By:  Burrows (Senate Sponsor - Perry) H.B. No. 2089

(In the Senate - Received from the House April 13, 2021; April 13, 2021, read first time and referred to Committee on Water, Agriculture & Rural Affairs; April 20, 2021, reported favorably by the following vote: Yeas 9, Nays 0; April 20, 2021, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Perry           X

Springer        X

Creighton       X

Eckhardt        X

Gutierrez       X

Johnson         X

Kolkhorst       X

Powell          X

Taylor          X

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.  PLANT PEST AND DISEASE DETECTION AND SURVEILLANCE

Sec. 71.201.  DEFINITIONS. In this subchapter:

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

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

(3)  "Interested parties" include the following organizations or a successor organization:

(A)  Plains Cotton Growers;

(B)  South Texas Cotton and Grain Association;

(C)  Texas Citrus Mutual;

(D)  Texas Corn Producers;

(E)  Texas Farm Bureau;

(F)  Texas Grain Sorghum Association; and

(G)  Texas Nursery and Landscape Association.

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

(5)  "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 plant pest and disease 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 plant pest and disease 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 and disease 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 plant pest and disease detection and surveillance approved by the department to prevent the introduction or spread of plant pests and diseases.

(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 plant pest and disease 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 plant pest and disease detection and surveillance supported by the money will likely:

(A)  prevent the introduction, establishment, or widespread dissemination of plant pests and diseases; and

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

Sec. 71.206.  REPORTING REQUIREMENTS. An institution of higher education that conducts a plant pest and disease 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)  describe the status of plant pests and diseases present or established in this state and management strategies currently employed to contain the spread of those pests and diseases;

(3)  collaborate with the State Seed and Plant Board and interested parties; and

(4)  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, 2021.

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