

## **BILL ANALYSIS**

Senate Research Center

S.B. 703  
By: Buckingham et al.  
Water, Agriculture & Rural Affairs  
6/2/2021  
Enrolled

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

The purpose of S.B. 703 is to enact the statutory recommendations of the Sunset Advisory Commission on the Texas Department of Agriculture (TDA), the Texas Boll Weevil Eradication Foundation, the Prescribed Burning Board, and the Early Childhood Health and Nutrition Interagency Council.

Since its creation in 1907, TDA has grown to play a significant role in both agricultural and rural affairs across this state. The Sunset Commission concluded TDA is well-managed, but identified several opportunities to provide a firmer foundation for staff to successfully perform TDA's many functions, such as using violation trend data and risk-based analyses to prioritize its regulatory inspections. The commission also determined TDA's regulation of aquaculture businesses provides no meaningful public benefit and should be eliminated. TDA is subject to abolishment under the Sunset Act on September 1, 2021, unless continued by the legislature.

The commission's review included several smaller entities associated with TDA. The commission recommends 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 recommends formally abolishing the Early Childhood Health and Nutrition Interagency Council that voluntarily disbanded in 2018.

(Original Author's / Sponsor's Statement of Intent)

S.B. 703 amends current law relating to the continuation and functions of the Department of Agriculture, the Prescribed Burning Board, and the Texas Boll Weevil Eradication Foundation and the abolishment of the Early Childhood Health and Nutrition Interagency Council.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Department of Agriculture is modified in SECTION 2 (Section 12.0175, Agriculture Code) and SECTION 14 (Section 46.011, Agriculture Code) of this bill.

Rulemaking authority is expressly granted to the Texas Department of Agriculture in SECTION 3 (Section 12.0204, Agriculture Code) of this bill.

Rulemaking authority previously granted to the commissioner of agriculture is modified in SECTION 15 (Section 47.052, Agriculture Code) and SECTION 36 (Section 110.002, Alcoholic Beverage Code) of this bill.

Rulemaking authority is expressly granted to the Prescribed Burning Board in SECTION 37 (Section 153.046, Natural Resources Code) of this bill.

Rulemaking authority previously granted to the Texas Department of Agriculture is transferred to the Prescribed Burning Board in SECTION 41 (Section 153.102, Natural Resources Code) of this bill.

Rulemaking authority previously granted to the Texas Department of Agriculture is rescinded in SECTION 56 (Sections 134.005 and 134.014, Agriculture Code) of this bill.

Rulemaking authority previously granted to the commissioner of agriculture is rescinded in SECTION 56 (Sections 42.003, 50B.002, and 134.019, Agriculture Code, and Section 116.012, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 11.003, Agriculture Code, as follows:

Sec. 11.003. SUNSET PROVISION. Provides that the Texas Department of Agriculture (TDA) is subject to Chapter 325, Government Code (Texas Sunset Act). Provides that TDA, unless continued in existence as provided by that chapter, is abolished September 1, 2033, rather than 2021.

SECTION 2. Amends Section 12.0175, Agriculture Code, as follows:

Sec. 12.0175. New heading: "GO-TEXAN" PROGRAM. (a) Requires, rather than authorizes, TDA by rule to establish the "GO-TEXAN" program to promote and encourage the development and expansion of markets for Texas, rather than by rule to establish programs to promote and market, agricultural products and other products grown, processed, or produced in Texas.

(b) Authorizes TDA to charge a membership fee, as provided by TDA rule, for each participant in the "GO-TEXAN" program, rather than for each participant in a program.

(c) Requires, rather than authorizes, TDA to adopt rules necessary to administer the "GO-TEXAN" program established under this section, including rules governing the use of any registered logo of TDA, providing membership eligibility requirements and grounds for denial of membership, establishing membership categories or tiers, and specifying membership benefits. Makes nonsubstantive changes.

(d) Makes a conforming change to this subsection.

(e) Defines "Texas agricultural product."

SECTION 3. Amends Chapter 12, Agriculture Code, by adding Section 12.0204, as follows:

Sec. 12.0204. ADVISORY COMMITTEES. (a) Authorizes TDA by rule to establish advisory committees to make recommendations to TDA on programs, rules, and policies administered by TDA.

