

By: González of El Paso

H.B. No. 32

Substitute the following for H.B. No. 32:

By: Springer

C.S.H.B. No. 32

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain pecan buyers in certain counties; providing a civil penalty.

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

SECTION 1. Subtitle D, Title 5, Agriculture Code, is amended by adding Chapter 105 to read as follows:

CHAPTER 105. PECAN BUYERS IN CERTAIN COUNTIES

Sec. 105.001. DEFINITIONS. In this chapter:

(1) "Buyer" means a person engaged in the business of purchasing in-shell pecans from a pecan producer. The term includes an accumulator, buying location, cleaning plant, sheller, dealer, or broker.

(2) "Buying location" means a physical location where a buyer accepts in-shell pecans or, if the purchase of in-shell pecans is brokered, a physical location where records relating to the purchase of in-shell pecans are maintained.

(3) "In-shell pecan" means a pecan nut with its shell attached.

(4) "Peace officer" means a person described by Article 2.12, Code of Criminal Procedure.

(5) "Pecan producer" means a person who grows pecans.

(6) "Western county" means one of the five westernmost counties in this state in which pecans are produced, measured at the westernmost part of each county.

1 Sec. 105.002. PROOF OF PURCHASE FORM. (a) This section
2 applies only to a buyer who purchased more than 1,000 pounds of
3 in-shell pecans in the 12 months preceding the date of a
4 transaction.

5 (b) A buyer who purchases more than 50 pounds of in-shell
6 pecans in a western county in a single transaction shall complete a
7 proof of purchase form promulgated by the department describing the
8 transaction. The buyer shall retain the form for at least 24 months
9 after the date of the transaction and shall provide the form to a
10 peace officer on request.

11 (c) The form under Subsection (b) must provide space for
12 recording the:

- 13 (1) date of sale;
- 14 (2) pecan variety;
- 15 (3) quantity of pecans, in pounds;
- 16 (4) orchard owner's name and telephone number;
- 17 (5) pecan producer's name and telephone number;
- 18 (6) exact location of harvested pecans;
- 19 (7) name, driver's license number or tax
20 identification number, and telephone number of the individual
21 authorizing harvest;
- 22 (8) seller's name, address, and telephone number;
- 23 (9) seller's agent's name, address, and telephone
24 number;
- 25 (10) seller's or seller's agent's signature;
- 26 (11) buyer's name, address, and driver's license
27 number or tax identification number;

1 (12) buyer's agent's name and address;

2 (13) buyer's or buyer's agent's signature;

3 (14) license plate number, make, type, and color of
4 the vehicle delivering the pecans; and

5 (15) name, driver's license number, and state of
6 driver's license issuance of the driver of the vehicle delivering
7 the pecans.

8 Sec. 105.003. CIVIL PENALTY. (a) A buyer who fails to
9 complete a proof of purchase form as required by Section 105.002(b)
10 is liable to the state for a civil penalty not to exceed \$250 for
11 each violation.

12 (b) On request of the department, the attorney general or
13 the county attorney or district attorney of the county in which the
14 violation is alleged to have occurred shall file suit to collect the
15 penalty.

16 (c) A civil penalty collected under this section in a suit
17 filed by the attorney general shall be deposited in the general
18 revenue fund. A civil penalty collected under this section in a suit
19 filed by a county or district attorney shall be divided between the
20 state and the county in which the county or district attorney
21 brought suit, with 50 percent of the amount collected paid to the
22 state for deposit in the general revenue fund and 50 percent of the
23 amount collected paid to the county.

24 SECTION 2. This Act takes effect September 1, 2019.