

By: Kolkhorst

H.B. No. 2543

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and operation of the Texas Animal Health Commission; providing penalties.

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

SECTION 1. Section 161.004, Agriculture Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) A person who is the owner or caretaker of livestock, exotic livestock, domestic fowl, or exotic fowl that die from a disease listed in Section 161.041 [~~of this code~~], or who owns or controls the land on which the livestock, exotic livestock, domestic fowl, or exotic fowl die or on which the carcasses are found, shall dispose of the carcasses in the manner required by the commission under this section [~~, within 24 hours after the carcasses are found:~~

~~(1) bury the carcass of each animal by digging a grave five feet deep, placing the carcass in the grave, covering the carcass with lime, and filling the grave with dirt, or~~

~~(2) set fire to the carcass of each animal and burn it until it is thoroughly consumed].~~

(c) The commission shall:

(1) determine the most effective methods of disposing of diseased carcasses, including methods other than burning or burial; and

1 (2) by rule prescribe the method or methods that a
2 person may use to dispose of a carcass as required by Subsection
3 (a).

4 (d) The commission by rule may delegate its authority under
5 this section to the executive director.

6 SECTION 2. Section 161.021(d), Agriculture Code, is amended
7 to read as follows:

8 (d) A person is not eligible for appointment as a public
9 member of the commission if the person or the person's spouse:

10 (1) is registered, certified, or licensed by the
11 commission;

12 (2) is employed by or participates in the management
13 of a business entity or other organization regulated by the
14 commission or receiving money [~~funds~~] from the commission;

15 (3) owns or controls, directly or indirectly, more
16 than a 10 percent interest in a business entity or other
17 organization regulated by [~~the commission~~] or receiving money
18 [~~funds~~] from the commission; or

19 (4) uses or receives a substantial amount of tangible
20 goods, services, or money [~~funds~~] from the commission, other than
21 compensation or reimbursement authorized by law for commission
22 membership, attendance, or expenses.

23 SECTION 3. Section 161.023, Agriculture Code, is amended by
24 adding Subsection (c) to read as follows:

25 (c) A person appointed to the commission is entitled to
26 reimbursement, as provided by the General Appropriations Act, for
27 the travel expenses incurred in attending the training program,

1 regardless of whether attendance at the program occurs before or
2 after the person qualifies for the office.

3 SECTION 4. Section 161.027, Agriculture Code, is amended to
4 read as follows:

5 Sec. 161.027. SUNSET PROVISION. The Texas Animal Health
6 Commission is subject to Chapter 325, Government Code (Texas Sunset
7 Act). Unless continued in existence as provided by that chapter,
8 the commission is abolished September 1, 2019 [~~2007~~].

9 SECTION 5. Subchapter B, Chapter 161, Agriculture Code, is
10 amended by adding Section 161.0275 to read as follows:

11 Sec. 161.0275. COMPLIANCE WITH SUNSET RECOMMENDATIONS. (a)
12 The commission shall:

13 (1) comply with and implement the management action
14 recommendations regarding the commission adopted by the Sunset
15 Advisory Commission on August 8, 2006, as a result of its review of
16 the commission; and

17 (2) report to the Sunset Advisory Commission not later
18 than November 1, 2008, the information the commission requires
19 regarding the commission's implementation of the recommendations
20 under Subdivision (1).

21 (b) This section expires June 1, 2009.

