

## **BILL ANALYSIS**

Senate Research Center

S.B. 1749  
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Agriculture, Water & Rural Affairs  
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Enrolled

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

The Texas Citrus Pest and Disease Management Corporation was established several years ago at a time when citrus greening disease, caused by the Asian citrus psyllid, posed a major threat to the citrus industry in Texas and other states. There are still concerns with that disease and the pest that spreads it, but there are other potential pests and diseases that also threaten this industry.

S.B. 1749 amends the Agriculture Code to expand the program and make it applicable to the control and suppression of citrus pests and diseases generally. The bill includes the Asian citrus psyllid in the term "pest" and citrus greening in the term "disease."

S.B. 1749 amends current law relating to citrus pest and disease management.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the commissioner of agriculture is modified in SECTION 10 (Section 80.020, Agriculture Code), SECTION 11 (Section 80.022, Agriculture Code), and SECTION 14 (Section 80.026, Agriculture Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 80.001(a) and (b), Agriculture Code, as follows:

(a) Provides that the legislature finds that:

- (1) citrus pests and diseases, including the insect known as the Asian citrus psyllid and the disease known as citrus greening, are public nuisances and menaces to the citrus industry, and their control and suppression is a public necessity;
- (2) because of the natural migration patterns of citrus pests and the contagious nature of citrus diseases, rather than because of the natural migration patterns of the Asian citrus psyllid, the control and suppression of the nuisance can best be accomplished by dividing the commercial citrus-growing areas into separate zones so that integrated pest management programs may be developed for each zone;
- (3) there is a need for a quasi-governmental entity acting under the supervision and control of the commissioner of agriculture (commissioner) whose members are actual citrus producers who would be represented on the board of the entity by directors elected by them to manage control and suppression programs and to furnish expertise in the field of disease and insect control and suppression, because such an entity would enhance the interest and participation of citrus producers in the program;
- (4) and (5) Makes no change to these subdivisions.

(b) Provides that it is the intent of the legislature that the program of control and suppression of citrus pests and diseases, rather than of the Asian citrus psyllid, be carried out with the best available integrated pest management techniques.

SECTION 2. Amends Section 80.002, Agriculture Code, as follows:

Sec. 80.002. New heading: DESIGNATION OF ENTITY TO CARRY OUT CITRUS PEST AND DISEASE CONTROL AND SUPPRESSION. (a) Requires the Texas Citrus Pest and Disease Management Corporation, Inc. (corporation), a Texas nonprofit corporation, to be recognized by the Texas Department of Agriculture (TDA) as the entity to plan, carry out, and operate suppression programs to manage and control pests and diseases, including the Asian citrus psyllid and citrus greening, in citrus plants in the state under the supervision of TDA as provided by this chapter.

(b) Authorizes the commissioner to terminate the corporation's designation as the entity recognized to carry out citrus pest and disease, rather than Asian citrus psyllid, control and management by giving 45 days' written notice to the corporation and by designating a successor entity.

SECTION 3. Amends Section 80.003, Agriculture Code, by amending Subdivisions (7), (10), (11), and (13) to redefine "suppression," "host," "infested," and "regulated article" and adding Subdivisions (14) and (15) to define "disease" and "pest."

SECTION 4. Amends Section 80.006(c), Agriculture Code, to redesignate the Asian citrus psyllid suppression program as the pest suppression program and make a conforming change.

SECTION 5. Amends Section 80.008(b), Agriculture Code, as follows:

(b) Requires the commissioner, in making appointments under this section, to appoint the following board members, selected from a variety of citrus-growing regions of the state, for four-year terms:

(1) and (2) Makes no change to these subdivisions;

(3) a representative from an industry allied with citrus production, rather than two representatives from industries allied with citrus production;

(4) Makes a nonsubstantive change; and

(5) a representative of the nursery or ornamental citrus sales industry.

