

SENATE AMENDMENTS

2nd Printing

By: Eiland

H.B. No. 4593

A BILL TO BE ENTITLED

AN ACT

relating to the marketing of shrimp and aquaculture products.

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

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

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

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

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

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

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

- (1) two owners of commercial bay shrimp boats;
- (2) two owners of commercial gulf shrimp boats;
- (3) [~~one member of the Texas shrimp aquaculture industry,~~

- 1 ~~(4)~~ one retail wild-caught shrimp ~~[fish]~~ dealer;
- 2 (4) ~~(5)~~ one wholesale wild-caught shrimp ~~[fish]~~
- 3 dealer;
- 4 (5) ~~(6)~~ one person employed by an institution of
- 5 higher education as a researcher or instructor specializing in the
- 6 area of food science, particularly seafood;
- 7 (6) ~~(7)~~ one member of the seafood restaurant
- 8 industry; and
- 9 (7) ~~(8)~~ one representative of the public.

10 SECTION 4. Section 47.054(b), Agriculture Code, is amended

11 to read as follows:

12 (b) Unless otherwise expressly provided by the legislature,

13 the source of funding for the payment of employee salaries shall be

14 funds generated from the program, including the 10 percent license

15 fee increase authorized by Section 77.002, Parks and Wildlife

16 Code[, and the surcharge on license fees authorized by Section

17 ~~134.014~~].

18 SECTION 5. Section 47.055, Agriculture Code, is amended to

19 read as follows:

20 Sec. 47.055. PROMOTION, MARKETING, AND EDUCATION. The

21 program shall promote and advertise the Texas shrimping ~~[shrimp]~~

22 industry by:

- 23 (1) developing and maintaining a database of Texas
- 24 shrimp wholesalers that sell Texas-produced shrimp;
- 25 (2) operating a toll-free telephone number to:
- 26 (A) receive inquiries from persons who wish to
- 27 purchase a particular type of Texas-produced shrimp; and

1 (B) make information about the Texas shrimping
2 [~~shrimp~~] industry available to the public;

3 (3) developing a shrimping [~~shrimp~~] industry
4 marketing plan to increase the consumption of Texas-produced
5 shrimp;

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

11 (5) promoting the Texas shrimping [~~shrimp~~] industry;
12 and

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

16 SECTION 6. Section 134.014, Agriculture Code, is amended to
17 read as follows:

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

22 [~~(b)~~ In addition to the fees under Subsection (a), the
23 department shall assess and collect a surcharge on the annual
24 license fee for aquaculture facilities producing shrimp for the
25 purpose of funding the Texas shrimp marketing assistance program
26 created under Subchapter B, Chapter 47. The amount of the surcharge
27 shall be set each year, as provided by department rule, in an amount

1 ~~equal to 10 percent of the fees generated by the Parks and Wildlife~~
2 ~~Department under Section 77.002(c), Parks and Wildlife Code.~~

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

8 SECTION 7. Section 77.002(b), Parks and Wildlife Code, is
9 amended to read as follows:

10 (b) The shrimp marketing account is an account in the
11 general revenue fund to be used by the Department of Agriculture
12 solely for the purpose of the Texas shrimp marketing assistance
13 program established under Subchapter B, Chapter 47, Agriculture
14 Code. The account consists of funds deposited to the account under
15 this section [~~and Section 134.014(b), Agriculture Code~~]. The
16 account is exempt from the application of Section 11.032 of this
17 code and Section 403.095, Government Code.

18 SECTION 8. This Act takes effect September 1, 2009.

ADOPTED

MAY 19 2009

Atty Gen
Secretary of the Senate

Eiland/
By: *Lewis*

H.B. No. 4593

Substitute the following for H.B. No. 4593:

By: *Ladson*

C.S. H.B. No. 4593

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the marketing of shrimp and aquaculture products.

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

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

6 (5) "Texas-produced shrimp" means wild-caught shrimp
7 commercially harvested from coastal waters by a shrimp boat
8 licensed by the Parks and Wildlife Department [~~and produced within~~
9 ~~the borders of the state~~].

