

The Texas Animal Health Commission (Commission) proposes new §33.2, Certificate of Veterinary Inspection, in Chapter 33, which is entitled “Fees”.

The Commission had a fee for CVI’s that is found in Chapter 59. Since the CVI fee was instituted, the agency has created a chapter for fees and this amendment is merely relocating the CVI fee into the fee chapter. The move does not change the fee process, structure or amount as there are no substantive changes.

FISCAL NOTE

Mr. Sami Chadli, Director of Administration and Finance, Texas Animal Health Commission, has determined for the first five-year period the rule is in effect, there will be no significant additional fiscal implications for local or state government as a result of enforcing or administering the rule. The proposed new rule and any resultant increase in revenue will support existing disease programs administered by the Commission.

PUBLIC BENEFIT NOTE

Mr. Chadli has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be that it is located in the same chapter with other fees.

LOCAL EMPLOYMENT IMPACT STATEMENT

In accordance with Texas Government Code §2001.022, this agency has determined that the proposed rule will not impact local economies and therefore, did not file a request for a local employment impact statement with the Texas Workforce Commission.

TAKINGS ASSESSMENT

The agency has determined that the proposed governmental action will not affect private real property. The proposed rule is an activity related to the handling of animals, including requirements for testing, movement, inspection, identification, reporting of disease, and treatment, in accordance with 4 TAC §59.7, and is, therefore, compliant with the Private Real Property Preservation Act in Government Code, Chapter 2007.

REQUEST FOR COMMENT

Comments regarding the proposal may be submitted to Carol Pivonka, Texas Animal Health Commission, 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0721 or by e-mail at “comments@tahc.state.tx.us”.

STATUTORY AUTHORITY

The new section is proposed under the following statutory authority as found in Chapter 161 of the Texas Agriculture Code. Under §161.060, the Commission may charge a fee, as provided by Commission rule, for an inspection made by the Commission. During the

82nd Texas Legislative Session, House Bill 1992 was passed which provides the Commission with broader based fee assessment authority. HB 1992 amends §161.060 which will allow the Commission to set and collect a fee for most services provided, including: 1) inspecting animals or facilities; 2) obtaining samples from animals for disease diagnostic test; 3) testing animals for disease; 4) disease prevention, control/eradication and treatment efforts; 5) services related to the transport of livestock; 6) control and eradication of ticks and other pests; and 7) any other service for which the Commission may incur a cost.

Section 161.0601 authorizes the Commission through rulemaking to issue and to set the fee for a certificate of veterinary inspection for the transport of domestic and exotic livestock and fowl. Furthermore, the Commission is vested by statute, §161.041(a), with the requirement to protect all livestock, domestic animals, and domestic fowl from disease. The Commission is authorized, by §161.041(b), to act to eradicate or control any disease or agent of transmission for any disease that affects livestock. If the Commission determines that a disease listed in §161.041 of this code or an agent of transmission of one of those diseases exists in a place in this state among livestock, or that livestock are exposed to one of those diseases or an agent of transmission of one of those diseases, the Commission shall establish a quarantine on the affected animals or on the affected place. That is found in §161.061. As a control measure, the Commission by rule may regulate the movement of animals. The Commission may restrict the intrastate movement of animals even though the movement of the animals is unrestricted in interstate or international commerce. The Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. That is found in §161.054.

The new rule affects Texas Administrative Code, Title 4, Chapter 59.

33.2. Certificate of Veterinary Inspection.

(a) All veterinarians, licensed and accredited in Texas, that utilize a Certificate of Veterinary Inspection (CVI) for livestock, exotic livestock or domestic fowl shall use a current CVI issued by the Commission on or after September 1, 2005. All certificates printed and issued prior to September 1, 2005, will be null and void for issuance after October 31, 2005.

(b) The Commission shall assess a fee of \$7.00 for each individual CVI. CVI's will be sold in books of ten certificates per book.

(c) The CVI may be obtained from the Commission through a written request, accompanied by a check or money order, for the full amount to cover the requested number of CVI's. The written request shall be sent to TAHC, P.O. Box 12966, Austin, Texas 78711-2966. When established, the Commission may also accept phone orders paid for by an accepted credit card. Phone orders may be made by calling 1-800-550-8242.