

The Texas Animal Health Commission (commission) proposes the repeal of §33.4, concerning Laboratory Fees, and §33.5, concerning Herd Status/Certification Fees, in Chapter 33, which is entitled “Fees”.

The agency had fee authority for these rules under §161.060(b) of the Texas Agriculture Code, which is entitled “Authority to Set and Collect Fees”. The authority allowed the commission by rule to set and collect a fee for any service provided by the commission, including: (1) the inspection of animals or facilities; (2) the testing of animals for disease; (3) obtaining samples from animals for disease testing;(4) disease prevention, control or 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 incurs a cost. Subsection 161.060(b) expired on August 31, 2015, as such the agency is repealing certain fee rules that are no longer authorized by statute.

FISCAL NOTE

Ms. Larissa Schmidt, Director of Administration, Texas Animal Health Commission, has determined for the first five-year period the repeal is in effect, there will be no significant additional fiscal implications for state or local government as a result of repealing the rules. An Economic Impact Statement (EIS) is required if the proposal has an adverse economic effect on small businesses. The agency has evaluated the proposal and determined that there is not an adverse economic impact and, therefore, there is no need to do an EIS. Implementation of this proposal poses no significant fiscal impact on small or micro-businesses, or to individuals.

PUBLIC BENEFIT NOTE

Ms. Schmidt has also determined that for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of repealing the rules will be that the public will no longer be assessed a fee for certain services.

LOCAL EMPLOYMENT IMPACT STATEMENT

In accordance with the Texas Government Code §2001.022, this agency has determined that the proposed repeal 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 repeal will not affect private real property 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 Amanda Bernhard, Texas Animal Health Commission, 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719 or by email at “comments@tahc.texas.gov”.

STATUTORY AUTHORITY

The repeal is authorized by the Texas Agriculture Code §161.046, which provides the commission with authority to adopt rules relating to the protection of livestock, exotic livestock, domestic fowl or exotic fowl, as well as Texas Government Code §2001.039, which authorizes a state agency to repeal a rule.

No other statutes, articles or codes are affected by the proposal.

33.4. Laboratory Fees.

~~(a) Any test request must be submitted to the Commission on a form approved by the Commission with all the required fields completed. In order to run any test you must have a valid account.~~

~~(b) When faxed reporting of test results is requested, an additional \$1.00 charge shall be added to the invoice.~~

~~(c) An accession (processing) fee of \$5.00 for tests will be charged for each accession number assigned. This fee is for each accession/case number assigned, not each specimen submitted.~~

~~(d) Expedited processing may be provided for an additional fee of \$25.00 upon approval of the Director of Labs or State Epidemiologist.~~

~~(e) Full payment is due 30 days from the date of invoice for all lab services. Test results may be withheld if an account is not paid in full in a timely manner.~~

~~(f) The Fee Schedule is as follows for Test Services:~~

~~—(1) Brucellosis Testing:~~

~~—(A) RAP Test—\$1.50~~

~~—(B) CARD—\$2.00~~

~~—(C) Rivanol—\$4.00~~

~~—(D) BAPA—\$2.00~~

~~—(E) Plate SPT—\$2.00~~

~~—(F) Tube STT—\$3.00~~

~~—(G) CF—\$4.00~~

~~—(H) FPA—\$3.00~~

~~—(I) Ring BRT—\$2.00~~

~~—(J) HRIT—\$4.00~~

~~—(K) Culture—\$15.00~~

~~—(2) Pseudorabies Testing:~~

~~—(A) ALX—\$3.00~~

~~—(B) G1—\$3.00~~

33.5. Herd Status/Certification Fees.

~~(a) The Commission is assessing a fee for the following programs:~~

- ~~–(1) Requirements for Certified Brucellosis Free Herd for Cattle (See §35.3 of this title (relating to Brucellosis in Cattle)).~~
- ~~–(2) Initial Validation and Revalidation of Individual Swine Herd (See §35.48 of this title (relating to Brucellosis in Swine)).~~
- ~~–(3) Requirements for Certified Brucellosis Free Cervidae Herd (See §35.82 of this title (relating to Brucellosis in Cervidae)).~~
- ~~–(4) Requirements for Certified Brucellosis Free Herd of Goats (See §35.62 of this title (relating to Brucellosis in Goats)).~~
- ~~–(5) CWD Herd Status Plans for Cervidae (See §40.3 of this title (relating to Chronic Wasting Disease)).~~
- ~~–(6) Accredited Herd Plan for Cattle (See §43.2 of this title (relating to Tuberculosis in Cattle and Bison)). A herd must meet the standards of the Uniform Methods and Rules (UM&R) as provided in Part IV.~~
- ~~–(7) Accredited Herd Plan for Goats (See §43.11 of this title (relating to Tuberculosis in Goats)).~~
- ~~–(8) Herd Status Plans for Cervidae (See §43.22 of this title (relating to Tuberculosis in Cervidae)).~~
- ~~–(9) Trichomoniasis Herd Certification Program—Breeding Bulls (See §38.8 of this Title (relating to Trichomoniasis)).~~
- ~~–(10) Pseudorabies Qualified and Monitored Herd Plans for Swine (See §55.5 of this title (relating to Pseudorabies in Swine)).~~
- ~~(b) The fee is on a sliding scale as follows:~~
 - ~~–(1) \$25.00 for less than 25 head.~~
 - ~~–(2) \$50.00 for 25 to 100 head.~~
 - ~~–(3) \$100 for greater than 100 head.~~
 - ~~–(4) \$25 for a second certificate for herds that participate in both of the following programs:~~
 - ~~—(A) Swine brucellosis/PRV validation/qualification.~~
 - ~~—(B) Goat brucellosis/Tuberculosis certification/accreditation.~~
- ~~(c) The fee is due in full prior to issuance of a certificate which provides confirmation of a disease free status for the herd.~~