

## **BILL ANALYSIS**

Senate Research Center  
79R2462 QS-D

S.B. 371  
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Natural Resources  
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As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Each year, plant pests cause well over \$137 billion in damage to agricultural and forest crops and products in the United States. Many of these pests also attack lawns, gardens, and the general environment, which can add significantly to the \$137 billion figure. The federal government is primarily responsible for safeguarding against such pests; however, there are many state/federal cooperative programs that require not only a state monetary contribution, but personnel as well. These needed state resources are often unavailable. Additionally, federal funds are generally available only for exotic pests and not domestic pests, which can pose significant funding problems for control and eradication activities since federal dollars are not available.

Plant pest infestations and outbreaks must be acted upon quickly in order to control and eradicate them effectively. The Interstate Pest Control Compact (IPCC) was formed in 1968 to enable quick actions by states by remedying funding restraints, bridging the jurisdictional gaps that exist among federal and state governments, more adequately addressing the realities of dynamic plant pest infestations or outbreaks and providing each state a process to protect against infestations originating in other states.

The IPCC Governing Board and Executive Committee (board) administer the Pest Control Insurance Fund (fund) which provides financial support for control or eradication activities at the request of a member state when a pest is found in another state and constitutes a threat to agricultural crops or products within the applying state. The fund consists of a one-time payment made by each member state, similar to a premium paid for insurance. In addition the IPCC accepts gifts, grants, and donations to the fund.

There are 35 member states of the IPCC which make up the board. To become a member of the IPCC a state must do two things. First, it must pay the one-time "premium" (unless the fund is depleted through use) and, second, the state must enact enabling legislation. Texas became a member of the IPCC in 1994 and paid its one-time payment of \$43,039. However, Texas has not yet enacted enabling legislation and has been asked by the IPCC to do so. Failure could jeopardize the state's ability to access these much-needed funds.

S.B. 371 enacts the enabling legislation for the Texas Department of Agriculture (TDA) to comply with the membership requirements of the IPCC.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle B, Title 5, Agriculture Code, by adding Chapter 79, as follows:

#### CHAPTER 79. INTERSTATE PEST CONTROL COMPACT

Sec. 79.001. DEFINITIONS. Defines "compact" and "executive head."

Sec. 79.002. FILING OF BYLAWS. Requires, under Article IV(h) of the Interstate Pest Control Compact, copies of the bylaws adopted by the governing board and amendments to the bylaws to be filed with the commissioner of agriculture (commissioner).

Sec. 79.003. COMPACT ADMINISTRATOR. Provides that the commissioner is the compact administrator for this state.

Sec. 79.004. COOPERATING WITH PEST CONTROL INSURANCE FUND. Authorizes the state, consistent with other law and using funds appropriated for the purpose, to cooperate with the insurance fund established by the compact.

Sec. 79.005. REQUEST FOR ASSISTANCE. Authorizes the commissioner to request or apply for assistance from the insurance fund established by the compact, as provided by Article VI(b) or VIII(a) of the compact.

Sec. 79.006. DISPOSITION OF CERTAIN MONEY. Requires a department or agency that expends or becomes liable for an expenditure due to a control or eradication program undertaken or intensified under the compact to have credited to the department or agency account in the state treasury the amount of any payment made to the state to defray the cost of the program or to reimburse the state.

Sec. 79.007. EXECUTION OF INTERSTATE COMPACT. Provides that this state enters into a compact with all other states legally joining in the compact in substantially the form provided in this bill. Sets forth the specific wording of the compact.

SECTION 2. Effective date: September 1, 2005.