

BILL ANALYSIS

Senate Research Center

H.B. 1308
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Natural Resources
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The rules and laws concerning the deer breeding industry do not account for current demands and practices.

H.B. 1308 amends the Parks and Wildlife Code related to permit requirements for the possession, sale, and transfer of breeder deer.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Parks and Wildlife Commission is modified in SECTION 2 (Sections 43.357, 43.359, and 43.363, Parks and Wildlife Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading of Subchapter L, Chapter 43, Parks and Wildlife Code, as follows:

SUBCHAPTER L. DEER BREEDER'S PERMIT

SECTION 2. Amends Subchapter L, Chapter 43, Parks and Wildlife Code, by amending Sections 43.351, 43.352, 43.356, 43.357, 43.359, 43.360, and 43.362 through 43.367, and adding Sections 43.3561, as follows:

Sec. 43.351. DEFINITIONS. Defines "breeder deer," "deer breeder," "deer," "durable identification tag," "immediate locality," and "transfer." Redefines "captivity." Removes existing definition of "scientific breeder."

Sec. 43.352. New heading: PERMIT AUTHORIZED; DURATION OF PERMIT. Requires the Texas Parks and Wildlife Department (TPWD) to issue a permit to a qualified person to possess live deer in captivity, rather than white-tailed deer or mule deer for propagation, management, and scientific purposes. Requires TPWD to issue a permit under this section that is valid for longer than one year.

Sec. 43.356. New heading: SERIAL NUMBER. Requires TPWD to issue a serial number to a permittee when TPWD issues a deer breeder's permit, rather than on the first issuance of a scientific breeder's permit.

Sec. 43.3561. IDENTIFICATION OF BREEDER DEER. (a) Requires a breeder deer held in a permitted deer breeding facility, not later than March 31 of the year following the year in which the breeder deer is born, to be identified by placing on each breeder deer possessed by the deer breeder a single, reasonably visible, durable identification tag bearing an alphanumeric number of not more than four characters assigned by TPWD to the breeding facility in which the breeder deer was born and unique to that breeder deer. Provides that a deer breeder is not required to remove the tag for any purpose but is authorized to remove the tag and replace the tag immediately to meet the requirements of this section.

(b) Prohibits a person from removing or knowingly permitting the removal of a breeder deer held in a facility by a permittee under this subchapter unless the breeder deer has been permanently and legibly tattooed in one ear with the unique

identification number assigned to the breeder in lawful possession of the breeder deer and specific to the breeding facility in which the breeder deer was born or initially introduced if from an out-of-state source.

(c) Prohibits a person from knowingly accepting or permitting the acceptance of a breeder deer into a facility regulated under this subchapter unless the breeder deer has been permanently and legibly tattooed in one ear with the unique identification number assigned to the breeder in lawful possession of the breeder deer and specific to the facility in which the breeder deer was born or initially introduced if from an out-of-state source.

Sec. 43.357. PERMIT PRIVILEGES; REGULATIONS. (a) Authorizes the holder of a valid deer breeder's permit to transfer, in addition to selling or holding in captivity, a live breeder deer to another person for the purpose of propagation or sale. Makes conforming changes.

(a-1) Authorizes a deer breeder, a deer breeder's authorized agent, or an assistant who is not a permittee under this subchapter but is acting under the direction of a deer breeder or a deer breeder's authorized agent to capture a breeder deer held in a permitted facility for certain purposes.

(b) Authorizes the commission to make regulations not inconsistent with this subchapter to govern certain actions, procedures, and requirements.

(c) Provides that a person who holds a permit under this subchapter or a person who receives a breeder deer under this subchapter is not required to have the release site inspected or approved before the release of a breeder deer from a breeding facility. Provides that this section does not preclude TPWD from making a habitat inspection but does direct TPWD to refrain from implementing inspection rules or procedures that could unreasonably impede the broader deer breeding industry.

(d) Provides that Subsection (c) does not exempt a person from the requirements under certain permits issued by TPWD.

Sec. 43.359. New heading: RECORDS AND REPORTS. (a) Requires a deer breeder to maintain an accurate and legible record of all breeder deer acquired, purchased, propagated, sold, transferred, sold, transferred, or disposed of and any other information required by TPWD that reasonably relates to the regulation of deer breeders. Deletes existing text requiring the record to be maintained on a form provided by TPWD. Makes conforming changes.

