [~~measure~~] under the person's control
 4-60 or in the person's possession to be inspected, tested, or examined
 4-61 by the department, and the inspection, test, or examination is
 4-62 required by this chapter [~~or a sealer for inspection or examination~~
 4-63 ~~as required by law~~].

4-64 Sec. 13.118. HINDERING DEPARTMENT PERSONNEL [~~SEALER~~]. A
 4-65 person commits an offense if the person hinders or obstructs in any
 4-66 way the department, a department inspector or other department
 4-67 personnel [~~a sealer~~] in the performance of official duties.

4-68 Sec. 13.119. REMOVAL OF REGISTRATION [~~SEALER'S~~] TAG. A
 4-69 person commits an offense if the person removes or obliterates a tag

5-1 or device placed on a weighing [weight] or measuring device
 5-2 [measure] under this chapter [Section 13.110 or 13.111 of this
 5-3 code].

5-4 SECTION 17. Sections 13.120 and 13.121, Agriculture Code,
 5-5 are amended to read as follows:

5-6 Sec. 13.120. SALE OR USE OF INCORRECT WEIGHING [FALSE
 5-7 WEIGHTS] OR MEASURING DEVICE [MEASURES]. (a) The department may
 5-8 condemn and prohibit the sale or distribution of any incorrect
 5-9 weighing [false weight] or measuring device [measure] that is sold,
 5-10 offered for sale, or about to be sold in this state.

5-11 (b) A person commits an offense if the person or the
 5-12 person's servant or agent:

5-13 (1) offers or exposes for sale, hire, or award or sells
 5-14 an incorrect weighing [a false weight] or measuring device
 5-15 [measure];

5-16 (2) possesses an incorrect weighing [a false weight]
 5-17 or measuring device [measure]; or

5-18 (3) sells, offers for sale, uses, or possesses for the
 5-19 purpose of sale or use a device or instrument to be used to falsify
 5-20 or intended to falsify a weight or measure.

5-21 [~~(c) In this section, "false weight or measure" has the~~
 5-22 ~~meaning assigned by Section 13.037 of this code.]~~

5-23 Sec. 13.121. DISPOSING OF CONDEMNED WEIGHING OR MEASURING
 5-24 DEVICE [WEIGHT]. A person commits an offense if the person or the
 5-25 person's servant or agent disposes of a weighing [weight] or
 5-26 measuring device [measure] condemned under Section 13.111 or 13.120
 5-27 [of this code] in a manner contrary to those sections.

5-28 SECTION 18. Section 13.253(b), Agriculture Code, is amended
 5-29 to read as follows:

5-30 (b) An elected county public weigher must obtain a
 5-31 certificate of authority as provided by Section 13.255 [of this
 5-32 code] and must execute a bond as provided by Section 13.256 [of this
 5-33 code] before issuing an official certificate of weight or measure
 5-34 of a commodity. A county public weigher elected under this section
 5-35 is subject to rules adopted by the commissioners court.

5-36 SECTION 19. Section 13.257(a), Agriculture Code, is amended
 5-37 to read as follows:

5-38 (a) On each certificate of weight or measure of a commodity
 5-39 that a public weigher or deputy public weigher issues, the public
 5-40 weigher or deputy public weigher shall include the:

5-41 (1) time and date that the weight or measure of the
 5-42 commodity [measurement] was taken;

5-43 (2) signature and license number of the public weigher
 5-44 or deputy public weigher; and

5-45 (3) seal of the department.

5-46 SECTION 20. Section 13.259(a), Agriculture Code, is amended
 5-47 to read as follows:

5-48 (a) A public weigher or deputy public weigher who
 5-49 intentionally or knowingly issues a certificate of weight or
 5-50 measure of a commodity giving a false weight or measure for the [a]
 5-51 commodity [weighed or measured] commits an offense.

5-52 SECTION 21. Section 13.260(a), Agriculture Code, is amended
 5-53 to read as follows:

5-54 (a) A person who intentionally or knowingly issues an
 5-55 official certificate of weight or measure of a [for any] commodity
 5-56 without first obtaining a certificate of authority under Section
 5-57 13.255 [of this code], who issues an official certificate of weight
 5-58 or measure of a commodity after revocation of the person's
 5-59 certificate of authority, or who issues an official certificate of
 5-60 weight or measure of a commodity without executing a bond as
 5-61 required under Section 13.256 [of this code] commits an offense.

5-62 SECTION 22. Sections 13.401(a), (b), (d), and (f),
 5-63 Agriculture Code, are amended to read as follows:

5-64 (a) A person who has a license issued under this subchapter
 5-65 may [has all of the powers and duties of a sealer under this chapter
 5-66 except for]:

5-67 (1) inspect, test, maintain, and repair:

5-68 (A) a weighing or measuring device;

