

AN ACT

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.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.003, Agriculture Code, is amended to read as follows:

Sec. 11.003. SUNSET PROVISION. The Department of Agriculture is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished September 1, 2033 ~~[2021]~~.

SECTION 2. Section 12.0175, Agriculture Code, is amended to read as follows:

Sec. 12.0175. "GO-TEXAN" [GROWN OR PRODUCED IN TEXAS] PROGRAM. (a) The department by rule shall ~~[may]~~ establish the "GO-TEXAN" program [programs] to promote and encourage the development and expansion of markets for Texas ~~[market]~~ agricultural products and other products grown, processed, or produced in the state.

(b) The department may charge a membership fee, as provided by department rule, for each participant in the "GO-TEXAN" [a] program.

(c) The department shall ~~[may]~~ adopt rules necessary to administer the "GO-TEXAN" [a] program established under this section, including rules:

- (1) governing the use of any registered logo of the department;
- (2) providing membership eligibility requirements and grounds for denial of membership;
- (3) establishing membership categories or tiers; and
- (4) specifying membership benefits.

(d) The department may revoke or cancel a certificate of registration or license issued under the "GO-TEXAN" [a] program established under this section if a participant fails to comply with a rule adopted by the department.

(e) In this section, "Texas agricultural product" means an agricultural, apicultural, horticultural, silvicultural, viticultural, or vegetable product, either in its natural or processed state, that has been produced, processed, or otherwise had value added to the product in this state, including:

- (1) feed for use by livestock or poultry;
- (2) fish or other aquatic species;
- (3) livestock, a livestock product, or a livestock by-product;
- (4) planting seed;
- (5) poultry, a poultry product, or a poultry by-product; or
- (6) wildlife processed for food or by-products.

SECTION 3. Chapter 12, Agriculture Code, is amended by adding Section 12.0204 to read as follows:

Sec. 12.0204. ADVISORY COMMITTEES. (a) The department by rule may establish advisory committees to make recommendations to the department on programs, rules, and policies administered by the department.

(b) In establishing an advisory committee under this section, the department shall adopt rules, including rules regarding:

- (1) the purpose, role, responsibility, goals, and duration of the committee;

(2) the size of and quorum requirement for the committee;
(3) qualifications for committee membership;
(4) appointment procedures for members;
(5) terms of service for members;
(6) training requirements for members;
(7) policies to avoid conflicts of interest by committee members;
(8) a periodic review process to evaluate the continuing need for the committee; and
(9) policies to ensure the committee does not violate any provisions of Chapter 551, Government Code, applicable to the department or the committee.

SECTION 4. Chapter 12, Agriculture Code, is amended by adding Section 12.0205 to read as follows:

Sec. 12.0205. COORDINATION OF CONSUMER PROTECTION ENFORCEMENT WITH OFFICE OF ATTORNEY GENERAL. (a) The department and the office of the attorney general shall enter into a memorandum of understanding to coordinate the enforcement of consumer protection programs.

(b) The memorandum of understanding shall require the department to communicate with the consumer protection division of the office of the attorney general to identify and avoid potential duplication of effort before taking final disciplinary or enforcement action related to consumer protection.

SECTION 5. The heading to Section 12.026, Agriculture Code, is amended to read as follows:

Sec. 12.026. PUBLIC INTEREST INFORMATION[~~+~~ COMPLAINTS].

SECTION 6. Chapter 12, Agriculture Code, is amended by adding Section 12.02601 to read as follows:

Sec. 12.02601. COMPLAINTS. (a) The department shall maintain a system to promptly and efficiently act on complaints filed with the department. The department shall 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) The department shall make information available describing its procedures for complaint investigation and resolution.

(c) The department shall periodically notify the complaint parties of the status of the complaint until final disposition unless the notice would jeopardize an investigation.

SECTION 7. Sections 12.042(a), (b), (c), (e), and (i), Agriculture Code, are amended to read as follows:

(a) The department shall establish a home-delivered meal grant program to benefit homebound elderly persons and persons with disabilities [~~disabled people~~] in this state. The program must be designed to help defray the costs of providing home-delivered meals that are not fully funded by the Health and Human [~~Department of Aging and Disability~~] Services Commission or an area agency on aging.

(b) From funds appropriated for that purpose, the department shall make grants to qualifying organizations that provide home-delivered meals to [~~the~~] homebound elderly persons and persons with disabilities [~~disabled~~]. The department may use not more than five percent of those appropriated funds for the administration of the grant program.

