HOUSE
RESEARCH
ORGANIZATION bill analysis   5/11/2005

HB 2901
Hilderbran
(CSHB 2901 by Hilderbran)

SUBJECT: Establishing a deer breeder's permit

COMMITTEE: Culture, Recreation, and Tourism — committee substitute recommended

VOTE: 5 ayes — Hilderbran, Kuempel, Baxter, Dunnam, Phillips

                0 nays

                2 absent — Dukes, Gallego

WITNESSES: For —Warren Blunter, David Hayward, Texas Deer Association;
                (*Registered, but did not testify:* Kirby Brown, Texas Wildlife Association;
                Tommy Dugger, Karl Kinsel, Bobby Marburger, Robert Saunders, Texas
                Deer Association

                Against — None

                On — (*Registered, but did not testify:* L. David Sinclair, Texas Parks and
                Wildlife Dept.)

BACKGROUND: The Texas Parks and Wildlife Department (TPWD) issues a permit
                allowing a qualified person to possess white-tailed deer or mule deer for
                propagation, management, and scientific purposes. This permit is called
                the scientific breeder's permit, and the permit and related activities are
                described in Parks and Wildlife Code, subchapter L. A person who
                violates a provision of subchapter L commits a class C Parks and Wildlife
                Code misdemeanor, punishable by a fine of between $25 and $500.

DIGEST: Under CSHB 2901, the scientific breeder's permit would be called the deer
                breeder's permit and would clarify the permit's purpose.

                The bill would prohibit selling a deer in violation of the relevant
                subchapter and would increase the penalty for a person who allowed the
                hunting or killing of a deer held in captivity under this subchapter's
                provisions. That new penalty would be a class A Parks and Wildlife Code
                misdemeanor, punishable by up to one year in jail, a fine of between $500
                and $4,000, or both.

The bill would allow for additional permit privileges, such as tagging or euthanasia for specific purposes.

The bill would remove the prohibition on releasing a deer into the wild that had not had all visible required markings removed and would specify that a deer could be purchased, sold, transferred or received only for liberation or propagation. The bill also would repeal the current requirement that the application for a permit be made under oath and state the purpose of possession of the deer.

The bill would provide a number of new definitions, including durable identification tag and liberation. It also would make adjustments in the areas of reports, enclosure size, deer shipment and deer sale.

The bill would take effect September 1, 2005

SUPPORTERS SAY:
These updates would help Texas become the nation's leader in the field of deer breeding. CSHB 2901 would provide clarity to the law and updates it to meet the demands of this growing industry. The bill would provide for accurate tracking and better disease monitoring. TPWD also would have the enforcement flexibility it needs. Deer breeding is evolving into a bigger industry, and this bill will facilitate its growth. The more that this business grows, the more money would be pumped into the Texas economy. Also, increasing the penalty for an illegal taking of a deer would send a message that deer breeders are serious about their industry.

OPPONENTS SAY:
This bill could facilitate the business of deer breeding in Texas, but when deer management services become more complex, the costs are passed on to hunters. Some scientists and hunters also complain that the process of selectively breeding deer in pens is transforming wild animals into glorified livestock, and there is no sport in hunting what is essentially a domesticated animal.

NOTES:
The substitute changed the governance of the commission, disallowing them to make rules about the liberation of deer. The definition of "immediate locality" changes slightly between versions, and the substitute removes the work "receiving" from the list of actions which are allowed under the purchase permit.

The companion bill, SB 1504 by Armbrister, passed the Senate by 31-0 on May 9 and has been referred to the House Culture, Recreation, and Tourism Committee.

No significant fiscal implication to the state is anticipated, although the bill might require TPWD to spend $76,200 in fiscal year 2006 to purchase an electronic chip reader to read the proposed "durable identification tag."