

1-1 By: Buckingham, et al. S.B. No. 703  
 1-2 (In the Senate - Filed February 25, 2021; March 11, 2021,  
 1-3 read first time and referred to Committee on Water, Agriculture &  
 1-4 Rural Affairs; April 13, 2021, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
 1-6 April 13, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17			X	

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 703 By: Perry

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the continuation and functions of the Department of  
 1-22 Agriculture, the Prescribed Burning Board, and the Texas Boll  
 1-23 Weevil Eradication Foundation and the abolishment of the Early  
 1-24 Childhood Health and Nutrition Interagency Council.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 11.003, Agriculture Code, is amended to  
 1-27 read as follows:

1-28 Sec. 11.003. SUNSET PROVISION. The Department of  
 1-29 Agriculture is subject to Chapter 325, Government Code (Texas  
 1-30 Sunset Act). Unless continued in existence as provided by that  
 1-31 chapter, the department is abolished September 1, 2033 [2021].

1-32 SECTION 2. Section 12.0175, Agriculture Code, is amended to  
 1-33 read as follows:

1-34 Sec. 12.0175. "GO-TEXAN" [~~CROWN OR PRODUCED IN TEXAS~~]  
 1-35 PROGRAM. (a) The department by rule shall [~~may~~] establish the  
 1-36 "GO-TEXAN" program [~~programs~~] to promote and encourage the  
 1-37 development and expansion of markets for Texas [~~market~~]  
 1-38 agricultural products and other products grown, processed, or  
 1-39 produced in the state.

1-40 (b) The department may charge a membership fee, as provided  
 1-41 by department rule, for each participant in the "GO-TEXAN" [~~a~~]  
 1-42 program.

1-43 (c) The department shall [~~may~~] adopt rules necessary to  
 1-44 administer the "GO-TEXAN" [~~a~~] program established under this  
 1-45 section, including rules:

1-46 (1) governing the use of any registered logo of the  
 1-47 department;

1-48 (2) providing membership eligibility requirements and  
 1-49 grounds for denial of membership;

1-50 (3) establishing membership categories or tiers; and

1-51 (4) specifying membership benefits.

1-52 (d) The department may revoke or cancel a certificate of  
 1-53 registration or license issued under the "GO-TEXAN" [~~a~~] program  
 1-54 established under this section if a participant fails to comply  
 1-55 with a rule adopted by the department.

1-56 (e) In this section, "Texas agricultural product" means an  
 1-57 agricultural, apicultural, horticultural, silvicultural,  
 1-58 viticultural, or vegetable product, either in its natural or  
 1-59 processed state, that has been produced, processed, or otherwise  
 1-60 had value added to the product in this state, including:

- 2-1 (1) feed for use by livestock or poultry;
- 2-2 (2) fish or other aquatic species;
- 2-3 (3) livestock, a livestock product, or a livestock
- 2-4 by-product;
- 2-5 (4) planting seed;
- 2-6 (5) poultry, a poultry product, or a poultry
- 2-7 by-product; or
- 2-8 (6) wildlife processed for food or by-products.

2-9 SECTION 3. Chapter 12, Agriculture Code, is amended by adding Section 12.0204 to read as follows:

2-10 Sec. 12.0204. ADVISORY COMMITTEES. (a) The department by  
2-11 rule may establish advisory committees to make recommendations to  
2-12 the department on programs, rules, and policies administered by the  
2-13 department.

2-14 (b) In establishing an advisory committee under this  
2-15 section, the department shall adopt rules, including rules  
2-16 regarding:

- 2-17 (1) the purpose, role, responsibility, goals, and
- 2-18 duration of the committee;
- 2-19 (2) the size of and quorum requirement for the
- 2-20 committee;
- 2-21 (3) qualifications for committee membership;
- 2-22 (4) appointment procedures for members;
- 2-23 (5) terms of service for members;
- 2-24 (6) training requirements for members;
- 2-25 (7) policies to avoid conflicts of interest by
- 2-26 committee members;
- 2-27 (8) a periodic review process to evaluate the
- 2-28 continuing need for the committee; and
- 2-29 (9) policies to ensure the committee does not violate
- 2-30 any provisions of Chapter 551, Government Code, applicable to the
- 2-31 department or the committee.

2-32 SECTION 4. Chapter 12, Agriculture Code, is amended by adding Section 12.0205 to read as follows:

2-33 Sec. 12.0205. COORDINATION OF CONSUMER PROTECTION  
2-34 ENFORCEMENT WITH OFFICE OF ATTORNEY GENERAL. (a) The department  
2-35 and the office of the attorney general shall enter into a memorandum  
2-36 of understanding to coordinate the enforcement of consumer  
2-37 protection programs.

2-38 (b) The memorandum of understanding shall require the  
2-39 department to communicate with the consumer protection division of  
2-40 the office of the attorney general to identify and avoid potential  
2-41 duplication of effort before taking final disciplinary or  
2-42 enforcement action related to consumer protection.

2-43 SECTION 5. The heading to Section 12.026, Agriculture Code, is amended to read as follows:

2-44 Sec. 12.026. PUBLIC INTEREST INFORMATION[~~, COMPLAINTS~~].

2-45 SECTION 6. Chapter 12, Agriculture Code, is amended by adding Section 12.02601 to read as follows:

2-46 Sec. 12.02601. COMPLAINTS. (a) The department shall  
2-47 maintain a system to promptly and efficiently act on complaints  
2-48 filed with the department. The department shall maintain  
2-49 information about parties to the complaint, the subject matter of  
2-50 the complaint, a summary of the results of the review or  
2-51 investigation of the complaint, and its disposition.

2-52 (b) The department shall make information available  
2-53 describing its procedures for complaint investigation and  
2-54 resolution.

2-55 (c) The department shall periodically notify the complaint  
2-56 parties of the status of the complaint until final disposition  
2-57 unless the notice would jeopardize an investigation.

2-58 SECTION 7. Sections 12.042(a), (b), (c), (e), and (i), Agriculture Code, are amended to read as follows:

2-59 (a) The department shall establish a home-delivered meal  
2-60 grant program to benefit homebound elderly persons and persons with  
2-61 disabilities [disabled people] in this state. The program must be  
2-62 designed to help defray the costs of providing home-delivered meals  
2-63 that are not fully funded by the Health and Human [Department of  
2-64 Aging and Disability] Services Commission or an area agency on

3-1 aging.

3-2 (b) From funds appropriated for that purpose, the  
3-3 department shall make grants to qualifying organizations that  
3-4 provide home-delivered meals to ~~[the]~~ homebound elderly persons and  
3-5 persons with disabilities ~~[disabled]~~. The department may use not  
3-6 more than five percent of those appropriated funds for the  
3-7 administration of the grant program.

