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Falls City High School

Senate Committee
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Livestock Registry Act

HB 10 – SB 8

Bill Analysis

BACKGROUND & PURPOSE

This bill will amend Chapter 144 of the Texas Agriculture Code to update the brand registration process to an electronic filing system housed at the Texas Animal Health Commission that can be accessed online.

Every ten years, Texas livestock producers are required to physically visit their local county clerk's office to reregister their brands using a paper-based system. This process, while ensuring compliance with existing regulations, is time-consuming for both producers and clerks. The proposed online platform would house registered brands in a centralized database at the Texas Animal Health Commission, ensuring they remain accessible to law enforcement, producers, and county clerks. Most importantly, this update will not alter the role of county clerks but rather simplify the process of brand registration for all parties involved.

With a digital, centralized brand registry, law enforcement would be able to identify stray or stolen livestock quicker, reducing the need to hold animals for extended periods and expedite the return of livestock to their rightful owner.

This bill amends current law relating to the establishment of an electronic registry of livestock marks and brands.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Animal Health Commission in SECTION 5 (Section 144.102, Agriculture Code) of this bill.

ANALYSIS

SECTION 1. Amends Section 144.001(a), Agriculture Code, as follows:

> (a) Provides that each person who has cattle, hogs, sheep, or goats is required to have and is authorized to use one or more earmarks, brands, tattoos, electronic devices, or other generally accepted identification methods differing from the earmarks, brands, tattoos, electronic devices, and other generally accepted identification methods of the person's neighbors. Makes nonsubstantive changes.

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

> (a) Makes conforming and nonsubstantive changes to this subsection.

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(c) Requires the county clerk to make and keep an electronic record of the marks and brands of each person who applies to the clerk for recording of a mark or brand. Makes nonsubstantive changes.

(f) Requires the county clerk, not later than the 30th day after the date a county clerk receives a record relating to cattle or horses under Section 144.041 (Marks and Brands to be Recorded), to deliver an electronic copy of the record to the Texas Animal Health Commission (TAHC) as described by Section 144.102(d), rather than forward a copy of the record to the association authorized to inspect livestock under 7 U.S.C. Section 217a.

(h) Requires, rather than authorizes, a county clerk to accept electronic filing or rerecording of an earmark, brand, tattoo, electronic device, or other type of mark for which a recording is required under Chapter 144 (Marks and Brands) or other law.

(i) Authorizes a person required to record an earmark, brand, tattoo, electronic device, or other type of mark to authorize an agent to record the mark under this section. Requires that the authorization be in writing.

SECTION 3. Amends Section 144.042, Agriculture Code, as follows:

Sec. 144.042. RECORDING. Requires the person recording the mark, rather than the county clerk, in recording a mark, electronic device, tattoo, brand, or other generally accepted identification method, to note the date on which the mark, electronic device, tattoo, brand, or other generally accepted identification method is recorded. Deletes existing text requiring the clerk to include the location of the identification method in the records. Makes conforming and nonsubstantive changes.

SECTION 4. Amends Sections 144.044(a) and (d), Agriculture Code, as follows:

(a) Requires each person who owns livestock mentioned in this chapter, not later than six months after September 1 of 2031 and every 10th year thereafter, rather than not later than six months after August 30 of 1981 and of every 10th year thereafter, to 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) Makes a conforming change to this subsection.

SECTION 5. Amends Chapter 144, Agriculture Code, by adding Subchapter D, as follows:

SUBCHAPTER D. ELECTRONIC REGISTRY OF MARKS AND BRANDS

Sec. 144.101. DEFINITION. Defines "commission."

Sec. 144.102. ELECTRONIC REGISTRY OF MARKS AND

STUDENT LEGISLATIVE SESSION
TEXAS STATE CAPITOL
EST. 2003

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BRANDS. (a) Requires TAHC to 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 (Recording of Marks and Brands), Chapter 144.

(b) Prohibits the electronic registry of marks and brands from providing to the general public any personal identifying information of a person associated with a recorded mark or brand.

(c) Requires TAHC to 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) Requires TAHC to adopt rules and procedures to implement this section, including a process for:

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

(2) a county clerk to deliver to TAHC 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. Amends Section 161.002(a), Agriculture Code, as follows:

(a) Provides that a person is subject to Chapter 161 (General Disease and Pest Control) as the caretaker of an animal and is presumed to control the animal under certain circumstances, including if the person has recorded a mark or brand for the animal under Chapter 144. Makes nonsubstantive changes.

SECTION 7. Requires TAHC, as soon as practicable after the effective date of this Act, to adopt rules necessary to implement the changes to Chapter 144, Agriculture Code, as amended by this Act.

EFFECTIVE DATE
January 1, 2027.