

1-1 By: Longoria, Guerra (Senate Sponsor - Hinojosa) H.B. No. 2841
1-2 (In the Senate - Received from the House April 26, 2021;
1-3 May 6, 2021, read first time and referred to Committee on Water,
1-4 Agriculture & Rural Affairs; May 13, 2021, reported favorably by
1-5 the following vote: Yeas 8, Nays 0; May 13, 2021, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-7 | | | | |
| 1-8 | X | | | |
| 1-9 | X | | | |
| 1-10 | | | X | |
| 1-11 | X | | | |
| 1-12 | X | | | |
| 1-13 | X | | | |
| 1-14 | X | | | |
| 1-15 | X | | | |
| 1-16 | X | | | |

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to suits to collect assessments owed by certain citrus
1-20 producers.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 80, Agriculture Code, is amended by
1-23 adding Section 80.0175 to read as follows:

1-24 Sec. 80.0175. SUIT TO COLLECT DELINQUENT ASSESSMENT. (a)
1-25 At any time after an assessment becomes delinquent, the corporation
1-26 may investigate conditions that relate to the prompt remittance of
1-27 the assessment by a citrus producer.

1-28 (b) If the corporation determines that a citrus producer has
1-29 failed to remit an assessment to the corporation as required by this
1-30 chapter, the corporation may:

1-31 (1) independently bring suit against the citrus
1-32 producer to obtain appropriate injunctive relief or a judgment in
1-33 the amount due to the corporation, including:

1-34 (A) the amount of delinquent assessments;

1-35 (B) penalties assessed under Section 80.017(a);

1-36 and

1-37 (C) interest on delinquent assessments and
1-38 penalties; or

1-39 (2) request the department, the attorney general, or a
1-40 county or district attorney having jurisdiction to file suit on the
1-41 corporation's behalf.

1-42 (c) A court shall order the injunctive relief necessary to
1-43 ensure payment of the delinquent assessments by the citrus
1-44 producer.

1-45 (d) A court shall grant injunctive relief under Subsection
1-46 (b) without a bond.

1-47 (e) In a petition for injunctive relief under Subsection
1-48 (b), the corporation may also seek to secure payment of assessments
1-49 for the current year that are not yet delinquent. The corporation
1-50 shall estimate the amount of any assessments for the year that have
1-51 not yet been made.

1-52 (f) A petition under Subsection (b) is sufficient if it
1-53 alleges that:

1-54 (1) the corporation is legally constituted and
1-55 authorized to impose and collect assessments from citrus producers;

1-56 (2) assessments in the amounts stated were legally
1-57 imposed on the citrus producer for each year specified in the suit;

1-58 (3) the assessments are delinquent;

1-59 (4) penalties, interest, and costs allowed by law in
1-60 the amounts stated are due in connection with the assessments;

1-61 (5) the citrus producer named in the suit was legally

2-1 subject to assessments under this chapter when the assessments
2-2 became due;

2-3 (6) the corporation has done all things required under
2-4 this chapter to enforce the payment of the assessments; and

2-5 (7) the attorney signing the petition is legally
2-6 authorized to prosecute the suit on behalf of the corporation.

2-7 (g) The corporation, the department, the attorney general,
2-8 and a county or district attorney are entitled to recover
2-9 reasonable expenses incurred in obtaining injunctive relief or a
2-10 judgment under this section, including:

2-11 (1) investigatory costs and fees;

2-12 (2) reasonable attorney's fees; and

2-13 (3) court costs.

2-14 (h) Venue for a suit under this section is in:

2-15 (1) Travis County; or

2-16 (2) the county in which the citrus producer named in
2-17 the suit is located or conducts business related to the production
2-18 of citrus.

2-19 SECTION 2. This Act takes effect immediately if it receives
2-20 a vote of two-thirds of all the members elected to each house, as
2-21 provided by Section 39, Article III, Texas Constitution. If this
2-22 Act does not receive the vote necessary for immediate effect, this
2-23 Act takes effect September 1, 2021.

2-24 * * * * *