

BILL ANALYSIS

H.B. 2841
By: Longoria
Agriculture & Livestock
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Citrus Pest and Disease Management Corporation, Inc., was created in order to bridge the gap between citrus producers, academia, and the general public so that the Texas citrus industry, located in Hidalgo, Cameron, and Willacy Counties, is best protected against biological pests and diseases that have devastated other states' citrus industries. Unfortunately, some citrus producers have not paid their corporation assessments, which endangers the corporation's operations and the protections it provides for the Texas citrus industry. Currently, a notice is given regarding a delinquent assessment but there is no adequate mechanism for the corporation to seek a judgment to collect on the assessment. H.B. 2841 seeks to address this issue by providing for suits to collect delinquent assessments owed by certain citrus producers to the corporation.

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

H.B. 2841 amends the Agriculture Code to authorize the Texas Citrus Pest and Disease Management Corporation, Inc., at any time after an assessment levied against a citrus producer under related statutory provisions becomes delinquent, to investigate conditions that relate to the producer's prompt remittance of the assessment and to do the following if it determines that the producer has failed to remit an assessment to the corporation as required:

- independently bring suit against the producer to obtain appropriate injunctive relief or a judgment in the amount due to the corporation; or
- request the Department of Agriculture (TDA), the attorney general, or a county or district attorney having jurisdiction to file suit on the corporation's behalf.

H.B. 2841 requires a court to order the injunctive relief necessary to ensure payment of the delinquent assessments by the citrus producer and to grant injunctive relief without a bond. The bill authorizes the corporation, in a petition for injunctive relief, to also seek to secure payment of assessments for the current year that are not yet delinquent and requires the corporation to estimate the amount of any assessments for the year that have not yet been made. The bill sets out the conditions under which a petition is considered sufficient.

H.B. 2841 entitles the corporation, the TDA, the attorney general, and a county or district attorney to recover reasonable expenses incurred in obtaining injunctive relief or a judgment under the bill's provisions and establishes venue for the suit.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.