(c) An organization applying to the department for a grant under this section must:

(1) be a governmental agency or a nonprofit private organization that is exempt from taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code, that is a direct provider of home-delivered meals to [~~the~~] elderly persons or persons with

disabilities in this state;

(2) if it is a nonprofit private organization, have a volunteer board of directors;

(3) practice nondiscrimination;

(4) have an accounting system or fiscal agent approved by the county in which it provides meals;

(5) have a system to prevent the duplication of services to the organization's clients; and

(6) agree to use funds received under this section only to supplement and extend existing services related directly to home-delivered meal services.

(e) The department shall require an organization seeking a grant to file an application in a form approved by the department. The application must be ~~[notarized and]~~ signed or electronically acknowledged by the organization's executive director ~~[and board chair, if applicable]~~, be postmarked or electronically submitted not later than November 1, and must include:

(1) the organization's name and address;

(2) the names and titles of the organization's executive director and board chair, if applicable;

(3) the name of the county in relation to which the organization is applying;

(4) the number of residents at least 60 years of age who reside in that county, according to the most recent federal decennial census;

(5) the amount of the grant awarded by that county as required by Subsection (d);

(6) the number of meals the organization delivered to elderly persons or ~~[disabled]~~ persons with disabilities in that county during the preceding state fiscal year that were not fully funded ~~[for]~~ by the Health and Human ~~[Department of Aging and Disability]~~ Services Commission or an area agency on aging;

(7) appropriate documentation demonstrating that the organization:

(A) is a qualifying governmental agency or nonprofit private organization;

(B) has been awarded a grant by the county in relation to which the organization is applying, as required by Subsection (d); and

(C) has delivered the number of meals reported under Subdivision (6);

(8) the organization's most recent financial statement or audited financial report; and

(9) a list of the organization's board and officers.

(i) Not later than February 1 of each year, the department shall make a grant to each qualifying organization that has submitted an approved application under this section. Subject to Subsections (d) and (h), the department shall make grants in an amount equal to one dollar for each meal that the organization delivered to homebound elderly persons or ~~[disabled]~~ persons with disabilities in the county in the preceding state fiscal year that was not fully funded ~~[for]~~ by the Health and Human ~~[Department of Aging and Disability]~~ Services Commission or an area agency on aging. If more than one qualifying organization delivers meals in a county, the department shall reduce the grants proportionally to each qualifying organization in that county so that the total amount of the grants to the organizations does not exceed the amount described by Subsection (h).

SECTION 8. Chapter 12, Agriculture Code, is amended by adding Section 12.051 to read as follows:

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

(b) As part of the program, the department shall:

- (1) promote suicide prevention among farmers through a public awareness campaign;
- (2) provide a toll-free telephone hotline for farmer mental health assistance;
- (3) develop a mental wellness plan for farmers affected by a disaster; and
- (4) coordinate suicide prevention activities with other state agencies, including the Department of State Health Services.

SECTION 9. Subchapter A, Chapter 12A, Agriculture Code, is amended by adding Sections 12A.004 and 12A.005 to read as follows:

Sec. 12A.004. INSPECTION AND ENFORCEMENT STRATEGIC PLAN.

(a) The department shall develop and publish an annual plan for each state fiscal year to use the inspection and enforcement resources of the department strategically to ensure public safety and protect agriculture and consumers in this state.

(b) The department shall seek input from stakeholders when developing each annual plan.

(c) The department shall collect and maintain information that accurately shows the department's inspection and enforcement activities. Each annual plan must include a report of the information collected by the department that shows the department's inspection and enforcement activities over time.

(d) The information described by Subsection (c) must include data regarding violations of statutes or department rules, including:

(1) the number, type, and severity of:

(A) violations the department found to have occurred;

(B) violations the department referred for enforcement to the section of the department responsible for enforcement; and

(C) violations for which the department imposed a penalty or took other enforcement action;

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

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

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

Sec. 12A.005. CRIMINAL HISTORY EVALUATION. The department shall perform the duties of a licensing authority under Chapter 53, Occupations Code, for each license issued by the department under this code or other law, including issuing guidelines under Section 53.025, Occupations Code.

SECTION 10. Section 19.005, Agriculture Code, is reenacted and amended to read as follows:

Sec. 19.005. ADVISORY COUNCIL. (a) The commissioner shall appoint the advisory council. The advisory council is composed of seven members, including:

(1) one member representing the department;

(2) one member representing The Texas A&M University-Kingsville Citrus Center at Weslaco;

(3) two members representing the citrus nursery industry;

(4) two members representing citrus growers; and

(5) one member having specialized knowledge in citrus diseases and pests.

(b) A member serves a two-year term and may be reappointed.

(c) Members of the advisory council are not eligible for reimbursement of expenses arising from service on the advisory

council.

(d) Chapter 2110, Government Code, does not apply to the duration of the advisory council.

