

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2901
By: Hilderbran (Armbrister)
Natural Resources
5/20/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

White-tailed and mule deer are two of the most managed big game species in Texas. The Texas Parks and Wildlife Department (department) is the department that is in charge of Texas' wild deer population which today totals over four million.

C.S.H.B. 2901 modernizes and clarifies the statutes so that regulations can be made simpler and more flexible for the permittee as well as more enforceable for the department. The bill also clarifies that breeder deer held in captivity under the auspices of the deer breeder's permit are the private property of the deer breeder.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 3 (Sections 43.359, 43.363, Parks and Wildlife Code)

SECTION BY SECTION ANALYSIS

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

SUBCHAPTER L. DEER BREEDER'S PERMIT

SECTION 2. Amends Subchapter L, Chapter 43, Parks and Wildlife Code, by adding Section 43.3511, as follows:

Sec. 43.3511. NATURE OF DEER. Provides that a deer held in captivity by a deer breeder under the authority of this subchapter is the personal property of that deer breeder.

SECTION 3. Amends Sections 43.351, 43.352, 43.356, 43.357, and 43.359-43.367, Parks and Wildlife Code, as follows:

Sec. 43.351. DEFINITIONS. Redefines "deer breeder" and "captivity." Defines "deer," "durable identification tag," "immediate locality," and "liberation."

Sec. 43.352. PERMIT AUTHORIZED. Requires the Parks and Wildlife Department (department) to issue a permit to a qualified person to possess live deer in captivity. Deletes existing text relating to the possession of white-tailed deer or mule deer for certain purposes. Makes a conforming change.

Sec. 43.356. SERIAL NUMBER. (a) Requires the department to issue a serial number to a permittee when the department issues the permittee a deer breeder's permit. Requires the same serial number to be assigned to the permittee whenever the department issues the permittee a deer, rather than scientific, breeder's permit. Deletes existing text requiring the department to issue a serial number to an applicant at a certain time. Makes a conforming change.

(b) Requires the deer breeder to implant in or place on each of the breeder's deer a durable identification tag. Deletes existing text relating to the identification tag. Makes a conforming change.

Sec. 43.357. PERMIT PRIVILEGES; REGULATIONS. (a) Authorizes the holder of a valid deer breeder's permit to engage in the business of breeding deer in the immediate locality for which the permit, rather than the license, was issued, and sell, transfer to another person, or hold in captivity live deer for the purpose of propagation, liberation, or sale. Makes conforming changes.

(a-1) Authorizes a deer breeder, 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 deer held in a permitted facility for certain purposes.

(b) Authorizes the Parks and Wildlife Commission (commission) to make regulations governing certain aspects of deer possession, recapture, maintenance, and various other purposes. Makes conforming changes.

Sec. 43.359. New heading: REPORTS; AVAILABILITY OF INFORMATION. (a) Requires a deer breeder to maintain an accurate and legible record of all deer acquired, purchased, propagated, sold, transferred, liberated, or disposed of and any other information required by the department that reasonably relates to the regulation of deer breeders. Deletes existing text relating to the record addressed in this subsection. Makes conforming changes.

(b) Requires a deer breeder to report the information maintained under Subsection (a) to the department as the commission by rule may require. Makes conforming changes.

(c) Requires a deer breeder, on request of a game warden acting within the scope of the game warden's official duties, to make available to the game warden any information the deer breeder is required to maintain under this subchapter or a rule adopted by the commission.

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

Sec. 43.361. New heading: SHIPMENT OF DEER. Authorizes no person, except a deer breeder, the deer breeder's authorized agent, a deer breeder assisting another deer breeder, or a person holding a permit under Subchapter C, to transport or ship a live deer unless the person obtains a transport permit from the department. Deletes existing text relating to the shipment of certain deer by a common carrier. Makes conforming changes.

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

(b) Authorizes no person, except as provided by Subchapter C or by a rule adopted by the commission under this subchapter, to purchase, obtain, sell, transfer, or accept in this state a live deer unless the person obtains a purchase permit from the department and the deer is properly marked as required by this subchapter or a rule adopted by the commission under this subchapter. Deletes existing text relating to the delivery of certain deer and to the release into the wild of certain deer. Makes conforming changes.

Sec. 43.363. New heading: TRANSFER DURING OPEN SEASON. (a) Authorizes no person in this state, during an open hunting season for deer or during the 10-day period immediately preceding an open hunting season, to liberate a deer or sell, transfer, ship, or transport a deer for the purpose of liberation unless the person has taken certain actions. Deletes existing text relating to actions by scientific breeders. Makes conforming changes.

(b) Requires the commission to adopt rules governing a transfer permit under this section. Deletes existing text relating to certain deer. Makes conforming changes.

Sec. 43.364. New heading: USE OF DEER. Makes conforming changes.

Sec. 43.365. PROHIBITED ACTS. (a) Provides that it is an offense if a deer breeder or another person takes certain actions relating to the hunting, trapping, selling, and purchasing of deer in a certain manner.

(b) Provides that it is an offense if a deer breeder fails to furnish to a game warden commissioned by the department records required to be maintained under Section 43.359(a).

Sec. 43.366. APPLICATION OF GENERAL LAWS. Makes conforming changes.

Sec. 43.367. PENALTY. (a) Provides an exception to this subsection as created by Subsection (b). Makes a conforming and nonsubstantive change.

(b) Provides that a person who violates Section 43.365(a)(2) commits an offense that is a Class A Parks and Wildlife Code misdemeanor.

SECTION 4. Repealer: Sections 43.354 (Application) and 43.355 (Conditions of Permit; Expiration; Fees), Parks and Wildlife Code.

SECTION 5. Effective date: September 1, 2005.