

**MINUTES OF THE 345TH COMMISSION MEETING
TEXAS ANIMAL HEALTH COMMISSION**

March 12, 2003

The Texas Animal Health Commission Meeting was called to order by Chairman Richard Traylor at 8:43 a.m. in the Texas Animal Health Commission Conference Room in Austin, Texas. Meeting Convened

Dr. William Edmiston and Jerry Windham. Commissioners Not Present

Dr. James Lenarduzzi; Dr. Max Coats; Gene Snelson; Angela Lucas; Dale Jaroszewski; Felix Volk; Bill Powers; Dr. Terry Conger; Dr. Dan Baca; Dr. Suzy Burnham; Dr. Ken Waldrup; Dave Tomkins; Eleanor Ferren; Richard Wagner; Rick Smathers; Rick Nabors; Carla Everett; Wilburt Kubicek; Marcella Trotter; and Edith Smith. TAHC Staff Present

See list attached. Visitors Present

ITEM 1 - WELCOME AND CALL TO ORDER BY CHAIRMAN TRAYLOR.

ITEM 2 - APPROVAL OF MINUTES

A motion to approve the minutes of the December 4, 2002, Commission Meeting was made by Ron Davenport and seconded by Reta Dyess. The motion carried unanimously.

ADJOURNED AT 8:45 a.m. for the Executive Closed Session.

ITEM 3 - EXECUTIVE CLOSED SESSION UNDER AUTHORITY OF §551.074 OF THE GOVERNMENT CODE IN ORDER TO DELIBERATE THE APPOINTMENT AND REASSIGNMENT OF THE DUTIES OF THE EXECUTIVE DIRECTOR

RECONVENED at 9:18 a.m. in Open Session. The Commissioners ratified the selection of the new Executive Director, Dr. Bob Hillman, by the Search Committee.

Ron Davenport moved and Reta Dyess seconded to approve the selection of Dr. Bob Hillman as the new TAHC Executive Director. The motion carried unanimously.

ITEM 4 - REPORT OF THE EXECUTIVE DIRECTOR AND APPROVAL OF ACTIONS FOR THE PERIOD 12/5/02 THROUGH 3/11/03 - DR. JAMES LENARDUZZI

Dr. Lenarduzzi gave a synopsis of his out of office trips and his visits from outside sources from December 5 through March 11, 2003. He also presented the waiver request actions processed for the same time period.

Dr. Dick Sherron moved and Quincy Barnes seconded to approve the actions of the Executive Director and the waiver request actions from December 5, 2002 through March 11, 2003. The motion carried unanimously.

ITEM 5 - PRESENTATION OF AWARDS - CHAIRMAN

Dr. Dick Sherron presented Wilbert Kubicek, Supply Coordinator, with his 25 year service award of a \$100 savings bond and Dr. James Lenarduzzi, Acting Executive Director, presented an award to the Commission from Governor Rick Perry for the Texas Animal Health Commission's participation in emergency management activities for 2002.

ITEM 6 - AUDIT SUBCOMMITTEE REPORT - DR. ROMULO RANGEL

Dr. Rangel reported on Mr. Monday Rufus' internal audits of Program Records, the Area 3 Office and the Area 6 Office and his recommendations to TAHC management.

Reta Dyess moved and Chuck Real seconded to approve the Audit Subcommittee report. The motion carried unanimously.

ITEM 7 - ADMINISTRATION/BUDGET STATUS REPORT - MR. BRUCE HAMMOND (GIVEN BY ANGELA LUCAS)

Angela Lucas discussed the Method of Financing for Fiscal Year 2003 as of February 28, 2003; the Budget Category Summary for FY 2003 as of February 28, 2003; the Department Summary for FY 2003 as of February 28, 2003; the Baseline Budget Summary by Budget Category for 2004-2005; and the Exceptional Items (total by item) for 2004-2005.

Dr. Romulo Rangel moved and Dr. Dick Sherron seconded to approve adjustments to the Fiscal Year 2003 Operating Budget. The motion carried unanimously.

ITEM 8 - LEGISLATIVE REPORT - MR. BILL POWERS

Bill Powers discussed the status of TAHC's bills in both the House and the Senate and stated that all bills must be filed by this Friday, March 14, 2003.

ITEM 9 - CONTRACTS AND PURCHASES - November 1, 2002 through February 28, 2003 - MR. FELIX VOLK

Greater than \$5,000 but less than \$10,000

- 4,000 Certificate of Veterinary Inspection books
- Enclosure of front entry of Central Office for security reasons
- Six Router-10/100 BaseT modular interface cards
- One disinfectant spray rig mounted on heavy duty trailer

\$10,000 or greater - (Request for Approval)

- Request for Proposal - new lease for San Antonio Suboffice (**this item was not approved by the Commissioners and the office will close on December 31, 2003**)
- Renewal of Austin State/Federal Laboratory lease
- Renewal of the Beeville Area 5 Office lease
- Renewal of the Mt. Pleasant Area 4 Office lease
- New telephone system for Central Office

Ron Davenport moved and Roy Martinez seconded to approve the Contracts and Purchases request from November 1, 2002, through February 28, 2003, with the exception of the renewal of the lease for the San Antonio Suboffice. The motion carried unanimously.

