

1-1 By: Miller of Erath, Christian H.B. No. 3496
1-2 (Senate Sponsor - Eltife)
1-3 (In the Senate - Received from the House May 1, 2009;
1-4 May 6, 2009, read first time and referred to Committee on
1-5 Agriculture and Rural Affairs; May 19, 2009, reported favorably by
1-6 the following vote: Yeas 3, Nays 0; May 19, 2009, sent to printer.)

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

1-9 relating to the establishment of the Texas Nursery and Floral
1-10 Advisory Council and the promotion of Texas nursery and floral
1-11 industries.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-13 SECTION 1. Chapter 12, Agriculture Code, is amended by
1-14 adding Sections 12.0177 and 12.0178 to read as follows:

1-15 Sec. 12.0177. TEXAS NURSERY AND FLORAL ACCOUNT. Amounts
1-16 collected under Sections 71.043(b)(2) and 71.057(e)(2) shall be
1-17 deposited to the credit of the Texas nursery and floral account.
1-18 The Texas nursery and floral account is an account in the general
1-19 revenue fund. Money in the account may be used only by the
1-20 department for:

1-21 (1) making grants to promote and market the Texas
1-22 nursery and floral industries; and

1-23 (2) administering this section.

1-24 Sec. 12.0178. TEXAS NURSERY AND FLORAL ADVISORY COUNCIL.

1-25 (a) The department shall establish and coordinate the Texas
1-26 Nursery and Floral Advisory Council. The council consists of seven
1-27 members appointed by the commissioner who have each been engaged in
1-28 the nursery, floral, or landscaping business for at least five
1-29 years.

1-30 (b) The council shall advise the department on the most
1-31 effective methods for promoting and marketing the Texas nursery and
1-32 floral industries.

1-33 (c) A member of the council receives no additional
1-34 compensation for serving on the council and may not be reimbursed
1-35 for travel or other expenses incurred while conducting the business
1-36 of the council.

1-37 (d) The council is not subject to Chapter 2110, Government
1-38 Code.

1-39 SECTION 2. Section 71.043, Agriculture Code, is amended by
1-40 amending Subsection (b) and adding Subsection (b-1) to read as
1-41 follows:

1-42 (b) A florist or nursery owner may apply for registration or
1-43 renewal of registration by submitting an application prescribed by
1-44 the department and an annual fee. The fee shall be the sum of:

1-45 (1) an amount based on the size and type of a location,
1-46 as defined by department rule, where a florist or nursery owner
1-47 grows for sale or lease or offers for sale or lease a florist item or
1-48 nursery product; and

1-49 (2) an optional additional amount equal to 15 percent
1-50 of the amount described by Subdivision (1), to fund the Texas
1-51 nursery and floral account.

1-52 (b-1) The department shall allow an applicant to elect
1-53 whether to pay the amount described by Subsection (b)(2). An
1-54 applicant is not required to pay that amount to apply for or renew
1-55 registration.

1-56 SECTION 3. Section 71.057, Agriculture Code, is amended by
1-57 amending Subsection (e) and adding Subsection (e-1) to read as
1-58 follows:

1-59 (e) A nursery dealer or nursery agent may apply for
1-60 registration or renewal of registration by submitting an
1-61 application prescribed by the department and an annual fee. The fee
1-62 shall be the sum of:

1-63 (1) an amount based on the size and type of a location,
1-64 as defined by department rule, where a nursery dealer or nursery

2-1 agent offers a nursery product for sale or lease; and
2-2 (2) an optional additional amount equal to 15 percent
2-3 of the amount described by Subdivision (1), to fund the Texas
2-4 nursery and floral account.

2-5 (e-1) The department shall allow an applicant to elect
2-6 whether to pay the amount described by Subsection (e)(2). An
2-7 applicant is not required to pay that amount to apply for or renew
2-8 registration.

2-9 SECTION 4. The changes in law made by this Act to Sections
2-10 71.043 and 71.057, Agriculture Code, apply only to a floral or
2-11 nursery registration or the renewal of a floral or nursery
2-12 registration that occurs on or after the effective date of this Act.
2-13 A registration or renewal that occurs before that date is governed
2-14 by the law in effect on the date the registration expires, and the
2-15 former law is continued in effect for that purpose.

2-16 SECTION 5. This Act takes effect immediately if it receives
2-17 a vote of two-thirds of all the members elected to each house, as
2-18 provided by Section 39, Article III, Texas Constitution. If this
2-19 Act does not receive the vote necessary for immediate effect, this
2-20 Act takes effect September 1, 2009.

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