

1-1 By: Kolkhorst (Senate Sponsor - Ellis) H.B. No. 2543
1-2 (In the Senate - Received from the House May 8, 2007;
1-3 May 10, 2007, read first time and referred to Committee on
1-4 Government Organization; May 21, 2007, reported favorably by the
1-5 following vote: Yeas 4, Nays 0; May 21, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the continuation and operation of the Texas Animal
1-9 Health Commission; providing penalties.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 161.004, Agriculture Code, is amended by
1-12 amending Subsection (a) and adding Subsections (c) and (d) to read
1-13 as follows:

1-14 (a) A person who is the owner or caretaker of livestock,
1-15 exotic livestock, domestic fowl, or exotic fowl that die from a
1-16 disease listed in Section 161.041 [of this code], or who owns or
1-17 controls the land on which the livestock, exotic livestock,
1-18 domestic fowl, or exotic fowl die or on which the carcasses are
1-19 found, shall dispose of the carcasses in the manner required by the
1-20 commission under this section [~~within 24 hours after the carcasses~~
1-21 ~~are found~~].

1-22 [~~(1) bury the carcass of each animal by digging a grave~~
1-23 ~~five feet deep, placing the carcass in the grave, covering the~~
1-24 ~~carcass with lime, and filling the grave with dirt; or~~

1-25 [~~(2) set fire to the carcass of each animal and burn it~~
1-26 ~~until it is thoroughly consumed~~].

1-27 (c) The commission shall:

1-28 (1) determine the most effective methods of disposing
1-29 of diseased carcasses, including methods other than burning or
1-30 burial; and

1-31 (2) by rule prescribe the method or methods that a
1-32 person may use to dispose of a carcass as required by Subsection
1-33 (a).

1-34 (d) The commission by rule may delegate its authority under
1-35 this section to the executive director.

1-36 SECTION 2. Section 161.021(d), Agriculture Code, is amended
1-37 to read as follows:

1-38 (d) A person is not eligible for appointment as a public
1-39 member of the commission if the person or the person's spouse:

1-40 (1) is registered, certified, or licensed by the
1-41 commission;

1-42 (2) is employed by or participates in the management
1-43 of a business entity or other organization regulated by the
1-44 commission or receiving money [~~funds~~] from the commission;

1-45 (3) owns or controls, directly or indirectly, more
1-46 than a 10 percent interest in a business entity or other
1-47 organization regulated by [~~the commission~~] or receiving money
1-48 [~~funds~~] from the commission; or

1-49 (4) uses or receives a substantial amount of tangible
1-50 goods, services, or money [~~funds~~] from the commission, other than
1-51 compensation or reimbursement authorized by law for commission
1-52 membership, attendance, or expenses.

1-53 SECTION 3. Section 161.023, Agriculture Code, is amended by
1-54 adding Subsection (c) to read as follows:

1-55 (c) A person appointed to the commission is entitled to
1-56 reimbursement, as provided by the General Appropriations Act, for
1-57 the travel expenses incurred in attending the training program,
1-58 regardless of whether attendance at the program occurs before or
1-59 after the person qualifies for the office.

1-60 SECTION 4. Section 161.027, Agriculture Code, is amended to
1-61 read as follows:

1-62 Sec. 161.027. SUNSET PROVISION. The Texas Animal Health
1-63 Commission is subject to Chapter 325, Government Code (Texas Sunset
1-64 Act). Unless continued in existence as provided by that chapter,

2-1 the commission is abolished September 1, 2019 [~~2007~~].

2-2 SECTION 5. Subchapter B, Chapter 161, Agriculture Code, is
2-3 amended by adding Section 161.0275 to read as follows:

2-4 Sec. 161.0275. COMPLIANCE WITH SUNSET RECOMMENDATIONS. (a)
2-5 The commission shall:

2-6 (1) comply with and implement the management action
2-7 recommendations regarding the commission adopted by the Sunset
2-8 Advisory Commission on August 8, 2006, as a result of its review of
2-9 the commission; and

2-10 (2) report to the Sunset Advisory Commission not later
2-11 than November 1, 2008, the information the commission requires
2-12 regarding the commission's implementation of the recommendations
2-13 under Subdivision (1).