SECTION 11. Section 41.154, Agriculture Code, is amended to read as follows:

Sec. 41.154. ANNUAL REPORT. The council shall deliver to the commissioner [~~and the appropriate oversight committee in the senate and house of representatives~~] an annual report giving details of its efforts to carry out the purposes of this subchapter.

SECTION 12. Section 45.005(c), Agriculture Code, is amended to read as follows:

(c) The program may undertake agricultural research and development projects of mutual benefit that are located in Texas, Israel, or any other location considered advisable by the department [~~or suggested by the advisory committee~~].

SECTION 13. Section 46.005, Agriculture Code, is amended to read as follows:

Sec. 46.005. DEPARTMENT POWERS AND DUTIES. The department shall administer the "Go Texan" Partner Program. The duties of the department in administering the program include:

(1) developing procedures for acceptance and administration of funds received to administer the program, including appropriations, gifts, license plate revenue, and matching funds;

(2) developing application and selection procedures including procedures for soliciting and accepting applications [~~and screening applications for review by the "Go Texan" Partner Program Advisory Board~~];

(3) developing a general promotional campaign for Texas agricultural products and advertising campaigns for specific Texas agricultural products based on project requests submitted by successful applicants;

(4) developing advertising programs and promotional materials for use by program participants and establishing guidelines on advertising activities by participants;

(5) contracting with media representatives for the purpose of dispersing promotional materials; and

(6) receiving matching funds from program participants and donations or grants from any source, and establishing internal reporting requirements for use of funds.

SECTION 14. Section 46.011, Agriculture Code, is amended to read as follows:

Sec. 46.011. CRITERIA FOR ALLOCATION OF FUNDS. The department shall by rule [~~and with the advice of the board~~] establish criteria for allocation of funds to participant projects. Rules adopted under this section must include:

(1) the factors to be considered in evaluating projects; and

(2) a maximum funding amount for each project.

SECTION 15. Section 47.052(b), Agriculture Code, is amended to read as follows:

(b) The commissioner [~~, in consultation with the advisory committee established under Section 47.053,~~] shall adopt rules as necessary to implement the program.

SECTION 16. Section 50B.0025, Agriculture Code, is amended to read as follows:

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

(1) a [the] schedule and plan of action designed to implement and further the objectives of this chapter and Chapter 110, Alcoholic Beverage Code; and

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

~~Section 50B.002(g), considering the recommendations of the committee under that section and following them to the extent the commissioner considers appropriate].~~

SECTION 17. Sections 62.002(a) and (b), Agriculture Code, are amended to read as follows:

(a) The State Seed and Plant Board is an agency of the state. The board is composed of:

(1) one individual, appointed by the president of Texas A&M University, from the Soils and Crop Sciences Department, Texas Agricultural Experiment Station, Texas A&M University;

(2) one individual, appointed by the president of Texas Tech University, from the Department of Plant and Soil Sciences, Texas Tech University;

(3) one individual, appointed by the commissioner, licensed as a Texas Foundation, Registered, or Certified seed or plant producer who is not employed by a public institution;

(4) one individual, appointed by the commissioner, who sells Texas Foundation, Registered, or Certified seed or plants; and

(5) one individual, appointed by the commissioner, actively engaged in farming but not a producer or seller of Texas Foundation, Registered, or Certified seed or plants[; ~~and~~

~~[(6) the head of the seed division of the department].~~

(b) An individual appointed from a state university [~~or the department~~] serves on the board as an ex officio member. A member serves for a term of two years and until a successor has qualified. Members serve without compensation but are entitled to reimbursement by the state for actual expenses incurred in the performance of their duties.

SECTION 18. Section 62.005(a), Agriculture Code, is amended to read as follows:

(a) A person who wants to produce a certified class of seed or plant for which the board has established standards of genetic purity and identity may apply to the board for licensing as a Foundation, Registered, or Certified producer of seed or plants. To be licensed as a producer, a person must satisfy the board that:

(1) ~~[he or she is of good character and has a reputation for honesty;~~

~~[(2)]~~ his or her facilities meet board requirements for producing and maintaining seed or plants for the certification generations desired; and

(2) ~~[(3)]~~ he or she has met any other board requirements as to knowledge of the production or maintenance of seed or plants for the certification generations for which he or she applies to be licensed.

SECTION 19. Section 74.0031(d), Agriculture Code, is amended to read as follows:

(d) The department shall set a cotton stalk destruction deadline for each pest management zone, with consideration given to the recommendations of the foundation [~~and the applicable administrative committee submitted under Subsection (b)~~].

SECTION 20. Sections 74.0032(b) and (c), Agriculture Code, are amended to read as follows:

(b) If adverse weather conditions or other good cause exists, the Texas Boll Weevil Eradication Foundation [~~administrative committee that governs the applicable pest management zone~~] may request that the department 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. A request under this subsection must be made within the period specified by department rule. A field is not subject to a hostable cotton fee if the department grants an extension of the deadline. The Texas Boll Weevil Eradication Foundation shall submit to the department an estimate of the amount by which an extension under

this subsection will increase the cost of administering the boll weevil eradication program.

