

By: Guillen

H.B. No. 3782

A BILL TO BE ENTITLED

AN ACT

relating to deer breeder operations; providing penalties.

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

SECTION 1. Chapter 12, Parks and Wildlife Code, is amended by adding Section 12.5012 to read as follows:

Sec. 12.5012. REVOCATION, SUSPENSION, OR REFUSAL OF PERMIT RELATED TO THE CONTROL, BREEDING OR MANAGEMENT OF DEER. (a) In this subchapter "Permittee" has the meaning assigned by Section 12.501(a).

(b) The director may suspend or revoke any permit related to the control, breeding, or management of deer in this state, or may refuse an application to renew a permit related to the control, breeding, or management of deer in this state, after a determination that a violation of trapping wild deer in Texas or of illegally importing whitetail or other deer from another state is made, or that the applicant or permittee has been convicted of an egregious violation involving other wildlife laws.

Sec. 12.5013. APPEAL FROM REVOCATION, SUSPENSION, OR REFUSAL OF PERMIT. (a) Venue for an appeal from an order of the department refusing to renew a permit or revoking or suspending a permit to which this subchapter applies is a district court in:

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

(2) the county where the permittee resides.

1 (b) The appeal shall be by trial de novo.

2 SECTION 2. Chapter 43, Parks and Wildlife Code, is amended
3 to read as follows:

4 Sec. 43.352. PERMIT AUTHORIZED; DURATION OF PERMIT. (a) The
5 Commission shall establish a training program and require that
6 applicants for any permit related to the control, breeding, or
7 management of deer in this state pass a test to qualify for such a
8 permit.

9 ~~(a)~~ (b) The department shall issue a permit to a qualified
10 person to possess live breeder deer in captivity.

11 ~~(b)~~ (c) The department may issue a permit under this section
12 that is valid for longer than one year.

13 SECTION 3. Subchapter L, Chapter 43, Parks and Wildlife
14 Code, is amended to read as follows:

15 Sec. 43.3561. IDENTIFICATION OF BREEDER DEER. (d) If a deer
16 breeder uses a durable identification tag that is a microchip
17 implanted under the deer's skin the department must determine a
18 deadline after birth of the breeder deer as early as the department
19 determines is feasible to assure the proper identification of the
20 breeder deer.

21 (e) The commission shall adopt rules requiring game wardens
22 and other personnel involved in checking breeder deer to use the
23 least disruptive method of performing the inspection required to
24 enforce department regulations and perform the inspection in
25 coordination with the permittee if the permittee is available at
26 the time of the inspection.

27 (f) The commission shall adopt rules allowing deer breeder

1 permittees whose records are challenged or found to be insufficient
2 during an inspection to exercise the option of providing DNA test
3 results at the permittee's expense to identify genetic
4 relationships of breeder deer after the department gives written
5 notice to the deer breeder permittee listing the probable cause for
6 the tests and which deer are included in that probable cause
7 designation.

8 (g) Results from a DNA test are not a defense against any
9 finer levied by the department for failure to keep proper records of
10 all deer in a deer breeder facility.

11 SECTION 5. Subchapter L, Chapter 43, Parks and Wildlife
12 Code, is amended by adding Section 43.370 to read as follows:

13 Sec. 43.370. NOTICE OF DEPARTMENT DESTRUCTION OR REMOVAL OF
14 DEER. (a) Deer being held by deer breeders may only be destroyed,
15 or removed due to disease concerns,

16 (a.1) if the destruction is ordered by the Texas Animal
17 Health Commission after an examination of the deer and

18 (a.2) a finding of a livestock or wildlife health related
19 threat from the deer to be destroyed or removed.

20 (b) The department shall establish a list of fines and
21 amounts of those fines for violations of documentation and other
22 rules established by the department or the Texas Animal Health
23 Commission to apply to violations that do not include a finding of a
24 livestock or wildlife health threat from the deer being documented
25 and an order for the destruction of the breeder deer.

