

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 818  
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Agriculture, Rural Affairs & Homeland Security  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Boll weevil eradication has been successful in Texas. Thanks to joint efforts of farmers and the Texas Boll Weevil Eradication Foundation, Inc. (foundation), over 95 percent of the state's cotton acres are now free of this pest. However, certain areas of the state, primarily part of the Lower Rio Grande Valley, face additional hurdles to eradicate the weevil. Additionally, there are several legislative modifications that need to be made as the remainder of the state moves towards a maintenance program. Finally, uncertainty regarding federal farm legislation and the continuing availability of certain United States Department of Agriculture data that the foundation relies upon, leads to a need to ensure that the foundation could operate without such planting data.

This legislation gives growers, the foundation, and the Texas Department of Agriculture (TDA) tools to finish the job of eradicating the weevil in the Lower Rio Grande Valley and to transition the program to a maintenance phase across the rest of the state, thereby increasing the effectiveness of the boll weevil eradication program.

S.B. 818 provides that zones petitioning to leave the program must first pay off any existing debt and meet a two-thirds margin of grower-borne-costs; protects areas that have eradicated the weevil by strengthening quarantine provisions; allows cooperation with cotton producer groups in other states to prevent re-infestation; clarifies consultation procedures with grower steering committees before moving an active zone into a maintenance area; clarifies the role of the technical advisory committee in setting a maintenance fee; allows funds to be shared, with the approval of the foundation board and commissioner, between active zones and maintenance areas; and, subject to TDA approval, gives the foundation greater flexibility in determining the amount of an alternative assessment method in an active zone, if such were adopted.

As proposed, S.B. 818 amends current law relating to the official cotton growers boll weevil eradication foundation.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 74.202(b), Agriculture Code, as follows:

(b) Provides that an eradication zone is eligible for inclusion in a maintenance area if the commissioner of agriculture (commissioner) determines that the boll weevil has been functionally eradicated in that zone; the zone has satisfied any debt owed to the foundation; the cotton grower steering committee has been consulted regarding the inclusion of the zone in a maintenance area, rather than the cotton grower steering committee requests the inclusion of the zone in a maintenance area; and the foundation requests the inclusion of the zone in a maintenance area.

SECTION 2. Amends Section 74.203(b), Agriculture Code, as follows:

(b) Requires the board of directors of the Texas Boll Weevil Eradication Foundation, Inc. (board) to consult with cotton grower steering committees, rather than requiring the board to consult with the cotton grower steering committees and the technical advisory committee, in formulating a recommendation to the commissioner regarding the maintenance fee that is required to be collected on a per-acre or per-bale basis at a rate to be set by the commissioner after receiving a recommendation from the board under this subsection.

SECTION 3. Amends Subchapter F, Chapter 74, Agriculture Code, by adding Section 74.2035, as follows:

Sec. 74.2035. TRANSFER OF FUNDS BETWEEN ERADICATION ZONES AND MAINTENANCE AREAS. Authorizes the Texas Boll Weevil Eradication Foundation, Inc., a Texas nonprofit corporation (foundation), notwithstanding any provision of this subchapter (Maintenance Program for Boll Weevil and Pink Bollworm Eradication) or Subchapter D (Official Cotton Growers' Boll Weevil Eradication 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 eradication zones and maintenance areas as needed to fulfill the purposes of this subchapter and Subchapter D. Requires the board to consult with affected cotton grower steering committees before recommending that the commissioner approve the transfer of funds under this section.

SECTION 4. Repealer: Section 74.1135(b) (relating to the maximum amount of an assessment under this section (Alternative Method of Assessments)), Agriculture Code.

SECTION 5. Provides that Section 74.2035, Agriculture Code, as added by this Act, applies to the transfer of funds by the foundation without regard to whether the funds consist of assessments or maintenance fees collected before, on, or after the effective date of this Act.

SECTION 6. Effective date: September 1, 2013.