22 SECTION 6. Section 161.028, Agriculture Code, is amended to
23 read as follows:

24 Sec. 161.028. RESTRICTIONS ON COMMISSION APPOINTMENT,
25 MEMBERSHIP, AND EMPLOYMENT. (a) In this section, "Texas trade
26 association" means a cooperative and voluntarily joined statewide
27 association of business or professional competitors in this state

1 designed to assist its members and its industry or profession in
2 dealing with mutual business or professional problems and in
3 promoting their common interest. The term does not include an
4 association formed to benefit or promote a particular breed of
5 livestock, exotic livestock, domestic fowl, or exotic fowl [~~An~~
6 ~~employee or paid consultant of the Texas Poultry Federation or a~~
7 ~~statewide Texas trade association in the field of livestock~~
8 ~~production may not be a member of the commission or an employee of~~
9 ~~the commission who is exempt from the state's position~~
10 ~~classification plan or is compensated at or above the amount~~
11 ~~prescribed by the General Appropriations Act for step 1, salary~~
12 ~~group 17, of the position classification salary schedule].~~

13 (b) A person may not be a member of the commission and may
14 not be a commission employee in a "bona fide executive,
15 administrative, or professional capacity," as that phrase is used
16 for purposes of establishing an exemption to the overtime
17 provisions of the federal Fair Labor Standards Act of 1938 (29
18 U.S.C. Section 201 et seq.), if:

19 (1) the person is an officer, employee, or paid
20 consultant of a Texas trade association in the field of livestock
21 production, exotic livestock production, domestic fowl production,
22 or exotic fowl production; or

23 (2) the person's spouse is an officer, manager, or paid
24 consultant of a [~~who is the spouse of a manager or paid consultant~~
25 ~~of the Texas Poultry Federation or a statewide] Texas trade
26 association in the field of livestock production, exotic livestock
27 production, domestic fowl production, or exotic fowl production~~

1 ~~[may not be a commission member and may not be a commission employee~~
2 ~~who is exempt from the state's position classification plan or is~~
3 ~~compensated at or above the amount prescribed by the General~~
4 ~~Appropriations Act for step 1, salary group 17, of the position~~
5 ~~classification salary schedule].~~

6 (c) ~~[For the purposes of this section, a Texas trade~~
7 ~~association is a nonprofit, cooperative, and voluntarily joined~~
8 ~~association of business or professional competitors in this state~~
9 ~~designed to assist its members and its industry or profession in~~
10 ~~dealing with mutual business or professional problems and in~~
11 ~~promoting their common interest. A Texas trade association does~~
12 ~~not include an association formed to benefit or promote a~~
13 ~~particular breed of livestock or exotic livestock.~~

14 ~~[(d)]~~ A person may not serve as a member of the commission or
15 act as the general counsel to the commission or the agency if the
16 person is required to register as a lobbyist under Chapter 305,
17 Government Code, because of the person's activities for
18 compensation on behalf of a profession related to the operation of
19 the commission.

20 SECTION 7. Sections 161.029(a) and (c), Agriculture Code,
21 are amended to read as follows:

22 (a) It is a ground for removal from the commission if a
23 member:

24 (1) does not have at the time of appointment the
25 qualifications required by Section 161.021 ~~[of this code]~~;

26 (2) does not maintain during service on the commission
27 the qualifications required by Section 161.021 ~~[of this code]~~;

1 (3) is ineligible for membership under [~~violates a~~
2 ~~prohibition established by~~] Section 161.028 [~~of this code~~];

3 (4) cannot discharge the member's duties for a
4 substantial part of the term for which the member is appointed
5 because of illness or disability; or

6 (5) is absent from more than half of the regularly
7 scheduled commission meetings that the member is eligible to attend
8 during a calendar year unless that absence is excused by a majority
9 vote of the commission.

10 (c) If the executive director has knowledge that a potential
11 ground for removal exists, the executive director shall notify the
12 presiding officer of the commission of the potential ground. The
13 presiding officer shall then notify the governor and the attorney
14 general that a potential ground for removal exists. If the
15 potential ground for removal involves the presiding officer, the
16 executive director shall notify the next highest officer of the
17 commission, who shall notify the governor and the attorney general
18 that a potential ground for removal exists.

