

1-1 By: Miller, et al. (Senate Sponsor - Estes) H.B. No. 461  
1-2 (In the Senate - Received from the House April 26, 2007;  
1-3 May 1, 2007, read first time and referred to Subcommittee on  
1-4 Agriculture, Rural Affairs and Coastal Resources; May 22, 2007,  
1-5 reported adversely, with favorable Committee Substitute from  
1-6 Committee on Natural Resources by the following vote: Yeas 8,  
1-7 Nays 3; May 22, 2007, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 461 By: Estes

1-9 A BILL TO BE ENTITLED  
1-10 AN ACT

1-11 relating to participation in an animal identification system.  
1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-13 SECTION 1. Section 161.056, Agriculture Code, is amended by  
1-14 adding Subsections (a-1), (j), (k), (l), and (m) and amending  
1-15 Subsections (c), (d), and (e) to read as follows:  
1-16 (a-1) A person may apply for the program by submitting an  
1-17 annual fee determined by the commission and a signed application  
1-18 prescribed by the commission. An application form prescribed by  
1-19 the commission must include the following information:  
1-20 (1) a conspicuous notice that the program is voluntary  
1-21 unless the United States Department of Agriculture imposes a  
1-22 mandatory National Animal Identification System;  
1-23 (2) a disclosure of the types of information collected  
1-24 under the program; and  
1-25 (3) notice of the persons to which information the  
1-26 commission collects under the program may be disclosed.  
1-27 (c) The commission may permit ~~require~~ the use of official  
1-28 identification numbers assigned as part of the animal  
1-29 identification program for ~~[animal disease control, animal~~  
1-30 ~~emergency management, and other]~~ commission programs.  
1-31 (d) The commission may ~~[establish a date by which all~~  
1-32 ~~premises must be registered and may]~~ assess a registration fee on  
1-33 all entities that register for a premises identification number.  
1-34 (e) Information collected by the commission under this  
1-35 section is exempt from the public disclosure requirements of  
1-36 Chapter 552, Government Code. The commission may provide  
1-37 information to another person, including a governmental entity,  
1-38 without altering the confidential status of the information. The  
1-39 commission may release information to the following persons if the  
1-40 commission determines that the person has adequate protections for  
1-41 the confidentiality of the information:  
1-42 (1) a person who owns or controls animals and seeks  
1-43 information regarding those animals, if the person requests the  
1-44 information in writing;  
1-45 (2) the attorney general's office, for the purpose of  
1-46 law enforcement;  
1-47 (3) the secretary of the United States Department of  
1-48 Agriculture, for the purpose of animal health protection;  
1-49 (4) the secretary of the Department of Homeland  
1-50 Security, for the purpose of homeland security;  
1-51 (5) the Department of State Health Services, for the  
1-52 purpose of protecting the public health from zoonotic diseases;  
1-53 (6) any person, under an order of a court of competent  
1-54 jurisdiction; or  
1-55 (7) a state, municipal, or county emergency management  
1-56 authority, for the purpose of management or response to natural or  
1-57 man-made disasters~~[, or~~  
1-58 ~~[(8) any person the executive director of the~~  
1-59 ~~commission considers appropriate, if the executive director~~  
1-60 ~~determines that:~~  
1-61 ~~[(A) livestock may be threatened by a disease,~~  
1-62 ~~agent, or pest, and~~  
1-63 ~~[(B) the release of the information is related to~~

~~actions the commission may take under this section].~~

(j) An animal identification program developed by the commission under this section shall remain voluntary unless the United States Department of Agriculture sets a timeline to create and implement a mandatory National Animal Identification System, at which time the commission may adopt rules and implement a timeline to make the program mandatory in compliance with the requirements of the United States Department of Agriculture.

(k) Unless the commission has developed rules and a timeline for implementing a mandatory program under Subsection (j), a person who participates in the program may withdraw from the program at any time. The commission shall delete from the program all personal information relating to a participant when the participant withdraws from the program.

(l) A person may not condition a service, benefit, license, payment, or permit on participation in a program under this section unless the commission has adopted rules and a timeline for implementing a mandatory program under Subsection (j).

(m) The commission may use information from the program only for disease control or to trace diseased or exposed animals.

SECTION 2. Sections 161.056(g) and (h), Agriculture Code, are repealed.

SECTION 3. The Texas Animal Health Commission shall, not later than November 1, 2007, provide notice of the changes to Section 161.056, Agriculture Code, made by this Act to each person registered on the effective date of this Act under that section and provide the person with the opportunity to withdraw from the program.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

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