

## CHAPTER 8

## S.B. No. 30

## AN ACT

relating to providing for methods and procedures for the eradication of boll weevils and the reduction in use of toxic substances in the control of cotton insects; creating offenses and providing penalties and injunctive relief.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Chapter 74, Agriculture Code, is amended by adding Subchapter D to read as follows:

**SUBCHAPTER D. OFFICIAL COTTON GROWERS' BOLL  
WEEVIL ERADICATION FOUNDATION**

*Sec. 74.101. FINDINGS AND DECLARATION OF POLICY. (a) It is hereby found and declared that:*

*(1) the boll weevil entered Texas from Mexico in 1892 and presents a major economic threat to Texas' cotton crop;*

*(2) there exists a need to develop, carry out, and participate in programs of research such as disease and insect control; marketing to show low risk of pests in interstate and intrastate movement of cotton commodities; promotion of pest-free cotton commodities which increase market demand; and education of cotton raisers, cotton users, regulators, policymakers, and the general public on the effect of pests on cotton, its utility, its marketing, its yield, and its promotion; and*

*(3) it is the intent of the legislature that the program be carried out with the best available integrated pest management techniques.*

*(b) The department may recover costs for administration of this subchapter.*

*(c) The creation and use of a boll weevil eradication foundation as a vehicle to provide for assessments and governing boards and to establish eradication zones in order to suppress and eradicate boll weevils are consistent with the goals and uses of revenue established under Article XVI, Section 68, of the Texas Constitution.*

*Sec. 74.102. DEFINITIONS. In this subchapter:*

*(1) "Board" means the board of directors of the official cotton growers' boll weevil eradication foundation.*

*(2) "Boll weevil" has the meaning assigned by Section 74.002 of this code.*

*(3) "Commissioner" means commissioner of agriculture.*

*(4) "Cotton" means:*

*(A) a cotton plant;*

*(B) a part of a cotton plant, including bolls, stalks, flowers, roots, and leaves; or*

*(C) cotton products, including seed cotton, cottonseed, and hulls.*

*(5) "Cotton grower" means an individual who:*

*(A) grows cotton; and*

(B) receives direct income on or after June 1, 1992, from the sale of cotton.

(6) "Eradication" means elimination of boll weevils to the extent that the commissioner does not consider further elimination of boll weevils necessary to prevent economic loss to cotton growers.

(7) "Eradication zone" means a geographic area in which cotton growers by referendum approve their participation in a boll weevil eradication program.

(8) "Foundation" means the official cotton growers' boll weevil eradication foundation.

(9) "High Plains Boll Weevil Suppression Program Area" includes Bailey, Borden, Briscoe, Castro, Cochran, Crosby, Dawson, Deaf Smith, Dickens, Floyd, Gaines, Garza, Hale, Hockley, Howard, Lamb, Lubbock, Lynn, Martin, Midland, Motley, Parmer, Swisher, Terry, and Yoakum counties.

(10) "Host" means a plant or plant product in which the boll weevil is capable of completing any portion of its life cycle.

(11) "Infested" means the presence of the boll weevil in any life stage or the existence of generally accepted entomological evidence from which it may be concluded with reasonable certainty that the boll weevil is present.

(12) "Integrated pest management" is the coordinated use of pest and environmental information with available pest control methods to prevent unacceptable levels of pest damage by the most economical means and with the least possible hazard to people, property, and the environment.

(13) "Regulated article" means an article carrying or capable of carrying the boll weevil, including cotton plants, seed cotton, gin trash, other hosts, or mechanical cotton harvesters.

(14) "St. Lawrence Cotton Growers Boll Weevil Control Zone" includes Glasscock, Reagan, Upton, and south Midland counties.

Sec. 74.103. **CERTIFICATION BY COMMISSIONER; REQUIREMENTS.** (a) A nonprofit organization authorized under the laws of this state that represents cotton growers may petition the commissioner for certification as the organization authorized to:

- (1) create a foundation;
- (2) conduct the initial election of the board; and
- (3) conduct referenda to establish eradication zones.

(b) A petition under this section must include:

- (1) a geographic description of each proposed eradication zone, including a separate proposed eradication zone for the High Plains Boll Weevil Suppression Program Area and the St. Lawrence Cotton Growers Boll Weevil Control Zone;
- (2) an initial plan for representation for each proposed eradication zone on a board consisting of 6, 9, 12, or 15 members; and
- (3) any other information required by the commissioner.

