

AN ACT

relating to buyback programs of commercial licenses for certain aquatic animals and the promotion and marketing of the shrimp industry in this state and to funding those activities.

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

SECTION 1. Subchapter A, Chapter 12, Parks and Wildlife Code, is amended by adding Section 12.009 to read as follows:

Sec. 12.009. FUNDING FOR LICENSE BUYBACK PROGRAMS. (a) If money is available, the department shall increase the allocations of the license buyback programs under Sections 47.081, 77.119, and 78.111 by \$2 million for the fiscal biennium beginning September 1, 2003.

(b) The department may finance the increase in funding under Subsection (a) by donations, grants, or any money appropriated by the legislature or otherwise available for the programs. The department may actively solicit donations and apply for grants to finance the increase.

(c) This section expires September 1, 2005.

SECTION 2. The heading to Chapter 47, Agriculture Code, is amended to read as follows:

CHAPTER 47. TEXAS OYSTER AND SHRIMP PROGRAM

SECTION 3. Sections 47.001 and 47.002, Agriculture Code, are redesignated as Subchapter A, Chapter 47, Agriculture Code, and a heading is added to that subchapter to read as follows:

1 SUBCHAPTER A. TEXAS OYSTER PROGRAM

2 SECTION 4. Chapter 47, Agriculture Code, is amended by
3 adding Subchapter B to read as follows:

4 SUBCHAPTER B. TEXAS SHRIMP MARKETING ASSISTANCE PROGRAM IN

5 DEPARTMENT OF AGRICULTURE

6 Sec. 47.051. DEFINITIONS. In this subchapter:

7 (1) "Advisory committee" means the shrimp advisory
8 committee.

9 (2) "Coastal waters" means all the salt water of the
10 state, including the portion of the Gulf of Mexico that is within
11 the jurisdiction of the state.

12 (3) "Program" means the Texas shrimp marketing
13 assistance program.

14 (4) "Shrimp marketing account" means the account in
15 the general revenue fund established under Section 77.002(b), Parks
16 and Wildlife Code.

17 (5) "Texas-produced shrimp" means shrimp harvested
18 from coastal waters and produced within the borders of the state.

19 Sec. 47.052. PROGRAM ESTABLISHED. (a) The Texas shrimp
20 marketing assistance program is established in the department to
21 assist the Texas shrimp industry in promoting and marketing
22 Texas-produced shrimp and educating the public about the Texas
23 shrimp industry and Texas-produced shrimp.

24 (b) The commissioner, in consultation with the advisory
25 committee established under Section 47.053, shall adopt rules as
26 necessary to implement the program.

27 (c) The department may accept grants, gifts, and gratuities

1 from any source, including any governmental entity, any private or
2 public corporation, and any other person, in furtherance of the
3 program. Any funds received as a grant, gift, or gratuity shall be
4 deposited in the shrimp marketing account under Section 77.002,
5 Parks and Wildlife Code.

6 (d) The program shall be funded at a minimum level of
7 \$250,000 per fiscal year with funds deposited into the shrimp
8 marketing account under Section 77.002, Parks and Wildlife Code.
9 The department may not expend more than two percent of the annual
10 program budget on out-of-state travel.

11 Sec. 47.053. ADVISORY COMMITTEE. (a) The commissioner
12 shall appoint a shrimp advisory committee to assist the
13 commissioner in implementing the program established under this
14 subchapter and in the expenditure of funds appropriated for the
15 purpose of this subchapter.

16 (b) The advisory committee shall be composed of the
17 following 10 members:

- 18 (1) two owners of commercial bay shrimp boats;
19 (2) two owners of commercial gulf shrimp boats;
20 (3) one member of the Texas shrimp aquaculture
21 industry;
22 (4) one retail fish dealer;
23 (5) one wholesale fish dealer;
24 (6) one person employed by an institution of higher
25 education as a researcher or instructor specializing in the area of
26 food science, particularly seafood;
27 (7) one member of the seafood restaurant industry; and

1 (8) one representative of the public.

2 (c) The members of the advisory committee serve without
3 compensation but may be reimbursed for expenses incurred in the
4 direct performance of their duties on approval by the commissioner.

5 (d) An advisory committee member serves a three-year term,
6 with the terms of three or four members expiring August 31 of each
7 year. The commissioner may reappoint a member to the advisory
8 committee.

9 (e) The members of the advisory committee shall elect a
10 presiding officer from among the members and shall adopt rules
11 governing the operation of the committee. The rules shall specify
12 that five members of the advisory committee constitute a quorum
13 sufficient to conduct the meetings and business of the committee.

14 (f) The advisory committee shall meet as necessary, but not
15 less frequently than once each calendar year, to provide guidance
16 to the commissioner in establishing and implementing the program.

17 Sec. 47.054. PROGRAM STAFF. (a) The commissioner shall
18 employ one or more persons as employees of the department to staff
19 the program.

20 (b) Unless otherwise expressly provided by the legislature,
21 the source of funding for the payment of employee salaries shall be
22 funds generated from the program, including the 10 percent license
23 fee increase authorized by Section 77.002, Parks and Wildlife Code,
24 and the surcharge on license fees authorized by Section 134.014.

25 Sec. 47.055. PROMOTION, MARKETING, AND EDUCATION. The
26 program shall promote and advertise the Texas shrimp industry by:

27 (1) developing and maintaining a database of Texas

1 shrimp wholesalers that sell Texas-produced shrimp;

2 (2) operating a toll-free telephone number to:

3 (A) receive inquiries from persons who wish to
4 purchase a particular type of Texas-produced shrimp; and

5 (B) make information about the Texas shrimp
6 industry available to the public;

7 (3) developing a shrimp industry marketing plan to
8 increase the consumption of Texas-produced shrimp;

9 (4) educating the public about Texas-produced shrimp
10 by providing publicity about the information in the program's
11 database to the public and making the information available to the
12 public through the department's toll-free telephone number and
13 electronically through the Internet;

14 (5) promoting the Texas shrimp industry; and

15 (6) promoting and marketing, and educating consumers
16 about, Texas-produced shrimp using any other method the
17 commissioner determines appropriate.

