

BILL ANALYSIS

C.S.H.B. 3761
By: Guerra
Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Agents working for the U.S. Customs and Border Protection and U.S. Department of Agriculture are currently responsible for agricultural inspections at commercial points of entry. Interested parties contend that the lack of a sufficient number of these federal inspectors has caused exceptional congestion in the stream of commerce affecting the state. The parties contend that state employees may be able to help alleviate this issue by assisting the U.S. Customs and Border Protection and U.S. Department of Agriculture at commercial points of entry. C.S.H.B. 3761 seeks to investigate ways of easing congestion in the stream of international commerce.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3761 amends the Agriculture Code to add temporary provisions, set to expire August 31, 2015, to require the Department of Agriculture (TDA) to consider the feasibility of creating and administering a program to train TDA employees to meet federal standards for agricultural inspectors performing inspections, other than inspections of livestock, exotic livestock, domestic fowl, and exotic fowl, at ports of entry along the border with the United Mexican States and to allow such trained employees to assist the U.S. Customs and Border Protection and the U.S. Department of Agriculture with agricultural inspections, other than inspections of such animals, at such ports of entry with the goal of reducing the wait time for an agricultural inspection of a vehicle.

C.S.H.B. 3761 requires the TDA to determine whether any agreements with the federal government are required to implement the program and the nature of those agreements. The bill requires the TDA, not later than December 31, 2014, to submit a report to the committees of each house of the legislature with primary jurisdiction over agriculture concerning the feasibility of the program and the nature of any agreements with the federal government required to implement the program.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3761 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 12, Agriculture Code, is amended by adding Section 12.049 to read as follows:

Sec. 12.049. BORDER AGRICULTURAL INSPECTION TRAINING PROGRAM.

(a) The department may create and administer a program to

train department employees to meet federal standards for agricultural inspectors performing inspections

at ports of entry along the border with the United Mexican States.

(b) The department shall allow for department employees trained under Subsection (a) to assist and augment the United States Custom and Border Protection and United States Department of Agriculture with agricultural inspections at ports of entry along the border with the United Mexican States with the goal of reducing United States Department of Agriculture inspection times.

No equivalent provision.

No equivalent provision.

No equivalent provision.

SECTION 2. This Act takes effect September 1, 2013.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 12, Agriculture Code, is amended by adding Section 12.049 to read as follows:

Sec. 12.049. FEASIBILITY REPORT ON BORDER AGRICULTURAL INSPECTION TRAINING PROGRAM.

(a) The department shall consider the feasibility of creating and administering a program to:

(1) train department employees to meet federal standards for agricultural inspectors performing inspections, other than inspections of animals as defined by Section 161.001, at ports of entry along the border with the United Mexican States; and

(2) allow department employees trained as provided by Subdivision (1) to assist the United States Customs and Border Protection and the United States Department of Agriculture with agricultural inspections, other than inspections of animals as defined by Section 161.001, at ports of entry along the border with the United Mexican States with the goal of reducing the wait time for an agricultural inspection of a vehicle.

(b) The department shall determine whether any agreements with the federal government are required to implement a program described by Subsection (a) and the nature of those agreements.

(c) Not later than December 31, 2014, the department shall submit a report to the committees of each house of the legislature with primary jurisdiction over agriculture concerning the feasibility of a program described by Subsection (a) and the nature of any agreements with the federal government required to implement the program.

(d) This section expires August 31, 2015.

SECTION 2. 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 Act does not receive the vote necessary for immediate

effect, this Act takes effect September 1, 2013.