

## BILL ANALYSIS

Senate Research Center  
78R12204 E

C.S.S.B. 1141  
By: Estes  
Natural Resources  
4-16-2003  
Committee Report (Substituted)

### DIGEST AND PURPOSE

C.S.S.B. 1141 clarifies the powers and duties of the Texas Department of Agriculture (TDA). This bill amends five sections of the Agriculture Code to address statutory issues of concern to TDA.

### RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Agriculture in SECTION 4 (Section 71.051, Agriculture Code) of this bill.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.034, Agriculture Code, as follows:

Sec. 12.034. New heading: REFUND OR WAIVER OF FEES. Authorizes the Texas Department of Agriculture (TDA) by rule to provide for the waiver of a licensing, registration, or certification fee collected by TDA, including any related fee, and the waiver of an inspection fee.

SECTION 2. Amends Sections 14.041, Agriculture Code, by amending Subsections (a) and (b) and adding Subsection (d), as follows:

(a) Provides that Subsections (c) and (d) are exceptions to the requirement that an applicant for a license file or have on file with TDA a certificate of insurance evidencing that the policy insures, in the name of the applicant, all depositor grain that is or may be in the public grain warehouse for its full market value against loss by or due to water or other fluid resulting from an insured peril, excluding flood and other rising waters from natural causes, malicious mischief, vandalism, rather than theft or intentional waste or destruction, smoke, internal explosion, lightning, hail, windstorm, hurricane, or tornado.

(b) Makes conforming changes.

(d) Requires an applicant for a license to insure depositor grain in temporary or emergency storage for full market value against loss by or due to fire or windstorm. Requires the certificate required under Subsection (a) to indicate that the applicant has an effective insurance policy under this subsection before being authorized to store depositor grain in temporary or emergency storage.

SECTION 3. Amends Section 18.071, Agriculture Code, to delete the word "voluntary" from text authorizing TDA to establish voluntary certification programs under this subchapter.

SECTION 4. Amends Sections 71.051(a) and (c), Agriculture Code, as follows:

(a) Prohibits a person from shipping a nursery product or florist item into this state without first obtaining, rather than filing with TDA, a certificate of inspection issued by the proper authority of the state from which the shipment originates, except as otherwise provided by TDA rule.

(c) Requires each car, box, bale, or package of a nursery product or florist item shipped into this state to bear a tag printed with a copy of the certificate of inspection from the

originating state, except as otherwise provided by TDA rule.

SECTION 5. Amends Section 103.005(a), Agriculture Code, to delete a reference to vegetables or citrus fruit and replace it with perishable commodities.

SECTION 6. Provides that Section 71.051, Agriculture Code, as amended by this Act, applies only to an item shipped into this state that enters the state on or after September 1, 2003.

SECTION 7. Effective date: September 1, 2003.