

BILL ANALYSIS

Senate Research Center
87R7586 MP-F

H.B. 3856
By: Rogers (Springer)
Water, Agriculture & Rural Affairs
5/3/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The current administrative penalty for the Texas Animal Health Commission (TAHC) under Section 161.148, Agricultural Code, is \$1,000. A penalty amount of \$5,000 is commonly used by other state agencies and is included in the Texas Legislative Council drafting manual. Currently, TAHC does not have the authority to assess penalties on a per head basis with large trailer loads of animals entering the state, and so the penalty is assessed on a per trailer basis. A \$1,000 penalty is not an adequate deterrent for repeat offenders.

H.B. 3856 amends current law relating to administrative penalties imposed by the Texas Animal Health Commission.

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. Amends Sections 161.148(a) and (b), Agriculture Code, as follows:

(a) Authorizes the Texas Animal Health Commission to impose an administrative penalty on a person who violates Subtitle C (Control of Animal Diseases and Pests) or a rule or order adopted under Subtitle C, rather than impose an administrative penalty against a person who violates a rule or order adopted under Subtitle C.

(b) Authorizes the penalty for a violation to be in an amount not to exceed \$5,000, rather than an amount not to exceed \$1,000.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2021.