19 SECTION 8. Section 161.033, Agriculture Code, is amended to
20 read as follows:

21 Sec. 161.033. PUBLIC INTEREST INFORMATION AND COMPLAINTS.

22 (a) The commission shall maintain a system to promptly and
23 efficiently act on complaints filed with the commission. The
24 commission shall maintain information about parties to the
25 complaint, the subject matter of the complaint, a summary of the
26 results of the review or investigation of the complaint, and its
27 disposition [~~prepare information of public interest describing the~~

1 ~~functions of the commission and the commission's procedures by~~
2 ~~which complaints are filed with and resolved by the commission. The~~
3 ~~commission shall make the information available to the public and~~
4 ~~appropriate state agencies].~~

5 (b) The commission shall make information available
6 describing its procedures for complaint investigation and
7 resolution [~~by rule shall establish methods by which consumers and~~
8 ~~licensees or permittees are notified of the name, mailing address,~~
9 ~~and telephone number of the commission for the purpose of directing~~
10 ~~complaints to the commission. The commission may provide for that~~
11 ~~notification:~~

12 [~~(1) on each registration form, application, or~~
13 ~~written contract for services of an individual or entity regulated~~
14 ~~under this chapter; or~~

15 [~~(2) in a bill for service provided by an individual or~~
16 ~~entity regulated under this chapter].~~

17 (c) The commission shall periodically notify the parties to
18 a complaint of the status of the complaint until its final
19 disposition [~~keep a file about each written complaint filed with~~
20 ~~the commission that the commission has authority to resolve. The~~
21 ~~commission shall provide to the person filing the complaint and the~~
22 ~~persons or entities complained about the commission's policies and~~
23 ~~procedures pertaining to complaint investigation and resolution.~~
24 ~~The commission, at least quarterly and until final disposition of~~
25 ~~the complaint, shall notify the person filing the complaint and the~~
26 ~~persons or entities complained about of the status of the complaint~~
27 ~~unless the notice would jeopardize an undercover investigation.~~

1 ~~[(d) The commission shall keep information about each~~
2 ~~complaint filed with the commission. The information shall~~
3 ~~include:~~

4 ~~[(1) the date the complaint is received,~~

5 ~~[(2) the name of the complainant,~~

6 ~~[(3) the subject matter of the complaint,~~

7 ~~[(4) a record of all persons contacted in relation to~~
8 ~~the complaint,~~

9 ~~[(5) a summary of the results of the review or~~
10 ~~investigation of the complaint, and~~

11 ~~[(6) for complaints for which the agency took no~~
12 ~~action, an explanation of the reason the complaint was closed~~
13 ~~without action].~~

14 SECTION 9. (a) Section 161.034, Agriculture Code, is
15 amended by adding Subsections (c) and (d) to read as follows:

16 (c) Each meeting of the commission must be held in a
17 location that provides adequate access to members of the public.

18 (d) The commission shall post audio archives of its meetings
19 on the commission's Internet website.

20 (b) Section 161.034(d), Agriculture Code, as added by
21 Subsection (a) of this section, applies only to a meeting of the
22 Animal Health Commission held on or after September 1, 2007.

23 SECTION 10. Subchapter B, Chapter 161, Agriculture Code, is
24 amended by adding Sections 161.0335, 161.0336, 161.039, and 161.040
25 to read as follows:

26 Sec. 161.0335. TECHNOLOGY POLICY. The commission shall
27 implement a policy requiring the commission to use appropriate

1 technological solutions to improve the commission's ability to
2 perform its functions. The policy must ensure that the public is
3 able to interact with the commission on the Internet.

4 Sec. 161.0336. INFORMATION RELATING TO COMPLAINT
5 PROCEDURES. The commission shall:

6 (1) post information about its complaint procedures on
7 the home page of the Internet website maintained by the commission;

8 (2) post specific information on how to file a
9 complaint, what types of information to provide with the complaint,
10 and a description of the complaint process; and

11 (3) explain on that website what types of complaints
12 the commission has authority to resolve, distinguishing those from
13 complaints that the commission does not have authority to resolve.

