

## **BILL ANALYSIS**

Senate Research Center  
78R10363 BDH-F

H.B. 2320  
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Natural Resources  
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Engrossed

### **DIGEST AND PURPOSE**

Currently, when a quarantine is established for an exotic pest, and eradication efforts are implemented, inspectors will notify a person, such as a vendor, that their fruit is at risk for pests and the person is provided with methods to remedy the situation. However, if the person chooses not to address the potential problem, the Texas Department of Agriculture (TDA) currently has no recourse, which leaves more hosts for potential pests and increases the risk of pests spreading beyond the quarantine area. H.B. 2320 authorizes TDA to take certain actions relating to the seizure, treatment, handling, and destruction of certain quarantined articles.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Department of Agriculture in SECTION 2 (Section 71.0092, Agriculture Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 71.008, Agriculture Code, by adding Subsection (f), to provide that this section does not restrict the authority of the Texas Department of Agriculture (TDA) to establish on its own initiative an eradication program within a quarantined area to protect the state's agricultural resources.

SECTION 2. Amends Subchapter A, Chapter 71, Agriculture Code, by adding Section 71.0092, as follows:

Sec. 71.0092. SEIZURE, TREATMENT, HANDLING, AND DESTRUCTION OF CERTAIN MATERIALS WITHIN QUARANTINED AREA. (a) Defines "quarantined article."

(b) Authorizes TDA, by rule, to establish treatment and handling requirements for a quarantined article found within a quarantined area. Requires the requirements to be designed to prevent, decrease, or facilitate certain situations.

(c) Requires a person in possession or control of a quarantined article located in a quarantined area to comply with TDA rules and orders regarding treatment and handling of the quarantined article.

(d) Authorizes TDA, if a person in possession or control of a quarantined article located in a quarantined area fails to comply with a TDA rule or order under this section, to take certain actions at the expense of the person or of the owner of the article.

(e) Requires TDA, if the owner of a quarantined article seized under this section is unknown to TDA, to publish notice that not earlier than the fifth day after a certain date TDA may destroy, treat, or isolate the quarantined article at the owner's expense. Requires TDA to publish the notice for three consecutive days in a newspaper of general circulation in the county in which the quarantined article was seized. Requires the notice to include a description of the quarantined article. Requires TDA, if an owner claims the quarantined article before the date

described by the notice and agrees in writing to treat or handle the article in a manner provided by TDA rule or order, to deliver the quarantined article to the owner at the owner's expense. Authorizes TDA, if an owner does not claim the quarantined article before the date described by the notice, to destroy or arrange for the destruction of the quarantined article or continue to isolate or treat the quarantined article at the owner's expense. Authorizes TDA, if an owner refuses to agree in writing to comply with TDA's rule or order regarding treatment or handling of a quarantined article, to destroy or arrange for the destruction of the quarantined article or continue to isolate or treat the quarantined article at the owner's expense, subject to Section 71.010.

(f) Authorizes TDA, in enforcing this section, to seek the assistance of the Department of Public Safety (DPS) under Section 71.0101, or any law enforcement officer of the county in which the quarantined article is located. Requires DPS or the local law enforcement officer to cooperate with TDA and provide any assistance necessary to implement this section.

(g) Provides that the owner of a quarantined article treated, isolated, or destroyed by TDA under this section is liable to TDA for certain costs and authorizes TDA to bring suit to collect the costs.

(h) Provides that the attorney general is entitled to court costs and reasonable attorney's fees in any suit brought on behalf of TDA under this section, including any suit for an injunction.

(i) Authorizes TDA to enter into an agreement with a public or private entity to obtain assistance in defraying the cost of implementing this section.

SECTION 3. Effective date: upon passage or September 1, 2003.