2-14 (b) This section expires June 1, 2009.

2-15 SECTION 6. Section 161.028, Agriculture Code, is amended to
2-16 read as follows:

2-17 Sec. 161.028. RESTRICTIONS ON COMMISSION APPOINTMENT,
2-18 MEMBERSHIP, AND EMPLOYMENT. (a) In this section, "Texas trade
2-19 association" means a cooperative and voluntarily joined statewide
2-20 association of business or professional competitors in this state
2-21 designed to assist its members and its industry or profession in
2-22 dealing with mutual business or professional problems and in
2-23 promoting their common interest. The term does not include an
2-24 association formed to benefit or promote a particular breed of
2-25 livestock, exotic livestock, domestic fowl, or exotic fowl [~~An~~
2-26 ~~employee or paid consultant of the Texas Poultry Federation or a~~
2-27 ~~statewide Texas trade association in the field of livestock~~
2-28 ~~production may not be a member of the commission or an employee of~~
2-29 ~~the commission who is exempt from the state's position~~
2-30 ~~classification plan or is compensated at or above the amount~~
2-31 ~~prescribed by the General Appropriations Act for step 1, salary~~
2-32 ~~group 17, of the position classification salary schedule].~~

2-33 (b) A person may not be a member of the commission and may
2-34 not be a commission employee in a "bona fide executive,
2-35 administrative, or professional capacity," as that phrase is used
2-36 for purposes of establishing an exemption to the overtime
2-37 provisions of the federal Fair Labor Standards Act of 1938 (29
2-38 U.S.C. Section 201 et seq.), if:

2-39 (1) the person is an officer, employee, or paid
2-40 consultant of a Texas trade association in the field of livestock
2-41 production, exotic livestock production, domestic fowl production,
2-42 or exotic fowl production; or

2-43 (2) the person's spouse is an officer, manager, or paid
2-44 consultant of a [~~who is the spouse of a manager or paid consultant~~
2-45 ~~of the Texas Poultry Federation or a statewide] Texas trade
2-46 association in the field of livestock production, exotic livestock
2-47 production, domestic fowl production, or exotic fowl production
2-48 [~~may not be a commission member and may not be a commission employee~~
2-49 ~~who is exempt from the state's position classification plan or is~~
2-50 ~~compensated at or above the amount prescribed by the General~~
2-51 ~~Appropriations Act for step 1, salary group 17, of the position~~
2-52 ~~classification salary schedule].~~~~

2-53 (c) [~~For the purposes of this section, a Texas trade~~
2-54 ~~association is a nonprofit, cooperative, and voluntarily joined~~
2-55 ~~association of business or professional competitors in this state~~
2-56 ~~designed to assist its members and its industry or profession in~~
2-57 ~~dealing with mutual business or professional problems and in~~
2-58 ~~promoting their common interest. A Texas trade association does~~
2-59 ~~not include an association formed to benefit or promote a~~
2-60 ~~particular breed of livestock or exotic livestock.~~

2-61 [~~(d)~~] A person may not serve as a member of the commission or
2-62 act as the general counsel to the commission or the agency if the
2-63 person is required to register as a lobbyist under Chapter 305,
2-64 Government Code, because of the person's activities for
2-65 compensation on behalf of a profession related to the operation of
2-66 the commission.

