

## **BILL ANALYSIS**

C.S.H.B. 3289  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

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, C.S.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.

### **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**

C.S.H.B. 3289 amends the Agriculture Code to increase the range of a civil penalty for a violation of provisions relating to inspections, quarantines, and control and eradication zones regarding horticultural diseases and pests or a rule adopted under those provisions from not less than \$250 nor more than \$10,000 to not less than \$500 nor more than \$20,000 for a violation of a quarantine established under those provisions against a pest or disease affecting pecans or pecan trees or a violation of a rule adopted under those provisions for the protection of pecans or pecan trees. The bill provides an exception for a first-time violation in which a registered florist or nursery owner, instead of paying the civil penalty, may remedy the violation by entering into a compliance agreement with the Department of Agriculture (TDA) and returning, treating, or destroying the article subject to the quarantine as directed by the TDA.

C.S.H.B. 3289 provides an exception for a first-time violation of an applicable TDA rule relating to insect pests, plant diseases, quarantines, or vehicle inspections punishable as a Class C misdemeanor in which a registered florist or nursery owner, instead of being subject to the criminal penalty, may remedy the violation by entering into a compliance agreement with the TDA and returning, treating, or destroying the article subject to the quarantine as directed by the TDA.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3289 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes an exception to the civil penalty for first-time violations not in the original in which a registered florist or nursery owner may remedy the violation by entering into a compliance agreement with the TDA and returning, treating, or destroying the quarantine article as directed by the TDA.

With respect to the bill's provisions relating to criminal penalties for a violation of a TDA rule relating to insect pests, plant diseases, quarantines, or vehicle inspections, the substitute:

- does not include a penalty enhancement in the original for violating a rule involving pecans from a Class C misdemeanor to a Class B misdemeanor; but
- does include an exception to the penalty for any first-time violation in which a registered florist or nursery owner may remedy the violation by entering into a compliance agreement with the TDA and returning, treating, or destroying the quarantine article as directed by the TDA.