(c) If the Texas Boll Weevil Eradication Foundation [~~applicable administrative committee~~] does not request an extension, or if the department denies a request for an extension of the cotton stalk destruction deadline for a specified part of a pest management zone, a cotton grower may apply for an individual extension of the deadline. A request under this subsection must be made within the period specified by department rule.

SECTION 21. Section 74.004(a), Agriculture Code, is amended to read as follows:

(a) ~~The~~ [~~On petition of the administrative committee of a pest management zone, the~~] department may 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.

SECTION 22. Section 74.0041, Agriculture Code, is amended to read as follows:

Sec. 74.0041. REGULATION OF PLANTING DATES. ~~The~~ [~~On petition of the administrative committee of a pest management zone, the~~] department may establish uniform planting dates for host plants.

SECTION 23. Subchapter D, Chapter 74, Agriculture Code, is amended by adding Section 74.1091 to read as follows:

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

SECTION 24. Section 74.127(a), Agriculture Code, is amended to read as follows:

(a) The board of directors of the official cotton growers' boll weevil eradication foundation is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished [~~and this subchapter expires~~] September 1, 2033 [~~2021~~].

SECTION 25. Subchapter D, Chapter 74, Agriculture Code, is amended by adding Section 74.132 to read as follows:

Sec. 74.132. COMPLAINTS. (a) The foundation shall maintain a system to promptly and efficiently act on complaints filed with the foundation. The foundation shall 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) The foundation shall make information available describing its procedures for complaint investigation and resolution.

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

SECTION 26. Section 122.201(a), Agriculture Code, is amended to read as follows:

(a) A license holder shall harvest the plants from a plot not later than the 30th [~~20th~~] day after the date a preharvest sample is collected under Section 122.154 unless field conditions delay harvesting or the department authorizes the license holder to delay harvesting. This subsection does not prohibit the license holder from harvesting the plants immediately after the preharvest sample is collected.

SECTION 27. The heading to Section 134.002, Agriculture Code, is amended to read as follows:

Sec. 134.002. SUPPORT OF AQUACULTURE [~~PROGRAM~~].

SECTION 28. Section 134.004, Agriculture Code, is amended to read as follows:

Sec. 134.004. CONTRACTS. The department, the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality, the Texas Animal Health Commission, and the Parks and Wildlife Department may contract with state, federal, or private entities for assistance in carrying out the purposes of this chapter.

SECTION 29. The heading to Subchapter B, Chapter 134, Agriculture Code, is amended to read as follows:

SUBCHAPTER B. AQUACULTURE REQUIREMENTS ~~[LICENSE]~~

SECTION 30. Section 134.013, Agriculture Code, is amended to read as follows:

Sec. 134.013. ADDITIONAL REQUIREMENTS FOR SHRIMP PRODUCTION WITHIN THE COASTAL ZONE. (a) A commercial aquaculture facility located within the coastal zone and engaged in the production of shrimp must:

(1) ~~[must]~~ obtain a site-specific wastewater discharge permit from the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality before the facility may discharge wastewater if the facility will discharge wastewater or another substance into waters in the state;

(2) ~~[must]~~ provide the report described in Subsection (b) to the Texas Commission on Environmental Quality ~~[and is subject to the review described in Section 134.031(e) if the aquaculture facility applies for a site-specific discharge permit];~~

(3) ~~[must]~~ obtain an amendment to its site-specific discharge permit from the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality before the facility may increase the amount of discharge or change the nature of the discharge above levels allowed by the wastewater discharge permit issued by the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality, except as otherwise provided by Section 26.0191, Water Code; and

(4) ~~[must]~~ provide the report described by Subsection (b) ~~[and is subject to the review described in Section 134.031(e)]~~ before the facility may increase the amount of discharge, or change the nature of the discharge above levels allowed by the wastewater discharge permit issued by the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality, except as otherwise provided by Section 26.0191, Water Code.

(b) Before issuing a permit ~~[license]~~ to a new aquaculture facility designed for the commercial production of shrimp that will discharge wastewater into waters in the state within the coastal zone, the Texas Commission on Environmental Quality ~~[department]~~ shall 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. The report must provide an assessment of any potential impacts of wastewater discharges on sensitive aquatic habitats in the area of the proposed site, significant impacts related to the construction or operation of the facility, and any mitigation actions proposed by the applicant.