(b) Requires TDA, in establishing an advisory committee under this section, to adopt rules, including rules regarding the purpose, role, responsibility, goals, and duration of the committee; the size of and quorum requirement for the committee; qualifications for committee membership; appointment procedures for members; terms of service for members; training requirements for members; policies to avoid conflicts of interest by committee members; a periodic review process to evaluate the continuing need for the committee; and policies to ensure the committee does not violate any provisions of Chapter 551 (Open Meetings), Government Code, applicable to TDA or the committee.

SECTION 4. Amends Chapter 12, Agriculture Code, by adding Section 12.0205, as follows:

Sec. 12.0205. COORDINATION OF CONSUMER PROTECTION ENFORCEMENT WITH OFFICE OF ATTORNEY GENERAL. (a) Requires TDA and the Office of the Attorney General (OAG) to enter into a memorandum of understanding to coordinate the enforcement of consumer protection programs.

(b) Requires that the memorandum of understanding require TDA to communicate with the consumer protection division of OAG to identify and avoid potential duplication of effort before taking final disciplinary or enforcement action related to consumer protection.

SECTION 5. Amends the heading to Section 12.026, Agriculture Code, to read as follows:

Sec. 12.026. PUBLIC INTEREST INFORMATION.

SECTION 6. Amends Chapter 12, Agriculture Code, by adding Section 12.02601, as follows:

Sec. 12.02601. COMPLAINTS. (a) Requires TDA to maintain a system to promptly and efficiently act on complaints filed with TDA. Requires TDA to maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) Requires TDA to make information available describing its procedures for complaint investigation and resolution.

(c) Requires TDA to periodically notify the complaint parties of the status of the complaint until final disposition unless the notice would jeopardize an investigation.

SECTION 7. Amends Sections 12.042(a), (b), (c), (e), and (i), Agriculture Code, as follows:

(a)-(c) Makes conforming and nonsubstantive changes to these subsections.

(e) Requires that the application submitted by an organization seeking a grant under Section 12.042 (Home-Delivered Meal Grant Program) be signed or electronically acknowledged, rather than be notarized and signed, by the organization's executive director, rather than by the organization's executive director and board chair if applicable, be postmarked or electronically submitted not later than November 1, and include certain information. Makes conforming and nonsubstantive changes.

(i) Makes conforming and nonsubstantive changes to this subsection.

SECTION 8. Amends Chapter 12, Agriculture Code, by adding Section 12.051, as follows:

Sec. 12.051. FARMER MENTAL HEALTH AND SUICIDE PREVENTION PROGRAM. (a) Requires TDA to establish a farmer mental health and suicide prevention program to raise awareness among farmers of issues relating to mental health and suicide prevention.

(b) Requires TDA, as part of the program, to promote suicide prevention among farmers through a public awareness campaign, to provide a toll-free telephone hotline for farmer mental health assistance, to develop a mental wellness plan for farmers affected by a disaster, and to coordinate suicide prevention activities with other state agencies, including the Department of State Health Services.

SECTION 9. Amends Subchapter A, Chapter 12A, Agriculture Code, by adding Sections 12A.004 and 12A.005, as follows:

Sec. 12A.004. INSPECTION AND ENFORCEMENT STRATEGIC PLAN. (a) Requires TDA to develop and publish an annual plan for each state fiscal year to use the inspection and enforcement resources of TDA strategically to ensure public safety and protect agriculture and consumers in this state.

(b) Requires TDA to seek input from stakeholders when developing each annual plan.

(c) Requires TDA to collect and maintain information that accurately shows TDA's inspection and enforcement activities. Requires that each annual plan include a report of the information collected by TDA that shows TDA's inspection and enforcement activities over time.

(d) Requires that the information described by Subsection (c) include data regarding violations of statutes or TDA rules, including:

(1) the number, type, and severity of violations TDA found to have occurred, violations TDA referred for enforcement to the section of TDA responsible for enforcement, and violations for which TDA imposed a penalty or took other enforcement action;

(2) the number of major violations for which TDA imposed a penalty or took other enforcement action; and

(3) the number of repeat major violations, categorized by license type, if applicable.

