

BILL ANALYSIS

C.S.H.B. 2320
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Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, when a quarantine is established for an exotic pest, and eradication efforts are implemented, inspectors will notify a person, such as a vendor, that their fruit is at risk for pests and the person is provided with methods to remedy the situation. However, if the person chooses not to address the potential problem, the Texas Department of Agriculture (TDA) currently has no recourse, which leaves more hosts for potential pests and increases the risk of pests spreading beyond the quarantine area.

In January of this year, an adult fruit fly was detected in a trap in a Hidalgo County grapefruit orchard. After additional fruit flies were collected, a quarantine was triggered. Although quarantine procedures were appropriately instituted by TDA, U.S. Department of Agriculture (USDA) officials have questioned TDA's ability to enforce the quarantine to facilitate eradication and have requested additional regulations to ensure that dangerous pests are unable to spread from a quarantine area.

The purpose of C.S.H.B. 2320 is to enhance the Texas Department of Agriculture's ability to seize or treat articles, such as vehicles or methods of storage, as well as fruit, that are located in a quarantine area.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Agriculture in SECTION 2 (Sec. 71.0092) (Agriculture Code) of this bill.

ANALYSIS

C.S.H.B. 2320 amends the Agriculture Code to clarify the Texas Department of Agriculture's (TDA) authority to establish an eradication program within a quarantined area on its own initiative. It defines a "quarantined article" and allows TDA to establish rules for the treatment and handling of quarantined articles to prevent dissemination and further infestation and initiate eradication.. This bill authorizes the department to seek the assistance of the Department of Public Safety and also requires local law enforcement officers to assist. The bill allows TDA to charge expenses to the owner for treating, isolating or destroying the article. The bill also allows the attorney general to recover any court costs or attorney fees, if necessary. Finally, the bill authorizes the department to enter into an agreement with a private entity to obtain assistance in defraying the cost of implementation.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2320 modifies the original by clarifying that both the plant product and the transportation mode are covered as quarantined items. The substitute also clarifies that TDA may also contract with a public entity to assist in the eradication program. The substitute is a Legislative Council draft whereas the original was not.

