

## **BILL ANALYSIS**

Senate Research Center  
77R8422 BDH-D

H.B. 2354  
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Natural Resources  
4/24/2001  
Engrossed

### **DIGEST AND PURPOSE**

Currently, certain purchases of commodities that fall under Chapter 41 of the Agriculture Code are not collecting assessments from producers. Additionally, some purchasers are not remitting collected assessments to the commodity boards. H.B. 2354 requires purchasing entities to collect and remit assessments or face increased 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 12.020(c), Agriculture Code, to set forth provisions of this code subject to this section and certain applicable penalty amounts.

SECTION 2. Amends Section 41.101, Agriculture Code, as follows:

- (a) Authorizes the commodity producers board (board), if the board has probable cause to believe, rather than determines, that a person has failed to collect an assessment or failed to remit to the board an assessment as required by this chapter, to perform certain procedures.
- (b) Authorizes a suit under this section to be brought in Travis County or a county in which the person who is alleged to have failed to collect or remit an assessment conducts business related to the commodity subject to the uncollected or unpaid assessment. Makes conforming changes.
- (c) Provides that the remedies provided by this section are cumulative of other remedies provided by law.

SECTION 3. Amends Chapter 41F, Agriculture Code, by adding Section 41.1011, as follows:

Sec. 41.1011. ACTION BY DEPARTMENT. (a) Authorizes the Texas Department of Agriculture (department) to perform certain procedures on receipt of a complaint.

- (b) Authorizes the department, on determination that a person failed to collect an assessment or failed to remit to the board an assessment collected from a producer or processor, to take certain actions.
- (c) Authorizes the attorney general to bring a civil action to enforce an order of the department and collect any amounts owed under the order, including costs and fees under Subsection (d).
- (d) Provides that in prevailing in an action commenced by the department through the attorney general or a county or district attorney under this section, the department and

the attorney general or county or district attorney are each entitled to recover certain relief.

(e) Authorizes a suit to be brought in Travis County or a county in which the person who failed to collect or remit an assessment conducts business related to the commodity subject to the uncollected or unpaid assessment.

(f) Requires an assessment and any interest collected under this section to be deposited in the account of the board that levied the assessment.

(g) Provides that the remedies provided by this section are cumulative of other remedies provided by law.

SECTION 4. Effective date: upon passage or September 1, 2001.