

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: **8/20/2008**
 TIME: **1:55:37PM**

Agency code: **551**

Agency name:

Department of Agriculture

CODE	DESCRIPTION	Excp 2010	Excp 2011
	Item Name: Salary Equity		
	Item Priority: 1		
	Includes Funding for the Following Strategy or Strategies:		
	01-01-01 Generate Marketing Opportunities for Texas Agriculture		
	01-01-02 Regulate Pesticide Use		
	01-01-03 Reduce Pesticide Use through Integrated Pest Management Practices		
	01-01-04 Certify Fruits, Vegetables and Peanuts to Enhance Their Marketability		
	02-01-01 Implement Surveillance and Biosecurity Efforts for Pests/Diseases		
	02-01-02 Verify the Quality and Type of Seed Desired		
	02-01-03 Regulate Commodity through Verification, Licensing, Inspect, & Enfmnt		
	02-01-04 Structural Pest Control		
	03-01-01 Inspect Weighing and Measuring Devices/Reduce Violations		
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	2,000,000	2,000,000
	TOTAL, OBJECT OF EXPENSE	\$2,000,000	\$2,000,000
METHOD OF FINANCING:			
1	General Revenue Fund	2,000,000	2,000,000
	TOTAL, METHOD OF FINANCING	\$2,000,000	\$2,000,000

DESCRIPTION / JUSTIFICATION:

Funding for this exceptional item would provide for the agency to be more competitive with other state agencies thereby improving recruitment and retention efforts. Funding is requested for the following:

Across-the-board increases of 5% for agency employees not specifically targeted below.

Targeted increases of 12.6% for Inspectors.

Targeted increases of 8% for Attorneys

Targeted increases of 6% for Systems Analysts

Targeted increases of 8.9% for Supervisors/Team Leaders

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
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CODE DESCRIPTION

Excp 2010

Excp 2011

Targeted increases of 12% for Deputy Assistant Commissioners

Targeted increases of 6.6% for Assistant Commissioners/Regional Directors

EXTERNAL/INTERNAL FACTORS:

This request improves the agency's ability to recruit, retain and compensate qualified employees. TDA's average salary falls below the average salary of all other mid-sized Texas state agencies by more than 20%. The \$2 million exceptional item request would not eliminate this average salary difference, but it would reduce it significantly.

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Department of Agriculture

CODE	DESCRIPTION	Excp 2010	Excp 2011
	Item Name: Consumer Protection		
	Item Priority: 2		
	Includes Funding for the Following Strategy or Strategies: 03-01-01 Inspect Weighing and Measuring Devices/Reduce Violations		
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	354,560	354,560
2001	PROFESSIONAL FEES AND SERVICES	22,500	22,500
2002	FUELS AND LUBRICANTS	20,800	20,800
2003	CONSUMABLE SUPPLIES	132,000	20,000
2004	UTILITIES	4,800	4,800
2005	TRAVEL	109,200	109,200
2006	RENT - BUILDING	13,500	13,500
2009	OTHER OPERATING EXPENSE	48,477	43,077
5000	CAPITAL EXPENDITURES	110,250	11,250
	TOTAL, OBJECT OF EXPENSE	\$816,087	\$599,687

METHOD OF FINANCING:

1	General Revenue Fund	816,087	599,687
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TOTAL, METHOD OF FINANCING

\$816,087 **\$599,687**

FULL-TIME EQUIVALENT POSITIONS (FTE):

9.00 9.00

DESCRIPTION / JUSTIFICATION:

The objective of the Weights and Measures program is to insure that consumer goods are properly measured, weighed, labeled, and priced. Inspection activities in the program include weights and measures devices (fuel pumps, scales, bulk meters and truck scales), octane testing, price verification and random and standard package inspections. A recent investigation (Operation Spotlight) conducted by TDA revealed consumer fraud and deceptive trade practices by a regulated entity. As a result of the operation, TDA has uncovered needed changes in the program and has developed a revised approach to providing consumer protection. Enhanced resources, revisions to the regulatory framework, and increased penalties will provide TDA with the tools necessary to strengthen the enforcement of weight and measure standards and conduct inspection activities in a cost effective manner that will minimize fraud and provide the highest level of consumer protection.

