

Amend **SB 460** (house committee printing) as follows:

(1) In SECTION 2 of the bill, in added Subchapter R-1, Chapter 43, Parks and Wildlife Code, between added Sections 43.621 and 43.622 (page 1, between lines 21 and 22), insert the following:

Sec. 43.6211. DEFINITION. In this subchapter, "animal health commission" means the Texas Animal Health Commission.

(2) In SECTION 2 of the bill, in added Subchapter R-1, Chapter 43, Parks and Wildlife Code, between added Sections 43.625 and 43.626 (page 3, between lines 21 and 22), insert the following:

Sec. 43.6251. DESTRUCTION OF DEER. (a) To control or prevent the spread of disease, deer on acreage covered by a permit issued under this subchapter may be destroyed only if:

(1) an agent of the animal health commission has conducted an epidemiological assessment;

(2) based on the assessment under Subdivision (1), the executive director of the animal health commission determines that the deer pose a threat to the health of other deer or other species, including humans; and

(3) the executive director of the animal health commission orders the destruction of the deer.

(b) The animal health commission shall provide written notification of an order to destroy deer to:

(1) the department; and

(2) the applicable permit holder as provided by Section 43.6252.

(c) The department shall carry out an order to destroy deer after notice has been provided to the applicable permit holder. The destruction must be conducted in the presence of and under the direction of animal health commission officials.

Sec. 43.6252. NOTICE OF DEER DESTRUCTION. (a) The animal health commission must provide notice to a permit holder before the department may destroy any of the deer covered by the permit.

(b) A notice provided under this section must be sent by certified mail to the last known address of the permit holder and must contain:

(1) the date of destruction, which may not be sooner than the 10th day after the date of the notice;

(2) an explanation of any access restrictions imposed on the acreage covered by the permit during the destruction of the deer; and

(3) an explanation of the reasons for the destruction.

Sec. 43.6253. COST RECOVERY. The permit holder shall pay to the department all costs associated with the epidemiological assessment and destruction of deer under this subchapter. The department and the animal health commission shall divide the payment to cover the costs incurred by each agency in carrying out their respective duties under this subchapter.

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 12.501(b), Parks and Wildlife Code, is amended to read as follows:

(b) Except as provided by Subchapter G, the ~~[The]~~ director may suspend or revoke an original or renewal permit or license issued under this code if it is found, after notice and hearing, that:

(1) the permittee or licensee has been finally convicted of a violation of this code or proclamation or regulation adopted under this code relating to the permit or license to be suspended or revoked;

(2) the permittee or licensee violated a provision of this code or proclamation or regulation adopted under this code relating to the permit or license to be suspended or revoked;

(3) the permittee or licensee made a false or misleading statement in connection with the permittee's or licensee's ~~[his]~~ original or renewal application, either in the formal application itself or in any other written instrument relating to the application submitted to the commission or its officers or employees;

(4) the permittee or licensee is indebted to the state for taxes, fees, or payment of penalties imposed by this code or by a commission rule relating to a permit or license to be suspended or revoked; or

(5) the permittee or licensee is liable to the state under Section 12.301.

SECTION \_\_\_\_\_. Section 12.506, Parks and Wildlife Code, is amended by adding Subsection (c) to read as follows:

(c) This section does not apply to a permit to which Subchapter G applies.

SECTION \_\_\_\_\_. Section 12.508(b), Parks and Wildlife Code, is amended to read as follows:

(b) Except as provided by Subchapter G, the ~~[The]~~ department may refuse to issue or transfer an original or renewal license, permit, or tag if the applicant or transferee:

(1) has been finally convicted of a violation under this code or a rule adopted or a proclamation issued under this code;

(2) is liable to the state under Section 12.301; and

(3) has failed to fully pay the amount due under Section 12.301 after the department has issued notice of liability to the applicant or transferee.

SECTION \_\_\_\_\_. Chapter 12, Parks and Wildlife Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. REFUSAL TO ISSUE OR RENEW AND APPEAL OF CERTAIN DECISIONS REGARDING CERTAIN PERMITS RELATING TO THE CONTROL, BREEDING, OR MANAGEMENT OF DEER

Sec. 12.601. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to the following permits:

(1) a trap, transport, and transplant permit under Section 43.061 or 43.0611;

(2) a trap, transport, and process permit under Section 43.0612;

(3) a deer breeder's permit under Subchapter L, Chapter 43; and

(4) a deer management permit under Subchapter R or R-1, Chapter 43.

Sec. 12.602. DEFINITIONS. In this subchapter:

(1) "Applicant" means a person who has applied for a new or renewal permit.

(2) "Final conviction" means a final judgment of guilt, the granting of deferred adjudication or pretrial diversion, or the entering of a plea of guilty or nolo contendere.