(c) The applicant must provide the report required under Subsection (b) to the ~~[Texas Natural Resource Conservation Commission and the]~~ Parks and Wildlife Department. The Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality may not issue a wastewater discharge permit to a new aquaculture facility designed for the commercial production of shrimp and located within the coastal zone without consideration of the report described by Subsection (b).

(d) In coordination with ~~[the department and]~~ the Parks and Wildlife Department, the Texas ~~[Natural Resource Conservation]~~

Commission on Environmental Quality shall establish guidelines relating to the report required by Subsection (b) that:

- (1) give public notice as to what the reporting requirements include; and
- (2) minimize duplication of reporting requirements and other requirements related to the application for a wastewater discharge permit.

SECTION 31. Section 134.016(a), Agriculture Code, is amended to read as follows:

(a) The operator [~~holder~~] of a commercial [~~an~~] aquaculture facility [~~license~~] shall maintain a record of sales of cultured species for at least [~~a period of time of not less than~~] one year. The record is open for inspection by designated employees of the Parks and Wildlife Department [~~and the department~~] during normal business hours.

SECTION 32. Section 134.017, Agriculture Code, is amended to read as follows:

Sec. 134.017. CULTURE AND SALE OF CULTURED SPECIES. Cultured species of any kind, size, or number may be raised, possessed, transported, and sold anywhere, at any time, to any person, for any purpose by the operator [~~holder~~] of a commercial [~~an~~] aquaculture facility [~~license~~] unless prohibited by the Parks and Wildlife Code or regulation.

SECTION 33. Section 134.018, Agriculture Code, is amended to read as follows:

Sec. 134.018. [~~LICENSE NOT REQUIRED FOR~~] SALE OF CERTAIN FISH. (a) This section applies to [~~An aquaculture license is not required for~~] the sale of fish:

- (1) that are not on the Parks and Wildlife Department's list of exotic fish, shellfish, and aquatic plants;
- (2) collected from a private facility on private land by a person who operates a commercial [~~holds an~~] aquaculture facility [~~license~~];
- (3) by the owner of the private facility from which the fish were collected;
- (4) to manage the fish population in the private facility; and
- (5) to a person who operates a commercial [~~holds an~~] aquaculture facility [~~license~~].

(b) Not later than the 30th day after the sale of fish under this section, a [~~the~~] buyer who operates a commercial [~~holds an~~] aquaculture facility [~~license~~] shall submit a copy of the invoice for the sale to the Parks and Wildlife Department. The seller and the buyer shall maintain a record of the sale for not less than one year. The record must contain at least:

- (1) the invoice number;
- (2) the date of the sale;
- (3) the name and address of the seller;
- (4) the physical location of the facility from which the fish were collected;
- (5) the buyer's name and [~~the~~] address [~~of the buyer~~] and the name and address of the buyer's commercial aquaculture facility [~~license number of the buyer~~]; and
- (6) the number of fish sold.

(c) Sections 66.020 and 66.111, Parks and Wildlife Code, do not apply to a sale under this section.

SECTION 34. Section 134.023(b), Agriculture Code, is amended to read as follows:

(b) A person who violates Section [~~134.019 or~~] 134.020 commits an offense that is a Class B misdemeanor.

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

(a) The [~~department, the~~] Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality [~~and~~] and the Parks

and Wildlife Department shall enter into a memorandum of understanding for the regulation of matters related to aquaculture.

(b) The Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality, after receiving an application for a wastewater discharge authorization from an aquaculture facility, shall provide a copy of the application to the [~~department and the~~] Parks and Wildlife Department.

(c) The [~~department, the~~] Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality [~~7~~] and the Parks and Wildlife Department shall [~~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.

(d) The Parks and Wildlife Department, in consultation with the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality, may establish general guidelines that identify sensitive aquatic habitat within the coastal zone. The general guidelines must include factors such as the presence of sea grass beds, depth of receiving waters, and amount of tidal exchange.

(e) If the Parks and Wildlife Department establishes the guidelines described in Subsection (d), the Parks and Wildlife Department must provide the guidelines to the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality [~~and the department~~].

(f) If the Parks and Wildlife Department has established the guidelines described in Subsection (d), the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality must consider the guidelines when reviewing wastewater discharge authorization applications for new aquaculture facilities located within the coastal zone, or expansion of existing facilities located within the coastal zone if the expansion will increase the amount of discharge, or change the nature of the discharge, above levels allowed by the wastewater discharge permit.

(g) In developing the guidelines under Subsection (d) applicable to aquaculture facilities engaged in the production of shrimp in the coastal zone, the Parks and Wildlife Department, in consultation with the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality, shall consider the best management practices that the facilities developed under the direction of the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality.

SECTION 36. Section 110.002(b), Alcoholic Beverage Code, is amended to read as follows:

(b) The commissioner [~~, in consultation with the advisory committee established under Section 50B.002, Agriculture Code,~~] shall adopt rules as necessary to implement the program.

