

By: Curry

H.B. No. 2439

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the abolishment of the Texas Animal Health Commission
3 and the transfer of its functions to the Department of Agriculture.

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

5 SECTION 1. Section 2.006(b), Agriculture Code, is amended
6 to read as follows:

7 (b) The department [~~, with the assistance of the Texas Animal~~
8 ~~Health Commission,~~] shall pursue a policy of ensuring that the
9 borders of this state are secure from shipments of potentially
10 dangerous plant and animal pests and diseases.

11 SECTION 2. Section 23.002(a), Agriculture Code, is amended
12 to read as follows:

13 (a) The office shall establish the Texas food system
14 security and resiliency planning council. The council is composed
15 of the following members:

16 (1) three members appointed by the governor;

17 (2) three members appointed by the lieutenant
18 governor;

19 (3) three members appointed by the speaker of the
20 house of representatives;

21 (4) [~~one member of the Texas Animal Health Commission~~
22 ~~appointed by the governor,~~

23 [~~5~~] one member appointed by the commissioner to
24 represent food banks;

1 (5) [~~(6)~~] one member appointed by the commissioner to
2 represent nonprofit organizations that provide home delivered
3 meals;

4 (6) [~~(7)~~] two members appointed by the commissioner to
5 represent agricultural producer organizations, marketing
6 associations organized under Chapter 52, or farmers' cooperative
7 societies incorporated under Chapter 51;

8 (7) [~~(8)~~] the assistant commissioner of agriculture
9 for the food and nutrition division as a nonvoting member;

10 (8) [~~(9)~~] the director of the Texas A&M AgriLife
11 Extension Service as a nonvoting member; and

12 (9) [~~(10)~~] one nonvoting member appointed by the
13 executive commissioner of the Health and Human Services Commission
14 to represent the supplemental nutrition assistance program, the
15 federal special supplemental nutrition program for women, infants,
16 and children, and the supplemental nutrition assistance
17 program-education.

18 SECTION 3. Section 71.0082(a), Agriculture Code, is amended
19 to read as follows:

20 (a) In addition to vehicle inspections authorized under
21 Section 71.0081, the department [~~and the Texas Animal Health~~
22 ~~Commission, under the direction of the department,~~] shall [~~jointly~~]
23 conduct road station and interstate shipment inspections as
24 feasible at strategic points throughout this state and as
25 determined to be appropriate by the department [~~and the Texas~~
26 ~~Animal Health Commission~~], taking into consideration the
27 significance of plant and animal inspections in proactively

1 protecting this state's borders.

2 SECTION 4. Section 134.004, Agriculture Code, is amended to
3 read as follows:

4 Sec. 134.004. CONTRACTS. The department, the Texas
5 Commission on Environmental Quality, [~~the Texas Animal Health~~
6 ~~Commission,~~] and the Parks and Wildlife Department may contract
7 with state, federal, or private entities for assistance in carrying
8 out the purposes of this chapter.

9 SECTION 5. Sections 147.042(a) and (b), Agriculture Code,
10 are amended to read as follows:

11 (a) Each livestock auction commission merchant shall keep a
12 record of the motor vehicle and trailer or semitrailer on which
13 livestock is transported to the place of sale. The record must be
14 in a form prescribed by the department [~~Texas Animal Health~~
15 ~~Commission~~] and must show the name of the owner of the livestock,
16 the name of the owner of the vehicle, and the name, make, and
17 license plate number of the vehicle. The commission merchant shall
18 prepare the record and make it available for public inspection
19 within 24 hours after receipt of the livestock.

20 (b) Each livestock auction commission merchant shall keep a
21 record of the motor vehicle and trailer or semitrailer on which
22 livestock is transported from the place of sale. The record must be
23 in a form prescribed by the department [~~Texas Animal Health~~
24 ~~Commission~~] and must show the name and address of the purchaser of
25 the livestock and the name and address of the owner of the vehicle.
26 The commission merchant shall prepare the record and make it
27 available immediately after the livestock is sold and before the

1 livestock is removed from the place of sale.

2 SECTION 6. Sections 148.011(c) and (d), Agriculture Code,
3 are amended to read as follows:

4 (c) The record must be prepared and made available to the
5 department [~~Texas Animal Health Commission~~] and for public
6 inspection within 24 hours after the slaughterer receives the
7 livestock. The slaughterer shall preserve the record for at least
8 two years and shall keep the record open for public inspection at
9 all reasonable hours.

10 (d) The department [~~Texas Animal Health Commission~~] shall
11 disseminate the provisions of this section and Section 148.063 [~~of~~
12 ~~this code~~] to interested persons. The department [~~commission~~]
13 shall carry out occasional spot checks of places maintained by
14 slaughterers in order to determine if the provisions of this
15 section are complied with.

16 SECTION 7. Section 161.003, Agriculture Code, is amended to
17 read as follows:

18 Sec. 161.003. DUTY OF COUNTY COMMISSIONERS COURT. (a) The
19 commissioners court of each county shall cooperate with and assist
20 the department [~~commission~~] in protecting livestock, domestic
21 animals, and domestic fowl from communicable diseases, regardless
22 of whether a particular disease exists in the county.

23 (b) Each commissioners court may employ a veterinarian at
24 the expense of the county. Any veterinarian employed is subject to
25 approval by the department [~~commission~~].

26 SECTION 8. Section 161.004, Agriculture Code, is amended to
27 read as follows:

1 Sec. 161.004. DISPOSAL OF DISEASED LIVESTOCK CARCASS. (a)
2 A person who is the owner or caretaker of livestock, exotic
3 livestock, domestic fowl, or exotic fowl that die from a disease
4 listed by the department [~~commission~~] in rules adopted under
5 Section 161.041, or who owns or controls the land on which the
6 livestock, exotic livestock, domestic fowl, or exotic fowl die or
7 on which the carcasses are found, shall dispose of the carcasses in
8 the manner required by the department [~~commission~~] under this
9 section.

10 (b) The Texas Commission on Environmental Quality may not
11 adopt a rule related to the disposal of livestock under this section
12 unless the rule is developed in cooperation with and is approved by
13 the department [~~Texas Animal Health Commission~~].

14 (c) The department [~~commission~~] shall:

15 (1) determine the most effective methods of disposing
16 of diseased carcasses, including methods other than burning or
17 burial; and

18 (2) by rule prescribe the method or methods that a
19 person may use to dispose of a carcass as required by Subsection
20 (a).

21 (d) The department [~~commission~~] by rule may delegate its
22 authority under this section to the commissioner [~~executive~~
23 ~~director~~].

24 SECTION 9. Section 161.005, Agriculture Code, is amended to
25 read as follows:

26 Sec. 161.005. DEPARTMENT [~~COMMISSION~~] WRITTEN INSTRUMENTS.

27 (a) The department [~~commission~~] may authorize a department [~~the~~

1 ~~executive director or another~~] employee to sign written instruments
2 on behalf of the department [~~commission~~]. [~~A written instrument,~~
3 ~~including a quarantine or written notice, signed under that~~
4 ~~authority has the same force and effect as if signed by the entire~~
5 ~~commission.~~]

6 (b) Any written instrument issued by the department
7 [~~commission~~] is admissible as evidence in court if certified by the
8 commissioner [~~presiding officer or the executive director~~].

9 SECTION 10. Section 161.007, Agriculture Code, is amended
10 to read as follows:

11 Sec. 161.007. EXPOSURE OR INFECTION CONSIDERED CONTINUING.
12 If a veterinarian employed by the department [~~commission~~]
13 determines that a communicable disease exists among livestock,
14 domestic animals, or domestic fowl or on certain premises or that
15 livestock, domestic animals, or domestic fowl have been exposed to
16 the agency of transmission of a communicable disease, the exposure
17 or infection is considered to continue until the department
18 [~~commission~~] determines that the exposure or infection has been
19 eradicated through methods prescribed by department rule [~~of the~~
20 ~~commission~~].

21 SECTION 11. Section 161.009, Agriculture Code, is amended
22 to read as follows:

23 Sec. 161.009. CONFIDENTIALITY OF BIOSECURITY AND OTHER
24 SENSITIVE INFORMATION. (a) Except as provided by Subsections (b)
25 and (c), information held by the department [~~commission~~] is
26 confidential and excepted from disclosure under Chapter 552,
27 Government Code, if the information consists of or relates to a

1 biosecurity plan, a secure food supply plan, an emergency
2 preparedness plan, or biosecurity data that was voluntarily
3 provided to the department [~~commission~~] by an owner or caretaker of
4 an animal.

5 (b) The department [~~commission~~] may release information
6 described by Subsection (a) to:

7 (1) the attorney general's office, for the purpose of
8 law enforcement;

9 (2) the secretary of the United States Department of
10 Agriculture, for the purpose of animal health protection;

11 (3) the secretary of the United States Department of
12 Homeland Security, for the purpose of homeland security;

13 (4) the Department of State Health Services, for the
14 purpose of protecting the public health from zoonotic diseases;

15 (5) any person, if required by a court order;

16 (6) a federal, state, municipal, or county emergency
17 management authority, for the purpose of management or response to
18 natural or man-made disasters; or

19 (7) any person the commissioner [~~executive director of~~
20 ~~the commission~~] considers appropriate, if:

21 (A) the commissioner [~~executive director~~]
22 determines that:

23 (i) livestock may be threatened by a
24 disease, agent, or pest; and

25 (ii) the release of the information is
26 related to actions the department [~~commission~~] may take in
27 performance of its powers and duties; or

1 (B) the commissioner [~~executive director~~]
2 determines that the release of the information is necessary for
3 emergency management purposes under Chapter 418, Government Code.

4 (c) The department's [~~commission's~~] release of confidential
5 information under Subsection (b):

6 (1) does not affect the confidentiality of the
7 information;

8 (2) is not an offense under Section 552.352,
9 Government Code; and

10 (3) is not a voluntary disclosure for purposes of
11 Section 552.007, Government Code.

12 SECTION 12. The heading to Subchapter C, Chapter 161,
13 Agriculture Code, is amended to read as follows:

14 SUBCHAPTER C. GENERAL DISEASE AND PEST CONTROL AND EMERGENCY
15 MANAGEMENT POWERS AND DUTIES [~~OF COMMISSION~~]

16 SECTION 13. Section 161.041, Agriculture Code, is amended
17 to read as follows:

18 Sec. 161.041. DISEASE CONTROL. (a) The department
19 [~~commission~~] shall protect all livestock, exotic livestock,
20 domestic fowl, and exotic fowl from diseases the department
21 [~~commission~~] determines require control or eradication. The
22 department [~~commission~~] shall adopt and periodically update rules
23 listing the diseases that require control or eradication by the
24 department [~~commission~~]. Section 2001.0045, Government Code, does
25 not apply to rules adopted under this subsection.

26 (b) The department [~~commission~~] may act to eradicate or
27 control any disease or agent of transmission for any disease that

1 affects livestock, exotic livestock, domestic fowl, or exotic fowl,
2 regardless of whether the disease is communicable, even if the
3 agent of transmission is an animal species that is not subject to
4 the jurisdiction of the department [~~commission~~]. The department
5 [~~commission~~] may adopt any rules necessary to carry out the
6 purposes of this subsection, including rules concerning testing,
7 movement, inspection, and treatment.

8 (c) A person commits an offense if the person knowingly
9 fails to handle, in accordance with rules adopted by the department
10 [~~commission~~], livestock, exotic livestock, domestic fowl, or
11 exotic fowl:

12 (1) infected with a disease listed by the department
13 [~~commission~~] by rule under Subsection (a);

14 (2) exposed, as defined by department [~~commission~~]
15 rule, to a disease listed by the department [~~commission~~] by rule
16 under Subsection (a) if the department [~~commission~~] has notified
17 the person that the animal was exposed to the disease; or

18 (3) subject to a testing requirement due to a risk of
19 exposure, as defined by department [~~commission~~] rule, to a specific
20 disease if the department [~~commission~~] has notified the person of
21 the testing requirement.

22 (d) A person commits an offense if the person knowingly
23 fails to identify or refuses to permit an agent of the department
24 [~~commission~~] to identify, in accordance with rules adopted by the
25 department [~~commission~~], livestock, exotic livestock, domestic
26 fowl, or exotic fowl infected with a disease listed by the
27 department [~~commission~~] by rule under Subsection (a).

1 (e) An offense under Subsection (c) or (d) [~~of this section~~]
2 is a Class C misdemeanor unless it is shown on the trial of the
3 offense that the defendant has been previously convicted under this
4 section, in which event the offense is a Class B misdemeanor.

5 (f) In complying with this section, the department
6 [~~commission~~] may not infringe on or supersede the authority of any
7 other agency of this state, including the authority of the Parks and
8 Wildlife Department relating to wildlife. If a conflict of
9 authority occurs, the department [~~commission~~] shall assume
10 responsibility for disease control efforts, but work
11 collaboratively with the other agency to enable each agency to
12 effectively carry out its responsibilities.

13 (g) The department's [~~commission's~~] authority to control or
14 eradicate an agent of transmission that is an animal species that is
15 not subject to the jurisdiction of the department [~~commission~~] is
16 limited to instances when a disease that threatens livestock,
17 exotic livestock, domestic fowl, or exotic fowl has been confirmed
18 or is suspected to exist in that species and the department
19 [~~commission~~] determines that a serious threat to livestock, exotic
20 livestock, domestic fowl, or exotic fowl exists.

21 SECTION 14. Sections 161.0411(a), (b), (c), (d), and (e),
22 Agriculture Code, are amended to read as follows:

23 (a) A seller, distributor, or transporter of live domestic
24 or exotic fowl in this state shall register with the department
25 [~~commission~~] under this section. The department [~~commission~~] may
26 exempt from registration a person participating in a disease
27 surveillance program recognized by the department [~~commission~~].

1 (b) A person may apply for a certificate of registration or
2 a renewal of a certificate of registration under this section by
3 submitting an application and an annual fee prescribed by the
4 department [~~commission~~]. A person must complete an application for
5 a certificate of registration that includes a list of each location
6 at which the person conducts the sale, distribution, or
7 transportation of domestic or exotic fowl.

8 (c) The department [~~commission~~] shall adopt rules to
9 administer this section, including rules relating to the testing,
10 identification, transportation, inspection, sanitation, and
11 disinfection of domestic and exotic fowl.

12 (d) The department [~~commission~~] shall prescribe and collect
13 an annual fee for registration as a seller, distributor, or
14 transporter of domestic or exotic fowl in this state.

15 (e) The department [~~commission~~] may set fees under this
16 section in amounts that do not exceed the amounts necessary to
17 enable the department [~~commission~~] to recover the costs of
18 administering this section.

19 SECTION 15. Sections [161.0412](#)(a) and (b), Agriculture Code,
20 are amended to read as follows:

21 (a) The department [~~commission~~] may, for disease control
22 purposes, require the registration of feral swine holding
23 facilities.

24 (b) To prevent the spread of disease, the department
25 [~~commission~~] may require a person to register with the department
26 [~~commission~~] if the person confines feral swine in a holding
27 facility for slaughter, sale, exhibition, hunting, or any other

1 purpose specified by department [~~commission~~] rule.

2 SECTION 16. Section 161.0415, Agriculture Code, is amended
3 to read as follows:

4 Sec. 161.0415. DISPOSAL OF DISEASED OR EXPOSED LIVESTOCK OR
5 FOWL. (a) The department [~~commission~~] by order may require the
6 slaughter of livestock, domestic fowl, or exotic fowl~~[7]~~ under the
7 direction of the department [~~commission~~], or the sale of livestock,
8 domestic fowl, or exotic fowl for immediate slaughter at a public
9 slaughtering establishment maintaining federal or state inspection
10 if the livestock, domestic fowl, or exotic fowl is exposed to or
11 infected with a disease other than bluetongue or vesicular
12 stomatitis that:

13 (1) is recognized by the United States Department of
14 Agriculture as:

15 (A) a foreign animal disease; or

16 (B) a reportable animal disease;

17 (2) is the subject of a cooperative eradication
18 program with the United States Department of Agriculture;

19 (3) is an animal disease reportable to the World
20 Organisation for Animal Health; or

21 (4) is the subject of a state of emergency, as declared
22 by the governor.

23 (b) The department [~~commission~~] by order may require the
24 slaughter and disposal of livestock, domestic fowl, or exotic fowl
25 exposed to or infected with a disease not listed in Subsection (a)
26 if the department [~~commission~~] determines that action to be
27 necessary for the protection of animal health in this state. The

1 department [~~commission~~] shall immediately deliver a copy of an
2 order issued under this subsection to the appropriate legislative
3 oversight committees.

4 (c) A person may appeal an order of the department
5 [~~commission~~] under this section as provided by Chapter 2001,
6 Government Code.

7 (d) The Texas Commission on Environmental Quality may not
8 adopt a rule related to the disposal of livestock under this section
9 unless the rule is developed in cooperation with and is approved by
10 the department [~~Texas Animal Health Commission~~].

11 SECTION 17. Section 161.0416, Agriculture Code, is amended
12 to read as follows:

13 Sec. 161.0416. EMERGENCY MANAGEMENT. (a) The department
14 [~~commission~~] may prepare and plan for, respond to, and aid in the
15 recovery from disaster events that may affect livestock, exotic
16 livestock, domestic fowl, or exotic fowl, including disease
17 outbreaks, hurricanes, floods, tornadoes, wildfires, and acts of
18 terrorism.

19 (b) The department [~~commission~~] may assist with local
20 emergency management planning. This subsection may not be
21 construed to affect the department's [~~commission's~~] responsibility
22 under any other law, including Chapter 418, Government Code, or any
23 responsibility delegated to the department [~~commission~~] by an
24 emergency management authority of this state.

