

1-1 By: Estes S.B. No. 911  
1-2 (In the Senate - Filed March 7, 2007; March 15, 2007, read  
1-3 first time and referred to Committee on Government Organization;  
1-4 April 26, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 26, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 911 By: Hegar

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the continuation and operation of the Texas Animal  
1-11 Health Commission; providing penalties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 161.004, Agriculture Code, is amended by  
1-14 amending Subsection (a) and adding Subsections (c) and (d) to read  
1-15 as follows:

1-16 (a) A person who is the owner or caretaker of livestock,  
1-17 exotic livestock, domestic fowl, or exotic fowl that die from a  
1-18 disease listed in Section 161.041 [of this code], or who owns or  
1-19 controls the land on which the livestock, exotic livestock,  
1-20 domestic fowl, or exotic fowl die or on which the carcasses are  
1-21 found, shall dispose of the carcasses in the manner required by the  
1-22 commission under this section [~~within 24 hours after the carcasses~~  
1-23 ~~are found~~].

1-24 [~~(1) bury the carcass of each animal by digging a grave~~  
1-25 ~~five feet deep, placing the carcass in the grave, covering the~~  
1-26 ~~carcass with lime, and filling the grave with dirt; or~~

1-27 [~~(2) set fire to the carcass of each animal and burn it~~  
1-28 ~~until it is thoroughly consumed~~].

1-29 (c) The commission shall:

1-30 (1) determine the most effective methods of disposing  
1-31 of diseased carcasses, including methods other than burning or  
1-32 burial; and

1-33 (2) by rule prescribe the method or methods that a  
1-34 person may use to dispose of a carcass as required by Subsection  
1-35 (a).

1-36 (d) The commission by rule may delegate its authority under  
1-37 this section to the executive director.

1-38 SECTION 2. Subsection (d), Section 161.021, Agriculture  
1-39 Code, is amended to read as follows:

1-40 (d) A person is not eligible for appointment as a public  
1-41 member of the commission if the person or the person's spouse:

1-42 (1) is registered, certified, or licensed by the  
1-43 commission;

1-44 (2) is employed by or participates in the management  
1-45 of a business entity or other organization regulated by the  
1-46 commission or receiving money [~~funds~~] from the commission;

1-47 (3) owns or controls, directly or indirectly, more  
1-48 than a 10 percent interest in a business entity or other  
1-49 organization regulated by [~~the commission~~] or receiving money  
1-50 [~~funds~~] from the commission; or

1-51 (4) uses or receives a substantial amount of tangible  
1-52 goods, services, or money [~~funds~~] from the commission, other than  
1-53 compensation or reimbursement authorized by law for commission  
1-54 membership, attendance, or expenses.

1-55 SECTION 3. Section 161.023, Agriculture Code, is amended by  
1-56 adding Subsection (c) to read as follows:

1-57 (c) A person appointed to the commission is entitled to  
1-58 reimbursement, as provided by the General Appropriations Act, for  
1-59 the travel expenses incurred in attending the training program,  
1-60 regardless of whether attendance at the program occurs before or  
1-61 after the person qualifies for the office.

1-62 SECTION 4. Section 161.027, Agriculture Code, is amended to  
1-63 read as follows:

2-1 Sec. 161.027. SUNSET PROVISION. The Texas Animal Health  
2-2 Commission is subject to Chapter 325, Government Code (Texas Sunset  
2-3 Act). Unless continued in existence as provided by that chapter,  
2-4 the commission is abolished September 1, 2019 [2007].

2-5 SECTION 5. Subchapter B, Chapter 161, Agriculture Code, is  
2-6 amended by adding Section 161.0275 to read as follows:

2-7 Sec. 161.0275. COMPLIANCE WITH SUNSET RECOMMENDATIONS.