5-69 (B) a liquefied petroleum gas meter under

6-1 Subchapter F; or
6-2 (C) a ranch scale under Subchapter G;
6-3 (2) return an incorrect weighing or measuring device
6-4 to service under Section 13.111;
6-5 (3) prohibit an incorrect weighing or measuring device
6-6 from being used until the device is repaired, if the inspector
6-7 determines that the device can be repaired; and
6-8 (4) condemn and prohibit the further use of an
6-9 incorrect weighing or measuring device that the inspector
6-10 determines cannot be repaired ~~testing of a package under Section~~
6-11 ~~13.039,~~
6-12 ~~[(2) peace officer status under Section 13.108(b),~~
6-13 ~~and~~
6-14 ~~[(3) entering premises or conducting a stop under~~
6-15 ~~Section 13.108(c)].~~
6-16 (b) It is a defense to prosecution under Section 13.117 or
6-17 13.118 that the licensed inspector ~~sealer~~ is acting under the
6-18 authority of a license issued under this subchapter.
6-19 (d) Unless appointed an inspector ~~a sealer~~ under
6-20 Subchapter C, a person may not perform the functions of an inspector
6-21 ~~a sealer~~ without a license issued under this subchapter.
6-22 (f) A license holder under this subchapter shall conduct
6-23 inspecting, ~~or~~ testing, prohibiting, or condemning activities in
6-24 compliance with the rules of the department.
6-25 SECTION 23. Section 13.404(a), Agriculture Code, is amended
6-26 to read as follows:
6-27 (a) The department ~~[by rule]~~ may ~~[adopt a system to]~~
6-28 periodically monitor and inspect or test weighing or measuring
6-29 devices that have been ~~scales~~ inspected and tested by a license
6-30 holder and any standards used by the license holder during an
6-31 inspection or test.
6-32 SECTION 24. Chapter 17, Agriculture Code, is amended by
6-33 adding Subchapter B-1 to read as follows:
6-34 SUBCHAPTER B-1. MOTOR FUEL QUALITY AND TESTING
6-35 Sec. 17.071. MINIMUM MOTOR FUEL QUALITY AND TESTING
6-36 STANDARDS. The department by rule shall adopt minimum motor fuel
6-37 quality and testing standards for motor fuel that is sold or offered
6-38 for sale in this state. The standards must comply with the
6-39 nationally recognized minimum standards established by:
6-40 (1) the American Society for Testing and Materials, as
6-41 those standards existed on September 1, 2009, for motor fuels other
6-42 than motor fuels blended with ethanol; and
6-43 (2) the National Institute of Standards and
6-44 Technology, as those standards existed on September 1, 2009, other
6-45 than the standard vapor to liquid ratio specification for motor
6-46 fuels blended with ethanol.
6-47 Sec. 17.072. TESTING OF MOTOR FUEL QUALITY. (a) The
6-48 department may collect samples and conduct testing at any location
6-49 where motor fuel is kept, transferred, sold, or offered for sale, to
6-50 verify that the motor fuel complies with the minimum standards
6-51 required by Section 17.071.
6-52 (b) On arriving at a facility to conduct testing under
6-53 Subsection (a), a representative of the department shall notify the
6-54 owner or manager of the facility of the representative's presence
6-55 and purpose.
6-56 (c) A person commits an offense if the person refuses to
6-57 allow a department representative to collect samples or conduct
6-58 motor fuel testing under Subsection (a).
6-59 Sec. 17.073. STOP-SALE ORDER. If the department has reason
6-60 to believe that motor fuel is in violation of this chapter or a rule
6-61 adopted under this chapter, the department may issue and enforce a
6-62 written order to stop the sale of the motor fuel. The department
6-63 shall present the order to the dealer, distributor, jobber,
6-64 supplier, or wholesaler who is in control of the motor fuel at the
6-65 time the motor fuel is tested. The person who receives the order
6-66 may not sell the motor fuel until the department determines that the
6-67 motor fuel is in compliance with this chapter and department rules.
6-68 SECTION 25. Sections 17.104(a) and (b), Agriculture Code,
6-69 are amended to read as follows:

7-1 (a) The commissioner may adopt rules consistent with this
7-2 chapter for the regulation of the sale of motor fuels, including
7-3 motor fuels that contain [~~containing~~] ethanol and methanol.

7-4 (b) The commissioner by rule may impose a fee for testing,
7-5 inspection, or the performance of other services provided as
7-6 determined necessary by the commissioner in the administration of
7-7 this chapter. A fee imposed under this subsection shall be
7-8 collected from each dealer, distributor, jobber, supplier, and
7-9 wholesaler on a periodic basis determined by the commissioner
7-10 without regard to whether the motor fuel is subject to regulation
7-11 under this chapter.

7-12 SECTION 26. Sections 17.155(a) and (b), Agriculture Code,
7-13 are amended to read as follows:

7-14 (a) The department [~~commissioner~~] may impose an
7-15 administrative penalty against a person regulated under this
7-16 chapter who violates this chapter or a rule or order adopted under
7-17 this chapter. Except as otherwise provided by this section, an
7-18 administrative penalty is imposed and collected in the manner
7-19 provided by Section 12.020.

7-20 (b) The penalty for a violation of this chapter or a rule or
7-21 order adopted under this chapter may not exceed \$5,000 [~~\$500~~] a day
7-22 for each violation. Each day a violation continues or occurs may be
7-23 considered a separate violation for purposes of imposing a penalty.

7-24 SECTION 27. Subchapter D, Chapter 17, Agriculture Code, is
7-25 amended by adding Section 17.156 to read as follows:

7-26 Sec. 17.156. TOLL-FREE NUMBER. The department shall
7-27 provide a toll-free telephone number for use by the public in
7-28 reporting violations of this subchapter.

7-29 SECTION 28. The following provisions of the Agriculture
7-30 Code are repealed:

- 7-31 (1) Section 13.004;
- 7-32 (2) Section 13.102;
- 7-33 (3) Section 13.104;
- 7-34 (4) Section 13.108;
- 7-35 (5) Section 13.109;
- 7-36 (6) Section 13.110;
- 7-37 (7) Sections 13.111(c) and (d); and
- 7-38 (8) Section 13.116.

7-39 SECTION 29. (a) Except as provided by Subsection (b) of
7-40 this section, this Act takes effect September 1, 2009.

7-41 (b) Subchapter B-1, Chapter 17, Agriculture Code, as added
7-42 by this Act, takes effect January 1, 2010.

7-43 * * * * *