86R3351 BEF-F

By:  Nevárez H.B. No. 1563

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of animal export-import processing facilities; providing penalties; requiring an occupational license; authorizing fees.

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

SECTION 1.  Section 12.020(c), Agriculture Code, is amended to read as follows:

(c)  The provisions of law subject to this section and the applicable penalty amounts are as follows:

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| Provision |  | Amount of Penalty |
|  |
| Chapters 13, 14A, 17, 18, 19, 41, 46, 61, 72, 73, 74, 76, 94, 95, 101, 102, 103, 125, 132, |
| and 134 |  | not more than $5,000 |
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| Subchapters A, B, and C, Chapter 71 |  | not more than $5,000 |
| Chapter 14 |  | not more than $10,000 |
| Subchapter C, Chapter 146 |  | not more than $5,000 |
| Chapter 1951, Occupations Code |  | not more than $5,000 |
| Chapter 153, Natural Resources |
| Code |  | not more than $5,000 |
| Section 91.009 |  | not more than $5,000. |

SECTION 2.  Chapter 146, Agriculture Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. LICENSING AND INSPECTION OF EXPORT-IMPORT PROCESSING FACILITIES

Sec. 146.041.  DEFINITION. In this subchapter, "facility" means an export-import processing facility that:

(1)  is located in this state;

(2)  is authorized under 9 C.F.R. Part 91, Subpart B; and

(3)  has the capacity to receive and hold animals and animal products for transportation in international trade.

Sec. 146.042.  POWERS AND DUTIES OF DEPARTMENT. (a) The department has exclusive authority to license facilities in this state.

(b)  The department shall adopt rules to implement, administer, and enforce this subchapter, including:

(1)  requirements to obtain and renew a license;

(2)  standards governing a license holder's operation of a facility necessary to protect the public's health, safety, and welfare and the safety of animals held by a facility;

(3)  fees for the issuance and renewal of a license in amounts necessary to recover the department's direct and indirect costs of administering this subchapter; and

(4)  a schedule of sanctions for violations of this subchapter and rules adopted under this subchapter.

(c)  A governmental entity is exempt from the license and renewal fees under Subsection (b)(3).

Sec. 146.043.  LICENSE REQUIRED. A person may not operate a facility unless the person holds a license issued under this subchapter.

Sec. 146.044.  ENFORCEMENT. (a) The department may impose an administrative penalty or other administrative sanction for a violation of this subchapter or a rule adopted under this subchapter, including a penalty or sanction under Section 12.020 or 12.0201.

(b)  The department may suspend or revoke a license for a violation of this subchapter or a rule adopted under this subchapter.

SECTION 3.  Section 12.020(c), Agriculture Code, as amended by this Act, and Sections 146.043 and 146.044, Agriculture Code, as added by this Act, do not apply before the 90th day after rules under Section 146.042(b)(1), Agriculture Code, as added by this Act, become effective.

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, 2019.