

## CHAPTER 230

## H.B. No. 2105

## AN ACT

relating to seizure, treatment, and destruction of a citrus plant, citrus plant product, or citrus substance.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subchapter A, Chapter 71, Agriculture Code, is amended by adding Section 71.0091 to read as follows:

*Sec. 71.0091. SEIZURE, TREATMENT, AND DESTRUCTION OF A CITRUS PLANT, CITRUS PLANT PRODUCT, OR CITRUS SUBSTANCE. (a) The department may seize a citrus plant, citrus plant product, or citrus substance that the department determines:*

*(1) is transported or carried from a quarantined area in violation of a quarantine order; or*

*(2) is infected with a disease or insect pest dangerous to a citrus plant, citrus plant product, or citrus substance, without regard to whether the citrus plant, citrus plant product, or citrus substance comes from an area known to be infested.*

*(b) If a citrus plant, citrus plant product, or citrus substance is seized under Subsection (a)(1) of this section, the department immediately shall notify the owner that the citrus plant, citrus plant product, or citrus substance is a public nuisance and that it must be destroyed, treated, or, if feasible, returned to its point of origin. If a citrus plant, citrus plant product, or citrus substance is seized under Subsection (a)(2) of this section, the department immediately shall notify the owner that the citrus plant, citrus plant product, or citrus substance is a public nuisance and must be destroyed or treated.*

*(c) If the owner of a citrus plant, citrus plant product, or citrus substance seized under Subsection (a) of this section is unknown to the department, the department shall publish or post notice that, not earlier than the fifth day after the first day on which notice is published or posted, the department may destroy the citrus plant, citrus plant product, or citrus substance. The department shall publish the notice for three consecutive days in a newspaper of general circulation in the county in which the citrus plant, citrus plant product, or citrus substance is located or post the notice in the immediate vicinity of the area in which the citrus plant, citrus plant product, or citrus substance is located. The notice must describe the citrus plant, citrus plant product, or citrus substance seized. If the owner claims the citrus plant, citrus plant product, or citrus substance before the date for destruction set by the notice, the department shall deliver the citrus plant, citrus plant product, or citrus substance to the owner at the owner's expense. If the owner does not claim the citrus plant, citrus plant product, or citrus substance before the date the notice specifies*

*that destruction is permitted, the department may destroy or arrange for the destruction of the citrus plant, citrus plant product, or citrus substance.*

*(d) If the owner of a citrus plant, citrus plant product, or citrus substance seized by the department under this section fails or refuses to destroy the citrus plant, citrus plant product, or citrus substance immediately after being instructed to do so by the department, the department may abate the nuisance by destroying the citrus plant, citrus plant product, or citrus substance or may otherwise treat the citrus plant, citrus plant product, or citrus substance so that it is no longer a nuisance. In enforcing this subsection, the department may call on the sheriff of the county in which the citrus plant, citrus plant product, or citrus substance is located, and the sheriff shall cooperate with the department and provide assistance necessary to abate the nuisance.*

*(e) The owner of a citrus plant, citrus plant product, or citrus substance treated or destroyed by the department under this section is liable to the department for the costs of treatment or destruction, and the department may sue to collect those costs.*

*(f) The department may enter into an agreement with a private entity to obtain assistance in defraying the cost of implementing this section.*

**SECTION 2.** Section 71.009, Agriculture Code, is amended by adding Subsection (f) to read as follows:

*(f) This section does not apply to a citrus plant, citrus plant product, or other citrus substance.*

**SECTION 3.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 23, 1993: Yeas 131, Nays 0, two present not voting;  
passed by the Senate on May 12, 1993: Yeas 31, Nays 0.

Approved May 20, 1993.

Effective May 20, 1993.