25 SECTION 18. Sections 161.0417(a), (b), (c), and (d),
26 Agriculture Code, are amended to read as follows:

27 (a) A person, including a veterinarian, must be authorized

1 by the department [~~commission~~] in order to engage in an activity
2 that is part of a state or federal disease control or eradication
3 program for animals.

4 (b) The department [~~commission~~] shall adopt rules for the
5 authorization of a person described by Subsection (a).

6 (c) The department [~~commission~~] may, after reasonable
7 notice, suspend or revoke a person's authorization under Subsection
8 (a) if the department [~~commission~~] determines that the person has
9 substantially failed to comply with this chapter or rules adopted
10 under this chapter.

11 (d) A person is entitled to a hearing before the department
12 [~~commission~~] or a hearing examiner appointed by the department
13 [~~commission~~] before the department [~~commission~~] may revoke the
14 person's authorization under Subsection (a). The department
15 [~~commission~~] shall make all final decisions to suspend or revoke an
16 authorization.

17 SECTION 19. Section 161.042, Agriculture Code, is amended
18 to read as follows:

19 Sec. 161.042. SALE AND DISTRIBUTION OF VETERINARY
20 BIOLOGICS. The department [~~commission~~] may control the sale and
21 distribution of all veterinary biologics except rabies vaccine.
22 Rabies vaccine shall be sold, distributed, dispensed, and
23 administered in compliance with Chapter 826, Health and Safety
24 Code, and the rules adopted thereunder by the executive
25 commissioner of the Health and Human Services Commission [~~Texas~~
26 ~~Board of Health~~].

27 SECTION 20. Section 161.043, Agriculture Code, is amended

1 to read as follows:

2 Sec. 161.043. REGULATION OF EXHIBITIONS. The department
3 [~~commission~~] may regulate the entry of livestock, domestic animals,
4 and domestic fowl into exhibitions, shows, and fairs and may
5 require treatment or certification of those animals as reasonably
6 necessary to protect against communicable diseases.

7 SECTION 21. Section 161.044, Agriculture Code, is amended
8 to read as follows:

9 Sec. 161.044. REGULATION OF LIVESTOCK MOVEMENT FROM
10 STOCKYARDS OR RAILWAY SHIPPING PENS. The department [~~commission~~]
11 may regulate the movement of livestock out of stockyards or railway
12 shipping pens and require treatment or certification of those
13 animals as reasonably necessary to protect against communicable
14 diseases.

15 SECTION 22. Sections 161.0445(b), (c), and (d), Agriculture
16 Code, are amended to read as follows:

17 (b) The owner or person in charge of an export-import
18 facility shall notify the department [~~commission~~] not later than 24
19 hours after an animal received or held at the facility is refused
20 export out of this state or entry into another country.

21 (c) The department [~~commission~~] may require that an animal
22 held at an export-import facility be tested or treated for a disease
23 or pest if an authorized department [~~commission~~] employee considers
24 the test or treatment necessary. The department [~~commission~~] may
25 require the testing or treatment be performed before the animal is
26 removed from the export-import facility. This state is not liable
27 for the amount of any fee charged for the testing or treatment.

1 (d) The department [~~commission~~] may, for disease or pest
2 control purposes, adopt rules necessary to implement, administer,
3 and enforce this section. The rules may include reporting and
4 recordkeeping requirements and provisions governing the movement,
5 inspection, testing, or treatment of animals.

6 SECTION 23. Section 161.045, Agriculture Code, is amended
7 to read as follows:

8 Sec. 161.045. EMPLOYEES; CHIEF VETERINARIAN. The
9 department [~~commission~~] may employ personnel as necessary in the
10 administration of this chapter or other duties of the department
11 [~~commission~~], including a chief veterinarian, a first assistant
12 veterinarian, other veterinarians, and clerical personnel.

13 SECTION 24. Section 161.047(a), Agriculture Code, is
14 amended to read as follows:

15 (a) A [~~commissioner or a~~] veterinarian or inspector
16 employed by the department [~~commission~~] may enter public or private
17 property for the exercise of an authority or performance of a duty
18 under this chapter.

19 SECTION 25. Sections 161.048(a), (b), (c), (d), and (d-1),
20 Agriculture Code, are amended to read as follows:

21 (a) An agent of the department [~~commission~~] is entitled to
22 stop and inspect a shipment of animals or animal products being
23 transported in this state in order to:

24 (1) determine if the shipment is in compliance with
25 the laws and rules administered by the department [~~commission~~]
26 affecting the shipment;

27 (2) determine if the shipment originated from a

1 quarantined area or herd; or

2 (3) determine if the shipment presents a danger to the
3 public health or livestock industry through insect infestation or
4 through a communicable or noncommunicable disease.

5 (b) The department [~~commission~~] may detain a shipment of
6 animals or animal products that is being transported in violation
7 of law or a rule of the department [~~commission~~]. The department
8 [~~commission~~] may require that the shipment be unloaded at the
9 nearest available loading facility.

10 (c) The department [~~commission~~] may not inspect a railroad
11 train at any point other than a terminal.

12 (d) The department [~~commission~~] may post signs on public
13 highways and use signaling devices, including red lights, in
14 conjunction with signs, if necessary to effectively signal and stop
15 vehicles for inspection.

16 (d-1) The department [~~commission~~] may enter into an
17 agreement with a corporation or other private entity to provide
18 goods or services for the establishment and operation of
19 checkpoints or the performance of inspections under this section.

20 SECTION 26. Sections 161.049(c), (d), and (e), Agriculture
21 Code, are amended to read as follows:

22 (c) The department [~~commission~~] may require a livestock,
23 exotic livestock, domestic fowl, or exotic fowl dealer to maintain
24 records of all livestock, exotic livestock, domestic fowl, or
25 exotic fowl bought and sold by the dealer.

26 (d) The department [~~commission~~] may inspect and copy the
27 records of a livestock, exotic livestock, domestic fowl, or exotic

1 fowl dealer that relate to the buying and selling of those animals.

2 (e) The department [~~commission~~] by rule shall adopt the form
3 and content of the records maintained by a dealer under Subsection
4 (c) [~~of this section~~].

5 SECTION 27. Section 161.050, Agriculture Code, is amended
6 to read as follows:

7 Sec. 161.050. INJUNCTION. The department [~~commission~~] is
8 entitled to appropriate injunctive relief to prevent or abate a
9 violation of a statute administered or enforced by the department
10 [~~commission~~] or a rule adopted or order issued by the department
11 [~~commission~~] under such a statute. On request of the department
12 [~~commission~~], the attorney general shall file suit for the
13 injunctive relief. Venue is in Travis County.

14 SECTION 28. Section 161.051, Agriculture Code, is amended
15 to read as follows:

16 Sec. 161.051. MEMORANDUM OF UNDERSTANDING ON ENFORCEMENT OF
17 DEPARTMENT [~~COMMISSION~~] POWERS. (a) The Department of Agriculture
18 [~~commission~~] and the Department of Public Safety by rule shall
19 adopt a joint memorandum of understanding that includes provisions
20 under which Department of Public Safety officers are to check for
21 health papers and permits when a livestock vehicle is stopped for
22 other reasons in the regular course of the officers' duties. The
23 memorandum shall require:

24 (1) Department of Agriculture [~~commission~~] staff to
25 provide information to Department of Public Safety officers
26 regarding health papers and permits;

27 (2) Department of Public Safety officers to report

1 potential problems to the Department of Agriculture [~~commission~~];

2 (3) Department of Agriculture [~~commission~~] staff to
3 investigate possible violations reported by Department of Public
4 Safety officers;

5 (4) Department of Public Safety officers to provide
6 assistance when requested by the Department of Agriculture
7 [~~commission~~]; and

8 (5) Department of Agriculture [~~commission~~] personnel
9 to notify the Department of Public Safety, when appropriate, of the
10 location of Department of Agriculture [~~commission~~] roadblocks or
11 special or night operations.

12 (b) The Department of Agriculture [~~commission~~] and the
13 Department of Public Safety shall review and update the memorandum
14 not later than the last month of each state fiscal year.

15 SECTION 29. Section 161.052, Agriculture Code, is amended
16 to read as follows:

17 Sec. 161.052. MEMORANDUM OF UNDERSTANDING ON COOPERATION
18 WITH LOCAL AUTHORITIES. (a) The department [~~commission~~] and the
19 commissioners court of a county by rule may adopt a joint memorandum
20 of understanding that includes provisions under which the sheriff
21 of that county or the sheriff's deputies are to check for health
22 papers and permits when a livestock vehicle is stopped for other
23 reasons in the regular course of the sheriff's or the deputies'
24 duties. The memorandum shall require:

25 (1) department [~~commission~~] staff to provide
26 information to the sheriff and the deputies regarding health papers
27 and permits;

1 (2) the sheriff and the deputies to report potential
2 problems to the department [~~commission~~];

3 (3) department [~~commission~~] staff to investigate
4 possible violations reported by the sheriff or the deputies;

5 (4) the sheriff or deputies to provide assistance when
6 requested by the department [~~commission~~]; and

7 (5) department [~~commission~~] personnel to notify the
8 sheriff, when appropriate, of department [~~commission~~] roadblocks
9 located in the county or special or night operations planned for the
10 county.

11 (b) The department [~~commission~~] and each commissioners
12 court with which the department [~~commission~~] adopted a memorandum
13 of understanding shall review and update the memorandum not later
14 than the last month of each state fiscal year.

15 SECTION 30. Section [161.0525](#), Agriculture Code, is amended
16 to read as follows:

17 Sec. 161.0525. MEMORANDUM OF UNDERSTANDING ON COOPERATION
18 WITH OTHER STATES. The department [~~commission~~] by rule, subject to
19 approval by the governor, may adopt a joint memorandum of
20 understanding with another state that includes provisions under
21 which the department [~~commission~~] and the other state may provide
22 assistance to each other in the case of an animal disease outbreak.

23 SECTION 31. Section [161.054](#), Agriculture Code, is amended
24 to read as follows:

25 Sec. 161.054. REGULATION OF MOVEMENT OF ANIMALS; EXCEPTION.

26 (a) As a control measure, the department [~~commission~~] by rule may
27 regulate the movement of animals, including feral swine. The

1 department [~~commission~~] may restrict the intrastate movement of
2 animals, including feral swine, even though the movement of the
3 animals is unrestricted in interstate or international commerce.
4 The department [~~commission~~] may require testing, vaccination, or
5 another epidemiologically sound procedure before or after animals
6 are moved.

7 (b) The department [~~commission~~] by rule may prohibit or
8 regulate the movement of animals, including feral swine, into a
9 quarantined herd, premise, or area.

10 (c) The department [~~commission~~] may not adopt a rule that
11 prohibits a person from moving animals, including feral swine,
12 owned by that person within unquarantined contiguous lands owned or
13 controlled by that person.

14 (d) On application of the owner of an animal, including a
15 feral swine, a restriction on the movement of the animal imposed
16 under this chapter may be modified by order of the commissioner
17 [~~executive director of the commission~~] if the owner demonstrates
18 that the restriction will result in unusual hardship for the owner.
19 In considering an application under this section, the commissioner
20 [~~executive director~~] may consider the effect of prolonged drought,
21 inadequacy of pasturage or unusual feed supply resulting from
22 disaster or other unforeseeable circumstances, or economic
23 hardship.

24 (e) In connection with the regulation of the movement of
25 feral swine, the department [~~commission~~] by rule may require
26 disease testing before movement of a feral swine from one location
27 to another, and establish the conditions under which feral swine

1 may be transported.

2 (f) The department's [~~commission's~~] authority to regulate
3 the movement of feral swine may not interfere with the authority of
4 the Parks and Wildlife Department to regulate the hunting or
5 trapping of feral swine.

6 SECTION 32. Sections 161.0541(a), (b), and (c), Agriculture
7 Code, are amended to read as follows:

8 (a) The department [~~commission~~] by rule may establish a
9 disease surveillance program for elk.

10 (b) Rules adopted under this section must:

11 (1) require each person who moves elk in this state to
12 have elk tested for chronic wasting disease or other diseases as
13 determined by the department [~~commission~~];

14 (2) be designed to protect the health of the elk
15 population in this state; and

16 (3) include provisions for testing, identification,
17 transportation, and inspection under the disease surveillance
18 program.

19 (c) A person commits an offense if the person knowingly
20 violates a rule adopted by the department [~~commission~~] under this
21 section.

22 SECTION 33. Section 161.0542, Agriculture Code, is amended
23 to read as follows:

24 Sec. 161.0542. NOTICE OF WILDLIFE DISEASE OUTBREAK. (a)
25 Notwithstanding any law restricting the disclosure of information
26 by the department [~~commission~~] and subject to Subsection (b), if
27 the department [~~commission~~] becomes aware of a wildlife disease

1 outbreak on a property, the department [~~commission~~] shall provide
2 notice of the location and nature of the outbreak to:

3 (1) each owner of adjacent property; and

4 (2) the Parks and Wildlife Department.

5 (b) Subsection (a) applies only to a disease that the
6 department [~~commission~~] has designated as reportable.

7 SECTION 34. Section 161.0545, Agriculture Code, is amended
8 to read as follows:

9 Sec. 161.0545. MOVEMENT OF ANIMAL PRODUCTS. The department
10 [~~commission~~] may adopt rules that require the certification of
11 persons who transport or dispose of inedible animal products,
12 including carcasses, body parts, and waste material. The
13 department [~~commission~~] by rule may provide terms and conditions
14 for the issuance, renewal, and revocation of a certification under
15 this section.

16 SECTION 35. Sections 161.055(a) and (b), Agriculture Code,
17 are amended to read as follows:

18 (a) The department [~~commission~~] may require slaughter
19 plants to collect and submit blood samples and other diagnostic
20 specimens for testing for disease.

21 (b) The department [~~commission~~] by rule shall determine the
22 method of collecting, submitting, and testing of blood samples and
23 other diagnostic specimens.

24 SECTION 36. Section 161.056, Agriculture Code, is amended
25 to read as follows:

26 Sec. 161.056. ANIMAL IDENTIFICATION PROGRAM. (a) In order
27 to provide for disease control and enhance the ability to trace

1 disease-infected animals or animals that have been exposed to
2 disease, the department [~~commission~~] may develop and implement an
3 animal identification program that is no more stringent than a
4 federal animal disease traceability or other federal animal
5 identification program.

6 (c) The department [~~commission~~] may adopt rules to require
7 the use of official identification as part of the animal
8 identification program under Subsection (a) for animal disease
9 control or animal emergency management.

10 (d) The department [~~commission~~] may [~~by a two-thirds vote~~]
11 adopt rules to provide for an animal identification program more
12 stringent than a program allowed by Subsection (a) only for control
13 of a specific animal disease or for animal emergency management.

14 (e) Information collected by the department [~~commission~~]
15 under this section is exempt from the public disclosure
16 requirements of Chapter 552, Government Code. The department
17 [~~commission~~] may provide information to another person, including a
18 governmental entity, without altering the confidential status of
19 the information. The department [~~commission~~] may release
20 information to:

21 (1) a person who owns or controls animals and seeks
22 information regarding those animals, if the person requests the
23 information in writing;

24 (2) the attorney general's office, for the purpose of
25 law enforcement;

26 (3) the secretary of the United States Department of
27 Agriculture, for the purpose of animal health protection;

1 (4) the secretary of the United States Department of
2 Homeland Security, for the purpose of homeland security;

3 (5) the Department of State Health Services, for the
4 purpose of protecting the public health from zoonotic diseases;

5 (6) any person, under an order of a court of competent
6 jurisdiction;

7 (7) a state, municipal, or county emergency management
8 authority, for the purpose of management or response to natural or
9 man-made disasters; or

10 (8) any person the commissioner [~~executive director of~~
11 ~~the commission~~] considers appropriate, if the commissioner
12 [~~executive director~~] determines that:

13 (A) livestock may be threatened by a disease,
14 agent, or pest; and

15 (B) the release of the information is related to
16 actions the department [~~commission~~] may take under this section.

17 (f) Notwithstanding Subsection (e), the department
18 [~~commission~~] shall release information collected under this
19 section if the release is necessary for emergency management
20 purposes under Chapter 418, Government Code. The release of
21 information under this subsection does not alter the confidential
22 status of the information.

23 (i) The department [~~commission~~] may adopt rules necessary
24 to implement and enforce this section.

25 SECTION 37. Section 161.057, Agriculture Code, is amended
26 to read as follows:

27 Sec. 161.057. CLASSIFICATION OF AREAS. (a) The department

1 ~~[commission]~~ by rule may prescribe criteria for classifying areas
2 in the state for disease control. The criteria must be based on
3 sound epidemiological principles. The department ~~[commission]~~ may
4 prescribe different control measures and procedures for areas with
5 different classifications.

6 (b) The department ~~[commission]~~ by rule may designate as a
7 particular classification an area consisting of one or more
8 counties.

9 SECTION 38. Section 161.058, Agriculture Code, is amended
10 to read as follows:

11 Sec. 161.058. COMPENSATION OF LIVESTOCK OR FOWL OWNER. (a)
12 The department ~~[commission]~~ may pay an indemnity to the owner of
13 livestock, domestic fowl, or exotic fowl exposed to or infected
14 with a disease if the department ~~[commission]~~ considers it
15 necessary to eradicate the disease and to dispose of the exposed or
16 diseased livestock, domestic fowl, or exotic fowl. The department
17 ~~[commission]~~ shall provide the owner with information regarding
18 available state or federal indemnity funds.

19 (b) The department ~~[commission]~~ may adopt rules for the
20 implementation of this section, including rules governing:

- 21 (1) eligibility for compensation;
- 22 (2) amounts of compensation; and
- 23 (3) limits and restrictions on compensation.

24 (c) The department ~~[commission]~~ may spend funds
25 appropriated for the purpose of this section only for direct
26 payment to owners of exposed or infected livestock, domestic fowl,
27 or exotic fowl.

