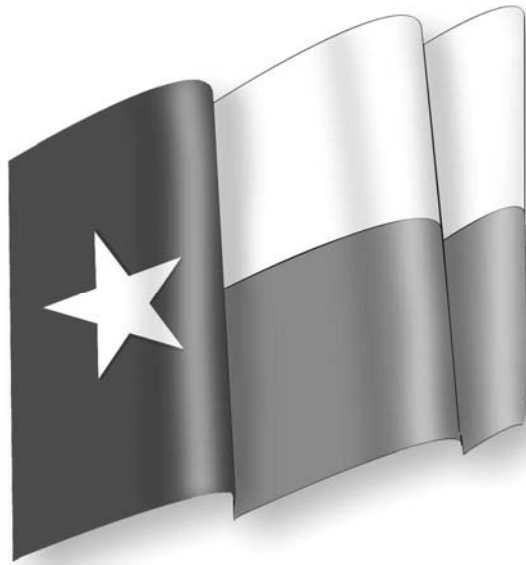


SUNSET COMMISSION DECISIONS



Texas Animal Health Commission

August 2006

Agency Information

Agency at a Glance

The Texas Animal Health Commission works to prevent, control, and eradicate disease in Texas livestock, exotic livestock, domestic fowl, and exotic fowl. The Legislature established the Texas Animal Health Commission – originally named the Texas Livestock Sanitary Commission – in 1893 to fight the tick fever epidemic, which resulted in a federal quarantine of Texas cattle and threatened to cripple the state’s economy. Since then, the Commission’s responsibilities have remained consistent, although the Legislature has expanded the animals under the Commission’s jurisdiction beyond cattle, and added to the list of diseases that the Commission works to control.

Today, the Commission’s mission includes:

- ◆ protecting livestock and fowl from domestic, foreign, and emerging animal diseases;
- ◆ increasing the marketability of Texas livestock commodities worldwide;
- ◆ promoting and ensuring animal health and productivity;
- ◆ protecting human health from animal diseases and conditions that are transmissible to people; and
- ◆ preparing for and responding to emergencies involving animals.

Key Facts

- ◆ **Funding.** In fiscal year 2005, the Commission operated on a budget of \$13.4 million, including \$5.1 million in federal funds.
- ◆ **Staffing.** The Commission employs a staff of 206, more than half of whom work in the Commission’s eight field areas. Employees also work in four laboratories, which the Commission jointly operates with the U.S. Department of Agriculture (USDA).
- ◆ **Surveillance.** In fiscal year 2005, the Commission examined 7.2 million animals at livestock markets. The Commission also monitored 2,806 livestock shipments.
- ◆ **Testing.** Employees in the Commission’s laboratory system processed about 2.5 million samples in fiscal year 2005. Tests conducted include those to detect bovine and swine brucellosis, swine pseudorabies, and bovine tuberculosis. Lab staff also identify disease-carrying parasites, such as fever ticks.
- ◆ **Emergency Management and Homeland Security.** In fiscal year 2005, Commission staff spent 6,834 hours planning for and responding to disease outbreaks and natural and man-made disasters. The Governor appointed the Commission as a member of the Texas Emergency Management Council in 2001, and the Homeland Security Council in 2005.

Issues/Recommendations

Issue 1 The Commission's Statute Has Not Kept Pace With Its Increasing Emergency Management Responsibilities.

Recommendations

Change in Statute

1.1 Authorize the Commission to plan for, prepare for, and respond to both natural and man-made emergencies that may have an impact on livestock and fowl.

This recommendation would establish 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 Commission would have authority 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 doing so, the Commission should ensure that it has established priorities to guide staff statewide in balancing emergency management duties with traditional disease surveillance, control, and eradication responsibilities. This recommendation would also clarify the Commission's authority to assist with local emergency management planning. This recommendation would not affect the Commission's responsibilities under other statutes, such as the Texas Disaster Act, or any responsibilities delegated to the Commission by state emergency management authorities.

1.2 Authorize the Commission to impose a statewide or widespread quarantine on livestock and fowl when needed to prevent or contain a disease outbreak.

To address the spread of fast-moving and highly infectious diseases, this

recommendation would authorize the Commission to issue a statewide or widespread quarantine on livestock and fowl as a means of quickly stopping the movement of animals potentially infected with disease. The Commission would issue the quarantine, including defining the borders of the quarantine. Given the immediate threat posed by a disease outbreak, and the need to act quickly, the Commission could delegate, by rule, the authority to issue a quarantine to the Executive Director, who would promptly notify Commission members when a quarantine has been issued. Existing statutory penalties for violating a quarantine would apply to violating a statewide or widespread quarantine as well.