This exception items involves the implementation of a three tiered approach to regulation by conducting routine inspections/audits using risk assessed data, conducting inspections based upon consumer complaints, and conducting blitz operations (such as Operation Spotlight) based upon trend analysis.

Legislative authority will also be needed to increase penalties for repeat violations resulting from servicing and recalibration errors, to strengthen the statutory provisions for weighing and measuring devices, and to strengthen statutory provisions and penalties to encourage octane accuracy. Additional FTEs, equipment and capital expenditures will be required to accomplish program modifications.

EXTERNAL/INTERNAL FACTORS:

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
81st Regular Session, Agency Submission, Version 1
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TIME: **1:55:37PM**

Agency code: **551**

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Department of Agriculture

CODE DESCRIPTION

Excp 2010

Excp 2011

In 2007, TDA evaluated the weights and measures penalty matrix and made significant changes by quadrupled fines for fuel pump and other weights and measures violations. A recent investigation (Operation Spotlight) conducted by TDA revealed consumer fraud and deceptive trade practices by a regulated entity. As a result of the operation, TDA has uncovered needed changes in the program to better protect consumers. Also, the rising cost of fuel is a key factor behind the soaring number of fuel pump complaints by consumers. The number of complaints has risen more than 120 percent since 2005.

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
 81st Regular Session, Agency Submission, Version 1
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 TIME: **1:55:37PM**

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Department of Agriculture

CODE	DESCRIPTION	Excp 2010	Excp 2011
	Item Name: Nutrition Initiative		
	Item Priority: 3		
	Includes Funding for the Following Strategy or Strategies: 04-01-01 Support Nutrition Programs in Schools		

OBJECTS OF EXPENSE:

1001	SALARIES AND WAGES	180,000	180,000
2001	PROFESSIONAL FEES AND SERVICES	30,400	10,000
2006	RENT - BUILDING	6,000	6,000
4000	GRANTS	24,775,600	24,804,000
5000	CAPITAL EXPENDITURES	8,000	0
	TOTAL, OBJECT OF EXPENSE	\$25,000,000	\$25,000,000

METHOD OF FINANCING:

1	General Revenue Fund	25,000,000	25,000,000
	TOTAL, METHOD OF FINANCING	\$25,000,000	\$25,000,000

FULL-TIME EQUIVALENT POSITIONS (FTE):

4.00 4.00

DESCRIPTION / JUSTIFICATION:

Funding for this exceptional item would provide grants to school districts, early childhood centers, preschool programs, afterschool and community programs, and faith based initiatives for increased nutrition education to the children they serve.

Funding is requested for the following:

- Grants to schools to reward them for best practices in nutrition. Schools would submit data on how they have improved their school lunch and breakfast programs by increasing participation, increasing the nutritional value of their meals, or providing more access to fresh produce.
- Grants to Prekindergarten and childcare programs to incorporate nutrition education in their curricula.
- Grants to schools to reward them for best practices in nutrition. Schools would submit data on how they have improved their school lunch and breakfast programs by increasing participation, increasing the nutritional value of their meals, or providing more access to fresh produce.
- Grants to Prekindergarten and childcare programs to incorporate nutrition education in their curricula.
- Grants to afterschool, community, and faith-based initiatives to incorporate nutrition education in their programs.
- Grants to support celebrity-mentoring programs for outreach to middle and high schools on nutrition education.

EXTERNAL/INTERNAL FACTORS:

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81st Regular Session, Agency Submission, Version 1
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CODE DESCRIPTION

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Excp 2011

School districts have continued to work under constrained budgets to meet the mandates of the Texas Public School Nutrition Policy. Although the Texas Department of Agriculture has made great strides in improving the Nutrition environment of schools, it will require a collaborative effort to decrease the rates of childhood obesity and improve the overall nutritional health of children. Grants and educational initiatives targeted to a variety of programs both inside and outside the traditional school day will assist in furthering the overall health of Texas children.

