

BILL ANALYSIS

Senate Research Center
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S.B. 1131
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The bill addresses the diseases known as citrus canker and citrus greening, which was eradicated in Texas in 1943. Recent outbreaks in Florida have made Texas producers nervous that an outbreak could occur here as well. Citrus greening is spread by the Asian citrus psyllid, which has been found in Texas. Citrus greening has also been detected in Louisiana. Although there have not been any recent infections of citrus greening in Texas, the presence of the vector that spreads this disease makes producers uneasy due to citrus greening's latency period during which the disease may be present in a tree but impossible to detect.

This makes citrus greening and citrus canker a major threat to the Texas citrus industry which has a \$150 to \$200 million annual impact on the state's economy. Developing a response plan in conjunction with the United States Department of Agriculture to prevent an outbreak or spread of these diseases is important to the citrus industry and economy. Current Texas law, however, does not give the Texas Department of Agriculture (TDA) the tools necessary to implement it.

As proposed, S.B. 1131 authorizes TDA to adopt rules that provide for a pilot program to manage or eradicate exotic citrus diseases, including citrus canker and citrus greening. S.B. 1131 authorizes TDA the authority to remove trees that scientists determine have a high likelihood of being a carrier of citrus greening or citrus canker, and entitles the affected owner to compensation.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Department of Agriculture is modified in SECTION 1 (Section 71.007, Agriculture Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 71.007, Agriculture Code, as follows:

Sec. 71.007. RULES. (a) Creates this subsection from existing text. Authorizes the Department of Agriculture (TDA) to adopt rules that, in addition to other rules necessary for the protection of agricultural and horticultural interests, provide for a program to manage or eradicate exotic citrus diseases, including citrus canker and citrus greening.

(b) Requires that rules adopted under Subsection (a)(8) (relating to TDA's adoption of a program to manage or eradicate exotic citrus diseases) establish, based on scientific evidence, when a healthy but suspect citrus plant must be destroyed, and may provide for compensation to an owner of a plant destroyed under this subsection.

SECTION 2. Amends Section 71.0091, Agriculture Code, by amending Subsections (a), (b), (c), and (e) and adding Subsection (e-1), as follows:

(a) Authorizes TDA to seize a citrus plant, citrus plant product, or citrus substance that TDA determines is located within proximity to a plant infected by a disease dangerous to any agricultural or horticultural product and is determined by TDA to likely be infected by that disease, regardless of whether the plant currently exhibits symptoms of the disease. Makes nonsubstantive changes.

(b) Requires TDA, if a citrus plant, citrus plant product, or citrus substance is seized under Subsection (a)(1) (relating to TDA's authorization to seize a citrus plant, citrus plant product, or citrus substance TDA determines is transported or carried from a quarantined area in violation of a quarantine order), rather than Subsection (a)(1) of this section, to immediately notify the owner that the citrus plant, citrus plant product, or citrus substance is a public nuisance and that it is required to be destroyed, treated, or if feasible, returned to its point of origin. Requires TDA, if a citrus plant, citrus plant product, or citrus substance is seized under Subsection (a)(2) (relating to TDA's authorization to adopt rules to seize a citrus plant, citrus plant product, or citrus substance TDA determines is infested with a dangerous disease or insect pest) or (3) (relating to TDA's authorization to adopt rules provide for the cleaning or treatment of orchards, rather than Subsection (a)(2) of this section, immediately notify the owner that the citrus plant, citrus plant product, or citrus substance is a public nuisance and is required to be destroyed or treated.

(c) Requires TDA, if the owners of a citrus plant, citrus plant product, or citrus substance is seized under Subsection (a)(1) or (2), rather than Subsection (a)(1) of this section, is unknown to TDA, to publish or post notice that, not earlier than the fifth day after the first day on which notice is published or posted, TDA is authorized to destroy the citrus plant, citrus plant product, or citrus substance.

(e) Provides that the owner of a citrus plant, citrus plant product, or citrus substance treated or destroyed under Subsection (a)(1) or (2) by TDA under this section is liable to TDA for the costs of treatment or destruction, and TDA is authorized to collect those costs.

(e-1) Entitles the owner of a citrus plant, citrus plant product, or citrus substance destroyed under Subsection (a)(3) to compensation from TDA for the destruction of the plant, product, or substance.

SECTION 3. Effective date: September 1, 2009.