

By: Duncan

S.B. No. 1389

A BILL TO BE ENTITLED

AN ACT

relating to livestock branding and identification.

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

SECTION 1. Section 144.001(b), Agriculture Code, is amended to read as follows:

(b) A person who owns livestock, [~~a horse~~] may have and use one or more of the following to identify the livestock [~~horse~~]:

(1) a brand differing from the brand of the person's neighbors, including a fire or electric heat brand, freeze brand, acid brand, or hoof brand;

(2) an earmark differing from the earmark of the person's neighbors;

(3) a tattoo differing from the tattoo of the person's neighbors;

(4) an electronic device; or

(5) another generally accepted identification method.

SECTION 2. Chapter 144.041, Agriculture Code, is amended by amending Subsection (b) and adding Subsection (f) to read as follows:

(b) A person who owns livestock, [~~a horse~~] shall record an identification mark authorized by Section 144.001(b) with the county clerk of the county in which the animal is located.

(f) Not later than the 30th day after the date a county clerk receives a record under this section, the clerk shall forward a copy

1 of the record to the association authorized to inspect livestock  
2 under 7 U.S.C. Section 217a.

3 SECTION 3. Section 144.042, Agriculture Code, is amended to  
4 read as follows:

5 Sec. 144.042. RECORDING. In recording a mark or other  
6 brand, the county clerk shall note the date on which the mark or  
7 brand is recorded. In addition, the person recording a brand shall  
8 designate the part of the animal on which the brand is to be placed  
9 and the clerk shall include that in the records.

10 SECTION 4. Section 144.044, Agriculture Code, is amended by  
11 adding Subsection (d) to read as follows:

12 (d) Not later than the 30th day after the date a county clerk  
13 received a record under this section, the clerk shall forward a copy  
14 of the record to the association authorized to inspect livestock  
15 under 7 U.S.C. Section 217a.

16 SECTION 5. Section 146.002, Agriculture Code, is amended to  
17 read as follows:

18 Sec. 146.002. RECORDING BILL OF SALE AND LIST OF ANIMALS  
19 BEFORE TRANSPORTING [~~DRIVING~~].

20 SECTION 6. Sections 146.002(a) and (d), Agriculture Code,  
21 are amended to read as follows:

22 (a) A person who purchases animals of a class listed in  
23 Section 146.001 of this code for the purpose of transporting the  
24 animals [~~driving to a market~~] out of the county where purchased or  
25 out of this state shall, before transporting [~~moving~~] the animals  
26 out of the county, record with the county clerk:

27 (1) a bill of sale;

1           (2) a list of the number, marks, brands, and kind of  
2 animals; and

3           (3) the address of the purchaser.

4           (d) A person intending to transport livestock [~~drive stock~~]  
5 owned and raised by that person out of the county where raised or  
6 out of the state shall, before transporting [~~so driving~~] the  
7 animals, record with the county clerk a list of the animals with a  
8 description of the marks and brands. The list must be verified by  
9 affidavit of the person recording the information. The county  
10 clerk shall record and certify the list and return it to the person  
11 presenting the information.

12           SECTION 7. The heading of Section 146.006, Agriculture  
13 Code, is amended to read as follows:

14           Sec. 146.006. PENALTY FOR TRANSPORTING LIVESTOCK [~~DRIVING~~  
15 ~~STOCK TO MARKET~~] WITHOUT BILL OF SALE OR SWORN LIST.

16           SECTION 8. Section 146.006(a), Agriculture Code, is amended  
17 to read as follows:

18           (a) A person commits an offense if the person transports  
19 [~~drives to market~~] animals of a class listed in Section 146.001 of  
20 this code without possessing:

21           (1) a bill of sale or transfer for each animal that  
22 shows the marks and brands of the animal and is certified as  
23 recorded by the county clerk of the county from which the animals  
24 were transported [~~driven~~]; or

25           (2) if the person raised the animals, a list of the  
26 marks and brands that is certified as recorded by the county clerk  
27 of the county from which the animals were transported [~~driven~~].

1           SECTION 9. The following provisions of the Agriculture Code  
2 are repealed:

3                   (1) Sections 144.073, 144.123, and 144.126; and

4                   (2) Subchapter B, Chapter 144; Subchapter D, Chapter  
5 144; and Subchapter C, Chapter 146.

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

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