88R12122 MP-F

By:  Bailes H.B. No. 3073

A BILL TO BE ENTITLED

AN ACT

relating to costs associated with and procedures for the assessment and destruction of certain deer.

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

SECTION 1.  Section 43.953, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.953.  ASSESSMENT AND DESTRUCTION OF DEER. (a) Before any deer may be destroyed under this subchapter:

(1)  an agent of the animal health commission shall, in a timely manner, [~~may~~] conduct an epidemiological assessment that includes live animal testing of each deer considered for destruction[~~:~~

[~~(A)  if the assessment can be conducted in a timely manner; and~~

[~~(B)  contingent on the availability of funding~~]; and

(2)  the department must consider the results of the [~~an~~] assessment[~~, if~~] conducted[~~,~~] under Subdivision (1).

(b)  To control or prevent the spread of disease, deer to which this subchapter applies may be destroyed only if the department determines, after considering the results of an assessment conducted under Subsection (a), that the deer pose a threat to the health of other deer or other species, including humans.

(c)  The department may [~~shall~~] carry out an order to destroy deer only after:

(1)  making the determination required by Subsection (b); and

(2)  providing notice [~~has been provided~~] to the permit holder under Section 43.954.

(d)  A permit holder may waive any requirement of this section.

SECTION 2.  Section 43.954(b), Parks and Wildlife Code, is amended to read as follows:

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

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

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

(3)  an explanation of the reasons for the destruction, including the results of the [~~any~~] epidemiological assessment conducted under Section 43.953(a) applicable to the deer that are the subject of the notice.

SECTION 3.  Section 43.955, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.955.  COST OF ASSESSMENT AND DESTRUCTION OF DEER [~~RECOVERY~~]. The department [~~applicable permit holder~~] shall pay all costs associated with:

(1)  the [~~an~~] epidemiological assessment conducted under Section 43.953(a) [~~this subchapter~~] to the animal health commission; and

(2)  the destruction of deer under this subchapter, including any costs associated with the disposal of the deer [~~to the department~~].

SECTION 4.  (a) Sections 43.953 and 43.954(b), Parks and Wildlife Code, as amended by this Act, apply only to the destruction of deer on or after the effective date of this Act.

(b)  Section 43.955, Parks and Wildlife Code, as amended by this Act, applies only to the payment of costs arising from an epidemiological assessment conducted, or the destruction of deer commencing, on or after the effective date of this Act.

SECTION 5.  This Act takes effect September 1, 2023.