

BILL ANALYSIS

C.S.S.B. 810
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Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised that the current requirements for identification of breeder deer may result in some deer having only one form of identification for an extended period of time. C.S.S.B. 810 seeks to address this issue by revising those requirements.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 810 amends the Parks and Wildlife Code to remove the requirement that a breeder deer held in a permitted deer breeding facility, not later than March 31 of the year following the year in which the deer is born, be identified by the placement on the deer of a single, reasonably visible, durable identification tag bearing an alphanumeric number of not more than four characters assigned by the Parks and Wildlife Department (TPWD) to the breeding facility in which the deer was born and unique to that deer. The bill replaces that requirement with a requirement that a breeder deer, by such deadline, be identified by the attachment of an identification tag to the pinna of either ear of the deer in a manner so that the face of the tag is clearly visible on the anterior side of the ear and by the application of a single electronic identification device, defined by the bill as a button tag or implant that uses radio frequency identification technology. The bill sets out requirements for the identification tag, including a requirement that the device be commercially manufactured and requirements relating to the inclusion of a unique identifier composed of five alphanumeric characters assigned by TPWD. The bill also sets out requirements for the electronic identification device, including a requirement that such a device be approved by the U.S. Department of Agriculture, and prohibits a person from removing the device.

C.S.S.B. 810 requires a deer breeder immediately to replace an identification tag that has been dislodged, damaged, or removed by means other than human agency to the extent that the identification tag does not meet applicable bill requirements with another identification tag that meets those requirements, except that a deer breeder may create and attach a replacement identification tag. The bill sets out requirements for such a replacement tag. The bill authorizes a breeder deer born before January 1, 2022, to be identified by an identification tag or a replacement identification tag. The bill requires a breeder deer born on or after such date to be identified first by an identification tag before the breeder deer may be identified by a replacement identification tag.

C.S.S.B. 810 requires TPWD to create and maintain a database containing electronic identification device numbers entered by deer breeders and makes a device valid for identification purposes only if the number associated with the device has been entered into the TPWD database and corresponds with the unique identifier assigned to the breeder deer to or in which the device is attached or implanted. The bill requires TPWD, in making a determination to destroy a deer, to consider an electronic identification device that meets the bill's requirements as evidence of positive identification for a breeder deer that cannot be identified by either the required identification tag or tattoo, provided that the deer breeder entered the device number into the database before the identity of the breeder deer was in question as determined by TPWD.

C.S.S.B. 810 revises the requirements for the tattoo that must be applied to a breeder deer held in a facility by a deer breeder permittee before a person may remove or knowingly permit the removal of the deer. The bill replaces the requirement for a certain tattoo to be applied to a breeder deer before a person may knowingly accept or permit the acceptance of the deer into a regulated facility with a requirement that the deer be identified in the manner required by the bill before such acceptance.

C.S.S.B. 810 applies only to a breeder deer born on or after January 1, 2020.

C.S.S.B. 810 repeals Section 43.351(5), Parks and Wildlife Code.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 810 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute does not include provisions requiring a breeder deer to be identified by the application of a certain tattoo or by the attachment of a certain electronic identification device button tag, or by both the tattoo and button tag, and authorizing a deer breeder to use an electronic identification device implant to identify a breeder deer if an electronic identification device button tag has not been attached to the deer. The substitute includes a requirement for a breeder deer to be identified by the application of a single electronic identification device, which may be a button tag or implant, and revises the requirements regarding electronic identification devices used for identification purposes. The substitute makes certain revisions to the requirements for the requisite identification tag.

The substitute does not include a prohibition against a person removing an identification tag and does not remove a provision specifying that a deer breeder is not required to remove an identification tag for any purpose but may remove the tag and replace the tag immediately to meet applicable requirements. The substitute includes a specification that a replacement identification tag may be created and attached by a deer breeder.

The substitute includes provisions authorizing a breeder deer born before January 1, 2022, to be identified by an identification tag or a replacement identification tag and requiring a breeder deer born on or after such date to be identified first by an identification tag before the breeder deer may be identified by a replacement identification tag.

The substitute does not include provisions authorizing TPWD, under certain conditions, to consider an electronic identification number for a valid electronic identification device implant as evidence of positive identification for a breeder deer that cannot be identified by the required

identification tag or tattoo and establishing that the presence of an implant is not a defense to prosecution for a violation of breeder deer identification requirements. The substitute includes a provision requiring TPWD, in making a determination to destroy a deer, to consider an electronic identification device as evidence of positive identification for a breeder deer that cannot be identified by either the required identification tag or tattoo under certain conditions.

The substitute does not include provisions relating to the removal of an identification tag from a breeder deer for liberation purposes after a transfer permit for the breeder deer has been activated.

The substitute does not replace the requirement that a certain tattoo be applied to a breeder deer held in a facility by a deer breeder permittee before removal of the deer with a requirement that the deer be identified in the manner required by the bill before removal. The substitute maintains the tattoo requirement but revises the criteria the tattoo must satisfy.