

BILL ANALYSIS

C.S.H.B. 32
By: González, Mary
Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that pecan producers in West Texas lose potential revenue when pecans are stolen from their orchards. C.S.H.B. 32 seeks to address this issue by requiring certain pecan buyers to complete a proof of purchase form.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 32 amends the Agriculture Code to require a buyer who purchases more than 50 pounds of in-shell pecans in a western county in a single transaction, and who purchased more than 1,000 pounds of in-shell pecans in the 12 months preceding the date of the transaction, to complete a proof of purchase form promulgated by the Department of Agriculture (TDA) describing the transaction. The bill requires the buyer to retain the form for at least 24 months after the date of the transaction and provide the form to a peace officer on request. The bill requires the form to provide space for the recording of specified information and content. The bill defines, among other terms, the following:

- "buyer" as a person engaged in the business of purchasing in-shell pecans from a pecan producer and specifies that the term includes an accumulator, buying location, cleaning plant, sheller, dealer, or broker;
- "pecan producer" as a person who grows pecans; and
- "western county" as one of the five westernmost counties in Texas in which pecans are produced, measured at the westernmost part of each county.

C.S.H.B. 32 makes a buyer who fails to complete a proof of purchase form as required by the bill liable to the state for a civil penalty capped at \$250 for each violation. The bill requires the attorney general or the county attorney or district attorney of the county in which the violation is alleged to have occurred, on request of the TDA, to file suit to collect the penalty. The bill requires a civil penalty collected in a suit filed by the attorney general to be deposited in the general revenue fund. The bill requires a civil penalty collected in a suit filed by a county or district attorney to be divided between the state and the county in which the county or district attorney brought suit, with 50 percent of the amount collected paid to the state for deposit in the general revenue fund and 50 percent of the amount collected paid to the county.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 32 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a provision requiring the TDA to establish a licensing and inspection program for applicable pecan buyers in western counties and does not include related provisions regarding the following:

- exemptions;
- TDA rules;
- an annual license fee;
- inspections;
- a license requirement for certain pecan purchases and for the operation of a buying location;
- application for, term of, and renewal of a license;
- duties of a buyer;
- records of a buyer;
- revocation of a license; and
- a criminal penalty.

The substitute includes provisions requiring an applicable pecan buyer who purchases more than 50 pounds of in-shell pecans in a western county in a single transaction to complete a proof of purchase form and providing a civil penalty for a buyer who fails to complete such a form as required.