

By: Duncan

S.B. No. 1389

A BILL TO BE ENTITLED

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AN ACT

relating to the definition, branding, and identification of livestock.

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

SECTION 1. Section 1.003, Agriculture Code, is amended by adding Subdivision (3) to read as follows:

(3) "Livestock" means cattle, horses, mules, asses, sheep, goats, and hogs, unless otherwise defined.

SECTION 2. Section 46.002, Agriculture Code, is amended to read as follows:

Sec. 46.002. DEFINITION. In this chapter "Texas agricultural product" means an agricultural, apicultural, horticultural, silvicultural, viticultural, or vegetable product, either in its natural or processed state, that has been produced, processed, or otherwise had value added to the product in this state, including:

- (1) ~~equine species;~~
- ~~(2)~~ feed for use by livestock or poultry;
- (2) ~~(3)~~ fish or other aquatic species;
- (3) ~~(4)~~ livestock, a livestock product, or a livestock by-product;
- (4) ~~(5)~~ planting seed;
- (5) ~~(6)~~ poultry, a poultry product, or a poultry by-product; or

1 (6) [~~(7)~~] wildlife processed for food or by-products.

2 SECTION 3. Subsection (a), Section 144.001, Agriculture
3 Code, is amended to read as follows:

4 (a) Each person who has cattle, hogs, sheep, or goats shall
5 have and may use one or more earmarks; ~~and~~ one or more brands; one
6 or more tattoos used in place of a brand; or one or more electronic
7 devices used in place of a brand differing from the earmarks, ~~and~~
8 brands, tattoos, and devices of the person's neighbors.

9 SECTION 4. Section 144.041, Agriculture Code, is amended by
10 amending Subsection (a) and adding Subsection (f) to read as
11 follows:

12 (a) Each person who owns cattle, hogs, sheep, or goats shall
13 record that person's earmarks, ~~and~~ brands, tattoos used in place
14 of a brand, and electronic devices used in place of a brand with the
15 county clerk of the county in which the animals are located.

16 (f) Not later than the 30th day after the date a county clerk
17 receives a record pertaining to cattle under this section, the
18 clerk shall forward a copy of the record to the association
19 authorized to inspect livestock under 7 U.S.C. Section 217a.

20 SECTION 5. Section 144.042, Agriculture Code, is amended to
21 read as follows:

22 Sec. 144.042. RECORDING. In recording a mark, device,
23 tattoo, or brand, the county clerk shall note the date on which the
24 mark or brand is recorded. In addition, the person recording a
25 mark, device, tattoo, or brand shall designate the part of the
26 animal on which the mark, device, tattoo, or brand is to be placed
27 and the clerk shall include that in the records.

1 SECTION 6. Section 144.044, Agriculture Code, is amended by
2 adding Subsection (d) to read as follows:

3 (d) Not later than the 30th day after the date a county clerk
4 receives a record pertaining to cattle under this section, the
5 clerk shall forward a copy of the record to the association
6 authorized to inspect livestock under 7 U.S.C. Section 217a.

7 SECTION 7. Subsection (a), Section 148.011, Agriculture
8 Code, is amended to read as follows:

9 (a) In accordance with this section, a slaughterer shall
10 keep a record of all livestock [~~cattle, horses, hogs, sheep, or~~
11 ~~goats~~] purchased or slaughtered. Both the slaughterer and the
12 person managing the slaughtering operations are responsible for
13 maintaining records under this section. A person who owns or
14 operates a locker plant and leases, rents, or furnishes space to
15 others in that plant for profit shall keep records in accordance
16 with this section as if that person were a slaughterer.

17 SECTION 8. Subdivision (4), Section 1.101, Parks and
18 Wildlife Code, is amended to read as follows:

19 (4) "Wild," when used in reference to an animal, means
20 a species, including each individual of a species, that normally
21 lives in a state of nature and is not ordinarily domesticated. This
22 definition does not include exotic livestock defined by Section
23 161.001(a)(4) [~~161.001(a)(3) and (4)~~], Agriculture Code.

24 SECTION 9. The following provisions of the Agriculture Code
25 are repealed:

26 (1) Sections 53.001(3), 142.001(2), 144.123, 144.126,
27 146.002, 147.001(2), and 161.001(a)(3); and

1 (2) Subchapters B and D, Chapter 144, and Subchapter
2 C, Chapter 146.

3 SECTION 10. An offense committed before the effective date
4 of this Act is governed by the law in effect when the offense was
5 committed, and the former law is continued in effect for that
6 purpose. For purposes of this section, an offense is committed
7 before the effective date of this Act if any element of the offense
8 occurs before the effective date.

9 SECTION 11. This Act takes effect September 1, 2003.