By:  Hall S.B. No. 2037

(In the Senate - Filed March 7, 2019; March 21, 2019, read first time and referred to Committee on Agriculture; April 2, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 4, Nays 0; April 2, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hall            X

Rodríguez       X

Hinojosa        X

Perry                     X

Schwertner      X

COMMITTEE SUBSTITUTE FOR S.B. No. 2037 By:  Hinojosa

A BILL TO BE ENTITLED

AN ACT

relating to a study regarding the feasibility of implementing a central filing system for the filing of financing statements for security interests in farm products.

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

SECTION 1.  DEFINITIONS. In this Act:

(1)  "Security interest" has the meaning assigned by Section 1.201, Business & Commerce Code.

(2)  "Buyer" means a person who, in the ordinary course of business, buys farm products from another person who is engaged in farming operations and who is in the business of selling farm products.

(3)  "Commission merchant" means a person engaged in the business of receiving a farm product for the purpose of selling the farm product on commission or on behalf of another person.

(4)  "Farm products" has the meaning assigned by Section 9.102, Business & Commerce Code.

(5)  "Financing statement" has the meaning assigned by Section 9.102, Business & Commerce Code.

(6)  "Selling agent" means a person, other than a commission merchant, who is engaged in the business of negotiating the sale or purchase of a farm product on behalf of a person engaged in farming operations.

SECTION 2.  FEASIBILITY STUDY ON CENTRAL FILING SYSTEM. (a)  The secretary of state shall conduct a study on the feasibility of developing and implementing a central filing system to be used for the filing of all financing statements that cover farm products being sold and purchased in this state that are subject to a security interest.

(b)  The study conducted under this section must evaluate proposals for a central filing system that allows:

(1)  a secured party to file a financing statement in the system that covers farm products; and

(2)  a buyer, commission merchant, selling agent, or other person to search the system to determine whether the farm product is subject to a security interest based on the information contained in a financing statement that is filed in the system.

SECTION 3.  REPORT. Not later than January 12, 2021, the secretary of state shall report the results of the study and any recommendations to the legislature. The report must include any proposed legislation necessary to implement the recommendations made in the report.

SECTION 4.  EXPIRATION. This Act expires June 1, 2021.

SECTION 5.  EFFECTIVE DATE. This Act takes effect September 1, 2019.

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