

## **BILL ANALYSIS**

Senate Research Center  
86R10697 BEF-F

S.B. 1672  
By: Perry  
Agriculture  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

#### Background:

The agriculture industry has been aggressively combating invasive organisms and species that hinder the productivity of agriculture. This effort comes at a significant cost to the producers. From a statewide perspective, early detection of invasive organisms or species is extremely important. Early detection will allow for better containment or slowing the spread of the organism or species, which will allow 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.

In cotton, a new race of fusarium wilt (FOV4) is an invasive organism currently having an impact on extra-long staple cotton, also known as Pima cotton.

Since 2001, FOV4 resistant seed varieties of Pima cotton have been researched, developed, and brought to market. However, Upland cotton, which makes up 99 percent of Texas cotton production, is still affected. There is no seed resistant variety today. Current research efforts are underway to develop resistant seed varieties and better management practices to this invasive organism in Upland cotton. Early detection methods are critical during this time in order to contain the organism until a seed variety can be fully developed and brought to market.

#### Analysis:

S.B. 1672 establishes an early plant detection and surveillance system through cooperative agreements with the Texas Department of Agriculture (TDA) and universities in the state. This bill provides a full range of activities, including field inspection for early detection before the invasive species becomes established or becomes too large and costly to eradicate or control.

As proposed, S.B. 1672 amends current law relating to the detection and mitigation of plant pests and diseases.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 71, Agriculture Code, by adding Subchapter E, as follows:

#### SUBCHAPTER E. EARLY PLANT PEST DETECTION AND SURVEILLANCE

Sec. 71.201. DEFINITIONS. Defines "cooperative agreement," "early plant detection and surveillance," and "specialty crop."

Sec. 71.202. COOPERATIVE AGREEMENT. (a) Requires the Texas Department of Agriculture (TDA) to enter into a cooperative agreement with a university that agrees to conduct early plant pest detection and surveillance.

(b) Requires TDA, in carrying out this section, to consult with the State Seed and Plant Board (board) and other interested parties.

Sec. 71.203. APPLICATION. (a) Authorizes a university to apply to enter into a cooperative agreement by submitting to TDA an application containing the information required by TDA.

(b) Requires TDA to notify each applicant of the:

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

(2) criteria to be used to ensure that early plant pest 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 introduction.

Sec. 71.204. USE OF FUNDS. (a) Requires a university to use any money received under a cooperative agreement to carry out early plant pest detection and surveillance approved by TDA to prevent the introduction or spread of plant pest.

(b) 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 TDA considers appropriate.

(c) Prohibits TDA from considering 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. Requires TDA to provide money to a university to carry out early plant pest detection and surveillance under a cooperative agreement if TDA determines that:

(1) the university 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 the region's conduciveness to agricultural pest and disease establishment due to location, agricultural commodities produced, climate, crop diversity, or natural resources or on TDA's determination that an agricultural pest or disease in the region is a state or federal concern; and

(2) the early plant pest detection and surveillance supported by the money will likely prevent the introduction or establishment of plant pests and provide a comprehensive approach to complement federal plant pest or disease detection efforts.

Sec. 71.206. REPORTING REQUIREMENTS. Requires a university that conducts an early plant pest detection and surveillance activity provided under this subchapter to, not later than the 90th day after the date the activity is completed, submit to TDA a report describing the purposes and results of the activity.

Sec. 71.207. THREAT IDENTIFICATION AND MITIGATION PROGRAM. (a) Requires TDA to establish a threat identification and mitigation program to determine and address threats to the domestic production of crops, including specialty crops.

(b) Requires TDA, under the program, to develop risk assessments for potential threats from foreign sources to the agricultural industry of this state, collaborate with the board, and 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) Requires 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 described by this section, including an accounting of money spent in connection with those plans.

SECTION 2. Effective date: September 1, 2019.