

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) "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 a university 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

1 parties.

2 Sec. 71.203. APPLICATION. (a) A university may apply to
3 enter into a cooperative agreement by submitting to the department
4 an application containing the information required by the
5 department.

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

7 (1) auditing and reporting requirements that will
8 apply to a university in connection with the use of any money
9 provided by the department to the university under the cooperative
10 agreement;

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

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

17 Sec. 71.204. USE OF FUNDS. (a) A university shall use any
18 money received under a cooperative agreement to carry out early
19 plant pest detection and surveillance approved by the department to
20 prevent the introduction or spread of a plant pest.

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

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

1 Sec. 71.205. SPECIAL FUNDING CONSIDERATIONS. The
2 department shall provide money to a university to carry out early
3 plant pest detection and surveillance under a cooperative agreement
4 if the department determines that:

5 (1) the university is in a region of this state that
6 has a high risk of being affected by one or more plant pests or
7 diseases based on:

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

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

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

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

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

21 Sec. 71.206. REPORTING REQUIREMENTS. A university that
22 conducts an early plant pest detection and surveillance activity
23 using money provided under this subchapter shall, not later than
24 the 90th day after the date the activity is completed, submit to the
25 department a report describing the purposes and results of the
26 activity.

27 Sec. 71.207. THREAT IDENTIFICATION AND MITIGATION PROGRAM.

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

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

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

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

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

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

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