(e) Requires TDA to publish each annual plan on TDA's Internet website not later than July 1 of the year preceding the state fiscal year in which TDA implements the plan.

Sec. 12A.005. CRIMINAL HISTORY EVALUATION. Requires TDA to perform the duties of a licensing authority under Chapter 53 (Consequences of Criminal Conviction), Occupations Code, for each license issued by TDA under this code or other law, including issuing guidelines under Section 53.025 (Guidelines), Occupations Code.

SECTION 10. Reenacts Section 19.005, Agriculture Code, and amends it to provide that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the duration of the citrus budwood advisory council.

SECTION 11. Amends Section 41.154, Agriculture Code, to require the Beef Promotion and Research Council of Texas to deliver to the commissioner of agriculture (commissioner), rather than to the commissioner and the appropriate oversight committee in the Texas Senate and Texas House of Representatives, an annual report giving details of its efforts to carry out the purposes of Subchapter H (Texas Beef Marketing, Education, Research, and Promotion).

SECTION 12. Amends Section 45.005(c), Agriculture Code, to authorize the Texas-Israel Exchange Research Program to undertake agricultural research and development projects of mutual benefit that are located in Texas, Israel, or any other location considered advisable by TDA, rather than any other location considered advisable by TDA or suggested by the binational agricultural research advisory committee.

SECTION 13. Amends Section 46.005, Agriculture Code, to delete existing text providing that the certain duties of TDA in administering the "Go Texan" Partner Program include screening applications for review by the "Go Texan" Partner Program Advisory Board.

SECTION 14. Amends Section 46.011, Agriculture Code, to require TDA by rule, rather than by rule and with the advice of the "Go Texan" Partner Program Advisory Board, to establish criteria for allocation of funds to participant projects.

SECTION 15. Amends Section 47.052(b), Agriculture Code, to require the commissioner, rather than the commissioner in consultation with the shrimp advisory committee established under Section 47.053 (Advisory Committee), to adopt rules as necessary to implement the Texas Shrimp Marketing Assistance Program.

SECTION 16. Amends Section 50B.0025, Agriculture Code, as follows:

Sec. 50B.0025. ANNUAL PLAN AND BUDGET. Requires the commissioner, not later than November 1 of each year, to prepare for the current fiscal year:

(1) a schedule and plan of action designed to implement and further the objectives of Chapter 50B (Texas Wine Industry Development Act) and Chapter 110 (Texas Wine Marketing Assistance Program in Department of Agriculture), Alcoholic Beverage Code; and

(2) a budget and prioritized spending plan for expenditures of the wine industry development fund.

Deletes existing text relating to requiring the commissioner to prepare the schedule and plan of action and budget and prioritized spending plan described by Section 50B.002(g) (relating to the required written report by the wine industry development advisory committee), considering the recommendations of the committee under Section 50B.002 (Wine Industry Development Advisory Committee) and following them to the extent the commissioner considers appropriate.

SECTION 17. Amends Sections 62.002(a) and (b), Agriculture Code, as follows:

(a) Deletes existing text including the head of the seed division of TDA in the list of certain people comprising the State Seed and Plant Board (board). Makes a nonsubstantive change.

(b) Provides that an individual appointed from a state university, rather than from a state university or TDA, serves on the board as an ex officio member.

SECTION 18. Amends Section 62.005(a), Agriculture Code, to delete existing text including on the list of certain requirements one must meet to be licensed as a producer of seed or plants the requirement that the person satisfy the board that he or she is of good character and has a reputation for honesty. Makes nonsubstantive changes.

SECTION 19. Amends Section 74.0031(d), Agriculture Code, to require TDA to set a cotton stalk destruction deadline for each pest management zone, with consideration given to the recommendations of the Texas Boll Weevil Eradication Foundation (foundation), rather than with consideration given to the recommendations of the foundation and the applicable administrative committee submitted under Subsection (b) (relating to the foundation's study and recommendations concerning the effects of incomplete cotton stalk destruction).

SECTION 20. Amends Sections 74.0032(b) and (c), Agriculture Code, as follows:

(b) Authorizes the foundation, rather than the administrative committee that governs the applicable pest management zone, if adverse weather conditions or other good cause exists, to request that TDA grant an extension of the cotton stalk destruction deadline for any specified part of the pest management zone or for the entire pest management zone.

