

1-1 By: González of El Paso (Senate Sponsor - Blanco) H.B. No. 3289
 1-2 (In the Senate - Received from the House May 3, 2021;
 1-3 May 14, 2021, read first time and referred to Committee on Water,
 1-4 Agriculture & Rural Affairs; May 21, 2021, reported favorably by
 1-5 the following vote: Yeas 8, Nays 0; May 21, 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 the penalties for a violation of a quarantine or rule to
 1-20 protect pecans or pecan trees from diseases or pests; increasing
 1-21 civil penalties.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 71.012, Agriculture Code, is amended by
 1-24 amending Subsection (a) and adding Subsections (a-1) and (a-2) to
 1-25 read as follows:

1-26 (a) Except as provided by Subsections (a-1) and (a-2), a [A]
 1-27 person who violates this subchapter or a rule adopted under this
 1-28 subchapter is liable to the state for a civil penalty of not less
 1-29 than \$250 nor more than \$10,000 for each violation. Each day a
 1-30 violation continues may be considered a separate violation for
 1-31 purposes of a civil penalty assessment.

1-32 (a-1) Subject to Subsection (a-2), a person who violates a
 1-33 quarantine established under this subchapter against a pest or
 1-34 disease affecting pecans or pecan trees or violates a rule adopted
 1-35 under this subchapter for the protection of pecans or pecan trees is
 1-36 liable to the state for a civil penalty of not less than \$500 nor
 1-37 more than \$20,000 for each violation. Each day a violation
 1-38 continues may be considered a separate violation for purposes of a
 1-39 civil penalty assessment.

1-40 (a-2) For the first violation of a quarantine established
 1-41 under this subchapter against a pest or disease affecting pecans or
 1-42 pecan trees or a violation of a rule adopted under this subchapter
 1-43 for the protection of pecans or pecan trees, in lieu of a civil
 1-44 penalty, a registrant under Section 71.043 may remedy the violation
 1-45 by entering into a compliance agreement with the department and
 1-46 returning, treating, or destroying the article subject to the
 1-47 quarantine as directed by the department.

1-48 SECTION 2. Section 71.013, Agriculture Code, is amended by
 1-49 amending Subsection (b) and adding Subsection (b-1) to read as
 1-50 follows:

1-51 (b) Except as provided by Subsection (b-1), an [An] offense
 1-52 under this section is a Class C misdemeanor.

1-53 (b-1) For the first violation constituting an offense under
 1-54 this section, in lieu of a criminal penalty, a registrant under
 1-55 Section 71.043 may remedy the violation by entering into a
 1-56 compliance agreement with the department and returning, treating,
 1-57 or destroying the article subject to the quarantine as directed by
 1-58 the department.

1-59 SECTION 3. The changes in law made by this Act apply only to
 1-60 an offense or other violation committed on or after September 1,
 1-61 2021. An offense or other violation committed before September 1,

2-1 2021, is governed by the law in effect on the date the offense or
2-2 violation was committed, and the former law is continued in effect
2-3 for that purpose. For purposes of this section, an offense or
2-4 violation was committed before September 1, 2021, if any element of
2-5 the offense or violation occurred before that date.

2-6 SECTION 4. This Act takes effect September 1, 2021.

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