

## **BILL ANALYSIS**

Senate Research Center

H.B. 4577  
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Agriculture & Rural Affairs  
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Engrossed

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

This bill addresses the diseases known as citrus canker and citrus greening, which were eradicated in Texas in 1943. Recent outbreaks in Florida have made Texas producers nervous that an outbreak could occur here as well, causing destructive economic damage.

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 infestations 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-\$200 million annual impact on the state's economy.

Developing a response plan in conjunction with 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 a response plan.

This bill grants TDA the authority to remove trees that scientists determine have a high likelihood of being a carrier of citrus greening, and entitles the affected owner to compensation.

H.B. 4577 amends current law relating to the seizure and destruction of certain plants.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Department of Agriculture 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 Texas Department of Agriculture (TDA) to adopt rules, in addition to other rules necessary for the protection of agriculture and horticultural interests, that:

(1)-(7) Makes a nonsubstantive change.

(8) 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) establish, based on scientific evidence, when a healthy but suspect citrus plant must be destroyed, and authorizes the rules to 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)-(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:

(1)-(2) Makes a nonsubstantive change; or

(3) 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 a nonsubstantive change.

(b) Requires TDA, if a citrus plant, citrus plant product, or citrus substance is seized under Subsection (a)(1) (relating to a substance being transported or carried from a quarantined area in violation of a quarantine order), rather than of this section, to notify the owner that the citrus plant, citrus plant product, or citrus substance is a public nuisance and that it must 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 a substance being infected with a disease or pest) (3), rather than of this section, immediately to notify the owner that the citrus plant, citrus plant product, or citrus substance is a public nuisance and must be destroyed or treated.

(c) Requires TDA, if the owner of a citrus plant, citrus plant product, or citrus substance seized under Subsection (a)(1) or (2), rather than (a) 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 may 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 may sue to collect those costs.

(e-1) Authorizes TDA to provide for compensation to an owner of a citrus plant, citrus plant product, or citrus substance destroyed under Subsection (a)(3).

SECTION 3. Effective date: September 1, 2009.