

- SUBJECT:** Expanding oyster sales fund use; abolishing the oyster advisory committee
- COMMITTEE:** Agriculture and Livestock — committee substitute recommended
- VOTE:** 7 ayes — T. King, Anderson, M. González, Kacal, Kleinschmidt, Springer, White
0 nays
- WITNESSES:** For — Tracy Woody, Jeri's Seafood; (*Registered, but did not testify:* Ken Hodges, Texas Farm Bureau; Joey Park, Coastal Conservation Association Texas)
Against — None
On — (*Registered, but did not testify:* Kirk Wiles, Department of State Health Services)
- BACKGROUND:** Following a serious bacterial outbreak in Galveston Bay in 1998 that closed the bay for fishing and related activities and virtually shut down the Texas oyster industry, the 76th Legislature in 1999 responded by enacting new statutory provisions to protect public health and the commercial oyster industry.
- The Department of State Health Services (DSHS) is charged with monitoring bay water, collecting shellfish meat samples, opening or closing oyster harvesting areas, studying oyster diseases affecting the availability of oyster harvesting, and studying organisms associated with illness through the consumption of oysters. These activities are funded by deposits made in the oyster sales general revenue dedicated account from penalties and the \$1 fee on each barrel of oysters harvested or processed.
- The comptroller estimated a balance of about \$900,000 in the oyster sales general revenue dedicated account at the beginning of fiscal 2014-15. Of this amount, both the House and Senate versions of the proposed general appropriations act would appropriate about \$500,000 in the coming biennium to DSHS for oyster-related activities.
- The Seafood Safety Laboratory at Texas A&M University at Galveston is

certified by the U.S. Food and Drug Administration 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. Because of the fiscal constraints in the last two budget periods, funding for the seafood safety lab has been reduced. If the lab cannot be sustained with current funding levels, it could lose its federal certification.

DIGEST:

CSHB 1903 would require the comptroller to allocate \$100,000 each fiscal year from the unencumbered balance remaining in the oyster sales account to Texas A&M University at Galveston to study and analyze organisms that could be associated with human illness and transmitted through the consumption of oysters.

The bill would remove the provision stating that funds in the oyster sales account would first be appropriated for public health activities and would specify that funds in the account could be used only on oyster-related activities identified in statute. Those activities would be expanded to include analyzing organisms that could be associated with human illness and that could be transmitted through the consumption of oysters.

The oyster sales account funds also could contribute to the support of the Texas Parks and Wildlife Department's oyster shell recovery and replacement program. The bill would remove promotion and advertising of the oyster industry by the Texas Department of Agriculture as an allowable use of the funds.

CSHB 1903 would abolish the oyster advisory committee and would repeal the Texas Oyster Program dealing with promotion and advertisement of the Texas oyster industry.

This bill would take effect September 1, 2013.