3-8 (c) An organization applying to the department for a grant  
3-9 under this section must:

3-10 (1) be a governmental agency or a nonprofit private  
3-11 organization that is exempt from taxation under Section 501(a),  
3-12 Internal Revenue Code of 1986, as an organization described by  
3-13 Section 501(c)(3) of that code, that is a direct provider of  
3-14 home-delivered meals to ~~[the]~~ elderly persons or persons with  
3-15 disabilities in this state;

3-16 (2) if it is a nonprofit private organization, have a  
3-17 volunteer board of directors;

3-18 (3) practice nondiscrimination;

3-19 (4) have an accounting system or fiscal agent approved  
3-20 by the county in which it provides meals;

3-21 (5) have a system to prevent the duplication of  
3-22 services to the organization's clients; and

3-23 (6) agree to use funds received under this section  
3-24 only to supplement and extend existing services related directly to  
3-25 home-delivered meal services.

3-26 (e) The department shall require an organization seeking a  
3-27 grant to file an application in a form approved by the department.  
3-28 The application must be ~~[notarized and]~~ signed or electronically  
3-29 acknowledged by the organization's executive director ~~[and board~~  
3-30 ~~chair, if applicable]~~, be postmarked or electronically submitted  
3-31 not later than November 1, and must include:

3-32 (1) the organization's name and address;

3-33 (2) the names and titles of the organization's  
3-34 executive director and board chair, if applicable;

3-35 (3) the name of the county in relation to which the  
3-36 organization is applying;

3-37 (4) the number of residents at least 60 years of age  
3-38 who reside in that county, according to the most recent federal  
3-39 decennial census;

3-40 (5) the amount of the grant awarded by that county as  
3-41 required by Subsection (d);

3-42 (6) the number of meals the organization delivered to  
3-43 elderly persons or ~~[disabled]~~ persons with disabilities in that  
3-44 county during the preceding state fiscal year that were not fully  
3-45 funded ~~[for]~~ by the Health and Human ~~[Department of Aging and~~  
3-46 ~~Disability]~~ Services Commission or an area agency on aging;

3-47 (7) appropriate documentation demonstrating that the  
3-48 organization:

3-49 (A) is a qualifying governmental agency or  
3-50 nonprofit private organization;

3-51 (B) has been awarded a grant by the county in  
3-52 relation to which the organization is applying, as required by  
3-53 Subsection (d); and

3-54 (C) has delivered the number of meals reported  
3-55 under Subdivision (6);

3-56 (8) the organization's most recent financial statement  
3-57 or audited financial report; and

3-58 (9) a list of the organization's board and officers.

3-59 (i) Not later than February 1 of each year, the department  
3-60 shall make a grant to each qualifying organization that has  
3-61 submitted an approved application under this section. Subject to  
3-62 Subsections (d) and (h), the department shall make grants in an  
3-63 amount equal to one dollar for each meal that the organization  
3-64 delivered to homebound elderly persons or ~~[disabled]~~ persons with  
3-65 disabilities in the county in the preceding state fiscal year that  
3-66 was not fully funded ~~[for]~~ by the Health and Human ~~[Department of~~  
3-67 ~~Aging and Disability]~~ Services Commission or an area agency on  
3-68 aging. If more than one qualifying organization delivers meals in a  
3-69 county, the department shall reduce the grants proportionally to

4-1 each qualifying organization in that county so that the total  
4-2 amount of the grants to the organizations does not exceed the amount  
4-3 described by Subsection (h).

4-4 SECTION 8. Subchapter A, Chapter 12A, Agriculture Code, is  
4-5 amended by adding Sections 12A.004 and 12A.005 to read as follows:

4-6 Sec. 12A.004. INSPECTION AND ENFORCEMENT STRATEGIC PLAN.

4-7 (a) The department shall develop and publish an annual plan for  
4-8 each state fiscal year to use the inspection and enforcement  
4-9 resources of the department strategically to ensure public safety  
4-10 and protect agriculture and consumers in this state.

4-11 (b) The department shall seek input from stakeholders when  
4-12 developing each annual plan.

4-13 (c) The department shall collect and maintain information  
4-14 that accurately shows the department's inspection and enforcement  
4-15 activities. Each annual plan must include a report of the  
4-16 information collected by the department that shows the department's  
4-17 inspection and enforcement activities over time.

4-18 (d) The information described by Subsection (c) must  
4-19 include data regarding violations of statutes or department rules,  
4-20 including:

4-21 (1) the number, type, and severity of:  
4-22 (A) violations the department found to have  
4-23 occurred;

4-24 (B) violations the department referred for  
4-25 enforcement to the section of the department responsible for  
4-26 enforcement; and

4-27 (C) violations for which the department imposed a  
4-28 penalty or took other enforcement action;

4-29 (2) the number of major violations for which the  
4-30 department imposed a penalty or took other enforcement action; and

4-31 (3) the number of repeat major violations, categorized  
4-32 by license type, if applicable.

4-33 (e) The department shall publish each annual plan on the  
4-34 department's Internet website not later than July 1 of the year  
4-35 preceding the state fiscal year in which the department implements  
4-36 the plan.

4-37 Sec. 12A.005. CRIMINAL HISTORY EVALUATION. The department  
4-38 shall perform the duties of a licensing authority under Chapter 53,  
4-39 Occupations Code, for each license issued by the department under  
4-40 this code or other law, including issuing guidelines under Section  
4-41 53.025, Occupations Code.

4-42 SECTION 9. Section 19.005, Agriculture Code, is reenacted  
4-43 and amended to read as follows:

4-44 Sec. 19.005. ADVISORY COUNCIL. (a) The commissioner shall  
4-45 appoint the advisory council. The advisory council is composed of  
4-46 seven members, including:

4-47 (1) one member representing the department;

4-48 (2) one member representing The Texas A&M  
4-49 University-Kingsville Citrus Center at Weslaco;

4-50 (3) two members representing the citrus nursery  
4-51 industry;

4-52 (4) two members representing citrus growers; and

4-53 (5) one member having specialized knowledge in citrus  
4-54 diseases and pests.

4-55 (b) A member serves a two-year term and may be reappointed.

4-56 (c) Members of the advisory council are not eligible for  
4-57 reimbursement of expenses arising from service on the advisory  
4-58 council.

4-59 (d) Chapter 2110, Government Code, does not apply to the  
4-60 duration of the advisory council.

4-61 SECTION 10. Section 41.154, Agriculture Code, is amended to  
4-62 read as follows:

4-63 Sec. 41.154. ANNUAL REPORT. The council shall deliver to  
4-64 the commissioner [~~and the appropriate oversight committee in the~~  
4-65 ~~senate and house of representatives~~] an annual report giving  
4-66 details of its efforts to carry out the purposes of this subchapter.

