

By: Martinez

H.B. No. 2495

A BILL TO BE ENTITLED

AN ACT

relating to citrus pest and disease management.

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

SECTION 1. Sections 80.001(a) and (b), Agriculture Code, are amended to read as follows:

(a) The legislature finds that:

(1) citrus pests and diseases, including the insect known as the Asian citrus psyllid and the disease known as citrus greening, are public nuisances and menaces to the citrus industry, and their control and suppression is a public necessity;

(2) because of the natural migration patterns of citrus pests and the contagious nature of citrus diseases [~~the Asian citrus psyllid~~], the control and suppression of the nuisance can best be accomplished by dividing the commercial citrus-growing areas into separate zones so that integrated pest management programs may be developed for each zone;

(3) there is a need for a quasi-governmental entity acting under the supervision and control of the commissioner whose members are actual citrus producers who would be represented on the board of the entity by directors elected by them to manage control and suppression programs and to furnish expertise in the field of disease and insect control and suppression, because such an entity would enhance the interest and participation of citrus producers in the program;

1 (4) citrus producers, in partnership with the state
2 and federal governments, have made significant investments toward
3 the suppression of these pests and disease in this state; and

4 (5) it is essential to the well-being of the citrus
5 industry and the agricultural economy of this state that the
6 investments of the citrus producers and the state and federal
7 governments be protected.

8 (b) It is the intent of the legislature that the program of
9 control and suppression of citrus pests and diseases [~~the Asian~~
10 ~~citrus psyllid~~] be carried out with the best available integrated
11 pest management techniques.

12 SECTION 2. Section 80.002, Agriculture Code, is amended to
13 read as follows:

14 Sec. 80.002. DESIGNATION OF ENTITY TO CARRY OUT CITRUS PEST
15 AND DISEASE [~~ASIAN CITRUS PSYLLID AND CITRUS GREENING~~] CONTROL AND
16 SUPPRESSION. (a) The Texas Citrus Pest and Disease Management
17 Corporation, Inc., a Texas nonprofit corporation, shall be
18 recognized by the department as the entity to plan, carry out, and
19 operate suppression programs to manage and control pests and
20 diseases, including the Asian citrus psyllid and citrus greening,
21 in citrus plants in the state under the supervision of the
22 department as provided by this chapter.

23 (b) The commissioner may terminate the corporation's
24 designation as the entity recognized to carry out citrus pest and
25 disease [~~Asian citrus psyllid~~] control and management by giving 45
26 days' written notice to the corporation and by designating a
27 successor entity. If the commissioner designates a successor to

1 the corporation, the successor has all the powers and duties of the
2 corporation under this chapter. Any successor to the corporation
3 shall assume and shall be responsible for all obligations and
4 liabilities relating to any notes, security agreements,
5 assignments, loan agreements, and any other contracts or other
6 documents entered into by the corporation with or for the benefit of
7 any financial institution or its predecessor, successor, or
8 assignee.

9 SECTION 3. Section 80.003, Agriculture Code, is amended by
10 amending Subdivisions (7), (10), (11), and (13) and adding
11 Subdivisions (14) and (15) to read as follows:

12 (7) "Suppression" means control of the numbers and
13 migration of a pest [~~the Asian citrus psyllid~~] to the extent that
14 the commissioner does not consider further management of the pest
15 [~~Asian citrus psyllid~~] necessary to prevent economic loss to citrus
16 producers.

17 (10) "Host" means a plant or plant product in which a
18 pest [~~the Asian citrus psyllid~~] is capable of completing any
19 portion of its life cycle.

20 (11) "Infested" means the presence of a pest [~~the~~
21 ~~Asian citrus psyllid~~] in any life stage or the existence of
22 generally accepted [~~entomological~~] evidence from which it may be
23 concluded with reasonable certainty that a pest [~~the Asian citrus~~
24 ~~psyllid~~] is present.

25 (13) "Regulated article" means an article carrying or
26 capable of carrying a pest [~~the Asian citrus psyllid~~], including
27 citrus plants, nursery plants, citrus rootstock, or other hosts.

1 (14) "Disease" means an impairment of the normal state
2 of citrus, caused by a virus or organism, that interrupts or
3 modifies the performance of vital functions in citrus. The term
4 includes citrus greening.

5 (15) "Pest" means a virus or organism that causes
6 disease or other damage to citrus and that is designated by
7 commissioner rule for suppression under this chapter. The term
8 includes the Asian citrus psyllid.

9 SECTION 4. Section 80.006(c), Agriculture Code, is amended
10 to read as follows:

11 (c) A proposed pest management zone referendum ballot must
12 include or be accompanied by information about the proposed pest
13 management zone, including:

14 (1) a statement of the purpose of the pest [~~Asian~~
15 ~~citrus psyllid~~] suppression program;

16 (2) the geographic area included in the proposed pest
17 management zone;

18 (3) a general summary of rules adopted by the
19 commissioner under Sections 80.016, 80.020, and 80.022, including a
20 description of:

21 (A) citrus producer responsibilities; and

22 (B) penalties for noncompliance with rules
23 adopted under this chapter; and

24 (4) an address and toll-free telephone number that a
25 citrus producer may use to request more information about the
26 referendum or the pest [~~Asian citrus psyllid~~] suppression program.

