

BILL ANALYSIS

Senate Research Center

H.B. 2541
By: Kuempel (Armbrister)
Natural Resources
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Engrossed

DIGEST

Currently, a scientific breeder's permit issued under Chapter 43L, Parks and Wildlife Code, allows an individual to engage in the business of holding white-tailed and mule deer in confinement for breeding, propagation, management, and scientific purposes; transporting them across the state of Texas; releasing them from their facility into the wild; and buying and selling them in Texas. However, scientific breeders must obtain their animals from legitimate out-of-state sources or from other scientific breeders in Texas. H.B. 2541 would streamline some of the requirements and procedures of scientific breeders and protect their rights of ownership of legally obtained deer while protecting the rights of Texans to the ownership of white-tailed and mule deer.

PURPOSE

As proposed, H.B. 2541 outlines provisions regarding the regulation of certain scientific breeders.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 43.355(b), Parks and Wildlife Code, to provide that a scientific breeder's (breeder) permit is valid only during the yearly period for which the permit is issued without regard to the date on which the permit is acquired. Deletes text providing that a breeder's permit expires one year from the date of issuance. Provides that each yearly period begins on September 1 or on another date set by the Parks and Wildlife Commission (commission) and extends through August 31 of the next year or another date set by the commission.

SECTION 2. Amends Section 43.356(b), Parks and Wildlife Code, to require the breeder to place a permanent, rather than metal, tag bearing the breeder's, rather than his, serial number on each mule deer possessed, rather than held in captivity or sold, by the breeder and to place on the white-tailed deer or mule deer any other identification marking prescribed by the commission.

SECTION 3. Amends Section 43.357(b), Parks and Wildlife Code, to authorize the commission to make regulations governing the recapture of lawfully possessed white-tailed deer or mule deer that have escaped from a facility of a breeder. Makes conforming changes.

SECTION 4. Amends Section 43.358, Parks and Wildlife Code, to authorize an authorized employee of the Parks and Wildlife Department (department) to inspect at any time and without warrant any records required to be maintained under Section 43.359(a). Makes conforming and nonsubstantive changes.

SECTION 5. Amends Section 43.359, Parks and Wildlife Code, to require a breeder, rather than the holder of a breeder's permit, to maintain an accurate record, rather than file with the department a report showing the number of white-tailed and mule deer possessed under the permit and their disposition, of white-tailed deer and mule deer acquired, purchased, propagated, sold, or disposed of and any other information required by the department that reasonably relates to the regulation of breeders. Requires the record to be maintained on a form provided by the department. Deletes text regarding results of research listed on the report. Requires a breeder to report the information

maintained under Subsection (a) to the department in the time and manner required by commission proclamation.

SECTION 6. Amends Section 43.362, Parks and Wildlife Code, by amending Subsection (b) and adding Subsection (c), to provide that no person may purchase a deer in this state unless the person obtains a permit for purchasing from the department and the deer is properly marked as required by Section 43.356(b), rather than bears a tag as required by Section 43.356 and is delivered or sold by a breeder, except as provided by Chapter 43C. Provides that no person may release into the wild a white-tailed deer or mule deer unless all visible markings required by Section 43.356(b) have been removed. Makes a nonsubstantive change.

SECTION 7. Amends Section 43.363(a), Parks and Wildlife Code, to provide that during an open season for taking the white-tailed deer or mule deer or during a period of 10 days before an open season, no breeder may release into the wild or sell or ship to another person other than a person holding a breeder's permit, a deer and no person in this state, other than a breeder, may purchase a deer unless the breeder has removed the antlers of a male deer to be sold and shipped and has given notice of the sale to the department. Deletes text regarding exceptions to an instance in which a breeder is prohibited from releasing a deer. Makes nonsubstantive changes.

SECTION 8. Amends Section 43.365, Parks and Wildlife Code, to set forth instances in which a breeder commits an offense. Deletes text providing an offense for failure to furnish certain information to a game warden.

SECTION 9. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 10. Emergency clause.