

1-1 By: Burrows (Senate Sponsor - Perry) H.B. No. 2089
 1-2 (In the Senate - Received from the House April 13, 2021;
 1-3 April 13, 2021, read first time and referred to Committee on Water,
 1-4 Agriculture & Rural Affairs; April 20, 2021, reported favorably by
 1-5 the following vote: Yeas 9, Nays 0; April 20, 2021, sent to
 1-6 printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the detection and mitigation of plant pests and
 1-21 diseases.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 71, Agriculture Code, is amended by
 1-24 adding Subchapter E to read as follows:

1-25 SUBCHAPTER E. PLANT PEST AND DISEASE DETECTION AND SURVEILLANCE

1-26 Sec. 71.201. DEFINITIONS. In this subchapter:

1-27 (1) "Cooperative agreement" means an agreement
 1-28 described by Section 71.202.

1-29 (2) "Institution of higher education" has the meaning
 1-30 assigned by Section 61.003, Education Code.

1-31 (3) "Interested parties" include the following
 1-32 organizations or a successor organization:

1-33 (A) Plains Cotton Growers;

1-34 (B) South Texas Cotton and Grain Association;

1-35 (C) Texas Citrus Mutual;

1-36 (D) Texas Corn Producers;

1-37 (E) Texas Farm Bureau;

1-38 (F) Texas Grain Sorghum Association; and

1-39 (G) Texas Nursery and Landscape Association.

1-40 (4) "Plant pest and disease detection and
 1-41 surveillance" means the full range of activities undertaken to
 1-42 detect plant pests and diseases newly introduced to this state or to
 1-43 a certain area of this state before a pest or disease becomes
 1-44 established or an infestation of a pest or outbreak of a disease
 1-45 becomes too large and costly to eradicate or control. The term
 1-46 includes activities undertaken to detect pests and diseases
 1-47 affecting specialty crops.

1-48 (5) "Specialty crop" means a fruit, vegetable, tree
 1-49 nut, dried fruit, or nursery crop, including floriculture.

1-50 Sec. 71.202. COOPERATIVE AGREEMENT. (a) The department
 1-51 shall enter into a cooperative agreement with an institution of
 1-52 higher education that agrees to conduct plant pest and disease
 1-53 detection and surveillance.

1-54 (b) In carrying out this section, the department shall
 1-55 consult with the State Seed and Plant Board and other interested
 1-56 parties.

1-57 Sec. 71.203. APPLICATION. (a) An institution of higher
 1-58 education may apply to enter into a cooperative agreement by
 1-59 submitting to the department an application containing the
 1-60 information required by the department.

1-61 (b) The department shall notify each applicant of the:

2-1 (1) auditing and reporting requirements that will
 2-2 apply to an institution of higher education in connection with the
 2-3 use of any money provided by the department to the institution of
 2-4 higher education under the cooperative agreement;

2-5 (2) criteria to be used to ensure that plant pest and
 2-6 disease detection and surveillance conducted under the cooperative
 2-7 agreement are based on sound scientific data or risk assessments;
 2-8 and

2-9 (3) required means of identifying pathways of pest and
 2-10 disease introduction.

2-11 Sec. 71.204. USE OF FUNDS. (a) An institution of higher
 2-12 education shall use any money received under a cooperative
 2-13 agreement to carry out plant pest and disease detection and
 2-14 surveillance approved by the department to prevent the introduction
 2-15 or spread of plant pests and diseases.

2-16 (b) The non-state share of the cost of carrying out a
 2-17 cooperative agreement may be provided in-kind, including by
 2-18 covering certain indirect costs the department considers
 2-19 appropriate.

2-20 (c) The department may not consider an applicant's ability
 2-21 to pay or cover non-state costs when deciding whether to enter into
 2-22 a cooperative agreement with the applicant.

2-23 Sec. 71.205. SPECIAL FUNDING CONSIDERATIONS. The
 2-24 department shall provide money to an institution of higher
 2-25 education to carry out plant pest and disease detection and
 2-26 surveillance under a cooperative agreement if the department
 2-27 determines that:

2-28 (1) the institution of higher education is in a region
 2-29 of this state that has a high risk of being affected by one or more
 2-30 plant pests or diseases based on:

2-31 (A) the region's conduciveness to agricultural
 2-32 pest and disease establishment due to location, agricultural
 2-33 commodities produced, climate, crop diversity, or natural
 2-34 resources; or

2-35 (B) the department's determination that an
 2-36 agricultural pest or disease in the region is a state or federal
 2-37 concern; and

2-38 (2) the plant pest and disease detection and
 2-39 surveillance supported by the money will likely:

2-40 (A) prevent the introduction, establishment, or
 2-41 widespread dissemination of plant pests and diseases; and

2-42 (B) provide a comprehensive approach to
 2-43 complement federal and state plant pest and disease detection
 2-44 efforts.

2-45 Sec. 71.206. REPORTING REQUIREMENTS. An institution of
 2-46 higher education that conducts a plant pest and disease detection
 2-47 and surveillance activity using money provided under this
 2-48 subchapter shall, not later than the 90th day after the date the
 2-49 activity is completed, submit to the department a report describing
 2-50 the purposes and results of the activity.

2-51 Sec. 71.207. THREAT IDENTIFICATION AND MITIGATION PROGRAM.
 2-52 (a) The department shall establish a threat identification and
 2-53 mitigation program to determine and address threats to the domestic
 2-54 production of crops, including specialty crops.

2-55 (b) Under the program, the department shall:

2-56 (1) develop risk assessments for potential threats
 2-57 from foreign sources to the agricultural industry of this state;

2-58 (2) describe the status of plant pests and diseases
 2-59 present or established in this state and management strategies
 2-60 currently employed to contain the spread of those pests and
 2-61 diseases;

2-62 (3) collaborate with the State Seed and Plant Board
 2-63 and interested parties; and

2-64 (4) implement action plans to assist in preventing the
 2-65 introduction and widespread dissemination of new or highly
 2-66 consequential plant pests and diseases in this state.

2-67 (c) Not later than September 1 of each year, the department
 2-68 shall submit to the committees of the senate and house of
 2-69 representatives with primary jurisdiction over agriculture and

3-1 rural affairs a report on the action plans described by this
3-2 section, including an accounting of money spent in connection with
3-3 those plans.

3-4 SECTION 2. This Act takes effect September 1, 2021.

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