SECTION 37. Section 153.046, Natural Resources Code, is amended to read as follows:

Sec. 153.046. DUTIES. The board by rule shall establish:

- (1) [~~establish~~] standards for prescribed burning;
- (2) [~~develop~~] a comprehensive training curriculum for certified and insured prescribed burn managers;
- (3) [~~establish~~] standards for certification, recertification, and training for certified and insured prescribed burn managers;
- (4) [~~establish~~] minimum education and professional requirements for instructors for the approved curriculum; and
- (5) [~~establish~~] insurance requirements for certified and insured prescribed burn managers in amounts not less than those required by Section 153.082.

SECTION 38. Section 153.048, Natural Resources Code, is amended by adding Subsection (f) to read as follows:

(f) The board may waive any prerequisite to obtaining certification 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. Subchapter B, Chapter 153, Natural Resources Code, is amended by adding Section 153.049 to read as follows:

Sec. 153.049. CRIMINAL HISTORY EVALUATION. The board shall perform the duties of a licensing authority under Chapter 53, Occupations Code, for each certification issued by the board under this chapter or other law, including issuing guidelines under Section 53.025, Occupations Code.

SECTION 40. Section 153.101, Natural Resources Code, is amended to read as follows:

Sec. 153.101. COMPLAINTS. The department shall receive and process complaints concerning certified and insured prescribed burn managers in the manner described by Sections [Section] 12.026 and 12.02601, Agriculture Code, and rules adopted under those sections [that section].

SECTION 41. Section 153.102(b), Natural Resources Code, is amended to read as follows:

(b) The board [department] by rule shall adopt a schedule of the disciplinary sanctions that the department shall [may] impose under this chapter. In adopting the schedule of sanctions, the board [department] shall 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. Section 43.551, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.551. PERMIT FOR THE TAKING OF BROOD STOCK BY COMMERCIAL AQUACULTURE FACILITIES [FISH FARMERS]. The department may issue a permit to an operator of a commercial aquaculture facility as defined by Section 134.001, Agriculture Code, [a licensed fish farmer] that authorizes the operator [fish farmer] to take a specified quantity of fish brood stock from specified public water.

SECTION 43. Section 43.553(a), Parks and Wildlife Code, is amended to read as follows:

(a) A [The] permit under this subchapter may allow the operator of a commercial aquaculture facility [fish farmer] to take a specified quantity of fish brood stock reasonably necessary for the operation of the aquaculture facility [fish farm] but limited to the extent necessary to protect the availability of fish in public water.

SECTION 44. Section 43.554, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.554. FEES. The commission shall charge the operator of a commercial aquaculture facility [a fish farmer] a fee equal to the value of the fish authorized to be taken under this subchapter.

SECTION 45. Section 47.009(c), Parks and Wildlife Code, is amended to read as follows:

(c) An operator of [A person who has an aquaculture license for] a Texas commercial aquaculture facility as defined by [under] Section 134.001 [134.011], Agriculture Code, is not required to obtain or possess a wholesale fish dealer's license if the operator's [person's] business activities with regard to the sale of aquatic products involve aquatic products raised on the operator's commercial [person's] aquaculture facility only.

SECTION 46. Section 47.0091, Parks and Wildlife Code, is amended to read as follows:

Sec. 47.0091. PURCHASE OF AQUATIC PRODUCTS BY WHOLESALE FISH DEALERS. No wholesale fish dealer may purchase for resale or receive for sale, barter, exchange, or any other commercial purpose

any aquatic product from any person or entity in this state unless the dealer ~~[he]~~ purchases the product from the operator of a commercial aquaculture facility as defined by Section 134.001, Agriculture Code, or the holder of:

- (1) a general commercial fisherman's license;
- (2) a commercial oyster fisherman's license;
- (3) a commercial oyster boat license;
- (4) a wholesale fish dealer's license;
- (5) ~~[a fish farmer's license;~~
- ~~[(6)]~~ a commercial shrimp boat license;
- (6) ~~[(7)]~~ a commercial oyster boat captain's license;
- (7) ~~[(8)]~~ a commercial shrimp boat captain's license;
- (8) ~~[(9)]~~ a commercial crab fisherman's license;
- (9) ~~[(10)]~~ a commercial finfish fisherman's license;
- (10) ~~[(11)]~~ a commercial gulf shrimp unloading license; or
- (11) ~~[(12)]~~ a cultivated oyster mariculture permit.