1.3 Clarify the Commission's authority to determine the appropriate method of carcass disposal for diseased livestock.

Under this recommendation, the Commission would have authority to determine and implement the most effective method, including methods other than burning or burial, for disposing of diseased livestock carcasses. This would allow the Commission to consider factors such as the most appropriate disposal method for the particular disease, environmental implications, geographic location, number of carcasses, and weather conditions when deciding what method of carcass disposal to employ. To more quickly respond to carcass disposal issues, the Commission could delegate this authority to the Executive Director, by rule.

Fiscal Implication

These recommendations would not have a direct fiscal impact, as the Commission currently conducts its emergency management activities with its existing resources.

However, emergency management duties have placed a strain on the agency's budget and staff. To adequately perform increasing emergency management activities in the

future, the Commission may need additional resources. As such, the Commission should pursue these additional resources through the legislative appropriations process.

Responses

Agency

The Commission agrees with these recommendations. Through the legislative process, the Commission will seek a new strategy and performance measures specific to emergency management, as well as resources the Commission believes are necessary to adequately perform its emergency management planning and response activities. (Bob Hillman, D.V.M., Executive Director – Texas Animal Health Commission)

For

James C. Grimm, Executive Vice President – Texas Poultry Federation, Round Rock

Larry Winkleman – Texas Farm Bureau, Burton

Guy Sheppard, D.V.M., President – Texas Veterinary Medical Association, Austin

Matt Brockman, Executive Vice President – Texas and Southwestern Cattle Raisers Association, Fort Worth

Against

None received.

Modification

1. Require the Commission to conduct a study of the State's current and future capacity to perform disease testing for livestock and fowl during an animal disease emergency, outbreak, or pandemic. In conducting the study, the Commission should include participation from other animal-health related partners, including the Texas Veterinary Medical Diagnostic Laboratory and the U.S. Department of Agriculture. The scope of the study should include, but is not limited to, the following:
 - ◆ determining the current testing capability and capacity level of animal health laboratories in the state;
 - ◆ determining the current average time to conduct tests for animal diseases, and the current average time to report initial testing results and required confirmation testing results conducted by the U.S. Department of Agriculture;
 - ◆ projecting the needed capability and capacity level of the State's animal health laboratories during a statewide or nationwide animal disease outbreak over the next 20 years;
 - ◆ assessing the potential benefits of expanding or combining existing animal health laboratories in Texas, including those operated in conjunction with the U.S. Department of Agriculture and other partners;

- ◆ establishing or relocating animal health laboratories in more accessible locations;
- ◆ pursuing location of federal animal health laboratories in Texas;
- ◆ exploring methods to reduce the average time to report both initial testing results and federal confirmation testing results for animal diseases; and
- ◆ projecting whether a change in the biosafety level – as designated by the U.S. Department of Agriculture and Centers for Disease Control and Prevention – is needed for animal health laboratories in Texas, based on projected future testing capabilities and capacity levels.

In conducting the study, the Commission should evaluate the research and information contained in the four proposals submitted by groups in Texas in 2006 to the U.S. Department of Homeland Security for the National Bio- and Agro-Defense Facility to ensure that the Commission’s study does not duplicate the efforts of these other entities.

If, in reviewing the four Texas proposals, the Commission determines that one or more of the proposals falls in line with the results of the Commission’s study, the Commission may support one or more of the proposals as it relates to the Commission’s and Texas’ regulatory efforts.

Should the U.S. Department of Homeland Security select one of the Texas proposals to house the national facility, the Commission should integrate the research conducted for its study with the research that went into the winning proposal. The Commission also should share its research and coordinate with the winning site in relation to the Commission’s and Texas’ regulatory efforts.

The Commission should report its findings to the Legislature as soon as practical after the decision-making process at the federal level is completed and by no later than the convening of the Legislature in 2009.

(Sunset Staff, based on a request by Representative Truitt, Sunset Advisory Commission)

Recommended Action: Adopt Recommendations 1.1 through 1.3.

Commission Decision: Adopted Recommendations 1.1 through 1.3 with Modification 1, as modified to specify that the Commission, the Texas Veterinary Medical Diagnostic Laboratory, and the Texas Department of Agriculture will jointly conduct the study regarding the State’s current and future capacity to perform disease testing for livestock and fowl.