(c) Not later than the 60th day after the date on which the commissioner receives a petition for certification, the commissioner shall hold a public hearing to consider the pending petition.

(d) After a hearing is held under Subsection (c) of this section the commissioner may select one organization to implement this subchapter and shall certify that the selected organization:

- (1) has submitted a petition that complies with this subchapter;
- (2) can adequately represent the interests of cotton growers in the proposed eradication zones described by the organization's petition; and
- (3) is authorized to conduct eradication zone referenda and initial board elections under Sections 74.105 and 74.106 of this code.

(e) If more than one nonprofit organization petitions the commissioner for certification under this section, the commissioner shall select the organization that can best carry out the purposes of this subchapter according to objective criteria determined by the commissioner.

*Sec. 74.104. CERTIFICATION; REVOCATION. (a) The commissioner shall certify the petitioning organization selected under Section 74.103 of this code as the organization authorized to create an official boll weevil eradication foundation. The selected organization may conduct the initial eradication zone referenda and board elections. A certification is valid for the purposes of this subchapter only and does not affect other organizations or associations of cotton growers established for other purposes.*

*(b) The commissioner shall certify only one organization under this section. The commissioner may revoke the organization's certification on 60 days written notice if the organization fails to meet the requirements of this subchapter.*

*Sec. 74.105. ERADICATION ZONE REFERENDA. (a) The organization certified under Section 74.104 of this code or the foundation shall conduct a referendum in each proposed eradication zone to determine whether cotton growers desire to establish an official boll weevil eradication zone.*

*(b) Eradication zone referenda shall be conducted under the procedures provided by Section 74.114 of this code.*

*(c) A proposed eradication zone referendum ballot must include or be accompanied by information about the proposed eradication zone, including:*

- (1) a statement of the purpose of the boll weevil eradication program;*
- (2) the geographic area included in the proposed eradication zone;*
- (3) a general summary of rules adopted by the commissioner under Sections 74.114, 74.118, and 74.120 of this code, including a description of:*

*(A) cotton grower responsibilities; and*

*(B) penalties for noncompliance with rules adopted under this subchapter; and*

- (4) an address and toll-free telephone number that a cotton grower may use to request more information about the referendum or the boll weevil eradication program.*

*(d) If a referendum to establish an eradication zone fails, the concurrent election of board members from the proposed eradication zone under Section 74.106 of this code has no effect.*

*(e) The organization certified under Section 74.104 of this code or the foundation, as appropriate, may call additional referenda in a proposed eradication zone in which a referendum has failed. An additional eradication zone referendum and concurrent board election may be held no earlier than the 121st day after the date of the last referendum.*

*(f) After the passage of any referendum, the eligible voters shall be allowed, by subsequent referenda periodically as specified in the initial referendum, to vote on whether to continue their assessments. All of the requirements for an initial referendum must be met in subsequent referenda.*

*Sec. 74.106. BOARD ELECTIONS. (a) The initial election for board members from a proposed eradication zone shall be held concurrently with an eradication zone referendum held under Section 74.105 of this code. Each zone shall be represented on the board.*

*(b) A board election shall be conducted under the procedures provided by this section and Section 74.114 of this code.*

*(c) A cotton grower who is eligible to vote in a referendum or election under this subchapter is eligible to be a candidate for and member of the board.*

*(d) A cotton grower who wants to be a candidate for the board must file an application with the secretary of the foundation or, before certification of the organization under Section 74.104 of this code, the commissioner. The application must be:*

- (1) filed not later than the 30th day before the date set for the board election;*
- (2) on a form approved by the commissioner; and*
- (3) signed by at least 10 cotton growers who are eligible to vote in the board election.*

*(e) On receipt of an application and verification that the application meets the requirements of Subsection (d) of this section, an applicant's name shall be placed on the ballot for the board election.*

(f) An eligible voter may vote for a cotton grower whose name does not appear on the official ballot by writing that person's name on the ballot.

(g) A board election must be preceded by at least 45 days notice published in one or more newspapers published and distributed in the proposed or established eradication zone. The notice shall be published not less than once a week for three consecutive weeks. Not later than the 45th day before the date of the election, direct written notice of the election shall be given to each county agent in the eradication zone.

Sec. 74.107. **COMPOSITION OF BOARD.** (a) The High Plains Boll Weevil Suppression Program Area and the St. Lawrence Cotton Growers Boll Weevil Control Zone are separate zones for the purposes of boll weevil eradication and may not be combined with another area in an eradication zone under this subchapter.

