

By: Jackson

S.B. No. 937

A BILL TO BE ENTITLED

AN ACT

relating to the promotion of the shrimp industry of this state; and providing a source of funding.

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

SECTION 1. Title 3, Agriculture Code, Chapter 47, is amended by renaming the Chapter and adding Subchapters A and B to read as follows:

CHAPTER 47. TEXAS OYSTER AND SHRIMP PROGRAM

SUBCHAPTER A. TEXAS OYSTER PROGRAM

Sec. 47.001. Promotion and Advertisement

(a) The department may promote and advertise the Texas oyster industry by:

(1) using current market research to develop an oyster marketing plan to increase consumption of Texas oysters;

(2) conducting a public relations campaign to create a responsible and accurate image of the Texas oyster industry;

(3) providing information, education, and training to consumers, food handlers, and restaurant personnel on safe and proper handling of oysters, for the purpose of promoting the use and consumption of oysters; and

(4) using other methods the department considers appropriate.

(b) The department, following guidance of the oyster advisory committee established under Section 47.002, may use a

1 portion of the oyster sales fee funds provided for administrative  
2 purposes.

3 Sec. 47.002. Oyster Advisory Committee

4 (a) The commissioner shall appoint an oyster advisory  
5 committee to provide guidance and direction on the programs and  
6 activities established under this chapter and expenditures of the  
7 funds appropriated for the purposes of this chapter.

8 (b) A member of the advisory committee may not receive  
9 compensation for service on the committee, but is entitled to  
10 reimbursement of expenses incurred by the member while conducting  
11 the business of the committee and approved by the commissioner, as  
12 provided by the General Appropriations Act. A reimbursement under  
13 this subsection must be paid from revenue from fees on oyster sales  
14 and related penalties imposed under Section 436.103, Health and  
15 Safety Code, available for that purpose or from other revenue as  
16 provided by the General Appropriations Act.

17 (c) The advisory committee shall meet and elect a  
18 chairperson from its members and shall conduct other meetings it  
19 considers necessary to provide guidance and direction to the  
20 department.

21 (d) The advisory committee consists of the following nine  
22 members:

23 (1) three members appointed by the commissioner who  
24 are oyster dealers who have been certified in Texas for at least 12  
25 months of each year of the three years preceding the appointment;

26 (2) two members appointed by the commissioner who are  
27 oyster dealers who have been certified in Texas for at least six

1 months of each year of the three years preceding the appointment;

2 (3) one member appointed by the commissioner  
3 representing consumer interests;

4 (4) one member appointed by the commissioner  
5 representing grocery retail business interests;

6 (5) one member appointed by the commissioner  
7 representing the restaurant industry; and

8 (6) one member appointed by the commissioner who:

9 (A) is employed by an institution of higher  
10 education as a researcher or instructor; and

11 (B) specializes in the area of food science,  
12 particularly seafood.

13 (e) The advisory committee shall develop its own bylaws  
14 under which it shall operate. The bylaws shall stipulate that five  
15 members constitute a quorum sufficient to conduct meetings and  
16 business of the advisory committee.

17 (f) An advisory committee member serves a three-year term,  
18 with the terms of three members expiring August 31 of each year.

19 (g) A member of the advisory committee may be reappointed to  
20 the advisory committee.

21 [Sections 47.003-47.050 reserved for expansion]

22 SUBCHAPTER B. TEXAS SHRIMP MARKETING ASSISTANCE PROGRAM IN

23 DEPARTMENT OF AGRICULTURE

24 Sec. 47.050. DEFINITIONS. In this subchapter:

25 (1) "Program" means the Texas Shrimp Marketing  
26 Assistance Program.

27 (2) "Coastal Waters" means all the salt water of this

1 state, including that portion of the Gulf of Mexico within the  
2 jurisdiction of the state.

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

6 Sec. 47.051. PROGRAM ESTABLISHED. (a) The Texas Shrimp  
7 Marketing Assistance Program is established in the Texas Department  
8 of Agriculture to assist the Texas shrimp industry in promoting and  
9 marketing shrimp harvested from Coastal Waters and educating the  
10 public about the Texas shrimp industry and shrimp harvested from  
11 Coastal Waters.

12 (b) The Commissioner, in consultation with the advisory  
13 committee established under Section 47.052, shall adopt rules as  
14 necessary to implement the program.

15 (c) The department may accept grants, gifts and gratuities  
16 from any source, including any governmental entity, any private or  
17 public corporation, and any other person in furtherance of the  
18 program. Any monies received as a grant, gift or gratuity shall be  
19 deposited in the shrimp marketing account.

20 (d) The program shall be funded at a minimum level of  
21 \$250,000.00 per fiscal year with funds deposited into the shrimp  
22 marketing account. The department may not expend more than two  
23 percent (2%) of the annual program budget on out-of-state travel.

24 Sec. 47.052. ADVISORY COMMITTEE. (a) The commissioner  
25 shall appoint a shrimp advisory committee to assist the  
26 Commissioner in implementing the program established under this  
27 Chapter and the expenditure of funds appropriated for the purpose

1 of this chapter.