(c) Authorizes a cotton grower, if the foundation, rather than the applicable administrative committee, does not request an extension, or if TDA denies a request for an extension of the cotton stalk destruction deadline for a specified part of a pest management zone, to apply for an individual extension of the deadline.

SECTION 21. Amends Section 74.004(a), Agriculture Code, as follows:

(a) Authorizes TDA to establish regulated areas, dates, and appropriate methods of destruction of stalks, other parts, and products of host plants for cotton pests, including requirements for destruction of foliage, fruiting structures, and root systems of host plants after the harvest deadline. Deletes existing text authorizing TDA to take action on petition of the administrative committee of a pest management zone. Makes a nonsubstantive change.

SECTION 22. Amends Section 74.0041, Agriculture Code, to authorize TDA to establish uniform planting dates for host plants and to delete existing text authorizing TDA to establish uniform planting dates for host plants on petition of the administrative committee of a pest management zone.

SECTION 23. Amends Subchapter D, Chapter 74, Agriculture Code, by adding Section 74.1091, as follows:

Sec. 74.1091. SEPARATION OF RESPONSIBILITIES. Requires the board of directors of the foundation to develop and implement policies that clearly separate the policy-making responsibilities of the board of directors and the management responsibilities of the chief executive officer and staff of the foundation.

SECTION 24. Amends Section 74.127(a), Agriculture Code, as follows:

(a) Provides that the board of directors of the foundation is subject to Chapter 325, Government Code. Provides that, unless continued in existence as provided by that chapter, the board of directors is abolished September 1, 2033, rather than 2021. Deletes existing text providing that unless continued in existence as provided by that chapter, Subchapter D (Official Cotton Growers' Boll Weevil Eradication Foundation) expires September 1, 2021.

SECTION 25. Amends Subchapter D, Chapter 74, Agriculture Code, by adding Section 74.132, as follows:

Sec. 74.132. COMPLAINTS. (a) Requires the foundation to maintain a system to promptly and efficiently act on complaints filed with the foundation. Requires the foundation to maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) Requires the foundation to make information available describing its procedures for complaint investigation and resolution.

(c) Requires the foundation to periodically notify the complaint parties of the status of the complaint until final disposition unless the notice would jeopardize an investigation.

SECTION 26. Amends Section 122.201(a), Agriculture Code, to require a license holder to harvest the plants from a plot not later than the 30th day, rather than the 20th day, after the date a preharvest sample is collected under Section 122.154 (Preharvest Sample Collection) unless field conditions delay harvesting or TDA authorizes the license holder to delay harvesting.

SECTION 27. Amends the heading to Section 134.002, Agriculture Code, to read as follows:

Sec. 134.002. SUPPORT OF AQUACULTURE.

SECTION 28. Amends Section 134.004, Agriculture Code, to make nonsubstantive changes.

SECTION 29. Amends the heading to Subchapter B, Chapter 134, Agriculture Code, to read as follows:

#### SUBCHAPTER B. AQUACULTURE REQUIREMENTS

SECTION 30. Amends Section 134.013, Agriculture Code, as follows:

Sec. 134.013. ADDITIONAL REQUIREMENTS FOR SHRIMP PRODUCTION WITHIN THE COASTAL ZONE. (a) Requires that a commercial aquaculture facility located within the coastal zone and engaged in the production of shrimp take certain actions, including providing the report described in Subsection (b) to the Texas

Commission on Environmental Quality (TCEQ). Deletes existing text providing that a commercial aquaculture facility is subject to the review described in Section 134.031(c) (relating to the review of a wastewater discharge authorization application) if the aquaculture facility applies for a site specific discharge permit. Makes nonsubstantive changes.

(b) Requires TCEQ, rather than TDA, before issuing a permit, rather than a license, to a new aquaculture facility designed for the commercial production of shrimp that will discharge wastewater into waters in Texas within the coastal zone, to require the applicant to provide a report describing the existing environmental conditions at the proposed site, including aquatic habitat and the conditions of the waters in the state into which a discharge is proposed.

(c) Makes nonsubstantive and conforming changes to this subsection.

