

1-1 By: Hinojosa S.B. No. 1749  
1-2 (In the Senate - Filed March 13, 2015; March 24, 2015, read  
1-3 first time and referred to Committee on Agriculture, Water, and  
1-4 Rural Affairs; April 15, 2015, reported favorably by the following  
1-5 vote: Yeas 7, Nays 0; April 15, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Perry</u>	X		
1-9	<u>Zaffirini</u>	X		
1-10	<u>Creighton</u>	X		
1-11	<u>Hall</u>	X		
1-12	<u>Hinojosa</u>	X		
1-13	<u>Kolkhorst</u>	X		
1-14	<u>Rodríguez</u>	X		

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to citrus pest and disease management.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Sections 80.001(a) and (b), Agriculture Code,  
1-20 are amended to read as follows:

1-21 (a) The legislature finds that:

1-22 (1) citrus pests and diseases, including the insect  
1-23 known as the Asian citrus psyllid and the disease known as citrus  
1-24 greening, are public nuisances and menaces to the citrus industry,  
1-25 and their control and suppression is a public necessity;

1-26 (2) because of the natural migration patterns of  
1-27 citrus pests and the contagious nature of citrus diseases [~~the~~  
1-28 ~~Asian citrus psyllid~~], the control and suppression of the nuisance  
1-29 can best be accomplished by dividing the commercial citrus-growing  
1-30 areas into separate zones so that integrated pest management  
1-31 programs may be developed for each zone;

1-32 (3) there is a need for a quasi-governmental entity  
1-33 acting under the supervision and control of the commissioner whose  
1-34 members are actual citrus producers who would be represented on the  
1-35 board of the entity by directors elected by them to manage control  
1-36 and suppression programs and to furnish expertise in the field of  
1-37 disease and insect control and suppression, because such an entity  
1-38 would enhance the interest and participation of citrus producers in  
1-39 the program;

1-40 (4) citrus producers, in partnership with the state  
1-41 and federal governments, have made significant investments toward  
1-42 the suppression of these pests and disease in this state; and

1-43 (5) it is essential to the well-being of the citrus  
1-44 industry and the agricultural economy of this state that the  
1-45 investments of the citrus producers and the state and federal  
1-46 governments be protected.

1-47 (b) It is the intent of the legislature that the program of  
1-48 control and suppression of citrus pests and diseases [~~the Asian~~  
1-49 ~~citrus psyllid~~] be carried out with the best available integrated  
1-50 pest management techniques.

1-51 SECTION 2. Section 80.002, Agriculture Code, is amended to  
1-52 read as follows:

1-53 Sec. 80.002. DESIGNATION OF ENTITY TO CARRY OUT CITRUS PEST  
1-54 AND DISEASE [~~ASIAN CITRUS PSYLLID AND CITRUS GREENING~~] CONTROL AND  
1-55 SUPPRESSION. (a) The Texas Citrus Pest and Disease Management  
1-56 Corporation, Inc., a Texas nonprofit corporation, shall be  
1-57 recognized by the department as the entity to plan, carry out, and  
1-58 operate suppression programs to manage and control pests and  
1-59 diseases, including the Asian citrus psyllid and citrus greening,  
1-60 in citrus plants in the state under the supervision of the  
1-61 department as provided by this chapter.

2-1 (b) The commissioner may terminate the corporation's  
 2-2 designation as the entity recognized to carry out citrus pest and  
 2-3 disease [~~Asian citrus psyllid~~] control and management by giving 45  
 2-4 days' written notice to the corporation and by designating a  
 2-5 successor entity. If the commissioner designates a successor to  
 2-6 the corporation, the successor has all the powers and duties of the  
 2-7 corporation under this chapter. Any successor to the corporation  
 2-8 shall assume and shall be responsible for all obligations and  
 2-9 liabilities relating to any notes, security agreements,  
 2-10 assignments, loan agreements, and any other contracts or other  
 2-11 documents entered into by the corporation with or for the benefit of  
 2-12 any financial institution or its predecessor, successor, or  
 2-13 assignee.

2-14 SECTION 3. Section 80.003, Agriculture Code, is amended by  
 2-15 amending Subdivisions (7), (10), (11), and (13) and adding  
 2-16 Subdivisions (14) and (15) to read as follows:

2-17 (7) "Suppression" means control of the numbers and  
 2-18 migration of a pest [~~the Asian citrus psyllid~~] to the extent that  
 2-19 the commissioner does not consider further management of the pest  
 2-20 [~~Asian citrus psyllid~~] necessary to prevent economic loss to citrus  
 2-21 producers.

2-22 (10) "Host" means a plant or plant product in which a  
 2-23 pest [~~the Asian citrus psyllid~~] is capable of completing any  
 2-24 portion of its life cycle.