14 Sec. 161.039. COMPLIANCE POLICY AND INTERNAL OPERATING
15 PROCEDURES. (a) The commission by rule shall adopt agencywide
16 compliance policies and internal operating procedures and convey
17 those policies and procedures to all officers and employees of the
18 commission.

19 (b) The commission by rule shall adopt clearly defined and
20 uniform procedures addressing compliance with this chapter and
21 commission rules. The compliance procedures shall include the
22 commission's process for:

23 (1) receiving and consistently responding to
24 complaints from the public and officers and employees of the
25 commission;

26 (2) checking for previous violations whenever a
27 complaint is filed;

1 (3) involving a supervisor in the approval of key
2 compliance decisions; and

3 (4) regularly updating complainants on the status of
4 their complaints.

5 Sec. 161.040. RULEMAKING AND DISPUTE RESOLUTION
6 PROCEDURES. (a) The commission shall develop and implement a policy
7 to encourage the use of:

8 (1) negotiated rulemaking procedures under Chapter
9 2008, Government Code, for the adoption of commission rules; and

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

14 (b) The commission's procedures relating to alternative
15 dispute resolution must conform, to the extent possible, to any
16 model guidelines issued by the State Office of Administrative
17 Hearings for the use of alternative dispute resolution by state
18 agencies.

19 (c) The commission shall designate a trained person to:

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

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

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

27 SECTION 11. Section 161.041, Agriculture Code, is amended

1 by amending Subsections (a), (b), (c), and (d) and adding
2 Subsections (f) and (g) to read as follows:

3 (a) The commission shall protect all livestock, exotic
4 livestock [~~domestic animals~~], [~~and~~] domestic fowl, and exotic fowl
5 from the following:

- 6 (1) tuberculosis;
- 7 (2) anthrax;
- 8 (3) glanders;
- 9 (4) infectious abortion;
- 10 (5) hemorrhagic septicemia;
- 11 (6) hog cholera;
- 12 (7) Malta fever;
- 13 (8) foot-and-mouth disease;
- 14 (9) rabies among animals other than canines;
- 15 (10) bacillary white diarrhea among fowl;
- 16 (11) equine infectious anemia; and
- 17 (12) other diseases recognized as communicable by the
18 veterinary profession.

19 (b) The commission may act to eradicate or control any
20 disease or agent of transmission for any disease that affects
21 livestock, exotic livestock, [~~domestic animals~~], domestic fowl, or
22 exotic fowl, [~~or canines~~] regardless of whether the disease is
23 communicable, even if the agent of transmission is an animal
24 species that is not subject to the jurisdiction of the commission.
25 The commission may adopt any rules necessary to carry out the
26 purposes of this subsection, including rules concerning testing,
27 movement, inspection, and treatment.

1 (c) A person commits an offense if the person knowingly
2 fails to handle, in accordance with rules adopted by the
3 commission, livestock, exotic livestock, domestic fowl, or exotic
4 fowl [~~an animal~~] infected with a disease listed in Subsection (a)
5 [~~of this section~~].

6 (d) A person commits an offense if the person knowingly
7 fails to identify or refuses to permit an agent of the commission to
8 identify, in accordance with rules adopted by the commission,
9 livestock, exotic livestock, domestic fowl, or exotic fowl [~~an~~
10 ~~animal~~] infected with a disease listed in Subsection (a) [~~of this~~
11 ~~section~~].

12 (f) In complying with this section, the commission may not
13 infringe on or supersede the authority of any other agency of this
14 state, including the authority of the Parks and Wildlife Department
15 relating to wildlife. If a conflict of authority occurs, the
16 commission shall assume responsibility for disease control
17 efforts, but work collaboratively with the other agency to enable
18 each agency to effectively carry out its responsibilities.

19 (g) The commission's authority to control or eradicate an
20 agent of transmission that is an animal species that is not subject
21 to the jurisdiction of the commission is limited to instances when a
22 disease that threatens livestock, exotic livestock, domestic fowl,
23 or exotic fowl has been confirmed or is suspected to exist in that
24 species and the commission determines that a serious threat to
25 livestock, exotic livestock, domestic fowl, or exotic fowl exists.

