

BILL ANALYSIS

C.S.H.B. 1615
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Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Parks and Wildlife Department is currently required to issue a permit to a qualified person to possess live breeder deer in captivity and is authorized to issue a deer breeder's permit that is valid for more than one year. Interested parties assert that the department has only issued permits that are valid for one year and has not issued any permits that are valid for more than one year. C.S.H.B. 1615 seeks to provide certain persons applying for such a license the option to apply for a license that is valid for more than one year.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTIONS 1 and 2 of this bill.

ANALYSIS

C.S.H.B. 1615 amends the Parks and Wildlife Code to authorize the Parks and Wildlife Department (TPWD) to issue a deer breeder's permit that is valid for one year, three years, or five years at the option of the person applying for the issuance or renewal of the permit, rather than authorizing TPWD to issue a deer breeder's permit that is valid for longer than one year. The bill makes a three-year or five-year permit available only to a person who has held a deer breeder's permit for the three consecutive permit years immediately preceding the date of the application for a three-year or five-year permit, who agrees to submit electronically the annual reports required for the holder of a deer breeder's permit, and who meets any other criteria established by rule of the Parks and Wildlife Commission. The bill authorizes the commission to adopt rules allowing TPWD to revoke a three-year or five-year permit before the date specified for the permit's expiration if the permit holder fails to electronically submit the annual reports as required. The bill requires the commission to adopt rules implementing the bill's provisions not later than September 1, 2014.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1615 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 43.352, Parks and Wildlife Code, is amended by amending

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 43.352, Parks and Wildlife Code, is amended by amending

Subsection (b) and adding Subsection (c) 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.

(c) A three-year or five-year permit is available only to a person who

agrees to submit electronically the reports required under this subchapter.

The commission may adopt rules allowing the department to ~~terminate~~ a permit before the date originally specified for the permit's expiration if the permit holder fails to submit electronically the reports as required for a three-year or five-year permit.

~~No equivalent provision.~~

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Subsection (b) and adding Subsections (c) and (d) 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.

(c) A three-year or five-year permit is available only to a person who:

(1) has held a deer breeder's permit for the three consecutive permit years immediately preceding the date of the application for a three-year or five-year permit;

(2) agrees to submit the annual reports required under this subchapter electronically; and

(3) meets any other criteria established by rule of the commission.

(d) The commission may adopt rules allowing the department to ~~revoke~~ a ~~three-year or five-year~~ permit before the date specified for expiration of the permit if the permit holder fails to submit the ~~annual~~ reports electronically as required.

SECTION 2. The Parks and Wildlife Commission shall adopt rules not later than September 1, 2014, to implement Section 43.352, Parks and Wildlife Code, as amended by this Act.

SECTION 3. Same as introduced version.