4-67 SECTION 11. Section 45.005(c), Agriculture Code, is amended  
4-68 to read as follows:

4-69 (c) The program may undertake agricultural research and

5-1 development projects of mutual benefit that are located in Texas,  
5-2 Israel, or any other location considered advisable by the  
5-3 department [~~or suggested by the advisory committee~~].

5-4 SECTION 12. Section 46.005, Agriculture Code, is amended to  
5-5 read as follows:

5-6 Sec. 46.005. DEPARTMENT POWERS AND DUTIES. The department  
5-7 shall administer the "Go Texan" Partner Program. The duties of the  
5-8 department in administering the program include:

5-9 (1) developing procedures for acceptance and  
5-10 administration of funds received to administer the program,  
5-11 including appropriations, gifts, license plate revenue, and  
5-12 matching funds;

5-13 (2) developing application and selection procedures  
5-14 including procedures for soliciting and accepting applications  
5-15 [~~and screening applications for review by the "Go Texan" Partner  
5-16 Program Advisory Board~~];

5-17 (3) developing a general promotional campaign for  
5-18 Texas agricultural products and advertising campaigns for specific  
5-19 Texas agricultural products based on project requests submitted by  
5-20 successful applicants;

5-21 (4) developing advertising programs and promotional  
5-22 materials for use by program participants and establishing  
5-23 guidelines on advertising activities by participants;

5-24 (5) contracting with media representatives for the  
5-25 purpose of dispersing promotional materials; and

5-26 (6) receiving matching funds from program  
5-27 participants and donations or grants from any source, and  
5-28 establishing internal reporting requirements for use of funds.

5-29 SECTION 13. Section 46.011, Agriculture Code, is amended to  
5-30 read as follows:

5-31 Sec. 46.011. CRITERIA FOR ALLOCATION OF FUNDS. The  
5-32 department shall by rule [~~and with the advice of the board~~]  
5-33 establish criteria for allocation of funds to participant projects.  
5-34 Rules adopted under this section must include:

5-35 (1) the factors to be considered in evaluating  
5-36 projects; and

5-37 (2) a maximum funding amount for each project.

5-38 SECTION 14. Section 47.052(b), Agriculture Code, is amended  
5-39 to read as follows:

5-40 (b) The commissioner [~~, in consultation with the advisory  
5-41 committee established under Section 47.053,~~] shall adopt rules as  
5-42 necessary to implement the program.

5-43 SECTION 15. Section 50B.0025, Agriculture Code, is amended  
5-44 to read as follows:

5-45 Sec. 50B.0025. ANNUAL PLAN AND BUDGET. Not later than  
5-46 November 1 of each year, the commissioner shall prepare for the  
5-47 current fiscal year:

5-48 (1) a [the] schedule and plan of action designed to  
5-49 implement and further the objectives of this chapter and Chapter  
5-50 110, Alcoholic Beverage Code; and

5-51 (2) a budget and prioritized spending plan for  
5-52 expenditures of the wine industry development fund [described by  
5-53 Section 50B.002(g), considering the recommendations of the  
5-54 committee under that section and following them to the extent the  
5-55 commissioner considers appropriate].

5-56 SECTION 16. Sections 62.002(a) and (b), Agriculture Code,  
5-57 are amended to read as follows:

5-58 (a) The State Seed and Plant Board is an agency of the state.  
5-59 The board is composed of:

5-60 (1) one individual, appointed by the president of  
5-61 Texas A&M University, from the Soils and Crop Sciences Department,  
5-62 Texas Agricultural Experiment Station, Texas A&M University;

5-63 (2) one individual, appointed by the president of  
5-64 Texas Tech University, from the Department of Plant and Soil  
5-65 Sciences, Texas Tech University;

5-66 (3) one individual, appointed by the commissioner,  
5-67 licensed as a Texas Foundation, Registered, or Certified seed or  
5-68 plant producer who is not employed by a public institution;

5-69 (4) one individual, appointed by the commissioner, who

6-1 sells Texas Foundation, Registered, or Certified seed or plants;  
6-2 and

6-3 (5) one individual, appointed by the commissioner,  
6-4 actively engaged in farming but not a producer or seller of Texas  
6-5 Foundation, Registered, or Certified seed or plants~~[, and~~  
6-6 ~~[(6) the head of the seed division of the department]~~.

6-7 (b) An individual appointed from a state university ~~[or the~~  
6-8 ~~department]~~ serves on the board as an ex officio member. A member  
6-9 serves for a term of two years and until a successor has qualified.  
6-10 Members serve without compensation but are entitled to  
6-11 reimbursement by the state for actual expenses incurred in the  
6-12 performance of their duties.

6-13 SECTION 17. Section 62.005(a), Agriculture Code, is amended  
6-14 to read as follows:

6-15 (a) A person who wants to produce a certified class of seed  
6-16 or plant for which the board has established standards of genetic  
6-17 purity and identity may apply to the board for licensing as a  
6-18 Foundation, Registered, or Certified producer of seed or plants.  
6-19 To be licensed as a producer, a person must satisfy the board that:

6-20 (1) ~~[he or she is of good character and has a~~  
6-21 ~~reputation for honesty,~~

6-22 ~~[(2)]~~ his or her facilities meet board requirements  
6-23 for producing and maintaining seed or plants for the certification  
6-24 generations desired; and

6-25 (2) ~~[(3)]~~ he or she has met any other board  
6-26 requirements as to knowledge of the production or maintenance of  
6-27 seed or plants for the certification generations for which he or she  
6-28 applies to be licensed.

6-29 SECTION 18. Section 74.0031(d), Agriculture Code, is  
6-30 amended to read as follows:

6-31 (d) The department shall set a cotton stalk destruction  
6-32 deadline for each pest management zone, with consideration given to  
6-33 the recommendations of the foundation ~~[and the applicable~~  
6-34 ~~administrative committee submitted under Subsection (b)]~~.

6-35 SECTION 19. Sections 74.0032(b) and (c), Agriculture Code,  
6-36 are amended to read as follows:

6-37 (b) If adverse weather conditions or other good cause  
6-38 exists, the Texas Boll Weevil Eradication Foundation  
6-39 ~~[administrative committee that governs the applicable pest~~  
6-40 ~~management zone]~~ may request that the department grant an extension  
6-41 of the cotton stalk destruction deadline for any specified part of  
6-42 the pest management zone or for the entire pest management zone. A  
6-43 request under this subsection must be made within the period  
6-44 specified by department rule. A field is not subject to a hostable  
6-45 cotton fee if the department grants an extension of the deadline.  
6-46 The Texas Boll Weevil Eradication Foundation shall submit to the  
6-47 department an estimate of the amount by which an extension under  
6-48 this subsection will increase the cost of administering the boll  
6-49 weevil eradication program.

