

BILL ANALYSIS

Senate Research Center

S.B. 631
By: Duncan
Natural Resources
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As Filed

DIGEST

Currently, certain aspects of the Texas Boll Weevil Eradication Foundation (the foundation) with respect to its operation are acting within changes made by the 75th Legislature. There is a need for certain revisions to the boll weevil eradication statute. S.B. 631 would make it clear that the commissioner of agriculture is authorized to inspect the books and records of the foundation at any time, provide for re-enactment and modification of applicator liability provisions set to expire September 1, 1999, enable BWEF to consider best value purchasing criteria in contracting for services, create a compliance certificate program in areas where growers have established eradication programs, and provide mandatory venue in Travis County for disputes arising.

PURPOSE

As proposed, S.B. 631 establishes modifications of the official cotton growers' boll weevil eradication program.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the commissioner of agriculture in SECTION 3 (Section 74.115(b), Agriculture Code) and to the Department of Agriculture in SECTION 4 (Section 74.122, Agriculture Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 74.108, Agriculture Code, by adding Subsection (d), to require the commissioner of agriculture (commissioner) to have the power to inspect the books and other financial records of the Texas Boll Weevil Eradication Foundation (the foundation) at any time.

SECTION 2. Amends Section 74.1101, Agriculture Code, to delete text regarding the foundations maintenance of required liability coverage with respect to an applicator. Deletes existing Subsections (d) and (e) authorizing the commissioner to provide that the foundation include the applicator on an insurance policy, and deleting the effective date for the section.

SECTION 3. Amends Section 74.115(b), Agriculture Code, to authorize the commissioner to adopt rules relating to a compliance certificate program for eradication assessments. Sets forth provisions for the rules. Deletes text regarding the placing and perfecting of an assessment lien and provisions for a buyer on cotton produced and harvested from acreage that is subject to the assessment that is due and unpaid.

SECTION 4. Amends Section 74.122, Agriculture Code, to require, rather than authorize, the Department of Agriculture to adopt rules relating to the quarantining areas of this state for boll weevil or pink bollworm control, as necessary to prevent reinfestations of eradicated areas, including quarantining areas of the state that are infested with the boll weevil or the pink bollworm.

SECTION 5. Amends Chapter 74D, Agriculture Code, by adding Section 74.1291, as follows:

Sec. 74.1291. VENUE. Requires venue to be proper in Travis County for any action to which the foundation is properly a party. Provides that nothing in this section shall reduce the protections found in Section 74.129 of this code.

SECTION 6. Emergency clause.

Effective date: upon passage.