

By: Longoria

H.B. No. 2841

A BILL TO BE ENTITLED

AN ACT

relating to suits to collect assessments owed by certain citrus producers.

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

SECTION 1. Chapter 80, Agriculture Code, is amended by adding Section 80.0175 to read as follows:

Sec. 80.0175. SUIT TO COLLECT DELINQUENT ASSESSMENT. (a)

At any time after an assessment becomes delinquent, the corporation may investigate conditions that relate to the prompt remittance of the assessment by a citrus producer.

(b) If the corporation determines that a citrus producer has failed to remit an assessment to the corporation as required by this chapter, the corporation may:

(1) independently bring suit against the citrus producer to obtain appropriate injunctive relief or a judgment in the amount due to the corporation, including:

(A) the amount of delinquent assessments;

(B) penalties assessed under Section 80.017(a);

and

(C) interest on delinquent assessments and penalties; or

(2) request the department, the attorney general, or a county or district attorney having jurisdiction to file suit on the corporation's behalf.

1 (c) A court shall order the injunctive relief necessary to
2 ensure payment of the delinquent assessments by the citrus
3 producer.

4 (d) A court shall grant injunctive relief under Subsection
5 (b) without a bond.

6 (e) In a petition for injunctive relief under Subsection
7 (b), the corporation may also seek to secure payment of assessments
8 for the current year that are not yet delinquent. The corporation
9 shall estimate the amount of any assessments for the year that have
10 not yet been made.

11 (f) A petition under Subsection (b) is sufficient if it
12 alleges that:

13 (1) the corporation is legally constituted and
14 authorized to impose and collect assessments from citrus producers;

15 (2) assessments in the amounts stated were legally
16 imposed on the citrus producer for each year specified in the suit;

17 (3) the assessments are delinquent;

18 (4) penalties, interest, and costs allowed by law in
19 the amounts stated are due in connection with the assessments;

20 (5) the citrus producer named in the suit was legally
21 subject to assessments under this chapter when the assessments
22 became due;

23 (6) the corporation has done all things required under
24 this chapter to enforce the payment of the assessments; and

25 (7) the attorney signing the petition is legally
26 authorized to prosecute the suit on behalf of the corporation.

27 (g) The corporation, the department, the attorney general,

1 and a county or district attorney are entitled to recover
2 reasonable expenses incurred in obtaining injunctive relief or a
3 judgment under this section, including:

4 (1) investigatory costs and fees;

5 (2) reasonable attorney's fees; and

6 (3) court costs.

7 (h) Venue for a suit under this section is in:

8 (1) Travis County; or

9 (2) the county in which the citrus producer named in
10 the suit is located or conducts business related to the production
11 of citrus.

12 SECTION 2. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2021.