

BILL ANALYSIS

S.B. 378
By: Hegar
Agriculture & Livestock
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Cotton Stalk Destruction program assists cotton producers in suppressing boll weevil and pink bollworm populations through area-wide stalk destruction. Destruction of hostable cotton plants prevents boll weevil post-season reproduction and reduces the number of pests the following spring. This program also helps prevent the re-infestation of areas where pests have been functionally eradicated. Deadlines are recommended by regional Cotton Producer Advisory Committees in consultation with the Texas Boll Weevil Eradication Foundation and published by the Texas Department of Agriculture (TDA) in rule. By rule, TDA adopted the 10 day, rather than 10 business days, requirement for unharvested cotton.

This bill allows for the extension request submission date to be changed administratively to accommodate unforeseen circumstances that may hinder a cotton producer's ability to make an extension request by the deadline in statute, ensuring producers are given a reasonable opportunity to make an extension request. TDA will also be able to change deadlines to account for advances in technology and other changes that call for an alternative notification period.

S.B. 378 amends current law relating to the date by which a pest management zone or cotton grower may request an extension of the cotton stalk destruction deadline.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Agriculture in SECTION 1 (Section 74.0032, Agriculture Code) of this bill.

ANALYSIS

SECTION 1. Amends Sections 74.0032(b) and (c), Agricultural Code, as follows:

(b) Requires that a request under this subsection that the Texas Department of Agriculture (TDA) grant an extension of the cotton stalk destruction deadline for any specified part of the pest management zone or for the entire pest management zone be made within the period specified by TDA rule, rather than requiring that a request under this subsection be made not later than 10 business days before the applicable cotton stalk destruction deadline.

(c) Requires that a request under this subsection be made within the period specified by TDA rule, rather than requiring a request under this subsection be made not later than 10 business days before the applicable pest management zone's stalk destruction deadline.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.

EFFECTIVE DATE

Effective date: September 1, 2011.