2-25 (11) "Infested" means the presence of a pest [~~the~~  
 2-26 ~~Asian citrus psyllid~~] in any life stage or the existence of  
 2-27 generally accepted [~~entomological~~] evidence from which it may be  
 2-28 concluded with reasonable certainty that a pest [~~the Asian citrus~~  
 2-29 ~~psyllid~~] is present.

2-30 (13) "Regulated article" means an article carrying or  
 2-31 capable of carrying a pest [~~the Asian citrus psyllid~~], including  
 2-32 citrus plants, nursery plants, citrus rootstock, or other hosts.

2-33 (14) "Disease" means an impairment of the normal state  
 2-34 of citrus, caused by a virus or organism, that interrupts or  
 2-35 modifies the performance of vital functions in citrus. The term  
 2-36 includes citrus greening.

2-37 (15) "Pest" means a virus or organism that causes  
 2-38 disease or other damage to citrus and that is designated by  
 2-39 commissioner rule for suppression under this chapter. The term  
 2-40 includes the Asian citrus psyllid.

2-41 SECTION 4. Section 80.006(c), Agriculture Code, is amended  
 2-42 to read as follows:

2-43 (c) A proposed pest management zone referendum ballot must  
 2-44 include or be accompanied by information about the proposed pest  
 2-45 management zone, including:

2-46 (1) a statement of the purpose of the pest [~~Asian~~  
 2-47 ~~citrus psyllid~~] suppression program;

2-48 (2) the geographic area included in the proposed pest  
 2-49 management zone;

2-50 (3) a general summary of rules adopted by the  
 2-51 commissioner under Sections 80.016, 80.020, and 80.022, including a  
 2-52 description of:

2-53 (A) citrus producer responsibilities; and

2-54 (B) penalties for noncompliance with rules  
 2-55 adopted under this chapter; and

2-56 (4) an address and toll-free telephone number that a  
 2-57 citrus producer may use to request more information about the  
 2-58 referendum or the pest [~~Asian citrus psyllid~~] suppression program.

2-59 SECTION 5. Sections 80.014(a) and (b), Agriculture Code,  
 2-60 are amended to read as follows:

2-61 (a) On the determination by the corporation that the pest  
 2-62 [~~Asian citrus psyllid~~] suppression program has been completed in  
 2-63 all pest management zones established under this chapter, the  
 2-64 corporation shall provide notice of the completion to the  
 2-65 commissioner along with a request for discontinuance of the control  
 2-66 and suppression program and collection of the assessment. Any  
 2-67 request under this subsection must include documentation  
 2-68 supporting the fact that pests are [~~the Asian citrus psyllid is]~~ no  
 2-69 longer a threat to the state's citrus industry and a plan for

3-1 discontinuance of the program and assessment.

3-2 (b) The commissioner shall determine whether or not the  
 3-3 further suppression of pests [~~the Asian citrus psyllid~~] is  
 3-4 necessary in the pest management zones and approve or disapprove  
 3-5 discontinuance of the corporation and the plan for dissolution.

3-6 SECTION 6. Section 80.015(a), Agriculture Code, is amended  
 3-7 to read as follows:

3-8 (a) The commissioner shall propose the assessment needed in  
 3-9 each pest management zone to ensure the stability of the citrus  
 3-10 industry by suppressing the public nuisance caused by pests [~~the~~  
 3-11 ~~Asian citrus psyllid~~].

3-12 SECTION 7. Section 80.016(i), Agriculture Code, is amended  
 3-13 to read as follows:

3-14 (i) A public hearing regarding the proposed suppression  
 3-15 program, including information regarding regulations to be  
 3-16 promulgated by the commissioner, may be held by the commissioner in  
 3-17 each of several locations in each [~~Asian citrus psyllid~~] pest  
 3-18 management zone.

3-19 SECTION 8. Section 80.019, Agriculture Code, is amended to  
 3-20 read as follows:

3-21 Sec. 80.019. ENTRY OF PREMISES; SUPPRESSION ACTIVITIES;  
 3-22 INSPECTIONS. The department, the corporation, or a designated  
 3-23 representative of either entity may enter citrus groves or other  
 3-24 premises to carry out the purposes of this chapter, which include  
 3-25 the treatment and monitoring of growing citrus or other host  
 3-26 plants. The department, the corporation, or a designated  
 3-27 representative of either entity may inspect groves or premises in  
 3-28 this state for the purpose of determining whether the property is  
 3-29 infested with pests [~~the Asian citrus psyllid or citrus~~  
 3-30 ~~greening~~]. An inspection must be conducted during reasonable  
 3-31 daylight hours. The department shall give notice by publication of  
 3-32 the planned schedule of dates for entry by the department, the  
 3-33 corporation, or a designated representative of either entity, to  
 3-34 the owner or occupant of the groves or premises to carry out the  
 3-35 purposes of this chapter, including treatment, monitoring, or  
 3-36 inspection functions. The department shall publish notice of the  
 3-37 planned schedule to enter the groves or premises in a newspaper of  
 3-38 general circulation in the pest management zone not less than once a  
 3-39 week for two weeks immediately before the scheduled dates of  
 3-40 entry. In addition to the notice published by the department, the  
 3-41 corporation shall post notice of the planned schedule to enter  
 3-42 groves or premises to carry out the purposes of this chapter at the  
 3-43 county courthouse of each county in the pest management zone not  
 3-44 later than the 15th day before the planned dates of entry.