(b) The board, with the commissioner's approval, may change the number of board positions or the eradication zone representation on the board. A change under this subsection may not contravene another provision of this subchapter.

Sec. 74.108. **BOARD POWERS.** The board may:

- (1) conduct board elections;
- (2) conduct eradication zone referenda;
- (3) conduct assessment referenda under Section 74.113 of this code;
- (4) conduct programs consistent with the declaration of policy stated in Section 74.101 of this code; and
- (5) form an advisory committee composed of individuals from this state, other states, or other countries and change membership on the committee, as necessary. Any advisory committee created under this subdivision for the purpose of establishing treatment methods shall include among its members persons with knowledge of the effects of different treatments on the health of agricultural workers, the local population, and the ecosystem, including but not limited to the effects of a particular method of treatment on beneficial organisms and wildlife, the potential for secondary infestations from nontarget pests, and the potential for pest resistance to particular methods of treatment.

Sec. 74.109. **BOARD DUTIES.** (a) The board shall make available for inspection at an annual independent audit all books, records of account, and minutes of proceedings maintained by the foundation.

(b) Not later than the 45th day after the last day of the fiscal year, the board shall submit to the commissioner a report itemizing all income and expenditures and describing all activities of the foundation during the fiscal year.

(c) The foundation shall provide surety bonds in amounts determined by the commissioner for employees or agents who handle funds for the foundation.

(d) The foundation shall collect, receive, hold in trust, and disburse all assessments and other funds collected under this subchapter as trust funds of the foundation. The foundation board is a state agency for exemption from taxation and indemnification only and for no other purpose. Funds collected by the foundation are not state funds and are not required to be deposited in the state treasury. The foundation shall deposit all money collected under this subchapter in a bank or other depository approved by the board.

(e) The board shall collect data on the type and quantity of pesticides used in accordance with this subchapter.

(f) All revenue collected under this subchapter shall be used solely to finance programs approved by the commissioner as consistent with this subchapter and applicable provisions of the constitution.

Sec. 74.110. **LIABILITY OF FOUNDATION MEMBERS, OFFICERS, AND EMPLOYEES.** (a) Except for instances of gross negligence, individual criminal actions, or acts of dishonesty, the foundation's members, officers, and employees are not individually liable to a cotton grower or other person for:

- (1) errors in judgment;
- (2) mistakes; or

(3) *other acts or omissions.*

(b) *A foundation member, officer, or employee is not individually liable for an act or omission of another foundation member, officer, or employee.*

Sec. 74.111. **BOARD MEMBER COMPENSATION.** *Board members serve without compensation but are entitled to reimbursement for reasonable and necessary expenses incurred in the discharge of their duties.*

Sec. 74.112. **DISCONTINUATION OF PROGRAM AND FOUNDATION AND DISPOSITION OF FUNDS ON DISCONTINUANCE.** (a) *On the determination by the foundation that the boll weevil eradication program has been completed in all eradication zones established under this subchapter, the foundation shall provide notice of such completion to the commissioner along with a request for discontinuance of the eradication program and collection of the assessment. Any such request shall include documentation supporting the eradication of the boll weevil in all eradication zones and a plan for discontinuance of the program and assessment.*

(b) *The commissioner shall determine whether or not the further elimination of the boll weevil is necessary in the eradication zones and approve or disapprove discontinuance of the foundation and the plan for dissolution.*

(c) *On completion of dissolution, the foundation shall file a final report with the commissioner, including a financial report, and submit all remaining funds into the trust of the commissioner. Final books of the foundation shall be filed with the commissioner and are subject to audit by the department.*

(d) *The commissioner shall pay from the foundation's remaining funds all of the foundation's outstanding obligations.*

(e) *Funds remaining after payment under Subsection (d) of this section shall be returned to contributing cotton growers on a pro rata basis.*

(f) *If 40 percent or more of the producers within a zone participating in the program present to the foundation a petition calling for a referendum of the qualified voters on the proposition of discontinuing the program, the board shall conduct a referendum for that purpose.*

(g) *The board shall give notice of the referendum, the referendum shall be conducted, and the results shall be declared in the manner provided by law for the original referendum and election, with any necessary exceptions provided by rule of the commissioner.*

(h) *The board shall conduct the referendum within 90 days of the date of filing of the petition.*

(i) *Approval of the proposition is by majority vote of those voting. If the proposition is approved, the program is abolished.*

Sec. 74.113. **ASSESSMENT REFERENDA.** (a) *The foundation shall determine the assessment needed in each eradication zone to accomplish the following goal: to finance programs of marketing, promotion, research, and education calculated to increase the production and use of cotton.*

