

By: Miller of Erath

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 who have each been engaged in the nursery, floral, or
21 landscaping business for at least five years. The members are
22 appointed as follows: (a) The Commissioner of Agriculture shall
23 appoint 7 members.

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

1 effective methods for promoting and marketing the Texas nursery and
2 floral industries.

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

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

9 SECTION 2. Section 71.043(b), Agriculture Code, is amended
10 to read as 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 amount equal to 15 percent of the amount
19 described by Subdivision (1), to fund the Texas nursery and floral
20 account.

21 (3) a florist owner, nursery owner or others that are
22 required to obtain a nursery/floral certificate has the option to
23 contribute to this fund, but is not required.

24 SECTION 3. Section 71.057(e), Agriculture Code, is amended
25 to read as follows:

26 (e) A nursery dealer or nursery agent may apply for
27 registration or renewal of registration by submitting an

1 application prescribed by the department and an annual fee. The fee
2 shall be the sum of:

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

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

9 (3) a florist owner, nursery owner or others that are
10 required to obtain a nursery/floral certificate has the option to
11 contribute to this fund, but is not required.

12 SECTION 4. The changes in law made by this Act to Sections
13 71.043 and 71.057, Agriculture Code, apply only to a floral or
14 nursery registration or the renewal of a floral or nursery
15 registration that occurs on or after the effective date of this Act.
16 A registration or renewal that occurs before that date is governed
17 by the law in effect on the date the registration expires, and the
18 former law is continued in effect for that purpose.

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