(d) Requires TCEQ, in coordination with the Texas Parks and Wildlife Department (TPWD), rather than in coordination with TDA and TPWD, to establish guidelines relating to the report required by Subsection (b) that give public notice as to what the reporting requirements include, and that minimize duplication of reporting requirements and other requirements related to the application for a wastewater discharge permit. Makes a nonsubstantive change.

SECTION 31. Amends Section 134.016(a), Agriculture Code, as follows:

(a) Requires the operator of a commercial aquaculture facility, rather than the holder of an aquaculture license, to maintain a record of sales of cultured species for at least one year. Provides that the record is open for inspection by designated employees of TPWD, rather than TPWD and TDA, during normal business hours. Makes a nonsubstantive change.

SECTION 32. Amends Section 134.017, Agriculture Code, to provide that cultured species of any kind, size, or number are authorized to be raised, possessed, transported, and sold anywhere, at any time, to any person, for any purpose by the operator of a commercial aquaculture facility, rather than the holder of an aquaculture license, unless prohibited by the Parks and Wildlife Code or regulation. Makes a nonsubstantive change.

SECTION 33. Amends Section 134.018, Agriculture Code, as follows:

Sec. 134.018. New heading: SALE OF CERTAIN FISH. (a) Provides that this section applies to, rather than an aquaculture license is not required for, the sale of certain fish from certain facilities. Makes conforming changes.

(b) Requires a buyer who operates a commercial aquaculture facility, rather than the buyer who holds an aquaculture license, not later than the 30th day after the sale of fish under this section, to submit a copy of the invoice for the sale to TPWD. Requires the seller and the buyer to maintain a record of the sale for not less than one year. Requires that the record contain at least certain information, including the buyer's name and address and the name and address of the buyer's commercial aquaculture facility, rather than the aquaculture license number of the buyer. Makes nonsubstantive changes.

(c) Makes no changes to this subsection.

SECTION 34. Amends Section 134.023(b), Agriculture Code, to provide that a person who violates Section 134.020 (Exotic Species), rather than Section 134.019 (Marketing of Cultured Redfish and Cultured Speckled Sea Trout) or 134.020, commits an offense that is a Class B misdemeanor.

SECTION 35. Amends Sections 134.031(a), (b), (c), (d), (e), (f), and (g), Agriculture Code, as follows:

(a) Deletes existing text requiring TDA to enter into a memorandum of understanding with TCEQ and TPWD for the regulation of matters related to aquaculture. Makes nonsubstantive changes.

(b) Makes a nonsubstantive and a conforming change to this subsection.

(c) Requires TCEQ and TPWD to ensure that the proposed discharge will not adversely affect a bay, an estuary, or other waters in the state. Deletes existing text requiring TDA, TCEQ, and TPWD to each appoint one member of a three-member application review committee to review the wastewater discharge authorization application to ensure that the proposed discharge will not adversely affect a bay, an estuary, or other waters in the state. Makes a nonsubstantive change.

(d)-(g) Makes nonsubstantive and conforming changes to these subsections.

SECTION 36. Amends Section 110.002(b), Alcoholic Beverage Code, as follows:

(b) Requires the commissioner to adopt rules as necessary to implement the Texas Wine Marketing Assistance Program. Deletes existing text requiring the commissioner to adopt rules as necessary to implement the program in consultation with the wine industry development advisory committee established under Section 50B.002, Agriculture Code.

SECTION 37. Amends Section 153.046, Natural Resources Code, to require the Prescribed Burning Board by rule to establish certain standards and requirements for certain burnings and burn managers. Makes nonsubstantive changes.

SECTION 38. Amends Section 153.048, Natural Resources Code, by adding Subsection (f), as follows:

(f) Authorizes the Prescribed Burning Board to waive any prerequisite to obtaining certification as a certified and insured prescribed burn manager for an applicant after reviewing the applicant's credentials and determining that the applicant holds a valid certification from another state that has certification requirements substantially equivalent to those of this state.

SECTION 39. Amends Subchapter B, Chapter 153, Natural Resources Code, by adding Section 153.049, as follows:

Sec. 153.049. CRIMINAL HISTORY EVALUATION. Requires the Prescribed Burning Board to perform the duties of a licensing authority under Chapter 53, Occupations Code, for each certification issued by the Prescribed Burning Board under Chapter 153 (Prescribed Burning) or other law, including issuing guidelines under Section 53.025, Occupations Code.

