

SUBJECT: White-tailed deer and mule deer breeders

COMMITTEE: State Recreational Resources — favorable, with amendments

VOTE: 8 ayes — Kuempel, McCall, Hightower, Horn, King, Longoria, Merritt, Palmer
0 nays
1 absent — Hilderbran

WITNESSES: For — Jerry Johnston, Gary Machen
Against — None
On — David Sinclair and Jerry Cooke, Texas Parks and Wildlife Department

BACKGROUND : Only scientific breeders of white-tailed deer and mule deer may buy and sell deer in Texas. Deer must be purchased from another scientific breeder in Texas or from a legal out-of-state breeder. There are approximately 200 scientific deer breeders in Texas.

Deer breeders are regulated by the Texas Parks and Wildlife Department (TPWD). They must obtain an annual permit from TPWD to possess and transport deer and must mark them with a permanent metal ear tag bearing the breeder's serial number. The fee for an annual permit is \$150. Breeders must also obtain individual \$25 permits for each deer purchased and pay \$25 each time they transport a deer. Before selling or shipping deer, a breeder must provide written notice of the sale to and receive approval from the game wardens in the county where the sale was made and in the county where the deer is to be shipped. TPWD also must be notified of any impending sale. During open season and the 10 days preceding it, breeders may not sell or ship a deer unless its antlers have been removed. Once an animal is released, it becomes the property of the state even if it is on private property.

The enclosures in which deer are bred cannot be larger than 320 acres. TPWD employees may inspect deer enclosures at any time without a warrant. Deer breeders are required to file a yearly report with the department showing the number of deer they possess, disposition of any deer, and results of research conducted under the permit. The report must be filed within 15 days of the date on which the permit expires.

Breeders may not trap deer from the wild, allow hunting of an animal in captivity, or fail to provide TPWD with information about the origins of captive deer. Violations constitute a Parks and Wildlife Class C misdemeanor, punishable by a fine of \$25 to \$500.

DIGEST: HB 2541, as amended, would require scientific deer breeders to maintain additional information for TPWD review, remove certain restrictions on the sale and transport of bred deer, and change the permit period for all breeders.

Deer breeders would be required to maintain an accurate record of the deer they acquire, purchase, propagate, sell or dispose of, and any other information required by TPWD that reasonably relates to the regulation of scientific breeders. The record would have to be maintained on a form provided by TPWD, and TPWD employees could inspect a breeder's records at any time without a warrant. The bill would require breeders to report the information in a time and manner provided by the department rather than within 15 days after their permit expired. Failure to maintain the required records would be an offense under the Parks and Wildlife Code.

Permits for scientific game breeders would be valid from September 1 through August 31 (or another date set by the commission), regardless of the date the permit was issued. HB 2541 would allow TPWD to prescribe any method for marking deer, removing a requirement that permanent deer tags be made of metal.

Permitted deer breeders could sell deer to other scientific breeders during open season and the ten days preceding it without removing their antlers. In addition, the bill would delete current provisions requiring advance notice to and approval from county game wardens before a breeder could sell or ship a deer. HB 2541 would exempt from statutory purchasing requirements

certain people who handle deer for reasons other than profit, including scientific researchers, zoological collectors, and wildlife rehabilitators.

Under the bill, deer could not be released into the wild by breeders unless all visible markings were removed. TPWD would be permitted to make regulations governing the recapture of deer that escaped from a deer breeder's facility.

The bill would take effect September 1, 1997. Its changes would apply only to an offense committed on or after the effective date.

**SUPPORTERS
SAY:**

HB 2541 would enhance the Parks and Wildlife Department's ability to efficiently regulate deer breeders and keep track of the deer they sell, while at the same time removing unnecessary statutory requirements that hamper breeders from conducting their business. The bill would also ensure that licensed deer breeders would in no way interfere with wild deer, which are the public property of all Texans.

Currently, breeders have trouble selling a deer to other breeders during open season because they are required to remove its antlers. Other breeders cannot tell whether these bucks have large antler volume and thus are worthwhile additions to their stock. Furthermore, removing antlers can create stress not only for the animal but also for the breeder.

Under HB 2541, deer breeders would still be prohibited from selling deer with antlers to anyone but another breeder during open season. If any sort of problem developed because of unscrupulous breeders selling animals for canned hunts, TPWD could impose new rules requiring, for example, that half the back tine of both sides of the antler be removed before a sale during open season. This would destroy any value the antlers had as a trophy but still allow potential buyers to see antler volume and assess the deer as breeding stock.

Breeders would be prohibited from releasing deer into the wild without first removing all visible markings from them. This would ensure that unscrupulous breeders could not release marked young deer into the wild and reclaim them only if they grew up to be impressive bucks. HB 2541

would make it clear that deer released into the wild become the property of all Texans.

Allowing TPWD to make regulations concerning the recapture of lawfully possessed animals, on the other hand, could help breeders protect an investment that can cost as much as \$25,000 per animal. If, for example, a newly purchased buck escaped from a truck or breeding facility, the licensed breeder would be able to recapture the animal under TPWD rules.

HB 2541 would allow TPWD employees to keep track of deer transactions and ensure they were legal by requiring that all permits come due on the same day and that breeders maintain an accurate record of their transactions all year long that can be inspected at any time. Under current law, some breeders keep all the information in their head until the day they turn it in, a practice that does not make for accurate recordkeeping and evades the purpose of the recordkeeping regulation.

The bill also would remove from breeders unnecessary and burdensome provisions requiring them to give and get written notice from local game wardens before they make a sale. Breeders sometimes have trouble finding a warden at all and waste time and money seeking written permission. They would still be required to report deer sales to TPWD, the agency in charge of keeping track of sales in the first place.

The bill would also remove an outdated provision requiring breeders to tag their deer with metal ear tags. Metal tags are a continuing source of ear infections and are completely outdated now that long-lasting plastic tags are available. Instead, the commission could prescribe other ways for marking deer, such as as tattoo with a serial number unique to the deer. This practice would make it easy for TPWD to keep track of individual deer. Under current rules, breeders tattoo with a serial number unique to them, not the individual deer.

**OPPONENTS
SAY:**

During deer season breeders should not be allowed to sell deer with antlers, even to other breeders, both to ensure than those animals do not end up in canned hunts where the animal has no chance to escape, and to assist game wardens in keeping track of animals during this busy season.

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NOTES: The committee amendments would add provisions for standardized yearly permits and reworded a provisions specifying that breeders would be able to sell deer with antlers to other breeders during deer season.

Also on today's calendar is HB 3061 by Hightower, which would authorize TPWD to issue permits to landowners allowing them to manage wild white-tailed deer on their property under the supervision of the state.