

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:

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
Subchapters A, B, and C, Chapter 71	not more than \$5,000
Chapter 14	not more than \$10,000
<u>Subchapter C, Chapter 146</u>	<u>not more than \$5,000</u>
<u>Chapter 1951, Occupations Code</u>	<u>not more than \$5,000</u>
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 (1) is located in this state;

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

3 and

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

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

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

11 (1) requirements to obtain and renew a license;

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

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

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

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

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

25 Sec. 146.044. ENFORCEMENT. (a) The department may impose
26 an administrative penalty or other administrative sanction for a
27 violation of this subchapter or a rule adopted under this

1 subchapter, including a penalty or sanction under Section 12.020 or
2 12.0201.

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

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

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2019.