

BILL ANALYSIS

C.S.H.B. 3776
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Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Proper identification of breeder deer is necessary for keeping the deer herds in Texas healthy and the deer industry profitable. Lost ear tags, lack of tattooing, or tattoo distortion can make such identification very difficult. C.S.H.B. 3776 seeks to address this issue by providing for proper identification of breeder deer by establishing provisions relating to deer breeder operations and the use of microchip implants for breeder deer identification.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Parks and Wildlife Department in SECTION 4 of this bill.

ANALYSIS

C.S.H.B. 3776 requires the identification of a breeder deer, not later than March 31 of the year following the year in which the breeder deer is born, by attaching to the deer an external durable identification tag that is reasonably visible, implanting under the deer's skin a durable identification tag that is a microchip, or attaching or implanting another type of durable identification tag that is approved by the Parks and Wildlife Department (TPWD). The bill removes a provision specifying that the identification requirements apply to a breeder deer held in a permitted deer breeding facility and a requirement that such a deer 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.

C.S.H.B. 3776 authorizes a durable identification tag to be any approved external tag, microchip implant, or other identification device that bears an alphanumeric identifier approved by TPWD and unique to the breeder deer to which it is attached or in which it is implanted and that is not easily dislodged or removed and made of a material not likely to disintegrate or decompose. The bill redefines "durable identification tag" to mean a single tag described by the bill's provisions that is used to identify a breeder deer, rather than a single tag not easily dislodged or removed and made of a material that is not likely to disintegrate or decompose, and including, but not limited to, newly developed technologies, including radio frequency identification tags. The bill includes the use of durable identification tags for identifying breeder deer among the activities the Parks and Wildlife Commission is authorized to govern by regulation. The bill makes conforming changes.

C.S.H.B. 3776 creates an exception to prohibitions against removing or knowingly permitting the removal of a breeder deer held in a facility by the holder of a deer breeder permit or knowingly accepting or permitting the acceptance of a breeder deer into a permitted facility for a breeder deer that has been permanently and legibly tattooed in one ear with the unique alphanumeric identifier approved by TPWD, rather than with the 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. The bill authorizes a deer breeder, instead of using a tattoo to identify a breeder deer, to identify a deer by using a department-approved microchip implanted under the deer's skin or another department-approved identification device.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3776 contains a provision not included in the original requiring a breeder deer, by a certain date, to be identified by attaching or implanting certain tags or microchips approved by the Parks and Wildlife Department (TPWD). The substitute contains provisions not included in the original removing a provision specifying that the identification requirement applies to such a deer held in a permitted deer breeding facility and removing the requirement that the breeder deer be identified by placing on each breeder deer possessed by the deer breeder a single, reasonably visible, durable identification tag bearing an alphanumeric number assigned to the facility by TPWD.

C.S.H.B. 3776 contains provisions not included in the original authorizing a durable identification tag to be any approved external tag, microchip implant, or other identification device that meets certain conditions. The substitute contains provisions not included in the original redefining "durable identification tag" and including the use of durable identification tags for identifying breeder deer among the activities the Parks and Wildlife Commission is authorized to govern by regulation.

C.S.H.B. 3776 contains provisions not included in the original creating an exception to prohibitions against removing or knowingly permitting the removal of a breeder deer held in a facility by a deer breeder permittee or knowingly accepting or permitting the acceptance of a breeder deer into a permitted facility for a breeder deer that has been permanently and legibly tattooed in one ear with the unique alphanumeric identifier approved by TPWD. The substitute contains a provision not included in the original authorizing a deer breeder, instead of using a tattoo to identify a breeder deer, to identify a deer by using a department-approved microchip implanted under the deer's skin or another department-approved identification device.

C.S.H.B. 3776 omits a provision included in the original requiring TPWD, if a deer breeder uses a durable identification tag that is a microchip implanted under a deer's skin, to determine a deadline after birth of the breeder deer as early as the department determines is feasible to assure the proper identification of the breeder deer. The substitute omits a provision included in the original requiring the commission to adopt rules requiring game wardens and other personnel involved in checking breeder deer to use the least disruptive method of performing the inspection required to enforce department regulations and to perform the inspection in coordination with the deer breeder permittee if the permittee is available at the time of the inspection. The substitute omits a provision included in the original requiring the commission to adopt rules allowing deer breeder permittees whose records are challenged or found to be insufficient during an inspection to exercise the option of providing DNA test results at the permittee's expense to identify genetic relationships of breeder deer after certain notice by TPWD and establishing that results from such a test are not a defense against any fines levied by the department for failing to keep proper records of all deer in a deer breeder facility.

C.S.H.B. 3776 omits a saving provision included in the original and contains a provision not included in the original setting the bill's effective date as September 1, 2011.