26 SECTION 12. Subchapter C, Chapter 161, Agriculture Code, is
27 amended by adding Sections 161.0412 and 161.0416 to read as

1 follows:

2 Sec. 161.0412. REGULATION AND REGISTRATION OF FERAL SWINE
3 HOLDING FACILITIES. (a) The commission may, for disease control
4 purposes, require the registration of feral swine holding
5 facilities.

6 (b) To prevent the spread of disease, the commission may
7 require a person to register with the commission if the person
8 confines feral swine in a holding facility for slaughter, sale,
9 exhibition, hunting, or any other purpose specified by commission
10 rule.

11 (c) Rules adopted under this section shall include
12 registration requirements, provisions for the issuance,
13 revocation, and renewal of a registration, disease testing,
14 inspections, recordkeeping, construction standards, location
15 limitations, and provisions relating to the treatment of swine in
16 and movement of swine to or from a feral swine holding facility.

17 (d) Rules authorized by this section may be adopted only for
18 disease-control purposes.

19 Sec. 161.0416. EMERGENCY MANAGEMENT. (a) The commission may
20 prepare and plan for, respond to, and aid in the recovery from
21 disaster events that may affect livestock, exotic livestock,
22 domestic fowl, or exotic fowl, including disease outbreaks,
23 hurricanes, floods, tornadoes, wildfires, and acts of terrorism.

24 (b) The commission may assist with local emergency
25 management planning. This subsection may not be construed to
26 affect the commission's responsibility under any other law,
27 including Chapter 418, Government Code, or any responsibility

1 delegated to the commission by an emergency management authority of
2 this state.

3 SECTION 13. Section 161.054, Agriculture Code, is amended
4 to read as follows:

5 Sec. 161.054. REGULATION OF MOVEMENT OF ANIMALS; EXCEPTION.

6 (a) As a control measure, the commission by rule may regulate the
7 movement of animals, including feral swine. The commission may
8 restrict the intrastate movement of animals, including feral swine,
9 even though the movement of the animals is unrestricted in
10 interstate or international commerce. The commission may require
11 testing, vaccination, or another epidemiologically sound procedure
12 before or after animals are moved.

13 (b) The commission by rule may prohibit or regulate the
14 movement of animals, including feral swine, into a quarantined
15 herd, premise, or area.

16 (c) The commission may not adopt a rule that prohibits a
17 person from moving animals, including feral swine, owned by that
18 person within unquarantined contiguous lands owned or controlled by
19 that person.

20 (d) On application of the owner of an animal, including a
21 feral swine, a restriction on the movement of the animal imposed
22 under this chapter may be modified by order of the executive
23 director of the commission if the owner demonstrates that the
24 restriction will result in unusual hardship for the owner. In
25 considering an application under this section, the executive
26 director may consider the effect of prolonged drought, inadequacy
27 of pasturage or unusual feed supply resulting from disaster or

1 other unforeseeable circumstances, or economic hardship.

2 (e) In connection with the regulation of the movement of
3 feral swine, the commission by rule may require disease testing
4 before movement of a feral swine from one location to another, and
5 establish the conditions under which feral swine may be
6 transported.

7 (f) The commission's authority to regulate the movement of
8 feral swine may not interfere with the authority of the Parks and
9 Wildlife Department to regulate the hunting or trapping of feral
10 swine.

11 SECTION 14. Section 161.062(a), Agriculture Code, is
12 amended to read as follows:

13 (a) Except as provided by Section 161.0615, the [The]
14 commission shall give notice of a quarantine against another state,
15 territory, or country by publishing notice in a newspaper published
16 in Texas. The quarantine takes effect on the date of publication.
17 The commission shall pay the expense of publication out of any
18 appropriation made for office and stationery expenses of the
19 commission.