(b) Requires a deer breeder to report the information maintained under Subsection (a) to TPWD as the commission by rule is authorized to require.

(c) Requires a deer breeder, on request of a game warden acting within the scope of the game warden's authority, to make any information required under this subchapter for the previous two reporting years available to the game warden or another authorized TPWD employee.

Sec. 43.360. ENCLOSURE SIZE. Prohibits a single enclosure for breeder deer from containing more than 100, rather than 320, acres.

Sec. 43.362. New heading: TRANSFER, PURCHASE, OR SALE OF LIVE BREEDER DEER. (a) Makes conforming changes.

(b) Prohibits a person, except as provided by Subchapter C or by a rule adopted by the commission under this subchapter, from purchasing, obtaining, selling, transferring, or accepting a live breeder deer in this state unless the person obtains a transfer permit from TPWD. Deletes existing Subdivisions (b)(1) and (b)(2)

and Subsection (c) regarding the marking and releasing of white tail and mule deer.

Sec. 43.363. New heading: TRANSFER DURING OPEN SEASON. (a) Prohibits a person in this state from selling, transferring, shipping, or transporting a breeder deer during an open hunting season for deer or during the 10-day period immediately preceding an open hunting season unless the person has followed certain procedures.

(b) Provides that Subsection (a) does not apply to a sale, transfer, shipment, or transport to another deer breeder's facility or to an enclosure authorized under a deer management permit.

(c) Requires the commission to adopt rules to govern a transfer permit under this section.

Sec. 43.364. New heading: USE OF BREEDER DEER. Provides that breeder deer are authorized to be purchased, sold, transferred, or received in this state only for the purposes of liberation or holding for propagation. Deletes existing text authorizing deer to be purchased, sold, transferred, or received for stocking purposes. Provides that all breeder deer and increase from breeder deer are under the full force of the laws of this state pertaining to deer. Authorizes a person to hold breeder deer in captivity for propagation in this state only after a deer breeder's permit is issued by TPWD under this subchapter.

Sec. 43.365. PROHIBITED ACTS. (a) Sets forth the actions of a deer breeder or another person that are considered to be an offense.

(b) Provides that it is an offense if a deer breeder fails to furnish to a game warden commissioned by TPWD or other authorized TPWD employee records for the previous two reporting years required to be maintained under Section 43.359(a).

Sec. 43.366. New heading: APPLICATION OF OTHER LAWS. Redesignates existing text as Subsections (a) and (b). Makes conforming and nonsubstantive changes.

Sec. 43.367. PENALTY. (a) Provides that, except as provided by Subsection (b), a person who violates a provision of this subchapter or a regulation of the commission issued under this subchapter or who fails to file a full and complete report as required by Section 43.359 commits an offense that is a Class C Parks and Wildlife Code misdemeanor. Deletes existing text providing that a person who violates the conditions of a permit commits an specific offense.

(b) Provides that a person who violates Section 43.365(a)(1) commits an offense that is a Class A Parks and Wildlife Code misdemeanor.

SECTION 3. Repealer: Sections 43.354 (Application), 43.355 (Conditions of Permit; Expiration; Fees), and 43.361 (Shipment of White-Tailed Deer), Parks and Wildlife Code.

SECTION 4. (a) Effective date, Section 43.3561, Parks and Wildlife Code, as added by this Act: January 1, 2008. Makes application of 43.3561, Parks and Wildlife Code, as added by this Act, prospective to deer born at a deer breeder facility or acquired by a deer breeder after December 31, 2007.

(b) Provides that a breeder deer born or acquired on or before December 31, 2007, that is not removed from a permitted facility after December 31, 2007, is covered by the law in effect when the deer is born or acquired, and the former law is continued in effect for that purpose, except as provided by Subsection (c) of this section.

(c) Prohibits the former requirement under Section 43.362(c), Parks and Wildlife Code, before amendment by this Act, to remove all markings required under Section 43.356(b) of that code, as it existed before amendment by this Act, before releasing the marked deer into the wild from being enforced by TPWD after the effective date of this Act.

SECTION 5. Effective date: September 1, 2007.