

BILL ANALYSIS

C.S.H.B. 2791
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Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to interested parties, the cotton stalk destruction program administered by the Department of Agriculture (TDA) helps cotton producers in the state suppress boll weevil and pink bollworm populations by destroying hostable cotton plants, thus preventing reproduction of such pests after the growing season, reducing the number of pests the following spring, and avoiding reinfestation of areas where pests have been eradicated. The destruction is made in designated pest management zones in accordance with specified deadlines, but a pest management zone or a cotton grower may request the TDA to grant an extension of a deadline under certain conditions.

Those interested parties further indicate that the date by which an extension of a deadline may be requested is provided by state law and that the TDA currently does not have the authority to change that date to accommodate unforeseen circumstances that may prevent an extension request from being made by the statutory deadline. C.S.H.B. 2791 proposes to remedy this situation by providing for a date specified by TDA rule by which a pest management zone or a cotton grower may request an extension of the cotton stalk destruction deadline.

RULEMAKING AUTHORITY

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

ANALYSIS

C.S.H.B. 2791 amends the Agriculture Code, in a provision authorizing an administrative committee that governs a pest management zone to request that the Department of Agriculture grant an extension of the cotton stalk destruction deadline for the entire zone or any specified part of the zone if adverse weather conditions or other good cause exists, to require such a request to be made within the period specified by department rule, rather than not later than 10 business days before the applicable cotton stalk destruction deadline for that zone.

C.S.H.B. 2791 requires a request by a cotton grower for an individual extension of a cotton stalk destruction deadline to be made within the period specified by department rule, rather than not later than 10 business days before the applicable pest management zone's stalk destruction deadline.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2791 contains a provision not included in the original requiring a request by a cotton grower for an individual extension of a cotton stalk destruction deadline to be made within the

applicable period specified by department rule. The substitute differs from the original in nonsubstantive ways by making conforming grammatical changes.