

By: Flores

H.B. No. 3061

Substitute the following for H.B. No. 3061:

By: Swinford

C.S.H.B. No. 3061

A BILL TO BE ENTITLED

AN ACT

relating to regulation of the disposal of animal remains.

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

SECTION 1. Section 161.004, Agriculture Code, is amended to read as follows:

Sec. 161.004. DISPOSAL OF DISEASED LIVESTOCK CARCASS. (a)

A person who is the owner or caretaker of livestock that die from a disease listed in Section 161.041 of this code, or who owns or controls the land on which the livestock die or on which the carcasses are found, shall, within 24 hours after the carcasses are found:

(1) bury the carcass of each animal by digging a grave five feet deep, placing the carcass in the grave, covering the carcass with lime, and filling the grave with dirt; or

(2) set fire to the carcass of each animal and burn it until it is thoroughly consumed.

(b) The Texas Commission on Environmental Quality may not adopt a rule related to the disposal of livestock under this section unless the rule is developed in cooperation with and is approved by the Texas Animal Health Commission.

SECTION 2. Section 161.0415, Agriculture Code, is amended by adding Subsection (d) to read as follows:

(d) The Texas Commission on Environmental Quality may not adopt a rule related to the disposal of livestock under this section

1 unless the rule is developed in cooperation with and is approved by
2 the Texas Animal Health Commission.

3 SECTION 3. Sections 801.361(a) and (b), Occupations Code,
4 are amended to read as follows:

5 (a) To the extent consistent with rules adopted by the Texas
6 Commission on Environmental Quality under Subsection (b), a [A]
7 veterinarian may dispose of the remains of an animal by burial or
8 burning if[+]

9 [(1)] the burial or burning occurs in the county in
10 which the remains are discovered and on property owned by the
11 veterinarian[+ and

12 [(2) ~~the veterinarian does not charge for the burning~~
13 ~~or burial~~].

14 (b) Notwithstanding any other law, the Texas [~~Natural~~
15 ~~Resource Conservation~~] Commission on Environmental Quality may not
16 adopt a rule related to the disposal of animal remains under this
17 section unless the rule is developed in cooperation with and is
18 approved by the Texas Animal Health Commission [~~that prohibits~~
19 ~~conduct authorized by this section~~].

20 SECTION 4. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2003.