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 81st Regular Session, Agency Submission, Version 1
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Department of Agriculture

CODE	DESCRIPTION	Excp 2010	Excp 2011
	Item Name: Texas Rural Investment Fund		
	Item Priority: 4		
	Includes Funding for the Following Strategy or Strategies: 01-01-01 Generate Marketing Opportunities for Texas Agriculture		

OBJECTS OF EXPENSE:

1001	SALARIES AND WAGES	90,000	90,000
2001	PROFESSIONAL FEES AND SERVICES	5,000	5,000
2005	TRAVEL	5,000	5,000
2006	RENT - BUILDING	3,000	3,000
2009	OTHER OPERATING EXPENSE	4,893,000	4,897,000
5000	CAPITAL EXPENDITURES	4,000	0
	TOTAL, OBJECT OF EXPENSE	\$5,000,000	\$5,000,000

METHOD OF FINANCING:

1	General Revenue Fund	5,000,000	5,000,000
	TOTAL, METHOD OF FINANCING	\$5,000,000	\$5,000,000

FULL-TIME EQUIVALENT POSITIONS (FTE):

2.00 2.00

DESCRIPTION / JUSTIFICATION:

Grants and/or loans to eligible entities, including but not limited to cities, counties and local economic development corporations, for economic development activities which benefit rural Texas and result in new and/or retained higher paying jobs. Projects supported by the fund could include new capital investment, workforce recruitment, education, training, rural entrepreneurship and rural internship programs. This item includes two (2) FTEs to provide contract administration, provide training/technical support to potential program participants and grant recipients.

EXTERNAL/INTERNAL FACTORS:

Job creation is vital to the survival and prosperity of a rural community. Just as important as creating the jobs through private investment, it is important to support those investors by helping satisfy the workforce needs to fill those jobs and generate the intended economic impact for the rural community. New economic development opportunities and economic downturns in rural communities cause communities to seek assistance from government programs. These funds provide a means for rural communities to have a similar competitive advantage as do urban communities. A state funded program would allow greater flexibility to meet the ever changing needs of a state as vast as Texas. Federal Community Development Block Grant (CDBG) guidelines, currently the primary source available to TDA for economic development projects, require funds to be invested in low to moderate income jobs and improving slum and blight conditions in a community. CDBG funds also provide communities with options which would allow them to invest in the retention, recruitment, training and educating a workforce resulting in higher income jobs. In addition, CDBG funds prevent entering into agreements with local economic development corporations, further limiting options for rural communities.

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 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

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 TIME: **1:55:37PM**

Agency code: **551**

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Department of Agriculture

CODE	DESCRIPTION	Excp 2010	Excp 2011
	Item Name: Biosecurity Inspection Initiative		
	Item Priority: 5		
	Includes Funding for the Following Strategy or Strategies: 02-01-01 Implement Surveillance and Biosecurity Efforts for Pests/Diseases		

OBJECTS OF EXPENSE:

1001	SALARIES AND WAGES	381,420	381,420
2001	PROFESSIONAL FEES AND SERVICES	25,000	25,000
2002	FUELS AND LUBRICANTS	33,320	33,320
2003	CONSUMABLE SUPPLIES	40,000	17,500
2004	UTILITIES	83,520	83,520
2005	TRAVEL	109,200	109,200
2009	OTHER OPERATING EXPENSE	65,236	58,536
5000	CAPITAL EXPENDITURES	154,000	0
	TOTAL, OBJECT OF EXPENSE	\$891,696	\$708,496

METHOD OF FINANCING:

1	General Revenue Fund	891,696	708,496
	TOTAL, METHOD OF FINANCING	\$891,696	\$708,496

FULL-TIME EQUIVALENT POSITIONS (FTE):

10.00	10.00
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DESCRIPTION / JUSTIFICATION:

Protecting Texas agriculture is an important function of the Texas Department of Agriculture (TDA) because it involves securing a vital part of our state's economy. TDA acts as the state's lead agency for coordinating plant pests and other agricultural emergencies related to crop production in Texas and also operates temporary road stations in cooperation with the Texas Department of Public Safety (DPS) to deter artificial introduction of pests into Texas. In 2007, the Texas Legislature appropriated \$1.3 million for TDA's enhanced inspections efforts. Consequently, TDA has increased the number of routine road station inspections, which are usually conducted in 8-hour shifts, 72-hour inspections at DPS weigh stations, inspections at shipment destinations, and targeted commodity inspections. These activities are providing useful information to better protect Texas against the introduction of harmful pests and diseases.

