

BILL ANALYSIS

Senate Research Center

C.S.S.B. 705
By: Ogden
Natural Resources
4/14/1999
Committee Report (Substituted)

DIGEST

Currently, no statewide agricultural policy is in place in Texas to provide long-term solutions and immediate relief for recent agricultural losses due in part to natural disasters. This bill provides aid, support, and assistance to agriculture, including the promotion of agriculture and the establishment of the agricultural technology program.

PURPOSE

As proposed, C.S.S.B. 705 provides aid, support, and assistance to agriculture, including the promotion of agriculture and the establishment of the agricultural technology program.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Agriculture Commissioner in SECTION 4 (Section 46.002(g), Agriculture Code) and to the Department of Agriculture in SECTION 6 (Section 254.002(a), Agriculture Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. (a) SHORT TITLE: Farm and Ranch Recovery Act.

(b) Sets forth the legislative findings regarding the current state of agriculture in the State of Texas.

(c) Sets forth the purposes of this Act.

SECTION 2. Amends Title 3, Agriculture Code, by adding Chapter 48, as follows:

CHAPTER 48. INTERIM COMMITTEE ON STATEWIDE AGRICULTURAL POLICY

Sec. 48.001. ORGANIZATION. Creates an interim committee on statewide agricultural policy (interim committee) consisting of 10 members with the lieutenant governor and the speaker of the house of representatives (speaker) appointing five members each. Requires the lieutenant governor and the speaker to each appoint a presiding officer from among the appointed members of the interim committee. Requires the interim committee to convene at the call of the two presiding officers.

Sec. 48.002. POWERS AND DUTIES. Requires the interim committee to investigate and study issues involving risk reduction, regulatory reform, market expansion and crop insurance reform and create a comprehensive state agricultural policy.

Sec. 48.003. REPORT. Requires the interim committee to develop a report, including a cost-benefit analysis of regulatory reform affecting agriculture, that analyzes the issues described in Section 48.002, and that includes recommended rule or statutory changes. Requires the final reports be delivered to certain people by a certain date.

Sec. 48.004. ADMINISTRATION. Grants the interim committee authority to perform its duties and to call and hold hearings in connection with those hearings. Authorizes the interim committee to request the assistance of state agencies, departments, or offices to carry out its duties. Requires the Senate Committee on Natural Resources and the House Committee on

Agriculture and Livestock to provide staff to the interim committee.

Sec. 48.005. EXPENSES. Requires the interim committee to submit a proposed budget to the appropriate committee on administration in each house of the legislature. Requires the administrative committees to jointly approve the interim committee budget in an appropriate amount for the interim committee to accomplish its duties.

Sec. 48.006. EXPIRATION. Provides that this chapter expires and the interim committee is abolished on the date the legislature convenes in regular session in 2001.

SECTION 3. Amends Title 4, Agriculture Code, by adding Chapter 60, as follows:

CHAPTER 60. CRISIS MANAGEMENT COUNCIL AND MANAGER

Sec. 60.001. DEFINITIONS. Defines “agricultural crisis,” “council,” and “manager.”

Sec. 60.002. MANAGER; DUTIES. Requires the commissioner of agriculture (commissioner) to designate an employee of the Texas Department of Agriculture (department) to serve as an agricultural crisis manager (manager). Sets forth the duties of the manager. Requires the manager to perform certain duties.

Sec. 60.003. COUNCIL COMPOSITION; DUTIES. Sets forth the composition of the Crisis Management Council (council). Requires the commissioner to appoint not more than five representatives of agricultural industries to serve on the council. Requires the council to perform certain duties. Establishes that the commissioner’s appointees serve without compensation, but are entitled to reimbursement for actual expenses incurred in the performance of official council duties, subject to approval of the commissioner. Requires other council members to be reimbursed for actual expenses by their representative agencies. Requires the commissioner to provide the council with the necessary staff to carry out its duties.

SECTION 4. Amends Title 3, Agriculture Code, by adding Chapter 46, as follows:

CHAPTER 46. AGRICULTURAL TECHNOLOGY PROGRAM

Sec. 46.001. DEFINITIONS. Defines “agricultural crisis,” “agri-tech program,” “applied research,” and “eligible institution.”

Sec. 46.002. ADMINISTRATION; GUIDELINES AND PROCEDURES. Requires the department to develop, maintain, and administer the agri-tech program. Requires the department, in awarding funds to support projects under this chapter, to give priority to certain research projects and consider the recommendations of the council for specific projects. Requires the department to award funds to support projects as needed to address agricultural crises in this state. Requires the department to develop and maintain guidelines and procedures to provide awards under this chapter for certain specific projects. Requires the department to determine whether a higher education institution qualifies as an eligible institution. Requires a higher education institution to demonstrate certain capabilities to be designated as an eligible institution. Requires the commissioner to give special consideration to certain projects in the selection process. Authorizes the commissioner to adopt rules to accomplish the purposes of this chapter.

