

**MINUTES OF THE 348TH COMMISSION MEETING
TEXAS ANIMAL HEALTH COMMISSION
September 23, 2003**

The Texas Animal Health Commission Meeting was called to order by Chairman Richard Traylor at 9:00 a.m. in the Texas animal Health Commission Conference Room in Austin, Texas.

Commissioners Not Present: Dr. Charles R. (Dick) Sherron

TAHC Staff Present: Dr. Bob Hillman, Gene Snelson, Bruce Hammond, Bill Powers, Richard Wagner, Dawna Smith, Rick Nabors, Barbara Hallmark, Patti Kuhles, Dale Jaroszewski, Felix Volk

Item 1 - Welcome and call to order by Chairman Traylor

Item 2 - Approval of Minutes

A motion to approve the minutes of the July 29, 2003 Commission Meeting was made by Commissioner Reta Dyess and seconded by Commissioner Windham. The motion carried unanimously.

Item 3 - Report of the Executive Director and Approval of Actions for the Period of 7/29/03 through 9/22/03.

Dr. Hillman gave a report of significant activities and issues that occurred from July 29, 2003 through September 22, 2003. Dr. Hillman also provided a written report of his out of office trips for the Commissioners' review.

Commissioner Traylor expressed the importance of trying to obtain additional cooperative agreement funds next year needed for salaries in the administration of the Johne's Disease program.

Commissioner Rangel moved and Commissioner Real seconded the motion to approve the actions of the Executive Director for the period from July 29, 2003 through September 22, 2003. The motion carried unanimously.

Item 4 - Audit Subcommittee Report - Commissioner Rangel, Chairman

Commissioner Rangel reviewed three issues previously presented to the Audit Subcommittee by Mr. Monday Rufus, P.C. Certified Public Accountants & Consultants :

- (1) The follow-up audit of the Payroll and Personnel Functions.
The objectives of the previous recommendations from the original audit have been accomplished.
- (2) Presentation of the FY 2004 Audit Plan
- (3) Presentation of the FY 2003 Audit Report

Commissioner Dyess moved and Commissioner Davenport seconded the motion to approve the Agency Audit Subcommittee Report as discussed. The motion carried unanimously.

Item 5 - Discussion and possible action to rescind the modified quarantine issued by the Executive Director to prohibit movement of all Fowl from part of El Paso County as being exposed to Exotic Newcastle Disease

Gene Snelson noted that the USDA has removed the quarantine from El Paso County. Dr. Hillman followed on August 13, 2003 and rescinded the quarantine. There is no longer any quarantine in El Paso County for Exotic Newcastle Disease and no movement restriction on fowl in El Paso County. The Order to rescind the modified quarantine was presented for approval.

Commissioner Rangel moved and Commissioner Bozka seconded the motion to approve the order to rescind the modified quarantine issued by the Executive Director to prohibit movement of all fowl from part of El Paso County as being exposed to Exotic Newcastle Disease. The motion carried unanimously

Item 6 - Tuberculosis Report - Texas

Dr. Baca submitted a written report for the Commission notebooks and Dr. Hillman covered this information in his report to the commissioners.

Item 7 - Presentation of Animal Health Program Update

A written report was included in the Commission notebooks for review and Dr. Hillman covered the general information in his report to the commissioners. Dr. Hillman noted that the report showed that there were no infected brucellosis herds. This report presents statistics through the end of August and the newly infected herd presented in Dr. Hillman's report was found in September and will show up in the next Program Disease Report.

Item 8 - Administration/Budget Status Report - Bruce Hammond

Bruce Hammond gave a summary of last year's budget through August 31, 2003. There was an increase of \$9,930 shown on the Method of Financing schedule which is a result of expenditures incurred during the END outbreak in El Paso. This budget adjustment requires approval.

Bruce Hammond also discussed the Budget Category Summary for FY 2003 as of August 31, 2003 and the Department Summary as of August 31, 2003.

Commissioner Rangel moved and Commissioner Wood seconded the motion to approve adjustments to the Fiscal Year 2003 Operating Budget as presented and discussed. The motion carried unanimously

Item 9 - Consideration Of and Possible Action on Agency Contracts and Purchases - Felix Volk

Greater than \$5,000.00 but less than \$10,000.00 from 8/01/03 through 9/22/03

*Eudora software and license to upgrade & expand the field PC equipment.

*Renewal of the existing contract with Texas Rules Incorporated for the purpose of the Texas Register Submission.

Greater than \$10,000.00 from 8/01/03 through 9/22/03 (Request for Approval)

- *Purchase of DCX Sentry 100 Fluorescence Polarization Instrument (86 units)
- *Purchase of Mechanical Adjustable Pipettors, 10-100ul for use with the FP equipment
- *Purchase of Mechanical Fixed Volume Pipettors, 100ul for use with the FP equipment
- *Purchase of 9 LaserJet Printers 4200N - Upgrade of Old Equipment
- *Purchase of Gamma Interferon Test Kits for Tuberculosis Testing
- *Purchase of 1 Dodge Pickup for Surveillance/Homeland Security

Rick Nabors, Director of State Laboratories provided more detailed information regarding the Fluorescence Polarization instruments and the pipettors needed to operate this equipment.

Dr. Hillman stated that this technology would enable TAHC to do future testing on a number of different diseases which would provide broader surveillance capabilities thus justifying the utilization of Homeland Security funding for these purchases.