6-50 (c) If the Texas Boll Weevil Eradication Foundation  
6-51 ~~[applicable administrative committee]~~ does not request an  
6-52 extension, or if the department denies a request for an extension of  
6-53 the cotton stalk destruction deadline for a specified part of a pest  
6-54 management zone, a cotton grower may apply for an individual  
6-55 extension of the deadline. A request under this subsection must be  
6-56 made within the period specified by department rule.

6-57 SECTION 20. Section 74.004(a), Agriculture Code, is amended  
6-58 to read as follows:

6-59 (a) ~~The [On petition of the administrative committee of a~~  
6-60 ~~pest management zone, the]~~ department may establish regulated  
6-61 areas, dates, and appropriate methods of destruction of stalks,  
6-62 other parts, and products of host plants for cotton pests,  
6-63 including requirements for destruction of foliage, fruiting  
6-64 structures, and root systems of host plants after the harvest  
6-65 deadline.

6-66 SECTION 21. Section 74.0041, Agriculture Code, is amended  
6-67 to read as follows:

6-68 Sec. 74.0041. REGULATION OF PLANTING DATES. The ~~[On~~  
6-69 ~~petition of the administrative committee of a pest management zone,~~

7-1 ~~the~~ department may establish uniform planting dates for host  
7-2 plants.

7-3 SECTION 22. Subchapter D, Chapter 74, Agriculture Code, is  
7-4 amended by adding Section 74.1091 to read as follows:

7-5 Sec. 74.1091. SEPARATION OF RESPONSIBILITIES. The board  
7-6 shall develop and implement policies that clearly separate the  
7-7 policy-making responsibilities of the board and the management  
7-8 responsibilities of the chief executive officer and staff of the  
7-9 foundation.

7-10 SECTION 23. Section 74.127(a), Agriculture Code, is amended  
7-11 to read as follows:

7-12 (a) The board of directors of the official cotton growers'  
7-13 boll weevil eradication foundation is subject to Chapter 325,  
7-14 Government Code (Texas Sunset Act). Unless continued in existence  
7-15 as provided by that chapter, the board is abolished [~~and this~~  
7-16 ~~subchapter expires~~] September 1, 2033 [2021].

7-17 SECTION 24. Subchapter D, Chapter 74, Agriculture Code, is  
7-18 amended by adding Section 74.132 to read as follows:

7-19 Sec. 74.132. COMPLAINTS. (a) The foundation shall  
7-20 maintain a system to promptly and efficiently act on complaints  
7-21 filed with the foundation. The foundation shall maintain  
7-22 information about parties to the complaint, the subject matter of  
7-23 the complaint, a summary of the results of the review or  
7-24 investigation of the complaint, and its disposition.

7-25 (b) The foundation shall make information available  
7-26 describing its procedures for complaint investigation and  
7-27 resolution.

7-28 (c) The foundation shall periodically notify the complaint  
7-29 parties of the status of the complaint until final disposition  
7-30 unless the notice would jeopardize an investigation.

7-31 SECTION 25. The heading to Section 134.002, Agriculture  
7-32 Code, is amended to read as follows:

7-33 Sec. 134.002. SUPPORT OF AQUACULTURE [PROGRAM].

7-34 SECTION 26. Section 134.004, Agriculture Code, is amended  
7-35 to read as follows:

7-36 Sec. 134.004. CONTRACTS. The department, the Texas  
7-37 [Natural Resource Conservation] Commission on Environmental  
7-38 Quality, the Texas Animal Health Commission, and the Parks and  
7-39 Wildlife Department may contract with state, federal, or private  
7-40 entities for assistance in carrying out the purposes of this  
7-41 chapter.

7-42 SECTION 27. The heading to Subchapter B, Chapter 134,  
7-43 Agriculture Code, is amended to read as follows:

7-44 SUBCHAPTER B. AQUACULTURE REQUIREMENTS [LICENSE]

7-45 SECTION 28. Section 134.013, Agriculture Code, is amended  
7-46 to read as follows:

7-47 Sec. 134.013. ADDITIONAL REQUIREMENTS FOR SHRIMP  
7-48 PRODUCTION WITHIN THE COASTAL ZONE. (a) A commercial aquaculture  
7-49 facility located within the coastal zone and engaged in the  
7-50 production of shrimp must:

7-51 (1) [must] obtain a site-specific wastewater  
7-52 discharge permit from the Texas [Natural Resource Conservation]  
7-53 Commission on Environmental Quality before the facility may  
7-54 discharge wastewater if the facility will discharge wastewater or  
7-55 another substance into waters in the state;

7-56 (2) [must] provide the report described in Subsection  
7-57 (b) to the Texas Commission on Environmental Quality [~~and is~~  
7-58 subject to the review described in Section 134.031(c) if the  
7-59 aquaculture facility applies for a site-specific discharge  
7-60 permit];

7-61 (3) [must] obtain an amendment to its site-specific  
7-62 discharge permit from the Texas [Natural Resource Conservation]  
7-63 Commission on Environmental Quality before the facility may  
7-64 increase the amount of discharge or change the nature of the  
7-65 discharge above levels allowed by the wastewater discharge permit  
7-66 issued by the Texas [Natural Resource Conservation] Commission on  
7-67 Environmental Quality, except as otherwise provided by Section  
7-68 26.0191, Water Code; and

7-69 (4) [must] provide the report described by Subsection

8-1 (b) ~~[and is subject to the review described in Section 134.031(c)]~~  
 8-2 before the facility may increase the amount of discharge, or change  
 8-3 the nature of the discharge above levels allowed by the wastewater  
 8-4 discharge permit issued by the Texas ~~[Natural Resource~~  
 8-5 ~~Conservation]~~ Commission on Environmental Quality, except as  
 8-6 otherwise provided by Section 26.0191, Water Code.

8-7 (b) Before issuing a permit ~~[license]~~ to a new aquaculture  
 8-8 facility designed for the commercial production of shrimp that will  
 8-9 discharge wastewater into waters in the state within the coastal  
 8-10 zone, the Texas Commission on Environmental Quality ~~[department]~~  
 8-11 shall require the applicant to provide a report describing the  
 8-12 existing environmental conditions at the proposed site, including  
 8-13 aquatic habitat and the conditions of the waters in the state into  
 8-14 which a discharge is proposed. The report must provide an  
 8-15 assessment of any potential impacts of wastewater discharges on  
 8-16 sensitive aquatic habitats in the area of the proposed site,  
 8-17 significant impacts related to the construction or operation of the  
 8-18 facility, and any mitigation actions proposed by the applicant.