2-8 (a) The commission shall:

2-9 (1) comply with and implement the management action  
2-10 recommendations regarding the commission adopted by the Sunset  
2-11 Advisory Commission on January 10, 2007, as a result of its review  
2-12 of the commission; and

2-13 (2) report to the Sunset Advisory Commission not later  
2-14 than November 1, 2008, the information the commission requires  
2-15 regarding the commission's implementation of the recommendations  
2-16 under Subdivision (1).

2-17 (b) This section expires June 1, 2009.

2-18 SECTION 6. Section 161.028, Agriculture Code, is amended to  
2-19 read as follows:

2-20 Sec. 161.028. RESTRICTIONS ON COMMISSION APPOINTMENT,  
2-21 MEMBERSHIP, AND EMPLOYMENT. (a) In this section, "Texas trade  
2-22 association" means a cooperative and voluntarily joined statewide  
2-23 association of business or professional competitors in this state  
2-24 designed to assist its members and its industry or profession in  
2-25 dealing with mutual business or professional problems and in  
2-26 promoting their common interest. The term does not include an  
2-27 association formed to benefit or promote a particular breed of  
2-28 livestock, exotic livestock, domestic fowl, or exotic fowl [~~An  
2-29 employee or paid consultant of the Texas Poultry Federation or a  
2-30 statewide Texas trade association in the field of livestock  
2-31 production may not be a member of the commission or an employee of  
2-32 the commission who is exempt from the state's position  
2-33 classification plan or is compensated at or above the amount  
2-34 prescribed by the General Appropriations Act for step 1, salary  
2-35 group 17, of the position classification salary schedule].~~

2-36 (b) A person may not be a member of the commission and may  
2-37 not be a commission employee in a "bona fide executive,  
2-38 administrative, or professional capacity," as that phrase is used  
2-39 for purposes of establishing an exemption to the overtime  
2-40 provisions of the federal Fair Labor Standards Act of 1938 (29  
2-41 U.S.C. Section 201 et seq.), if:

2-42 (1) the person is an officer, employee, or paid  
2-43 consultant of a Texas trade association in the field of livestock  
2-44 production, exotic livestock production, domestic fowl production,  
2-45 or exotic fowl production; or

2-46 (2) the person's spouse is an officer, manager, or paid  
2-47 consultant of a [who is the spouse of a manager or paid consultant  
2-48 of the Texas Poultry Federation or a statewide] Texas trade  
2-49 association in the field of livestock production, exotic livestock  
2-50 production, domestic fowl production, or exotic fowl production  
2-51 [may not be a commission member and may not be a commission employee  
2-52 who is exempt from the state's position classification plan or is  
2-53 compensated at or above the amount prescribed by the General  
2-54 Appropriations Act for step 1, salary group 17, of the position  
2-55 classification salary schedule].

2-56 (c) [~~For the purposes of this section, a Texas trade  
2-57 association is a nonprofit, cooperative, and voluntarily joined  
2-58 association of business or professional competitors in this state  
2-59 designed to assist its members and its industry or profession in  
2-60 dealing with mutual business or professional problems and in  
2-61 promoting their common interest. A Texas trade association does  
2-62 not include an association formed to benefit or promote a  
2-63 particular breed of livestock or exotic livestock.~~

2-64 [~~(d)~~] A person may not serve as a member of the commission or  
2-65 act as the general counsel to the commission or the agency if the  
2-66 person is required to register as a lobbyist under Chapter 305,  
2-67 Government Code, because of the person's activities for  
2-68 compensation on behalf of a profession related to the operation of  
2-69 the commission.

SECTION 7. Subsections (a) and (c), Section 161.029, Agriculture Code, are amended to read as follows:

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

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

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

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

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

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

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the commission of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest officer of the commission, who shall notify the governor and the attorney general that a potential ground for removal exists.

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

Sec. 161.033. PUBLIC INTEREST INFORMATION AND COMPLAINTS.