2-67 SECTION 7. Sections 161.029(a) and (c), Agriculture Code,
2-68 are amended to read as follows:

2-69 (a) It is a ground for removal from the commission if a

3-1 member:

3-2 (1) does not have at the time of appointment the
3-3 qualifications required by Section 161.021 ~~[of this code];~~

3-4 (2) does not maintain during service on the commission
3-5 the qualifications required by Section 161.021 ~~[of this code];~~

3-6 (3) is ineligible for membership under ~~[violates a~~
3-7 ~~prohibition established by]~~ Section 161.028 ~~[of this code];~~

3-8 (4) cannot discharge the member's duties for a
3-9 substantial part of the term for which the member is appointed
3-10 because of illness or disability; or

3-11 (5) is absent from more than half of the regularly
3-12 scheduled commission meetings that the member is eligible to attend
3-13 during a calendar year unless that absence is excused by a majority
3-14 vote of the commission.

3-15 (c) If the executive director has knowledge that a potential
3-16 ground for removal exists, the executive director shall notify the
3-17 presiding officer of the commission of the potential ground. The
3-18 presiding officer shall then notify the governor and the attorney
3-19 general that a potential ground for removal exists. If the
3-20 potential ground for removal involves the presiding officer, the
3-21 executive director shall notify the next highest officer of the
3-22 commission, who shall notify the governor and the attorney general
3-23 that a potential ground for removal exists.

3-24 SECTION 8. Section 161.033, Agriculture Code, is amended to
3-25 read as follows:

3-26 Sec. 161.033. PUBLIC INTEREST INFORMATION AND COMPLAINTS.

3-27 (a) The commission shall maintain a system to promptly and
3-28 efficiently act on complaints filed with the commission. The
3-29 commission shall maintain information about parties to the
3-30 complaint, the subject matter of the complaint, a summary of the
3-31 results of the review or investigation of the complaint, and its
3-32 disposition ~~[prepare information of public interest describing the~~
3-33 ~~functions of the commission and the commission's procedures by~~
3-34 ~~which complaints are filed with and resolved by the commission. The~~
3-35 ~~commission shall make the information available to the public and~~
3-36 ~~appropriate state agencies].~~

3-37 (b) The commission shall make information available
3-38 describing its procedures for complaint investigation and
3-39 resolution ~~[by rule shall establish methods by which consumers and~~
3-40 ~~licensees or permittees are notified of the name, mailing address,~~
3-41 ~~and telephone number of the commission for the purpose of directing~~
3-42 ~~complaints to the commission. The commission may provide for that~~
3-43 ~~notification.~~

3-44 ~~[(1) on each registration form, application, or~~
3-45 ~~written contract for services of an individual or entity regulated~~
3-46 ~~under this chapter, or~~

3-47 ~~[(2) in a bill for service provided by an individual or~~
3-48 ~~entity regulated under this chapter].~~

3-49 (c) The commission shall periodically notify the parties to
3-50 a complaint of the status of the complaint until its final
3-51 disposition ~~[keep a file about each written complaint filed with~~
3-52 ~~the commission that the commission has authority to resolve. The~~
3-53 ~~commission shall provide to the person filing the complaint and the~~
3-54 ~~persons or entities complained about the commission's policies and~~
3-55 ~~procedures pertaining to complaint investigation and resolution.~~
3-56 ~~The commission, at least quarterly and until final disposition of~~
3-57 ~~the complaint, shall notify the person filing the complaint and the~~
3-58 ~~persons or entities complained about of the status of the complaint~~
3-59 ~~unless the notice would jeopardize an undercover investigation.~~

3-60 ~~[(d) The commission shall keep information about each~~
3-61 ~~complaint filed with the commission. The information shall~~
3-62 ~~include:~~

3-63 ~~[(1) the date the complaint is received,~~

3-64 ~~[(2) the name of the complainant,~~

3-65 ~~[(3) the subject matter of the complaint,~~

3-66 ~~[(4) a record of all persons contacted in relation to~~
3-67 ~~the complaint,~~

3-68 ~~[(5) a summary of the results of the review or~~
3-69 ~~investigation of the complaint, and~~

4-1 ~~[(6) for complaints for which the agency took no~~
 4-2 ~~action, an explanation of the reason the complaint was closed~~
 4-3 ~~without action].~~

4-4 SECTION 9. (a) Section 161.034, Agriculture Code, is
 4-5 amended by adding Subsections (c) and (d) to read as follows:

4-6 (c) Each meeting of the commission must be held in a
 4-7 location that provides adequate access to members of the public.

