

By: Flynn, Kolthorst, McClendon

H.B. No. 1580

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the board of directors of the official cotton growers' boll weevil eradication foundation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 74.113, Agriculture Code, is amended by amending Subsection (f) and adding Subsection (1) to read as follows:

(f) An assessment levied on cotton growers in an eradication zone may be applied only to:

(1) eradication [~~in that zone~~];

(2) the foundation's operating costs, including payments on debt incurred for a foundation activity[, ~~except that the funds of one zone may not be used to pay another zone's bank loans or debts~~]; and

(3) the conducting of other programs consistent with the declaration of policy stated in Section 74.101.

(1) With the approval of the board and the commissioner, the foundation may transfer the proceeds from the collection of assessments in one eradication zone to another eradication zone. The board shall consult with affected cotton grower steering committees before recommending that the commissioner approve the transfer of proceeds under this subsection. The transferred proceeds may be applied only as provided by Subsection (f).

SECTION 2. Subchapter D, Chapter 74, Agriculture Code, is amended by adding Section 74.1135 to read as follows:

Sec. 74.1135. ALTERNATIVE METHOD OF ASSESSMENTS. (a) The commissioner may adopt rules that provide for an alternative method, manner, and mechanism by which assessments are imposed and collected under this subchapter. The commissioner may adopt the rules only after receiving a recommendation from the board. The board shall consult with cotton grower steering committees and the technical advisory committee in formulating a recommendation to the commissioner under this subsection. The commissioner may accept, reject, or modify a board recommendation. The rules apply notwithstanding Section 74.113. The rules must require any person collecting an assessment to forward the assessment to the foundation.

(b) The maximum amount of an assessment under this section may not exceed the maximum amount of an assessment approved in an assessment referendum under this subchapter.

SECTION 3. Section 74.127(a), Agriculture Code, is amended to read as follows:

(a) The board of directors of the official cotton growers' boll weevil eradication foundation is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this subchapter expires September 1, 2021 [~~2009~~].

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this  
2 Act takes effect September 1, 2009.