SECTION 40. Amends Section 153.101, Natural Resources Code, to require TDA to receive and process complaints concerning certified and insured prescribed burn managers in the manner described by certain sections, including Section 12.02601, Agriculture Code, and rules adopted under those sections. Makes nonsubstantive changes.

SECTION 41. Amends Section 153.102(b), Natural Resources Code, as follows:

(b) Requires the Prescribed Burning Board, rather than TDA, by rule to adopt a schedule of the disciplinary sanctions that TDA is required to, rather than is authorized to, impose under Chapter 153. Requires the Prescribed Burning Board, rather than TDA, in adopting the schedule of sanctions, to ensure that the severity of the sanction imposed is appropriate to the type of violation or conduct that is the basis for disciplinary action.

SECTION 42. Amends Section 43.551, Parks and Wildlife Code, as follows:



Sec. 43.551. New heading: PERMIT FOR THE TAKING OF BROOD STOCK BY COMMERCIAL AQUACULTURE FACILITIES. Authorizes TPWD to issue a permit to an operator of a commercial aquaculture facility as defined by Section 134.001 (Definitions), Agriculture Code, rather than to a licensed fish farmer, that authorizes the operator, rather than fish farmer, to take a specified quantity of fish brood stock from specified public water.

SECTION 43. Amends Section 43.553(a), Parks and Wildlife Code, to make nonsubstantive and conforming changes.

SECTION 44. Amends Section 43.554, Parks and Wildlife Code, to make a conforming change.

SECTION 45. Amends Section 47.009(c), Parks and Wildlife Code, to provide that an operator of a Texas commercial aquaculture facility as defined by Section 134.001, Agriculture Code, rather than a person who has an aquaculture license for a Texas aquaculture facility under Section 134.011 (Licensing), Agriculture Code, is not required to obtain or possess a wholesale fish dealer's license if the operator's business activities with regard to the sale of aquatic products involve aquatic products raised on the operator's commercial, rather than the person's, aquaculture facility only. Makes a conforming change.

SECTION 46. Amends Section 47.0091, Parks and Wildlife Code, as follows:

Sec. 47.0091. PURCHASE OF AQUATIC PRODUCTS BY WHOLESALE FISH DEALERS. Prohibits any wholesale fish dealer from purchasing for resale or receiving for sale, barter, exchange, or any other commercial purpose any aquatic product from any person or entity in Texas unless the dealer purchases the product from the operator of a commercial aquaculture facility as defined by Section 134.001, Agriculture Code, or the holder of certain licenses. Deletes existing text including a fish farmer's license on a list of certain license holders from whom a wholesale fish dealer is authorized to purchase aquatic product. Makes nonsubstantive changes.

SECTION 47. Amends Section 47.010(b), Parks and Wildlife Code, as follows:

(b) Provides that a resident who operates a vehicle used to transport cultured species from a private facility, as those terms are defined by Section 134.001, Agriculture Code, and sells cultured species from the vehicle is not required to obtain a license for the vehicle under Section 47.010 (Wholesale Truck Dealer's Fish License) if the vehicle is used with regard to the sale or transportation of only aquatic products raised on a Texas commercial aquaculture facility belonging to the operator of the vehicle. Deletes existing text providing that a resident who holds a fish farm vehicle license under Section 134.012 (Fish Farm Vehicle License Required), Agriculture Code, is not required to obtain a license for the vehicle under Section 47.010 if the vehicle is used with regard to the sale or transportation of only aquatic products raised on a licensed Texas aquaculture facility belonging to the owner of the vehicle.

SECTION 48. Amends Section 47.011(c), Parks and Wildlife Code, to make conforming changes.

SECTION 49. Amends Section 47.0111, Parks and Wildlife Code, as follows:

Sec. 47.0111. PURCHASE OF AQUATIC PRODUCTS BY RETAIL FISH DEALERS. Prohibits a retail fish dealer from purchasing for resale or receiving for sale, barter, exchange, or any other commercial purposes any aquatic products from any person or entity in Texas unless the dealer purchases the product from the operator of a commercial aquaculture facility as defined by Section 134.001, Agriculture Code, or the holder of certain licenses. Deletes existing text including a fish farmer's license on the list of certain license holders from whom a wholesale fish dealer is authorized to purchase aquatic product. Makes nonsubstantive changes.

