

## **BILL ANALYSIS**

S.B. 818  
By: Duncan  
Agriculture & Livestock  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note that boll weevil eradication has been largely successful in Texas and that due to joint efforts of farmers and the Texas Boll Weevil Eradication Foundation, Inc., most of the state's cotton acres are now free of this pest. The parties note, however, that certain areas of the state, primarily part of the Lower Rio Grande Valley, face additional hurdles to eradicate the weevil and that there are several legislative changes needed as the remainder of the state moves towards a maintenance program. The parties also note that there is uncertainty regarding whether certain U.S. Department of Agriculture data on which the foundation relies to issue its assessments will continue to be available in the future. The parties note that if such data becomes unavailable the foundation will need additional flexibility in issuing assessments under alternative methods already approved in statute. S.B. 818 seeks to address these issues in order to give growers, the foundation, and the Texas Department of Agriculture tools to finish the job of eradicating the weevil in the state and to increase the effectiveness of the boll weevil eradication program.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Agriculture in SECTION 3 of this bill.

### **ANALYSIS**

S.B. 818 amends the Agriculture Code to authorize, rather than require, the commissioner of agriculture to conduct a referendum on a proposition to discontinue the boll weevil or pink bollworm eradication program within a zone participating in the program, if 30 percent or more of the cotton growers eligible to vote within the zone present to the commissioner a petition calling for such a referendum. The bill makes the authorization contingent on the debt of the zone having been paid in full and the Texas Boll Weevil Eradication Foundation, Inc., determining, and the commissioner approving the foundation's determination, that the cotton growers in the zone have paid more than one-half of the eradication program funds collected by the foundation and used for the eradication program in the zone from the date of the program's inception until the date the petition is presented to the commissioner. The bill prohibits the commissioner from conducting such a referendum and requires the commissioner to return the petition if the commissioner determines that these contingencies are not satisfied.

S.B. 818 authorizes, rather than requires, the foundation to prepare and mail billing statements to each cotton grower subject to an assessment in an eradication zone that state the amount due and the due date. The bill requires the Department of Agriculture to adopt rules to prohibit the movement of cotton and regulated articles from an area infested with the boll weevil if the area is not participating in the boll weevil eradication program. The bill authorizes the foundation to carry out programs to destroy and eliminate the boll weevil and the pink bollworm in Texas by cooperating through written agreements, as approved by the commissioner, with an appropriate association of cotton producers or boll weevil foundations in more than one state, for the purpose of facilitating cooperation with and funding assistance to this state to protect against reinfestation

with the boll weevil.

S.B. 818 makes a boll weevil or pink bollworm eradication zone eligible for inclusion in a boll weevil and pink bollworm eradication maintenance area if, among other criteria, the cotton grower steering committee has been consulted regarding the inclusion of the zone in a maintenance area, rather than if the committee requests such inclusion. The bill removes the requirement on the board of directors of the foundation to consult with the technical advisory committee, in addition to cotton grower steering committees, in formulating a recommendation to the commissioner regarding the rate of the maintenance fee of the maintenance program for boll weevil and pink bollworm eradication.

S.B. 818 authorizes the foundation with the approval of the board and the commissioner to transfer funds, including the proceeds from the collection of assessments or maintenance fees, between active eradication zones and maintenance areas as needed to fulfill the purposes of provisions relating to the maintenance program and the official cotton growers' boll weevil eradication foundation. The bill requires the board to consult with affected cotton grower steering committees before recommending that the commissioner approve the transfer of funds. The bill applies these provisions to the transfer of funds by the Texas Boll Weevil Eradication Foundation, Inc., without regard to whether the funds consist of assessments or maintenance fees collected before, on, or after the bill's effective date.

S.B. 818 repeals a requirement relating to subsequent referenda on whether to continue assessments after passage of any eradication zone referendum and repeals a provision relating to the cap on certain alternative method assessments.

S.B. 818 repeals Sections 74.105(f) and 74.1135(b), Agriculture Code.

**EFFECTIVE DATE**

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