20 SECTION 15. Subchapter D, Chapter 161, Agriculture Code, is
21 amended by adding Section 161.0615 to read as follows:

22 Sec. 161.0615. STATEWIDE OR WIDESPREAD QUARANTINE. (a) The
23 commission may quarantine livestock, exotic livestock, domestic
24 fowl, or exotic fowl in all or any part of this state as a means of
25 immediately restricting the movement of animals potentially
26 infected with disease and shall clearly describe the territory
27 included in a quarantine area.

1 (b) The commission by rule may delegate its authority to
2 quarantine livestock, exotic livestock, domestic fowl, or exotic
3 fowl under this section to the executive director, who shall
4 promptly notify the members of the commission of the quarantine.

5 (c) The commission by rule shall prescribe the manner in
6 which notice of a statewide or widespread quarantine under this
7 section is to be published.

8 SECTION 16. Subchapter H, Chapter 161, Agriculture Code, is
9 amended by adding Sections 161.1375 and 161.150 to read as follows:

10 Sec. 161.1375. MOVEMENT OF FERAL SWINE. (a) A person
11 commits an offense if the person recklessly:

12 (1) moves feral swine in a manner that is not in
13 compliance with rules adopted by the commission under Section
14 161.0412 or 161.054; or

15 (2) as the owner or person in charge of a holding
16 facility in which a feral swine is held, permits another to remove
17 feral swine from the holding facility in a manner that is not in
18 compliance with those rules.

19 (b) An offense under this section is a Class C misdemeanor
20 for each feral hog that is moved or permitted to be removed unless
21 it is shown on the trial of the offense that the defendant has been
22 previously convicted under this section, in which event the offense
23 is a Class B misdemeanor.

24 Sec. 161.150. FAILURE TO REGISTER FERAL SWINE HOLDING
25 FACILITIES; HOLDING OF FERAL SWINE. (a) A person commits an
26 offense if the person recklessly:

27 (1) maintains a feral swine holding facility that is

1 not registered under Section 161.0412; or

2 (2) as the owner or person in charge of a holding
3 facility that is not registered under Section 161.0412, holds or
4 permits another to hold a feral swine in the holding facility.

5 (b) Each feral swine held or permitted to be held in
6 violation of Subsection (a)(2) constitutes a separate offense.

7 (c) An offense under this section is a Class C misdemeanor
8 unless it is shown on the trial of the offense that the defendant
9 has been previously convicted under this section, in which event
10 the offense is a Class B misdemeanor.

11 SECTION 17. Section 26.303, Water Code, is amended by
12 amending Subsection (a) and adding Subsection (a-1) to read as
13 follows:

14 (a) Except as provided by Subsection (a-1), the [The]
15 commission by rule shall adopt requirements for the safe and
16 adequate handling, storage, transportation, and disposal of
17 poultry carcasses. The rules must:

18 (1) specify the acceptable methods for disposal of
19 poultry carcasses, including:

20 (A) placement in a landfill permitted by the
21 commission to receive municipal solid waste;

22 (B) composting;

23 (C) cremation or incineration;

24 (D) extrusion;

25 (E) on-farm freezing;

26 (F) rendering;

27 (G) cooking for swine food; and

1 (H) any other method the commission determines to
2 be appropriate;

3 (2) require poultry carcasses stored on the site of a
4 poultry facility to be stored in a varmint-proof receptacle to
5 prevent odor, leakage, or spillage;

6 (3) prohibit the storage of poultry carcasses on the
7 site of a poultry facility for more than 72 hours; and

8 (4) authorize the on-site burial of poultry carcasses
9 only in the event of a major die-off that exceeds the capacity of a
10 poultry facility to handle and dispose of poultry carcasses by the
11 normal means used by the facility.

12 (a-1) A rule adopted under Subsection (a) may not apply to
13 the disposal of carcasses of poultry that died as a result of a
14 disease, which is governed by Section 161.004, Agriculture Code.

