

1-1 By: Estes S.B. No. 174  
1-2 (In the Senate - Filed January 14, 2013; January 29, 2013,  
1-3 read first time and referred to Committee on Agriculture, Rural  
1-4 Affairs, and Homeland Security; March 13, 2013, reported  
1-5 adversely, with favorable Committee Substitute by the following  
1-6 vote: Yeas 5, Nays 0; March 13, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 174 By: Estes

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the control of stray bison and other estrays.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Section 142.001, Agriculture Code, is amended by  
1-20 amending Subdivision (1) and adding Subdivision (2) to read as  
1-21 follows:

1-22 (1) "Estray" means stray livestock, stray exotic  
1-23 livestock, stray bison, or stray exotic fowl.

1-24 (2) "Perilous condition" means a circumstance or  
1-25 condition in which capture and impoundment of an estray presents an  
1-26 immediate threat to law enforcement personnel or to the health of  
1-27 the estray.

1-28 SECTION 2. Section 142.003, Agriculture Code, is amended by  
1-29 amending Subsection (c) and adding Subsection (d) to read as  
1-30 follows:

1-31 (c) After receiving a report under Subsection (a) [~~of this~~  
1-32 ~~section~~] that an estray has been discovered on public property, the  
1-33 sheriff or the sheriff's designee shall notify the owner, if known,  
1-34 that the estray's location has been reported, except that if the  
1-35 sheriff or the sheriff's [~~his~~] designee determines that the estray  
1-36 is dangerous to the public, the sheriff or the sheriff's designee  
1-37 [he] may immediately impound the estray without notifying the  
1-38 owner[. If the owner does not immediately remove the estray, the  
1-39 sheriff or the sheriff's designee shall proceed with the  
1-40 impoundment process prescribed by Section 142.009 of this code].

1-41 (d) If the owner does not immediately remove the estray:

1-42 (1) the sheriff or the sheriff's designee may proceed  
1-43 with the impoundment process prescribed by Section 142.009; or

1-44 (2) if a perilous condition exists, the sheriff or the  
1-45 sheriff's designee may proceed with disposition of the estray under  
1-46 Section 142.015.

1-47 SECTION 3. Chapter 142, Agriculture Code, is amended by  
1-48 adding Section 142.015 to read as follows:

1-49 Sec. 142.015. DISPOSITION OF ESTRAY UNDER PERILOUS  
1-50 CONDITION. (a) A sheriff or a sheriff's designee is not required  
1-51 to impound an estray if a perilous condition exists.

1-52 (b) If a perilous condition exists, the sheriff or the  
1-53 sheriff's designee may immediately dispose of the estray by any  
1-54 means without notifying the owner of the estray.

1-55 (c) The sheriff shall make a written report of the  
1-56 disposition and file the report with the county clerk for placement  
1-57 in the county estray records.

1-58 SECTION 4. This Act takes effect immediately if it receives  
1-59 a vote of two-thirds of all the members elected to each house, as  
1-60 provided by Section 39, Article III, Texas Constitution. If this

2-1 Act does not receive the vote necessary for immediate effect, this  
2-2 Act takes effect September 1, 2013.

2-3 \* \* \* \* \*