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

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

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

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

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

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

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

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

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

~~[(4) a record of all persons contacted in relation to~~

4-1 ~~the complaint,~~  
 4-2 ~~[(5) a summary of the results of the review or~~  
 4-3 ~~investigation of the complaint, and~~  
 4-4 ~~[(6) for complaints for which the agency took no~~  
 4-5 ~~action, an explanation of the reason the complaint was closed~~  
 4-6 ~~without action].~~

4-7 SECTION 9. Subchapter B, Chapter 161, Agriculture Code, is  
 4-8 amended by adding Sections 161.0335, 161.0336, 161.039, and 161.040  
 4-9 to read as follows:

4-10 Sec. 161.0335. TECHNOLOGY POLICY. The commission shall  
 4-11 implement a policy requiring the commission to use appropriate  
 4-12 technological solutions to improve the commission's ability to  
 4-13 perform its functions. The policy must ensure that the public is  
 4-14 able to interact with the commission on the Internet.

4-15 Sec. 161.0336. INFORMATION RELATING TO COMPLAINT  
 4-16 PROCEDURES. The commission shall:

4-17 (1) post information about its complaint procedures on  
 4-18 the home page of the Internet website maintained by the commission;

4-19 (2) post specific information on how to file a  
 4-20 complaint, what types of information to provide with the complaint,  
 4-21 and a description of the complaint process; and

4-22 (3) explain on that website what types of complaints  
 4-23 the commission has authority to resolve, distinguishing those from  
 4-24 complaints that the commission does not have authority to resolve.

4-25 Sec. 161.039. COMPLIANCE POLICY AND INTERNAL OPERATING  
 4-26 PROCEDURES. (a) The commission by rule shall adopt agencywide  
 4-27 compliance policies and internal operating procedures and convey  
 4-28 those policies and procedures to all officers and employees of the  
 4-29 commission.

4-30 (b) The commission by rule shall adopt clearly defined and  
 4-31 uniform procedures addressing compliance with this chapter and  
 4-32 commission rules. The compliance procedures shall include the  
 4-33 commission's process for:

4-34 (1) receiving and consistently responding to  
 4-35 complaints from the public and officers and employees of the  
 4-36 commission;

4-37 (2) checking for previous violations whenever a  
 4-38 complaint is filed;

4-39 (3) involving a supervisor in the approval of key  
 4-40 compliance decisions; and

4-41 (4) regularly updating complainants on the status of  
 4-42 their complaints.

4-43 Sec. 161.040. RULEMAKING AND DISPUTE RESOLUTION  
 4-44 PROCEDURES. (a) The commission shall develop and implement a  
 4-45 policy to encourage the use of:

4-46 (1) negotiated rulemaking procedures under Chapter  
 4-47 2008, Government Code, for the adoption of commission rules; and

4-48 (2) appropriate alternative dispute resolution  
 4-49 procedures under Chapter 2009, Government Code, to assist in the  
 4-50 resolution of internal and external disputes under the commission's  
 4-51 jurisdiction.

4-52 (b) The commission's procedures relating to alternative  
 4-53 dispute resolution must conform, to the extent possible, to any  
 4-54 model guidelines issued by the State Office of Administrative  
 4-55 Hearings for the use of alternative dispute resolution by state  
 4-56 agencies.

4-57 (c) The commission shall designate a trained person to:  
 4-58 (1) coordinate the implementation of the policy  
 4-59 adopted under Subsection (a);

4-60 (2) serve as a resource for any training needed to  
 4-61 implement the procedures for negotiated rulemaking or alternative  
 4-62 dispute resolution; and

4-63 (3) collect data concerning the effectiveness of those  
 4-64 procedures, as implemented by the commission.

