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Agriculture & Natural Resources

Senate Author
Leah Sekula

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Livestock Registry Act

HB 10 – SB 8

Bill Text

A BILL TO BE ENTITLED
AN ACT

relating to the establishment of an electronic registry of livestock marks and brands.

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

SECTION 1. Section 144.001(a), Agriculture Code, is amended to read as follows:

(a) Each person who has cattle, hogs, sheep, or goats shall have and may use one or more earmarks, brands, tattoos, [~~or~~] electronic devices, or other generally accepted identification methods differing from the earmarks, brands, tattoos, [~~and~~] electronic devices, and other generally accepted identification methods of the person's neighbors.

SECTION 2. Section 144.041, Agriculture Code, is amended by amending Subsections (a), (c), (f), and (h) and adding Subsection (i) to read as follows:

(a) Each person who owns cattle, hogs, sheep, or goats shall record that person's earmarks, brands, tattoos, [~~and~~] electronic devices, and other generally accepted identification methods with the county clerk of the county in which the animals are located.

(c) The county clerk shall make and keep an electronic [~~a~~] record of the marks and brands of each person who applies to the clerk for recording of a mark or brand [~~that purpose~~].

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(f) Not later than the 30th day after the date a county clerk receives a record relating to cattle or horses under this section, the clerk shall deliver an electronic copy of the record to the Texas Animal Health Commission as described by Section 144.102(d) [~~forward a copy of the record to the association authorized to inspect livestock under 7 U.S.C. Section 217a~~].

(h) A county clerk shall [~~may~~] accept electronic filing or rerecording of an earmark, brand, tattoo, electronic device, or other type of mark for which a recording is required under this chapter or other law.

(i) A person required to record an earmark, brand, tattoo, electronic device, or other type of mark may authorize an agent to record the mark under this section. The authorization must be in writing.

SECTION 3. Section 144.042, Agriculture Code, is amended to read as follows:

Sec. 144.042. RECORDING. In recording a mark, electronic device, tattoo, [~~or~~] brand, or other generally accepted identification method, the person recording the mark [~~county clerk~~] shall note the date on which the mark, electronic device, tattoo, [~~or~~] brand, or other generally accepted identification method is recorded. In addition, the person recording a mark, electronic device, tattoo, [~~or~~] brand, or other generally accepted identification method shall designate the part of the animal on which the mark, electronic device, tattoo, [~~or~~] brand, or other generally accepted identification method is to be placed [~~and the clerk shall include that in the records~~].

SECTION 4. Sections 144.044(a) and (d), Agriculture Code, are amended to read as follows:

(a) Not later than six months after September 1 [~~August 30~~] of 2031 [~~1981~~] and [~~of~~] every 10th year thereafter, each person who owns livestock

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mentioned in this chapter shall have that person's marks and brands recorded or rerecorded with the county clerk, regardless of whether or not the marks or brands have been previously recorded.

(d) Not later than the 30th day after the date a county clerk receives a record relating to cattle or horses under this section, the clerk shall deliver an electronic copy of the record to the Texas Animal Health Commission as described by Section 144.102(d) [~~forward a copy of the record to the association authorized to inspect livestock under 7 U.S.C. Section 217a~~].

SECTION 5. Chapter 144, Agriculture Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. ELECTRONIC REGISTRY OF MARKS AND BRANDS

Sec. 144.101. DEFINITION. In this subchapter, "commission" means the Texas Animal Health Commission.

Sec. 144.102. ELECTRONIC REGISTRY OF MARKS AND BRANDS. (a) The commission shall establish and maintain on its Internet website a publicly available and searchable registry of marks and brands recorded with a county clerk under Subchapter C.

(b) The electronic registry of marks and brands may not provide to the general public any personal identifying information of a person associated with a recorded mark or brand.

(c) The commission shall establish a process for law enforcement to access the registry and obtain for law enforcement purposes personal identifying information of a person associated with a recorded mark or brand.

(d) The commission shall adopt rules and procedures to implement this section, including a process for:

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(1) a person to record a mark or brand with a county clerk through an electronic method, in a form and manner prescribed by the commission; and

(2) a county clerk to deliver to the commission an electronic record of a mark or brand that has been recorded with the county clerk, including any records of a mark or brand that was recorded with the county clerk before the establishment of the electronic registry.

SECTION 6. Section 161.002(a), Agriculture Code, is amended to read as follows:

(a) A person is subject to this chapter as the caretaker of an animal and is presumed to control the animal if the person:

(1) is the owner or lessee of the pen, pasture, or other place in which the animal is located and has control of that place; [~~or~~]

(2) exercises care or control over the animal; or

(3) has recorded a mark or brand for the animal under Chapter 144.

SECTION 7. As soon as practicable after the effective date of this Act, the Texas Animal Health Commission shall adopt rules necessary to implement the changes to Chapter 144, Agriculture Code, as amended by this Act.

SECTION 8. This Act takes effect January 1, 2027.