

1-1 By: Duncan S.B. No. 1389
1-2 (In the Senate - Filed March 13, 2003; March 19, 2003, read
1-3 first time and referred to Subcommittee on Agriculture;
1-4 March 31, 2003, reported adversely, with favorable Committee
1-5 Substitute to the Committee on Natural Resources by the following
1-6 vote: Yeas 3, Nays 0; April 22, 2003, reported adversely, with
1-7 favorable Committee Substitute from the Committee on Natural
1-8 Resources by the following vote: Yeas 11, Nays 0; April 22, 2003,
1-9 sent to printer.)

1-10 COMMITTEE SUBSTITUTE FOR S.B. No. 1389 By: Duncan

1-11 A BILL TO BE ENTITLED
1-12 AN ACT

1-13 relating to the definition, branding, and identification of
1-14 livestock.

1-15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-16 SECTION 1. Section 1.003, Agriculture Code, is amended by
1-17 adding Subdivision (3) to read as follows:

1-18 (3) "Livestock" means cattle, horses, mules, asses,
1-19 sheep, goats, and hogs, unless otherwise defined.

1-20 SECTION 2. Section 46.002, Agriculture Code, is amended to
1-21 read as follows:

1-22 Sec. 46.002. DEFINITION. In this chapter "Texas
1-23 agricultural product" means an agricultural, apicultural,
1-24 horticultural, silvicultural, viticultural, or vegetable product,
1-25 either in its natural or processed state, that has been produced,
1-26 processed, or otherwise had value added to the product in this
1-27 state, including:

1-28 (1) ~~equine species;~~

1-29 ~~[(2)] feed for use by livestock or poultry;~~

1-30 (2) ~~[(3)] fish or other aquatic species;~~

1-31 (3) ~~[(4)] livestock, a livestock product, or a~~
1-32 ~~livestock by-product;~~

1-33 (4) ~~[(5)] planting seed;~~

1-34 (5) ~~[(6)] poultry, a poultry product, or a poultry~~
1-35 ~~by-product; or~~

1-36 (6) ~~[(7)] wildlife processed for food or by-products.~~

1-37 SECTION 3. Subsection (a), Section 144.001, Agriculture
1-38 Code, is amended to read as follows:

1-39 (a) Each person who has cattle, hogs, sheep, or goats shall
1-40 have and may use one or more earmarks; ~~and~~ one or more brands; one
1-41 or more tattoos used in place of a brand; or one or more electronic
1-42 devices used in place of a brand differing from the earmarks, ~~and~~
1-43 brands, tattoos, and devices of the person's neighbors.

1-44 SECTION 4. Section 144.041, Agriculture Code, is amended by
1-45 amending Subsection (a) and adding Subsection (f) to read as
1-46 follows:

1-47 (a) Each person who owns cattle, hogs, sheep, or goats shall
1-48 record that person's earmarks, ~~and~~ brands, tattoos used in place
1-49 of a brand, and electronic devices used in place of a brand with the
1-50 county clerk of the county in which the animals are located.

1-51 (f) Not later than the 30th day after the date a county clerk
1-52 receives a record pertaining to cattle under this section, the
1-53 clerk shall forward a copy of the record to the association
1-54 authorized to inspect livestock under 7 U.S.C. Section 217a.

1-55 SECTION 5. Section 144.042, Agriculture Code, is amended to
1-56 read as follows:

1-57 Sec. 144.042. RECORDING. In recording a mark, device,
1-58 tattoo, or brand, the county clerk shall note the date on which the
1-59 mark or brand is recorded. In addition, the person recording a
1-60 mark, device, tattoo, or brand shall designate the part of the
1-61 animal on which the mark, device, tattoo, or brand is to be placed
1-62 and the clerk shall include that in the records.

1-63 SECTION 6. Section 144.044, Agriculture Code, is amended by

adding Subsection (d) to read as follows:

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

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

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

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

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

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

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

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

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

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

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