

## **BILL ANALYSIS**

Senate Research Center  
79R15014 KCR-D

C.S.S.B. 1504  
By: Armbrister  
Natural Resources  
4/28/2005  
Committee Report (Substituted)

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Current Texas law does not use terminology that is relevant to current practices in breeding deer. Currently, there are almost 1,000 scientific breeders in the state holding permits issued by the Texas Parks and Wildlife Department (department). The department regulates the breeding of privately-owned scientific breeder white-tailed and mule deer in captivity on private lands. Along with this annual permit, there are rules and regulations that permit holders are required to follow.

C.S.S.B. 1504 renames the deer permit and defines the practice in modern terms. It clarifies the role of the deer breeder and the department's law enforcement. C.S.S.B. 1504 also provides that the penalty for killing a deer in a breeder facility is enhanced to a Class A Parks and Wildlife Code misdemeanor.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Parks and Wildlife Commission is modified in SECTION 3 (Sections 43.359 and 43.363, Parks and Wildlife Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Subchapter L, Chapter 43, Parks and Wildlife Code, to read as follows:

#### **SUBCHAPTER L. DEER BREEDER'S PERMIT**

SECTION 2. Amends Subchapter L, Chapter 43, Parks and Wildlife Code, by adding Section 43.3511, as follows:

Sec. 43.3511. NATURE OF DEER. Provides that notwithstanding any other law, a deer held in captivity by a deer breeder under the authority of this subchapter is the personal property of that deer breeder.

SECTION 3. Amends Sections 43.351, 43.352, 43.356, 43.357, and 43.359-43.367, Parks and Wildlife Code, as follows:

Sec. 43.351. DEFINITIONS. Defines "deer breeder," "deer," "durable identification tag," "immediate locality," and "liberation." Redefines "captivity." Deletes existing definition of "scientific breeder."

Sec. 43.352. PERMIT AUTHORIZED. Requires the Texas Parks and Wildlife Department (department) to issue a permit to a qualified person to possess live deer in captivity.

Sec. 43.356. SERIAL NUMBER. (a) Requires the department to issue a serial number to a permittee when issuing a deer breeder's permit. Requires the same serial number to be assigned to the permittee whenever the department issues the permittee a deer, rather than a scientific, breeder's permit.

(b) Requires the deer breeder to implant in or place a durable identification on each of the breeder's deer. Makes conforming changes.

Sec. 43.357. PERMIT PRIVILEGES; REGULATIONS. (a) Authorizes the holder of a valid deer breeder's permit to engage in the business of breeding deer in the immediate locality for which the permit was issued or sell or transfer to another person or hold in captivity live deer for the purpose of liberation, propagation, or sale.

(a-1) Authorizes a deer breeder, deer breeder's authorized agent, or an assistant who is not a permittee under this subchapter, but is acting under the direction of a deer breeder or a deer breeder's authorized agent, to capture a deer held in a permitted facility for specific purposes.

(b) Authorizes the Texas Parks and Wildlife Commission (commission) to make regulations governing specific issues concerning deer held under the authority of this subchapter. Makes conforming changes.

Sec. 43.359. New heading: REPORTS; AVAILABILITY OF INFORMATION. (a) Requires a deer breeder to maintain an accurate and legible record of all deer acquired, purchased, propagated, sold, transferred, liberated, or disposed of and any other information required by the department that reasonably relates to the regulation of deer breeders. Deletes existing text relating to records maintained by the department. Makes conforming changes.

(b) Requires a deer breeder to report the information maintained under Subsection (a) to the department as the commission, by rule, may require, rather than in the time and manner required by commission proclamation. Makes conforming changes.

(c) Requires a deer breeder, on the request of a game warden acting within the scope of the game warden's official duties, to make available to the game warden or other department employee any information the deer breeder is required to maintain under this subchapter or a rule adopted by the commission.

Sec. 43.360. ENCLOSURE SIZE. Prohibits a single enclosure for deer from containing more than 100, rather than 320, acres.

Sec. 43.361. New heading: SHIPMENT OF DEER. Deletes existing text of Subsection (a) relating to prohibiting a common carrier from accepting specific deer unless the shipment is made by a holder of a scientific breeder's permit. Provides that no person, except a deer breeder, or a person holding a permit under Subchapter C may transport or ship a live deer unless the person obtains a transport permit from the department. Makes conforming changes.

Sec. 43.362. New heading: TRANSFER, PURCHASE, OR SALE OF LIVE DEER. (a) Provides that only deer that are in a healthy condition are authorized to be sold, bartered, exchanged, or transferred or offered for sale, barter, or exchange, by a deer breeder.

(b) Prohibits a person, except as provided by Subchapter C, or by a rule adopted by the commission under this subchapter, from purchasing, obtaining, receiving, selling, transferring, or accepting a live deer in this state, unless the person obtains a purchase permit from the department and the deer is property marked as required by this subchapter or a rule adopted by the commission under this subchapter. Makes conforming changes.

Sec. 43.363. New heading: TRANSFER DURING OPEN SEASON. (a) Prohibits any person in this state, during an open hunting season for deer or during the 10-day period immediately preceding an open hunting season, from liberating, selling, transferring, shipping, or transporting a deer for the purpose of liberation unless the person has followed specific procedures. Deletes existing text requiring the commission to make regulations governing notice and approval of the sale or shipment of specific deer. Makes conforming changes.

(b) Requires the commission to adopt rules governing a transfer permit under this section.

Sec. 43.364. New heading: USE OF DEER. Authorizes deer to be purchased, sold, transferred, or received in this state only for the purpose of liberation or propagation. Provides that all deer and increase from deer are under the full force of the laws of this state pertaining to deer, and those deer may be held in captivity for propagation in this state only after a deer breeder's permit is issued by the department under this subchapter. Makes conforming changes.

Sec. 43.365. PROHIBITED ACTS. Provides that it is an offense if a deer breeder or other person knowingly commits specific acts relating to taking, trapping, or capturing or attempting to take, trap, or capture a deer from the wild, allowing the hunting or killing of a deer held in captivity, selling, purchasing, or receiving a live deer in violation of this code or a rule adopted by the commission under this subchapter. Provides that it is an offense if a deer breeder fails to furnish certain records to a game warden commissioned by the department. Makes conforming changes.

Sec. 43.366. APPLICATION OF GENERAL LAWS. Makes conforming changes.

Sec. 43.367. PENALTY. Provides that a person who violates a provision of this subchapter or a regulation of the commission issued under this subchapter or who fails to file a full and complete report as required by Section 43.359, except as provided in Subsection (b) of this section, commits an offense that is a Class C Parks and Wildlife Code misdemeanor. Provides that a person in violation of Section 43.365(a)(2) commits an offense that is a Class A Parks and Wildlife Code misdemeanor.

SECTION 4. Repealer: Sections 43.354 (APPLICATION) and 43.355 (CONDITIONS OF PERMIT; EXPIRATION; FEES), Parks and Wildlife Code.

SECTION 5. Effective date: September 1, 2005.