8-19 (c) The applicant must provide the report required under  
 8-20 Subsection (b) to the ~~[Texas Natural Resource Conservation~~  
 8-21 ~~Commission and the]~~ Parks and Wildlife Department. The Texas  
 8-22 ~~[Natural Resource Conservation]~~ Commission on Environmental  
 8-23 Quality may not issue a wastewater discharge permit to a new  
 8-24 aquaculture facility designed for the commercial production of  
 8-25 shrimp and located within the coastal zone without consideration of  
 8-26 the report described by Subsection (b).

8-27 (d) In coordination with ~~[the department and]~~ the Parks and  
 8-28 Wildlife Department, the Texas ~~[Natural Resource Conservation]~~  
 8-29 Commission on Environmental Quality shall establish guidelines  
 8-30 relating to the report required by Subsection (b) that:

8-31 (1) give public notice as to what the reporting  
 8-32 requirements include; and

8-33 (2) minimize duplication of reporting requirements  
 8-34 and other requirements related to the application for a wastewater  
 8-35 discharge permit.

8-36 SECTION 29. Section 134.016(a), Agriculture Code, is  
 8-37 amended to read as follows:

8-38 (a) The operator ~~[holder]~~ of a commercial ~~[an]~~ aquaculture  
 8-39 facility ~~[license]~~ shall maintain a record of sales of cultured  
 8-40 species for at least ~~[a period of time of not less than]~~ one year.  
 8-41 The record is open for inspection by designated employees of the  
 8-42 Parks and Wildlife Department ~~[and the department]~~ during normal  
 8-43 business hours.

8-44 SECTION 30. Section 134.017, Agriculture Code, is amended  
 8-45 to read as follows:

8-46 Sec. 134.017. CULTURE AND SALE OF CULTURED SPECIES.  
 8-47 Cultured species of any kind, size, or number may be raised,  
 8-48 possessed, transported, and sold anywhere, at any time, to any  
 8-49 person, for any purpose by the operator ~~[holder]~~ of a commercial  
 8-50 ~~[an]~~ aquaculture facility ~~[license]~~ unless prohibited by the Parks  
 8-51 and Wildlife Code or regulation.

8-52 SECTION 31. Section 134.018, Agriculture Code, is amended  
 8-53 to read as follows:

8-54 Sec. 134.018. ~~[LICENSE NOT REQUIRED FOR]~~ SALE OF CERTAIN  
 8-55 FISH. (a) This section applies to ~~[An aquaculture license is not~~  
 8-56 ~~required for]~~ the sale of fish:

8-57 (1) that are not on the Parks and Wildlife Department's  
 8-58 list of exotic fish, shellfish, and aquatic plants;

8-59 (2) collected from a private facility on private land  
 8-60 by a person who operates a commercial ~~[holds an]~~ aquaculture  
 8-61 facility ~~[license]~~;

8-62 (3) by the owner of the private facility from which the  
 8-63 fish were collected;

8-64 (4) to manage the fish population in the private  
 8-65 facility; and

8-66 (5) to a person who operates a commercial ~~[holds an]~~  
 8-67 aquaculture facility ~~[license]~~.

8-68 (b) Not later than the 30th day after the sale of fish under  
 8-69 this section, a ~~[the]~~ buyer who operates a commercial ~~[holds an]~~

9-1 aquaculture facility [~~license~~] shall submit a copy of the invoice  
 9-2 for the sale to the Parks and Wildlife Department. The seller and  
 9-3 the buyer shall maintain a record of the sale for not less than one  
 9-4 year. The record must contain at least:

- 9-5 (1) the invoice number;
- 9-6 (2) the date of the sale;
- 9-7 (3) the name and address of the seller;
- 9-8 (4) the physical location of the facility from which  
 9-9 the fish were collected;
- 9-10 (5) the buyer's name and[7] address[7] and the name and  
 9-11 address of the buyer's commercial aquaculture facility [~~license~~  
 9-12 ~~number of the buyer~~]; and
- 9-13 (6) the number of fish sold.

9-14 (c) Sections 66.020 and 66.111, Parks and Wildlife Code, do  
 9-15 not apply to a sale under this section.

9-16 SECTION 32. Section 134.023(b), Agriculture Code, is  
 9-17 amended to read as follows:

9-18 (b) A person who violates Section [~~134.019 or~~] 134.020  
 9-19 commits an offense that is a Class B misdemeanor.

9-20 SECTION 33. Sections 134.031(a), (b), (c), (d), (e), (f),  
 9-21 and (g), Agriculture Code, are amended to read as follows:

9-22 (a) The [~~department, the~~] Texas [~~Natural Resource~~  
 9-23 ~~Conservation~~] Commission on Environmental Quality[7] and the Parks  
 9-24 and Wildlife Department shall enter into a memorandum of  
 9-25 understanding for the regulation of matters related to aquaculture.

9-26 (b) The Texas [~~Natural Resource Conservation~~] Commission on  
 9-27 Environmental Quality, after receiving an application for a  
 9-28 wastewater discharge authorization from an aquaculture facility,  
 9-29 shall provide a copy of the application to the [~~department and the~~  
 9-30 Parks and Wildlife Department].

9-31 (c) The [~~department, the~~] Texas [~~Natural Resource~~  
 9-32 ~~Conservation~~] Commission on Environmental Quality[7] and the Parks  
 9-33 and Wildlife Department shall [~~each appoint one member of a~~  
 9-34 ~~three-member application review committee to review the wastewater~~  
 9-35 ~~discharge authorization application to~~] ensure that the proposed  
 9-36 discharge will not adversely affect a bay, an estuary, or other  
 9-37 waters in the state.

9-38 (d) The Parks and Wildlife Department, in consultation with  
 9-39 the Texas [~~Natural Resource Conservation~~] Commission on  
 9-40 Environmental Quality, may establish general guidelines that  
 9-41 identify sensitive aquatic habitat within the coastal zone. The  
 9-42 general guidelines must include factors such as the presence of sea  
 9-43 grass beds, depth of receiving waters, and amount of tidal  
 9-44 exchange.

9-45 (e) If the Parks and Wildlife Department establishes the  
 9-46 guidelines described in Subsection (d), the Parks and Wildlife  
 9-47 Department must provide the guidelines to the Texas [~~Natural~~  
 9-48 ~~Resource Conservation~~] Commission on Environmental Quality [~~and~~  
 9-49 ~~the department~~].

9-50 (f) If the Parks and Wildlife Department has established the  
 9-51 guidelines described in Subsection (d), the Texas [~~Natural Resource~~  
 9-52 ~~Conservation~~] Commission on Environmental Quality must consider  
 9-53 the guidelines when reviewing wastewater discharge authorization  
 9-54 applications for new aquaculture facilities located within the  
 9-55 coastal zone, or expansion of existing facilities located within  
 9-56 the coastal zone if the expansion will increase the amount of  
 9-57 discharge, or change the nature of the discharge, above levels  
 9-58 allowed by the wastewater discharge permit.