4-8 (d) The commission shall post audio archives of its meetings
 4-9 on the commission's Internet website.

4-10 (b) Section 161.034(d), Agriculture Code, as added by
 4-11 Subsection (a) of this section, applies only to a meeting of the
 4-12 Animal Health Commission held on or after September 1, 2007.

4-13 SECTION 10. Subchapter B, Chapter 161, Agriculture Code, is
 4-14 amended by adding Sections 161.0335, 161.0336, 161.039, and 161.040
 4-15 to read as follows:

4-16 Sec. 161.0335. TECHNOLOGY POLICY. The commission shall
 4-17 implement a policy requiring the commission to use appropriate
 4-18 technological solutions to improve the commission's ability to
 4-19 perform its functions. The policy must ensure that the public is
 4-20 able to interact with the commission on the Internet.

4-21 Sec. 161.0336. INFORMATION RELATING TO COMPLAINT
 4-22 PROCEDURES. The commission shall:

4-23 (1) post information about its complaint procedures on
 4-24 the home page of the Internet website maintained by the commission;

4-25 (2) post specific information on how to file a
 4-26 complaint, what types of information to provide with the complaint,
 4-27 and a description of the complaint process; and

4-28 (3) explain on that website what types of complaints
 4-29 the commission has authority to resolve, distinguishing those from
 4-30 complaints that the commission does not have authority to resolve.

4-31 Sec. 161.039. COMPLIANCE POLICY AND INTERNAL OPERATING
 4-32 PROCEDURES. (a) The commission by rule shall adopt agencywide
 4-33 compliance policies and internal operating procedures and convey
 4-34 those policies and procedures to all officers and employees of the
 4-35 commission.

4-36 (b) The commission by rule shall adopt clearly defined and
 4-37 uniform procedures addressing compliance with this chapter and
 4-38 commission rules. The compliance procedures shall include the
 4-39 commission's process for:

4-40 (1) receiving and consistently responding to
 4-41 complaints from the public and officers and employees of the
 4-42 commission;

4-43 (2) checking for previous violations whenever a
 4-44 complaint is filed;

4-45 (3) involving a supervisor in the approval of key
 4-46 compliance decisions; and

4-47 (4) regularly updating complainants on the status of
 4-48 their complaints.

4-49 Sec. 161.040. RULEMAKING AND DISPUTE RESOLUTION
 4-50 PROCEDURES. (a) The commission shall develop and implement a policy
 4-51 to encourage the use of:

4-52 (1) negotiated rulemaking procedures under Chapter
 4-53 2008, Government Code, for the adoption of commission rules; and

4-54 (2) appropriate alternative dispute resolution
 4-55 procedures under Chapter 2009, Government Code, to assist in the
 4-56 resolution of internal and external disputes under the commission's
 4-57 jurisdiction.

4-58 (b) The commission's procedures relating to alternative
 4-59 dispute resolution must conform, to the extent possible, to any
 4-60 model guidelines issued by the State Office of Administrative
 4-61 Hearings for the use of alternative dispute resolution by state
 4-62 agencies.

4-63 (c) The commission shall designate a trained person to:

4-64 (1) coordinate the implementation of the policy
 4-65 adopted under Subsection (a);

4-66 (2) serve as a resource for any training needed to
 4-67 implement the procedures for negotiated rulemaking or alternative
 4-68 dispute resolution; and

4-69 (3) collect data concerning the effectiveness of those

5-1 procedures, as implemented by the commission.