SECTION 47. Section 47.010(b), Parks and Wildlife Code, is amended to read as follows:

(b) A resident who operates a ~~[holds a fish farm]~~ vehicle used to transport cultured species from a private facility, as those terms are defined by ~~[license under]~~ Section 134.001 ~~[134.012]~~, Agriculture Code, and sells cultured species from the vehicle is not required to obtain a license for the vehicle under this section if the vehicle is used with regard to the sale or transportation of only aquatic products raised on a ~~[licensed]~~ Texas commercial aquaculture facility belonging to the operator ~~[owner]~~ of the vehicle.

SECTION 48. Section 47.011(c), Parks and Wildlife Code, is amended to read as follows:

(c) An operator of ~~[A person with an aquaculture license for]~~ a Texas commercial aquaculture facility as defined by ~~[under]~~ Section 134.001 ~~[134.011]~~, Agriculture Code, is not required to obtain or possess a retail fish dealer's license if the operator's ~~[person's]~~ business activities with regard to the sale of aquatic products involve aquatic products raised on the operator's commercial ~~[person's]~~ aquaculture facility only.

SECTION 49. Section 47.0111, Parks and Wildlife Code, is amended to read as follows:

Sec. 47.0111. PURCHASE OF AQUATIC PRODUCTS BY RETAIL FISH DEALERS. No retail fish dealer may purchase for resale or receive for sale, barter, exchange, or any other commercial purposes any aquatic products from any person or entity in this state unless the dealer ~~[he]~~ purchases the product from the operator of a commercial aquaculture facility as defined by Section 134.001, Agriculture Code, or the holder of:

- (1) a wholesale fish dealer's license; or
- (2) a general commercial fisherman's license, a commercial shrimp boat license, a commercial shrimp boat captain's license, a commercial gulf shrimp unloading license, a commercial crab fisherman's license, or a commercial finfish fisherman's license when the retail fish dealer has given written notification to the director or the director's ~~[his]~~ designee of the dealer's intent to purchase aquatic products from the holder of a general commercial fisherman's license, a commercial shrimp boat license, a commercial shrimp boat captain's license, a commercial crab fisherman's license, or a commercial finfish fisherman's license~~[+~~
~~or~~

~~[(3) a fish farmer's license].~~

SECTION 50. Section 47.012, Parks and Wildlife Code, is amended to read as follows:

Sec. 47.012. PURCHASE OF AQUATIC PRODUCTS BY RESTAURANT OWNER, OPERATOR, OR EMPLOYEE. No restaurant owner, operator, or employee may purchase for consumption by the restaurant's patrons

on the restaurant's premises any aquatic product from any person or entity in this state 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:

- (1) a wholesale fish dealer's license;
- (2) a general commercial fisherman's license;
- (3) ~~[a fish farmer's license;~~
- ~~[(4)]~~ a commercial shrimp boat license;
- (4) ~~[(5)]~~ a commercial shrimp boat captain's license;
- (5) ~~[(6)]~~ a commercial crab fisherman's license;
- (6) ~~[(7)]~~ a commercial finfish fisherman's license; or
- (7) ~~[(8)]~~ a commercial gulf shrimp unloading license.

SECTION 51. Section 47.013(c), Parks and Wildlife Code, is amended to read as follows:

(c) A resident who operates ~~[owns]~~ a vehicle used to transport cultured species from a private facility, as those terms are defined by ~~[licensed under]~~ Section 134.001 ~~[134.012]~~, Agriculture Code, and sells cultured species from the vehicle is not required to obtain a license for the vehicle under this section when the vehicle is used with regard to the sale or transportation of only aquatic products raised on a ~~[licensed]~~ Texas commercial aquaculture facility belonging to the operator ~~[owner]~~ of the vehicle.

SECTION 52. Section 47.014(c), Parks and Wildlife Code, is amended to read as follows:

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

SECTION 53. Sections 66.007(d) and (f), Parks and Wildlife Code, are amended to read as follows:

(d) An operator of a commercial aquaculture facility as defined by Section 134.001, Agriculture Code, ~~[A fish farmer]~~ may import, possess, or sell harmful or potentially harmful exotic fish species as provided by Section 134.020, Agriculture Code.

(f) An operator of a commercial aquaculture facility as defined by Section 134.001, Agriculture Code, ~~[A fish farmer]~~ may not import, possess, propagate, or transport exotic shellfish unless the operator ~~[fish farmer]~~ furnishes evidence required by the department showing that the shellfish are free of disease.