9-59 (g) In developing the guidelines under Subsection (d)  
 9-60 applicable to aquaculture facilities engaged in the production of  
 9-61 shrimp in the coastal zone, the Parks and Wildlife Department, in  
 9-62 consultation with the Texas [~~Natural Resource Conservation~~]  
 9-63 Commission on Environmental Quality, shall consider the best  
 9-64 management practices that the facilities developed under the  
 9-65 direction of the Texas [~~Natural Resource Conservation~~] Commission  
 9-66 on Environmental Quality.

9-67 SECTION 34. Section 110.002(b), Alcoholic Beverage Code, is  
 9-68 amended to read as follows:

9-69 (b) The commissioner [~~, in consultation with the advisory~~

10-1 ~~committee established under Section 50B.002, Agriculture Code,~~  
 10-2 shall adopt rules as necessary to implement the program.

10-3 SECTION 35. Section 153.046, Natural Resources Code, is  
 10-4 amended to read as follows:

10-5 Sec. 153.046. DUTIES. The board by rule shall establish:

10-6 (1) ~~establish~~ standards for prescribed burning;

10-7 (2) ~~develop~~ a comprehensive training curriculum for  
 10-8 certified and insured prescribed burn managers;

10-9 (3) ~~establish~~ standards for certification,  
 10-10 recertification, and training for certified and insured prescribed  
 10-11 burn managers;

10-12 (4) ~~establish~~ minimum education and professional  
 10-13 requirements for instructors for the approved curriculum; and

10-14 (5) ~~establish~~ insurance requirements for certified  
 10-15 and insured prescribed burn managers in amounts not less than those  
 10-16 required by Section 153.082.

10-17 SECTION 36. Section 153.048, Natural Resources Code, is  
 10-18 amended by adding Subsection (f) to read as follows:

10-19 (f) The board may waive any prerequisite to obtaining  
 10-20 certification for an applicant after reviewing the applicant's  
 10-21 credentials and determining that the applicant holds a valid  
 10-22 certification from another state that has certification  
 10-23 requirements substantially equivalent to those of this state.

10-24 SECTION 37. Subchapter B, Chapter 153, Natural Resources  
 10-25 Code, is amended by adding Section 153.049 to read as follows:

10-26 Sec. 153.049. CRIMINAL HISTORY EVALUATION. The board shall  
 10-27 perform the duties of a licensing authority under Chapter 53,  
 10-28 Occupations Code, for each certification issued by the board under  
 10-29 this chapter or other law, including issuing guidelines under  
 10-30 Section 53.025, Occupations Code.

10-31 SECTION 38. Section 153.101, Natural Resources Code, is  
 10-32 amended to read as follows:

10-33 Sec. 153.101. COMPLAINTS. The department shall receive and  
 10-34 process complaints concerning certified and insured prescribed  
 10-35 burn managers in the manner described by Sections [Section] 12.026  
 10-36 and 12.02601, Agriculture Code, and rules adopted under those  
 10-37 sections [that section].

10-38 SECTION 39. Section 153.102(b), Natural Resources Code, is  
 10-39 amended to read as follows:

10-40 (b) The board [department] by rule shall adopt a schedule of  
 10-41 the disciplinary sanctions that the department shall [may] impose  
 10-42 under this chapter. In adopting the schedule of sanctions, the  
 10-43 board [department] shall ensure that the severity of the sanction  
 10-44 imposed is appropriate to the type of violation or conduct that is  
 10-45 the basis for disciplinary action.

10-46 SECTION 40. Section 43.551, Parks and Wildlife Code, is  
 10-47 amended to read as follows:

10-48 Sec. 43.551. PERMIT FOR THE TAKING OF BROOD STOCK BY  
 10-49 COMMERCIAL AQUACULTURE FACILITIES [FISH FARMERS]. The department  
 10-50 may issue a permit to an operator of a commercial aquaculture  
 10-51 facility as defined by Section 134.001, Agriculture Code, [a  
 10-52 licensed fish farmer] that authorizes the operator [fish farmer] to  
 10-53 take a specified quantity of fish brood stock from specified public  
 10-54 water.

10-55 SECTION 41. Section 43.553(a), Parks and Wildlife Code, is  
 10-56 amended to read as follows:

10-57 (a) A [The] permit under this subchapter may allow the  
 10-58 operator of a commercial aquaculture facility [fish farmer] to take  
 10-59 a specified quantity of fish brood stock reasonably necessary for  
 10-60 the operation of the aquaculture facility [fish farm] but limited  
 10-61 to the extent necessary to protect the availability of fish in  
 10-62 public water.

10-63 SECTION 42. Section 43.554, Parks and Wildlife Code, is  
 10-64 amended to read as follows:

10-65 Sec. 43.554. FEES. The commission shall charge the  
 10-66 operator of a commercial aquaculture facility [a fish farmer] a fee  
 10-67 equal to the value of the fish authorized to be taken under this  
 10-68 subchapter.

10-69 SECTION 43. Section 47.009(c), Parks and Wildlife Code, is

11-1 amended to read as follows:

11-2 (c) An operator of [~~A person who has an aquaculture license~~  
 11-3 ~~for~~] a Texas commercial aquaculture facility as defined by [~~under~~  
 11-4 Section 134.001 [~~134.011~~], Agriculture Code, is not required to  
 11-5 obtain or possess a wholesale fish dealer's license if the  
 11-6 operator's [~~person's~~] business activities with regard to the sale  
 11-7 of aquatic products involve aquatic products raised on the  
 11-8 operator's commercial [~~person's~~] aquaculture facility only.

11-9 SECTION 44. Section 47.0091, Parks and Wildlife Code, is  
 11-10 amended to read as follows:

11-11 Sec. 47.0091. PURCHASE OF AQUATIC PRODUCTS BY WHOLESAL  
 11-12 FISH DEALERS. No wholesale fish dealer may purchase for resale or  
 11-13 receive for sale, barter, exchange, or any other commercial purpose  
 11-14 any aquatic product from any person or entity in this state unless  
 11-15 the dealer [~~he~~] purchases the product from the operator of a  
 11-16 commercial aquaculture facility as defined by Section 134.001,  
 11-17 Agriculture Code, or the holder of:

- 11-18 (1) a general commercial fisherman's license;
- 11-19 (2) a commercial oyster fisherman's license;
- 11-20 (3) a commercial oyster boat license;
- 11-21 (4) a wholesale fish dealer's license;
- 11-22 (5) [~~a fish farmer's license,~~
- 11-23 [~~6~~] a commercial shrimp boat license;
- 11-24 (6) [~~7~~] a commercial oyster boat captain's license;
- 11-25 (7) [~~8~~] a commercial shrimp boat captain's license;
- 11-26 (8) [~~9~~] a commercial crab fisherman's license;
- 11-27 (9) [~~10~~] a commercial finfish fisherman's license;
- 11-28 (10) [~~11~~] a commercial gulf shrimp unloading
- 11-29 license; or
- 11-30 (11) [~~12~~] a cultivated oyster mariculture permit.

