

BILL ANALYSIS

Senate Research Center

H.B. 2024
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Government Organization
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Veterinary Medical Diagnostic Laboratory (laboratory) performs diagnostic testing to identify conditions and diseases affecting animal health to assist appropriate state or federal regulatory agencies in acting to avert potential epidemics. The laboratory's main functions include providing diagnostic testing services and disease surveillance, conducting sampling testing for poultry flocks under the Texas Pullorum-Typhoid Program, and performing drug testing for horses and greyhounds participating in pari-mutuel races.

The laboratory is subject to the Sunset Act and will be abolished on September 1, 2007, unless continued by the legislature. The Sunset Advisory Commission (SAC) reviewed the laboratory and found that the laboratory's limited statute does not address its basic mission. The limited statutory framework provided to the laboratory has allowed the laboratory freedom to perform its tasks largely as it determines and to respond quickly to changing conditions; however, this flexibility has come at the expense of accountability.

H.B. 2024 enacts SAC recommendations relating to the Texas Veterinary Medical Diagnostic Laboratory. The bill continues the laboratory as an independent agency within the Texas A&M System but removes the laboratory from Sunset review, designates the laboratory as the state plan coordinator for the National Poultry Improvement Plan, requires the laboratory to provide notice and opportunity for public comment when developing its fee schedule, and clarifies the laboratory's current powers and duties in statute.

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. Redesignates Subchapter I, Chapter 88, Education Code, as added by Chapter 388, Acts of the 76th Legislature, Regular Session, 1999, as Subchapter I-1, Chapter 88, Education Code, and amends it as follows:

SUBCHAPTER I-1. TEXAS VETERINARY MEDICAL DIAGNOSTIC LABORATORY

Sec. 88.701. TEXAS VETERINARY MEDICAL DIAGNOSTIC LABORATORY. Deletes existing text providing that the agency is not a part of the Texas A&M University System. Makes conforming changes.

Sec. 88.702. EXECUTIVE DIRECTOR AND EMPLOYEES. Makes no changes to this section.

Sec. 88.703. SUNSET PROVISION. Deletes this section.

Sec. 88.704. CONFLICT OF INTEREST. (a) Defines "Texas trade association."

(b) Prohibits a person from serving as the executive director of the Texas Veterinary Medical Diagnostic Laboratory (executive director; laboratory) and prohibits a person from being an employee of the laboratory employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for

purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) if the person or the person's spouse is an officer, employee, or paid consultant of a Texas trade association in the field of veterinary medicine.

(c) Prohibits a person from serving as the executive director or acting as the general counsel to the laboratory if the person is required to register as a lobbyist under Chapter 305 (Registration of Lobbyists), Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the laboratory.

Sec. 88.705. **USE OF TECHNOLOGY.** Requires the executive director to implement a policy requiring the laboratory to use appropriate technological solutions to improve the laboratory's ability to perform its functions. Provides that the policy must ensure that the public is able to interact with the laboratory on the Internet.

Sec. 88.706. **NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE RESOLUTION.** (a) Requires the executive director to develop and implement a policy to encourage the use of negotiated rulemaking procedures under Chapter 2008 (Negotiated Rulemaking), Government Code, for the adoption of rules by the laboratory and appropriate alternative dispute resolution procedures under Chapter 2009 (Alternative Dispute Resolution for Use by Governmental Bodies), Government Code, to assist in the resolution of internal and external disputes under the laboratory's jurisdiction.

(b) Provides that the laboratory's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) Requires the executive director to designate a trained person to perform certain tasks.

Sec. 88.707. **FEES.** (a) Created from existing text.

(b) Authorizes the laboratory to adopt a fee or change the amount of a fee only under certain circumstances.

Sec. 88.708. **POWERS AND DUTIES.** (a) Requires the laboratory to perform certain duties.

(b) Authorizes the laboratory to provide diagnostic testing services for pets and other domestic animals or out-of-state clients only when and to the extent that laboratory resources are not required for diagnostic testing services for livestock in this state.

Sec. 88.709. **COMPLAINTS.** (a) Requires the laboratory to maintain a system to promptly and efficiently act on complaints filed with the laboratory. Requires the laboratory to maintain certain information about each complaint.

(b) Requires the laboratory to make information available describing the laboratory's procedures for complaint investigation and resolution.

(c) Requires the laboratory to periodically notify the parties to a complaint of the status of the complaint until final disposition.

Sec. 88.710. **PLAN COORDINATOR; NATIONAL POULTRY IMPROVEMENT PLAN.** (a) Provides that the poultry programs administrator for the laboratory serves as the state plan coordinator for the National Poultry Improvement Plan.

(b) Requires the state plan coordinator to work with the Texas Poultry Improvement Board in the administration of the National Poultry Improvement Plan.

SECTION 2. Effective date: September 1, 2007.