

By: Kolkhorst (Senate Sponsor - Estes) H.B. No. 2024
(In the Senate - Received from the House April 10, 2007;
April 11, 2007, read first time and referred to Committee on
Government Organization; April 24, 2007, reported favorably by the
following vote: Yeas 6, Nays 0; April 24, 2007, sent to printer.)

A BILL TO BE ENTITLED
AN ACT

relating to the continuation and functions of the Texas Veterinary
Medical Diagnostic Laboratory.

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

SECTION 1. Subchapter I, Chapter 88, Education Code, as
added by Chapter 388, Acts of the 76th Legislature, Regular
Session, 1999, is redesignated as Subchapter I-1, Chapter 88,
Education Code, and amended to read as follows:

SUBCHAPTER I-1 [~~±~~]. TEXAS VETERINARY MEDICAL DIAGNOSTIC LABORATORY
Sec. 88.701. TEXAS VETERINARY MEDICAL DIAGNOSTIC
LABORATORY. [~~(a)~~] The Texas Veterinary Medical Diagnostic
Laboratory is a state agency under the jurisdiction and supervision
of the board.

~~[(b) The agency is not a part of The Texas A&M University
System.]~~

Sec. 88.702. EXECUTIVE DIRECTOR AND EMPLOYEES. (a) The
board shall staff the Texas Veterinary Medical Diagnostic
Laboratory with an executive director and other employees necessary
for the agency to properly function.

(b) The executive director and employees are eligible to
participate in the retirement systems and personnel benefits
available to employees of The Texas A&M University System.

~~[Sec. 88.703. SUNSET PROVISION. The Texas Veterinary
Medical Diagnostic Laboratory is subject to Chapter 325, Government
Code (Texas Sunset Act). Unless continued in existence as provided
by that chapter, the laboratory is abolished and this subchapter
expires September 1, 2007.]~~

Sec. 88.704. CONFLICT OF INTEREST. (a) In this section,
"Texas trade association" means a cooperative and voluntarily
joined statewide association of business competitors in this state
designed to assist its members and its industry in dealing with
mutual business or professional problems and in promoting their
common interest.

(b) A person may not serve as the executive director of the
Texas Veterinary Medical Diagnostic Laboratory and may not be 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:

(1) the person is an officer, employee, or paid
consultant of a Texas trade association in the field of veterinary
medicine; or

(2) the person's spouse is an officer, manager, or paid
consultant of a Texas trade association in the field of veterinary
medicine.

(c) A person may not serve as the executive director or act
as the general counsel to the laboratory if the person is required
to register as a lobbyist under Chapter 305, 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. The executive director
shall implement a policy requiring the Texas Veterinary Medical
Diagnostic Laboratory to use appropriate technological solutions
to improve the laboratory's ability to perform its functions. 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) The executive director of the Texas Veterinary Medical Diagnostic Laboratory shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of rules by the laboratory; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the laboratory's jurisdiction.

(b) 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) The executive director shall designate a trained person to:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) serve as a resource for any training needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures, as implemented by the laboratory.

Sec. 88.707 [~~88.704~~]. FEES. (a) The Texas Veterinary Medical Diagnostic Laboratory may charge and collect fees for goods and services the laboratory provides to any person, including a governmental entity.

(b) The laboratory may adopt a fee or change the amount of a fee only after the laboratory:

(1) at least 30 days before the date the laboratory adopts the fee or changes the amount of the fee, provides notice of the proposed fee:

(A) in any newsletter distributed by the laboratory; and

(B) on the laboratory's Internet website;

(2) provides the public a reasonable opportunity to submit written comments on the proposed fee or fee amount; and

(3) considers all public comments received under Subdivision (2).

Sec. 88.708. POWERS AND DUTIES. (a) The Texas Veterinary Medical Diagnostic Laboratory shall:

(1) provide diagnostic testing to aid in the identification of diseases affecting animals;

(2) provide testing to facilitate the international, intrastate, or interstate shipment of animals;

(3) identify and monitor disease epidemics in animals;

(4) assist livestock owners and veterinarians to identify, diagnose, and treat disease and other animal health matters, including matters that could affect human health;

(5) report the identification of a disease or other animal health matter, including a matter that could affect human health, to the appropriate state or federal agency or official as required by law;

(6) disseminate to veterinarians, animal owners, and the public news and other information, including information relating to general trends in animal health derived from diagnostic testing, that the laboratory determines appropriate concerning animal disease outbreaks and other animal health matters, including matters that could affect human health; and

(7) perform other functions as provided by law or that the laboratory determines necessary or appropriate to provide diagnostics, surveillance, and reporting of diseases affecting animals.

(b) The laboratory may 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) The Texas Veterinary

Medical Diagnostic Laboratory shall maintain a system to promptly and efficiently act on complaints filed with the laboratory. The laboratory shall maintain information about each complaint that includes:

- (1) the parties to the complaint;
- (2) the subject matter of the complaint;
- (3) a summary of the results of the review or investigation of the complaint; and
- (4) the disposition of the complaint.

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

(c) The laboratory shall 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) The poultry programs administrator for the Texas Veterinary Medical Diagnostic Laboratory serves as the state plan coordinator for the National Poultry Improvement Plan.

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

SECTION 2. This Act takes effect September 1, 2007.

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