Issue 2 The Commission Has Limited Authority to Control Diseases Spread to Livestock and Fowl by Other Species, Potentially Resulting in Preventable Disease Outbreaks.

Recommendation

Change in Statute

2.1 Clarify that the Commission has authority to act to prevent, control, or eradicate diseases that affect livestock and fowl, regardless of what species carries the disease.

This recommendation would give the Commission clear authority to protect livestock and fowl from disease, even if the disease threat comes from a species not under the Commission's authority. The Commission's existing authority to regulate movement, establish quarantines, inspect shipments, and require testing would apply. However, the Commission's authority regarding species other than livestock or fowl would be limited only to instances when a

disease that threatens livestock or fowl has been confirmed or is suspected to exist in another species and the Commission determines that a threat to livestock or fowl exists. This authority would not authorize the Commission to infringe upon or supersede any other agency's authority, such as the Texas Parks and Wildlife Department's authority to regulate wildlife. In those situations, the Commission would assume responsibility for disease-control efforts, but would work collaboratively with the other agency.

Fiscal Implication

This recommendation would not result in a fiscal impact to the State.

Responses

Agency

The Commission agrees with this recommendation, and understands that the proposed statutory clarification would not infringe upon the existing authority of any other agency. (Bob Hillman, D.V.M., Executive Director – Texas Animal Health Commission)

For

James C. Grimm, Executive Vice President – Texas Poultry Federation, Round Rock

Larry Winkleman – Texas Farm Bureau, Burton

Guy Sheppard, D.V.M., President – Texas Veterinary Medical Association, Austin

Matt Brockman, Executive Vice President – Texas and Southwestern Cattle Raisers Association, Fort Worth

Against

None received.

Recommended Action: Adopt Recommendation 2.1.

Commission Decision: Adopted Recommendation 2.1.

Issue 3 Lack of Clear Authority Regarding Feral Swine Limits the Commission's Ability to Prevent the Spread of Disease to Domestic Swine and Other Livestock.

Recommendations

Change in Statute

3.1 Clarify that the Commission can regulate the movement of feral swine as a disease-control measure.

Under this recommendation, the Commission's existing authority to regulate the movement of animals would be clarified to include movement of feral swine for disease-control purposes. The Commission should adopt rules relating to the movement of feral swine, including disease-testing requirements prior to movement from one location to another. Regulating the movement of feral swine would aid the Commission's efforts to control the spread of disease to livestock by specifying conditions under which feral swine could be transported. This recommendation would not interfere with TPWD's authority to regulate the hunting or trapping of feral swine, as it would apply solely to movement of the animals.

To deter illegal movement of feral swine, the Commission should be given clear authority to take enforcement action for violations of statutory provisions or Commission rules or orders related to the movement of feral swine. For statutory violations, a first offense would be a Class C misdemeanor, while subsequent violations would be Class B misdemeanors. The Commission could also use its existing administrative penalty authority to enforce rules and orders related to the movement of feral swine.

3.2 Authorize the Commission to register feral swine holding facilities.

This recommendation would grant the Commission specific statutory authority to require the registration of feral swine holding facilities for disease-control purposes, ensuring the Commission's ability to better protect domestic swine and other livestock from diseases spread by feral swine. Individuals would be required to register with the Commission if they confine feral swine in pens for slaughter, retail, exhibition, hunter-kill purposes, or other purposes determined necessary by the Commission to prevent the spread of disease. The Commission should adopt rules regarding registration requirements, issuance, revocation and renewal; disease testing; inspections; record-keeping; construction standards; and location; as well as treatment in, and movement to and from, a feral swine holding facility.

As part of this recommendation, the Commission should also be given clear authority to take enforcement action against individuals who violate statutory provisions or Commission rules or orders related to feral swine holding facility registration. For statutory violations, a first offense would be a Class C misdemeanor, while subsequent violations would be Class B misdemeanors. The Commission could also use its existing administrative penalty authority to enforce rules and orders related to feral swine.

Because the Commission would only regulate feral swine from a disease-control perspective, the authority to register feral swine holding facilities would not authorize the Commission to interfere with any other agency's authority, such as TPWD's authority to regulate the hunting and trapping of feral swine. In such situations, the Commission would work with

the other agency to ensure both agencies' missions are met.

