

1-1 By: Duncan S.B. No. 818  
1-2 (In the Senate - Filed February 25, 2013; March 5, 2013,  
1-3 read first time and referred to Committee on Agriculture, Rural  
1-4 Affairs, and Homeland Security; March 27, 2013, reported  
1-5 adversely, with favorable Committee Substitute by the following  
1-6 vote: Yeas 4, Nays 0; March 27, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 818 By: Schwertner

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to boll weevil eradication activities and programs.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Section 74.112, Agriculture Code, is amended by  
1-20 amending Subsection (f) and adding Subsection (f-1) to read as  
1-21 follows:

1-22 (f) If 30 percent or more of the cotton growers eligible to  
1-23 vote within a zone participating in the program present to the  
1-24 commissioner a petition calling for a referendum of the qualified  
1-25 voters on the proposition of discontinuing the program, the  
1-26 commissioner may ~~shall~~ conduct a referendum for that purpose if:

1-27 (1) the debt of the zone has been paid in full; and  
1-28 (2) the foundation determines, and the commissioner  
1-29 approves the foundation's determination, that the cotton growers in  
1-30 the zone have paid more than one-half of the eradication program  
1-31 funds collected by the foundation and used for the eradication  
1-32 program in the zone from the date of the program's inception until  
1-33 the date the petition is presented to the commissioner.

1-34 (f-1) The commissioner may not conduct a referendum under  
1-35 Subsection (f) and shall return the petition if the commissioner  
1-36 determines that the requirements of Subsection (f)(1) or (2) are  
1-37 not satisfied.

1-38 SECTION 2. Subsection (k), Section 74.113, Agriculture  
1-39 Code, is amended to read as follows:

1-40 (k) The foundation may ~~shall~~ prepare and mail billing  
1-41 statements to each cotton grower subject to the assessment that  
1-42 state the amount due and the due date. The assessments shall be  
1-43 remitted to the foundation.

1-44 SECTION 3. Section 74.122, Agriculture Code, is amended to  
1-45 read as follows:

1-46 Sec. 74.122. QUARANTINE. (a) The department may adopt  
1-47 rules relating to quarantining areas of this state that are  
1-48 infested with the boll weevil or the pink bollworm. The rules must  
1-49 address the storage of regulated articles and the movement of  
1-50 regulated articles into and out of a quarantined area. The  
1-51 department may also adopt rules governing the movement of regulated  
1-52 articles from other states into this state if the articles are known  
1-53 to be infested with the boll weevil or the pink bollworm.

1-54 (b) The department shall adopt rules to prohibit the  
1-55 movement of cotton and regulated articles from an area infested  
1-56 with the boll weevil if the area is not participating in the boll  
1-57 weevil eradication program under this subchapter.

1-58 SECTION 4. Subsection (a), Section 74.124, Agriculture  
1-59 Code, is amended to read as follows:

1-60 (a) The foundation may carry out programs to destroy and

2-1 eliminate the boll weevil and the pink bollworm in this state by  
 2-2 cooperating through written agreements, as approved by the  
 2-3 commissioner, with:

- 2-4 (1) an agency of the federal government;
- 2-5 (2) a state agency;
- 2-6 (3) an appropriate agency of a foreign country  
 2-7 contiguous to the affected area to the extent allowed by federal  
 2-8 law;
- 2-9 (4) a person who is engaged in growing, processing,  
 2-10 marketing, or handling cotton;
- 2-11 (5) a group of persons in this state involved in  
 2-12 similar programs to carry out the purposes of this subchapter; ~~[or]~~
- 2-13 (6) an appropriate state agency of another state  
 2-14 contiguous to the affected area, to the extent allowed by federal  
 2-15 law, the law of the contiguous state, and the law of this state; or
- 2-16 (7) an appropriate association of cotton producers or  
 2-17 boll weevil foundations in more than one state, for the purpose of  
 2-18 facilitating cooperation with and funding assistance to this state  
 2-19 to protect against reinfestation with the boll weevil.

2-20 SECTION 5. Subsection (b), Section 74.202, Agriculture  
 2-21 Code, is amended to read as follows:

2-22 (b) An eradication zone is eligible for inclusion in a  
 2-23 maintenance area if:

- 2-24 (1) the commissioner determines that the boll weevil  
 2-25 has been functionally eradicated in that zone;
- 2-26 (2) the zone has satisfied any debt owed to the  
 2-27 foundation;
- 2-28 (3) the cotton grower steering committee has been  
 2-29 consulted regarding ~~[requests]~~ the inclusion of the zone in a  
 2-30 maintenance area; and
- 2-31 (4) the foundation requests the inclusion of the zone  
 2-32 in a maintenance area.

2-33 SECTION 6. Subsection (b), Section 74.203, Agriculture  
 2-34 Code, is amended to read as follows:

2-35 (b) The maintenance fee must be collected on a per-acre or  
 2-36 per-bale basis at a rate to be set by the commissioner after  
 2-37 receiving a recommendation from the board. The board shall consult  
 2-38 with cotton grower steering committees ~~[and the technical advisory~~  
 2-39 ~~committee]~~ in formulating a recommendation to the commissioner  
 2-40 under this subsection. The commissioner may accept, reject, or  
 2-41 modify a board recommendation.

2-42 SECTION 7. Subchapter F, Chapter 74, Agriculture Code, is  
 2-43 amended by adding Section 74.2035 to read as follows:

2-44 Sec. 74.2035. TRANSFER OF FUNDS BETWEEN ERADICATION ZONES  
 2-45 AND MAINTENANCE AREAS. Notwithstanding any provision of this  
 2-46 subchapter or Subchapter D, with the approval of the board and the  
 2-47 commissioner, the foundation may transfer funds, including the  
 2-48 proceeds from the collection of assessments or maintenance fees,  
 2-49 between active eradication zones and maintenance areas as needed to  
 2-50 fulfill the purposes of this subchapter and Subchapter D. The board  
 2-51 shall consult with affected cotton grower steering committees  
 2-52 before recommending that the commissioner approve the transfer of  
 2-53 funds under this section.

2-54 SECTION 8. Subsection (f), Section 74.105, and Subsection  
 2-55 (b), Section 74.1135, Agriculture Code, are repealed.

2-56 SECTION 9. Section 74.2035, Agriculture Code, as added by  
 2-57 this Act, applies to the transfer of funds by the Texas Boll Weevil  
 2-58 Eradication Foundation without regard to whether the funds consist  
 2-59 of assessments or maintenance fees collected before, on, or after  
 2-60 the effective date of this Act.

2-61 SECTION 10. This Act takes effect immediately if it  
 2-62 receives a vote of two-thirds of all the members elected to each  
 2-63 house, as provided by Section 39, Article III, Texas Constitution.  
 2-64 If this Act does not receive the vote necessary for immediate  
 2-65 effect, this Act takes effect September 1, 2013.