SECTION 6. Amends Sections 80.014(a) and (b), Agriculture Code, as follows:

(a) Requires the corporation, on the determination by the corporation that the pest suppression program, rather than the Asian citrus psyllid suppression program, has been completed in all pest management zones established under this chapter, to provide notice of the completion to the commissioner along with a request for discontinuance of the control and suppression program and collection of the assessment. Requires that any request under this subsection include documentation supporting the fact that pests are, rather than the Asian citrus psyllid is, no longer a threat to the state's citrus industry and a plan for discontinuance of the program and assessment.

(b) Requires the commissioner to determine whether or not the further suppression of pests, rather than the Asian citrus psyllid, is necessary in the pest management zones and approve or disapprove discontinuance of the corporation and the plan for dissolution.

SECTION 7. Amends Section 80.015(a), Agriculture Code, to require the commissioner to propose the assessment needed in each pest management zone to ensure the stability of the citrus industry by suppressing the public nuisance caused by pests, rather than by the Asian citrus psyllid.

SECTION 8. Amends Section 80.016(i), Agriculture Code, to authorize a public hearing regarding the proposed suppression program, including information regarding regulations to be promulgated by the commissioner, to be held by the commissioner in each of several locations in each pest management zone, rather than in each Asian citrus psyllid pest management zone.

SECTION 9. Amends Section 80.019, Agriculture Code, as follows:

Sec. 80.019. ENTRY OF PREMISES; SUPPRESSION ACTIVITIES; INSPECTIONS. Authorizes TDA, the corporation, or a designated representative of either entity to inspect groves or premises in this state for the purpose of determining whether the property is infested with pests, rather than with the Asian citrus psyllid or citrus greening.

SECTION 10. Amends Section 80.020(b), Agriculture Code, to redesignate an Asian citrus psyllid suppression program as a pest suppression program and makes no further change.

SECTION 11. Amends Sections 80.022(a) and (b), Agriculture Code, as follows:

(a) Requires the commissioner to adopt rules to protect individuals, livestock, wildlife, and honeybee colonies on any premises in a pest management zone on which citrus plants are being grown that have been or are being treated to control or suppress pests, rather than the Asian citrus psyllid and citrus greening.

(b) Requires that rules adopted under this section establish the criteria by which the corporation develops its procedures and methods of treatment, which shall:

(1) establish a methodology for determining when pest population levels have reached economic significance or when disease is present, rather than establish a methodology for determining when Asian citrus psyllid population levels have reached economic significance or when citrus greening is present;

(2) and (3) Makes no change to these subdivisions;

(4) establish methods for monitoring pests, rather than Asian citrus psyllids, citrus greening, and secondary pests;

(5) and (6) Makes no change to these subdivisions.

SECTION 12. Amends Section 80.024, Agriculture Code, as follows:

Sec. 80.024. DOCUMENTING REGULATED ARTICLES. Authorizes TDA, to implement this chapter, to issue or authorize issuance of a certificate that indicates that a regulated article is not infested with pests, rather than the Asian citrus psyllid, and a permit that provides for the movement of a regulated article to a restricted destination for limited handling, use, or processing.

SECTION 13. Amends Section 80.025(a), Agriculture Code, to authorize the corporation to carry out programs to destroy and manage pests, rather than the Asian citrus psyllid and citrus greening, in this state by cooperating through written agreements, as approved by the commissioner, with persons and entities as set forth.

SECTION 14. Amends Section 80.026(a), Agriculture Code, to require the commissioner to develop rules and procedures to in all events maintain the effectiveness of the pest suppression program and disease management, rather than the Asian citrus psyllid suppression program and citrus greening management, administered under this chapter.

SECTION 15. Provides that Section 80.008(b), Agriculture Code, as amended by this Act, applies only to a member of the board of directors of the Texas Citrus Pest and Disease Management Corporation, Inc., appointed on or after the effective date of this Act. Authorizes a

member appointed before the effective date of this Act to continue to serve until the expiration of the member's term.

SECTION 16. Effective date: September 1, 2015.