

BILL ANALYSIS

C.S.S.B. 911
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Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Animal Health Commission works to prevent, control, and eradicate disease in Texas livestock, exotic livestock, domestic fowl, and exotic fowl. The Legislature established the Texas Animal Health Commission – originally named the Texas Livestock Sanitary Commission – in 1893 to fight the tick fever epidemic, which resulted in a federal quarantine of Texas cattle and threatened to cripple the State’s economy. Since then, the Commission’s responsibilities have remained consistent, although the Legislature has expanded the animals under the Commission’s jurisdiction beyond cattle, and added to the list of diseases that the Commission works to control. The Commission’s main functions include protecting livestock, exotic livestock, domestic fowl, and exotic fowl from domestic, foreign, and emerging animal diseases; increasing the marketability of Texas livestock, exotic livestock, domestic fowl, and exotic fowl commodities worldwide; promoting and ensuring animal health and productivity; protecting human health from animal diseases and conditions that are transmissible to people; and preparing for and responding to emergencies involving animals.

The Commission is subject to the Sunset Act and will be abolished on September 1, 2007, unless continued by the Legislature. The Sunset review found that the State has a continuing need for the Commission, but that the Commission needs better tools, flexibility, and clear authority to adapt to a changing animal health environment, C.S.S.B. 911 takes care of these needs.

RULEMAKING AUTHORITY

Rulemaking authority is expressly delegated to the Texas Animal Health Commission in C.S.S.B. 911, in SECTION 1, SECTION 9, SECTION 12, SECTION 13, SECTION 15, and SECTION 19.

ANALYSIS

Clarifies the Commission’s role in preparing for and responding to natural or man-made emergencies

C.S.S.B. 911 authorizes the Commission to plan for, prepare for, and respond to both natural and man-made emergencies that may have an impact on livestock, exotic livestock, domestic fowl, and exotic fowl.

C.S.S.B. 911 also authorizes the Commission to impose a statewide or widespread quarantine on livestock, exotic livestock, domestic fowl, and exotic fowl when needed to prevent or contain a disease outbreak and to, by rule, prescribe the manner for posting notice of a statewide or widespread quarantine. Other existing quarantine provisions would apply to statewide or widespread quarantines. The bill authorizes the Commission to delegate its statewide or widespread quarantine authority, by rule, to the executive director.

C.S.S.B. 911 clarifies the Commission’s authority to determine the appropriate method of carcass disposal for diseased livestock, exotic livestock, domestic fowl, and exotic fowl and requires the Commission to prescribe the methods for carcass disposal by rule. The bill includes a provision in the Water Code to clarify that diseased poultry carcass disposal is governed by section 161.004 of the Agriculture Code, which provides for the Animal Health Commission’s authority to dispose of diseased animal carcasses. The bill authorizes the Commission to delegate its carcass disposal authority, by rule, to the executive director. C.S.S.B. 911 requires the Commission to adopt rules for carcass disposal by January 1, 2008.

Clarifies the Commission’s authority to address diseases in other species that threaten livestock, exotic livestock, domestic fowl, and exotic fowl

C.S.S.B. 911 clarifies that the Commission has authority to act to prevent, control, or eradicate diseases that affect livestock, exotic livestock, domestic fowl, and exotic fowl, regardless of what species carries the disease. Existing rule making authority to carry out disease eradication or control functions applies, as well as existing rules concerning testing, movement, inspection, and treatment. Authority to control or eradicate a disease in an animal species not under the Commission’s jurisdiction is limited to instances when a disease that threatens livestock, exotic livestock, domestic fowl, or exotic fowl has been

confirmed or is suspected to exist in that species and the Commission determines that a threat to livestock, exotic livestock, domestic fowl, or exotic fowl exists.

Clarifies the Commission's authority to register feral swine holding facilities and regulate movement of feral swine for disease-control purposes

C.S.S.B. 911 clarifies that the Commission can regulate the movement of feral swine as a disease-control measure, as well as authorizes the Commission to register feral swine holding facilities. The Commission must adopt rules regarding registration requirements, provisions for the issuance, revocation, and renewal of a registration, disease testing, inspections, recordkeeping, construction standards, location limitations, provisions relating to the treatment of swine in and movement of swine to or from a feral swine holding facility, and disease testing prior to movement of feral swine. Rules may only be adopted for disease-control purposes, and would not interfere with the authority of the Texas Parks and Wildlife Department to regulate the hunting and trapping of feral swine.

Requires the Commission to establish an agencywide compliance policy and improve public information regarding its compliance process

C.S.S.B. 911 requires the Commission to establish, in rule, an agencywide compliance policy and internal operating procedures to guide compliance activities. The bill also requires the Commission to provide information regarding the process for accepting complaints on its website.

Public Access at Commission Meetings

C.S.S.B. 911 requires the Commission to hold its public meetings in locations that provide adequate access to the public, as well as to post its audio archives of Commission meetings on its website.

Applies standard Sunset across-the-board recommendations

C.S.S.B. 911 adds standard Sunset language requiring the Commission to make effective use of technology in its delivery of services and provision of information to the public and requiring the Commission to develop a policy that encourages the use of negotiated rulemaking and alternative dispute resolution. The bill also updates standard Sunset language regarding public members on the Commission not having financial ties to the agency or the regulated industry; prohibiting Commission members, high-level employees, and spouses from holding certain positions in a related Texas trade association; specifying grounds for removing a Commission member; requiring members of the Commission to complete training before assuming their duties; and requiring the Commission to maintain information on all complaints and notify the parties about policies for and status of complaints.

Sunset Compliance

The bill requires the Commission to comply with and implement nonstatutory recommendations adopted by the Sunset Commission that relate to the Commission and requires the Commission to report to the Sunset Commission regarding its implementation of these nonstatutory recommendations no later than November 1, 2008.

Continuation of the Commission

C.S.S.B. 911 changes the Commission's Sunset review date to 2019 to continue the agency for 12 years.

EFFECTIVE DATE

September 1, 2007, except the change in law made by this Act to Section 161.004, Agriculture Code, takes effect January 1, 2008.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.S.B. 911 removes language providing that Chapter 149 of the Agriculture Code, which governs the sale, possession, and transfer of horsemeat, does not apply to animals tested by the Commission under section 161.055 of the Agriculture Code, which provides for the Animal Health Commission's authority to require slaughter plants to collect blood samples for testing for disease.

C.S.S.B. 911 adds language requiring the Commission to hold its public meetings in locations that provide adequate access to the public, as well as to post its audio archives of Commission meetings on its website.