1 SECTION 39. Section 161.059, Agriculture Code, is amended
2 to read as follows:

3 Sec. 161.059. QUALITY ASSURANCE ASSISTANCE. On request of
4 an organization representing producers of a commodity in an
5 industry regulated by the department [~~commission~~], the department
6 [~~commission~~] may assist in the development, support, and oversight
7 of a food safety or quality assurance program, including the
8 provision of testing services.

9 SECTION 40. Section 161.060, Agriculture Code, is amended
10 to read as follows:

11 Sec. 161.060. AUTHORITY TO SET AND COLLECT FEES. [~~(a)~~] The
12 department [~~commission~~] may charge a fee, as provided by department
13 [~~commission~~] rule, for an inspection made by the department
14 [~~commission~~].

15 SECTION 41. Section 161.0601, Agriculture Code, is amended
16 to read as follows:

17 Sec. 161.0601. CERTIFICATES OF VETERINARY INSPECTION. (a)
18 The department [~~commission~~] by rule may provide for the issuance,
19 including electronically, of a certificate of veterinary
20 inspection by a veterinarian to a person transporting livestock,
21 exotic livestock, domestic fowl, or exotic fowl.

22 (b) The department [~~commission~~] by rule shall set and charge
23 a fee for each certificate of veterinary inspection provided to a
24 veterinarian under this section.

25 SECTION 42. Section 161.0602, Agriculture Code, is amended
26 to read as follows:

27 Sec. 161.0602. PERSONS OR LABORATORIES PERFORMING EQUINE

1 INFECTIOUS ANEMIA TESTS. (a) The department [~~commission~~] shall
2 adopt rules that require a person or laboratory to be approved by
3 the department [~~commission~~] if the person or laboratory performs an
4 official equine infectious anemia test.

5 (b) Rules adopted under this section must include:

6 (1) approval requirements;

7 (2) provisions governing the issuance, renewal, and
8 revocation of an approval;

9 (3) inspection requirements;

10 (4) recordkeeping requirements;

11 (5) equine infectious anemia testing methods approved
12 by the department [~~commission~~]; and

13 (6) proficiency standards.

14 SECTION 43. Sections 161.0603(b), (c), and (d), Agriculture
15 Code, are amended to read as follows:

16 (b) This section does not prevent the department
17 [~~commission~~] from:

18 (1) using a laboratory other than the Texas A&M
19 Veterinary Medical Diagnostic Laboratory for a test as needed; or

20 (2) collecting specimens and performing field tests to
21 diagnose animal diseases.

22 (c) The department [~~commission~~] and the Texas A&M
23 Veterinary Medical Diagnostic Laboratory shall enter into a
24 memorandum of understanding to:

25 (1) establish the laboratory services to be performed
26 by the Texas A&M Veterinary Medical Diagnostic Laboratory;

27 (2) provide reporting requirements for the Texas A&M

1 Veterinary Medical Diagnostic Laboratory on all test requests
2 received from the department [~~commission~~]; and

3 (3) set fees associated with laboratory services
4 performed for the department [~~commission~~] in amounts sufficient to
5 recover the costs of those services.

6 (d) The department [~~commission~~] and the Texas A&M
7 Veterinary Medical Diagnostic Laboratory shall annually review the
8 memorandum of understanding under Subsection (c).

9 SECTION 44. Sections 161.061(a) and (c), Agriculture Code,
10 are amended to read as follows:

11 (a) The department [~~commission~~] may establish a quarantine
12 against all or the portion of a state, territory, or country in
13 which a disease listed in rules adopted under Section 161.041
14 exists.

15 (c) The department [~~commission~~] may establish a quarantine
16 to prohibit or regulate the movement of:

17 (1) any article or animal that the department
18 [~~commission~~] designates to be a carrier of a disease listed in rules
19 adopted under Section 161.041 or a potential carrier of one of those
20 diseases, if movement is not otherwise regulated or prohibited; and

21 (2) an animal into an affected area, including a
22 county district, pasture, lot, ranch, farm, field, range,
23 thoroughfare, building, stable, or stockyard pen.

24 SECTION 45. Sections 161.0615(a) and (c), Agriculture Code,
25 are amended to read as follows:

26 (a) The department [~~commission~~] may quarantine livestock,
27 exotic livestock, domestic fowl, or exotic fowl in all or any part

1 of this state as a means of immediately restricting the movement of
2 animals potentially infected with disease and shall clearly
3 describe the territory included in a quarantine area.

4 (c) The department [~~commission~~] by rule shall prescribe the
5 manner in which notice of a statewide or widespread quarantine
6 under this section is to be published.

7 SECTION 46. Section 161.062, Agriculture Code, is amended
8 to read as follows:

9 Sec. 161.062. PUBLICATION OF NOTICE. (a) Except as
10 provided by Section 161.0615, the department [~~commission~~] shall
11 give notice of a quarantine against another state, territory, or
12 country by publishing notice in a newspaper published in Texas. The
13 quarantine takes effect on the date of publication. The department
14 [~~commission~~] shall pay the expense of publication out of any
15 appropriation made for office and stationery expenses of the
16 department [~~commission~~].

17 (b) The department [~~commission~~] shall give notice of a
18 quarantine established within this state by publishing notice in a
19 newspaper published in the county in which the quarantine is
20 established, by posting notice at the courthouse door of that
21 county, or by delivering a written notice to the owner or caretaker
22 of the animals or places to be quarantined. The department
23 [~~commission~~] may pay the expense of publication or posting out of
24 any appropriation made for the office and stationery expenses of
25 the department [~~commission~~] or out of any appropriation made for
26 the control or eradication of communicable diseases of livestock.
27 The commissioners court of a county in which a quarantine is

1 established may pay the expenses of publication or posting out of
2 any available funds of the county.

3 SECTION 47. Sections 161.063(a) and (d), Agriculture Code,
4 are amended to read as follows:

5 (a) A quarantine notice must state the requirements and
6 restrictions under which animals may be permitted to enter this
7 state or to be moved from a quarantined area within this state. If
8 the seriousness of the disease is sufficient to warrant prohibiting
9 the movement of animals, the notice must state that the movement is
10 prohibited. The quarantine notice must state the class of persons
11 authorized by the department [~~commission~~] to issue certificates or
12 permits permitting movement.

13 (d) If the quarantine regulates or prohibits the movement of
14 a carrier or potential carrier of a disease, the department
15 [~~commission~~] may prescribe any exceptions, terms, conditions, or
16 provisions that the department [~~commission~~] considers necessary or
17 desirable to promote the objectives of this chapter or to minimize
18 the economic impact of the quarantine without endangering those
19 objectives or the health and safety of the public. Any exceptions,
20 terms, conditions, or provisions prescribed under this subsection
21 must be stated in the quarantine notice.

22 SECTION 48. Sections 161.065(b) and (c), Agriculture Code,
23 are amended to read as follows:

24 (b) The department [~~commission~~] may provide for a written
25 certificate or written permit authorizing the movement of
26 commodities or animals from quarantined places or the movement of
27 quarantined commodities or animals. The certificate or permit must

1 be issued by a veterinarian or other person authorized by the
2 department [~~commission~~] to issue a certificate or permit. Each
3 certificate or permit must be issued in conformity with the
4 requirements stated in the quarantine notice.

5 (c) If the department [~~commission~~] finds animals that have
6 been moved in violation of a quarantine established under this
7 chapter or in violation of any other livestock sanitary law, the
8 department [~~commission~~] shall quarantine the animals until they
9 have been properly treated, vaccinated, tested, or disposed of in
10 accordance with the rules of the department [~~commission~~].

11 SECTION 49. Section 161.081, Agriculture Code, is amended
12 to read as follows:

13 Sec. 161.081. IMPORTATION OF ANIMALS. (a) The department
14 [~~commission~~] by rule may regulate the movement, including movement
15 by a railroad company or other common carrier, of livestock, exotic
16 livestock, domestic animals, domestic fowl, or exotic fowl into
17 this state from another state, territory, or country.

18 (b) The department [~~commission~~] by rule may provide the
19 method for inspecting and testing animals before and after entry
20 into this state.

21 (c) The department [~~commission~~] by rule may provide for the
22 issuance and form of health certificates and entry permits. The
23 rules may include standards for determining which veterinarians of
24 this state, other states, and departments of the federal government
25 are authorized to issue the certificates or permits.

26 SECTION 50. Section 161.101, Agriculture Code, is amended
27 to read as follows:

1 Sec. 161.101. DUTY TO REPORT. (a) A veterinarian, a
2 veterinary diagnostic laboratory, or a person having care, custody,
3 or control of an animal shall report to the department [~~commission~~]
4 the existence of diseases listed in rules adopted by the department
5 [~~commission~~] among livestock, exotic livestock, bison, domestic
6 fowl, or exotic fowl within 24 hours after diagnosis of the disease.
7 The department [~~commission~~] shall adopt and periodically update
8 rules listing the diseases that the department [~~commission~~]
9 determines require reporting under this section. Section
10 [2001.0045](#), Government Code, does not apply to rules adopted under
11 this subsection.

12 (b) In addition to reporting required by Subsection (a), the
13 department [~~commission~~] may adopt rules that require a
14 veterinarian, a veterinary diagnostic laboratory, or a person
15 having care, custody, or control of an animal to report the
16 existence of a disease other than bluetongue in an animal to the
17 department [~~commission~~] within 24 hours after diagnosis if the
18 disease:

19 (1) is recognized by the United States Department of
20 Agriculture as:

21 (A) a foreign animal disease; or

22 (B) a reportable animal disease;

23 (2) is the subject of a cooperative eradication
24 program with the United States Department of Agriculture;

25 (3) is an animal disease reportable to the World
26 Organisation for Animal Health; or

27 (4) is the subject of a state of emergency, as declared

1 by the governor.

2 (c) The department [~~commission~~] may adopt rules that
3 require a veterinarian, a veterinary diagnostic laboratory, or a
4 person having care, custody, or control of an animal to report a
5 disease not covered by Subsection (a) or (b) if the department
6 [~~commission~~] determines that action to be necessary for the
7 protection of animal health in this state. The department
8 [~~commission~~] shall immediately deliver a copy of a rule adopted
9 under this subsection to the appropriate legislative oversight
10 committees.

11 (d) The department [~~commission~~] may not adopt, amend, or
12 repeal a rule under this section unless the department [~~commission~~]
13 holds a public hearing on the proposed action following public
14 notice of the hearing.

15 SECTION 51. Section [161.102](#), Agriculture Code, is amended
16 to read as follows:

17 Sec. 161.102. SUBMISSION OF SPECIMEN OF ANTHRAX VICTIM.
18 Immediately after pronouncing that an animal has died from anthrax,
19 as evidenced by a clinical or postmortem examination, a
20 veterinarian shall prepare and submit to the department
21 [~~commission~~] or a laboratory approved by the department
22 [~~commission~~]:

- 23 (1) a suitable specimen from the animal;
24 (2) the name and address of the owner or caretaker of
25 the animal; and
26 (3) the location of the premises on which the animal
27 died.

1 SECTION 52. Section 161.112, Agriculture Code, is amended
2 to read as follows:

3 Sec. 161.112. RULES. (a) Following notice and public
4 hearing, the department [~~commission~~] shall adopt rules relating to
5 the movement of livestock, exotic livestock, and exotic fowl from
6 livestock markets and shall require tests, immunization, or
7 treatment as necessary to protect against the spread of
8 communicable diseases.

9 (b) Following notice and public hearing, the department
10 [~~commission~~] may adopt rules requiring permits for moving exotic
11 livestock and exotic fowl from livestock markets as necessary to
12 protect against the spread of communicable diseases.

13 SECTION 53. Section 161.113, Agriculture Code, is amended
14 to read as follows:

15 Sec. 161.113. TESTING, TREATMENT, OR VACCINATION OF
16 LIVESTOCK. (a) The department [~~commission~~] shall adopt rules for
17 testing, treatment, or vaccination under this subchapter. The
18 state may not be required to pay the cost of fees charged for the
19 testing, treatment, or vaccination.

20 (b) If the department [~~commission~~] requires the dipping of
21 livestock under this subchapter, the livestock shall be treated in
22 a manner prescribed by department rule [~~of the commission~~].

23 (c) The department [~~commission~~] may require the owner or
24 operator of a livestock market to furnish adequate equipment or
25 facilities or have access to essential equipment or facilities
26 within the immediate vicinity of the livestock market.

27 SECTION 54. Section 161.115, Agriculture Code, is amended

1 to read as follows:

2 Sec. 161.115. ENTRY POWER. An agent of the department
3 [~~commission~~] is entitled to enter any livestock market for the
4 exercise of authority or performance of a duty under this
5 subchapter.

6 SECTION 55. Sections 161.116(a), (b), (d), (e), and (g),
7 Agriculture Code, are amended to read as follows:

8 (a) In this section [~~action~~], "diseased" means affected by
9 actinobacillosis, actinomycosis, carcinoma, mastitis, or any other
10 disease that renders the carcass of an animal potentially dangerous
11 for human consumption and has been so designated by department rule
12 [~~of the commission~~].

13 (b) Except as provided by Subsection (c) [~~of this section~~],
14 a person may not sell diseased cattle unless:

15 (1) the cattle are sold through a livestock market
16 where visual examination of livestock is made by an agent of the
17 department [~~commission~~] or by the United States Department of
18 Agriculture; or

19 (2) the cattle are sold by a recognized slaughtering
20 establishment maintaining federal, state, or state-approved
21 veterinary postmortem inspection.

22 (d) A person may not release diseased cattle from a
23 livestock market unless the cattle are:

24 (1) consigned directly to a federally approved
25 terminal market or to a slaughtering establishment maintaining
26 federal, state, or state-approved veterinary postmortem
27 inspection; and

1 (2) accompanied by a certificate or permit issued by a
2 representative of the department [~~commission~~] or the United States
3 Department of Agriculture naming the terminal market or
4 slaughtering establishment.

5 (e) This section does not prevent the original owner of
6 diseased cattle, or an agent of the owner, from voiding the sale of
7 the cattle if the owner is not satisfied with the top bid price, but
8 the owner shall obtain a certificate or permit under Subsection (d)
9 [~~of this section~~] and shall deliver the cattle to the place
10 specified on the certificate or permit. A person is not liable for
11 a violation of this subsection unless the agent of the department
12 [~~commission~~] shows the person a list of approved establishments to
13 which the cattle may be consigned and allows the person to select an
14 establishment from that list.

15 (g) A person may not release diseased cattle from a terminal
16 market or slaughtering establishment to which the cattle have been
17 consigned under a certificate or permit issued under Subsection (d)
18 [~~of this section~~] except on authority of the department
19 [~~commission~~].

20 SECTION 56. Section 161.134, Agriculture Code, is amended
21 to read as follows:

22 Sec. 161.134. PROOF OF TREATMENT OR VACCINATION. In the
23 trial of any case involving the compliance of an owner or caretaker
24 with a provision of this chapter requiring the treatment or
25 vaccination of livestock, a person may not attempt to prove that the
26 action was taken by a person other than an authorized
27 representative of the department [~~commission~~].

1 SECTION 57. Section 161.136(a), Agriculture Code, is
2 amended to read as follows:

3 (a) A person commits an offense if, without a certificate
4 required by department rule [~~of the commission~~] under Section
5 161.043 [~~of this code~~], the person:

6 (1) enters livestock, exotic livestock, domestic
7 animals, domestic fowl, or exotic fowl into an exhibition, show, or
8 fair; or

9 (2) brings livestock, exotic livestock, domestic
10 animals, domestic fowl, or exotic fowl on the grounds of an
11 exhibition, show, or fair for the purpose of entering.

12 SECTION 58. Section 161.137(a), Agriculture Code, is
13 amended to read as follows:

14 (a) A person commits an offense if the person:

15 (1) removes livestock from a stockyard or railway
16 shipping pen without a certificate required by department rule [~~of~~
17 ~~the commission~~] under Section 161.044 [~~of this code~~]; or

18 (2) as the owner or person in charge of the stockyard
19 or pen, permits the removal of livestock under Subdivision (1) [~~of~~
20 ~~this section~~].

21 SECTION 59. Section 161.1375(a), Agriculture Code, is
22 amended to read as follows:

23 (a) A person commits an offense if the person recklessly:

24 (1) moves feral swine in a manner that is not in
25 compliance with department rules adopted [~~by the commission~~] under
26 Section 161.0412 or 161.054; or

27 (2) as the owner or person in charge of a holding

1 facility in which a feral swine is held, permits another to remove
2 feral swine from the holding facility in a manner that is not in
3 compliance with those rules.

4 SECTION 60. Section 161.138(a), Agriculture Code, is
5 amended to read as follows:

6 (a) A person commits an offense if the person refuses to
7 permit a representative of the department [~~commission~~] to enter
8 property or premises of which the person is the owner, tenant, or
9 caretaker for the purpose of carrying out a provision of this
10 chapter.

11 SECTION 61. Section 161.139(a), Agriculture Code, is
12 amended to read as follows:

13 (a) A person commits an offense if the person:
14 (1) refuses to permit inspection of animals under
15 Section 161.048 [~~of this code~~]; or
16 (2) fails to stop a truck, trailer, wagon, or
17 automobile suspected of carrying animals or animal products if
18 requested or signaled to do so by an agent of the department
19 [~~commission~~].

20 SECTION 62. Section 161.140(a), Agriculture Code, is
21 amended to read as follows:

22 (a) A person commits an offense if the person:
23 (1) refuses to allow the department [~~commission~~] or an
24 agent of the department [~~commission~~] to examine an animal or all or
25 part of an animal carcass that is owned by or possessed by the
26 person and that the department [~~commission~~] or agent has reason to
27 believe is affected by a communicable disease; or

1 (2) hinders or obstructs the department [~~commission~~]
2 or its agent in an examination under Subdivision (1) [~~of this~~
3 ~~subsection~~].

