

CHAPTER 628

H.B. No. 1919

AN ACT

relating to the creation of a Fire Ant Advisory Board and an award program for research in the field of fire ant control and eradication.

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

SECTION 1. Chapter 77, Agriculture Code, is amended to read as follows:

CHAPTER 77. FIRE ANT CONTROL

SUBCHAPTER A. ERADICATION PROGRAM

Sec. 77.001. COMMISSIONERS COURT MAY ESTABLISH PROGRAM. The commissioners court of any county may establish, implement, and conduct a program for the eradication or control of the imported fire ant.

Sec. 77.002. COORDINATION WITH OTHER PROGRAMS. The program established under this chapter may be conducted independently of or in conjunction with any related program conducted and financed by private or other public entities.

Sec. 77.003. COST OF PROGRAM. The commissioners court may expend any available county funds to pay for all or its share of the cost of a program established under this chapter, including funds derived from taxation under the 80-cent limitation of Article VIII, Section 9, of the Texas Constitution.

Sec. 77.004. APPROVAL OF PROGRAM BY DEPARTMENT. (a) Except as provided by Subsection (b) of this section or by Section 77.005 of this code, the commissioners court shall obtain written approval by the department of the method of eradication to be used in any program established under this chapter. This approval must be obtained before the program is implemented.

(b) If the department does not grant approval of a method of eradication or propose an alternative method before the 61st day following the day on which the proposed method is submitted to the department, the commissioners court may proceed to expend county funds for implementation of the program using the method submitted to the department.

Sec. 77.005. FEDERALLY FUNDED AND APPROVED PROGRAMS. Approval by the department under Section 77.004 of this code is not required in connection with any program that is financed totally or partially by federal funds and that is approved by the appropriate federal agencies.

*[Sections 77.006–77.020 reserved for expansion]*

SUBCHAPTER B. BASIC RESEARCH PROGRAM

Sec. 77.021. FIRE ANT ADVISORY BOARD. (a) The Fire Ant Advisory Board is created and is composed of:

- (1) *the commissioner of agriculture;*
  - (2) *the executive director of the Parks and Wildlife Department;*
  - (3) *the engineer-director of the State Department of Highways and Public Transportation;*
  - (4) *a representative of the farm and ranch industry, appointed by the commissioner of agriculture;*
  - (5) *a representative of the nursery industry, appointed by the commissioner of agriculture;*
  - (6) *a representative of the utility industry, appointed by the governor;*
  - (7) *a representative of the insurance industry, appointed by the governor;*
  - (8) *a representative of the medical profession who is an expert in the toxicology related to fire ants, appointed by the governor; and*
  - (9) *a representative of the general public, appointed by the governor.*
- (b) *The commissioner of agriculture shall serve as chairman of the board, and the board shall annually elect whatever other officers the members consider necessary.*
- (c) *The board shall meet at least twice annually, and the chairman may call additional meetings.*
- (d) *Appointed board members serve for staggered terms of six years. The terms of two appointed board members expire on January 1 of each odd-numbered year. The officer who appointed a member who vacates the person's position on the board shall fill the vacancy for the remainder of the unexpired term.*
- (e) *The members of the advisory board serve without compensation but are entitled to reimbursement for actual expenses incurred in carrying out official duties, subject to the approval of the chairman of the board.*
- (f) *Money for expense reimbursement shall be deducted from the amounts received by the board from gifts, grants, and appropriations as described by Section 77.022(c) of this code.*
- (g) *The commissioner of agriculture shall provide the advisory board with necessary staff, office space, and administrative services.*
- (h) *The commissioner of agriculture shall, at least once each fiscal year, prepare an accounting of the expenses provided to the advisory board for the necessary staff, office space, and administrative services. The department shall be reimbursed for these expenses from the amount received by the board from gifts, grants, and appropriations as described by Section 77.022(c) of this code.*
- Sec. 77.022. FIRE ANT BASIC RESEARCH PROGRAM.** (a) *The Fire Ant Advisory Board shall oversee a program to finance broadly based ant research that the board determines to be of the highest scientific merit and offers the greatest promise in providing new directions for long-term solutions to fire ant infestations.*
- (b) *An award under the program described by Subsection (a) of this section shall be granted for a two-year period for individual or group projects, and may be extended after a board review at the end of that period.*
- (c) *The board may accept gifts and grants from the federal government, state government, and private sources, as well as legislative appropriations. The use of gifts and grants other than legislative appropriations is subject, after their appropriation, only to limitations contained in the gift or grant.*
- (d) *Except as provided by Subsection (c) of this section, awards under the program may be made from any gift, grant, or appropriation received.*
- (e) *The board shall make an annual accounting of all money received, awarded, and expended during the year to the legislative committees responsible for agricultural issues.*
- (f) *The Fire Ant Advisory Board may adopt rules necessary for the implementation and administration of the award program.*

*(g) The Fire Ant Advisory Board is subject to the Texas Sunset Act (Chapter 325, Government Code). Unless continued in existence as provided by that Act, the board is abolished and this subchapter expires effective September 1, 1999.*

SECTION 2. When the initial appointments to the Fire Ant Advisory Board have been made, the appointed members shall draw lots to determine which two of the initial appointees serve terms expiring January 1, 1989, which two serve terms expiring January 1, 1991, and which two serve terms expiring January 1, 1993.

SECTION 3. This Act takes effect September 1, 1987.

SECTION 4. 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.

Passed by the House on May 14, 1987, by a non-record vote. Passed by the Senate on May 30, 1987, by a viva-voce vote.

Approved June 19, 1987.

Effective Sept. 1, 1987.