

CHAPTER 739

H.B. No. 1802

An Act relating to the refusal to issue certain licenses by the Department of Agriculture.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (c), Section 101.007, Agriculture Code, is amended to read as follows:

(c) *The department may refuse to issue a license under this section if the department determines that a license previously issued under this section to the applicant was revoked or suspended or that the applicant has engaged in conduct for which a license could have been revoked or suspended. In determining whether to refuse to issue a license under this section [The issuance of a license to a person who has suffered a previous suspension or revocation is discretionary with the department. In exercising that discretion], the department may consider:*

- (1) the facts and circumstances pertaining to a [the] prior suspension or revocation;
- (2) the financial condition of the applicant as of the date of the application;
- (3) any judgment by a court of this state that is outstanding against the applicant and is due and owing to a licensee, grower, or producer of vegetables; and
- (4) any certified claim against the applicant by a licensee, grower, or producer of vegetables that is under consideration by the department.

SECTION 2. Subsection (c), Section 102.007, Agriculture Code, is amended to read as follows:

(c) *The department may refuse to issue a license under this section if the department determines that a license previously issued under this section to the applicant was revoked or suspended or that the applicant has engaged in conduct for which a license could have been revoked or suspended. In determining whether to refuse to issue a license under this section [The issuance of a license to a person who has suffered a previous suspension or revocation is discretionary with the department. In exercising that discretion], the department may consider:*

- (1) the facts and circumstances pertaining to a [the] prior suspension or revocation;
- (2) the financial condition of the applicant as of the date of the application;
- (3) any judgment by a court of this state that is outstanding against the applicant and is due and owing to a licensee, grower, or producer of citrus fruit or of a perishable agricultural commodity; and
- (4) any certified claim against the applicant by a licensee, grower, or producer of citrus fruit or a perishable agricultural commodity that is under consideration by the department.

SECTION 3. This Act takes effect September 1, 1985, and applies only to applications for the issuance or renewal of a license submitted to the Department of Agriculture on or after that date. An application for the issuance or renewal of a license submitted before the effective date of this Act is subject to the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 17, 1985, by a non-record vote; passed by the Senate on May 26, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 14, 1985

Effective: September 1, 1985