Fiscal Implication

These recommendations would not have a fiscal impact to the State.

Responses

Agency

The Commission agrees with these recommendations, which clarify the Commission's authority to regulate the movement of feral swine as a disease-control measure as well as formalize the feral swine holding facility registration process. (Bob Hillman, D.V.M., Executive Director – Texas Animal Health Commission)

For

James C. Grimm, Executive Vice President – Texas Poultry Federation, Round Rock

Larry Winkleman – Texas Farm Bureau, Burton

Guy Sheppard, D.V.M., President – Texas Veterinary Medical Association, Austin

Matt Brockman, Executive Vice President – Texas and Southwestern Cattle Raisers Association, Fort Worth

Against

None received.

Modification

1. Legalize a year-round, fully open season on feral hogs until the numbers are brought under control. (George R. Pangborn, Burnet)

Staff Comment: The Texas Parks and Wildlife Department currently authorizes, with a general hunting license, a year-round open season on feral swine.

Recommended Action: Adopt Recommendations 3.1 and 3.2.

Commission Decision: Adopted Recommendations 3.1 and 3.2.

Issue 4 Lack of Clear Compliance Procedures Can Lead to an Inconsistent Approach to Enforcement Across the Commission's Eight Field Areas.

Recommendations

Change in Statute

4.1 Require the Commission to establish an agencywide compliance policy and internal operating procedures to guide compliance activities.

This recommendation would ensure that the Commission adopts an agencywide policy regarding its philosophy on compliance and conveys this policy to staff statewide. For example, the Commission could establish that the primary goal of its compliance activities is to first rectify violations of or deviations from Commission requirements through educational efforts before escalating to more severe action. The policy could also address how to prioritize compliance activities with other agency operations, as well as how to prioritize the types of violations.

In addition, the Commission should develop clearly defined procedures regarding the Commission's approach to addressing compliance with state laws and Commission rules. The compliance procedures should address the Commission's process for receiving and consistently responding to complaints from the public and its own field staff; checking for previous violations when a complaint is filed; involving a supervisor in the approval of key compliance decisions; and regularly keeping complainants updated on the status of their complaint. The Commission should post these internal operating procedures on the agency's Intranet so that all Commission employees, including area office directors and field inspectors, have access to them.

The agencywide compliance policy and internal operating procedures are intended to

provide guidance to Commission staff – particularly field employees – on the general approach to compliance and how to prioritize compliance activities. These policies and procedures should not be a cookbook; field staff should retain flexibility in addressing compliance concerns within their area.

4.2 Require the Commission to provide information regarding the process for accepting complaints on its website.

To provide the public with simple, easy-to-access information about the Commission's complaint procedures, the Commission would be required to post information regarding complaints on the home page of its website. These procedures should address how to file a complaint, what types of information to include in the complaint, and the general process to expect. The Commission should also explain what types of complaints fall under its jurisdiction, thus reducing the potential for any confusion on nonjurisdictional complaints – such as those dealing with companion animals or animal welfare issues – that the agency does not have authority to resolve. The Commission would not need to post its internal operating procedures on its website.

Management Action

4.3 The Commission should track categories of violations to identify common problems that could be addressed through targeted regulation or education efforts.

Tracking the types of complaints received and compliance action taken would provide the Commission with useful information to identify regulatory problem areas. Types of complaints could be categorized by section of

statute or particular rule violated, or under broader categories, such as failure to properly vaccinate or test an animal. Armed with this information, the Commission could target its public information and education efforts on those areas identified as a concern. Tracking dispositions of complaints, including those handled by the courts, would keep the Commission abreast of the actions taken to achieve compliance, thus allowing the Commission to more accurately report its activities to the Legislature, stakeholders, and the public.

4.4 The Commission should make its compliance database available to its employees statewide to facilitate better sharing of information and consistency in staff's approach to compliance.

Allowing field employees to have electronic access to the Commission's database would

reduce field staff's reliance on paper copies, thus making it easier for staff to check for previous violations by the same offender, search for similar situations and violations by other individuals within the area and in other areas, and determine the final disposition of complaints submitted by field staff. By taking advantage of this additional information, field staff could take more consistent and effective steps to ensure compliance with animal health laws and rules.

Fiscal Implication

These recommendations could have a fiscal impact to the State if establishing procedures to encourage more statewide consistency for compliance results in additional compliance activities and actions. However, the amount of additional compliance activity that may result across the Commission's eight field areas cannot be estimated for this report.

