

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1458  
By: Armbrister  
Natural Resources  
4-10-97  
Committee Report (Substituted)

### **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, C.S.S.B. 1458 provides regulations regarding the import, export, and management of deer.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. 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 population of acreage enclosed by a fence capable of retaining white-tailed deer under reasonable and ordinary circumstances and capable of preventing entry by a white-tailed deer. 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 or disapproval of the department. Sets forth requirements for the plan. Requires a management plan approved by the department to be consistent with the regulatory responsibilities of the Parks and Wildlife Commission (commission) under Chapter 61. Prohibits a management plan from authorizing the killing of wild deer within an enclosure designed for the temporary detention of wild deer under Subsection (a)(1).

Sec. 43.603. CONDITIONS; DURATION; FEE. Provides that a permit issued under this subchapter is subject to certain conditions established by the commission. 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 records required by Section 43.605 and 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. RECORDS. Requires the holder of a permit issued under this subchapter to maintain, in a form prescribed by the department, an accurate record containing certain information.

Sec. 43.606. 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.

Sec. 43.607. PENALTY. Sets forth penalties for certain violations related to this subchapter.

SECTION 2. Emergency clause.  
Effective date: upon passage.

### **SUMMARY OF COMMITTEE CHANGES**

#### SECTION 1.

Deletes proposed SECTION 1 and redesignates subsequent SECTIONS.

Amends Section 43.601, Parks and Wildlife Code, to make a nonsubstantive change.

Amends Section 43.602, Parks and Wildlife Code, to set forth the items required and authorized to be included in a management plan. Prohibits a management from authorizing the killing of wild deer within certain enclosures.

Amends Section 43.603, Parks and Wildlife Code, to provide that a permit issued under this subchapter is subject to certain conditions established by the commission.

Amends Section 43.604, Parks and Wildlife Code, to make a conforming change.

Adds Section 43.605, Parks and Wildlife Code, to require the holder of a permit to maintain a record containing certain information.

Adds Section 43.607, Parks and Wildlife Code, to set forth penalties for certain violations related to this subchapter.

Deletes SECTION 3, which provided an effective date.