This exceptional item proposes to increase the number of road station inspections, expand the number of market blitz inspections, and conduct pathway analysis and risk assessments to enhance quarantine enforcement activities. Additional FTEs, equipment and capital expenditures will be required to accomplish an expansion of program activities.

FTEs - A total of 10 FTEs will be required: 1 Program Specialist, 1 Training and Quality Assurance Specialist, and 8 Inspectors. The Program Specialist will assist with pathway analysis, risk assessment, and administration of the quarantine and road station programs. The Training and Quality Assurance Specialist will perform quality assurance duties on completed inspections, identify training needs, and assist with training activities. Inspectors will conduct road station and quarantine enforcement inspections.

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Agency code: **551**

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Department of Agriculture

CODE DESCRIPTION

Excp 2010

Excp 2011

EXTERNAL/INTERNAL FACTORS:

Texas is under an increasing threat from plant pests recently identified in neighboring states. For example, a case of citrus greening was found in Louisiana in August and over eight parishes are infested with the citrus psyllid, which can potentially transmit the disease to the citrus plants. Several Florida citrus-growing counties are under surveillance for citrus greening and citrus psyllid, and the state is quarantined for these pests and citrus canker.

Asian cycad scale from Florida has devastated the Texas cycad palm industry. The pink hibiscus mealybug, which is found in Louisiana and Florida, was detected near Houston and the Valley in June 2008 and in Aransas County in 2007. It is being surveyed, monitored and controlled using biological control agents. These pests, along with other previously identified pests, present a significant threat to the biosecurity of agricultural and horticultural industries in Texas.

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 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: **8/20/2008**
 TIME: **1:55:37PM**

Agency code: **551**

Agency name:

Department of Agriculture

CODE	DESCRIPTION	Excp 2010	Excp 2011
	<p align="center">Item Name: Feral Hog Item Priority: 6 Includes Funding for the Following Strategy or Strategies: 01-01-01 Generate Marketing Opportunities for Texas Agriculture</p>		
OBJECTS OF EXPENSE:			
4000	GRANTS	2,800,000	0
TOTAL, OBJECT OF EXPENSE		\$2,800,000	\$0
METHOD OF FINANCING:			
1	General Revenue Fund	2,800,000	0
TOTAL, METHOD OF FINANCING		\$2,800,000	\$0

DESCRIPTION / JUSTIFICATION:

The feral hog population in Texas has expanded exponentially in recent years. The destruction caused by feral hogs has been identified as a serious issue for urban and rural landowners, livestock producers, farmers, wildlife habitats and waterways across much of the state. Population modeling indicates that a 70% control conducted twice within six months is necessary to reduce populations significantly. Increased funding will allow for increased technical assistance to landowners, trapping materials and enhanced direct control activities.

EXTERNAL/INTERNAL FACTORS:

The feral hog population continues to grow at a rapid rate. An aggressive abatement strategy is the only option for slowing the population growth rate. Population modeling indicates that a 70% control conducted twice within six months is necessary to reduce populations significantly

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 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: **8/20/2008**
 TIME: **1:55:37PM**

Agency code: **551**

Agency name:

Department of Agriculture

CODE	DESCRIPTION	Excp 2010	Excp 2011
	<p align="center">Item Name: GO TEXAN Certified Retirement Communities Item Priority: 7 Includes Funding for the Following Strategy or Strategies: 01-01-01 Generate Marketing Opportunities for Texas Agriculture</p>		
OBJECTS OF EXPENSE:			
2005	TRAVEL	30,000	30,000
2009	OTHER OPERATING EXPENSE	360,312	120,000
	TOTAL, OBJECT OF EXPENSE	\$390,312	\$150,000
METHOD OF FINANCING:			
1	General Revenue Fund	390,312	150,000
	TOTAL, METHOD OF FINANCING	\$390,312	\$150,000

DESCRIPTION / JUSTIFICATION:

