

BILL ANALYSIS

Senate Research Center

S.B. 1458
By: Armbrister
Natural Resources
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As Filed

DIGEST

Currently, the Texas Animal Health Commission has broad general authority to adopt rules to protect livestock, domestic animals, and domestic fowl from commercial diseases. Under current rules, the import or export of deer requires at least two tests for tuberculosis and therefore requires that the deer be tranquilized several times for administration of serum and testing. Texas rules are more strict in this regard than the United States Department of Agriculture uniform rules. Additionally, many landowners engage in informal management of the deer populations to improve the quality of Texas deer. But currently, the law provides no formal process by which landowners may be authorized to engage in formal management activities of deer populations, and provides no efficient means for the Parks and Wildlife Department to regulate the informal management that occurs. This bill will provide regulations regarding the import, export, and management of deer.

PURPOSE

As proposed, S.B. 1458 provides regulations regarding the import, export, and management of deer.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Animal Health Commission in SECTION 1 (Section 161.041(f), Agriculture Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 161.041, Agriculture Code, by adding Subsection (f), to prohibit a Texas Animal Health Commission (commission) rule adopted under this section related to the testing for bovine tuberculosis in interstate transactions involving cervidae from being more strict than the requirements of the uniform guidelines for that purpose of the United States Department of Agriculture.

SECTION 2. Amends Chapter 43, Parks and Wildlife Code, by adding Subchapter R, as follows:

SUBCHAPTER R. DEER MANAGEMENT PERMITS

Sec. 43.601. PERMIT FOR DEER MANAGEMENT. Authorizes the Parks and Wildlife Department (department) to issue a permit for the management of the wild white-tailed deer and mule deer population of acreage enclosed by a fence. Provides that the deer managed under the permit remain the property of the people of the state, and the holder of the permit is considered to be managing the population on behalf of the state.

Sec. 43.602. MANAGEMENT PLAN. Requires the holder of a deer management plan to annually submit a deer management plan for approval of the department. Sets forth items the plan is authorized to include. Requires a management plan approved by the department to be consistent with the regulatory responsibilities of the Parks and Wildlife Commission under Chapter 61.

Sec. 43.603. DURATION; FEE. Provides that the permit is valid for a period prescribed by the department of not less than one year. Requires the department to set a fee for the issuance or renewal of a permit in an amount not to exceed \$1,000.

Sec. 43.604. INSPECTION. Authorizes an authorized employee of the department to inspect at any time without warrant the acreage for which the permit is issued for the purpose of determining the permit holder's compliance with the management plan.

Sec. 43.605. APPLICATION OF GENERAL LAWS. Provides that, except as expressly provided by this subchapter and the terms and conditions of the permit and management plan, the general laws and regulations of this state applicable to white-tailed deer and mule deer apply to deer on the acreage covered by the permit. Provides that this subchapter does not restrict or prohibit the use of high fences on acreage not covered by a management plan.

SECTION 3. Effective date: upon passage, except that SECTION 1 of this Act takes effect September 1, 1997.

SECTION 4. Emergency clause.
Effective date: upon passage.