

1-1 By: Eiland (Senate Sponsor - Lucio) H.B. No. 4593
1-2 (In the Senate - Received from the House May 4, 2009;
1-3 May 5, 2009, read first time and referred to Committee on
1-4 Agriculture and Rural Affairs; May 13, 2009, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 4,
1-6 Nays 0; May 13, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 4593 By: Jackson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the marketing of shrimp and aquaculture products.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 47.051(5), Agriculture Code, is amended
1-13 to read as follows:

1-14 (5) "Texas-produced shrimp" means wild-caught shrimp
1-15 commercially harvested from coastal waters by a shrimp boat
1-16 licensed by the Parks and Wildlife Department [~~and produced within~~
1-17 ~~the borders of the state~~].

1-18 SECTION 2. Section 47.052(a), Agriculture Code, is amended
1-19 to read as follows:

1-20 (a) The Texas shrimp marketing assistance program is
1-21 established in the department to assist the Texas wild-caught
1-22 shrimping [~~shrimp~~] industry in promoting and marketing
1-23 Texas-produced shrimp and educating the public about the Texas
1-24 wild-caught shrimping [~~shrimp~~] industry and Texas-produced shrimp.

1-25 SECTION 3. Section 47.053(b), Agriculture Code, is amended
1-26 to read as follows:

1-27 (b) The advisory committee shall be composed of the
1-28 following nine [~~10~~] members:

1-29 (1) two owners of commercial bay shrimp boats;
1-30 (2) two owners of commercial gulf shrimp boats;
1-31 (3) [~~one member of the Texas shrimp aquaculture~~
1-32 ~~industry~~];

1-33 [~~(4)~~] one retail wild-caught shrimp [~~fish~~] dealer;
1-34 (4) [~~(5)~~] one wholesale wild-caught shrimp [~~fish~~]
1-35 dealer;

1-36 (5) [~~(6)~~] one person employed by an institution of
1-37 higher education as a researcher or instructor specializing in the
1-38 area of food science, particularly seafood;

1-39 (6) [~~(7)~~] one member of the seafood restaurant
1-40 industry; and

1-41 (7) [~~(8)~~] one representative of the public.

1-42 SECTION 4. Section 47.054(b), Agriculture Code, is amended
1-43 to read as follows:

1-44 (b) Unless otherwise expressly provided by the legislature,
1-45 the source of funding for the payment of employee salaries shall be
1-46 funds generated from the program, including the 10 percent license
1-47 fee increase authorized by Section 77.002, Parks and Wildlife
1-48 Code[, and the surcharge on license fees authorized by Section
1-49 ~~134.014~~].

1-50 SECTION 5. Section 47.055, Agriculture Code, is amended to
1-51 read as follows:

1-52 Sec. 47.055. PROMOTION, MARKETING, AND EDUCATION. The
1-53 program shall promote and advertise the Texas wild-caught shrimping
1-54 [~~shrimp~~] industry by:

1-55 (1) developing and maintaining a database of Texas
1-56 shrimp wholesalers that sell Texas-produced shrimp;

1-57 (2) operating a toll-free telephone number to:
1-58 (A) receive inquiries from persons who wish to
1-59 purchase a particular type of Texas-produced shrimp; and

1-60 (B) make information about the Texas wild-caught
1-61 shrimping [~~shrimp~~] industry available to the public;

1-62 (3) developing a wild-caught shrimping [~~shrimp~~]
1-63 industry marketing plan to increase the consumption of

2-1 Texas-produced shrimp;
 2-2 (4) educating the public about Texas-produced shrimp
 2-3 by providing publicity about the information in the program's
 2-4 database to the public and making the information available to the
 2-5 public through the department's toll-free telephone number and
 2-6 electronically through the Internet;
 2-7 (5) promoting the Texas wild-caught shrimping
 2-8 [~~shrimp~~] industry; and
 2-9 (6) promoting and marketing, and educating consumers
 2-10 about, Texas-produced shrimp using any other method the
 2-11 commissioner determines appropriate.

2-12 SECTION 6. Section 134.014, Agriculture Code, is amended to
 2-13 read as follows:

2-14 Sec. 134.014. LICENSE FEES. [~~(a)~~] The department shall
 2-15 issue an aquaculture license or a fish farm vehicle license on
 2-16 completion of applicable license requirements and the payment of a
 2-17 fee by the applicant, as provided by department rule.

2-18 [~~(b) In addition to the fees under Subsection (a), the~~
 2-19 ~~department shall assess and collect a surcharge on the annual~~
 2-20 ~~license fee for aquaculture facilities producing shrimp for the~~
 2-21 ~~purpose of funding the Texas shrimp marketing assistance program~~
 2-22 ~~created under Subchapter B, Chapter 47. The amount of the surcharge~~
 2-23 ~~shall be set each year, as provided by department rule, in an amount~~
 2-24 ~~equal to 10 percent of the fees generated by the Parks and Wildlife~~
 2-25 ~~Department under Section 77.002(c), Parks and Wildlife Code.~~

2-26 [~~(c) The department shall deposit at the end of each~~
 2-27 ~~quarter, to the credit of the shrimp marketing account, the fees~~
 2-28 ~~received under Subsection (b) for use by the department to conduct~~
 2-29 ~~and operate the Texas shrimp marketing assistance program created~~
 2-30 ~~under Subchapter B, Chapter 47.]~~

2-31 SECTION 7. Section 77.002(b), Parks and Wildlife Code, is
 2-32 amended to read as follows:

2-33 (b) The shrimp marketing account is an account in the
 2-34 general revenue fund to be used by the Department of Agriculture
 2-35 solely for the purpose of the Texas shrimp marketing assistance
 2-36 program established under Subchapter B, Chapter 47, Agriculture
 2-37 Code. The account consists of funds deposited to the account under
 2-38 this section [~~and Section 134.014(b), Agriculture Code~~]. The
 2-39 account is exempt from the application of Section 11.032 of this
 2-40 code and Section 403.095, Government Code.

2-41 SECTION 8. This Act takes effect September 1, 2009.

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