The Texas Animal Health Commission (Commission) proposes the repeal of existing Chapter 33, concerning Fees, in the Texas Administrative Code, Title 4, Part 2. This repeal is proposed concurrently with the proposal of a new Chapter 33, concerning Certificates of Veterinary Inspection, which is published simultaneously in this issue of the *Texas Register*.

BACKGROUND AND PURPOSE

The Commission underwent a comprehensive and collaborative rule review by the Texas Regulatory Efficiency Office (TREO). TREO made several recommendations to reduce unnecessary regulations and increase transparency. One such recommendation was repealing unused rules in Chapter 33 and updating certificate of veterinary inspection (CVI) rules to reflect the Commission's transition to electronic CVIs.

Specifically, the Commission proposes the repeal of Section 33.1, which contains unnecessary definitions. The Commission proposes the repeal of Section 33.2, which contains outdated rules related to purchasing paper CVIs. The Commission proposes the repeal of Section 33.3, which contains rules the Commission no longer uses relating to fees for inspection of foreign cattle. And finally, the Commission proposes the repeal of Section 33.4, containing enforcement and penalty rules.

The proposed repeals are made concurrently with a proposed new Chapter 33. The newly proposed Chapter 33, entitled Certificates of Veterinary Inspection, will contain a section detailing electronic CVIs and fees assessed by the Commission and a section establishing enforcement and penalty rules.

The Commission's goal in proposing the repeal and replacement of Chapter 33 is to reduce burdensome regulation and modernize rules.

SECTION-BY-SECTION SUMMARY

The proposed repeal will repeal the entirety of Chapter 33 to be replaced with a newly proposed Chapter 33.

FISCAL NOTE

Ms. Jeanine Coggeshall, General Counsel for the Texas Animal Health Commission, determined that for each year of the first five years proposed repeal is in effect,

enforcing or administering the repeal does not have foreseeable implications relating to costs or revenues of state or local governments.

PUBLIC BENEFIT NOTE

Ms. Coggeshall determined that for each year of the first five years the proposed repeal is in effect, the anticipated public benefit will be the reduction of unnecessary regulations and modernized rules that more accurately reflect current use.

TAKINGS IMPACT ASSESSMENT

The Commission determined that the proposed repeal does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. Therefore, the proposed repeal is compliant with the Private Real Property Preservation Act in Texas Government Code §2007.043 and do not constitute a taking.

LOCAL EMPLOYMENT IMPACT STATEMENT

The Commission determined that the proposed repeal would not impact local economies and, therefore, did not file a request for a local employment impact statement with the Texas Workforce Commission pursuant to Texas Government Code §2001.022.

REGULATORY ANALYSIS OF MAJOR ENVIRONMENTAL RULES

The Commission determined that this proposed repeal is not a "major environmental rule" as defined by Government Code §2001.0225. "Major environmental rule" is defined to mean a rule the specific intent of which is to protect the environment or reduce risk to human health from environmental exposure and that may adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment or the public health and safety of a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

GOVERNMENT GROWTH IMPACT STATEMENT

In compliance with the requirements of Texas Government Code §2001.0221, the Commission prepared the following Government Growth Impact Statement. The

Commission determined for each year of the first five years the proposal would be in effect, the proposed repeal:

Will not create or eliminate a government program;
Will not require the creation or elimination of employee positions;
Will result in no assumed change in future legislative appropriations;
Will not affect fees paid to the Commission;
Will not create new regulation;
Will reduce existing regulation;
Will not change the number of individuals subject to the rule; and
Will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Ms. Coggeshall also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities pursuant to Texas Government Code, Chapter 2006. The repeal does not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the proposal.

COSTS TO REGULATED PERSONS

The proposed repeal of Chapter 33 does not impose additional costs on regulated persons and is designed to reduce regulatory burden. The proposal does not otherwise impose a direct cost on a regulated person, state agency, a special district, or a local government within the state.

PUBLIC COMMENT

Written comments regarding the proposed repeal may be submitted to Amanda Bernhard, Texas Animal Health Commission, 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719 or by e-mail to comments@tahc.texas.gov. To be considered, comments must be received no later than thirty (30) days from the date of publication of this proposal in the *Texas Register*. When faxing or emailing comments, please indicate "Comments on Proposed Rule-Chapter 33, Fees" in the subject line.

STATUTORY AUTHORITY

The repeal is proposed under the following statutory authority as found in Chapter 161 of the Texas Agriculture Code.

The Commission is vested by statute, §161.041(a), titled “Disease Control,” to protect all livestock, exotic livestock, domestic fowl, and exotic fowl from disease. The Commission is authorized, through §161.041(b), to act to eradicate or control any disease or agent of transmission for any disease that affects livestock, exotic livestock, domestic fowl, or exotic fowl, even if the agent of transmission is an animal species that is not subject to the jurisdiction of the Commission.

Pursuant to §161.046, titled “Rules,” the Commission may adopt rules as necessary for the administration and enforcement of this chapter.

Pursuant to §161.060, titled “Authority to Set and Collect Fees,” the Commission may charge a fee for an inspection made by the Commission as provided by Commission rule.

Pursuant to §161.0601, titled “Certificates of Veterinary Inspection,” the Commission may adopt rules providing for the issuance of electronic certificates of veterinary inspection. The Commission shall set and charge a fee for each certificate of veterinary inspection provided to a veterinarian.

Pursuant to §161.148, titled "Administrative Penalty", the Commission may impose an administrative penalty on a person who violates Chapter 161 or a rule or order adopted under Chapter 161. The penalty for a violation may be in an amount not to exceed $5,000, effective September 1, 2021.

The proposed repeal of the rules does not affect other statutes, sections, or codes.

<rule>

Chapter 33, Fees

§33.1. Definitions.

§33.2. Certificate of Veterinary Inspection.

§33.3 Inspection of Foreign Cattle Fee.

§33.4. Enforcement and Penalties.