

AN ACT

relating to the detection and mitigation of plant pests and diseases.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 71, Agriculture Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. PLANT PEST AND DISEASE DETECTION AND SURVEILLANCE

Sec. 71.201. DEFINITIONS. In this subchapter:

(1) "Cooperative agreement" means an agreement described by Section 71.202.

(2) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(3) "Interested parties" include the following organizations or a successor organization:

(A) Plains Cotton Growers;

(B) South Texas Cotton and Grain Association;

(C) Texas Citrus Mutual;

(D) Texas Corn Producers;

(E) Texas Farm Bureau;

(F) Texas Grain Sorghum Association; and

(G) Texas Nursery and Landscape Association.

(4) "Plant pest and disease detection and surveillance" means the full range of activities undertaken to detect plant pests and diseases newly introduced to this state or to

1 a certain area of this state before a pest or disease becomes
2 established or an infestation of a pest or outbreak of a disease
3 becomes too large and costly to eradicate or control. The term
4 includes activities undertaken to detect pests and diseases
5 affecting specialty crops.

6 (5) "Specialty crop" means a fruit, vegetable, tree
7 nut, dried fruit, or nursery crop, including floriculture.

8 Sec. 71.202. COOPERATIVE AGREEMENT. (a) The department
9 shall enter into a cooperative agreement with an institution of
10 higher education that agrees to conduct plant pest and disease
11 detection and surveillance.

12 (b) In carrying out this section, the department shall
13 consult with the State Seed and Plant Board and other interested
14 parties.

15 Sec. 71.203. APPLICATION. (a) An institution of higher
16 education may apply to enter into a cooperative agreement by
17 submitting to the department an application containing the
18 information required by the department.

19 (b) The department shall notify each applicant of the:

20 (1) auditing and reporting requirements that will
21 apply to an institution of higher education in connection with the
22 use of any money provided by the department to the institution of
23 higher education under the cooperative agreement;

24 (2) criteria to be used to ensure that plant pest and
25 disease detection and surveillance conducted under the cooperative
26 agreement are based on sound scientific data or risk assessments;
27 and

1 (3) required means of identifying pathways of pest and
2 disease introduction.

3 Sec. 71.204. USE OF FUNDS. (a) An institution of higher
4 education shall use any money received under a cooperative
5 agreement to carry out plant pest and disease detection and
6 surveillance approved by the department to prevent the introduction
7 or spread of plant pests and diseases.

8 (b) The non-state share of the cost of carrying out a
9 cooperative agreement may be provided in-kind, including by
10 covering certain indirect costs the department considers
11 appropriate.

12 (c) The department may not consider an applicant's ability
13 to pay or cover non-state costs when deciding whether to enter into
14 a cooperative agreement with the applicant.

15 Sec. 71.205. SPECIAL FUNDING CONSIDERATIONS. The
16 department shall provide money to an institution of higher
17 education to carry out plant pest and disease detection and
18 surveillance under a cooperative agreement if the department
19 determines that:

20 (1) the institution of higher education is in a region
21 of this state that has a high risk of being affected by one or more
22 plant pests or diseases based on:

23 (A) the region's conduciveness to agricultural
24 pest and disease establishment due to location, agricultural
25 commodities produced, climate, crop diversity, or natural
26 resources; or

27 (B) the department's determination that an

1 agricultural pest or disease in the region is a state or federal
2 concern; and

3 (2) the plant pest and disease detection and
4 surveillance supported by the money will likely:

5 (A) prevent the introduction, establishment, or
6 widespread dissemination of plant pests and diseases; and

7 (B) provide a comprehensive approach to
8 complement federal and state plant pest and disease detection
9 efforts.

10 Sec. 71.206. REPORTING REQUIREMENTS. An institution of
11 higher education that conducts a plant pest and disease detection
12 and surveillance activity using money provided under this
13 subchapter shall, not later than the 90th day after the date the
14 activity is completed, submit to the department a report describing
15 the purposes and results of the activity.

16 Sec. 71.207. THREAT IDENTIFICATION AND MITIGATION PROGRAM.

17 (a) The department shall establish a threat identification and
18 mitigation program to determine and address threats to the domestic
19 production of crops, including specialty crops.

20 (b) Under the program, the department shall:

21 (1) develop risk assessments for potential threats
22 from foreign sources to the agricultural industry of this state;

23 (2) describe the status of plant pests and diseases
24 present or established in this state and management strategies
25 currently employed to contain the spread of those pests and
26 diseases;

27 (3) collaborate with the State Seed and Plant Board

1 and interested parties; and

2 (4) implement action plans to assist in preventing the
3 introduction and widespread dissemination of new or highly
4 consequential plant pests and diseases in this state.

5 (c) Not later than September 1 of each year, the department
6 shall submit to the committees of the senate and house of
7 representatives with primary jurisdiction over agriculture and
8 rural affairs a report on the action plans described by this
9 section, including an accounting of money spent in connection with
10 those plans.

11 SECTION 2. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 2089 was passed by the House on April 13, 2021, by the following vote: Yeas 148, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2089 was passed by the Senate on April 29, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor