

## **BILL ANALYSIS**

Senate Research Center

S.B. 1428  
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Natural Resources  
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Enrolled

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Cotton growers, in partnership with the state and federal governments, have made significant investments toward the eradication of boll weevils and pink bollworms in this state. Current Texas law requires program retention referendums in each boll weevil eradication zone every four years. There is no statewide maintenance program established under current law.

S.B. 1428 creates a statewide maintenance program for boll weevil and pink bollworm eradication to eliminate any potential areas of unexpected infestation. It also repeals the program retention referendum required in each eradication zone to only require one final referendum in each zone.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of agriculture in SECTION 3 (Sections 74.202 and 74.203, Agriculture Code) and to the department of agriculture in SECTION 3 (Section 74.204, Agriculture Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 74.101(a), Agriculture Code, to provide that it has been found and declared that cotton growers, in partnership with the state and federal governments, have made significant investments toward the eradication of boll weevils and pink bollworms in this state; it is essential to the well-being of the cotton industry and the agricultural economy of this state that the investments of the cotton growers and the state and federal governments be protected; and the establishment of a maintenance program to be carried out by the foundation under the supervision of the department of agriculture (department) is required to protect the investments in eradication.

SECTION 2. Amends Section 74.114, Agriculture Code, by adding Subsection (a-1), as follows:

(a-1) Authorizes the commissioner of agriculture (commissioner) to conduct only one referendum (on the continuation of an eradication program) in each zone on or after September 1, 2005. Requires the commissioner to ensure that adequate notice of the fact that a referendum is the final referendum for the zone in which it is held and the existence of the petition provision in Section 74.112(f) is included on the ballot.

SECTION 3. Amends Chapter 74, Agriculture Code, by adding Subchapter F, as follows:

#### **SUBCHAPTER F. MAINTENANCE PROGRAM FOR BOLL WEEVIL AND PINK BOLLWORM ERADICATION**

Sec. 74.201. DEFINITIONS. Provides that definitions provided by Section 74.102 apply to this subchapter.

Sec. 74.202. MAINTENANCE AREAS. (a) Authorizes the commissioner, by rule, on the request of the Texas Boll Weevil Eradication Foundation (foundation) and affected cotton grower steering committees, to designate boll weevil and pink bollworm eradication maintenance areas for the continued protection of the cotton industry. Requires maintenance areas to follow the lines of existing eradication zones, to the extent practicable and to the extent consistent with Subsection (b). Authorizes contiguous

eradication zones eligible for inclusion in a maintenance area to be included in the same maintenance area. Authorizes additional counties not previously included in an eradication zone to be added to maintenance areas to prevent reinfestation or otherwise support the eradication efforts of the state on request of the foundation, if the county is contiguous with a maintenance area.

(b) Sets forth requirements for an eradication zone to be eligible for inclusion in a maintenance area.

(c) Provides that to the extent consistent with this subchapter, Subchapter D applies to the activities of the department and the Texas Boll Weevil Eradication Foundation (foundation) under this chapter.

Sec. 74.203. MAINTENANCE FEES. (a) Authorizes the commissioner, by rule, to impose a maintenance fee on all cotton grown in a maintenance area.

(b) Requires the maintenance fee to be collected on a per-acre or per-bale basis at a rate to be set by the commissioner in cooperation with the agriculture policy board (board). Requires the board to consult with cotton grower steering committees in formulating a recommendation to the commissioner under this subsection. Authorizes the commissioner to accept, reject, or modify a board recommendation.

(c) Requires the commissioner, by rule, to determine the method, manner, and mechanism by which the maintenance fees are collected, including provisions for collection at central points in the cotton marketing process. Requires the rules to provide for the fee collector to forward maintenance fees to the credit of the foundation.

(d) Requires the amount of the maintenance fee to be based on specific criteria relating to area, reinfestation, and other environmental conditions.

(e) Requires the department to hold one or more hearings regarding the amount and collection methods of a maintenance fee to be imposed under this section.

(f) Provides that maintenance fees collected under this section are not state funds.

Sec. 74.204. RULES. Authorizes the department to adopt rules necessary for the implementation and operation of a maintenance program under this subchapter, including rules limiting the balance of maintenance fees that the foundation may carry over from year to year in the foundation budget.

SECTION 4. Effective date: September 1, 2005.