

By: Escobar

H.B. No. 3201

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Shrimp Marketing fund.

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

SECTION 1. Subchapter B of Chapter 47, Agriculture Code, is amended to read as follows:

SUBCHAPTER B. TEXAS SHRIMP MARKETING ASSISTANCE PROGRAM IN
DEPARTMENT OF AGRICULTURE

Sec. 47.051. DEFINITIONS. In this subchapter:

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

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

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

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

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

(6) "State or Local Shrimp Producers Association" means any group that is comprised primarily of shrimp boat operators which was in existence on or before September 1, 2004. The association may also include shrimp processors, brokers and

1 marketers. An association may not exclude any member on the basis
2 of race, ethnicity and/or nationality.

3 Sec. 47.052. PROGRAM ESTABLISHED. (a) The Texas shrimp
4 marketing assistance program is established in the department to
5 assist the Texas shrimp industry in promoting and marketing
6 Texas-produced shrimp and educating the public about the Texas
7 shrimp industry and Texas-produced shrimp.

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

11 (c) The department may accept grants, gifts, and gratuities
12 from any source, including any governmental entity, any private or
13 public corporation, and any other person, in furtherance of the
14 program. Any funds received as a grant, gift, or gratuity shall be
15 deposited in the shrimp marketing account under Section 77.002,
16 Parks and Wildlife Code.

17 (d) The program shall be funded at a minimum level of
18 \$250,000 per fiscal year with funds deposited into the shrimp
19 marketing account under Section 77.002, Parks and Wildlife Code.
20 The department may not expend more than two percent of the annual
21 program budget on out-of-state travel.

22 Sec. 47.053. ADVISORY COMMITTEE. (a) The commissioner
23 shall appoint a shrimp advisory committee to assist the
24 commissioner in implementing the program established under this
25 subchapter and in the expenditure of funds appropriated for the
26 purpose of this subchapter.

27 (b) The advisory committee shall be composed of the

1 following 10 members:

- 2 (1) two owners of commercial bay shrimp boats;
- 3 (2) two owners of commercial gulf shrimp boats;
- 4 (3) one member of the Texas shrimp aquaculture
5 industry;
- 6 (4) one retail fish dealer;
- 7 (5) one wholesale fish dealer;
- 8 (6) 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 (7) one member of the seafood restaurant industry; and
- 12 (8) one representative of the public.

13 (c) 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 on approval by the commissioner.

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

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

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

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

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

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

11 (1) developing and maintaining a database of Texas
12 shrimp wholesalers that sell Texas-produced shrimp;

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

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

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

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

20 (4) educating the public about Texas-produced shrimp
21 by providing publicity about the information in the program's
22 database to the public and making the information available to the
23 public through the department's toll-free telephone number and
24 electronically through the Internet;

25 (5) promoting the Texas shrimp industry; and

26 (6) promoting and marketing, and educating consumers
27 about, Texas-produced shrimp using any other method the

1 commissioner determines appropriate.

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19 (5.) promoting and marketing, and educating consumers
20 about, Texas-produced shrimp using any other method the
21 commissioner determines appropriate.

22 Sec. 47.056 AUTHORITY OF DEPARTMENT TO CONTRACT. The
23 department may contract with a state or local shrimp producers
24 association to conduct activities in Section 47.055.

25 SECTION 2. This Act takes effect September 1, 2005.