4-65 SECTION 10. Section 161.041, Agriculture Code, is amended  
 4-66 by amending Subsections (a) through (d) and adding Subsections (f)  
 4-67 and (g) to read as follows:

4-68 (a) The commission shall protect all livestock, exotic  
 4-69 livestock [~~domestic animals~~], [~~and~~] domestic fowl, and exotic fowl

5-1 from the following:

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

5-15 (b) The commission may act to eradicate or control any  
 5-16 disease or agent of transmission for any disease that affects  
 5-17 livestock, exotic livestock, ~~[domestic animals,]~~ domestic fowl, or  
 5-18 exotic fowl, ~~[or canines]~~ regardless of whether the disease is  
 5-19 communicable, even if the agent of transmission is an animal  
 5-20 species that is not subject to the jurisdiction of the commission.  
 5-21 The commission may adopt any rules necessary to carry out the  
 5-22 purposes of this subsection, including rules concerning testing,  
 5-23 movement, inspection, and treatment.

5-24 (c) A person commits an offense if the person knowingly  
 5-25 fails to handle, in accordance with rules adopted by the  
 5-26 commission, livestock, exotic livestock, domestic fowl, or exotic  
 5-27 fowl ~~[an animal]~~ infected with a disease listed in Subsection (a)  
 5-28 ~~[of this section].~~

5-29 (d) A person commits an offense if the person knowingly  
 5-30 fails to identify or refuses to permit an agent of the commission to  
 5-31 identify, in accordance with rules adopted by the commission,  
 5-32 livestock, exotic livestock, domestic fowl, or exotic fowl ~~[an~~  
 5-33 ~~animal]~~ infected with a disease listed in Subsection (a) ~~[of this~~  
 5-34 ~~section].~~

5-35 (f) In complying with this section, the commission may not  
 5-36 infringe on or supersede the authority of any other agency of this  
 5-37 state, including the authority of the Parks and Wildlife Department  
 5-38 relating to wildlife. If a conflict of authority occurs, the  
 5-39 commission shall assume responsibility for disease control  
 5-40 efforts, but work collaboratively with the other agency to enable  
 5-41 each agency to effectively carry out its responsibilities.

5-42 (g) The commission's authority to control or eradicate an  
 5-43 agent of transmission that is an animal species that is not subject  
 5-44 to the jurisdiction of the commission is limited to instances when a  
 5-45 disease that threatens livestock, exotic livestock, domestic fowl,  
 5-46 or exotic fowl has been confirmed or is suspected to exist in that  
 5-47 species and the commission determines that a serious threat to  
 5-48 livestock, exotic livestock, domestic fowl, or exotic fowl exists.

5-49 SECTION 11. Subchapter C, Chapter 161, Agriculture Code, is  
 5-50 amended by adding Sections 161.0412 and 161.0416 to read as  
 5-51 follows:

5-52 Sec. 161.0412. REGULATION AND REGISTRATION OF FERAL SWINE  
 5-53 HOLDING FACILITIES. (a) The commission may, for disease control  
 5-54 purposes, require the registration of feral swine holding  
 5-55 facilities.

5-56 (b) To prevent the spread of disease, the commission may  
 5-57 require a person to register with the commission if the person  
 5-58 confines feral swine in a holding facility for slaughter, sale,  
 5-59 exhibition, hunting, or any other purpose specified by commission  
 5-60 rule.

5-61 (c) Rules adopted under this section shall include  
 5-62 registration requirements, provisions for the issuance,  
 5-63 revocation, and renewal of a registration, disease testing,  
 5-64 inspections, recordkeeping, construction standards, location  
 5-65 limitations, and provisions relating to the treatment of swine in  
 5-66 and movement of swine to or from a feral swine holding facility.

5-67 (d) Rules authorized by this section may be adopted only for  
 5-68 disease-control purposes.

5-69 Sec. 161.0416. EMERGENCY MANAGEMENT. (a) The commission

6-1 may prepare and plan for, respond to, and aid in the recovery from  
 6-2 disaster events that may affect livestock, exotic livestock,  
 6-3 domestic fowl, or exotic fowl, including disease outbreaks,  
 6-4 hurricanes, floods, tornadoes, wildfires, and acts of terrorism.

6-5 (b) The commission may assist with local emergency  
 6-6 management planning. This subsection may not be construed to  
 6-7 affect the commission's responsibility under any other law,  
 6-8 including Chapter 418, Government Code, or any responsibility  
 6-9 delegated to the commission by an emergency management authority of  
 6-10 this state.