18 SECTION 5. Section 134.014, Agriculture Code, is amended to
19 read as follows:

20 Sec. 134.014. LICENSE FEES. (a) The department shall issue
21 an aquaculture license or a fish farm vehicle license on completion
22 of applicable license requirements and the payment of a fee by the
23 applicant, as provided by department rule.

24 (b) In addition to the fees under Subsection (a), the
25 department shall assess and collect a surcharge on the annual
26 license fee for aquaculture facilities producing shrimp for the
27 purpose of funding the Texas shrimp marketing assistance program

1 created under Subchapter B, Chapter 47. The amount of the surcharge
2 shall be set each year, as provided by department rule, in an amount
3 equal to 10 percent of the fees generated by the Parks and Wildlife
4 Department under Section 77.002(c), Parks and Wildlife Code.

5 (c) The department shall deposit at the end of each quarter,
6 to the credit of the shrimp marketing account, the fees received
7 under Subsection (b) for use by the department to conduct and
8 operate the Texas shrimp marketing assistance program created under
9 Subchapter B, Chapter 47.

10 SECTION 6. Section 77.002, Parks and Wildlife Code, is
11 amended to read as follows:

12 Sec. 77.002. LICENSE FEES. (a) License fees provided in
13 this chapter are a privilege tax on catching, buying, selling,
14 unloading, transporting, or handling shrimp within the
15 jurisdiction of this state.

16 (b) The shrimp marketing account is an account in the
17 general revenue fund to be used by the Department of Agriculture
18 solely for the purpose of the Texas shrimp marketing assistance
19 program established under Subchapter B, Chapter 47, Agriculture
20 Code. The account consists of funds deposited to the account under
21 this section and Section 134.014(b), Agriculture Code. The account
22 is exempt from the application of Section 11.032 of this code and
23 Section 403.095, Government Code.

24 (c) Except as provided by Sections 47.021 and 77.049, in
25 addition to fee increases the department is authorized to make
26 under this code, the department shall increase by 10 percent the
27 fee, as of September 1, 2003, for the following licenses and shall

1 deposit the amount of the increase to the credit of the shrimp
2 marketing account:

3 (1) a wholesale fish dealer's license issued under
4 Section 47.009;

5 (2) a wholesale truck dealer's fish license issued
6 under Section 47.010;

7 (3) a retail fish dealer's license issued under
8 Section 47.011;

9 (4) a retail dealer's truck license issued under
10 Section 47.013;

11 (5) a commercial bay shrimp boat license issued under
12 Section 77.031; and

13 (6) a commercial gulf shrimp boat license issued under
14 Section 77.035.

15 (d) Money in the shrimp marketing account may be used only
16 for implementing, maintaining, and conducting, including hiring
17 program staff employees for, the Texas shrimp marketing assistance
18 program created under Subchapter B, Chapter 47, Agriculture Code.
19 The Department of Agriculture may allocate not more than \$100,000
20 per fiscal year of the money in the account to cover administrative
21 and personnel costs of the Department of Agriculture associated
22 with the program.

23 (e) The department shall deposit, at the end of each quarter
24 to the credit of the shrimp marketing account, fees received under
25 Subsection (c) for use by the Department of Agriculture to conduct
26 and operate the Texas shrimp marketing assistance program created
27 under Subchapter B, Chapter 47, Agriculture Code.

1 SECTION 7. Subchapter A, Chapter 47, Parks and Wildlife
2 Code, is amended by adding Section 47.021 to read as follows:

3 Sec. 47.021. LICENSE FEES. (a) Fees for licenses issued
4 under Sections 47.009, 47.011, and 47.013 may not be increased by
5 more than 10 percent of the amount of the fee set by the commission
6 and effective on September 1, 2002.

7 (b) This section expires September 1, 2005.

8 SECTION 8. Subchapter C, Chapter 77, Parks and Wildlife
9 Code, is amended by adding Section 77.049 to read as follows:

10 Sec. 77.049. LICENSE FEES. (a) Fees for licenses issued
11 under Sections 77.031 and 77.035 may not be increased by more than
12 10 percent of the amount of the fee set by the commission and
13 effective on September 1, 2002.

14 (b) This section expires September 1, 2005.

15 SECTION 9. The Parks and Wildlife Department shall transfer
16 a minimum amount of \$250,000 each year of the biennium to the shrimp
17 marketing account for use by the Department of Agriculture to
18 conduct and operate the Texas shrimp marketing program created
19 under Subchapter B, Chapter 47, Agriculture Code, as added by this
20 Act. All unexpended balances remaining from appropriations for
21 fiscal year 2004 may be carried forward to fiscal year 2005.

22 SECTION 10. This Act takes effect immediately if it
23 receives a vote of two-thirds of all the members elected to each
24 house, as provided by Section 39, Article III, Texas Constitution.
25 If this Act does not receive the vote necessary for immediate
26 effect, this Act takes effect September 1, 2003.

David Newbust

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 2470 was passed by the House on April 25, 2003, by the following vote: Yeas 146, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2470 on May 26, 2003, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 2470 was passed by the Senate, with amendments, on May 24, 2003, by the following vote: Yeas 30, Nays 0.

Dorothy Spaw
Secretary of the Senate

APPROVED: 20 JUN '03

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:30 AM O'CLOCK

June Shea
Secretary of State