Funding for this exception item would be utilized to achieve the legislatively mandated program outcomes by providing travel funds for agency staff to promote Texas as a retirement destination to retirees and potential retirees both within and outside Texas; promoting the program as a viable economic development tool to rural Texas communities; promoting certified retirement communities as optimum locales for retirement industry businesses and developers to invest and grow their ventures; and provide training/technical assistance to certified and applicant communities; developing and executing advertising and marketing tools and opportunities to promote Texas as a retirement destination to retirees and potential retirees both within and outside Texas; encouraging tourism to Texas in reference to an evaluation of this state as a desirable retirement location and for visitation of those who have chosen to retire in Texas, promoting the program as a viable economic development tool to rural Texas communities, promoting certified retirement communities as optimum locales for retirement industry businesses and developers to invest and grow their ventures and assist certified retirement communities in their efforts to market themselves as desirable retirement locations.

Appropriated Receipts, estimated at \$240,312, from prior years are requested as a part of this item so participants can derive benefit from funds received during FY2006 through FY2009.

EXTERNAL/INTERNAL FACTORS:

Economic downturns in rural communities cause communities to seek assistance from government programs. Economic benefits occur in rural communities when active retirees move into rural areas. For example, one retiree household has the same economic benefit as 3.7 factory jobs.

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 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: **8/20/2008**
 TIME: **1:55:37PM**

Agency code: **551**

Agency name:

Department of Agriculture

CODE	DESCRIPTION	Excp 2010	Excp 2011
	Item Name: Fee Recovered Improvement to Commodity Programs		
	Item Priority: 8		
	Includes Funding for the Following Strategy or Strategies: 01-01-03 Reduce Pesticide Use through Integrated Pest Management Practices		
	02-01-03 Regulate Commodity through Verification, Licensing, Inspect, & Enfmnt		

OBJECTS OF EXPENSE:

1001	SALARIES AND WAGES	121,000	121,000
2005	TRAVEL	16,500	16,500
2009	OTHER OPERATING EXPENSE	60,000	60,000
TOTAL, OBJECT OF EXPENSE		\$197,500	\$197,500

METHOD OF FINANCING:

1	General Revenue Fund	197,500	197,500
TOTAL, METHOD OF FINANCING		\$197,500	\$197,500

FULL-TIME EQUIVALENT POSITIONS (FTE):

3.00 3.00

DESCRIPTION / JUSTIFICATION:

The Organics Program continues to grow at an average rate of 6% each year. Because of the growth, TDA has developed an application backlog and requires additional staffing to process applications in a timely manner. Also, TDA does not meet cost recovery in the Organics Program at this time and needs to increase fees to collect an additional \$60,000 per year. The amount requested is dependent upon fees generated (fee increase and additional applications). The revenue increase is estimated to be \$137,500 with a 70% fee increase based on the current number of licensees. The \$60,000 in fees will go to cost recovery and \$77,500 will go to support two new FTEs (Program Specialist) to process applications.

Strategy 2-1-3

The Grain Warehouse Program requires additional staffing to inspect and audit warehouse facilities in order to ensure that producers who store grain at warehouses are protected. TDA's current field inspectors do not have the financial audit background required to conduct detailed financial audits. This would allow TDA to hire an FTE (Grain Warehouse Audit Specialist) that would fill this need. The amount requested is dependent upon fees generated (fee increase and additional applications). The revenue increase is estimated to be \$60,000 with a 19% fee increase and current number of licensees.

EXTERNAL/INTERNAL FACTORS:

The rising cost of fuel is also a key factor behind the soaring number of fuel pump complaints. The number of complaints has risen 14-15 percent each year since 2005 and estimates for the current fiscal year show a similar pattern.

