

BILL ANALYSIS

Senate Research Center

H.B. 2807
By: Flores (Lucio)
Subcommittee on Agriculture
5-9-97
Engrossed

DIGEST

The Texas Citrus Budwood Certification program was established by the 74th Legislature and is aimed at eliminating the trade of diseased citrus budwood. Budwood is a piece of living wood which bears buds and is used to graft onto other trees. A common practice of the citrus industry is to purchase improved varieties of budwood and graft these trees onto grove trees. There are cases in which grafting budwood infected with fatal diseases onto grove trees can ruin a healthy grove of trees. This bill requires all citrus nurseries and citrus growers to comply with the Citrus Budwood Certification program.

PURPOSE

As proposed, H.B. 2807 sets forth provisions regarding the administration of the Citrus Budwood Certification program.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Department of Agriculture in SECTION 5 (Sec. 19.006(2), Agriculture Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 19.001, Agriculture Code, to provide that the purpose of this chapter is to establish a certified citrus budwood program to produce a certain quality of citrus trees, to provide standards for foundation groves and certified citrus nursery trees, and to provide for an advisory council to make recommendations on the implementation of the program.

SECTION 2. Amends Section 19.002, Agriculture Code, by amending Subdivision (2), adding a new Subdivision (5), and renumbering existing Subdivision (5) as a new Subdivision (6), to redefine "certified citrus budwood" and define "citrus nursery." Makes conforming changes.

SECTION 3. Amends Section 19.003, Agriculture Code, as follows:

Sec. 19.003. New heading: SCOPE. Provides that this chapter applies to all citrus nurseries and citrus growers. Deletes text regarding citrus budwood sold to growers or nurseries for resale.

SECTION 4. Amends Section 19.004, Agriculture Code, by amending Subsections (b) and (c) and adding Subsection (d), to require the Department of Agriculture (TDA) to accomplish the purposes of the program through the periodic inspection of citrus nurseries to ensure that the citrus nurseries are using certified citrus budwood. Requires TDA to set standards for foundation groves, rather than grove size, and make certain inspection under certain conditions. Prohibits TDA or the advisory counsel from requiring the use of certified citrus budwood in certain circumstances

SECTION 5. Amends Section 19.006, Agriculture Code, to require TDA to adopt standards and rules to regulate the sale of citrus budwood and citrus nursery trees as supplies of certified citrus budwood and certified citrus nursery trees become available.

SECTION 6. Amends Section 19.007(a), Agriculture Code, to require TDA to establish procedures

that must be followed to prevent the introduction of dangerous citrus pathogens, rather than certain identified pathogens, into budwood stock from foundation groves and procedures for certification of citrus nursery trees.

SECTION 7. Amends Sections 19.011(a) and (b), Agriculture Code, to authorize TDA to issue a written order to stop the sale of certain trees if a person offers a citrus budwood or a citrus nursery trees for sale in violation of the rules adopted under this chapter. Makes conforming changes.

SECTION 8. Amends Section 19.012(a), Agriculture Code, make conforming changes.

SECTION 9. Amends Section 19.014, Agriculture Code, to authorize TDA to issue an administrative penalty under Chapter 12 for a violation of this chapter if TDA finds that a person fails to comply with an order of TDA issued under this chapter, among other provisions. Makes conforming and nonsubstantive changes.

SECTION 10. (a) Effective date: upon passage, except as provided by Subsection (b) of this section.

(b) Effective date for SECTIONS 8 and 9 of this Act: September 1, 1997.

SECTION 11. Emergency clause.