

BILL ANALYSIS

Senate Research Center

S.B. 1372
By: Perry
Water, Agriculture & Rural Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 43.955, Parks and Wildlife Code, was enacted in 2013 to address the emergence of chronic wasting disease (CWD) in Texas breeder facilities. Current statute requires post-mortem testing on all mortalities in a deer breeding facility to detect the disease in a facility. When CWD is detected, the Texas Parks and Wildlife Department (TPWD) can then work with the landowner to formulate a herd management plan that prevents the spread of the disease. In some cases, though, the plan includes the destruction and disposal of all deer in a facility, a depopulation. The depopulation process adds additional costs billed to the facility by TPWD, which is already experiencing a hardship with the order of destruction.

S.B. 1372 addresses the issue of costs associated with a depopulation by allowing TPWD to waive the costs associated under certain circumstances.

Under C.S.S.B. 1372:

- Language is updated so that TPWD shall waive the costs when CWD is detected by an accredited laboratory.
- Gives clarification that the laboratory must be accredited by the Animal and Plant Health Inspection Service of the United States Department of Agriculture.
- Qualifies that TPWD may not waive the costs if TPWD determines that the permit holder or an agent of the permit holder was in violation of the chapter or a regulation of the Texas Parks and Wildlife Commission, or if the detection of the disease was delayed.
- Applies only to destruction of deer on or after the effective date of the Act.
- Requests a two-thirds vote to immediately pass this Act, or the Act takes effect September 1, 2023.

S.B. 1372 amends current law relating to costs associated with the destruction of certain deer.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 43.955, Parks and Wildlife Code, as follows:

Sec. 43.955. New heading: COST OF ASSESSMENT AND DESTRUCTION OF DEER. (a) Creates this subsection from existing text. Creates an exception under Subsection (b).

(b) Requires the Texas Parks and Wildlife Department (TPWD), except as provided by Subsection (c), to waive the costs associated with the destruction under Subchapter X (Deer Disposition Protocol) of breeder deer at a facility covered by a permit issued under Subchapter L (Deer Breeder's Permit) where a breeder deer has tested positive for chronic wasting disease in a test performed by a testing laboratory accredited by the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

(c) Prohibits TPWD from waiving costs under Subsection (b) if TPWD determines that the permit holder or an agent of the permit holder, in violation of Chapter 43 (Special Licenses and Permits) or a regulation of the Texas Parks and Wildlife Commission, caused the introduction of chronic wasting disease into the facility or a delay in the detection of chronic wasting disease at the facility.

SECTION 2. Makes application of Section 43.955, Parks and Wildlife Code, as amended by this Act, prospective.

SECTION 3. Effective date: upon passage or September 1, 2023.