(b) *The foundation shall propose in a referendum the:*

(1) *maximum assessment to be paid by cotton growers having production in the eradication zone; and*

(2) *time for which the assessment will be made.*

(c) *The foundation may make an assessment in an eradication zone at a level less than the assessment approved by the referendum.*

(d) *The foundation shall conduct an assessment referendum under the procedures provided by Section 74.114 of this code.*

(e) *If an assessment referendum is approved, the foundation may collect the assessment.*

(f) *An assessment levied on cotton growers in an eradication zone may be applied only to:*

(1) *eradication in that zone;*

(2) *the foundation's operating costs; and*

(3) the conducting of other programs consistent with the declaration of policy stated in Section 74.101 of this code.

**Sec. 74.114. CONDUCT OF BOARD ELECTIONS AND REFERENDA; BALLOTING.**

(a) The foundation shall conduct a referendum or board election under its jurisdiction.

(b) The foundation shall bear all expenses incurred in conducting a referendum or board election.

(c) The commissioner shall adopt rules for voting in the initial board election and initial referenda to establish eradication zones. The board shall adopt rules for voting in other referenda and board elections. Rules adopted under this subsection must include provisions for determining:

(1) who is a cotton grower eligible to vote in an election;

(2) whether a board member is elected by a plurality or a majority of the votes cast; and

(3) the area from which each board member is elected.

(d) A cotton grower having cotton production in a proposed or established eradication zone is entitled to:

(1) vote in a referendum concerning the eradication zone; and

(2) elect board members to represent the eradication zone.

(e) An eligible cotton grower may vote only once in a referendum or board election.

(f) Ballots in a referendum or board election may be mailed to a central location to be initially determined by the commissioner and later determined by the board. A cotton grower eligible to vote in a referendum or board election shall be offered the option of voting in person at the office of the county agent of the Texas Agricultural Extension Service in the county in which the cotton grower resides. A county agent shall hold ballots received under this section in trust and shall count the ballots and report the results to the commissioner and the foundation.

(g) A referendum is approved if:

(1) at least two-thirds of those voting vote in favor of the referendum; or

(2) those voting in favor of the referendum farm more than 50 percent, as determined by the commissioner, of the cotton acreage in the relevant eradication zone.

(h) If a referendum under this subchapter is not approved, the foundation may with the approval of the commissioner conduct another referendum. A referendum under this subsection may not be held before the 121st day after the date on which the last referendum on the same issue was held.

(i) A public hearing regarding the proposed eradication plan, including regulations to be promulgated by the commissioner, shall be held in each of several locations within each boll weevil eradication zone. The area posted for each hearing shall include no more than six contiguous counties.

**Sec. 74.115. FAILURE TO PAY ASSESSMENTS.** (a) A cotton grower who fails to pay an assessment levied under this subchapter when due may be subject, after reasonable notice, to a penalty set by the board.

(b) A cotton grower who fails to pay all assessments and penalties before the 31st day after receiving notice of the delinquency shall destroy any cotton growing on the grower's acreage that is subject to the assessment. Cotton plants that are not destroyed are a public nuisance, and, on recommendation of the foundation, the department shall follow the procedures for destruction of host plants provided by Subchapter A of this chapter. The department may apply to a district court with jurisdiction in the county in which the public nuisance is located to have the nuisance condemned and destroyed. Injunctive relief available to the department under this subchapter is in addition to any other legal remedy available to the department. The department is not required to file a bond in a proceeding under this subsection.

(c) In addition to any other remedies for the collection of assessments and penalties, the department may place and perfect a lien on cotton produced and harvested before the

destruction of other cotton grown from the acreage that is subject to the assessment that is due and unpaid. A buyer of cotton takes free of the lien if the buyer has not received written or actual notice of the lien from the department or if the buyer has paid for the cotton by a check on which the department is named as a joint payee. In an action to enforce the lien, the burden is on the department to prove that the buyer of cotton received written or actual notice of the lien. A buyer of cotton other than a person buying cotton from the cotton grower takes free of the lien.

Sec. 74.116. **EXEMPTION FROM ASSESSMENT PENALTIES.** (a) The commissioner by rule shall adopt criteria for exemption from payment of assessment penalties under Section 74.115 of this code a cotton grower for whom payment would impose an undue financial burden.

(b) A cotton grower may not qualify for an exemption under this section for a year in which the amount computed by subtracting the assessments and penalties due under this subchapter from the cotton grower's net income subject to federal income taxation is greater than \$15,000.