4 SECTION 63. Section 161.1405(a), Agriculture Code, is
5 amended to read as follows:

6 (a) A person who is the owner or caretaker of livestock,
7 exotic livestock, fowl, or exotic fowl commits an offense if the
8 person knowingly refuses to gather the animals for testing,
9 identification, inspection, or another procedure required by
10 department [~~commission~~] rule.

11 SECTION 64. Sections 161.143(a) and (c), Agriculture Code,
12 are amended to read as follows:

13 (a) A person, including a railroad company or other common
14 carrier, commits an offense if the person knowingly moves an animal
15 into this state in violation of a department rule [~~of the~~
16 ~~commission~~] adopted under Section 161.081 [~~of this code~~].

17 (c) A person commits a separate offense for each animal
18 moved in violation of a department rule [~~of the commission~~].

19 SECTION 65. Sections 161.146(a) and (b), Agriculture Code,
20 are amended to read as follows:

21 (a) A person commits an offense if the person, as the owner
22 or operator of a livestock market, fails or refuses to furnish
23 adequate facilities in accordance with Section 161.113(c) [~~of this~~
24 ~~code~~] or fails or refuses to permit an agent of the department
25 [~~commission~~] to enter the market, exercise an authority, or perform
26 a duty under Subchapter G [~~of this chapter~~]. A person commits a
27 separate offense for each day of failure or refusal.

1 (b) A person commits an offense if the person removes
2 livestock from a livestock market without a certificate required by
3 department rule [~~of the commission~~] adopted under Subchapter G [~~of~~
4 ~~this chapter~~].

5 SECTION 66. Sections 161.148(a), (d), (e), (f), (g), (h),
6 (i), (j), (k), (l), (m), and (n), Agriculture Code, are amended to
7 read as follows:

8 (a) The department [~~commission~~] may impose an
9 administrative penalty on a person who violates this subtitle or a
10 rule or order adopted under this subtitle.

11 (d) If the department [~~An executive director who~~]
12 determines that a violation has occurred, the department may issue
13 [~~to the commission~~] a report that states the facts on which the
14 determination is based and the department's [~~director's~~]
15 recommendation on the imposition of a penalty, including a
16 recommendation on the amount of the penalty.

17 (e) Within 14 days after the date the report is issued, the
18 department [~~executive director~~] shall give written notice of the
19 report to the person. The notice may be given by certified mail.
20 The notice must include a brief summary of the alleged violation and
21 a statement of the amount of the recommended penalty and must inform
22 the person that the person has a right to a hearing on the
23 occurrence of the violation, the amount of the penalty, or both the
24 occurrence of the violation and the amount of the penalty.

25 (f) Within 20 days after the date the person receives the
26 notice, the person in writing may accept the determination and
27 recommended penalty of the department [~~executive director~~] or may

1 make a written request for a hearing on the occurrence of the
2 violation, the amount of the penalty, or both the occurrence of the
3 violation and the amount of the penalty.

4 (g) If the person accepts the determination and recommended
5 penalty of the department [~~executive director~~], the department
6 [~~commission~~] by order shall approve the determination and impose
7 the recommended penalty.

8 (h) If the person requests a hearing or fails to respond
9 timely to the notice, an administrative law judge of the State
10 Office of Administrative Hearings [~~the executive director~~] shall
11 set a hearing and the department shall give notice of the hearing to
12 the person. The hearing shall be held by the [~~an~~] administrative
13 law judge [~~of the State Office of Administrative Hearings~~]. The
14 administrative law judge shall make findings of fact and
15 conclusions of law and promptly issue to the department
16 [~~commission~~] a proposal for a decision about the occurrence of the
17 violation and the amount of a proposed penalty. Based on the
18 findings of fact, conclusions of law, and proposal for a decision,
19 the department [~~commission~~] by order may find that a violation has
20 occurred and impose a penalty or may find that no violation
21 occurred.

22 (i) The notice of the department's [~~commission's~~] order
23 given to the person under Chapter [2001](#), Government Code, must
24 include a statement of the right of the person to judicial review of
25 the order.

26 (j) Within 30 days after the date the department's
27 [~~commission's~~] order becomes final as provided by Section [2001.144](#),

1 Government Code, the person shall:

2 (1) pay the amount of the penalty;

3 (2) pay the amount of the penalty and file a petition
4 for judicial review contesting the occurrence of the violation, the
5 amount of the penalty, or both the occurrence of the violation and
6 the amount of the penalty; or

7 (3) without paying the amount of the penalty, file a
8 petition for judicial review contesting the occurrence of the
9 violation, the amount of the penalty, or both the occurrence of the
10 violation and the amount of the penalty.

11 (k) Within the 30-day period, a person who acts under
12 Subsection (j)(3) [~~of this section~~] may:

13 (1) stay enforcement of the penalty by:

14 (A) paying the amount of the penalty to the court
15 for placement in an escrow account; or

16 (B) giving to the court a supersedeas bond that
17 is approved by the court for the amount of the penalty and that is
18 effective until all judicial review of the department's [~~board's~~]
19 order is final; or

20 (2) request the court to stay enforcement of the
21 penalty by:

22 (A) filing with the court a sworn affidavit of
23 the person stating that the person is financially unable to pay the
24 amount of the penalty and is financially unable to give the
25 supersedeas bond; and

26 (B) giving a copy of the affidavit to the
27 department [~~executive director~~] by certified mail.

1 (1) The department, on receipt of [~~An executive director who~~
2 ~~receives~~] a copy of an affidavit under Subsection (k)(2),] [~~of this~~
3 ~~section~~] may file with the court[~~7~~] within five days after the date
4 the copy is received[~~7~~] a contest to the affidavit. The court shall
5 hold a hearing on the facts alleged in the affidavit as soon as
6 practicable and shall stay the enforcement of the penalty on
7 finding that the alleged facts are true. The person who files an
8 affidavit has the burden of proving that the person is financially
9 unable to pay the amount of the penalty and to give a supersedeas
10 bond.

11 (m) If the person does not pay the amount of the penalty and
12 the enforcement of the penalty is not stayed, the department
13 [~~executive director~~] may refer the matter to the attorney general
14 for collection of the amount of the penalty.

15 (n) Judicial review of the order of the department
16 [~~commission~~]:

17 (1) is instituted by filing a petition as provided by
18 Subchapter G, Chapter 2001, Government Code; and

19 (2) is under the substantial evidence rule.

20 SECTION 67. Section 162.001(a), Agriculture Code, is
21 amended to read as follows:

22 (a) In this chapter, "caretaker" means a caretaker of an
23 animal as described[~~+~~

24 [~~(1) "Caretaker" has the meaning assigned~~] by Section
25 161.002 [~~of this code~~].

26 [~~(2) "Commission" means the Texas Animal Health~~
27 ~~Commission.~~]

1 SECTION 68. Section 162.002, Agriculture Code, is amended
2 to read as follows:

3 Sec. 162.002. COOPERATIVE PROGRAM. (a) The department
4 [~~commission~~] may cooperate with the United States Department of
5 Agriculture and the county commissioners courts in a cooperative
6 program for the eradication of tuberculosis among cattle and the
7 establishment of areas based on prevalence of the disease.

8 (b) The commissioners court of each county may cooperate
9 with the department [~~commission~~] and the United States Department
10 of Agriculture in a cooperative program under this chapter, but
11 shall cooperate if presented with a petition signed by at least 75
12 percent of the owners of cattle in the county as shown by the county
13 tax rolls.

14 SECTION 69. Section 162.003, Agriculture Code, is amended
15 to read as follows:

16 Sec. 162.003. TESTING. The department [~~commission~~] by rule
17 shall prescribe the manner, method, and system of testing cattle
18 for tuberculosis under a cooperative program.

19 SECTION 70. Section 162.004, Agriculture Code, is amended
20 to read as follows:

21 Sec. 162.004. CERTIFICATE OF TEST OR VACCINATION OF CATTLE
22 OR OTHER ANIMALS. (a) For each tuberculosis test performed on
23 cattle, hogs, or fowl, a veterinarian shall file a certificate with
24 the department [~~commission~~] that identifies the animals tested and
25 shows:

- 26 (1) the name and post office address of the owner;
27 (2) the location of the premises and the animals;

- 1 (3) the date of the test;
- 2 (4) the kind of test conducted;
- 3 (5) the result of the test; and
- 4 (6) whether the test was an interstate, accredited
- 5 herd, municipal, or private test.

6 (b) For each vaccination of hogs, a veterinarian shall file

7 a certificate with the department [~~commission~~] that shows:

- 8 (1) the name and post office address of the owner;
- 9 (2) the location of the premises;
- 10 (3) the number of hogs vaccinated; and
- 11 (4) the amount and serial number of the serum and virus
- 12 or other biologics used.

13 (c) A certificate under this section must be:

- 14 (1) in a form prescribed by the department
- 15 [~~commission~~]; and
- 16 (2) sent to the department [~~commission~~] within the
- 17 time prescribed by the department [~~commission~~] by rule.

18 SECTION 71. Section 162.005, Agriculture Code, is amended

19 to read as follows:

20 Sec. 162.005. IDENTIFICATION OF CATTLE. If cattle examined

21 by a veterinarian show a positive reaction to the tuberculin test or

22 show evidence of tuberculosis infection by clinical or laboratory

23 examination, the veterinarian shall:

- 24 (1) comply with any identification requirements of the
- 25 department [~~commission~~]; and
- 26 (2) not later than 48 hours after the identification,
- 27 report the identification to the department [~~commission~~], together

1 with the location, description, and number of animals identified.

2 SECTION 72. Sections 162.006(a) and (b), Agriculture Code,
3 are amended to read as follows:

4 (a) The department [~~commission~~] shall immediately
5 quarantine cattle and the premises on which the cattle are located
6 if the cattle show a positive reaction when tested for tuberculosis
7 by a veterinarian recognized by the department [~~commission~~] for
8 that purpose.

9 (b) Before the establishment of a quarantine a person may
10 not move the cattle that show a positive reaction from the enclosure
11 in which they were located at the time of testing, and may not sell,
12 trade, barter, grant, or loan those animals. After a quarantine is
13 established, a person may not move any cattle from the quarantined
14 premises without first obtaining a written permit from the
15 department [~~commission~~].

16 SECTION 73. Section 162.009, Agriculture Code, is amended
17 to read as follows:

18 Sec. 162.009. TUBERCULOSIS MODIFIED ACCREDITED ADVANCED
19 AND TUBERCULOSIS FREE AREAS. (a) As part of a cooperative program,
20 the department [~~commission~~] or its representative may examine,
21 test, and retest any cattle in this state as necessary to maintain
22 an area of this state as a tuberculosis modified accredited
23 advanced area or to establish or maintain each area of this state as
24 a tuberculosis free area under the uniform methods and rules of the
25 United States Department of Agriculture and the rules of the
26 department [~~commission~~].

27 (b) The department [~~commission~~] or its representative may

1 test or retest all or part of a herd of cattle at intervals
2 considered necessary or advisable by the department [~~commission~~] to
3 control and eliminate tuberculosis in animals.

4 SECTION 74. Section 162.010, Agriculture Code, is amended
5 to read as follows:

6 Sec. 162.010. DUTY OF OWNER OR CARETAKER TO ASSIST; NOTICE.

7 (a) On written notice by the department [~~commission~~] or its
8 representative, the owner, part owner, or caretaker of cattle shall
9 assemble and submit the cattle for tuberculosis examination and
10 testing. The notice must set the date and approximate time the
11 cattle are to be tested and must be delivered by registered mail not
12 later than the 10th day before that date.

13 (b) The person receiving the notice shall provide
14 reasonable assistance in confining the cattle and providing
15 facilities for proper administration of the test. The person shall
16 return the cattle to the same place for observation at a time
17 designated by the department [~~commission~~] or its representative.

18 SECTION 75. Section 162.013(a), Agriculture Code, is
19 amended to read as follows:

20 (a) A person commits an offense if, as the owner, part
21 owner, or caretaker of cattle, the person fails or refuses to
22 assemble the cattle or to provide assistance in accordance with
23 Section 162.010 [~~of this code~~] at the time and place provided in the
24 notice issued by the department [~~commission~~].

25 SECTION 76. Section 162.014(a), Agriculture Code, is
26 amended to read as follows:

27 (a) The following agencies, colleges, and services jointly

1 shall conduct a review of the state's current programs to research,
2 control, and eradicate animal tuberculosis in both traditional and
3 nontraditional farm and ranch animals:

4 (1) the department [~~commission~~];

5 (2) [~~the Department of Agriculture,~~

6 [~~(3) the~~] Texas A&M AgriLife Research [~~Agricultural~~
7 ~~Experiment Station~~];

8 (3) [~~(4)~~] the Texas A&M AgriLife [~~Agricultural~~]
9 Extension Service;

10 (4) [~~(5) the Texas Animal Damage Control Service,~~

11 [~~(6)~~] the [~~Texas~~] Department of State Health Services;

12 (5) The Texas A&M University [~~(7) the~~] College of
13 Veterinary Medicine [~~, Texas A&M University~~]; and

14 (6) [~~(8)~~] the Texas A&M Veterinary Medical Diagnostic
15 Laboratory.

16 SECTION 77. Section 163.001(a), Agriculture Code, is
17 amended to read as follows:

18 (a) In this chapter, "caretaker" means a caretaker of an
19 animal as described [+

20 [~~(1) "Caretaker" has the meaning assigned~~] by Section
21 161.002 [~~of this code~~].

22 [~~(2) "Commission" means the Texas Animal Health~~
23 ~~Commission.~~]

24 SECTION 78. Section 163.002, Agriculture Code, is amended
25 to read as follows:

26 Sec. 163.002. COOPERATIVE PROGRAM. In order to bring about
27 effective control of bovine brucellosis, to allow Texas cattle to

1 move in interstate and international commerce with the fewest
2 possible restrictions, and to accomplish those purposes in the most
3 effective, practical, and expeditious manner, the department
4 [~~commission~~] may enforce this chapter and enter into cooperative
5 agreements with the United States Department of Agriculture.

6 SECTION 79. Section 163.003, Agriculture Code, is amended
7 to read as follows:

8 Sec. 163.003. FEES. The department [~~commission~~] may
9 establish fees in amounts necessary to cover the cost of
10 administering this chapter when combined with funds received from
11 other sources.

12 SECTION 80. Section 163.021, Agriculture Code, is amended
13 to read as follows:

14 Sec. 163.021. CLASSIFICATION OF AREAS. (a) The department
15 [~~commission~~] by rule may prescribe criteria for classifying areas
16 in the state for purposes of brucellosis control. The department
17 [~~commission~~] may prescribe differing control measures and
18 procedures according to the classification of the areas. The
19 classifications shall be based on criteria that use sound
20 epidemiological principles and are similar to the criteria provided
21 by federal brucellosis control regulations.

22 (b) The department [~~commission~~] by rule may designate as a
23 particular classification any area consisting of one county or two
24 or more contiguous counties. The designation of an area for state
25 purposes need not be the same as the designation of the area for
26 federal purposes.

27 SECTION 81. Section 163.061, Agriculture Code, is amended

1 to read as follows:

2 Sec. 163.061. RULES; REPORTS. Following notice and a
3 hearing, the department [~~commission~~] may adopt rules and require
4 reports and records as necessary to carry out Subchapters A, B, and
5 D [~~A-D of this chapter~~], including rules, reports, and records that
6 relate to the testing or vaccination of cattle or to the movement of
7 cattle into and within an area.

8 SECTION 82. Section 163.062, Agriculture Code, is amended
9 to read as follows:

10 Sec. 163.062. EMPLOYEES. The department [~~commission~~] may
11 employ personnel, including veterinarians, inspectors,
12 stenographers, and clerks, as necessary to the enforcement of
13 Subchapter A, B, or D [~~Subchapters A-D of this chapter~~] or the
14 performance of duties under those subchapters. The department
15 [~~commission~~] may assign to those employees any duty under those
16 subchapters.

17 SECTION 83. Section 163.063, Agriculture Code, is amended
18 to read as follows:

19 Sec. 163.063. ENTRY POWER. (a) A representative of the
20 department [~~commission, including a member of the commission,~~] is
21 entitled to enter any public or private property for the exercise of
22 authority or performance of a duty under Subchapter A, B, or D
23 [~~Subchapters A-D of this chapter~~].

24 (b) A representative of the department [~~commission~~] under
25 Subsection (a) [~~of this section~~] who desires to be accompanied by a
26 peace officer may apply for and be issued a search warrant in the
27 manner provided by Section 161.047 [~~of this code~~].

1 SECTION 84. Section 163.064, Agriculture Code, is amended
2 to read as follows:

3 Sec. 163.064. TESTING AND VACCINATION. (a) Only a person
4 approved by the department [~~commission~~] may perform testing and
5 vaccinating for brucellosis, regardless of whether the person is a
6 veterinarian.

7 (b) The department [~~commission~~] by rule shall prescribe
8 criteria for classifying cattle as negative, infected with
9 brucellosis, or suspected of being infected with brucellosis. Each
10 classification must be based on the testing of cattle. The testing
11 may include serological testing, microbiological culturing of
12 blood, tissue, secretions, or excretions, or both.

13 (c) The department [~~commission~~] may by rule regulate and
14 require the vaccination of female cattle within all or any of the
15 area classifications. Among other rules, the department
16 [~~commission~~] may adopt rules providing for:

- 17 (1) the identification of cattle to be vaccinated;
18 (2) approval of the vaccine used; and
19 (3) the method of administering the vaccine.

20 (d) The department [~~commission~~] by rule may regulate the
21 sale and use of brucellosis antigens and vaccines. A person may not
22 sell a brucellosis antigen or vaccine unless the antigen or vaccine
23 is approved by the department [~~commission~~]. A person may not
24 administer a brucellosis antigen or vaccine unless the antigen or
25 vaccine is approved by the department [~~commission~~] and the person
26 is authorized by the department [~~commission~~] to administer the
27 antigen or vaccine.