Sec. 46.003. AGRICULTURE TECHNOLOGY ACCOUNT. Establishes that the agriculture technology account (account) is a general revenue fund account. Provides that the account consists of legislative appropriations, gifts and grants received under Subsection (c), and other money required by law to be deposited in the account. Authorizes the department to solicit and accept gifts in kind and grants of money from any entity or person for the purposes of this chapter. Authorizes the funds in the account to be used only as provided by this chapter. Provides that the account is exempt from the application of Section 403.095, Government Code. Requires income from money in the account to be credited to the account.

Sec. 46.004. USE OF FUNDS IN AGRICULTURE TECHNOLOGY ACCOUNT. Requires the comptroller to issue warrants to each eligible institution in the amount certified by the department to the comptroller from funds appropriated for the agri-tech program. Authorizes

funds awarded from the account to be expended to support the particular research project awarded, and prohibits the expenditure of account funds for the support of general research and instruction conducting or sponsoring the project or for the construction or remodeling of a facility. Requires account funds to be used to match grants provided by the federal government or private industry for specific collaborative research projects at eligible institutions, when practicable within the purposes of this chapter. Provides that supplies, materials, services, and equipment purchased with funds obtained under this section are not subject to General Services Commission authority.

Sec. 46.005. PROGRESS REPORTS. Requires an institution receiving funds under this chapter to report on the progress of the funded research to the department by a certain date.

Sec. 46.006. MERIT REVIEW. Requires the commissioner to appoint a committee consisting of representatives of the agricultural industry and of private enterprise advanced technology research organizations to evaluate the agri-tech program's effectiveness. Requires the committee to report its findings to the department by a certain date.

SECTION 5. Amends Title 3, Agriculture Code, by adding Chapter 47, as follows:

CHAPTER 47. AGRICULTURE RISK MANAGEMENT EDUCATION

Sec. 47.001. LEGISLATIVE FINDINGS; PURPOSE. Sets forth the legislative findings regarding agricultural risk management. Provides that the purposes of this chapter include increasing risk management educational efforts, establishing a statewide educational program that includes a risk management support system and a comprehensive educational curriculum, and fostering the economic competitiveness and success in this state.

Sec. 47.002. CREATION OF PROGRAMS. Requires the Texas Agricultural Extension Service (TAES) to administer a statewide financial and risk management assistance support system (support system). Authorizes the support system to include computer and communications technology to provide agricultural producers and agribusiness with information needed for individual long-term strategic farm or ranch planning. Requires TAES to develop and implement a statewide comprehensive educational curriculum program to provide agricultural producers and agribusinesses with additional information about risk-management and potential tools and options to consider in managing risks. Authorizes the curriculum to include instructional materials, instructors, and other resources in certain areas of interest. Authorizes TAES to organize and deliver the programs with the assistance of interested agricultural groups.

Sec. 47.003. ELIGIBILITY FOR EDUCATIONAL MATERIALS AND SERVICES. Requires TAES to require a person pay a subscription fee or other charge in exchange for educational services and materials as a condition for educational assistance under this chapter.

SECTION 6. Amends Title 8, Agriculture Code, by adding Chapter 254, as follows:

CHAPTER 254. EMERGENCY HAY PROGRAM

Sec. 254.001. DEFINITIONS. Defines "manager."

Sec. 254.002. EMERGENCY HAY PROGRAM. Requires the department to adopt rules and administer a program, to be implemented by executive order of the governor, to provide assistance for the transportation of hay for use by agricultural producers whose production abilities are hindered during periods of natural disaster or other emergencies due to a lack of forage. Requires the manager to oversee the program.

Sec. 254.003. EMERGENCY HAY ACCOUNT. Establishes that the emergency hay account (account) is an account in the general revenue fund. Establishes that the account consists of legislative appropriations and other money required by law to be deposited in the account. Authorizes the department to solicit and accept gifts in kind and grants of money from governmental agencies, private corporations, or other people to be used for the purposes of this chapter. Authorizes money in the account to be used only for the purposes of this chapter. Establishes that the account is exempt from the application of Section 403.095, Government Code. Requires income from money in the account to be credited to the account.

Sec. 254.004. DUTIES OF DEPARTMENT. Sets forth required duties of the department in order to provide assistance under this chapter. Requires the department to coordinate its efforts with other emergency relief programs administered by the governor's division of emergency management. Requires the department to maximize the resources of the Texas Agricultural Extension Service and agricultural commodity associations when designing and implementing its plan.