5-2 SECTION 11. Section 161.041, Agriculture Code, is amended
5-3 by amending Subsections (a), (b), (c), and (d) and adding
5-4 Subsections (f) and (g) to read as follows:

5-5 (a) The commission shall protect all livestock, exotic
5-6 livestock [~~domestic animals~~], [~~and~~] domestic fowl, and exotic fowl
5-7 from the following:

5-8 (1) tuberculosis;

5-9 (2) anthrax;

5-10 (3) glanders;

5-11 (4) infectious abortion;

5-12 (5) hemorrhagic septicemia;

5-13 (6) hog cholera;

5-14 (7) Malta fever;

5-15 (8) foot-and-mouth disease;

5-16 (9) rabies among animals other than canines;

5-17 (10) bacillary white diarrhea among fowl;

5-18 (11) equine infectious anemia; and

5-19 (12) other diseases recognized as communicable by the
5-20 veterinary profession.

5-21 (b) The commission may act to eradicate or control any
5-22 disease or agent of transmission for any disease that affects
5-23 livestock, exotic livestock, [~~domestic animals~~], domestic fowl, or
5-24 exotic fowl, [~~or canines~~] regardless of whether the disease is
5-25 communicable, even if the agent of transmission is an animal
5-26 species that is not subject to the jurisdiction of the commission.
5-27 The commission may adopt any rules necessary to carry out the
5-28 purposes of this subsection, including rules concerning testing,
5-29 movement, inspection, and treatment.

5-30 (c) A person commits an offense if the person knowingly
5-31 fails to handle, in accordance with rules adopted by the
5-32 commission, livestock, exotic livestock, domestic fowl, or exotic
5-33 fowl [~~an animal~~] infected with a disease listed in Subsection (a)
5-34 [~~of this section~~].

5-35 (d) A person commits an offense if the person knowingly
5-36 fails to identify or refuses to permit an agent of the commission to
5-37 identify, in accordance with rules adopted by the commission,
5-38 livestock, exotic livestock, domestic fowl, or exotic fowl [~~an~~
5-39 ~~animal~~] infected with a disease listed in Subsection (a) [~~of this~~
5-40 ~~section~~].

5-41 (f) In complying with this section, the commission may not
5-42 infringe on or supersede the authority of any other agency of this
5-43 state, including the authority of the Parks and Wildlife Department
5-44 relating to wildlife. If a conflict of authority occurs, the
5-45 commission shall assume responsibility for disease control
5-46 efforts, but work collaboratively with the other agency to enable
5-47 each agency to effectively carry out its responsibilities.

5-48 (g) The commission's authority to control or eradicate an
5-49 agent of transmission that is an animal species that is not subject
5-50 to the jurisdiction of the commission is limited to instances when a
5-51 disease that threatens livestock, exotic livestock, domestic fowl,
5-52 or exotic fowl has been confirmed or is suspected to exist in that
5-53 species and the commission determines that a serious threat to
5-54 livestock, exotic livestock, domestic fowl, or exotic fowl exists.

5-55 SECTION 12. Subchapter C, Chapter 161, Agriculture Code, is
5-56 amended by adding Sections 161.0412 and 161.0416 to read as
5-57 follows:

5-58 Sec. 161.0412. REGULATION AND REGISTRATION OF FERAL SWINE
5-59 HOLDING FACILITIES. (a) The commission may, for disease control
5-60 purposes, require the registration of feral swine holding
5-61 facilities.

5-62 (b) To prevent the spread of disease, the commission may
5-63 require a person to register with the commission if the person
5-64 confines feral swine in a holding facility for slaughter, sale,
5-65 exhibition, hunting, or any other purpose specified by commission
5-66 rule.

5-67 (c) Rules adopted under this section shall include
5-68 registration requirements, provisions for the issuance,
5-69 revocation, and renewal of a registration, disease testing,

6-1 inspections, recordkeeping, construction standards, location
 6-2 limitations, and provisions relating to the treatment of swine in
 6-3 and movement of swine to or from a feral swine holding facility.

6-4 (d) Rules authorized by this section may be adopted only for
 6-5 disease-control purposes.