27 SECTION 5. Sections 80.014(a) and (b), Agriculture Code,

1 are amended to read as follows:

2 (a) On the determination by the corporation that the pest
3 [~~Asian citrus psyllid~~] suppression program has been completed in
4 all pest management zones established under this chapter, the
5 corporation shall provide notice of the completion to the
6 commissioner along with a request for discontinuance of the control
7 and suppression program and collection of the assessment. Any
8 request under this subsection must include documentation
9 supporting the fact that pests are [~~the Asian citrus psyllid is~~] no
10 longer a threat to the state's citrus industry and a plan for
11 discontinuance of the program and assessment.

12 (b) The commissioner shall determine whether or not the
13 further suppression of pests [~~the Asian citrus psyllid~~] is
14 necessary in the pest management zones and approve or disapprove
15 discontinuance of the corporation and the plan for dissolution.

16 SECTION 6. Section 80.015(a), Agriculture Code, is amended
17 to read as follows:

18 (a) The commissioner shall propose the assessment needed in
19 each pest management zone to ensure the stability of the citrus
20 industry by suppressing the public nuisance caused by pests [~~the~~
21 ~~Asian citrus psyllid~~].

22 SECTION 7. Section 80.016(i), Agriculture Code, is amended
23 to read as follows:

24 (i) A public hearing regarding the proposed suppression
25 program, including information regarding regulations to be
26 promulgated by the commissioner, may be held by the commissioner in
27 each of several locations in each [~~Asian citrus psyllid~~] pest

1 management zone.

2 SECTION 8. Section 80.019, Agriculture Code, is amended to
3 read as follows:

4 Sec. 80.019. ENTRY OF PREMISES; SUPPRESSION ACTIVITIES;
5 INSPECTIONS. The department, the corporation, or a designated
6 representative of either entity may enter citrus groves or other
7 premises to carry out the purposes of this chapter, which include
8 the treatment and monitoring of growing citrus or other host
9 plants. The department, the corporation, or a designated
10 representative of either entity may inspect groves or premises in
11 this state for the purpose of determining whether the property is
12 infested with pests [~~the Asian citrus psyllid or citrus~~
13 ~~greening~~]. An inspection must be conducted during reasonable
14 daylight hours. The department shall give notice by publication of
15 the planned schedule of dates for entry by the department, the
16 corporation, or a designated representative of either entity, to
17 the owner or occupant of the groves or premises to carry out the
18 purposes of this chapter, including treatment, monitoring, or
19 inspection functions. The department shall publish notice of the
20 planned schedule to enter the groves or premises in a newspaper of
21 general circulation in the pest management zone not less than once a
22 week for two weeks immediately before the scheduled dates of
23 entry. In addition to the notice published by the department, the
24 corporation shall post notice of the planned schedule to enter
25 groves or premises to carry out the purposes of this chapter at the
26 county courthouse of each county in the pest management zone not
27 later than the 15th day before the planned dates of entry.

1 SECTION 9. Section 80.020(b), Agriculture Code, is amended
2 to read as follows:

3 (b) The commissioner may adopt rules requiring all growers
4 of citrus in a pest management zone to participate in a pest [~~an~~
5 ~~Asian citrus psyllid~~] suppression program and growers of commercial
6 citrus to participate in pest and disease management programs that
7 include cost sharing as required by the rules.

8 SECTION 10. Sections 80.022(a) and (b), Agriculture Code,
9 are amended to read as follows:

10 (a) The commissioner shall adopt rules to protect
11 individuals, livestock, wildlife, and honeybee colonies on any
12 premises in a pest management zone on which citrus plants are being
13 grown that have been or are being treated to control or suppress
14 pests [~~the Asian citrus psyllid and citrus greening~~].

15 (b) Rules adopted under this section shall establish the
16 criteria by which the corporation develops its procedures and
17 methods of treatment, which shall:

18 (1) establish a methodology for determining when pest
19 [~~Asian citrus psyllid~~] population levels have reached economic
20 significance or when disease [~~citrus greening~~] is present;

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

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

27 (4) establish methods for monitoring [~~Asian citrus~~

1 ~~psyllids, citrus greening, and secondary]~~ pests;

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

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

10 SECTION 11. Section 80.024, Agriculture Code, is amended to
11 read as follows:

12 Sec. 80.024. DOCUMENTING REGULATED ARTICLES. To implement
13 this chapter, the department may issue or authorize issuance of:

14 (1) a certificate that indicates that a regulated
15 article is not infested with pests [~~the Asian citrus psyllid~~]; and

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

19 SECTION 12. Section 80.025(a), Agriculture Code, is amended
20 to read as follows:

21 (a) The corporation may carry out programs to destroy and
22 manage pests [~~the Asian citrus psyllid and citrus greening~~] in this
23 state by cooperating through written agreements, as approved by the
24 commissioner, with:

25 (1) an agency of the federal government;

26 (2) a state agency;

27 (3) an appropriate agency of a foreign country

1 contiguous to the affected area to the extent allowed by federal
2 law;

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

5 (5) a group of persons in this state involved in
6 similar programs to carry out the purposes of this chapter; or

7 (6) an appropriate state agency of another state
8 contiguous to the affected area, to the extent allowed by federal
9 law, the law of the contiguous state, and the law of this state.

10 SECTION 13. Section 80.026(a), Agriculture Code, is amended
11 to read as follows:

12 (a) The commissioner shall develop rules and procedures to:

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

15 (2) ensure that organic and transitional
16 certifications by the commissioner continue to meet national
17 certification standards in order for organic citrus to maintain
18 international marketability; and

19 (3) in all events maintain the effectiveness of the
20 pest [~~Asian citrus psyllid~~] suppression program and disease [~~citrus~~
21 ~~greening~~] management administered under this chapter.

22 SECTION 14. This Act takes effect September 1, 2015.