

1-1 By: Perry S.B. No. 1672  
1-2 (In the Senate - Filed March 6, 2019; March 14, 2019, read  
1-3 first time and referred to Committee on Agriculture;  
1-4 April 23, 2019, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 23, 2019,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Hall	X		
1-10	Rodríguez	X		
1-11	Hinojosa	X		
1-12	Perry	X		
1-13	Schwertner	X		

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1672 By: Perry

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the detection and mitigation of plant pests and  
1-18 diseases.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Chapter 71, Agriculture Code, is amended by  
1-21 adding Subchapter E to read as follows:

1-22 SUBCHAPTER E. EARLY PLANT PEST DETECTION AND SURVEILLANCE

1-23 Sec. 71.201. DEFINITIONS. In this subchapter:

1-24 (1) "Cooperative agreement" means an agreement  
1-25 described by Section 71.202.

1-26 (2) "Early plant pest detection and surveillance"  
1-27 means the full range of activities undertaken to detect plant pests  
1-28 newly introduced to this state or to a certain area of this state  
1-29 before the pest becomes established or an infestation of the pest  
1-30 becomes too large and costly to eradicate or control. The term  
1-31 includes activities undertaken to detect pests affecting specialty  
1-32 crops.

1-33 (3) "Institution of higher education" has the meaning  
1-34 assigned by Section 61.003, Education Code.

1-35 (4) "Specialty crop" means a fruit, vegetable, tree  
1-36 nut, dried fruit, or nursery crop, including floriculture.

1-37 Sec. 71.202. COOPERATIVE AGREEMENT. (a) The department  
1-38 shall enter into a cooperative agreement with an institution of  
1-39 higher education that agrees to conduct early plant pest detection  
1-40 and surveillance.

1-41 (b) In carrying out this section, the department shall  
1-42 consult with the State Seed and Plant Board and other interested  
1-43 parties.

1-44 Sec. 71.203. APPLICATION. (a) An institution of higher  
1-45 education may apply to enter into a cooperative agreement by  
1-46 submitting to the department an application containing the  
1-47 information required by the department.

1-48 (b) The department shall notify each applicant of the:

1-49 (1) auditing and reporting requirements that will  
1-50 apply to an institution of higher education in connection with the  
1-51 use of any money provided by the department to the institution of  
1-52 higher education under the cooperative agreement;

1-53 (2) criteria to be used to ensure that early plant pest  
1-54 detection and surveillance conducted under the cooperative  
1-55 agreement are based on sound scientific data or risk assessments;  
1-56 and

1-57 (3) required means of identifying pathways of pest  
1-58 introduction.

1-59 Sec. 71.204. USE OF FUNDS. (a) An institution of higher  
1-60 education shall use any money received under a cooperative

2-1 agreement to carry out early plant pest detection and surveillance  
2-2 approved by the department to prevent the introduction or spread of  
2-3 a plant pest.

2-4 (b) The non-state share of the cost of carrying out a  
2-5 cooperative agreement may be provided in-kind, including by  
2-6 covering certain indirect costs the department considers  
2-7 appropriate.

2-8 (c) The department may not consider an applicant's ability  
2-9 to pay or cover non-state costs when deciding whether to enter into  
2-10 a cooperative agreement with the applicant.

2-11 Sec. 71.205. SPECIAL FUNDING CONSIDERATIONS. The  
2-12 department shall provide money to an institution of higher  
2-13 education to carry out early plant pest detection and surveillance  
2-14 under a cooperative agreement if the department determines that:

2-15 (1) the institution of higher education is in a region  
2-16 of this state that has a high risk of being affected by one or more  
2-17 plant pests or diseases based on:

2-18 (A) the region's conduciveness to agricultural  
2-19 pest and disease establishment due to location, agricultural  
2-20 commodities produced, climate, crop diversity, or natural  
2-21 resources; or

2-22 (B) the department's determination that an  
2-23 agricultural pest or disease in the region is a state or federal  
2-24 concern; and

2-25 (2) the early plant pest detection and surveillance  
2-26 supported by the money will likely:

2-27 (A) prevent the introduction and establishment  
2-28 of plant pests; and

2-29 (B) provide a comprehensive approach to  
2-30 complement federal plant pest or disease detection efforts.

2-31 Sec. 71.206. REPORTING REQUIREMENTS. An institution of  
2-32 higher education that conducts an early plant pest detection and  
2-33 surveillance activity using money provided under this subchapter  
2-34 shall, not later than the 90th day after the date the activity is  
2-35 completed, submit to the department a report describing the  
2-36 purposes and results of the activity.

2-37 Sec. 71.207. THREAT IDENTIFICATION AND MITIGATION PROGRAM.

2-38 (a) The department shall establish a threat identification and  
2-39 mitigation program to determine and address threats to the domestic  
2-40 production of crops, including specialty crops.

2-41 (b) Under the program, the department shall:

2-42 (1) develop risk assessments for potential threats  
2-43 from foreign sources to the agricultural industry of this state;

2-44 (2) collaborate with the State Seed and Plant Board;  
2-45 and

2-46 (3) implement action plans to assist in preventing the  
2-47 introduction and widespread dissemination of new or highly  
2-48 consequential plant pests and diseases in this state.

2-49 (c) Not later than September 1 of each year, the department  
2-50 shall submit to the committees of the senate and house of  
2-51 representatives with primary jurisdiction over agriculture and  
2-52 rural affairs a report on the action plans described by this  
2-53 section, including an accounting of money spent in connection with  
2-54 those plans.

2-55 SECTION 2. This Act takes effect September 1, 2019.

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