A BILL TO BE ENTITLED

1   AN ACT

2 relating to authorizing the Department of Agriculture to create a

3 database of nonpaying buyers of agricultural products; authorizing

4 a fee.

5   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6   SECTION 1. Chapter 12, Agriculture Code, is amended by

7 adding Section 12.049 to read as follows:

8   Sec. 12.049. NONPAYING BUYER DATABASE.   (a)   In this

9 section,   "agricultural   product"   means   an   agricultural,

10 horticultural, viticultural, or vegetable product, bees, honey,

11 fish or other seafood, planting seed, livestock, a livestock

12 product, a forestry product, poultry, or a poultry product, either

13 in its natural or processed state, that has been produced,

14 processed, or otherwise had value added to it in this state.

15   (b) A seller of an agricultural product may submit to the

16 department the name of a person engaged in the business of buying

17 agricultural products who failed to make a payment to the seller for

18 the agricultural product if a court in a suit for nonpayment has

19 entered a judgment holding the person liable for the outstanding

20 payment.

21   (c) The department may:

22   (1) maintain on its Internet website an electronically

23 searchable database of named defendants found liable in suits for

24 nonpayment for agricultural products;

1   (2) set a fee for including a name or suit in the

2 database in an amount reasonable and necessary to cover the cost of

3 maintaining the database; and

4   (3) add a person's name or a suit to the database

5 after:

6   (A) the department verifies that a court in a

7 suit for the outstanding payment has entered a judgment holding the

8 person who is the subject of a submission under Subsection (b)

9 liable for the outstanding payment; and

10   (B) the seller who made the submission under

11 Subsection (b) pays the fee.

12   (d) A person whose name appears in the database as a

13 nonpaying buyer may request a hearing under Section 12.032 to

14 determine whether the department is required to remove the person's

15 name or a suit from the database. The hearing shall be held by an

16 administrative law judge of the State Office of Administrative

17 Hearings. After the hearing, the department shall remove a person's

18 name or a suit from the database if the administrative law judge

19 determines that:

20   (1) the judgment in the suit holding the defendant

21 liable for nonpayment has been vacated, overturned on appeal, or

22 satisfied; or

23   (2) extenuating circumstances justify removing the

24 person's name from the list.

25   SECTION 2. This Act takes effect September 1, 2013.