3-45 SECTION 9. Section 80.020(b), Agriculture Code, is amended  
 3-46 to read as follows:

3-47 (b) The commissioner may adopt rules requiring all growers  
 3-48 of citrus in a pest management zone to participate in a pest [~~an~~  
 3-49 ~~Asian citrus psyllid~~] suppression program and growers of commercial  
 3-50 citrus to participate in pest and disease management programs that  
 3-51 include cost sharing as required by the rules.

3-52 SECTION 10. Sections 80.022(a) and (b), Agriculture Code,  
 3-53 are amended to read as follows:

3-54 (a) The commissioner shall adopt rules to protect  
 3-55 individuals, livestock, wildlife, and honeybee colonies on any  
 3-56 premises in a pest management zone on which citrus plants are being  
 3-57 grown that have been or are being treated to control or suppress  
 3-58 pests [~~the Asian citrus psyllid and citrus greening~~].

3-59 (b) Rules adopted under this section shall establish the  
 3-60 criteria by which the corporation develops its procedures and  
 3-61 methods of treatment, which shall:

3-62 (1) establish a methodology for determining when pest  
 3-63 [~~Asian citrus psyllid~~] population levels have reached economic  
 3-64 significance or when disease [~~citrus greening~~] is present;

3-65 (2) establish an effective treatment regimen that  
 3-66 seeks to provide the least possible risk to workers, the public, and  
 3-67 the environment;

3-68 (3) minimize the effects of the use of pesticides on  
 3-69 long-term control methods, including but not limited to the effect

4-1 a particular pesticide may have on biological controls;  
 4-2 (4) establish methods for monitoring [~~Asian citrus~~  
 4-3 ~~psyllids, citrus greening, and secondary~~] pests;  
 4-4 (5) establish methods for verifying pesticide use  
 4-5 reduction; and  
 4-6 (6) consider the acute and chronic toxicity of  
 4-7 particular pesticides and the quantity of particular pesticides  
 4-8 needed. Pest management zone treatment plans may take into account  
 4-9 the potential for the use of smaller quantities of more toxic  
 4-10 substances to result in fewer health and environmental risks than  
 4-11 larger quantities of less toxic substances.

4-12 SECTION 11. Section 80.024, Agriculture Code, is amended to  
 4-13 read as follows:

4-14 Sec. 80.024. DOCUMENTING REGULATED ARTICLES. To implement  
 4-15 this chapter, the department may issue or authorize issuance of:

4-16 (1) a certificate that indicates that a regulated  
 4-17 article is not infested with pests [~~the Asian citrus psyllid~~]; and

4-18 (2) a permit that provides for the movement of a  
 4-19 regulated article to a restricted destination for limited handling,  
 4-20 use, or processing.

4-21 SECTION 12. Section 80.025(a), Agriculture Code, is amended  
 4-22 to read as follows:

4-23 (a) The corporation may carry out programs to destroy and  
 4-24 manage pests [~~the Asian citrus psyllid and citrus greening~~] in this  
 4-25 state by cooperating through written agreements, as approved by the  
 4-26 commissioner, with:

4-27 (1) an agency of the federal government;

4-28 (2) a state agency;

4-29 (3) an appropriate agency of a foreign country  
 4-30 contiguous to the affected area to the extent allowed by federal  
 4-31 law;

4-32 (4) a person who is engaged in growing, processing,  
 4-33 marketing, or handling citrus;

4-34 (5) a group of persons in this state involved in  
 4-35 similar programs to carry out the purposes of this chapter; or

4-36 (6) an appropriate state agency of another state  
 4-37 contiguous to the affected area, to the extent allowed by federal  
 4-38 law, the law of the contiguous state, and the law of this state.

4-39 SECTION 13. Section 80.026(a), Agriculture Code, is amended  
 4-40 to read as follows:

4-41 (a) The commissioner shall develop rules and procedures to:

4-42 (1) protect the eligibility of organic citrus  
 4-43 producers to be certified by the commissioner;

4-44 (2) ensure that organic and transitional  
 4-45 certifications by the commissioner continue to meet national  
 4-46 certification standards in order for organic citrus to maintain  
 4-47 international marketability; and

4-48 (3) in all events maintain the effectiveness of the  
 4-49 pest [~~Asian citrus psyllid~~] suppression program and disease [~~citrus~~  
 4-50 ~~greening~~] management administered under this chapter.

4-51 SECTION 14. This Act takes effect September 1, 2015.

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