

BILL ANALYSIS

S.B. 1672
By: Perry
Agriculture & Livestock
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that the agriculture industry has been aggressively combating invasive pests that hinder agricultural productivity but that this effort comes at a significant cost to agricultural producers. It has been suggested that from a statewide perspective early detection of invasive pests is important as it allows for better containment of a pest and for the development of resistant seed varieties and better management practices. S.B. 1672 seeks to address this issue by providing for certain cooperative agreements between the Department of Agriculture and an institution of higher education for early plant pest detection and surveillance.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1672 amends the Agriculture Code to require the Department of Agriculture (TDA) to enter into a cooperative agreement with an institution of higher education that agrees to conduct early plant pest detection and surveillance. The bill requires the TDA, in carrying out such requirement, to consult with the State Seed and Plant Board and other interested parties. The bill defines "early plant pest detection and surveillance" as the full range of activities undertaken to detect plant pests newly introduced to Texas or to a certain area of Texas before the pest becomes established or an infestation of the pest becomes too large and costly to eradicate or control and specifies that the term includes activities undertaken to detect pests affecting specialty crops, defined by the bill as a fruit, vegetable, tree nut, dried fruit, or nursery crop, including floriculture.

S.B. 1672 authorizes an institution of higher education to apply to enter into a cooperative agreement by submitting to the TDA an application containing the information required by the TDA. The bill requires the TDA to notify each applicant of the following:

- auditing and reporting requirements that will apply to an institution of higher education in connection with the use of any money provided by the TDA to the institution under the cooperative agreement;
- criteria to be used to ensure that early plant pest detection and surveillance conducted under the cooperative agreement are based on sound scientific data or risk assessments; and
- required means of identifying pathways of pest introduction.

S.B. 1672 requires an institution of higher education to use any money received under a cooperative agreement to carry out early plant pest detection and surveillance approved by the TDA to prevent the introduction or spread of a plant pest. The bill authorizes the non-state share of the cost of carrying out a cooperative agreement to be provided in-kind, including by covering certain indirect costs the TDA considers appropriate. The bill prohibits the TDA from considering an applicant's ability to pay or cover non-state costs when deciding whether to enter into a cooperative agreement with the applicant.

S.B. 1672 requires the TDA to provide money to an institution of higher education to carry out early plant pest detection and surveillance under a cooperative agreement if the TDA determines that:

- the institution is in a region of Texas that has a high risk of being affected by one or more plant pests or diseases based on the region's conduciveness to agricultural pest and disease establishment due to location, agricultural commodities produced, climate, crop diversity, or natural resources, or based on a TDA determination that an agricultural pest or disease in the region is a state or federal concern; and
- the early plant pest detection and surveillance supported by the money will likely prevent the introduction and establishment of plant pests and provide a comprehensive approach to complement federal plant pest or disease detection efforts.

S.B. 1672 requires an institution of higher education that conducts an early plant pest detection and surveillance activity using money provided under the bill's provisions, not later than the 90th day after the date the activity is completed, to submit to the TDA a report describing the purposes and results of the activity. The bill requires the TDA to establish a threat identification and mitigation program to determine and address threats to the domestic production of crops, including specialty crops. The bill requires the TDA, under the program, to do the following:

- develop risk assessments for potential threats from foreign sources to the agricultural industry of the state;
- collaborate with the State Seed and Plant Board; and
- implement action plans to assist in preventing the introduction and widespread dissemination of new or highly consequential plant pests and diseases in Texas.

The bill requires the TDA, not later than September 1 of each year, to submit to the committees of the senate and house of representatives with primary jurisdiction over agriculture and rural affairs a report on the action plans, including an accounting of money spent in connection with those plans.

EFFECTIVE DATE

September 1, 2019.