Commissioner Windham moved and Commissioner Rangel seconded the motion to approve the contracts and purchases requested for the period from August 1, 2003 through September 22, 2003. The motion carried unanimously.

Commissioner Traylor requested an update on the San Antonio Office lease since Dr. Baca will be resigning. Dr. Hillman responded that he had discussed the San Antonio Office situation with Dr. Ferris in view of Dr. Baca's employment with USDA/VS. Dr. Ferris is working to rent that office space and Dr. Baca would continue to work out of that area. The space would be rented by USDA. Dr. Baca's replacement with TAHC would preferably be located in the Austin office. However, Dr. Ferris indicated that if USDA/VS was able to rent the San Antonio office space it would be available for the use of TAHC staff. The TAHC contract for the San Antonio office space expires November 30, 2003.

Item 10 - Discussion on Registration Program for Exotic and Domestic Fowl - Gene Snelson

Discussion on the fowl registration program authorized by HB 2328, 78th Legislative Session. A public meeting was held at the Capitol on Aug. 21, 2003 hosted by Representative McReynolds' office. From that meeting, a discussion document was developed and provided to the Commissioners. The main objective of the program is to control high risk for avian diseases. Information will be forwarded to interested parties to obtain their input. This bill was set up to recover just the cost to administer the program through assignment of a fee. This program is to address disease prevention not animal welfare. Further input from industry will be sought through distribution of the discussion document and a public meeting at TAHC.

Public Comment

The following individuals commented on the Fowl Registration Program.

Dwain White - President of the Citizens Preservation of Rural Livestock

Ray Harris - District Manager, Region 4 - TGBA - Texas Gamefowl Breeders Association

Item 11 - Legislative Report - Bill Powers

A bill was introduced by both the Senate (SB 4) and House (HB 25) to appropriate to our agency the fees that are collected for the implementation to carry out the mandate in HB 2328 (the Registration Program for Exotic and Domestic Fowl). HB 25 has passed the house and moved to the Senate; has passed the Senate Finance Committee and is on the list that can be considered by the full Senate. We're hopeful that it will be passed during the special session.

Item 12 - Presentation of Awards - Bruce Hammond

Bruce Hammond presented Mike Wolszon, Director of Information Resources with his 5 year Service Award Certificate.

Item 13 - Gene Snelson -Consideration of and Possible Action on Regulation Adoptions Regarding:

- (a) Chapter 48, Riding Stables - Repeal**
- (b) Chapter 51, Entry Requirements**
- (c) Chapter 55, Swine**

(a) Chapter 48, Riding Stables - Repeal

The Riding Stable Program was abolished last legislative session as a response to a Sunset Commission Report. The rules are being moved.

Commissioner Dyess moved and Commissioner Windham seconded the motion to adopt the repeal to Chapter 48, Riding Stable Registration Program, Section 48.1 through 48.9 to Volume 4 of the Texas Administrative Code as discussed and that notice of the adopted repeal be published in the Texas Register. The motion carried unanimously.

(b) Chapter 51, Entry Requirements

The Swine entry requirements will move from Chapter 55. These amendments re-establish the entry requirements for pseudorabies and brucellosis to be more appropriate for a status State of our size. Clarifications and adjustments were made regarding entry requirements for poultry that participate in Texas exhibition shows and fairs.

Commissioner Rangel moved and Commissioner Edmiston seconded the motion to adopt the amendments to Chapter 51, ENTRY REQUIREMENTS, located in Volume 4 of the Texas Administrative Code, as discussed today and that notice of the adopted amendments be published in the Texas Register. The motion carried unanimously

c) Chapter 55, Swine

Moved the entry requirements and put a bookmark showing that the requirements were moved to Chapter 51.

Commissioner Real moved and Commissioner Edmiston seconded the motion to adopt the amendments to Chapter 55, SWINE, located in Volume 4 of the Texas Administrative Code, as discussed today and that notice of the adopted amendments be published in the Texas Register. The motion carried unanimously.

Item 14 - Gene Snelson - Consideration of and Possible Action on Regulation Rule Reviews Adoptions Regarding:

- (a) Chapter 37, Screwworms**
- (b) Chapter 39, Scabies**

(a) Chapter 37, Screwworms

TAHC has conducted a review and finds the need still exists for Chapter 37, concerning "Screwworms", in accordance with the Texas Government Code, Section 2001.039

Commissioner Dyess moved and Commissioners Davenport and Rangel seconded the motion to adopt the Rules Review for Chapter 37, "Screwworms", as found in Sections 37.1 through 37.2 of Volume 4 of the Texas Administrative code, as discussed today. The motion carried unanimously.

(b) Chapter 39, Scabies

TAHC has conducted a review and finds the need still exists for Chapter 39, which is located in Title 4, Part II, of the Texas Administrative Code.

Commissioner Edmiston moved and Commissioner Wood seconded the motion to adopt the Rules Review for Chapter 39, "Scabies", as found in Sections 39.1 through 39.10 of Volume 4 of the Texas Administrative code, as discussed today. The motion carried unanimously.

Item 15 - Public Comment

No further Public Comment was made

Item 16 - Set Date for the 349th Commission Meeting - Chairman

The next meeting will be on December 3, 2003. at 8:30 a.m. There will be no Subcommittee Meetings.

Item 17 - Adjournment

Adjourned at 11:20 a.m.

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