

EXPLANATION OF PROPOSED RULE

The Texas Animal Health Commission (Commission) proposes an amendment to Chapter 59, entitled General Practices and Procedures by amending Section 59.11, entitled "Certificate of Veterinary Inspections (CVI)".

Animals being exported, or transported to locations such as livestock shows must be inspected and/or tested by an accredited veterinarian to ensure they meet the testing and certification requirements of the destination authority and that required information is recorded on a CVI. The Commission issues CVIs to veterinarians and the veterinarians fill in the relevant information upon inspection and/or testing of the animals. The Commission currently issues three types of CVIs: 1.) "Certificate of Veterinary Inspection" TAHC Form 00-10; 2.) "Equine Certificate of Veterinary Inspection" TAHC Form 99-08; and 3.) "Equine Interstate Movement Passport" TAHC Form 00-02.

Agriculture Code, §161.0601(d), authorizes the Commission to establish the fee for the certificate. In 2005, the Commission established a fee of \$5.00 for each certificate. Based on the overall increasing cost of the agency in supporting this mission, the agency is proposing to increase that fee from \$5.00 to \$7.00 per certificate.

FISCAL NOTE

Dr. Matt Cochran, DVM, Assistant Executive Director of Administration, 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. This rule and any resultant increase in revenue will support existing disease programs administered by the Commission. Based on the rate at \$7.00 per certificate and assuming 75,000 certificates are issued each fiscal year, the agency anticipates collecting a total of approximately \$525,000 per fiscal year. Out of this total revenue, the TAHC will distribute (under budgetary mandate) \$375,000 in unappropriated funds into the GR account and the remaining revenue, \$150,000 per fiscal year for a total of \$300,000 revenue during the biennium, can support Commission disease programs and efforts. These funds will also assist the agency with certificate production and distribution expenses.

PUBLIC BENEFIT NOTE

Dr. Cochran has also determined that for each year of the first five (5) years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will allow the Commission to maximize its appropriation of general revenue funds by applying the net revenues collected as a cost recovery mechanism to offset the costs of state services and regulatory functions that the Commission is statutorily charged to perform. Such a cost recovery mechanism advances and supports successful program implementation efforts in support of the agency's mission of:

- protecting the animal industry from, and/or mitigate the effects of domestic, foreign and emerging diseases;
- increasing the marketability of Texas livestock commodities at the state, national and international level;
- promoting and ensuring animal health and productivity;
- protecting human health from animal diseases and conditions that are transmissible to people;
- preparing for and responding to emergency situations involving animals.

LOCAL EMPLOYMENT IMPACT STATEMENT

In accordance with Government Code, Section 2001.022, this agency has determined that the proposed rule will not impact local economies.

TAKINGS ASSESSMENT

The agency has determined that the proposed governmental action will not affect private real property. The proposed amendment 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 proposed amendment may be submitted to Dolores Holubec, 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

Section 161.0601 authorizes the Texas Animal Health 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, Section 161.041(a), with the requirement to protect all livestock, domestic animals, and domestic fowl from disease. The Commission is authorized, by Section 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 Section 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 Section 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 Section 161.054. That authority is found in Section 161.048.

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

Texas Administrative Code

<u>TITLE 4</u>	AGRICULTURE
<u>PART 2</u>	TEXAS ANIMAL HEALTH COMMISSION
<u>CHAPTER 59</u>	GENERAL PRACTICES AND PROCEDURES
RULE §59.11	Certificate of Veterinary Inspections

(a) All Veterinarians, licensed and accredited in Texas, that utilize a certificate of veterinary inspection (CVI) for livestock, exotic livestock or domestic fowl shall utilize 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 ~~five~~ seven (\$~~5~~7.00) dollars for each individual CVI. CVI's will be sold in books of ten (10) certificates per book.

(c) The CVI may be procured 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 when paid for by an accepted credit card. Phone orders may be made by calling 1-800-550-8242.