6-11 SECTION 12. Section 161.054, Agriculture Code, is amended  
 6-12 to read as follows:

6-13 Sec. 161.054. REGULATION OF MOVEMENT OF ANIMALS; EXCEPTION.

6-14 (a) As a control measure, the commission by rule may regulate the  
 6-15 movement of animals, including feral swine. The commission may  
 6-16 restrict the intrastate movement of animals, including feral swine,  
 6-17 even though the movement of the animals is unrestricted in  
 6-18 interstate or international commerce. The commission may require  
 6-19 testing, vaccination, or another epidemiologically sound procedure  
 6-20 before or after animals are moved.

6-21 (b) The commission by rule may prohibit or regulate the  
 6-22 movement of animals, including feral swine, into a quarantined  
 6-23 herd, premise, or area.

6-24 (c) The commission may not adopt a rule that prohibits a  
 6-25 person from moving animals, including feral swine, owned by that  
 6-26 person within unquarantined contiguous lands owned or controlled by  
 6-27 that person.

6-28 (d) On application of the owner of an animal, including a  
 6-29 feral swine, a restriction on the movement of the animal imposed  
 6-30 under this chapter may be modified by order of the executive  
 6-31 director of the commission if the owner demonstrates that the  
 6-32 restriction will result in unusual hardship for the owner. In  
 6-33 considering an application under this section, the executive  
 6-34 director may consider the effect of prolonged drought, inadequacy  
 6-35 of pasturage or unusual feed supply resulting from disaster or  
 6-36 other unforeseeable circumstances, or economic hardship.

6-37 (e) In connection with the regulation of the movement of  
 6-38 feral swine, the commission by rule may require disease testing  
 6-39 before movement of a feral swine from one location to another, and  
 6-40 establish the conditions under which feral swine may be  
 6-41 transported.

6-42 (f) The commission's authority to regulate the movement of  
 6-43 feral swine may not interfere with the authority of the Parks and  
 6-44 Wildlife Department to regulate the hunting or trapping of feral  
 6-45 swine.

6-46 SECTION 13. Subsection (a), Section 161.062, Agriculture  
 6-47 Code, is amended to read as follows:

6-48 (a) Except as provided by Section 161.0615, the [The]  
 6-49 commission shall give notice of a quarantine against another state,  
 6-50 territory, or country by publishing notice in a newspaper published  
 6-51 in Texas. The quarantine takes effect on the date of publication.  
 6-52 The commission shall pay the expense of publication out of any  
 6-53 appropriation made for office and stationery expenses of the  
 6-54 commission.

6-55 SECTION 14. Subchapter D, Chapter 161, Agriculture Code, is  
 6-56 amended by adding Section 161.0615 to read as follows:

6-57 Sec. 161.0615. STATEWIDE OR WIDESPREAD QUARANTINE.

6-58 (a) The commission may quarantine livestock, exotic livestock,  
 6-59 domestic fowl, or exotic fowl in all or any part of this state as a  
 6-60 means of immediately restricting the movement of animals  
 6-61 potentially infected with disease and shall clearly describe the  
 6-62 territory included in a quarantine area.

6-63 (b) The commission by rule may delegate its authority to  
 6-64 quarantine livestock, exotic livestock, domestic fowl, or exotic  
 6-65 fowl under this section to the executive director, who shall  
 6-66 promptly notify the members of the commission of the quarantine.

6-67 (c) The commission by rule shall prescribe the manner in  
 6-68 which notice of a statewide or widespread quarantine under this  
 6-69 section is to be published.

