

BILL ANALYSIS

Senate Research Center

S.B. 1765
By: Harris
Natural Resources
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 1765 clarifies the statutes and issues involved for those who have or seek to apply for a scientific deer breeders license from the Texas Parks and Wildlife Department.

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 43.353, Parks and Wildlife Code, as follows:

Sec. 43.353. PERMIT IS DEFENSE. Provides that the possession of a permit issued under this subchapter to the accused is a complete defense if the conduct was authorized under the terms of the permit [and a person does not commit an offense], in any prosecution for the unlawful possession or transportation of white-tailed deer or mule deer, unless the person intentionally, knowingly, or with criminal negligence engages in conduct that violates the terms of the permit.

SECTION 2. Amends Section 43.355, Parks and Wildlife Code, as follows:

Sec. 43.355. CONDITIONS OF PERMIT; EXPIRATION; FEES. (a) Requires the Texas Parks and Wildlife Department (TPWD) to issue the scientific breeder's permit under conditions determined by the Texas Parks and Wildlife Commission (commission), including specifying the number of white-tailed deer or mule deer that may be possessed and providing for an endorsement by a certified wildlife biologist or another person permitted by this subchapter.

(b) Provides that each yearly period begins on September 1 or on another date set by the legislature, rather than the commission, and extends through August 31 of the next year or another date set by the legislature. Makes a conforming change.

(c) Provides that the amount of the permit fee is set by the legislature rather than the commission.

SECTION 3. Amends Section 43.356, Parks and Wildlife Code, to require the scientific breeder to place a suitable permanent tag or identification microchip implant bearing the scientific breeder's serial number on the ear or in the body of each white-tailed deer or mule deer possessed by the scientific breeder and to place any other identification marking prescribed by the commission.

SECTION 4. Amends Section 43.357, Parks and Wildlife Code, by deleting existing text authorizing the holder of a valid scientific breeder's permit to engage in the business of breeding white-tailed deer in the immediate locality for which the license was issued.

SECTION 5. Amends Section 43.358, Parks and Wildlife Code, as follows:

Sec. 43.358. INSPECTION. Authorizes an authorized employee of TPWD to inspect certain deer enclosures with the consent of the holder of a valid scientific breeder's

permit. Deletes existing text authorizing an authorized employee of TPWD to inspect a certain enclosure at any time and without warrant.

SECTION 6. Amends Section 43.359, Parks and Wildlife Code, to require a scientific breeder to report the information maintained under Subsection (a) to TPWD annually, unless a request is made by TPWD under Section 43.358.

SECTION 7. Amends Section 43.365, Parks and Wildlife Code, to include as an offense the failure of a scientific breeder to furnish, in a reasonable time or manner to a game warden commissioned by TPWD, records required to be maintained under Section 43.359(a).

SECTION 8. Amends Section 43.367, Parks and Wildlife Code, to provide that a person who knowingly violates a provision of this subchapter, the conditions of a permit, 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 of this code or any other permit or document required by TPWD under this subchapter commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

SECTION 9. Effective date: upon passage or September 1, 2005.