1 SECTION 85. Section 163.065, Agriculture Code, is amended
2 to read as follows:

3 Sec. 163.065. BRANDING AND HANDLING OF DISEASED CATTLE.

4 (a) If a tested animal shows evidence of infection with
5 brucellosis, the person performing the test shall handle the animal
6 in accordance with department ~~[the]~~ rules ~~[of the commission]~~. The
7 department ~~[commission]~~ may prescribe requirements according to
8 the classification of the area in which the animal is located.
9 Among other requirements, the department ~~[commission]~~ may require
10 the person performing the test to:

11 (1) furnish the owner of the animal with written data
12 showing that the animal is infected;

13 (2) fire brand the animal on the left jaw with the
14 letter "B";

15 (3) place an approved, numbered identification on the
16 animal; and

17 (4) report the identification number in writing to the
18 department ~~[commission]~~.

19 (b) If an animal shows evidence of infection, the herd of
20 which it is a part shall also be handled in accordance with
21 department ~~[the]~~ rules ~~[of the commission]~~, which may provide for:

22 (1) quarantines;

23 (2) the manner, method, and system of disposing of
24 reactor cattle;

25 (3) the testing and retesting of the herd; or

26 (4) other measures, such as quarantine only, where the
27 animals from the herd are sold exclusively for slaughter and where

1 the department's [~~commission's~~] rules are in compliance with the
2 current requirements of the Brucellosis Eradication Uniform
3 Methods and Rules of the cooperative state-federal brucellosis
4 eradication program.

5 SECTION 86. Section 163.066, Agriculture Code, is amended
6 to read as follows:

7 Sec. 163.066. REGULATION OF MOVEMENT OF CATTLE; EXCEPTION.

8 (a) As a control measure, the department [~~commission~~] by rule may
9 regulate the movement of cattle. The department [~~commission~~] may
10 restrict the intrastate movement of cattle even though the movement
11 of the cattle is unrestricted in interstate or international
12 commerce. The department [~~commission~~] may require testing,
13 vaccination, or another procedure that is epidemiologically sound
14 before or following the movement of cattle.

15 (b) The department [~~commission~~] may not adopt a rule that
16 prohibits a person from moving cattle owned by that person within
17 unquarantined contiguous lands owned or controlled by that person.

18 (c) Any restriction on the movement of cattle imposed under
19 provisions of this chapter may be modified or set aside by the
20 department [~~commission~~] upon application by the cattle owner,
21 provided that the owner can show impending unusual hardship
22 resulting from such restriction. Contributory factors may include
23 but are not limited to prolonged drought, inadequacy of pasturage
24 or usual feed supply resulting from disaster or other unforeseeable
25 circumstance, or economic hardship of the cattle owner; provided
26 that individual animals under restriction shall be handled in a
27 manner to be prescribed by the department [~~commission~~].

1 SECTION 87. Section 163.069, Agriculture Code, is amended
2 to read as follows:

3 Sec. 163.069. INDIVIDUAL HERD PLANS. (a) The department
4 [~~commission~~] by rule may provide for the handling and treatment of
5 individual herds in which testing or epidemiology has produced
6 evidence of infection or which was adjacent to a herd in which
7 infection is found. Each plan shall be designed to aid the
8 caretaker of the herd in preventing or reducing spread of the
9 infection and in eliminating the infection.

10 (b) Each herd plan must be based on sound epidemiological
11 principles and the classification of the area in which the herd is
12 located. In prescribing a herd plan, the department [~~commission~~]
13 may consider, among other items:

14 (1) the risk of the infection spreading to other
15 herds;

16 (2) the cost to other herd owners resulting from
17 spread of the infection;

18 (3) the extent of infection and of possible exposure
19 within the herd;

20 (4) the type of cattle operation conducted by the
21 herd's caretaker; and

22 (5) the conditions affecting the economics and
23 management of the herd.

24 SECTION 88. Section 163.070, Agriculture Code, is amended
25 to read as follows:

26 Sec. 163.070. REQUIRED ASSISTANCE. If ordered by the
27 department [~~commission~~] or its representative, the owner or

1 caretaker of cattle shall submit the cattle and furnish labor and
2 facilities used in normal operation in order that the cattle may be
3 tested, vaccinated, or otherwise handled in accordance with
4 department [~~the~~] rules [~~of the commission~~].

5 SECTION 89. Sections 163.072(a) and (b), Agriculture Code,
6 are amended to read as follows:

7 (a) The department [~~commission~~] may require slaughter
8 plants to collect and submit blood samples for brucellosis testing.

9 (b) The department [~~commission~~] by rule shall determine the
10 method of collecting, submitting, and testing of blood samples.

11 SECTION 90. Section 163.081(a), Agriculture Code, is
12 amended to read as follows:

13 (a) A person commits an offense if the person refuses to
14 vaccinate a female calf owned by that person in accordance with
15 department [~~the~~] rules [~~of the commission~~].

16 SECTION 91. Section 163.083(a), Agriculture Code, is
17 amended to read as follows:

18 (a) A person commits an offense if the person refuses to
19 permit a representative of the department [~~commission~~] to enter
20 property or premises of which the person is the owner, tenant, or
21 caretaker for the purposes of carrying out a provision of this
22 chapter.

23 SECTION 92. The heading to Section 163.084, Agriculture
24 Code, is amended to read as follows:

25 Sec. 163.084. MOVEMENT OF CATTLE IN VIOLATION OF DEPARTMENT
26 [~~COMMISSION~~] RULE.

27 SECTION 93. Section 163.084(a), Agriculture Code, is

1 amended to read as follows:

2 (a) A person, including a railway or a common carrier,
3 commits an offense if the person knowingly moves an animal in
4 violation of a department rule [~~of the commission~~].

5 SECTION 94. Section 163.085(a), Agriculture Code, is
6 amended to read as follows:

7 (a) A person commits an offense if the person knowingly
8 refuses to handle in accordance with department [~~the~~] rules [~~of the~~
9 ~~commission~~] an animal that the department [~~commission~~] has
10 classified as infected with brucellosis.

11 SECTION 95. Section 164.002(d), Agriculture Code, is
12 amended to read as follows:

13 (d) If an inspector determines that a scabies infection
14 exists among cattle, sheep, or goats or that cattle, sheep, or goats
15 have been exposed to scabies, the infection or exposure is
16 considered to continue until the department [~~commission~~]
17 determines that the infection or exposure has been eradicated
18 through methods prescribed by department rule [~~of the commission~~].

19 SECTION 96. Section 164.003(a), Agriculture Code, is
20 amended to read as follows:

21 (a) For the purpose of eradicating scabies, the department
22 [~~commission~~] may employ a chief inspector, district supervising
23 inspectors, and local inspectors.

24 SECTION 97. Section 164.005(c), Agriculture Code, is
25 amended to read as follows:

26 (c) The person who owns or controls the place to be entered
27 under this section or who owns or controls the animals shall, on

1 request of the inspector or [~~a member of~~] the department
2 [~~commission~~], gather the animals on the range for inspection.
3 Failure or refusal to gather the animals is prima facie evidence
4 that the premises and the animals are infected with scabies and
5 authorizes the department [~~commission~~] to quarantine the premises
6 or animals in accordance with this chapter.

7 SECTION 98. The heading to Section 164.021, Agriculture
8 Code, is amended to read as follows:

9 Sec. 164.021. TREATMENT REQUIRED ON ORDER OF DEPARTMENT
10 [~~COMMISSION~~].

11 SECTION 99. Sections 164.021(a) and (b), Agriculture Code,
12 are amended to read as follows:

13 (a) The department [~~commission~~] by written order may direct
14 a person who owns, controls, or cares for cattle or sheep that are
15 scabies-infected or are exposed to scabies, to treat any or all of
16 those animals for the purpose of destroying, eradicating, curing,
17 or removing a scabies infection or a source of exposure to scabies.

18 (b) An order of the department [~~commission~~] under this
19 section must be signed by a department representative [~~the~~
20 ~~commission or the presiding officer of the commission~~] and must
21 contain the following:

- 22 (1) the date of issuance;
- 23 (2) the name of the person to whom the order is made;
- 24 (3) the approximate location of the premises on which
25 the animals are located;
- 26 (4) the county in which the premises are located;
- 27 (5) a statement in clear and intelligible language

1 that the sheep or cattle that the person owns, controls, or cares
2 for are infected with or exposed to scabies;

3 (6) an order directing the person to treat the
4 animals, under the supervision of an inspector and in the manner
5 prescribed by the department [~~commission~~]; and

6 (7) a designation of the date, time, and place that the
7 treatment is to occur.

8 SECTION 100. Section 164.022, Agriculture Code, is amended
9 to read as follows:

10 Sec. 164.022. HEARING. (a) Not later than the fifth day
11 following the day on which a person receives an order to treat
12 cattle or sheep, the person may file with the department
13 [~~commission or the presiding officer of the commission~~] a written
14 affidavit that:

15 (1) denies that the animals are subject to being
16 treated under this chapter, or states that, for good and sufficient
17 reason set out in the affidavit, the person is entitled to have the
18 order rescinded or the treatment postponed; and

19 (2) requests that the department [~~commission~~]
20 withhold enforcement of the order and grant a hearing on the matter
21 or investigate the matter as necessary to determine the correctness
22 of the statement contained in the affidavit.

23 (b) Not later than the fifth day following the day on which
24 the department [~~commission~~] receives an affidavit under Subsection
25 (a) [~~of this section~~], the department [~~commission~~] shall, if
26 desired by the affiant, grant the affiant a hearing in the office of
27 the commissioner [~~presiding officer~~]. The department [~~commission~~]

1 shall give the affiant notice of the hearing by telegram or
2 registered mail and shall hold the hearing not earlier than the
3 fourth day following the day of giving that notice.

4 (c) The department [~~commission~~] shall consider the
5 affidavit at the hearing and shall, in person or by agent,
6 investigate the matter as the department [~~commission~~] considers
7 necessary.

8 (d) If the department [~~commission~~] finds that the statement
9 in the affidavit is correct, the department [~~commission~~] shall
10 rescind the order or postpone the treatment until a time that the
11 department [~~commission~~] considers proper. If the department
12 [~~commission~~] finds that the statement in the affidavit is not
13 correct, the department [~~commission~~] shall enforce the order on the
14 date and at the time designated in the order.

15 (e) Following a hearing, the department [~~commission~~] shall
16 deliver its written findings to the affiant not later than the
17 fourth day before the date and time that the order requires the
18 animals to be treated.

19 (f) A person who is dissatisfied with the findings of the
20 department [~~commission~~] under this section may apply to a court of
21 proper venue and jurisdiction for an injunction or other relief.

22 SECTION 101. Section 164.023, Agriculture Code, is amended
23 to read as follows:

24 Sec. 164.023. METHOD OF TREATMENT. The department
25 [~~commission~~] by rule shall prescribe the methods of treatment
26 available for the treatment of scabies under this chapter.

27 SECTION 102. Section 164.041, Agriculture Code, is amended

1 to read as follows:

2 Sec. 164.041. ESTABLISHMENT. (a) The department
3 [~~commission~~] may establish a quarantine against all or the portion
4 of a state, territory, or country in which the department
5 [~~commission~~] determines scabies exists. A quarantine established
6 under this section is governed by Chapter 161, except that only a
7 scabies inspector recognized by the department [~~commission~~] for
8 that purpose in the quarantine notice may issue certificates or
9 permits for the movement of cattle subject to the quarantine. A
10 person who violates the quarantine is subject to the penalties
11 provided by Chapter 161.

12 (b) If an inspector determines that a scabies infection or
13 exposure exists in a county or area of this state, on any premises,
14 including a road, pasture, lot, yard, stockyard, or enclosure, or
15 among any cattle or sheep, the department [~~commission~~] may
16 quarantine the area, premises, or animals.

17 SECTION 103. Section 164.042, Agriculture Code, is amended
18 to read as follows:

19 Sec. 164.042. NOTICE. The department [~~commission~~] shall
20 give notice of a quarantine established under Section 164.041(b)
21 [~~of this code~~] in one of the following manners:

22 (1) by posting written notice of the quarantine at the
23 courthouse door of the county in which the quarantine is
24 established and at two other conspicuous places in the area or on
25 the premises quarantined;

26 (2) by publishing notice in a newspaper in the county
27 or, if there is no newspaper in the county, by publishing notice in

1 a newspaper in an adjoining county; or

2 (3) by delivering written or printed notice to the
3 owner or caretaker of the animals or premises to be quarantined,
4 with the delivery made in person by a department [~~commission~~]
5 inspector, employee, or member or with the delivery made by United
6 States mail.

7 SECTION 104. Section 164.044, Agriculture Code, is amended
8 to read as follows:

9 Sec. 164.044. MOVEMENT FROM QUARANTINED PREMISES; MOVEMENT
10 OF QUARANTINED ANIMALS. (a) A person may not move or permit to be
11 moved cattle or sheep that are under quarantine for scabies
12 infection or exposure or that are on premises quarantined for
13 scabies infection or exposure unless the cattle or sheep are
14 certified by a department [~~commission~~] inspector.

15 (b) If the department [~~commission~~] finds animals that have
16 been moved in violation of a quarantine established under this
17 chapter, the department [~~commission~~] shall quarantine the animals
18 until they have been properly tested or treated in accordance with
19 department [~~the~~] rules [~~of the commission~~].

20 SECTION 105. Section 164.046(c), Agriculture Code, is
21 amended to read as follows:

22 (c) Disinfection under this section must be performed under
23 the supervision of a department [~~commission~~] inspector and before
24 uninfected or unexposed sheep are permitted to enter the places to
25 be disinfected.

26 SECTION 106. Section 164.064, Agriculture Code, is amended
27 to read as follows:

1 Sec. 164.064. DESIGNATION OF INFECTED OR FREE AREAS;
2 TREATMENT REQUIREMENTS. The department [~~commission~~] may adopt
3 rules designating areas as infected or free from infection and
4 shall establish treatment requirements for the importation of sheep
5 into this state.

6 SECTION 107. Section 164.065, Agriculture Code, is amended
7 to read as follows:

8 Sec. 164.065. EXHIBITIONS. The department [~~commission~~]
9 shall provide an importer of show sheep a reasonable length of time,
10 not to exceed 60 days after the date of importation, in which to
11 display the sheep at county fairs or livestock exhibitions. The
12 importer shall keep the sheep separate from all sheep other than
13 show sheep and shall treat the sheep as required by the department
14 [~~commission~~] before they are distributed to the range.

15 SECTION 108. Section 164.083(a), Agriculture Code, is
16 amended to read as follows:

- 17 (a) A person commits an offense if the person:
- 18 (1) owns, controls, or cares for cattle or sheep
19 infected with scabies or cattle or sheep that have been exposed to
20 scabies infection within six months prior to the date of an order to
21 treat under Section 164.021; and
- 22 (2) fails or refuses to treat the sheep or cattle at
23 the time and in the manner provided by the order of the department
24 [~~commission~~].

25 SECTION 109. Section 165.021, Agriculture Code, is amended
26 to read as follows:

27 Sec. 165.021. COOPERATION WITH U.S. DEPARTMENT OF

1 AGRICULTURE. The department [~~commission~~] may cooperate with the
2 United States Department of Agriculture in the eradication of
3 vesicular exanthema, foot and mouth disease of swine, classical
4 swine fever, and other diseases of swine.

5 SECTION 110. Section 165.022, Agriculture Code, as amended
6 by Chapters 623 (S.B. 1997) and 849 (S.B. 705), Acts of the 87th
7 Legislature, Regular Session, 2021, is reenacted and amended to
8 read as follows:

9 Sec. 165.022. METHOD OF DISEASE ERADICATION. (a)
10 Following notice and public hearing, the department [~~commission~~]
11 shall adopt rules for the enforcement of this subchapter, including
12 rules providing for the manner, method, and system of eradicating
13 swine diseases.

14 (b) The department [~~commission~~] may [~~by a two-thirds vote~~]
15 adopt rules under this section that are more stringent than the
16 minimum standards for cooperative programs adopted by the Animal
17 and Plant Health Inspection Service of the United States Department
18 of Agriculture.

19 SECTION 111. Section 165.023, Agriculture Code, is amended
20 to read as follows:

21 Sec. 165.023. USE OF BIOLOGICS. The department
22 [~~commission~~] shall adopt rules governing the use of biologics as a
23 protection against dissemination of communicable swine diseases.

24 SECTION 112. Sections 165.026(b), (c), (d), (e), and (g),
25 Agriculture Code, are amended to read as follows:

26 (b) A person may feed unrestricted garbage to swine only if
27 the person first registers with and secures a permit from the

1 department [~~commission~~].

2 (c) The department [~~commission~~] may adopt rules for
3 registration under this section, including rules providing for
4 registration issuance, revocation, and renewal, disease tests,
5 inspections, bookkeeping, and appropriate handling and treatment
6 of unrestricted garbage. Registration with the department
7 [~~commission~~] shall be made on forms prescribed by the department
8 [~~commission~~], and the department [~~commission~~] shall furnish those
9 forms on request. The department [~~commission~~] may impose a
10 registration fee not to exceed \$25 a year.

11 (d) The department [~~commission~~] or the commissioner
12 [~~executive director of the commission~~] may issue an emergency
13 administrative order to suspend a registration under this section
14 or require the immediate quarantine and closure of a garbage
15 feeding facility if the department [~~commission~~] or the commissioner
16 [~~executive director~~] determines that the practice presents a danger
17 to public health or the livestock industry, including any danger
18 related to an insect infestation or the transmission of a disease.
19 An order must expire not later than the end of the second month
20 after the effective date of the order.