11-31 SECTION 45. Section 47.010(b), Parks and Wildlife Code, is  
 11-32 amended to read as follows:

11-33 (b) A resident who operates a [~~holds a fish farm~~] vehicle  
 11-34 used to transport cultured species from a private facility, as  
 11-35 those terms are defined by [~~license under~~] Section 134.001  
 11-36 [~~134.012~~], Agriculture Code, and sells cultured species from the  
 11-37 vehicle is not required to obtain a license for the vehicle under  
 11-38 this section if the vehicle is used with regard to the sale or  
 11-39 transportation of only aquatic products raised on a [~~licensed~~]  
 11-40 Texas commercial aquaculture facility belonging to the operator  
 11-41 [~~owner~~] of the vehicle.

11-42 SECTION 46. Section 47.011(c), Parks and Wildlife Code, is  
 11-43 amended to read as follows:

11-44 (c) An operator of [~~A person with an aquaculture license~~  
 11-45 ~~for~~] a Texas commercial aquaculture facility as defined by [~~under~~  
 11-46 Section 134.001 [~~134.011~~], Agriculture Code, is not required to  
 11-47 obtain or possess a retail fish dealer's license if the operator's  
 11-48 [~~person's~~] business activities with regard to the sale of aquatic  
 11-49 products involve aquatic products raised on the operator's  
 11-50 commercial [~~person's~~] aquaculture facility only.

11-51 SECTION 47. Section 47.0111, Parks and Wildlife Code, is  
 11-52 amended to read as follows:

11-53 Sec. 47.0111. PURCHASE OF AQUATIC PRODUCTS BY RETAIL FISH  
 11-54 DEALERS. No retail fish dealer may purchase for resale or receive  
 11-55 for sale, barter, exchange, or any other commercial purposes any  
 11-56 aquatic products from any person or entity in this state unless the  
 11-57 dealer [~~he~~] purchases the product from the operator of a commercial  
 11-58 aquaculture facility as defined by Section 134.001, Agriculture  
 11-59 Code, or the holder of:

- 11-60 (1) a wholesale fish dealer's license; or
- 11-61 (2) a general commercial fisherman's license, a
- 11-62 commercial shrimp boat license, a commercial shrimp boat captain's
- 11-63 license, a commercial gulf shrimp unloading license, a commercial
- 11-64 crab fisherman's license, or a commercial finfish fisherman's
- 11-65 license when the retail fish dealer has given written notification
- 11-66 to the director or the director's [~~his~~] designee of the dealer's
- 11-67 intent to purchase aquatic products from the holder of a general
- 11-68 commercial fisherman's license, a commercial shrimp boat license, a
- 11-69 commercial shrimp boat captain's license, a commercial crab

12-1 fisherman's license, or a commercial finfish fisherman's license[+  
 12-2 ~~or~~

12-3 [~~(3) a fish farmer's license~~].

12-4 SECTION 48. Section 47.012, Parks and Wildlife Code, is  
 12-5 amended to read as follows:

12-6 Sec. 47.012. PURCHASE OF AQUATIC PRODUCTS BY RESTAURANT  
 12-7 OWNER, OPERATOR, OR EMPLOYEE. No restaurant owner, operator, or  
 12-8 employee may purchase for consumption by the restaurant's patrons  
 12-9 on the restaurant's premises any aquatic product from any person or  
 12-10 entity in this state unless the person purchases the aquatic  
 12-11 product from the operator of a commercial aquaculture facility as  
 12-12 defined by Section 134.001, Agriculture Code, or the holder of:

- 12-13 (1) a wholesale fish dealer's license;
- 12-14 (2) a general commercial fisherman's license;
- 12-15 (3) [~~a fish farmer's license,~~
- 12-16 [~~(4)~~] a commercial shrimp boat license;
- 12-17 (4) [~~(5)~~] a commercial shrimp boat captain's license;
- 12-18 (5) [~~(6)~~] a commercial crab fisherman's license;
- 12-19 (6) [~~(7)~~] a commercial finfish fisherman's license; or
- 12-20 (7) [~~(8)~~] a commercial gulf shrimp unloading license.

12-21 SECTION 49. Section 47.013(c), Parks and Wildlife Code, is  
 12-22 amended to read as follows:

12-23 (c) A resident who operates [~~owns~~] a vehicle used to  
 12-24 transport cultured species from a private facility, as those terms  
 12-25 are defined by [~~licensed under~~] Section 134.001 [~~134.012~~],  
 12-26 Agriculture Code, and sells cultured species from the vehicle is  
 12-27 not required to obtain a license for the vehicle under this section  
 12-28 when the vehicle is used with regard to the sale or transportation  
 12-29 of only aquatic products raised on a [~~licensed~~] Texas commercial  
 12-30 aquaculture facility belonging to the operator [~~owner~~] of the  
 12-31 vehicle.

12-32 SECTION 50. Section 47.014(c), Parks and Wildlife Code, is  
 12-33 amended to read as follows:

12-34 (c) An operator of [~~A person who has an aquaculture license~~  
 12-35 ~~for~~] a Texas commercial aquaculture facility as defined by [~~under~~]  
 12-36 Section 134.001 [~~134.011~~], Agriculture Code, is not required to  
 12-37 obtain or possess a bait dealer's license if the operator's  
 12-38 [~~person's~~] business activities with regard to the sale of aquatic  
 12-39 products for bait involve only aquatic products raised on the  
 12-40 operator's commercial [~~person's~~] aquaculture facility.

12-41 SECTION 51. Sections 66.007(d) and (f), Parks and Wildlife  
 12-42 Code, are amended to read as follows:

12-43 (d) An operator of a commercial aquaculture facility as  
 12-44 defined by Section 134.001, Agriculture Code, [A fish farmer] may  
 12-45 import, possess, or sell harmful or potentially harmful exotic fish  
 12-46 species as provided by Section 134.020, Agriculture Code.

12-47 (f) An operator of a commercial aquaculture facility as  
 12-48 defined by Section 134.001, Agriculture Code, [A fish farmer] may  
 12-49 not import, possess, propagate, or transport exotic shellfish  
 12-50 unless the operator [~~fish farmer~~] furnishes evidence required by  
 12-51 the department showing that the shellfish are free of disease.