6-6 Sec. 161.0416. EMERGENCY MANAGEMENT. (a) The commission may
 6-7 prepare and plan for, respond to, and aid in the recovery from
 6-8 disaster events that may affect livestock, exotic livestock,
 6-9 domestic fowl, or exotic fowl, including disease outbreaks,
 6-10 hurricanes, floods, tornadoes, wildfires, and acts of terrorism.

6-11 (b) The commission may assist with local emergency
 6-12 management planning. This subsection may not be construed to
 6-13 affect the commission's responsibility under any other law,
 6-14 including Chapter 418, Government Code, or any responsibility
 6-15 delegated to the commission by an emergency management authority of
 6-16 this state.

6-17 SECTION 13. Section 161.054, Agriculture Code, is amended
 6-18 to read as follows:

6-19 Sec. 161.054. REGULATION OF MOVEMENT OF ANIMALS; EXCEPTION.
 6-20 (a) As a control measure, the commission by rule may regulate the
 6-21 movement of animals, including feral swine. The commission may
 6-22 restrict the intrastate movement of animals, including feral swine,
 6-23 even though the movement of the animals is unrestricted in
 6-24 interstate or international commerce. The commission may require
 6-25 testing, vaccination, or another epidemiologically sound procedure
 6-26 before or after animals are moved.

6-27 (b) The commission by rule may prohibit or regulate the
 6-28 movement of animals, including feral swine, into a quarantined
 6-29 herd, premise, or area.

6-30 (c) The commission may not adopt a rule that prohibits a
 6-31 person from moving animals, including feral swine, owned by that
 6-32 person within unquarantined contiguous lands owned or controlled by
 6-33 that person.

6-34 (d) On application of the owner of an animal, including a
 6-35 feral swine, a restriction on the movement of the animal imposed
 6-36 under this chapter may be modified by order of the executive
 6-37 director of the commission if the owner demonstrates that the
 6-38 restriction will result in unusual hardship for the owner. In
 6-39 considering an application under this section, the executive
 6-40 director may consider the effect of prolonged drought, inadequacy
 6-41 of pasturage or unusual feed supply resulting from disaster or
 6-42 other unforeseeable circumstances, or economic hardship.

6-43 (e) In connection with the regulation of the movement of
 6-44 feral swine, the commission by rule may require disease testing
 6-45 before movement of a feral swine from one location to another, and
 6-46 establish the conditions under which feral swine may be
 6-47 transported.

6-48 (f) The commission's authority to regulate the movement of
 6-49 feral swine may not interfere with the authority of the Parks and
 6-50 Wildlife Department to regulate the hunting or trapping of feral
 6-51 swine.

6-52 SECTION 14. Section 161.062(a), Agriculture Code, is
 6-53 amended to read as follows:

6-54 (a) Except as provided by Section 161.0615, the [The]
 6-55 commission shall give notice of a quarantine against another state,
 6-56 territory, or country by publishing notice in a newspaper published
 6-57 in Texas. The quarantine takes effect on the date of publication.
 6-58 The commission shall pay the expense of publication out of any
 6-59 appropriation made for office and stationery expenses of the
 6-60 commission.

6-61 SECTION 15. Subchapter D, Chapter 161, Agriculture Code, is
 6-62 amended by adding Section 161.0615 to read as follows:

6-63 Sec. 161.0615. STATEWIDE OR WIDESPREAD QUARANTINE. (a) The
 6-64 commission may quarantine livestock, exotic livestock, domestic
 6-65 fowl, or exotic fowl in all or any part of this state as a means of
 6-66 immediately restricting the movement of animals potentially
 6-67 infected with disease and shall clearly describe the territory
 6-68 included in a quarantine area.

6-69 (b) The commission by rule may delegate its authority to

7-1 quarantine livestock, exotic livestock, domestic fowl, or exotic
 7-2 fowl under this section to the executive director, who shall
 7-3 promptly notify the members of the commission of the quarantine.

7-4 (c) The commission by rule shall prescribe the manner in
 7-5 which notice of a statewide or widespread quarantine under this
 7-6 section is to be published.