21 (e) The department [~~commission~~] or the commissioner may
22 issue an order prohibiting the feeding of restricted garbage to
23 swine in all or part of the state if the department [~~commission~~] or
24 the commissioner determines that the practice presents a danger to
25 public health or the livestock industry, including any danger
26 related to an insect infestation or the transmission of a disease.

27 (g) The department [~~commission~~], in cooperation with [~~the~~

1 ~~department and~~] any other appropriate state agencies and political
2 subdivisions, shall:

3 (1) attempt to inform each supplier of restricted
4 garbage and each individual feeding garbage to swine of the
5 provisions of this section;

6 (2) assist garbage feeding facilities and individuals
7 feeding garbage to swine in identifying a source for obtaining
8 unrestricted garbage; and

9 (3) adopt measures designed to ensure compliance with
10 this section.

11 SECTION 113. Section 165.027(a), Agriculture Code, is
12 amended to read as follows:

13 (a) A representative of the department [~~commission,~~
14 ~~including a member of the commission,~~] is entitled to enter the
15 premises of any person for the purpose of inspecting swine or the
16 heating or cooking equipment required by this subchapter or for the
17 purpose of performing another duty under this subchapter.

18 SECTION 114. Section 167.001(3), Agriculture Code, is
19 amended to read as follows:

20 (3) "Inspector" means an inspector of the department
21 [~~commission~~], including a local inspector, a county or district
22 supervising inspector, and the chief inspector.

23 SECTION 115. Section 167.003, Agriculture Code, is amended
24 to read as follows:

25 Sec. 167.003. GENERAL POWERS AND DUTIES OF DEPARTMENT
26 [~~COMMISSION~~]. (a) In accordance with this chapter, the department
27 [~~commission~~] shall eradicate all ticks capable of carrying Babesia

1 in this state and shall protect all land, premises, and animals in
2 this state from those ticks and exposure to those ticks.

3 (b) In carrying out this chapter, the department
4 [~~commission~~] may:

5 (1) adopt necessary rules;

6 (2) employ necessary personnel, including a chief
7 inspector, chief clerk, stenographers, and clerks, and assign the
8 personnel to perform duties authorized by this chapter or
9 incidental to its enforcement;

10 (3) assist and cooperate with county officials; and

11 (4) enter into cooperative agreements with other state
12 agencies or agencies of the federal government.

13 (c) The department [~~commission~~] by rule may provide for the
14 manner and method of treating saddle stock and stock used for gentle
15 work and for the handling and certifying of that stock for movement,
16 but unless the department [~~commission~~] so provides, the stock is
17 subject to this chapter as other animals.

18 SECTION 116. Sections 167.004(b), (c), and (d), Agriculture
19 Code, are amended to read as follows:

20 (b) The department [~~commission~~] by rule shall define what
21 animals and premises are to be classified as exposed to ticks. The
22 department [~~commission~~] shall classify as exposed to ticks animals
23 that have been on land or in an enclosure that the department
24 [~~commission~~] determines to be tick infested or exposed to ticks or
25 to have been tick infested or exposed to ticks before or after the
26 removal of the animals, unless the department [~~commission~~]
27 determines that the infestation or exposure occurred after the

1 animals were removed and that the animals did not become infested or
2 exposed before removal.

3 (c) Animals, land, and premises classified as tick infested
4 or exposed to ticks retain that classification until the
5 classification is changed by the department [~~commission~~] in
6 accordance with this chapter.

7 (d) Animals, land, and premises in the tick eradication area
8 may not be considered to be free from exposure to ticks unless:

9 (1) the department [~~commission~~] has officially
10 classified the animals or premises as free from exposure and filed a
11 copy of the order making that classification in the office of the
12 supervising inspector of the county in which the animals or
13 premises are located; or

14 (2) the supervising inspector of the county in which
15 the animals or premises are located, under the authority of the
16 department [~~commission~~], has classified the animals or premises in
17 writing as free from exposure and filed the written classification
18 in the supervising inspector's office.

19 SECTION 117. Sections 167.005(b) and (c), Agriculture Code,
20 are amended to read as follows:

21 (b) The free area and the inactive quarantine area are
22 composed of counties and parts of counties designated by the
23 department [~~commission~~] to be part of the applicable area.

24 (c) The department [~~commission~~] may transfer a county or
25 part of a county from the tick eradication area, the free area, or
26 the inactive quarantine area to another type of area as the
27 department [~~commission~~] considers advisable or necessary.

1 SECTION 118. Sections 167.006(a) and (b), Agriculture Code,
2 are amended to read as follows:

3 (a) The department [~~commission~~] may designate for tick
4 eradication any county or part of a county that the department
5 [~~commission~~] determines may contain ticks.

6 (b) The department [~~commission~~] shall give notice that a
7 county or part of a county is designated for tick eradication by:

8 (1) publishing a brief notice of the designation in a
9 newspaper published in that county or that part of the county, as
10 applicable; or

11 (2) posting a brief notice of the designation at the
12 courthouse door of the county.

13 SECTION 119. Section 167.007, Agriculture Code, is amended
14 to read as follows:

15 Sec. 167.007. TICK ERADICATION IN FREE AREA. (a) The
16 department [~~commission~~] may conduct tick eradication in the free
17 area and may establish quarantines and require the treatment of
18 animals in the free area as provided by this chapter. The
19 department [~~commission~~] shall designate in writing the land or
20 premises in the free area in which tick eradication is to be
21 conducted.

22 (b) An owner or caretaker of animals in the free area and the
23 commissioners court of a county all or part of which is located in
24 the free area shall cooperate with the department [~~commission~~] in
25 the manner provided by this chapter for tick eradication in the tick
26 eradication area.

27 SECTION 120. Section 167.008, Agriculture Code, is amended

1 to read as follows:

2 Sec. 167.008. INSPECTIONS. The department [~~commission~~] may
3 order the owner, part owner, or caretaker of animals to gather the
4 animals for inspection at a time and place prescribed in the order
5 of the department [~~commission~~]. The department [~~commission~~] shall
6 serve written notice of the order not later than the 12th day before
7 the day of inspection. A person on whom an order is served is
8 entitled to request and obtain a hearing in the manner provided by
9 this chapter for hearings on orders to treat animals.

10 SECTION 121. Section [167.021](#), Agriculture Code, is amended
11 to read as follows:

12 Sec. 167.021. GENERAL QUARANTINE POWER. (a) The
13 department [~~commission~~] may establish quarantines on land,
14 premises, and animals as necessary for tick eradication.

15 (b) The department [~~commission~~] in writing may release a
16 quarantine established under this chapter if the department
17 [~~commission~~] considers it necessary or advisable to do so.

18 SECTION 122. Section [167.023](#), Agriculture Code, is amended
19 to read as follows:

20 Sec. 167.023. QUARANTINE OF FREE AREA. (a) The department
21 [~~commission~~] by written order may establish a quarantine in the
22 free area if necessary for the purpose of regulating the handling of
23 animals and eradicating ticks or exposure to ticks in the free area
24 or for the purpose of preventing the spread of tick infestation into
25 the free area.

26 (b) The order of the department [~~commission~~] establishing a
27 quarantine in the free area shall designate the land or premises to

1 be quarantined.

2 (c) The department [~~commission~~] shall give notice of a
3 quarantine established in the free area by:

4 (1) delivering notice to each owner or caretaker of
5 animals in the area to be quarantined or to each owner or caretaker
6 of land or premises in the area on which animals are located;

7 (2) posting written notice at the courthouse door of
8 each county in which the area to be quarantined is located; or

9 (3) publishing notice in a newspaper published in each
10 county in which the area to be quarantined is located.

11 SECTION 123. Sections 167.024(b) and (c), Agriculture Code,
12 are amended to read as follows:

13 (b) Unless the person first obtains a permit or a
14 certificate from an authorized inspector, the owner or caretaker of
15 animals in a quarantined area may not move the animals, or permit
16 the animals to be moved, from an enclosure owned, leased, or
17 occupied by that person, from any open range, street, road, or
18 thoroughfare, or from any land that the person does not own or
19 control, into any other enclosure or other land owned, cared for, or
20 controlled by that person, if:

21 (1) the animals are subject to treatment under this
22 chapter and the land or enclosure to which the animals are moved:

23 (A) is classified in the records of the county
24 supervising inspector as being free from ticks; or

25 (B) has been released from quarantine by the
26 department [~~commission~~]; or

27 (2) the animals are subject to treatment but are not

1 being treated under this chapter in the conduct of regular
2 systematic tick eradication by the department [~~commission~~] and the
3 land or enclosure to which the animals are moved is owned or
4 controlled by that person and:

5 (A) tick eradication work is being conducted
6 there; or

7 (B) the land or enclosure is vacated under the
8 direction of the department [~~commission~~] for the purpose of tick
9 eradication.

10 (c) The owner or caretaker of animals located in a
11 quarantined area may move animals, or permit animals to be moved, to
12 and from treatment facilities for the purpose of treating the
13 animals on a regular treatment date at the treatment facility to
14 which the animals are to be moved or on another date designated by
15 the inspector in charge of the treatment facility. The movement of
16 animals under this subsection must be in accordance with department
17 [~~the~~] rules [~~of the commission~~]. Any other movement is considered
18 to be in violation of the quarantine.

19 SECTION 124. Section 167.025, Agriculture Code, is amended
20 to read as follows:

21 Sec. 167.025. MOVEMENT IN OR FROM INACTIVE QUARANTINED
22 AREA. A person may not move animals or permit animals to be moved
23 from or within the inactive quarantined area except in accordance
24 with department [~~the~~] rules [~~of the commission~~].

25 SECTION 125. Sections 167.026(b) and (c), Agriculture Code,
26 are amended to read as follows:

27 (b) A person may not move goats, hogs, sheep, exotic

1 livestock, or circus animals into this state from an area of another
2 state, territory, or country that is under state or federal
3 quarantine for tick infestation unless the animals:

4 (1) have been treated free from infestation or
5 exposure; and

6 (2) are certified as having been so treated by an
7 inspector of the department [~~commission~~] or of the Animal and Plant
8 Health Inspection Service, United States Department of
9 Agriculture.

10 (c) A person may not move hay, straw, grass, packing straw,
11 pine straw, corn shucks, weeds, plants, litter, manure, dirt,
12 posts, sand, gravel, caliche, or animal by-products into this state
13 for any purpose from an area of another state, territory, or country
14 that is under state or federal quarantine for tick infestation
15 unless the articles:

16 (1) have been treated in accordance with the
17 requirements of the department [~~commission~~] or the Animal and Plant
18 Health Inspection Service, United States Department of
19 Agriculture; and

20 (2) are certified as having been so treated by an
21 inspector of the department [~~commission~~] or the Animal and Plant
22 Health Inspection Service, United States Department of
23 Agriculture.

24 SECTION 126. Sections [167.029](#)(a) and (c), Agriculture Code,
25 are amended to read as follows:

26 (a) The department [~~commission~~] by rule shall provide the
27 conditions for and the manner and method of handling and moving

1 animals:

2 (1) into, in, and from the tick eradication area;

3 (2) into, in, and from quarantined land or premises in
4 the free area;

5 (3) into the released part of the free area; and

6 (4) into, in, and from the inactive quarantined area.

7 (c) The department [~~commission~~] may adopt rules relating to
8 testing, immunizing, treating, certifying, or marking or branding
9 animals moving into this state from another state or country.

10 SECTION 127. Section 167.030(b), Agriculture Code, is
11 amended to read as follows:

12 (b) The department [~~commission~~] shall adopt rules relating
13 to the cleaning and disinfecting of conveyances.

14 SECTION 128. Section 167.031, Agriculture Code, is amended
15 to read as follows:

16 Sec. 167.031. USE OF SAND AS BEDDING IN CONVEYANCE. The
17 department [~~commission~~] may establish quarantines and restrict the
18 use of sand as bedding in an animal conveyance except for sand from
19 known tick-free sand pits.

20 SECTION 129. Section 167.032, Agriculture Code, is amended
21 to read as follows:

22 Sec. 167.032. MOVEMENT OF COMMODITIES. The department
23 [~~commission~~] may establish quarantines and restrict the movement
24 from quarantined areas of hay, hides, carcasses, or other
25 commodities that are capable of carrying ticks.

26 SECTION 130. Section 167.033, Agriculture Code, is amended
27 to read as follows:

1 Sec. 167.033. HANDLING AND REMOVAL OF REFUSE OR DEAD OR
2 INJURED ANIMALS. The department [~~commission~~] may establish
3 quarantines and regulate the removal and handling of refuse matter
4 from quarantined stockyards, quarantined stock pens, and other
5 quarantined places and may establish quarantines and regulate the
6 handling or removal of animals that die or are injured in transit.

7 SECTION 131. Sections 167.051(b) and (c), Agriculture Code,
8 are amended to read as follows:

9 (b) Animals located in the free area are subject to
10 treatment if:

11 (1) the animals are infested with ticks;

12 (2) the animals were exposed to ticks within the nine
13 months preceding an order to treat;

14 (3) the animals are on premises described in an order
15 to treat during the time the order is in effect and the person to
16 whom the order is issued is the owner, part owner, or caretaker of
17 the animals; or

18 (4) the department [~~commission~~] determines that
19 treatment is necessary to ensure that the animals are entirely free
20 from infestation.

21 (c) The department [~~commission~~] may require the treatment
22 of animals that are located in the free area and are tick infested
23 or have been exposed to ticks regardless of whether the animals or
24 the area in which the animals are located is under quarantine.

25 SECTION 132. Sections 167.052(a), (d), (f), and (g),
26 Agriculture Code, are amended to read as follows:

27 (a) The department [~~commission~~] may order the owner, part

1 owner, or caretaker of animals to treat the animals in accordance
2 with the directions of the department [~~commission~~]. The order must
3 be dated, in writing, and signed or stamped with the signature of
4 the department [~~commission~~] or the commissioner [~~presiding officer~~
5 ~~of the commission~~].

6 (d) An order may require the treatment of the animals on as
7 many dates as the department [~~commission~~] considers necessary for
8 eradicating the infestation or exposure of the animals or the
9 premises on which the animals are located.

10 (f) A person to whom an order to treat is directed shall
11 comply with the order and treat the animals in accordance with the
12 directions of the department [~~commission~~]. If the order is not
13 delivered within the time provided by Subsection (e), the person
14 receiving the order shall begin treatment on the first treatment
15 date that is more than 12 days after the date of receipt of the order
16 and shall continue treatment on subsequent dates as specified in
17 the order.

18 (g) If the animals or the premises are not freed from ticks
19 or exposure to ticks before an order to treat expires, the
20 department [~~commission~~] may issue additional orders regardless of
21 whether the animals were exposed to ticks in the nine months
22 preceding the date of the subsequent order.

23 SECTION 133. Sections [167.053](#)(b) and (c), Agriculture Code,
24 are amended to read as follows:

25 (b) Following a hearing, the department [~~commission~~] shall
26 transmit its written decision to the supervising inspector, who
27 shall transmit it to the protesting person by delivering it in

1 person or by mailing it by registered mail to the address shown in
2 the hearing application. If the department [~~commission~~] overrules
3 the protest, the person to whom the order was directed shall comply
4 with the order.

5 (c) If the department's [~~commission's~~] decision is
6 delivered in person, a person whose protest is overruled shall
7 begin treatment of the animals on the first treatment date in the
8 order that is more than two days after the day on which the decision
9 is received. If the decision is delivered by mail, the person shall
10 begin treatment on the first treatment date in the order that is
11 more than four days after the day on which the decision was
12 deposited in the mail.

13 SECTION 134. Section 167.056, Agriculture Code, is amended
14 to read as follows:

15 Sec. 167.056. MANNER OF TREATMENT. If the department
16 [~~commission~~] requires animals to be treated, the animals shall be
17 treated in the manner prescribed by the department [~~commission~~].

18 SECTION 135. Section 167.057(a), Agriculture Code, is
19 amended to read as follows:

20 (a) The department [~~commission~~] shall prescribe by rule the
21 official materials in which animals are to be treated under this
22 chapter. A person may not treat animals for purposes of this
23 chapter in a material other than an official material prescribed by
24 the department [~~commission~~].

25 SECTION 136. Sections 167.059(a) and (c), Agriculture Code,
26 are amended to read as follows:

27 (a) The commissioners court of each county, including a

1 county in the free area, in all or part of which the department
2 [~~commission~~] conducts tick eradication shall cooperate with the
3 department [~~commission~~] and shall furnish facilities necessary to
4 the treatment of animals in that county. The commissioners court
5 shall furnish dipping vats, pens, chutes, and other necessary
6 facilities in the number, at the locations, and of the type
7 specified by the department [~~commission~~]. In addition, the county,
8 at its expense, shall maintain the facilities and repair or remodel
9 them as necessary, shall provide the water for filling the vats, and
10 shall clean and refill the vats as necessary.

11 (c) For the purpose of acquiring necessary land for the
12 construction or maintenance of treatment facilities, for the
13 purpose of acquiring treatment facilities that have already been
14 constructed, or for the purpose of acquiring land necessary for
15 ingress and egress to and from those facilities, a commissioners
16 court has the power of eminent domain. The commissioners court
17 shall exercise the power of eminent domain in the manner provided by
18 law for acquiring land for the building and maintenance of public
19 buildings, except that the court shall institute and prosecute
20 condemnation proceedings on written request from the commissioner
21 [~~presiding officer of the commission~~]. The request from the
22 commissioner [~~commission~~] shall designate:

- 23 (1) the land to be condemned and its location;
24 (2) the name of the owner of the land to be condemned;
25 and
26 (3) the easement to be acquired for ingress and
27 egress.

