

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 174
By: Estes
Agriculture, Rural Affairs & Homeland Security
3/12/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Agriculture Code does not include bison in the list of animals protected under the estray law. This is likely because bison have been regarded as wildlife and have not traditionally been owned as private property, like cattle or other livestock.

C.S.S.B. 174 amends current law relating to the control of stray bison and other estrays.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 142.001, Agriculture Code, by amending Subdivision (1) to redefine "estrays" to include stray bison and adding Subdivision (2) to define "perilous condition."

SECTION 2. Amends Section 142.003, Agriculture Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Requires the sheriff or the sheriff's designee, after receiving a report under Subsection (a) (relating to requiring the owner of the private property or the custodian of the public property to report the presence of an estray to the sheriff of the county in which the estray is discovered) that an estray has been discovered on public property, to notify the owner, if known, that the estray's location has been reported, except that if the sheriff or the sheriff's designee determines that the estray is dangerous to the public, the sheriff or the sheriff's designee is authorized to immediately impound the estray without notifying the owner. Deletes existing text requiring the sheriff or the sheriff's designee, if the owner does not immediately remove the estray, to proceed with the impoundment process described by Section 142.009 (Impoundment of Estray) of this code.

(d) Provides that if the owner does not immediately remove the estray, the sheriff or the sheriff's designee is authorized to proceed with the impoundment process prescribed by Section 142.009 or if a perilous condition exists, the sheriff or the sheriff's designee is authorized to proceed with disposition of the estray under Section 142.015.

SECTION 3. Amends Chapter 142, Agriculture Code, by adding Section 142.015, as follows:

Sec. 142.015. DISPOSITION OF ESTRAY UNDER PERILOUS CONDITION. (a) Provides that a sheriff or sheriff's designee is not required to impound an estray if a perilous condition exists.

(b) Authorizes the sheriff or the sheriff's designee, if a perilous condition exists, to immediately dispose of the estray by any means without notifying the owner of the estray.

(c) Requires the sheriff to make a written report of the disposition and file the report with the county clerk for placement in the county estray records.

SECTION 4. Effective date: upon passage or September 1, 2013.