

1-1 By: Hegar S.B. No. 1004
1-2 (In the Senate - Filed February 23, 2009; March 4, 2009,
1-3 read first time and referred to Committee on Government
1-4 Organization; March 18, 2009, reported favorably by the following
1-5 vote: Yeas 6, Nays 0; March 18, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the continuation and functions of the board of
1-9 directors of the official cotton growers' boll weevil eradication
1-10 foundation.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 74.113, Agriculture Code, is amended by
1-13 amending Subsection (f) and adding Subsection (1) to read as
1-14 follows:

1-15 (f) An assessment levied on cotton growers in an eradication
1-16 zone may be applied only to:

1-17 (1) eradication [~~in that zone~~];

1-18 (2) the foundation's operating costs, including
1-19 payments on debt incurred for a foundation activity[, ~~except that~~
1-20 ~~the funds of one zone may not be used to pay another zone's bank~~
1-21 ~~loans or debts~~]; and

1-22 (3) the conducting of other programs consistent with
1-23 the declaration of policy stated in Section 74.101.

1-24 (1) With the approval of the board and the commissioner, the
1-25 foundation may transfer the proceeds from the collection of
1-26 assessments in one eradication zone to another eradication zone.
1-27 The transferred proceeds may be applied only as provided by
1-28 Subsection (f).

1-29 SECTION 2. Subchapter D, Chapter 74, Agriculture Code, is
1-30 amended by adding Section 74.1135 to read as follows:

1-31 Sec. 74.1135. ALTERNATIVE METHOD OF ASSESSMENTS. (a) The
1-32 commissioner may adopt rules that provide for an alternative
1-33 method, manner, and mechanism by which assessments are imposed and
1-34 collected under this subchapter. The commissioner may adopt the
1-35 rules only after receiving a recommendation from the board. The
1-36 board shall consult with cotton grower steering committees and the
1-37 technical advisory committee in formulating a recommendation to the
1-38 commissioner under this subsection. The commissioner may accept,
1-39 reject, or modify a board recommendation. The rules apply
1-40 notwithstanding Section 74.113. The rules must require any person
1-41 collecting an assessment to forward the assessment to the
1-42 foundation.

1-43 (b) The maximum amount of an assessment under this section
1-44 may not exceed the maximum amount of an assessment approved in an
1-45 assessment referendum under this subchapter.

1-46 SECTION 3. Subsection (a), Section 74.127, Agriculture
1-47 Code, is amended to read as follows:

1-48 (a) The board of directors of the official cotton growers'
1-49 boll weevil eradication foundation is subject to Chapter 325,
1-50 Government Code (Texas Sunset Act). Unless continued in existence
1-51 as provided by that chapter, the board is abolished and this
1-52 subchapter expires September 1, 2021 [~~2009~~].

1-53 SECTION 4. This Act takes effect immediately if it receives
1-54 a vote of two-thirds of all the members elected to each house, as
1-55 provided by Section 39, Article III, Texas Constitution. If this
1-56 Act does not receive the vote necessary for immediate effect, this
1-57 Act takes effect September 1, 2009.

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