

BILL ANALYSIS

C.S.H.B. 2548
By: Stephenson
Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been reported that a certain agricultural pesticide disposal program was ended due to recent budget cuts, and concerns have been raised that as a result there is no adequate agricultural pesticide disposal program available to those engaged in agriculture in Texas. C.S.H.B. 2548 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2548 amends the Agriculture Code to establish the pesticide disposal fund as a fund in the state treasury outside the general revenue fund to be administered by the Department of Agriculture (TDA) and composed of money deposited to the credit of the fund from pesticide registration fees and interest earned on the investment of money in the fund. The bill requires the TDA to annually deposit to the credit of the fund from such fees an amount not to exceed \$400,000 to cover the cost of administering pesticide waste and pesticide container collection activities and restricts appropriation of money in the fund to the purposes of those activities. The bill requires the TDA, in coordination with the Texas A&M AgriLife Extension Service, to organize pesticide waste and pesticide container collection activities statewide. The bill authorizes the TDA and the extension service to contract for the services of certain contractors that are licensed in the disposal of hazardous waste under the Texas Radiation Control Act or other contractors to implement the activities and facilitate the collection of canceled, unregistered, or otherwise unwanted pesticide products and pesticide containers.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2548 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter A, Chapter 76, Agriculture Code, is amended by adding Sections 76.009 and 76.010 to read as follows:

Sec. 76.009. PESTICIDE EDUCATION PROGRAM. The department, in coordination with the Texas A&M AgriLife Extension Service, shall develop and implement a program to educate the public, including rural and horticultural pesticide applicators, on the proper use and disposal of pesticides. The program must include instruction by Texas A&M AgriLife Extension Service agents and specialists on proper container handling and preparation to comply with federal law.

Sec. 76.010. PESTICIDE EDUCATION AND DISPOSAL FUND. (a) The pesticide education and disposal fund is a fund in the state treasury outside the general revenue fund. The fund consists of:

(1) money deposited to the credit of the fund under Section 76.044; and

(2) interest earned on the investment of money in the fund.

(b) The department shall administer the fund. Money in the fund may be appropriated only for the purposes of:

(1) administering the program described by Section 76.009; and

(2) the pesticide waste and container collection activities performed under Section 76.132.

SECTION 2. Section 76.044, Agriculture Code, is amended by adding Subsection (c) to read as follows:

(c) Of the money received by the department under this section, the department shall deposit 51 percent to the credit of the pesticide education and disposal fund under Section 76.010.

SECTION 3. Subchapter F, Chapter 76, Agriculture Code, is amended by adding Section 76.132 to read as follows:

Sec. 76.132. DISPOSAL OF

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 76, Agriculture Code, is amended by adding Section 76.009 to read as follows:

Sec. 76.009. PESTICIDE DISPOSAL FUND. (a) The pesticide disposal fund is a fund in the state treasury outside the general revenue fund. The fund consists of:

(1) money deposited to the credit of the fund under Section 76.044; and

(2) interest earned on the investment of money in the fund.

(b) The department shall administer the fund. Money in the fund may be appropriated only for the purposes of

the pesticide waste and pesticide container collection activities performed under Section 76.132.

SECTION 2. Section 76.044, Agriculture Code, is amended by adding Subsection (c) to read as follows:

(c) Of the money received by the department under this section, the department shall annually deposit to the credit of the pesticide disposal fund under Section 76.009 an amount to cover the cost of administering the pesticide waste and pesticide container collection activities performed under Section 76.132, not to exceed \$400,000.

SECTION 3. Subchapter F, Chapter 76, Agriculture Code, is amended by adding Section 76.132 to read as follows:

Sec. 76.132. DISPOSAL OF

AGRICULTURAL PESTICIDE. The department, in coordination with the Texas A&M AgriLife Extension Service, shall organize pesticide waste and container collection activities statewide. The department and Texas A&M AgriLife Extension Service may contract for the services of contractors that are licensed in the disposal of hazardous waste under Section 401.202, Health and Safety Code, to implement the pesticide waste and container collection activities.

SECTION 4. This Act takes effect September 1, 2015.

PESTICIDE. The department, in coordination with the Texas A&M AgriLife Extension Service, shall organize pesticide waste and pesticide container collection activities statewide. The department and Texas A&M AgriLife Extension Service may contract for the services of contractors that are licensed in the disposal of hazardous waste under Section 401.202, Health and Safety Code, or other contractors to implement the pesticide waste and pesticide container collection activities and facilitate the collection of canceled, unregistered, or otherwise unwanted pesticide products and pesticide containers.

SECTION 4. Same as introduced version.