10 SECTION 2. Section 47.052(a), Agriculture Code, is amended
11 to read as follows:

12 (a) The Texas shrimp marketing assistance program is
13 established in the department to assist the Texas wild-caught
14 shrimping [~~shrimp~~] industry in promoting and marketing
15 Texas-produced shrimp and educating the public about the Texas
16 wild-caught shrimping [~~shrimp~~] industry and Texas-produced shrimp.

17 SECTION 3. Section 47.053(b), Agriculture Code, is amended
18 to read as follows:

19 (b) The advisory committee shall be composed of the
20 following nine [~~10~~] members:

- 21 (1) two owners of commercial bay shrimp boats;
22 (2) two owners of commercial gulf shrimp boats;
23 (3) [~~one member of the Texas shrimp aquaculture~~
24 ~~industry,~~

- 1 ~~(4)~~ one retail wild-caught shrimp ~~[fish]~~ dealer;
- 2 (4) ~~(5)~~ one wholesale wild-caught shrimp ~~[fish]~~
- 3 dealer;
- 4 (5) ~~(6)~~ one person employed by an institution of
- 5 higher education as a researcher or instructor specializing in the
- 6 area of food science, particularly seafood;
- 7 (6) ~~(7)~~ one member of the seafood restaurant
- 8 industry; and
- 9 (7) ~~(8)~~ one representative of the public.

10 SECTION 4. Section 47.054(b), Agriculture Code, is amended

11 to read as follows:

12 (b) Unless otherwise expressly provided by the legislature,

13 the source of funding for the payment of employee salaries shall be

14 funds generated from the program, including the 10 percent license

15 fee increase authorized by Section 77.002, Parks and Wildlife

16 Code~~, and the surcharge on license fees authorized by Section~~

17 ~~134.014~~].

18 SECTION 5. Section 47.055, Agriculture Code, is amended to

19 read as follows:

20 Sec. 47.055. PROMOTION, MARKETING, AND EDUCATION. The

21 program shall promote and advertise the Texas wild-caught shrimping

22 ~~[shrimp]~~ industry by:

23 (1) developing and maintaining a database of Texas

24 shrimp wholesalers that sell Texas-produced shrimp;

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

26 (A) receive inquiries from persons who wish to

27 purchase a particular type of Texas-produced shrimp; and

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

3 (3) developing a wild-caught shrimping [~~shrimp~~]
4 industry marketing plan to increase the consumption of
5 Texas-produced shrimp;

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

11 (5) promoting the Texas wild-caught shrimping
12 [~~shrimp~~] industry; and

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

16 SECTION 6. Section 134.014, Agriculture Code, is amended to
17 read as follows:

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

22 [~~(b)~~ In addition to the fees under Subsection (a), the
23 department shall assess and collect a surcharge on the annual
24 license fee for aquaculture facilities producing shrimp for the
25 purpose of funding the Texas shrimp marketing assistance program
26 created under Subchapter B, Chapter 47. The amount of the surcharge
27 shall be set each year, as provided by department rule, in an amount

1 ~~equal to 10 percent of the fees generated by the Parks and Wildlife~~
2 ~~Department under Section 77.002(c), Parks and Wildlife Code.~~

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

8 SECTION 7. Section 77.002(b), Parks and Wildlife Code, is
9 amended to read as follows:

10 (b) The shrimp marketing account is an account in the
11 general revenue fund to be used by the Department of Agriculture
12 solely for the purpose of the Texas shrimp marketing assistance
13 program established under Subchapter B, Chapter 47, Agriculture
14 Code. The account consists of funds deposited to the account under
15 this section [~~and Section 134.014(b), Agriculture Code~~]. The
16 account is exempt from the application of Section 11.032 of this
17 code and Section 403.095, Government Code.

