

By: Duncan  
(Darby)

S.B. No. 818

A BILL TO BE ENTITLED

AN ACT

relating to boll weevil eradication activities and programs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

(f) 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, the commissioner may ~~shall~~ conduct a referendum for that purpose if:

- (1) the debt of the zone has been paid in full; and
- (2) the 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) The commissioner may not conduct a referendum under Subsection (f) and shall return the petition if the commissioner determines that the requirements of Subsection (f)(1) or (2) are not satisfied.

SECTION 2. Subsection (k), Section 74.113, Agriculture Code, is amended to read as follows:

1 (k) The foundation may [~~shall~~] prepare and mail billing  
2 statements to each cotton grower subject to the assessment that  
3 state the amount due and the due date. The assessments shall be  
4 remitted to the foundation.

5 SECTION 3. Section 74.122, Agriculture Code, is amended to  
6 read as follows:

7 Sec. 74.122. QUARANTINE. (a) The department may adopt  
8 rules relating to quarantining areas of this state that are  
9 infested with the boll weevil or the pink bollworm. The rules must  
10 address the storage of regulated articles and the movement of  
11 regulated articles into and out of a quarantined area. The  
12 department may also adopt rules governing the movement of regulated  
13 articles from other states into this state if the articles are known  
14 to be infested with the boll weevil or the pink bollworm.

15 (b) The department shall adopt rules to prohibit the  
16 movement of cotton and regulated articles from an area infested  
17 with the boll weevil if the area is not participating in the boll  
18 weevil eradication program under this subchapter.

19 SECTION 4. Subsection (a), Section 74.124, Agriculture  
20 Code, is amended to read as follows:

21 (a) The foundation may carry out programs to destroy and  
22 eliminate the boll weevil and the pink bollworm in this state by  
23 cooperating through written agreements, as approved by the  
24 commissioner, with:

- 25 (1) an agency of the federal government;  
26 (2) a state agency;  
27 (3) an appropriate agency of a foreign country

1 contiguous to the affected area to the extent allowed by federal  
2 law;

3 (4) a person who is engaged in growing, processing,  
4 marketing, or handling cotton;

5 (5) a group of persons in this state involved in  
6 similar programs to carry out the purposes of this subchapter; ~~[or]~~

7 (6) an appropriate state agency of another state  
8 contiguous to the affected area, to the extent allowed by federal  
9 law, the law of the contiguous state, and the law of this state; or

10 (7) an appropriate association of cotton producers or  
11 boll weevil foundations in more than one state, for the purpose of  
12 facilitating cooperation with and funding assistance to this state  
13 to protect against reinfestation with the boll weevil.

14 SECTION 5. Subsection (b), Section 74.202, Agriculture  
15 Code, is amended to read as follows:

16 (b) An eradication zone is eligible for inclusion in a  
17 maintenance area if:

18 (1) the commissioner determines that the boll weevil  
19 has been functionally eradicated in that zone;

20 (2) the zone has satisfied any debt owed to the  
21 foundation;

22 (3) the cotton grower steering committee has been  
23 consulted regarding ~~[requests]~~ the inclusion of the zone in a  
24 maintenance area; and

25 (4) the foundation requests the inclusion of the zone  
26 in a maintenance area.

27 SECTION 6. Subsection (b), Section 74.203, Agriculture

1 Code, is amended to read as follows:

2 (b) The maintenance fee must be collected on a per-acre or  
3 per-bale basis at a rate to be set by the commissioner after  
4 receiving a recommendation from the board. The board shall consult  
5 with cotton grower steering committees [~~and the technical advisory~~  
6 ~~committee~~] in formulating a recommendation to the commissioner  
7 under this subsection. The commissioner may accept, reject, or  
8 modify a board recommendation.

9 SECTION 7. Subchapter F, Chapter 74, Agriculture Code, is  
10 amended by adding Section 74.2035 to read as follows:

11 Sec. 74.2035. TRANSFER OF FUNDS BETWEEN ERADICATION ZONES  
12 AND MAINTENANCE AREAS. Notwithstanding any provision of this  
13 subchapter or Subchapter D, with the approval of the board and the  
14 commissioner, the foundation may transfer funds, including the  
15 proceeds from the collection of assessments or maintenance fees,  
16 between active eradication zones and maintenance areas as needed to  
17 fulfill the purposes of this subchapter and Subchapter D. The board  
18 shall consult with affected cotton grower steering committees  
19 before recommending that the commissioner approve the transfer of  
20 funds under this section.

21 SECTION 8. Subsection (f), Section 74.105, and Subsection  
22 (b), Section 74.1135, Agriculture Code, are repealed.

23 SECTION 9. Section 74.2035, Agriculture Code, as added by  
24 this Act, applies to the transfer of funds by the Texas Boll Weevil  
25 Eradication Foundation without regard to whether the funds consist  
26 of assessments or maintenance fees collected before, on, or after  
27 the effective date of this Act.

1           SECTION 10. This Act takes effect immediately if it  
2 receives a vote of two-thirds of all the members elected to each  
3 house, as provided by Section 39, Article III, Texas Constitution.  
4 If this Act does not receive the vote necessary for immediate  
5 effect, this Act takes effect September 1, 2013.