

BILL ANALYSIS

Senate Research Center
89R8705 BEE-F

S.B. 2031
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Water, Agriculture and Rural Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 86th Texas Legislature passed S.B. 948, which added Section 43.361 to the Parks and Wildlife Code. The bill required a high fence of not less than seven feet for a release site of breeder deer. S.B. 2031 provides a pathway for a landowner to remove a high fence. The bill adds Subsections (c) and (d) to detail the requirements that must be met to remove a high fence.

Added Section 43.361(c) only permits removal of high fence not earlier than five years from the most recent date the breeder deer were released on site. It also requires a landowner to notify each adjacent owner. A site cannot have a positive test for chronic wasting disease (CWD) at the site to be eligible to remove the high fence.

Added Section 43.361(d) presents two confidence levels for the Texas Parks and Wildlife Department to certify that no deer released on the site have been epidemiologically associated with a positive result of a test for chronic wasting disease. The section provides guidelines for which confidence level shall be used based on elements present at the release site.

As proposed, S.B. 2031 amends current law relating to the removal of a fence surrounding a breeder deer release site.

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 43.361, Parks and Wildlife Code, by adding Subsections (c) and (d), as follows:

(c) Authorizes the owner of land that is or was registered as a release site with the Texas Parks and Wildlife Department (TPWD) to remove a fence described by Subsection (a) (relating to required features of a release site fence) if:

- (1) at least five years have elapsed from the most recent date breeder deer were released on the site;
- (2) the owner notifies each adjacent landowner in the form and manner prescribed by TPWD of the owner's intention to remove the fence;
- (3) the site has not more than a trace connection to a facility on which chronic wasting disease has been detected; and
- (4) TPWD certifies that no deer released on the site has been epidemiologically associated with a positive result of a test for chronic wasting disease.

(d) Prohibits TPWD from making the certification described by Subsection (c)(4) unless TPWD has a confidence level of at least:

- (1) 95 percent that chronic wasting disease is not present at greater than five percent prevalence over a five-year testing period, if:
 - (A) the release site has no connection to a facility on which chronic wasting disease has been detected;
 - (B) all deer released on the site display visible identification allowing for individual identification at a distance; and
 - (C) the site has complied with all applicable Texas Parks and Wildlife Commission rules and TPWD registration and permitting requirements and has not had any violations relating to a permit described by Section 12.601 (Applicability of Subchapter); or
- (2) 99 percent that chronic wasting disease is not present at greater than one percent prevalence over a five-year testing period, if the release site has not more than a trace connection to a facility on which chronic wasting disease has been detected and otherwise does not satisfy the requirements of Subdivisions (1)(A)-(C).

SECTION 2. Effective date September 1, 2025.