7-7 SECTION 16. Subchapter H, Chapter 161, Agriculture Code, is
 7-8 amended by adding Sections 161.1375 and 161.150 to read as follows:

7-9 Sec. 161.1375. MOVEMENT OF FERAL SWINE. (a) A person
 7-10 commits an offense if the person recklessly:

7-11 (1) moves feral swine in a manner that is not in
 7-12 compliance with rules adopted by the commission under Section
 7-13 161.0412 or 161.054; or

7-14 (2) as the owner or person in charge of a holding
 7-15 facility in which a feral swine is held, permits another to remove
 7-16 feral swine from the holding facility in a manner that is not in
 7-17 compliance with those rules.

7-18 (b) An offense under this section is a Class C misdemeanor
 7-19 for each feral hog that is moved or permitted to be removed unless
 7-20 it is shown on the trial of the offense that the defendant has been
 7-21 previously convicted under this section, in which event the offense
 7-22 is a Class B misdemeanor.

7-23 Sec. 161.150. FAILURE TO REGISTER FERAL SWINE HOLDING
 7-24 FACILITIES; HOLDING OF FERAL SWINE. (a) A person commits an
 7-25 offense if the person recklessly:

7-26 (1) maintains a feral swine holding facility that is
 7-27 not registered under Section 161.0412; or

7-28 (2) as the owner or person in charge of a holding
 7-29 facility that is not registered under Section 161.0412, holds or
 7-30 permits another to hold a feral swine in the holding facility.

7-31 (b) Each feral swine held or permitted to be held in
 7-32 violation of Subsection (a)(2) constitutes a separate offense.

7-33 (c) An offense under this section is a Class C misdemeanor
 7-34 unless it is shown on the trial of the offense that the defendant
 7-35 has been previously convicted under this section, in which event
 7-36 the offense is a Class B misdemeanor.

7-37 SECTION 17. Section 26.303, Water Code, is amended by
 7-38 amending Subsection (a) and adding Subsection (a-1) to read as
 7-39 follows:

7-40 (a) Except as provided by Subsection (a-1), the [The]
 7-41 commission by rule shall adopt requirements for the safe and
 7-42 adequate handling, storage, transportation, and disposal of
 7-43 poultry carcasses. The rules must:

7-44 (1) specify the acceptable methods for disposal of
 7-45 poultry carcasses, including:

7-46 (A) placement in a landfill permitted by the
 7-47 commission to receive municipal solid waste;

7-48 (B) composting;

7-49 (C) cremation or incineration;

7-50 (D) extrusion;

7-51 (E) on-farm freezing;

7-52 (F) rendering;

7-53 (G) cooking for swine food; and

7-54 (H) any other method the commission determines to
 7-55 be appropriate;

7-56 (2) require poultry carcasses stored on the site of a
 7-57 poultry facility to be stored in a varmint-proof receptacle to
 7-58 prevent odor, leakage, or spillage;

7-59 (3) prohibit the storage of poultry carcasses on the
 7-60 site of a poultry facility for more than 72 hours; and

7-61 (4) authorize the on-site burial of poultry carcasses
 7-62 only in the event of a major die-off that exceeds the capacity of a
 7-63 poultry facility to handle and dispose of poultry carcasses by the
 7-64 normal means used by the facility.

7-65 (a-1) A rule adopted under Subsection (a) may not apply to
 7-66 the disposal of carcasses of poultry that died as a result of a
 7-67 disease, which is governed by Section 161.004, Agriculture Code.

7-68 SECTION 18. (a) In this section, "commission" means the
 7-69 Texas Animal Health Commission.

