

By: Miller of Erath, Christian

H.B. No. 3496

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the establishment of the Texas Nursery and Floral
3 Advisory Council and the promotion of Texas nursery and floral
4 industries.

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

6 SECTION 1. Chapter 12, Agriculture Code, is amended by
7 adding Sections 12.0177 and 12.0178 to read as follows:

8 Sec. 12.0177. TEXAS NURSERY AND FLORAL ACCOUNT. Amounts
9 collected under Sections 71.043(b)(2) and 71.057(e)(2) shall be
10 deposited to the credit of the Texas nursery and floral account.
11 The Texas nursery and floral account is an account in the general
12 revenue fund. Money in the account may be used only by the
13 department for:

14 (1) making grants to promote and market the Texas
15 nursery and floral industries; and

16 (2) administering this section.

17 Sec. 12.0178. TEXAS NURSERY AND FLORAL ADVISORY COUNCIL.

18 (a) The department shall establish and coordinate the Texas
19 Nursery and Floral Advisory Council. The council consists of seven
20 members appointed by the commissioner who have each been engaged in
21 the nursery, floral, or landscaping business for at least five
22 years.

23 (b) The council shall advise the department on the most
24 effective methods for promoting and marketing the Texas nursery and

1 floral industries.

2 (c) A member of the council receives no additional
3 compensation for serving on the council and may not be reimbursed
4 for travel or other expenses incurred while conducting the business
5 of the council.

6 (d) The council is not subject to Chapter 2110, Government
7 Code.

8 SECTION 2. Section 71.043, Agriculture Code, is amended by
9 amending Subsection (b) and adding Subsection (b-1) to read as
10 follows:

11 (b) A florist or nursery owner may apply for registration or
12 renewal of registration by submitting an application prescribed by
13 the department and an annual fee. The fee shall be the sum of:

14 (1) an amount based on the size and type of a location,
15 as defined by department rule, where a florist or nursery owner
16 grows for sale or lease or offers for sale or lease a florist item or
17 nursery product; and

18 (2) an optional additional amount equal to 15 percent
19 of the amount described by Subdivision (1), to fund the Texas
20 nursery and floral account.

21 (b-1) The department shall allow an applicant to elect
22 whether to pay the amount described by Subsection (b)(2). An
23 applicant is not required to pay that amount to apply for or renew
24 registration.

25 SECTION 3. Section 71.057, Agriculture Code, is amended by
26 amending Subsection (e) and adding Subsection (e-1) to read as
27 follows:

1 (e) A nursery dealer or nursery agent may apply for
2 registration or renewal of registration by submitting an
3 application prescribed by the department and an annual fee. The fee
4 shall be the sum of:

5 (1) an amount based on the size and type of a location,
6 as defined by department rule, where a nursery dealer or nursery
7 agent offers a nursery product for sale or lease; and

8 (2) an optional additional amount equal to 15 percent
9 of the amount described by Subdivision (1), to fund the Texas
10 nursery and floral account.

11 (e-1) The department shall allow an applicant to elect
12 whether to pay the amount described by Subsection (e)(2). An
13 applicant is not required to pay that amount to apply for or renew
14 registration.

15 SECTION 4. The changes in law made by this Act to Sections
16 71.043 and 71.057, Agriculture Code, apply only to a floral or
17 nursery registration or the renewal of a floral or nursery
18 registration that occurs on or after the effective date of this Act.
19 A registration or renewal that occurs before that date is governed
20 by the law in effect on the date the registration expires, and the
21 former law is continued in effect for that purpose.

22 SECTION 5. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2009.