

By: Guillen

H.B. No. 3782

Substitute the following for H.B. No. 3782:

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C.S.H.B. No. 3782

A BILL TO BE ENTITLED

AN ACT

relating to the management, breeding, and destruction of deer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. 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 2. 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 3. Subchapter L, Chapter 43, Parks and Wildlife Code, is amended by adding Section 43.3591 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

1 deer's genes, gene products, or chromosomes that:

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

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

6 (3) "RNA" means ribonucleic acid.

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

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

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

19 SECTION 4. Subchapter L, Chapter 43, Parks and Wildlife
20 Code, is amended by adding Sections 43.3661, 43.370, 43.371, and
21 43.372 to read as follows:

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

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

27 (1) an agent of the animal health commission has

1 conducted an epidemiological assessment;

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

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

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

10 (1) the department; and

11 (2) the applicable deer breeder as provided by Section
12 43.371.

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

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

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

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

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

1 and

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

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

9 SECTION 5. Subchapter R, Chapter 43, Parks and Wildlife
10 Code, is amended by adding Sections 43.6011, 43.608, 43.609, and
11 43.610 to read as follows:

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

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

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

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

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

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

27 (1) the department; and

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

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

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

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

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

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

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

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

25 SECTION 6. Section 43.3591(d), Parks and Wildlife Code, as
26 added by this Act, applies only to an offense committed on or after
27 the effective date of this Act. An offense committed before the

1 effective date of this Act is governed by the law in effect on the
2 date the offense was committed, and the former law is continued in
3 effect for that purpose. For purposes of this section, an offense
4 was committed before the effective date of this Act if any element
5 of the offense occurred before that date.

6 SECTION 7. This Act takes effect September 1, 2011.