

## **BILL ANALYSIS**

S.B. 703  
By: Buckingham  
Agriculture & Livestock  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Since its creation in 1907, the Department of Agriculture (TDA) has grown to play a significant role in both agricultural and rural affairs across Texas. Following review by the Sunset Advisory Commission during the 2020-2021 sunset review cycle, the commission concluded that the TDA is well-managed, but identified several opportunities to provide a firmer foundation for staff to successfully perform the TDA's many functions, such as using violation trend data and risk-based analyses to prioritize its regulatory inspections.

The commission also determined the TDA's regulation of aquaculture businesses provides no meaningful public benefit and should be eliminated. The commission's review included several smaller entities associated with the TDA. The commission recommended continuing the Texas Boll Weevil Eradication Foundation for critical prevention of boll weevil re-infestation, as well as the Prescribed Burning Board that regulates prescribed burning to reduce risk of wildfires, but recommended formally abolishing the Early Childhood Health and Nutrition Interagency Council, which voluntarily disbanded in 2018.

S.B. 703 seeks to continue the TDA, the Texas Boll Weevil Eradication Foundation, and the Prescribed Burning Board with statutory modifications aimed at addressing certain commission findings and acting on commission recommendations.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Agriculture in SECTIONS 2 and 3 of this bill and to the Prescribed Burning Board in SECTION 36 of this bill.

### **ANALYSIS**

S.B. 703 amends the Agriculture Code to continue the Department of Agriculture (TDA), the Texas Boll Weevil Eradication Foundation, and the Prescribed Burning Board until September 1, 2033. With respect to the TDA, the bill also does the following:

- authorizes the TDA by rule to establish advisory committees to make recommendations to the TDA on programs, rules, and policies it administers and removes provisions relating to certain expired or inactive TDA advisory boards and committees;
- recreates the Citrus Budwood Advisory Council, requires the commissioner of agriculture to appoint council members not later than January 1, 2022, and excepts the duration of the council from Government Code provisions governing state agency advisory committees;

- requires the TDA and the attorney general's office (OAG) to enter into a memorandum of understanding to coordinate the enforcement of consumer protection programs that requires the TDA to communicate with the OAG's consumer protection division to identify and avoid potential duplication of effort before taking final disciplinary or enforcement action related to consumer protection;
- applies certain good government standards to the TDA's complaint procedures;
- updates statutory provisions relating to the home-delivered meal grant program to reflect person-first respectful language;
- provides for the development of a TDA inspection and enforcement strategic plan each state fiscal year for the TDA to use to ensure public safety and protect agriculture and consumers in Texas;
- requires the TDA to perform the duties of a licensing authority under Occupations Code provisions establishing consequences of a criminal conviction for state licensees for each license the TDA issues;
- removes legislative oversight committees from the recipients of the Beef Promotion and Research Council of Texas' annual report;
- removes the head of the seed division of the TDA from the membership of the State Seed and Plant Board;
- removes certain subjective criteria relating to moral character as criteria for licensure as a seed producer;
- removes the requirement for an application to the TDA for a grant under the home-delivered meal grant program for the elderly and disabled to be notarized and gives the organization applying the option to electronically acknowledge the application as an alternative to signing it;
- requires the TDA to establish a farmer mental health and suicide prevention program to raise awareness among farmers of issues relating to those topics and establishes requirements for the TDA with respect to that program;
- removes the biennial reporting requirement concerning the farmers market special nutrition program for WIC participants; and
- repeals provisions relating to the food and fibers research grant program.

S.B. 703, with respect to the TDA product promotion program known as the "GO-TEXAN" program, establishes in statute a requirement for the TDA to continue the program and clarifies that the purpose of the program is to promote and encourage the development and expansion of markets for Texas agricultural products and other products grown, processed, or produced in Texas. The bill makes mandatory the adoption of rules to administer the program and requires the TDA to adopt rules to do the following:

- provide membership eligibility requirements and grounds for denial of membership;
- establish membership categories or tiers; and
- specify membership benefits.

S.B. 703 requires the Texas Boll Weevil Eradication Foundation's board to develop and implement policies that clearly separate the board's policy-making responsibilities and the management responsibilities of the foundation's chief executive officer and staff and applies certain good government standards to the foundation's complaint procedures. The bill transfers the duties of the administrative committees that govern each pest management zone to the foundation and repeals provisions relating to certain advisory committees established to assist the commissioner in the development of rules for the eradication of boll weevils and relating to a study and annual recommendations regarding cotton stalk destruction. The bill removes a provision subjecting provisions governing the foundation to expiration along with the foundation if not continued in existence under the Texas Sunset Act.

S.B. 703 repeals the requirement for a person to obtain an aquaculture license from the TDA to legally operate an aquaculture facility and the requirement to obtain a fish farm vehicle license from the TDA to legally sell cultured species from a vehicle used to transport the species from a private facility. The bill amends the Agriculture Code and the Parks and Wildlife Code to

reflect the elimination of the TDA aquaculture program while retaining all licenses, reporting requirements, and other regulations of aquaculture activities by the Texas Commission on Environmental Quality (TCEQ) and the Parks and Wildlife Department (TPWD), respectively. The bill continues all current exemptions from TCEQ and TPWD regulations afforded to an aquaculture facility. The bill abolishes the aquaculture fund. The bill includes procedural provisions regarding the repeal of the licensing requirements.

S.B. 703 repeals provisions relating to the citrus marketing report required to be submitted to the governor before each regular session of the legislature.

S.B. 703 amends the Natural Resources Code to require the Prescribed Burning Board to carry out its duties through the rulemaking process and to transfer rulemaking authority related to disciplinary action for a violation of provisions governing prescribed burning from the TDA to the board. The bill updates the board's complaint procedures to apply the good government standards set out for the TDA complaint process. The bill provides for the issuance of a certification as a prescribed burn manager through reciprocity. The board must perform the duties of a licensing authority under Occupations Code provisions establishing consequences of a criminal conviction for state licensees for each certification the board issues.

S.B. 703 amends the Alcoholic Beverage Code to make a nonsubstantive update to reflect the abolishment of the wine industry development advisory committee.

S.B. 703 repeals Subchapters P and R, Chapter 487, Government Code, thereby officially abolishing the Texas Rural Foundation, which is currently inactive, and the Texas Rural Health and Economic Development Advisory Council.

S.B. 703 repeals Chapter 116, Health and Safety Code, thereby officially abolishing the Early Childhood Health and Nutrition Interagency Council, which disbanded in 2018 and is no longer operational.

S.B. 703 repeals the following provisions of the Agriculture Code:

- Section 12.0178;
- Sections 12.026(c) and (d);
- Section 15.006;
- Section 45.009;
- Section 46.010;
- Section 47.051(1);
- Section 47.053;
- Section 49.006;
- Section 50B.002;
- Section 74.003(d);
- Section 74.0031(a);
- Section 74.120(d);
- Section 102.167(e);
- Section 134.003;
- Section 134.005(b);
- Section 134.006;
- Section 134.011;
- Section 134.012;
- Section 134.014;
- Section 134.015;
- Section 134.019; and
- Chapter 42.

### **EFFECTIVE DATE**

September 1, 2021.

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