Sec. 254.005. POWERS OF COMMISSIONER. Authorizes the commissioner to authorize the use of available funds from the account to facilitate the transportation of hay to producers when donated resources have been exhausted. Authorizes the commissioner to negotiate contracts with commercial haulers and pre-certify commercial haulers for use during a natural disaster or other emergency.

Sec. 254.006. ELIGIBILITY FOR PROGRAM. Provides that the assistance provided under this chapter is available only for agricultural producers within a county that is declared a federal disaster area.

Sec. 254.007. ASSISTANCE FOR DEPARTMENT. Requires the Texas Agricultural Extension Service (TAES) to enter into a memorandum of understanding with the department to assist the department with the program. Sets forth authorized assistance by TAES. Requires TAES to develop guidelines for county extension agents to implement this section. Authorizes county extension agents to establish an advisory committee of local producers or work with an existing committee.

Sec. 254.008. TERMINATION OF PROGRAM ASSISTANCE. Requires the commissioner to determine monthly the continuing need for assistance to each county under the program. Requires the commissioner to suspend assistance for any county under the program, if the commissioner determines the county no longer needs assistance or that available state resources have been expended.

SECTION 7. Amends Chapter 661F, Government Code, by adding Section 661.152, as follows:

Sec. 661.152. LEAVE FOR VOLUNTEER FIREFIGHTERS IN CERTAIN DISASTERS. Provides that this section applies only to certain state employees. Provides that those people to whom this section applies are eligible for a leave of absence from work as a state employee without loss of compensation or risk of termination for the hours during which the employee serves as a volunteer firefighter in certain situations. Requires the state agency that employs a person who requests leave to verify the person's eligibility to take the leave.

SECTION 8. Effective date: September 1, 1999.

SECTION 9. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Relating clause.

Amends the relating clause to provide that this legislation relates to establishing the agricultural technology program.

SECTION 1.

Amends SECTION 1, to provide a short title, and make conforming changes.

SECTION 2.

Amends Section 48.004, Title 3, Agriculture Code, to require the House Committee on Agriculture and Livestock, rather than the House Committee on Agriculture to provide staff to the committee.

Amends Section 48.005, Title 3, Agriculture Code, to make a nonsubstantive change.

SECTION 3.

Amends Section 60.001, Title 4, Agriculture Code, to redefine “council” and “manager.” Deletes the definitions of “commissioner” and “department.”

Amends Section 60.002, Title 4, Agriculture Code, to require the commissioner to designate an employee as manager of mitigating the impact of any agricultural crisis on commodities and agricultural production, rather than employ a manager. Revises the manager’s duties.

Amends Section 60.003, Title 4, Agriculture Code, to revise the council’s duties. Requires the commissioner, rather than the governor, to appoint not more than five representatives of agricultural industries to serve on the council. Requires the council to perform certain duties. Deletes representatives of certain agencies from the council. Makes conforming changes.

SECTION 4.

Amends Section 46.001, Title 3, Agriculture Code, to delete the definitions of “commissioner” and “department.”

Amends Section 46.004, Title 3, Agriculture Code, to make a conforming change.

SECTION 6.

Amends Section 254.001, Title 8, Agriculture Code, to define “manager.” Deletes the definitions of “commissioner” and “department.”

Amends Section 254.002, Title 8, Agriculture Code, to provide a new heading, and require the department to adopt rules and administer a program, to be implemented by executive order of the governor, to provide assistance for the transportation of hay for use by agricultural producers whose production abilities are hindered during periods of natural disaster or other emergencies due to a lack of forage.

Amends Section 254.003, Title 8, Agriculture Code, to provide a new heading. Makes a conforming change.

Amends Section 254.004, Title 8, Agriculture Code, to delete proposed Section 254.004 regarding the powers of the department and the governor, and add a new section regarding the duties of the department.

Amends Section 254.005, Title 8, Agriculture Code, to delete proposed Section 254.005 regarding the limitations on the use of the program, and add a new section regarding the powers of the commissioner.

Amends Section 254.006, Title 8, Agriculture Code, to delete proposed Section 254.006 regarding an application for assistance, and add a new section regarding eligibility for the program.

Amends Section 254.007, Title 8, Agriculture Code, to delete proposed Section 254.007 regarding the consideration of the application for assistance, and add a new section regarding assistance for the department.

Amends Section 254.008, Title 8, Agriculture Code, to make conforming and nonsubstantive changes.

SECTION 7.

Amends Section 661.152, Government Code, to make a nonsubstantive change. Deletes proposed SECTIONS 8 through 10. Redesignates proposed SECTIONS 11 and 12 as SECTIONS 8 and 9.

