

## BILL ANALYSIS

Senate Research Center  
80R5686 ABC-F

S.B. 574  
By: Brimer  
Natural Resources  
4/2/2007  
As Filed

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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

As proposed, S.B. 574 amends the Parks and Wildlife Code related to permit requirements for the possession, sale, and transfer of white-tailed deer or mule deer.

### RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 2 (Sections 43.359, 43.362, and 43.363, Parks and Wildlife Code) and to the deer breeding user group in SECTION 2 (Section 43.368, 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, and 43.359 through 43.367, and adding Sections 43.3562 and 43.368, as follows:

Sec. 43.351. DEFINITIONS. Defines "deer breeder," "deer," "durable identification tag," and "immediate locality." 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; IDENTIFICATION OF DEER. (a) 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.

(b) Requires the deer breeder, as soon as practicable, to place on each deer a single, reasonably visible, durable identification tag with a certain alphanumeric number assigned by TPWD and unique to that deer. Specifies that a deer breeder is not required to remove the tag for any purpose but is authorized to do so. Deletes existing text requiring a scientific breeder to place a suitable permanent tag bearing the serial number, and any other identification marking prescribed by the Parks and Wildlife Commission (commission), on the ear of each white-tailed deer or mule deer.

Sec. 43.3562. DEER RELEASED FROM AND ACCEPTED INTO FACILITY. (a) Prohibits a person from removing or knowingly permitting the removal of a deer held in a facility by the permittee under this subchapter unless the deer has been permanently and

legibly tagged in one ear with the unique identification number assigned to the breeder when the deer was born or lawfully obtained from an out-of-state source.

(b) Prohibits a person, except for a breeder under Section 43.356(b) who initially tags a deer, from knowingly accepting or permitting the acceptance of a deer into a facility regulated under this subchapter unless the deer has been permanently and legibly tagged in one ear with the unique identification number assigned when the deer was born or lawfully obtained 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 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 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 is not required to have the habitat conditions at the release site inspected before the release of a deer from a breeding facility unless an inspection is required under the terms of another permit issued to the person by TPWD.

Sec. 43.359. New heading: RECORDS AND REPORTS. (a) Requires a deer breeder to maintain an accurate and legible record of all 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 not inconsistent with this subchapter 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 current reporting year available to the game warden or another employee of TPWD specified by the game warden.

Sec. 43.360. ENCLOSURE SIZE. Makes a conforming change.

Sec. 43.361. New heading: SHIPMENT OF DEER. Deletes existing Subsection (a). Prohibits a 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 from transporting or shipping a live deer unless the person obtains a transfer permit from TPWD.

Sec. 43.362. New heading: TRANSFER, PURCHASE, OR SALE OF LIVE DEER. Deletes existing Subdivision (a). Prohibits a person, except as provided by Subchapter C or by a rule adopted by the commission under and not inconsistent with this subchapter, from purchasing, obtaining, selling, transferring, or accepting a live 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 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 or to a person holding a deer management permit.

(c) Requires the commission to adopt rules not inconsistent with this subchapter to govern a transfer permit under this section.

Sec. 43.364. New heading: USE OF DEER. Provides that 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 deer and increase from deer are under the full force of the laws of this state pertaining to deer. Authorizes a person to hold 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 TPWD employee specified by the game warden records for the current reporting year 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 a conforming and nonsubstantive changes.

Sec. 43.367. PENALTY. Provides that a person who violates a provision of this subchapter or a regulation of the commission issued under and not inconsistent with 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 a specific offense.

Sec. 43.368. DEER BREEDER USER GROUP. (a) Provides that the deer breeder user group (group) is composed of nine members.

(b) Requires each member of the group to hold a deer breeder's permit under this chapter. Provides that the governor, the lieutenant governor, and the speaker of the house of representatives each appoint three members of the group.

(c) Authorizes the group to hold hearings and receive public testimony at those hearings.

(d) Requires the group to analyze testimony received at hearings and to recommend strategies for deer breeding that enhance certain factors of deer breeding based on the testimony analysis to the commission.

(e) Provides that members of the group serve three-year terms. Requires the person who appointed a member who vacates group membership to appoint a replacement member for the unexpired term. Requires the replacement to be qualified to serve as a member of the group.

(f) Authorizes the group to adopt rules as necessary to carry out the group's duties under this section.

(g) Provides that the group reports to the commission.

(h) Requires TPWD employees to provide staff services to the group.

(i) Provides that Section 2110.002 (Composition of Advisory Committees), Government Code, does not apply to the group.

SECTION 3. Repealer: Sections 43.354 (Application) and 43.355 (Conditions of Permit; Expiration; Fees), Parks and Wildlife Code.

SECTION 4. Requires the governor, lieutenant governor, and the speaker of the house of representatives to each appoint three members to the group established under Section 43.368, Parks and Wildlife Code, as added by this Act, not later than January 1, 2008.

SECTION 5. (a) Effective date of Section 43.356(b), Parks and Wildlife Code, as amended by this Act: January 1, 2008. Makes the application of Section 43.356(b), Parks and Wildlife Code, as amended by this Act, prospective to deer born or acquired by a deer breeder after December 31, 2007.

(b) Provides that a deer born or acquired before December 31, 2007, is covered by the law in effect when the deer was born or acquired, and the former law is continued in effect for that purpose, except as provided by Subsection (c).

(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 before releasing the marked deer into the wild from being enforced by TPWD after the effective date of this Act.

SECTION 6. Effective date: September 1, 2007.