18 SECTION 8. This Act takes effect September 1, 2009.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4593 by Eiland (Relating to the marketing of shrimp and aquaculture products.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Agriculture Code to modify the Shrimp Marketing Assistance Program at the Department of Agriculture to only include wild-caught shrimp. The bill would eliminate the requirement that TDA shall assess and collect a surcharge on the annual license fee for aquaculture facilities producing shrimp to fund the Shrimp Marketing Assistance Program.

There would be a loss of revenue related to the provisions of the bill, but this loss would not be significant.

TDA anticipates that any costs associated with the bill could be absorbed within the agency's existing resources.

The bill would take effect September 1, 2009.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 551 Department of Agriculture, 802 Parks and Wildlife Department

LBB Staff: JOB, SZ, AH, SD



LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 12, 2009

TO: Honorable Craig Estes, Chair, Senate Committee on Agriculture & Rural Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4593 by Eiland (Relating to the marketing of shrimp and aquaculture products.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Agriculture Code to modify the Shrimp Marketing Assistance Program at the Department of Agriculture to only include wild-caught shrimp. The bill would eliminate the requirement that TDA shall assess and collect a surcharge on the annual license fee for aquaculture facilities producing shrimp to fund the Shrimp Marketing Assistance Program.

There would be a loss of revenue related to the provisions of the bill, but this loss would not be significant.

TDA anticipates that any costs associated with the bill could be absorbed within the agency's existing resources.

The bill would take effect September 1, 2009.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 551 Department of Agriculture, 802 Parks and Wildlife Department

LBB Staff: JOB, SZ, AH, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 6, 2009

TO: Honorable Craig Estes, Chair, Senate Committee on Agriculture & Rural Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4593 by Eiland (Relating to the marketing of shrimp and aquaculture products.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Agriculture Code to modify the Shrimp Marketing Assistance Program at the Department of Agriculture to only include wild caught shrimp. The bill would eliminate the requirement that TDA shall assess and collect a surcharge on the annual license fee for aquaculture facilities producing shrimp to fund the Shrimp Marketing Assistance Program.

There would be a loss of revenue related to the provisions of the bill, but this loss would not be significant.

TDA anticipates that any costs associated with the bill could be absorbed within the agency's existing resources.

The bill would take effect September 1, 2009.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 551 Department of Agriculture, 802 Parks and Wildlife Department

LBB Staff: JOB, SZ, AH, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 17, 2009

TO: Honorable Yvonne Gonzalez Toureilles, Chair, House Committee on Agriculture & Livestock

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4593 by Eiland (Relating to the marketing of shrimp and aquaculture products.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Agriculture Code to modify the Shrimp Marketing Assistance Program at the Department of Agriculture to only include wild caught shrimp. The bill would eliminate the requirement that TDA shall assess and collect a surcharge on the annual license fee for aquaculture facilities producing shrimp to fund the Shrimp Marketing Assistance Program.

There would be a loss of revenue related to the provisions of the bill, but this loss would not be significant.

TDA anticipates that any costs associated with the bill could be absorbed within the agency's existing resources.

The bill would take effect September 1, 2009.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 551 Department of Agriculture, 802 Parks and Wildlife Department

LBB Staff: JOB, SZ, AH, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 6, 2009

TO: Honorable Yvonne Gonzalez Toureilles, Chair, House Committee on Agriculture & Livestock

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4593 by Eiland (Relating to the marketing of shrimp and aquaculture products.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Agriculture Code to modify the Shrimp Marketing Assistance Program at the Department of Agriculture to only include wild caught shrimp. The bill would eliminate the requirement that TDA shall assess and collect a surcharge on the annual license fee for aquaculture facilities producing shrimp to fund the Shrimp Marketing Assistance Program.

There would be a loss of revenue related to the provisions of the bill, but this loss would not be significant.

TDA anticipates that any costs associated with the bill could be absorbed within the agency's existing resources.

The bill would take effect September 1, 2009.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 551 Department of Agriculture, 802 Parks and Wildlife Department

LBB Staff: JOB, AH, SD

