

BILL ANALYSIS

Senate Research Center

H.B. 3952
By: Phillips (Perry)
Agriculture, Water & Rural Affairs
7/28/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3952 amends the Agriculture Code to establish that the Texas Grain Producer Indemnity Board (board) is not abolished but is inactive as provided by H.B. 3952 until reactivated. H.B. 3952 sets the terms of office of the members of the board to expire, as determined by the commissioner of agriculture (commissioner), on December 31, 2017, or when the board files its annual report for the board's fiscal year that includes September 1, 2017. The bill makes that report the board's final report unless the board is reactivated. H.B. 3952 requires the Texas Department of Agriculture (TDA) to administer the grain producer indemnity fund while the board is inactive. H.B. 3952 requires TDA to pay from money available in the fund all or part of any applicable claims that TDA determines are valid. H.B. 3952 requires TDA, when TDA determines that no potential claims remain, to refund on a pro rata basis any money remaining in the fund to grain producers who paid an applicable assessment. H.B. 3952 requires the commissioner to order the reactivation of the board if at least 200 grain producers petition the commissioner to reactivate the board. H.B. 3952 requires the commissioner to appoint board members if the board is reactivated. (Original Author's / Sponsor's Statement of Intent)

H.B. 3952 amends current law relating to suspension of the activities of the Texas Grain Producer Indemnity Board.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter G, Chapter 41, Agriculture Code, by adding Section 41.128, as follows:

Sec. 41.128. TEXAS GRAIN PRODUCER INDEMNITY BOARD. (a) Provides that the Texas Grain Producer Indemnity Board (board) is not abolished but is inactive as provided by this section until reactivated under Subsection (d).

(b) Provides that the terms of office of the members of the board expire, as determined by the commissioner of agriculture (commissioner), on December 31, 2017, or when the board files the report under Section 41.059(c) (relating to requiring the board to submit to the commissioner a report itemizing all income and expenditures and describing all activities by a certain date) for the board's fiscal year that includes September 1, 2017. Provides that the report is the board's final report unless the board is reactivated under Subsection (d).

(c) Requires the Texas Department of Agriculture (TDA) to administer the grain producer indemnity fund (fund) while the board is inactive. Requires TDA, from money available in the fund, to pay all or part of any claims under Subchapter I (Texas Grain Producer Indemnity Board) that TDA determines are valid. Requires TDA, when TDA determines that no potential claims remain, to refund any money remaining in the fund to grain producers who paid an assessment under Section 41.206 (Collection of Assessment) on a pro rata basis.

(d) Requires the commissioner to order the reactivation of the board if at least 200 grain producers petition the commissioner to reactivate the board. Requires the commissioner, if the board is reactivated, to appoint board members as provided by Section 41.204 (Board).

SECTION 2. Effective date: September 1, 2017.