

## **BILL ANALYSIS**

Senate Research Center  
83R17287 SCL-D

H.B. 1903  
By: Eiland et al. (Williams)  
Finance  
5/7/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The 76th Legislature enacted laws to protect public health and the commercial oyster industry following a serious bacterial outbreak in Galveston Bay several years ago that closed the bay for fishing and related activities and virtually shut down the Texas oyster industry.

The seafood safety laboratory at Texas A&M University at Galveston, which is federally certified 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, supports the work of the Department of State Health Services (DSHS). DSHS is charged with monitoring bay water, collecting shellfish meat samples, and opening or closing oyster harvesting areas.

Because of recent budget constraints, funding for the seafood safety laboratory has been largely reduced. The seafood safety laboratory cannot be sustained on current funding and could lose its federal certification, which would be a devastating blow to the Texas oyster industry. H.B. 1903 seeks to address this issue and related issues in order to provide funding for the laboratory and to abolish an inactive advisory committee.

H.B. 1903 amends current law relating to the allocation of amounts deposited into the oyster sales account and the abolishment of the oyster 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 Sections 436.103(e) and (f), Health and Safety Code, as follows:

(e) Requires that two percent of the amount of the fees and penalties collected under this section (Fee on Oyster Sales; Penalties), before any other disposition of the fees and penalties is made, be deposited in the state treasury for appropriation for the use of the comptroller of public accounts of the State of Texas (comptroller) in the administration and enforcement of this section. Requires that the remainder of the fees and penalties collected under this section be deposited to the credit of the oyster sales account in the general revenue fund to be allocated each year for certain oyster-related activities, including:

(1)-(4) Makes no change to these subdivisions;

(5) studying and analyzing organisms that may be associated with human illness and that can be transmitted through the consumption of oysters;

(6) contributing to the support of the oyster shell recovery and replacement program created under Section 76.020 (Oyster Shell Recovery and Replacement Program), Parks and Wildlife Code, rather than promotion and advertising of the Texas oyster industry by the Texas Department of Agriculture, including

information, education, and training to consumers on safe and proper handling of oysters; and

(7) Makes no change to this subdivision.

(f) Requires the comptroller at the beginning of each state fiscal year, after deducting the amount deposited into the state treasury for the comptroller's use under Subsection (e), to allocate \$100,000 of the unencumbered balance deposited to the credit of the oyster sales account in the general revenue fund to Texas A&M University at Galveston for use in performing the activities described by Subsection (e)(5). Authorizes the remainder of the money in the oyster sales account to be allocated only for the purposes described by Subsection (e). Deletes existing text requiring that money in the oyster sales account first be allocated for funding the public health activities of bay water and shellfish meat sample collection and analysis and wholesale, retail, and consumer education before money is allocated for research or promotion.

SECTION 2. Repealer: Subchapter A (Texas Oyster Program), Chapter 47 (Texas Oyster and Shrimp Program), Agriculture Code. Abolishes the oyster advisory committee established under Section 47.002 (Oyster Advisory Committee), Agriculture Code, on the effective date of this Act.

SECTION 3. Effective date: September 1, 2013.