Responses

Agency

The Commission agrees with these recommendations. In addition, based on these recommendations and recommendations by the State Auditor's Office, the Commission will seek capital authority and additional resources through the legislative process to maintain and improve its information systems, and, in particular, its compliance database. (Bob Hillman, D.V.M., Executive Director – Texas Animal Health Commission)

For

James C. Grimm, Executive Vice President – Texas Poultry Federation, Round Rock

Larry Winkleman – Texas Farm Bureau, Burton

Guy Sheppard, D.V.M., President – Texas Veterinary Medical Association, Austin

Matt Brockman, Executive Vice President – Texas and Southwestern Cattle Raisers Association, Fort Worth

Against

None received.

Recommended Action: Adopt Recommendations 4.1 through 4.4.

Commission Decision: Adopted Recommendations 4.1 through 4.4.

Issue 5 Anticipated Changes in the Commission's Workforce Could Leave the Agency Vulnerable to a Significant Loss of Knowledge Critical to Its Operations.

Recommendations

Management Action

5.1 The Commission should develop and implement a succession plan to prepare for impending retirements and workforce changes.

The Commission should develop a plan to prepare for both anticipated and unanticipated departures of key staff, including identifying positions critical to the agency's operations. With the Commission's turnover rate expected to significantly rise, the Commission should implement this plan within two to four years, before anticipated retirement-eligibility dates of key staff. A succession plan would reposition the Commission to address future needs with current resources and ensure continuity of leadership.

5.2 The Commission should formally document its duties in writing by updating its manuals and making them available to all employees electronically.

This recommendation would ensure that the Commission captures institutional knowledge and uses this information to update its employee manuals to reflect current job duties and procedures. This would allow the

Commission to record valuable knowledge and expertise before key staff leaves, providing an effective method to document current practices as well as to train new staff. The Commission should make these manuals available to all staff electronically, such as through the Commission's Intranet, as a more effective means of information disbursement. This would allow the agency to more easily update information without printing new manuals every time information changes.

5.3 The Commission should train and develop staff to move into at-risk positions.

The Commission should identify positions at risk of becoming vacant in the near future and provide training and development opportunities to employees eligible to move into these positions. Training and development opportunities would give staff the skills and competencies needed to move into essential positions and enable the Commission to pass its institutional knowledge and expertise to new staff members. This recommendation would also allow the Commission to further develop its career ladder.

Fiscal Implication

These recommendations would not have a fiscal impact to the State.

Responses

Agency

The Commission agrees with these recommendations. (Bob Hillman, D.V.M., Executive Director – Texas Animal Health Commission)

For

James C. Grimm, Executive Vice President – Texas Poultry Federation, Round Rock

Larry Winkleman – Texas Farm Bureau, Burton

Guy Sheppard, D.V.M., President – Texas Veterinary Medical Association, Austin

Matt Brockman, Executive Vice President – Texas and Southwestern Cattle Raisers Association, Fort Worth

Against

None received.

Recommended Action: Adopt Recommendations 5.1 through 5.3.

Commission Decision: Adopted Recommendations 5.1 through 5.3.

Issue 6 Texas Has A Continuing Need for the Texas Animal Health Commission.

Recommendation

Change in Statute

6.1 Continue the Texas Animal Health Commission for 12 years.

This recommendation would continue the Commission as an independent agency responsible for preventing, controlling, and eradicating animal diseases in livestock, exotic livestock, domestic fowl, and exotic fowl for the standard 12-year period, until 2019. The Commission would maintain its activities focused on protecting livestock and fowl from

disease. Doing so would not only benefit animal health, but would also help protect humans from zoonotic diseases and help protect Texas' economy from the potentially devastating effects that could result from an animal disease outbreak.

Fiscal Implication

If continued by the Legislature, the Commission's annual appropriation of \$13.4 million – including \$8.3 million in General Revenue – would continue to be required.