1 SECTION 137. Section 167.060, Agriculture Code, is amended
2 to read as follows:

3 Sec. 167.060. TREATMENT REQUIRED FOR MOVEMENT FROM
4 QUARANTINED AREA. (a) An inspector may not issue a certificate or
5 permit for the movement of animals from a quarantined enclosure
6 unless the owner or caretaker of the animals:

7 (1) is cooperating with the department [~~commission~~] in
8 the regular systematic treatment of the animals listed in
9 Subsection (b); and

10 (2) has treated those animals on the last two
11 treatment dates that were prescribed for the area in which the
12 animals are located and that preceded the date of movement.

13 (b) In order to be issued the permit or certificate, the
14 owner or caretaker must cooperate with the department [~~commission~~]
15 in the regular systematic treatment of animals of which the person
16 is the owner or caretaker and which:

17 (1) are located in the enclosure from which the
18 animals are to be moved;

19 (2) are located in quarantined enclosures that connect
20 with the enclosure from which the animals are to be moved, including
21 an enclosure that:

22 (A) connects with an enclosure that connects with
23 the enclosure from which the animals are to be moved; or

24 (B) is on the opposite side of a lane or road from
25 the enclosure from which the animals are to be moved; or

26 (3) are located on the quarantined open range that
27 connects with any of the enclosures under Subdivision (1) or (2).

1 (c) If ticks are found on any of the animals submitted for
2 movement, before the certificate or permit is issued, each head of
3 the animals must be treated as prescribed by department
4 [~~commission~~] rules.

5 (d) The department [~~commission~~] may waive the enforcement
6 of this section for good cause. A waiver of the department
7 [~~commission~~] must be in writing.

8 SECTION 138. Section 167.081, Agriculture Code, is amended
9 to read as follows:

10 Sec. 167.081. DESIGNATION OF FACILITY TO HANDLE CERTIFIED
11 LIVESTOCK. (a) The department [~~commission~~] may designate a
12 stockyard that is in the tick eradication area or in the free area
13 and is open to the public for yarding, marketing, and selling
14 livestock as a facility to handle intrastate movements of livestock
15 certified by an inspector to be free from ticks or exposure to
16 ticks. A stockyard so designated shall provide tick-free
17 facilities for the handling of that livestock in accordance with
18 this subchapter.

19 (b) A designation under this section is effective for 24
20 months following the day on which notice is served, and the
21 department [~~commission~~] may redesignate a facility for the purpose
22 of this section.

23 SECTION 139. Section 167.082, Agriculture Code, is amended
24 to read as follows:

25 Sec. 167.082. NOTICE AND HEARING. (a) The department
26 [~~commission~~] shall give written notice of a designation under this
27 subchapter to the stockyard company or to the owner, operator, or

1 other person in control of the stockyard.

2 (b) A person to whom a notice is directed may request a
3 hearing for the purpose of protesting the designation in the manner
4 provided by Section 167.053 for requesting a hearing on an order to
5 treat. The department [~~commission~~] shall grant the hearing and
6 give notice of its decision in the manner provided by that section.

7 (c) A person whose protest is overruled shall complete the
8 work required to provide tick-free facilities not later than the
9 60th day following the day on which the person receives notice of
10 the department's [~~commission's~~] decision.

11 SECTION 140. Section 167.101, Agriculture Code, is amended
12 to read as follows:

13 Sec. 167.101. INSPECTORS. (a) The commissioners court of a
14 county in which the department [~~commission~~] conducts tick
15 eradication may nominate the number of local inspectors found by
16 the department [~~commission~~] to be necessary for tick eradication in
17 that county. The department [~~commission~~] shall appoint those
18 persons nominated unless, following appointment of local
19 inspectors, the department [~~commission~~] finds that the county is
20 trying to retard tick eradication or is nominating persons who are
21 incompetent or negligent in the performance of duty. In that case,
22 the department [~~commission~~] may ignore the nominations of the
23 county.

24 (b) If a commissioners court fails or refuses to nominate
25 persons as local inspectors, the department [~~commission~~] shall
26 appoint local inspectors without nomination.

27 (c) Local inspectors work under the direction and orders of

1 the department [~~commission~~] and are subject to discharge by the
2 department [~~commission~~]. The department [~~commission~~] shall fix and
3 the state shall pay the salaries of local inspectors, but a county
4 may pay the salary and traveling expenses of a local inspector.

5 (d) The department [~~commission~~] may employ county and
6 district supervising inspectors without nomination by the
7 commissioners courts.

8 (e) Only an inspector appointed for the purpose may conduct
9 tick eradication or issue permits and certificates certifying
10 animals to be free from ticks or exposure to ticks. An inspector
11 shall issue those permits and certificates in accordance with
12 department [~~the~~] rules [~~of the commission~~].

13 SECTION 141. Section 167.103(b), Agriculture Code, is
14 amended to read as follows:

15 (b) The peace officer shall deputize a sufficient number of
16 assistants, to be designated by the supervising inspector of the
17 county, shall enter the property on which the animals are located,
18 and shall gather and treat the animals under the supervision of an
19 inspector and in accordance with the directions of the department
20 [~~commission~~].

21 SECTION 142. Section 167.104(a), Agriculture Code, is
22 amended to read as follows:

23 (a) An inspector may request a peace officer to seize
24 animals if:

25 (1) the inspector determines the animals to be running
26 at large or on the open range of a county or part of a county in
27 which the department [~~commission~~] is conducting tick eradication

1 under this chapter; and

2 (2) the inspector is unable to locate the owner or
3 caretaker of the animals.

4 SECTION 143. Sections 167.106(a) and (c), Agriculture Code,
5 are amended to read as follows:

6 (a) The department [~~commission~~] or a resident of this state
7 may sue for an injunction to compel compliance with a provision of
8 this chapter or to restrain a threatened violation of a provision of
9 this chapter.

10 (c) The department [~~commission~~] or a resident of a county or
11 part of a county in which tick eradication is being conducted may
12 sue for permanent or temporary relief to compel a person who is an
13 owner, part owner, or caretaker of animals to treat the animals in
14 accordance with this chapter if the person has failed or refused to
15 treat the animals or has threatened to fail or refuse to treat the
16 animals. If the court finds that the defendant has been served with
17 an order of the department [~~commission~~] to treat the animals, that
18 the animals are subject to treatment, and that the material
19 allegations of the plaintiff's petition are true, the court shall
20 enter an order commanding the defendant to treat the animals in
21 accordance with the directions of the department [~~commission~~] at
22 the time and place designated in the order of the department
23 [~~commission~~] or in the order of the court. If the defendant fails
24 to comply with the order of the court, the court may hold the
25 defendant in contempt and punish the defendant accordingly and
26 shall order a peace officer to deputize assistants and treat the
27 animals in accordance with the order of the court. The expense of

1 treating the animals and employing the peace officer and assistants
2 shall be taxed against the defendant as a cost of suit.

3 SECTION 144. The heading to Section 167.109, Agriculture
4 Code, is amended to read as follows:

5 Sec. 167.109. ADMISSIBILITY OF DEPARTMENT [~~COMMISSION~~]
6 INSTRUMENTS; IDENTIFICATION IN COMPLAINT.

7 SECTION 145. Sections 167.109(a) and (c), Agriculture Code,
8 are amended to read as follows:

9 (a) A copy of a written instrument issued by the department
10 [~~commission~~] is admissible as evidence in any court of this state if
11 the copy is certified by the commissioner [~~presiding officer of the~~
12 ~~commission~~].

13 (c) In the trial of a civil or criminal case under this
14 chapter, in which a certified copy of a department [~~commission~~]
15 written instrument or a proclamation is to be introduced in
16 evidence, the instrument or proclamation is not required to be
17 filed with the papers of the cause and the party introducing it is
18 not required to give notice of it to the other party.

19 SECTION 146. Section 167.110(c), Agriculture Code, is
20 amended to read as follows:

21 (c) If it is necessary in a court proceeding to prove the
22 test of a treatment chemical, it is only necessary to prove that:

23 (1) the treatment chemical used was one of the
24 official treatment chemicals prescribed by the department
25 [~~commission~~]; and

26 (2) the inspector tested the treatment chemical in
27 accordance with department [~~the~~] rules [~~of the commission~~].

1 SECTION 147. Section 167.131(a), Agriculture Code, is
2 amended to read as follows:

3 (a) A person commits an offense if, as the owner, part
4 owner, or caretaker of animals, the person fails to gather the
5 animals for inspection at the time and place ordered by the
6 department [~~commission~~] under Section 167.008.

7 SECTION 148. Sections 167.132(a) and (b), Agriculture Code,
8 are amended to read as follows:

9 (a) A person commits an offense if the person moves, or as
10 owner, part owner, or caretaker permits the movement of, animals
11 from any land, premises, or enclosure that is under quarantine for
12 tick infestation or exposure in violation of the quarantine without
13 a permit issued by an inspector of the department [~~commission~~] or of
14 the Animal and Plant Health Inspection Service, United States
15 Department of Agriculture.

16 (b) A railroad or other transportation company commits an
17 offense if it permits an animal to enter stock pens in the tick
18 eradication area under the company's control without a written
19 certificate or permit from an inspector of the department
20 [~~commission~~] or of the Animal and Plant Health Inspection Service,
21 United States Department of Agriculture.

22 SECTION 149. Section 167.137(a), Agriculture Code, is
23 amended to read as follows:

24 (a) A person required by Section 167.030 [~~of this code~~] to
25 clean and disinfect a conveyance commits an offense if the person
26 fails or refuses to clean and disinfect the conveyance in
27 accordance with department [~~the~~] rules [~~of the commission~~].

1 SECTION 150. Section 167.138(a), Agriculture Code, is
2 amended to read as follows:

3 (a) A person commits an offense if the person uses sand as
4 bedding in an animal conveyance in violation of a quarantine
5 established or a department [~~commission~~] rule adopted under Section
6 167.031.

7 SECTION 151. Section 167.139(a), Agriculture Code, is
8 amended to read as follows:

9 (a) A person commits an offense if the person moves a
10 commodity capable of carrying ticks from a quarantined area in
11 violation of a quarantine established or a department [~~commission~~]
12 rule adopted under Section 167.032 [~~of this code~~].

13 SECTION 152. Section 167.140(a), Agriculture Code, is
14 amended to read as follows:

15 (a) A person commits an offense if the person violates a
16 quarantine established or a department [~~commission~~] rule adopted
17 under Section 167.033 [~~of this code~~].

18 SECTION 153. Section 167.143(a), Agriculture Code, is
19 amended to read as follows:

20 (a) A stockyard company or an owner, operator, or person in
21 charge of a stockyard commits an offense if the person fails or
22 refuses to provide and complete facilities required by the
23 department [~~commission~~] under Subchapter D [~~of this chapter~~] within
24 60 days after the day on which notice of designation is served under
25 that subchapter.

26 SECTION 154. Sections 168.004(a) and (b), Agriculture Code,
27 are amended to read as follows:

1 (a) If the laboratory determines that any part of a flock is
2 infected, it shall certify that information to the department
3 [~~commission~~] and the department [~~commission~~] shall verify the
4 infection and immediately quarantine part or all of the flock. The
5 department [~~commission~~] may authorize the laboratory to quarantine
6 an infected flock on behalf of the department [~~commission~~]. The
7 department [~~commission~~] shall give notice of the quarantine in the
8 same manner as provided by law for the quarantine of other livestock
9 and fowl. The department [~~commission~~] shall also order a cessation
10 in the sale, movement, or exhibition of quarantined poultry or eggs
11 and may seek an injunction to enforce an order concerning infected
12 flocks.

13 (b) A quarantined flock shall be disposed of in a manner
14 prescribed by the department [~~commission~~]. If disposal involves
15 movement to a state or federally inspected poultry processing
16 establishment, the department [~~commission~~] shall issue a
17 certificate to accompany the flock. When the flock is disposed of
18 and other measures necessary to the control and eradication of
19 pullorum disease and fowl typhoid are taken, the department
20 [~~commission~~] shall remove the quarantine.

21 SECTION 155. Section 168.006, Agriculture Code, is amended
22 to read as follows:

23 Sec. 168.006. ASSISTANCE BY FLOCK OWNER. The owner of a
24 flock shall assist the laboratory and the department [~~commission~~]
25 in handling the poultry and shall pen and present the flock on
26 request.

27 SECTION 156. Section 168.007, Agriculture Code, is amended

1 to read as follows:

2 Sec. 168.007. NO FEE CHARGED. Neither the laboratory nor
3 the department [~~commission~~] may charge a fee for testing or
4 laboratory examination provided for under this chapter.

5 SECTION 157. Section 168.008(a), Agriculture Code, is
6 amended to read as follows:

7 (a) A person commits an offense if the person refuses to:

8 (1) comply with an order of the department
9 [~~commission~~] or laboratory concerning an infected flock; or

10 (2) admit a person with a search warrant obtained as
11 provided in Section 168.003 [~~of this code~~].

12 SECTION 158. Section 56.102, Education Code, is amended to
13 read as follows:

14 Sec. 56.102. ADMINISTRATION OF PROGRAM. The Department of
15 Agriculture [~~Texas Animal Health Commission~~] shall administer the
16 program in accordance with the rules adopted by the committee.

17 SECTION 159. Sections 56.103(a), (b), and (e), Education
18 Code, are amended to read as follows:

19 (a) The rural veterinarian incentive program committee
20 consists of:

21 (1) the commissioner [~~executive director~~] of
22 agriculture [~~the Texas Animal Health Commission~~], or the
23 commissioner's [~~executive director's~~] designee;

24 (2) the executive director of the State Board of
25 Veterinary Medical Examiners, or the executive director's
26 designee;

27 (3) the dean of each accredited college of veterinary

1 medicine located in this state, or the dean's designee;

2 (4) a veterinarian with a mixed animal practice,
3 representing each university system located in Texas with an
4 accredited college of veterinary medicine, appointed by the board
5 of regents of each university system;

6 (5) a veterinarian with a large animal practice,
7 representing each university system located in Texas with an
8 accredited college of veterinary medicine, appointed by the board
9 of regents of each university system; and

10 (6) a practitioner of veterinary medicine,
11 representing [~~who serves as a commissioner of~~] the Department of
12 Agriculture [~~Texas Animal Health Commission~~], appointed by the
13 Department of Agriculture [~~chair of the Texas Animal Health~~
14 ~~Commission~~].

15 (b) The commissioner [~~executive director~~] of agriculture or
16 the commissioner's designee under Subsection (a)(1) [~~the Texas~~
17 ~~Animal Health Commission~~] serves as the presiding officer of the
18 committee.

19 (e) In adopting rules under this section related to the
20 selection, submission, or certification of areas identified as
21 having a veterinary shortage for the purpose of this subchapter,
22 the committee shall consider any applicable regulations adopted
23 under 7 U.S.C. Section 3151a and previous work of the Department of
24 Agriculture or the former Texas Animal Health Commission.

25 SECTION 160. Sections 61.9965(a) and (c), Education Code,
26 are amended to read as follows:

27 (a) The Texas Higher Education Coordinating Board shall

1 administer the rural veterinarian incentive program account in
2 accordance with Subchapter G, Chapter 56, to provide assistance in
3 the repayment of student loans for eligible veterinarians who apply
4 and qualify for the assistance under the rules of the [~~Texas Animal~~
5 ~~Health Commission~~] rural veterinarian incentive program committee
6 established under Section 56.103.

7 (c) Money and resources in the account shall be made
8 available and payable as soon as practicable at the request of the
9 Department of Agriculture [~~Texas Animal Health Commission~~] and may
10 be used only for the following purposes:

11 (1) to provide financial support as a lump sum to an
12 eligible participant under Subchapter G, Chapter 56, the lender or
13 other holder of the participant's affected loan, or the
14 participant's university system;

15 (2) a reasonable amount, not to exceed seven percent
16 of the account value, to cover the costs of administration of the
17 program; or

18 (3) a reasonable amount, not to exceed three percent
19 of the account value, as specifically required for the coordinating
20 board for administration of the account.

21 SECTION 161. Section 418.190, Government Code, is amended
22 to read as follows:

23 Sec. 418.190. AGRICULTURE EMERGENCY RESPONSE PLAN. (a) In
24 coordination with the division, the Department of Agriculture [~~and~~
25 ~~the Texas Animal Health Commission~~] shall prepare and keep current
26 an agriculture emergency response plan as an annex to the state
27 emergency management plan. The plan must include provisions for:

1 (1) identifying and assessing necessary training,
2 resource, and support requirements;

3 (2) providing information on recovery, relief, and
4 assistance requirements following all types of disasters,
5 including information on biological and radiological response; and

6 (3) all other information the Department of
7 Agriculture determines [~~and the Texas Animal Health Commission~~
8 ~~determine~~] to be relevant to prepare for an all-hazards approach to
9 agricultural disaster management.

10 (b) The Department of Agriculture [~~and the Texas Animal~~
11 ~~Health Commission~~] shall include the plan developed under
12 Subsection (a) in an annual report to the legislature and the office
13 of the governor.

