

BILL ANALYSIS

C.S.H.B. 3782

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Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Although the Parks and Wildlife Department (TPWD) currently is authorized to issue a deer breeder's permit that is valid for more than one year, the department to date has issued only permits that are valid for one year and none that is valid for a longer period.

Further, interested parties contend that current policies of the Parks and Wildlife Department (TPWD) regarding the failure to properly document deer have resulted in the unnecessary destruction of individual deer and groups of deer. C.S.H.B. 3782 seeks to prevent such destruction by allowing a deer breeder to conduct genetic testing to establish the lineage of unmarked deer, if such testing is timely completed, and transfers decision-making authority for the destruction of deer from TPWD to the Texas Animal Health Commission. C.S.H.B. 3782 further provides that, at the option of the applicant for an original or renewal deer breeder's permit, TPWD may issue such a permit for one year, three years, or five years, making a three-year or five-year permit available only to a person who agrees to submit the permit holder's required annual reports electronically.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 1 and SECTION 4 of this bill.

ANALYSIS

C.S.H.B. 3782 amends the Parks and Wildlife Code to provide three options for the duration of an original or renewal deer breeder's permit, authorizing the Parks and Wildlife Department (TPWD) to issue such a permit that is valid for one year, three years, or five years, rather than a permit that is valid for longer than one year, and to specify that the permit period is at the option of the applicant. The bill makes a three-year or five-year permit available only to a person who agrees to submit the permit holder's required annual reports electronically. The bill authorizes the Parks and Wildlife Commission to adopt rules allowing TPWD 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.

C.S.H.B. 3782 amends the Parks and Wildlife Code to require the Texas Parks and Wildlife Department (TPWD), after an inspection, to notify a deer breeder in writing when TPWD has reason to believe the deer breeder possesses deer that may pose a disease risk to other deer, and requires the notice to include an explanation of the rationale used to establish the disease risk. The bill requires TPWD, if genetic testing is timely conducted, to postpone any actions that may be affected by the test results until the test results are available.

C.S.H.B. 3782 prohibits the results of genetic testing to 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 state law. The bill authorizes the Parks and Wildlife Commission to adopt rules as needed to implement provisions of law relating to a deer breeder's permit. The bill defines "DNA," "genetic test," and "RNA" for purposes of the bill's provisions relating to genetic testing of deer.

C.S.H.B. 3782 authorizes deer held at a deer breeding facility or deer on acreage covered by a deer management permit to be destroyed to control or prevent the spread of disease only if an agent of the Texas Animal Health Commission has conducted an epidemiological assessment; 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, based on the assessment; and the executive director of the

animal health commission orders the destruction of the deer.

C.S.H.B. 3782 requires the animal health commission to provide written notification of an order to destroy deer to TPWD and the applicable deer breeder or permit holder. The bill requires the department to carry out an order to destroy deer after notice has been provided to the applicable deer breeder or permit holder and requires the destruction to be conducted in the presence of and under the direction of animal health commission officials.

C.S.H.B. 3782 requires the animal health commission to provide notice to a deer breeder or permit holder before TPWD may destroy any of the deer held at the deer breeder's facility or any

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B.3782 differs from the original by removing all references to Parks and Wildlife Code Chapter 12, regarding revocation, suspension or refusal of permit related to control, breeding or management of deer.

C.S.H.B.3782 omits a provision under Section 43 contained in the original to establish a training program for permit applicants.

C.S.H.B.3782 omits a provision under Section 43 contained in the original regarding the use of durable breeder deer identification tag that is microchip implanted.

C.S.H.B.3782 provides non-substantive revisions to the provisions for genetic testing of deer using DNA for verification of a deer breeder's records and to identify deer for removal and destruction by the Texas Animal Health Commission to control or prevent the spread of disease.

C.S.H.B. 3782 amends Section 43.352(b) by providing, in addition to the one-year permit for deer breeders, a three-year and five-year permit at the option of the person applying for the issuance or renewal of a deer breeder's permit under this section.