2 (b) The committee shall be composed the following nine  
3 members:

4 (1) two owners of commercial bay shrimp boats;

5 (2) two owners of commercial gulf shrimp boats;

6 (3) one retail fish dealer;

7 (4) one wholesale fish dealers;

8 (5) one person employed by an institution of higher  
9 education as a researcher or instructor specializing in the area of  
10 food science, particularly seafood;

11 (6) one member of the seafood restaurant industry; and

12 (7) one representative of the public.

13 (b) The members of the advisory committee serve without  
14 compensation, but may be reimbursed for expenses incurred in the  
15 direct performance of their duties upon approval of the  
16 Commissioner.

17 (c) An advisory committee member serves a three-year term,  
18 with the terms of three members expiring August 31 of each year.  
19 The Commissioner may reappoint a member to the advisory committee.

20 (d) The members of the advisory committee shall elect a  
21 presiding officer from among the members and adopt rules governing  
22 the operation of the committee. The rules shall specify that five  
23 members of the committee constitute a quorum sufficient to conduct  
24 the meetings and business of the committee.

25 (e) The advisory committee shall meet as necessary, but at  
26 least once a calendar, year to provide guidance to the Commissioner  
27 in establishing and implementing the program.

1       Sec. 47.053 PROGRAM STAFF. (a) The Commissioner shall  
2 employ one or more persons as employees of the department to staff  
3 the Program; and

4       (b) unless otherwise expressly provided by the legislature,  
5 the source of funding for the employee(s) shall be monies generated  
6 from the program, including the license surcharge authorized  
7 pursuant to Section 77.002, Parks and Wildlife Code.

8       Sec. 47.054. PROMOTION, MARKETING, AND EDUCATION. The  
9 program shall promote and advertise the Texas shrimp industry by:

10       (a) developing and maintaining a database of Texas shrimp  
11 wholesalers that sell shrimp harvested from Coastal Waters;

12       (b) operating a toll-free telephone number to:

13           (1) receive inquiries from persons who wish to  
14 purchase a particular type of shrimp harvested from Coastal Waters;  
15 and

16           (2) make information about the Texas shrimp industry  
17 available to the public;

18       (d) developing a shrimp industry marketing plan to increase  
19 the consumption of shrimp harvested from Coastal Waters;

20       (e) educating the public about shrimp harvested from  
21 Coastal Waters by providing publicity about the information in the  
22 program's database to the public and making the information  
23 available to the public through the department's toll-free  
24 telephone number and electronically available through the  
25 Internet;

26       (f) promoting the Texas shrimp industry; and

27       (g) promoting and marketing, and educating consumers about

1 the shrimp harvested from Coastal Waters using any other method the  
2 Commissioner determines is appropriate.

3 [Sections 47.055-47.099 reserved for expansion]

4 SECTION 2. Title 5, Parks and Wildlife Code, Chapter 77, is  
5 amended to read as follows:

6 Sec. 77.002 License Fees

7 (a) License fees provided in this chapter are a privilege  
8 tax on catching, buying, selling, unloading, transporting, or  
9 handling shrimp within the jurisdiction of this state.

10 (b) The shrimp marketing account in an account in the  
11 general revenue fund that shall be appropriated to the Texas  
12 Department of Agriculture solely for the purpose of the Texas  
13 Shrimp Marketing Assistance Program established under subchapter  
14 B, Chapter 47, Agriculture Code. The account consists of money  
15 deposited to the account under this section. The account is exempt  
16 from the application of Section 403.095, Government Code.

17 (c) In addition to fee increases the department is  
18 authorized to make under this code, the department shall increase  
19 by 10% the fee as of September 1, 2003 for the following licenses  
20 and shall deposit the amount of the increase to the credit of the  
21 shrimp marketing account:

22 (1) a commercial bay shrimp boat license issued under  
23 Section 77.031;

24 (2) a commercial bait-shrimp boat license issued under  
25 Section 77.033;

26 (3) a commercial gulf shrimp boat license issued under  
27 Section 77.035; and

1           (4) a commercial shrimp boat captain's license issued  
2 under Section 77.0351.

3           (d) Money in the shrimp marketing account may be used only  
4 to implement, maintain and conduct, including program staff  
5 employees, the Texas Shrimp Marketing Assistance Program, created  
6 pursuant to Subchapter G of this Title 5. The Texas Department of  
7 Agriculture may allocate not more than fifty thousand dollars per  
8 fiscal year of the money in the account to cover administrative and  
9 personnel costs, including in state travel, of the Texas Department  
10 of Agriculture associated with the program.

11           (e) The department shall deposit, at the end of each  
12 quarter, to the credit of the shrimp marketing account fees  
13 received under Section 77.002 for use by the Texas Department of  
14 Agriculture to conduct and operate the Texas Shrimp Marketing  
15 Assistance Program, created pursuant to Subchapter G of this Title  
16 5.

17           SECTION 3. This Act takes effect immediately if it receives  
18 a vote of two-third of all the members elected to each house, as  
19 provide by Section 39, Article III, Texas Constitution. If this Act  
20 does not receive the vote necessary for immediate effect, this Act  
21 takes effect September 1, 2003.