

BILL ANALYSIS

H.B. 2089
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Agriculture & Livestock
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The agriculture industry has been aggressively combating invasive organisms and species that hinder productivity, an effort which comes at a significant cost to producers. From a statewide perspective, early detection of invasive organisms or species is extremely important. Early detection allows for better containment and helps to slow the spread of the organism or species, which allows for timely biological application methods, research and development of resistant seed varieties, and the ability to identify better management practices in order to reduce the issue before it becomes more widespread. Early detection methods are critical in order to contain invasive organisms, such as the type of fusarium wilt (FOV4) currently affecting certain widely cultivated varieties of cotton, until a resistant seed variety can be fully developed and brought to market. H.B. 2089 seeks to address this issue by establishing an early plant pest detection and surveillance system through cooperative agreements between the Texas Department of Agriculture and public universities in Texas.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2089 amends the Agriculture Code to require the Department of Agriculture (TDA) to enter into a cooperative agreement with a public institution of higher education that agrees to conduct plant pest and disease detection and surveillance. The bill requires the TDA, in entering into the agreement, to consult with the State Seed and Plant Board and other interested parties. The bill identifies certain organizations as interested parties and defines "plant pest and disease detection and surveillance" as the full range of activities undertaken to detect plant pests and diseases newly introduced to Texas or to a certain area of Texas 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. That term includes activities undertaken to detect pests and diseases affecting specialty crops, defined by the bill as fruit, vegetable, tree nut, dried fruit, or nursery crops, including floriculture.

H.B. 2089 authorizes an institution of higher education to apply to enter into a cooperative agreement by submitting to the TDA an application containing the information required by the TDA. The bill requires the TDA to notify each applicant of certain auditing and reporting requirements, certain criteria to be used in conducting plant pest and disease detection and surveillance, and the required means of identifying pathways of pest and disease introduction.

H.B. 2089 requires an institution of higher education to use any money received under a cooperative agreement to carry out plant pest and disease detection and surveillance approved by the TDA to prevent the introduction or spread of plant pests and diseases. The bill authorizes the non-state share of the cost of carrying out a cooperative agreement to be provided in-kind, including by covering certain indirect costs the TDA considers appropriate. The bill prohibits the TDA from considering an applicant's ability to pay or to cover non-state costs when deciding whether to enter into a cooperative agreement with the applicant.

H.B. 2089 requires the TDA to provide money to an institution of higher education to carry out plant pest and disease detection and surveillance under a cooperative agreement if the TDA determines that:

- the institution is in a region of Texas that has a high risk of being affected by one or more plant pests or diseases, based on either of the following:
 - the region's conduciveness to agricultural pest and disease establishment due to location, agricultural commodities produced, climate, crop diversity, or natural resources; or
 - a TDA determination that an agricultural pest or disease in the region is a state or federal concern; and
- the plant pest and disease detection and surveillance supported by the money will likely prevent the introduction, establishment, or widespread dissemination of plant pests and diseases and provide a comprehensive approach to complement federal and state plant pest and disease detection efforts.

H.B. 2089 requires an institution of higher education that conducts a plant pest and disease detection and surveillance activity using money provided under the bill's provisions to submit to the TDA, not later than the 90th day after the date the activity is completed, a report describing the purposes and results of the activity.

H.B. 2089 requires the TDA to establish a threat identification and mitigation program to determine and address threats to the domestic production of crops, including specialty crops. The bill requires the TDA to do the following under the program:

- develop risk assessments for potential threats from foreign sources to the Texas agricultural industry;
- describe the status of plant pests and diseases present or established in Texas and management strategies currently employed to contain the spread of those pests and diseases;
- collaborate with the State Seed and Plant Board and interested parties; and
- implement action plans to assist in preventing the introduction and widespread dissemination of new or highly consequential plant pests and diseases in Texas.

The bill requires the TDA, not later than September 1 of each year, to 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, including an accounting of money spent in connection with those plans.

EFFECTIVE DATE

September 1, 2021.