

BILL ANALYSIS

Senate Research Center

S.B. 1766
By: Harris
Natural Resources
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current Texas law provides for the issuance and regulation of deer management permits and scientific deer breeder permits through the Texas Parks and Wildlife Department (TPWD). Both of these permits would be a better fit under the Texas Department of Agriculture (TDA). In particular, many of the scientific deer breeders consider the deer they breed to be livestock. TDA currently oversees livestock and is better able to provide assistance and resources needed to those who raise livestock.

As proposed, S.B. 1766 transfers the deer management permit and scientific deer breeder permit from the Parks and Wildlife Code to the Agriculture Code and transfers responsibility for those programs from TPWD to TDA.

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 Title 3, Agriculture Code, by adding Chapter 40 and a heading, to read as follows:

CHAPTER 40. DEER MANAGEMENT PROGRAMS

SECTION 2. Transfers and redesignates Subchapter R, Chapter 43, Parks and Wildlife Code, as Chapter 40, Agriculture Code, and amends it, as follows:

SUBCHAPTER A. DEER MANAGEMENT PERMITS

Sec. 40.001. PERMIT FOR DEER MANAGEMENT. Redesignates existing text from Section 43.601. No changes are made to this section.

Sec. 40.002. MANAGEMENT PLAN. Redesignates existing text from Section 43.602. Deletes existing text requiring the management plan approved by the department of agriculture (department) to be consistent with certain regulatory responsibilities.

Sec. 40.003. CONDITIONS; DURATION; FEE. Redesignates existing text from Section 43.603. No changes are made to this section.

Sec. 40.004. INSPECTION. Redesignates existing text from Section 43.604. Makes a conforming change.

Sec. 40.005. RECORDS. Redesignates existing text from Section 43.605. No changes are made to this section.

Sec. 40.006. APPLICATION OF GENERAL LAWS. Redesignates existing text from Section 43.606. No changes are made to this section.

Sec. 40.007. PENALTY. Redesignates existing text from Section 43.607. Makes conforming changes.

[Reservation of Sections 40.008-40.100 is presumed.]

SECTION 3. Transfers and redesignates Subchapter L, Chapter 43, Parks and Wildlife Code, as Subchapter B, Chapter 40, Agriculture Code, and amends it, as follows:

SUBCHAPTER B. SCIENTIFIC BREEDERS PERMIT

Sec. 40.101. DEFINITIONS. Redesignates existing text from Section 43.351. No changes are made to this section.

Sec. 40.102. PERMIT AUTHORIZED. Redesignates existing text from Section 43.352. No changes are made to this section.

Sec. 40.103. PERMIT IS DEFENSE. Redesignates existing text from Section 43.353. No changes are made to this section.

Sec. 40.104. APPLICATION. Redesignates existing text from Section 43.354. No changes are made to this section.

Sec. 40.105. CONDITIONS OF PERMIT; EXPIRATION; FEES. Redesignates existing text from Section 43.355. No changes are made to this section.

Sec. 40.106. SERIAL NUMBER. Redesignates existing text from Section 43.356. No changes are made to this section.

Sec. 40.107. PERMIT PRIVILEGES; REGULATIONS. Redesignates existing text from Section 43.357. No changes are made to this section.

Sec. 40.108. INSPECTION. Redesignates existing text from Section 43.358. Makes a conforming changes.

Sec. 40.109. REPORTS. Redesignates existing text from Section 43.359. No changes are made to this section.

Sec. 40.110. ENCLOSURE SIZE. Redesignates existing text from Section 43.360. No changes are made to this section.

Sec. 40.111. SHIPMENT OF WHITE-TAILED DEER. Redesignates existing text from Section 43.361. Makes a conforming change.

Sec. 40.112. PURCHASE AND SALE OF LIVE WHITE-TAILED DEER AND MULE DEER. Redesignates existing text from Section 43.362. Makes conforming changes.

Sec. 40.113. SALE DURING OPEN SEASON. Redesignates existing text from Section 43.363. No changes are made to this section.

Sec. 40.114. USE OF PURCHASED WHITE-TAILED DEER AND MULE DEER. Redesignates existing text from Section 43.364. No changes are made to this section.

Sec. 40.115. PROHIBITED ACTS. Redesignates existing text from Section 43.365. Deletes existing text referring to a game warden. Makes a conforming change.

Sec. 40.116. APPLICATION OF GENERAL LAWS. Redesignates existing text from Section 43.366. No changes are made to this section.

Sec. 40.117. PENALTY. Redesignates existing text from Section 43.367. Makes conforming changes.

SECTION 4. Effective date: upon passage or September 1, 2005.