Senate Research Center                                                 S.B. 858
77R6181 BDH-F                                              By: Bernsen
Natural Resources
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As Filed

## DIGEST AND PURPOSE

Currently, the Texas oyster industry lacks proper regulation and promotion to stimulate increased consumption of the state's oyster harvest. As proposed, S.B. 858 requires the comptroller of public accounts to monitor the collection of fees imposed on the sale of oysters; expands the groups to which the Texas Department of Agriculture (department) may provide information, education, and training concerning the safe and proper handling of oysters; provides for reimbursement of official expenses incurred by members of the Texas Oyster Council and of department's oyster advisory committee; and revamps the composition of the advisory committee.

## RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

## SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 436.103, Health and Safety Code, by adding Subsections (h) and (i), to require the comptroller of public accounts (comptroller), in monitoring compliance with the payment of fees imposed under this section, to monthly or annually, as determined by the comptroller, compare records of fees collected under this section to data collected by the Parks and Wildlife Department relating to oyster barrel purchases. Authorizes the comptroller, if the comptroller finds a discrepancy between the two sources of information, to consult the dealer's log required by the National Shellfish Sanitation Program to resolve the discrepancy. Authorizes the comptroller to use the process described by this subsection in place of any other administrative process used by the comptroller in determining compliance with this section. Provides that a finding by the comptroller of a discrepancy that reflects an underreporting of oysters harvested, purchased, handled, or processed by a dealer constitutes prima facie evidence of a violation of this section in any administrative proceeding under this chapter.

SECTION 2. Amends Section 436.107(d), Health and Safety Code, to provide that a member of the Texas Oyster Council may not receive compensation for service on the council, but is entitled to reimbursement of expenses, rather than may not be reimbursed, incurred by the member while conducting the business of the council, as provided by the General Appropriations Act.

SECTION 3. Amends Section 47.001(a), Agriculture Code, to authorize the Department of Agriculture (department) to promote and advertise the Texas oyster industry by providing information, education, and training to consumers, food handlers, and restaurant personnel on safe and proper handling of oysters, for the purpose of promoting the use and consumption of oysters.

SECTION 4. Amends Sections 47.002(b) and (d), Agriculture Code, to provide that a member, rather than members, may not receive compensation for service on the commodity producers board (board), but is entitled to reimbursement of expenses, rather than may not receive reimbursement, incurred by the member while conducting the business if the committee and approved by the commissioner of agriculture, as provided by the General Appropriations Act. Requires a reimbursement under this subsection to be paid revenue from fees on oyster sales and related penalties imposed under

Section 436.103 (Fee on Oyster Sales; Penalties), Health and Safety Code, available for that purpose or from other revenue as provided by the General Appropriations Act. Provides that the advisory committee consists of certain members.

SECTION 5. Requires the commissioner of agriculture to appoint the members of the oyster advisory committee required by Sections 47.002(d)(4)-(6), Agriculture Code, as amended by this Act, to fill the next three vacancies that occur after the date of this Act that are created by the expiration of the terms of three members appointed under Section 47.002(d)(1), Agriculture Code.

SECTION 6. Effective date: September 1, 2001.