

## **BILL ANALYSIS**

Senate Research Center  
87R20262 MP-D

H.B. 3289  
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Water, Agriculture & Rural Affairs  
5/19/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Texas pecan industry is an important source of jobs and revenue both in the West Texas region and across the state. Pecan quarantine is the process by which pecans are treated and tested to prevent the spread of pests, such as pecan weevils. When pecan quarantine rules are not followed it can have a significant economic effect on the agriculture industry.

To address this issue, H.B. 3289 seeks to strengthen existing regulations and create a deterrent for potential quarantine violators by increasing the civil penalty for an applicable violation.

H.B. 3289 amends current law relating to the penalties for a violation of a quarantine or rule to protect pecans or pecan trees from diseases or pests and increases civil penalties.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 71.012, Agriculture Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

(a) Provides that a person who violates Subchapter A (Inspections; Quarantines; Control and Eradication Zones) or a rule adopted under Subchapter A, except as provided by Subsections (a-1) and (a-2), is liable to the state for a civil penalty of not less than \$250 nor more than \$10,000 for each violation. Authorizes each day a violation continues to be considered a separate violation for purposes of a civil penalty assessment.

(a-1) Provides that, subject to Subsection (a-2), a person who violates a quarantine established under Subchapter A against a pest or disease affecting pecans or pecan trees or violates a rule adopted under Subchapter A for the protection of pecans or pecan trees is liable to the state for a civil penalty of not less than \$500 nor more than \$20,000 for each violation. Authorizes each day a violation continues to be considered a separate violation for purposes of a civil penalty assessment.

(a-2) Provides that for the first violation of a quarantine established under Subchapter A against a pest or disease affecting pecans or pecan trees or a violation of a rule adopted under Subchapter A for the protection of pecans or pecan trees, in lieu of a civil penalty, a registrant under Section 71.043 (Annual Registration) is authorized to remedy the violation by entering into a compliance agreement with the Texas Department of Agriculture (TDA) and returning, treating, or destroying the article subject to the quarantine as directed by TDA.

SECTION 2. Amends Section 71.013, Agriculture Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Provides that, except as provided by Subsection (b-1), an offense under Section 71.013 (Criminal Penalties) is a Class C misdemeanor.

(b-1) Authorizes a registrant under Section 71.043, for the first violation constituting an offense under this section, in lieu of a criminal penalty, to remedy the violation by entering into a compliance agreement with TDA and returning, treating, or destroying the article subject to the quarantine as directed by TDA.

SECTION 3. Makes application of this Act prospective to September 1, 2021.

SECTION 4. Effective date: September 1, 2021.