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
 81st Regular Session, Agency Submission, Version 1
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Department of Agriculture

CODE	DESCRIPTION	Excp 2010	Excp 2011
	<p align="center">Item Name: Yardage Fees Item Priority: 9 Includes Funding for the Following Strategy or Strategies: 01-01-01 Generate Marketing Opportunities for Texas Agriculture</p>		
OBJECTS OF EXPENSE:			
2009	OTHER OPERATING EXPENSE	150,000	150,000
	TOTAL, OBJECT OF EXPENSE	\$150,000	\$150,000
METHOD OF FINANCING:			
1	General Revenue Fund	150,000	150,000
	TOTAL, METHOD OF FINANCING	\$150,000	\$150,000

DESCRIPTION / JUSTIFICATION:

This exceptional item increases the yardage fees appropriated to the Texas Department of Agriculture. This additional appropriation is necessary to offset the increased cost of operating and maintaining aging export facilities and to accommodate increased facilities use as a result of reopening the Texas -Mexico border to exporting Texas breed cattle into Mexico after a four-year ban.

EXTERNAL/INTERNAL FACTORS:

Decisions by the United States Government and the Mexican Government can impact how livestock are able to cross the border from Texas into Mexico. When the borders are open, the potential for significant animals crossing increases and adds to the deterioration of the pens due to use. Weather is always a factor in causing the facilities to age and to become in need of repair.

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 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

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Agency code: **551**

Agency name:

Department of Agriculture

CODE	DESCRIPTION	Excp 2010	Excp 2011
	<p align="center">Item Name: Boll Weevil Eradication Item Priority: 10 Includes Funding for the Following Strategy or Strategies: 01-01-03 Reduce Pesticide Use through Integrated Pest Management Practices</p>		
OBJECTS OF EXPENSE:			
3001	CLIENT SERVICES	20,000,000	20,000,000
	TOTAL, OBJECT OF EXPENSE	\$20,000,000	\$20,000,000
METHOD OF FINANCING:			
1	General Revenue Fund	20,000,000	20,000,000
	TOTAL, METHOD OF FINANCING	\$20,000,000	\$20,000,000

DESCRIPTION / JUSTIFICATION:

Boll weevil eradication in Texas is overseen by the Texas Department of Agriculture. The Commissioner of Agriculture has designated the Texas Boll Weevil Eradication Foundation, Inc. as the entity to perform the eradication effort. Appropriated dollars given to TDA for boll weevil eradication are passed through as a grant to the Texas Boll Weevil Eradication Foundation to fund eradication activities in any of the sixteen active eradication zones in the state.

EXTERNAL/INTERNAL FACTORS:

One-time assistance for specific boll weevil eradication zones facing financial difficulty due to setbacks sustained due to hurricanes, tropical storms and re-infestation from neighboring areas not then participating in the eradication program, and other circumstances beyond the control of the eradication program or the cotton growers.

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

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Agency code: **551**

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Department of Agriculture

CODE	DESCRIPTION	Excp 2010	Excp 2011
	Item Name: Data Center Consolidation		
	Item Priority: 11		
	Includes Funding for the Following Strategy or Strategies:		
	01-01-01 Generate Marketing Opportunities for Texas Agriculture		
	01-01-02 Regulate Pesticide Use		
	01-01-03 Reduce Pesticide Use through Integrated Pest Management Practices		
	01-01-04 Certify Fruits, Vegetables and Peanuts to Enhance Their Marketability		
	02-01-01 Implement Surveillance and Biosecurity Efforts for Pests/Diseases		
	02-01-02 Verify the Quality and Type of Seed Desired		
	02-01-03 Regulate Commodity through Verification, Licensing, Inspect, & Enfmnt		
	02-01-04 Structural Pest Control		
	03-01-01 Inspect Weighing and Measuring Devices/Reduce Violations		
	05-01-01 Review, Coordinate, and Fund Research and Development Programs		
 OBJECTS OF EXPENSE:			
2001	PROFESSIONAL FEES AND SERVICES	101,525	101,525
	TOTAL, OBJECT OF EXPENSE	\$101,525	\$101,525
 METHOD OF FINANCING:			
1	General Revenue Fund	101,525	101,525
	TOTAL, METHOD OF FINANCING	\$101,525	\$101,525

DESCRIPTION / JUSTIFICATION:

Funding for this exceptional item would provide the difference between the FY 2008/2009 base and the estimate from DIR for FY 2010/2011.

EXTERNAL/INTERNAL FACTORS:

These services are provided by DIR as required by HB1516 (80 - R).