14 SECTION 162. Section [421.021](#)(a), Government Code, is
15 amended to read as follows:

16 (a) The Homeland Security Council is composed of the
17 governor or the governor's designee, the speaker of the house of
18 representatives or the speaker's designee, the lieutenant governor
19 or the lieutenant governor's designee, and one representative of
20 each of the following entities, appointed by the single statewide
21 elected or appointed governing officer, administrative head, or
22 chair, as appropriate, of the entity:

- 23 (1) Department of Agriculture;
- 24 (2) office of the attorney general;
- 25 (3) General Land Office;
- 26 (4) Public Utility Commission of Texas;
- 27 (5) Department of State Health Services;

- 1 (6) Department of Information Resources;
- 2 (7) Department of Public Safety of the State of Texas;
- 3 (8) Texas Division of Emergency Management;
- 4 (9) Texas Military Department;
- 5 (10) Texas Commission on Environmental Quality;
- 6 (11) Railroad Commission of Texas;
- 7 (12) Texas Military Preparedness Commission;
- 8 (13) Texas Department of Transportation;
- 9 (14) Commission on State Emergency Communications;
- 10 (15) Office of State-Federal Relations;
- 11 (16) secretary of state;
- 12 (17) the committee of the senate having jurisdiction
- 13 over veterans affairs;
- 14 (18) the committee of the senate having jurisdiction
- 15 over homeland security;
- 16 (19) the committee of the house of representatives
- 17 having jurisdiction over veterans affairs;
- 18 (20) the committee of the house of representatives
- 19 having jurisdiction over homeland security;
- 20 (21) [~~Texas Animal Health Commission,~~
- 21 [~~(22)~~] Texas Commission on Law Enforcement;
- 22 (22) [~~(23)~~] state fire marshal's office;
- 23 (23) [~~(24)~~] Texas Education Agency;
- 24 (24) [~~(25)~~] Texas Commission on Fire Protection;
- 25 (25) [~~(26)~~] Parks and Wildlife Department;
- 26 (26) [~~(27)~~] Texas A&M Forest Service; and
- 27 (27) [~~(28)~~] Texas Water Development Board.

1 SECTION 163. Section 81.008, Health and Safety Code, is
2 amended to read as follows:

3 Sec. 81.008. COMMUNICABLE DISEASE IN ANIMALS; EXCHANGE OF
4 INFORMATION. The Department of Agriculture [~~Texas Animal Health~~
5 ~~Commission~~] and the Texas A&M University Veterinary Medical
6 Diagnostic Laboratory shall each adopt by rule a memorandum of
7 understanding, adopted also by rule by the executive commissioner,
8 governing the exchange of information on communicable diseases in
9 animals between the Department of State Health Services
10 [~~department~~] and those entities.

11 SECTION 164. Section 435.006(d), Health and Safety Code, is
12 amended to read as follows:

13 (d) The department may not issue a permit to a person for a
14 producer dairy located in an area infected with or at a high risk
15 for bovine tuberculosis, as determined epidemiologically and
16 defined by rule of the Department of Agriculture [~~Texas Animal~~
17 ~~Health Commission~~].

18 SECTION 165. Sections 801.256(a) and (f), Occupations Code,
19 are amended to read as follows:

20 (a) The board may issue a special license to practice
21 veterinary medicine to an applicant who is:

22 (1) a member of the faculty or staff of a
23 board-approved veterinary program at an institution of higher
24 education;

25 (2) a veterinarian employee of the Department of
26 Agriculture [~~Texas Animal Health Commission~~];

27 (3) a veterinarian employee of the Texas A&M

1 Veterinary Medical Diagnostic Laboratory; or

2 (4) a person licensed to practice veterinary medicine
3 in another jurisdiction, if the board determines that the person's
4 specialty practice is unrepresented or underrepresented in this
5 state.

6 (f) The following people may provide a statement under
7 Subsection (b)(1)(B):

8 (1) the dean of a board-approved veterinary medicine
9 program at an institution of higher education in this state;

10 (2) the commissioner [~~executive director~~] of
11 agriculture [~~the Texas Animal Health Commission~~]; or

12 (3) the executive director of the Texas A&M Veterinary
13 Medical Diagnostic Laboratory.

14 SECTION 166. Section 801.361(d), Occupations Code, is
15 amended to read as follows:

16 (d) The Texas Commission on Environmental Quality may not
17 adopt a rule that relates to the disposal of animal remains under
18 this section unless the rule is developed in cooperation with and is
19 approved by the Department of Agriculture [~~Texas Animal Health~~
20 ~~Commission~~].

21 SECTION 167. Section 801.403, Occupations Code, is amended
22 to read as follows:

23 Sec. 801.403. FAILURE TO REPORT DISEASE. The board may
24 suspend or revoke a license to practice veterinary medicine, place
25 a veterinarian on probation, or reprimand a veterinarian if the
26 veterinarian knowingly fails to report a disease to the Department
27 of Agriculture [~~Texas Animal Health Commission~~] as required by

1 Section 161.101, Agriculture Code.

2 SECTION 168. Section 12.014, Parks and Wildlife Code, is
3 amended to read as follows:

4 Sec. 12.014. NOTICE OF WILDLIFE DISEASE OUTBREAK. (a)
5 Notwithstanding any law restricting the disclosure of information
6 by the department and subject to Subsection (b), if the department
7 becomes aware of a wildlife disease outbreak on a property, the
8 department shall provide notice of the location and nature of the
9 outbreak to:

- 10 (1) each owner of adjacent property; and
11 (2) the Department of Agriculture [~~Texas Animal Health~~
12 ~~Commission~~].

13 (b) Subsection (a) applies only to a disease that the
14 Department of Agriculture [~~Texas Animal Health Commission~~] has
15 designated as reportable.

16 SECTION 169. Section 12.0251(b), Parks and Wildlife Code,
17 is amended to read as follows:

18 (b) The commission or the department may disclose
19 information described by this section only to:

- 20 (1) the landowner;
21 (2) another person if the landowner consents to full
22 or specified partial disclosure of information and the consent is
23 in writing and is attached to the plan or recommendation report; or
24 (3) the Department of Agriculture [~~Texas Animal Health~~
25 ~~Commission~~] as needed to carry out a governmental purpose.

26 SECTION 170. Section 12.103(d-1), Parks and Wildlife Code,
27 is amended to read as follows:

1 (d-1) The department may disclose information collected
2 under this section to the Department of Agriculture [~~Texas Animal~~
3 ~~Health Commission~~] as needed to carry out a governmental purpose.

4 SECTION 171. Sections 43.369(b), (c), (d), and (e), Parks
5 and Wildlife Code, are amended to read as follows:

6 (b) The department in conjunction with the Department of
7 Agriculture [~~Texas Animal Health Commission, not later than June 1,~~
8 ~~2010,~~] shall [~~develop and~~] maintain a process for a database to be
9 shared by both agencies. The database must include the reporting
10 data required to be provided by each deer breeder:

11 (1) to the Parks and Wildlife Department [~~department~~]
12 under this subchapter; and

13 (2) to the Department of Agriculture [~~Texas Animal~~
14 ~~Health Commission~~].

15 (c) To the extent possible, the Parks and Wildlife
16 Department [~~department~~] and the Department of Agriculture [~~Texas~~
17 ~~Animal Health Commission~~] shall share the database to eliminate the
18 need for a deer breeder to submit duplicate reports to the two
19 agencies.

20 (d) The Parks and Wildlife Commission and the Department of
21 Agriculture [~~Texas Animal Health Commission~~], by rule, shall
22 provide incentives to deer breeders whose cooperation results in
23 reduced costs and increased efficiency by offering:

24 (1) reduced fees for the deer breeder permit; and

25 (2) a permit with an extended duration.

26 (e) The Parks and Wildlife Commission and the Department of
27 Agriculture [~~Texas Animal Health Commission~~] may adopt rules to

1 implement this section.

2 SECTION 172. Section 43.953(a), Parks and Wildlife Code, is
3 amended to read as follows:

4 (a) Before any deer may be destroyed under this subchapter:

5 (1) an agent of the Department of Agriculture [~~animal~~
6 ~~health commission~~] may conduct an epidemiological assessment:

7 (A) if the assessment can be conducted in a
8 timely manner; and

9 (B) contingent on the availability of funding;
10 and

11 (2) the Parks and Wildlife Department [~~department~~]
12 must consider the results of an assessment, if conducted, under
13 Subdivision (1).

14 SECTION 173. Sections 43.955(a) and (c), Parks and Wildlife
15 Code, are amended to read as follows:

16 (a) The applicable permit holder shall pay all costs
17 associated with:

18 (1) an epidemiological assessment conducted under
19 this subchapter to the Department of Agriculture [~~animal health~~
20 ~~commission~~]; and

21 (2) except as provided by Subsection (b), the
22 destruction of deer under this subchapter to the Parks and Wildlife
23 Department [~~department~~].

24 (c) The department may not waive costs under Subsection (b)
25 if the department determines that the permit holder or an agent of
26 the permit holder, in violation of this chapter or a regulation of
27 the Department of Agriculture [~~commission~~], caused:

1 (1) the introduction of chronic wasting disease into
2 the facility; or

3 (2) a delay in the detection of chronic wasting
4 disease at the facility.

5 SECTION 174. Sections 66.007(i) and (l), Parks and Wildlife
6 Code, are amended to read as follows:

7 (i) The department may coordinate with the Department of
8 Agriculture [~~Texas Animal Health Commission~~] regarding testing for
9 diseases.

10 (1) On receiving notice from an owner of the observance of
11 manifestations of disease, the department shall immediately:

12 (1) notify the Department of Agriculture and [~~7~~] the
13 Texas Commission on Environmental Quality [~~7~~, ~~and the Texas Animal~~
14 ~~Health Commission~~]; and

15 (2) advise the Department of Agriculture and [~~7~~] the
16 Texas Commission on Environmental Quality [~~7~~, ~~and the Texas Animal~~
17 ~~Health Commission~~] regarding the appropriate action to be taken.

18 SECTION 175. Section 28.03(i), Penal Code, is amended to
19 read as follows:

20 (i) Notwithstanding Subsection (b), an offense under this
21 section is a felony of the first degree if the property is livestock
22 and the damage is caused by introducing bovine spongiform
23 encephalopathy, commonly known as mad cow disease, or a disease
24 listed in rules adopted by the Department of Agriculture [~~Texas~~
25 ~~Animal Health Commission~~] under Section 161.041(a), Agriculture
26 Code. In this subsection, "livestock" has the meaning assigned by
27 Section 161.001, Agriculture Code.

1 SECTION 176. Sections 23.426(a), (b), and (d), Tax Code,
2 are amended to read as follows:

3 (a) The entitlement of an individual to have land the
4 individual owns designated for agricultural use under this
5 subchapter does not end because the individual ceases exclusively
6 or continuously using the land for agriculture as an occupation or a
7 business venture for profit for the period prescribed by Subsection
8 (b) if the land:

9 (1) is subject to a temporary quarantine established
10 at any time during the tax year by the Department of Agriculture
11 [~~Texas Animal Health Commission~~] for the purpose of regulating the
12 handling of livestock and eradicating ticks or exposure to ticks
13 under Chapter 167, Agriculture Code; and

14 (2) otherwise continues to qualify for the designation
15 under Section 23.42.

16 (b) Subsection (a) applies to land eligible for appraisal
17 under this subchapter only during the period that begins on the date
18 the land is designated as a tick eradication area and that ends on
19 the date the land is released from quarantine by the Department of
20 Agriculture [~~Texas Animal Health Commission~~].

21 (d) The owner of land to which this section applies must,
22 not later than the 30th day after the date the land is released from
23 quarantine by the Department of Agriculture [~~Texas Animal Health~~
24 ~~Commission~~], notify in writing the chief appraiser for each
25 appraisal district in which the land is located that the land has
26 been released from quarantine by the Department of Agriculture
27 [~~Texas Animal Health Commission~~].

1 SECTION 177. Sections 23.48(a), (e), and (f), Tax Code, are
2 amended to read as follows:

3 (a) An owner of land designated for agricultural use on
4 which the Department of Agriculture [~~Texas Animal Health~~
5 ~~Commission~~] has established a temporary quarantine of at least 90
6 days in length in the current tax year for the purpose of regulating
7 the handling of livestock and eradicating ticks or exposure to
8 ticks at any time during a tax year is entitled to a reappraisal of
9 the owner's land for that year on written request delivered to the
10 chief appraiser.

11 (e) In appraising the land for any subsequent tax year in
12 which the Department of Agriculture [~~Texas Animal Health~~
13 ~~Commission~~] quarantine remains in place, the chief appraiser shall
14 continue to take into account the effect on the value of the land
15 caused by the infestation of ticks.

16 (f) If the owner of the land is informed by the Department of
17 Agriculture [~~Texas Animal Health Commission~~] that the quarantine is
18 no longer in place, not later than the 30th day after the date on
19 which the owner received that information the owner of the land
20 shall so notify the chief appraiser in writing. If the owner fails
21 to notify the chief appraiser as required by this subsection, a
22 penalty is imposed on the property equal to 10 percent of the
23 difference between the taxes imposed on the property in each year it
24 is erroneously allowed appraisal under this section and the taxes
25 that would otherwise have been imposed.

26 SECTION 178. Sections 23.526(a), (b), and (d), Tax Code,
27 are amended to read as follows:

1 (a) The eligibility of land for appraisal under this
2 subchapter does not end because the land ceases to be devoted
3 principally to agricultural use to the degree of intensity
4 generally accepted in the area for the period prescribed by
5 Subsection (b) if the land:

6 (1) is subject to a temporary quarantine established
7 at any time during the tax year by the Department of Agriculture
8 [~~Texas Animal Health Commission~~] for the purpose of regulating the
9 handling of livestock and eradicating ticks or exposure to ticks
10 under Chapter 167, Agriculture Code;

11 (2) is appraised under this subchapter primarily on
12 the basis of the livestock located in the area subject to quarantine
13 in the tax year; and

14 (3) otherwise continues to qualify for appraisal under
15 this subchapter.

16 (b) Subsection (a) applies to land eligible for appraisal
17 under this subchapter only during the period that begins on the date
18 the land is designated as a tick eradication area and that ends on
19 the date the land is released from quarantine by the Department of
20 Agriculture [~~Texas Animal Health Commission~~].

21 (d) The owner of land to which this section applies must,
22 not later than the 30th day after the date the land is released from
23 quarantine by the Department of Agriculture [~~Texas Animal Health~~
24 ~~Commission~~], notify in writing the chief appraiser for each
25 appraisal district in which the land is located that the land has
26 been released from quarantine by the Department of Agriculture
27 [~~Texas Animal Health Commission~~].

1 SECTION 179. Sections 23.60(a), (e), and (f), Tax Code, are
2 amended to read as follows:

3 (a) An owner of qualified open-space land, other than land
4 used for wildlife management, on which the Department of
5 Agriculture [~~Texas Animal Health Commission~~] has established a
6 temporary quarantine of at least 90 days in length in the current
7 tax year for the purpose of regulating the handling of livestock and
8 eradicating ticks or exposure to ticks at any time during a tax year
9 is entitled to a reappraisal of the owner's land for that year on
10 written request delivered to the chief appraiser.

11 (e) In appraising the land for any subsequent tax year in
12 which the Department of Agriculture [~~Texas Animal Health~~
13 ~~Commission~~] quarantine remains in place, the chief appraiser shall
14 continue to take into account the effect on the value of the land
15 caused by the infestation of ticks.

16 (f) If the owner of the land is informed by the Department of
17 Agriculture [~~Texas Animal Health Commission~~] that the quarantine is
18 no longer in place, not later than the 30th day after the date on
19 which the owner received that information the owner of the land
20 shall so notify the chief appraiser. If the owner fails to notify
21 the chief appraiser as required by this subsection, a penalty is
22 imposed on the property equal to 10 percent of the difference
23 between the taxes imposed on the property in each year it is
24 erroneously allowed appraisal under this section and the taxes that
25 would otherwise have been imposed.

26 SECTION 180. (a) The following provisions of the
27 Agriculture Code are repealed:

- 1 (1) Section 146.022(b);
- 2 (2) Section 161.001(a)(2);
- 3 (3) Section 161.008;
- 4 (4) Subchapter B, Chapter 161;
- 5 (5) Sections 161.046 and 161.053;
- 6 (6) Sections 161.061(d) and 161.0615(b);
- 7 (7) Section 164.001(1);
- 8 (8) Sections 164.006 and 165.001; and
- 9 (9) Sections 167.001(1-a) and 168.001(1).

10 (b) Section 43.952(1), Parks and Wildlife Code, is
11 repealed.

12 SECTION 181. Section 165.002, Agriculture Code, as repealed
13 by Chapter 849 (S.B. 705), Acts of the 87th Legislature, Regular
14 Session, 2021, and amended by Chapter 623 (S.B. 1997), Acts of the
15 87th Legislature, Regular Session, 2021, is repealed.

16 SECTION 182. (a) The Texas Animal Health Commission is
17 abolished and its powers and duties are transferred to the
18 Department of Agriculture. A reference in law to:

19 (1) the Texas Animal Health Commission means the
20 Department of Agriculture; and

21 (2) the executive director of the Texas Animal Health
22 Commission means the commissioner of agriculture.

23 (b) The Department of Agriculture assumes the position of
24 the Texas Animal Health Commission in relation to any liability,
25 obligation, agreement, or contract of the commission.

26 (c) The records, other property, and unobligated and
27 unexpended appropriations of the Texas Animal Health Commission

1 become the records, property, and appropriations of the Department
2 of Agriculture. The employees of the commission continue as
3 employees of the Department of Agriculture.

4 (d) A rule or form adopted by the Texas Animal Health
5 Commission that is in effect immediately before the effective date
6 of this Act becomes a rule or form of the commissioner of
7 agriculture and remains in effect until amended or repealed by the
8 commissioner. A permit, registration, certification, license, or
9 other authorization issued by the Texas Animal Health Commission
10 that is in effect immediately before the effective date of this Act,
11 or a designation made by the Texas Animal Health Commission that is
12 in effect immediately before that date, remains in effect until:

13 (1) the permit, registration, certification, license,
14 or other authorization expires or is revoked in accordance with
15 law; or

16 (2) the designation is amended or revoked by the
17 Department of Agriculture in accordance with law.

18 (e) The validity of any action taken by the Texas Animal
19 Health Commission, including by the executive director of the
20 commission, before the effective date of this Act is not affected by
21 this Act. To the extent an action continues to have effect on or
22 after the effective date of this Act, the action is considered to be
23 the action of the Department of Agriculture or the commissioner of
24 agriculture, as applicable.

25 SECTION 183. This Act takes effect September 1, 2025.