Responses

Agency

The Commission agrees with the Sunset staff recommendation that the Commission continue as an independent agency responsible for preventing, controlling, and eradicating diseases in livestock, domestic fowl, and exotic fowl for another 12 years. (Bob Hillman, D.V.M., Executive Director – Texas Animal Health Commission)

For

James C. Grimm, Executive Vice President – Texas Poultry Federation, Round Rock

Larry Winkleman – Texas Farm Bureau, Burton

Guy Sheppard, D.V.M., President – Texas Veterinary Medical Association, Austin

Matt Brockman, Executive Vice President – Texas and Southwestern Cattle Raisers Association, Fort Worth

Ken Horton, Executive Vice President – Texas Pork Producers Association, Austin

Against

Liz Kincaid – Appaloosa Horse Club, Argyle

Sally Jarnecke, Fredericksburg

Jerry Cunningham – Coyote Creek Farm, Elgin

Paul Allen

Modifications

1. Abolish the Texas Animal Health Commission and do the following:
 - ◆ Close the Commission's eight area office facilities, and discharge those employees.
 - ◆ Close the Commission's four regional labs, and transfer the employees to the Texas Veterinary Medical Diagnostic Laboratory to perform routine testing for diseases sent to them by veterinarians throughout the state.
 - ◆ Discharge the Commission's inspectors used at the 118 "sale barns" throughout Texas, but require the sale barn operators to contract with a local veterinarian to inspect animals entering the sale barn, and to allow a nominal fee per head be charged to the sellers of the livestock to cover the veterinarian's wage.
 - ◆ Discharge the Commission inspectors at the Texas boundary with other states and transfer their duties of examining the livestock certificates to the Department of Public Safety.
 - ◆ Transfer the Commission inspectors at the Mexican Border (if any) to the Texas Department of Agriculture and require a mandatory quarantine and complete testing of any animal entering Texas from any foreign country before these foreign animals are intermixed with our healthy animals; the North American Free Trade Agreement and Central American Free Trade Agreement trade deals notwithstanding.
 - ◆ Discharge the Commission's employees in Austin.
 - ◆ Add one employee, a veterinarian, to report to the Texas Agriculture Commissioner with the title of Veterinarian General whose duties would be similar to those of the Surgeon General of the United States except to handle matters concerning animals in Texas.
 - ◆ Entirely rewrite the Texas Agriculture Code to enact these changes, and without any sections that impose any national program onto the people, such as the NAIS.
 - ◆ Require the Texas Rangers, in cases of agroterrorism, to work with the FBI.
 - ◆ Require testing for agroterrorism and outbreaks of serious diseases (such as bird flu or mad cow disease) to be performed by the Texas Veterinary Medical Center at College Station.

(George R. Pangborn, Burnet)

2. Consolidate the Commission into another organization. (Tony Manasseri, McKinney)
3. Sunset the Commission and start from scratch with a new and more appropriately focused organization. (Suzanne W. Gasparotto – Onion Creek Ranch)
4. Eliminate the Commission or place it under the management of the Texas Department of Agriculture to address animal disease issues. (Mary Beth Westcott – Double W Ranch, Austin and Gonzales)
5. Immediately disband the Commission and transfer any remaining necessary functions to the Texas Department of Agriculture. (Col. George R. Givens, Paige)
6. Merge the Commission with the Texas Department of Agriculture. (Mary M. Kelley, Bastrop)

7. Absorb the Commission into the Texas Department of Agriculture and the Texas Veterinary Medical Diagnostic Laboratory and do the following:
 - ◆ Disband the 12-member Commission.
 - ◆ Privatize veterinarian services.
 - ◆ Allow the Texas Department of Agriculture to provide a supervisory role for animal health issues.
 - ◆ Require large producers to pick up their own tab for eradicating and containing animal health issues just like the small guys.
 - ◆ Allow the Texas Veterinary Medical Diagnostic Lab to absorb all Commission laboratories.

(Michael Wayne Kelley, Bastrop)

8. Make the Commission a part of the Texas Department of Agriculture and set it up where it has the respect of the vet profession and where all size producers have equal input. (Melvin T. Massey, DVM, Brownsboro)
9. Merge the Commission into the Texas Department of Agriculture so that it is under the supervision of an elected official. (Judith McGeary – Farm and Ranch Freedom Alliance, Austin)
10. If not merged with the Texas Department of Agriculture, require the Commission to develop a detailed plan for public involvement and the accurate distribution of information. (Judith McGeary – Farm and Ranch Freedom Alliance, Austin)
11. Adopt the Texas Comptroller’s special report to the Legislature, April 2003, as a means of addressing the funding issues rather than the Commission’s current plan to raise funds by mandating premises registration. (Judith McGeary – Farm and Ranch Freedom Alliance, Austin)

Staff Comment: In April 2003, during the 78th legislative session, the Texas Comptroller of Public Accounts issued a second set of e-Texas recommendations, including eliminating the Texas Animal Health Commission and transferring its functions to the Texas Department of Agriculture (TDA). The recommendation also re-established the Commission’s policy body as a five-member Animal Health Council under TDA.

