



# *Texas Animal Health Commission*

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H.B. 2543 Kolkhorst (Ellis)

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## **Summary**

The Texas Animal Health Commission's (the Commission) mission is to prevent, control, and eradicate disease in Texas livestock and fowl. The Commission protects livestock and fowl from domestic, foreign, and emerging animal diseases; increases the marketability of Texas livestock commodities worldwide; promotes and ensures animal health and productivity; protects human health from animal diseases and conditions that are transmissible to people; and prepares for and responds to emergencies involving animals. The agency operated with a budget of about \$14.7 million in fiscal year 2006 and employs 192 staff.

House Bill 2543 continues the Texas Animal Health Commission and contains all of the Sunset Commission's recommendations to provide better tools, flexibility, and clear authority for the Commission to adapt to a changing animal health environment. The list below summarizes the major provisions of H.B. 2543, and a more detailed discussion follows.

## **Sunset Provisions**

1. Clarify the Commission's role in preparing for and responding to natural or man-made emergencies, including a study of the State's capacity to perform disease testing during emergencies.
2. Clarify the Commission's authority to address diseases in other species that threaten livestock and fowl.
3. Clarify the Commission's authority to register feral swine holding facilities and regulate movement of feral swine for disease-control purposes.
4. Establish an agencywide compliance policy and improve public information regarding how to file a complaint with the Commission.
5. Continue the Texas Animal Health Commission for 12 years.

## **Provision Added by the Legislature**

6. Provide public access to Commission meetings.

# Sunset Provisions

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## **1. Clarify the Commission’s role in preparing for and responding to natural or man-made emergencies, including a study of the State’s capacity to perform disease testing during emergencies.**

The bill establishes emergency management as a vital responsibility of the Commission’s mission in statute, thus allowing the Commission, as part of its routine activities, to perform emergency management duties currently not explicitly authorized in statute. The bill authorizes the Commission to prepare and plan for, respond to, and recover from disaster events, including disease outbreaks; hurricanes; floods; tornadoes; wildfires; and acts of terrorism affecting livestock, exotic livestock, domestic fowl, and exotic fowl.

In addition, the bill authorizes the Commission to issue a statewide or widespread quarantine on livestock, exotic livestock, domestic fowl, and exotic fowl as a means of quickly stopping the movement of animals potentially infected with disease.

House Bill 2543 also authorizes the Commission to determine and implement the most effective method for disposing of diseased livestock, exotic livestock, domestic fowl, and exotic fowl carcasses. The Legislature modified the bill to include a provision in the Water Code to clarify that diseased poultry carcass disposal, like other diseased carcass disposal, is governed by the Animal Health Commission’s authority to dispose of diseased animal carcasses.

Finally, the Legislature modified H.B. 2543 to require the Commission, the Texas Veterinary Medical Diagnostic Laboratory, and the U.S. Department of Agriculture to conduct a study of the capability of the State’s animal health laboratories to perform disease testing during an animal disease outbreak or emergency.

## **2. Clarify the Commission’s authority to address diseases in other species that threaten livestock and fowl.**

House Bill 2543 authorizes the Commission to protect livestock, exotic livestock, domestic fowl, and exotic fowl from disease, even if the disease threat comes from a species not under the Commission’s authority. However, the Commission’s authority regarding species other than livestock or fowl is limited only to instances when a disease has been confirmed, or is suspected to exist, in another species and the Commission determines that a threat to livestock, exotic livestock, domestic fowl, or exotic fowl exists. The bill does not authorize the Commission to infringe upon or supersede any other agency’s authority, such as Texas Parks and Wildlife Department’s authority to regulate wildlife.

## **3. Clarify the Commission’s authority to register feral swine holding facilities and regulate movement of feral swine for disease-control purposes.**

House Bill 2543 clarifies the Commission’s existing authority to regulate the movement of animals to include movement of feral swine for disease-control purposes. The Commission must adopt rules relating to the movement of feral swine, including disease-testing requirements prior to movement from one location to another. The bill also grants the Commission specific statutory authority to require the registration of feral swine holding facilities for disease-control purposes.

The bill gives the Commission clear authority to take enforcement action against individuals who violate statutory provisions or Commission rules or orders related to feral swine. The bill does not authorize the Commission to interfere with any other agency's authority, such as Texas Parks and Wildlife Department's authority to regulate the hunting and trapping of feral swine.

**4. Establish an agencywide compliance policy and improve public information regarding how to file a complaint with the Commission.**

The bill requires the Commission to adopt an agencywide compliance policy and convey this policy to staff statewide. In addition, the Commission must develop clearly defined internal operating procedures regarding the Commission's approach to addressing compliance with state laws and Commission rules and post these procedures on the agency's intranet. The bill also requires the Commission to post information regarding complaints on the home page of its website.

**5. Continue the Texas Animal Health Commission for 12 years.**

House Bill 2543 continues the Commission as an independent agency for the standard 12-year period, until 2019.

*Provision Added by the Legislature* \_\_\_\_\_

**6. Provide public access to Commission meetings.**

The Legislature added a provision to the bill that requires the agency to hold its Commission meetings in locations that are accessible to the public, as well as to post its audio archives of Commission meetings on the agency's website.

*Fiscal Implication Summary* \_\_\_\_\_

House Bill 2543 contains one provision that will have a cost to the Commission. The Commission will need to seek outside expertise to conduct the joint study of the State's animal health lab capacity. However, the Legislature did not appropriate additional funding for this study, so the Commission must cover these costs with its current resources, at no additional cost to the State.