SECTION 50. Amends Section 47.012, Parks and Wildlife Code, as follows:

Sec. 47.012. PURCHASE OF AQUATIC PRODUCTS BY RESTAURANT OWNER, OPERATOR, OR EMPLOYEE. Prohibits a restaurant owner, operator, or employee from purchasing for consumption by the restaurant's patrons on the restaurant's premises any aquatic product from any person or entity in Texas unless the person purchases the aquatic product from the operator of a commercial aquaculture facility as defined by Section 134.001, Agriculture Code, or the holder of certain licenses. Deletes existing text including a fish farmer's license on the list of certain license holders from whom a wholesale fish dealer is authorized to purchase aquatic product. Makes nonsubstantive changes.

SECTION 51. Amends Section 47.013(c), Parks and Wildlife Code, as follows:

(c) Provides that a resident who operates a vehicle used to transport cultured species from a private facility, as those terms are defined by Section 134.001, Agriculture Code, and sells cultured species from the vehicle is not required to obtain a license for the vehicle under Section 47.013 (Retail Dealer's Truck License) when the vehicle is used with regard to the sale or transportation of only aquatic products raised on a Texas commercial aquaculture facility belonging to the operator of the vehicle. Deletes existing text providing that a resident who owns a vehicle licensed under Section 134.012, Agriculture Code, is not required to obtain a license for the vehicle under Section 47.010 when the vehicle is used with regard to the sale or transportation of only aquatic products raised on a licensed Texas aquaculture facility belonging to the owner of the vehicle.

SECTION 52. Amends Section 47.014(c), Parks and Wildlife Code, as follows:

(c) Provides that an operator of a Texas commercial aquaculture facility as defined by Section 134.001, Agriculture Code, is not required to obtain or possess a bait dealer's license if the operator's business activities with regard to the sale of aquatic products for bait involve only aquatic products raised on the operator's commercial aquaculture facility. Deletes existing text providing that a person who has an aquaculture license for a Texas aquaculture facility under Section 134.011, Agriculture Code, is not required to obtain or possess a bait dealer's license if the person's business activities with regard to the sale of aquatic products for bait involve only aquatic products raised on the person's aquaculture facility.

SECTION 53. Amends Sections 66.007(d) and (f), Parks and Wildlife Code, as follows:

(d) Authorizes an operator of a commercial aquaculture facility as defined by Section 134.001, Agriculture Code, rather than a fish farmer, to import, possess, or sell harmful or potentially harmful exotic fish species as provided by Section 134.020, Agriculture Code.

(f) Prohibits an operator of a commercial aquaculture facility as defined by Section 134.001, Agriculture Code, rather than a fish farmer, from importing, possessing, propagating, or transporting exotic shellfish unless the operator, rather than fish farmer, furnishes evidence required by TPWD showing that the shellfish are free of disease.

SECTION 54. Amends Section 66.020(b), Parks and Wildlife Code, as follows:

(b) Provides that Section 66.020 (Sale and Purchase of Protected Fish) applies to the possession, transportation, sale, or purchase of any fish described by Subsection (a) (relating to certain fish it is unlawful to buy, sell, transport, possess, ship, or exchange) without regard to where the fish was taken, caught, or raised, but does not apply to certain fish and certain fish transportation and importation actions, including fish raised by being continuously fed a prepared feed and sold by an operator of a Texas commercial aquaculture facility, as defined by Section 134.001, Agriculture Code, rather than fish raised by being continuously fed a prepared feed and sold by an operator of a licensed Texas fish farmer if marked and identified as required under Chapter 134, Agriculture Code. Makes a nonsubstantive change.

SECTION 55. Amends Section 66.111(b), Parks and Wildlife Code, to make conforming and nonsubstantive changes.

SECTION 56. Repealer: Section 12.0178 (Texas Nursery and Floral Advisory Council), Agriculture Code.

Repealers: Sections 12.026(c) and (d) (relating to requirements for TDA's complaint information files), Agriculture Code.

