

By: Kolkhorst
(Ashby)

S.B. No. 811

A BILL TO BE ENTITLED

AN ACT

relating to disclosure of certain information by the Parks and
Wildlife Department or the Texas Animal Health Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 161, Agriculture Code, is
amended by adding Section 161.0542 to read as follows:

Sec. 161.0542. NOTICE OF WILDLIFE DISEASE OUTBREAK. (a)
Notwithstanding any law restricting the disclosure of information
by the commission and subject to Subsection (b), if the commission
becomes aware of a wildlife disease outbreak on a property, the
commission shall provide notice of the location and nature of the
outbreak to:

(1) each owner of adjacent property; and

(2) the Parks and Wildlife Department.

(b) Subsection (a) applies only to a disease that the
commission has designated as reportable.

SECTION 2. Section 11.030(a), Parks and Wildlife Code, is
amended to read as follows:

(a) The name and address and a telephone, social security,
driver's license, bank account, credit card, or charge card number
of a person who purchases customer products, licenses, or services
from the department may not be disclosed, sold, rented, or traded
except as authorized under this section or Section 12.014, 12.103,
or 12.0251.

1 SECTION 3. Subchapter A, Chapter 12, Parks and Wildlife
2 Code, is amended by adding Section 12.014 to read as follows:

3 Sec. 12.014. NOTICE OF WILDLIFE DISEASE OUTBREAK. (a)
4 Notwithstanding any law restricting the disclosure of information
5 by the department and subject to Subsection (b), if the department
6 becomes aware of a wildlife disease outbreak on a property, the
7 department shall provide notice of the location and nature of the
8 outbreak to:

9 (1) each owner of adjacent property; and

10 (2) the Texas Animal Health Commission.

11 (b) Subsection (a) applies only to a disease that the Texas
12 Animal Health Commission has designated as reportable.

13 SECTION 4. Section 12.0251(b), Parks and Wildlife Code, is
14 amended to read as follows:

15 (b) The commission or the department may disclose
16 information described by this section only to:

17 (1) the landowner;

18 (2) another person if ~~unless~~

19 ~~[(1)]~~ the landowner consents to full or specified
20 partial disclosure of information~~+~~ and

21 ~~[(2)]~~ the consent is in writing and is attached to the
22 plan or recommendation report; or

23 (3) the Texas Animal Health Commission as needed to
24 carry out a governmental purpose.

25 SECTION 5. Section 12.103, Parks and Wildlife Code, is
26 amended by amending Subsections (b) and (c) and adding Subsection
27 (d-1) to read as follows:

1 (b) Except as provided by Subsection (d) or (d-1), the
2 department may use information collected by an employee of the
3 department on privately owned land only for the purposes of
4 scientific investigations and research described in Subsection (a)
5 and only if authorized in writing by the landowner or the
6 landowner's agent. Unless the department first obtains the written
7 consent of the landowner or the landowner's agent, the department
8 may not:

9 (1) use other incidental information obtained on the
10 land that does not pertain directly to the investigation or
11 research authorized under Subsection (a); or

12 (2) enter or permit the entry of any information that
13 does not pertain directly to the investigation or research
14 authorized under Subsection (a), into a database:

15 (A) maintained by the department and available to
16 a person other than a department employee;

17 (B) maintained by a natural heritage program
18 administered by the department; or

19 (C) established and maintained by any other
20 person.

21 (c) Except as provided by Subsection (d) or (d-1),
22 information collected under this section may only be reported or
23 compiled in a manner that prevents the identification of an
24 individual parcel or specific parcels of private property without
25 the written consent of the landowner or the landowner's agent.

26 (d-1) The department may disclose information collected
27 under this section to the Texas Animal Health Commission as needed

1 to carry out a governmental purpose.

2 SECTION 6. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2023.