

BILL ANALYSIS

C.S.S.B. 822
By: Wentworth
Border & International Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas farmers are often affected by severe droughts due to the state's arid climate and as a result, lose money and valuable crops. Furthermore, hail and flooding jeopardize and destroy man-made structures and crops. Establishing a weather modification program would allow scientists to observe and increase their understanding of precipitation and the effects of weather.

As proposed, C.S.S.B. 822 requires the Texas Department of Agriculture to establish an atmosphere modification research program to increase understanding of precipitation and the ability to control precipitation to decrease the damaging effects of drought, hail, and flooding on the environment and man-made structures. The bill also would transfer existing programs and functions related to weather modification and control from the Department of Licensing and Regulation to the Department of Agriculture.

RULEMAKING AUTHORITY

It is the opinion of the committee that rulemaking authority is expressly granted to the Texas Department of Agriculture in SECTION 1 of this bill.

It is the opinion of the committee that rulemaking authority previously granted to the Texas Department of Licensing and Regulation is transferred to the Texas Department of Agriculture in SECTIONS 4, 15, 25, and 38 of this bill.

ANALYSIS

The bill amends the Agriculture Code by establishing the Atmosphere Modification Research Program and sets forth provisions regarding the purpose, participation, and administration of the atmosphere modification research program. The bill sets forth provisions regarding the duration of a grant made by the department under this Act. The bill provides that atmosphere modification research program participants must file annual reports with the department, as provided by this Act, detailing the progress of the participant's project. The bill also requires the department cause an independent evaluation of the atmosphere modification research program, as provided by this Act.

The bill reserves certain Sections for expansion.

The bill further amends the Agriculture Code by establishing the Atmosphere Modification Research Center and setting forth provisions regarding the purpose of the atmosphere modification research center. The bill provides that the atmosphere modification research center must provide a public forum for the purposes set forth in this Act.

The bill creates the Atmosphere Modification Research Center Fund as a trust fund with the comptroller and requires the atmosphere modification research center fund be administered by the department as a trustee of the center. The bill sets forth provisions regarding the composition of the atmosphere modification research center fund, and authorizes money in the atmosphere modification research center fund be used only to finance the atmosphere modification research of the center.

The bill sets forth provisions regarding the selection of the director and composition of the staff for the atmosphere modification research center. The bill requires the department to establish a scientific advisory board to advise the center on research priorities, guidelines, and procedures.

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The bill also requires the board to establish and review metrics to assess the effectiveness of the center's research projects. The bill requires the atmosphere modification research center to file annually with the department and the legislature a report detailing the center's activities, findings, and recommendations.

The bill transfers from the Texas Department of Licensing and Regulation to the Department of Agriculture the administration of the research, development, licensing, and permitting and other associated activities relating to the weather modification and control program, and makes conforming changes.

The bill repeals Subdivision (1), Section 301.001, Agriculture Code.

The bill provides that on October 1, 2007, certain items relating primarily to weather modification and control are transferred to the Department of Agriculture. The bill provides that not later than September 21, 2007, the Texas Department of Licensing and Regulation is required to enter into a memorandum of understanding with the Department of Agriculture for the purposes provided in this Act.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original in that it is a document prepared by the Texas Legislative Council. The substitute also corrects drafting errors in SECTION 45 of the bill.