

AN ACT

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

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

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

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

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

(2) administering this section.

Sec. 12.0178. TEXAS NURSERY AND FLORAL ADVISORY COUNCIL.

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

(b) The council shall advise the department on the most 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.

President of the Senate

Speaker of the House

I certify that H.B. No. 3496 was passed by the House on April 30, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3496 was passed by the Senate on May 26, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor