

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1124
By: Brown
Natural Resources
4-3-97
Committee Report (Substituted)

DIGEST

Currently, the Texas Department of Agriculture has never adopted rules to monitor aquaculture facilities for disease during "grow out" stages. Thus, on occasion, facilities with disease outbreaks may discharge water in order not to contaminate the rest of their stock. This bill transfers aquaculture licensing authority to the Texas Animal Health Commission, abolishes the Aquaculture Executive Committee, establishes a permit review system, coordinates law enforcement actions, and mandates certain studies on wastewater discharge.

PURPOSE

As proposed, C.S.S.B. 1124 transfers aquaculture licensing authority to the Texas Animal Health Commission, abolishes the Aquaculture Executive Committee, establishes a permit review system, coordinates law enforcement actions, and mandates certain studies on wastewater discharge.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Department of Agriculture, the Texas Animal Health Commission, and the Parks and Wildlife Commission in SECTION 1 (Section 134.005, Agriculture Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 134A, Agriculture Code, as follows:

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 134.001. DEFINITIONS. Redefines "cultured species," "aquaculture or fish farming," and "owner." Defines "commission."

Sec. 134.002. AQUACULTURE PROGRAM. Sets forth duties of the Department of Agriculture regarding aquaculture.

Sec. 134.0025. LICENSING. Requires the Texas Animal Health Commission (commission) to license aquaculture facilities and to develop an application process for an aquaculture license and license aquaculture facilities. Authorizes the commission to set fees for an aquaculture license and to reserve the authority to deny an aquaculture license.

Sec. 134.003. PROGRAM ADMINISTRATOR; STAFF. Makes nonsubstantive changes.

Sec. 134.0035. LICENSING ADMINISTRATOR; STAFF. Requires the commission to designate a person to administer the commission's aquaculture licensing program. Authorizes the commission or the commission's program administrator to employ the necessary staff to carry out the functions and duties of the commission under this chapter.

Sec. 134.004. CONTRACTS. Authorizes the commission to contract with state, federal, or private entities for assistance in carrying out the purposes of this chapter.

Sec. 134.005. RULES. Authorizes the department, the commission, and the Parks and

Wildlife Commission to adopt rules to carry out their respective duties under this chapter. Authorizes the commission to adopt rules to control any disease or agent of disease transmission that affects, or has potential to affect, cultured species or native wild aquatic species. Authorizes the commission to establish, by rule, record keeping requirements for aquaculture facilities. Prohibits the rules from conflicting with rules issued as otherwise provided by this code, rather than Section 134.020 of this code.

Sec. 134.006. AQUACULTURE FUND. Makes a conforming change.

SECTION 2. Amends Sections 134.011, 134.012 and 134.014-134.016, Agriculture Code, as follows:

Sec. 134.011. AQUACULTURE LICENSE REQUIRED. Makes a conforming change.

Sec. 134.012. FISH FARM VEHICLE LICENSE REQUIRED. Requires a vehicle used to transport cultured species, rather than fish, from a private facility, rather than a fish farm, to have a fish farm license, except as provided by Subsection (b).

Sec. 134.014. LICENSE FEES. Makes conforming changes.

Sec. 134.015. FORM, DURATION, AND RENEWAL OF LICENSE. Makes conforming changes.

Sec. 134.016. RECORDS. Requires a holder of an aquaculture license to maintain a record of the shipment of aquatic species raised in an aquaculture facility as provided by Chapters 47 and 66, Parks and Wildlife Code, and rules adopted by the Parks and Wildlife Department. Deletes a provision concerning records.

SECTION 3. Amends Section 134.023(b), Agriculture Code, to provide that a person who violates Section 134.020, rather than Section 134.019, commits an offense that is a Class B misdemeanor.

SECTION 4. Amends Chapter 134, Agriculture Code, by adding Subchapter C, as follows:

SUBCHAPTER C. INTERAGENCY COOPERATION

Sec. 134.031. MEMORANDUM OF AGREEMENT. Requires the Texas Natural Resource Conservation Commission, the Parks and Wildlife Department, and the commission to enter into a memorandum of agreement for regulation of matters related to aquaculture. Sets forth the requirements for the memorandum of agreement. Provides that certain parties are entitled to participate in certain studies. Requires certain reports to be made available to the public before December 31, 1998. Provides that this subsection expires December 31, 1998.

SECTION 5. Amends Sections 66.020(b) and (f), Parks and Wildlife Code, to delete a provision that this section does not apply to certain fish. Requires certain fish to be tagged.

SECTION 6. Repealer: Sections 134.013 and 134.019, Agriculture Code (Regulation of Aquaculture).

SECTION 7. Repealer: Chapter 1D, Parks and Wildlife Code (Aquaculture Executive Committee and Liaison Officer), effective September 1, 1998. Abolishes the aquaculture executive committee September 1, 1998.

SECTION 8. Sets forth the requirements for the memorandum of agreement. Requires the entities to enter into a memorandum of agreement as soon as practicable on or after the effective date of this Act.

SECTION 9. Effective date: September 1, 1997.

SECTION 10. Requires the Department of Agriculture, the Parks and Wildlife Department,

and the Texas Animal Health Commission to coordinate certain transfers. Provides that rules adopted by the Department of Agriculture with regard to aquaculture licensing before September 1, 1997, become the rule of the commission. Provides that actions with regard to aquaculture licensing after September 1, 1997 are not affected by this Act. Provides that an action of the Department of Agriculture having an effect on or after September 1, 1997, is to be considered an action of the commission. Requires certain entities to enter into a memorandum of agreement. Requires the aquaculture executive committee to coordinate the transfer of files, personnel, or equipment on or after the effective date of this Act.

SECTION 11. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 134.0025, Agriculture Code, to require the commission to establish an application process for an aquaculture license and license aquaculture facilities. Makes a nonsubstantive change.

SECTION 2.

Amends Section 134.012, Agriculture Code, to require a vehicle used to transport cultured species, rather than fish, from a private facility, rather than a fish farm, to have a fish farm license, except as provided by Subsection (b).

Amends Section 134.016, Agriculture Code, to require a holder of an aquaculture license to maintain a record of the shipment of aquatic species raised in an aquaculture facility as prescribed by Chapters 47 and 66, Parks and Wildlife Code, and rules adopted by the Parks and Wildlife Department.

SECTION 3.

Amends Section 134.023(b), Agriculture Code, to provide that a person who violates Section 134.020, rather than Section 134.019, commits an offense that is a Class B misdemeanor.

SECTIONS 3-10.

Redesignates SECTIONS 3-10 as SECTIONS 4-11.

SECTION 4.

Amends Section 134.031, Agriculture Code, to require certain items to be in a memorandum of agreement.

SECTION 7.

Amends SECTION 7, to repeal Chapter 1D, Parks and Wildlife Code (Aquaculture Executive Committee and Liaison Officer), effective September 1, 1998. Abolishes the aquaculture executive committee September 1, 1998.

SECTION 8.

Amends SECTION 8, to set forth requirements of the memorandum of agreement relating to the seafood industry and aquaculture facility and changes the due date of a report to August 31, 1999.