7-1 SECTION 15. Subchapter H, Chapter 161, Agriculture Code, is  
7-2 amended by adding Sections 161.1375 and 161.150 to read as follows:

7-3 Sec. 161.1375. MOVEMENT OF FERAL SWINE. (a) A person  
7-4 commits an offense if the person recklessly:

7-5 (1) moves feral swine in a manner that is not in  
7-6 compliance with rules adopted by the commission under Section  
7-7 161.0412 or 161.054; or

7-8 (2) as the owner or person in charge of a holding  
7-9 facility in which a feral swine is held, permits another to remove  
7-10 feral swine from the holding facility in a manner that is not in  
7-11 compliance with those rules.

7-12 (b) An offense under this section is a Class C misdemeanor  
7-13 for each feral hog that is moved or permitted to be removed unless  
7-14 it is shown on the trial of the offense that the defendant has been  
7-15 previously convicted under this section, in which event the offense  
7-16 is a Class B misdemeanor.

7-17 Sec. 161.150. FAILURE TO REGISTER FERAL SWINE HOLDING  
7-18 FACILITIES; HOLDING OF FERAL SWINE. (a) A person commits an  
7-19 offense if the person recklessly:

7-20 (1) maintains a feral swine holding facility that is  
7-21 not registered under Section 161.0412; or

7-22 (2) as the owner or person in charge of a holding  
7-23 facility that is not registered under Section 161.0412, holds or  
7-24 permits another to hold a feral swine in the holding facility.

7-25 (b) Each feral swine held or permitted to be held in  
7-26 violation of Subsection (a)(2) constitutes a separate offense.

7-27 (c) An offense under this section is a Class C misdemeanor  
7-28 unless it is shown on the trial of the offense that the defendant  
7-29 has been previously convicted under this section, in which event  
7-30 the offense is a Class B misdemeanor.

7-31 SECTION 16. Section 26.303, Water Code, is amended by  
7-32 amending Subsection (a) and adding Subsection (a-1) to read as  
7-33 follows:

7-34 (a) Except as provided by Subsection (a-1), the [The]  
7-35 commission by rule shall adopt requirements for the safe and  
7-36 adequate handling, storage, transportation, and disposal of  
7-37 poultry carcasses. The rules must:

7-38 (1) specify the acceptable methods for disposal of  
7-39 poultry carcasses, including:

7-40 (A) placement in a landfill permitted by the  
7-41 commission to receive municipal solid waste;

7-42 (B) composting;

7-43 (C) cremation or incineration;

7-44 (D) extrusion;

7-45 (E) on-farm freezing;

7-46 (F) rendering;

7-47 (G) cooking for swine food; and

7-48 (H) any other method the commission determines to  
7-49 be appropriate;

7-50 (2) require poultry carcasses stored on the site of a  
7-51 poultry facility to be stored in a varmint-proof receptacle to  
7-52 prevent odor, leakage, or spillage;

7-53 (3) prohibit the storage of poultry carcasses on the  
7-54 site of a poultry facility for more than 72 hours; and

7-55 (4) authorize the on-site burial of poultry carcasses  
7-56 only in the event of a major die-off that exceeds the capacity of a  
7-57 poultry facility to handle and dispose of poultry carcasses by the  
7-58 normal means used by the facility.

7-59 (a-1) A rule adopted under Subsection (a) may not apply to  
7-60 the disposal of carcasses of poultry that died as a result of a  
7-61 disease, which is governed by Section 161.004, Agriculture Code.

7-62 SECTION 17. The changes in law made by this Act to Sections  
7-63 161.021 and 161.028, Agriculture Code, do not affect the selection  
7-64 or term of a member or public member of the Texas Animal Health  
7-65 Commission appointed before September 1, 2007.

7-66 SECTION 18. (a) Except as provided by Subsection (b) of  
7-67 this section, the change in law made by this Act to Section 161.004,  
7-68 Agriculture Code, takes effect January 1, 2008.

7-69 (b) The Texas Animal Health Commission shall adopt the rules

8-1 required by Section 161.004, Agriculture Code, as amended by this  
8-2 Act, as soon as practicable after the effective date of this Act,  
8-3 but not later than January 1, 2008.

8-4 SECTION 19. This Act takes effect September 1, 2007.

8-5

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