SECTION 54. Section 66.020(b), Parks and Wildlife Code, is amended to read as follows:

(b) This section applies to the possession, transportation, sale, or purchase of any fish described by Subsection (a) ~~[of this section]~~ without regard to where the fish was taken, caught, or raised, but does not apply to:

(1) the transportation or possession of fish taken, caught, or raised outside this state and transported by common carrier without being unloaded from outside this state to a point of delivery outside this state;

(2) fish raised by being continuously fed a prepared feed and sold by an operator of a Texas commercial aquaculture facility, ~~[licensed Texas fish farmer if marked and identified]~~ as defined by Section 134.001 ~~[required under Chapter 134]~~, Agriculture Code; or

(3) the lawful importation by the holder of a Texas finfish import license into this state from another state or foreign country of farm-raised red drum, bass of the genus *Micropterus*, crappie, flathead catfish, striped bass, white bass, or a hybrid of any of those fish that have been continuously fed a prepared feed as a primary food source or lawfully taken, caught, or

raised blue marlin, jewfish, longbill spearfish, muskellunge, northern pike, sailfish, sauger, snook, spotted sea trout, tarpon, walleye, white marlin, yellow bass, or a hybrid of any of those fish, if the fish are transported or sold when not alive and are tagged, invoiced, packaged, and labeled under regulations of the commission and if the license holder complies with any requirements the commission may establish by proclamation that the fish enter the stream of commerce for sale in this state in a condition allowing ready identification of the species, including a requirement that the fish come into the state with the head and tail intact and tagged and a requirement that an invoice accompany all imported fish regulated by this section through each sales transaction, including transactions at the place of the final sale to the consumer.

SECTION 55. Section 66.111(b), Parks and Wildlife Code, is amended to read as follows:

(b) Subsection (a) [~~of this section~~] does not apply to:

(1) a fish, other than a bass of the genus *Micropterus*, reared in private water by an operator of a commercial aquaculture facility, as defined by Section 134.001, Agriculture Code [~~under a fish farmer's license~~];

(2) a fish possessed legally outside this state and transported into this state;

(3) bass of the genus *Micropterus* reared in private water by an operator of a commercial aquaculture facility, as defined by Section 134.001, Agriculture Code, [~~under a fish farmer's license~~] and marketed for the purpose of stocking the water of this state;

(4) nongame fish regulated under Chapter 67 of this code; or

(5) channel catfish of more than 14 inches in length or blue catfish of more than 14 inches in length taken from the public fresh water of Angelina, Bowie, Camp, Cass, Chambers, Franklin, Freestone, Gregg, Hardin, Harris, Harrison, Jasper, Jefferson, Lamar, Leon, Liberty, Madison, Marion, Montgomery, Morris, Nacogdoches, Navarro, Newton, Orange, Panola, Polk, Red River, Sabine, San Augustine, San Jacinto, Shelby, Titus, Trinity, Tyler, Upshur, or Walker County, the public fresh water of the Neches or Trinity River in Houston County, the public fresh water of the Colorado River in Bastrop, Colorado, Fayette, Matagorda, or Wharton County, or the public fresh water of Falcon Lake in Starr or Zapata County.

SECTION 56. The following provisions are repealed:

(1) Section 12.0178, Agriculture Code;

(2) Sections 12.026(c) and (d), Agriculture Code;

(3) Sections 15.006, 45.009, and 46.010, Agriculture Code;

(4) Section 47.051(1), Agriculture Code;

(5) Sections 47.053, 49.006, and 50B.002, Agriculture Code;

(6) Sections 74.003(d), 74.0031(a), 74.120(d), and 102.167(e), Agriculture Code;

(7) Section 134.003, Agriculture Code;

(8) Section 134.005(b), Agriculture Code;

(9) Sections 134.006, 134.011, 134.012, 134.014, 134.015, and 134.019, Agriculture Code;

(10) Chapter 42, Agriculture Code;

(11) Subchapter P, Chapter 487, Government Code;

(12) Subchapter R, Chapter 487, Government Code; and

(13) Chapter 116, Health and Safety Code.

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

(b) As soon as practicable after the effective date of this

Act, the Department of Agriculture shall repeal all rules relating to a license issued under former Section 134.011 or 134.012, Agriculture Code.

(c) 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. Not later than December 31, 2022, the Texas Department of Agriculture, in consultation with the standing Sunset Advisory Commission, shall 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. This report shall 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. In conducting the study, the department, in partnership with the Sunset Commission, may consult with any interested organizations, associations, and stakeholders. The department shall submit the report to each standing Sunset Commission member, including the Sunset Advisory Commission, Speaker of the House, Lieutenant Governor, and the Office of the Governor.

SECTION 59. Not later than January 1, 2022, the commissioner of agriculture shall appoint the members of the citrus budwood advisory council under Section 19.005, Agriculture Code, as reenacted and amended by this Act. The advisory council is re-created on the date the commissioner of agriculture makes the appointments required by this section, notwithstanding any previous abolishment under Section 2110.008, Government Code.

SECTION 60. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 61. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 703 passed the Senate on April 19, 2021, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 29, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 703 passed the House, with amendments, on May 23, 2021, by the following vote: Yeas 144, Nays 1, one present not voting.

Approved:

Date

Governor