

By: Estes

S.B. No. 912

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the continuation and functions of the Texas Veterinary
3 Medical Diagnostic Laboratory.

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

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

9 SUBCHAPTER I-1 [±]. TEXAS VETERINARY MEDICAL DIAGNOSTIC LABORATORY

10 Sec. 88.701. TEXAS VETERINARY MEDICAL DIAGNOSTIC
11 LABORATORY. (a) The Texas Veterinary Medical Diagnostic Laboratory
12 is a state agency under the jurisdiction and supervision of the
13 board.

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

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

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

23 Sec. 88.703. SUNSET PROVISION. The Texas Veterinary
24 Medical Diagnostic Laboratory is subject to Chapter 325, Government

1 Code (Texas Sunset Act). Unless continued in existence as provided
2 by that chapter, the laboratory is abolished and this subchapter
3 expires September 1, 2019 [~~2007~~].

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

10 (b) A person may not serve as the executive director of the
11 Texas Veterinary Medical Diagnostic Laboratory and may not be an
12 employee of the laboratory employed in a "bona fide executive,
13 administrative, or professional capacity," as that phrase is used
14 for purposes of establishing an exemption to the overtime
15 provisions of the federal Fair Labor Standards Act of 1938 (29
16 U.S.C. Section 201 et seq.) if:

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

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

23 (c) A person may not serve as the executive director or act
24 as the general counsel to the laboratory if the person is required
25 to register as a lobbyist under Chapter 305, Government Code,
26 because of the person's activities for compensation on behalf of a
27 profession related to the operation of the laboratory.

1 Sec. 88.705. USE OF TECHNOLOGY. The executive director
2 shall implement a policy requiring the Texas Veterinary Medical
3 Diagnostic Laboratory to use appropriate technological solutions
4 to improve the laboratory's ability to perform its functions. The
5 policy must ensure that the public is able to interact with the
6 laboratory on the Internet.

7 Sec. 88.706. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE
8 RESOLUTION. (a) The executive director of the Texas Veterinary
9 Medical Diagnostic Laboratory shall develop and implement a policy
10 to encourage the use of:

11 (1) negotiated rulemaking procedures under Chapter
12 2008, Government Code, for the adoption of rules by the laboratory;
13 and

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

18 (b) The laboratory's procedures relating to alternative
19 dispute resolution must conform, to the extent possible, to any
20 model guidelines issued by the State Office of Administrative
21 Hearings for the use of alternative dispute resolution by state
22 agencies.

23 (c) The executive director shall designate a trained person
24 to:

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

27 (2) serve as a resource for any training needed to

1 implement the procedures for negotiated rulemaking or alternative
2 dispute resolution; and

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

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

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

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

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

16 (B) on the laboratory's Internet website;

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

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

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

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

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

27 (3) identify and monitor disease epidemics in animals;

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

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

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

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

18 (b) The laboratory may provide diagnostic testing services
19 for pets and other domestic animals or out-of-state clients only
20 when and to the extent that laboratory resources are not required
21 for diagnostic testing services for livestock in this state.

22 Sec. 88.709. COMPLAINTS. (a) The Texas Veterinary
23 Medical Diagnostic Laboratory shall maintain a system to promptly
24 and efficiently act on complaints filed with the laboratory. The
25 laboratory shall maintain information about each complaint that
26 includes:

27 (1) the parties to the complaint;

1 (2) the subject matter of the complaint;

2 (3) a summary of the results of the review or
3 investigation of the complaint; and

4 (4) the disposition of the complaint.

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

8 (c) The laboratory shall periodically notify the parties to
9 a complaint of the status of the complaint until final disposition.

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