15 SECTION 18. (a) In this section, "commission" means the
16 Texas Animal Health Commission.

17 (b) The commission and the Texas Veterinary Medical
18 Diagnostic Laboratory, in consultation with the United States
19 Department of Agriculture shall conduct a joint study regarding
20 this state's current and future capacity to perform disease testing
21 for livestock, exotic livestock, domestic fowl, and exotic fowl
22 during an animal disease outbreak or emergency. In conducting the
23 study, the designated agencies shall:

24 (1) determine the current testing capabilities and
25 capacity of animal health laboratories in this state;

26 (2) determine the current average time to conduct and
27 report tests for animal diseases, including the current average

1 time to report initial test results and required confirmation test
2 results conducted by the United States Department of Agriculture;

3 (3) project the capabilities and capacity of this
4 state's animal health laboratories that would be needed during a
5 statewide or nationwide animal disease outbreak over the next 20
6 years;

7 (4) assess the potential benefits of expanding or
8 combining existing animal health laboratories in this state,
9 including those operated in conjunction with the United States
10 Department of Agriculture and other cooperating entities;

11 (5) consider establishing or relocating animal health
12 laboratories in more accessible locations;

13 (6) consider the advisability of pursuing and
14 recommend incentives or other measures to promote the location of
15 additional federal animal health laboratories in this state;

16 (7) explore methods to reduce the average time to
17 report both initial testing results and federal confirmation
18 testing results for animal diseases; and

19 (8) project whether a change in the biosafety level,
20 as designated by the United States Department of Agriculture and
21 Centers for Disease Control and Prevention, is needed for animal
22 health laboratories in this state, based on projected future
23 testing capabilities and capacity levels.

24 (c) As part of the joint study, the commission shall
25 evaluate the research and information contained in the four
26 proposals submitted by groups in this state in 2006 to the United
27 States Department of Homeland Security for the National Bio and

1 Agro-Defense Facility to ensure that the study does not duplicate
2 the efforts of those entities.

3 (d) If, in reviewing the four proposals described by
4 Subsection (c) of this section, the commission determines that one
5 or more of the proposals are consistent with the results of the
6 commission's evaluation, the commission may support one or more of
7 the proposals as they relate to the regulatory efforts of the
8 commission and this state.

9 (e) If the United States Department of Homeland Security
10 selects one of the proposals described by Subsection (c) of this
11 section to house the national facility, the commission shall
12 integrate the research conducted as part of the joint study with the
13 research conducted as part of the selected proposal. The
14 commission shall also share its research and coordinate with the
15 group that submitted the selected proposal in relation to the
16 commission's and this state's regulatory efforts.

17 (f) The commission shall submit a report of the findings of
18 the joint study to the governor, the lieutenant governor, and the
19 speaker of the house of representatives as soon as practicable
20 after the decision-making process at the federal level is
21 completed, but not later than December 31, 2008.

22 (g) This section expires February 1, 2009.

23 SECTION 19. The changes in law made by this Act to Sections
24 161.021 and 161.028, Agriculture Code, do not affect the selection
25 or term of a member or public member of the Texas Animal Health
26 Commission appointed before September 1, 2007.

27 SECTION 20. (a) Except as provided by Subsection (b) of

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

3 (b) The Texas Animal Health Commission shall adopt the rules
4 required by Section 161.004, Agriculture Code, as amended by this
5 Act, as soon as practicable after the effective date of this Act,
6 but not later than January 1, 2008.

7 SECTION 21. (a) Except as otherwise provided by Subsection
8 (b) of this section, this Act takes effect September 1, 2007.

9 (b) Section 18 of this Act takes effect immediately if this
10 Act receives a vote of two-thirds of all the members elected to each
11 house, as provided by Section 39, Article III, Texas Constitution.
12 If this Act does not receive the vote necessary for Section 18 of
13 this Act to have immediate effect, Section 18 of this Act takes
14 effect September 1, 2007.