Repealer: Section 15.006 (Biennial Report), Agriculture Code.

Repealer: Section 45.009 (Texas-Israel Exchange Advisory Committee), Agriculture Code.

Repealer: Section 46.010 ("Go Texan" Partner Program Advisory Board), Agriculture Code.

Repealer: Section 47.051(1) (relating to the definition of "advisory committee"), Agriculture Code.

Repealer: Section 47.053 (Advisory Committee), Agriculture Code.

Repealer: Section 49.006 (Merit Review), Agriculture Code.

Repealer: Section 50B.002 (Wine Industry Development Advisory Committee), Agriculture Code.

Repealer: Section 74.003(d) (relating to the requirements of the administrative committee of each pest management zone), Agriculture Code.

Repealer: Section 74.0031(a) (relating to TDA requirements for submitting the recommendations of each administrative committee that governs a pest management zone), Agriculture Code.

Repealer: Section 74.120(d) (relating to the establishment and composition of an advisory committee to assist the commissioner in the development of certain rules regarding cotton plant eradication zones), Agriculture Code.

Repealer: Section 102.167(e) (relating to a biennial report to the governor regarding certain transactions for citrus marketing agreements and licenses), Agriculture Code.

Repealer: Section 134.003 (Program Administrator; Staff), Agriculture Code.

Repealer: Section 134.005(b) (relating to record-keeping requirements for a commercial aquaculture facility), Agriculture Code.

Repealer: Section 134.006 (Aquaculture Fund), Agriculture Code.

Repealer: Section 134.011 (Licensing), Agriculture Code.

Repealer: Section 134.012 (Fish Farm Vehicle License Required), Agriculture Code.

Repealer: Section 134.014 (License Fees; Waivers), Agriculture Code.

Repealer: Section 134.015 (Form, Duration, and Renewal of License), Agriculture Code.

Repealer: Section 134.019 (Marketing of Cultured Redfish and Cultured Speckled Sea Trout), Agriculture Code.

Repealer: Chapter 42 (Food and Fibers Research Grant Program), Agriculture Code.

Repealer: Subchapter P (Texas Rural Foundation), Chapter 487 (Office of Rural Affairs in Department of Agriculture), Government Code.

Repealer: Subchapter R (Texas Rural Health and Economic Development Advisory Council), Chapter 487, Government Code.

Repealer: Chapter 116 (Early Childhood Health and Nutrition Interagency Council), Health and Safety Code.

SECTION 57. (a) Provides that, on the effective date of this Act, a license issued under former Section 134.011 or 134.012, Agriculture Code, expires.

(b) Requires TDA, as soon as practicable after the effective date of this Act, to repeal all rules relating to a license issued under former Section 134.011 or 134.012, Agriculture Code.

(c) Provides that the repeal by this Act of Sections 134.011 and 134.012, Agriculture Code, does not affect the validity of a proceeding pending before a court or other governmental entity on the effective date of this Act.

SECTION 58. Requires TDA, in consultation with the standing Sunset Advisory Commission (Sunset), not later than December 31, 2022, to study and report its findings on the purpose and objectives of the GO TEXAN program, and prepare a report with any findings and recommendations to improve efficiency, fairness, accountability, effectiveness, stakeholder engagement, and public information as outlined by the Sunset Staff Report with Commission Decisions, as reported to the 87th Legislature. Requires that this report make recommendations to the program's processes, eliminate inefficiencies, including any necessary statutory or legislative changes specific to the oversight and regulation of the GO TEXAN program. Authorizes TDA, in conducting the study, in partnership with Sunset, to consult with any interested organizations, associations, and stakeholders. Requires TDA to submit the report to each standing Sunset member, including Sunset, the Speaker of the House, Lieutenant Governor, and the Office of the Governor.

SECTION 59. Requires the commissioner, not later than January 1, 2022, to appoint the members of the citrus budwood advisory council under Section 19.005, Agriculture Code, as reenacted and amended by this Act. Provides that the advisory council is re-created on the date the commissioner makes the appointments required by this section, notwithstanding any previous abolishment under Section 2110.008 (Duration of Advisory Committees), Government Code.

SECTION 60. Makes application of this Act prospective.

SECTION 61. Effective date: September 1, 2021.