

## **BILL ANALYSIS**

Senate Research Center

H.B. 1244  
By: Crownover (Harris)  
Natural Resources  
5/5/1999  
Committee Report (Amended)

### **DIGEST**

Currently, the Texas Animal Health Commission (TAHC) does not have the authority to regulate a number of activities which may assist in the control and tracking of certain animal diseases. H.B. 1244 would establish conditions regarding the control of animal diseases.

### **PURPOSE**

As proposed, H.B. 1244 establishes conditions regarding animal diseases.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Animal Health Commission in SECTION 1 (Sections 161.0525, 161.0545, and 161.058(b), Agriculture Code); SECTION 2 (Sections 161.101(a) and (b), Agriculture Code); SECTION 4 (Section 165.026(b), Agriculture Code); and SECTION 6(b) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 161C, Agriculture Code, by adding Sections 161.0415, 161.0525, 161.0545, and 161.058, as follows:

Sec. 161.0415. **DISPOSAL OF DISEASED OR EXPOSED LIVESTOCK.** Authorizes the Texas Animal Health Commission (TAHC) by order to require the slaughter of livestock, or the sale of livestock for immediate slaughter as a public slaughtering establishment maintaining federal or state inspection if the livestock is exposed to or infected with certain diseases, other than bluetongue or vesicular stomatitis. Authorizes TAHC by order to require the slaughter and disposal of livestock exposed to or infected with certain diseases that deem that action to be necessary for the protection of animal health in this state. Requires TAHC to immediately deliver a copy of an order to the appropriate legislative oversight committees. Authorizes a person to appeal an order of TAHC.

Sec. 161.0525. **MEMORANDUM OF UNDERSTANDING ON COOPERATION WITH OTHER STATES.** Authorizes TAHC, by rule, subject to approval by the governor, to adopt a joint memorandum with other states regarding assistance in cases of an animal disease outbreak.

Sec. 161.0545. **MOVEMENT OF ANIMAL PRODUCTS.** Authorizes TAHC to adopt rules that require the certification of persons who transport or dispose of inedible animal products. Authorizes the commission, by rule, to provide terms and conditions for issuance, renewal, and revocation of a certification.

Sec. 161.058. **COMPENSATION OF LIVESTOCK OWNER.** Authorizes TAHC to pay an indemnity to the owner of livestock, if required to slaughter animals due to exposure or infection with certain diseases. Requires the commission to adopt funds to provide the owner with information regarding available state or federal indemnity funds. Sets forth rules TAHC is authorized to adopt for the implementation of this section. Authorizes TAHC to spend appropriated funds for direct payment to owners of exposed or infected livestock.

SECTION 2. Amends Section 161.101, Agriculture Code, to authorize TAHC to adopt rules that require a veterinarian to report the existence of a disease other than bluetongue in an animal to TAHC within 24 hours after diagnosis if the disease fulfills certain conditions. Authorizes TAHC to adopt rules that required a veterinarian to report a disease not listed in Subsection (a) if TAHC determines that action to

be necessary for the protection of animals in the state. Requires the commission to immediately deliver a copy of a rule adopted to the appropriate legislative oversight committees. Sets forth expiration of rules adopted under this section. Prohibits TAHC from adopting, amending or repealing a rule unless TAHC holds a public hearing on the proposed action following public notice of the hearing. Deletes text regarding certain diseases; a list of certain diseases; information relating to certain factors regarding a disease; and certain information pertaining to infected exotic livestock.

SECTION 3. Amends Section 161.145(a), Agriculture Code, to make a conforming change.

SECTION 4. Amends Section 165.026(b), Agriculture Code, to authorize TAHC to adopt rules for registration and certain provisions regarding registration. Authorizes TAHC to impose a registration fee not to exceed \$25 a year.

SECTION 5. Repealers: Sections 162.007, 162.008, 163.068, 165.024, and 165.025, Agriculture Code (regarding sale or slaughter, compensation of owner, compensation to owner of cattle, sale and slaughter of diseased animals, and compensation of owner).

SECTION 6. (a) Effective date: September 1, 1999, except as provided by Subsection (b).

(b) Provides that change in law made by this Act to Section 161.101, Agriculture Code, takes effect January 1, 2000, except that before that date TAHC may adopt rules in accordance with Section 161.101, Agriculture Code, to take effect on that date.

SECTION 7. Emergency clause.

#### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends Sections 161.0415, Agriculture Code, to require the slaughter of animals with certain diseases other than bluetongue or vesicular stomatitis.

SECTION 2.

Amends Section 161.101, Agriculture Code, to authorize TAHC to adopt rules that require a veterinarian to report the existence of a disease other than bluetongue in an animal to TAHC within 24 hours after diagnosis if the disease fulfills certain conditions.