12-52 SECTION 52. Section 66.020(b), Parks and Wildlife Code, is  
 12-53 amended to read as follows:

12-54 (b) This section applies to the possession, transportation,  
 12-55 sale, or purchase of any fish described by Subsection (a) [~~of this~~  
 12-56 ~~section~~] without regard to where the fish was taken, caught, or  
 12-57 raised, but does not apply to:

12-58 (1) the transportation or possession of fish taken,  
 12-59 caught, or raised outside this state and transported by common  
 12-60 carrier without being unloaded from outside this state to a point of  
 12-61 delivery outside this state;

12-62 (2) fish raised by being continuously fed a prepared  
 12-63 feed and sold by an operator of a Texas commercial aquaculture  
 12-64 facility, [licensed Texas fish farmer if marked and identified] as  
 12-65 defined by Section 134.001 [~~required under Chapter 134~~],  
 12-66 Agriculture Code; or

12-67 (3) the lawful importation by the holder of a Texas  
 12-68 finfish import license into this state from another state or  
 12-69 foreign country of farm-raised red drum, bass of the genus

13-1 Micropterus, crappie, flathead catfish, striped bass, white bass,  
 13-2 or a hybrid of any of those fish that have been continuously fed a  
 13-3 prepared feed as a primary food source or lawfully taken, caught, or  
 13-4 raised blue marlin, jewfish, longbill spearfish, muskellunge,  
 13-5 northern pike, sailfish, sauger, snook, spotted sea trout, tarpon,  
 13-6 walleye, white marlin, yellow bass, or a hybrid of any of those  
 13-7 fish, if the fish are transported or sold when not alive and are  
 13-8 tagged, invoiced, packaged, and labeled under regulations of the  
 13-9 commission and if the license holder complies with any requirements  
 13-10 the commission may establish by proclamation that the fish enter  
 13-11 the stream of commerce for sale in this state in a condition  
 13-12 allowing ready identification of the species, including a  
 13-13 requirement that the fish come into the state with the head and tail  
 13-14 intact and tagged and a requirement that an invoice accompany all  
 13-15 imported fish regulated by this section through each sales  
 13-16 transaction, including transactions at the place of the final sale  
 13-17 to the consumer.

13-18 SECTION 53. Section 66.111(b), Parks and Wildlife Code, is  
 13-19 amended to read as follows:

13-20 (b) Subsection (a) [~~of this section~~] does not apply to:

13-21 (1) a fish, other than a bass of the genus Micropterus,  
 13-22 reared in private water by an operator of a commercial aquaculture  
 13-23 facility, as defined by Section 134.001, Agriculture Code [~~under a~~  
 13-24 ~~fish farmer's license~~];

13-25 (2) a fish possessed legally outside this state and  
 13-26 transported into this state;

13-27 (3) bass of the genus Micropterus reared in private  
 13-28 water by an operator of a commercial aquaculture facility, as  
 13-29 defined by Section 134.001, Agriculture Code, [~~under a fish~~  
 13-30 ~~farmer's license~~] and marketed for the purpose of stocking the  
 13-31 water of this state;

13-32 (4) nongame fish regulated under Chapter 67 of this  
 13-33 code; or

13-34 (5) channel catfish of more than 14 inches in length or  
 13-35 blue catfish of more than 14 inches in length taken from the public  
 13-36 fresh water of Angelina, Bowie, Camp, Cass, Chambers, Franklin,  
 13-37 Freestone, Gregg, Hardin, Harris, Harrison, Jasper, Jefferson,  
 13-38 Lamar, Leon, Liberty, Madison, Marion, Montgomery, Morris,  
 13-39 Nacogdoches, Navarro, Newton, Orange, Panola, Polk, Red River,  
 13-40 Sabine, San Augustine, San Jacinto, Shelby, Titus, Trinity, Tyler,  
 13-41 Upshur, or Walker County, the public fresh water of the Neches or  
 13-42 Trinity River in Houston County, the public fresh water of the  
 13-43 Colorado River in Bastrop, Colorado, Fayette, Matagorda, or Wharton  
 13-44 County, or the public fresh water of Falcon Lake in Starr or Zapata  
 13-45 County.

13-46 SECTION 54. The following provisions are repealed:

13-47 (1) Section 12.0178, Agriculture Code;

13-48 (2) Sections 12.026(c) and (d), Agriculture Code;

13-49 (3) Sections 15.006, 45.009, and 46.010, Agriculture  
 13-50 Code;

13-51 (4) Section 47.051(1), Agriculture Code;

13-52 (5) Sections 47.053, 49.006, and 50B.002, Agriculture  
 13-53 Code;

13-54 (6) Sections 74.003(d), 74.0031(a), 74.120(d), and  
 13-55 102.167(e), Agriculture Code;

13-56 (7) Section 134.003, Agriculture Code;

13-57 (8) Section 134.005(b), Agriculture Code;

13-58 (9) Sections 134.006, 134.011, 134.012, 134.014,  
 13-59 134.015, and 134.019, Agriculture Code;

13-60 (10) Chapter 42, Agriculture Code;

13-61 (11) Subchapter P, Chapter 487, Government Code;

13-62 (12) Subchapter R, Chapter 487, Government Code; and

13-63 (13) Chapter 116, Health and Safety Code.

13-64 SECTION 55. (a) On the effective date of this Act, a  
 13-65 license issued under former Section 134.011 or 134.012, Agriculture  
 13-66 Code, expires.

13-67 (b) As soon as practicable after the effective date of this  
 13-68 Act, the Department of Agriculture shall repeal all rules relating  
 13-69 to a license issued under former Section 134.011 or 134.012,

14-1 Agriculture Code.

14-2 (c) The repeal by this Act of Sections 134.011 and 134.012,  
14-3 Agriculture Code, does not affect the validity of a proceeding  
14-4 pending before a court or other governmental entity on the  
14-5 effective date of this Act.

14-6 SECTION 56. Not later than January 1, 2022, the  
14-7 commissioner of agriculture shall appoint the members of the citrus  
14-8 budwood advisory council under Section 19.005, Agriculture Code, as  
14-9 reenacted and amended by this Act. The advisory council is  
14-10 re-created on the date the commissioner of agriculture makes the  
14-11 appointments required by this section, notwithstanding any  
14-12 previous abolishment under Section 2110.008, Government Code.

14-13 SECTION 57. The changes in law made by this Act apply only  
14-14 to an offense committed on or after the effective date of this Act.  
14-15 An offense committed before the effective date of this Act is  
14-16 governed by the law in effect when the offense was committed, and  
14-17 the former law is continued in effect for that purpose. For  
14-18 purposes of this section, an offense was committed before the  
14-19 effective date of this Act if any element of the offense occurred  
14-20 before that date.

14-21 SECTION 58. This Act takes effect September 1, 2021.

14-22

\* \* \* \* \*