(c) A cotton grower who applies for an exemption under this section must use a form prescribed by the commissioner. A cotton grower must file a separate application form for each year for which the cotton grower claims an exemption.

(d) The commissioner shall forward to the foundation a completed exemption application form. The foundation shall determine whether the applicant qualifies for an exemption and shall notify the commissioner of its determination.

(e) On notification by the foundation that a cotton grower qualifies for an exemption, the commissioner shall exempt the cotton grower from payment of an assessment penalty under Section 74.115 of this code.

(f) On the foundation's recommendation, the commissioner may establish a payment plan for a cotton grower applying for an exemption under this section.

(g) The commissioner shall promptly notify an applicant of the foundation's determination regarding the applicant's request for an exemption.

(h) If an exemption under this section is denied, assessments and penalties for the year for which the application is made are due on the later of:

(1) the date on which they would be due in the absence of an application for exemption; or

(2) 30 days after the date the applicant receives notice of the denial.

Sec. 74.117. **ENTRY OF PREMISES; ERADICATION ACTIVITIES; INSPECTIONS.** The department, the foundation, or a designated representative of either entity may enter cotton fields or other premises to carry out the purposes of this subchapter and Subchapter A of this chapter, which include the treatment, monitoring, and destruction of growing cotton or other host plants. The department, the foundation, or a designated representative of either entity may inspect fields or premises in this state for the purpose of determining whether the property is infested with the boll weevil. An inspection must be conducted during reasonable daylight hours.

Sec. 74.118. **AUTHORITY TO PROHIBIT PLANTING OF COTTON AND REQUIRE PARTICIPATION IN ERADICATION PROGRAM.** (a) The commissioner may adopt reasonable rules regarding areas where cotton may not be planted in an eradication zone if there is reason to believe planting will jeopardize the success of the program or present a hazard to public health or safety.

(b) The commissioner may adopt rules prohibiting the planting of noncommercial cotton in eradication zones and requiring that all growers of commercial cotton in an eradication zone participate in a boll weevil eradication program that includes cost sharing as required by the rules.

(c) Notice of prohibitions and requirements shall be given by publication for one day each week for three successive weeks in a newspaper having general circulation in the affected area.

(d) *The commissioner may adopt a reasonable schedule of penalty fees to be assessed against growers in a designated eradication zone who do not meet the requirements of the rules issued by the commissioner relating to reporting of acreage and participation in cost sharing. The penalty fees adopted may not exceed \$50 per acre.*

(e) *If a grower fails to meet the requirements of rules adopted by the commissioner, the commissioner may order the destruction of cotton not in compliance with the rules. Costs incurred by the commissioner in the destruction of cotton may be assessed against the grower.*

**Sec. 74.119. AUTHORITY FOR DESTRUCTION OR TREATMENT OF COTTON IN ERADICATION ZONES; COMPENSATION PAYABLE.** *The department may destroy or treat volunteer or other noncommercial cotton and establish procedures for the purchase and destruction of commercial cotton in eradication zones if the department determines the action is necessary to carry out the purposes of this subchapter. The department is not liable to the owner or lessee for the destruction of or injury to any cotton that was planted in an eradication zone after publication of notice as provided by this subchapter. The foundation is liable for the destruction of cotton if the cotton was planted in an eradication zone before publication of the notice.*

**Sec. 74.120. AUTHORITY TO ADOPT RULES.** (a) *The commissioner shall adopt rules to protect individuals, livestock, wildlife, and honeybee colonies on any premises in an eradication zone on which cotton plants are being grown that have been or are being treated to eradicate the boll weevil.*

(b) *Rules adopted under this section shall establish the criteria by which the foundation develops its rules, procedures, and methods of treatment, which rules:*

(1) *establish a methodology for determining when boll weevil population levels have reached economic significance;*

(2) *establish an effective treatment regimen that seeks to provide the least possible risk to workers, the public, and the environment;*

(3) *minimize the effects of the use of pesticides on long-term control methods, including but not limited to the effect a particular pesticide may have on biological controls;*

(4) *establish methods for monitoring boll weevils and secondary pests;*

(5) *establish methods for verifying pesticide use reduction; and*

(6) *consider the acute and chronic toxicity of particular pesticides and the quantity of particular pesticides needed. Eradication zone treatment plans may take into account the potential for the use of smaller quantities of more toxic substances to result in fewer health and environmental risks than larger quantities of less toxic substances.*

