

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 818

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Agriculture, Rural Affairs & Homeland Security

3/26/2013

Committee Report (Substituted)

### **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 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.

C.S.S.B. 818 amends current law relating to boll weevil eradication activities and programs.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Department of Agriculture in SECTION 3 (Section 74.122, Agriculture Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 74.112, Agriculture Code, by amending Subsection (f) and adding Subsection (f-1), as follows:

(f) Authorizes the commissioner of agriculture (commissioner), if 30 percent or more of the cotton growers eligible to vote within a zone participating in the program present to the commissioner a petition calling for a referendum of the qualified voters on the proposition of discontinuing the program, to conduct a referendum for that purpose if:

(1) the debt of the zone has been paid in full;

(2) the Texas Boll Weevil Eradication Foundation, Inc., a Texas nonprofit corporation (foundation), determines, and the commissioner approves 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.

(f-1) Prohibits the commissioner from conducting a referendum under Subsection (f) and requires the commissioner to return the petition if the commissioner determines that the requirements of Subsection (f)(1) or (2) are not satisfied.

SECTION 2. Amends Section 74.113(k), Agriculture Code, to authorize, rather than require, the foundation to prepare and mail billing statements to each cotton grower subject to the assessment that state the amount due and the due date.

SECTION 3. Amends Section 74.122, Agriculture Code, as follows:

Sec. 74.122. QUARANTINE. (a) Creates this subsection from existing text and makes no further changes to this subsection.

(b) Requires the Texas 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 under this subchapter (Official Cotton Growers' Boll Weevil Eradication Foundation).

SECTION 4. Amends Section 74.124(a), Agriculture Code, to authorize the foundation to carry out programs to destroy and eliminate the boll weevil and the pink bollworm in this state by cooperating through written agreements, as approved by the commissioner, with certain persons and entities, including an appropriate association of cotton produces 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.

SECTION 5. Amends Section 74.202(b), Agriculture Code, to provide that an eradication zone is eligible for inclusion in a maintenance area if it meets certain criteria, including if the cotton grower steering committee has been consulted regarding the inclusion of the zone in a maintenance area, rather than if the cotton grower steering committee requests the inclusion of the zone in a maintenance area.

SECTION 6. Amends Section 74.203(b), Agriculture Code, to require the board of directors of the Texas Boll Weevil Eradication Foundation, Inc. (board) to consult with cotton grower steering committees, rather than 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 7. 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 foundation, notwithstanding any provision of this subchapter (Maintenance Program for Boll Weevil and Pink Bollworm Eradication) or Subchapter D, 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 8. Repealers: Sections 74.105(f) (relating to requiring that eligible voters be allowed, by subsequent referenda, to vote on whether to continue their assessments) and 74.1135(b) (relating to the maximum amount of an assessment under this section (Alternative Method of Assessments)), Agriculture Code.

SECTION 9. 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 10. Effective date: upon passage or September 1, 2013.