ITEM 10- PRESENTATION OF ANIMAL HEALTH PROGRAM UPDATE - DR. MAX COATS

Dr. Coats presented program information related to total indemnity, Bovine Brucellosis, Ticks, Bovine tuberculosis, EIA, Swine Brucellosis, Swine pseudorabies, Swine first point testing, Sheep, Chronic Wasting Disease, Poultry, and Japanese cattle.

ITEM 11 - TUBERCULOSIS REPORT - TEXAS - DR. DAN BACA

Dr. Baca talked about Mexican-Origin Feeder Cattle, a meeting with 10 dairymen in the El Paso area regarding the depopulation of their dairy herds, a TB traceback of a dairy cow in Arizona back to a premise in Muleshoe, Texas and then back to a premise in Portales, New Mexico, and the downgrade in TB status for California and New Mexico.

ITEM 12 - CONSIDERATION OF AND POSSIBLE ACTION ON REGULATION PROPOSALS

Chapter 43, Tuberculosis, Interstate Movement Requirements

No action was taken on this proposal. Mr. Traylor sees no use in keeping this in effect because of the new status program that APHIS has set up. They are not going to impose any restrictions on our feeder cattle until we go through the suspended status program.

PUBLIC COMMENT

Mr. Mike Qualls with the United States Team Roping Championships asked questions of the Commissioners and offered USTRC comments regarding the TB regulations and TB testing of Mexican-origin cattle (feeder cattle, breeding cattle and roping steers).

Mr. Manny Nunez represented Eastmann Livestock LLC regarding the origin ID tag and the blue eartag applied when an animal is TB tested. He requested to be put on the mailing list to receive Commission Meeting agendas.

ITEM 13 - CONSIDERATION OF AND POSSIBLE ACTION ON REGULATION ADOPTION

Chapter 35, Brucellosis, Entry Requirements - Mr. Gene Snelson

The purpose of the adoption is to remove an entry requirement for rodeo bulls coming to Texas in order that the state requirement will conform with the federal standard recently adopted by the United States Department of Agriculture. This adoption will remove the requirement in Section 35.4 (b) (2) (C) that rodeo bulls coming to Texas need a Brucellosis test. The Commission would note that bulls from states not classified as Brucellosis Free (i.e., Missouri) would fall under the general requirement of needing to be tested.

Dr. Romulo Rangel moved and Dr. Dick Sherron seconded to adopt amendments to Chapter 35, Brucellosis, Section 35.4, Entry, Movement and Change of Ownership, and publish the amendments in the Texas Register to become effective on May 1, 2003. The motion carried unanimously.

ITEM 14 - CONSIDERATION OF AND POSSIBLE ACTION ON REGULATION RULE REVIEW ADOPTIONS - MR. GENE SNELSON

a) Chapter 31, Anthrax

The Texas Animal Health Commission has completed its review and has determined that the need still exists for Chapter 31, concerning "Anthrax," in accordance with the Texas Government Code, Section 2001.039. Chapter 31 contains Sections 31.1, Diagnosis, 31.2, Quarantine, and 31.3, Disposal.

b) Chapter 32, Hearing and Appeal Procedures

The Texas Animal Health Commission has completed its review and has determined that the need still exists for Chapter 32, concerning "Hearing and Appeal Procedures," in accordance with the Texas Government Code, Section 2001.039. Chapter 32 contains Sections 32.1, Definitions, 32.2, Appeal of a Decision or Order by the Executive Director, 32.5, Decisions and Orders, and 32.6, Transcript of the Hearing.

c) Chapter 34, Veterinary Biologics

The Texas Animal Health Commission has completed its review and has determined that the need still exists for Chapter 34, concerning "Veterinary Biologics," in accordance with the Texas Government Code, Section 2001.039. Chapter 34 consists of Sections 34.1, Definitions, and 34.2, General Requirements.

Dr. Dick Sherron moved and Chuck Real seconded to adopt the Rule Reviews for Chapter 31, Anthrax, Chapter 32, Hearing and Appeal Procedures, and Chapter 34, Veterinary Biologics, as discussed today. The motion carried unanimously.

ITEM 15 - RECOGNITION OF PUBLIC COMMENT - CHAIRMAN

Public comment was given in Item 12.

ITEM 16 - SET DATE FOR THE 346TH MEETING - CHAIRMAN

The next meeting will be on May 8, 2003, at 9:00 a.m. There will be a Human Resources Subcommittee Meeting preceding the Commission Meeting at 8:00 a.m.

ITEM 17 - ADJOURNMENT

ADJOURNED at 12:09 p.m.

APPROVED BY CHAIRMAN TRAYLOR

APPROVED ON 5-8-03

Richard C. Traylor, Chairman

The proceedings of the open meeting are on cassette tape and are on record at the office of the Texas Animal Health Commission at 2105 Kramer Lane, Austin, Texas.