(3) "Permittee" means a person to whom a permit has been issued, including each member of a partnership or association, an agent acting on behalf of a partnership or association, each officer of a corporation, and the owner of a majority of a corporation's corporate stock.

Sec. 12.603. GENERAL CIRCUMSTANCES FOR REFUSAL TO ISSUE OR RENEW PERMIT. The department may refuse to issue or renew a permit if the applicant fails to submit in a timely manner the following:

(1) a completed application on a form supplied by the department and all application materials required by the department;

(2) the required permit fee;

(3) accurate reports as applicable; and

(4) any additional information that the department determines is necessary to process the application.

Sec. 12.604. REFUSAL TO ISSUE OR RENEW PERMIT BASED ON CERTAIN CONVICTIONS. (a) This section applies only to a determination of whether to issue a permit to or renew a permit for an applicant who has a final conviction for a violation of:

(1) Subchapter C, E, L, R, or R-1, Chapter 43;

(2) a provision of this code not described by Subdivision (1) that is punishable as a Class A or B Parks and Wildlife Code misdemeanor, a Parks and Wildlife Code state jail felony, or a Parks and Wildlife Code felony;

(3) Section 63.002; or

(4) the Lacey Act (16 U.S.C. Sections 3371-3378).

(b) In determining whether to issue a permit to or renew a permit for an applicant with a final conviction, the department shall consider:

(1) the number of convictions and the seriousness of each conviction;

(2) the existence, number, and seriousness of offenses or violations other than offenses or violations that resulted in a final conviction described by Subsection (a);

(3) the length of time between the most recent final conviction and the permit application;

(4) whether the final conviction or other offense or

violation was the result of negligence or intentional conduct;

(5) the applicant's efforts toward rehabilitation;

(6) the accuracy of the permit history information provided by the applicant; and

(7) other mitigating factors.

Sec. 12.605. PROCEDURE FOR REFUSAL TO ISSUE OR RENEW PERMIT. (a) Not later than the 10th day after the date a decision to refuse to issue or renew a permit has been made, the department shall provide to the applicant a written statement of the reasons for the decision.

(b) The commission by rule shall adopt procedures consistent with this subchapter for the department's review of a refusal to issue or renew a permit.

Sec. 12.606. REVIEW OF REFUSAL TO ISSUE OR RENEW PERMIT. In conducting a review of a decision by the department to refuse to issue or renew a permit, the department shall consider:

(1) whether the conduct on which the refusal is based was negligent or intentional;

(2) for a refusal based on conduct that is a violation of a provision listed in Section 12.604(a), whether the applicant has a final conviction based on the conduct;

(3) the seriousness of an offense described by Subdivision (2) for which the applicant was finally convicted;

(4) whether the conduct on which the refusal was based was committed or omitted by the applicant, an agent of the applicant, or both;

(5) for a renewal, whether the applicant agreed to any special conditions recommended by the department in lieu of a decision to refuse to issue or renew the expiring permit;

(6) whether there is a substantial likelihood that the applicant would repeat the conduct on which the refusal is based;

(7) whether the conduct on which the refusal is based involved a threat to public safety; and

(8) other mitigating factors.

Sec. 12.607. APPEAL OF DEPARTMENT DECISION TO REVOKE, SUSPEND, OR REFUSE PERMIT. (a) Except as provided by this section, the revocation or suspension of a permit is governed by Subchapter

F.

(b) Venue for an appeal from a decision of the department refusing to issue or renew a permit or revoking or suspending a permit is a district court in:

(1) the county where the permitted facility, if applicable, is located;

(2) the county where the permittee resides; or

(3) Travis County.

(c) The appeal shall be by trial de novo.

SECTION \_\_\_\_\_. Section 43.351, Parks and Wildlife Code, is amended by adding Subdivision (8) to read as follows:

(8) "Animal health commission" means the Texas Animal Health Commission.

SECTION \_\_\_\_\_. Section 43.352(b), Parks and Wildlife Code, is amended to read as follows:

(b) At the option of the person applying for the issuance or renewal of a permit under this section, the [The] department may issue a permit [under this section] that is valid for [longer than] one year, three years, or five years. A three-year or five-year permit is available only to a person who agrees to submit the annual reports required under this subchapter electronically. The commission may adopt rules allowing the department to terminate a permit before the date originally specified for the permit issuance or renewal if the permit holder fails to submit the annual reports electronically as required for a three-year or five-year permit.

SECTION \_\_\_\_\_. Subchapter L, Chapter 43, Parks and Wildlife Code, is amended by adding Sections 43.3591, 43.3661, 43.370, 43.371, and 43.372 to read as follows:

Sec. 43.3591. GENETIC TESTING. (a) In this section:

(1) "DNA" means deoxyribonucleic acid.

(2) "Genetic test" means a laboratory analysis of a deer's genes, gene products, or chromosomes that:

(A) analyzes the deer's DNA, RNA, proteins, or chromosomes; and

(B) is performed to determine genetically the deer's ancestral lineage or descendants.

