

BILL ANALYSIS

Senate Research Center

H.B. 461
By: Miller et al. (To Be Filed)
S/C on Ag., Rural Affairs, & Coastal Resources
5/13/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1361, enacted during the 79th Legislature, Regular Session, 2005, authorized the Texas Animal Health Commission (commission) to develop an animal identification system consistent with the National Animal Identification System (NAIS) being developed by the United States Department of Agriculture (USDA). At the time, the USDA was in the process of developing a mandatory NAIS. Since that time, the USDA-NAIS has been changed to a voluntary program reflecting a belief that the private market will eventually compel registration in an identification system. The commission dropped its plans for creating a mandatory system and has a voluntary system as consistent with the USDA-NAIS. There is some concern that the original language of H.B. 1361 authorizes the commission to create a mandatory system even if the USDA-NAIS remains voluntary.

H.B. 461 requires the commission's system to remain voluntary at the state level.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Animal Health Commission in SECTION 3 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 161.056, Agriculture Code, by amending Subsections (a), (c), (d), and (e) and adding Subsections (a-1), (j), and (k), as follows:

(a) Authorizes the Texas Animal Health Commission (commission) to develop and implement a voluntary animal identification program that is consistent with the United States Department of Agriculture's National Animal Identification System (program) in order to provide for disease control and enhance the ability to trace disease-infected animals or animals that have been exposed to disease.

(a-1) Authorizes a person to apply for the program by submitting an annual fee determined by the commission and a signed application prescribed by the commission. Requires an application form prescribed by the commission to include a conspicuous notice that the program is voluntary, a disclosure of the types of information collected under the program, and notice of the persons to which information the commission collects under the program may be disclosed.

(c) Authorizes the commission to permit, rather than require, the use of official identification numbers assigned as part of the program for commission programs, rather than animal disease control, animal emergency management, and other programs.

(d) Deletes existing text authorizing the commission to establish a date by which all premises are required to be regulated.

(e) Authorizes the commission to release information to certain persons if the commission determines that the person has adequate protections for the confidentiality of the information. Deletes existing text authorizing the commission to release information to any person the executive director of the commission considers appropriate, if the executive director determines that livestock may be threatened by a disease, agent, or

pest, and the release of the information is related to actions the commission may take under this section.

(j) Authorizes a person who participates in the program to withdraw from the program at any time. Requires the commission to delete from the program all personal information relating to a participant when the participant withdraws from the program.

(k) Prohibits a person from conditioning a service, benefit, license, payment, or permit on participation in a program under this section.

SECTION 2. Repealer: Sections 161.056(g) (relating to an offense) and (h) (relating to the penalty for an offense), Agriculture Code.

SECTION 3. Requires the commission to provide notice of the changes to Section 161.056, Agriculture Code, made by this Act to each person registered on the effective date of this Act under that section and provide the person with the opportunity to withdraw from the program not later than November 1, 2007, and adopt rules as required by Section 161.056, Agriculture Code, as amended by this Act, not later than January 1, 2008.

SECTION 4. Effective date: upon passage or September 1, 2007.