(c) *The foundation may adopt other reasonable rules it considers necessary to carry out the purposes of this subchapter and Subchapter A of this chapter. All rules issued under this subchapter must be adopted and published in accordance with state requirements. Rules adopted by the foundation under this section shall be consistent with rules adopted by the commissioner under this subchapter.*

(d) *An advisory committee shall be established to assist the commissioner in the development of rules adopted under this section. The advisory committee shall be composed of:*

(1) *three cotton producers from different regions of the state, appointed by the commissioner;*

(2) *three entomologists with knowledge of the principles of integrated pest management, at least one of whom has special knowledge of nonchemical or biological pest control, appointed by the commissioner;*

(3) *two individuals with experience representing the general interests of the environment, appointed by the chair of the Texas Water Commission or its successor agency;*

(4) *an environmental engineer with expert knowledge of ground and surface water protection from contamination, appointed by the chair of the Texas Natural Resource Conservation Commission;*

(5) *a toxicologist, appointed by the Commissioner of Health; and*



(6) an individual with experience representing the general interests of consumers and an individual with experience representing the general interests of agricultural workers, appointed by the governor.

Sec. 74.121. **REPORTS.** Each person in an active eradication zone growing cotton in this state shall furnish to the foundation on forms supplied by the foundation information that the foundation requires concerning the size and location of all commercial cotton fields and of noncommercial patches of cotton grown for ornamental or other purposes.

Sec. 74.122. **QUARANTINE.** The department may adopt rules relating to quarantining areas of this state that are infested with the boll weevil. The rules must address the storage of regulated articles and the movement of regulated articles into and out of a quarantined area. The department may also adopt rules governing the movement of regulated articles from other states into this state if the articles are known to be infested with the boll weevil.

Sec. 74.123. **DOCUMENTING REGULATED ARTICLES.** To implement this subchapter, the department may issue or authorize issuance of:

(1) a certificate that indicates that a regulated article is not infested with the boll weevil; and

(2) a permit that provides for the movement of a regulated article to a restricted designation for limited handling, use, or processing.

Sec. 74.124. **COOPERATIVE PROGRAMS AUTHORIZED.** (a) The foundation may carry out programs to destroy and eliminate the boll weevil in this state by cooperating through written agreements with:

(1) an agency of the federal government;

(2) a state agency;

(3) an appropriate agency of a foreign country contiguous to the affected area to the extent allowed by federal law;

(4) a person who is engaged in growing, processing, marketing, or handling cotton; or

(5) a group of persons in this state involved in similar programs to carry out the purposes of this subchapter.

(b) An agreement entered into under this section may provide for cost sharing and for division of duties and responsibilities under this subchapter and may include other provisions to carry out the purposes of this subchapter.

Sec. 74.125. **ORGANIC PRODUCERS.** The board, in cooperation with the commissioner, shall develop rules and procedures to:

(1) protect the eligibility of organic producers to be certified by the commissioner;

(2) ensure that organic and transitional certification by the commissioner continue to meet national certification standards in order for organic cotton to maintain international marketability; and

(3) maintain the effectiveness of the boll weevil eradication program administered under this subchapter.

Sec. 74.126. **PENALTIES.** (a) A person who violates this subchapter or a rule adopted under this subchapter or who alters, forges, counterfeits, or uses without authority a certificate, permit, or other document issued under this subchapter or under a rule adopted under this subchapter commits an offense.

(b) An offense under this section is a Class C misdemeanor.

(c) If the commissioner determines that a violation of this subchapter or a rule adopted under this subchapter has occurred, the commissioner may request that the attorney general or the county or district attorney of the county in which the alleged violation occurred or is occurring file suit for civil, injunctive, and/or other appropriate relief.

Sec. 74.127. **SUNSET PROVISION.** (a) The board is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this subchapter expires September 1, 2004.

(b) The commissioner may order the dissolution of the foundation at any time the commissioner determines that the purposes of this subchapter have been fulfilled or that the

*foundation is inoperative and abandoned. Dissolution shall be conducted in accordance with Section 74.112 of this code.*

SECTION 2. This Act takes effect June 1, 1993, except that the Department of Agriculture may not destroy or treat cotton as permitted by Section 74.118, Agriculture Code, as added by this Act, before June 1, 1994.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

Passed the Senate on February 3, 1993: Yeas 29, Nays 1, one present not voting;  
passed the House on February 25, 1993: Yeas 136, Nays 0, two present not voting.

Approved March 10, 1993.

Effective June 1, 1993.