

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 523  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Before 2001, El Paso County was one of the top five milk-producing counties in Texas. El Paso County was responsible for five percent of the milk production in the United States. This \$40-million-a-year industry was vital to the agricultural production and marketing industries not only in the El Paso-Hudspeth County area, but throughout the state of Texas.

In 2001, a suspected bovine tuberculosis outbreak prompted the United States Department of Agriculture to depopulate a number of dairy farms in El Paso County and offer a buyout program to the farmers. In order for them to participate in the buyout, state legislation was needed, thus H.B. 2463 was passed during the 77th Legislature.

As a result of the same suspected outbreak, the Texas Animal Health Commission established movement restriction zones which encompassed El Paso County and part of Hudspeth County. H.B. 2463 added Section 435.006(d) to the Health and Safety Code, to prohibit the Department of State Health Services from issuing a permit to dairy producers located in the movement restriction zone.

Since the outbreak, there has been no conclusion as to what caused the outbreak, nor have there been any cases of the infirmity reported in the region.

S.B. 523 repeals Section 435.004(d). The Department of State Health Services would be unable to deny a permit application for a dairy operation based solely on the existence of bovine tuberculosis in the area. This bill allows dairy farming to return to the El Paso-Hudspeth County area, and re-introduce an industry that will help the community's economy thrive.

As proposed, S.B. 523 amends current law relating to the issuance of permits for dairy farming in certain areas of the state.

[**Note:** While the statutory reference in this bill is to the Texas Board of Health (TBH), the following amendments affect the Department of State Health Services, as the successor agency to TBH.]

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Repealer: Section 435.006(d) (relating to prohibiting the Texas Board of Health to issue a permit to a producer dairy located in an area infected with or at high risk for bovine tuberculosis), Health and Safety Code.

SECTION 2. Effective date: upon passage or September 1, 2013.