(3) "RNA" means ribonucleic acid.

(b) After an inspection, the department shall notify a deer breeder in writing when the department has reason to believe the deer breeder possesses deer that may pose a disease risk to other deer. The notice must include an explanation of the rationale used to establish the disease risk.

(c) If genetic testing is timely conducted, the department must postpone any actions that may be affected by the test results until the test results are available.

(d) The results of genetic testing may not be used as evidence to establish a defense against a fine imposed on a deer breeder found guilty of failure to keep records of all deer in a deer breeder facility as required by this subchapter.

Sec. 43.3661. RULES. The commission may adopt rules as needed to implement this subchapter.

Sec. 43.370. DESTRUCTION OF DEER. (a) To control or prevent the spread of disease, deer held at a deer breeding facility may be destroyed only if:

(1) an agent of the animal health commission has conducted an epidemiological assessment;

(2) based on the assessment under Subdivision (1), the executive director of the animal health commission determines that the deer pose a threat to the health of other deer or other species, including humans; and

(3) the executive director of the animal health commission orders the destruction of the deer.

(b) The animal health commission shall provide written notification of an order to destroy deer to:

(1) the department; and

(2) the applicable deer breeder as provided by Section 43.371.

(c) The department shall carry out an order to destroy deer after notice has been provided to the applicable deer breeder. The destruction must be conducted in the presence of and under the direction of animal health commission officials.

Sec. 43.371. NOTICE OF DEER DESTRUCTION. (a) The animal health commission must provide notice to a deer breeder before the department may destroy any of the deer held at the deer breeder's

facility.

(b) A notice provided under this section must be sent by certified mail to the last known address of the deer breeder and must contain:

(1) the date of destruction, which may not be sooner than the 10th day after the date of the notice;

(2) an explanation of any access restrictions imposed on the deer breeder's facility during the destruction of the deer; and

(3) an explanation of the reasons for the destruction.

Sec. 43.372. COST RECOVERY. The deer breeder shall pay to the department all costs associated with the epidemiological assessment and destruction of deer under this subchapter. The department and the animal health commission shall divide the payment to cover the costs incurred by each agency in carrying out their respective duties under this subchapter.

SECTION \_\_\_\_\_. Subchapter R, Chapter 43, Parks and Wildlife Code, is amended by adding Sections 43.6011, 43.608, 43.609, and 43.610 to read as follows:

Sec. 43.6011. DEFINITION. In this subchapter, "animal health commission" means the Texas Animal Health Commission.

Sec. 43.608. DESTRUCTION OF DEER. (a) To control or prevent the spread of disease, deer on acreage covered by a permit issued under this subchapter may be destroyed only if:

(1) an agent of the animal health commission has conducted an epidemiological assessment;

(2) based on the assessment under Subdivision (1), the executive director of the animal health commission determines that the deer pose a threat to the health of other deer or other species, including humans; and

(3) the executive director of the animal health commission orders the destruction of the deer.

(b) The animal health commission shall provide written notification of an order to destroy deer to:

(1) the department; and

(2) the applicable permit holder as provided by Section 43.609.



(c) The department shall carry out an order to destroy deer after notice has been provided to the applicable permit holder. The destruction must be conducted in the presence of and under the direction of animal health commission officials.

Sec. 43.609. NOTICE OF DEER DESTRUCTION. (a) The animal health commission must provide notice to a permit holder before the department may destroy any of the deer covered by the permit.

(b) A notice provided under this section must be sent by certified mail to the last known address of the permit holder and must contain:

(1) the date of destruction, which may not be sooner than the 10th day after the date of the notice;

(2) an explanation of any access restrictions imposed on the acreage covered by the permit during the destruction of the deer; and

(3) an explanation of the reasons for the destruction.

Sec. 43.610. COST RECOVERY. The permit holder shall pay to the department all costs associated with the epidemiological assessment and destruction of deer under this subchapter. The department and the animal health commission shall divide the payment to cover the costs incurred by each agency in carrying out their respective duties under this subchapter.

SECTION \_\_\_\_\_. (a) Except as provided by Subsection (b) of this section, Subchapter G, Chapter 12, Parks and Wildlife Code, as added by this Act, applies only to a permit that is issued or renewed on or after the effective date of this Act. A permit issued or renewed before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Section 12.607, Parks and Wildlife Code, as added by this Act, applies only to an appeal from a decision of the Parks and Wildlife Department refusing to issue or renew a permit or revoking or suspending a permit that is filed on or after the effective date of this Act. An appeal filed before the effective date of this Act is governed by the law in effect on the date the appeal was filed, and that law is continued in effect for that purpose.

SECTION \_\_\_\_\_. Section 43.3591(d), Parks and Wildlife Code,

as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.