

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

1 and surveillance.

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

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

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

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

14 (2) criteria to be used to ensure that early plant pest
15 detection and surveillance conducted under the cooperative
16 agreement are based on sound scientific data or risk assessments;
17 and

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

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

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

1 appropriate.

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

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

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

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

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

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

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

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

25 Sec. 71.206. REPORTING REQUIREMENTS. An institution of
26 higher education that conducts an early plant pest detection and
27 surveillance activity using money provided under this subchapter

1 shall, not later than the 90th day after the date the activity is
2 completed, submit to the department a report describing the
3 purposes and results of the activity.

4 Sec. 71.207. THREAT IDENTIFICATION AND MITIGATION PROGRAM.

5 (a) The department shall establish a threat identification and
6 mitigation program to determine and address threats to the domestic
7 production of crops, including specialty crops.

8 (b) Under the program, the department shall:

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

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

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

16 (c) Not later than September 1 of each year, the department
17 shall submit to the committees of the senate and house of
18 representatives with primary jurisdiction over agriculture and
19 rural affairs a report on the action plans described by this
20 section, including an accounting of money spent in connection with
21 those plans.

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