8-1 (b) The commission and the Texas Veterinary Medical
8-2 Diagnostic Laboratory, in consultation with the United States
8-3 Department of Agriculture shall conduct a joint study regarding
8-4 this state's current and future capacity to perform disease testing
8-5 for livestock, exotic livestock, domestic fowl, and exotic fowl
8-6 during an animal disease outbreak or emergency. In conducting the
8-7 study, the designated agencies shall:

8-8 (1) determine the current testing capabilities and
8-9 capacity of animal health laboratories in this state;

8-10 (2) determine the current average time to conduct and
8-11 report tests for animal diseases, including the current average
8-12 time to report initial test results and required confirmation test
8-13 results conducted by the United States Department of Agriculture;

8-14 (3) project the capabilities and capacity of this
8-15 state's animal health laboratories that would be needed during a
8-16 statewide or nationwide animal disease outbreak over the next 20
8-17 years;

8-18 (4) assess the potential benefits of expanding or
8-19 combining existing animal health laboratories in this state,
8-20 including those operated in conjunction with the United States
8-21 Department of Agriculture and other cooperating entities;

8-22 (5) consider establishing or relocating animal health
8-23 laboratories in more accessible locations;

8-24 (6) consider the advisability of pursuing and
8-25 recommend incentives or other measures to promote the location of
8-26 additional federal animal health laboratories in this state;

8-27 (7) explore methods to reduce the average time to
8-28 report both initial testing results and federal confirmation
8-29 testing results for animal diseases; and

8-30 (8) project whether a change in the biosafety level,
8-31 as designated by the United States Department of Agriculture and
8-32 Centers for Disease Control and Prevention, is needed for animal
8-33 health laboratories in this state, based on projected future
8-34 testing capabilities and capacity levels.

8-35 (c) As part of the joint study, the commission shall
8-36 evaluate the research and information contained in the four
8-37 proposals submitted by groups in this state in 2006 to the United
8-38 States Department of Homeland Security for the National Bio and
8-39 Agro-Defense Facility to ensure that the study does not duplicate
8-40 the efforts of those entities.

8-41 (d) If, in reviewing the four proposals described by
8-42 Subsection (c) of this section, the commission determines that one
8-43 or more of the proposals are consistent with the results of the
8-44 commission's evaluation, the commission may support one or more of
8-45 the proposals as they relate to the regulatory efforts of the
8-46 commission and this state.

8-47 (e) If the United States Department of Homeland Security
8-48 selects one of the proposals described by Subsection (c) of this
8-49 section to house the national facility, the commission shall
8-50 integrate the research conducted as part of the joint study with the
8-51 research conducted as part of the selected proposal. The
8-52 commission shall also share its research and coordinate with the
8-53 group that submitted the selected proposal in relation to the
8-54 commission's and this state's regulatory efforts.

8-55 (f) The commission shall submit a report of the findings of
8-56 the joint study to the governor, the lieutenant governor, and the
8-57 speaker of the house of representatives as soon as practicable
8-58 after the decision-making process at the federal level is
8-59 completed, but not later than December 31, 2008.

8-60 (g) This section expires February 1, 2009.

8-61 SECTION 19. The changes in law made by this Act to Sections
8-62 161.021 and 161.028, Agriculture Code, do not affect the selection
8-63 or term of a member or public member of the Texas Animal Health
8-64 Commission appointed before September 1, 2007.

8-65 SECTION 20. (a) Except as provided by Subsection (b) of
8-66 this section, the change in law made by this Act to Section 161.004,
8-67 Agriculture Code, takes effect January 1, 2008.

8-68 (b) The Texas Animal Health Commission shall adopt the rules
8-69 required by Section 161.004, Agriculture Code, as amended by this

9-1 Act, as soon as practicable after the effective date of this Act,
9-2 but not later than January 1, 2008.

9-3 SECTION 21. (a) Except as otherwise provided by Subsection
9-4 (b) of this section, this Act takes effect September 1, 2007.

9-5 (b) Section 18 of this Act takes effect immediately if this
9-6 Act receives a vote of two-thirds of all the members elected to each
9-7 house, as provided by Section 39, Article III, Texas Constitution.
9-8 If this Act does not receive the vote necessary for Section 18 of
9-9 this Act to have immediate effect, Section 18 of this Act takes
9-10 effect September 1, 2007.

9-11 * * * * *