26 (c) Any issue of possible disease in a deer herd held by a
27 deer breeder which could require action by state officials to

1 remove or destroy deer must be decided by officials of the Texas
2 Animal Health Commission and communicated in writing to the Texas
3 Parks and Wildlife officials and the deer breeder permittee for
4 action.

5 (d) Cost of the expenses for any destruction or removal of
6 deer from a deer breeder facility or other location will be paid by
7 the deer breeder permittee and will be shared with the department
8 and the Texas Animal Health Commission to defray their expenses.

9 (e) The department must provide notice to a permittee before
10 the department destroys or removes any deer from a facility
11 permitted under this subchapter.

12 (f) A notice provided under this section must be sent by
13 certified mail by the Animal Health Commission to the last known
14 address of the permittee and must contain:

15 (1) a short statement identifying the deer to be
16 destroyed or removed;

17 (2) the date of destruction or removal, which may not
18 be sooner than the 10th day after the date of the notice; and

19 (3) an explanation of what access restrictions will be
20 placed on a ranch or facility during the destruction or removal of
21 the deer.

22 (4) an explanation of the reasons for the destruction
23 or removal.

24 (g) A game warden or other employee who inspects or enforces
25 the provisions of this section shall be given special training by
26 the department dealing with proper procedures and notification
27 requirements.

1 (h) Any destruction of deer carried out under this section
2 must be done in the presence of and under the direction of officials
3 of the Texas Animal Health Commission.

4 SECTION 6. Subchapter R, Chapter 43, Parks and Wildlife
5 Code, is amended by adding Section 43.6055 to read as follows:

6 Sec. 43.6055. NOTICE OF DEPARTMENT DESTRUCTION OR REMOVAL
7 OF DEER. (a) Deer may only be destroyed, or removed due to disease
8 concerns, if the destruction is ordered by the Texas Animal Health
9 Commission after an examination of the deer and a finding of a
10 livestock or wildlife health related threat from the deer to be
11 destroyed or removed.

12 (b) The department shall establish a list of fines and
13 amounts of those fines for violations of documentation and other
14 rules established by the department or the Texas Animal Health
15 Commission to apply to violations that do not include a finding of a
16 livestock or wildlife health threat from the deer being documented
17 and an order for the destruction of the breeder deer.

18 (c) Any issue of possible disease in a deer herd held by a
19 deer breeder which could require action by state officials to
20 remove or destroy deer must be decided by officials of the Texas
21 Animal Health Commission and communicated in writing to the Texas
22 Parks and Wildlife officials and the deer breeder permittee for
23 action.

24 (d) Cost of the expenses for any destruction or removal of
25 deer from a deer breeder facility or other location will be paid by
26 the deer breeder permittee and will be shared with the department
27 and the Texas Animal Health Commission to defray their expenses.

1 (e) The department must provide notice to a permittee before
2 the department destroys or removes any deer from a facility
3 permitted under this subchapter.

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

7 (1) a short statement identifying the deer to be
8 destroyed or removed;

9 (2) the date of destruction or removal, which may not
10 be sooner than the 10th day after the date of the notice; and

11 (3) an explanation of what access restrictions will be
12 placed on a ranch or facility during the destruction or removal of
13 the deer.

14 (4) an explanation of the reasons for the destruction
15 or removal.

16 (g) A game warden or other employee who inspects or enforces
17 the provisions of this section shall be given special training by
18 the commission dealing with proper procedures and notification
19 requirements.

20 (h) Any destruction of deer carried out under this section
21 must be done in the presence of and under the direction of officials
22 of the Texas Animal Health Commission.

23 SECTION 7. The changes in law made by this Act apply to all
24 inspections, investigations or actions that take place on or after
25 the effective date of this Act. An inspection, investigation or
26 action taken before the effective date of this Act is governed by
27 the law as it existed immediately before the effective date of this

1 Act, and that law is continued in effect for that purpose.