By:  Perry S.B. No. 1672

A BILL TO BE ENTITLED

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. EARLY PLANT PEST DETECTION AND SURVEILLANCE

Sec. 71.201.  DEFINITIONS. In this subchapter:

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

(2)  "Early plant pest detection and surveillance" means the full range of activities undertaken to detect plant pests newly introduced to this state or to a certain area of this state before the pest becomes established or an infestation of the pest becomes too large and costly to eradicate or control. The term includes activities undertaken to detect pests affecting specialty crops.

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

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

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

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

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

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

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

(2)  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

(3)  required means of identifying pathways of pest introduction.

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

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

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

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

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

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

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

(2)  the early plant pest detection and surveillance supported by the money will likely:

(A)  prevent the introduction and establishment of plant pests; and

(B)  provide a comprehensive approach to complement federal plant pest or disease detection efforts.

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

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

(b)  Under the program, the department shall:

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

(2)  collaborate with the State Seed and Plant Board; and

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

(c)  Not later than September 1 of each year, the department shall 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 described by this section, including an accounting of money spent in connection with those plans.

SECTION 2.  This Act takes effect September 1, 2019.