

BILL ANALYSIS

C.S.H.B. 1903
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Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that following a serious bacterial outbreak in Galveston Bay several years ago that closed the bay for fishing and related activities and virtually shut down the Texas oyster industry, the Texas Legislature responded by enacting laws to protect public health and the commercial oyster industry. Interested parties also note that a seafood safety laboratory at Texas A&M University at Galveston that is federally certified to study and analyze organisms that may be associated with human illness resulting from the consumption of oysters and to monitor bacterial levels in oysters supports the work of the Department of State Health Services, which is charged with monitoring bay water, collecting shellfish meat samples, and opening or closing oyster harvesting areas.

The parties contend that because of recent budget constraints, funding for the seafood safety laboratory has been largely reduced. The parties further contend that the seafood safety laboratory cannot be sustained on current funding and that it could lose its federal certification, which would be a devastating blow to the Texas oyster industry. C.S.H.B. 1903 seeks to address this issue and related issues in order to provide funding for the laboratory and to abolish an inactive advisory committee.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1903 amends the Health and Safety Code to include among the oyster-related activities for which certain amounts collected from the fee on oyster sales and related penalties are allocated each year the analysis of organisms that may be associated with human illness and that can be transmitted through the consumption of oysters, in addition to the study of such organisms. The bill includes among those oyster-related activities contributions to the support of the oyster shell recovery and replacement program and removes from the activities the promotion and advertising of the Texas oyster industry by the Texas Department of Agriculture.

C.S.H.B. 1903 requires the comptroller of public accounts at the beginning of each state fiscal year, after deducting the amount deposited into the state treasury for the comptroller's use in the administration and enforcement of the oyster sales fee, to allocate \$100,000 of the unencumbered balance deposited to the credit of the oyster sales account in the general revenue fund to Texas A&M University at Galveston for use in performing the study and analysis of organisms that may be associated with human illness and that can be transmitted through the consumption of oysters. The bill limits the use of the remainder of the money in the oyster sales account to specified oyster-related activities and removes a requirement that money in the account first be allocated for funding the public health activities of bay water and shellfish meat sample collection and analysis and wholesale, retail, and consumer education before money is allocated for research or promotion.

C.S.H.B. 1903 repeals a provision relating to the Texas oyster program and abolishes the oyster advisory committee established under those provisions.

C.S.H.B. 1903 repeals Subchapter A, Chapter 47, Agriculture Code.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1903 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Sections 436.103(e) and (f), Health and Safety Code, are amended to read as follows:

(e) Before any other disposition of the fees and penalties collected under this section is made, two percent of the amount of the fees and penalties shall be deposited in the state treasury for appropriation for the use of the comptroller in the administration and enforcement of this section. The remainder of the fees and penalties collected under this section shall be deposited to the credit of the oyster sales account in the general revenue fund to be allocated each year for oyster-related activities, including:

- (1) collecting bay water and shellfish meat samples;
- (2) contracting for sample analysis for classification and opening or closing of oyster harvesting areas;
- (3) marking the boundaries of areas that are designated open or closed under this subchapter;
- (4) studying oyster diseases and other concerns affecting the availability of oysters for harvest;
- (5) studying and analyzing organisms that may be associated with human illness and that can be transmitted through the consumption of oysters;
- (6) contributing to the support of the oyster shell recovery and replacement program created under Section 76.020, Parks and Wildlife Code [~~promotion and advertising of the Texas oyster industry by the Texas Department of Agriculture, including information, education, and training to~~

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Sections 436.103(e) and (f), Health and Safety Code, are amended to read as follows:

(e) Before any other disposition of the fees and penalties collected under this section is made, two percent of the amount of the fees and penalties shall be deposited in the state treasury for appropriation for the use of the comptroller in the administration and enforcement of this section. The remainder of the fees and penalties collected under this section shall be deposited to the credit of the oyster sales account in the general revenue fund to be allocated each year for oyster-related activities, including:

- (1) collecting bay water and shellfish meat samples;
- (2) contracting for sample analysis for classification and opening or closing of oyster harvesting areas;
- (3) marking the boundaries of areas that are designated open or closed under this subchapter;
- (4) studying oyster diseases and other concerns affecting the availability of oysters for harvest;
- (5) studying and analyzing organisms that may be associated with human illness and that can be transmitted through the consumption of oysters;
- (6) contributing to the support of the oyster shell recovery and replacement program created under Section 76.020, Parks and Wildlife Code [~~promotion and advertising of the Texas oyster industry by the Texas Department of Agriculture, including information, education, and training to~~

~~consumers on safe and proper handling of oysters]; and~~

~~(7) other oyster-related activities authorized or required by this chapter.~~

~~(f) After deducting the amount deposited into the state treasury for the comptroller's use under Subsection (e), the comptroller at the beginning of each state fiscal year shall appropriate \$100,000 of the unencumbered balance deposited to the credit of the oyster sales account in the general revenue fund to Texas A&M University at Galveston for use in performing the activities described by Subsection (e)(5). The remainder of the money [Money] in the oyster sales account may [shall first] be appropriated only for the purposes described by Subsection (e) [allocated for funding the public health activities of bay water and shellfish meat sample collection and analysis and wholesale, retail, and consumer education before money is allocated for research or promotion].~~

SECTION 2. Subchapter A, Chapter 47, Agriculture Code, is repealed, and the oyster advisory committee established under Section 47.002, Agriculture Code, is abolished on the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2013.

~~consumers on safe and proper handling of oysters]; and~~

~~(7) other oyster-related activities authorized or required by this chapter.~~

~~(f) After deducting the amount deposited into the state treasury for the comptroller's use under Subsection (e), the comptroller at the beginning of each state fiscal year shall allocate \$100,000 of the unencumbered balance deposited to the credit of the oyster sales account in the general revenue fund to Texas A&M University at Galveston for use in performing the activities described by Subsection (e)(5). The remainder of the money [Money] in the oyster sales account may [shall first] be allocated only for the purposes described by Subsection (e) [allocated for funding the public health activities of bay water and shellfish meat sample collection and analysis and wholesale, retail, and consumer education before money is allocated for research or promotion].~~

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.