<p>Recommended Action: Adopt Recommendation 6.1.</p>
<p>Commission Decision: Adopted Recommendation 6.1.</p>

Across-the-Board Recommendations

Texas Animal Health Commission

Recommendations	Across-the-Board Provisions
Update	1. Require public membership on the agency’s policymaking body.
Update	2. Require provisions relating to conflicts of interest.
Already in Statute	3. Require unbiased appointments to the agency’s policymaking body.
Already in Statute	4. Provide that the Governor designate the presiding officer of the policymaking body.
Update	5. Specify grounds for removal of a member of the policymaking body.
Update	6. Require training for members of the policymaking body.
Already in Statute	7. Require separation of policymaking and agency staff functions.
Already in Statute	8. Provide for public testimony at meetings of the policymaking body.
Update	9. Require information to be maintained on complaints.
Apply	10. Require the agency to use technology to increase public access.
Apply	11. Develop and use appropriate alternative rulemaking and dispute resolution procedures.

Recommended Action: Adopt staff recommendations.

Commission Decision: Adopted staff recommendations.

New Issues

New Issues

The following issues were raised in addition to the issues raised in the staff report. These issues are numbered sequentially to follow the staff's recommendations.

National Animal Identification System

7. Repeal House Bill 1361. (Gary Conner – Native Texans for a Californian Free Texas, Dripping Springs, Charles W. Murray, Giddings)
Staff Comment: House Bill 1361, 79th legislative session, authorized the Texas Animal Health Commission to develop and implement an animal identification program consistent with USDA's National Animal Identification System, and assess a premises registration fee.
8. Direct the Commission to halt any and all efforts to enact anything whatsoever to do with H.B. 1361 until such time as the Legislature can repeal it. (Gary Conner – Native Texans for a Californian Free Texas, Dripping Springs)
9. Leave the National Animal Identification System permanently as a voluntary program. (Sue Vinson – Vinson Livestock, Midkiff, Nanci Falley – American Indian Horse Registry, Lockhart)
10. Make the National Animal Identification System go away permanently, but if that is not possible, make the National Animal Identification System voluntary only for those who want to sell their meat to a world market. (Susan Barackman, Paris)
11. Abandon the National Animal Identification System program, especially as it is described as an ultimately mandatory program. (Col. George R. Givens, Paige)
12. The National Animal Identification System program should not apply to pet owners and small farmers and ranchers. (Col. George R. Givens, Paige)
13. Require the Commission and the U.S. Department of Agriculture to strongly reconsider the National Animal Identification System. (Libby Bishop – American Indian Horse Registry, San Antonio)

Policy Body

14. Require all members of the Texas Animal Health Commission to provide the Sunset Commission with disclosure of all farm subsidy payments received directly themselves, by any enterprises they are involved with, as well as payments to family members to at least the second degree, for the past 10 years. (Mary M. Kelley, Bastrop)

Regulatory Authority

15. Require stronger inspection of imported cattle. (Libby Bishop – American Indian Horse Registry, San Antonio)
16. Restrict poultry to well-ventilated screened areas to prevent intermingling with suspect migratory fowl. (Libby Bishop – American Indian Horse Registry, San Antonio)

17. Require the Commission to conduct a thorough cost-benefit analysis of any new regulation and specify that the analysis should include nonmonetary costs, such as the time required to comply, and intangible costs, such as any burden on property rights; for multistep programs, the analysis should address the entire program. (Judith McGeary – Farm and Ranch Freedom Alliance, Austin)
18. The Commission’s mandate should clearly establish its primary goal as the prevention of disease, rather than “damage-control” measures after an outbreak has occurred. (Judith McGeary – Farm and Ranch Freedom Alliance, Austin)
19. Do not grant the Commission additional powers until the Commission has shown that it is properly exercising its existing powers. (Judith McGeary – Farm and Ranch Freedom Alliance, Austin)
20. The Legislature should prioritize the funding of existing programs, such as permits and health certificates, as compared to the expensive, post-outbreak proposal of electronic tracking. (Judith McGeary – Farm and Ranch Freedom Alliance, Austin)

Recommended Action: Staff makes no recommendations on the new issues.

Commission Decision: The Commission did not adopt any of the new issues.